

12.01.99.C0.05 Faculty Dismissals, Administrative Leave, Non-Reappointments, and Terminal Appointments



Revised: April 8, 2024
Next Scheduled Review: April 8, 2029
[Revision History](#)

Procedure Summary

This procedure applies to all full-time faculty (tenured/tenure track and fixed-term) and should be read in conjunction with Texas A&M University System policy *12.01, Academic Freedom, Responsibility and Tenure*. This procedure supplements system policy on topics such as written terms of employment, administrative leave, non-renewal of fixed-term faculty and non-tenured tenure track faculty at the end of an appointment term, faculty dismissals for cause, financial exigency, and the reduction of programs.

Procedure

1. WRITTEN TERMS OF EMPLOYMENT

Section 3 of system policy *12.01, Academic Freedom, Responsibility and Tenure* addresses written terms of employment. See university rule *12.01.01.C1, Tenure* and university procedure *12.07.99.C0.01, Fixed-Term Faculty* for additional information.

2. ADMINISTRATIVE LEAVE

Section 5 of system policy *12.01, Academic Freedom, Responsibility and Tenure* addresses administrative leave. A faculty member placed on administrative leave with pay may appeal the decision to the Provost and Vice President for Academic Affairs (Provost) by submitting an appeal in writing within five (5) business days of being notified of the leave. Appeals presented after the 5th business day shall be denied as untimely.

3. NOTICE OF NON-REAPPOINTMENT OR OF INTENTION NOT TO REAPPOINT

- 3.1. Notice of non-reappointment or of intention not to reappoint a non-tenured tenure track faculty member, will be given in writing in accordance with section 4.2 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
 - 3.2. Notice of non-reappointment or the intention not to reappoint a fixed-term faculty member will be given in writing and in accordance with section 6 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
4. REVIEW BY FACULTY PEERS IN APPEALS OF ADMINISTRATIVE DECISIONS
 - 4.1. Faculty members who have been successfully tenured, hold the rank of associate professor or higher, and do not have administrative appointments of more than 49% are eligible for the Faculty Hearing Committee/Advisory Committee Pool as part of the regular committee appointment cycle. From this list of eligible faculty members, the Faculty Senate will randomly select a pool of 24 tenured faculty members to serve as the annual Faculty Hearing Committee/Advisory Committee Pool. The Provost may supplement this pool to address considerations of conflict of interest and workload. Should faculty members need to serve on an advisory or hearing committee, the Provost, in consultation with Faculty Senate, shall randomly select the appropriate number of faculty members from the Faculty Hearing Committee/Advisory Committee Pool to serve on said committee. Members of the Faculty Hearing Committee/Advisory Committee Pool will serve staggered terms so that eight (8) members rotate off every year.
 - 4.2. Being selected to be a part of the Faculty Hearing Committee/Advisory Committee Pool is part of faculty's professional responsibility and exemplifies the ideals of shared governance.
5. NON-RENEWAL OF NON-TENURED TENURE TRACK FACULTY AT END OF AN APPOINTMENT TERM
 - 5.1. Section 7 of system policy *12.01, Academic Freedom, Responsibility and Tenure* addresses non-renewal of non-tenured tenure track faculty at the end of an appointment term.
 - 5.2. A faculty member has the right to present a grievance in writing to the Provost on an issue related to the non-renewal or termination of the faculty member's employment at the institution. If a faculty member desires to present a grievance, the faculty member shall notify the Provost in writing not later than the 20th business day after the faculty member receives notice of the non-renewal or termination. Grievances presented after the 20th business day

shall be denied as untimely.

- 5.3. As an alternative to filing a grievance, a non-tenured tenure track faculty member may appeal a decision not to reappoint on the basis of an allegation that the decision was made in violation of the academic freedom of the individual or for inadequate consideration of the record of professional achievement. If a faculty member desires to appeal a decision, the faculty member shall notify the Provost in writing no later than the 20th business day after the faculty member receives written notice of the decision not to reappoint. Appeals presented after the 20th business day shall be denied as untimely.
- 5.4. If the faculty member wishes to file a grievance or appeal that includes allegations of discrimination, the grievance/appeal shall be referred for investigation and resolution in accordance with system regulation *08.01.01, Civil Rights Compliance* and university rule *08.01.01.C1, Civil Rights Compliance*.
- 5.5. Upon receipt of an appeal from the faculty member that does not include allegations of discrimination, the Provost will randomly select five (5) faculty members from the faculty pool referenced in section 4 of this procedure to serve on an advisory (preliminary review) committee. Each member of the advisory committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three (3) challenges. The Speaker of the Faculty Senate will determine the validity of the challenges. The committee shall elect its own chairperson. The chairperson shall retain the right of discussion at all times and will vote only in the case of a tie. The advisory committee's proceedings may be informal and flexible. Employee Development and Compliance Services will be available to assist the committee with facilitating the proceedings.
- 5.6. The advisory committee will conduct a preliminary review of the allegations, pursuant to section 7.6 of system policy *12.01, Academic Freedom, Responsibility and Tenure* to determine whether the faculty member has established that a violation as defined in section 5.3 of this procedure may have occurred.
- 5.7. If the faculty advisory committee determines that the allegations do not establish a prima facie case, the allegations will be dismissed and the decision not to reappoint will stand. If the faculty advisory committee determines that the allegations establish a prima facie case and recommends a formal evidentiary hearing, the Provost will proceed with arrangements and scheduling for the hearing in accordance with section 7.7 of system policy *12.01, Academic Freedom, Responsibility and Tenure*. The university will

provide staff support to schedule and hold a hearing. The hearing committee shall be composed of five (5) tenured faculty members randomly selected by the Provost from the pool described in section 4 of this procedure. The hearing committee will be a separate and distinct body from the advisory committee described above. Each member of the hearing committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three (3) challenges. The Speaker of the Faculty Senate will determine the validity of the challenges. The committee will select its own chairperson and other such officers as it deems necessary. The chairperson shall retain the right of discussion at all times and will vote only in the case of a tie. Control of the committee proceedings shall be retained by the chairperson.

- 5.8. Both the faculty member and the administration have the right to representation at the hearing; as well as the right to confront and question witnesses; and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness.
- 5.9. The faculty member shall present: (1) a written brief stating the specific basis for the allegation(s); (2) exhibits (documents) supporting the allegation(s); and (3) a list of witnesses, including a short written statement of the anticipated testimony of each witness, to the chairperson of the hearing committee and to the administration's representative at least thirty (30) days before the date of the formal hearing.
- 5.10. The findings of the hearing committee shall be limited to determining whether the decision not to renew the appointment was made in violation of the faculty member's academic freedom or without adequate consideration of the faculty member's record of professional achievement, depending on the basis of the faculty member's appeal. In addition, the hearing committee may make recommendations to the Provost regarding possible solutions.
- 5.11. In deliberating, the committee should allow oral arguments and/or written briefs by the dean/director of the academic unit (e.g., college, school, library) or their representative(s) and by the faculty member or their designated representative(s). The committee's findings and recommendations shall be conveyed in writing to the Provost and faculty member.
- 5.12. The hearing shall be closed unless the affected faculty member requests that it be open.
- 5.13. The Provost will review the recommendations of the hearing committee and will make a decision. The Provost's decision is final.

6. NON-RENEWAL OF FIXED-TERM FACULTY AT END OF AN APPOINTMENT TERM

- 6.1. Appointments of fixed-term faculty should be in writing and include specific start and end dates of the appointment term with no stated or implied promise of future employment.
- 6.2. A fixed-term faculty member has the right to present a grievance in person to their academic unit dean/director or designee on an issue related to the non-reappointment of the faculty member's employment at the institution within ten (10) business days of receipt of the notice of non-reappointment. Grievances presented after the 10th business day shall be denied as untimely. The academic unit dean/director or designee will consider the grievance and render a final decision in writing within ten (10) business days of the presentation of the grievance.
- 6.3. If the faculty member wishes to file a grievance that includes allegations of discrimination, the grievance shall be referred for investigation and resolution in accordance with system regulation *08.01.01, Civil Rights Compliance*, and university rule *08.01.01.C1, Civil Rights Compliance*.

7. DISMISSAL FOR CAUSE

- 7.1. Good cause for dismissal is defined and addressed in sections 4.3 and 4.4 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
- 7.2. A bona fide effort by appropriate administrative officers and/or committees should be made to achieve a satisfactory resolution of performance and/or misconduct issues through preliminary inquiry, discussion, or confidential mediation.
- 7.3. Should these efforts fail to achieve a satisfactory resolution, and should the issues be considered by the administration to be serious enough to warrant dismissal, the following will apply:
 - 7.3.1. For tenured/tenure track faculty members
 - 7.3.1.1. The tenured/tenure track faculty member should be afforded the opportunity for a hearing that meets the requirements set forth in section 8 of this procedure.
 - 7.3.1.2. As provided in section 51.942 of the Texas Education Code, a tenured faculty member subject to termination on the basis of a post-tenure review must be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution

process as described in chapter 154 of the Civil Practice and Remedies Code. The code describes various processes, including mediation facilitated by an impartial third party. The opportunity for referral of the matter to nonbinding alternative dispute resolution must be provided prior to referral of the charges to a hearing committee under section 8 of this procedure.

7.3.1.3. In any dismissal proceedings, the faculty member and the administration shall have the right to representation at their own expense.

7.3.2. For fixed-term faculty members

The fixed-term faculty member has the right to present a grievance in person to the Provost or designee regarding the dismissal for cause within ten (10) business day of receipt of the dismissal. Grievances presented after the 10th business day shall be denied as untimely. The Provost or designee will consider the grievance and render a final decision in writing within ten (10) business days of the presentation of the grievance.

7.4. If the faculty member (tenured/tenure track or fixed-term) wishes to file a grievance or appeal that includes allegations of discrimination, the grievance/appeal shall be referred for investigation and resolution in accordance with system regulation *08.01.01, Civil Rights Compliance*, and university rule *08.01.01.C1, Civil Rights Compliance*.

8. DISMISSAL FOR CAUSE HEARINGS FOR TENURED AND TENURE-TRACK FACULTY

8.1. In hearings regarding the dismissal of a tenured faculty member or non-tenured tenure track faculty member whose term appointment has not expired at the time of dismissal, the burden of proof is on the institution to establish, by a preponderance of the evidence, the existence of good cause for dismissal. The President of Texas A&M University-Corpus Christi has delegated authority for oversight of the logistics of pre-termination hearings to the Provost. The process described in this section applies to cases involving such faculty members.

8.2. The Provost shall notify the faculty member in writing of the charges constituting good cause for dismissal and the opportunity for a fair and impartial hearing by a hearing committee. A tenured faculty member subject to termination on the basis of a post-tenure review shall also be notified of the opportunity for referral of the matter to a nonbinding alternative dispute

resolution process, pursuant to section 7.3.1.2 of this procedure. If the faculty member desires to appeal the termination, the faculty member shall notify the Provost in writing no later than the 10th business day after the date the faculty member receives the notice of termination. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided for in this section. Appeals presented after the 10th business day shall be denied as untimely. If the faculty member does not present an appeal within the time prescribed, the administration shall take the appropriate action and notify the faculty member in writing. The Provost shall notify the hearing committee within five (5) business days of the date the appeal has been filed.

- 8.3. If the faculty member's appeal includes an allegation(s) that the decision was based on discrimination, the Provost will promptly report the allegation(s) for investigation and resolution in accordance with system regulation *08.01.01, Civil Rights Compliance*, and university rule *08.01.01.C1, Civil Rights Compliance*. The appeal hearing process in this section will not be stayed pending conclusion of the investigation, decision, and appeal processes associated with the discrimination allegation(s).
- 8.4. At the hearing, the faculty member shall have the right to: (1) be represented by an individual of the faculty member's choice; (2) hear the evidence on which the charges are based; (3) present evidence; and (4) cross-examine each adverse witness, and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness. The administration shall also have the right to representation. A certified shorthand reporter shall record the hearing.
- 8.5. The hearing committee shall be composed of five (5) tenured faculty members randomly selected by the President from the faculty pool described in section 4 of this procedure. Each committee member shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three (3) challenges. The Speaker of the Faculty Senate will determine the validity of the challenges. The committee shall elect its own chairperson and other such officers as it deems necessary. The chairperson shall retain the right of discussion at all times and will vote only in the case of a tie. Control of committee proceedings shall be retained by the chairperson.
- 8.6. The hearing committee shall schedule a hearing pursuant to section 8.3.4 of system policy *12.01, Academic Freedom, Responsibility and Tenure* and set a time for the hearing that will allow the faculty member a reasonable time to prepare a defense to the charges made. The hearing committee shall notify the faculty member and the administration of the time and place of the

hearing. The administration's witness list, including a short statement of the anticipated testimony of each witness and a copy of the administration's exhibits shall be provided by the administration to the hearing committee and the faculty member at least fifteen (15) business days before the hearing. The faculty member's witness list, including a short statement of the anticipated testimony of each witness and a copy of the faculty member's exhibits shall be provided by the faculty member to the hearing committee and the administration at least fifteen (15) business days before the hearing. Witnesses may be added at a later date for good cause as determined by the hearing committee.

- 8.7. A faculty member may be reassigned or suspended with pay during the pendency of termination proceedings pursuant to section 8.1.3 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
- 8.8. The hearing committee shall formulate explicit findings and recommendations and convey them pursuant to section 8.3.6 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
- 8.9. The hearing shall be closed unless the affected faculty member requests that it be open.
- 8.10. If the President proposes termination of the faculty member's appointment, the process outlined in subsections 8.3.7 through 8.3.9 of system policy *12.01, Academic Freedom, Responsibility and Tenure* shall be followed.

9. TENURE, FINANCIAL EXIGENCY, AND REDUCTION OF PROGRAMS

- 9.1. Cases of bona fide financial exigency or reduction or discontinuance of an institutional program based on educational considerations shall follow the definitions and process outlined in section 9 of system policy *12.01, Academic Freedom, Responsibility and Tenure*.
- 9.2. When faculty dismissals are contemplated on grounds of financial exigency, program termination, or reduction, the Provost and appropriate academic unit dean/director should facilitate early, careful, and meaningful sharing of information and views with appropriate faculty representatives on the reasons indicating the need to terminate the program. Recommendations from such faculty representatives shall be sought on alternatives available to the institution to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members.
- 9.3. A tenured/tenure track faculty member or a fixed-term faculty member whose appointment has not expired that has been selected for termination due to

financial exigency or the phasing out of an institutional program necessitating a reduction in faculty shall be given an opportunity to respond in a hearing before a hearing committee. If the faculty member desires to request a hearing, the faculty member shall notify the Provost in writing within fifteen (15) business days of the date on which the faculty member was given a written notice of the decision to terminate on the basis of a bona fide financial exigency or the phasing out of an institutional program necessitating a reduction in faculty. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided in this section. Requests presented after the 15th business day shall be denied as untimely. If the faculty member does not request a hearing within the time prescribed, the administration shall take the appropriate action and notify the faculty member in writing.

- 9.4. The hearing committee shall be composed of five (5) tenured faculty members randomly selected by the Provost from the faculty pool described in section 4 of this procedure. Normally, the hearing committee should be designated no later than fifteen (15) business days after the Provost has received the request for a hearing. Each member will be subject to challenge for cause for a maximum of three (3) challenges. The Speaker of the Faculty Senate will determine the validity of the challenges. The committee shall elect its own chairperson and other such officers as it deems necessary. The chairperson shall retain the right of discussion at all times and will vote only in the case of a tie. Control of committee proceedings shall be retained by the chairperson. Normally, the hearing committee should schedule a hearing within fifteen (15) business days after their appointment by the Provost.
- 9.5. After reviewing the hearing committee's findings, the President will make a decision about the termination.

Related Statutes, Policies, or Requirements

[Texas Civil Practice and Remedies Code, Title 7, Chapter 154](#)

[Texas Education Code, Title 3, Chapter 51](#)

System Policy [12.01, Academic Freedom, Responsibility and Tenure](#)

System Regulation [08.01.01, Civil Rights Compliance](#)

University Rule [08.01.01.C1, Civil Rights Compliance](#)

University Rule [12.01.01.C1, Tenure](#)

University Procedure [12.07.99.C0.01, Fixed-Term Faculty](#)

University Procedure [32.01.01.C0.02, Faculty Ombuds](#)

University Procedure [33.99.04.C0.02, Promotion of Full-Time Faculty Members](#)

This procedure supersedes:

- *12.01.99.C0.06, Faculty Dismissals, Administrative Leave, Non-Reappointments, and Terminal Appointments*
- *12.01.99.C3, Faculty Dismissals, Administrative Leave, Non-Reappointments and Terminal Appointments*

Contact Office

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