

Sec. 51.942. FACULTY TENURE. (a) In this section:

(1) "Governing board" and "university system" have the meanings assigned by Section 61.003.

(2) "Institution of higher education" means a general academic teaching institution, medical and dental unit, or other agency of higher education, as those terms are defined by Section 61.003.

(3) "Neglect of duty" means continuing or repeated substantial neglect of professional responsibilities.

(4) "Tenure" means the entitlement of a faculty member of an institution of higher education to continue in the faculty member's academic position unless dismissed by the institution for good cause in accordance with the policies and procedures adopted by the institution under Subsection (c-1).

Commented [DMT1]: Tenure is tied to a faculty member position

(b) Only an institution of higher education's governing board, on the recommendation of the institution's chief executive officer and the university system's chancellor, if applicable, may grant tenure.

(c) The granting of tenure may not be construed to create a property interest in any attribute of a faculty position beyond a faculty member's continuing employment, including his or her regular annual salary and any privileges incident to his or her status as a tenured professor.

(c-1) Each governing board of an institution of higher education shall adopt policies and procedures regarding tenure. The policies and procedures must:

(1) address the granting of tenure;

(2) allow for the dismissal of a tenured faculty member at any time after providing the faculty member with appropriate due process, on a determination that:

(A) the faculty member **has**:

- (i) exhibited professional incompetence;
- (ii) continually or repeatedly failed to perform duties or meet professional responsibilities of the faculty member's position;
- (iii) failed to successfully complete any post-tenure review professional development program;
- (iv) engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;
- (v) violated laws or university system or institution policies substantially related to the performance of the faculty member's duties;
- (vi) been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;
- (vii) engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities; or
- (viii) falsified the faculty member's academic credentials;

(B) there is actual financial exigency or the phasing out of the institution's programs requiring elimination of the faculty member's position; or

(C) there is other good cause as defined in the institution's policies; and

(3) provide for a periodic performance evaluation process for all tenured faculty at the institution.

(c-2) The governing board may design its policies and procedures to fit the institution's particular educational

**Commented [DMT2]:** The following made us add to the DMB policy (July 2024)an explanation of unsatisfactory performance vs serious misconduct. Therefore under unsatisfactory we added evaluation ratings that pertain to the college as well as 4-7 that came strictly from this code : Unsatisfactory performance as a cause for discharge for faculty members shall be defined as follows:  
1.One "unsatisfactory" evaluation rating;  
2.Two consecutive "needs improvement" ratings;  
3.Three "needs improvement" ratings in a four-year period;  
4.Exhibited professional incompetence;  
5.Continual or repeated failure to perform duties or meet professional responsibilities of the faculty member's position;  
6.Failure to successfully complete any post-tenure review professional development program; or  
7.Violation of laws or College District policies substantially related to the performance of the faculty member's duties.  
Then further down the policy we added serious misconduct that included the following: "Serious misconduct" shall be defined in this policy as follows:  
1.Engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;  
2.Been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;  
3.Engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities; or  
4.Falsified the faculty member's academic credentials.

mission, traditions, resources, and circumstances relevant to the institution's character, role, and scope, in addition to other relevant factors determined by the governing board in the policies and procedures adopted under this section. The governing board shall seek advice and comment from the institution's faculty before adopting any policies and procedures under this section. The advice and comment from the faculty on the performance evaluation of tenured faculty shall be given the utmost consideration by the governing board.

(c-3) In addition to any other provisions adopted by the governing board, the policies and procedures adopted by the governing board under Subsection (c-1) must include provisions providing that:

(1) each tenured faculty member at the institution be **subject** to a comprehensive performance evaluation process conducted no more often than once every year, but no less often than once every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

(2) the comprehensive performance evaluation be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, **and** administration, and include peer review of the faculty member;

(3) the comprehensive performance evaluation process be directed toward the professional development of the faculty member;

(4) the comprehensive performance evaluation process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the comprehensive performance evaluation, the opportunity to provide documentation

**Commented [DMT3]:** The following was included in DCB (local in which faculty members must undergo a comprehensive performance evaluation process.

during the comprehensive performance evaluation process, and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this subsection, notice of specific charges and an opportunity for hearing on those charges;

(5) a faculty member be subject to revocation of tenure or other appropriate disciplinary action if, during the comprehensive performance evaluation, incompetency, neglect of duty, or other good cause is determined to be present; and

(6) for a faculty member who receives an unsatisfactory rating in any area of any evaluation conducted under this section, the evaluation process provide for a short-term development plan that includes performance benchmarks for returning to satisfactory performance.

(c-4) The policies and procedures adopted by the governing board under Subsection (c-1) may include provisions that authorize the summary dismissal of a tenured faculty member based on a finding that the faculty member committed serious misconduct, as defined by the institution's policies, at any time after providing the faculty member with appropriate due process in accordance with this subsection. The policies and procedures for summary dismissal must ensure that the institution provides the faculty member with appropriate due process, including:

(1) before summarily dismissing the faculty member, providing the faculty member:

(A) written notice of the allegations against the faculty member together with an explanation of the evidence supporting dismissal; and

(B) an opportunity for the faculty member to

**Commented [DMT4]:** This is information that needs to be tied to DMB (local)

respond to the allegations in a hearing with a designated administrator;

(2) requiring the designated administrator to consider the faculty member's response under Subdivision (1)(B) and make a written determination of whether the institution will proceed with the summary dismissal of the faculty member;

(3) promptly providing to the faculty member a copy of the designated administrator's written determination under Subdivision (2) that:

(A) clearly indicates whether the faculty member will be subject to summary dismissal; and

(B) either:

(i) includes the effective date of the dismissal and information regarding the faculty member's opportunity for a post-dismissal appeal, if the designated administrator's decision is in favor of summary dismissal; or

(ii) states that the faculty member is not subject to summary dismissal, if the designated administrator's decision is against summary dismissal; and

(4) following a designated administrator's written determination to summarily dismiss a faculty member, providing the faculty member with the opportunity for a post-dismissal appeal in accordance with the institution's policies and procedures.

(d) Repealed by Acts 2023, 88th Leg., R.S., Ch. 923 (S.B. [18](#)), Sec. 4, eff. September 1, 2023.

(e) A governing board may not waive the evaluation process for any faculty member granted tenure at an institution.

(f) A governing board may not award tenure to an administrator in any way that varies from the institution's

general policy on the award of tenure.

(g) Each governing board shall file a copy of the policies and procedures adopted under this section, and any amendments to such policies and procedures, with the coordinating board on or before September 1 of each year.

Added by Acts 1997, 75th Leg., ch. 1017, Sec. 1, eff. Jan. 1, 1998.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 923 (S.B. [18](#)), Sec. 1, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 923 (S.B. [18](#)), Sec. 2, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 923 (S.B. [18](#)), Sec. 3, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 923 (S.B. [18](#)), Sec. 4, eff. September 1, 2023.

Sec. 51.943. RENEWAL OF FACULTY EMPLOYMENT CONTRACTS. (a)

In this section:

(1) "Contract" means an agreement between an institution of higher education or its authorized agent and a faculty member that establishes the terms of the faculty member's employment, including the faculty member's responsibilities and salary, for an academic year.

(2) "Faculty member" means a person who is employed full time by an institution of higher education as a member of the faculty whose primary duties include teaching or research. The term does not include:

(A) a person employed in the classified personnel system of the institution or a person employed in a

similar type of position if the institution does not have a classified personnel system;

(B) a person who holds faculty rank but who spends a majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

(3) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) Except as provided in Subsection (c), an institution of higher education that determines it is in its best interest to reappoint a faculty member for the next academic year shall offer the faculty member a written contract for that academic year not later than 30 days before the first day of the academic year.

(c) For the purposes of this section, an institution of higher education is not required to provide an annual contract to tenure or tenure-track faculty, but must provide tenure and tenure-track faculty with any written notification required in the institution's tenure policy of a change in a term of employment according to the policies of the institution, but no later than the 30th day prior to the change.

(d) If the institution of higher education is unable to comply with Subsection (b), the institution shall:

(1) provide the faculty member with written notification that the institution is unable to comply with Subsection (b);

(2) include in the written notification reasons for its inability to comply with Subsection (b); and

(3) specify in the written notification a time by which it will offer a written contract to the faculty member for the applicable academic year.

(e) If the institution does not offer the faculty member a written contract before the 61st day after the first day of the academic year and the institution retains the faculty member for that academic year without a written contract, the institution must retain the faculty member for that academic year under terms and conditions, including terms governing the faculty member's compensation, that are at least as favorable to the faculty member's employment for the preceding academic year, unless the institution and the faculty member subsequently enter into a different written contract.

(f) This section does not prohibit an institution of higher education from entering into a contract with a faculty member for a period longer than an academic year.

(g) Nothing in this section shall be deemed to provide a faculty member who does not hold tenure additional rights, privileges, or remedies or to provide an expectation of continued employment beyond the period of a faculty member's current contract.

Added by Acts 2001, 77th Leg., ch. 1298, Sec. 1, eff. Jan. 1, 2002.

Sec. 51.9431. GRIEVANCE, HIRING, AND DISCIPLINE DECISION-MAKING AUTHORITY. (a) In this section, "institution of higher education" and "university system" have the meanings assigned by Section 61.003.

(b) Only the president or chief executive officer or provost of an institution of higher education, university system

administration, or the president's or chief executive officer's, provost's, or administration's designee may be involved in decision-making regarding review of a faculty grievance, including under Section 51.960, or the faculty discipline process.

(c) A faculty member of an institution of higher education who does not serve in an administrative leadership position may not have final decision-making authority on the hiring of an individual for any faculty or administrative leadership position at the institution.

Added by Acts 2025, 89th Leg., R.S., Ch. 1128 (S.B. [37](#)), Sec. 2.04, eff. September 1, 2025.