

Texas Education Code § 51.942 (SB 18) Compliance Matrix

Texas Southern University Updated Board Policy For Adoption August 2026

22.01, Faculty Tenure and Post-Tenure Review

Statutory Provision	Statutory Requirement	Policy Section and Compliance Language	Status
§ 51.942(a)(1)-(2)	“Governing board” and “university system” have the meanings assigned by § 61.003. “Institution of higher education” is defined by reference to § 61.003.	22.01.2(A): “Governing Board” means the Texas Southern University Board of Regents. The remaining statutory definitions apply by operation of law.	✓
§ 51.942(a)(3)-(4)	Statutory definitions of neglect of duty and tenure.	22.01.2(B)-(C): “Neglect of duty” means continuing or repeated substantial neglect of professional responsibilities. “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.	✓
§ 51.942(b)	Only the governing board, on recommendation of the institution’s chief executive officer and the system chancellor, if applicable, may grant tenure.	22.01.4 ¶1: “Only the Texas Southern University Board of Regents, upon recommendation of the President, may grant tenure.” Texas Southern University is not part of a university system and does not operate under a system chancellor; therefore, the chancellor recommendation is not applicable.	✓
§ 51.942(c)	Tenure does not create a property interest in an attribute of a faculty position beyond continuing employment, including annual salary and privileges incident to tenured status.	22.01.4 ¶2: “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.”	✓
§ 51.942(c-1) intro	Each governing board shall adopt policies and procedures regarding tenure.	22.01.1: Policy 22.01 expressly establishes the Board of Regents’ policies and procedures regarding faculty tenure pursuant to Texas Education Code § 51.942 and the University’s post-tenure review policy.	✓
§ 51.942(c-1)(1)	Policies must address the granting of tenure.	22.01.4: Section 22.01.4 addresses the Board’s exclusive granting authority, the President’s recommendation, the scope of tenure, and permissible University criteria and procedures governing tenure recommendations.	✓
§ 51.942(c-1)(2)(A)(i)-(viii)	Policies must allow dismissal, after appropriate due process, for the eight enumerated conduct- or performance-based grounds.	22.01.5(A); 22.01.6: Section 22.01.5(A) states all eight statutory grounds: professional incompetence; continual or repeated failure to perform duties or meet professional responsibilities; failure to successfully complete a post-tenure review professional development program; moral turpitude; violation of law or University policy; a disqualifying criminal conviction; unprofessional conduct; and falsification of academic credentials. Section 22.01.6 requires appropriate due process.	✓
§ 51.942(c-1)(2)(B)	Policies must allow dismissal when actual financial exigency or the phasing out of an institutional program requires elimination of the faculty member’s position.	22.01.5(B): “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.”	✓

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§ 51.942(c-1)(2)(C)	Policies must allow dismissal for other good cause as defined in institutional policy.	22.01.5(C): “A tenured faculty member may be dismissed for other good cause as defined in University policy,” provided the definition and dismissal are consistent with § 51.942, Board Policy 22.01, and applicable law.	✓
§ 51.942(c-1)(3)	Policies must provide for a periodic performance evaluation process for all tenured faculty members.	22.01.9 ¶1: “Each tenured faculty member shall undergo a comprehensive performance evaluation in accordance with Texas Education Code § 51.942.”	✓
§ 51.942(c-2)	The Board may design its policy to fit the institution’s mission and circumstances; before adoption, it must seek faculty advice and comment and give utmost consideration to faculty input on performance evaluation.	22.01.3: Section 22.01.3 authorizes the Board to design its tenure policies for the University’s mission, traditions, resources, and circumstances; requires faculty advice and comment before adoption; and requires the Board to give utmost consideration to faculty input regarding evaluation of tenured faculty.	✓
§ 51.942(c-3)(1)	Comprehensive evaluation must occur no more often than once each year and no less often than once every six years after tenure or academic promotion, as applicable.	22.01.9, bullet 1: The 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.”	✓
§ 51.942(c-3)(2)	Evaluation must be based on the professional responsibilities of the faculty member’s position and include peer review.	22.01.9, bullets 2 and 4: The evaluation “must include peer review” and shall evaluate performance based on the professional responsibilities of the position, including teaching, research or scholarly activity, service, patient care, and administration, as applicable.	✓
§ 51.942(c-3)(3)	The evaluation process must be directed toward the faculty member’s professional development.	22.01.9, bullet 5: The comprehensive evaluation “shall be directed toward the professional development of the faculty member.”	✓
§ 51.942(c-3)(4)	The evaluation must incorporate academic due process: notice of manner and scope, an opportunity to submit documentation, and, before evaluation-based discipline, notice of specific charges and a hearing opportunity.	22.01.9, bullet 6: The policy itemizes each required protection: notice of the manner and scope of the evaluation; an opportunity to submit documentation during the evaluation; and, before disciplinary action based on the evaluation, notice of specific charges and an opportunity for a hearing on those charges.	✓
§ 51.942(c-3)(5)	The faculty member must be subject to revocation of tenure or other appropriate discipline if the evaluation determines incompetency, neglect of duty, or other good cause.	22.01.9, bullet 7: The evaluation “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.”	✓

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§ 51.942(c-3)(6)	An unsatisfactory rating in any area of any evaluation triggers a short-term development plan containing performance benchmarks for return to satisfactory performance.	22.01.10: Section 22.01.10 requires a short-term professional development plan designed to return the faculty member to satisfactory performance, with identified deficiencies, expected performance, corrective actions, performance benchmarks, timeline, available assistance, and consequences of failure.	✓
§ 51.942(c-4) intro	Policies may authorize summary dismissal for serious misconduct, subject to the specified due-process protections.	22.01.7: Section 22.01.7 authorizes the University to initiate summary dismissal proceedings for defined serious misconduct and requires every procedural protection prescribed by § 51.942(c-4).	✓
§ 51.942(c-4)(1)(A)	Before summary dismissal, the faculty member must receive written notice of the allegations and an explanation of the supporting evidence.	22.01.7, procedural bullet 1: The University must provide “written notice of the allegations against the faculty member together with an explanation of the evidence supporting summary dismissal.”	✓
§ 51.942(c-4)(1)(B)	The faculty member must have an opportunity to respond to the allegations in a hearing before a designated administrator.	22.01.7, procedural bullet 2: The University must provide “an opportunity for the faculty member to respond to the allegations in a hearing before a designated administrator.”	✓
§ 51.942(c-4)(2)	The designated administrator must consider the response and issue a written determination whether the institution will proceed with summary dismissal.	22.01.7, procedural bullet 3: The policy requires consideration of the faculty member’s response and “a written determination of whether the University will proceed with summary dismissal.”	✓
§ 51.942(c-4)(3)	The institution must promptly provide the written determination, stating the effective date and appeal opportunity if dismissal will proceed, or stating that the faculty member is not subject to summary dismissal.	22.01.7, procedural bullet 4: The University must promptly provide the determination, which shall either state the effective date of dismissal and the opportunity for a post-dismissal appeal, or state that the faculty member is not subject to summary dismissal.	✓
§ 51.942(c-4)(4)	A summarily dismissed faculty member must receive an opportunity for a post-dismissal appeal under institutional policies and procedures.	22.01.7, procedural bullet 5: If summary dismissal proceeds, the policy requires “an opportunity for a post-dismissal appeal in accordance with applicable University procedures.”	✓
§ 51.942(e)	The governing board may not waive the evaluation process for any faculty member granted tenure.	22.01.9, bullet 3; 22.01.8 ¶3: The comprehensive evaluation “may not be waived for a tenured faculty member subject to evaluation.” Evaluation of an administrator’s performance does not substitute for or waive the required comprehensive post-tenure evaluation of the administrator’s tenured faculty appointment.	✓

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§ 51.942(f)	The governing board may not award tenure to an administrator in a manner that varies from the institution's general tenure policy.	22.01.8 ¶1: "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."	✓
§ 51.942(g)	On or before September 1 each year, the governing board must file with THECB a copy of its adopted tenure policies and procedures, including any amendments.	22.01.14: The Board shall annually review the University's tenure and post-tenure review policies and procedures and, on or before September 1 each year, file with THECB the Board's policies and procedures related to faculty tenure, including amendments, and the University's post-tenure review policy required by the General Appropriations Act.	✓

Result

Board Policy 22.01 supports full compliance with Senate Bill 18 (2023).

Every operative subsection of Texas Education Code § 51.942, (a) through (g), plus the General Appropriations Act, Article III, § 25 post-tenure review filing rider, is addressed in this policy, provision by provision, with no statutory gap identified. This policy is ready for Board adoption and September 1 filing with the Texas Higher Education Coordinating Board.