

## Handbook of Operating Procedures

### TENURE-TRACK FACULTY APPOINTMENTS, EVALUATIONS, and REAPPOINTMENTS

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#### A. Purpose

The purpose of this policy is to provide the rules and procedures regarding the appointment of tenure-track faculty, the annual review 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.

#### C. Policy

1. UTRGV is committed to retaining tenure-track faculty whose work achieves a high standard of excellence and who demonstrate, through the performance of their duties, a sustained commitment to professionalism and to UTRGV's mission. To this end, tenure-track faculty members at UTRGV will be evaluated annually.
2. It is the policy of UTRGV to evaluate a tenure-track faculty member's performance in teaching, research, service, patient care, or administration (as applicable); to provide guidance for continued and meaningful faculty development that assists the faculty member with their progress towards tenure and promotion; and to assure that faculty members are meeting their responsibilities to UTRGV and the State of Texas.

#### 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. 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.
- e. 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](#)).
- f. 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.
- g. 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.
- h. Appointment with Tenure – Tenure may be granted at the time of initial hiring and appointment to the rank of associate professor or professor if all the following conditions are met.
  - i. The individual has an outstanding record of achievement in teaching, research/scholarship, 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/VP, 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 – 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/VP, 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 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 faculty member's department chair, college dean, and the Provost/VP.
  - i. The period a faculty member is participating in the Faculty Development Leave Program will be counted toward the maximum probationary period and the 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 faculty member and department chair; these written expectations must be approved by the dean and the Provost/VP, 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 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 Service – Any prior academic achievements at other academic institutions, whether inside or outside the UT System, will not be counted toward fulfillment of the required probationary period, unless the faculty member is successful in negotiating credit toward completion of the probationary period for previous academic work, achievements, and experience. Only the work accomplished in the negotiated years will be counted toward the fulfillment of the probationary period. If credit is agreed to, the letter offering the faculty appointment must specify the number of years of credit, and 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.
- 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 – A tenure-track faculty member may apply for tenure and promotion earlier than the beginning of the sixth academic year of the probationary period if the faculty member believes their performance record substantially exceeds the department's evaluation guidelines for tenure and promotion. To be considered for an early tenure and promotion review, the faculty member 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 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.
    4. In cases where years of credit from another institution is granted in the Letter of Offer, faculty may opt out of this credit following the process for request for extension as discussed immediately below.
  - ii. A 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/VP.
  - 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/VP within ten business days from receipt of the Department Chair's recommendation.
4. The decision regarding the request shall be made by the Provost/VP 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. 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. A 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.11 (Disputing Review Results), or Section D.12 (Request for Reconsideration of Non-Renewal Decisions) in this policy.
- vii. The faculty member granted an extension may elect not to use the extension by notifying the chair, dean, and Provost/VP in writing of this decision.

### 3. *Schedule of Reviews*

- a. Pathways – The Provost/VP will post the Pathways for Review Deadlines on their 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 of faculty performance review. It is the faculty member's responsibility to be aware of and to follow all Pathways deadlines.
- b. Tenure-track Evaluations
  - i. All tenure-track faculty will be evaluated for their work performance in teaching, research, service, and patient care, as applicable, each academic year following the schedule set forth in Pathways.
  - ii. Faculty members in their first year of probationary service will be evaluated after their first semester of employment following the schedule set forth in Pathways.

- c. The above tenure-track evaluations may not be waived for any faculty member, but may be deferred in rare circumstances, such as when the review process will coincide with the 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.
- d. To receive a deferral, the faculty member must make a request in writing to their chair prior to the deadline established by the Provost/VP and receive written approval by the chair, dean, and Provost/VP or designees by the deadline.
- e. Application for Promotion and Tenure – All tenure-track faculty applying for tenure and promotion will follow the schedule set forth in Pathways for the external review process and the application process.

#### 4. *Department Evaluation Guidelines*

Each department must develop its own evaluation guidelines that address the performance criteria, requirements, and procedures for the annual, third year, and tenure-and-promotion reviews of tenure-track faculty in accordance with [Appendix A – Department Evaluation Guidelines](#) and [Appendix B – Evaluation/Review Categories and Standards](#). A college may vote to develop guidelines that will be used by all departments within the college.

#### 5. *Annual Tenure-track Evaluation Process*

- a. Dossier – The faculty member must compile and submit their dossier, meeting the requirements outlined in [Appendix D – Dossier Requirements](#), by the deadline stated in Pathways.
- b. Department Committee – A department committee will be established in accordance with [Appendix E – Review Committee Composition and Requirements Regarding the Review](#).
- c. Department Committee, Chair, and Dean Reviews – Each review level must include a written narrative providing an assessment of the faculty member's accomplishments in each review category, e.g., teaching, research, service, and patient care (as applicable). In each review category, the assessment should highlight strengths and weaknesses. The narrative should also address the faculty member's strengths and weaknesses over the period of time on tenure-track, whether or not the faculty member is making progress toward promotion and tenure, and recommendations for improvement. A recommendation regarding reappointment or removal (non-renewal) shall also be provided.
- d. Performance Ratings and Recommendation – Department level reviews shall also rate the faculty member in each evaluation category and provide an overall rating for the annual evaluation period with one of the following four (4) ratings: exceeds expectations; meets expectations; does not meet expectations; or unsatisfactory. An overall rating must also be provided.

- e. If a department Tenure and Promotion Committee that is not a Committee of the Whole recommends that a faculty member on the tenure track not be renewed, the recommendation will be reviewed by the department's tenured faculty, who shall vote (following department policies or procedures) on whether to recommend that the faculty member be renewed or removed from tenure-track. Both recommendations will be included in the faculty member's dossier when the dossier goes to the department chair.
- f. Reconsideration – Faculty may request a reconsideration at each level of review and will be given the opportunity to provide additional documentation supporting the reconsideration request.
- g. Appeal – If the faculty member receives an overall rating of unsatisfactory or does not meet expectations from the dean, the faculty member may appeal to the Provost/VP, who will review the file and provide a final decision.

#### 6. *Tenure-track Evaluation Process for Third-Year Review*

The third (3<sup>rd</sup>) year review will follow the procedures of an annual tenure-track evaluation, with the addition of a review by the college tenure and promotion committee after the department chair's review.

#### 7. *Tenure-track Review Outcomes*

- a. Merit – The outcome of each faculty member's overall annual performance evaluations will be used in determining eligibility for a merit pay increase, should a merit pay increase be available. To be eligible for a merit pay increase, faculty must be in good standing, meet or exceed expectations, and meet the requirements outlined in the applicable merit guidelines.
- b. Action Plan – After each tenure-track evaluation cycle, the faculty member will request to 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. The action plan may include recommendations for remediation. The faculty member's progress in response to the action plan will be monitored through subsequent evaluations.

#### 8. *Non-renewal Process for Decisions of Non-Renewal (see also Section D.11 below)*

- a. If the dean provides a recommendation to non-renew in the first or second year of probationary service, the Provost/VP will review the file after the dean. The Provost/VP 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/VP or designee shall provide written notice of the decision not to reappoint the faculty member according to the following schedule:

- i. 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.
  - ii. 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
- b. In years three through five of the probationary period, if the recommendation of the department tenure and promotion committee or department chair is for non-renewal of appointment the faculty member will also be evaluated by the college tenure and promotion committee, University Tenure and Promotion Committee, and the Provost/VP. If any recommendation by the dean is for non-renewal of appointment, the faculty member will also be evaluated by the University Tenure and Promotion Committee and the Provost/VP. The Provost/VP review is the final review. After two or more academic years, notice should be provided no later than 30 days before the end of the current academic year stating that subsequent year shall be the terminal academic year of appointment

9. *Application for Tenure and Promotion to Associate Professor*

- a. Dossier – Tenure-track faculty members must apply for tenure and promotion at the beginning of the sixth academic year following institutional deadlines, unless granted an extension as outlined in this policy. The faculty member must compile and submit their dossier meeting the requirements outlined in [Appendix D](#) by the deadline stated in Pathways. The dossier should include the faculty member's applicable work during the entire tenure-track probationary period.
- b. Review Committees – Review committees will be established in accordance with [Appendix E - Review Committee Composition and Requirements Regarding the Review](#).
- c. External Reviews – Faculty going up for promotion are required to include external reviews of their research as per the department guidelines, or in departments without such guidelines, as per college or UTRGV guidelines (Guidelines for the Selection of External Reviewers for Faculty Promotion and Tenure) posted on the Provost's website. The process for obtaining external reviews should start in the long semester prior to the application year as outlined in the Pathways.
- d. Review Levels – The faculty member will be evaluated at the department committee, chair, college committee, dean, university committee and Provost/VP levels. Each level of review must include a written narrative providing an assessment of the faculty member's accomplishments in each review category, e.g., teaching research and service, unless otherwise specified. In each review category the assessment should highlight the faculty member's strengths and weaknesses over the period of time on tenure-track, as well as areas for improvement. Each level must also provide a recommendation regarding tenure and promotion.

- e. Performance Ratings – Department-level reviews shall also rate the faculty member in each evaluation category and provide an overall rating for the annual evaluation period with one of the following four (4) ratings: exceeds expectations; meets expectations; does not meet expectations; or unsatisfactory.
- f. Additional Evidence of Work Performance – Once the promotion dossier is submitted, the faculty member may request to update information such as publications or grants with the permission of the departmental committee or chair. Each level of review may submit a request through the faculty portfolio system for additional information from the faculty member to be included in the dossier; this correspondence shall be included with the additional information in the dossier for subsequent review levels to consider.
- g. Request for Reconsideration of Promotion Decisions – A faculty member may request a reconsideration at each of the above levels of review in accordance with Section 2.d in [Appendix E](#).
- h. President’s Review – The Provost/VP 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.
- i. Board of Regents’ Action – The award of tenure requires the approval of the UT System Board of Regents.

#### 10. *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/VP 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.11 (Disputing Review Results) and D.12 (Request for Reconsideration of Nonrenewal Decisions).

### 11. *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.

### 12. *Request for Reconsideration of Non-Renewal Decisions*

- a. Grievance – In the case where a 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/VP or another individual designated by the President if the grievance pertains to the Provost/VP. For decisions of non-renewal, the Provost/VP 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.
- 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 [ADM 06- 507, Termination of Tenured Faculty during Term of Appointment](#), 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.

**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/VP; 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/VP 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**

September 7, 2022 – This policy consolidates, amends, or restates elements of ADM 06-502 Annual Faculty Evaluation (originated 9/1/2015) and former ADM 06-505 Faculty Tenure and Promotion (originated 9/1/2015) to provide a single policy addressing the appointment of tenure-track faculty, the annual review and reappointment of tenure-track faculty, and the award of tenure and promotion to tenure-track faculty, and adopts a new name and number for the policy.