

06.1200 Dismissal and Revocation of Tenure

06.1201 Dismissal of Tenured Faculty. The employment of a tenured faculty member may be terminated only in accordance with this Rule and only for adequate cause, financial exigency, or discontinuance of academic programs.

06.1202 Procedures for Dismissal of Tenured Faculty for Adequate Cause. Except as provided by the procedures for summary dismissal set forth in this Rule, each Institution shall recommend to the Board for review, approval, and adoption procedures for dismissal of a tenured faculty member for adequate cause. Such procedures shall provide the faculty member with appropriate due process including, at a minimum, the following provisions:

1. reasonable and timely notice of the reason for possible dismissal;
2. an opportunity to meet with and respond to an administrator prior to initiation of formal action to dismissal;
3. an informal, advisory inquiry into the reasons for the dismissal before initiation of formal proceedings;
4. a statement informing the faculty member of the reason for initiation of formal dismissal proceedings and of his or her procedural rights under Institution policy;
5. an opportunity for a formal hearing; and
6. a requirement that the Board make the final determination involving the dismissal of a tenured faculty member.

06.1203 Board Review. A recommendation to dismiss a tenured faculty member for adequate cause shall be forwarded by the President to the Board through the Chancellor. A tenured faculty member shall not be dismissed for adequate cause

except by a majority vote of the total membership of the Board. The Board shall provide specific reasons in writing for any decision to dismiss a tenured faculty member for adequate cause.

06.1204 Dismissal of Non-Tenured Faculty. An Institution may dismiss the employment of a non-tenured faculty member by non-renewal of his or her appointment, for adequate cause, financial exigency, or discontinuance of academic programs during the course of his or her appointment.

06.1205 Procedures for Dismissal of Non-Tenured Faculty for Adequate Cause. Each Institution shall adopt procedures for dismissal of non-tenured faculty for adequate cause. Such procedures shall include, at minimum, reasonable and timely notice of the reason for dismissal and an opportunity to respond.

06.1206 Adequate Cause. Each Institution shall recommend to the Board for review, approval, and adoption policies and procedures for dismissal of a tenured faculty member for adequate cause.

1. Adequate cause for dismissal of a tenured faculty member may include, but shall not be limited to, a determination that the faculty member has:
  - (a) exhibited professional incompetence;
  - (b) continually or repeatedly failed to perform duties or meet responsibilities of the faculty member's position;
  - (c) failed to successfully complete a post-tenure review professional development program;
  - (d) engaged in conduct involving moral turpitude that adversely affects the Institution or the faculty member's performance of duties or meeting of responsibilities;
  - (e) violated laws or System or Institution policies or regulations substantially related to the performance of the faculty member's duties;

- (f) been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration or failed to disclose or misrepresented criminal history background information;
- (g) engaged in unprofessional conduct that adversely affects the Institution or System or the faculty member's performance of duties or meeting of responsibilities; or
- (h) falsified the faculty member's academic credentials.

06.1207 Suspension During Adequate Cause Proceedings. A tenured or non-tenured faculty member may be suspended pending proceedings to dismiss for adequate cause if the faculty member presents a threat of immediate harm to the Institution.

06.1208 Procedures for Summary Dismissal of Tenured Faculty Based on Serious Misconduct. A tenured faculty member may be summarily dismissed – and lose tenure – upon a finding of serious misconduct.

1. Summary dismissal – and loss of tenure – must be based upon a finding of serious misconduct substantiated by an investigation conducted by the System or Institution, or a federal, state, or local agency with applicable jurisdiction over the subject matter. Serious misconduct includes a finding of any of the following:
  - (a) intentional or knowing falsification of a faculty member's academic credentials;
  - (b) egregious scientific or research misconduct;
  - (c) conviction of a crime substantially affecting the fitness of the faculty member to engage in teaching, research, creative activity, service, outreach, or administration;

- (d) sexual misconduct that violates federal Title IX or state sexual misconduct laws or policies; or
  - (e) violence or threat of violence in the workplace
2. Before a faculty member may be summarily dismissed – and lose tenure – the faculty member must be provided with appropriate due process, that includes:
- (a) written notice of the allegation(s) against the faculty member together with an explanation of the evidence supporting possible dismissal, and copies of non-confidential or non-privileged investigative reports (with appropriate redactions) that are available to the Institution at the time of written notice;
  - (b) an opportunity for the faculty member to respond to the allegations in a hearing with the Institution’s Provost;
  - (c) consideration of the faculty member’s response, if any, by the Institution’s Provost;
  - (d) a written determination by the Provost stating whether the Institution will proceed with the summary dismissal that clearly states:
    - (i) that the faculty member is not subject to summary dismissal; or
    - (ii) that the faculty member is subject to summary dismissal, the effective date of the dismissal, and information regarding the faculty member’s opportunity for a post-dismissal appeal.
  - (e) prompt delivery to the faculty member of the Provost’s written determination; and
  - (f) the opportunity to appeal the determination of summary dismissal, as follows:

- (i) if the faculty member desires to appeal, the appeal, including reasons for the appeal, must be submitted in writing to the Institution's President no later than ten (10) business days following delivery of the written determination; and
  - (ii) if an appeal is filed, unless extenuating circumstances otherwise prevent it, the President will render a final determination no later than fifteen (15) business days following receipt of the faculty member's appeal – the President's decision shall be final; or
  - (iii) if no appeal is filed, the President shall summarily dismiss the faculty member as of the effective date specified in the written determination.
- (g) For purposes of this Rule, notice shall be deemed delivered to and received by the faculty member the day an email is sent to the faculty member's Institutionally assigned email address.

06.1209 Suspension During Summary Dismissal Proceedings. A faculty member subject to a summary dismissal procedure may be suspended with or without pay during the dismissal process. If suspension without pay has not already been imposed, notice of summary dismissal shall result in immediate suspension without pay.

06.1210 Procedures for Dismissal of Tenured or Non-Tenured Faculty for Financial Exigency. Each institution shall adopt procedures for dismissal of tenured or non-tenured faculty for financial exigency. Such procedures shall include, at minimum, the following provisions:

1. reasonable and timely notice of the intent to dismiss a faculty appointment because of financial exigency;

2. an opportunity for a formal hearing before a faculty committee;
3. an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach; and
4. an opportunity of re-employment for faculty members who are dismissed based on financial exigency if the position is restored within a period of three years from the dismissal date.

06.1211 Dismissal of Tenured Faculty for Financial Exigency. A tenured faculty member may be dismissed due to financial exigency only upon recommendation by the President and approval by the Board.

06.1212 Procedures for Dismissal of a Tenured or Non-Tenured Faculty for Discontinuance of Academic Programs. Each institution shall adopt procedures for dismissal of tenured or non-tenured faculty for discontinuance of academic programs. Such procedures shall include, at minimum, the following provisions:

1. reasonable and timely notice of the intent to dismiss a faculty appointment because of discontinuance of academic programs;
2. an opportunity for a formal hearing before a faculty committee; and
3. an opportunity for tenured faculty to be appointed to an open position in another department at the institution in which the faculty member is qualified to teach.

06.1213 Dismissal of Tenured Faculty for Discontinuance of Academic Programs. A tenured faculty member may be dismissed due to discontinuance of academic programs only upon recommendation by the President and approval by the Board.

06.1214 Reporting Requirement. Each Institution shall file a copy of its dismissal and revocation of tenure policies and procedures and any amendments thereto with the Texas

Higher Education Coordinating Board on or before  
September 1 of each year.

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