



UT PERMIAN
BASIN

UT PERMIAN BASIN - HOP PART 1 - FACULTY ISSUES

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UT PERMIAN BASIN - HOP PART 1 – SECTION 1: APPOINTMENTS

1.1: Structure of Academic Administration

A. Policy

1.11 Structure of Academic Administration

The basic academic unit of The University of Texas Permian Basin is the college. The faculty within a college may be organized into departments as approved by the University of Texas System Board of Regents and the Texas Higher Education Coordinating Board. Faculty with a department or within a college which has no departments may be further organized by discipline or by a group of disciplines to be headed by an Area Coordinator.

1.111 Academic Deans

Academic Deans report to and are responsible to the Provost and Vice President for Academic Affairs. Their responsibilities include but are not limited to the following:

1.112 Provide leadership in establishing and maintaining both undergraduate and graduate courses taught within the College.

1.113 Provide leadership in developing new academic programs as needed. Decide which exceptions to scholastic regulations are appropriate for majors or certification students in the College. Document interpretations of scholastic regulations and degrees when requested. The processes are done through the academic petition period.

1.114 Coordinate required course schedules each term, both within the College and among other Colleges.

1.115 Represent the College's needs and interests vis-à-vis those of other Colleges and offices within The University.

1.116 Serve as spokesperson for the College on appropriate occasions.

1.117 Teach a reduced course load, a dean normally teaches one course per long-term, two courses per year. Further reductions, when advisable, are made by special agreement.

1.118 Guide the preparation and implementation of sound plans to accomplish College or institutional objectives and achieve stated goals.

1.119 Provide Leadership in the assessment of College programs, including learning outcomes, within the framework of the University's institutional effectiveness processes.

1.1110 Provide leadership in the development of research within the College.

1.1111 Provide leadership to the distance education and off-campus programs of the College.

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1.1112 Develop budgets for the College in consultation with Department Chairs, Area Coordinators and faculty.

1.1113 Manage the expenditure of funds allocated to the College during each budgetary period.

1.1114 Initiate and oversee that appropriate internal controls are implemented and monitored in the College.

1.1115 Communicate and assist in carrying out the policies and programs of The University of Texas Permian Basin administration.

1.1116 Serve as focal point, communicate faculty concerns to the administration.

1.1117 Assist faculty members in the assessment and referral of student discipline cases to the Dean of Students.

1.1118 Guide the preparation and implementation of sound plans to accomplish College objectives and achieve stated goals.

1.1119 Supervise the day-to-day operations of the College.

1.1120 Facilitate faculty development by encouraging appropriate research, teaching, and service to both The University and the community.

1.1121 Make effective efforts to reward faculty performance in a suitable manner.

1.1122 Coordinate and assist in the recruitment of new and replacement faculty.

1.1123 Make recommendations to the Provost and Vice President for Academic Affairs and the President concerning the tenure, promotion, salary adjustments, teaching assignments, reappointment, termination, annual evaluation, discipline and similar actions for College's faculty, in accordance with the Handbook of Operating Procedures and approved evaluation document provisions.

1.1124 Maintain faculty, staff, and student morale through the appropriate resolution of conflicts.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[The University of Texas System Board of Regents' Rules and Regulations Rule 20102, Appointment of Institutional Administrative Officers.](#)

D. Dates Reviewed or Amended

June 2009, February 2019

1.2: Appointment, Evaluation, Role and Responsibilities of Department Chairs

A. Purpose

The purpose of this policy is to provide guidance on the selection, evaluation, and the roles and responsibilities of department chairs.

B. Persons Affected

This policy applies to faculty of The University of Texas Permian Basin.

C. Definitions

Department chair – administrative leader of an academic department appointed by the dean in consultation with the faculty with the concurrence of the Provost/VP for Academic Affairs.

D. Policy

1. *General* - Each department or equivalent unit shall have a chair who is a member of and serves as the academic leader of the department faculty and the designated administrator of the department. The department chair reports to a dean and serves at the pleasure of the dean, with the concurrence of the Provost/VP for Academic Affairs.
2. *Eligibility* - To be eligible to serve as a department chair, an individual shall hold a tenured position in the respective department, hold an earned doctorate or other recognized degree in an area related to the department's academic program(s), and have demonstrated leadership, managerial, and administrative abilities.
3. *Selection* – The department chair shall be selected by the dean with the concurrence of the Provost/VP for Academic Affairs after an appropriate and inclusive search committee process. Department faculty need to be involved in the selection process, which includes engaging with the dean on the needs and expectations of the department chair. The selection process needs to incorporate a search process to identify the best leader for the department.
4. *Appointment* - The department chair shall be appointed by the dean with the concurrence of the Provost/VP for Academic Affairs
 - a. *Term* - The term of appointment for a department chair is flexible, with standard terms being three years. Terms may be renewed without limit as long as the department chair continues to meet expectations as defined by the department (Sec. D 6a). Department chairs are appointed on the basis of a fiscal year (12 months).
 - b. *Compensation* - Compensation for department chairs shall be based on the number of faculty and programs supervised and is set for the fiscal year – 12 months. Institutional guidelines should clarify adjustments to a department chair's salary upon return to faculty status.

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- c. *Vacancies* - Vacancies in the position of department chair shall be filled at the earliest possible date. After consultation with department faculty, interim chairs may be appointed as interim chair for up to one year to temporarily fill a vacancy. On an exceptional basis, interim appointments may be extended by the dean with concurrence of the Provost/VP for Academic Affairs.
5. *Roles and Responsibilities* - The department chair is responsible for consulting with and representing the interest of department faculty on policies, plans, and procedures that affect the department and is responsible for the overall leadership, management, and administration of the department, including:
 - a. Pursuing and achieving departmental excellence in teaching, research, and service;
 - b. Strategic planning and goal setting aligned with similar efforts at the college and university level;
 - c. Developing strategic initiatives and programming to help ensure student success;
 - d. Management and professional development of faculty members and staff;
 - e. Preparation and management of department budget;
 - f. Recruitment, retention, evaluation and promotion of faculty;
 - g. Development of curriculum;
 - h. Communication with faculty and administration;
 - i. Enforcement of applicable regulatory policies;
 - j. Maintaining an environment of collegiality and shared governance;
 - k. Addressing questions, complaints, grievances, and suggestions from faculty, staff, and students; and
 - l. Performing other duties as assigned by the dean.
6. *Evaluation* – Department chairs shall be evaluated by deans as part of the regular annual evaluation process. A department chair's performance should be reviewed relative to the assigned roles and responsibilities in Section 5 of UT Systemwide Policy 182 (UTS182).
 - a. *Evaluation Criteria* – The evaluation criteria shall be UTS182 and the Roles and Responsibilities listed in item 5 above. The department chair being reviewed shall be placed in one of the following categories:
 - i. exceeds expectations;
 - ii. meets expectations;
 - iii. does not meet expectations; or
 - iv. unsatisfactory.
 - b. At the beginning of the final year of their term, a department chair shall undergo an in-depth review process, including input from department faculty and staff.

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- c. In addition to annual reviews, deans shall conduct periodic meetings with department chairs to ensure that roles and responsibilities are being met and areas of department, college, and institution priority are being addressed.
8. *Training* - UTPB shall provide a program of orientation for new department chairs, as well as ongoing professional development on administrative processes and effective management and leadership practices for the benefit of all department chairs.
9. *Removal* – The department chair may be removed from the administrative position at any time for reasonable cause at the discretion of the dean, and the concurrence of the Provost/VP for Academic Affairs.

E. Procedure

Not Applicable.

F. Relevant Federal and/or State Statute(s), Board of Regents’ Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[The University of Texas System Board of Regents’ Rules and Regulations Rule 20102, Appointment of Institutional Administrative Officers](#)

[The University of Texas System-wide Policy 182, Selection, Appointment, Roles and Responsibilities, Evaluation, and Training of Department Chairs at Academic Institutions.](#)

G. Dates Reviewed or Amended

February 17, 2020

1.3: Appointment, Evaluation, Role and Responsibilities of Program Coordinators

A. Purpose

The purpose of this policy is to provide guidance on the selection, evaluation, and the roles and responsibilities of academic program coordinators.

B. Persons Affected

This policy applies to faculty of The University of Texas Permian Basin.

C. Definitions

1. Academic Program Coordinator – administrative leader of an academic program of study appointed by the dean in consultation with the faculty with the concurrence of the Provost/VP for Academic Affairs.

D. Policy

6. *General* - Each academic program shall have an academic program coordinator who is academically qualified in the area and oversees and coordinates the educational program to assure that it contains essential curricular components, has appropriate content and pedagogy, and maintains discipline currency. The academic program coordinator reports to a chair (or, if the academic program coordinator is also the department chair, the dean) and serves at the pleasure of the dean, with the concurrence of the Provost/VP for Academic Affairs.
7. *Eligibility* - To be eligible to serve as an academic program coordinator, an individual shall be academically qualified in the field (normally holding a terminal degree in the discipline), and have demonstrated leadership, managerial, and administrative abilities.
8. *Selection/Appointment* – The academic program coordinator shall be selected by the dean in consultation with discipline faculty and with the concurrence of the Provost/VP for Academic Affairs.
 - d. *Term* - The term of appointment for academic program coordinators is flexible, with standard terms being three years. Terms may be renewed without limit as long as the academic program coordinator continues to meet expectations as defined by the department (Sec D 6a). Academic program coordinators are appointed on the basis of a fiscal year (12 months).
 - e. *Compensation* - Compensation for academic program coordinators is set for the fiscal year – 12 months.
 - f. *Vacancies* - Vacancies in the position of academic program coordinator shall be filled at the earliest possible date. After consultation with discipline faculty, interim academic area coordinators may be appointed as interim coordinator for up to one year to temporarily fill a vacancy. On an exceptional basis, interim appointments may be extended by the dean with concurrence of the Provost/VP for Academic Affairs.

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9. *Roles and Responsibilities* - The academic program coordinator is responsible for overseeing and coordinating the educational program. In addition, the academic program coordinator will chair meetings of the discipline faculty and working collaboratively with the dean, department chair, and other discipline faculty academic program coordinators:
 1. provide overall leadership in their assigned program(s)
 2. assure program curriculum quality and currency
 3. lead program assessment and review
 4. assure quality advising and mentoring of all student majors
 5. coordinate/facilitate advising “hand off” from professional advising/undecided/transfer student to faculty program advisers
 6. monitor student success data (student retention, graduation rates, job placement rates of program students, etc.)
 7. recommend/implement interventions to improve student success in their programs
 8. monitor the health of their program(s) (number of majors, SCH production, course enrollments, monitor student success metrics) and recommend measures to promote/improve program vitality.
 9. assist with the recruitment and evaluation of discipline faculty including part-time faculty and adjuncts
 10. lead recruitment of students into program (Falcon Days, web, social media, etc.)
 11. encourage high-impact/extracurricular activities relative to their program(s)
 12. identify and publicize marketable/transferable skills in each program
 13. provide regular reports to the Chair, Dean, and Provost about program health and student success and any ongoing activities or proposed activities to enhance program and student success
 14. participate in periodic training/workshops to support their work as Area Coordinators
 15. lead library acquisitions
 16. perform other duties as assigned by the chair or dean.
10. *Evaluation* – Academic program coordinators shall be evaluated by their department chair (or dean) as part of the regular annual evaluation process.
 - a. *Evaluation Criteria* – Each academic program coordinator shall be evaluated based upon the fulfillment of the roles and responsibilities listed above, and they shall be placed in one of the following categories:
 - v. exceeds expectations;

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- vi. meets expectations;
 - vii. does not meet expectations; or
 - viii. unsatisfactory.
- b. In addition to annual reviews, the chair or dean shall conduct periodic meetings with academic program coordinator to ensure that roles and responsibilities are being met and that departmental, college, and institutional priorities are being addressed.
10. *Training* - UTPB shall provide a program of orientation for new academic program coordinators, as well as ongoing professional development on administrative processes and effective management and leadership practices for the benefit of all academic program coordinators.
11. *Removal* – The academic program coordinator may be removed from the administrative position at any time for reasonable cause at the discretion of the dean, and the concurrence of the Provost/VP for Academic Affairs.

E. Procedure

Not Applicable.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[The University of Texas System Board of Regents' Rules and Regulations Rule 20102, Appointment of Institutional Administrative Officers.](#)

G. Dates Reviewed or Amended

February 17, 2020

1.4: Faculty Rights and Responsibilities

A. Purpose

This policy sets forth the rights and responsibilities of faculty members at The University of Texas Permian Basin (UTPB). Faculty members at UTPB are entitled to rights, with associated responsibilities, related to their research or scholarship, teaching and service activities.

B. Persons Affected

This policy applies to all UTPB faculty.

C. Definitions

None

D. Policy

1. *Freedom in Research:*

Faculty members are entitled to full freedom in research and in the publication of the results.

2. *Freedom in the Classroom:*

A faculty member is entitled to freedom in the classroom, physical or virtual, in discussing his or her subject, but is expected not to introduce into his or her teaching controversial matter that has no relation to his or her subject.

3. *Clarification of Role:*

Faculty members are citizens, members of learned professions, and officers of an educational institution supported by the State of Texas. When a faculty member speaks or writes as a citizen, he or she should be free from UTPB censorship or discipline, but should make it plain that the faculty member is not a UTPB spokesperson.

4. *Professional conduct:*

Faculty members are expected to adhere to the professional standards and guidelines in the [AAUP Statement on Professional Ethics](#).

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5. *Primary Duties:*

The primary duties of a member of the faculty are to perform the following:

a. *Teaching:*

Teach online or in the classroom, laboratory, seminar, or clinical setting, and provide mentoring and instructional innovation, development, and improvement. Policies regarding specific teaching-related activities include the following:

i. *Syllabus:*

The faculty member shall issue a syllabus to students and post it online in accordance with established procedures within the first seven days of the first class of the semester. The syllabus shall at minimum contain:

1. The faculty member's office number and office hours, email, and other contact information;
2. A complete list of required and recommended texts, readings, and other course materials;
3. A brief description of each major component of the course, including examinations and major assignments;
4. The tentative course subject outline in chronological order;
5. Grading system in course;
6. The faculty member's policy in regard to absences and make-up work;
7. Student Learning Objectives (SLOs);
8. Any other information that satisfies the syllabus standards adopted by UTPB or the faculty member's college or department/school.

ii. *Final Examinations:*

1. Faculty members and students are expected to adhere to the published examination schedules.
2. Permission to change the scheduled time of an examination must be secured from the appropriate Dean.
3. Final examinations material will be filed for at least one semester. Students will be permitted to examine their own work.

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iii. Office Hours or Times Accessible to Students:

1. Faculty are expected to be accessible to their students outside the classroom (physical or virtual) via email, telephone and office hours.
2. The teaching schedule and office hours shall be posted outside each faculty office or in the Learning Management System and be available in the department office. Faculty members are to be available to students during the posted office hours.

iv. Advisement Duties:

Faculty members are required to be available for advisement. Each department will devise a system for distributing advising responsibilities among faculty.

v. Textbook and Course Material:

Faculty members shall submit their textbook adoptions during the preceding semester, by the beginning of the registration period. Individual faculty members or the department should have discretion in the choice of materials to be used in the courses offered by the department. See HOP ADM 6-204 Textbooks and Other Materials for more information.

b. *Research:*

Study, investigate, discover, create, and develop professionally.

c. *Administration or Service to UTPB:*

Perform curricular tasks auxiliary to teaching and research for the Department, College, UTPB or other organizational unit (e.g., serving on faculty committees, attending to administrative and disciplinary tasks, fostering intellectual curiosity and integrity in the student body).

i. Committees:

As part of their service responsibilities, faculty members are expected to accept and participate when elected or appointed to college, schools, departments, or UTPB committees or councils.

ii. Faculty Meetings:

College or departmental meetings shall be scheduled by directors or chairs as needed to handle such matters as curriculum, budget, recruitment, etc. Faculty are expected to participate in all department and college meetings.

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iii. Commencement:

Commencement ceremonies will be held twice each academic year--once each at the end of the fall and spring semesters—and in August. Faculty members are expected to participate in at least one commencement ceremony each academic year.

d. *Contribution to Society and the Professional Discipline:*

Faculty will use their professional expertise to benefit society, such as engaging in professional organizations and community projects to help solve local, state, national, and global problems. Faculty members are encouraged to take part and be engaged in professional and community activities.

6. *Outside activities:*

Faculty may be permitted to engage in certain outside activities, compensated or uncompensated, during regular semesters as well as in the summer, provided that these activities are approved and disclosed as required by HOP Section 1.6, Conflict of Interest, Conflict of Commitment, and Outside Activities. Such activities, however, should not interfere with a faculty member's primary duties.

7. *Nonsectarian:*

In accordance with Texas Education Code Section 65.38, no course of instruction of a sectarian character shall be taught in The University of Texas System.

8. *Fees for Instructional Purposes:*

Faculty members, without previous and special approval of The University of Texas System Board of Regents, shall not collect from students any fees or charges to be expended for UTPB purposes, and shall not sell to students books, notes, or similar student supplies.

a. *Prohibited Fees:*

A member of the faculty may not accept pay for extra instruction or teaching of students registered in UTPB where he or she is employed.

b. *Allowed Fees:*

With the written approval of the department chair or dean, teaching assistants and other like instructional employees below the rank of an instructor may accept pay from students for extra-class instruction or coaching, but only in courses or sections of courses with which

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they have no instructional connection. See Section E.3 for the approval procedure.

9. *Absences from Duties:*

Various types of faculty leaves can be approved via the appropriate leave policy (HOP 3: Human Resources Section 13), including emergency, sick, and military leaves. Other than that, authorization for any faculty member to be absent from his or her usual and regular duties will be granted only under the following conditions:

- a. When such absence is on state business, and
- b. When appropriate provisions are made to carry on the duties of the absent person without additional expense to the institution.

See Section E. 1 for procedures on faculty absences from assigned duties.

E. Procedures

1. Faculty Absences from Assigned Duties

a. Authorization for Faculty Absences from Assigned Classes:

- i. A faculty member who is unable to meet his or her classes on the day and hour scheduled for reasons other than illness, conferences or professional meetings, must secure prior authorization from the Department Chair or Dean.
- ii. When advance notice is not possible, it is the responsibility of the faculty member to inform the Department Chair or Dean immediately of his or her impending absence. The Department Chair, in consultation with the faculty member, shall have the responsibility to make arrangements for the assigned classes and other duties.

b. Authorization for Absences from Regular Duties other than Assigned Classes:

For absences from regular duties other than assigned classes, see the appropriate leave policy (HOP Section 5.1: Faculty Leaves) or department or unit procedures.

2. Outside activities

Procedure for disclosing or obtaining approval of outside activities should follow HOP ADM 3-600, Conflict of Interest, Conflict of Commitment, and Outside Activities.

F. Relevant Federal and/or State Statute(s) Board of Regents' Rules(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 31004, Rights and Responsibilities of Faculty Members.](#)

[Texas Education Code Section 65.38, Nonsectarian](#)

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Handbook of Operating Procedures, Part II Section 4, Conflict of Interest, Conflict of Commitment, and Outside Activities

Handbook of Operating Procedures, Section 1.7 Textbooks and Other Materials

Handbook of Operating Procedures, Section 5.1 Faculty Leaves

AAUP Statement on Professional Ethics

G. Dates Reviewed or Amended

February 27, 2019.

1.5: Professional Ethics/Conflicts of Interest

A. Policy

1.51 Code: The University of Texas System All employees of the System and its component institutions shall be furnished a copy of the Standards of Conduct for State Employees, Section 572.051, Texas Government Code, and, in addition thereto, shall adhere to the following standards of conduct and other provisions of these Regents' Rules and Regulations, Rule 30103 and Rule 30104 and the UTPB Conflict of Interest Policy. Information regarding conflict of interest may be found at <http://ba.utpb.edu/compliance/conflict-of-interest/> and reads as follows:

THE UNIVERSITY OF TEXAS PERMIAN BASIN CONFLICTS OF INTEREST POLICY ADOPTED UNDER SECTION 572.051, GOVERNMENT CODE

Mission and Values: The mission of The University of Texas Permian Basin is to provide quality education to all qualified students in a supportive educational environment; to promote excellence in teaching, research, and service; and to serve as a resource for the intellectual, social, economic, and technological advancement of our diverse constituency in West Texas. In support of that mission, we value and are committed to maintaining high standards of excellence, integrity, and accountability in our conduct. This conflicts of interest policy is intended to enhance the ability of the employees of The University of Texas Permian Basin to act ethically in accordance with those values and with the law, and to fulfill our obligation to be good stewards of the resources that have been entrusted to us.

Application: This conflicts of interest policy applies to all employees of The University of Texas Permian Basin.

What is a Conflict of Interest? A conflict of interest exists when you owe a professional obligation to The University of Texas Permian Basin that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of The University of Texas Permian Basin and your private interests and may prevent you from making decisions that are in the best interest of The University of Texas Permian Basin. Even if those outside interests do not actually impair your ability to act in the best interest of The University of Texas Permian Basin, it may appear to the public that your independence of judgment has been affected. The purpose of this policy is to provide an executive summary of conflict of interest laws, rules, and policies, all of which are intended to preserve the public trust in our integrity by preventing bias or the appearance of bias in our decision-making.

Other Information on Ethical Behavior: This policy addresses only conflicts of interest. Other ethical issues may arise, such as issues related to the use of government resources, sexual harassment, political activities, legislative lobbying, and the use of confidential information. Those issues are fully discussed in The University of Texas Permian Basin's Standards of Conduct Guide. Additional information may be found on the website of the UT System Office of General Counsel at www.utsystem.edu/ogc/ethics.

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Gifts: There are two standards under Texas law governing gifts – (1) a general standard of conduct that applies to all employees and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.

Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is anything of value, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.

Criminal penalties may apply to persons who make recommendations or decisions about The University of Texas Permian Basin financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is never lawful to accept a gift in exchange for official action):

Non-cash items worth less than \$50.

A gift from a person such as a relative, friend, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.

Food, lodging, transportation, or entertainment in any amount if you accept them as a “guest,” which means the donor must be present.

Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.

Additional restrictions apply if the gift is from a student loan lender. The definition of “student loan lender” is very broad and covers entities that may not traditionally be thought of as student loan lenders. You should consult UT System’s Office of General Counsel to determine if the proposed gift from the student loan lender is permissible under the Texas Higher Education Fair Lending Practices Agreement.

It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

Summary: Do not accept any gift that could appear to influence your official conduct.

Outside Employment or Compensation: You should not accept other employment or compensation that could reasonably be expected to impair your independence of judgment in performing your official duties. Your primary responsibility is the accomplishment of the duties and responsibilities assigned to your position at The University of Texas of the Permian Basin. External consulting or outside employment that interferes with those duties and responsibilities should not be accepted. Any outside employment, including self-employment or employment by another state agency, must first be

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approved by your department head as provided by the Handbook of Operating Procedures Part 3: Personnel Section

10. You must request approval by filing a form with your department head that describes the nature and extent of the outside employment. Your department head will then determine whether the contemplated employment would create a conflict of interest or the appearance of a conflict of interest between your outside commitments and your responsibilities to The University of Texas Permian Basin. See the Outside Employment form at the University Forms page.

Additionally, you should not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired through your official position.

Summary: Do not accept outside employment that interferes with your responsibilities to The University of Texas Permian Basin. Any outside employment must first be approved by your department head and ultimately by your Dean/Director, Vice President and the President as provided in the Handbook of Operating Procedures Part 3: Personnel Section 10.

Outside Board Service: Outside board service is generally deemed to be in the best interest of UT System because it broadens the experience of the individuals involved and exposes UT System to a larger audience of business, civic, professional, and social leaders. However, recognizing that your primary duty is the performance of your job at The University of Texas Permian Basin, the position may not create a conflict of interest and may not impose an unreasonable time requirement. The President is subject to certain requirements, including the requirement to file a report on outside board service with the Vice Chancellor for Administration in September of each year.

Summary: Do not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment.

Honoraria: You may not accept an honorarium for services you would not have been asked to provide but for your official status. For example, you may not accept a gift or payment for giving a speech if you would not have been asked to provide the speech but for your official position. However, you may accept meals, transportation, and lodging in connection with your services as long as the services are more than merely perfunctory or superficial. Also, you may accept a gift of very minimal value, such as a plaque or coffee cup.

Summary: Do not accept an honorarium for services you would not have been asked to provide but for your official position.

Personal Investments: You should not make personal investments that could reasonably be expected to create a substantial conflict between your private interest and the public interest. This means that you should not have a direct or indirect financial interest in a business that conflicts with The University of Texas Permian Basin interests or that might influence how you do your job. Some financial interests may be so indirect or so minimal that they do not create conflicts of interest, such as ownership of a minimal amount of stock in a company or an investment in a publicly traded mutual fund in which you do not exercise discretion regarding the investment of the assets of the fund. If you are not sure whether a particular investment creates a conflict of interest, you should ask your supervisor or consult with the

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Office of the Vice President for Business Affairs.

If you do have an interest in a business that you think might constitute a conflict of interest, disclose that interest to your supervisor. In some cases, you may be able to cure the conflict by not participating in any decision concerning that business. However, if the conflict is significant, you may be required to divest yourself of the interest that causes the conflict.

Summary: Do not make personal investments that create a substantial conflict between your private interest and the public interest.

Self-dealing/Transactions with Employees: You may not transact any business in an official capacity with any business entity of which you are an officer, agent, or member, or in which you own a substantial interest.

Additionally, before The University of Texas Permian Basin may purchase any supplies, materials, services, equipment, or property from you, the President must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

Summary: Do not transact public business with your private business. The President must approve any purchases from you, and the purchase may be made only if the cost is less than from any other known source.

Benefits for Performing Official Duties: You should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised your official powers or for having performed your official duties in favor of another. If the benefit was given in exchange for an official act, it could constitute the criminal offense of bribery.

Summary: Do not accept a benefit for having done your job in favor of another.

Required Disclosures: You must file timely written disclosure statements as required by law, rule, or policy. Your position with The University of Texas Permian Basin and your contemplated activity will determine which disclosure statements are required.

Summary: Be aware of any disclosure statements you are required to file and be sure to file them timely.

Consequences for Violations: There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by The University of Texas of the Permian Basin, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.

Summary: You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws, or Rules: This policy does not rescind any policy provided by UT System or The University of Texas Permian Basin, any departmental policy, any contract provision, any agreement with the Texas Attorney General, or any law or rule that is more specific or more restrictive concerning conflicts of interest. You are required

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to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.

Questions or Reports of Violations: If you have questions about an actual or potential conflict of interest, you may ask your supervisor. Additionally, you may always contact the Office of the Vice President for Business Affairs with any conflict of interest questions at (432) 552-2700.

You should report any suspected wrongdoing to your department head or to the Compliance Officer. You may also report suspected violations on a toll-free hotline 1-888-228-7725. You may not be retaliated against for a good-faith report of suspected wrongdoing. Detailed information on reporting possible violations may be found in The University of Texas Permian Basin Standards of Conduct Guide.

B. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[Standards of Conduct for State Employees, Section 572.051](#)

[The University of Texas System Board of Regents' Rules and Regulations Rule 30103, Standards of Conduct](#)

[The University of Texas System Board of Regents' Rules and Regulations Rule 30104, Conflict of Interest, Conflict of Commitment, and Outside Activities](#)

C. Dates Reviewed or Amended

February 27, 2019.

1.61: Teaching Faculty Personnel Matters

A. Policy

1.611 Termination

1.6111 Termination of Faculty - The termination of the employment of a faculty member who has been granted tenure, and of all other faculty members before the expiration of the stated period of their appointments, except as is otherwise provided in the Regents' Rules and Regulations or by resignation or retirement, will be for good cause shown in accordance with the provisions of Rule 31008 of the Regents' Rules and Regulations.

1.6112 The standing panel from which members of the hearing tribunal are selected under provisions of Number 2, Section 4 of the Regents' Rules and Regulations shall be comprised of the same panel elected by the faculty as provided for in Part One, Section 11, of the Handbook of Operating Procedures and other members of the faculty appointed by the President. The standing panel will have up to 17 members and will be reconstituted each time there is an election for the elected members.

1.61121 Termination Due to Financial Exigency - General policies and procedures to be followed in cases of financial exigency are contained in the Regents' Rules and Regulations, Rule 31003, Number 2, Sections 1 and 3.

1.61122 Program Abandonment - Refer to Part One, Section 12 of the Handbook of Operating Procedures and The University of Texas System Board of Regents' Rules and Regulations, Rule 31003, Number 2, Sections 1 and 2.

1.612 Responsibilities and Duties of Faculty Members

1.6121 Academic Freedom and Responsibility - General policy outlining the rights and responsibilities of faculty members as teachers and citizens set forth in the Regents' Rules and Regulations, Rule 31004 and Part I, Section 1.4 of the Handbook of Operating Procedures.

1.6122 Outside Employment - System Policy - General policy pertaining to outside employment is set forth in Regents' Rules and Regulations, Rule 30103. and Part I, Section 1.5 of the Handbook of Operating Procedures.

Campus policy requires the completion of the prescribed form, issued by the President's office, with all required signatures in approval. This form must be completed annually and must be approved prior to the beginning of any such outside employment. Final approval for all outside employment is given by the President.

1.613 Employment of Part-time Faculty

1.6131 Titles and Terms of Appointment

1.61311 Depending upon their qualifications, experience, and assignment,

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part-time faculty maybe designated as Clinical Professors (of all ranks), Senior Lecturers, Lecturers, or Adjuncts.

1.61312 Part-time Clinical Professors, Senior Lecturers, and Lecturers are hired on a term-to-term basis, while part-time adjuncts are hired on a course-by-course basis.

1.614 Procedure for Appointing Part-time Faculty

1.6141 Part-time Faculty

1.61411 Appointment of part-time faculty shall be initiated and principally carried out by the discipline in which the faculty member will teach. In the absence of the Department Chair or Area Coordinator, this responsibility shall be assumed by the Dean of the College.

1.61412 When the Department Chair or Area Coordinator determines that a course or courses need to be taught by a part-time faculty member, he/she shall request authorization from the Dean of the College to recruit. The request should identify the course to be taught, the place of the course in the discipline's curriculum, and any special qualifications to be sought. The request should be made as early as practicable to facilitate an orderly appointment and orientation process.

1.61413 When the Dean of the College is satisfied that the discipline's curricular needs require, and the budget permits, hiring a part time faculty member, the Dean will authorize the recruitment process.

1.61414 Although the recruitment process for part-time faculty will necessarily be less formal and time-consuming than for full-time faculty, the goal of the process remains the same: to identify and recruit the best qualified individual to meet the needs of The University.

1.61415 When the discipline has identified a suitable candidate or candidates for the position, the Department Chair or Area Coordinator shall submit to the Dean copies of the resumes and academic transcripts of the candidate (s). The Dean shall have the option of interviewing the candidate (s).

1.61416 The Department Chair or Area Coordinator may make the offer of appointment upon approval of the Dean and Provost and Vice President for Academic Affairs.

1.61417 The appropriate Dean's office will coordinate the mechanics of appointment.

1.61418 As an Affirmative Action, Equal Opportunity Employer, The University of Texas Permian Basin acknowledges its obligation and stresses its commitment to a policy of recruitment of part-time faculty without regard to ethnicity, gender, age,

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disability, veterans status, religious affiliation, national origin, race, or color.

1.615 Duties of Part-Time Faculty - Part-time faculty are appointed mainly to provide academic instruction. However, within that restricted role, part-time faculty are expected to perform at the same high level of professionalism as their full-time counterparts. While it is impossible to enumerate all aspects of professional activity related to teaching, the following describe the University's minimum expectations for part-time faculty:

1.6151 Plan the course (including ordering appropriate textbooks and/or other instructional materials, prepare a written syllabus, develop appropriate assignments and assessment instruments).

1.6152 Prepare, distribute to students, and place on file in the Dean's office a syllabus for the course. The syllabus should contain at least the following:

1.6153 Name of course and instructor, time and place of meetings, list of required and recommended texts

1.6154 Course description

1.6155 Outline of the course at least week by week

1.6156 Dates of all exams and significant outside papers/projects, with percentages of course grade each will be worth

1.6157 Conduct appropriate assessment in accordance with the disciplines assessment institutional effectiveness plan.

1.6158 Description of any other expectations or special conditions that will affect students' performance in the course.

1.6159 Hold all classes, including the final examination, for the full scheduled number of minutes.

1.61510 Conduct the assigned course in accordance with the catalog description.

1.61511 Provide a minimum of one hour each week per class for out-of-class consultation with students. Schedule for these hours must appear on the syllabus. The University shall provide appropriate space for this activity.

1.61512 Provide students with several opportunities to demonstrate understanding of the material covered in the course and evaluate students' work in accordance with the generally accepted practices of the discipline and the University.

1.61513 Provide students with an opportunity to evaluate the course in accordance with the University's policies and procedures.

1.61514 Submit all paper work associated with the course (syllabi, class rosters, final grade reports, etc.) on time.

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1.616 Compensation of Part-Time Faculty

1.6161 Compensation for part-time faculty shall be based on educational attainment and experience.

1.6162 It shall be the responsibility of the Provost and Vice President for Academic Affairs and the Deans to develop a salary schedule for use by all Colleges and to review that schedule yearly.

1.6163 It shall be the responsibility of the Provost and Vice President for Academic Affairs to ensure that equity in compensation is maintained among Colleges.

1.617 Orientation of New Part-Time Faculty - The University provides part-time faculty with an orientation to the campus community, culture, and procedures. They should receive adequate introduction to their teaching assignments, departments, and the institution.

1.618 Evaluation

1.61811 Part-Time Faculty - It shall be the responsibility of the Dean, Department Chair or Area Coordinator to evaluate the performance of a part-time faculty member. At a minimum this evaluation shall consist of the following:

1.61811 The Dean, Department Chair or Area Coordinator shall review all course materials prepared by the faculty member. (syllabus, readings, course shell in the learning management system, etc.), student teaching evaluations, and may schedule in-class observations of teaching and/or shadow online courses during the course of the term.

1.61812 Students shall have the opportunity to evaluate the course in accordance with the University's policies and practices, and a copy of the evaluation shall become part of the faculty member's file.

1.61813 The Dean, Department Chair or Area Coordinator shall prepare and submit to the Dean of the College a summary review of the part-time faculty member's performance.

1.61814 All or any part of the procedure described for part-time faculty will be used in the evaluation of continuing or reappointed part-time faculty.

1.61815 All or any part of the procedure described for new part-time faculty will be used in the evaluation of continuing or reappointed part-time faculty.

1.619 Reappointment - Reappointment is at the discretion of the University and on a favorable evaluation of the faculty member's performance by the Dean of the College or Department Chair. Reappointment requires approval of the Dean of the College (and, for those holding the title Lecturer or Senior Lecturer, approval of the President).

1.620 Academic Freedom - The academic freedoms enjoyed by full-time faculty are accorded to

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part-time faculty as well. Refer to Part I, Section 1.612 of the Handbook of Operating Procedures for a full discussion of academic freedom and responsibility.

1.621 Student Evaluation of Faculty Teaching - All faculty members are required to conduct student course evaluations for courses they teach, including lectures, labs, and seminars. These student evaluations are the principal instruments for soliciting student opinion on teaching. These course evaluations rate the instructor and course materials on a five-point scale ranging from (1) excellent to (5) very unsatisfactory. UT Permian Basin posts the course evaluations on the University's website.

1.622 Employment of Noncitizens - See Part III, Human Resources.

1.623 Proficiency in English Requirements

Each person with teaching responsibility at the University of Texas Permian Basin is required to complete a statement identifying his or her primary language.

Each person with teaching responsibility who advises that his/her primary language is not English will be required to take the "Test of Spoken English" published by the Educational Testing Service.

Any person with teaching responsibility who fails to achieve a satisfactory score on the test (at least 45), will be required to take an ESL course approved by the Provost of which the primary objective is to assist the person with teaching responsibility in achieving proficiency in speaking, reading and writing English.

Upon completion of the course, the person with teaching responsibilities' Dean of the College will interview the person with teaching responsibility to determine his/her adequacy of spoken English.

The cost of the "Test of Spoken English" and the above referenced course shall be paid by the person with teaching responsibility.

1.624 Summer and Interim Session Teaching

The University of Texas Permian Basin provides classes and services in the summer. The scheduling of the semesters, summer terms, and interim sessions will be established in the academic calendar. In addition to the scheduled instructional periods courses for specific needs may be scheduled at other times with the written approval of Provost and Vice President for Academic Affairs.

Each semester, term, or session includes not only the instructional period, but registration, orientation, final exams, grading periods, and graduation ceremonies. Full-time faculty members perform instructional, advising, research, student contact, university governance, and service activities throughout the year, but have specific expectations to fulfill these duties during periods when they are on summer school or interim session appointments. During summer and interim sessions, all instructors teaching classes on campus should hold at a minimal rate of three office hours per

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week where they are available to students. Faculty with summer school appointments should participate in orientation, and other advising activities which do not directly conflict with their class schedules. Faculty members teaching exclusively online should consult with their respective Dean concerning service and office hour expectations during the summer or interim session. Summer school faculty with appointments through August should attend summer commencement ceremonies.

1.625 Appointment for Summer or Interim Session Teaching

1.6251 Consideration for offering summer courses should include student demand, College or School need as determined by their respective faculty in the discipline, and/or faculty desire for teaching a particular class.

1.6252 Student demand and College need should be determined through discussions amongst the Provost, Deans, and Discipline Faculty. When the need for a course is determined, it may, if it is required for the major or minor, be offered in the summer or interim session regardless of whether the instructor in the previous or projected long semesters is willing to accept a summer or interim appointment. Upper-level elective courses that are specifically required to fulfill the graduation requirements for the major or minor or certification requirement should generally be offered first to full-time faculty to teach those courses.

1.6253 The highest priorities in making summer or interim instructional appointments shall be based on student demand. Existing full-time faculty will be given priority within budgetary constraints. The Department Chair or Area Coordinator of a discipline should be given priority for a least one summer term appointment when a demand exists and the course is in their area of expertise. The Dean of the College or School should then make subsequent appointments in such a way as to best meet student needs and that is equitable to faculty willing to accept summer or interim appointments. Faculty members will not be required to accept summer teaching appointments at the University.

1.626 Summer and Interim Session Salaries

1.6261 Salaries for summer and interim session work will be prorated, based on the academic salary rate for the previous academic year. Specifically, the salary paid for summer teaching will be one-twelfth of the academic salary rate for each three credit courses taught in the summer.

1.6262 Faculty members have the right to expect that when they offer a summer course outside of their regular contract obligations, they will be compensated for their work. Faculty are encouraged to make every effort to recruit and retain students for summer classes. Classes normally will be cancelled for small class enrollments. If a course must be cancelled, faculty members will be compensated for the days that the course was taught.

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D. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

E. Dates Reviewed or Amended

February 27, 2019

1.7: Textbooks and Materials

A. Purpose

To provide guidelines for faculty related to the selection of textbooks and other materials prescribed for the use of students.

B. Persons Affected

This policy applies to faculty of The University of Texas Permian Basin (UTPB).

C. Definitions

1. Prescribed – To designate or order the use of. Note: The use of the word prescribed in this policy additionally infers that payment or a charge for the use of that book, outline, manual or similar material is involved.
2. Textbook- A monograph specifically intended for an instructional environment; also, an edition of a book in any format or media specifically intended for use by students enrolled in a course of study or preparing for an examination on a subject or in an academic discipline. A textbook may sometimes published in conjunction with a workbook, lab manual, or teacher’s manual.

This policy does not apply to supplemental or non-required reading materials.

D. Policy

This policy and The University of Texas System Board of Regents’ Rule 31004, Rights and Responsibilities of Faculty Members, provide the regulations regarding the selection of textbooks and other materials prescribed for the use of students.

1. Individual faculty members, the school, or department shall have discretion in the choice of materials to be used in the courses offered by the department.
2. Frequent changes in the textbooks prescribed are discouraged and should be made only for cogent reasons.
3. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty and staff should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Such materials shall not be prescribed for the use of students or sold to such students until such books, notes, manuals, or materials have been approved by the dean, the Provost and Executive Vice President for Academic Affairs (Provost/VPAA), and the President.
4. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for locally copied materials, the price should be as low as

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possible, consistent with the payment of any reasonable, required royalty to the author or authors.

E. Procedure

Requests for the use of textbooks, notebooks, manuals, and other materials written or prepared by a member of the UTPB faculty or staff shall adhere to the following before it can be prescribed for the use of UTPB students:

1. Approval with reasons stated is required in writing by the department chair, the dean(s) concerned, the Provost/VP for Academic Affairs, and transmitted to the President for final approval.
2. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[The University of Texas System Board of Regents' Rules and Regulations Rule 31004, Rights and Responsibilities of Faculty Members.](#)

G. Dates Reviewed or Amended

May 11, 2020.

1.8: Faculty Qualifications

A. Purpose

All UT Permian Basin teaching faculty who are the instructor of record (the individual responsible for quality delivery, primary contact with students, and grading the course), including those who teach distance learning (online) courses, must possess the appropriate academic credentials which are documented on the instructor's official college transcripts, curriculum vita, and recorded in the Verification of Instructor Qualification (VIQ) form in the official faculty credential file maintained in the Office of the Vice President for Academic Affairs.

B. Persons Affected

All faculty at UT Permian Basin.

C. Definitions

Not Applicable

D. Policy

UT Permian Basin gives primary consideration to the highest degree in the teaching discipline. The University also will consider competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes. Any exceptions to the degree requirements below must be justified in a written letter (see below) that clearly documents the faculty member's other educational and professional accomplishments that qualify the person in lieu of the minimum degree requirements stated below. These exceptions must be approved by the Department Chair, Dean, and the Vice President for Academic Affairs.

E. Procedures

Developmental Level Courses--Faculty teaching developmental level courses not designed for transfer to the baccalaureate degree must hold a minimum bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies (documented in the VIQ or a justification letter) in the teaching discipline. Undergraduate Courses--Faculty teaching undergraduate courses should hold a doctorate or a master' degree in the teaching discipline or a master's degree with a minimum of 18 graduate semester hours in the teaching discipline.

Graduate and Post-Baccalaureate Courses--Faculty teaching graduate and post-baccalaureate course work must hold a minimum of an earned doctorate/terminal degree in the teaching discipline or a related discipline.

Graduate Teaching Assistants (GTAs) who are the instructors of record must be fully admitted to a

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graduate program in the discipline; hold at least 18 graduate semester hours in the teaching discipline; be under the direct supervision of a faculty member experienced in the teaching discipline; be engaged in regular in-service training or coursework; and undergo planned and periodic evaluations.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[SACSCOC Standard 6.2.a \(Faculty Qualifications\)](#)

G. Dates Reviewed or Amended

February 27, 2019.

1.9: Academic Titles

A. Purpose

The purpose of this policy is to describe the academic titles approved for use at The University of Texas Permian Basin (UTPB). See The University of Texas System Board of Regents' *Rules and Regulations*, Rule 31001, Faculty Appointment and Titles.

B. Persons Affected

This policy applies to faculty appointed at UTPB.

C. Definitions

Faculty member – a faculty member is any individual holding an academic title in this policy, with the exception of Assistant Instructors or Teaching Assistants.

D. Policy

UT System Board of Regents' *Rules and Regulations* Rule 31001 describes the use of titles that apply to all institutions within The University of Texas System, including tenured titles, non-tenured titles, and honorific titles.

1. *Academic Titles:*

a. *Tenure Eligible Titles* - Except for the title Regental Professor, and Regents' Research Scholar, the only titles to be used in which the faculty members are tenure eligible are as follows:

- i. Professor
- ii. Associate Professor
- iii. Assistant Professor (Tenure-Track)

b. *Non-tenured Academic Titles* - The following academic titles may also be used by UTPB. Tenure may not be awarded to a person appointed to these titles. Academic service with these titles may not be counted toward the satisfaction of any maximum probationary period. If a faculty member holding a non-tenured academic title is duly appointed to a tenure-track title after an appropriate and inclusive search committee process, the faculty member and the Provost may negotiate academic service toward the satisfaction of any maximum probationary period. Appointments to these titles may be for a period of time not to exceed three academic years. Such appointments shall terminate at the expiration of the stated period of appointment with notification of non-renewal. If UTPB determines that it is to the benefit of the institution, it may offer reappointment to these titles in accordance with Texas Education Code Section 51.943, Renewal of Faculty Employment Contracts.

i. *Lecturer* - This title may be used for individuals who will serve as Teachers and whose teaching experience and qualifications are comparable to those of faculty members in

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untenured, tenure-track positions. Upon approval by the President, UTPB may identify up to three divisions within this rank to be designated Lecturer I, Lecturer II, and Lecturer III.

ii. *Senior Lecturer and Distinguished Senior Lecturers*- These titles may be used for teachers who will augment and complement regular teaching faculty and whose teaching experience and qualifications are comparable to those in tenure positions.

iii. *Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor, Clinical Instructor* - These titles may be used by UTPB to designate regular part-time or full-time service on the faculty while involved in clinical experiences or applied programs. Appointments to the faculty with a clinical title shall be for a period to time not to exceed three academic years. Such appointments shall terminate upon the expiration of the stated period of appointment with notification of nonrenewal. If UTPB determines that it is to its benefit, it may offer reappointment to a clinical faculty member in accordance with the [Texas Education Code Section 51.943](#).

iv. *Assistant Instructor or Teaching Associate* - These titles may be used interchangeably for:

- (1) Certain graduate students teaching on a part-time or full-time basis who are in the last phase of their doctoral programs and who are unconditionally enrolled in graduate study, or
- (2) persons who, because of the nature of their duties, such as in a laboratory or in a hospital, do not qualify for one of the usual academic titles and do not hold the academic training or professional distinction usually required for attaining tenure positions.

v. *Professor in Practice, Associate Professor in Practice, and Assistant Professor in Practice* - These titles may be used by UTPB to designate regular part-time or full-time service for faculty involved in a professional experience program. Appointments to the faculty with a Professor in Practice title shall be for a period of time not to exceed three academic years. Such appointments shall terminate upon expiration of the stated period of appointment without notification of nonrenewal. If UTPB determines that it is to the benefit of UTPB, it may offer reappointment to a faculty member in accordance with the Texas Education Code Section 51.943.

vi. *Graduate Teaching Assistant* - This title usually applies to graduate students who are teachers and who are employed on a part-time basis.

vii. *Faculty Associate* - This title may be applied to a person assigned to a research or nonteaching center, institute, or other unit or interdisciplinary program of UTPB.

viii. *Specialist* - This title may be used for professional individuals who will serve as practitioners in specific areas of instruction, training or supervision. In accordance with UTPB policy, the title may carry appropriate descriptive prefixes so as to indicate the specific areas of proficiency, such as Practice Teaching Specialist, Physical Activity Specialist, or Social Work Field Training Specialist.

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ix. *Patient Care or Research* - Persons appointed to full-time positions for the primary purpose of patient care or other service activities or to full-time or part-time positions for the primary purpose of research activities shall be given one of the following titles, even though the individuals may be assigned teaching responsibilities:

- a. Professor of _____ (Title of Specialty)
- b. Associate Professor of _____ (Title of specialty)
- c. Assistant Professor of _____ (Title of specialty)

x. Other titles outlined in UT System Board of Regents' *Rules and Regulations*, Rule 31001, Faculty Appointments and Titles:

a. *Non-tenure Track Positions* - Prefixes to academic and staff positions in which tenure cannot be acquired:

1. *Visiting Professor, Visiting Associate Professor, and Visiting Assistant Professor:*

These titles are used only for temporary appointments of persons either visiting from other institutions where they hold similar ranks or who are brought to UTPB on a trial basis. Such appointments are limited to two years.

2. *Adjunct Professor, Adjunct Associate Professor, and Adjunct Assistant Professor:*

One of these titles may be used when a qualified person from business, industry, government, private practice, or another institution of higher education may be teaching a course or participating in the teaching of a course at UTPB. Qualifications are to be determined by individual departments and approved by their deans. Appointments to the faculty with an adjunct title may be with or without pay and shall be for a stated period of time not to exceed one academic year. Such appointments shall terminate upon expiration of the stated period of appointment without a requirement for notification of nonrenewal. If UTPB determines that it is to its benefit, it may offer reappointment to an adjunct faculty member in accordance with the Texas Education Code Section 51.943.

3. *Adjoint Professor, Adjoint Associate Professor, and Adjoint Assistant Professor:*

These titles may be used by UTPB to designate faculty who serve UTPB in cooperative or joint programs pursuant to a memorandum of understanding, cooperative research and development agreement, or similar partnership instrument. Persons holding these titles will be employees of and compensated by the partnership organization. They will not be deemed employees of the UTPB. They will, however, have the same

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obligations, responsibilities, and authority as regular faculty employed directly by UTPB when performing faculty functions pursuant to the agreement. Appointments will usually be part-time for the purpose of supervising theses and dissertations or for the teaching of highly specialized courses. The term of the appointment shall be specified in the agreement with the partner organization.

3. Other positions outlined in UT System Board of Regents' *Rules and Regulations*, Rule 31001.

b. *Honorific Titles.* Honorary titles such as Dean Emeritus, Chair Emeritus, Professor Emeritus, and similar designations may be given to a retired faculty member or in anticipation of the retirement of a faculty member, effective upon retirement. The conferring of one of these titles is not automatic upon retirement and may be conferred only upon approval of the President in accordance with approved UTPB procedures and final approval by the Board of Regents.

c. Any person holding a position of Research Scientist, Research Associate, Research Assistant, or (in the health units) other appropriate research titles, will be under the classified personnel system, unless special approval has been granted by the President of UTPB to designate the individual as an unclassified employee in such a position.

2. *Departure from an Administrative Position:*

Administrative and academic (faculty) titles, duties, and pay rates for individuals who hold both administrative and academic appointments are distinct and severable. Departure or removal from an administrative position does not impair the individual's rights and responsibilities as a faculty member.

E. Procedure

Not Applicable.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

The University of Texas System Board of Regents' *Rules and Regulations*, Rule 31001, Faculty Appointment and Titles

Texas Education Code Section 51.943, Renewal of Faculty Employment Contracts

G. Dates Reviewed or Amended

February 17, 2020.

1.10: Faculty Tenure and Promotion

A. Purpose

The purpose of this policy is to specify procedures regarding reappointments of tenure-track faculty and the award of tenure or promotions at The University of Texas Permian Basin (UTPB).

B. Persons Affected

This policy applies to UTPB tenure-track and tenured faculty.

C. Definitions

Academic year - the period from September 1 through the following August 31.

College – an academic unit organized within the University, which is usually comprised of many departments/colleges or provides programs in multiple academic specialties/professional instruction. This academic unit may be referred to as a college or school and is led by a dean reporting to the Provost/Vice President for Academic Affairs (VPAA).

Department—an academic unit organized within a college. The academic unit may be devoted to one or more disciplines and may be referred to as a department, school, or center, and the unit’s head (usually a chair or director) reports to the dean of the college.

Department Chair—a faculty administrative leader of an academic unit appointed by the dean with the concurrence of the VPAA.

Professionalism—qualities that are reflective of the values, mission, and goals of the University that allow for a productive and healthy work environment. UTPB expects faculty to demonstrate professionalism through a commitment to effective performance and competence and possessing high standards of professional and personal integrity in one’s work and in dealing with colleagues and students.

Collegiality — qualities that are reflective of the values, mission, and goals of the University that allow for a productive and healthy work environment. UTPB expects faculty to demonstrate collegiality through dependability and an ability to work cooperatively within the department, college, and University, respecting all individuals and their opinions, and accepting a share of responsibility for shared governance of the University.

D. Policy

UTPB is committed to awarding tenure to or promoting those faculty whose work achieves a high standard of excellence and who demonstrate, through the performance of their duties, a sustained commitment to professionalism, collegiality and UTPB’s mission and values. Recommendations for promotion or for tenure are expected to recognize and reward faculty with records of sustained professional accomplishment that contribute to the University mission.

E. Procedures Related to Criteria, Probationary Periods, Ethics/Confidentiality, and Appointments

1. General Provisions for Reappointment, Tenure, and Promotion

These policies concerning reappointment of tenure-track faculty during the stated period of appointment, tenure, and promotion at UTPB are intended to be consistent with the policies set forth in UT System

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Regents' Rule 31001, Faculty Appointments and Titles; Rule 31002, Notice of Nonrenewal to Non-tenured Faculty Members 31007, Tenure; Rule 31008, Termination of a Faculty Member; and Rule 31102 Evaluation of Tenured Faculty, of the Rules and Regulations of the Board of Regents of The University of Texas System.

In accordance with and to the extent provided by applicable state and federal laws and regulations, appointment, non-reappointment, tenure, and promotion policies for faculty at UTPB are without regard to race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, and gender expression.

UTPB is committed to retaining and promoting faculty whose work reflects excellence and who demonstrate a commitment to professionalism, collegiality and to the University's mission and values.

The purpose of promotion at UTPB is to recognize and reward faculty for sustained professional accomplishments that also demonstrate their potential for continued contributions to the University's mission and vision.

Consistent with Regents' Rule 31102 Evaluation of Tenured Faculty, Section 2, UTPB recognizes the time-honored practice of tenure for University faculty as an important protection of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge.

Tenure denotes a status of continuing appointment as a member of the faculty at UTPB. Tenured faculty shall remain tenured until retirement or resignation unless terminated because of: (1) abandonment of academic programs (Regents' Rule 31003 Abandonment of Academic Positions or Programs, Section 2); (2) financial exigency (Regents' Rule 31003 Abandonment of Academic Positions or Programs, Section 3); or good cause (Regents' Rule 31008 Termination of a Faculty Member, Section 1).

Non-tenured members of the faculty with the academic title of "assistant professor" are tenure-eligible and will normally be designated as "tenure-track" faculty.

Only members of the faculty with the academic titles of Professor or Associate Professor may hold tenure. When an Assistant Professor is granted tenure, he or she will also be promoted to Associate Professor.

Tenure may be granted at the time of initial hiring and appointment to the rank of associate professor or professor if the individual has an outstanding record of achievement in teaching, research/scholarship and service that warrants immediate tenure. The President's commendation is approved by the Executive Vice Chancellor for Academic Affairs and the UT System Board of Regents.

2. Probationary Period and Academic Service

Only full-time academic service as a tenure-track faculty member shall be counted toward fulfillment of a required probationary period related to the award of tenure in accordance with the following.

If a faculty member is initially appointed at UTPB after the academic year has started, the period of service from the date of appointment until the beginning of the following academic year shall not be counted toward fulfillment of the maximum probationary period. However, at the request of the faculty member and with the approval of the Dean and VPAA, any work that occurs after the first date of employment shall be counted toward meeting tenure requirements.

One year of probationary service is accrued by full-time academic service during any academic year.

A faculty member shall be considered to be on full-time academic service when in full compliance with the Regents' Rules and institutional standards pertaining to minimum faculty workloads. See UTPB HOP Faculty

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Workload Policy.

Leaves of Absence. Periods during which tenure-track faculty are on approved leave of absence shall not be counted in the calculation of the probationary period unless the faculty member requests otherwise in writing and the request is approved by the faculty member's department chair, college dean, and the VPAA.

Prior Academic Service. Any prior academic achievements at other academic institutions, whether inside or outside the UT System, shall not be counted toward fulfillment of the required probationary period, unless, at the beginning of employment with UTPB, the faculty member is successful in negotiating credit toward completion of the probationary period for previous experience. Any years of credit must be specified in writing in the Letter of Offer from the president to the faculty member and include the semester and year in which the final tenure evaluation for the recommendation to award or deny tenure will be made. A copy of this letter must be included in the application for tenure.

Maximum Period of Probationary Service. The probationary period for tenure-track faculty is normally six (6) years of full-time academic service (including credit for all academic work and achievements at other institutions as specified in the Letter of Offer), although extensions may be granted as outlined in this HOP Policy.

Tenure-track faculty members normally apply for tenure and promotion at the beginning of the sixth academic year following institutional deadlines. Successful candidates will be promoted and granted tenure beginning with the subsequent academic year. As per Regents' Rule 31007, unsuccessful candidates will be notified no later than thirty (30) calendar days prior to the end of the sixth academic year of probationary service that the subsequent academic year will be the terminal year of employment.

Extension of Maximum Probationary Period. Regents' Rule 31007 permits extensions of the maximum probationary period under some circumstances but does not mandate that such extensions be automatic or obligatory.

- i. Personal circumstances that may justify an extension include, but are not limited to:
 1. Illness of the faculty member;
 2. Status of the faculty member as a principal caregiver of a preschool child; or
 3. Status of the faculty member as a principal caregiver of a disabled, elderly or ill member of the family.
- ii. In cases where years of credit from another institution are granted in the Letter of Offer, faculty may opt out of this credit following the process for requesting an extension as discussed immediately below.
- iii. It is the responsibility of the tenure-track faculty member to request an extension and provide appropriate documentation to demonstrate why the request should be granted following the procedures outlined in this HOP policy.
- iv. An extension shall be limited to one academic year. A tenure-track faculty member may request a second academic year's extension but must follow the established request process as outlined in this HOP policy, and approval and denial will not be dictated by the decision on the initial extension request. The maximum cumulative duration of extensions is two academic years, whether consecutive or nonconsecutive.
- v. Requests for extension may be made at any time during the probationary period but no later than three months prior to the deadline for initiation of the mandatory tenure review. The final decision regarding the

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request shall be made by the Provost/VPAA.

vi. The procedure for requests for extension shall be as follows:

1. The faculty member requesting an extension shall submit his or her written request to the Department Chair.
2. The Department Chair will make a recommendation to the Dean within ten (10) work days from receipt of the request.
3. The Dean will make a recommendation to the Provost within ten (10) work days from receipt of the Department Chair's recommendation.
4. The decision regarding the request shall be made by the Provost within ten (10) work days from the date of receipt of the Dean's recommendation.

vii. Faculty whose request for extension is approved shall not be penalized in any way for having been given an extension of their probationary period, nor can having requested an extension be counted against the faculty in any annual evaluation or the final tenure or promotion evaluation. Any evidence of penalization may be grieved under the HOP Faculty Grievances Policy and may be included in any requests for reconsideration as outlined in this HOP policy.

viii. The faculty member granted an extension may elect not to use the extension by notifying the chair and dean, in writing, of this decision. The dean shall notify the Provost/VPAA.

3. Evaluation Standards/Criteria

a. Tenure-track faculty and faculty applicants for tenure and promotion will be evaluated based on accomplishments and contributions in teaching, research/scholarship/creative activities, and service (e.g., to UTPB, students, the profession, and external communities) as well as their support of the mission and values of the University.

b. In addition to meritorious accomplishments, successful applicants for promotion or tenure must demonstrate a high potential for continued excellence and effectiveness.

c. In order to earn promotion or tenure, a faculty member must have a demonstrated, consistent record of productivity in the areas under review as well as the maintenance of the highest levels of professionalism and collegiality. Guidelines and policies for the evaluation should take into account the interconnectedness of these activities, the fact that the nature of the emphasis of a faculty member's contribution to the mission and values of UTPB may shift at appropriate times of the individual's career, and that each of these areas is essential for the success of the institution and for the success of its students.

d. Each department and or school/college shall develop and revise its own evaluation standards/criteria in line with institutional goals and the HOP Annual Faculty Evaluation Policy. These shall be approved by the department faculty, department chair, college dean, and the Provost/VPAA.

e. Meeting the department's basic evaluation requirements/criteria does not by itself ensure tenure or promotion; however, failure to meet the basic evaluation standards/criteria as determined via institutional processes will result in ineligibility for tenure or promotion.

f. Revisions of a college's/school's/department's basic tenure or promotion evaluation standards/criteria during any tenure-track member's probationary period will not be applicable to that faculty member for two full academic years after official adoption unless that faculty member chooses to be governed by the

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changes, and affirms that choice in writing to the chair. To assure equitable reviews of tenure-track faculty affected by revisions in the standards/criteria, all review levels shall take into account when the changes occurred in the faculty member's probationary period when assessing their dossiers.

g. If multiple disciplines are combined into a single department, then faculty of the combined department will have the choice of being evaluated by the legacy criteria of the appropriate department. The process to develop unified criteria should be completed within two academic years after the formation of the new department.

h. If a department is divided into two or more disciplines, the tenure and promotion criteria of the new departments will be the same as the criteria of the parent department or school unless otherwise approved by the faculty of the new department following procedures described above in this subsection.

Categories of Evaluation Standards/Criteria

a. Teaching

i. Teaching activities may include, but are not limited to:

1. Classroom and laboratory instruction;
2. Development of new courses, laboratories, and teaching methods;
3. Development or publication of instructional materials;
4. Supervision of undergraduate, graduate, or postdocs;
5. Mentoring, advising, and coaching students;
6. Community engagement activities pertaining to teaching/instruction, such as service learning, student research (including community-based research), and internships/co-ops;
7. Competitive funding for instructional/pedagogical development; and
8. Implementation of tools/practices acquired through professional development workshops.

ii. Effective teaching and advising are necessary prerequisites for promotion or tenure.

iii. Effective teaching/advising should be measured by multiple indicators including, but not limited to, performance on student evaluations, peer observation of teaching/advising, pedagogical preparations, and teaching-related awards over the full period under review. Student evaluations will be assessed based on the average rating over all responses to all questions and over all courses during the evaluation period.

b. Research/Scholarship/Creative Activities

Research/scholarship/creative activities are characterized by the creation and dissemination of new knowledge or other creative works and activities including, but not limited to:

1. All peer-reviewed publications of the faculty member's research that have been published or accepted for publication in department-determined appropriate outlets within the evaluation period will count towards satisfying the expectations for tenure and promotion;
2. Visual or other artistic contributions in competitive regional and national exhibitions;
3. Adjudicated performances;
4. Development of intellectual property such as patents and licenses;
5. Competitive, external research funding;
6. Community-based participatory research; and
7. Other community-based research/scholarly/creative activities appropriate to the faculty member's academic discipline.

Associate professors applying for promotion to professor must have a sustained research program and a

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substantial body of publications or equivalent creative works with a demonstrated impact on the field in addition to the work they previously presented for promotion to associate professor.

Excellence in research and creative activity is defined by a variety of factors, including but not limited to, the quality, significance, impact, and quantity of publications and creative works, as judged by peer review. For purposes of this standard, peer review includes review/adjudication by independent and external nationally and internationally recognized experts in the faculty member's field. Thus, evaluations of the research/scholarship/creative activities shall be based on a variety of factors, with special attention to quality, significance, and contextual impact.

c. Service

i. Service activities shall include, but are not limited to:

1. Service to students, colleagues, the department, college, and University;
2. Service to the profession, including academic or professionally related service to disciplinary-based societies, editorial boards, and other educational entities and extended education;
3. Professionally-related service and outreach to the community, state, nation, and beyond;
4. Service directly related to student success; and
5. Service that integrates social justice, civic responsibility, innovation, and sustainable development.
6. Service should reflect a high level of excellence in professionalism, collegiality, and support of the University's Mission and Values.

ii. Tenure-track faculty should contribute to department and college/University service, particularly those in the later stages of their tenure-track positions.

iii. Faculty seeking promotion to professor must demonstrate substantial service beyond the assistant professor level, including but not limited to significant leadership on campus and service roles outside the University at the regional, state, national or international levels.

iv. Excellence in service is defined by a variety of factors, including but not limited to, the quality, significance, and impact of the contributions to students, colleagues, the department, college, University, community, and profession. Excellence includes exhibiting good professionalism, collegiality, and support of the University's Mission and Values.

4. Professional Responsibilities, Ethical Standards, and Confidentiality

a. It is incumbent on each person involved in the review process to: adhere to the highest standards of ethical and professional conduct; focus on factual information; avoid practices that would conflict with the ability to be fair and unbiased; and guard against inaccuracies caused by either undue emphasis or omission of information.

b. All those involved in the review process are responsible for reading all tenure-track, tenure, or promotion materials; reviewing and evaluating the applicant's performance on each of the performance criteria thoroughly; and participating in committee discussions and formulating of committee recommendations.

c. Abstentions should be exercised only in limited and unusual circumstances, including if a conflict of interest exists.

d. Absentee voting is not permitted.

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e. All individuals involved in the review process are expected to maintain the confidentiality of the material under review, the substance of review committee discussions, and the final recommendation. Records related to the review process will be kept confidential to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential review information is subject to disciplinary action.

5. Appointments and Reappointments Approval and Notices

a. No non-tenured member of the faculty shall expect continued employment beyond the period of his or her current appointment. Any commitment to employ a non-tenured faculty member beyond the period of his or her current appointment shall have no force and effect until approved by the President.

b. Reappointment of tenure-track faculty members to a succeeding academic year, or the award of tenure, may be accomplished only by notice by the Provost/VPAA or the President. No person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time prescribed in Regents' Rule 31007 Tenure, Section 5, or in the manner prescribed in Regents' Rule 31002 Notice of Nonrenewal to Nontenured Faculty Members, Sections 1 and 2. Notifications will be in accord with Regents' Rules requirements and UTPB's current HOP policy.

c. Unless the faculty member is dismissed for good cause under Regents' Rule 31008 Termination of a Faculty Member, the Provost/VPAA shall provide written notice of any decision not to reappoint a nontenured faculty member under the following schedule:

- i. Not later than March 1st of the first academic year of probationary service if the appointment expires at the end of the academic year;
- ii. Not later than December 15th of the second academic year of probationary service if the appointment expires at the end of the academic year;
- iii. After two or more academic years, at least 30 days before the end of the current academic year stating that subsequent year shall be the terminal academic year of appointment in accordance with Section 51.943 of the Texas Education Code (unless dismissal is for good cause).

Full-time faculty members who are notified that they will not be reappointed or 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. Such a decision shall only be subject to review and appeal pursuant to Regents' Rule 31008, Section 6 and the procedures listed within section F of this HOP policy.

6. Appointments at Other Institutions.

Appointments at UTPB to the titles specified in Sections E and Regents Rules shall be conditioned upon the appointee having resigned any tenure-track or tenured position that the appointee may then hold on the faculty of another educational institution. Such resignation must be completed and effective prior to the effective date of the appointment at UTPB; otherwise, such appointment at UTPB shall be void and of no effect.

The acceptance of a full-time appointment at an institution outside UTPB shall be considered as a resignation of any faculty position, tenured or otherwise, that a faculty member holds at UTPB. The said resignation shall be effective prior to the starting date of the new position.

A person appointed to any full-time faculty position at UTPB may not, during the term of such appointment, hold any part-time position (salaried or non-salaried) on the faculty of another educational institution

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without the prior approval of the President or designee. (See HOP Policies on Conflict of Interest, Conflict of Commitment, and Outside Activities.)

F. Procedures Related to Evaluations, and Appeals/Reconsideration, and Review Committees

1. Procedures Governing Tenure-Track, Tenure, and Promotion Evaluations

All tenure-track and tenured faculty must demonstrate effective teaching, an active and impactful scholarly/creative agenda, and engaged and meaningful community and University service, especially related to student success. Additionally, all faculty must demonstrate a commitment to the mission and values of the University and a demonstrated, consistent record of productivity in the areas under review as well as the maintenance of the highest levels of professionalism and collegiality. These criteria are given primary consideration in faculty evaluations for appointment, reappointment, merit raises, promotion, and the acquisition of tenure. In addition to the general University standards, each college and department may have their guidelines/standards for merit, tenure, promotion, and post-tenure review guidelines aligned with the institutional mission and priorities.

2. Timelines, Portfolios, and Reviews

The faculty retention review process and promotion and tenure reviews shall adhere to the Academic Affairs Calendar published before the start of the fall semester. Probationary (tenure-track) faculty shall submit an Annual Retention Review Portfolio, and faculty applying for tenure and/or promotion shall submit a Tenure and Promotion Portfolio in accordance with the approved institutional format containing the required components specified below. Once the dossier is submitted, the faculty member may not remove or alter any items in the dossier unless directed to do so by the departmental committee or chair. The candidate may forward, through the department chair, any significant accomplishments (like new articles accepted or grants awarded) that come in during the review process, to the level at which the review is taking place. Such material cannot be considered by prior levels.

Each level of review (Chair, College Committee on Tenure and Promotion, Dean, and Provost/VPAA) shall conduct an independent evaluation and provide substantive feedback to the faculty member, highlighting the faculty member's weaknesses and strengths, as well as areas for improvement, in accordance with the Academic Affairs Calendar schedule. These independent evaluations, however, should include consideration of reviews from preceding levels and from previous review cycles.

Each review level must include substantive justifications as to the evaluations and final recommendations, whether positive or negative. In each area of evaluation (teaching, scholarship, service) reviewers should indicate a rating as well as an overall rating using the following categories: exceeds expectations; meets expectations; does not meet expectations; or unsatisfactory.

These evaluations and recommendations are to be placed in the faculty member's portfolio, with a copy of the information given to applicants applying for tenure and/or promotion as it becomes available.

The Provost/VPAA will make a recommendation to the President, who will make the final decision or recommendation as applicable under the Regents' Rules. This decision will be transmitted to a faculty member in accordance with deadlines appropriate to each recommendation.

I. Retention Review of Probationary (Tenure-Track) Faculty (Years 1-5)

Formative review of tenure-track faculty is an on-going process. The annual retention review of

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probationary faculty is intended to provide meaningful feedback and support to tenure-track faculty, in particular to those faculty who do not meet minimum performance expectations for teaching, scholarship/creative activity, and service.

Timelines, Portfolios, and Reviews

Generally speaking, the probationary period is six years; however, years of service at another institution of higher learning, approved at the time of the faculty member's initial appointment, may be counted for the probationary period. During the probationary period, faculty members will be reviewed annually according to the procedures specified below.

During each tenure-track yearly review cycle, the tenure-track faculty shall meet with the department chair to discuss the process and recommendations from the various review levels to develop an action plan to guide the faculty for the following academic year.

Probationary faculty (years 1 to 5) are required to submit an Annual Retention Review Portfolio in accordance with the published timeline. The specific and official timeline for tenure and promotion review are updated annually by the Office of the Provost and Vice President for Academic Affairs and will be made available by the start of the fall semester. Applicants must adhere to these deadlines.

Criteria Categories of Evaluation Standards

Tenure-track faculty will be evaluated based on accomplishments, and contributions in teaching, research/scholarship/creative activities, and service as well as their support of the mission and values of the University. These general evaluation standards and criteria are indicated above under "Evaluation Standards" and more specifically in college/department standards/guidelines for tenure and promotion. In addition to meritorious accomplishments, tenure-track faculty must demonstrate a high potential for continued excellence and effectiveness and success in meeting University, college, and departmental standards for tenure.

Annual Retention Review Portfolio

The Annual Retention Review Portfolio shall contain the following:

1. Cover
2. Table of Contents
3. Updated Curriculum Vita
4. Narrative summary of teaching responsibilities (including advising and mentoring), detail of course descriptions, teaching innovations, curriculum modifications, evidence of teaching effectiveness including student teaching evaluations and peer observations of teaching (in accordance with the guidelines indicated in the Academic Affairs Handbook) and a personal reflection on their teaching performance taking into account peer observations and student evaluations of their teaching, and any evaluations of advising/mentoring impact and effectiveness.
5. Narrative summary of scholarly and creative activities and a personal reflection on this scholarly and creative work.
6. Narrative summary of University, community, and professional service and their personal reflection on this service, especially that related to student success.
7. Appendix documenting teaching, scholarly/creative work, and service activities.

Annual Retention Review Process

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The review levels of tenure-track faculty shall normally include the following: Department Chair (every year); College Tenure and Promotion Committee (every year); Dean (every year); the Provost/VPAA (every year) the President (in Year 6), whose recommendations for tenure must be made to the UT System Board of Regents.

Written evaluations of probationary faculty will be provided by the Department Chair, Dean, College Committee on Tenure and Promotion (CCPT), and the Provost and Vice President for Academic Affairs. At each level of review, candidates will be placed in one of the following categories: exceeds expectations, meets expectations, does not meet expectations, or unsatisfactory. Through the use of the annual retention review, probationary faculty members should have the opportunity to correct any identified deficiencies that may influence their future tenure review. Faculty also should meet regularly with the Department Chair and Dean to discuss their evaluations and their progress toward tenure.

Request for Reconsideration of Non-Renewal Decisions

In the case where a faculty member is not recommended for renewal during his/her probationary period, the affected faculty member may present a grievance, in person or through a representative, on an issue or subject related to the non-renewal decision to the Provost/VPAA or another individual designated by the President, if the grievance pertains to the Provost/VPAA. This process aligns with the requirements of Regents' Rule 31008, Section 6.

The Provost/VPAA or President's designee shall meet with the faculty member. Unless a review by a hearing tribunal is requested and granted as specified below, the nonrenewal decision shall not be subject to further review.

A review by a hearing tribunal shall be granted only in those cases where the affected faculty member submits a written request for review by a hearing tribunal to the President and describes in detail why the facts relied upon demonstrate the decision not to renew was made for reasons unlawful under the Constitution or laws of the State of Texas or the United States of America.

If the President determines that the alleged facts, if proven by credible evidence, support a conclusion that the decision for nonrenewal was made for unlawful reasons, such allegations shall be heard by a hearing tribunal under the procedures set forth in the UTPB HOP process regarding the Termination of Tenured Faculty during Term of Appointment, as in the case of dismissal for cause, with the following exceptions:

The burden of proof is upon the affected faculty member to establish by the greater weight of the credible evidence that the decision was made for reasons unlawful under the Constitution or laws of Texas or the United States of America.

UTPB administration need not state the reasons for the questioned decision or offer evidence in support thereof unless the affected faculty member presents credible evidence that, if unchallenged, proves the decision was made for unlawful reasons.

The hearing tribunal shall make written findings and recommendations based on the evidence presented at the hearing and shall forward such findings and recommendations with the transcript and exhibits from the hearing to the President.

The President may approve, reject, or amend the recommendations of the hearing tribunal or may reach different conclusions based upon the record of the hearing.

The decision of the President shall be final.

II. Tenure Review

UT Permian Basin is committed to awarding tenure to or promoting those faculty whose work achieves a high standard of excellence and who demonstrate, through the performance of their duties, a sustained commitment to professionalism and UTPB's mission. Recommendations for tenure or promotion are expected to recognize and reward faculty with records of sustained professional accomplishment that contribute to the University mission.

Timeline

Not later than during the sixth year of probationary service, faculty members shall be evaluated for tenure according to procedures specified below.

Early Tenure

Generally speaking, unless indicated in writing in the faculty member's appointment letter, tenure-track faculty apply for tenure in their sixth year of service. A tenure-track faculty member may apply for tenure and promotion earlier than the penultimate year of the probationary period if he or she believes the performance record demonstrates excellence in the three areas of faculty responsibility and substantially exceeds the department's evaluation standards/criteria for tenure and promotion. Prior to submitting an application, the faculty member shall consult with his or her department chair and college dean. Both must support the early application bid. A faculty member requesting early tenure and promotion must submit a dossier and proceed through the normal process. If the faculty member going up for early tenure and/or promotion is denied the original probationary period or future considerations for tenure and promotion for tenure-track faculty will not be adversely affected.

Tenure Timeline Extension

A faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of award of tenure may make a written request to the Provost and Vice President for Academic Affairs for extension specifying the reason(s) for the requested extension in accordance with this HOP policy.

Tenure Assumptions and Qualifications

Eligible faculty will be evaluated based on accomplishments, and contributions based on teaching, research/scholarship/creative activity, and service as well as their support of the mission and values of the University. In addition, a faculty member must have a demonstrated, consistent record of productivity in the areas under review as well as the maintenance of the highest levels of professionalism and collegiality. These general evaluation standards and criteria are indicated above under "Evaluation Standards" and more specifically in college/department standards/guidelines for tenure and promotion. In addition to meritorious accomplishments, faculty must demonstrate a high potential for continued excellence and effectiveness and success in meeting University, college, and departmental expectations.

Faculty applying for tenure (and promotion) are required to include peer observations of teaching, along with the member's self-reflection from the observations and student teaching evaluations in their portfolio. Faculty should follow University guidelines (Guidelines for Faculty Peer Observation of Teaching) as indicated in the Academic Affairs Handbook.

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Faculty going up for tenure (and promotion) also are required to include external reviews of their research/scholarship/creative works as per the department guidelines, or in departments without such guidelines, as per the university guidelines. The process for obtaining external reviews should start in the spring semester prior to the application year as outlined in the Academic Affairs Handbook.

It is essential that individual assertions be supported by adequate documentation in Tenure and Promotion Portfolio (the required components of which are indicated below) to that reviewers unacquainted with the faculty member may assess the file effectively.

General Tenure Review Process

The tenure and promotion to associate professor review levels include the following: Department Chair; College Committee on Tenure and Promotion Committee, Dean, the Provost/VPAA, and the President (in Year 6), whose recommendations for tenure must be approved by the UT System Board of Regents. Written evaluations of probationary faculty will be provided by the Department Chair, Dean, College Committee on Tenure and Promotion (CCPT), and the Provost and Vice President for Academic Affairs. The President's decision is final, subject to the approval of the UT System Board of Regents and of Rule 31002 of the Regents' Rules and Regulations.

III. Promotion Review

The criteria for tenure supply the framework within which the criteria for promotion are to be understood. Each level of promotion (Associate Professor and Full Professor) requires a corresponding advanced level of accomplishment in the areas of teaching, scholarship/creative performance, and service. In addition to the general guidelines below, faculty applying for promotion should consult specific college/school/department criteria for promotion to the different ranks of professorship.

A. Promotion to Associate Professor

Timeline

Normally probationary faculty apply for both tenure and promotion to Associate Professor simultaneously during their sixth year, and the qualifications and assumptions for tenure inform guidelines for promotion to Associate Professor.

As indicated above, a tenure-track faculty member may apply for tenure and promotion earlier than the penultimate year of the probationary period if he or she believes the performance record demonstrates excellence in the three areas of faculty responsibility and substantially exceeds the department's evaluation standards/criteria for tenure and promotion. Prior to submitting an application, the faculty member shall consult with his or her department chair and college dean. Both must support the early application bid. A faculty member requesting early tenure and promotion must submit a dossier and proceed through the normal process. If the faculty member going up for early tenure and/or promotion is denied, the original probationary period or future considerations for tenure and promotion for tenure-track faculty will not be adversely affected.

Qualifications for Promotion to Associate Professor

Elevation to the rank of Associate Professor indicates that the faculty member has provided evidence of significant achievement in all areas indicated in the general evaluation standards and criteria are indicated in this handbook as well as college/department standards/guidelines for tenure and promotion. In addition, he/she will continue to contribute effectively to the University and the profession. Since a recommendation

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for promotion to Associate Professor will also contain a recommendation for the award of tenure to the Board of Regents, the criteria for the award of tenure apply to promotion to this rank.

General Promotion to Associate Professor Review Process

Normally the review of candidates for promotion to Associate Professor is simultaneous the review for tenure. The review levels include the department chair, College Committee on Tenure and Promotion, the dean, Provost/VPAA, and the President and, in the cases of tenure, recommendation to the UT System Board of Regents.

B. Promotion to Professor

Timeline

Generally speaking, the minimum time in the associate professor rank for promotion to professor is six years unless negotiated in writing at time of hire. A tenured associate professor seeking promotion to the rank of professor may apply early if he or she believes the performance record demonstrates excellence in the three areas of faculty responsibility and substantially exceeds the department's evaluation standards/criteria for promotion to professor in accordance with the following. Prior to submitting an application for early promotion to professor, the faculty member shall consult with his or her department chair and college dean both of whom must approve the applicant's request to go up for early promotion. A faculty member requesting early promotion to professor must submit a dossier and proceed through the normal process. Future considerations for the promotion to professor will not be adversely affected by a denial of an application for early promotion.

Qualifications for Promotion to Professor

The criteria for promotion to Full Professor (Professor) consist of a sustained and documented record of effective teaching, distinguished and sustained scholarly and professional accomplishments and substantial and impactful service to the institution and to the community, in particular notable leadership on campus and service roles outside of the University at the regional, state, national, and international levels. It is important that faculty understand the criteria and their applicability. In addition to these general criteria indicated in this handbook, faculty should consult specific college/department criteria for promotion to Professor.

General Promotion to Professor Review Process

The review levels include the department chair, College Committee on Tenure and Promotion, the dean, the Provost/VPAA, and the President.

IV. Tenure and Promotion Portfolio

Faculty members are responsible for submitting their professional files containing the following information in accordance with the calendar and deadlines established each fall by the Office of Academic Affairs:

1. Cover
2. Table of Contents
3. Updated Curriculum Vita
4. Narrative summary of teaching responsibilities (including advising and mentoring), from date of last promotion or from date of appointment indicated by a list of courses taught. This narrative shall include: a detail of course descriptions, teaching innovations, curriculum modifications,

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evidence of teaching effectiveness including student teaching evaluations and peer observations of teaching (in accordance with the guidelines in the Academic Affairs Handbook), teaching awards, honors, etc. The minimum period covered must include the previous three years or the total number of years of service, whichever is less. Also included in the teaching narrative shall be an accounting of undergraduate and graduate students advised, including thesis students and any evaluations of advising/mentoring impact and effectiveness. A personal reflection and self-evaluation on their teaching performance taking into account peer observations and student evaluations of their teaching and advising.

5. Narrative summary of scholarly and creative activities from the date of the last promotion or, if seeking first promotion, the date of appointment. This narrative shall include: a list of publications categorized into separate groupings which include: refereed journal papers, books, chapters in edited books, conference proceedings, technical reports, unpublished presentations, artistic and creative work/performances, and other evidence of scholarly research/creative productivity. A list of external grant proposals submitted and funded, including name of agency or organization, level and period of support and role of the candidate. For each proposal funded, the nature of the activities of the candidate should be summarized. External peer evaluations of scholarly and/or creative performance, personal reflection and self-evaluation of this scholarly and creative work.

6. Narrative summary of University and Community Service activities from the date of the last promotion or, if seeking first promotion, the date of appointment. This narrative shall include: information related to impactful University, College or School and Departmental service, including active committee participation, special University assignments, especially that which is related to student success, activity in professional societies and contributions to community service organizations at the local, state, and/or federal levels, the candidate will prepared a University, Community and Self-Evaluation and impact analysis.

7. An Appendix, which contains additional material such as teaching evaluation results (at least for the previous three years, any evaluations of advising/mentoring impact and effectiveness, reprints of papers, if solicited, letters from students, peers, external scholars and others on the quality of the candidate's teaching, scholarly research/creative productivity and community service, other relevant material

Faculty members are responsible for submitting their professional files containing the above information in accordance with the calendar and deadlines established each fall by the Office of Academic Affairs. The review levels, described below, include the department chair, College Committee on Tenure and Promotion, the dean, the Provost/VPAA, and the President and, in the cases of tenure, recommendation to the UT System Board of Regents.

V. Tenure and Promotion Review Process

In accordance with the timeline established in the Academic Affairs Calendar, upon submission to the Dean, the Tenure and Promotion Portfolios will be sent to external reviewers for their appraisal of the candidate's scholarly/creative contributions to the discipline. These evaluations will be returned to the Dean by a specified date indicated in the Academic Affairs Calendar.

Evaluation of Candidates by the Department Chair

The Department Chair shall make an independent written evaluation of the candidate.

Composition of the College Committee on Tenure and Promotion (CCTP)

The College Committee on Tenure and Promotion (CCTP) shall consist of five tenured faculty members. Five

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members shall be elected at large by the full-time faculty of the college such that each member represents different departments/academic areas if possible. Three members will be elected from the college to serve as alternates.

Each elected member to the CCTP will serve for two years and may not serve successive two-year terms provided the college has sufficient tenured faculty members to serve on the Committee. The Dean of the College shall appoint the Chair of the Committee from the elected members. No faculty may serve on the CCTP during a year that they also are candidate for promotion. If a College does not have sufficient tenured faculty members to serve on the CCTP, the Dean shall appoint tenured faculty member(s) from outside of the College to complete the composition of the Committee.

Alternates shall be selected in the same manner as the other members. When an alternate is needed to serve on the committee the chair will ask an alternate to serve so as to have broad disciplinary representation among voting members. If a member of the CCTP must withdraw for any other reason, then an alternate from the same department/academic area, if possible, will finish the term.

Responsibility of the College Committee on Tenure and Promotion (CCTP)

The CCTP shall review and evaluate candidates from the College considering all pertinent information related to the criteria listed above. The Committee should pay special attention to supportive documentation so that its judgment of the candidate is manifestly grounded on the evidence and should indicate in its report the nature and the extent of the data used to evaluate teaching effectiveness. The Committee shall review the opinions of external referees on scholarly publication/creative productivity and assess these opinions. Written evaluations and recommendations representing the judgment of the Committee on each candidate shall be submitted to the Dean of the College and the candidate.

Evaluation of Candidates by the Dean of the College

The Dean is responsible for reviewing the professional files of all candidates and weighing the recommendations from the Chair and the CCTP. In light of the appropriate criteria, the recommendations of the Committee and the needs of the College, the Dean evaluates the candidates. A written evaluation and recommendation are presenting the judgment of the Dean on each candidate shall be submitted to the Provost and Vice President for Academic Affairs and the candidate.

Evaluation of Candidates by the Provost and Vice President for Academic Affairs

Complete professional files of all candidates, along with the evaluations of the Department Chairs, CCTP, and the Dean shall be presented to the Provost and Vice President for Academic Affairs who shall review each case and present his/her recommendations and the candidates' professional files to the President.

Evaluation of Candidates by the President

All recommendations for promotion and/or tenure, whether positive or negative, having been reviewed by the Chair, CCTP, Dean of the College, and the Provost and Vice President for Academic Affairs, shall be forwarded to the President who will make the final decision on promotions. Recommendations for award of tenure are made by the President to the Board of Regents, through the Executive Vice Chancellor for Academic Affairs and the Chancellor.

Faculty are informed of the campus decision by President's office. Final approval for tenure is granted by the UT System Board of Regents.

Appeal of Tenure and Promotion Decisions

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All review levels (Chair, CCTP, Dean, and Provost/VPAA) must provide a justification of their recommendations. Any faculty member undergoing the annual tenure-track review or review for tenure or promotion may request a reconsideration (following the requirements outlined below) or provide a response within ten business days to clarify issues raised in his or her evaluation at the various review levels up to, and including, the President.

A request for reconsideration must be initiated in writing no more than ten business days after the faculty member has been notified of the recommendation.

The written request for reconsideration must state grounds for the request and include supporting evidence that will be included in the faculty member's dossier.

The committee or evaluator with whom a request is filed shall submit a written response to the faculty member within ten business days of receipt of the request. The respondent shall address the substance of the appeal, explaining why the committee or evaluator found the appeal either to be convincing or unconvincing. Copies of the response will be sent to the faculty member and placed in his or her evaluation dossier before forwarding the materials to the next level of evaluation.

The faculty member may write a reply to the evaluator's/committee's response for inclusion in his or her dossier. The reply must be submitted within five business days of the faculty member's receipt of the evaluator's response. The faculty member may not raise new issues beyond those stated in the initial appeal.

The President's decision is final.

G. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 31001, Faculty Appointments and Titles.](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31002, Notice of Nonrenewal to Non-tenured Faculty Members.](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31007, Tenure](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31008, Termination of a Faculty Members](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31102, Evaluation of Tenured Faculty](#)

H. Dates Reviewed or Amended

February 27, 2019, August 25, 2021

UT PERMIAN BASIN - HOP PART 1 – SECTION 2: COMPENSATION

2.1: Compensation

A. Policy

Each year The University of Texas System Board of Regents establishes budget guidelines including criteria for faculty salary increases. Normally, salary increases are based on merit as determined through the annual review process described in Part One, Section 14.1 of the Handbook of Operating Procedures. The criteria for determining merit are excellence in teaching, scholarly research and creative productivity, and service to the community as described in Part One, Section 3 of the Handbook of Operating Procedures.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Not Applicable.

D. Dates Reviewed or Amended

February 27, 2019.

**UT PERMIAN BASIN - HOP PART 1 – SECTION
3: MINIMUM FACUTLY WORKLOAD AND
ACADEMIC SERVICE STANDARD**

3.1 Faculty Workload Policy

A. Purpose

To determine Standard Workload Requirements at the University of Texas Permian Basin

B. Persons Affected

The UT Permian Basin faculty workload policy applies to all full-time university employees who hold faculty rank.

C. Definitions

A full-time faculty is a person who is budgeted as full-time (1.0 FTE) and whose workload effort is 100 percent and includes a combination of teaching, scholarly/creative activity, and service.

D. Policy

Faculty workload includes performance in the three primary areas of faculty responsibility-- teaching, scholarship/creative activity, and service. The workload of tenured and tenure-track faculty includes performance in all three areas. The workload of non-tenure track faculty includes teaching and service, although some may include scholarly/creative activity.

E. Procedure

Each College/Department will develop and implement an approved **College/Departmental Workload Policy** that is aligned with the institutional workload policy. College and department workload policies will take into account discipline-specific best practices and conventions related to teaching, scholarship/creative activity, and service in order to promote the advancement of institutional, college, and department missions as well as faculty and student success. These workload policies will be approved by the College Dean, Provost, and President.

Each year, under the supervision of the College Dean, the Department Chair shall determine and assign the deployment of departmental faculty through an **Annual Faculty Workload Implementation Plan** designed to direct faculty productive energies to advance the missions of the institution, college, and department and to promote student and faculty success. The individual annual faculty workload assignments will be developed in consultation with the affected faculty and will include all expected faculty activity during the year and must be approved by the College Dean, Provost, and President.

College/Departmental workload policies must align with the institutional workload policy and must adhere to the following parameters:

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- ensure that the instructional needs of students are met efficiently within the college/departmental-allocated instructional budgets;
- be aligned with institutional and college/departmental policies for faculty, including those at tenure and/or promotion, annual evaluation, merit, and post-tenure reviews;
- be flexible to permit Department Chairs to assign to assign differential teaching loads that will allow faculty members to pursue institutional, college, departmental, and personal opportunities and goals in the areas of teaching, scholarship, and service;
- highly value service, especially that which contributes to student success and achievement and institutional advancement.
- be in accordance with the principles of equity, fairness, and transparency.
- be submitted to and approved by the College Dean, Provost, and President.

The workloads of tenured and tenure-track faculty must include adequate performance in the all three areas of faculty responsibility--teaching, scholarship, and service. Non-tenure track faculty workloads must include teaching and service, although some departments may require scholarly/creative activity.

The College/Department Workload Plan may have flexible and differential workload proportions in teaching, scholarship, and service which may vary among faculty and over the course of a faculty member's career.

- The workload plan may differentiate workload proportions based upon course types, formats, delivery modes, undergraduate or graduate courses, laboratory and clinical courses, studio music instruction and ensembles, supervision of student teachers, clinical supervision, theses and dissertations, co-teaching, large section courses, or other attributes of the course commonly accepted in the discipline for differentiation of faculty workload.
- The workload plan may differentiate workload for scholarly and creative productivity with proportionate adjustments made to assigned teaching loads.
- The workload plan may differentiate for university and community service productivity with proportionate adjustments made to assigned teaching load.
- While the number of courses (credit hours) assigned to faculty members within the same department may vary, it is assumed that that there is functional equity of workload among faculty.
- Faculty workload shall be based on allocated percentages of time and effort. Individual faculty workloads shall be assigned by the Department Chair with the faculty's workload assigned in percentages for each area of teaching, scholarship/creative activity (if applicable), and service that will total 100 percent. These allocations/distributions may

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vary among faculty of the same department and over the course of a faculty member's career to meet departmental, college, and institutional needs and opportunities.

Both full-time tenure-track and non-tenure track faculty shall be eligible for overload compensation if his or her teaching load exceeds a fair and equitable full-time teaching load; although faculty are not obligated to undertake overload teaching.

Workload credit may be granted for efforts related to new academic program proposals, accreditation reports, grant activities, academic advising, and other major assignments aligned with the institutional, college, and departmental missions or critical to student success.

Workload credit may be granted to a faculty member who is the head of a department or of a comparable administrative unit for duties associated with departmental/unit administration. The Department Chair workload policy is addressed in a separate policy.

Newly appointed faculty may be granted (for a limited time) workload credit and may have a lower teaching load.

Responsibilities/Compliance

In accordance with this policy each college/department shall develop its own **College/Department Workload Policy** that will be submitted to the Dean, Provost, and President for approval. This policy shall be reviewed every five years or sooner if deemed appropriate by the Provost and Vice President for Academic Affairs in consultation with the Faculty Senate.

In accordance with this policy and the college/departmental workload policy(ies) the Department Chair shall determine and assign the deployment of departmental faculty through an individualized **Annual Faculty Workload Implementation Plan** which must be approved by the Dean, Provost, and President.

At the end of each Spring semester the Department Chairs and the College Deans will confirm that college/departmental and individual workload plans are in conformity with all relevant policies and, specifically, that the instructional needs of students are met efficiently within the allocated instructional budgets.

Faculty have the right to appeal workload assignments. In the case of workload disputes that cannot be resolved by the Department Chair, grieved faculty members may appeal to the College Dean, and then to the Provost whose decision is final.

Reporting Requirements (Verbatim from UTS Regents' Rule 31006)

"The President shall designate an officer monitor workloads, prepare and review appropriate workload reports, and submit the reports to the institutional head for certification and approval and comments as appropriate.

Each institution shall include its faculty workload policy in its operating budget reported to the

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Texas Higher Education Coordinating Board.

Each institution shall submit the Faculty Reports (CBM-008) required by the Texas Higher Education Coordinating Board.

Within 30 days of the end of each academic year, each institution shall file with the Board of Regents a report, by department, of the academic duties and services performed by each member of the faculty during the nine-month academic year, showing evidence of compliance with requirements established by the Board,

The report of academic duties and services performed by each member of the faculty, based on data submitted in the CBM-008, shall indicate appointments held by the faculty member in the employing institution, the salary paid to each appointment, the percent of time of each appointment, and the source of funds from which salary payments were made.

For a faculty member paid partially from a source of funds other than state appropriations, the teaching load shall be proportioned to the percentage of salary paid from state appropriations.

Upon the request of an institution, if additional time is needed to prepare the report to the Board of Regents, the Executive Vice Chancellor for Academic Affairs is authorized to extend the deadline for submission."

F. **Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

[Texas Education Code 51.402](#)

[The University of Texas System Regents' Rule 31006](#)

Texas Higher Education Coordinating Board Report CBM008 - Faculty Report

G. **Dates Reviewed or Amended**

February 27, 2019.

**UT PERMIAN BASIN - HOP PART 1 – SECTION
4: USE OF EMERITUS TITLE**

4.1 Emeritus Faculty

A. Purpose

The purpose of this policy is to set forth guidelines by which a retired faculty member of The University of Texas Permian Basin (UTPB) may be conferred the honorific academic title of Emeritus Faculty.

B. Persons Affected

This policy applies to retired faculty of UTPB.

C. Definitions

1. *Retirement* - Withdrawal from employment with UTPB with a retirement benefit or enrollment in retiree health insurance.

D. Policy

1. Emeritus titles recognize tenured faculty members who have served UTPB with particular distinction and honor. Designation as Professor Emeritus or Emerita is an honorary rank. An emeritus designation becomes effective upon retirement, but it is not automatic. The designation must be authorized by the President of UTPB as informed by the advice of the faculty and the Provost and Executive Vice President for Academic Affairs.

2. *Terms of Designation:*

- a. An emeritus designation shall not be held concurrently with any other tenured or tenure-earning designation at UTPB.
- b. An emeritus designation may be terminated at any time by the President of UTPB.
- c. An emeritus designation does not entitle the designee to any compensation by UTPB beyond the courtesy privileges described in this policy.

E. Procedure

1. Nominations:

- a. Nominations for emeritus status shall be initiated in the faculty member's department or from any faculty colleague who worked with them at the University for at least five years. An individual may be nominated by any full-time faculty member.
- b. The nomination must be accompanied by the candidate's CV along with documentation of contributions that are exceptional and meritorious.

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c. The documents shall be reviewed and recommendations made, in turn, by the department/school faculty, Chair/Director, Dean of the College, and the Provost/Vice President for Academic Affairs.

d. The President shall review the documentation and recommendations and establish a list of candidates receiving final approval for an emeritus title. The conferring of one of these titles is not automatic upon retirement and may be conferred only upon approval by the president of the institution or by another official in accordance with procedures included in the institutional Handbook of Operating Procedures.

2. Failure of a UTPB administrator to recommend an individual for an emeritus title is not subject to review under any of the UTPB grievance procedures.

3. *Privileges and Limitations:*

a. Emeritus faculty are accorded privileges intended to encourage and facilitate their continued participation in the academic community without compromising the professional authority or responsibility necessarily delegated to faculty and staff with active (non-honorary) appointments.

b. A professor emeritus shall be granted the following privileges:

i. have his or her name listed in the UTPB catalog and directory;

ii. have the library privileges of the regular faculty members;

iii. be entitled to apply for a free parking decal, which indicates his or her emeritus status;

iv. be given an identification card which indicates the individual's status as "Emeritus";

v. be able to continue using his or her UTPB email;

vi. be able to request a UTPB business card which indicates the Emeritus Faculty title;

vii. be entitled to attend all appropriate faculty social, athletic and honorary functions; and

viii. receive appropriate UTPB mailings.

c. A professor emeritus is entitled to full freedom in research and publication.

d. When a professor emeritus speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but should emphasize that he or she is not a UTPB

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spokesperson.

e. Emeritus designations do not confer full membership on UTPB faculty. As a consequence, emeritus professors shall be precluded from participating in activities for which an active membership on the faculty is a prerequisite, including (but not limited to) serving on committees and voting.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 31001, Faculty Appointment and Titles](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31004, Rights and Responsibilities of Faculty Members](#)

G. Dates Reviewed or Amended

January 16, 2020.

UT PERMIAN BASIN - HOP PART 1 – SECTION 5: PROVISIONS REGARDING FACULTY LEAVES

5.1: Faculty Leaves

A. Policy

5.11 Faculty Leaves of Absence Without Pay

(Regents Rules and Regulations, Rule 30201, Section 3 Leave without pay sources can be obtained for up to one year within the term of appointment, subject to approval of the College or School's Dean, Provost and Vice President for Academic Affairs, and President. It is the policy of The University administration to approve one-year leaves of absence when the absence involves experiences that will benefit The University directly or indirectly and when the faculty member's absence will not substantially harm The University or the program for which he or she is responsible.

Except in unusual circumstances, such as military service and public service, or other activity that reflects credit on UT Permian Basin and enhances an individual's ability to make subsequent contributions to UT Permian Basin, a second consecutive year of leave will not be granted.

Except in very unusual circumstances within the reasons outlined above, a third consecutive leave of absence for one year will not be granted, and only then with the review and approval by the U.T. System Executive Vice Chancellor for Academic Affairs.

Unless otherwise provided by or authorized pursuant to law, all accumulated paid leave entitlements must be exhausted before a leave of absence without pay may be granted, with the additional provision that sick leave must be exhausted in those cases where the employee is eligible to take sick leave.

5.12 Faculty Development Leave

Development leaves for faculty members may be granted as set out in Texas Education Code Section 51.101 et seq. upon approval by the president of an institution. The law provides that after two consecutive academic years at the same institution, faculty members as defined in this Act may be considered for a faculty development leave for one academic year at one-half his or her regular salary or for one-half academic year at his or her full regular salary. Such leaves shall be granted pursuant to procedures outlined in the Act and to the limitations therein.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[Texas Education Code Section 51.101](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 30201, Leave Policies](#)

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D. Dates Reviewed or Amended

February 27, 2019.

UT PERMIAN BASIN - HOP PART 1 – SECTION 6: UNIVERSITY COMMITTEES

6.1: University Committees

E. Policy

Faculty will normally be expected to serve on University committees which are appointed by the President and the Provost and Vice President for Academic Affairs. Faculty who are unavailable to serve will resign in writing to the President stating the reason for inability to serve and will not be able to count service towards promotion, tenure and annual evaluations. Teaching, research and service are expected of all tenure-track or tenured faculty members. For a list of University Committees, see Handbook of Operating Procedures, Part VI, Administrative Policies, Section 17.

Procedure

Not Applicable.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Not Applicable.

G. Dates Reviewed or Amended

February 27, 2019.

UT PERMIAN BASIN - HOP PART 1 – SECTION 7: FACULTY ASSEMBLY AND FACULTY SENATE - CONSTITUTION AND BY-LAWS

7.1: FACULTY ASSEMBLY AND FACULTY SENATE - CONSTITUTION AND BY-LAWS

A. Policy

7.1 General Authority

(From the Board of Regents' Rules and Regulations, Rule 40101) Subject to the authority of the Board of Regents, and subject further to the authority that the Board of Regents has vested in the various administrative officers and subdivisions of The University of Texas System, the faculties of the component institutions regularly offering instruction shall have a major role in the governance of their respective institutions in the following areas:

General Academic Policies and Welfare Student Life and Activities

Requirements of Admission and Graduation

Honors and Scholastic Performance generally Faculty Rules of Procedure

7.2 The Faculty Assembly

The Faculty Assembly of The University of Texas Permian Basin is composed of all personnel holding an academic title as Professor, Associate Professor, Assistant Professor, Instructor, Senior Lecturer, Lecturer, Visiting Professor, Visiting Associate Professor, adjunct academic titles, and emeritus academic titles. Voting members of The Faculty Assembly are:

7.211 All Professors, Associate Professors, and Assistant Professors.

7.212 All Visiting Professors and Visiting Associate Professors who have had two semesters of service at The University of Texas of the Permian Basin. In computing a semester of service, service for two summer terms shall count as one semester. A faculty member shall have voting status only on the basis of half-time employment or more at The University.

7.213 All Instructors, Senior Lecturers, and Lecturers who have had four or more semesters of service in either rank at The University of Texas of the Permian Basin.

7.214 Such officials as are designated in the Regents' Rules and Regulations as being ex-officio members of all institutional faculties of The University of Texas System.

7.215 Such other officials as The Board of Regents, upon recommendation of the President and the Executive Vice Chancellor, may designate. Those faculty members designated above shall retain their voting status while on modified service but not upon full retirement. Each voting member, of whatever rank, shall be entitled to one vote. Nonvoting members of the Faculty Assembly shall consist of the following:

7.216 All Visiting Professors and Visiting Associate Professors who have served for less than two semesters.

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7.217 All Instructors, Senior Lecturers, and Lecturers who have served for less than four semesters.

7.218 All individuals holding the title Professor Emeritus or Associate Professor Emeritus.

Nonvoting members have the privilege of attending meetings with the right to speak but without the right to vote. Robert's Rules of Order shall be used for all procedures.

The Faculty Assembly shall meet at least once a year upon the call of the President, of the Faculty Senate, or by petition of 20% of the voting members of the Faculty Assembly.

The President or delegate shall be moderator and preside at all meetings of The Faculty Assembly.

The Faculty Assembly shall elect a Secretary who shall also serve as Secretary of the Faculty Senate and the Graduate Council for a term of years.

7.3 The Faculty Senate

The Faculty Senate shall exercise the authority vested in The Faculty Assembly.

7.31 Areas of Responsibility

7.311 Academic policy other than graduate education, which is the responsibility of the Graduate Council.

7.312 Student life and activities.

7.313 Requirements for admission, graduation, honors, or degrees, except to the extent such authority is delegated to the Graduate Council.

7.314 Approval of degree candidates.

7.315 Undergraduate curriculum development and review with recommendations going to the President or the President Designee including:

7.3151 Changes in the curriculum of undergraduate major and minors;

7.3152 Addition, deletions, and changes in undergraduate courses;

7.3153 General education requirement changes, additions, assessments, improvement, and delivery;

7.3154 New substantive changes in undergraduate programs as defined by the Southern Association of Colleges and Schools and/or the Texas Higher Education Coordinating Board; and

7.3155 Approval of bachelor degrees requiring in excess of 120 student credit hours.

7.32 Senate Membership

The Faculty Senate shall consist of faculty members elected according to the method described in the following paragraph. Members of the Senate shall hold the rank of Assistant Professor, Associate Professor or Professor, with one additional seat for a full-time Lecturer.

7.33 Election of Senate Members

Each academic department shall elect a single senator. Should a college or school have less than three departments, it shall elect a number of college or school at-large senators so that the total of departmental and at-large senators from the college or school is three. Election shall be by secret ballot in every instance in which candidates are more numerous than the positions to be filled. The faculty Assembly shall elect one full-time lecturer from any College. Members of the Senate shall be elected annually for two-year staggered terms.

7.34 Election of the President of the Senate

The Senate shall elect its own presiding officer.

7.35 Conduct of Senate Meetings

Robert's Rules of Order shall govern the conduct of the meetings.

7.36 Presidential Review and Recommendations

All actions by The Faculty Senate and The Faculty Assembly constitute recommendations to the President and are subject to the President's review. The President shall transmit to the Office of the Chancellor, with such recommendations as the President may deem appropriate, those matters requiring action of the Office of the Chancellor and/or the Board of Regents.

7.37 Senate Committees

The Senate may establish internal standing and special committees necessary to the conduct of its business. The membership of these committees shall be appointed by the President of the Senate.

7.38 Presidential Action on Senate Recommendations

The President must take action on all legislation, resolutions, or recommendations submitted to him by the Faculty Senate within four weeks after receiving the transmittal from the Secretary, unless the matter is to go before The Faculty Assembly by direction of the Senate, by petition, or by direction of the President.

On matters requiring approval by the Office of the Chancellor and Board of Regents, the

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President may either send the action to the Office of the Chancellor for consideration and appropriate action or return it to the Senate for further consideration. Such action having been reconsidered by The Senate must be transmitted to the Office of the Chancellor. The President's recommendation will accompany the Senate action.

7.39 Appeal of Senate Actions

The Senate may approve, amend and approve, or reject any recommendations made to it by a College or School's faculty, or by a committee of The Faculty Assembly. In the event of rejection or fundamental amendment, the proponents shall be notified. If protest is made by 20 percent or more of the faculty within ten working days after such notification, the Senate shall submit the matter to The Faculty Assembly for decision.

7.310 Approval of Degree Candidates

The Senate may, by affirmative vote, delegate for any academic year the approval or disapproval of all candidates for degrees to the respective Deans.

7.311 Amendments to Senate Governance

Amendments to the procedures of governance contained in this document may be initiated and adopted in the following manner:

7.3111 Amendments may be initiated at any time by the President of the University or upon petition by 10% of the voting faculty.

7.3112 After an amendment has been initiated according to paragraph (7.3111) it must be transmitted in writing to the voting faculty for review and study for a period of one month before formal action on the amendment can be taken.

7.3113 Subsequent to compliance of the provisions outlined in paragraphs (7.3111) and (7.3112), amendments may be adopted by a 2/3 majority vote of The Faculty Assembly present and voting.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

Not Applicable.

D. Dates Reviewed or Amended

February 27, 2019.

UT PERMIAN BASIN - HOP PART 1 – SECTION
8: STAFFING AND ADMINISTERING
GRADUATE PROGRAMS

8.1: STAFFING AND ADMINISTERING GRADUATE PROGRAMS

A. Policy

8.11 Staffing and Administering Graduate Programs

The overall direction for graduate education at The University of Texas Permian Basin is provided by the President of The University through the Provost and Vice President for Academic Affairs and the Dean of Graduate Studies and Research.

The Graduate Council advises the Dean of Graduate Studies who reports to the Provost and Vice President of Academic Affairs. The Council is composed of members of the Graduate Faculty. Each School and each Department with graduate programs will be represented in the Graduate Council by one member, except that College with graduate programs but only one Department will also have an additional at large voting member. The membership will be elected for two- year staggered terms. The Dean of Graduate Studies and Research is an ex-officio nonvoting member of the Graduate Council. The Graduate Council will elect a chairman from among its voting membership to serve for a one-year period, from September 1 through August 31. The Secretary of the Faculty will serve as Secretary to the Graduate Council.

The Graduate Council will be responsible for advising the Dean of Graduate Studies regarding graduate policies and procedures. The Graduate Council will also review and make recommendations on new graduate programs and on proposed changes in any graduate program. The recommended policies and procedures will be approved by the Provost and Vice President for Academic Affairs with any exception being subject to review by the Graduate Council.

Day-to-day operation of graduate education will be vested in the Dean of Graduate Studies, who may further delegate this responsibility to Deans of the Colleges, the heads of graduate programs, or Graduate Faculty members.

8.112 The Graduate Faculty

Membership in the Graduate Faculty at The University of Texas Permian Basin includes the President of The University, the Provost and Vice President for Academic Affairs, the Assistant Vice President for Graduate Studies and Research, the Deans of the College or Schools, and the full-time faculty members from those disciplines where a graduate program exists who have met the criteria set forth below and have been approved by the Graduate Council, as well as those

exceptions established by the Graduate Council. It is the responsibility of the Graduate Council to define the criteria for appointment to the Graduate Faculty and to elect individual faculty members to the Graduate Faculty.

All graduate courses as well as those courses where graduate credit is granted must be taught by

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members of the Graduate Faculty. All graduate committees must be composed of at least three members of the Graduate Faculty. Exceptions to the above criteria must be approved by the Graduate Council upon recommendation of the Assistant Vice President for Graduate Studies and Research.

8.121 Appointment to Graduate Faculty

8.121.1 Provisional Appointment Requirements:

8.121.11 Full Time appointment to faculty at U.T. Permian Basin.

8.121.12 Rank of Assistant Professor, Associate Professor, Professor, or Senior Lecturer.

8.121.13 Engaged in research or scholarly creative works appropriate with discipline.

8.121.14 Teaching graduate courses or in direction of graduate student research.

8.121.15 Hold the highest degree normally awarded in her/his discipline.

8.121.16 Exceptions may be made for those of appropriate equivalent rank who are involved in research and in graduate education and who are eligible as approved by the Graduate Council.

8.121.2 Recommendations for Appointment

8.121.21 The recommendation should include a current curriculum vitae of the candidate and carefully enumerate how the recommended individual meets or will meet the above listed criteria.

8.121.22 Official appointment to the University Graduate Faculty is made by the Graduate Council.

8.121.23 New Graduate Faculty shall serve a minimum of one year in provisional status.

8.121.3 Regular Status Requirements - The same criteria as above, except such appointment may only occur after the provisional period has been completed. Additional requirements:

8.121.31 Term of Regular Appointment

8.121.311 Appointment to regular status is a continuing appointment subject to annual review of faculty performance, to periodic review during the sixth year after appointment to regular Graduate Faculty status, and to periodic review every six years thereafter to be conducted simultaneously

8.121.312 The periodic review is conducted by the Graduate

Council and should include a current curriculum vitae of the candidate that carefully enumerates how the individual has met the above listed criteria for significant contribution to graduate education.

8.121.313 After the periodic review, the recommendation of the Graduate Council for continuing or not continuing regular Graduate Faculty status is forwarded to the Provost and Vice President for Academic Affairs.

8.121.314 A provisional Graduate Faculty member becomes a regular member of the Graduate Faculty upon receiving tenure. The term for provisional membership is up to seven years.

8.2 Dean of Graduate Studies

8.21 BASIC FUNCTION: The Dean of Graduate Studies leads the academic operations of the Graduate Studies department for the University. The Dean manages and monitors graduate office staff, the delivery of educational services, and student performance. The Graduate Dean will work with chairs, graduate program coordinators, Graduate Council, and the faculty to implement policies and processes to ensure program quality, including collaborating with the UTPB administration and faculty on program review and accreditation. The Dean also supports students through oversight of student grievances/appeals and works closely with faculty for their expeditious resolution. The Dean works closely with the Provost, Associate Provost, and other stakeholders on key strategic initiatives, participates in strategic planning and budget planning, and serves on the Provost's Council. The Dean of Graduate Studies will work closely with a culturally diverse faculty, staff, and students in a multicultural learning work environment.

8.22 QUALIFICATIONS: Doctorate degree showing academic and scholarly qualifications to qualify as a tenured UTPB Professor. The ideal candidate will have an innovative, entrepreneurial, and creative spirit coupled with extensive knowledge of and experience with graduate education. A sound understanding of accreditation standards and processes, organizational and governance structures, and general academic policies and regulations of higher education institutions. Excellent management, oral and written communication skills and the ability to make managerial and strategic decisions. A demonstrated record of accomplishment working collaboratively with diverse stakeholders. The ability to successfully complete a criminal background check.

8.23 GENERAL RESPONSIBILITIES:

- Supervise the day-to-day operations and personnel of the Office of Graduate Studies. Oversee the development and administration of operating budgets and staff for assigned functional areas to ensure operation is within

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fiscal constraints. Ensure the successful marketing of graduate programs that recruit graduate students. Prepare graduate catalog copy for publication and interpret

catalog statements and University policies for faculty and students. Monitor faculty and student compliance with catalog requirements and Graduate Council policies

- Work with Graduate faculty, chairs, and program coordinators to ensure academic program quality, continuous program improvement, and successful accreditation actions
- Oversee student issues including, but not limited to grievances, grade appeals and reinstatements
- Provide administrative oversight of term scheduling and the graduate catalog
- Partner with the Provost to fully align graduate studies with the overall academic mission of the University
- Provide leadership in the growth and development of graduate programs and ensure compliance with accreditation requirements and standards. Coordinate and enhance ongoing academic programs and assesses the efficacy of the process in relation to curriculum and staff planning. Identify, coordinate and support faculty development opportunities, including participation in professional meetings and workshops, and related activities. Review and respond to recommendations from standing and ad hoc academic committees
- Provide insight and direction with the development of long range plans, to include determining the need(s) for expansion or curtailment of programs. Develop necessary business plans, financial analyses, and similar documents to aid the University's decision making process. Oversee budget development and implementation of Schools operational budgets
- Other duties, as assigned

8.3 Grants and Sponsored Projects Applications

All grant applications that faculty wish to submit to companies, foundations, individuals or other entities must be submitted through the Office of Institutional Advancement. All sponsored research applications must be coordinated through the Office of Graduate Studies and Research. These two offices will work with the Business Office to ensure that all applications conform to submission requirements and to institutional and UT System requirements.

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B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 40311, Graduate Education](#)

D. Dates Reviewed or Amended

February 27, 2019.

UT PERMIAN BASIN - HOP PART 1 – SECTION 9: INTELLECTUAL PROPERTY POLICY REGULATION

9.1: Intellectual Property Policy Regulations

- A. **Purpose:** The purpose of this policy is to provide guidelines for intellectual property as contained in The University of Texas System Board of Regents' Rules and Regulations, Rule 90101.

Through The University of Texas System (“UT System”) Board of Regents, The University of Texas Permian Basin (UTPB or “University”) is authorized to seek and hold patents, copyrights, trademarks, and trade secrets, to license or assign its rights in intellectual property, and to execute agreements concerning royalty and non-royalty distribution. It is the intent of UTPB to:

1. Create appropriate support mechanisms and incentives to encourage the production and disclosure of patentable and other protectable works, inventions, ideas, novel devices, composition of matter, articles of manufacture, beneficial biological materials, processes, and the improvements thereto (intellectual property) by faculty, staff, and students of UTPB.
2. Establish guidelines for University personnel, industrial sponsors, and funding organizations regarding the disposition, ownership, and licensing of intellectual property.
3. Define the rights and responsibilities of University faculty, staff, and students regarding involvement in, and benefits from, intellectual property creation, decisions, and processes.
4. Establish whether the intellectual property is owned by the University or the individual(s) and the University’s interest (if any) in the intellectual property.
5. Provide for the equitable sharing of any proceeds derived from the sale, lease, production, or licensing of intellectual property in which UTPB is determined to have an interest.
6. Contribute to the economic growth of the state and region by facilitating the exploitation and utilization of such intellectual property to the benefit of the public, UTPB, and the members of the University community.

- B. **Persons Affected:** This policy applies to all persons employed by UTPB (either as full-time, part-time, or temporary employees) including faculty members, students enrolled at UTPB, and other persons making use of UTPB facilities and resources (including time and personnel), in connection with intellectual property activities. When entering into works made for hire, agreements, or contracts requiring assignment of any works or inventions, the ownership of any intellectual property developed as a result should be defined. If no such agreement is in place as described in this policy, any intellectual property produced is solely owned by UTPB. Intellectual property covered in this policy includes all copyrightable works, as well as all inventions, ideas, novel devices, composition of matter, articles of manufacture, beneficial biological materials, processes, and the improvements thereto. This policy does not grant UTPB ownership to theses, dissertations, or scholarly works, as defined herein.

C. **Definitions**

Author: The person or persons responsible for the creation of copyrightable work.

Distance Education: Distance Education occurs where there is a physical separation of the instructor and the learner and when communication and instruction take place through, or are supported by, any technological means such as, but not limited to, telephone, radio, television, computers, satellite delivery, interactive video, or any combination of present and future technology.

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Collective Work: Work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

Compilation:

- i. A work formed by the collection and assembling of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.
- ii. The term compilation includes collective works.

Copyright:

- i. Under Federal law, copyright applies to any original works of authorship fixed in any tangible medium of expression.
- ii. Generally, the owner of a copyright has the exclusive rights to reproduce the work, to prepare derivative works, to distribute copies by sale or other transfer of ownership, and to publicly display or perform the work.

Fair Use: The Copyright Act provides for some exceptions to the exclusive rights of the copyright owners.

- i. One of these exceptions permits fair use of a copyrighted work for purposes such as teaching, scholarship, or research.
- ii. The four factors to be considered in determining fair use are:
 - a) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
 - b) The nature of the copyrighted work.
 - c) The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
 - d) The effect of the use upon the potential market for or value of the copyrighted work.

Gross Income: Proceeds from the production, sale, lease, or licensing of intellectual property; dividends derived from equity received in consideration for the sale, lease, or licensing of intellectual property; or proceeds from the sale of equity received in consideration for the sale, lease, or licensing of intellectual property.

Intellectual Property: Includes any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, work of authorship and software, regardless of whether subject to protection under patent, trademark, copyright, or other laws.

Invention: Any discovery, creation, new use or application, process, composition of matter, article of manufacture, know-how, design, model, technological development, or biological material.

Inventor: The person or persons responsible for conception of an idea or ideas leading to an invention.

Joint Work: A work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole.

Net Product Sales: Means the Gross Income from the sale of licensed products less the following items directly attributable to the Sale of such Licensed Products that are specifically identified in writing for such Sale and borne by the Licensee, Affiliates, or Sub-licensees as the seller: (a) discounts and rebates actually granted; (b) sales, value added, use and other taxes and government charges actually paid, excluding income taxes; (c) import and export duties actually paid; (d) freight, transport, packing and transit insurance charges actually paid or

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allowed; (e) other amounts actually refunded, allowed or credited due to rejections or returns, but not exceeding the original invoiced amount; and (f) maintenance and administration of intellectual property.

Scholarly Works: Include, but are not limited to, articles written for publication in academic journals, textbooks, works of art, musical compositions, dramatic works, and literary works, or any portions thereof. Theses and dissertations are not, for the purposes of this policy, scholarly works. Works by non-faculty employees shall not, for the purposes of this policy, be considered scholarly works. Materials created as course materials for online or distance education courses are not scholarly works.

Scope of Employment: Activities that have been assigned to an employee by his/her supervisor or that grow out of, or are related to, the intellectual area of pursuit for which an employee has been hired, or that fall within the employee's job description.

Significant Use: Utilization of institution funds, personnel, facilities, equipment, materials, or other resources resulting in a cost to the institution (direct, indirect, or depreciative) of more than three thousand five hundred dollars (\$3,500.00) in constant 2020 dollars. Reasonable use of an office personal computer alone is not considered a significant use of University resources.

Work: Any copyrightable material, including, but not limited to, literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; architectural works; computer software or databases; circuit diagrams; architectural and engineering drawings; and lectures.

Work Made for Hire: A work created by an employee within the scope of his/her employment or a work created by a third party under contract with UTPB and for which a contract specifically defines that the contract is a work for hire or that the resulting deliverable (the work) is the property of, or is assigned to, UTPB.

Commissioned Work: A work made for hire if it is specially ordered or commissioned under a written contract signed by two (2) or more parties.

D. Policy

1. Ownership of Intellectual Property

- a. University-Owned Intellectual Property: Intellectual property developed by persons to whom this policy applies shall be the sole and exclusive property of UTPB if the subject intellectual property is:
 - i. Developed within the non-faculty person's Scope of Employment with the University.
 - ii. Developed in the course of a project sponsored by the University.
 - iii. Developed with the Significant Use of the University's facilities, services, or equipment (excluding personal office space, libraries, information technology resources, and the inventor or author's personal computer provided by the University), or
 - iv. Developed in the course of a project arranged, administered, or controlled by the University and sponsored by persons, agencies, or organizations external to the University, absent prior written agreement to the contrary. (If appropriate University procedures were followed in entering the contract, the contract terms

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of externally sponsored projects will control ownership of work done pursuant to the contract or agent.)

2. Employment Status for Non-Faculty Employees

- a. UTPB will have sole ownership of all intellectual property created by its non-faculty employees within the Scope of Employment.
- b. The job description for each relevant non-faculty position should include, if applicable, the creation of or assistance with the creation of Distance Education materials.
 - i. The University should also add to the employment contract, either upon initial hire or with contract renewal, language specifying that such works are made in the Scope of Employment.
 - ii. In cases where there is a new assignment to the employee, an agreement in writing signed by both the employee and the University should be completed.
 - iii. In any applicable situations involving a need to document ownership in intellectual property, the University and the faculty member should sign an agreement approved in form by OGC at UT System and HR at UTPB.
- c. Work assigned by UTPB
 - i. Under the copyright laws and UT System policy, a work specially ordered or commissioned by UTPB is owned by UTPB. For clarity, it is recommended that the parties expressly agree in a written agreement signed by both parties that the work will be considered a work for hire.
- d. Joint Ownership
 - i. Inventions and Works may be created through the joint efforts of two (2) or more faculty members or of faculty and non-faculty employees working in the scope of their employment or working under contract to provide services.
 - ii. Anyone who contributes the kind of expression protected by the copyright law is a joint Author if the contribution is intended to be part of an integrated whole, or a joint Inventor, if the Work of each contributes patentable subject matter to the Invention as a whole.
 - iii. UTPB will be the sole owner of any Invention or Work if the Invention or Work was created by employees of UTPB or by parties under contract with UTPB to provide the Invention or Work.
 - iv. At the beginning of a project involving multiple contributors, the contributors or Inventors shall agree in writing to the percentage share each contributor shall be paid from any net proceeds that UTPB shall receive from exploiting the Invention or Work. If no such agreement is made, UTPB shall pay each of the contributors an equal share.
 - v. In the event that UTPB employees involved in a collaboration between UTPB and another organization(s) and/or private person(s) expect that the collaboration may generate Intellectual Property subject to this policy, the collaborators shall

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agree in writing to the percentage share each collaborating entity shall be paid from any Net Product Sales resulting from the exploitation of the Intellectual Property.

3. Copyright and Patent Disclosures

a. Inventors and Authors:

- i. Persons to whom this policy applies are responsible for disclosing to the University all Intellectual Property using the [Invention Disclosure Form](#) or [Copyrightable Work Disclosure Form](#). The Inventor/Author shall fully cooperate with the designee and the Office of Research in the disclosure process and in other subsequent activities associated with patenting and/or commercialization of the Intellectual Property. UTPB will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. Such creators are encouraged to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works consistent with applicable institutional policies. (Regents' Rules, 90101, Sec 7).
- ii. Inventors should particularly note that certain acts (for example, enabling disclosure of the invention in an academic journal, a paper, a poster presented at a conference, or offering to sell rights in the invention before a patent application has been made) can bar an Inventor from obtaining patent protection. An Inventor contemplating public disclosure of activities prior to filing an Invention Disclosure Form must contact the Office of Research prior to engaging in those disclosure activities. The inventor/author is also responsible for filing a [Conflict of Interest Disclosure Form](#).

b. Intellectual Property Advisory Committee:

- i. The Invention Disclosure Form shall be forwarded to the UTPB Intellectual Property Advisory Committee ("[Committee](#)") for an initial evaluation of the ownership, patentability, and/or commercial potential of the intellectual property. The Committee may conduct an interview with the Inventor/Author and other persons, as needed to make this evaluation. A patentability evaluation shall, in particular, include a thorough evaluation of acts by the Inventor or items of prior art that would bar patent protection.
- ii. The Committee shall provide the Provost and Associate Vice President ("[AVP](#)") for Research its recommendations as to ownership of the Intellectual Property, whether patent protection should be sought, and whether to seek commercialization opportunities. The Committee shall conduct investigations as it deems necessary in the preparation of its recommendations. The Committee is authorized to seek outside assistance in preparing its recommendations. Any compensated assistance obtained from private legal counsel must be approved in advance by the OGC at UT System. The Committee shall also generally advise the

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Provost and AVP for Research in all matters relating to this policy. The Provost and AVP for Research shall have the responsibility for approving any and all agreements associated with commercialization of Intellectual Property.

- iii. Request for Re-evaluation: If the Inventor/Author disagrees with an initial decision, he/she may request a re-evaluation. The request must be received within thirty (30) calendar days of notification to the Inventor/Author of the initial decision. The Inventor/Author must submit documents or other evidence in support of his/her position. The decision of the Provost and AVP for Research shall be final.

4. Income from Intellectual Property: Inventors and Authors shall receive royalties from the net sales that may accrue from the commercialization of the Intellectual Property created by the Inventors or Authors as follows:

- a. Based on sufficient accounting provided by any Inventor(s) or licensee(s), UTPB shall have the ultimate discretion to determine the net revenues generated by the invention or work by deducting all direct costs associated with patent prosecution, copyright registration, commercialization, defense, maintenance, and administration of intellectual property, and in the case of distance or online course materials, the monies advanced to the author at the time of creation from the gross revenues received.
- b. After the University is reimbursed for all expenses, the net income from royalties and any other Intellectual Property-related income shall be divided among the Inventor/Author, supporting University offices, departments, and colleges. The Intellectual Property Advisory Committee at UTPB makes a recommendation to the Provost and AVP for Research regarding the distribution after consulting with the Inventor/Author and other stakeholders on campus.
- c. If any department, college, center, or Inventor/Author does not exist, the designated net income will be divided between the Office of Research and the University's education and general fund.

E. Procedure

Not Applicable.

F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 90101, Intellectual Property](#)

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G. Dates Reviewed or Amended

April 13, 202

9.2: Online Course Development

A. Purpose:

This policy details The University of Texas Permian Basin (“University or UTPB”) procedures regarding the creation, ownership, and use of copyrights of web-based courses. This policy is designed to encourage the development of high quality distributed and/or distance learning materials. In delineating clear rights and responsibilities, this policy will allow freedom in the development and distribution of web-based courses. Further, it will recognize that ownership and intellectual property rights for distributed learning materials are held by the content developer, while acknowledging that creation of intellectual properties and exclusive ownership of these materials are to benefit both the content developer and the University that supports the development of intellectual properties.

The development of online course materials by University faculty presents some unusual questions for both the creators of those courses and department chair and deans or other University administrators. Before setting out to develop an online course, the faculty members and department chair and deans, in consultation with the Provost, should discuss the development of those materials and the resources utilized may affect the rights to the course materials.

B. Persons Affected:

This policy applies to all faculty, contractors, and other employees employed by UTPB (either as full-time, part-time, or temporary employees). This policy and the inherent rights of this policy does not apply to Adjunct Faculty. Correspondingly, adjunct faculty have lesser rights to copyrights.

C. Policy:

1. Course content
 - a. Faculty own the copyright to all supplementary digital materials they develop to accompany traditional site-based courses or textbooks.
 - b. Faculty who develop an on-line course while employed at the University own the copyright with the following conditions:
 - i. UTPB reserves the right to continue offering the course if the faculty member leaves the University. The University may make, maintain, revise, and use copies of all materials. In addition, UTPB also reserves the right to offer the course using other faculty should the faculty member decide not to teach it or be unable to teach sufficient sections while still employed at UTPB.
 - ii. On-line courses developed at UTPB may not be offered at another institution while the faculty member is still employed at UTPB without the recommendation of the dean and the express written approval of the provost.

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- iii. An on-line course that is commercialized, relying substantially on University resources, shall be subject to a negotiated contract (and possibly licensing) prior to commercialization of the course. Please see UTPB's Intellectual Property Policy Regulations (HOP section 9).
2. Intellectual property of course content - In order to employ a reasonable and successful policy for intellectual property rights of web-based courses, the following definitions are recognized:
- a. Intellectual property developed by persons to whom this policy applies shall be the sole and exclusive property of UTPB if the subject intellectual property is
 - iv. Developed within the non-faculty person's scope of employment with the Institution;
 - v. Developed in the course of a project sponsored by the Institution;
 - vi. Developed with the significant use of the Institution's facilities, services, or equipment (excluding personal office space, libraries, information technology resources, and the inventor or author's personal computer provided by the Institution); or
 - vii. Developed in the course of a project arranged, administered or controlled by the Institution and sponsored by persons, agencies or organizations external to the Institution, unless there is prior written agreement to the contrary.

D. Procedure

Not Applicable.

E. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 90101, Intellectual Property](#)

F. Dates Reviewed or Amended

April 13, 2021

**UT PERMIAN BASIN - HOP PART 1 – SECTION
10: WORK TOWARD AN ADVANCED DEGREE
BY FACULTY MEMBERS**

10.1: WORK TOWARD AN ADVANCED DEGREE BY FACULTY MEMBERS

A. Policy

See Handbook of Operating Procedures Part Three, Human Resources, Section 14.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

D. Dates Reviewed or Amended

February 27, 2019.

**UT PERMIAN BASIN - HOP PART 1 – SECTION
11: FACULTY GRIEVANCE PROCEDURE**

11.1: FACULTY GRIEVANCE PROCEDURE

A. Policy

The Faculty Grievance Procedure at The University of Texas Permian Basin outlines the formal hearing process for resolving certain disputes and the informal process involving the collegial resolution of disputes through all channels and levels of the University administration. It is the policy of The University of Texas Permian Basin to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law. No faculty member shall be penalized, disciplined or prejudiced for pursuing a grievance or for aiding another employee in the presentation of a grievance.

B. Procedure

11.2 Scope of Grievance Procedure

11.21 Administrative Procedure

The Administrative Procedure is available for the complaint of a faculty member concerning a decision or action that affects the individual faculty member and relates to: wages; hours of work; working conditions; performance evaluation; merit salary increase; promotion; assignment or reassignment of duties; assignment of University facilities, equipment, or support staff; reduction in salary or rank; reprimand; or the interpretation or application of a rule, regulation, or policy.

11.22 Formal Procedure

The Formal Procedure is available only after the affected faculty member has pursued a complaint to completion through the Administrative Procedure. The Formal Procedure is limited to complaints by a faculty member concerning a decision or action that affects the individual faculty member and relates to: merit salary increase; promotion; assignment or reassignment of duties; assignment of University facilities, equipment, or support staff; or reduction in salary or rank.

11.23 Matters Outside Scope of Grievance Procedure

The Faculty Grievance Procedure does not apply to decisions or actions that are reviewable pursuant to procedures provided by the Rules and Regulations or Policies of the Board of Regents, U.T. Permian Basin Handbook of Operating Procedures, or other approved policies or procedures of The University of Texas System. The Office of the Provost and Vice President for Academic Affairs is available to advise a faculty member concerning the appropriate procedure for addressing a particular complaint.

11.3 Administrative Procedure

11.31 A faculty member affected by an administrative decision or action specified in

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Section 11.21 should present his or her concerns to the administrator responsible for the decision or action within ten (10) work days from the date of the decision or action that is the subject of the complaint. The administrator must respond within ten (10) work days, explaining the reasons for the action. Both parties should enter into these discussions seriously, treating them as an opportunity to settle the matter.

11.32 If the faculty member's concerns are not satisfactorily resolved with the administrator responsible for the decision or action, the faculty member may, within ten (10) work days after receiving the administrator's response, elect to present the complaint to the next higher levels of administration, respectively, until the complaint has been considered by the Provost and Vice President for Academic Affairs. A response shall be provided to the faculty member at each level within ten (10) work days.

The decision of the Provost and Vice President for Academic Affairs is final unless the complaint meets the requirements for consideration under the Formal Procedure.

11.33 If the faculty member has not requested consideration of the complaint at the next administrative level within ten (10) work days from the response at the last administrative level, the response of the last administrator will be final and the complaint shall not be considered under the Formal Procedure.

11.4 Formal Procedure

11.41 A faculty member who has pursued a complaint to conclusion under the Administrative Procedure may initiate the Formal Procedure if the subject of the complaint is a decision or action specified in Section 11.22 and the faculty member alleges facts that, if proven by credible evidence, would support a conclusion that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

11.42 The faculty member must initiate the Formal Procedure within thirty (30) days after the date that the Administrative Procedure was concluded by filing a written complaint with the President or the President's delegate stating the date of the final action under the Administrative Procedure, explaining the nature of the decision or action that is the subject of the complaint, and alleging the facts that are relied upon by the faculty member to prove that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

11.43 If the President or the President's delegate determines: the complaint is not reviewable pursuant to the Rules and Regulations or Policies of the Board of Regents, U.T. Permian Basin Handbook of Operating Procedures, or other approved policies or procedures of The University of Texas System; the complaint relates to a matter specified in Section 11.22; and the facts alleged, if proven by credible evidence, would

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support a conclusion that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions, the President will resolve the grievance to the faculty member's satisfaction within thirty (30) days after making such determination or initiate the process for selection of a Faculty Grievance Committee to hear the complaint.

11.5 Faculty Grievance Committee

11.51 The Faculty Grievance Committee shall consist of five (5) faculty members. Three (3) Committee members shall be chosen by the President from a Faculty Grievance Panel of nine (9) tenured faculty members elected by the Faculty Assembly in accordance with Section 11.52. The President shall provide written notice to the parties of the names of the three Committee members. Each of the parties to the grievance will select an additional Committee member from the tenured faculty member(s) of the Faculty Assembly or from the remaining members of the Faculty Grievance Panel.

11.52 The Faculty Grievance Panel shall be elected every two years during the fall semester by secret ballot of the Faculty Assembly. Prior to each election the Faculty Secretary will prepare a ballot listing all tenured faculty who have not previously notified the Faculty Secretary in writing that they do not wish to serve on the Faculty Grievance Panel. Each voting member may vote for no more than nine (9) candidates. After distributing and collecting the ballots, the Faculty Secretary will tabulate the votes and declare the nine (9) tenured faculty members who received the highest number of votes elected to the Faculty Grievance Panel. In the event of ties, additional voting will be conducted by the Faculty Secretary in order to break the tie. Panel members will serve from election to election. Any grievance proceeding underway at the time of election shall be completed by the Committee reviewing it. Vacancies that occur between elections will be filled by the Faculty Senate.

11.53 The Faculty Grievance Committee shall designate one of the five members to serve as Chair. If an individual appointed to the Faculty Grievance Committee is of the opinion that he or she cannot serve with fairness and objectivity, the President will appoint a replacement. The Faculty Grievance committee shall not include anyone involved in the decision or action that is the subject of the complaint or anyone who may be a witness in the hearing.

11.54 After the President has forwarded the complaint to the Faculty Grievance committee, members of the Committee shall not seek access to any files or records related to the subject matter of the complaint and, except for communications regarding the hearing date and hearing procedure, shall not initiate or accept any communication concerning the subject matter of the complaint with the complaining faculty member, anyone involved with the decision or action, anyone acting on behalf of the complaining faculty member or on behalf of anyone involved with the decision or action, anyone involved in the Administrative Procedure, or any potential witness.

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11.55 The Chair of the Faculty Grievance Committee may request that the President request the U.T. System Office of General Counsel to provide an attorney to advise the Committee.

11.6 Pre-Hearing Procedures

11.61 The parties to the hearing shall be the faculty member filing the complaint and the administrator(s) who made the decision or took the action that is the subject of the complaint.

11.62 The Chair of the Committee shall consult with the parties and the Committee members concerning scheduling of the hearing. The Chair will notify the parties of the date, time, and place for the hearing at least fourteen (14) work days prior to the hearing date, unless the parties agree upon an earlier hearing date.

11.63 The Chair of the Faculty Grievance Committee will provide written notice to the parties of the identity of the members of the Committee. Each party to the complaint may challenge the impartiality of any member of the Committee. A challenge must be made in writing to the Chair, must state the facts on which the challenge is based, and must be submitted at least three (3) work days prior to the scheduled hearing. A challenged member shall be the sole judge of whether he or she is capable of considering the evidence and determining the facts with impartiality. If a challenged member appointed by the President determines he or she cannot serve with impartiality, the President will appoint a replacement from the Faculty Grievance Panel. If the challenged member has been selected by a party to the grievance, that party has the right to select a replacement according to the criteria specified in section 11.51.

11.64 Neither the parties, nor their representative shall contact members of the Committee concerning the subject matter of the complaint during the pendency of the grievance process.

11.65 At least five (5) work days prior to the hearing date, each party shall provide the Chair the names of the witnesses that they intend to have testify and a list of each document, record or exhibit that they intend to offer as evidence at the hearing. The Chair will provide copies of each list to each party as soon as possible after receipt.

11.7 Hearing Procedures

11.71 Parties may proceed at the hearing either in person or through a representative of choice. If the grievant is represented by counsel, the Office of General Counsel may represent the administrator(s).

11.72 Hearings are controlled by the Chair. All procedural questions and objections regarding testimony and exhibits are to be directed to and ruled upon by the Chair. Parties or their representatives may speak only after recognition by the Chair.

11.73 The burden of proof is upon the faculty member to establish by the greater

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weight of the credible evidence that the decision or action in question was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

11.74 Parties have the right to testify, to submit relevant documents, and to present testimony of witnesses. Faculty Grievance Committee members may also question witnesses who testify. A party shall have the right to cross-examine the witnesses of the other party.

11.75 Hearings shall be conducted as a personnel hearing, closed to persons other than the parties, their representatives, witnesses who are testifying, Faculty Grievance Committee members, and the person recording the hearing.

11.76 A tape recording shall be made of the hearing under the supervision of the Chair. The recording and exhibits admitted into evidence during the hearing shall be the official record of the hearing. Parties may have access to the official record and will be provided a copy at cost. Access by other individuals is only as required by the Texas Public Information Act.

11.8 Recommendation and Decision

11.81 The Faculty Grievance Committee shall consider whether the faculty member has proven by the greater weight of the credible evidence that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

11.82 Within ten (10) work days after completion of the hearing, the Faculty Grievance Committee shall make written findings and recommendations to the President based solely upon the testimony and documents admitted as evidence at the hearing. The findings and recommendations shall be forwarded to the President with the official record of the hearing.

11.83 The written decision shall contain finding(s) of fact, identify evidence which supports such findings, and make a recommendation for disposition of the grievance.

11.84 The President will review the official record and the findings and recommendations of the Faculty Grievance Committee. Based upon the official record, the President may approve, reject, or modify the findings and recommendations of the Faculty Grievance Committee or may reach different conclusions. The decision of the President shall be communicated in writing to the parties within thirty (30) days after receipt of the recommendations. The decision of the President is final.

11.9 Retention Policy

The decision of the President and the official record of the hearing will be filed with the Faculty Assembly Secretary and retained for the period required by the University Records Retention

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Policy.

The written complaint and all decisions or responses shall be retained in the personnel file of the faculty member and shall be disclosed to the public only as authorized or required by the Texas Public Information Act.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[University of Texas System Board of Regents' Rules and Regulations Rule 30602, Employee Grievance](#)

[University of Texas System Board of Regents' Rules and Regulations Rule 31008, Termination of a Faculty Member](#)

[UT Systemwide Policy, HOP 3.5.3 Grievance](#)

D. Dates Reviewed or Amended

February 27, 2019.

UT PERMIAN BASIN - HOP PART 1 – SECTION
12: ABANDONMENT OF ACADEMIC
POSITIONS OR PROGRAM

12.1: Abandonment of Academic Positions or Programs

A. Policy

12.11 Abandonment of Academic Positions or Programs

Regents Rule 31003, abandonment of academic positions or programs must be interpreted in the light of Rule 40101 which gives faculty a “major role” in regard to “general academic policies and welfare” and related matters and in the light of the further provisions that assign these faculty responsibilities to the faculty governance organization and require that the organization and procedures of the governance organization be set out in the university Handbook of Operating Procedures and subject to governance review and approval.

12.111 President’s Responsibility. The president is responsible for determining when to eliminate occupied academic positions filled by a tenured faculty member, the titles of which are given in the Regents’ Rules and Regulations, Rule 31001, or abandon academic programs or both, subject to approval by the Executive Vice Chancellor for Academic Affairs. The decision of the president shall include full and meaningful faculty input as outlined in Regents Rule 31003 and in this section.

12.112 Elimination for Academic Reasons. An academic program under consideration for abandonment or an occupied academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through the procedure specified below and in Regents Rule 31003. Neither the procedures specified in Regents Rule 31008, concerning termination of a faculty member, the notice requirements of Regents Rule 31007, Section 5, concerning tenure, nor Regents Rule 31002, Sections 1 and 2, concerning notice of nonrenewal to non-tenured faculty members, shall be applicable. A bona fide academic review should take into account the overarching principles considered when approving an academic program: mission, quality, and efficient use of resources (Regents Rule 40307) and bona fide academic reasons for eliminating a program or position include but are not limited to:

- 12.112.1 Failure to meet regional accreditation standards;
- 12.112.2 Failure to meet professional accreditations standards;
- 12.112.3 Inability to hire qualified faculty;
- 12.112.4 Failure to meet the low-producing program criteria of the Texas Higher Education Coordinating, the UT System, or HOP policy;
- 12.112.5 Continuing history of small classes;
- 12.112.6 Inability to meet recommendations of external program reviewers for achieving a standard of quality judged comparable to similar programs at

institutions with similar missions and size as UT Permian Basin.

12.112.7 A change in approved academic mission, emphasis or strategic direction

12.112.8 Failure of program to meet established budget policies of the university Resource constraints that necessitate academic program or position reduction or elimination.

12.113 Notification. Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified in writing by the Provost and Vice President for Academic Affairs at least 30 working days prior to any final decision being made to eliminate the program. A copy of the notification will also be submitted to the Faculty Senate President. The tenured faculty will have 10 working days to submit written comment on the proposed elimination to the Provost in the role as chair of the Budget and Planning Committee and to the Faculty Senate President. The Faculty Senate will have 20 working days from the receipt of the Provost's notification to submit a comment to the Budget and Planning Committee.

12.114 Supporting Rationale. Upon completion of the review process, the Budget and Planning Committee shall submit a recommendation with supporting rationale to the President with copy to the tenured track faculty in the program and the Faculty Senate President accompanied by the

recommendations of the Senate and the tenured faculty. The Provost and Vice President for Academic Affairs may concur with the Committee or submit a separate recommendation and rationale to the President, the tenured faculty and the Faculty Senate.

12.115 Review by Executive Vice Chancellor. If the president determines that an academic program or occupied academic position should be abandoned, a request for approval with supporting documentation will be forwarded to the appropriate Executive Vice Chancellor.

12.116 Appeal Procedures. The "Hearing Committee—Academic Reasons" (HC-AR) [Section 12.4] The president shall appoint a hearing committee comprised of five tenured faculty members, at least two of whom shall be selected by the university president from a slate of four tenured faculty members selected by the Faculty Senate. The President will appoint one of the five to serve as chair. Within 30 days from the date of notice of termination, a faculty member shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president of the institution. A faculty member who appeals to the hearing committee (the appellant) shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures:

12.116.1 The hearing committee shall set the date, time, and place for hearing the

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appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the appellant waives such time requirement; however, such hearing shall be held within 90 days from the date of the request.

- 12.116.2 The hearing will be closed to the public unless requested to be open by the appellant.
- 12.116.3 The appellant may be represented by legal counsel at his or her expense.
- 12.116.4 The appellant and the institution may offer any written evidence or oral testimony that is material to the issues.
- 12.116.5 The burden shall be upon the appellant to show by a preponderance of the credible evidence that the decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented.
- 12.116.6 No other issues shall be heard or considered by the hearing committee.

12.117 Establishment of Date. The date for abandoning or phasing out an academic program should take into consideration the time required for anticipated completion by students currently enrolled or for facilitation of their placement in acceptable alternative programs.

12.118 Requests for Reassignment. The administration will notify tenured faculty in the program to be abandoned and ask each faculty member to inform the president or designee, in writing, of the faculty member's request for reassignment to other academic program(s) and to provide details of their qualifications for appointment to such academic program(s).

12.119 Employment Alternatives. The president or designee will meet individually with tenured faculty who respond to discuss possible employment alternatives to termination.

12.120 Non-retention. If the decision is not to retain, the president or designee will send a written response stating reasons for non-retention.

12.121 Displacement. If retention of a tenured faculty member results in displacement of a tenured faculty member in another program, the displaced faculty member is entitled to the above procedures.

12.122 Benefit Information. Any faculty member whose employment is terminated pursuant to this Subsection shall be informed of applicable benefits available upon termination, such as retirement, accrued leave, and opportunity to continue insurance coverage.

12.123 "Employment Assistance" as specifically laid out in the Regents' Rule 31003, Section 2.11 (page 3). "Employment Assistance. UT System institutions shall provide

appropriate assistance to affected faculty members concerning available alternative employment opportunities.

12.124 Elimination Due to an Institutional Financial Exigency.

When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by this Section and the institution's Handbook of Operating Procedures. Neither the procedures specified in Rule 31008 of the Regents' Rules and Regulations concerning termination of a faculty member, nor the notice requirements of Rule 31007, Section 5 concerning tenure, or Rule 31002, Sections 1 and 2, concerning notice of nonrenewal to non-tenured faculty members, shall be applicable.

12.124.1 Initial declaration of Financial Exigency - Financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means than termination of tenured faculty. Whenever there is reason to anticipate that the University is sufficiently threatened by financial exigency, the President at the earliest date possible shall inform the Faculty Senate and all potentially affected budgetary units of the problem.

12.124.2 The President shall consult with the Senate and the concerned budgetary units to determine the nature and seriousness of the problem, the most appropriate of the possible courses of action to be taken, and the means of safeguarding faculty rights and interests, including tenure rights. Alternative courses of action, other than reducing faculty, shall be considered. If reductions of faculty are unavoidable, The University shall make every reasonable effort to reassign affected faculty members to other suitable work and to aid them in finding other employment.

12.124.3 On the basis of these deliberations, the President shall write an Initial Declaration of Financial Exigency (IDFE) giving the extent and scope of the emergency and the general approach to be taken to respond to it.

12.124.4 Consultation with the Senate - The President shall submit the Initial Declaration of Financial Exigency to the Senate for advice. This may, but need not result in a joint Senate-Presidential Exigency Plan. The joint Plan should include the formation of committees and or other consultations with the Faculty Senate (see item 2 and 6 below) "composed of faculty and administrative personnel to make recommendations to the president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency" in accordance with rule 3.I, as well as the general criteria the committee should apply in making its recommendations.

12.124.5 Committee Recommendations. Upon determining the existence of financial exigency and the need to reduce academic positions or academic programs, or both, the president of an institution shall appoint a Financial Exigency Committee. (FEC) composed of faculty and administrative personnel to make recommendations to the

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president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency. The FEC committee will be comprised of at least seven members, and at least four of the members will be tenured faculty members, selected by the university president from a slate of eight tenured faculty members selected by the Faculty Senate. This FEC should be informed by the individual academic units of The University, who will make the initial recommendations regarding program and position mergers, suspensions, or eliminations, following the guidelines set forth by the Board of Regents.

12.125 Assessment of Academic Program. The FEC will provide a written report of its analysis of programs to the President, which shall be submitted to the Senate for review and response before recommendations are made for specific positions to be eliminated. The FEC shall consider and may offer advice on all avenues by which terminations of faculty members can be avoided or minimized, and, as well, by which the negative effects of any necessary terminations can be mitigated. Unless an extension is approved by the President, the FEC shall complete its work in a period of time no longer than 60 days and the Senate shall complete its review and response in no longer than 10 days. The review will include, but not be limited to, as relevant:

12.125.1 an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production;

12.125.2 an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, health care delivery, and scholarly activity).

12.126 Review Consideration. Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the president, in writing, the particular position or positions to be terminated after reviewing the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program and the needs of the school or college they serve, past performance, and the potential for future contributions to the development of the institution. Tenure status of a faculty member shall not be a consideration in the determination of whether a particular position should be eliminated except as permitted in Section 13 below. If other officers of the university, such as deans or program chairs, are involved in identifying individuals whose appointments are to be terminated, the process for obtaining these recommendations should be described in the report. The FEC will have available the personnel records of those being considered including current curriculum vitas, annual reports, promotion committee reports and recommendations, and results of periodic performance reviews. It will have access to full personnel files.

Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the FEC's review process, including the

ability to respond in writing to the recommendations.

12.127 Tenure Preference. If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing the same teaching, research, and/or clinical role, the faculty member or members having tenure shall be given preference over non-tenured faculty. However, if such faculty members have the same tenure status and equal qualifications, consideration will be given to other documented needs of the institution.

12.128 Recommendation. Upon completion of its review, the committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, after consultation with institutional administrative officers as the president may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.

12.128.1 Notification of Vacancies. Any person terminated due to financial exigency will be notified when a vacancy occurs in the same institution in their field of teaching. For three years after termination, the terminated faculty member shall have right to first consideration as specified in Regents' Rule 31003 section 3.6. If such person makes timely application and is qualified for the position to be filled, they shall be offered employment in that position. If the vacancy is in a field of teaching in which two or more persons have been terminated because of financial exigency, all will be notified of the vacancy and of those so notified and making timely application, employment will be offered to the person who is the better qualified for the position to be filled.

12.128.2 Hearing Committee—Financial Exigency (HC-FE) The president shall appoint a hearing committee comprised of five tenured faculty members, with at least one from each college or school. At least two of the committee members of the HC-FE will be appointed from a list of four candidates selected by the Faculty Senate. One HC-FE member may be selected by the faculty member who appeals to the hearing committee (the appellant). The purpose of the HC-FE is to hear any appeals for reconsideration of termination decisions based upon financial exigency. The President shall appoint one of the five members as chair. Within 30 days from the date of the notice of termination, a faculty member shall have the right to appeal to the HC-FE for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president. The appellant shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given all written data or information relied upon in arriving at such decision.

12.129 Appeal Procedures. The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the appellant waives such time requirement;

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however, such hearing shall be held within 90 days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures.

12.129.1 The hearing will be closed to the public unless requested to be open by the appellant.

12.129.2 The appellant may be represented by legal counsel at his or her own expense.

12.129.3 The appellant and the institution may offer any written evidence or oral testimony that is material to the issues.

12.129.4 The burden shall be upon the appellant to show by a preponderance of the credible evidence that:

12.129.41 Financial exigency was not in fact the reason for the initial decision to reduce academic positions; or

12.129.42 The decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented; or

12.129.43 the criteria established in the exigency plan were not properly and fairly applied to the individual case and that the failure to properly and fairly apply the criteria clearly disadvantaged the appellant compared to other individuals in the same discipline or teaching specialty who were reconsidered for termination.

12.130 No other issues shall be heard or considered by the hearing committee. (g) The hearing committee shall make written findings of fact and recommendations to the president of the institution as soon as practical following the hearing. The president shall have the final decision to either accept or reject the recommendation of the hearing committee.

The employment of a tenured faculty member who is to be terminated under this policy shall end no sooner than the end of the current academic year of appointment; the person shall be given a reasonable time to close down their research or other such facilities in a non-destructive way.

12.131 No Concurrent Replacements - If appointments are terminated, the University will not at the same time make new appointments into the same subject area or specialization except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. That is, a tenured faculty member or a more senior faculty will not be terminated only in order for the University to replace him or her with a new person in the same subject area or specialization at lower pay.

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12.132 Institutional policies and procedures implementing this Rule shall be approved in accordance with applicable Regents' Rules (including Rule 20201, Sec. 4.9) and placed in each institution's Handbook of Operating Procedures.

B. Definitions

Financial exigency: a demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty.

C. Procedure

Not Applicable.

D. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[Regents' Rules and Regulations, Rule 31001 – Faculty Appointments and Titles](#)

[Regents' Rules and Regulations, Rule 31003 – Abandonment of Academic Positions and Programs](#)

[Regents' Rules and Regulations, Rule 40101 – Faculty Role in Educational Policy](#)

E. Dates Reviewed or Amended

February 27, 2019

UT PERMIAN BASIN - HOP PART 1 – SECTION 13: ENDOWED/NAMED APPOINTMENTS

13: Endowed Appointment and Reappointment Policy

Named appointments, including endowed chairs, professorships and fellowships, exist to foster the mission of The University of Texas Permian Basin (UTPB) through excellence in teaching, research, creative activity and public service. The purpose of such appointments is to attract and retain faculty members of highest renown and reputation to UTPB.

Endowed chairs, professorships and fellowships exist through the generosity of donors who support the work of the named chair, professorship or fellowships through these policies. Normally a specific gift agreement sets the particular purposes and terms of appointment of the chair, professorship or fellowship. Gift agreements are subject to review by the provost and approval by the president in all cases, including renewals.

A. **Policy**

The purpose of this policy is to define the guidelines and procedures for appointments to endowed or named positions, including candidate qualifications. An endowed academic position is a faculty position (chair, professorship, fellowship) supported by an endowment from which distributions are dedicated to salary supplementation, research support, or other professional needs of the faculty member. (See The University of Texas System Board of Regents' Rule 60202).

A. **Definitions**

13.21 Endowed Academic Position: An endowed academic position is a faculty or chair position supported by an endowment from which distributions are dedicated to reasonable salary support, salary supplementation, research support, or other professional needs. The position holder will be a faculty or chair member who has had a distinguished career. A holder may be named to an endowed academic position for a term of 2 – 5 years and the position may be renewable or non-renewable.

13.22 Endowed Fellowship: An endowed fellowship is a faculty position supported by an endowment from which distributions are dedicated to reasonable salary support, salary supplementation, research support, or other professional needs of a faculty member of any academic rank. The endowed fellowship will be awarded for a specified length of time and may or may not be renewable.

B. **Procedure**

13.3 Application review process

13.31 The university, subject to budgetary restrictions and academic needs, will make the filling of endowed or named positions a hiring priority.

13.32 The availability of endowed or named positions shall be communicated to prospective applicants through normal university search procedures. These advertisements shall include information about the purpose of the endowment, eligibility requirements and expectations of endowment holders, as well as application procedures.

13.33 In consultation with the Faculty Senate and the academic chair and deans, an ad hoc endowed appointment committee will be appointed by the provost, subject to approval of the president, to review and recommend candidates for appointment to endowed/named positions. The committee shall include at least four UTPB full and/or associate professors and may include one non-UTPB senior faculty member. If the appointment is not restricted to a single department,

procedures will be modified to ensure appropriate representation from potential areas of appointment. In addition, the vice president of advancement will appoint a member to the committee for the purpose of ensuring that the terms of the donative agreement are met.

13.34 The committee shall submit to the provost and dean rank ordered recommendations, which will include a current curriculum vitae for each candidate and a written justification for rankings, including a description of how each candidate meets the qualifications and/or restrictions which the donor may have specified. The committee's recommendation, along with the dean's and provost's recommendations, will be submitted to the president for review and approval.

13.35 Endowed position searches are to be merit based. Current faculty may be prioritized if internal candidates exist with the appropriate qualifications that are equivalent to external candidates. In cases where an external faculty search is conducted to fill an endowed position, there must be an available faculty budget line to support the hire. In these cases, established faculty search procedures will be followed. In order to be eligible to receive an endowed position, an external candidate recommended by a hiring committee must also be evaluated by the Endowed Appointment Committee who shall issue a recommendation for consideration in accordance with the procedures specified in 13.4 and 13.5.

13.4 Candidate Qualifications

13.41 In order to be considered for an endowed or named academic position, a candidate must:

13.411 With the exception of candidates for fellowships, (who may be of any academic rank regardless of tenure status), hold or be eligible for the rank of associate professor or professor.

13.412 Have a distinguished record of professional accomplishment.

13.413 Meet the criteria established by the donor. Additional criteria may be established with the approval of the president as long as they remain consistent with the donor's intent.

13.414 Exhibit appropriate professional conduct that is consistent with the values of the university

13.5 Initial Appointments

In accordance with The University of Texas System Board of Regents' Rule 60202, Endowed Academic Positions, Section 1, UT System approval is required before an initial appointment may be made to an endowed chair or professor.

13.51 Appointments to endowed academic positions may be renewable or non-renewable term appointments.

13.52 In general, the initial appointment shall be for a period of two years. The renewal appointments shall be made in writing for a set period of up to five years. The appointment period can be extended by the president based on recommendations from the chair, dean and provost.

13.53 With the approval of the president, individual colleges may limit the number of terms an individual may hold an endowed position.

13.54 Upon accepting the endowment position, the faculty member must complete and submit an **agreement**. The agreement will provide details about expectations, obligations, financial benefits, and reporting requirements. The agreement requires the approval of the chair, dean, provost and the vice president of advancement. This agreement will be submitted to the president for final approval.

13.55 An appointment to an endowed position is separate from an appointment to the faculty. A decision to award tenure to the current or prospective holder of an endowed position affects only the regular faculty appointment; it does not imply a commitment for continuance in the endowed position.

13.56 All appointments to the faculty and to endowed/named positions will be made by the president. No initial appointment will be made to an endowed or named academic position without prior approval as a Request for Budget Change by the president after review and approval by the

appropriate executive vice chancellor.

13.6 Annual Evaluation Report

An endowed position is typically appointed for a specific term, subject to an evaluation every academic year. This evaluation is based on the accomplishments of the endowment position holder relative to the guidelines listed in the agreement and any particular guidelines relevant to that specific endowed position.

13.61 Any holder of an endowed academic position shall submit an annual report through the department chair and dean to the provost/vp for academic affairs, who shall then share the annual report with the vice president of advancement as well to the university president by November 1 for the previous academic year. This report shall consist of the following:

13.611 A yearly summary detailing the activities and accomplishments relevant to the endowed position in the preceding academic year

13.612 An updated curriculum vitae for the holder of the endowed position

13.613 A financial analysis describing how the funds (if any) were used during the preceding academic year

13.7 Renewal

A review and recommendation concerning the renewal of the incumbent will take place in the fall of the last remaining year of the appointment. These reviews and recommendations will be conducted by the school/director/department chair and the dean if the incumbent is a school/director/department chair or if the endowed academic position supports an interdisciplinary program; otherwise the review will be conducted by the provost and vice president for academic affairs if the incumbent is a dean. At the discretion of the administrator charged with responsibility for the review, a review committee may be appointed by the provost, in consultation with vice president for Institutional Advancement, to assist in the process. Recommendations concerning renewal will be approved through established channels of command. The recommendation will be submitted to university president for final decision.

13.71 Renewal Process

13.712 The candidate will submit a statement or letter of application for reappointment by November 1 of the last year of his or her appointment. Applications shall be sent to the school director/department chair or dean if the candidate is a school director/department chair, or if the endowment supports an interdisciplinary program, to the provost/vp for academic affairs if the candidate is a dean (hereafter "the Administrator"). A detailed work plan for the next term of appointment will be included.

13.713 The Administrator may establish a review committee with the approval of the provost/vp of academic affairs and the vice president of advancement. The committee will consist of a minimum of three tenured professors and shall be constituted as follows:

13.7131 At least one of the committee members must be a tenured professor from the school/department or academic field within the college related to the endowed position.

13.7132 Preference for committee membership should be given to faculty members who currently hold endowed positions within or outside UTPB.

13.714 The committee will be provided with a current CV, annual reports, and other pertinent documents, such as major publications, a dossier or portfolio, containing some of the faculty member's most significant work or accomplishments during the endowment period.

13.715 The committee may schedule a meeting with the candidate to review or discuss his or her accomplishments, the plans of the candidate if the position is renewed, and future expectations for the position.

13.716 The committee will review all the relevant information to determine if the faculty holding the endowed position has:

13.7161 Fulfilled the conditions of the gift and performed any specific duties identified at the time of appointment.

13.7162 Demonstrated continued excellence in teaching, research, creative activity, scholarship, and service.

13.7163 Fulfilled compliance requirements, such as submitting annual reports or using the allocated funds to meet the goals of the endowed position.

13.7164 Actively participated in service activities for his or her home department, college, and institution.

13.7165 Exhibit appropriate professional conduct consistent with the values of the University.

13.717 The committee will submit a formal written review and recommendation to the Administrator no later than February 15.

13.718 The administrator will thereafter prepare his or her evaluation and provide a written recommendation, together with the committee's written review, if any, to the next level of review by March 1. If the administrator determines that the candidate is not fulfilling the expectations of the endowed position, the administrator shall inform the candidate and submit a recommendation to the next level of review, indicating the endowed appointment should not be renewed. The candidate shall have the opportunity to discuss this recommendation with the administrator before the recommendation is submitted to the next level of review. The title is maintained by the professor until a final recommendation is made by the president.

13.719 All subsequent levels of review shall be compiled, along with previous recommendations and the committee's written review, to provide a written recommendation to the next level of review by the first of the following month (e.g., April 1). This process will culminate with the review by the president whose decision is final. The President's review will include documentation related to the academic performance and the professional conduct. Utilizing any recommendations or committee written reviews, the president will consider how the candidate meets any requirements or terms that the donor may have specified.

13.720 The President may revoke any endowed position at any point during the term if the academic performance or the professional conduct warrants removal. The decision of the President is final.

13.8 Fiscal Policies:

13.81 Subject to conditions or restrictions required by the donor(s) and consistent with guidelines approved by the UT System Board of Regents for the endowment of an academic position, distributions from the endowment may be used for a reasonable amount of salary support as approved by the appropriate dean and the provost/vp for academic affairs, to supplement the salary of the candidate who is selected to hold the position, and to provide professional support for the position.

13.82 Signature authority for expenditure accounts for endowed positions shall be given only to the recipient and the dean. If the recipient is a dean, then signature authority will also be given to the provost/vp for academic affairs. Established approval routing procedures for all expenditures must be followed.

13.83 When an incumbent leaves the position, the dean shall be responsible for notifying the provost/vp for academic affairs who shall then notify the vice president of advancement and all other appropriate UTPB officials. Endowed position funds will not be expended if a position is vacant, except with the joint approval of the provost/vp for academic affairs and the vice president for Advancement, and only to extent allowed by the donative instrument.

13.9 Endowment Responsibilities:

The Vice President of Advancement or designee will maintain a list of:

13.91 All endowed academic positions available at the UTPB.

13.92 The purpose of each endowed position.

13.93 The qualifications and restrictions designated by the donor.

13.94 The individuals currently serving in endowed positions.

13.95 Annual reports from each endowed position.

13.96 The annual financial report from each endowed position.

13.97 An ongoing list of faculty awarded endowments located on the Advancement website.

13.100 Routine Audit

All endowments for academic positions will be subject to periodic audit.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s):

[The University of Texas System Board of Regents' Rules and Regulations Rule 60202, Endowed Academic Positions](#)

D. Dates Reviewed or Amended

UT PERMIAN BASIN - HOP PART 1 – SECTION
14: PERIODIC PERFORMANCE EVALUATION
OF TENURED FACULTY

14.1: PERIODIC PERFORMANCE EVALUATION OF TENURED FACULTY

A. Policy

14.11 Annual Review

14.12 Every School or College shall conduct an annual review of all full-time faculty. It is the responsibility of each School or College to determine how this review will be conducted. As part of this annual review, faculty members shall provide an annual report including evidence of teaching effectiveness, scholarly productivity, service and other professional or creative activities. As a result of this annual review, each faculty member shall receive written evaluations from their Departmental Chair (where applicable) and Dean.

14.13 The annual review process is intended to be the mechanism for identifying faculty who do not meet minimum performance expectations for teaching, scholarship, and service. Through the use of the annual review, the faculty member should have the opportunity to correct any deficiencies that may influence the post tenure review.

14.2 Additional Evaluation of Tenured Faculty

The following policy satisfies the U.T. System Regents' requirement for periodic performance evaluation of tenured faculty (hereafter referred to as post tenure review) at The University of Texas of the Permian Basin. Guidelines are contained in the U.T. System Board of Regents' Rules and Regulations Rule 31102. Tenured faculty will be reviewed every six years. (The six-year review is to be a historical assessment of the faculty member's performance, while the annual review is strictly for the achievements of that particular year.) Written individual notice of at least six months will be provided by the Dean.

Notice must be given in the spring of the academic year for review in the fall of the academic year. This notice will include a list of the materials which the faculty member will be required to submit or arrange to have submitted:

Copies of the last six annual reports.
Student course evaluations.

Copies of written annual evaluations from the departmental Chair (where applicable) and the Dean for the review period, these evaluations to be provided to the faculty member by the Dean's office.

A current curriculum vitae.

A summary statement of teaching, scholarship, administration. Service accomplishments for the past six years.

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In addition, the faculty member may provide a statement of professional goals, a proposed professional development plan, and any other materials the faculty member deems appropriate. The faculty member will submit these materials to the PTR (Post Tenure Review) committee.

14.3 Post Tenure Review Committee

14.31 The six-year review will be carried out by a standing University committee elected by the Faculty Assembly for staggered two year terms. Committee members may not be scheduled for post tenure review and, if possible, should not serve on tenure, promotion, and retention or annual faculty review committees for the duration of their term. The Post Tenure Review Committee shall consist of six members. One member will be elected from each school or college. Two at large members and an additional at large member who will serve as an alternate will be elected by the Faculty Assembly. The alternate will attend all meetings of the committee. The members and alternate must be tenured associate or full professors. At its first meeting, the Post Tenure Review Committee shall elect its own chair who will be a voting member of the committee.

14.4 Procedures

14.41 Post tenure review of the faculty members shall be conducted by the Post Tenure Review Committee and the Dean independently. The faculty member will be provided with an opportunity to meet with the committee.

14.42 The Chair of the Post Tenure Review Committee shall communicate to the faculty member in writing a preliminary report of the committee's recommendation with regard to post tenure review. The faculty member will have an opportunity to respond in writing to the committee's report. Faculty will be allowed to respond to the Post Tenure Review Committee within two weeks of receipt of the preliminary report, prior to the preparation of the final report, and will be given the opportunity to add additional material if so desired. The committee's final report will be forwarded to the Dean and the faculty member.

14.43 The Dean shall inform the faculty member, in writing, of his or her recommendation with regard to post tenure review. The faculty member will have an opportunity to respond in writing and in person to the Dean.

14.44 If the Dean and the Post Tenure Review Committee conclude that the faculty member is meeting his or her academic responsibilities, the dean shall then inform the Departmental Chair (where applicable), the Provost and Vice President for Academic Affairs and the President, and the current review process shall end.

14.45 If the Dean and/or the Post Tenure Review Committee conclude that the faculty member is not meeting his or her academic responsibilities, then both recommendations shall be forwarded to the Provost and Vice President for Academic Affairs and the President for review and appropriate action, and the Departmental Chair (where applicable) shall be informed.

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14.5 Outcomes

14.51 For individuals found to be performing well, the post tenure evaluation may be used to determine nomination for awards or other forms of performance recognition.

14.52 For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used as evidence of a need for such support (e.g. teaching effectiveness assistance, counseling, or mentoring in research/service expectations).

14.53 If a faculty member is so deficient in meeting his or her comprehensive academic responsibilities that termination is considered, such action must be only for incompetency, neglect of duty, or other good cause shown and must be conducted in accordance with the due process requirements of the Regents' Rules and Regulations Rule 31008.

14.6 Variances

The evaluation may not be waived but may be deferred if a faculty member is promoted, appointed, or reappointed to an endowed position, this type of evaluation serves as a six-year review. A faculty member may appeal to his or her Dean to have the review delayed due to special circumstances not covered in the above statement.

14.7 Monitoring

It shall be the charge of the Faculty Affairs Committee of the Faculty Senate to review this process and report its findings annually to the Faculty Senate, the Provost and Vice President for Academic Affairs and the President. If its findings warrant, the committee shall recommend revisions of these procedures.

B. Procedure

Not Applicable.

C. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)

[The University of Texas System Board of Regents' Rules and Regulations Rule 31102, Evaluation of Tenured Faculty](#)

D. Dates Reviewed or Amended

February 27, 2019.

**UT PERMIAN BASIN - HOP PART 1 – SECTION
15: CURRICULUM CHANGE AND
SUBSTANTIVE CHANGE PROCEDURES**

15.1: Substantive Change Procedures Required to Obtain Southern Association of Colleges and Schools Commission on Colleges Approval

A. Purpose

The purpose of this policy is to establish institutional procedures for recognizing and approving substantive changes in order to ensure compliance with the current version of Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) [Substantive Change Policy and Procedures](#). This policy outlines the procedures which UTPB must follow to comply with the SACSCOC policy, Substantive Changes for SACSCOC Accredited Institutions, in adherence with U.S. Department of Education regulations (34 CFR 602.22). **Non-compliance with this policy may jeopardize The University of Texas Permian Basin's (UTPB) accreditation and subject UTPB to associated sanctions and penalties from SACSCOC and the U.S. Department of Education.**

B. Persons Affected

This policy applies to any UTPB employee who can initiate, review, or approve changes that are considered substantive according to the current version of the [SACSCOC Substantive Change Policy and Procedures](#). In academic affairs, this includes faculty, assistant and associate deans, deans, vice provosts, and the provost. Other university officials in the Office of Research, Procurement Management, or the International Center might be asked to review or approve a substantive change initiative. Further, a substantive change may come directly to the attention of the president or vice presidents. These individuals are responsible for timely notification of substantive changes to the Associate Provost for Policy and Program Coordination, who is responsible for notifying or seeking approval from SACSCOC as appropriate for the substantive change.

C. Policy

SACSCOC must approve all changes proposed by UTPB considered to be substantive according to its policy, *Substantive Changes for SACSCOC Accredited Institutions* found on the [SACSCOC website](#). This approval must be granted **prior** to implementation of changes. Materials will be submitted to SACSCOC for approval in addition to required institutional, University of Texas System (UT System) and Texas Higher Education Coordinating Board (THECB) approvals as needed.

Before the implementation of any potential substantive change, programs, departments, colleges, and schools will follow the approval process set forth below. This includes timely notification of substantive changes to the University's employee designated as its SACSCOC Liaison. The SACSCOC Liaison/Associate Vice President (AVP) for Academic Affairs is responsible for documenting substantive changes and submitting notifications and prospectuses to SACSCOC. Please contact the SACSCOC Liaison upon becoming aware of any potential substantive change.

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D. SACSCOC Definitions and Compliance

Substantive Change: Substantive change is defined by SACSCOC as a significant modification or expansion of the nature and scope of an accredited institution. Substantive change includes high-impact, high risk changes and changes that can impact the quality of educational programs and services.

The following changes are considered substantive under federal regulations and must be approved by SACSCOC prior to implementation:

- Substantially changing the established mission or objectives of an institution or its programs.
- Changing the legal status, form of control, or ownership of an institution.
- Changing the governance of an institution.
- Merging / consolidating two or more institutions or entities.
- Acquiring another institution or any program or location of another institution.
- Relocating an institution or an off-campus instructional site of an institution (including a branch campus).
- Offering courses or programs at a higher or lower degree level than currently authorized.
- Adding graduate programs at an institution previously offering only undergraduate programs (including degrees, diplomas, certificates, and other for-credit credential).
- Changing the way an institution measures student progress, whether in clock hours or credit-hours; semesters, trimesters, or quarters; or time-based or non–time-based methods or measures.
- Adding a program that is a significant departure from the existing programs, or method of delivery, from those offered when the institution was last evaluated.
- Initiating programs by distance education or correspondence courses.
- Adding an additional method of delivery to a currently offered program.
- Entering into a cooperative academic arrangement.
- Entering into a written arrangement under 34 C.F.R. § 668.5 under which an institution or organization not certified to participate in the title IV Higher Education Act (HEA) programs offers less than 25% (notification) or 25-50% (approval) of one or more of the accredited institution's educational programs. An agreement offering more than 50% of one or more of an institution's programs is prohibited by federal regulation.
- Substantially increasing or decreasing the number of clock hours or credit hours awarded or competencies demonstrated, or an increase in the level of credential awarded, for successful completion of one or more programs.
- Adding competency-based education programs.
- Adding each competency-based education program by direct assessment.
- Adding programs with completion pathways that recognize and accommodate a student's prior or existing knowledge or competency.
- Awarding dual or joint academic awards.
- Re-opening a previously closed program or off-campus instructional site.

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- Adding a new off-campus instructional site/additional location including a branch campus.
- Adding a permanent location at a site at which an institution is conducting a teach-out program for students of another institution that has ceased operating before all students have completed their program of study.
- Closing an institution, a program, a method of delivery, an off-campus instructional site, or a program at an off-campus instructional site

Other substantive changes, including those required by federal regulations, include:

- An institution is required to notify or secure SACSCOC approval prior to implementing a substantive change.
- An institution is responsible for maintaining compliance at all times with Standard 14.2 (Substantive change) of the Principles of Accreditation and with the Substantive Change Policy and Procedures and related policies, viz.,
 - [Advertising and Student Recruitment](#) [PDF];
 - [Agreements Involving Joint and Dual Academic Awards](#) [PDF];
 - [Credit Hours](#) [PDF];
 - [Direct Assessment Competency-based Educational Programs](#) [PDF];
 - [Distance and Correspondence Education](#) [PDF];
 - [Dual Enrollment](#) [PDF];
 - [Merger/Consolidation, Acquisition, Change of Ownership, and Change of Governance, Control, Form, or Legal Status](#) [PDF]; and
 - [Seeking Accreditation at a Higher or Lower Degree Level](#) [PDF].
- An institution is required to have a written substantive change policy and procedure. It must be approved through institutional processes and published in institutional documents accessible to those affected and to the public. The purpose of the institution's substantive change policy and procedure is to ensure all substantive changes are reported to SACSCOC in a timely fashion as required by Substantive Change Policy and Procedures. Institutions are responsible for implementing and enforcing their substantive change policy and procedure.
- An institution's fiscal and administrative capability to operate off-campus instructional sites is assessed when a new site is reviewed for approval and as part of decennial and fifth year interim reviews.
- A new off-campus instructional site is subject to a substantive change committee visit. A committee visit, when necessary, is authorized when a site is approved. The committee visit ensures the site has the personnel, facilities, and resources identified by an institution in its application or prospectus and ensures the quality of instructional and support services offered at the site.
- Different or additional requirements apply to an institution on SUBSTANTIVE CHANGE RESTRICTION. Restriction applies if an institution has been placed on Warning, Probation, or Probation for Good Cause over the prior three academic years, or if an institution is under provisional certification for participation in federal financial aid programs.

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An institution is required to submit an institutional contingency teach-out plan to SACSCOC within 30 days of notification if the institution is placed or continued on Probation or Probation for Good Cause, or if the institution meets conditions enumerated in the procedures section of this policy originating from the U.S. Department of Education or state authority.

The SACSCOC Board of Trustees has approved additional substantive changes that require notification and, in some cases, approval prior to implementation.

Each substantive change type described in the procedures for [SACSCOC Substantive Change Policy and Procedures](#) for institutional changes, for program changes, and for off-campus instructional site changes – is accompanied by a graphical summary of the principal requirements:

1. The change requires either
 - Notification,
 - Approval, or
 - Notification and Approval
2. A committee visit is either
 - Required,
 - Contingent on institutional characteristics, or
 - Not required
3. A fee to review the substantive change is either
 - Yes or
 - No (see the Fee and Expenses section of the SACSCOC Substantive Change Policy for amounts; committee visit fees and expenses are separate)
4. The type of substantive change is subject to additional or different requirements if the institution is on SUBSTANTIVE CHANGE RESTRICTION, either
 - Yes -or-
 - No

E. Responsibilities

1. Institutional Level (Non-Academic or Administrative-Related) Substantive Changes

Deadlines: Institutional level substantive change deadlines vary depending on the type of change. Work with the SACSCOC Liaison/Associate Vice President for Academic Affairs for UTPB to ensure timely submission of material. It takes a minimum of six months for submissions to be processed by the SACSCOC.

- I. President (or his/her designated representative) Duties:
 - a. Be aware of the substantive change policy and recognize potential institutional level substantive changes;
 - b. Inform the SACSCOC Liaison of any proposed institutional level substantive change in the form of a draft notification letter with ample time for the SACSCOC

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Liaison to provide the information to the SACSCOC for approval in advance of the proposed implementation date;

- c. Obtain University, UT System and THECB approval before submission to the SACSCOC for approval (if the change is not initiated by UT System);
- d. Provide the SACSCOC Liaison the necessary information and documentation required by the SACSCOC substantive change policy (upon receipt of required approvals at university and state levels); and
- e. Ensure the change is not implemented until SACSCOC approval is obtained.

2. **Academic Related Substantive Changes (College/Department/Program Level)**

At the earliest stage of consideration of an academic-related change, the college dean will discuss development with the SACSCOC Liaison. If the proposal is supported by the Provost and SACSCOC Liaison and determined to be substantive for SACSCOC purposes, the college dean and the appropriate department will work with the SACSCOC Liaison to request SACSCOC approval. (In conjunction with SACSCOC approval, a proposal that is substantive must also receive institutional, UT System and THECB approval.)

Deadlines: For a substantive change requiring approval by the full SACSCOC Board of Trustees (which meets biannually), to be implemented after the date of the Board meeting, the submission deadlines are

- **March 15** for review at the Board’s biannual meeting in June of the same calendar year, and
- **September 1** for review at the Board’s biannual meeting in December of the same calendar year.

For a substantive change requiring approval by the SACSCOC Executive Council of the Board of Trustees (which meets year-round)

— OR —

for a substantive change requiring notification only, the submission deadlines are

- **January 1** for changes to be implemented July 1 through December 31 of the same calendar year, and
- **July 1** for changes to be implemented January 1 through June 30 of the subsequent calendar year

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I. College Dean Duties:

- a. Be aware of the substantive change policy and recognize potential academic-related substantive changes;
- b. Monitor substantive change proposals related to academic degree programs, certificates and courses within the college;
- c. Obtain consultation and feedback from the Dean’s Council, and the Provost and Vice President of Academic Affairs before initiating any changes;
- d. Secure approval for the budget through the Provost and Vice President of Business Affairs (if funding is necessary);
- e. Initiate the approval process through the Provost and SACSCOC Liaison;
- f. Work with the appropriate department to provide the materials needed for University, UT System, THECB, and SACSCOC approvals;
- g. Ensure that any advertisement of the proposed change includes the language that it is “pending SACSCOC approval”; and
- h. Ensure the change is not implemented until SACSCOC approval is obtained.

II. Provost and Vice President for Academic Affairs Duties:

- a. Be aware of the substantive change policy and recognize potential academic-related substantive changes;
- b. Consult with college deans and provide feedback on the development of possible substantive change proposals related to academic degree programs, certificates and courses;
- c. Work with the Vice President of Business Affairs to identify funding for new proposals (if necessary);
- d. After Faculty Senate approval (Not required for Graduate Level Programs) and if the proposal is supported by the Provost, approve the substantive change proposal and route it to the President;
- e. After President’s approval, send the substantive change proposal to the THECB through UT System;
- f. Notify the SACSCOC Liaison that the proposal has been submitted to the THECB through UT System for approval;
- g. Communicate approval by the THECB to the University;
- h. Ensure that any advertisement of the proposed change includes the language that it is “pending SACSCOC approval”; and
- i. Ensure the change is not implemented until SACSCOC approval is obtained.

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III. President (or his/her designated representative) Duties:

- a. Be aware of the substantive change policy and recognize potential academic-related substantive changes;
- b. Work with the Provost to monitor all substantive change proposals related to academic degree programs, certificates and courses; and
- c. After Provost approval, provide executive level approval for the University.

IV. **SACSCOC Liaison for all substantive changes** Duties:

- a. Assist the University in complying with SACSCOC policy and procedures on substantive change and reporting substantive changes to the SACSCOC;
- b. Maintain information on SACSCOC substantive changes submitted by the University to the SACSCOC;
- c. Oversee the process of preparing appropriate notification of the substantive change and materials needed for approval according to SACSCOC requirements;
- d. Coordinate with SACSCOC and the appropriate University representative concerning needed actions and follow up activities;
- e. Inform the appropriate University personnel when SACSCOC approval is obtained (the President for institutional level changes and the President, the Provost, the appropriate Dean/Associate Dean for academic-related changes); and
- f. Make recommendations for updating this policy as SACSCOC policies and principles change.

F. Procedures

Substantive changes cannot be implemented by UTPB until SACSCOC has been notified and, if applicable, approval is obtained. To ensure compliance with the SACSCOC substantive change timeline, those proposing any change must notify the SACSCOC Liaison/Associate Vice President for Academic Affairs well in advance of the implementation.

Substantive Changes Requiring Notification: For substantive changes requiring only notification, UTPB must submit a letter of notification to SACSCOC prior to implementation. Letters of notification are accepted by SACSCOC throughout the academic year but must be received prior to implementation of the change.

Substantive Changes Requiring Approval: For substantive changes requiring approval, UTPB must submit a prospectus and other documentation to SACSCOC prior to implementation. Certain types of changes requiring approval must be submitted to SACSCOC as much as one year in advance of implementation. Changes requiring approval will not be implemented by UTPB until approved by SACSCOC.

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Notifying the SACSCOC Liaison/Associate Vice President for Academic Affairs: Notifications regarding anticipated substantive changes must be submitted to the SACSCOC Liaison/AVP for Academic Affairs in writing using the **Substantive Change Action Plan form**.

Other Approvals: Depending on the nature of the change, substantive changes in an academic program must be submitted to the UT System Board of Regents, THECB, and/or SACSCOC. If a unit has implemented any program that may be considered a substantive change without notification to the SACSCOC Liaison, it is their responsibility to do so immediately.

G. Related Statutes or Regulations, Rules, Policies, or Standards

[Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter C, Rule 5.45](#) – Criteria for New Baccalaureate and Master’s Degree Programs

[Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter C, Rule 5.46](#) – Criteria for New Doctoral Programs

[Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter P, Rules 4.255 through 4.264](#)- Approval of Distance Education Courses and Programs for Public Institutions

[Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter D, Rule 5.76](#)- General Principles for Off-Campus Educational Units

The University of Texas Permian Basin HOP Faculty Policies- Section 15.2 - Curriculum Changes

[The University of Texas System Regents’ Rules and Regulations, Rule 40307](#), Academic Program Approval Standards

SACSCOC - [The Accreditation Liaison](#)

SACSCOC - [Substantive Change Policy and Procedures](#)

U.S. Department of Education [34 CFR 602.22](#)

H. Dates Reviewed or Amended

Reviewed: 3/10/2021; 7/1/2021

15.2: Curriculum Changes

A. Purpose

The purpose of this document is to provide the policies and procedures for making curriculum changes.

B. Persons Affected

This policy applies to University of Texas Permian Basin (UTPB) faculty and other positions involved with curriculum changes.

C. Policy

The curriculum change policy ensures all constituencies responsible for course delivery and accreditation are involved in the process.

D. Procedures

1. Curriculum changes originate with the department or program faculty and are routed on campus through the Department curriculum committee (if existent), the department chair, College Curriculum Committees (if existent), college deans, Undergraduate Curriculum Committee or Graduate Curriculum Committee as appropriate, the Faculty Senate or Graduate Council as appropriate, to the Vice President of Academic Affairs, and the President. They then will go to the University of Texas System, Texas Higher Education Coordinating Board (THECB), and the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) for approval when required.
2. After on-campus routing, curriculum changes that require THECB approval will be sent from the President to the Executive Vice Chancellor for Academic Affairs at the UT System. These curriculum changes must be approved by the UT System prior to forwarding to the THECB and to SACSCOC when appropriate.
3. Curriculum changes to courses included in the state-specified undergraduate general education core curriculum must be voted upon by the Faculty Senate and are passed with a simple majority vote.

E. Definitions

1. College – An academic unit organized within the university, which is usually comprised of many departments, or provides programs in multiple academic specialties, or professional instruction. This academic unit may be referred to as a college or school, and is led by a dean reporting to the Vice President of Academic Affairs.
2. Curriculum change - Refers to, but is not limited to, any additions, deletions, or revisions to courses, programs, degrees, majors, and certificates, including the requirements for admission, progression, and completion.

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3. Department – An academic unit organized within a college, usually devoted to a particular academic discipline. This academic unit may be referred to as a department, college, or center, and the unit’s head (usually a chair or director) reports to the dean of the college.

F. Related Statutes or Regulations, Rules, Policies, or Standards

[The University of Texas System Board of Regents’ Rules and Regulations Rule 40307, Academic Program Approval Standards](#)

[Texas Higher Education Coordinating Board Rules §§ 4.21-38, Transfer of Credit, Core Curriculum and Field of Study Curricula](#)

[Texas Higher Education Coordinating Board Rules §§ 4.101-4.104, Learning Outcomes for Undergraduate Courses](#)

[Texas Higher Education Coordinating Board Rules §§ 5.44-5.55, Approval of New Academic Programs at Public Universities, Health-Related Institutions, and Review of Existing Degree Programs](#)

G. Dates Reviewed or Amended

November 1, 2019.