



THE UNIVERSITY OF TEXAS SYSTEM

Office of the Chancellor

601 COLORADO STREET, AUSTIN, TEXAS 78701

December 18, 1973

MEMORANDUM

TO: Chief Administrative Officers

Dr. Amstead	Dr. Nedderman
Dr. Blocker	Dr. Olson
Dr. Clark	Dr. Sprague
Dr. Flawn	Dr. Spurr
Dr. Harrison	Dr. Templeton
Dr. Jordan	Dr. Willman

FROM: Charles A. LeMaistre, M.D. *cal*  
Chancellor

SUBJECT: Amendments to the Regents' Rules and Regulations which would permit the implementation of the term tenure policy at The University of Texas of the Permian Basin and the University Cancer Center

As you are aware, on December 7, 1973, the Board of Regents approved, in principle, a term appointment to tenure policy for The University of Texas of the Permian Basin and the University Cancer Center and directed me to bring to the next meeting amendments to the Rules and Regulations which would permit its implementation.

Attached for your review and for referral to such faculty groups as you feel to be appropriate are those amendments.

I request that you provide me by January 7, 1974 any written comments you may have so that I may have prepared a status report for consideration by the University Council on January 10 and the Health Affairs Council on January 11.

CAL:mg  
attachment

cc: Mr. Walker  
Dr. Knisely  
Dr. Wagener  
Mr. Quinn  
Mr. Shultz  
Mr. Dilly

bcc: Miss Betty Anne Thedford

Part One, Chapter III, Section 6 of the Regents' Rules and Regulations is amended to read as follows:

- 6.2 Tenure denotes a status of continuing appointment as a member of the faculty at a component institution. Term tenure denotes a status of continuing appointment as a member of the faculty at a component institution for a period of seven years. Only members of the faculty with academic titles of Professor, Associate Professor, or Assistant Professor may be granted tenure or term tenure. Tenure or term tenure may be granted at the time of appointment to any of such academic ranks, or [tenure] may be withheld pending satisfactory completion of a probationary period of faculty service. A component institution may not adopt or implement a term tenure policy except upon the recommendation of the chief administrative officer of the component, following full and appropriate faculty consultation, concurrence of the Chancellor, and approval of the Board of Regents. A component may not change from tenure to term tenure or vice versa unless such change has been recommended by the chief administrative officer of the component, following full and appropriate faculty consultation, concurred in by the Chancellor, and approved by the Board of Regents.
- 6.21 Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, shall be counted toward fulfillment of a required probationary period related to the acquisition of tenure or term tenure. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period [~~as-service toward-acquisition-of-tenure~~].
- 6.22 This subsection has not been amended.
- 6.23 The maximum period of probationary faculty service in nontenured status in any academic rank or combination of academic ranks specified in Section 6.21 shall not be more than seven years of full-time academic service. In the event that a component institution fails to specify the maximum length of probationary service in its Handbook of Operating Procedures, such period shall be seven years. Not later than August 31st of the penultimate academic year of the maximum probationary period in effect at any component institution, all nontenured faculty serving in a rank which accrues time toward satisfaction of a probationary period [~~acquisition-of-tenure~~] shall be given notice that the subsequent academic year will be the terminal year of employment or that beginning with the subsequent academic year tenure or term tenure will be granted. In the event that the employment of a nontenured faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with Section 6.8 below.

- 6.24 For purposes of calculating the period of probationary service, an "academic year" shall be the period from September 1st through the following August 31st. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the following September 1st shall not be counted as academic service toward fulfillment of the maximum probationary period. One year of probationary service [~~toward-acquisition-of-tenure~~] is accrued by at least nine months full-time academic service during any academic year. A faculty member shall be considered to be on full-time academic service if he is in full compliance with regental standards pertaining to minimum faculty workloads at general academic institutions or when in compliance with the academic service standard in the Handbook of Operating Procedures of any health related institution.
- 6.25 All faculty appointments are subject to the approval of the Board of Regents. No [~~nontenured~~] member of the faculty who is either nontenured or who is serving a term tenure appointment should expect continued employment beyond the period [~~term-of~~] of his or her current appointment as approved by the Board of Regents. Any commitment to employ a nontenured member of the faculty or a member of the faculty serving a term tenure appointment beyond the term of his or her current appointment shall have no force and effect until approved by the Board of Regents.
- 6.26 This subsection has not been amended.
- 6.3 Termination by an institution of the employment of a faculty member who has been granted tenure or who is serving a term tenure appointment [~~enjoys-continuing appointment~~] and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement for age in accordance with these rules, will be only for good cause shown. In each case the issue will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of The University of Texas System.
- 6.31 This subsection has not been amended.
- 6.32 This subsection has not been amended.
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- 6.336 This subsection has not been amended.
- 6.34 This subsection has not been amended.
- 6.35 Faculty members appointed to term tenure who are notified in accordance with Section 6.9 that the seventh academic year of term tenure will be the terminal year of employment and nontenured [~~Nontenured~~] faculty members who are notified in accordance with Section 6.8 that they will not be reappointed or who are notified

in accordance with Section 6.23 or Section 6.8 that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based. No hearing to review such a decision shall be held unless the affected faculty member submits in writing to the chief administrative officer of the institution factual allegations that the decision to terminate was based upon the faculty member's exercise of rights guaranteed by the laws or Constitution of this State or the United States and requests an administrative hearing to review these allegations. Such allegations shall be heard under the same procedures as in the case of dismissal for cause, with the following exceptions:

- (1) the burden of proof is upon the affected faculty member to establish at such hearing that the decision in question was based on his exercise of rights guaranteed by the laws or Constitution of this State or the United States;
- (2) the administration of the institution need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents a prima facie case in support of his allegations.

6.4 This subsection has not been amended.

6.5 This subsection has not been amended.

6.6 This subsection has not been amended.

6.7 This subsection has not been amended.

6.8 In the event of decision not to reappoint a nontenured faculty member, ~~[without-tenure]~~ written notice will be given him or her not later than March 1st of the first academic year of probationary service if the appointment expires at the end of that academic year, or not later than December 15th of the second academic year of probationary service if the appointment expires at the end of that academic year. After two or more academic years written notice shall be given not later than August 31st that the subsequent year will be the terminal academic year of appointment. The notice required by this Section is not applicable where termination of employment is for good cause under Section 6.3 above.

6.9 A faculty member appointed to term tenure shall be given notice not later than August 31st of the sixth academic year of the term tenure period that the subsequent academic year will be the terminal year of employment or that at the conclusion of the subsequent academic year he or she will be reappointed to term tenure for a period of seven years.

6.10 ~~[6-82]~~ Reappointment of nontenured members of the faculty to a succeeding academic year, reappointment of term tenured members of the faculty to a succeeding period of term tenure, or [and] the award of tenure or term tenure, may be accomplished only by notice by the chief administrative officer of a component institution [institutional-head] or his delegate. Notwithstanding any provision of [this] Section 6.23, 6.8, or 6.9 to the

contrary, no person shall be deemed to have been re-appointed or to have been awarded tenure or term tenure because notice is not given or received by the time prescribed in Section 6.23, 6.8, or 6.9 or in the manner prescribed in ~~[this]~~Section 6.11. Should it occur that no notice is received by the time[s] prescribed in ~~[this]~~Section 6.23, 6.8, or 6.9, it is the duty of the academic employee concerned to make inquiry to determine the decision of the chief administrative officer of a component institution ~~[institutional-head]~~, who shall without delay give the required notice to the academic employee.

6.11~~[6-8]~~ Each faculty member shall keep the chief administrative officer of the component institution ~~[institutional-head]~~ or his delegate notified of his current mailing address. The written notice required by Section 6.23, 6.8, or 6.9 ~~[6-8]~~ shall be sent by certified mail, return receipt requested, to the last address given by the faculty member.

6.12~~[6-9]~~ Dismissal or demotion of classified or nonteaching personnel will be only for good cause shown, as determined by appropriate administrative officers to whom this responsibility is delegated by the chief administrative officer of the component institution ~~[institutional-head]~~, and in case of such dismissal or demotion any appeal shall be reviewed by the chief administrative officer of the component institution ~~[institutional-head]~~.



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December 28, 1973

MEMORANDUM

TO: Chief Administrative Officers

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FROM: Charles A. LeMaistre, M.D. *Cal*  
Chancellor


SUBJECT: Amendments to the Regents' Rules and Regulations which would permit the implementation of the term tenure policy at The University of Texas of the Permian Basin and the University Cancer Center

On December 18, 1973 I transmitted to each of you draft amendments related to the above subject for your study. Further consideration has led to the development of draft amendments considered more accurate with regard to the intent that the term appointment to tenure policy be restricted to The University of Texas of the Permian Basin and the University Cancer Center.

The attached sheet contains alternative wording in section 6.2 which I consider more satisfactory. I would appreciate your considering this wording along with the original proposal and having your comments by January 7, 1974.

CAL:dwp  
attachment

cc: Mr. Walker  
Dr. Knisely  
Dr. Wagener  
Mr. Quinn  
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Mr. Dilly

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6.21 Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and Instructor, or any combination thereof, shall be counted toward fulfillment of a required probationary period related to the acquisition of tenure or term tenure. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period [~~as-service toward-acquisition-of-tenure~~].

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