



Texas Tech University

The Faculty Senate

September 1, 1982

TO: Members of the Faculty Senate

FROM: Virginia M. Sowell, President

SUBJECT: Agenda for meeting #43, September 8, 1982

The Faculty Senate will meet on Wednesday, September 8, 1982, at 3:30 p.m. in the Senate Room of the University Center. The agenda is as follows:

- I. Introduction of officers, members of the Senate and guests
- II. Tenure policy discussion - John R. Darling, Vice-President for Academic Affairs; Roland Smith, past chairman of the Tenure & Privilege Committee; William R. Conroy, Chairman of the ad hoc Tenure Policy Review Committee
- III. Institutional Self-Study - John R. Darling, Vice-President for Academic Affairs
- IV. Patent Policy proposal - Davis Clements and M. M. Ayoub
- V. Report on group insurance policy - Lewis Hill
- VI. Report from the Committee on Committees
- VII. Issues assigned to study committees
- VIII. Other business and announcements
 - A. Summary of business conducted during the summer months
 1. Letter regarding elections and appointments to committees
 2. Slide presentation on the new student information system being proposed by Westinghouse Learning Corporation is available from Bob Bray in the Office of Planning

B. Other actions of University officers and of the Academic Council

From the Academic Council Minutes

May 11, 1982

1. Copies of the report of the governor's task force on higher education were distributed to Deans, and a copy is available to faculty in the Faculty Senate office.
2. A planning calendar for 1982-83 has been distributed to Deans and department chairmen.

June 8, 1982

3. A series of TV programs featuring higher education and Texas Tech is being prepared for airing this fall. The first two shows to be presented in mid-September will focus on energy and water and include interviews with Vice-President Darling and others.

July 13, 1982

4. Application for Phi Beta Kappa status is proceeding for submission in October. Faculty members, primarily from arts and sciences are in the process of preparing the application.
5. A memo emphasizing the importance of care in checking records of students in relation to graduation was distributed.
6. An Administrator Evaluation Form was discussed and referred back to committee for revision.
7. A proposal to eliminate the campus post office was discussed and the Academic Council recommended that the post office be retained on campus.

C. Miscellaneous

1. Resignation received and accepted from Professor John Kice. The president and the Elections Committee will schedule an election for a replacement from the College of Arts and Sciences.
2. Professors Reed Richardson, Agriculture, and Davis Clements, Engineering, have been appointed to the Committee on Committees.
3. The Texas Legislature Budget Board (LBB) and the Governor's Budget office (GBO) will conduct a hearing at 10:00 a.m. on September 8, 1982 in the Board Room, second floor of the Administration-Education building on the 1983-85 budget.
4. Letter received from Professor Conroy regarding proposed tenure policy.
5. Appointed Ernest Sullivan Parliamentarian to the Faculty Senate.
6. Letter received from Vice-President Darling relevant to photocopy service in the library. Darling requested notification from the Senate if problems persist.
7. Received Tenure and Privilege Committee report.



Texas Tech University

Office of the Vice President for Academic Affairs

August 24, 1982

Dr. Virginia M. Sowell
President, Faculty Senate
Holden Hall
Campus

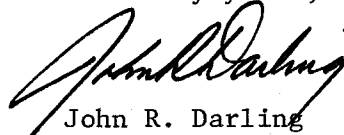
Dear Dr. Sowell:

Enclosed please find a revised draft of the Texas Tech University Tenure Policy. This draft is being submitted to the Faculty Senate for its review and consideration. In this regard, as you know, the Faculty Senate is being asked to serve in an advisory role to the Office of Academic Affairs. Following review by the Senate, the Policy will be submitted to the faculty for its consideration.

The present draft of the Tenure Policy was based on extensive work originally done by the Tenure Policy Review Committee. The Academic Council was also asked to provide recommendations regarding the policy. In addition, the Tenure and Privilege Committee spent a great deal of time this summer carefully analyzing, reviewing, and subsequently approving the present draft of the policy that is being submitted to the Faculty Senate. At this time, I would like to express my sincere appreciation for the time and effort that was expended by members of the Tenure and Privilege Committee in this effort.

If you decide to schedule the Tenure Policy for discussion at the Faculty Senate meeting on Wednesday, September 8, 1982, the Tenure and Privilege Committee that approved this draft has indicated its willingness to be present for these deliberations. In addition, I will be happy to be available for questions and discussions concerning this matter. If you have any further questions concerning this, please feel free to contact me.

Sincerely yours,


John R. Darling
Vice President

JRD/lis
attachment
xc: Dr. Roland E. Smith
Dr. William B. Conroy

TEXAS TECH UNIVERSITY

TENURE POLICY

Foreword

A university is a community of scholars whose members are engaged in the discovery, evaluation, transmission, and extension of knowledge. As such they must be free to search for and express the truth as they find it, whether in the classroom, research/creative activity, or service as members of the community, and regardless of their tenure status. Both teachers and students must be free from undue constraints, whether imposed from within or without the university, which inhibit "that continual and fearless sifting and winnowing by which alone the truth can be found."

Faculty members' privileges imply correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship and teaching ability, faculty members are responsible for maintaining the proper attitude of objectivity, industry, and cooperation with their associates within the university. In their teaching, faculty members have the further responsibility of refraining from introducing controversial matters unrelated to the particular subject.

As persons of learning, faculty members should remember that the public may judge their profession and institution by their utterances and other actions. They should thus at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and exercise every effort to make clear that as individuals they do not speak for the institution.

I. Concept of Tenure

Academic tenure, or continuing appointment, has been developed so that Texas Tech University may have the benefit of the competent and honest judgment of its faculty. It thus recognizes the professional status of the University teacher and assures that employment may be terminated only for adequate cause.

Tenure may normally be obtained only after a period of probationary service. After tenure is granted, the burden of proof rests upon the University when it wishes to dismiss a teacher.

II. Purpose of Tenure

The purpose of tenure and this tenure policy is to protect the academic freedom of the individual in teaching and research/creative activity; ensure the faithful observance of the requirements of academic due process; and retain, encourage, and promote the ablest and most promising faculty members. The tenure policy defines the types of appointment that may lead to tenure and specifies procedures for granting, denying, and revoking tenure.

III. Tenure Eligibility

Members of the faculty who are employed full time in the University and who have the rank of assistant professor, associate professor, or professor are eligible for tenure consideration. Tenure may not be attained in such full-time positions as lecturer, instructor, or any visiting rank. A faculty member may not be employed in any full-time, nontenurable position for more than seven years except under extraordinary circumstances. Such appointments will be made only with the approval of the chairperson and two-thirds of the faculty holding professorial ranks (tenured and probationary) in the department, the dean, and the Vice President for Academic Affairs. Any such exceptional appointments will be reviewed annually at each administrative level. An individual may not attain tenure in any adjunct or part-time rank, and the tenure policy does not apply to administrative appointments.

IV. Admission to Tenure

A. The terms and conditions of every appointment shall be stated in writing and shall be in possession of both the University and the faculty member before the appointment is completed. Probationary faculty members should review the established criteria for admission to tenure, which are available in the offices of department chairpersons and deans.

B. A faculty member must complete a reasonable probationary period before acquiring tenure in the University. In exceptional cases, associate professors and professors may be appointed with tenure when the normal tenure review procedure set forth in section IV.E precedes the appointment. Probationary faculty members who are promoted in rank shall not thereby acquire tenure unless the normal tenure review procedure set forth in section IV.E has been completed.

C. Maximum probationary periods for admission to tenure are determined by rank:

1. Assistant Professor. Before the end of a six-year probationary period, an untenured assistant professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the seventh year.

2. Associate Professor. Before the end of a four-year probationary period, an untenured associate professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the fifth year.

3. Professor. Before the end of a four-year probationary period, an untenured professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the fifth year.

D. Computation of the maximum probationary period for admission to tenure is subject to the following rules:

1. The applicable maximum probationary period is determined by the faculty member's rank upon initial appointment to a tenure acquiring rank and is not affected by promotions made during that period.

2. A probationary year for admission to tenure shall begin in September of the calendar year in which the appointment is made.

3. A Faculty Development Leave, granted through the formal University Faculty Development Leave program, for any period of time, shall normally be included in the maximum probationary period.

4. The following rules govern the effect of a leave of absence, other than a Faculty Development Leave, upon the maximum probationary period. Leave for one semester or less during an academic year shall be included in the maximum probationary period. Continuous leave for more than one semester, excluding summer terms, shall cause the entire leave period to the nearest full academic year to be excluded in the maximum probationary period. These rules shall also apply to full time specially funded assignments whether on or off campus.

5. Upon the recommendation of the department chairperson and approval of the dean and Academic Vice President, past years of full-time employment by the University at the rank of instructor, up to a maximum of three years, may be included in the maximum probationary period for assistant professor if an instructor is promoted to that rank.

6. Upon the recommendation of the department chairperson and approval of the dean and Academic Vice President, past years of full-time employment by the University as a visiting teacher in any professorial rank may be included in the maximum probationary period for admission to tenure providing (a) the visiting appointment is changed to a regular tenure-acquiring appointment, and (b) the visiting faculty member's responsibilities were similar to those of a regular faculty member of the same rank in the same department, college or school in the University.

7. Whether consecutive or not, all years of employment by the University in a tenure-acquiring position shall be included in the maximum probationary period, except as possibly excluded under the provisions of sections IV.D.4, IV.D.5 and IV.D.6.

8. Upon the recommendation of the department chairperson and approval of the dean and Academic Vice President, the probationary period may include appropriate full-time service in a particular professorial rank in other institutions of higher education up to a maximum of three years.

9. Tenure may be awarded prior to completion of the full probationary term in exceptional cases. A faculty member may be considered for tenure prior to completion of the full probationary period without prejudice for later reconsideration.

E. A faculty member is awarded tenure by action of the Board of Regents. Primary responsibility for evaluation of the academic qualifications of candidates for tenure rests with the faculty. Where the organization permits, four sequential levels exist in the tenure review process:

(1) vote to recommend or deny tenure by the tenured faculty in the department; (2) review at the college level; (3) review by the Vice President for Academic Affairs, which will include review by the Dean of the Graduate School; and (4) review by the President. The President makes recommendations for tenure to the Board of Regents. The candidate shall be informed confidentially of an adverse recommendation occurring at any level in the normal peer and administrative review procedure. After a terminal contract is issued because tenure has not been granted, the affected faculty member shall not be reconsidered for admission to tenure unless the Academic Vice President approves for reason of unusual or compelling circumstances.

F. If a probationary faculty member believes that a decision to issue a terminal contract or to deny reappointment was made for reasons violating academic freedom, for constitutionally impermissible reasons, or for reasons of significant noncompliance with prescribed procedures, he or she may prepare a written statement of these allegations.

The faculty member shall present copies of the statement to the department chairperson, college dean, Academic Vice President, and Chairperson of the Tenure and Privilege Committee (or other member designated by the committee). The Academic Vice President (or representative) and Chairperson of the Tenure and Privilege Committee (or other member designated by the committee) shall counsel with the faculty member. If the issue is not resolved as a result of this counsel, the Academic Vice President shall convene a Review Committee. The Review Committee shall consist of three faculty members chosen by lot by the Academic Vice President from the elected panel cited in section VI of this policy, except that there will be no more than two members from the same college. The committee shall elect its own chairperson. A member of the Review Committee can be challenged by the faculty member or by the administration. Each challenge shall be handled in accordance with the procedures cited in section VI for a Special Hearing Committee.

The Review Committee shall give preliminary and confidential consideration to the faculty member's allegations, and it shall have access to all information relevant to its consideration of the allegations for confidential use. If the committee concludes there is not reasonable cause to believe the allegations of the faculty member, it shall so advise the faculty member and the Academic Vice President. If the committee concludes that there is reasonable cause to believe the allegations of violation of academic freedom or constitutional rights, the committee shall submit a written report to the President of the University who shall convene a Special Hearing Committee. This committee will be composed and the hearing conducted in accordance with the procedures set forth in section VI, except that the faculty member must state the grounds upon which the allegations are based and must bear the burden of proving the allegations.

If the faculty member's petition for review alleges significant non-compliance with prescribed procedures, the functions of the Review Committee shall be the following:

1. To determine whether the basic decision of the appropriate faculty body was the result of adequate consideration in terms of the relevant standards and prescribed procedures of the institution, with the understanding that the Review Committee should not substitute its judgment for that of the faculty body.

2. To recommend reconsideration when the committee believes that there has been significant noncompliance with prescribed procedures.

3. To provide copies of its report and recommendations to the faculty member and to the Academic Vice President. The Academic Vice President shall review the recommendations of the committee and take appropriate action.

V. Grounds for Termination

Termination of the employment of a tenured faculty member or of any other faculty member before the expiration of the stated period of appointment, except by resignation or retirement for age in accordance with the regulations of the University, will be for adequate cause shown with the burden of proof on the University. Adequate cause for dismissal of a faculty member may include, but shall not be limited to, the following: professional incompetence; continuing or repeated substantial neglect of professional responsibilities; moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the institution, or to students or associates; unprofessional conduct adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students or associates; mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students or associates; or bona fide financial exigency or the reduction or phasing out of institutional programs as determined by established procedures incorporating faculty consultation.

VI. Termination Procedure

Cases arising from bona fide financial exigency or the reduction or phasing out of institutional programs (noted in section V) are to be handled under the University Policy on Financial Exigency. In other cases arising under sections IV and V, an equitable procedure affording protection to the rights of the individual and to the interests of the University will be followed. Whenever the faculty member admits that the case in point constitutes adequate cause, or does not choose to have a hearing, he or she may submit a written resignation.

Before the filing of formal charges, every reasonable effort should be made to mediate and conciliate differences. The Chairperson of the University Tenure and Privilege Committee (or other member designated by the committee) and the Academic Vice President (or representative) shall make a rigorous attempt at confidential, equitable, and expeditious mediation. Only after such attempted mediation shall formal charges be filed by the President of the University.

In all cases of formal charges, the faculty member will be informed in writing of the charges which, on reasonable notice, will be heard by a Special Hearing Committee made up of five members chosen by lot by the Academic Vice President from a panel of twenty tenured faculty members elected annually. (Two panel members of the twenty will be elected by the voting faculty of each college or school with the remaining members being elected at large.)

Review Committee members (section IV.F) will not be eligible to serve on the Special Hearing Committee for the same appeal. Members of the Tenure and Privilege Committee shall not be eligible for concurrent service on this panel. Members deeming themselves biased shall remove themselves from the case. Either party in the dispute can challenge any individual selected as a member of the Special Hearing Committee. The total number of challenges by either party will be limited to three. As each disqualified or challenged member is excused from the Special Hearing Committee, his or her replacement will be chosen by lot by the Academic Vice President from the remaining members of the panel of twenty tenured faculty members.

The Special Hearing Committee will select a chairperson from its membership and may, if it chooses, request appropriate legal counsel (to be furnished by the University) who will advise it, but who will not vote. The hearing will be private and confidential unless the faculty member elects to have a public hearing.

In every such hearing the faculty member shall have the right to appear in person with legal counsel, retained by the individual, and to confront and cross-examine witnesses who may appear against him or her. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which he or she considers to be relevant or material to the case. The University administration shall also have the right to legal counsel in the preparation and presentation of charges, and have the same rights in the hearing as those accorded the faculty member. A record of the proceedings shall be kept and delivered to the President, and a copy of this record shall be given to the faculty member.

The nature of the hearing shall be investigatory. The Special Hearing Committee, by a majority of its total membership, shall make written findings on the material facts of each charge and make specific recommendations with regard to each of the charges. The Special Hearing Committee, by a majority of its total membership, may make any supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated. The Chairperson of the Special Hearing Committee shall deliver the findings, recommendations, and suggestions to the President, who shall transmit them along with his own recommendations to the Board of Regents.

The Board of Regents, by a majority of its total membership, shall approve or reject the findings, recommendations, and suggestions of the Special Hearing Committee. The Board will then communicate its decision, and the reasons therefore, in writing to the President, who will then release to the Special Hearing Committee, and to the faculty member, the findings and recommendations of the Special Hearing Committee, together with the statement of the Board of Regents.

The procedure for termination described in the foregoing paragraphs of this section does not impair the right of the President to suspend a faculty member from all or some duties when the President believes that the allegations, if true, create a likelihood of serious harm for persons or the University. The suspension shall be with pay until such time as the suspended faculty member has been accorded the procedural rights described in the foregoing paragraphs of this section.

VII. Notice of Nonreappointment, Termination or Resignation

A. Full-time probationary faculty members in their first year with the University whose duties commence with the first semester of the academic year must be notified by the following March 1 if they are not to be reappointed.

B. Full-time probationary faculty members in their first year with the University whose duties commence after November 15 must be notified by the following April 15 if they are not to be reappointed.

C. Full-time probationary faculty members who are in their second year of service with the University and who are not to be reappointed shall be notified by December 15 of the academic year in which the appointment is to terminate.

D. A full-time probationary faculty member with more than two years of service will be notified of nonreappointment by issuance of a terminal contract for one year.

E. Faculty members in positions as lecturer, instructor, or in any visiting, adjunct, or part-time rank are appointed for a specified contract period only, and notice of nonreappointment is not necessary.

F. If an appointment is terminated for reasons other than conduct involving moral turpitude, the probationary faculty member will receive salary for the period of time required by sections VII.A to VII.E. The faculty member will be assigned appropriate duties for the requisite period of time.

G. Notice of resignation by a faculty member shall be given early enough to obviate serious inconvenience to the University. If at all possible, this notice shall be given at least ninety days in advance of departure.

VIII. University Tenure and Privilege Committee

The Tenure and Privilege Committee will consider matters of policy pertaining to tenure, academic freedom, or academic privilege referred to it by members of the University community. If the committee concludes that a matter submitted to it is significant only for specific individuals, or that the matter is unique because of particular facts and circumstances, the committee shall make a report, comment or recommendation to the President and to the individuals directly involved.

If the committee concludes that a matter submitted to it presents a problem or question of general application, interest or significance, or is likely to recur, the committee shall make a report, recommendation, comment, interpretation, or ruling, as may be appropriate, which shall be sent to the President of the University. If the President does not approve the action of the committee, the committee shall be informed in writing of the reasons for disapproval. The substance of any recommendation by the committee, when approved by the President, shall be transmitted to the Faculty Senate and published in the Faculty Handbook.

The committee shall consist of five tenured faculty and two ex-officio members who are the Academic Vice President and a dean selected by the Academic Council. The faculty members will be elected at large by the voting faculty for alternating terms of five years, with one membership position terminating August 31 of each year. No more than two faculty members elected from any college or school shall serve on the committee at the same time. No elected faculty member will be eligible for reelection to the committee until a period of one year has elapsed from the termination date of a prior term unless he or she was elected to serve less than two years of an unexpired term of a previous member.. The dean member shall serve for three years, but shall not be eligible to serve consecutive terms. The committee shall determine its own rules of procedure.

IX. Amendments

Amendments to this policy may be proposed by the President, the Tenure and Privilege Committee, or the Faculty Senate. Amendments shall be reviewed by the Office of Academic Affairs, the Tenure and Privilege Committee, and the Faculty Senate.

Following the review, the Office of Academic Affairs shall present the amendments to the faculty for consideration. In this process, the voting faculty (as defined in the Constitution of the Faculty Senate) shall be polled for approval or disapproval of the proposed amendments.

After consideration by the voting faculty, the amendments shall be forwarded by the Vice President for Academic Affairs to the President for his review and, if the President approves, to the Board of Regents for its consideration.

X. Implementation

This policy is to be implemented immediately upon approval by the Board of Regents. Faculty members in a probationary status at the time of this approval will have the opportunity to choose the tenure policy under which they wish to be considered for tenure--the policy in existence when they were hired or the newly approved policy. All tenured faculty members are subject to general provisions and procedures of this revised tenure policy upon its approval by the Board of Regents. The tenure of faculty members who have attained it at Texas Tech University continues under this policy.