

# Academic Policies and Faculty Personnel Matters

<b>Section:</b>	III: Academic Affairs
<b>Chapter:</b>	4
<b>Date Updated:</b>	November 4, 2016

## 4.1 Titles

### 4.1.1 General Provisions

All teaching positions shall be identified by titles specified in Regents' Rule [31001](#).

### 4.1.2 Academic Titles

**4.1.2.1 Regular Academic Titles** - The regular academic titles 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, Visiting or Adjunct Assistant Professor, or other titles allowable in the Regents' [Rules and Regulations](#).

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

### 4.1.3 Honorary Titles (Emeritus or Emerita Professor)

**Updated November 4, 2016**

**4.1.3.1** The title Professor Emeritus or Emerita recognizes meritorious service by a faculty member retiring at the rank of Professor or Associate Professor.

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

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.

**4.1.3.2** Nominations for Emeritus/a status shall be initiated in the faculty member's department. The nomination must be accompanied by documentation of exceptional and meritorious service, 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 the Emeritus Committee. The Emeritus Committee shall be comprised of distinguished faculty at the rank of Professor to be appointed by the President of the Faculty Senate. The 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/a status except the title itself.

## **4.2 Academic Freedom and Responsibility**

### **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 scholarship and research in a field of specialization constitute the guidelines for these responsibilities.

Academic freedom does not extend to the promulgation and exploitation 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**

#### **4.3.1 System Policy**

The greater duties of members of the Teaching Staff are described in Regents' Rule [31004](#).

#### **4.3.2 University Policy**

All University faculty are expected to perform certain duties:

- 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 and by other scholarly activities that contribute to the advancement of education in the discipline;
- 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 or School and the University;  
and
- g. To influence beneficially students and the larger community in various extracurricular ways.

#### **4.3.3 Academic Workload Requirement (Updated July 27, 2015)**

##### **4.3.3.1 System Policy**

The academic workload requirements are described in Regents' Rule [31006](#).

##### **4.3.3.2 University Policy**

Important elements of workload include classroom teaching, basic and applied research, and professional development. Workload for the faculty members of the institutions of The University of Texas System is expressed in terms of classroom teaching, teaching equivalencies, and presidential credits for assigned activities.

Each faculty member shall be assigned a minimum workload equivalent to 18 semester credit hours of instruction in organized undergraduate classes each nine-month academic year, or fiscal year at an institution's option, in accordance with guidelines listed below. An institution may enact more intensive and/or more detailed minimum requirements for inclusion in the institutional *Handbook of Operating Procedures*.

When a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum workload shall be proportioned to the percentage of salary paid from the appropriations item "Faculty Salaries."

#### **4.3.3.3 Equivalencies**

The following equivalencies are available to meet workload requirements:

**4.3.3.3.1 Graduate Instruction.** One semester credit hour of graduate instruction will be considered the equivalent of one and one-half semester credit hours of undergraduate instruction.

**4.3.3.3.2 Labs.** One and one-half contact hours of instruction of regularly scheduled laboratory and clinical courses, physical activity courses, studio art, studio music instruction, and primary music performance organizations, such as ensembles and marching bands, for each week of a long-term semester will be considered the equivalent of one semester credit hour of undergraduate instruction.

**4.3.3.3.3 Supervision.** Supervision of student teachers, clinical supervision, and intern supervision shall be credited such that 12 total student semester credit hours taught will be considered the equivalent of one semester credit hour.

**4.3.3.3.4 Honors Program or Individual Research Projects.** Supervision of student practicum and individual instruction courses, such as honors programs and individual research projects, shall provide equivalency at the rate of one-tenth semester credit hour for each student semester hour of undergraduate instruction and one-fifth semester hour for each student semester hour of graduate instruction per long-term semester. In no case will individual instruction in a single course generate more semester credit hour equivalence than if the course were taught as a regularly scheduled, organized course.

**4.3.3.3.5 Thesis or Dissertation Supervision.** Graduate thesis or dissertation supervision shall provide equivalent credit hours only to the chairperson of the thesis or dissertation committee at the rate of one semester credit hour for each six total student semester hours of thesis research credit and at the rate of one

semester credit hour for each three total student semester hours of dissertation credit.

**4.3.3.3.6 Coordination of Courses.** A faculty member who coordinates several sections of a single course shall be given one semester hour of workload credit for each six sections coordinated up to a maximum of three semester hours of credit per semester.

**4.3.3.3.7 Large Classes.** Workload credit may be proportionally increased for teaching a large class that requires extensive grading or evaluation of students' work by the faculty member according to the following weighing factors:

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

**4.3.3.3.8 Proportional Credit.** When more than one teacher participates in the instruction of a single course, the credit is proportioned according to the effort expended.

**4.3.3.3.9 Insufficient Enrollment.** A reduced workload may be granted temporarily if assigned classes do not materialize because of insufficient enrollment and when additional classes or other academic duties cannot be assigned to the faculty member. This exception may be granted for two consecutive long-term semesters only for any particular faculty member.

**4.3.3.3.10 Administrative Services.** Workload credit may be granted for a faculty member who is head of a department or head of a comparable administrative unit up to a maximum of six semester hours of workload credit per semester. When justified by the department/unit head and approved by the institutional head, three hours of credit may be given to faculty members who provide non-teaching academic services to the department/unit head. In no case will the total for departmental administration, including the head, exceed nine workload credits per semester unless the institution's organizational structure includes academic units composed of more than one academic discipline.

**4.3.3.3.11 New Faculty Members.** At the recommendation of the head of the department or comparable unit and upon approval of the institutional head, up to three semester hours of workload credit for each of two semesters may be given to a newly-appointed faculty member during the first year of employment for the purpose of developing instructional materials for the courses he or she will teach.

**4.3.3.3.12 Course Development.** At the recommendation of the departmental chair and upon approval of the institutional head, workload credit may be granted to a faculty member involved in the creation of a new course, new course format, or new course materials.

**4.3.3.3.13 Credit Granted by Institution Head.** Academic workload credit granted by the head of the institution for all other purposes is limited to 1% of the total semester credit hours taught at the institution during the comparable (fall or spring) semester in the previous year. With the approval of the institutional head, limited faculty workload credit (within the 1% limit above) may be granted for major academic advising responsibilities, for basic and applied research following a research work plan approved pursuant to institutional policy, for preparing major documents in the fulfillment of programmatic needs or accreditation requirements, or for duties performed in the best interest of the institution's instructional programs as determined by the head of the institution.

#### **4.4 Appointment, Promotion, Tenure, and Termination**

The general provisions and regulations governing tenure, promotion, and termination of employment as adopted by the The University of Texas System Board of Regents are provided in Regents' Rules [31007](#), [31008](#), [30103](#), [31002](#), and [31003](#). These regulations, as applicable to The University of Texas at El Paso, are paraphrased below. Procedures and criteria 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. Only members of the faculty with the academic titles of Professor, Associate Professor, or Assistant Professor may be granted tenure. Tenure may be granted to Associate Professors and Professors 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 the maximum probationary period for earning 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 nontenured 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 1st of the sixth academic year of the probationary period, all nontenured faculty serving in a rank that accrues time toward the maximum probationary 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 nontenured 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 the 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 1st 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' Rule [31007](#). Only full-time faculty holding tenure-track rank (Assistant Professor, Associate Professor,

or full Professor) as defined by Regents' Rules [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 request in writing an extension of the probationary period outlining the details of the 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 his or her family. 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 (3) months before the faculty member initiates the mandatory tenure-review process. All requests shall be limited to 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 and 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 Academic Dean. 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 evaluating 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, or 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 nontenured 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 nontenured 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 or tenure-track 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 they hold on the faculty of any other 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 tenured faculty member who has been granted tenure, and of any other faculty members before the expiration of the stated appointment period, except as otherwise provided in 4.4.3, by resignation or retirement, or as otherwise provided in the Regents' Rules will be only for good cause shown. In each case, the issue will be determined by an equitable procedure, as outlined below and in accordance with Regents' Rule [31008](#), affording protection to the rights of the individual and to the interests of the University.

**4.4.2.1 Review of Allegation.** The President shall assure that all allegations against a faculty member involving the potential for termination are reviewed under the direction of the Provost, unless another officer is designated by the President. The faculty member who is the subject of the allegations shall be given an opportunity to be interviewed and shall have the right to present a grievance, in person or through a representative, to the Provost on an issue or subject related to the allegations under review. The Provost or another individual designated by the President, if the allegations pertain to the Provost shall take the grievance if any, into consideration prior to making a determination whether the allegations are supported by evidence that justifies the initiation of termination procedures. Upon making that determination, the Provost or other appropriate designee will recommend to the President whether to proceed with charges for termination. Failure to present a grievance to the Provost or other appropriate designee prior to his or her recommendation shall not preclude the faculty member from

presenting an issue or subject to the special hearing tribunal in defense of charges for termination that may result from the review. A tenured faculty member who is recommended for termination on the basis of periodic evaluation must be given the opportunity for referral of the matter to nonbinding alternative dispute resolution, as required by applicable legislation and policies and procedures for alternative dispute resolution within The University of Texas System and the University, prior to referral of the charges to a hearing tribunal.

**4.4.2.2 Response to Allegations.** If the President determines that the allegations are supported by evidence that justifies the initiation of termination procedures, the President will meet with the faculty member, explain the allegations and supporting evidence, and give the faculty member a reasonable amount of time, as determined by the President, to respond either orally or in writing.

**4.4.2.2.1** The President may in the best interest of the institution suspend an accused faculty member with pay pending the completion of the hearing and a final decision.

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

**4.4.2.3 Hearing Tribunal.** In cases where other offenses are charged, and in all cases where the facts are in dispute, the accused faculty member will be informed in writing of the charges. The charges will be heard by a special hearing tribunal comprised of at least three (3) faculty members whose academic rank and tenure are at least equal to that of the accused faculty member. The hearing tribunal members shall be appointed by the President from a standing pool of members of the faculty. At least 50% (fifty percent of the standing pool members shall be selected by a procedure established by the Faculty Senate; the remaining standing pool members shall be selected by the President. A minimum of one (1) member of the hearing tribunal appointed by the President is to be from among standing pool members selected by the Faculty Senate for the standing pool.

**4.4.2.3.1** The accused faculty member will be notified of the names of the faculty members selected for the hearing tribunal, and the date, time, and place for the hearing. Notice of such shall be provided at least eight (8) workdays prior to the hearing.

**4.4.2.3.2** 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. If counsel represents the accused faculty member, the institution is entitled to be represented by counsel from System's Administration's Office of General Counsel.

**4.4.2.3.3** 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.

**4.4.2.3.4** An 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.

**4.4.2.3.5** A representative of the University may appear before the hearing tribunal to present witnesses and evidence against the accused faculty member in support of the charge(s) 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. The University has the burden to prove good cause for termination by the greater weight of the credible evidence.

**4.4.2.3.6** 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 from the panel described in 4.4.2.3.

**4.4.2.3.7** 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 disposal of the case. The original copy of such findings and the basic recommendation, together with any supplementary suggestions, shall be delivered to the President with a copy thereof to the faculty member. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The original transcript of the testimony and the exhibits shall also be forwarded to the President.

**4.4.2.4 President's Report.** Within fourteen (14) workdays after receipt of the findings and recommendations of the hearing tribunal, the President shall make one of the following decisions based solely on the evidence of record in the proceedings and report that decision in writing to the accused faculty member:

**4.4.2.4.1** The President may decide to dismiss the matter or impose sanctions short of termination. In this case, the President's decision is final and the Board of Regents will not review the matter.

**4.4.2.4.2** If the allegations are supported by evidence that constitutes good cause for termination, the President may decide to recommend termination to the Board of Regents. If so, the President shall forward the findings and recommendations of the hearing tribunal, the original transcript of the testimony, and the exhibits to the Board of Regents for its review, along with the President's report. If the President's recommendation is not the same as the majority recommendation of the hearing tribunal, the President shall state the reasons for the President's decision to recommend termination in his or her report. The accused faculty member may, within seven workdays after receiving the President's report, submit a written response to the Board of Regents. The response must be based solely on the evidence of record in the proceeding.

**4.4.2.5 Board Review.** 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.

**4.4.2.6. Reasons for Termination Not Required.** Full-time faculty members, other than tenured faculty members, who are notified that they will not be reappointed or have not been reappointed are not entitled to a statement of the reasons upon which the decision for such an action is based.

**4.4.2.6.1** Full-time faculty members, other than full-time tenure-track faculty members, may, however, present a grievance concerning the decision, in person, through the procedures described in Section V. Chapter 7 of this Handbook of Operating Procedures.

**4.4.2.6.2** Full-time 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. Such a decision shall only be subject to review pursuant to the following procedures:

**4.4.2.6.2.1. Grievance.** The affected faculty member may present a grievance, in person or through a representative, to the Provost or another individual designated by the President if the allegations pertain to the Provost on an issue or subject related to a nonrenewal decision.

The Provost shall meet with the faculty member. Unless a review by a hearing tribunal is requested and granted pursuant to Section 4.4.2.7.2 below, the nonrenewal decision shall not be subject to further review.

**4.4.2.6.2.2 Hearing Tribunal to Hear Grievance.** A review by a hearing tribunal shall be granted only in those cases where the affected faculty member submits a written request for review by a hearing tribunal to the President and describes in detail the facts relied upon to prove that the decision was made for reasons that are unlawful under the Constitution or laws of Texas or the United States of America. If the President determines that the alleged facts are proven by credible evidence and support a conclusion that the decision was made for unlawful reasons, such allegations shall be heard by a hearing tribunal under the procedures established in Section 4.4.2.4 above as in the case of dismissal for cause, with the following exceptions:

**4.4.2.6.2.2.1** The burden of proof is upon the affected faculty member to establish by greater weight of the credible evidence that the decision in question was made for reasons that are unlawful under the Constitution or laws of Texas or the United States of America.

**4.4.2.6.2.2.2** The University administration need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents credible evidence that, if unchallenged, proves the decision was made for unlawful reasons.

**4.4.2.6.2.2.3** The hearing tribunal shall make written findings and recommendations based on the evidence presented at the hearing and shall forward such findings and recommendations with the transcript and exhibits from the hearing to the President.

**4.4.2.6.2.2.4** The President may approve, reject, or amend the recommendations of the hearing tribunal or may reach different conclusions based upon the record of the hearing. The decision of the President shall be final.

### **4.4.3 Notice Requirements**

#### **4.4.3.1 Non-reappointment**

In the event of a decision not to reappoint a nontenured faculty member, written notice will be given to 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 nontenured faculty members 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 or Position Abandonment or Reduction**

**4.4.4.1** The President of the University is responsible for determining when it shall be necessary for bona fide academic reasons or an institutional financial exigency to eliminate or reduce occupied academic positions, or abandon academic programs, or both, subject to approval by the Executive Vice Chancellor for Academic Affairs of The University of Texas System. The decision of the President shall include full and meaningful faculty input as specified below and in the Regents' Rules and the implementation of that decision shall be subject to the following minimum procedural requirements.

#### **4.4.4.2 Elimination for Academic Reasons.**

An academic program under consideration for abandonment or any academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through a procedure determined by the President and as outlined

below. Neither the procedures specified in Rule [31008](#) of the Regents' Rules concerning termination of a faculty member, the notice requirements of Rule [31007](#), Section 5 concerning tenure, nor Rule [31002](#), Sections 1 and 2 concerning notice of nonrenewal to nontenured faculty members shall be applicable.

**4.4.4.2.1 Committee Recommendations.** Upon determining the need to reduce academic positions or academic programs, or both, the President shall appoint a committee comprised of faculty and administrative personnel to make recommendations to the President as to which academic positions and/or academic programs should be eliminated. The faculty members of this committee shall be a majority of the total membership of this committee. At least one-half of the faculty members will be selected by the President from a slate of tenured faculty members developed by the Faculty Senate.

**4.4.4.2.1.1 Notification.** Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified and afforded an opportunity to contribute to the review process.

**4.4.4.2.2 Assessment of Academic Program.** The committee will review and assess the academic programs under consideration for possible elimination or reduction, and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued and upon other critical components of the University's mission.

The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity); (d) the demand for graduates and/or (e) the ability to meet professional accrediting standards.

**4.4.4.2.3 Review Consideration.** Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the President, in writing the particular position or positions to be terminated after reviewing the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program they serve, past 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 below.

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

**4.4.4.2.4 Supporting Rationale.** Upon completion of the review process, the committee will submit a recommendation with supporting rationale to the Provost for review and recommendation to the President.

**4.4.4.2.5 Review by Executive Vice Chancellor.** If the President determines that an academic program should be abandoned, a request for approval with supporting documentation shall be forwarded to the Executive Vice Chancellor for Academic Affairs of The University of Texas System.

**4.4.4.2.6 Hearing Committee.** The President shall appoint a hearing committee comprised of faculty members to consider any appeals for reconsideration of termination decisions based upon bona fide academic reasons. At least one-half of the faculty members will be selected by the President from a slate of tenured faculty members developed by the Faculty Senate.

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

**4.4.4.2.7 Appeal Procedure.** 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 appellant 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 procedures:

**4.4.4.2.7.1** The hearing will be closed to the public unless requested to be open by the appellant.

**4.4.4.2.7.2** The appellant may be represented by legal counsel at his/her expense.

**4.4.4.2.7.3** The appellant and the University may offer any written evidence or oral testimony that is material to the issues.

**4.4.4.2.7.4** The burden shall be upon the appellant to show by a preponderance of the credible evidence that the decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented.

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

**4.4.4.2.8 Establishment of date.** The date for abandoning or phasing out an academic program shall take into consideration the time required for anticipated completion by students currently enrolled or for facilitation of their placement in acceptable alternative programs.

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

**4.4.4.2.10 Employment Alternatives.** The President or designee will meet individually with tenured faculty who respond to discuss employment alternatives to termination.

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

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

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

**4.4.4.2.14 Employment Assistance.** The University shall provide appropriate assistance to affected faculty members concerning available alternative employment opportunities.

#### **4.4.4.3 Elimination Due to an Institutional Financial Exigency.**

When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions to be terminated shall be governed by this Handbook of Operating Procedures and Regents' Rule [31003](#), Section 3. Neither the procedures specified in Regents' Rule [31008](#) concerning termination of a faculty member, the notice requirements of Rule [31007](#), Section 5 concerning tenure, nor Rule [31002](#), Sections 1 and 2, concerning notice of nonrenewal to nontenured faculty members, shall be applicable.

Financial Exigency shall be defined as: a demonstrably bona fide financial crisis that adversely affects the University as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty.

**4.4.4.3.1 Committee Recommendations.** 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 comprised of faculty and administrative personnel to make recommendations to the President as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency.

The faculty members of this committee shall be a majority of the total membership of this committee. At least one-half of the faculty members will be selected by the President from a slate of tenured faculty members developed by the Faculty Senate.

**4.4.4.3.2 Assessment of Academic Program.** The committee will review and assess the academic programs of the University, and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued and upon other critical components of the University's mission. The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity); (d) the demand for graduates; and/or (e) the ability to meet professional accrediting standards.

**4.4.4.3.3 Review Consideration.** Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the President in writing the particular position or

positions to be terminated after reviewing the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program they serve, past 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 4.4.4.3.4 below.

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

**4.4.4.3.5 Recommendation.** Upon completion of its review, the financial exigency review committee shall promptly recommend in writing to the President those persons who may be terminated, ranked in order of priority, with the reasons for their selection.

The President shall, after consultation with such administrative officers as the President may deem appropriate, determine which academic positions from among those identified by the committee are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.

**4.4.4.3.6 Notification of Vacancies.** Any person terminated due to financial exigency will be notified when a vacancy occurs at the University in their field of teaching or expertise within the next two (2) academic years following the termination. If he or she 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 applications, employment will be offered to the person who is the better qualified for the position to be filled.

**4.4.4.3.7 Hearing Committee.** The President shall appoint a hearing committee comprised of faculty members to hear any appeals for reconsideration of termination decisions based upon financial exigency. At least one-half of the faculty members will be selected by the President from a slate of tenured faculty members developed by the Faculty Senate. Within thirty (30) days from the date of the notice of termination, a faculty member shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The

appeal for reconsideration shall be in writing and addressed to the President of the University. A faculty member who appeals to the hearing committee (the appellant) shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given all written data or information relied upon in arriving at such decision.

**4.4.4.3.8 Appeal Procedures.** 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 appellant 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;

**4.4.4.3.8.1** The hearing will be closed to the public unless requested to be open by the appellant.

**4.4.4.3.8.2** The appellant may be represented by legal counsel at his or her own expense.

**4.4.4.3.8.3** The appellant and the University may offer any written evidence or oral testimony that is material to the issues.

**4.4.4.3.8.4** The burden shall be upon the appellant to show by a preponderance of the credible evidence that:

**4.4.4.3.8.4.1** Financial exigency was not in fact the reason for the initial decision to reduce academic positions; or

**4.4.4.3.8.4.2** The decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented.

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

**4.4.4.3.8.6** 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 (Updated July 27, 2015)**

##### **4.4.5.1 Flow of Information**

In the procedures outlined below, information flows from the Department Chair to the Dean of the College or School 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 or comparable academic unit, after consultation with appropriate departmental committees. After review by the appropriate Academic Dean or Deans (including, where relevant, Dean of the Graduate School) and the Provost, the recommendations shall be submitted to the President.

b. Each faculty member shall be provided with a written statement of the terms of his/her appointment. Any such statement of terms must be issued by the President or designee.

##### **4.4.5.3 Initial Appointment and Promotion: Criteria**

The following are minimum expectations for initial appointments and promotions. Individual departments may impose more stringent standards, as long as these standards are approved by the Academic Dean 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 commitment and ability to contribute to the knowledge base of the discipline.

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. Have demonstrated excellence in teaching. Evidence may include the effective presentation of 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. Have actively and regularly contributed to graduate education through the teaching of graduate courses and through the supervision of graduate research. If the department lacks a robust graduate program, the candidate must provide other evidence of capability of teaching at the graduate level.

c. 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 academic journals, or by continued appropriate artistic expression; by national and international fellowships and awards won; and by national and international positions held in professional organizations. 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.

#### **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 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** Nontenured faculty may apply for tenure and promotion only once. Tenured faculty applying for a discretionary promotion to the rank of Professor may apply multiple times.

**4.4.5.4.3** The department shall review the performance of all tenured and tenure-track faculty annually to evaluate progress toward tenure 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 tenure and promotion 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 supply items a. through g. listed below.

**4.4.5.5.2** The documentation shall include:

- a. A curriculum vitae;
- b. Copies of all publications;
- c. Copies of any relevant unpublished works, e.g., grant applications, preprints, technical reports, presentations at meetings;
- d. Material related to teaching performance, including e.g., student and/or peer evaluations, syllabi, graded tests and papers, reflections on teaching and learning, evidence of professional development in teaching and learning, evidence of engagement in the scholarship of teaching and learning, advising and mentoring philosophy.
- e. Information related to Department, College, and University service, and to profession-related service outside the University;
- f. At least three (3) objective letters of evaluation from reputable individuals in the discipline who have never been closely associated with the candidate or the University. Each external reviewer must hold at least the rank for which the candidate is applying and be employed by at least a peer or aspirant peer institution. These letters shall be solicited by the Department Chair. The candidate may submit names of potential external reviewers for the Department Chair's consideration. Additional potential external reviewers may be solicited from the Dean. External reviewers must be apprised that letters must systematically assess the quality of candidates' research, scholarship, and creative work.

g. Other optional information or supporting documents that may be relevant to the decision, e.g., national awards and citations of scholarly or creative 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. The primary criterion for recommendations of tenure or promotion 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 research efforts (e.g., competitive proposals, external funding);
- d. Quality of shows, performances, national or international awards, etc. for those in the visual and performing arts;
- e. Quality of profession-related service outside the University;
- f. External letters of evaluation
- g. The candidate's contributions to the Department, the College or School, the University, and the discipline;
- h. The candidate's potential for future outstanding intellectual development and future positive contributions to the University.

**4.4.5.5.4 Departmental Vote**

Only the tenured faculty in a department are eligible to vote on recommendations for tenure. Only faculty members 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 or School, 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 or School.

**4.4.5.6.2** The committee shall review the departmental recommendations and supporting material and write a separate recommendation to the Dean for each candidate, including the vote tally and the reasons for the decision. Dissenting members of the committee may submit their own signed reports to the Dean.

**4.4.5.6.3** The Dean shall transmit to the Provost the curriculum vitae 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 Department, College or School, and University 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 or School will inform the Department Chair, who will in turn inform the candidate, of all decisions at the College or School 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 or School will inform the Department Chair, who will in turn inform the candidate, of all decisions at the College or School level. The candidate may

present additional information pertinent to the decision up to the level of the Provost.

#### **4.4.6 Criteria for Tenure and Promotion at The University of Texas at El Paso (Updated July 27, 2015)**

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

- a. All University faculty must satisfactorily perform the minimum duties specified in 4.3 above, however, satisfactory performance alone 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. Academic units are permitted to use such procedures as they devise, provided they do not conflict with the provisions of this Handbook and have been approved by the Dean of the College or School and the Provost. Those procedures shall be communicated to faculty.
- c. As the University's academic reputation grows, the standard of performance for awarding tenure and promotion will increase concomitantly. If a faculty member's accomplishments do not keep pace with the current standards of performance for tenure and promotion, 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 in effect when others in that department 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 individual faculty members is the granting of tenure. Tenure is awarded by the University as part of its larger pledge to protect the academic freedom of faculty, regardless of whether their work or ideas are unpopular or controversial. Tenure is an important commitment made only to those faculty members whose performance in research, teaching, and service exceeds the level of satisfactory, and who have demonstrated significant potential for continued performance at that high level, and for developing new knowledge and practice of national and international significance. The success of College and University programs depends upon the qualifications of the 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, practica, or internship work; in individual instruction in the fine arts; or in the scholarship of teaching and learning. 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 available levels of instruction, i.e., lower division, upper division, and graduate. 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 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. 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 academic 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, is 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, no fewer than three (3) letters of evaluation are used to assess the merit of the candidate's research and scholarship.

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 appear in recognized outlets appropriate for the discipline (e.g., publications, competitive external funding, national performances or exhibits.). Experiments completed but not published, books or articles in draft form, classified documents, and undisplayed works of art, for example, are considered to be private works and not yet in the public domain. They may, of course, be considered along with an individual's other accomplishments, but they may not 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 or School, and University activities is expected of all faculty members, such involvement is not adequate justification for awarding tenure.

#### **4.4.7 Promotion**

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

#### **4.4.8 Evaluation of Tenured Faculty Members Updated January 15, 2015**

In accordance with The University of Texas Board of Regents' Rules and Regulations, Rule [31102](#), the following is University policy for evaluation of tenured faculty members.

##### **4.4.8.1 Scheduled Evaluations**

**4.4.8.1.1** Each tenured faculty member will be subject to an annual evaluation. This evaluation may be conducted in connection with the determination of merit raises, in accordance with the procedures set forth in 4.5 Evaluation of Faculty for Merit Salary Increase.

##### **4.4.8.2 Comprehensive Periodic Evaluation**

**4.4.8.2.1 Scheduled Reviews.** Tenured faculty members will undergo a comprehensive periodic evaluation no less than every six (6) years. This evaluation may be combined with the sixth annual review of the faculty member. The evaluation may not be waived

for any tenured faculty member but may be deferred when the review period coincides with approved leave, comprehensive review for tenure, promotion, or appointment to an endowed position. No deferral of the comprehensive periodic evaluation of an active faculty member may extend beyond one year from the scheduled review.

Notwithstanding the schedule for comprehensive periodic evaluation, a faculty member who has an unsatisfactory annual evaluation may be subject to further review and/or appropriate administrative action.

**4.4.8.2.2 Review Categories.** Each faculty member being reviewed will be placed in one of the following categories: a. exceeds expectations; b. meets expectations (satisfactory); c. does not meet expectations; or d. unsatisfactory.

**4.4.8.2.3 Responsibilities Reviewed.** The evaluation will be based on the faculty member's professional responsibilities in teaching, scholarship, research, creative activities, service, and administration with consideration to the time devoted to each.

**4.4.8.2.4 Notice of Evaluation.** Reasonable individual notice of at least six months of intent to conduct a comprehensive periodic evaluation will be provided by the Department Chair (or equivalent administrator in non-departmental academic units). The evaluation will normally occur at the time of the annual review process.

**4.4.8.2.5 Material Submitted.** At the time of notification of the evaluation, the Department Chair will give the faculty member a copy of previous annual merit reports for the review period. The faculty member being evaluated will submit a résumé, including a summary statement of professional accomplishments, previous annual reports for the evaluation period, and teaching evaluations. The faculty member may provide a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate.

**4.4.8.2.6 Departmental Tenured Faculty Review Committee.** The comprehensive periodic evaluation will be carried out at the level of the faculty member's department (or equivalent unit) by a committee of tenured faculty, elected by the voting members of the departmental faculty. The Chair of the Departmental Tenured Faculty Review Committee will be elected by the committee members.

**4.4.8.2.7 Review of Evaluation.** Evaluation will include review of the current résumé, evaluations of teaching for the review period (including student evaluations and other supporting evidence provided by the faculty member), annual reports for the review period, and all materials submitted by the faculty member. Upon the request of a faculty member under review, that individual will be provided with the opportunity to meet with the review committee.

**4.4.8.2.8 Communication of Tenured Faculty Review Committee Results.** The committee chair will communicate the committee's evaluation results in writing to the

faculty member and to the Department Chair. The Department Chair will provide the evaluation results to the Dean for review and appropriate action. In addition, the evaluation results will be reported by the Dean to the Provost, who will provide the results to the President. If the comprehensive periodic evaluation result is satisfactory, no further action will be taken.

**4.4.8.2.9 Tenured Faculty Peer Review Committee.** If the faculty member, the department chair (or equivalent) requests, or if and when the Dean determines the comprehensive periodic evaluation is unsatisfactory and that more intensive review of a faculty member is needed, then the Dean, in consultation with the tenured faculty in his or her college, will appoint an Individual-Tenured Faculty Peer Review Committee. The peer review committee members will be representative of the college or school and will be appointed on the basis of their objectivity and academic strength. In all colleges or schools, committees appointed to perform a more intensive review will be comprised only of faculty of the same or higher rank as the faculty member being reviewed. Each committee will elect its chair. The committee may request additional relevant information from the faculty member under review including reviews external to the University from scholars in the discipline. The faculty member under review may also submit additional materials. Upon the request of the faculty member under review, that individual will be provided an opportunity to meet with the peer review committee. The peer review committee will report its findings within six months of its constitution.

**4.4.8.2.10 Communication of Tenured Faculty Peer Review Committee Results.** Peer review evaluation results will be communicated in writing to the faculty member and to the Department Chair, the Dean, the Provost, and the President for review and appropriate action.

**4.4.8.2.10.1** In cases where the faculty member's performance is found satisfactory by the peer review committee, no further action is required. In this case, the peer review evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.

**4.4.8.2.10.2** For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used to provide such support, the evaluation may be used to provide such (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations).

**4.4.8.2.10.3** For individuals found to be performing unsatisfactorily, review to determine if good cause exists for termination under the Board of Regents' Rules and Regulations may be considered. All proceedings for termination of tenured faculty on the basis of periodic performance evaluation shall be only for

incompetency, neglect of duty, or other good cause shown and must be conducted in accordance with the due process procedures of the Regents' Rule [31008](#), including an opportunity for referral of the matter to alternative dispute resolution. Such proceedings must also include a list of specific charges by the President and an opportunity for a hearing before a faculty tribunal. In all such cases, the burden of proof shall be on the institution, and the rights of a faculty member to due process and academic freedom shall be protected.

**4.4.8.3** Nothing in this institutional evaluation policy, or its interpretation, will be interpreted or applied to infringe on the tenure system, academic freedom, due process, or other protected rights nor to establish new term-tenure systems or to require faculty members to re-establish their credentials for tenure.

## **4.5 Evaluation of Faculty for Merit Salary Increase Updated November 4, 2016**

### **4.5.1 Procedures**

#### **4.5.1.1 Flow of Information**

Information in this category flows from the Department Chair to the Dean of the College or School 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 or School policies specific to merit review.

#### **4.5.1.3 Departmental Procedures**

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

#### **4.5.1.4 College Procedures**

- a. The Dean will review each faculty member's file, arrive at a merit rating, and 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) workdays 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 comprised of faculty and/or administrators, as determined by College or School procedures 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 Appeals Committee. After deliberation, the Appeals Committee will formulate a recommendation. This recommendation will be sent to the Dean. The Dean will notify the faculty member of the recommendation of the Appeals Committee;
- 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 submitted to the Provost.

#### **4.5.1.5 University Procedures:**

- 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. If the Provost does not agree with the Dean's recommendation, it is returned to the Dean for further consideration. The Dean may consult with the faculty member, the Department Chair, and/or the College Appeals Committee. Following reconsideration, the merit rating and justification are resubmitted 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 will be on file in the department office for review by appropriate administrators and committees:

- a. Material related to teaching and advising, e.g., student and/or peer evaluations, syllabi, examinations;
- 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;
- d. Information related to department, college, University, professional, and community service.

#### **4.5.3 Criteria**

In accordance with approved College or School policy reviewed and accepted by the Provost, factors to be considered for a merit rating shall include, at a minimum, those basic duties of faculty members listed in 4.3.2. Criteria noted in 4.4.5.5.3 and 4.4.6 above may also be relevant. Each College or School will develop and distribute criteria specific 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 will not be evaluated for a merit rating. They may still receive across-the-board faculty salary increases that may occur during the final year of their appointment.

**4.5.4.2** First-year faculty members are not eligible for a merit salary increase; however, they will receive the average salary increase for their rank in the case of an across-the-board faculty salary increase.

**4.5.4.3** Faculty members returning from leaves of absence will be evaluated and assigned a merit rating on the basis of their activities while on leave and the value of these activities to the University, Department, or profession.

**4.5.4.4** Non-tenure-track faculty:

- a. Faculty members in non-tenure-track positions will not be assigned a merit rating, however they may receive across-the-board faculty salary increases upon reappointment;
- 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.

#### **4.5.5 Evaluation of Faculty with Non-Teaching Appointments**

**Updated July 27, 2015**

UTEP is committed to regular, substantive reviews of its administrators with input from faculty members, staff, students, and where appropriate alumni, community leaders, and other sources in accordance with the Regents' Rule [31101](#).

##### **4.5.5.1 Evaluation of Faculty Members with Part-Time Administrative Appointments**

Department Chairs, Program Directors, and Assistant and Associate Deans are faculty members with part-time administrative service appointments. They continue to have faculty responsibilities for teaching and research and are evaluated for annual merit on their performance in those dimensions as stated in 4.5 above. 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 work.

##### **4.5.5.2 Evaluation of Faculty Members with Full-Time Administrative Appointments**

Faculty members with 100% administrative appointments are evaluated through a combination of: an annual work-plan and performance assessment program, directed by their supervisor, which may include input from faculty members, staff, students, and others where appropriate. Their evaluations may be further informed by a biennial faculty evaluation through the Faculty Senate process.

#### **4.6 Termination, Resignation, Retirement**

##### **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 shall be only for good cause shown. Procedures for hearing and determining such cases are set forth in Regents' Rules [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**

##### **4.7.1 System Policy**

Regulations concerning retirement and modified service are set forth in Regents' Rule [30301](#).

#### **4.7.2 University Policy Modified Service after Retirement**

**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 U.T. 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 U.T. System or the University determines that it is to the benefit of the U.T. 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 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**

##### **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 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**

**Updated November 4, 2016**

At the beginning of each semester or term, all faculty will provide to their students a syllabus for each course. All syllabi will be posted on the UTEP website and be readily accessible to the public as required by state law.

The posted syllabus should include, as appropriate:

- a. Faculty member's contact information (e.g., office location, preferred telephone number, email address) and contact information for Teaching Assistants, if applicable;
- b. Faculty member's office hours;
- c. Course goals and student learning outcomes/objectives;
- d. Required or recommended textbooks, other reading and resources, equipment, etc.;
- e. Statement describing student performance assessment and evaluation of the learning outcomes/objectives;
- f. Description of major course assignments and examinations;
- g. Grading policy and procedures that explain how the final grade will be determined;
- h. List of academic assistance resources available (e.g., Writing Center, computer labs);
- i. Course attendance and tardiness policy statement;
- j. Center for Accommodations and Support Services (CASS) statement;
- k. Academic integrity expectations statement;
- l. Statement regarding technology use during class or lab (e.g., smartphones, tablets, laptop computers); and

Any special expectations, requirements, or procedural policies that 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 specific semester or term. Any departure from the regular schedule of final examinations that moves the exam earlier than final examination week must have the prior approval of the Dean of the College or School.

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 Absence and Leave**

**Updated November 4, 2016**

#### **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 from the direct supervisor, e.g., Department Chair, Program Director. Arrangements must be made to cover classes before approval will be considered. Requests for approval of absences may be made on the same submittal provided for travel authorizations.

If a 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 summoned 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 summons 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 his or her

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 fewer than twelve (12) 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 College or School Dean, upon recommendation by the Department Chair, for all official travel or for any absence from campus other than sick leave or jury duty that will affect performance of assigned duties, such as teaching classes.

**4.9.6.2** Regents' Rule [20801](#) establish requirements and procedures for authorized travel and reimbursement where appropriate.

**4.9.6.3** Travel to foreign countries requires advance approval. Inquiries should be made to the University Travel Office 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' Rule [30201](#).

**4.9.7.2** With the interest of the University being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of a faculty or staff member, subject to the general conditions included below. Leaves of absence for a first year or portion thereof or for a second consecutive year may be granted by the President or the President's designee. 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. Only in very unusual circumstances will a leave of absence be granted for a third consecutive year.

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 leave without pay may 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 (6) months and no less than four (4) 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 (6) months before the commencement of the next academic year.

#### **4.9.8 Development Leave**

Development leave for faculty members may be granted in accordance with Texas Education Code, Section 51.101 et seq. upon approval by the President. Faculty members must have two (2) consecutive academic years of service at the University in order to qualify for development leave. Development leave may be considered for one academic year at one-half of the faculty member's salary or for one-half academic year at the faculty member's full regular salary.

#### **4.9.9 Other Absences**

For further information regarding leave of absence to participate in a political campaign, parental leave, sick leave, Family and Medical Leave, Servicemember Family Leave, leave for jury duty, leave for military duty, and leave related to on-the-job injuries, see the University Handbook of Operating Procedures, Section V, Human Resources.

### **Chapter 4.10 Outside Activity and/or Outside Employment (Updated October 2, 2014)**

#### **4.10.1 System Policy**

Regents' Rule [30104](#) sets forth the general policy pertaining to outside activity and/or employment.

#### **4.10.2 University Policy**

**4.10.2.1** All outside activity or outside employment by full-time and part-time faculty members must be disclosed and approved pursuant to the requirements of Section V. Chapter 29 of this Handbook.

##### **4.10.2.2 Faculty Time**

Members of the faculty have flexibility in using their time to prepare for teaching and engage in research and other scholarly activity. Other responsibilities, such as presenting lectures, being available to meet with students, and participating in University committees, have more rigid time demands. During the academic term in which a faculty member holds a full-time appointment, the faculty member must attend to all their duties and other responsibilities and meet the minimum academic workload requirements. Additionally, during the academic term in which a faculty member holds a full-time appointment, faculty may be permitted to engage in an average of 8 hours of approved outside activity each week during the term of an appointment. Under no circumstances may the outside activity exceed an average of 8 hours a week during the term of appointment without explicit approval of the President and a written management plan.

#### **4.10.2.3 Categories of Outside Faculty Activity**

See Section V, Chapter 29.6.3 of this Handbook.

**4.10.2.4** Public Office (non-elective) and dual employment with agencies of the State of Texas shall be approved in accordance with applicable provisions of the current state law and the Regents' Rule [30103](#) 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 Professional and Public Programs or any similar instructional unit. A form for requesting the required approval is available from each Academic Dean's office.

#### **4.11.1 Continuing Education Courses**

##### **4.11.1.1 Authorization for Fees**

In accordance with Regents' Rule [40403](#), the university is authorized to charge a reasonable fee to each person registered in an extension, correspondence or other self-supporting course at the institution and to set the fee in an amount sufficient to recover the costs for providing the course. Such courses may not include any course for which the institution collects tuition or receives formula funding.

##### **4.11.1.2 Approval of Fees**

New and/or increased fees to be charged for each continuing education course at the university are approved through the Dean of Extended University and the Vice President for Business Affairs.

## **4.12 Acceptance of Money from Students**

### **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' Rule [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 or School.

## **4.13 Textbooks and Other Materials (Updated July 27, 2015)**

### **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 the Regents' Rule [31004](#).

### **4.13.2 University Policy**

**4.13.2.1** The University discourages frequent changes in assigned 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** All faculty members participating in the decision-making process leading to the adoption of a textbook(s) or other materials for use in a course shall avoid any appearance that their independent judgment may have been impaired. To that end, while faculty members may accept examination copies from publishers, they may not accept any other

gifts or services from publishers or vendors whose products are under consideration. While faculty members are encouraged to author and review textbooks and to develop other materials for classroom use, such paid relationships with vendors should be transparent in the adoption process. Faculty who have or anticipate having a paid relationship with a vendor whose materials are under consideration for adoption should notify the Department Chair and the adoption committee of such a relationship in advance of the selection process and appropriate steps should be developed to ensure the integrity and transparency of the process.

**4.13.2.4** Textbooks (Printed and Digital), notebooks, manuals, or other materials for purchase by students, written or compiled by a member or members of the faculty of the University shall not be prescribed for use by students until the appropriate form has been submitted and approval has been obtained. See <http://www.provost.utep.edu/images/demo/documents/instruction/FacultyAuthoredTextbookAdoptionForm.doc>.

**4.13.2.4.1** Use of such materials must be approved annually, 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.

**4.13.2.4.1.1** The faculty member(s) who authored the textbook, notebook, manual or other materials shall not participate or vote in the departmental faculty decision.

**4.13.2.4.2** 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.

**4.13.2.4.3** A copy of the authorization is required to be sent to the University bookstore in connection with the adoption of the textbook, notebook, manual or other material.

#### **4.14 Alleged Student Scholastic Dishonesty**

Under the Regents' Rule [50101](#) the Dean of Students has authority and responsibility for student discipline. Specific provisions and requirements regarding student conduct at the University are contained in Section II, Student Affairs, of this Handbook, available electronically at <http://admin.utep.edu/Default.aspx?tabid=73922>. In most instances, the distinction between academic and disciplinary matters is clear. 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' Rule [50101](#) 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 to 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 that has been previously submitted to the Registrar, except through the formal process outlined below. This process 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, arbitrary, capricious, or negligent determination or impermissible discrimination. No challenge to grading standards shall be pursued on any grounds other than these. This process may not be used to adjudicate cases of suspected student misconduct, plagiarism, or collusion. Formal grade appeals must be officially filed with the Student Grievance Committee of the Faculty Senate 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.

**4.15.1** 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 Grievance Committee of the Faculty Senate.

**4.15.1.1** In order to file a grievance the student must complete the Student Grievance Committee Initial Complaint Form and provide documentation of having attempted to resolve the challenge directly with the faculty member who assigned the grade.

**4.15.1.2** The Initial Complaint Form and all supporting material must be submitted in accordance with the procedures established by the Student Grievance Committee. Students should contact the Office of Student Life for specific information or download a copy of the Initial Complaint Form and instructions on the Office of Student Life web page.

**4.15.2** The Chair of the Student 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.

**4.15.3** Upon assignment of the conciliator, the Chair of the Student Grievance Committee will notify the appropriate faculty member, his/her immediate supervisor, his/her College/School Dean, the President of the Faculty Senate, and the Provost.

**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 Grievance Committee for its consideration in a timely fashion. This recommendation shall normally be made within six (6) weeks of the date of appointment of the conciliator(s), counting only weeks of the long semester in which the grievance was filed and the subsequent long semester (not including intersession or summer periods). If the conciliation process results in resolution of the issue, the Chair of the Student Grievance Committee will so notify the student, the faculty member, the President of the Faculty Senate and the Provost. Should conciliation fail, the Student 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 Grievance Committee determines that a hearing committee should be formed to resolve the issue, the Chair of the Grievance Committee shall appoint a committee after consultation with the parties involved. The Hearing Committee shall consist of an appointed Chair of the Hearing Committee 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 Hearing 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. Procedures for the conduct of the hearing are available from the Chair of the Student Grievance Committee and the Office of Student Life.

**4.15.6.1 Decision of the Hearing Committee.** The Hearing Committee shall make its decision to either dismiss the challenge or affirm the challenge with subsequent determination of the new grade. The decision of the Hearing Committee is final. The matter is not subject to review/approval by the full Student Grievance Committee.

**4.15.6.2 Determination of New Grade.** The determination of a new grade shall be made as a separate proceeding by the Hearing Committee, who may solicit advice from the pertinent academic department.

**4.15.6.3 Report of Hearing Committee and Implementation.** The Hearing Committee shall report its conclusions to the full Student Grievance Committee. The Chair of the Student Grievance Committee shall be responsible for notifying the student, the faculty member, his/her supervisor, his/her College/School Dean, the Provost, and the President of the Faculty Senate. The Chair of the Student Grievance Committee shall also inform the Registrar of any grade change.

**4.15.7** The Chair of the Student Grievance Committee will maintain a database of open grievance cases, and report their status and outcomes monthly to the President of the Faculty Senate and the Provost.

**4.15.8** All decisions by the Student Grievance Committee and its appointed Hearing Committees are final and are not subject to appeal. Should, within the term established in section 4.15 above, new information come to light, the student may begin the process anew by resubmitting the challenge as modified by the additional information

## **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, Chapter 6 of this Handbook, and Chapter 4.17 of this Section of this Handbook, which discusses maintenance of course records. 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, on line, by phone, or in person;
- 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 Student Affairs, Chapter 6 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, 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 one (1) year after the end of an individual class to support compliance with grade appeal and review provisions, although a three (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 Academic Policy 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 or school.

##### **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 department or program.

**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 or School**

**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 and School 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 three(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 or Programs**

**Updated November 4, 2016**

**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 or program faculty members.

**4.18.3.2** Each academic department or program shall have undergraduate academic advisors, who will be responsible for providing academic counseling and advice. Written guidelines and policies should be developed regarding prerequisite waivers, course substitutions, and the use of independent study courses to satisfy degree requirements. The content should then be reviewed by department faculty, the College Undergraduate Degree Requirement Compliance Committee, and the Dean of the College or School. Once the guidelines and policies are approved, they should be distributed to the undergraduate students.

**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**

**Updated November 4, 2016**

### **4.19.1 Grade Changes**

The instructor shall have the sole authority and responsibility in assigning grades for the course. Grade changes may be:

- a. initiated by the instructor and approved by the appropriate Department Chair and Academic Dean;
- b. 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. due to disciplinary action imposed by the Dean of Students or Hearing Officer for violation of University rules; or
- d. the result of action taken by the Student Grievance Committee of the Faculty Senate under the grade appeal procedures.

Grades determined as a result of actions taken in items c. or d. above are final and not subject to change. No other grade change shall occur without the consent of the instructor. The Registrar shall timely notify the instructor of any grade change.

**4.19.1.1** All student-initiated grade reviews and grade appeals may be pursued 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.

**4.19.1.2** 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 Grievance Committee of the Faculty Senate in accordance with Section 4.15 above.

## **4.20 Faculty Credentialing (Updated July 27, 2015)**

It is the policy of the University to ensure that all instructors of record (IOR) including full and part-time tenure, tenure-track, lecturers, and assistant instructors are qualified to accomplish the mission and goals of the institution and that they possess the academic preparation, training, and professional experience to teach in an academic setting and meet the minimum requirements of accrediting bodies and state agencies.

### **4.20.1 Digital Measures**

Digital Measures is the official record system for faculty credentialing at the University. Faculty credentialing guides, policies, and tutorials are available on the Provost's Office website and in Digital Measures.

The IOR, Chair/Program Director, Dean, Provost, and personnel authorized by the Chair or College to scan documentation must have access to Digital Measures. New IOR's are automatically added to Digital Measures upon appointment approval. Request for Digital Measures access must be approved by the Chair/Program Director and will be assigned by Digital Measures administrator.

### **4.20.2 Official Transcripts**

For purposes of this policy, an official transcript includes the following authentication criteria:

- 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.

#### **4.20.3 Responsibility of Instructors of Record**

It is the responsibility of the prospective IOR to provide the University with all of the documentation needed to verify their qualification credentials. This includes, but is not limited to, a résumé/curriculum vitae, résumé supplement, official transcripts (indicating terminal degree or other appropriate transcripts addressed to department or Chair/Program Director) appropriate licenses or certifications, and the verification of work related to teaching experience (as needed). These documents will be reviewed for authenticity by the Chair/Program Director, Dean, and Provost. All transcripts submitted by the IOR from foreign universities that are written in languages other than English or Spanish must be evaluated and certified by an outside agency. The Provost's Office may provide a list of such agencies. 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 IOR, unless otherwise agreed to be covered by the hiring department. It is the responsibility of the IOR teaching in disciplines that require licensure and/or certification to acquire and maintain those credentials. The University may periodically request updated documents from the IOR. New IORs must provide an official transcript, official transcript translations and evaluations (if applicable), and all other required documentation ten (10) business days before the academic semester begins.

IORs who have completed all requirements for the doctorate except the dissertation must provide an official transcript with proof of their terminal degree within one (1) month of their appointment.

#### **4.20.4 Responsibility of Department Chairs/Program Directors**

Prior to the IOR's appointment with the University, the Chair/Program Director examines the prospective IOR's qualification credentials to verify that he or she meets the requirements of the position by verifying work and/or teaching experience, transcripts (including necessary translations and evaluations of foreign transcripts), résumé /curriculum vitae, and any licenses /certifications. The Chair/ Program Director must populate and verify in the data fields related to the faculty qualification process under sections I through V under Education (Faculty Credentialing) of Digital Measures. Sections I and II may be populated by the IOR at the discretion of the department. In addition, the Chair/ Program Director is responsible for uploading the IOR's official transcripts, up-to-date résumé/curriculum vitae, licenses/certifications, and the verification of work related to teaching experience (as needed) and informing the respective Dean and requesting review and approval of the completed IRO file. The Chair/ Program Director must complete the IRO's file in Digital Measures and forward all official transcripts to the Provost's Office by the first day of the academic semester. In the event that these documents are not available by the deadline, the Provost's office must be notified.

Chairs/Program Directors are responsible for making all necessary updates to IOR files in Digital Measures such as requesting current transcripts and licenses/certifications, maintaining the list of courses qualified to teach, and adding other academic and work experience related to the courses the IOR is teaching.

#### **4.20.5 Responsibility of Deans**

Prior to any IOR's appointment with the University, the Dean of the college examines and approves the prospective IOR's qualification credentials to ensure that they meet the requirements listed by the respective accrediting agency. After the department has populated the faculty credentialing fields in Digital Measures and uploaded the transcripts (including necessary translations and evaluations of foreign transcripts), résumé/curriculum vitae, licenses/certifications, and the verification of work related to teaching experience (as needed), the Dean will verify the IOR's credentials and approve the file by populating the verification date field (Section V, under Education in Faculty Credentialing) in Digital Measures. The Dean will then inform the College Liaison of the completed files.

#### **4.20.6 Responsibility of College Liaison**

A College Liaison for faculty credentialing will be assigned by the Dean to serve as the point-of-contact between the Chair/Program Director, Dean, and the Provost's Office. The College Liaison will perform a final review the IOR's files in Digital Measures before notifying the Provost's Office of the completed files.

The College Liaison will work with the hiring department to assure that any missing credentials or documentation are provided by the required deadlines.

#### **4.20.7 Responsibility of Provost's Office**

The Provost's Office is responsible for the verification and validation of all IOR qualification credentials in compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The Provost's Office is also responsible for the recordkeeping of IOR official transcripts.

The Provost's Office, through the College Liaison, will notify the hiring department of any missing credentials or documentation.

#### **4.20.8 Exceptions**

In the case that an IOR has requested an official transcript or translation/verification well in advance of the deadline and has not received it, a receipt may be submitted until official documents arrive. Other exceptions may be made in the case that an IOR is hired after the start of classes.

In the case that the institution granting the degree to the IOR does not issue traditional transcripts, alternative verification of the degree is required. Alternative verification may include a letter from the Registrar or similar official at the degree-granting institution, verification by NACES, or evidence of previous verification by an accredited institution.

In the case that credentials do not conform to traditional guidelines, the hiring official must provide an overall assessment of the IORs professional experience or appropriate licensures or alternative credentials in Section III of Education (Faculty Credentialing) segment of Digital Measures, describing the qualifications related to the teaching area.

## **4.21 Appointment, Operation, and Continuation of Endowed Academic Positions (Updated July 27, 2015)**

### **4.21.1 Endowed Chairs and Professorships**

Endowed Chairs and Professorships are supported by an endowment from which distributions are dedicated to salary supplementation, research support, or other professional needs. The position holder will normally be a faculty member who has had a distinguished career. A holder will be named to an endowed academic position for a term of years, and the position may be renewable or non-renewable.

**4.21.1.1** As established by Regents' Rule [60202](#), there are six (6) categories of endowed and named academic positions: Distinguished University Chair, Distinguished Chair, Chair, Distinguished Professorship, Professorship, and Fellowship.

**4.21.1.2** An individual becomes an endowed chair or professorship holder upon the approval of the President.

**4.21.1.3** Faculty members appointed to endowed positions require prior approval from the President for proposed expenditures of endowment revenue. Said approval and reporting structure shall be through their College or School Dean and the Provost. Holders are expected to be responsible stewards and be accountable to the spirit and purposes of the endowment.

**4.21.1.4** Subject to the terms of the endowment agreement and all applicable laws, rules, and regulations and as approved by the President, endowment income may be used to provide professional support and salary supplement for the holder of the endowed academic position. Endowment income may not be used to permanently substitute for any other source of funds for the base salary of a holder who is performing regular faculty duties.

#### **4.21.2 Appointment to Endowed Academic Positions**

Recommendations for initial selection of a holder of an endowed academic position and the continuation of the holder in an endowed academic position must be supported by a record of exemplary performance as well as the expectations delineated in the endowment agreement.

##### **4.21.2.1 Selection Criteria**

Endowed academic positions are conferred on faculty members who have sustained high levels of accomplishment. Nominees for an endowed academic position must meet the specific criteria established in the endowment agreement and would be expected to be qualified to hold a tenured position at the University unless otherwise specified in the endowment agreement.

##### **4.21.2.2 Selection Process**

When a newly endowed academic position is established or when an existing position becomes available, the College or School Dean, in consultation with appropriate faculty members as allowed by the endowment agreement, Department Chair and the Provost, will nominate a current faculty member or use the endowed academic position to recruit a distinguished faculty member to the University. The same selection criteria will be applied in evaluating both internal and external nominees. The Provost will review the Dean's recommendation and forward it with his/her independent recommendation to the President for a decision.

##### **4.21.2.3 Term of Appointment**

When no specific instructions about the length of an appointment are specified in an endowment agreement, the Dean of the College or School in which the endowed academic position resides will recommend the length of appointment to the Provost, who will provide a recommendation to the President. The maximum length of an endowed appointment is five (5) years, with formal review required for reappointment.

##### **4.21.2.4 Endowment Holder Orientation**

The Office of Institutional Advancement, University Development, will schedule a meeting with each Endowed Academic Position holder within thirty (30) days of initial appointment to provide the faculty member with a copy of the endowment agreement, donor/contact information, compliance training, and any additional information as appropriate.

#### **4.21.3 Use of Endowment Revenue and Annual Operation of Position**

Endowed academic position holders may draw from revenue generated by the endowment provided they have submitted all reports required by the terms of the endowment agreement

and that all performance evaluations required by University policy have been completed and approved.

#### **4.21.3.1 Salary Supplement and Professional Support**

Endowed Academic Position holders may use endowment funds for any professional purpose that is supported by the terms of the endowment agreement.

Endowed Academic Position holders may apply to use endowment income for a salary supplement under the following conditions:

**4.21.3.1.1** The salary supplement for any given fiscal year may not exceed the amount approved in the official appointment letter.

**4.21.3.1.2** Requests of any salary supplement should be submitted to the Dean as part of the annual work plan and expenditure budget no later than August 1 of each year; for any faculty member appointed mid-year to an endowed academic position, the request must be submitted no later than thirty (30) days after appointment.

**4.21.3.1.3** Salary supplements may be distributed over a nine (9)-month or twelve (12) month period at the request of the position holder.

**4.21.3.1.4** The employee benefits associated with an endowment salary supplement must be drawn from the same source as the salary supplement itself. The total amount of salary requested plus associated benefits must not exceed the annual projected income from the endowment from the fiscal year in question.

**4.21.3.1.5** Annual salary supplements may vary over the course of an appointment in an endowed academic position; all proposed changes in salary supplement must be approved in writing by the Dean as part of the annual work plan and expenditure budget.

**4.21.3.1.6** In no event will endowment distributions be used to support any other source of funds used to pay the base salary of the position holder when the holder is performing his or her regular duties.

#### **4.21.3.2 Accumulation of Funds**

The terms for expending an endowment income balance accumulated must be specified in the appointment letter for the endowed academic position and must be followed in the annual work plan and expenditure budget request.

#### **4.21.3.3 Annual Work Plan and Expenditure Budget**

An endowed academic position holder must submit an annual work plan and expenditure budget to his/her dean by August 1 for approval by the beginning of the next fiscal year, describing proposed activities for the coming year and the anticipated expenditures from endowment income. The Dean will review for consistency with the conditions in the endowment agreement and the appointment letter for the position. Any substantive changes from those conditions will require further review by the Provost and recommendation to the President for approval.

#### **4.21.3.4 Annual Stewardship Letter and Performance Report**

Each endowed academic position holder is responsible for submitting two annual reports:

- a) An annual stewardship letter to University Development, summarizing the previous year's activities; and
- b) An annual performance report to the Dean, summarizing the outcomes of the previous year's work plan and expenditure budget.

#### **4.21.4 Periodic Performance Review for Reappointment**

Every endowed academic position holder must undergo a formal review for possible reappointment no later than the final year of the appointment. Moreover, no individual may serve more than five consecutive years in an endowed academic position without undergoing a formal performance review by the College or School Dean and the Provost. The Provost may conduct a review at any time if requested by the President.

##### **4.21.4.1 Formal Review Process**

**4.21.4.1.1** Endowed academic position holders will compile all annual performance reports completed since the time of the last formal review and attach a cover letter not to exceed three pages, containing an appraisal of their:

- a. scholarly accomplishments during the current term of appointment,
- b. scholarly leadership in the discipline,
- c. leadership in the department and college,
- d. external funding support, and
- e. contributions to teaching.

**4.21.4.1.2** An ad hoc advisory committee and endowed academic position holders representing each College and School will be formed by

the Provost. The ad hoc advisory committee will review all those position holders due for five-year review and any others recommended for review. The chairperson will send the committee's written evaluation of the endowed faculty member's performance to each individual's College or School Dean and to the Provost.

**4.21.4.1.3** The College or School Dean will consider the advisory committee's report and submit to the Provost an independent review and recommendation regarding continuation of the appointment.

**4.21.4.1.4** The Provost will provide an independent recommendation to the President for approval.

**4.21.4.1.5** The President will notify the faculty member of his/her decision.

#### **4.21.5 Termination of Appointment to Endowed Positions**

In the event that an endowed academic position holder's performance does not comply with the standards contained in the Regents' Rules or in the endowment agreement, the holder will be subject to a special formal review and possible termination of appointment to the endowed academic position. In such circumstances, the Provost will request that the Dean conduct a formal review. Following the review, the Dean and the Provost will determine whether any action should be taken. If termination of the endowed appointment is considered appropriate, such a recommendation will be made to the President. The President's decision will be final.

#### **4.21.6 Notification of Vacancy**

The Dean of the corresponding College or School shall notify the Office of Institutional Advancement when a faculty member who holds an endowed academic position is no longer with the University. In the event of a Dean's departure, the Provost shall notify the Office of Institutional Advancement.

#### **4.21.7 Use of Endowment Revenue from Vacant Positions**

Vacant endowed academic positions should be filled in a timely manner, not to exceed three years.

Income accruing to a vacant endowed academic position will be treated as specified in the endowment agreement. Where no specific instructions are provided, unused income may be accumulated. At the end of each academic year the Dean and Provost will recommend to the President the amount, if any, to be transferred to the principal.

The Dean of the College or School may use the earnings of a vacant endowed academic position to cover the costs of recruiting a faculty member to the position and of a start-up package to include relocation expenses, or the Dean may submit a plan to the Provost to fund other purposes permitted by the terms of the endowment agreement. The Provost shall provide a recommendation to the President for approval.

#### **4.21.8 Exceptions**

Requests for exceptions to these policies and procedures governing endowed faculty positions must be submitted through the College or School Dean and the Provost, and may be granted only upon approval by the President.

### **4.22 Faculty Controlled Substance Policy**

The University of Texas at El Paso (UTEP) is committed to producing qualified, competent, and responsible health care professionals, who receive practical training 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 members needing help or rehabilitation in dealing with a drug problem are encouraged to contact, on a confidential basis, Human Resource Services, their Academic 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.

#### **4.22.1 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.

d. "Employee" is defined as a full-time 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.

#### **4.22.2 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.

#### **4.22.3 Current Active Employees**

All full-time 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.

#### **4.22.4 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.

**4.22.4.1** 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.

**4.22.4.2** 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.

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

#### **4.22.5 Testing for Drugs**

##### **4.22.5.1 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 with the specimen 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.

##### **4.22.5.2 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

##### **4.22.5.3 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.

#### **4.22.5.4 Right of Refusal**

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

#### **4.22.6 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 Academic Dean and the Provost.

**4.22.6.1 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 Program for a period of up to two (2) 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.

**4.22.6.2 Removal from Clinical Assignment:** If the faculty member is observed or reported as impaired, the faculty member will be immediately removed from the hospital or clinical care setting. The Academic 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.

**4.22.6.3 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 Academic Dean and Provost. Any faculty member who has a recurrence 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 Academic Dean and Provost.

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

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

#### **4.22.7 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.

#### **4.22.8 Records**

##### **4.22.8.1 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 Academic Dean.

##### **4.22.8.2 Maintenance**

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