

FACULTY TENURE AND POST-TENURE REVIEW

APRIL 29, 2011

(AMENDED AUGUST 28, 2026)

22.01 FACULTY TENURE AND POST-TENURE REVIEW

I. GENERAL PROVISIONS

22.01.1 Purpose and Scope

The Board of Regents of Texas Southern University recognizes that the quality of the University is dependent upon the quality of its faculty and reaffirms its commitment to academic excellence, academic freedom, faculty accountability, and appropriate due process. This policy establishes the Board of Regents' policies and procedures regarding faculty tenure pursuant to Texas Education Code § 51.942 (Faculty Tenure), as amended by Senate Bill 18, 88th Texas Legislature, Regular Session (2023), Acts 2023, 88th Leg., R.S., ch. 923, and establishes the University's post-tenure review policy as required by applicable state law. The provisions herein address the granting and scope of tenure, dismissal of tenured faculty for good cause, comprehensive post-tenure performance evaluation, and professional development following unsatisfactory performance.

22.01.2 Definitions

For purposes of this policy:

A. Governing Board. "Governing Board" means the Texas Southern University Board of Regents.

B. Neglect of Duty. "Neglect of duty" means continuing or repeated substantial neglect of professional responsibilities.

C. Tenure. "Tenure" means the entitlement of a faculty member to continue in the faculty member's academic position unless dismissed by the University for good cause in accordance with this policy and applicable law.

22.01.3 Institutional Considerations and Faculty Participation

The Board may design its policies and procedures regarding tenure to fit the University's particular educational mission, traditions, resources, and circumstances relevant to the University's character, role, and scope, in addition to other relevant factors determined by the Board.

Before adopting any policies and procedures regarding tenure pursuant to Texas Education Code § 51.942, the Board shall seek advice and comment from the University's faculty.

The Board shall give the utmost consideration to faculty advice and comment regarding the performance evaluation of tenured faculty members.

II. FACULTY TENURE

22.01.4 Granting and Scope of Tenure

Only the Texas Southern University Board of Regents, upon recommendation of the President, may grant tenure.

The granting of tenure shall not be construed to create a property interest in any attribute of a faculty position beyond the faculty member's continuing employment, including the faculty member's regular annual salary and any privileges incident to the faculty member's status as a tenured faculty member.

Tenure applies to the faculty member's academic appointment and does not create tenure in an administrative position or appointment.

The University may establish criteria and procedures governing recommendations for tenure, promotion, and faculty appointment, provided that those criteria and procedures are consistent with applicable law and this policy.

22.01.5 Dismissal of Tenured Faculty

A tenured faculty member may be dismissed at any time after being provided appropriate due process upon a determination that one or more grounds for dismissal established by Texas Education Code § 51.942 and this policy exist.

A. Grounds Relating to Faculty Conduct or Performance

A tenured faculty member may be dismissed upon a determination that the faculty member has:

- exhibited professional incompetence;
- continually or repeatedly failed to perform duties or meet the professional responsibilities of the faculty member's position;
- failed to successfully complete any post-tenure review professional development program;
- engaged in conduct involving moral turpitude that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities;
- violated laws or University policies substantially related to the performance of the faculty member's duties;
- been convicted of a crime affecting the faculty member's fitness to engage in teaching, research, service, outreach, or administration;
- engaged in unprofessional conduct that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities; or
- falsified the faculty member's academic credentials.

B. Financial Exigency or Program Elimination

A tenured faculty member may also be dismissed upon a determination that an actual financial exigency or the phasing out of an institutional program requires elimination of the faculty member's position.

The University shall administer any dismissal arising from financial exigency or program elimination in accordance with applicable law, this policy, and Board-approved University procedures.

C. Other Good Cause

A tenured faculty member may be dismissed for other good cause as defined in University policy, provided that any such definition and dismissal is consistent with Texas Education Code § 51.942, this policy, and applicable law.

22.01.6 Due Process in Dismissal Proceedings

University policies and procedures governing dismissal of tenured faculty shall ensure appropriate due process.

Except as otherwise authorized by law for summary dismissal, a tenured faculty member against whom dismissal is sought shall receive:

- timely written notice of the proposed dismissal and the grounds upon which dismissal is sought;
- an explanation of the basis supporting the proposed action;
- a meaningful opportunity to respond;
- an opportunity for a hearing conducted pursuant to applicable University procedures; and
- any additional due process required by Texas Education Code § 51.942 or other applicable law.

Dismissal shall not be used to restrain a faculty member in the lawful exercise of academic freedom or constitutionally protected rights.

Dismissal of a tenured faculty member requires final action by the Board of Regents following the process required by this policy and applicable University procedures.

22.01.7 Summary Dismissal for Serious Misconduct

The University may initiate summary dismissal proceedings against a tenured faculty member for serious misconduct, including:

- conduct involving moral turpitude;
- conviction of a crime affecting the faculty member's fitness to engage in teaching, research, service, outreach, or administration;

- unprofessional conduct that adversely affects the University or the faculty member's performance of duties or meeting of responsibilities;
- falsification of academic credentials; or
- other serious misconduct as determined by the University.

Before summary dismissal becomes final, the University shall provide the faculty member the following procedural protections:

- written notice of the allegations against the faculty member together with an explanation of the evidence supporting summary dismissal;
- an opportunity for the faculty member to respond to the allegations in a hearing before a designated administrator;
- consideration by the designated administrator of the faculty member's response and a written determination of whether the University will proceed with summary dismissal;
- prompt written notice to the faculty member of the designated administrator's determination, which shall either state the effective date of dismissal and the faculty member's opportunity for a post-dismissal appeal, or state that the faculty member is not subject to summary dismissal; and
- if the determination is to proceed with summary dismissal, an opportunity for a post-dismissal appeal in accordance with applicable University procedures.

Any University procedure implementing summary dismissal must conform to Texas Education Code § 51.942 and this policy.

22.01.8 Administrators Holding Tenure

The University may not award tenure to an administrator in any manner that varies from the University's general policy on the award of tenure.

An administrator who also holds a tenured faculty position remains subject to the comprehensive post-tenure performance evaluation requirements applicable to the administrator's tenured faculty appointment, as provided in § 22.01.9 of this policy.

Evaluation of the faculty member's performance as an administrator does not substitute for or waive the comprehensive post-tenure performance evaluation required under § 22.01.9.

Tenure in a faculty position does not create a property interest in an administrative appointment or administrative duties.

III. POST-TENURE REVIEW

22.01.9 Comprehensive Post-Tenure Performance Evaluation

Each tenured faculty member shall undergo a comprehensive performance evaluation in accordance with Texas Education Code § 51.942.

The comprehensive evaluation:

- shall be conducted no more often than once each year and no less often than once every six years after the faculty member was granted tenure or received an academic promotion, as applicable;
- must include peer review;
- may not be waived for a tenured faculty member subject to evaluation;
- shall evaluate the faculty member based upon the professional responsibilities of the faculty member's position, including teaching, research or scholarly activity, service, patient care, and administration, as applicable;
- shall be directed toward the professional development of the faculty member;
- shall incorporate appropriate academic due process, including notice of the manner and scope of the evaluation, an opportunity for the faculty member to submit documentation during the evaluation process, and, before any disciplinary action is taken on the basis of a comprehensive evaluation, notice of specific charges and an opportunity for a hearing on those charges; and
- may result in revocation of tenure or other appropriate disciplinary action if the evaluation determines that incompetency, neglect of duty, or other good cause is present.

Post-tenure evaluation criteria may appropriately reflect the mission, traditions, professional standards, and academic disciplines of the applicable school or college, provided that such criteria remain consistent with this policy and applicable law.

22.01.10 Professional Development Following Unsatisfactory Performance

When a faculty member receives an unsatisfactory rating in any area of any evaluation conducted pursuant to this policy, the evaluation process shall provide for a short-term professional development plan designed to return the faculty member to satisfactory performance and containing performance benchmarks for doing so.

The professional development plan shall identify, as appropriate:

- the deficiencies requiring correction;
- expected performance;
- required corrective actions;
- performance benchmarks;
- the applicable timeline;
- available resources or assistance; and
- the consequences of failure to successfully complete the plan.

Failure to successfully complete a required post-tenure review professional development program constitutes a statutory ground upon which a tenured faculty member may be dismissed, subject to appropriate due process.

Nothing in this section requires completion of a professional development program before the University may initiate disciplinary or dismissal proceedings when independent good cause for dismissal otherwise exists under § 22.01.5.

IV. Administrative Policies and Procedures

22.01.11 Administrative Policies and Procedures on Tenure and Post-Tenure Review

The President and Provost may establish and maintain administrative policies and procedures necessary to implement and administer this policy and the University's faculty tenure and post-tenure review processes.

Administrative policies and procedures may not waive, diminish, materially alter, or conflict with the standards established by this policy.

22.01.12 Records and Administration

Records documenting actions taken pursuant to the University's comprehensive post-tenure performance evaluation process shall be maintained by the Office of the Provost in accordance with applicable University records-retention requirements.

Deans shall provide the Provost with an annual written report regarding the status of faculty members subject to professional development programs resulting from comprehensive post-tenure performance evaluations.

The President or designee shall be responsible for ensuring implementation of this policy throughout the University.

22.01.13 Other Administrative Policies and Procedures

Consistent with § 22.01.11, and through established administrative processes, additional policies and procedures concerning tenure, promotion, academic rank, faculty evaluation, standards and criteria for advancement, or other academic personnel matters may supplement and provide greater specificity to this Board policy, provided such policies do not waive, diminish, or materially alter any requirement established by the Board of Regents.

University MAPPs, faculty handbooks, college or school policies, departmental procedures, and other academic personnel policies may establish additional standards, criteria, procedures, and processes concerning matters including, but not limited to:

- criteria and procedures for promotion and advancement in academic rank;
- criteria and procedures for recommendations for tenure;
- the relationship, if any, between promotion and tenure decisions;
- tenure and promotion review schedules and timelines;

- faculty dossiers and supporting documentation;
- departmental, college, school, and University review processes;
- faculty committee composition, participation, voting, and recommendations;
- discipline-specific standards and expectations for teaching, scholarship, research, creative activity, and service;
- annual and periodic faculty evaluation criteria and procedures;
- standards and procedures applicable to particular academic ranks or appointments;
- procedures for faculty participation in tenure and promotion decisions; and
- other academic personnel matters appropriately addressed through University policy.

The Board recognizes that such policies and procedures may appropriately reflect differences among academic disciplines, schools, and colleges, including differences in academic mission, professional standards, and disciplinary expectations, provided that they remain consistent with applicable law and this policy.

The statutory requirements assigned to the Board under Texas Education Code § 51.942 shall not be amended or repealed through implementation of a MAPP, faculty handbook, college or school procedure, or other administrative policy.

V. ANNUAL BOARD REVIEW AND THECB FILING

22.01.14 Annual Review and Filing with the Texas Higher Education Coordinating Board

The Board of Regents shall annually review the University's policies and procedures regarding faculty tenure and post-tenure review and shall take such action as necessary to ensure continued compliance with applicable law.

On or before September 1 of each year, the Board of Regents shall file with the Texas Higher Education Coordinating Board:

1. a copy of the Board's policies and procedures related to faculty tenure adopted pursuant to Texas Education Code § 51.942, including any amendments to such policies and procedures; and
2. a copy of the University's post-tenure review policy, including review procedures to determine that a tenured faculty member is performing consistently at an acceptable, professional level and a mechanism by which a faculty member is informed of any deficiencies and provided opportunities to effectively improve the

faculty member's performance, as required by the General Appropriations Act, Article III, § 25, or any successor provision.

VI. CONTROLLING AUTHORITY

22.01.15 Controlling Authority

This policy shall be interpreted consistently with Texas Education Code § 51.942 (Faculty Tenure), as amended by Senate Bill 18, 88th Texas Legislature, Regular Session (2023), Acts 2023, 88th Leg., R.S., ch. 923, and other applicable law.