

STEPHEN F. AUSTIN STATE UNIVERSITY  
Faculty Senate  
Meeting No. 93  
November 29, 1978

1. Chairman Jeffrey called the meeting to order at 2:20 p.m.
2. After the roll call, the Senate proceeded to discuss Senate Bill #85-1, Tenure Policy.

Senator Rodewald moved and Senator Blocker seconded a motion to delete "governing board of" and substitute "Board of Regents'" in the amendment to IV. A. 10. MOTION PASSED.

Senator Blocker moved and Senator Snyder seconded a motion to amend III. B. so the sentence will read: "Each tenured faculty member will submit a written recommendation . . . ." MOTION PASSED.

Senator Rodewald moved and Senator Mathis seconded a motion to amend IV. A. 4. by substituting the words "Faculty Senate" for "University Grievance Committee." Senator Rodewald explained that he felt that at the present time the University Grievance Committee is untested and grievance is not clearly defined. He wants to see how the Committee works on other matters of grievance for a year before giving it the important task of handling tenure grievances.

Senator Young suggested that it might be a good idea to give faculty members a choice between a Grievance Committee or the Faculty Senate. Chairman Jeffrey questioned the wisdom of maintaining a dual system of due process procedures.

Senator Pollock moved to amend Senator Rodewald's amendment to read: ". . . will have the right to a hearing by the Faculty Senate or by a Hearing Committee of the University Grievance Committee at the discretion of the aggrieved faculty member.\*" Senator Kerr seconded the motion, and the MOTION was DEFEATED on a tie-breaking vote by Chairman Jeffrey.

The Senate then voted to DEFEAT Senator Rodewald's MOTION to amend IV. A. 4.

Senator Young raised the question of tenure for part-time faculty members, and the Senators discussed the ramifications of the procedure.

Senator Irons expressed a strong aversion to IV. A. 1. on the grounds that both probationary and tenured faculty members are included in the same statement and the reasons for dismissal are not spelled out in enough detail. He feels that the Senate should not say all the reasons the administration can use to fire an employee. Dean Reese pointed out that these reasons are the fundamental keystone of tenure and the only justifiable causes for dismissal. Senator Rodewald concurred and added that a faculty member should know under what conditions he can expect to retain his job.

Senator Adams expressed his personal opposition to written peer evaluations at the departmental level because the non-confidential nature of the

procedure is potentially divisive and bad for morale. He felt that it was the administrators' duty to make the hard judgments, because that is what they are paid to do, rather than have the whole department embroiled.

Senator Mathis moved to amend IV. A. 4a by adding the following statement: "Elections will be structured so that all tenured faculty members are eligible to become candidates and so that those faculty members who are elected will receive the votes of at least a majority of the faculty members participating in their election." Senator Rodewald seconded the motion; MOTION PASSED.

Senator Adams moved and Senator McCune seconded the motion to delete all of III. B. and the phrase, "and the recommendations of the tenured faculty of the department," from III. C. MOTION DEFEATED.

At this time the Faculty Senate voted 15-5 to approve Senate Bill #85-1, Tenure Policy, as amended, with the deletion of Parts E and F under Section IV. (See ATTACHMENT #1.) MOTION PASSED.

Chairman Jeffrey expressed the Senate's appreciation to Mr. L. Thompson, Chairman of the Faculty Government and Involvement Committee, and each of the members of his committee--Senators Blocker, Bowman, Johnson, Wallace and Young--for the long hours of hard work which they devoted to the development of the new tenure policy.

Senator Blocker suggested the establishment of a new tenure committee, consisting of Senators who have had differing viewpoints on the policy, to watch the implementation of the Bill, see how it works during the coming year, report back to the Senate, and make any recommendations they might have at that time.

3. The next regularly scheduled meeting of the Faculty Senate will be on December 13, 1978, at 2:15 p.m. in Rusk 301.
4. Chairman Jeffrey adjourned the meeting at 3:50 p.m.

Absentees:

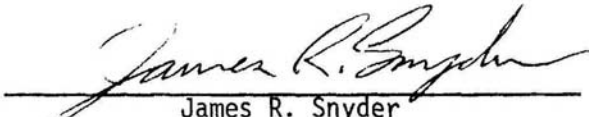
George S. Thompson--Excused  
Leslie Thompson--Excused  
B. F. Walker--Excused  
Sue Jones--Excused

Visitors:

Greg Powell  
Dana Sneed  
T. J. Stanly  
Janelle Ashley

Ex Officio Members Present:

James Reese

  
James R. Snyder  
Secretary, 1978-79 Senate

November 29, 1978

SENATE BILL #85-1  
TENURE POLICY

I. DEFINITION

Tenure means the entitlement of a faculty member\* to continue in his or her academic position unless dismissed for adequate cause, and tenure is awarded by the institution according to established procedures after an appropriate probationary period.

A faculty member with tenure shall not be dismissed until he or she has received reasonable notice of the cause for dismissal and been afforded an opportunity for a hearing following established procedure of due process.

II. APPOINTMENTS\*\*

A. With the exception of special appointments clearly limited to a brief association with the University and reappointments of retired faculty members on special conditions, all full-time appointments\*\*\* to the rank of instructor or higher are of two kinds:

1. Appointments with tenure, provided that, prior to the appointment, the individual has successfully completed the procedure for acquiring tenure at this institution.
2. Probationary appointments may be for one year, or for other legally stated periods, subject to renewal. Beginning with full-time appointment to the rank of instructor or higher rank, the probationary period for a faculty member shall not exceed seven years at this institution, including within this period credit granted for appropriate full-time service in all institutions of higher education. This appointment is subject to the provision that when, after a term of probationary service of more than three years in one or more institutions of higher education, it may be agreed in writing that his or her appointment at Stephen F. Austin State University is for a probationary period of not more than four years (even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years). Scholarly leave or absence for one year or less will count as

\*"Faculty member" includes professional librarians.

\*\*Faculty who were initially appointed to non-tenure track positions under prior policy are included in this and all subsequent references to probationary appointment or probationary position.

\*\*\*"Full-time appointment" means a 100% appointment for a full academic year (September through May).

part of the probationary period as if it were prior service at another institution unless the individual and the institution agree in writing to an exception to this provision at the time the leave is granted.

B. Notice of non-reappointment, or of intention not to reappoint a faculty member, will be given in writing in accord with the following standards:

1. not later than March 1 of the first year of probationary service at Stephen F. Austin State University,
2. not later than December 15 of the second year of probationary service at Stephen F. Austin State University,
3. at least twelve months before the expiration of a probationary appointment after two or more years of probationary service at Stephen F. Austin State University.

C. A probationary faculty member's tenure status, including years of credit for probationary service and departmental programmatic needs, will be specified in writing at the time of appointment and in subsequent annual reappointment notifications.

III. PROCEDURE FOR AWARDED TENURE

A. A faculty member may be nominated or apply for tenure. A nomination may be initiated by an individual faculty member, the department chairman, or other appropriate administrative officer of the University. The candidate is responsible for developing and submitting to the department chairman a packet of supporting materials, including a current vita. A faculty member who occupies an administrative position will submit his or her packet of supporting materials to his or her immediate administrative supervisor. The administrative supervisor alone will receive all recommendations of the tenured departmental or tenured divisional faculty. (Faculty members with concurrent appointments in two departments and/or two schools will be evaluated by both departments and/or schools.)

B. Each application/nomination for tenure, including all supporting materials, will be evaluated by all tenured faculty from the candidate's department with regard to the candidate's credentials and performance as a faculty member. Each tenured faculty member will submit a written recommendation to the department chairman that the candidate be granted or not granted tenure with comments concerning the judged strengths of the candidate. (If there are no tenured members in the candidate's department, this step will be omitted.)

C. The chairman of the candidate's department will evaluate the packet of materials submitted by the candidate and will forward these materials, along with his or her recommendation and the recommendations of the tenured faculty of the department, to the dean of the school.

D. Each application/nomination for tenure, including all supporting materials, will be evaluated by a school tenure committee with regard to the candidate's credentials and performance as a faculty member. The dean of the school will constitute the review committee. The committee will consist of one tenured member elected from each department in the school. The committee member from the department should not be the department chairman unless there are no other tenured faculty members in the department. The committee will review the supporting materials prepared by the candidate and each member will submit a recommendation to the dean of the school that the candidate be granted or not granted tenure, with comments concerning the judged strengths of the candidate.

E. The dean of the school will evaluate the packet of materials submitted by the candidate and will review the recommendation of the department chairman, and the recommendations of the tenured faculty of the candidate's department, and the recommendations of the school tenure committee as a basis for his or her recommendation to the Vice President for Academic Affairs. The dean's recommendation that the candidate be granted or not granted tenure and comments concerning the judged strengths of the candidate will be submitted to the Vice President for Academic Affairs, along with the packet of materials prepared by the candidate and the recommendations generated at each preceding stage of the evaluation.

F. The Vice President for Academic Affairs will review these materials and recommendations as a basis for his or her recommendation to the President of the University that the candidate be granted or not granted tenure. The Vice President for Academic Affairs will submit to the President of the University his or her recommendation, along with all supporting materials and the recommendations generated at each preceding stage of the evaluation.

G. The President of the University will review these materials and recommendations and any other evidence deemed pertinent as a basis for his or her recommendation to the Board of Regents that the candidate be awarded tenure.

H. Tenure is awarded by action of the Board of Regents of Stephen F. Austin State University.

#### IV. PROCEDURAL GUARANTEES

A. Tenured Faculty and Probationary Faculty with an Unexpired Appointment Extending Beyond the Date of Proposed Dismissal\*

1. The only adequate causes for the dismissal of a faculty member with tenure or a probationary faculty member whose specified term of employment has not expired are moral turpitude, professional incompetence, gross neglect of professional responsibilities, *bona fide* financial exigency or phasing out of programs requiring faculty reduction, and physical or mental disability rendering the faculty member unable to perform his or her professional responsibilities.

\*The University has a uniform procedure by which charges of discrimination made by employees or students are considered.

A. 2. The burden of proof that adequate cause exists for dismissal rests with the University.

3. Dismissal of a faculty member with tenure or a probationary faculty member whose specified term of employment has not expired will be preceded by:

- a. discussions between the faculty member and appropriate administrative officers of the University, and
  - b. if the conferences fail to achieve a mutual settlement, a written statement of specific charges will be prepared by the President or the President's delegate.
4. If an official statement of charges against a faculty member is issued, the faculty member will have the right to a hearing by a Hearing Committee of the University Grievance Committee.\* Service of notice of hearing with specific charges in writing will be made at least twenty days prior to the hearing.

a. The University Grievance Committee will be composed of fourteen tenured faculty members, two from each academic school and the library (exclusive of the Graduate School) elected by the full-time faculty members of the school to two-year staggered terms. Elections will be structured so that all tenured faculty members are eligible to become candidates and so that those faculty members who are elected will receive the votes of at least a majority of the faculty members participating in their election.

b. The Hearing Committee to hear a grievance will be composed of seven members selected as follows from the University Grievance Committee: three selected by the aggrieved faculty member, three by the President or the President's delegate, and one by lot. Each party will have a maximum of two challenges without stated cause.

c. Once constituted, the Hearing Committee will organize itself to carry out its responsibilities and establish its procedures.

5. At the faculty member's option, the hearing may be open or closed.

6. The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved.

7. The Hearing Committee's findings of fact and decision will be based solely upon the hearing record.

\*This procedure in no way precludes a faculty member's right to petition the Faculty Senate for a hearing.

8. The Hearing Committee's decision and the basis for it will be communicated in writing to the faculty member and the President. It will be accompanied by a verbatim typewritten record of the hearing.
9. If the Hearing Committee concludes that adequate cause for dismissal has not been established by the evidence in the record and the President rejects the Committee's conclusion, he will state his reason(s) for doing so in writing to the Committee and the faculty member. The President will provide a reasonable time for response before transmitting the case to the Board of Regents.
10. When it is the President's final judgment to recommend dismissal, he will transmit to the Board of Regents a verbatim typewritten copy of the record of the hearing, the report of the Hearing Committee, and his recommendation regarding dismissal. The Board of Regents' review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. Following the Board's decision, the chairman will communicate the decision in writing through the President of the University to the chairman of the Hearing Committee and the faculty member.

11. Pending action by the Board of Regents, the faculty member will be suspended or assigned to other duties only if harm to himself/herself or others or the education of students is threatened. His/her continuance or regular duties. The faculty member's salary will continue until final action by the Board of Regents, within limits established by state law.

8. Probationary Faculty whose Contract Is Not Renewed

1. A probationary faculty member who has been notified of non-reappointment according to the schedule set forth in Section II. 5. Appointment, may appeal non-reappointment only on presentation of *prima facie* evidence that constitutional guarantees or academic freedom were violated.
2. The burden of proof of allegations of abridgment of constitutional guarantees or academic freedom is upon the probationary faculty member.
3. A faculty member who alleges abridgment of constitutional guarantees or academic freedom will present evidence to a committee of the University Grievance Committee.

a. An Advisory Committee to hear the evidence will be composed of five members selected as follows from the University Grievance Committee: two members selected by the faculty member, two by the President or the President's delegate, and one by lot. Each party will have one challenge without stated cause.

b. Once constituted, the Advisory Committee will organize itself to carry out its responsibilities and establish its procedures.

4. If the Advisory Committee determines that there is *prima facie* evidence of abridgment of constitutional guarantees or academic freedom, conferences between the faculty member and appropriate administrative officers of the University will be scheduled. If the conferences fail to achieve a mutual settlement, the grievance procedure enumerated in Section IV, A. 4b through A. 11, will be initiated.
5. If the Advisory Committee determines that there is no *prima facie* evidence of abridgment of constitutional guarantees or academic freedom, the faculty member's institutional due process is completed and a written report of the Advisory Committee's findings will be sent to the President and to the faculty member.

C. Financial Exigency

1. Termination of an appointment with continuous tenure, or of a probationary or special appointment, before the end of the specified term may occur under extraordinary circumstances because of a demonstrably *bona fide* financial exigency; i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means. The burden will rest on the administration to prove the existence and extent of the condition.
2. If the institution, because of financial exigency, terminates appointments, it will not at the same time make new appointments except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. Employment of a faculty member without tenure will not be terminated in favor of retaining a faculty member without tenure, except in extraordinary circumstances through which a serious distortion of the academic program would otherwise result.
3. Before terminating an appointment because of financial exigency, the appropriate University administrators, with faculty participation, will make every reasonable effort to place the faculty member concerned in another position within the University for which he or she is professionally qualified.
4. In each case of termination of appointment because of financial exigency, probationary faculty members concerned will be given notice not less than as prescribed in Section II. B., Appointments. Tenured faculty members will be given notice at least twelve months prior to termination of appointment.
5. In each case of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and at least sixty days in which to accept or decline it.
6. A faculty member who alleges abridgment of constitutional guarantees or academic freedom in such an emergency will be afforded due process in accord with Section IV, A. 4b through A. 11.

D. Discontinuance of Program or Department Not Mandated by Financial Exigency

Termination of an appointment with tenure, or of a probationary or specified appointment, before the end of the specified term may occur as a result of *bona fide* formal discontinuance of a program or department of instruction. The following standards and procedures will apply:

1. The decision to discontinue formally a program or department of instruction will be based essentially upon educational consideration\* as determined by the University administration after consultation with the faculty as a whole or an appropriate committee thereof.
2. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every reasonable effort to place the faculty member concerned in another position within the University for which he/she is professionally qualified.
3. In each case of termination of appointment because of program discontinuance, probationary faculty members concerned will be given notice not less than as prescribed in Section II. B., Appointments. Tenured faculty members will be given notice at least twelve months prior to termination of appointment.
4. A faculty member who alleges abridgment of constitutional guarantees or academic freedom will be afforded due process in accord with Section IV, A. 4b through A. 11.

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\*"Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.