#### 2:30 p.m. RECONVENE FULL BOARD

Consider action on Executive Session items, if any

### Action Items:

Approval and Adoption of Tenure Policies for UNT, UNT Dallas, and UNT Health Science Center 1. UNTS

Approval of Amendments to Regents Rule 06.1200, Dismissal and 2. UNTS

Revocation of Tenure

3:00 p.m. ADJOURNMENT



Neal Smatresk



# Office of Ceneral Councel

### **MEMORANDUM**

TO:

Board of Regents Chancellor Michael R. Williams

FROM:

- comprehensive performance evaluation, the opportunity to provide documentation during the performance evaluation process, and notice of specific charges and an opportunity for a hearing on those charges before any disciplinary action is taken on the basis of a comprehensive performance evaluation;
- 5. the revocation of tenure or other appropriate disciplinary action may be taken if the comprehensive performance evaluation determines the presence of incompetency, neglect of duty, or other good cause;
- 6. the process provides for a short-term development plan with performance benchmarks for returning to satisfactory performance for any faculty member who receives an unsatisfactory rating in any area of a comprehensive performance evaluation; and
- 7. failure to successfully complete a comprehensive performance review short-term development plan constitutes adequate cause for dismissal in accordance with Regents Rule 06.1206.

Lastly, Regents Rule 06.1200, Dismissal and Revocation of Tenure, establishes that each Institution shall recommend to the Board for review, approval, and adoption procedures for dismissal of a tenured faculty member for adequate cause. Such procedures shall provide the faculty member with appropriate due process and include, at a minimum, the following provisions:

- 1. reasonable and timely notice of the reason for possible dismissal;
- 2. an opportunity to meet with and respond to an administrator prior to initiation of formal action to dismissal;
- 3. an informal, advisory inquiry into the reasons for the dismissal before initiation of formal proceedings;
- 4. a statement informing the faculty member of the reason(s) for initiation of formal dismissal proceedings and of his or her procedural rights under Institution policy;
- 5. an opportunity for a formal hearing; and
- 6. a requirement that the Board make the final determination involving the dismissal of a tenured faculty member for adequate cause.

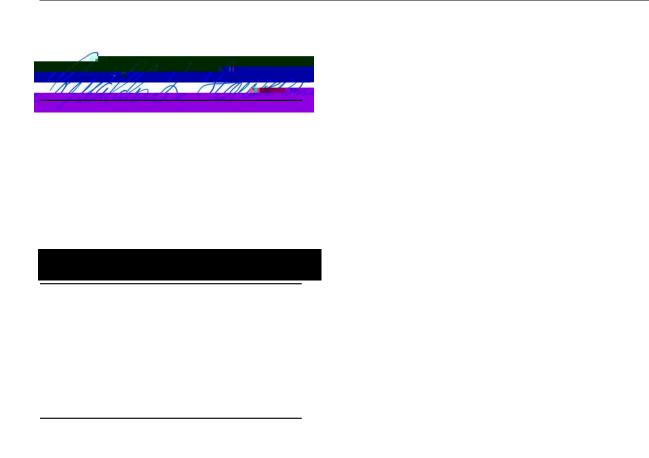
The Office of General Counsel has performed a comprehensive review of all institutional policies and procedures regarding tenure and certifies the following: all institutional policies and procedures submitted for review, approval, and adoption by the Board of Regents are in compliance with Texas Education Code, section 51.942 and applicable Regents Rules.

#### ATTACHMENTS:

UNT Promotion and Tenure Policies
UNT Dallas Promotion and Tenure Policies
UNT Health Science Center Promotion and Tenure Policies

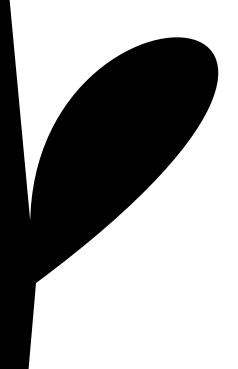
# Dismissal and Revocation of Tenure

## Disnissal and Revocation of Tenure



## Dismissal and Revocation of Tenure





#### 06.1200 Dismissal and Revocation of Tenure

O6.1201 <u>Dismissal of Tenured Faculty</u>. The employment of a tenured faculty member may be terminated <u>and tenure revoked</u> only by the Boardin accordance with this Rule and only for adequate cause, <u>serious misconduct</u>, financial exigency, or discontinuance of academic programs.

O6.1202 Procedures for Dismissal of Tenured Faculty for Adequate Cause. Except as provided for summary dismissal set forth in this Rule, each Institution shall recommend to the Board for review, approval, and adoption procedures for dismissal of a tenured faculty member for adequate cause. Such

the President to the Board through the Chancellor. A tenured faculty member shall not be dismissed for adequate cause except by a majority vote of the total membership of the Board. The Board shall provide specific reasons in writing for any decision to dismiss a tenured faculty member for adequate cause.

- O6.1204 <u>Dismissal of Non-Tenured Faculty</u>. An Institution may dismiss the employment of a non-tenured faculty member by non-renewal of his or her appointment, for adequate cause, financial exigency, or discontinuance of academic programs during the course of his or her appointment.
- O6.1205

  Procedures for Dismissal of Non-Tenured Faculty for Adequate Cause. Each Institution shall adopt procedures for dismissal of non-tenured faculty for adequate cause. Such procedures shall include, at minimum, reasonable and timely notice of the reason for dismissal and an opportunity to respond.
- Adequate Cause. Each Institution shall recommend to the Board for review, approval, and adoption policies and procedures for dismissal of a tenured faculty member for adequate cause. Adequate cause for dismissal and revocation of tenure of a tenured faculty member and dismissal of a non-tenured faculty member may include, but shall not be limited to, a determination that the faculty member has:
  - exhibited professional incompetence;
  - continually or repeatedly failed to perform duties or meet responsibilities of the faculty member's position;
  - 3. failed to successfully complete a post-tenure review professional development program;
  - engaged in conduct involving moral turpitude that adversely affects the Institution or the faculty member's performance of duties or meeting of responsibilities;
  - violated laws or System or Institution policies or regulations substantially related to the performance of the faculty member's duties;

- been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration or failed to disclose or misrepresented criminal history background information;
- 7. engaged in unprofessional conduct that adversely affects the Institution or System or the faculty member's performance of duties or meeting of responsibilities; or
- 8. falsified the faculty member's academic credentials.
- O6.1207 <u>Suspension</u>. A tenured or non-tenured faculty member may be suspended pending proceedings to dismiss for adequate cause if the faculty member presents a threat of immediate harm to the Institution.
- O6.1208

  Procedures for Summary Dismissal of Tenured Faculty for Serious Misconduct. Each Institution shall recommend to the Board for review, approval, and adoption procedures for dismissal and revocation of tenure of a tenured faculty member based upon serious misconduct substantiated by an investigation conducted by the System or Institution, or a federal, state, or local agency with applicable jurisdiction over the subject matter, and consistent with this Rule. Such procedures shall provide the faculty member with appropriate due process including, at a minimum, the following provisions:
  - 1. written notice of the allegation(s) against the faculty member together with an explanation of the evidence supporting possible dismissal;
  - copies of non-confidential or non-privileged investigative reports (with appropriate redactions) that are available to the Institution at the time of written notice;
  - 3. an opportunity for the faculty member to respond to the allegation(s) in a hearing with the Institution's Provost:
  - 4. consideration of the faculty member's response, in any, by the Institution's Provost;

- 5. a written determination by the Provost stating whether the Institution will proceed with summary dismissal and clearly stating the faculty member:
  - (a) <u>is not subject to summary dismissal; or</u>
  - (b) is subject to summary dismissal, the effective date of the dismissal, and information regarding the faculty member's opportunity for a post-dismissal appeal.
- 2.6. prompt delivery of the Provost's written determination to the faculty member;
- 7. the opportunity to appeal the determination of summary dismissal as set out below:
  - (a) <u>an appeal must be submitted in writing to</u> the Institution's President no later than ten

- 2. egregious scientific or research misconduct;
- conviction of a crime substantially affecting the fitness of the faculty member to engage in teaching, research or creative activity, service, outreach, or administration;
- 4. sexual misconduct that violates federal Title IX or state sexual misconduct laws or policies; or
- violence or threat of violence in the workplace.
- O6.1210. Suspension. A faculty member subject to a summary dismissal procedure may be suspended with or without pay during the summary dismissal process. If suspension without pay has not already been imposed, notice of summary dismissal shall result in immediate suspension without pay.
- O6.1211 Procedures for Dismissal of Tenured or Non-Tenured Faculty for Financial Exigency. Each institution shall adopt procedures for dismissal of tenured or non-tenured faculty for financial exigency. Such procedures shall include, at minimum, the following provisions:
  - reasonable and timely notice of the intent to dismiss a faculty appointment because of financial exigency;
  - 2. an opportunity for a formal hearing before a faculty committee;
  - an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach; and
  - 4. an opportunity of re-employment for faculty members who are dismissed based on financial exigency if the position is restored within a period of three years from the dismissal date.
- 06.12091212 <u>Dismissal of Tenured Faculty for Financial Exigency</u>. A tenured faculty member may be dismissed due to financial

exigency only upon recommendation by the President and approval by the Board.

- O6.12101213 Procedures for Dismissal of a Tenured or Non-Tenured Faculty for Discontinuance of Academic Programs. Each institution shall adopt procedures for dismissal of tenured or non-tenured faculty for discontinuance of academic programs. Such procedures shall include, at minimum, the following provisions:
  - reasonable and timely notice of the intent to dismiss a faculty appointment because of discontinuance of academic programs;
  - 2. an opportunity for a formal hearing before a faculty committee; and
  - an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach.
- 06.1211 Dismissal of Tenured Faculty for Discontinuance of Academic Programs. A tenured faculty member may be dismissed due to discontinuance of academic programs only upon recommendation by the President and approval by the Board.
- 06.121215 Reporting Requirement. Each Institution shall file a copy of its dismissal and revocation of tenure policies and procedures and any amendments thereto with the Texas Higher Education Coordinating Board on or before September 1 of each year.

Adopted: February 7, 2008 Effective: February 7, 2008

Revised: August 18, 2011; September 1, 2023

#### 06.1200 Dismissal and Revocation of Tenure

- O6.1201 <u>Dismissal of Tenured Faculty</u>. The employment of a tenured faculty member may be terminated and tenure revoked only in accordance with this Rule and only for adequate cause, serious misconduct, financial exigency, or discontinuance of academic programs.
- O6.1202 Procedures for Dismissal of Tenured Faculty for Adequate Cause. Except as provided for summary dismissal set forth in this Rule, each Institution shall recommend to the Board for review, approval, and adoption procedures for dismissal of a tenured faculty member for adequate cause. Such procedures shall provide the faculty member with appropriate due process including, at a minimum, the following provisions:
  - 1. reasonable and timely notice of the reason for possible dismissal;
  - 2. an opportunity to meet with and respond to an administrator prior to initiation of formal action to dismissal;
  - 3. an informal, advisory inquiry into the reasons for the dismissal before initiation of formal proceedings;
  - 4. a statement informing the faculty member of the reason for initiation of formal dismissal proceedings and of his or her procedural rights under Institution policy;
  - 5. an opportunity for a formal hearing; and
  - 6. a requirement that the Board make the final determination involving the dismissal of a tenured faculty member.
- 06.1203 <u>Board Review</u>. A recommendation to dismiss a tenured faculty member for adequate cause shall be forwarded by

the President to the Board through the Chancellor. A tenured faculty member shall not be dismissed for adequate cause except by a majority vote of the total membership of the Board. The Board shall provide specific reasons in writing for any decision to dismiss a tenured faculty member for adequate cause.

- O6.1204 <u>Dismissal of Non-Tenured Faculty</u>. An Institution may dismiss the employment of a non-tenured faculty member by non-renewal of his or her appointment, for adequate cause, financial exigency, or discontinuance of academic programs during the course of his or her appointment.
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  Procedures for Dismissal of Non-Tenured Faculty for Adequate Cause. Each Institution shall adopt procedures for dismissal of non-tenured faculty for adequate cause. Such procedures shall include, at minimum, reasonable and timely notice of the reason for dismissal and an opportunity to respond.
- O6.1206 <u>Adequate Cause</u>. Adequate cause for dismissal and revocation of tenure of a tenured faculty member and dismissal of a non-tenured faculty member may include, but shall not be limited to, a determination that the faculty member has:
  - 1. exhibited professional incompetence;
  - 2. continually or repeatedly failed to perform duties or meet responsibilities of the faculty member's position;
  - 3. failed to successfully complete a post-tenure review professional development program;
  - 4. engaged in conduct involving moral turpitude that adversely affects the Institution or the faculty member's performance of duties or meeting of responsibilities;
  - 5. violated laws or System or Institution policies or regulations substantially related to the performance of the faculty member's duties;
  - 6. been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research,

- service, outreach, or administration or failed to disclose or misrepresented criminal history background information;
- 7. engaged in unprofessional conduct that adversely affects the Institution or System or the faculty member's performance of duties or meeting of responsibilities; or
- 8. falsified the faculty member's academic credentials.
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5. a written determination by the Provost stating whether the Institution will proceed with summary

- 3. conviction of a crime substantially affecting the fitness of the faculty member to engage in teaching, research or creative activity, service, outreach, or administration;
- 4. sexual misconduct that violates federal Title IX or state sexual misconduct laws or policies; or
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  - 3. an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach; and
  - 4. an opportunity of re-employment for faculty members who are dismissed based on financial exigency if the position is restored within a period of three years from the dismissal date.
- O6.1212 <u>Dismissal of Tenured Faculty for Financial Exigency</u>. A tenured faculty member may be dismissed due to financial exigency only upon recommendation by the President and approval by the Board.
- 06.1213 <u>Procedures for Dismissal of a Tenured or Non-Tenured</u> Faculty for Discontinuance of Academic Programs. Each

institution shall adopt procedures for dismissal of tenured or non-tenured faculty for discontinuance of academic programs. Such procedures shall include, at minimum, the following provisions:

- 1. reasonable and timely notice of the intent to dismiss a faculty appointment because of discontinuance of academic programs;
- 2. an opportunity for a formal hearing before a faculty committee; and
- 3. an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach.
- O6.1214 <u>Dismissal of Tenured Faculty for Discontinuance of Academic Programs</u>. A tenured faculty member may be dismissed due to discontinuance of academic programs only upon recommendation by the President and approval by the Board.
- O6.1215 Reporting Requirement. Each Institution shall file a copy of its dismissal and revocation of tenure policies and procedures and any amendments thereto with the Texas Higher Education Coordinating Board on or before September 1 of each year.

Adopted: February 7, 2008 Effective: February 7, 2008

Revised: August 18, 2011; September 1, 2023