

Handbook of Operating Procedures

TENURE-TRACK FACULTY EVALUATION, REAPPOINTMENT, and TENURE APPLICATION

A. Purpose

The purpose of this policy is to provide the rules and procedures regarding the evaluation and reappointment of tenure-track faculty, and the award of tenure and promotion at The University of Texas Rio Grande Valley (UTRGV).

B. Persons Affected

This policy applies to all tenure-track faculty and to those evaluating tenure-track faculty performance.

C. Policy

1. UTRGV is committed to serving society through the excellence of its faculty, students, and staff. To meet UTRGV's commitment to improving the quality of life of the Rio Grande Valley and beyond, faculty members are expected to perform at the highest levels in their respective disciplines and fields, continuously striving for distinction. Every UTRGV faculty member should present a distinguished record as a scholar, educator, and colleague. UTRGV faculty must attain a successful and high-quality record of research, scholarship, and/or creative work that projects a clear, coherent, and independent identity as a scholar. As educators, UTRGV faculty must establish a teaching profile that demonstrates growth, impact, and student success. With the awarding of tenure and promotion to the next rank, UTRGV expects that faculty members will continue providing intellectual leadership in their research and teaching, and model professionalism in all their work, including service and shared governance activities. It is the policy of UTRGV to retain tenure-track faculty who, through the performance of their duties, achieve these high standards and values with sustained commitment to professionalism and to UTRGV's mission. To this end, tenure-track faculty members at UTRGV will be evaluated yearly.
2. It is the policy of UTRGV to evaluate tenure-track faculty performance in teaching, research, service, university-related patient care (as applicable), or university-related administration (as applicable) comprehensively on a yearly basis; to uphold academic freedom when evaluating tenure-track faculty and in awarding tenure and promotion; to provide guidance for continued and meaningful tenure-track faculty development that assists tenure-track faculty with their progress towards tenure and promotion; and to assure that tenure-track faculty are meeting their responsibilities to UTRGV.

D. Procedures

1. *Reappointment, Tenure, and Promotion – General Principles*

- a. Regents' Rule Precedence – This policy is intended to be consistent with the policies set forth in [Rule 31007, Tenure](#); [Rule 31008, Termination of a Faculty Member](#); [Rule 31002, Notice of Nonrenewal to Non-tenured Faculty Members](#); and [Rule 31001, Faculty Appointments and Titles](#), of the *Rules and Regulations* of the Board of Regents of The University of Texas System ("*Regents' Rules*").
- b. Values and Expectations – UTRGV adopts the Statement of Values and Expectations, pursuant to [Rule 10901, Statement of U.T. System Values and Expectations](#), of the *Regents' Rules*.
- c. Ethics – UTRGV receives guidance for evaluation of professional ethics from the American Association of University Professors (AAUP) [Statement on Professional Ethics](#), originally adopted in 1966, and revised in 1987 and 2009, in determining standards for professionalism.
- d. Academic Freedom – UTRGV receives guidance for evaluation of academic freedom from the American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure (with 1970 Interpretive Comments) in defining and upholding the academic freedom of its faculty.
- e. Awarding Tenure – Tenure at UTRGV is a long-term commitment, thus it should be awarded only when there is a clear case that doing so is in the best interest of UTRGV. Tenure and promotion is not solely a reward for performance during the probationary period; rather, it is a deliberate act taken after comprehensive evaluation of the faculty member's past performance and potential for continued contributions to UTRGV's mission and vision.
- f. Tenure – Tenure denotes a status of continuing appointment as a member of the faculty at UTRGV. Tenured faculty shall remain tenured until retirement or resignation unless terminated because of: (1) abandonment of academic programs (Section 2, [Rule 31003 Abandonment of Academic Positions or Programs](#), *Regents' Rules*); (2) financial exigency (Section 3, [Rule 31003](#), *Regents' Rules*); or good cause (Section 1, [Rule 31008 Termination of a Faculty Member](#), *Regents' Rules*).
- g. Tenure-Track Title – 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. Tenure-track faculty are in a period of probationary service and will be evaluated annually.
- h. Titles Eligible to Hold Tenure – Only members of the faculty with the academic titles of professor or associate professor may hold tenure. When an assistant professor is granted tenure, the assistant professor will also be promoted to the rank of associate professor.
- i. Appointment with Tenure – Tenure may be granted at the time of initial hiring and appointment to the rank of associate professor if all the following conditions are met.
 - i. The individual has an outstanding record of achievement in teaching, research/

scholarship/creative-work, and service that warrants immediate tenure.

- ii. The individual is recommended for immediate tenure by a majority of the department's tenured faculty, Department Chair, college Dean, Provost, and the President; and the recommendation is approved by the Executive Vice Chancellor for Academic Affairs and the UT System Board of Regents.

2. *Probationary Period and Academic Service*

- a. Calculation of Service – As defined by [Regents' Rule 31007](#), 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:
 - i. If a faculty member is initially appointed at UTRGV 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 Provost, any work that occurs after the first date of employment may be counted toward meeting tenure requirements.
 - ii. One year of probationary service is accrued by full-time academic service during any academic year.
 - iii. A faculty member is considered to be on full-time academic service when in full compliance with *Regents' Rules* and institutional standards pertaining to minimum faculty workloads. See UTRGV Handbook of Operating Procedures Policy [ADM 06-501, Faculty Workload](#).
- b. Leaves of Absence – The periods during which a tenure-track faculty member is on approved leave of absence, except faculty development leave, will not count toward the maximum probationary period. The tenure-track faculty member can, however, obtain approval to have the period while on an approved leave of absence counted by submitting a written request. The written request must be approved by the tenure-track faculty member's Department Chair, college Dean, and the Provost.
 - i. The period a tenure-track faculty member is participating in the Faculty Development Leave Program will be counted toward the maximum probationary period and the tenure-track faculty member is required to undergo the performance evaluation that year.
 - ii. For other types of authorized leave, expectations for annual performance will be negotiated between the tenure-track faculty member and Department Chair; these written expectations must be approved by the Dean and the Provost, and in compliance with existing HOP policies on leave and leave administration (see, e.g., HOP ADM 04- 600s policies) as well as any applicable *Regents' Rules* and state and federal laws.

- iii. A tenure-track faculty member who has missed time due to Family Medical Leave Act (FMLA) leave shall be reviewed only on the basis of actual time worked, without penalty for time on FMLA leave (See [HOP ADM 04-608, Family and Medical Leave Act](#)).
- c. Prior Academic Achievements – Any prior academic achievements at other academic institutions, whether inside or outside the UT System, will not be counted toward fulfillment of the required achievements during the probationary period, unless the tenure-track faculty member is successful in negotiating credit for those prior academic achievements. Only the negotiated academic achievements will be counted toward the fulfillment of academic achievement during the probationary period. If credit for those academic achievements is agreed to, the letter offering the tenure-track faculty appointment must specify those specific achievements. A copy of this letter must be included in the application for tenure.
- d. Duration of Probationary Service – The standard probationary period for tenure-track faculty is six (6) years of full-time academic service, although extensions may be granted as provided in this policy. Unless an extension is granted, a tenure-track faculty member must 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. In accordance with [Rule 31002 Notice of Nonrenewal to Nontenured Faculty Members](#) of the *Regents' Rules*, unsuccessful candidates will be notified no later than thirty (30) calendar days prior to the end of the sixth (6th) academic year of probationary service that the subsequent academic year will be the terminal year of employment.
- e. Early Application for Tenure and Promotion – Tenure-track faculty may apply for tenure and promotion earlier than the beginning of their sixth academic year of the probationary period if tenure-track faculty believe that they have attained the extraordinarily rare achievement of fulfilling the high standards and values articulated in this policy before the end of their probationary period. To be considered for an early tenure and promotion review, tenure-track faculty must submit the external review request and dossier in accordance with Pathways. Future considerations for tenure and promotion for tenure-track faculty will not be adversely affected by a denial of an application for early tenure and promotion.
- f. Extension of Maximum Probationary Period – [Rule 31007 Tenure](#) of the *Regents' Rules* 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 tenure-track faculty member;
 - 2. Status of the tenure-track faculty member as a principal caregiver of a preschool child; or

3. Status of the tenure-track faculty member as a principal caregiver of a disabled, elderly, or ill member of the family.
 4. In cases where years of credit from another institution is granted in the Letter of Offer, tenure-track faculty may opt out of this credit following the process for request for extension as discussed immediately below.
- ii. A tenure-track faculty member may request an extension 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 request shall be made by the Provost.
 - 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.
 - iv. Requests for Extension of the Probationary Period
 1. A tenure-track faculty member requesting an extension of the probationary period as provided above shall submit a written request to the Department Chair.
 2. The Department Chair shall make a written recommendation to the Dean within ten business days from receipt of the request.
 3. The Dean shall make a recommendation to the Provost within ten business days from receipt of the Department Chair's recommendation.
 4. The decision regarding the request shall be made by the Provost within ten business days from the date of receipt of the Dean's recommendation.
 - v. 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 provided above, and approval and denial will not be dictated by the prior decision. The maximum cumulative duration of extensions is two academic years, whether consecutive or nonconsecutive.
 - vi. Tenure-track 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 tenure-track faculty in any evaluation or the final tenure or promotion evaluation. A tenure-track faculty member who receives an evaluation that they believe is in violation of this section may request reconsideration or address this issue through the processes outlined in Section D.7 (Disputing Review Results), or Section D.8 (Request for Reconsideration of Non-Renewal Decisions) in this policy.
 - vii. The tenure-track faculty member granted an extension may elect not to use the

extension by notifying the Chair, Dean, and Provost in writing of this decision.

3. *Categories of Performance*

- a. Faculty applicants for tenure and promotion are evaluated based on accomplishments in each of the categories of performance: teaching, research/scholarship/creative-works, service/shared-governance, and, if applicable, university-related patient care and/or university-related administration.
- b. Teaching
 - i. Teaching activities may include, but are not limited to (a) classroom (including traditional, online, and hybrid) and laboratory instruction; (b) development of new courses, laboratories, and teaching methods; (c) development or publication of instructional materials; (d) supervision of undergraduate students, graduate students, medical students, or post-docs; (e) mentoring and coaching students; (f) experiential learning and community engagement activities pertaining to teaching/instruction, such as service learning, student research (including community-based research), and internships/co-ops; (g) competitive funding for instructional and pedagogical development; implementation of tools/practices acquired through professional development workshops; and, (h) innovative teaching and pedagogy.
 - ii. As educators, tenure-track faculty must establish a teaching profile that demonstrates growth, impact, and student success. UTRGV values and holds high expectations for the quality and impact of faculty members' teaching on student success. To that end, the categories of performance in Teaching are as follows: (a) pedagogy, (b) continued development of teaching skills, (c) use of peer feedback in teaching, which includes compliance with UTRGV's [Guidelines for Faculty Peer Observation of Teaching](#) (d) alignment of curricular practices to student needs, (e) engagement with student learning outside the classroom, and (f) participation in development of curricula.
- c. Research, Scholarship, and/or Creative Works
 - i. Research, Scholarship, and/or Creative Work activities are characterized by the creation and dissemination of new knowledge or creative works and may include but are not limited to: (a) peer-reviewed publications of the faculty member's research that have been published or accepted for publication in department-determined appropriate outlets; (b) visual or other artistic contributions in competitive regional and national exhibitions; (c) adjudicated performances; (d) development of intellectual property, such as patents and licenses; (e) competitive, external research funding; (f) community-based participatory research; and, (g) other community-based research, scholarship, and/or creative work activities appropriate to the faculty member's academic discipline.

- ii. UTRGV faculty must attain a successful and high-quality record of research, scholarship, and/or creative work that projects a clear, coherent, and independent identity as a scholar. The work of faculty in this area should lead to the advancement of knowledge. By achieving these expectations, the faculty member will have demonstrated intellectual leadership. UTRGV values and holds high expectations for the quality and productivity of tenure-track faculty in research, scholarship, and creative work. To that end, the categories of performance in Research are as follows: (a) significance and progress toward national reputation, (b) consistent and increasing record of accomplishment, (c) sustainability of agenda and trajectory, (d) scholarly independence, and (e) quality and impact.

d. Service and Shared Governance

- i. Service activities may include but are not limited to: (a) service to students, colleagues, the department, college, and UTRGV; (b) service to the profession, including academic or professionally related service to disciplinary-based societies, editorial boards, and other educational entities; and, (c) professionally related service and outreach to the community, state, nation, and beyond.
- ii. UTRGV expects faculty members to model professionalism in all their work, including service and shared governance activities. These activities are essential to the life of the university and an important component of faculty profiles. Faculty should conceive of their service and shared governance activities as occurring in three areas: the university and its students, university operations and shared governance, and the profession and community. While faculty should make meaningful contributions in this area and should reflect on the type of service profile that they want to develop at UTRGV, this area is not a major emphasis of their duties. To that end, the categories of performance in Service and Shared Governance are as follows: (a) service and student success, (b) service to university operations and shared governance, and (c) service to the profession and the community.

e. University-Related Patient Care

- i. Factors in evaluating patient care can include, but are not limited to:
 - 1. Patient satisfaction
 - 2. Number of Patient Encounters
 - 3. Telemedicine
 - 4. UTRGV Clinic Work
 - 5. Work Relative Value Units (wRVUs)

f. University-Related Administration

- i. It is extremely rare that tenure-track faculty will have a designated administrative workload. This workload category does not replace the evaluation of tenure-track faculty in teaching, research, and service.

- g. Following Provost procedures for approval, colleges, schools, and departments may draft and distribute Evaluation Guidelines articulating disciplinary criteria for promotion and tenure for the purpose of faculty advising and mentoring. Such criteria should address all faculty performance categories using the template “Tenure and Promotion Guidelines for Tenure-Track Faculty,” draw on national practices in the discipline, and align with the Categories of Performance in this policy.
- h. Disciplinary criteria must not be expressed in lists of requirements, but in the form of general principles and/or multiple comprehensive scenarios of successful cases, either actual (with the faculty member’s name removed) or hypothetical. Such statements will be drafted by the Dean or Department Chair in consultation with appropriate faculty.
- i. College, school, and department Evaluation Guidelines are for the purpose of advising and mentoring faculty and do not substitute for or take precedent over the individualized review and decision of evaluators designated in Pathways.
- j. As the faculty members of the university develop, definitions of excellence and expectations for promotion and tenure should change. If a tenure-track faculty member’s accomplishments do not keep pace with evolving standards of performance for tenure and promotion, then that individual may not be awarded tenure or promotion.
 - i. Revisions to the college, school, or department Evaluation Guidelines will not be applicable to tenure-track faculty for two full academic years after official adoption unless the tenure-track faculty member chooses to be mentored or advised by the changes and affirms that choice in writing to their Department Chair.

4. *Yearly Reviews*

- a. Pathways – The Provost will post the Pathways for Review Deadlines on the office’s web site each year prior to the commencement of reviews and notify the Deans and Department Chairs of the posting. The Pathways will provide the schedule for each level and type of faculty performance review. It is the tenure-track faculty member’s responsibility to be aware of and to follow all Pathways deadlines.
- b. Probationary Reviews – All tenure-track faculty must undergo yearly Probationary Reviews during their probationary period. Probationary Reviews are evaluative, advisory, and qualitative assessments of tenure-track faculty progress toward achieving tenure, which includes comprehensive review of their cumulative work performance in the Categories of Performance each academic year. All of those involved in writing Probationary Reviews are responsible for reading all materials provided by tenure-track faculty.
 - i. Tenure-track faculty in their first year of probationary service will undergo their first probationary review after their first semester of employment.
 - ii. The above Probationary Review may not be waived for any tenure-track faculty member, but may be deferred in rare circumstances, such as when the review

process will coincide with the tenure-track faculty member's approved leave, except Faculty Development Leave – faculty on Faculty Development Leave are not eligible for a deferral. A deferral of more than one year from the scheduled review will not be granted.

- iii. To receive a deferral, the tenure-track faculty member must make a request in writing to their Chair prior to the deadline established by the Provost and receive written approval by the Chair, Dean, and Provost or designees by the deadline.
- iv. The Probationary Review results in a yearly rating of Reappoint to Tenure Track, Needs Improvement, or Remove from Tenure Track (Non-Renewal). A final rating of Needs Improvement shall result in tenure-track faculty working with their Tenure Evaluation and Advisory Committee (see section 4.d below) to create a developmental plan that must be implemented by the tenure-track faculty member during the academic year. This developmental plan must be approved by the Department Chair and College Dean.
- c. Dossier – Tenure-track faculty undergoing Probationary Review and applying for tenure create a dossier of the materials that form the basis for the review at all levels of evaluation. The dossiers of tenure-track faculty must provide clear documentation of their effort and success in the Categories of Performance. In Teaching, a successful profile that documents growth, impact, and student success will include evidence of ongoing development and improvement in teaching quality, which should result in both student success and a positive and professional reputation as an educator. In Research, Scholarship, and/or Creative Work, documenting this achievement requires more than enumerating a list of scholarly products. Tenure-track faculty must demonstrate their achievement in ways that allow for rigorous evaluation of the quality and impact of their work by professional peers both internal and external to the university. In Service and Shared Governance, tenure-track faculty must document the outputs and outcomes of their effort, and when participating in shared governance, they must document their role in the development of policies and decision-making that affect UTRGV. It is important that faculty members under consideration for tenure and promotion make every effort to ensure that the material contained in the dossier is complete, accurate, professional in presentation, and submitted by the deadline contained in Pathways.
- d. Tenure Evaluation and Advisory Committee Review (TEAC)
 - i. Tenure-track faculty shall have a Tenure Evaluation and Advisory Committee (TEAC). TEAC is a committee composed of three to five tenured faculty members whose research expertise is related to the tenure-track faculty member's research expertise. TEAC should be composed of tenured faculty from within the tenure-track faculty member's department but may also include tenured faculty from cognate fields within the college and/or university. A majority of TEAC members, and the chair of TEAC, must be tenured faculty members from within the same department as the tenure-track faculty member. Neither Department Chairs nor Associate Deans may be members or chairs of TEAC.

- ii. The Department Chair selects the potential members of TEAC in consultation with the tenure-track faculty member. Tenured faculty with at least 50% appointment in the department must approve of TEAC membership with a majority vote before the first Probationary Review. TEAC members select the chair.
 - iii. TEAC members and the TEAC chair should stay as consistent as possible throughout the tenure-track faculty member's probationary period. Tenured faculty with at least 50% appointment in the department must approve of TEAC membership changes with a majority vote.
 - iv. TEAC must meet with the tenure-track faculty member at least once a year to discuss that faculty member's progress toward tenure and provide guidance in areas that need improvement, but individual members of TEAC are encouraged to have ongoing communication with the tenure-track faculty member.
 - v. TEAC is responsible for writing Probationary Reviews and making tenure recommendations. All members of TEAC must participate in committee discussions and formulate committee recommendations. Proxy voting is not permitted. Abstentions should be exercised only in limited and unusual circumstances, such as when a conflict of interest has been reported to the Department Chair or College Dean, or other applicable administrator (see section D.9).
 - vi. TEAC must recommend a yearly rating of either Reappoint to Tenure Track, Needs Improvement, or Remove from Tenure Track (Non-Renewal).
 - vii. Any minority reports shall be included with the submission of the Probationary Review. A minority report is a separate report prepared by the member(s) of the committee representing the minority if they disagree with the yearly rating given by the majority.
 - viii. From the time TEAC submits its Probationary Review, tenure-track faculty will receive two business days to advance their dossier to the Department Chair. After two business days, the review will auto-advance to the Department Chair. Tenure-track faculty may add new information to their dossier during those two business days. Tenure-track faculty are not able to appeal or request reconsideration of TEAC's Probationary Review.
- e. Chair and Dean – The Chair and Dean must each provide Probationary Reviews of tenure-track faculty using the Categories of Performance. The Chair and Dean must each recommend a yearly rating of either Reappoint to Tenure Track, Needs Improvement, or Remove from Tenure Track (Non-Renewal).
- i. Reconsideration of Department Chairs' Probationary Reviews – From the time Department Chairs submit their Probationary Reviews, tenure-track faculty will

receive five business days to either request reconsideration or advance their review to the Dean. After five business days, the dossier will auto-advance to the Dean. Within this window of five business days, tenure-track faculty may request reconsideration and include new information in their dossier. Their request for reconsideration goes back to the Department Chair. From the time that Department Chairs receive this request, they have five business days to respond and move the dossier to the Dean. After those five business days, the dossier auto-advances to the Dean. The maximum length of time for reconsideration of Department Chairs' Probationary Reviews is ten business days (five business days for the tenure-track faculty and five additional business days for the Department Chair).

- ii. **Appeal of Deans' Probationary Reviews** – Tenure-track faculty may appeal the result of their Dean's Probationary Review only if the outcome of that review is Remove from Tenure Track (Non-Renewal). Tenure-track faculty will have the opportunity to provide written statements and new information to the Provost (and the University Tenure and Promotion Committee if it is the fourth or fifth Probationary Review) as their dossier is reviewed in the procedure established in section D.4.i below.
- f. **Action Plan** – After each Probationary Review that ends with a rating of Reappoint to Tenure Track, the Department Chair must meet with the tenure-track faculty member to discuss the process and recommendations from the various review levels to develop an action plan to guide the faculty member for the following academic year. The action plan may include recommendations for remediation. The faculty member's progress in response to the action plan will be monitored through subsequent Probationary Reviews.
- g. **Merit** – The outcome of tenure-track faculty's Probationary Review may be used in determining eligibility for merit pay increases, should a merit pay increase be available. To be eligible for a merit pay increase, faculty must be in good standing and meet the requirements outlined in the applicable merit guidelines.
- h. **Third-Year Review** – Tenure-track faculty undergo a Probationary Review at the beginning of their probationary period's third year. This review is cumulative, with TEAC, the Department Chair, Dean, and Provost rendering judgment on the progress toward and prospect of earning tenure and promotion. It is imperative that tenure-track dossiers are complete with all information and documentation necessary for evaluation of their achievements in the Categories of Performance. Tenure-track faculty may request reconsideration of the Third-Year Review written by the Department Chair and Provost. Request for reconsideration of the Third-Year Review follows the procedure outlined in the tenure and promotion reconsideration request (section 5.e).
- i. **Non-Renewal Process for Decisions of Non-Renewal** (see also Section D.7 below)
 - i. If the Dean provides a recommendation of non-renewal in the first or second Probationary Reviews, the Provost will review the file after the Dean. The Provost review is the final review. Unless the faculty member is dismissed for good cause under [Rule 31008 Termination of a Faculty Member](#) (*Regents' Rules*), if the outcome

of the performance review is a recommendation for non-renewal, the Provost or designee shall provide written notice of the decision not to reappoint the tenure-track faculty member according to the following schedule:

1. Notice should be provided no later than March 1st of the first academic year of probationary service if the appointment expires at the end of the academic year.
 2. Notice should be provided no later than December 15th of the second academic year of probationary service if the appointment expires at the end of the academic year
- ii. If the Provost provides a final recommendation of non-renewal in the third Probationary Review, notice should be provided no later than 30 days before the end of the current academic year stating that the subsequent year shall be the terminal academic year of appointment.
 - iii. If the Dean provides a recommendation of non-renewal in the fourth and/or fifth Probationary Reviews, tenure-track faculty will have two days upon the Dean's review being posted to add information to the dossier and move it to the University Tenure and Promotion Committee for its independent Probationary Review. This committee will send its review to the Provost according to Pathways and the Provost will provide an independent Probationary Review. The Provost's review is the final review. Requests for reconsideration of the Provost's review follows the procedure outlined in the tenure and promotion reconsideration request (section 5.e.ii). If the Provost provides a final recommendation of non-renewal, notice should be provided no later than 30 days before the end of the current academic year stating that the subsequent year shall be the terminal academic year of appointment.

5. *Application for Tenure and Promotion*

- a. Tenure-track faculty must prepare their dossier using the Categories of Performance and apply for tenure and promotion by the beginning of the sixth academic year of their probationary period, unless granted an extension as outlined in this policy.
- b. External Reviews – Tenure-track faculty submitting their dossiers for tenure and promotion must follow UTRGV's [External Reviewer Selection Guidelines](#).
- c. Additional Evidence in Categories of Performance – Once tenure-track faculty submit their dossier, they may request to update information contained in their dossier at any time during the review process by contacting their Department Chair. The opportunity to update dossiers is independent of any request for reconsideration or appeal during the review process. Newly included materials cannot be reconsidered by previous review levels.

- d. Review Levels – Tenure-track faculty dossiers for tenure and promotion shall be reviewed by TEAC, their Department Chair, Dean, the University Tenure and Promotion Committee, and the Provost.
- e. Request for Reconsideration of Tenure and Promotion Recommendation – Faculty may request a reconsideration of the tenure and promotion recommendation made by the Department Chair and Provost. For all other levels of review, tenure-track faculty are given two business days from the time that the review is posted to move their dossier to the next level of review. Tenure-track faculty may add new information to their dossier during those two business days. The dossier auto-advances after two business days. For the reconsideration requests of the Department Chair and Provost recommendations, the written request for reconsideration must state grounds for the request and include supporting evidence that will be included in the tenure-track faculty member's dossier. The written response to the tenure-track faculty member must address the substance of the reconsideration request, explaining why the evaluator found the request either to be convincing or unconvincing. The tenure-track faculty member will have the opportunity to view the response.
 - i. Reconsideration of Department Chairs' Tenure and Promotion Recommendation – From the time Department Chairs submit their tenure and promotion recommendation, tenure-track faculty will receive five business days to either request reconsideration or advance their recommendation to the Dean. After five business days, the dossier will auto-advance to the Dean. Within this window of five business days, tenure-track faculty may request reconsideration and include new information in their dossier. Their request for reconsideration goes back to the Department Chair. From the time that Department Chairs receive this request, they have five business days to respond and move the dossier to the Dean. After those five business days, the dossier auto-advances to the Dean. The maximum length of time for reconsideration of Department Chairs' tenure and promotion recommendation is ten business days (five business days for the tenure-track faculty and five additional business days for the Department Chair).
 - ii. Reconsideration of Provost's Tenure and Promotion Recommendation – From the time that the tenure and promotion recommendation is submitted by the Provost, tenure-track faculty will receive ten business days to either request reconsideration or accept the Provost's recommendation. Within this window of ten business days, tenure-track faculty may request reconsideration and include new information in their dossier. Their request for reconsideration goes back to the Provost. From the time the Provost receives this request, the Provost has ten business days to respond. After those ten business days, the Provost's recommendation, and response if necessary, is sent to the President. The maximum length of time for reconsideration of the Provost's recommendation for tenure and promotion is twenty business days (ten business days for the tenure-track faculty and ten additional business days for the Provost).

- f. President's Review – The Provost will make a recommendation to the President, who will make the final UTRGV recommendation to the UT System in accordance with the *Regents' Rules*. This recommendation will be timely communicated to the faculty member.
- g. Board of Regents' Action – The award of tenure requires the approval of the UT System Board of Regents.

6. *Appointments and Reappointments Approval and Notices*

- a. Notice of Reappointment Required – No non-tenured member of the faculty shall expect continued employment beyond the period of their current appointment. Any commitment to employ a non-tenured faculty member beyond the period of their current appointment shall have no force and effect until approved by the President. 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 or 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 Section 5 of [Rule 31007 Tenure \(Regents' Rules\)](#) or in the manner prescribed in Sections 1 and 2 of [Rule 31002 Notice of Nonrenewal to Nontenured Faculty Members \(Regents' Rules\)](#).
- b. Statement of Reasons Not Required – 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 the procedures listed below in Sections D.7 (Disputing Review Results) and D.8 (Request for Reconsideration of Nonrenewal Decisions).

7. *Disputing Review Results*

This policy provides the procedures for disputing professional judgements provided by reviewer(s) in the reviews and renewal decisions addressed by this policy; thus, such disputes must be brought in accordance with the procedures and timelines specified in this policy. Complaints concerning other matters addressed by UTRGV or UT System rules or (e.g., discrimination or sexual misconduct) must be brought in accordance with the applicable UTRGV policy and its procedures (e.g., [ADM 03-100 Non-discrimination and Complaint Procedure](#) or [ADM 03-300 Sexual Misconduct](#)). A grievable action or decision for which there is no other applicable procedure may be brought under [ADM 06-111 Faculty Grievances](#). A faculty member may consult with their Chair, Dean, or the Office of the Faculty Ombuds with questions about applicable policies and procedures.

8. *Request for Reconsideration of Non-Renewal Decisions*

- a. Grievance – In the case where a tenure-track faculty member is not recommended for renewal during their 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 or another individual designated by the President if the grievance pertains to the Provost. For decisions of non-renewal, the Provost or President's designee shall meet with the tenure-track faculty member. Unless a review by a hearing tribunal is requested and granted as specified below, the non-renewal decision shall not be subject to further review.

- b. Requirements for Hearing Tribunal – 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.
- c. Hearing Tribunal Procedures – If the President determines that the alleged facts, if proven by credible evidence, may 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 [Regents Rule 31008, Termination of a Faculty Member](#), as in the case of dismissal for cause, with the following exceptions:
 - i. 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.
 - ii. UTRGV 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.
 - iii. 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.
 - iv. 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.

9. *Professional Responsibilities, Ethical Standards, and Confidentiality*

- a. 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 review information is subject to disciplinary action.
- b. 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. This requirement includes:

- i. The responsibility of each reviewer to identify a situation that would implicate a potential conflict of interest or violation of policy as soon as it arises by reporting it to the appropriate Chair and Dean so that a determination can be made,
- ii. The responsibility of each reviewer to ensure that they do not participate in a review in violation of [Rule 30106](#), Nepotism, of the Regents' Rules, which prohibit a reviewer from reviewing and taking employment actions with respect to family relations. For example, when the faculty member undergoing review has a family relation with the Department Chair or the Dean, the level where the conflict of interest exists will be skipped, and the file will move to the next level, and
- iii. The responsibility of each reviewer to ensure that they do not participate in a review in violation of UTRGV and UT System rules including a review in violation [Rule 30104](#), Conflict of Interest, Conflict of Commitment, and Outside Activities, of the Regents' Rules, which prohibit an employee from having a direct or indirect interest, including financial and other interests, or engaging in a business transaction or professional activity, or incurring any obligation of any nature that is in substantial conflict with the proper discharge of the employee's duties in the public interest.

E. Definitions

1. Academic year – the period from September 1 through the following August 31.
2. College – an academic unit organized within UTRGV, which is usually comprised of many departments 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 a designated Provost or Vice President (VP).
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 or school and the unit's head (usually a Chair or Director) reports to the Dean of the college.
4. Department Chair – administrative leader of an academic unit appointed by the Dean with the concurrence of the appropriate Provost; may refer to the Chair of a Department, the Director of a School, or other equivalent academic unit.
5. Department Evaluation Guidelines – the guidelines developed by the department or college in accordance with this policy that specify performance criteria, requirements and procedures related to the performance reviews of faculty.
6. Pathways for Review Deadlines or Pathways – The schedule distributed by the Provost each year that provides the dates for each level of faculty performance review, e.g., department committee, Chair, Dean, etc.
7. Vice President (VP) – The Vice President with administrative authority regarding the faculty in a college.

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

[The University of Texas System Board of Regents' Rules and Regulations Rule 10901, Statement of U.T. System Values and Expectations](#)

[The University of Texas System Board of Regents' Rules and Regulations Rule 30501, Employee Evaluations](#)

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

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

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

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

[Texas Government Code Section 552.102, Public Information Exception: Confidentiality of Certain Personnel Information](#)

[AAUP Statement on Professional Ethics](#)

G. Dates Reviewed or Amended