



Institutional Handbook of Operating Procedures
Policy 5.3.10

Section: Faculty Policies	Responsible Vice President: Executive Vice President and Provost
Subject: Appointments and Rank	Responsible Entity: Council of Deans

I. Title

Termination of a Faculty Member

II. Policy

Termination of employment by UTMB of a tenured faculty member and of all other faculty members before the expiration of the stated period of their appointment, except as is otherwise provided in the The University of Texas System Board of Regents' ("Regents'") *Rules and Regulations*, [Rule 31007, Section 5](#), and [Texas Education Code, Section 51.943](#), or by resignation or retirement, will be only for good cause. [Regents' Rule 31008 Termination of a Faculty Member](#), will govern termination of a faculty member in the above mentioned circumstances Faculty members have the right to file a grievance related to the termination proceedings in accordance with Regents' Rule 31008 and this policy.

In cases of incompetency or gross immorality, where the facts are admitted, or in the case of a felony conviction, the hearing procedures identified below *do not* apply and dismissal by the President will follow.

III. Grievances Related to Termination

- A. *Right to Grieve*. The faculty member who is the subject of the allegations that involve the potential for termination will be given an opportunity to be interviewed and will have the right to present a grievance, in person or through a representative, to the Provost, or the individual designated by the President, on an issue or subject related to the allegations under review.
- B. *Subject of Grievance*. A faculty member under review for matters that may result in charges for termination may file a grievance pursuant to this policy, only if the subject of the grievance is not involved in the review. A pending grievance may proceed only if it does not involve a subject under review.
- C. *Recommendation by the Provost*. The Provost, or the individual designated by the President, will consider any grievance prior to determining whether the allegations are supported by evidence that justifies the initiation of termination procedures. Upon making that determination, the Provost, or other appropriate designee will recommend to the President whether to proceed with charges for termination.
- D. *Failure to Present a Grievance*. Failure to present a grievance to the Provost, or the individual designated by the President, prior to his or her recommendation for termination will not preclude a faculty member from presenting an issue or subject to the special hearing tribunal in defense of charges for termination that may result from the review.

IHOP Policy 5.3.10 Termination

- E. Termination Based on Periodic Evaluation. A Tenured Faculty Member who is recommended for termination based on periodic evaluation must be given the opportunity for referral of the matter to nonbinding alternative dispute resolution, prior to the charges being submitted to the hearing tribunal, as required by [Texas Education Code Section 51.942](#) and in compliance with applicable U.T. System and institutional policies and procedures.

IV. Initiating Termination Procedures

- A. Review of Allegations. The President will assure that all allegations against a faculty member that involve the potential for termination are reviewed under the direction of the Provost unless the President designates another individual.
- B. Suspension. If the President determines that the nature of the charges and the evidence are such that it is in the best interest of the institution, the accused faculty member may be suspended, with pay, pending the completion of the hearing and final decision.
- C. Informed in Writing. The accused Faculty Member will be informed in writing of the allegations.
- D. Right to Respond to Allegation. If termination procedures are initiated, the President will meet with the Faculty Member, explain the allegations and supporting evidence, and give the Faculty Member a reasonable amount of time, as determined by the President, to respond either orally or in writing.
- E. Special Hearing Tribunal. A special hearing tribunal of at least three Faculty Members will hear the charges against the Faculty Member. The academic rank of each member of the tribunal must be at least equal to that of the accused Faculty Member.

V. Hearing Procedures

- A. Notice to Faculty Member. The accused Faculty Member will be notified at least eight (8) workdays prior to the hearing of the names of the Faculty Members selected for the tribunal, and of the date, time, and place for the hearing.
- B. Composition and Selection of Tribunal. The hearing tribunal members are appointed by the President from a standing panel (pool) of members of the faculty. At least 50% of the panel members from which the hearing tribunal members are appointed will be selected by a procedure established by the faculty governance organization, an existing faculty committee with oversight for university-wide faculty committee selection, or selected through an approved process designed to provide appropriate faculty.
- C. Rights of the Accused. In every such hearing, the accused faculty member has the following rights:
 - 1. Right to appear in person;
 - 2. Right to be represented by counsel of his/her choosing;
 - 3. Right to confront and cross-examine witnesses who may appear;
 - 4. The right to testify, but may not be required to do so; and
 - 5. The right to introduce in his or her behalf all evidence, written or oral, which may be

IHOP Policy 5.3.10 Termination

relevant to the charges.

- D.** *Institutional Representation by Counsel.* If counsel represents the accused faculty member, the institution is entitled to be represented by counsel from the University of Texas Office of General Counsel.
- E.** *Record of the Proceeding.* A stenographic or electronic record of the proceedings will be taken and filed with the Board of Regents, and such record will be made accessible to the accused.
- F.** *Institutional Representation.* A representative of the institution may appear before the hearing tribunal to present witnesses and evidence in support of the charge against such Faculty Member, and such institutional representatives will have the right to cross-examine the accused Faculty Member (if the Faculty Member testifies) and the witnesses offered on behalf of the Faculty Member. The institution has the burden to prove good cause for termination by the greater weight of the credible evidence.
- G.** *Findings and Recommendation of the Tribunal.* By a majority of members, the tribunal will produce a written report, which includes findings on the material facts and a recommendation as to whether or not termination is recommended.
1. In addition, the majority of members may make additional suggestions concerning disposition of the case.
 2. The original report will be delivered to the President and a copy to the accused.
 3. If there are minority findings, they will be similarly treated as the findings of the majority.
 4. The original transcript of the testimony and the exhibits will also be forwarded to the President.
- H.** *President's Report.* Within fourteen (14) workdays after receipt of the tribunal's report, the President will make one of the following decisions based solely on the record of the proceedings and notify the Faculty Member of the decision in writing:
1. The President may dismiss the matter or impose sanctions short of termination. In this case, the President's decision is final and does not require review by the Board of Regents.
 2. If the allegations are supported by evidence that constitutes good cause for termination, the President may recommend termination to the Board of Regents. If so, the President will forward the findings and recommendations of the tribunal, the original transcript of the testimony and exhibits, and the President's report to the Board of Regents. In cases where the President's recommendation differs from the majority of the tribunal, the President must state the reasons for his or her decision to recommend termination in the report.
 3. The accused Faculty Member may, within seven (7) workdays after receiving the President's report, submit a written response to the Board of Regents based solely on the evidence of record in the proceeding.
- I.** *Review by the Board of Regents.* A majority of the Board of Regents will approve, reject, or amend the President's findings, recommendations, and suggestions or will recommit the report to the tribunal to hear additional evidence and to reconsider its findings, recommendations, and

IHOP Policy 5.3.10 Termination

suggestions. The Board of Regents will communicate their reasons for the chosen action in writing to the accused.

VI. Relevant Federal and State Statutes

Texas Education Code, [51.942](#) Performance Evaluation of Tenured Faculty
Texas Education Code, [51.943](#) Renewal of Faculty Employment Contracts

VII. Relevant System Policies and Procedures

Regents' Rules and Regulations, [Rule 31001](#) – Faculty Appointments and Titles
Regents' Rules and Regulations, [Series 31007, Tenure, Section 5](#)
Regents' [Rules and Regulations, Series 31008](#) Termination of a Faculty Member

VIII. Dates Approved or Amended

Originated: 6/16/1997	
Reviewed with Changes	Reviewed without Changes
8/5/2010	
10/7/2015	