

Section III: Academic Affairs

Chapter 1: Constitution of the Faculty Government of UTEP

1.1 This organization shall be "The Faculty of the University of Texas at El Paso."

1.2 The purpose of this organization is the general charge of The University of Texas at El Paso, as provided for in the [Rules and Regulations](#) of the Board of Regents and subject to the authority that the UT System Board of Regents has vested in the President and the various administrative officers and subdivisions of The University of Texas System.

2.0 Organization for Faculty Government.

There shall be organized three faculty groups: A General Faculty, A Faculty Senate, and Standing Committees.

2.1 Voting members of the General Faculty shall consist of all (1) professors, (2) associate professors, (3) assistant professors, (4) instructors.

2.2 The Faculty Senate shall be composed of members elected by majority vote from each academic department. All (1) assistant professors having completed two years service at the University, (2) associate professors and (3) professors shall be eligible for election. Each department shall be represented by one elected member for each ten (10) members.

2.2.1 Terms of members in the Faculty Senate shall be for a period of two (2) years. Members may not succeed themselves, but may be elected after an intervening period of two (2) years.

2.2.2 While officers of the Faculty Senate are voting members of that body, 2.2.1 above does not apply to them in that officers may serve in the Senate either immediately preceding or immediately following their terms of office.

2.3 All voting members of the General Faculty shall be eligible for election to Standing Committees and appointment to Special Committees, subject to the qualifications stipulated in the Constitution or the Bylaws of Faculty Government.

2.4 The Faculty component of all Standing Committees shall be elected by the Faculty Senate.

2.5 The term of membership on a Standing Committee shall not be more than three (3) years. New appointments, except those to fill unexpired terms, shall become effective September 1. No member completing a full term may succeed immediately to the same committee, but he/she shall be eligible for re-appointment after an intervening period of two (2) years.

3.0 Under the jurisdiction of the General Faculty fall such matters as (a) general educational policies and welfare; (b) regulations affecting student life and activities; (c) requirements for admission and graduation and for honors and scholastic performance generally; (d) approval of candidates for degrees; (e) rules of procedure; (f) approval of University curricula; (g) academic responsibilities, privileges, and ethics; (h) faculty consultation with the administration and UT System Board of Regents, insofar as this conforms to Regents' [Rules and Regulations](#) and this Handbook.

The authority delegated to the Faculty Senate by the General Faculty shall include all matters listed in Section III of this Handbook, subject to such exceptions and regulations as the General Faculty may make.

An action by the Faculty Senate shall be subject to General Faculty review upon a signed petition from ten percent (10%) of the General Faculty members.

All functions and duties of Standing Committees shall be as prescribed in the Bylaws.

4.1 The President of the University shall be the presiding officer of the General Faculty, though the President may delegate this responsibility to the President of the Faculty Senate. The Secretary/Treasurer of the Faculty Senate shall serve as the Secretary of the General Faculty.

4.2 The officers of the Faculty Senate shall be a President, a Vice President, and a Secretary/Treasurer. They shall be tenured members of the Faculty.

4.2.1 The officers shall be elected by secret ballot from among those nominated. A Nominating Committee will present a slate of candidates (one or more) for each office, and nominations may be made from the floor.

4.2.2 At the May meeting of the Faculty Senate, the election of officers for the ensuing Academic year shall be the first item of business, once the presence of a quorum is determined.

4.2.3 The term of office for any officer shall be one Academic year, commencing September 1 following election to office and ending August 31 of the subsequent year. Each officer shall be eligible for election to a second consecutive term, but such reelection shall not be a bar to immediate election to another office.

4.2.4 Should any member of the Senate be elected to an office designated in 4.2 above, that member's Senate seat shall be deemed vacant, and the appropriate academic department shall, forthwith, conduct an election to fill the vacancy.

4.2.5 The executive power in Faculty Government shall repose in the President of the Faculty Senate, but this shall not preclude the President from casting a vote in the Faculty Senate under those conditions provided for by Robert's Rules of Order, nor shall it preclude the President or his/her representative from the Executive Council from casting a vote in committees, wherein the President holds ex-officio membership, in exactly the fashion of any other member of such committees. The President is, however, prohibited from serving as a member or presiding officer of any Hearing Committee or any Committee of Preliminary Inquiry or of conciliation or of appeals created in pursuance of quasi-judicial powers of the University.

4.2.5.1 Upon the death, resignation, inability or other disqualification of the President of the Faculty Senate, the Vice President shall become President for the unexpired term. Upon such succession, the Senate shall proceed immediately to the election of a Vice President. Likewise, upon the death, resignation, inability, or other disqualification of the Vice President or of the Secretary/Treasurer, the Senate shall proceed immediately to fill the vacancy. In no event may one person simultaneously hold two or more of the offices designated under 4.2.

4.2.6 The Executive Council of the Faculty Senate shall consist of the regular officers together with one member from each College of the University not represented by the officers and the Chairperson of the Graduate Assembly.

4.2.7 The President of the Faculty Senate shall appoint a Parliamentarian from the list of Procedural Advisors. The Parliamentarian shall be guided by Robert's Rules of Order.

4.3 Each Standing Committee shall elect a Chairperson, Vice Chairperson, and Secretary. Students may not serve as President or Vice President of the Faculty Senate Committees.

4.3.1 The Chairperson of Special Committees shall be designated by the President of the Faculty Senate. The Vice Chairperson and Secretary of each such committee shall be elected by that committee.

5.1 Meetings of the General Faculty may be called by the President, Acting President of the University, by the President of the Faculty Senate, by the Executive Council of the Faculty Senate, or by written petition of ten percent (10%) of the voting members of the General Faculty.

5.2 The Faculty Senate shall hold meetings each month, excepting the months of January and August. Special or Emergency meetings may be called by the President of the Faculty Senate or by written petition of twenty percent (20%) of the membership of the Faculty Senate.

5.3 A majority of members or their respective alternates shall constitute a quorum in the Faculty Senate.

5.4 All Standing Committees shall meet at least once each semester.

6.1 This Constitution may be amended through a proposal in the Faculty Senate and, upon approval by a 2/3 vote of the members present, the proposal shall be distributed, within 30 days, to the voting members of the General Faculty. A majority of two-thirds (2/3) of the number voting by written ballot will be sufficient for ratification. Amendments so adopted must be submitted to the President for appropriate review and approval, and approval by the Executive Vice Chancellor for Academic Affairs, and become effective immediately upon such approval.

7.1 Bylaws to this Constitution may be made or amended by a simple majority vote in two consecutive meetings of the Faculty Senate. Bylaws so adopted must be submitted to the President for appropriate review and approval, and become effective immediately upon such approval.

8.1 This Constitution and its attendant Bylaws shall become effective immediately upon their approval by the President.

Bylaws of the Faculty Government of UTEP

1.0 Order of Business

The order of business of the Senate, except as otherwise provided in this Constitution or Bylaws, shall be as follows:

1. Call to Order
2. Determination of a Quorum and the seating of Alternates
3. Approval of the Minutes
4. Acceptance or Modification of the Agenda
5. Announcements
6. Reports of Standing or Special Committees
7. Old or Unfinished Business
8. New Business
9. Adjournment

2.0 General Faculty Meetings

2.0.1 The General Faculty shall meet at the beginning of the Fall semester on such date as published in an announcement disseminated to all members.

2.0.2 A quorum for a meeting of the General Faculty shall be a majority of the membership of the General Faculty, but shall not be required when the only purpose of the meeting is to provide information to the Faculty.

2.0.3 A simple majority will decide all issues put to vote except as otherwise provided in the Constitution or Bylaws.

2.0.4 The Minutes of all General Faculty meetings shall be distributed to each organization unit, at or above the department level, within thirty (30) days of the meeting. One copy of all Minutes will be placed in the appropriate section of the University Library.

2.1 Faculty Senate Meetings

2.1.1 Regular meetings of the Faculty Senate shall normally be held on the second Tuesday of the month in which meetings are scheduled by the Constitution.

2.1.2 The Secretary of the Faculty Senate shall provide the members of the Faculty Senate with the Agenda at least three (3) work days in advance of each regular meeting. Regular meetings shall be held in a place that is accessible to all Faculty members and will accommodate the Senate members and a reasonable number of visitors. Any member of the General Faculty and other employees or officers of the University may attend meetings of the Faculty Senate as non-voters. The President and Vice Presidents of the Student Association may attend all meetings of the Faculty Senate, as observers only. When by simple majority vote the Senate goes into Executive Session, only duly elected Senators and Alternates and Officers may be present.

2.1.3 Proposals for the consideration of the Faculty Senate may be submitted to the President of the Faculty Senate by the President of the University, the Provost, or by any other member of the General Faculty. All proposals, except those made by the President in person or by members of the Faculty Senate shall be made in writing, and the signature must show by whom the proposal is sponsored. These proposals must be received in the Faculty Senate Office at least ten (10) days prior to the scheduled meeting.

2.1.4 Special or emergency meetings may be called whenever the President of the Faculty Senate, or any other individual having authority to convene the Senate, determines that the press of pending business and/or circumstances demand. Only that business included in the call for a special meeting may be taken up at such a meeting. The requirement that the Agenda be distributed three (3) days in advance is waived for special meetings.

3.0 Officers and Duties

3.0.1 The President of the Faculty Senate shall preside at meetings of the Faculty Senate. The President shall appoint all special or ad hoc committees, and shall appoint Faculty to ad hoc committees involving joint student-faculty action desired by the Faculty Senate and the Student Association. The President shall be an ex-officio member of all Standing Committees, with the right to participate and vote. The President may, however, delegate this function, in whole or part, and for varying periods, to the members of the Executive Council of the Faculty Senate. The President is a member of the Senate and may vote whenever that action would determine the fate of the question before the House; otherwise the President will not vote on matters before the Senate.

3.0.2 The Vice President shall act as President of the meetings in the absence of the President. He/she shall act as the coordinator of the work of all the Standing Committees and functions as prescribed in 5.1.3 below. The Vice President shall also serve as liaison with the Student Government through the President of the Student Association, and he/she shall receive all communications from the Student Government. The Vice President is a member of the Senate with the right to participate and vote.

3.0.3 The Secretary/Treasurer shall: (1) keep the Minutes of all meetings; (2) keep a current list of the elected members of the Faculty Senate, with a record of attendance at all meetings; (3) read the Minutes of any previous meeting at the request of the Chairperson; (4) read all correspondence that may be directed or be of special concern to the members of the Faculty Senate at regular meetings; (5) perform such other secretarial duties as the President may prescribe; (6) distribute the Agenda and the Minutes of the meetings to the Faculty Senate members; (7) perform the normal duties of the Treasurer when there is occasion to do so. The Secretary/Treasurer is a member of the Senate with the right to vote, but will not take part in discussion while recording the proceedings of the Senate.

4.0 Election of Officers

4.0.1 Nominations - At the December regular meeting, the President of the Faculty Senate shall appoint a Nominating Committee of three (3). The Committee will normally be comprised of the last three former Presidents of the Senate, if they are available and willing to serve. This Committee shall submit a slate of candidates for each office. This slate of officers will be distributed with the May Agenda. Further nominations may be made from the floor.

4.0.2 Voting - If only one candidate has been nominated for an office, election may be by acclamation; when more than one candidate has been nominated, voting shall take place by secret ballot. Any candidate receiving a majority of all votes cast shall be declared elected to the office for which nominated. In case no candidate receives a majority of all votes cast, a run-off vote shall be taken on the two (or more) candidates required to make a total of fifty percent (50%) of the number of votes cast on the first ballot.

4.1 Election of Faculty Senate Members and Alternates

4.1.1 Elections of Senators and Alternates to the Faculty Senate shall be conducted at departmental meetings with at least seven (7) days notice of such meeting and election having been given by the means customarily used in calling departmental meetings.

4.1.2 Oral nominations shall be received, no second being required, and any eligible Faculty member being entitled to self-nomination. Nominations shall not be closed so long as any Faculty member of a department wishes to offer nominations.

4.1.3 Nominations shall be confined to eligible members of the department wherein the election is being conducted. Eligibility is defined in the Constitution of the Faculty Government.

4.1.4 If only one candidate has been nominated per vacant position, election may be by acclamation; otherwise, election shall be by written ballot with reasonable effort being made that the ballots be of uniform external appearance.

4.1.5 Where no nominee receives a majority vote, a run-off election shall be conducted between the two nominees with the greatest number of votes.

4.1.6 The votes shall be counted in a fashion permitting each nominee, or authorized agent thereof, to view the procedure clearly.

4.1.7 The results of each counting of the votes shall be announced immediately.

4.1.8 Each department shall elect an Alternate for each Faculty Senate seat. Alternates shall have the same qualification and shall be elected in the same manner as Senators.

4.1.9 Such elected alternates are encouraged to attend Faculty Senate meetings. However, they may participate as a representative only when they are attending in lieu of the primary representation.

4.1.10 When more than one seat is to be filled by departmental action, the procedures set forth above shall be repeated for each seat, but it shall not be necessary to call separate meetings for each such election.

4.1.11 Immediately upon conclusion of an election, the departmental chairperson shall send a written certificate of election to the President of the Faculty Senate, and this certificate shall include the name and rank of each person elected, assurance of constitutional eligibility, and an assurance of the election's having been conducted in compliance with these Bylaws. The Senate is prohibited from seating any Member or Alternate who is not so certified.

4.2 Term of Office, Faculty Senate Members

Faculty Senate members will serve for two (2) years commencing the first Faculty Senate meeting of the Fall term following their election.

5.0 The Executive Council of the Faculty Senate

5.0.1 The Executive Council shall advise the President of the Faculty Senate on matters concerning the Faculty Senate and the General Faculty. It shall consist of the President, the Vice President, the Secretary/Treasurer of the Faculty Senate, and a member from each college not represented by the Senate Officers.

5.0.2 The Executive Council shall assist the President in the preparation of the Agenda for each meeting of the Faculty Senate, and in executing the decisions and instructions of the Senate.

5.0.3 The Executive Council shall assist the Vice President of the Faculty Senate in coordinating the work of the Standing Committees.

5.0.4 The Executive Council shall verify the eligibility and election of all Senators and Alternates.

5.0.5 The Executive Council shall meet each month with the President of the University and, with the Provost, to consult with and advise them on matters affecting the University.

5.1 Appointment of the Executive Council of the Faculty Senate

5.1.1 With the exception of the Chairperson of the Graduate Assembly, who is an ex-officio member of the Executive Council, members of the Executive Council shall be appointed by the President of the Senate, with the consent of the Senate, the Senate President moving these appointments as soon as possible after assuming office. Members so appointed shall serve until the first Senate meeting of the Fall semester following confirmation and shall be eligible for re-appointment.

5.1.2 At that time, the Senate shall vote to confirm each of the nominated candidates, and the results shall be announced immediately. A majority of votes cast shall be sufficient to confirm this candidate in the same manner.

5.1.3 In the event a vacancy should occur on the Executive Council, the President of the Faculty Senate shall nominate a candidate to fill the unexpired term at the next regular meeting of the Senate, and the nominee shall be confirmed in the manner described above.

5.2 Meetings, Executive Council

The Executive Council may be convened by the President or the Vice President of the Faculty Senate, the President of the University, or the Provost.

6.0 Voting

6.0.1 Votes in the Senate shall be taken by acclamation, except that when the outcome is uncertain, the President or any member may request an enumeration and, further, at any time any member may call for a secret ballot or roll call vote, but when either of these methods is requested, that question of voting method shall be put to the Council, without debate.

6.0.2 Section 6.01 above notwithstanding, voting in all elections shall be by secret ballot except when unexpired term vacancies are being filled or when one candidate is nominated for each position, in which case voting may be by acclamation.

7.0 Removal Procedure

7.0.1 Any officer of the Faculty Senate or any Chairperson of a Standing Committee may be removed for misfeasance, malfeasance, or nonfeasance by a two-thirds (2/3) vote of the membership of the Faculty Senate. Charges may be brought by Resolution in the Faculty Senate. The Faculty Senate shall direct the Chairperson of the Committee on Academic Responsibility, Privilege, and Ethics to form an Investigative Committee. The Faculty member involved shall be informed of the charges against him/her in writing. The hearing must be held within twenty (20) working days following the passage of the Resolution stating charges. The accused shall have the right to appear in person and to be represented by counsel of his/her choice and to confront and cross-examine witnesses. He/she shall have the right to testify, but may not be required to do so, and may introduce witnesses and evidence, written or oral, that may be relevant and material. The Investigative Committee shall hold its proceedings in closed session, unless the accused Faculty member requests a public hearing in writing. A stenographic or electronic record of the proceedings shall be taken, and such record shall be accessible to the accused. The Investigative Committee, by a majority vote of its total membership, shall make written findings on the material facts and a recommendation on the continuance or termination of the accused. To be removed from office, the findings of fact and the recommendation made by the Investigative Committee must be sustained by the Faculty Senate by a two-thirds (2/3) vote of the membership and only after the accused Faculty member has been given an opportunity to appear before the Faculty Senate, there making a voluntary statement, or answering questions, or both.

7.0.2 The President of the Faculty Senate may replace, at the request of the Chairperson of a Standing or Special Committee, any member of the Committee who has excessive unexcused absences from Committee meetings.

8.0 Presidential Approval of Faculty Senate Action

All action of the Faculty Senate, as reported in the Minutes or in Action Reports, shall be submitted to the President of the University. Should the President disapprove any action, appointment, or decision, the report or minutes shall be returned to the Faculty Senate, with exceptions thereto noted in writing. If the Faculty Senate concurs with the exceptions of the President, the action, appointment, or decision shall stand as altered by the President. If the Faculty Senate does not concur with the exception of the President, then the report or minutes may be resubmitted to the President with the reasons for non-

concurrence given in writing. The President shall then make the final decision on the matters in controversy.

9.0 Standing Committees

Standing Committees of the Faculty Senate shall be grouped into the following general areas: Academic Affairs, Faculty Affairs, Student Affairs, and University Affairs. Work within each area shall be coordinated as prescribed in Section 5.0.3. The grouping into areas is as follows:

a. Academic Affairs

- Admission and Academic Standards
- Catalog and Calendar
- Graduate Scholarship
- Undergraduate Curricula
- Undergraduate Scholarship

b. Faculty Affairs

- Academic Responsibility, Privilege and Ethics
- Teaching Effectiveness and Development
- Faculty Welfare
- Research

c. Student Affairs

- Student Conduct
- Student Organizations and Activities
- Student Publications
- Student Welfare and Grievance

d. University Affairs

- Committee on Committees
- Library Committee
- Union and Bookstore
- Museum Committee

9.1 General Rules

9.1.1 A quorum for a meeting of any Committee shall be a majority of the members of the Committee.

9.1.2 The Faculty member component of all Standing Committees shall be composed of members elected by the Faculty Senate at the May meeting, to take office September 1. A report of the members selected to each Committee shall be forwarded to the President of the University as part of the Minutes of the meeting in which the election took place.

9.1.3 Prior to the annual election of members of any standing committee, the Committee on Committees shall announce in writing to all members of the General Faculty the specific vacancies, to permit the Faculty to indicate interest in serving on specific Committees.

9.1.4 Upon adoption of these Bylaws, and at the time of the creation of a new Standing Committee, each Committee shall hold an election among its members to provide staggered terms.

9.1.5 All vacancies shall be filled by election, as soon as practicable.

9.1.6 Each year a temporary Chairperson for each Committee shall be appointed by the President of the Faculty Senate with the exception of those committees in which the Chairperson is designated in the Bylaws. The Temporary Committee Chairperson shall call the first meeting of the Committee; at

that meeting, election of the officers shall take place and a schedule of meetings for the year shall be devised.

9.1.7 Each Committee shall elect its own Chairperson, Vice Chairperson and Secretary from among voting members at the first meeting of the Committee each year, and those elected shall be immediately reported to the President and the Vice President of the Faculty Senate. Student members are not eligible to be the President or Vice President of a Faculty Senate Committee, but may serve as Secretary.

9.1.8 All ex-officio Committee members shall be without vote unless they are stipulated as voting members in the Bylaws or Constitution.

9.1.9 Should the President or Vice President be unable to or fail to call a meeting of a Committee, a majority of the members of the Committee may petition the President of the Faculty Senate to convene the Committee.

9.1.10 All students appointed to the Faculty Senate Committees shall be appointed in accordance with the Student Association Constitution and Bylaws, the names of those selected being submitted to the Dean of Students, who shall certify, when true, that the selections have been made in conformity with Student Government procedures, and who shall forward the name, local address, and pertinent Faculty Senate Committee of each student so certified to the Chairperson of the Committee on Committees, with a copy to the President of the Faculty Senate.

9.1.11 All Committee meetings shall be open to members of the General Faculty except when the Committee is in executive session.

9.1.12 Each Standing Committee Chairperson shall deliver a calendar to the Secretary of the Faculty Senate during the month of October. This calendar shall detail the time and place of regularly scheduled meetings throughout the Academic year, as well as proposed topics to be addressed during the term of office.

Additionally, at least seven (7) days prior to regularly-scheduled meetings, an Agenda for the meeting shall be delivered to the Faculty Senate Office. Emergency meetings of any Standing Committee may be called at any time on three (3) days' notice by the Chairperson of the Committee or by the President of the Faculty Senate. An Agenda must be presented to the Senate Office prior to the meeting.

9.1.13 The Secretary of the Faculty Senate shall make available copies of all Committee calendars to all members of the Faculty, all officers of the administration of the University, and also to such staff administrators as may request such calendars.

9.1.14 Within seven (7) days after each Committee meeting, the Secretary of each Faculty Committee shall submit to the Secretary of the Faculty Senate minutes of the Committee meeting.

9.1.15 Acceptance of a Committee assignment presumes a willingness to participate fully in that Committee's duties. Therefore, whenever a Committee member's unexcused or unexplained absences are excessive, the Chairperson of that Committee will request that the Committee member resign, if the member does not intend to discharge his/her Committee duties. If the member does not resign, the Chairperson of the Committee will inform the President of the Faculty Senate of the facts (with a copy to the member). The Chairperson will request that the President of the Faculty Senate declare the position vacant and cause it to be filled in the usual manner.

9.1.16 The Chairperson of each Ad Hoc Committee, upon the discharge of that Committee, and the Chairperson of each Standing Committee, at the last scheduled Faculty Senate meeting of each Academic year, shall submit, in duplicate, to the President of the Faculty Senate, a statement commending Committee members whose service was especially meritorious, as well as a report of the dates of members' unexcused absence from Committee meetings, and statements concerning

Committee members who were conspicuously negligent. The Vice Chairperson shall prepare reports on the performance of Committee Chairpersons. The President of the Faculty Senate shall deliver copies of these reports to the appropriate department chairpersons. (REVISED by Senate 3/8/94; by President 4/12/94)

9.2 Academic Affairs Committees

Please refer to the next section

9.2.1 Membership Committee

9.2.1.1 Membership

- a.** One (1) Faculty member from each undergraduate college, three (3) Faculty members at large, and two (2) full-time undergraduate students.
- b. Ex-officio (voting)** - All Academic Deans, Director of Admissions and Registrar.
- c. Ex-officio (non-voting)** - Dean of Students, Director of Undergraduate Recruitment and Scholarship.

9.2.1.2 Duties

To recommend policies for:

- a.** undergraduate admission and readmission to the University;
- b.** determining good standing, academic probation, and academic suspension;
- c.** readmission of former students;
- d.** awarding honors;
- e.** awarding of degrees and other University credentials;
- f.** presenting a list of graduates for degree approval following each commencement.

9.2.2 Catalog and Calendar Committee

9.2.2.1 Membership

- a.** One (1) Faculty member from each undergraduate college, three (3) Faculty members at large, and two (2) undergraduate students.
- b. Ex-officio (voting)** - One (1) associate or assistant Dean from each college, Registrar and Assistant Vice President for Academic Affairs (Academic Services).
- c. Ex-officio (non-voting)** - Assistant Dean of Students.

9.2.2.2 Duties

The duties of the Committee are to recommend policy and procedures for:

- a. publication of the official University Calendar;
- b. publication of the official schedule of classes;
- c. publication of the official University examination schedule;
- d. publication of the University catalog;
- e. publication of Directories of students, staff and faculty;
- f. registration;
- g. orientation of entering students;
- h. advising of all students.

9.2.3 Graduate Scholarship Committee

9.2.3.1 Members

One (1) Faculty member from each undergraduate college, one (1) representative of the Graduate Council, one (1) Faculty member at large, and two (2) graduate students. The Faculty members must be members of the Graduate Faculty.

9.2.3.2 Duties

To recommend policy to the Dean of the Graduate School for the awarding of all University-administered Graduate scholarships and fellowships.

9.2.4 Undergraduate Curricula Committee

9.2.4.1 Members

- a. One (1) Faculty member from each college, three (3) Faculty members at large, and two (2) Students.
- b. Ex-officio (voting)** - All undergraduate Deans and the Assistant Vice President for Academic Affairs (Academic Services).
- c. Ex-officio (non-voting)** - Director of Libraries, Director of the Computer Center.

9.2.4.2 Duties

- a. To recommend policies and procedures related to curricula, degree requirements, new programs, course changes, additions and deletions; to receive those proposals for adherence to prescribed form; to resolve any college jurisdictional conflicts arising in the development of courses, programs, and curricula.
- b. To recommend policies and procedures related to the core curriculum, to monitor core curriculum courses as to objectives and outcomes, and to recommend changes in the core curriculum requirements. In the case of substantial recommended changes, a review by all colleges shall be reported to the Senate.

9.2.5 Undergraduate Scholarship Committee

9.2.5.1 Members

- a. One (1) Faculty member from each undergraduate college and three (3) students.
- b. **Ex-officio** - Scholarship Officer, Financial Aids Officer, Vice President for Business Affairs, Dean of Students, Athletic Department Representative, Development Office Representative, Music Department Representative, and NCAA Faculty Representative.

9.2.5.2 Duties

- a. Recommend criteria, policies, and procedures for administering all University undergraduate scholarships; to make these available for public information; to review the administration of these policies at least annually;
- b. Award all University undergraduate scholarships;
- c. Serve as an Appellate Committee for issues involving undergraduate scholarships, except for athletic scholarships.

9.3 Faculty Affairs

Please refer to the next section

9.3.1 Academic Responsibility, Privilege, and Ethics Committee (CARPE)

9.3.1.1 Members

- a. One (1) Faculty member from each undergraduate college and one (1) Faculty member at large.
- b. Only voting members of the General Faculty with tenure are eligible to serve on this Committee.

9.3.1.2 Duties

- a. To develop and express Faculty viewpoints with respect to Academic Responsibility, Privilege, and Ethics.
- b. Upon the request of the President, to advise in the selection of Hearing Tribunals and/or to conduct such hearings or inquiries in accordance with the provision of this Handbook.
- c. To conciliate complaints and make recommendations to the President in matters of academic freedom, responsibility, and ethics.
- d. To hear impeachment charges and to make recommendations to the Senate in cases arising under these Bylaws.
- e. To maintain continuing scrutiny of the Faculty Section of this Handbook.

9.3.1.3 Complaints Against Faculty

a. CARPE will consider complaints against Faculty members alleging that a specified Faculty member has engaged in inappropriate conduct or has failed to fulfill a responsibility as a member of the Faculty.

b. Persons acting under this provision shall submit their signed complaints, in duplicate, on a form provided by CARPE, citing in detail the specific violation(s) alleged. One (1) copy of the completed form will be delivered by CARPE to the person complained of (the Respondent), who will be requested to reply to the complaint with a signed statement. The respondent shall be given ample time (as determined by CARPE) to make this reply.

c. Upon examining the reply, CARPE may either dismiss the complaint as unwarranted or proceed to the creation of a Conciliation Committee. The Committee shall earnestly pursue an amicable solution between the parties in dispute. Should conciliation fail, despite major efforts for its success, then CARPE shall so notify the President for any further disposition of the matter.

9.3.1.4 Complaints from Faculty Members

a. Faculty members may raise any University connected grievance before the CARPE for that Committee's consideration and possible resolution, by informal negotiations, persuasion, or other means within the resources of CARPE.

b. CARPE shall attempt to resolve the issue by conciliatory processes. If conciliation efforts fail, despite major efforts for its success, then CARPE shall so notify the President for any further disposition of the matter.

9.3.2 Teaching Effectiveness and Development Committee

9.3.2.1 Members

a. One (1) Faculty member from each undergraduate college and two (2) at large members.

b. **Ex-officio:** (Voting) Three (3) of the most recent recipients of the University Distinguished Achievement Award for Teaching, if available to serve.

c. **Ex-officio:** (Non-voting) University Librarian.

9.3.2.2 Duties

To advise the Provost on all aspects of Faculty development, including such areas as:

a. Methods of improving teaching effectiveness;

b. Allocation of funds for Faculty development;

c. Assistance in the evaluation of proposals for teaching and/or research improvement;

d. Evaluation of Faculty development leave applications; and

e. On-going evaluation of Faculty development progress.

To advise the Director of the Center for Teaching and Learning as to the development of policies and procedures.

9.3.3 Faculty Welfare Committee

9.3.3.1 Members

- a. One (1) Faculty member from each undergraduate college and one (1) Faculty member at large.
- b. Ex-officio Director of Human Resources.

9.3.3.2 Duties

To develop and express Faculty viewpoints with respect to matters concerning the welfare of individual Faculty members and their immediate families, including, but not limited to, adequate physical facilities and working conditions; adequacy of fringe benefits; the review of a Faculty Guide at regular time intervals, and Faculty sports and recreation programs.

9.3.4 Research Committee

9.3.4.1 Members

- a. One (1) Faculty member from each undergraduate College, one (1) representative of the Graduate Council, one (1) Faculty member at large, and two (2) graduate students. Faculty members must be members of the Graduate Faculty.
- b. **Ex-officio (voting)** - Dean of the Graduate School.

9.3.4.2 Duties

- a. To receive and evaluate applications for University Organized Research Grants, and to make pertinent recommendations.
- b. To develop and express Faculty opinion concerning the operations of administrative units directly concerning Faculty research, such as the Office of Contracts and Grants, the Schellenger Research Laboratory, and the Computation Center.

9.4 Student Affairs

Please refer to the next section

9.4.1 Student Conduct Committee

9.4.1.1 Members

- a. One (1) Faculty member from each undergraduate college and one (1) Faculty member at large, and four (4) students.
- b. **Ex-officio** - Dean of Students

9.4.1.2 Duties

- a. Consult regularly with the Dean of Students on disciplinary policies;
- b. Recommend to the Dean and to the University changes in student disciplinary policies, rules and practices;

- c. Recommend to the University President a Standing Panel of available Hearing Officers;

9.4.2 Student Organizations and Activities Committee

9.4.2.1 Members

- a. One (1) Faculty member from each undergraduate college, one (1) Faculty member at large, and five (5) students.
- b. **Ex-officio** - One (1) representative from the Office of the Dean of Students.

9.4.2.2 Duties

- a. To review all applications and make recommendations to the Dean of Students as to whether University recognition and registration should be extended or withheld from individual student organizations;
- b. To be an advisory group to the Office of Dean of Students on policies related to student organizations, social activities, student government, and student health and recreation facilities;
- c. To appoint an appropriate Faculty representative to each of the following Student Programs Committees: Lyceum, Film, Cultural, Entertainment and Special Programs and Activities. If appointed from outside the Student organization and Activities Committee, the person(s) shall become ex-officio member(s) of the latter Committee. The Chairperson of the Committee shall also be a member of the Student Programs Board, a policy-making body.

9.4.3 Student Publications Committee

9.4.3.1 Members

- a. One (1) Faculty member from each undergraduate college, one (1) Faculty member from Communications, five (5) students (none of whom can be an officer of the Student Government Association), and the President of the Faculty Senate (or his/her representative).
- b. **Ex-officio** - Director of Student Publications, Editorial Advisor, President of Student Government Association (or his/her representative), Dean of Students, Editor of The Prospector, and a maximum of three (3) consultants.

9.4.3.2 Duties

Refer to Student Publications Policies in Section II, Chapter 5.4 of this Handbook.

9.4.4 Student Welfare and Grievance Committee

9.4.4.1 Members

- a. One (1) Faculty member from each undergraduate college, seven (7) Faculty members at large.
- b. **Ex-officio** - Dean of Students.

c. Voting members of the General Faculty, with tenure, are eligible to serve on this Committee and/or the Committees created by the Student Welfare and Grievance Committee.

9.4.4.2 Duties

- a. To be concerned with the general welfare of students.
- b. To hear student grievances, to include, but not limited to, certain questions of grades and grade changes, challenges to the accuracy of student records or the maintenance of privacy of such records, and questions of student rights as provided for in this Handbook.

9.5 University Affairs

Please refer to the next section

9.5.1 Committee on Committees

9.5.1.1 Members

- a. One (1) tenured Faculty member from each undergraduate college, two (2) tenured Faculty members at large, the Faculty Senate President and Vice President Chairperson. All replacements to this Committee shall be elected by the Faculty Senate upon nomination of the Nominating Committee for Officers of the Faculty Senate.
- b. **Ex-officio:** (Voting) A representative of the Graduate Council, elected by that body.

9.5.1.2 Duties

- a. To make nominations for Faculty positions on Standing Committees, except the Committee on Committees, the Executive Council of the Faculty Senate, and college representative to the Undergraduate Curricula Committee.
- b. To annually inform members of the General Faculty and members of the Faculty Senate of existing and pending vacancies of Standing Committees, and to solicit the interest of Faculty members in filling such vacancies.
 - 1. To maintain records of the interests of individual Faculty members in filling vacancies on various committees.
 - 2. To maintain records of the service given by individual Faculty members when named to particular committees.
 - 3. To insure that rotation of membership is followed for all Standing Committees

9.5.2 Library Committee

9.5.2.1 Members

- a. One (1) Faculty member from each undergraduate college and one (1) Faculty member at large plus two (2) undergraduate students and one (1) graduate student.

9.5.2.2 Duties

a. Recommend policies pertaining to Faculty and student library needs;

b. In the event of a vacancy in the office of the University Librarian, the Committee will assist in the search for a new Librarian.

9.5.3 Union and Bookstore Committee

9.5.3.1 Members

a. One (1) Faculty member from each undergraduate college, one (1) Faculty member at large, and five (5) students.

b. **Ex-officio** - Dean of Students, Vice President for Business Affairs, The bookstore Director, Union Director, Food Service Director, and a representative from the Ex-students Association.

9.5.3.2 Duties

a. Examine all financial activities of the Bookstore and the Union;

b. Advise the Dean of Students, Director of Union Services, Director of Food Services, and the Director of Auxiliary Services as to the development of policies and procedures.

9.5.4 Museum Committee

9.5.4.1 Members

a. One (1) Faculty member from each undergraduate college and one (1) Faculty member at large, plus two (2) undergraduate students, and one (1) graduate student.

b. **Ex-officio (Voting)** - Museum Director and Provost.

9.5.4.2 Duties

a. Recommend policies pertaining to Faculty and Student Museum needs;

b. Advise on matters concerning the coordination of Museum exhibits, collections and research for suitable additions to the Museum.

c. In the event of a vacancy in the office of the Director of the Museum, the committee will assist in the search for a new Director.

10.0 Standing Panel of Procedural Advisors

Upon the approval of this Bylaw by the President of The University of Texas at El Paso, the President of the Faculty Senate shall recommend to the President a Standing Panel of Procedural Advisors, chosen with the approval of the Senate, from the tenured Faculty (clearly possessed of the appropriate aptitude, knowledge and experience). Nominees for this Panel who are approved by the President shall hold office for a term of three (3) years and be eligible for repeated re-appointment. The President of the Faculty Senate, with the approval of the Senate, shall make nominations to fill vacancies occurring in this Panel and, when the President deems it necessary and proper, to augment the numbers of members of this Panel.

Individual members of the Standing Panel of Procedural Advisors shall serve as advisors to presiding officers of Hearing Committees and to Committees of Preliminary Inquiry by whatever title, created under the authority of the Faculty Senate. In no event shall any person who has served with a Committee of Preliminary Inquiry also serve with a Hearing Committee or Committee of Preliminary Inquiry when his/her participation would constitute a conflict of interest or when he/she has theretofore been involved in the proceedings.

11.0 Amendments

These Bylaws may be amended by a simple majority vote in two (2) consecutive meetings of the Faculty Senate and approved by the President and Executive Vice Chancellor for Academic Affairs.

Chapter 2: Colleges, Departments, and Academic Units

2.1 College of Business Administration

Accounting
Economics and Finance
Information and Decision Sciences
Marketing and Management

2.2 College of Education

Educational Leadership and Foundations
Educational Psychology and Special Services
Teacher Education

2.3 College of Engineering

Civil Engineering
Computer Science
Electrical and Computer Engineering
Mechanical and Industrial Engineering
Metallurgical and Materials Engineering

2.4 College of Liberal Arts

Aerospace Studies
African American Studies
Art
Chicano Studies
Communication
Criminal Justice
English
History
Languages and Linguistics
Latin American Studies
Military Science
Music
Philosophy
Political Science
Psychology
Religious Studies
Social Work

Sociology and Anthropology
Theatre Arts
Western Cultural Heritage
Women's Studies

2.5 College of Nursing and Health Sciences

School of Nursing
School of Allied Health
Health Sciences
Speech-Language Pathology
Kinesiology and Sports Studies
Physical Therapy
Occupational Therapy
Clinical Laboratory Sciences

2.6 College of Science

Biological Sciences
Chemistry
Geological Sciences
Mathematical Sciences
Physics

Chapter 3: Graduate School: Faculty and Organization

3.1 Authority and Administration

Please refer to the next section

3.1.1 Authority

The University of Texas at El Paso is authorized to offer graduate degrees and to have a Graduate School under provisions of Regents' [Rules and Regulations](#) Series 40311

3.1.2 Graduate Program Administration

The Graduate Program will be supervised by dean reporting to the Provost and appointed by the President of the University after consultation with an appropriate faculty committee. This person will be a member of the Graduate Faculty. Final authority in all matters referred to in 3.1.2.1, 3.1.2.1, and 3.1.2.3 below rests with the President of the University.

3.1.2.1 The Dean of the Graduate School will advise the President of the University, through the Provost, on all matters of planning, policy, development, and administration relating to graduate studies and research. He/she will keep the deans of the schools and colleges concerned fully informed on planning and development of the graduate program and will consult with them on allocation of funds for teaching and research directly related to graduate instruction. The Dean of the Graduate School has the authority and responsibility to submit matters of major policy to the Graduate Assembly of the University.

3.1.2.2 The Dean of the Graduate School will be consulted in the appointment of departmental chairs in departments offering graduate work. He/she will also be consulted on tenure applications and on

promotions to the rank of associate professor and above. Likewise, he/she will be consulted in the appointment of new faculty at the rank of associate professor or above.

3.1.2.3 The Dean of the Graduate School will always be invited to participate in discussions on salary advancements of Graduate Faculty members.

3.2 Graduate Faculty

The University will have a Graduate Faculty composed of persons qualified by their scholarly or creative works and effectiveness in the teaching of graduate students.

3.2.1 Composition

The University tenured or tenure track faculty member who holds an appointment in a department or comparable unit conducting a doctoral or master's program and who is, or on appointment will be, a participant in such a program becomes a member of the Graduate Faculty of the University upon certification as specified in 3.5.2 below. Faculty members holding positions within a department that does not have an active graduate program, but who are participants in joint graduate programs, will likewise be certified as specified in 3.5.2 below. Non-tenure track faculty, adjunct faculty, part-time faculty, visiting scholars, UTEP professional staff members, and post doctoral fellows are not eligible for regular Graduate Faculty membership, but may contribute to the graduate program under temporary appointment as specified in 3.2.4 below.

3.2.2 Privileges and Responsibilities

Regular Graduate Faculty will have the following privileges and responsibilities:

- a. May direct doctoral dissertations and chair doctoral committees;
- b. May serve on doctoral committees;
- c. May direct master's theses and serve on master's thesis committees;
- d. May teach graduate courses;
- e. Will be members of their departmental graduate studies committees with full voting privileges;
- f. May be elected to the Graduate Council;
- g. Will have full voting privileges on matters before the Graduate Assembly.

3.2.3 Criteria for Membership

The general qualifications for membership in the Graduate Faculty are appropriate educational qualifications and demonstrated research performance or creative works, and satisfactory graduate teaching. In order to be eligible for appointment,

- a. there must be submitted on behalf of the applicant evidence of achieved appropriate educational qualifications and demonstrated research performance or creative works or, where applicable, significant professional activities supporting his/her field of teaching; and

b. upon receipt of this application, there must be an evaluation of the applicant's contribution or potential for contribution to the graduate program by his/her departmental graduate committee. A department may adopt added requirements for faculty under its jurisdiction. Such requirements must be first ratified by the Graduate Council.

If a professional or clinical program is offered by a department, the department may propose special standards for evaluating an applicant's qualifications to participate in the graduate program. The standards, which must reflect accepted requirements in professional schools and departments in major universities, must be approved by the Graduate Council.

A minimum of three members is required for a departmental graduate committee to evaluate its own Members. If a department fails to meet this minimum, the Chair or Program Director and Academic Dean will appoint additional evaluators to achieve that number, and such resulting ad hoc committee shall be identified on the application.

3.2.4 Temporary Graduate Program Participation

Upon recommendation by the appropriate departmental committee and approval by the Dean of the Graduate School, other persons may be assigned to teach graduate courses or serve as member, but not chair, of thesis and dissertation committees for the duration specified in the appointment. Non-tenure track faculty, adjunct faculty, part-time faculty, visiting scholars, UTEP professional staff members, and post doctoral fellows may be appointed, usually on a one-academic-year basis, upon approval of the departmental or program graduate committee, the chair or director, the Academic Dean, and the Dean of the Graduate School. Such an appointee must be qualified for membership by virtue of academic background and experience, and satisfy other appropriate criteria, such as scholarly achievement, research proficiency, or artistic recognition relevant to the specific course assignment or research committee appointment. Exceptional cases, as may be determined at the discretion of the Dean of the Graduate School, will be submitted to the Graduate Council for approval.

3.3 Organization

Please refer to the next section

3.3.1 Graduate Bodies

The Graduate Faculty of The University of Texas at El Paso will exercise its legislative functions through a Graduate Assembly. This body will be the final faculty authority for recommending policies concerned with academic aspects of the graduate program, such as setting minimum standards for admission and retention of students, and for furthering the development of the graduate program.

3.3.1.1 The Graduate Assembly will consist of all Members of the Graduate Faculty, with vote, and ex-officio members without vote. Ex-officio members will include the President, the Provost, the Dean of the Graduate School, and other Deans of Colleges who have not previously been approved as members of the Assembly.

Meetings of the Graduate Assembly will be called by the Chair upon recommendation of the Graduate Council, the Dean of the Graduate School, or by petition of 10 members of the Assembly.

The Graduate Assembly will elect a chair from among its voting membership to serve a two-year term. The Assembly may create such standing or ad hoc committees as are necessary as long as these are not duplicative of committees already under the auspices of the Faculty Senate. The Graduate Assembly will establish such procedures as are necessary for it to fulfill its function. Questions of duplication or jurisdiction of committees will be addressed by a joint meeting of the Graduate Council and the Executive Committee of the Faculty Senate.

3.3.2 Graduate Council

There will be an elected Graduate Council, a body whose major purpose will be to serve as the administrative arm of the Graduate Assembly.

- a.** This Council will have 18 voting members. Seventeen of that number will include the Chair of the Graduate Assembly, two from each college, and four at large. In order to better coordinate faculty governance of graduate education, the remaining voting member will be the President of the Faculty Senate.
- b.** One graduate student of the University of Texas at El Paso may be elected by graduate students to serve as a non-voting student representative to the Graduate Council.
- c.** Members of the Graduate Council, excluding the Chair of the Graduate Assembly and the Chair of the Faculty Senate, will serve three-year terms. The terms shall be staggered so that approximately 1/3 of the Council shall be elected each year.
- d.** To be eligible for the Council, a member must have a total of three years' experience faculty member at U.T. El Paso or other universities.
- e.** Members of the Council will not serve consecutively for more than two terms.
- f.** The Dean of the Graduate School will be responsible for conducting the elections. Only members of a particular college may vote for the representative of that college. Consistent with the limitations stated in these Bylaws, candidates obtaining the largest pluralities shall be elected to the Council.
- g.** To appear on the ballot, a member must be nominated by five members. For a college representative, the nominating members must be from the college.
- h.** The elections will take place before May 1, and terms will begin on the following September 1.
- i.** The Dean of the Graduate School will be an ex-officio member with no vote.
- j.** The Graduate Council will hold regularly-scheduled open meetings. Agenda for all open meetings will be distributed to all members of the Graduate Council one week prior to any meeting. Additional meetings of the Council may be called by the Dean of the Graduate School or the Chair of the Graduate Council.

3.3.3 Chair of the Graduate Assembly

The Chair of the Graduate Assembly will automatically be the Chair of the Graduate Council. To better coordinate faculty governance of graduate education, the Chair of the Graduate Assembly will also automatically serve as a voting member of the Faculty Senate Executive Committee. The Chair of the Graduate Assembly will represent the Graduate Faculty at all appropriate academic functions. The Council will elect a Secretary from its voting membership. The Council will elect one member to represent the Graduate Council as an ex-officio member of the Faculty Senate Committee on Committees. The Council may create such standing or ad hoc committees as are necessary. The Graduate Council will establish such procedures as are necessary for it to fulfill its function. Each year the Chair of the Graduate Council will present a summary of the actions of the Council to the Graduate Assembly and at a meeting of the Faculty Senate.

3.3.4 Committees on Graduate Studies

The University of Texas at El Paso will establish a Departmental or Program Committee on Graduate Studies in any academic area in which an approved graduate program is offered. The Committee will consist of all members of the Graduate Faculty in the department of the program, and a minimum of three members is required. A committee may include members from several allied disciplines if this seems most effective in stimulating development. Members of the Graduate Faculty who are retired or on modified service may serve as members of the committee but without vote. Each committee will select its Chair.

The Department of Program Committees on Graduate Studies will be charged with the overall responsibility for the operation of graduate programs, including:

1. Graduate Faculty membership;
2. New degree programs;
3. Graduate course offerings;
4. Graduate catalog listings and up-dating; and
5. Review of course objectives for graduate courses.

These recommendations will be transmitted through normal channels.

Each Departmental or Program Committee on Graduate Studies is responsible for recommending the admission to candidacy for all graduate degrees in its academic area.

Until there is a Committee on Graduate Studies for an academic area in which graduate work is offered, a Committee of the Graduate Assembly appointed by the Dean of the Graduate School in consultation with the appropriate Academic Dean shall perform the duties of a Committee on Graduate Studies.

3.3.5 Graduate Advisors

The Graduate Advisor(s) in each Department will be appointed by the Departmental or Program Committee on Graduate Studies with the approval of the Department Chair, or Program Director, the Dean of the Academic College, and the Dean of the Graduate School. The term of office of the Graduate Advisor(s) will be determined by the Departmental Committee on Graduate Studies.

The Graduate Advisor(s) will:

- a. Represent the Graduate School and the Committee on Graduate Studies in all matters pertaining to the advising of graduate students taking major work in that academic discipline;
- b. Advise each graduate student on registration, adds, drops, section changes, and special examinations;
- c. Maintain a record of each student's work for previous degrees along with copies of registrations and grades in work at this University;
- d. Refer students to the Graduate School for exceptions;
- e. Inform students and prospective students about graduate work and refer students in appropriate instances to other faculty members for advice.

3.4 Graduate Program Modifications

Please refer to the next section

3.4.1 Existing Programs

3.4.1.1 New Courses - Existing Programs. A department or program wishing to incorporate a new course into an existing program must submit through its Departmental or Program Committee for Graduate Studies a catalog description and justification for the course to the Graduate Council. A primary consideration of the Council in this matter is to determine that such requests do not involve unnecessary redundancy.

3.4.1.2 New Options - Existing Degree Programs. Changes in the elective options under existing degree programs must be approved by the graduate committee of the individual department. The proposal should then be forwarded to Graduate Council through the normal channels. The Graduate Council will have the responsibility to review all new elective options on the basis of the following standards:

- a. The adequacy of library and other institutional resources for the implementation of the courses required in the elective option.
- b. The availability of qualified faculty to administer the proposed option without harming the capability to offer existing graduate and undergraduate degree programs.
- c. The justification for offering such a degree option based upon the availability of employment opportunities for graduates and/or any other appropriate rationale for the adoption of the option.

3.4.1.3 Course Deletions

The Departmental or Program Graduate Committees will notify the Graduate Council of their intention to recommend deletion of any graduate course.

3.4.1.4 Undergraduate Courses for Graduate Credit

The Departmental or Program Graduate Studies Committee will submit for Graduate Council approval any undergraduate courses that are to be used for credit toward its graduate program(s).

3.4.2 New Graduate Degrees

Proposals for new graduate degree programs will be forwarded through the Academic Dean and the Dean of the Graduate School to the Graduate Council. The Council will consider all relevant criteria, and may recommend revisions to strengthen the proposal as necessary before making a recommendation to the UTEP administration.

3.4.3 Review of Existing Graduate Programs

All departments offering graduate programs will have those programs reviewed on a periodic basis. The Graduate Council will establish guidelines, procedures, and committee structures for conducting the review.

The Dean of the Graduate School will be responsible for establishing a calendar for the periodic review of a department's graduate activities. To the extent possible, reviews will coincide in time and be

integrated with reviews of the department's program(s) for other purposes, such as accreditation, preparation of new degree proposals, or carrying out legislative, Coordinating Board, or UT System mandates. Collaborative efforts will be pursued between the Dean of the Graduate School, the Dean of the Academic College, and University Administration to conduct reviews of any existing undergraduate programs in the same area as the graduate activities being reviewed. At the discretion of the Graduate Council or upon recommendation of the Dean of the Graduate School, in consultation with the appropriate Academic Dean, a department's graduate activities may be re-evaluated more frequently.

3.5 Operating Procedures

Please refer to the next section

3.5.1 General Principles

Each department will assume responsibility for all graduate programs within its area or interdisciplinary program unit. In general, the flow of information between the department or program and the Graduate Council will be from the Departmental or Program Graduate Committee on Graduate Studies, through the Department Chair or Program Director, the Academic Dean, to the Dean of the Graduate School and Graduate Council. Recommendations of the Graduate Council or the Graduate Assembly will be submitted through the Graduate School to the President of the University and such other persons or bodies as required by The Regents' [Rules and Regulations](#). The above channels will be utilized for new courses, degree requirements, options, and new degree programs. It is understood that the word "through" in the above statement will mean that all documents will be forwarded with such recommendations as each person may make.

3.5.2 Appointment & Removal of Members

Member applications will originate with the Departmental or Program Committee on Graduate Studies and will be transmitted through the Department Chair or Program Director and the Academic Dean to the Graduate School. Either the Dean of the Graduate School or the applicant may request a review of the application by the Graduate Council.

Appointment of a Member will be effected when recommended by the Departmental or Program Graduate Studies Committee, the Department Chair or Program Director, and the Dean of the Academic College. If appointment is not recommended by the Graduate Studies Committee, the Department Chair, Program Director or the Academic Dean, and the applicant wishes to appeal the decision, a review of the application for appointment will be conducted by the Graduate Council, and a recommendation of appointment or denial will be made.

Member applications from faculty members in departments that do not have departmental committees will originate with a Departmental or Program Committee on Graduate Studies involved with any joint graduate programs in which the faculty member intends to participate or with the Graduate School.

In all cases where an appealed application for Member status is denied by the Council, the reasons for the denial will be stated by the Graduate Council and will be transmitted to the applicant.

Members may be removed upon recommendation by the appropriate Departmental or Program Graduate Studies Committee through the Department Chair or Program Director, and Academic Dean, to the Dean of the Graduate School. Appeal of removal may be made to the Graduate Council.

In all cases where any request of a Departmental or Program Graduate Studies Committee is denied, the reasons for the denial will be stated by the Graduate Council, and will be transmitted to the Departmental or Program Committee and Academic Dean.

3.5.3 All meetings of the Graduate Assembly and Graduate Council will be conducted according to Robert's Rules of Order (newly revised).

3.5.4 Revisions and changes in these bylaws may be recommended by the Graduate Assembly. Voting will be permitted by mail ballot, and decisions will be made by two-thirds of those voting.

Approved amendments shall be forwarded under the provisions of, Section I, Chapter 2.3.3.2 of this Handbook

Chapter 4: Academic Policies and Faculty Personnel Matters

4.1 Titles

Please refer to the next section

4.1.1 General Provisions

All teaching positions shall be identified by titles specified in Regents' [Rules and Regulations](#) Series 31001.

4.1.2 Academic Ranks

4.1.2.1 Regular Academic Ranks--The regular academic ranks are Professor, Associate Professor, Assistant Professor, and Instructor.

4.1.2.2 Distinguished Titles--Named chairs and professorships are approved by the Board of Regents, and recipients are specifically approved by the Board.

4.1.2.3 Temporary Academic Staff Members--Temporary academic staff members may be awarded the titles of Lecturer, Senior Lecturer, Visiting or Adjunct Professor, Visiting or Adjunct Associate Professor, and Visiting or Adjunct Assistant Professor.

4.1.2.4 Graduate Students--Graduate students employed for instructional duties normally receive the title of Teaching Assistant or Assistant Instructor.

4.1.3 Honorary Titles (Emeritus Professor)

Appointment as Professor Emeritus or Emeriti is an honorary rank and carries life tenure as a member of the faculty of The University of Texas at El Paso. When possible, the privileges of this status shall include mail and telephone services, office space, secretarial services, library use, and other services normally available to active members of the faculty.

4.1.3.1 This title may be given to a faculty member holding the rank of Professor or Associate Professor; the appointment becoming effective upon retirement. The appointment is made in recognition of exceptional and meritorious service to The University of Texas at El Paso rendered for a total period of not less than five (5) years.

Exceptional and meritorious service may be demonstrated in instruction, and contributions to a discipline, or contributions to the University or community, or contributions to student life in such a way as to bring honor to the University.

4.1.3.2 Nominations for Emeritus status shall be initiated in the faculty member's department. The nomination must be accompanied by documentation of contributions that are exceptional and meritorious, including at least two letters of support from faculty or others outside the candidate's department. The documents shall be reviewed and recommendations made, in turn, by departmental colleagues, the Department Chair, the Dean of the College, and the Provost. If it is determined that the criteria are met, the recommendations shall be forwarded to the Chair of a committee appointed by the President of the Faculty Senate from Professors of senior service with special interest in the integrity of Emeritus status. This Emeritus Committee shall make recommendations to the Provost, who shall then present his/her recommendations to the President for appropriate action.

4.1.3.3 Faculty members who are retiring at the rank of Assistant Professor but who otherwise meet the criteria of exceptional and meritorious service to the University are eligible for the President's Meritorious Service Award. Nomination shall follow the procedures in 4.1.3.2 above, and the award shall carry all the benefits pertaining to Emeritus status except the title itself.

4.2 Academic Freedom and Responsibility

Please refer to the next section

4.2.1 Academic Freedom

Academic freedom is an indispensable element of that larger liberty that includes the right to free expression. Because a free society and freedom itself rest upon the continuous search for knowledge, and because institutions of higher education are primary agencies for the acquisition and dissemination of knowledge, a faculty member is entitled to full academic freedom in research, in the publication of results and conclusions, and in the classroom presentation of his or her subject.

4.2.2 Academic Responsibility

Academic freedom, like any other freedom, carries with it concomitant responsibilities. The requirements of scholarly statement and research in a field of specialization shall constitute the guidelines for these responsibilities.

Academic freedom does not extend to the promulgation and exploitation in the classroom of material that has no relationship to the subject being taught.

Academic responsibility imposes certain professional restraints on academicians in their roles as citizens. Because faculty are identified as members of a learned profession and as representatives of the University, they should bear in mind that the public may judge both the profession and the University on the basis of public utterances. Hence, when acting in their roles as citizens, faculty members are expected to be accurate in their statements, to respect the opinions of others, and to make it clear that they do not speak for the University or their profession.

As employees of a State institution of higher education, faculty members should refrain from involving the University of Texas System or The University of Texas at El Paso in partisan politics.

4.3 Duties of Teaching Faculty

Please refer to the next section

4.3.1 System Policy

The greater duties of members of the Teaching Staff are described in Regents' [Rules and Regulations](#), Series 31004.

4.3.2 University Policy

All University faculty are expected to perform certain duties. These include the following:

- a. To teach their classes conscientiously;
- b. To provide extra-classroom advice and assistance to students;
- c. To remain current in their disciplines;
- d. To engage in the scholarly activities of study, investigation, discovery, and creativity as evidenced by presentations, publications, exhibitions, or performances appropriate to their disciplines;
- e. To contribute to the achievement of departmental goals and to participate in departmental activities;
- f. To serve and contribute to the welfare of their Colleges and the University; and
- g. To influence beneficially students and citizens in various extracurricular ways.

4.4 Appointment, Promotion, Tenure, and Termination

The general provisions and regulations governing tenure, promotion, and termination of employment as adopted by the Board of Regents are given in Regents' [Rules and Regulations](#) Series 31007, 31008, 30103, 31002, and 31003. These regulations, as applicable to The University of Texas at El Paso, are paraphrased below. Procedures and criteria established to be used at the University of Texas at El Paso are given specifically in 4.4.2 and 4.4.3 below. All faculty members should familiarize themselves with these promotion and tenure regulations.

4.4.1 Tenure and Promotion

Tenure denotes a status of continuing appointment as a member of the faculty at The University of Texas at El Paso. Generally, only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor may be granted tenure. Tenure may be granted at the time of appointment, or tenure may be awarded following satisfactory completion of a probationary period of faculty service.

4.4.1.1 Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, shall be counted toward calculation of the maximum probationary period related to the acquisition of tenure. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of the maximum probationary period.

4.4.1.2 Prior service at other academic institutions, whether inside or outside the U. T. System, shall not be counted toward calculation of the maximum probationary period.

4.4.1.3 The maximum period of probationary faculty service in non-tenure status in any academic rank or combination of academic ranks specified in 4.1.2.1 above shall be seven years of full-time academic service. No later than August 1 of the sixth academic year of the probationary period, all

non-tenure faculty serving in a rank which accrues time toward period shall be given notice that the seventh 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 non-tenured faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with 4.4.3.1 below.

4.4.1.4 For purposes of calculating the period of probationary service, an “academic year” shall be the period from September 1st through the following August 31st. If a faculty member is initially appointed during an academic year, the period of service from the date of the appointment until the following September 1st shall not be counted as academic service toward calculation of the maximum probationary period. A faculty member shall be considered to be in full-time academic service if he or she is in full compliance with requirements pertaining to minimum faculty workloads at the University.

4.4.1.5 No later than August 1 of the sixth academic year of the probationary period all tenure-track faculty will be given notice that the seventh year is either the terminal year of appointment or that beginning with the subsequent academic year tenure will be granted. In some cases full-time tenure-track faculty may be granted an extension to the seven year probationary period under the guidelines provided by Regents' Rules and Regulations Series 31007. Only full-time faculty holding tenure-track rank (assistant professor, associate professor, or full professor) as defined by Regents' Rules and Regulations Series 31006 and 31001 are eligible to apply for an extension to the tenure-track probationary period.

A faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of the award of tenure must make a written request for extension of the probationary period outlining the details of the extension request. Personal circumstances that may justify the extension include, but are not restricted to, disability or illness of the faculty member; status of the faculty member as a principal caregiver of a preschool child; or status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. Requests must be made in advance of the academic year or semester for which the extension is justified and must be made at least three months before the faculty member initiates the mandatory tenure-review process. All requests shall be limited one academic year. A request for an additional academic year's extension may be requested; however the maximum duration of the extension, whether consecutive or nonconsecutive, shall be two academic years.

The written request should specify the reason(s) for the extension, time period requested, and be supported by appropriate documentation to adequately demonstrate why the extension request should be granted. The written request and all supporting documentation should be forwarded to the Chair of the faculty member's Department, who will review it and forward a written recommendation to the Dean of the College. The Dean's written recommendation will be forwarded to the Provost, who will make the final decision on the requested extension. At all levels the review of the extension request will be considered in accordance with established policies and procedures for the evaluation of a candidate for tenure. The faculty member shall be notified in writing of the recommendation made at all levels of review. At any stage of the review process, additional supporting documentation may be requested or added to the extension request, and the extension request may be withdrawn by the faculty member. The denial of an extension request must be appealed within 30 days of the final decision and will be handled in accordance with policies and procedures established for faculty evaluation appeals.

Additional information regarding faculty probationary period extensions or appeals may be obtained by contacting the Provost's Office.

Following the approval of an extension request, a plan for the faculty member to meet his or her instructional and other academic responsibilities during the period of extension should be developed.

4.4.1.6 All faculty appointments are subject to the approval of the Board of Regents. No non-

tenured member of the faculty should expect continued employment beyond the period of his or her current appointment as approved by the Board of Regents. Any commitment to employ a non-tenured member of the faculty beyond his or her current appointment shall have no force and effect until approved by the Board of Regents.

4.4.1.7 A person appointed to a faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor at the University may not, during the term of such appointment, hold a tenured position on the faculty of another educational institution outside the U.T. System.

a. Appointments to the faculty with the titles of Professor, Associate Professor, Assistant Professor, or Instructor shall be conditioned upon the appointee having resigned any tenured position that the appointee may then hold on the faculty of an educational institution outside the U.T. System. Such resignation must be completed and effective prior to the effective date of the appointment at the University; otherwise, such appointment shall be void and of no effect.

b. The acceptance of an appointment to a tenured position on the faculty of an educational institution outside the U.T. System shall be considered as a resignation of any faculty position with the title of Instructor, Assistant Professor, Associate Professor, or Professor that such appointee may hold at The University.

4.4.2 Termination

Termination by the University of the employment of a faculty member who has been granted tenure, and of all other faculty members before the expiration of the stated period of their appointment, except as is otherwise provided in 4.4.2.3, by resignation or retirement, or as otherwise provided in the Regents' [Rules and Regulations](#), will be only for good cause shown. In each case, the issue will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of the University.

4.4.2.1 The President may for grave cause suspend an accused faculty member with pay pending immediate investigation or speedy hearing as hereinafter provided.

4.4.2.2 In cases of incompetence, gross immorality, or felony, where the facts are admitted, summary dismissal will follow.

4.4.2.3 In cases where the facts are in dispute, the accused faculty member will be informed in writing of the charges, which, on reasonable notice, will be heard by a special hearing tribunal whose membership shall be appointed by the President from members of the faculty whose academic rank is at least equal to that of the accused faculty member.

a. In every such hearing the accused will have the right to appear in person and by counsel of choice and to confront and cross-examine witnesses who may appear.

b. The accused faculty member shall have the right to testify, but may not be required to do so and may introduce all evidence, written or oral, that may be relevant or material to the defense.

c. A stenographic or electronic record of the proceedings will be taken and filed with the Board of Regents, and such record shall be made accessible to the accused.

d. A representative of the University may appear before the hearing tribunal to present witnesses and evidence against the accused faculty member and in support of the charge brought against such faculty member, and such representative shall have the right to cross-examine the accused faculty member (if the faculty member testifies) and the witnesses offered on behalf of the faculty member.

e. The hearing tribunal shall not include any accuser of the faculty member. If the accused faculty member is not satisfied with the fairness or objectivity of any member or members of the hearing tribunal, he or she may challenge the alleged lack of fairness or objectivity, but any such challenge must be made prior to the submission of any evidence to the hearing tribunal. The accused faculty member shall have no right to disqualify any such member or members from serving on the tribunal. It shall be up to each such challenged member to determine whether the member can serve with fairness and objectivity in the matter. In the event of voluntary disqualification, the President shall appoint a substitute member of the tribunal.

f. The hearing tribunal, by a majority of the total membership, will make written findings on the material facts and a recommendation of the continuance or termination of the accused faculty member's employment. The hearing tribunal, by a majority of its total membership, may make any supplementary suggestions it deems proper concerning the disposition of the case. The original copy of such findings and the basic recommendation, together with any supplementary suggestions, shall be delivered to the Board of Regents with a copy thereof to the faculty member. If minority findings, recommendations, or suggestions are made, they shall be similarly treated.

4.4.2.4 The Board of Regents, by a majority of the total membership, will approve, reject, or amend such findings, recommendation, and suggestions, if any, or will recommit the report to the same tribunal for hearing additional evidence and reconsidering its findings, recommendation, and suggestions, if any. Reasons for approval, rejection, or amendment of such findings, recommendation, or suggestion will be stated in writing and communicated to the faculty member.

4.4.2.5 Non-tenured faculty members who, in accordance with 4.4.3.1, are notified that they will not be reappointed or that the subsequent academic year will be the terminal year of appointment, are not entitled to a statement of the reasons upon which the decision for such action is based. No hearing to review such a decision shall be held unless the affected faculty member submits in writing to the President factual allegations that the decision to terminate or non-renewal was based upon the faculty member's exercise of rights guaranteed by the laws or Constitution of Texas or the United States, and requests an administrative hearing to review these allegations. Such allegations shall be heard under the same procedures as in the case of dismissal for cause, with the following exceptions:

a. the burden of proof is upon the affected faculty member to establish at such hearing that the decision in question was based solely on the exercise of rights guaranteed by the laws or Constitution of Texas or the United States;

b. the administration of the University need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents a prima facie case in support of the allegations.

4.4.3 Notice Requirements

4.4.3.1 Non-reappointment

In the event of a decision not to reappoint a non-tenured faculty member, written notice will be given him or her not later than March 1st of the first academic year of probationary service if the appointment expires at the end of that academic year, or not later than December 15th of the second academic year of probationary service if the appointment expires at the end of that academic year. After two or more academic years, written notice shall be given not later than August 31st that the subsequent year will be the terminal academic year of appointment. This required notice is not applicable where termination of employment is for good cause under 4.4.2 above.

4.4.3.2 Reappointment or Award of Tenure

Re-appointment of non-tenured members of the faculty to a succeeding academic year, or the award of tenure, may be accomplished only by notice by the President or the President's delegate with the approval of the Board of Regents. Notwithstanding any provisions of 4.4.3.1 or to the contrary, no person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time or manner prescribed in 4.4.1.5 above. If no notice is received by the time prescribed, it is the duty of the academic employee concerned to make inquiry to determine the decision of the President, who shall without delay give the required notice to the academic employee.

4.4.3.3 Current Mailing Address

Each faculty member shall keep the President or the President's delegate notified of a current mailing address. All written notices required by this chapter shall be sent by certified mail, return receipt requested, to the last address given by the faculty member.

4.4.4 Program/Position Reduction

4.4.4.1 The President of the University has the responsibility for determining when it shall be necessary to reduce academic positions, or academic programs, or both, subject to approval by the Executive Vice Chancellor for Academic Affairs of The University of Texas System.

4.4.4.2 When such are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by 4.4.4.5, and neither the procedures specified in 4.4.2 or the notice requirements of 4.4.3 shall be applicable.

4.4.4.3 Upon determining the existence of a financial exigency and the need to reduce academic positions or academic programs, or both, the President shall appoint a committee composed of faculty and administrative personnel to make recommendations to the President as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency.

4.4.4.4 The committee will review and assess the academic programs of, and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued. The review will include, but not be limited to, an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production.

4.4.4.5 Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend the particular position or positions to be terminated by reviewing the academic qualifications and talents of holders of all academic positions in those degree programs or teaching specialties, the needs of the program they serve, past academic performance, and the potential for future contributions to the development of the University. Tenure status of a faculty member shall not be a consideration in the determination of whether a particular position should be eliminated, except as permitted in 4.4.4.6 below.

4.4.4.6 If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing a particular teaching role, the faculty member or members having tenure shall be given preference over non-tenure faculty. However, if such faculty members have the same tenure status, consideration will be given to the need of the University for capabilities for teaching in multiple disciplines, and the faculty member or members qualified by training and experience to teach in more than one discipline or area of specialization will be given preference over a faculty member or members qualified to teach in only one discipline or area of specialization. In other instances, length of service as a member of the faculty at the University shall be the determining factor.

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

4.4.4.8 Any person terminated due to financial exigency will be notified when a vacancy occurs at the University in his or her field of teaching or expertise within the next two (2) academic years following the termination. If such person makes timely application and is qualified for the position to be filled, he or she shall be offered employment in that position. If the vacancy is in a field of teaching or expertise in which two or more persons have been terminated because of financial exigency, all will be notified of the vacancy, and of those so notified and making timely application, employment will be offered to the person who is the better qualified for the position to be filled.

4.4.4.9 The President shall appoint a hearing committee to hear any appeals for reconsideration of termination decisions based upon financial exigency. Within thirty (30) days from the date of the notice of termination, a person shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the President of the University. A person to be terminated who appeals to the hearing committee shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision.

4.4.4.10 The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within thirty (30) days of the date of the written request, unless the person to be terminated waives such time requirement; however, such hearing shall be held within ninety (90) days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures:

- a. The hearing will be closed to the public unless requested to be open by the appealing person;
- b. The appealing person may be represented by legal counsel at his or her expense.

4.4.4.11 The appealing person and the University may offer any written evidence or oral testimony that is material to the issues.

4.4.4.12 The burden shall be upon the appealing person to show by a preponderance of the credible evidence that:

- a. financial exigency was not in fact the reason for the initial decision to reduce academic positions; or
- b. the decision to terminate the appealing person as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable.

4.4.4.13 No other issues shall be heard or considered by the hearing committee.

4.4.4.14 The hearing committee shall make written findings of fact and recommendations to the President as soon as practical following the hearing. The President shall have the final decision to either accept or reject the recommendation of the hearing committee.

4.4.5 University Procedures

4.4.5.1 Flow of Information

In the procedures to be outlined, the flow of information is from the Department Chair to the Dean of the College and then to the Provost and the President.

4.4.5.2 Appointment: Initiation and Terms

a. Recommendations for appointments shall be initiated by the Chair of each department or comparable academic unit, after consultation with appropriate departmental committees. After review by the appropriate Academic Dean or Deans (including, where relevant, the Head of the Graduate School) and the Provost, the recommendations shall be submitted to the President.

b. Each faculty member shall be provided with a statement in writing of the terms of his/her appointment. Any such statement of terms must be issued by the President or the President's delegate.

4.4.5.3 Initial Appointment and Promotion: Criteria

The following are minimum expectations for initial appointment and subsequent promotion to particular ranks. Individual departments are free to impose more stringent standards, as long as these standards are approved by the Dean of the College and the Provost, and the standards are applied consistently within the department. The framework for decisions concerning rank outlined in 4.4.6 below should also be consulted.

4.4.5.3.1 Instructor

Because those appointed as Instructors may hold tenure-track positions, appointment at this level should be reserved for those who are judged to have the potential for being promoted to the professorial ranks within a reasonably brief period of time.

4.4.5.3.2 Assistant Professor

Under normal circumstances, the Assistant Professor should:

- a.** Hold the terminal degree appropriate for the discipline.
- b.** Show clear ability or competence in teaching at the university level.
- c.** Show evidence of ability to contribute to the knowledge base of the discipline and display a commitment to do so.
- d.** Qualify for membership in the Graduate Assembly and show potential for continued membership.

4.4.5.3.3 Associate Professor

The criteria that must be satisfied for appointment as, or promotion to, Associate Professor are similar to those for the granting of tenure, and are listed in 4.4.6.1.

4.4.5.3.4 Professor

Under normal circumstances, the Professor should:

a. The individual must have demonstrated excellence in teaching. Evidence may include the effective presentation of standard courses; development of new methodology or courses; active involvement in departmental and college curricular matters; active participation in student-related activities; demonstrated interest in the welfare of students; and student, ex-student, and peer evaluation.

b. The individual must have actively and regularly contributed to graduate students through the teaching of graduate courses and through the supervision of graduate research. If the departmental program is such that regular contribution has not been possible, the candidate must provide other evidence of capability of teaching at this level.

c. The individual must be judged to be a mature scholar in his or her discipline. Research accomplishments should be evidenced by continued publication of significant scholarly works in prestigious reference journals, or by continued appropriate artistic expression. Quality and frequency of published works, exhibitions, or performance should be comparable to those in the discipline holding professorial rank at high quality academic institutions. Normally, evidence of this criterion will include Senior Membership in the Graduate Assembly.

4.4.5.4 Initiation of Promotion or Tenure Review Procedures

Under ordinary circumstances, consideration of an individual for promotion or tenure will be initiated by the department.

4.4.5.4.1 The department shall review the performance of all tenure-track faculty annually to evaluate progress toward the possible acquisition of tenure. Normally, the recommendation for tenure shall be made only in the sixth year of an individual's probationary service. Recommendation of an individual for early awarding of tenure should be based only upon truly outstanding performance.

4.4.5.4.2 The department shall review the performance of all tenured and tenure-track faculty annually to evaluate progress toward and determine eligibility for promotion. Recommendation for promotion should be based only on the criteria specified in 4.4.5.3.

4.4.5.5 Departmental Procedures

4.4.5.5.1 Documentation related to promotion and tenure recommendations will be assembled by the Department Chair, a standing committee of the department, or an ad hoc committee appointed by the Chair. The candidate will be requested to supply items a. and g. listed below.

4.4.5.5.2 The documentation shall ordinarily include:

a. A biographical resume;

b. Copies of all publications;

c. Copies of any relevant unpublished works, e.g., preprints, technical reports, presentations at meetings, etc;

d. Material related to teaching performance, including student and/or peer evaluations;

e. Information related to Department, College, and University service, and to profession-related service outside the University;

f. At least two objective letters of evaluation from reputable individuals in the discipline who have never been closely associated with the candidate or the University. These letters shall be solicited by the Department Chair. Letters already obtained on behalf of the candidate for senior membership in the Graduate Assembly may be used if appropriate and timely. Evaluation letters will not normally be required when the recommendation is for promotion from instructor to Assistant Professor.

g. Other optional information or supporting documents that may be relevant to the decision, e.g., citations of scholarly work.

4.4.5.5.3 All department members participating in a tenure or promotion decision shall have an opportunity to study the candidate's file in advance. It should be noted that at the departmental level the primary criterion for recommendations of promotion or tenure is the performance of the individual. Factors to be considered shall include, but are not limited to, an evaluation of:

a. Teaching effectiveness;

b. Quality of publications, including quality of the journals or other publication outlets;

c. Quality of the shows, performances, awards, etc. for those in the arts;

d. Quality of profession-related service outside the University;

e. Evaluation letters and the credentials of the evaluators;

f. The candidate's contributions to the Department, the College, the University, and the discipline as appropriate;

g. The candidate's potential for future intellectual development and future contributions to the University.

4.4.5.5.4 Departmental vote

Only tenured faculty in a department are eligible to vote on recommendations for tenure. Only faculty in a department of a rank higher than the candidate are eligible to vote on recommendations for promotion. If there is not a sufficient number (3 or more) of faculty eligible to vote, the Dean of the College, in consultation with the Department Chair, shall appoint additional voting members from related disciplines.

4.4.5.5.5 Department Chair's report

The Department Chair shall make an independent recommendation and shall prepare the candidate's documents for transmittal to the Dean. The candidate's file will include all documents, letters, a summary of votes, and recommendations.

4.4.5.6 College Procedures

4.4.5.6.1 Upon receipt of the recommendations and supporting materials from all departments, the Dean shall appoint a College advisory committee. The committee may include Department Chairs for tenure and promotion of faculty in the College.

4.4.5.6.2 The committee shall review the departmental recommendations and supporting material; and make a recommendation to the Dean for each candidate, including the vote tally and the reasons for the decision. Should the report not reflect the views of one or more committee members, they may submit their own signed reports to the Dean. All documentation shall be returned to the Dean.

4.4.5.6.3 The Dean shall transmit to the Provost the biographical resume of each candidate, a summary of the reports from departmental Chairs and College committees, the voting tabulations, and the individual written opinions of those who have participated in the review, if deemed appropriate. In addition, the Dean shall make an independent recommendation for each candidate.

4.4.5.7 Actions of the Provost

4.4.5.7.1 The Provost may seek additional opinions regarding the contribution of a candidate to the graduate program and initiate any other review he or she considers appropriate.

4.4.5.7.2 The Provost shall make recommendations to the President regarding each candidate with supporting rationale for the recommendation.

4.4.5.8 Provision of Information to Candidates, and Opportunity for Submitting Additional Information

4.4.5.8.1 Tenure Decisions

The candidate for tenure will be informed by the Department Chair of all decisions at the departmental level. The Dean of the College will inform the Department Chair, who will in turn inform the candidate, of all decisions at the College level. The candidate may present additional information pertinent to the decision up to the level of the Provost.

4.4.5.8.2 Promotion Decisions

The candidate for promotion will be informed by the Department Chair of all decisions at the departmental level upon transmittal to the Dean. The Dean of the College will inform the Department Chair, who will in turn inform the candidate, of all decisions at the College level. The candidate may present additional information pertinent to the decision up to the level of the Provost.

4.4.6 Criteria for Promotion and Tenure at The University of Texas at El Paso

Because of the subjective nature of judgments to be made and the diversity of the disciplines for the University faculty, the criteria for tenure and promotion cannot be specified in such detail that they can be applied automatically. Nevertheless, the following general guidelines and basic principles should be adhered to whenever possible:

- a.** All University faculty are expected to perform the minimum duties specified in 4.3 above. Performance of those duties is necessary to be adjudged a University faculty member who is performing satisfactorily; however, satisfactory performance is not sufficient for the awarding of tenure or promotion;
- b.** Similar criteria for recommendations for promotion and tenure should be used in all units of the University. Unless they conflict with the provisions of this Handbook, academic units are permitted to use such procedures as they devise, provided they have been approved by the Dean of the College and the Provost. Those procedures shall be communicated to the affected faculty.

c. As the faculty of the University develops, the standard of performance for recommendation for promotion and tenure should change. If a faculty member's accomplishments do not keep pace with the current standards of performance for promotion and tenure, that individual may not be awarded tenure or advanced in rank. It is not appropriate to argue that a candidate be awarded tenure or promotion because he or she meets the performance standards that were previously in effect when others in that department may have received tenure or promotion.

d. Years in service is a factor, but is not to be used as a primary justification for tenure or promotion recommendations.

4.4.6.1 Tenure

The single most important decision made by the University with respect to the individual faculty member is to grant the individual tenure. Tenure is awarded by the University as a concomitant of its larger pledge to protect the academic freedom of productive scholars, regardless of whether their work or ideas may be unpopular or controversial. Tenure is an important commitment made only to those faculty members who have a history of performance in all areas that is significantly above the criteria for a satisfactory rating, and who have demonstrated significant potential for continued performance at that level, and for developing new knowledge and practice. The success of College and University programs is highly dependent upon the qualifications of the available tenured faculty. Therefore, tenure decisions will include consideration of factors related to planned programmatic changes.

4.4.6.1.1 The recommendation to award tenure will generally be made during the sixth year of full-time academic service, unless an individual's performance is truly outstanding.

4.4.6.1.2 Normally, only those faculty members with the terminal degree appropriate for the discipline may be awarded tenure.

4.4.6.1.3 Only faculty members who have demonstrated their competence in teaching may be awarded tenure. This competence may be demonstrated in diverse ways, e.g., development of superior course materials or textbooks and excellence in the supervision of research, in supervision of practicum or internship work, or in individual instruction in the fine arts, etc. Student and/or peer evaluation of teaching performance is an essential part of the demonstration of teaching competence.

4.4.6.1.4 A faculty member will not normally be granted tenure without clear evidence of competence and willingness to teach at all three levels of instruction (i.e., lower division, upper division, and graduate). Thus, under ordinary circumstances, tenure will be awarded only to those who are members of the Graduate Faculty and show evidence that they will be able to retain such membership in the future. Special justification must be provided for a tenure recommendation for any faculty member who cannot teach at all three levels.

4.4.6.1.5 Minimum expected performance standards require a faculty member to remain current in the discipline; therefore, this factor alone is not a sufficient basis for the recommendation of tenure.

4.4.6.1.6 A faculty member will not be granted tenure without a clear history of significant contributions to the advancement of knowledge in his or her discipline of expertise. The faculty member must also be judged to be likely to continue making such contributions for the rest of the career. Therefore, the following criteria are offered as guidelines in evaluating scholarly activity of a faculty member:

a. A history of publication in refereed journals or other refereed outlets at a rate appropriate for the discipline. The quality of the published work, as well as the quality of the outlet, are to be

judged. There should be no attempt to impose any particular number of contributions necessary for recommendation for tenure and promotion or to balance quantity of contributions against quality.

b. The importance of the work to the discipline should be judged not only by the departmental faculty, but also by the outside evaluators. For example, letters of evaluation may be used to confirm the judgment of the department.

c. In order for a scholarly effort to have made a demonstrable contribution to a discipline, it should have been brought into a public forum by a process that includes peer review and an evaluation of the importance of the work by nationally known scholars or practitioners. Usually, this means that works must be published or displayed in recognized outlets appropriate for the discipline. Experiments completed but not published, books or articles in draft form, classified documents, and undisplayed works of art, for example, are considered to be essentially private works and not yet in the public domain. They may, of course, be considered along with an individual's other accomplishments, but they cannot be used to satisfy this criterion.

d. Routine applications of already accepted knowledge or of theory are not normally considered to be contributions to the advancement of knowledge in the discipline. The distinction between what is and is not a contribution to the advancement of knowledge may, at times, be subtle, but the burden of proof falls on the candidate.

4.4.6.1.7 Since participation in department, college, and University activities is expected of all faculty, such involvement is not adequate justification to award tenure.

4.4.7 Promotion

Minimum criteria for promotion to the various academic ranks are specified in 4.4.5.3 above.

4.5 Evaluation of Faculty for Merit Salary Increase

Please refer to the next section

4.5.1 Procedures

4.5.1.1 Flow of Information

The flow of information in this category is from the Department Chair to the Dean of the College and then to the Provost and the President.

4.5.1.2 Initiation of Procedures

Consideration of an individual for merit salary increase will be initiated in the department. The review for merit rating will focus upon the previous evaluation period and will conform to College policies.

With approval by the President, Colleges with a high degree of professional homogeneity may initiate and conduct the merit evaluation of faculty at the College level, utilizing the procedures specified in 4.5.1.4 below. In such instances, a College faculty committee will fulfill the functions of the departmental committee specified in 4.5.1.3 and elsewhere; however, the Dean may also request separate recommendations from Department Chairs.

4.5.1.3 Departmental Procedures are as follows:

- a. In accordance with approved Department policy, approved by the Provost, documentation related to merit rating recommendation will be assembled by each individual faculty member;
- b. A departmental faculty committee shall review the documentation submitted by each faculty member and may make a recommendation to the Department Chair. Composition and selection of any faculty committee will be determined by College procedures as specified below;
- c. The Department Chair will review the documentation and, if appropriate, the committee's recommendation for merit rating for each faculty member. The Department Chair will forward a merit rating recommendation along with a committee's recommendation, if any, and faculty member's documentation to the Dean.

4.5.1.4 College Procedures are as follows:

- a. The Dean will review each faculty member's file, will arrive at a merit rating, and will notify the faculty member of this rating in a dated, written memorandum;
- b. If the faculty member elects to appeal the Dean's recommended merit rating, the faculty member must notify the Dean in writing within ten (10) working days of the date on the memorandum. This appeal will be referred to a College merit rating appeals committee for review as outlined below. Merit rating recommendations that are not appealed will be forwarded to the Provost;
- c. The Appeals Committee will be composed of faculty and/or administrators, as determined by College procedure approved by the Provost;
- d. The Appeals Committee will review the documentation and the merit rating recommendations of the Department Chair, the Dean, and any department faculty committee. The faculty member, Chair, and/or Dean may address the committee. After deliberation, the Appeals Committee will formulate a recommendation. This recommendation will be sent to the Dean. The faculty member will be notified of the committee's recommendation by the Dean;
- e. The Dean will review the recommendation of the Appeals Committee in conjunction with the previous information and recommendations, and will arrive at a merit rating recommendation to be transmitted to the Provost.

4.5.1.5 University Procedures are as follows:

- a. The Provost will review the Dean's recommendation;
- b. If the Provost agrees with the Dean's recommendation, it will be forwarded to the President;
- c. In the event that the Provost does not agree with the Dean's recommendation, it is referred back to the Dean for further consideration. The Dean may consult with the faculty member, the Department Chair, and/or the College Appeals Committee. Following re-consideration, merit rating and justification is re-submitted to the Provost.

4.5.2 Documentation for Merit Rating

4.5.2.1 Each faculty member shall prepare and submit a faculty activity form or updated vita.

4.5.2.2 The following materials should be on file in the department office for review by appropriate administrators and committees:

- a. Material related to teaching and advising, such as student and/or peer evaluations, syllabi, examinations, etc.;
- b. Copies of all publications listed in the vita update or faculty activity form;
- c. Copies of any relevant unpublished work, e.g., preprints, technical reports, presentations at meetings, etc.;
- d. Information related to department, college, University, professional, and community service.

4.5.3 Criteria

Factors to be considered for arriving at a merit rating shall include, as a minimum, those basic duties of faculty members listed in 4.3.2. Parts of 4.4.5.3 and 4.4.6 above may also be relevant. Elaboration of and additions to these basic criteria may be made in approved College policies approved by the Provost. If a College elects to develop such specific criteria, they shall be distributed to the faculty members affected.

4.5.4 Merit Evaluation in Special Cases

4.5.4.1 Faculty members whose appointment is not recommended for renewal:

- a. Faculty members who are to be informed of the non-renewal of their appointments will not be evaluated for a merit rating;
- b. Such faculty members will receive mandated across-the-board faculty salary increases, if eligible to receive them.

4.5.4.2 First-year faculty members:

- a. Faculty members in the first year of service with the University will not be assigned a merit rating;
- b. If such faculty members are performing satisfactorily, they will normally receive the average salary increase for their rank awarded in the University.

4.5.4.3 Faculty members returning from leaves of absence:

- a. Faculty members returning from leaves of absence will be evaluated and assigned a merit rating;
- b. Such faculty members must present evidence that the activities undertaken while on leave were of benefit to the University, Department, or the profession and were in keeping with expected professional standards and development.

4.5.4.4 Non-tenure-track faculty:

- a. Faculty members in non-tenure-track positions will not be assigned a merit rating;
- b. The performance of faculty members in non-tenure-track positions will be evaluated on a regular basis;

c. The results of the evaluations of faculty in non-tenure-track positions will be considered in decisions regarding possible reappointment to future employment with the University.

4.5.5 Evaluation of Faculty with Non-Teaching Appointments

Department Chair, Program Director and/or Assistant and Associate Dean:

- a. Faculty members serving Colleges in officially designated administrative capacities will be evaluated for the purpose of merit rating both as faculty members and as administrators;
- b. As faculty members, they will be evaluated following regular departmental criteria and procedures.

As administrators, they will be evaluated by the responsible administrative officer who may consult with appropriate faculty members and other University officers with whom they also work

4.6 Termination, Resignation, Retirement

Please refer to the next section

4.6.1 Termination

Termination of the appointment of tenured faculty members and of all other faculty members before the expiration of the stated period of appointment, except by resignation or retirement in accordance with Regents' [Rules and Regulations](#) shall be only for good cause shown. Procedures for hearing and determining such cases are set forth in Regents' [Rules and Regulations](#) Series 31007, 31008, 30103, 31002, and 31003 and 4.4.2 of this Handbook.

4.6.2 Notice of Resignation or Retirement

A faculty member who wishes to resign or to retire should submit a written resignation with timely notice and full attention to professional responsibilities. Generally, a resignation shall not become effective until the end of a semester or summer term.

4.7 Retirement and Modified Service

Please refer to the next section

4.7.1 System Policy

Regulations concerning retirement and modified service are set forth in Regents' [Rules and Regulations](#) Series 10501.

4.7.2 Modified Service After Retirement -- The University of Texas at El Paso

4.7.2.1 A faculty member who has retired may be appointed to modified service by the Board of Regents upon recommendation of the President and approved by the Executive Vice Chancellor for Academic Affairs and Chancellor, if such service will result in a significant benefit to the System or the University. Appointment to modified service is without tenure and shall not exceed one-half time for one academic year. Such appointments terminate at the end of the appointment period without notice. If the System or the University determines that it is to the benefit of the System or the

University, reappointment may be offered. The duties, workload, and salary shall be determined in accordance with the policies of the University.

4.7.2.2 Persons on modified service shall not teach during a summer session except to meet unusual departmental needs as determined by the Chair of the Department with the advice of an appropriate departmental committee and approval by the appropriate academic dean.

4.7.2.3 Institutional needs are to be the dominant factor in reaching a decision concerning appointment to modified service.

4.8 Miscellaneous Faculty Duties

Please refer to the next section

4.8.1 Duty at Registration

All full-time teaching faculty members are expected to respond affirmatively to requests from their Departmental Chair or academic Dean for assistance in the registration or pre-registration process, student advising or orientation, and related administrative duties. If the needs of a particular department require it, other teaching staff members, including Teaching Assistants, may also be expected to fulfill duties related to registration.

4.8.2 Office Hours

At the beginning of each semester or term, faculty members shall post on their office doors a schedule of regular office hours or conference periods that are convenient to students and meet departmental needs. Each faculty member shall also inform his/her departmental office of these scheduled office hours, and is expected to be available at the times indicated. A reasonable guideline for minimum office hours is 0.7 scheduled office hours per each Teaching Load Credit for which the faculty member is formally responsible.

4.8.3 Course Syllabi

At the beginning of each semester or term, all faculty shall provide to their students a written syllabus for each course. The syllabus should include, as appropriate, a listing of assigned textbooks or other written materials, dates for submission of major assignments and administration of examinations, the time and date of the final examination as specified in the Schedule of Classes, an indication of how the final grade in the course will be determined, and any special expectations, requirements or procedural policies of the faculty member that will govern conduct of the class and student/faculty interactions.

4.8.4 Final Examinations

All final examinations are to be administered on the day and hour indicated in the Schedule of Classes for the pertinent semester or term. Any departure from the regular schedule of final examinations must have the prior approval of the Dean of the College.

It is University policy that students shall not have to take more than two final examinations in a single day. In the unlikely event that the examination schedule results in a student's having three final examinations on one day, the second of the three examinations shall be rescheduled by the faculty member upon the request of the student.

4.8.5 Attendance at Commencement Exercises

Attendance at commencement exercises is one of the regular duties of a faculty member. At least half the members of each academic department shall attend each commencement exercise. Each department shall select its attendants by procedures established within the department.

4.9 Absences and Leaves

Please refer to the next section

4.9.1 Illness and Emergency

In the event of illness or other personal emergency, the faculty member shall notify the department Chair or the department Office as soon as possible so that arrangements may be made for the teaching of his/her classes and disposition of his/her other duties.

In the event that illness or incapacity will be prolonged, arrangements for carrying on the faculty member's usual duties must be made through appropriate administrative channels.

Sick leave for all faculty members shall be as provided by state law, and the required record of sick leave taken shall be maintained by the department office for reporting in accordance with University policy.

4.9.2 Absence for Other Reasons

Faculty absences from assigned duties at the University, whether on University business or personal business, must have prior administrative approval. Arrangements must be made to cover classes before approval will be considered. Requests for approval of absences may be made on the same form provided for travel authorizations.

If a formally-scheduled class is to be missed or canceled, except for reason of illness or emergency, or there is to be a substantive reduction in the length of the class period(s), the approval of the Chair of the department in which the course is listed must be obtained in advance.

4.9.3 Jury Duty and Subpoenas

A faculty member called for jury duty shall be excused on the days served. Salary will not be affected, and the faculty member is entitled to any routine jury payment. Faculty members are expected to perform their normal duties, if reasonably possible, when not actually in court or performing duties related to the jury service. Faculty members shall make arrangements for the teaching of any classes missed with the Department Chair, who may require evidence of the call for jury service. A faculty member who appears in his or her official capacity as a witness in a judicial proceeding shall not accept a witness fee. If the appearance as a witness is not in an official capacity, the faculty member may accept a witness fee if such appearance is on their own time. The faculty member must notify the Department Chair of the court appearance and make arrangements for teaching missed classes.

4.9.4 Holidays

Members of the faculty are entitled to all holidays listed annually in the official holiday schedule of the University.

4.9.5 Vacation Leave

Teaching personnel with appointments of less than twelve months do not accrue vacation time under current state law. They are not, however, expected to be present on campus between semesters or

sessions except as may be required for registration and advising or commencements. Faculty holding administrative appointments may accrue vacation time proportionate to the percent of time of their administrative appointments, as may be provided by state law.

4.9.6 Travel

4.9.6.1 Faculty or teaching staff members must receive prior approval of the President of the University, upon recommendation by the Department Chair and the appropriate academic Dean, for all official travel or for any absence other than sick leave or jury duty from campus which will affect performance of assigned duties, such as meeting classes.

4.9.6.2 Regents' [Rules and Regulations](#) Series 30201 and 20801 establish requirements and procedures for authorized travel and reimbursement where appropriate.

4.9.6.3 Travel to foreign countries other than Mexico and Canada is further restricted by state law and requires advance approval of the Governor's Office. Inquiries should be made to ascertain current requirements, forms and deadlines well in advance of the scheduled travel.

4.9.7 Leaves of Absence Without Pay

4.9.7.1 Provisions for leaves of absence without pay are set forth in Regents' [Rules and Regulations](#) Series 30201.

4.9.7.2 With the interest of the University being given first consideration and for good cause, normally leaves for one year will be granted for a period within the term of appointment of a member of any faculty or staff, subject to the general conditions included below. Leaves of absence for a first year or portion thereof or a second consecutive year's leave may be granted by the President or the President's designee. Leaves of absence for a third consecutive year will be granted only for reasons outlined in Regents' [Rules and Regulations](#) Series 30201. The maximum period for which a leave of absence will be granted is the end of the fiscal or academic year in which the leave begins. A second consecutive year of leave of absence will be granted only in unusual circumstances, such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the University and enhances an individual's subsequent contributions to it. Except in very unusual circumstances, a third consecutive year's leave of absence will not be granted.

After a return to duty of one year, the leave-of-absence privilege will again be available, subject to the conditions above.

In cases of leave without pay requested because of prolonged illness, all accrued sick leave, if any, must be exhausted before the leave can be granted.

4.9.7.3 Requests for leaves of absence without pay shall be submitted in writing, stating the period and the purpose of the leave. Except in cases arising from unanticipated family or medical reasons, such requests should be submitted preferably at least six months and no less than four months before the beginning of the leave. Notice of intention to return to duty, or request for extension of leave, should be received no later than six months before the commencement of the next academic year.

4.9.7.4 For further information regarding leave of absence to participate in a political campaign, faculty development leave, parental leave or sick leave pursuant to the Family and Medical Leave Act, leave for jury duty, leave for military duty, and leave related to on-the-job injuries, see Section V, Human Resources, of this Handbook.

4.10 Outside Employment

Please refer to the next section

4.10.1 System Policy

Regents' [Rules and Regulations](#) Series 30103 sets forth general policy pertaining to outside employment.

4.10.2 University Policy

4.10.2.1 Acceptance of a full-time appointment to the faculty of the University carries with it the obligation to give primacy to the complete discharge of all responsibilities inherent in a faculty appointment. Outside employment in a consultative or advisory capacity is permissible when it does not interfere with duties to the University and is encouraged when it enhances the faculty member's competence and service. Regular employment with an outside entity is discouraged as being divisive of loyalties.

4.10.2.2 Members of the faculty should occasionally provide expert knowledge and counsel as a public service, free of charge, provided the service in question does not interfere with regular duties or involve undue competition with legitimate private agencies.

4.10.2.3 Outside employment consists of independent business or professional services unrelated to the University rendered for remuneration. Outside employment does not include (a) creative writing or artistic production, (b) the preparation of textbooks or other scholarly teaching materials related to the faculty member's discipline, or (c) one on holidays or in summer months while not on a full-time University appointment.

4.10.2.4 No outside employment may be undertaken by full-time faculty members until a description of the nature and extent of the employment has been filed with and approved by the President or the President's designee. Requests for approval should be made whenever outside employment is planned, and approval for each type of activity should be obtained separately. An annual request is required for outside employment of a continuing nature. University guidelines for approval of such outside employment requests by full-time faculty members are:

- a.** The activity must be of a professional nature, related to the expertise of the faculty member that will enhance the reputation of the individual and reflect creditably upon the University. The request for approval shall contain a declaration of the nature of the services to be performed; the names and locations of employers insofar as known; and the daily, weekly, or monthly time (as appropriate) required to accomplish the outside employment;
- b.** The activity must not be in conflict with the University's interests nor create a situation of undue competition with private enterprise;
- c.** The activity must not interfere with the faculty member's obligation to the University, must be performed as an addition to normal duties for the University, and must be conducted in a manner compatible with scheduled responsibilities at the University;
- d.** The activity must not require fixed periods of absence from the campus over extended periods of time, and must not involve more than the equivalent of eight hours per week;
- e.** The activity must not be performed in the name of the University, and must not involve the use of any University resources (supplies, facilities, personnel, equipment, or computer time) except

as may be specifically provided for as indirect costs/overhead under a contract or grant compensating the University for such use.

f. Faculty members may not use University stationery, give their University office as a private business address nor provide their University telephone number for private business purposes. Care should be taken not to associate the University with promotional activities or advertising of private business activities.

g. Responsibility for making clear to outside employers the strictures of such employment rests with the faculty member.

4.10.2.5 Dual employment with agencies of the State of Texas shall be approved in accordance with applicable provisions of the current state law and Regents' [Rules and Regulations](#), as provided for in Human Resources, Section V, Chapter 4.2 of this Handbook.

4.11 Teaching In Auxiliary Instructional Divisions

Faculty members must obtain prior approval by their Department Chair and academic Dean before teaching any course offered by the Division of Professional and Continuing Education or any similar instructional unit. A form for requesting the required approval is available from each academic Dean's office.

4.12 Acceptance of Money From Students

Please refer to the next section

4.12.1 Fees, Charges, and Supplies

Unless specifically authorized by the Board of Regents, members of the faculty or teaching staff shall not collect any fees or charges from students and shall not sell books, notes, or supplies to students.

4.12.2 Extra-Class Instruction and Coaching

4.12.2.1 Extra-class instruction, tutoring, and coaching of students registered in the University by members of the faculty in exchange for remuneration, favors, or other considerations are prohibited by Regents' [Rules and Regulations](#) Series 31004.

4.12.2.2 Teaching Assistants and comparable instructional employees below the rank of Instructor may not accept pay from students for extra class instruction or coaching in courses or sections of courses with which they have instructional responsibility. Such Teaching Assistants and comparable instructional employees may accept pay from students for extra class instruction or coaching in courses or sections with which they have no instructional connection, provided that prior written approval of the departmental Chair is obtained. A copy of this approval must be filed with the Dean of the College and the Dean of the Graduate School.

4.13 Textbooks and Other Materials

Please refer to the next section

4.13.1 System Policy

The University of Texas System policy regarding textbooks and other materials prescribed for the use of students is set forth in Regents' [Rules and Regulations](#) Series 31004.

4.13.2 University Policy

4.13.2.1 The University discourages frequent changes in prescribed textbooks. Such changes should be made only for cogent reasons.

4.13.2.2 Any proposed change in the textbook for any course, within one year from the date of first adoption, must be approved by the departmental faculty having jurisdiction. A statement of the authorization, including reasons for the approved change, shall be transmitted by the Chair of the Department through the Academic Dean to the Provost.

4.13.2.3 Textbooks, notebooks, manuals or other materials for the use of students, written by a member or members of the faculty of the University shall not be prescribed for use by students until approval has been obtained. Use of such materials must be approved, first, by the departmental faculty having jurisdiction, and must be accompanied by reasons for the proposed adoption as well as indication of the proposed prices and profits. Approval must also be obtained from the Department Chair, the appropriate Academic Dean, the Provost, and the President of the University. Authorization shall be effective only to the end of the fiscal year (August 31) for which approval has been given.

4.14 Alleged Student Scholastic Dishonesty

Under the Regents' [Rules and Regulations](#), the Dean of Students has authority and responsibility for the administration of student discipline. Specific provisions and requirements regarding student conduct and discipline at the University are contained in Section II, Student Affairs, of this Handbook, available electronically on the Internet at <http://admin.utep.edu/hoop/>. In most instances, the distinction between academic and disciplinary matters is clear-cut. However, this may not always be the case when possible scholastic dishonesty is involved. Accordingly, the following guidelines are provided:

- a.** All alleged acts of scholastic dishonesty must be reported to the Dean of Students for disposition. It is the Dean of Students' responsibility to investigate each allegation and dismiss the allegation, or proceed with disciplinary action that provides the accused student due process.
- b.** It is a violation of the Regents' [Rules and Regulations](#) for a faculty member to withdraw a student or to assign a grade such as an "F" or "zero" to an assignment, test, examination, or other course work as a sanction for admitted or suspected dishonesty in lieu of reporting the alleged violation to the Dean of Students. Such action is a disciplinary penalty that violates the student's right to due process and leaves the faculty member vulnerable to a student grievance petition, a civil lawsuit, and possible disciplinary action by the University. Similarly, students are prohibited from proposing an arrangement with a faculty member to receive any reduced grade in lieu of being reported to the Dean of Students for suspected scholastic dishonesty.

4.15 Grade Review Process

Any student may request a faculty member to review and re-evaluate a grade previously given the student by that faculty member. Students may also seek assistance or intervention from the Department Chair or other appropriate academic administrator in obtaining a grade review by a faculty member. Ordinarily only the responsible faculty member may submit a change in a final course grade which has been previously submitted to the Registrar, except as provided below. The formal process outlined below is to be available in cases where a student wishes to appeal a grade assigned by a faculty member when the student contends that the grade assigned was the product of malicious, biased, capricious, or negligent determination. This process may not be used to adjudicate cases of suspected student misconduct, plagiarism, or collusion. Formal grade appeals must be initiated within six weeks of the release of grades for a given semester.

4.15.1 Any student who wishes to appeal a grade should talk first with the faculty member who assigned the grade. If agreement cannot be reached, the student may consult with and/or file a grievance with the Chair of the Student Welfare and Grievance Committee of the Faculty Senate. If a grievance is to be filed, it must be presented on the form provided by the Student Welfare and Grievance Committee.

4.15.2 Upon receipt of the grievance, the Chair of the Student Welfare and Grievance Committee will notify the appropriate faculty member, the Chair of the Faculty Senate, and the Provost.

4.15.3 The Chair of the Student Welfare and Grievance Committee will then appoint a conciliator or a three-member conciliation committee selected from appropriate faculty sources. If the grade challenge is in a graduate course, the conciliator must be a member of the graduate faculty; in the case of a committee, at least two of the members must be members of the graduate faculty.

4.15.4 The conciliator/conciliation committee will meet with the student to investigate the validity of the charges and to ensure that they are based on the grounds given in 4.15 above. The faculty member issuing the grade must be contacted at this stage of the proceedings and given the opportunity to provide information and clarification.

4.15.5 The conciliator(s) shall make a recommendation to the Student Welfare and Grievance Committee for its consideration in a timely fashion. This recommendation shall normally be made within three weeks of the date of appointment. If the conciliation process results in resolution of the issue, the Chair of the Student Welfare and Grievance Committee will so notify the student, the faculty member, the Chair of the Faculty Senate and the Provost. Should conciliation fail, the Student Welfare and Grievance Committee may continue the conciliation effort with another conciliator or conciliation committee, reject the complaint, or appoint a hearing committee.

4.15.6 If the Student Welfare and Grievance Committee determines that a hearing committee should be formed to resolve the issue, the Chair shall appoint a committee after consultation with the parties involved. The committee shall consist of an appointed chair and two members of the general faculty outside the department concerned. No person involved with the conciliation effort may serve on the hearing committee. In a case involving graduate credit, the hearing committee chair and a majority of its members must be members of the graduate faculty. Immediately on formation of a hearing committee, the chair of that committee shall give written notice to the student and the faculty member involved. The student and faculty member must be given at least one week's notice prior to the first meeting of the hearing committee.

4.15.7 The student bringing the grade challenge shall present his/her case to the Hearing Committee. If the student desires, he/she may have an advocate present the case. The advocate must be a student or employee of the University. The faculty member who assigned the grade in question may be present during the presentation and shall be given an opportunity to respond to the challenge, again with the proviso that the faculty member may use an advocate from the University community for that purpose. In all cases, the student has the burden of proof.

4.15.8 In all cases where an advocate is to be used by either party, at least 24 hours advance notice must be given to all parties concerned.

4.15.9 At any point during the proceedings, the Hearing Committee may receive procedural advice on the conduct of the hearing.

4.15.10 Following consideration of the grade challenge, the Hearing Committee shall meet in closed executive session to reach its conclusions. No Hearing Committee shall decide to change a grade except by majority vote, and then only when persuaded beyond a reasonable doubt that the grade assigned was the product of malicious, biased, capricious or negligent determination. In no event shall the Hearing Committee entertain any consideration of the standards employed in setting grades, so long as those standards are employed impartially. Once a Hearing Committee has determined that a

grade should, in fact, be changed, the Hearing Committee shall establish the new grade with appropriate technical assistance and advice from the pertinent academic departments, and may seek assistance from technical and professional consultants on the general faculty in the analysis of relevant materials.

4.15.11 The conclusion of the Hearing Committee shall then be presented to the Student Welfare and Grievance Committee, whose Chair shall give written notice to the student, the faculty member, the Chair of the Faculty Senate, the Provost and, if appropriate, the Registrar, of the committee's decision regarding a grade change.

4.16 Student's Right to Privacy and Access to Records

The Family Educational Rights and Privacy Act of 1974 accords students various rights of privacy and access with regard to their educational records. These rights are detailed in Section II, Student Affairs, of this Handbook which faculty members are advised to consult. Chapter 4.1.7 of this Section of this Handbook which discusses maintenance of course records, should also be consulted. The following guidelines are provided.

4.16.1 Access to Records by Others

4.16.1.1 Unless the student has given written permission, the University generally permits access to his or her records only by appropriate University officials who have a legitimate need of access, or to others under certain specific conditions. Those conditions include providing necessary information in connection with application for or receipt of financial aid, compliance with judicial order or subpoena, compliance with Federal or State statute, conduct of educational studies on behalf of legitimate organizations, such as accrediting agencies, and for health and safety emergencies.

4.16.1.2 Faculty members must refrain from the following:

- a. Posting grades by name, social security or student identification number; or by any other personally identifiable means;
- b. Discussing grades with parents or other students, either in person or by telephone;
- c. Discussing grades with students except in private, e.g., during office hours or by appointment.

4.16.2 Access to Records by Students

With certain specific exceptions, students have the right of access to their educational records. Details concerning the definition of educational records and exceptions to the right of access are provided in Section II, Chapter 6, Student Affairs, of this Handbook.

4.17 Retention of Records by Faculty

Each academic department shall formulate and communicate to its faculty policies and procedures for the maintenance and retention of materials issued or used in the conduct of a class by a faculty member, as well as attendance records, tests and assignments or any other student submitted documents or materials used by a faculty member to determine the course grade for a student. Such documents must be retained for a minimum of 1 year after the end of an individual class to support compliance with grade appeal and review provisions, although a minimum 3-year or longer retention schedule is recommended.

4.18 Policies and Procedures for Undergraduate Degree Requirement Compliance Certification

On a timely basis, the Faculty Senate Admission and Academic Standards Committee shall initiate the resolution for granting undergraduate degrees to candidates approved by the faculty of academic departments or programs and the academic deans of the respective colleges.

4.18.1 Registrar

4.18.1.1 The Registrar shall provide, on a semi-annual basis and by major, data on degree plan exceptions and substitutions processed by its office. The report shall be provided to the Provost, the academic deans, and faculty members of each academic departments or programs.

4.18.1.2 The Registrar shall provide, on a semester basis, to each academic dean and academic department or program a list of undergraduate degree recipients.

4.18.2 Colleges

4.18.2.1 Academic deans shall provide, on a semi-annual basis and by major, data on exceptions exclusively processed by their respective office. The report shall be provided to the Provost, academic departments or programs, and faculty members.

4.18.2.2 Academic deans shall compile a preliminary list of undergraduate students who have been cleared for graduation. The preliminary list shall be submitted by the dean's office to each academic department or program for review by its faculty members. Degrees shall be granted only to those students whose names appear on the preliminary list, have successfully completed the last semester, and have met the degree requirements. Exceptions must be approved by the academic dean in accordance with the policies and procedures established herein.

4.18.2.3 Each college shall have a college-wide Undergraduate Degree Requirement Compliance Committee (preferably one representative from each academic department or program) elected by its full-time faculty members that will:

- a. solicit input from departments/programs and provide guidelines for approval of exceptions, including those exceptions relegated to the academic dean's office;
- b. approve or disapprove requests for exceptions of the following types:
 1. waiver of grade point average requirement(s) for graduation;
 2. grade replacements for non-freshman courses;
 3. waiver of time limits for catalogs and courses;
 4. waiver of number of credit hours required for a major, a minor, or a degree;
 5. other major deviations from degree program requirements as defined by the Committee;
- c. review and evaluate data provided by the Registrar on, but not limited to, the following activities:
 1. waiver of the 3-time repeat rule;
 2. "W" given after the drop date including withdrawals from the University;
 3. grade changes;
 4. waiver of course or program prerequisites;
- d. mediate complaints and grievances filed with the Committee concerning degree program compliance procedures; and
- e. monitor the compliance process with regard to academic [Rules and Regulations](#).

4.18.3 Academic Departments/Programs

4.18.3.1 The preliminary list of undergraduate degree candidates submitted by the dean's office to the academic departments or programs shall be subject to review by the respective department/program faculty members.

4.18.3.2 Each academic department/program shall have one or more faculty members serving as undergraduate academic advisors, who will be responsible for providing academic counseling and advice. Written guidelines and policies with respect to prerequisite waivers, course substitutions, and use of "independent study" courses to satisfy degree requirements should be developed by each department; approved by department faculty, the College Undergraduate Degree Requirement Compliance Committee, and the Dean of the College; and distributed to the undergraduate students shall have a different title, e.g., Undergraduate Student Services Officer, and shall provide supportive services to the undergraduate academic advisory. The undergraduate academic advisors shall provide guidelines to the non-faculty undergraduate student service personnel.

4.18.3.3 The undergraduate academic advisor shall screen requests for exceptions to be submitted to the College Undergraduate Degree Requirement Compliance Committee.

4.18.3.4 The undergraduate academic advisor and the department chair shall approve course prerequisite waivers.

4.18.3.5 The undergraduate academic advisor, department chair, and the academic dean shall approve course substitutions.

4.18.3.6 Substitution of an "independent study" course for a non-free elective or manual driven course in a degree program is subject to approval by the Departmental Curriculum Committee.

4.19 Student Course Grades

Please refer to the next section

4.19.1 Grade Changes

The instructor shall have the sole authority and responsibility in assigning grades for the course. Grades may be changed as a result of:

- a.** grade change initiated by the instructor and approved by the appropriate department chair and academic dean;
- b.** grade change initiated by the department chair with the approval of the academic dean for cases where the instructor cannot be contacted, and there exists clear and convincing evidence for a grade change;
- c.** grade change due to disciplinary action imposed by the Dean of Students or Hearing Officer for violation of University rules; or
- d.** action taken by the Student Welfare and Grievance Committee in grade appeal procedures.

Grades determined as a result of actions taken in items a. or b. above are final and not subject to change. No other grade change shall occur without the consent of the instructor.

The Registrar shall notify the instructor of any change of grade previously assigned.

4.19.1.1 All student-initiated grade reviews and grade appeals shall be made no later than one year after the official grade has been released to the student; for a student who has graduated, the deadline is three months following the semester in which the degree was awarded.

Any student may request the faculty member to review and re-evaluate a grade previously given. The student may also seek assistance from the department chair or the academic dean in obtaining a grade review by the faculty member.

After a grade review, a formal grade appeal process is available in cases where a student wishes to appeal a grade assigned by the instructor. The formal appeal shall be officially filed with the Student Welfare and Grievance Committee no later than one year after the official grade has been released to the student; for a student who has graduated, the filing deadline is three months following the semester in which the degree was awarded.

4.20 Faculty Credentialing

It is the policy of the University to ensure that all employees holding a Tenured, Tenure-track, or Lecturer ("Faculty") title possess the academic preparation, training, and experience to teach in an academic setting and meet the minimum requirements of accrediting bodies and state agencies. This policy applies to all full and part-time tenure, tenure-track, and lecturer (Faculty) titled positions.

4.20.1 Guidelines for the Provost

The Provost is responsible for the verification and validation of all faculty credential requirements. The verification and validation of these requirements will be compiled and listed on the "Faculty Credentials Verification" form. This form combines the educational and experience requirement information from applicable accrediting agencies and the Southern Association of Colleges and Schools (SACS), and identifies and lists the credential requirements for faculty teaching in each college at the University.

4.20.2 Guidelines for Deans

Prior to any faculty member's appointment with the University, the Dean of the college examines and approves the prospective faculty member's credentials and folder to ensure that they meet the requirements listed by the respective accrediting agency. The Dean will work with the Chair to acquire the documents required for the credentialing process. The Dean will forward the completed "Faculty Credential" folder to the Provost for verification and signature.

4.20.3 Guidelines for Department Chairs

Prior to any faculty member's appointment with the University, the Chair of the department examines the prospective faculty member's credentials to verify that they meet the requirements of the position. If a transcript is unclear, the University will contact the institution producing the transcript, and request that the institution provide information regarding the transcript or courses in question. In the event, the institution ceases to exist and there are no records or method of verification, the faculty member may be required to provide references to support academic course work.

4.20.3.1 Verification of work and/or teaching experience exclusive of the application/resume, as required for a particular discipline will include the preparation of "Work Experience Verification" form, if applicable, and relevant documentation to verify the experience. If the credentials meet or exceed those required, and a decision is made to hire the faculty member, the Chair will prepare a "Faculty Credentials" folder in accordance with current University standards. The Chair will forward the completed "Faculty Credential" folder to the Dean for verification and signature.

4.20.3.2 Any faculty member teaching graduate courses must apply for membership in the Graduate Faculty through the Graduate Dean prior to the first day of class. Members of the Graduate Faculty are expected to hold the doctorate or appropriate terminal degree. Any exceptions must be documented by the department and documentation forwarded through the academic dean to the Dean of the Graduate School with the application for membership in the Graduate Faculty.

4.20.3.3 Individuals employed to teach graduate classes as part-time lecturers must provide an official transcript and current curriculum vitae/resume to the department chair/program director prior to the first day of class. The department chair/program director is responsible for nominating each part time lecturer teaching graduate classes for temporary membership in the Graduate Faculty immediately on appointment for teaching duties. A complete credential file is due to Human Resources no later than census day (12th day of class).

4.20.3 Guidelines for Faculty Members

It is the responsibility of the prospective faculty member to provide the University with all of the documentation needed to verify their credentials. This includes, but is not limited to, a resume/vitae, resume supplement, official transcripts (indicating terminal degree or other appropriate transcripts) appropriate licenses or certifications, and the verification of work related to teaching experience (as needed). The cost to obtain official transcripts (including necessary translations and evaluations of foreign transcripts) and copies of licenses and certifications is borne by the prospective faculty member. It is the responsibility of faculty members teaching in disciplines that require licensure and/or certification to acquire and maintain those credentials, and to provide documentation of licensure and certification for inclusion in the Faculty Credential folder to Human Resource Services (HRS). The University may periodically request updated documents from faculty members to maintain the credential folders. New faculty members must provide an official transcript at time of hire.

“All but Dissertation” (ABD) faculty members must provide an official transcript with proof of their terminal degree within one (1) year of their appointment.

4.20.4 Human Resource Services and Faculty Credentialing

The Chair will forward a copy of the acceptance of the offer to HRS within one (1) week of receipt. HRS will place the letter in a “pending folder” to match the letter with the corresponding credential file to ensure that all the related documents have been received. HRS will notify the appropriate Chair if there are any discrepancies in receipt of the credential folder. If there are discrepancies, the Chair must submit the required credential documents within forty-five (45) days of hire for tenure and tenured-track faculty and thirty (30) days of date of hire for Lecturers. Currently active lecturers working for the University will be given (30) days to comply once notified by the Chair. In terms of transcripts, the University requires official transcripts identifying degrees or coursework needed for credentialing. Official transcripts are defined as those transcripts transmitted directly from the issuing institution to the University’s hiring department.

4.20.4.1 HRS will maintain an electronic database of faculty credentials.

HRS will use the database to provide accurate, timely information to various accrediting agencies, federal, state, local agencies and college departments. The “Faculty Credential” folder will be maintained by the HRS Department. The folders are only available for review by the Chair, Dean, and the Provost in HRS. Folders will not be issued outside HRS.

4.20.4.2 HRS will, once a semester, coordinate with the Department of Information Technology and the Office of the Provost to create a complete listing by department, of all faculty appointments. HRS will perform a review to ensure a completed faculty credential folder is on file for all faculty with a current appointment.

4.20.5 Alternative Credentialing

When the credentials of the person do not meet the stated standards, but the prospective faculty member possesses outstanding professional experience and demonstrated contributions to the

teaching discipline, the individual may be alternatively credentialed on recommendation of the Dean and approval of the Provost. Sufficient objective documentation to support outstanding experience and demonstrated contributions are required to warrant consideration. The candidate for alternative credentialing must provide to the Provost, through the appropriate Dean, the following documents:

- a. current resume or curriculum vitae;
- b. copy of official transcript(s); or
- c. memorandum from a faculty member to the Chair addressing specific outstanding professional experience and specific demonstrated contributions toward the teaching discipline.

4.20.6 Official Transcripts

For purposes of this policy, an official transcript is defined as either stated on the document that it is official and possesses the following criteria. Each individual official transcript must meet the authentication criteria based on that institution's standards. The transcripts must possess all of the following:

- a. the issuing institution's official seal;
- b. signature of the appropriate authorizing agent, preferable the institution's Registrar;
- c. the institution's official letterhead or stationary;
- d. the institution's watermark or other identifier; and
- e. date of issue.

The official transcripts are required to be sent to the faculty member's department head or HRS. Official transcripts that are issued to the former student (faculty member) are acceptable as long as they meet the criteria defined above. It is the responsibility of the faculty member to provide the official transcript. The Department Chair, Dean, and Provost are responsible for ensuring the authenticity of the transcript. Transcripts that are classified as unofficial will not be accepted as official.

4.20.7 Foreign Transcripts

All transcripts submitted by a potential faculty member from foreign universities or schools must be evaluated for equivalency to United States accredited course work by a University approved agency. All costs for these services are borne by the prospective employee. Only course work and degrees granted by an accredited college or university, or an acceptable evaluation of foreign course work and degrees will be accepted for credentialing faculty. The Chair maintains and distributes information regarding the processing of foreign transcripts.

4.20.8 Transcripts from Non-Regional Accredited Institutions

The hiring of individuals whose qualifying degree is from a non-regionally accredited institution in the United States (U.S.) will be considered on case-by-case basis. When hiring such individuals, additional criteria beyond those listed in the Faculty Credential Requirements form must be considered. Criteria to be considered include the degree issuing institution's reputation, whether the institution is accredited or recognized by other agencies or organizations, and a thorough evaluation of the candidate's course work and experience. If such a hire is deemed desirable, then the Chair must fully evaluate the faculty member's educational background and experience, and document the findings in a memorandum to the Provost. If the Provost agrees that the individual possesses the appropriate academic preparation and experience, the Chair will prepare a Faculty Credential folder in accordance with current standards, and include the documentation of their findings in the folder.

4.20.9 Pending Faculty Credential Folder

At times it may be necessary to have a faculty member begin teaching prior to the receipt of an official transcript. In these cases a folder will be prepared by the Chair containing all of the information except the official transcript(s). An unofficial transcript must be included in the folder to show that the individual meets the credential requirements. A copy of the request for an official transcript must be included in the folder. The Chair will call the University/College and obtain over the phone conformation of the degree and major field. Additionally, the Chair will attempt to confirm receipt of the transcript request and if there is any type of hold on the release of the transcript. Once the official transcript arrives, it will be placed in the Credential Folder and all necessary signatures will be obtained. There is a thirty (30) and forty five (45)-day period where a credential folder can be listed as "Pending" from the receipt of application. Please reference Section V. of this policy for the appropriate timelines.

4.20.9.1 Current Lecturers: If after the thirty (30) day period has elapsed and the credential folder has not been removed from "pending" status and the faculty member does not meet the credential requirements to perform the assigned duties, the individual will not be considered for hire, or if already employed, the individual will be removed from his or her assignment. Removal may result in the faculty member's placement on Administrative Leave, with or without pay until the matter has been resolved. When the required documents have been received, the faculty member's respective Dean will re-certify and place the faculty member in the former assignment.

4.20.9.2 New Hire Faculty Members: If after the forty-five (45) day period has elapsed and the credential folder has not been removed from "pending" status and the faculty member does not meet the credential requirements to perform their assigned duties, they will not be considered for hire, or if already employed, the individual will be removed from their assignment. Their removal may result in the faculty member's placement on Administrative Leave, with or without pay until the matter has been resolved. When the documents have been received, the faculty member's respective Dean will re-certify and place the faculty member to their former assignment.

4.21 Faculty Controlled Substance Policy

The University of Texas at El Paso (UTEP) is committed to producing qualified, competent and responsible health care professionals. A fundamental aspect of the core curriculum for these professions includes the practical training received in area hospitals and clinical care facilities. A condition of being allowed to train in these healthcare facilities is that both the student and faculty member be tested for illegal drugs and that the tests produce a negative result. Therefore, this policy establishes that any faculty member with responsibilities at a healthcare facility with an affiliation agreement with UTEP requiring drug screening for faculty must undergo a drug test for the presence of illegal drugs. The test results must be negative for the faculty member to assume a position in this capacity or to continue performing in the assigned capacity.

Faculty needing help or rehabilitation in dealing with a drug problem are encouraged to contact, on a confidential basis, Human Resource Services, the respective Dean, the Provost or the Employee Assistance Program (EAP) representative for assistance. Conscientious efforts to seek assistance will not result in disciplinary action against the employee solely because the faculty member seeks counseling or treatment for chemical dependency.

4.21.1 Definitions

- a.** "Legal drugs" for the purposes of this policy are those drugs that have been prescribed by a doctor and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured. Proof of a valid prescription will be required for all prescription medication.
- b.** "Illegal drugs" for the purpose of this policy means any controlled substance (a) that is not legally obtainable, (b) that is legally obtainable but has not been legally obtained, including prescribed drugs not being used for prescribed purposes, or (c) that is prescription medication purchased in another country without a valid prescription from a licensed physician, dentist, or a recognized practitioner.

c. "Under the influence" for the purpose of this policy means having the presence within the body of prohibited amounts of drugs detectable by scientific test from a licensed laboratory. Prohibited amounts of drugs will be those threshold limitations set by the United States Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs, as amended from time to time.

d. "Employee" is defined as a full or part-time faculty member who is engaged in the assignment, supervision, instruction or education of UTEP students in a hospital or a clinical care facility that maintains a drug free environment.

4.21.2 Rules of Conduct

a. The use, sale, purchase, manufacture, possession or transfer of any illegal drug, or being under the influence of any illegal drug during work time is prohibited. Work time includes normal employment hours and also includes any other activity where employees are representing the University in any way or working within the course and scope of their employment in any way.

b. Employees subject to this policy must notify their supervisor or other management official of the University within five days of their conviction for a violation of any federal, or state criminal statute involving manufacture, distribution, dispensation, use or possession of a controlled substance.

4.21.3 Current Active Employees

All full- and part-time regular employees who are engaged in the assignment, supervision, instruction or education of students in a hospital or clinical care rotations will be notified that they are covered by this policy and will be required to consent to a urinalysis for the purpose of testing for the presence of illegal drugs.

4.21.4 Applicants for Employment

All offers for employment to faculty members for a position covered by this policy are conditioned upon a verified negative drug screening. All applicants who have been conditionally accepted for employment as a UTEP faculty member for a position covered by this policy will be required to provide a urine sample for testing for the presence of illegal drugs.

4.21.4.1 All published or posted notices of vacancies in positions covered by this policy shall state that the applicant selected for hire will be required to consent to a urinalysis for the purpose of testing for the presence of illegal drugs.

4.21.4.2 Applicants selected for hire who refuse to consent to a urinalysis or who test positive for the presence of illegal drugs will not be considered for employment in a position covered by this policy and may not reapply for such employment for a period of six months.

4.21.4.3 Prior to signing the consent form, applicants selected for hire will be informed of the testing procedures in writing.

4.21.5 Testing for Drugs

4.21.5.1 Use of Licensed Laboratory

Testing for drugs required under this policy will be performed by a laboratory retained by the University that is properly licensed or certified, as required by state law. Tampering of the specimen of any nature will result in disciplinary action up to and including termination of employment. The laboratory will automatically conduct a confirmation test on all samples that produce a positive test result on an initial screen. Positive test results may be appealed to the laboratory and/or medical review officer as applicable or appropriate.

4.21.5.2 Scope of Drug Screening

The drug screening will include testing for a predetermined number of drug panels that can be modified without previous notice. Currently the panels are:

1. Amphetamines
2. Barbiturates
3. Benzodiazepines
4. Cocaine Metabolite
5. Opiates
6. Phencyclidine (PCP)
7. Marijuana (THC) Metabolite
8. Methadone
9. Methaqualone
10. Propoxyphene
11. Meperidine

4.21.5.3 Period of Validity

The drug screen will be honored for a five-year period, provided the faculty member has not had a break in employment.

4.21.5.4 Right of Refusal

Any faculty member has the right to refuse to submit to a drug test.

4.21.5 Consequences of Refusal or Policy Violation

Any faculty member who refuses to submit to a drug test, who in a test administered pursuant to this policy tests positive for the presence of illegal drugs, who refuses to cooperate with proper and lawful procedures associated with such test, or who otherwise violates the Rules of Conduct contained in this policy, will be subject to a review and further action by the respective Dean, and the Provost.

4.21.5.1 Mandatory Consultation: A mandatory consultation with the EAP representative will be required for evaluation and appropriate treatment. Rehabilitation itself is the responsibility of the employee. Any employee seeking medical attention for drug abuse may be entitled to benefits, depending on insurance coverage, on the same basis and with the same restrictions and limits for illnesses. In addition, an employee covered by this paragraph may be tested for drugs after participation in a University-referred Employee Assistance/Rehabilitation Program for a period of up to two years. Such testing will be administered on an unannounced and periodic basis. Employees in this situation will be required to review and sign an agreement to comply with the aforementioned requirement as a condition of employment.

4.21.5.2 Removal from Clinical Assignment: In the event the faculty member is observed or reported as impaired, the faculty member will be immediately removed from the hospital or clinical care setting. The respective Dean will appoint a substitute faculty member to supervise the students, or the students will be dismissed from the clinical setting for that day and an alternative learning experience will be provided.

4.21.5.3 Rejection of Treatment or Failure of Rehabilitation: Any faculty member who rejects the recommended treatment or leaves a treatment program prior to being properly discharged will be subject to review and further action by the respective Dean and Provost. Any faculty member who has a re-occurrence of a drug problem identified by a positive drug test as outlined in this policy will be subject to a review and further action by the respective Dean and Provost.

4.21.5.4 Licensing Board Notification and Other Mandatory Reporting: UTEP will comply with all applicable federal and state reporting laws.

4.21.5.5 The University reserves the right to take any action deemed appropriate given the particular circumstances and in the best interest of the University.

4.21.7 Urinalysis Procedure

In order to assure individual privacy without compromising the integrity of the test result, the University and the licensed laboratory will use the mandatory Guidelines for Federal Workplace Drug Testing Programs and the Procedures for Transportation Workplace Drug Testing for tests pursuant to this Policy, as published in Volume 53 of the Federal Register, pages 11979-11989 and Volume 59 of the Federal Register pages 7354-7357.

4.21.8 Records

4.21.8.1 Confidentiality

Reports and related records of an applicant's or an employee's drug test are considered confidential with restricted access. Information contained in the reports/records will not be shared with hospitals or clinical care facilities unless a legitimate need is demonstrated and approved by the respective Dean.

4.21.8.2 Maintenance

Reports and related records will be maintained in a secure manner and maintained in accordance with University policy.