

SAP 12.01.99.T0.01 Faculty Administrative Leave, Non-Reappointments and Dismissals



Approved: September 30, 2019
Next Scheduled Review: September 30, 2024

Procedure Statement

This standard administrative procedure (SAP) supplements The Texas A&M University System (System) Policy 12.01, *Academic Freedom, Responsibility and Tenure*.

Reason for Procedure

This SAP operationalizes System Policy 12.01 on matters related to administrative leave, faculty non-reappointment, and faculty dismissal for cause, reduction or discontinuance of institutional programs at Tarleton State University (Tarleton or university).

Procedures and Responsibilities

1. ADMINISTRATIVE LEAVE

- 1.1 Tarleton faculty members may be placed on administrative leave with pay pursuant to Section 5 of System Policy 12.01.
- 1.2 A Tarleton faculty member placed on administrative leave with pay may appeal the decision to the provost by submitting an appeal in writing within five business days of the receipt of administrative leave notification. Appeals presented after the fifth business day will be denied as untimely.

2. NON-REAPPOINTMENT OF NON-TENURED TENURE TRACK FACULTY AT END OF TERM CONTRACT

- 2.1 Non-reappointment or non-renewal of a non-tenured tenure track faculty member will be administered in writing and in accordance with standards and procedures prescribed in System Policy 12.01 and those outlined below as being specific to Tarleton.
- 2.2 Before a notice of non-reappointment is given to a non-tenured tenure track faculty member, the department head will review reasons for the non-

reappointment with the dean. If the dean approves the decision to not reappoint, the dean will prepare a written request for approval by the provost. Once provost approval is received, the department head will issue a written notice to the faculty member within the time frames outlined in System Policy 12.01.

- 2.3 The faculty member may present a grievance over non-renewal to the provost or designee in accordance with System Policy 12.01. The provost or designee will consider the grievance and return a written decision to the faculty member within ten business days of the meeting.
- 2.4 The faculty member may present an appeal over non-renewal to the provost or designee in accordance with System Policy 12.01. Appeals presented after the 20th business day shall be denied as untimely. Appeals on the basis of an illegal reason shall be referred for investigation and resolution in accordance with System Regulation 08.01.01 Civil Rights Compliance, and University Rule 08.01.01.T1 Civil Rights Compliance.
- 2.5 The provost will submit the appeal to the University Grievance Committee for a preliminary review in accordance with System policy 12.01. That preliminary review must be completed with fifteen business days of the notice of appeal. If the University Grievance Committee determines the faculty member has established a prima facie case, the provost will refer the appeal to the Committee on Academic Freedom and Tenure (CAFRT), for an evidentiary hearing and decision in accordance with System policy 12.01. Within five business days of the date the appeal returns from the University Grievance Committee, the provost will notify the CAFRT chair of the appeal. The CAFRT Chair will provide a written recommendation to the appellant, provost, dean, department head and the President's Office within the timelines outlined in System Policy 12.01.

3. DISMISSAL FOR CAUSE OF FACULTY WITH TENURE OR UNEXPIRED TERM APPOINTMENTS

- 3.1 A decision to dismiss a tenured, tenure-track, or fixed-term faculty member for cause prior to the expiration of an appointment shall be consistent with System Policy 12.01.
- 3.2 Before any formal notice of the intended dismissal of a tenured, tenure-track, or fixed-term faculty member is issued, the department head or other academic administrator has a responsibility to first attempt to achieve satisfactory resolution of performance and/or misconduct issues with the faculty member through documented discussions, confidential mediation, or a formal performance improvement plan.
- 3.3 Before the faculty member can be given formal notice of dismissal for cause, the department head or other academic administrator and dean must notify the provost of their recommendation to dismiss for cause. The department head and dean should ensure sound documentation supports the recommendation.

- 3.4 The faculty member shall be given formal notice of the decision to dismiss in writing within a reasonable period before the effective date of the intended termination. The written notice of dismissal must specify the cause for dismissal and provide the opportunity for an appeal hearing.
- 3.5 If a summary dismissal or suspension without pay pending dismissal in accordance with System Policy 12.01, the department head or other academic administrator provides written notice to the faculty member of the dismissal and charges for the dismissal. The faculty member is released from service immediately and placed on suspension with pay until the effective date of dismissal. The dismissal is effective ten business days from the date of notice to allow time for the faculty member to present a response to the provost prior to the effective date of the dismissal in accordance with System Policy 12.01.
- 3.6 When not a summary dismissal or suspension without pay pending dismissal, the faculty member is entitled to continued employment while the university's due process procedures are carried out in accordance to System Policy 12.01. Suspension of the faculty member from normal duties during dismissal proceedings is justified only if the welfare of the faculty member or that of students, colleagues, or other employees is threatened by continuance, or if the continued presence of the faculty member would be materially and substantially disruptive of the regular operations of the university. Any such suspension should be with pay and with appropriate provisions for useful duties whenever possible.
- 3.7 Any faculty member (tenured, tenure-track or fixed term) who receives written notice of dismissal and who alleges that the dismissal is not for good cause shall submit a written notice of appeal to the president or designee within ten business days of receiving the notice of dismissal. The president or designee will notify the chair of the Committee of Academic Freedom, Responsibility and Tenure (CAFRT) of the appeal. The appeal, hearing and decision of the appeal will be conducted in accordance with System Policy 12.01.

4. COMMITTEE ON ACADEMIC FREEDOM, RESPONSIBILITY, AND TENURE (CAFRT)

- 4.1 The CAFRT is the hearing body for faculty appeals made to the president or designee in accordance with this SAP and System policy 12.01. An appeal of the dismissal of any faculty member for cause will be heard by the CAFRT committee.
- 4.2 Tenure-track faculty members whose appointments are not renewed, whether or not the non-renewal is a result of a decision to not grant tenure, may appeal this decision, and that appeal will be heard by the CAFRT committee. Appeals alleging civil rights violations must first follow processes outlined in System Regulation 08.01.01 Civil Rights Compliance, and University Rule 08.01.01.T1 Civil Rights Compliance.

4.3 Membership

- 4.3.1 The CAFRT shall be comprised of tenured teaching faculty members. This designation excludes department heads, deans, and the provost, or individuals acting in those capacities, who have direct responsibilities in the tenure and promotion process. Any faculty member holding an administrative appointment of more than forty-nine percent (49%) will not be eligible to serve. Membership is comprised of one representative per college and three at-large members serving three-year terms arranged on a rotating basis so that one-third of the members (two college representatives and one at-large representative) are replaced each year. The new CAFRT members are elected annually by the faculty. Faculty members who are full-time employees with the rank of instructor and above are eligible to vote for members of the committee. The provost's office publishes the ballot, and the election is held electronically through the Office of Institutional Research and Reporting. No faculty member may serve on both the CAFRT and the University Grievance Committee.
- 4.3.2 The college representatives are selected from the slate of tenured teaching faculty with the individual receiving the most votes elected the college representative. In the event of a tie, a second vote of the faculty members with the highest votes will be conducted. In the event of a tie after the second vote, subsequent votes of the faculty members with the highest votes will be conducted until one individual receives the most votes.
- 4.3.3 After the college representatives have been selected, at-large members are selected from the slate of all remaining tenured teaching faculty with the individuals receiving the most votes elected as the at-large members. In the event of a tie, a second vote of the faculty members with the highest votes will be conducted. In the event of a tie after the second vote, subsequent votes of the faculty members with the highest votes will be conducted until one individual receives the most votes.
- 4.3.4 If a position on the CAFRT becomes vacant, the next individual in the sequence of votes described above will be appointed to serve.
- 4.3.5 Terms of new CAFRT members begins the first long semester after election. The chair and vice chair of the CAFRT will be elected by the CAFRT membership and are eligible for reelection. If the chair or vice chair position becomes vacant prior to the term ending, the CAFRT members will elect a replacement from the committee to fill the unexpired term.
- 4.3.6 Each committee member is subject to challenge for cause. The committee chair will rule on the validity of any challenge (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of any type of relationship or other contacts between a Committee member and other individuals does not necessarily constitute bias.).

If the challenge is related to the chair, then the committee vice chair will rule on the validity of any challenge. If the challenge is related to, both chair and the vice chair, then the remaining committee members will vote on the validity of any challenge.

4.3.7 Any committee member may request to be recused when the member believes that he or she will not be able to render an unbiased decision. The committee chair will rule on the validity of any request to be recused. If the request to be recused is from the chair, then the committee vice chair will rule on the request. If requests to be recused are from the both chair and the vice chair, then the remaining committee members will vote on the requests to be recused.

4.3.8 The CAFRT shall operate in accordance with all System policies, regulations, and university rules.

4.4 Hearing Procedures

4.4.1 The president or designee will appoint an individual to serve as Tarleton State University's representative at the hearing. Both the faculty member and the university representative shall have the independent right for representation. Outside the hearing, either party may use legal counsel to assist in preparation of their case and to interview witnesses.

4.4.2 When a faculty member requests a hearing in accordance with this SAP and System Policy 12.01, the CAFRT will set a time for the hearing in accordance with System Policy 12.01. Hearings may proceed with a quorum of five members of the committee. The CAFRT chair will notify the faculty member, university representative, and the Texas A&M University System Office of General Counsel in writing of the date, time and location of the hearing. The faculty member and the university representative will exchange witness lists indicating the general nature of the testimony of each witness prior to the hearing at a time specified by the CAFRT. Witnesses should be present at the hearing so that the faculty member, the university representative, and the panel may ask questions. In the event that the presence of a witness is not possible, a conference call may be established by prearrangement with approval of the chair or vice chair in the chair's absence. The committee may accept written documentation, including statements, at its discretion. Witnesses may be added at a later date for good cause.

4.4.3 Both the university representative and the faculty member will have the right to call witnesses and to question all witnesses who testify orally. It is not necessary to follow the formal rules of evidence. In the hearing, the parties can present brief opening arguments, beginning with the party having the burden of proof. The party with the burden of proof will first present its case to the committee, with the other party having the opportunity to cross-examine each witness after their testimony.

The other party will then have the opportunity to present its case, with the first party having the opportunity to cross-examine each witness after their testimony. The parties can present brief closing arguments, beginning with the party having the burden of proof. The proceedings shall be stenographically transcribed and follow Public Information Act requirements.

- 4.4.4 The CAFRT shall allow written briefs on behalf of the university's representative and by the faculty member or designated representative.
- 4.4.5 The hearing shall be closed to the public unless the affected faculty member requests that it be open.
- 4.4.6 The findings and recommendations of the CAFRT will be made in accordance with System policy 12.01.

5. TENURE, FINANCIAL EXIGENCY, AND PHASING OUT OF PROGRAMS

In the event of a bona fide financial exigency, reduction or discontinuance of an academic or institution program at Tarleton pursuant to System Policy 12.01:

- 5.1 Faculty members having tenure will be given preference for retention over non-tenured faculty. If two or more tenured faculty members are equally qualified and capable, preference for retention will be given to those with greater length of service with the university.
- 5.2 The university will reassign or separate any tenured faculty member, or faculty member whose term appointment has not expired, in accordance with System policy 12.01.
- 5.3 Faculty members selected for termination will be furnished with a written statement that includes, but is not limited to:
 - the basis for the initial decision to terminate;
 - description of how the initial decision was made;
 - discloses the information and data upon which the decision makers relied; and
 - notification of entitlement to a hearing before the Committee of Academic Freedom, Responsibility and Tenure (CAFRT).
- 5.4 Faculty members selected for termination may make a written request for a hearing to the president within ten business days of the receipt of the letter of termination. The president will notify the chair of the CAFRT within five business days of receipt of the faculty member's written request. Hearings

requested by a faculty member must take place before the subject faculty member is terminated and should be conducted in accordance with System policy 12.01.

6. LOSS OF TENURE

- 6.1 Tenure is forfeited when a Tarleton faculty member: (1) retires; (2) resigns; (3) is dismissed for cause; or (4) is off the Tarleton State University payroll for more than one calendar year unless on approved leave of absence.

Related Statutes, Policies, or Requirements

- [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#)
 - [System Regulation 08.01.01, Civil Rights Compliance](#)
 - [Tarleton Rule 08.01.01.T1, Civil Rights Compliance](#)
-

Contact Office

Division of Academic Affairs
Office of Curriculum, Assessment, and Faculty Affairs
254.968.9598