

SECTION IV. FACULTY
PART A: KEY QUANTITATIVE INDICATORS

Indicate, in the table below, the total number of faculty full-time equivalents (FTEs) in basic science departments and the number of full-time, part-time, and volunteer faculty in basic science and clinical departments (Source: AAMC Longitudinal Statistical Summary Report [LSSR] or school data). Provide data for the 2012-2013 academic year, as available.

Texas Tech University Health Sciences Center, Paul L. Foster School of Medicine achieved preliminary accreditation status in 2009.

| Academic Year | # of Faculty FTEs in Basic Science Departments | Full-Time Faculty | | Part-Time Faculty | | Volunteer Faculty | |
|---------------|--|-------------------|----------|-------------------|----------|-------------------|----------|
| | | Basic Science | Clinical | Basic Science | Clinical | Basic Science | Clinical |
| 2005-06 | | | | | | | |
| 2006-07 | | | | | | | |
| 2007-08 | | | | | | | |
| 2008-09 | 22 | 22 | 154 | 0 | 18 | 1 | 211 |
| 2009-10 | 52 | 52 | 219 | 0 | 19 | 2 | 271 |
| 2010-11 | 54 | 54 | 244 | 0 | 19 | 5 | 299 |
| 2011-12 | 48 | 48 | 235 | 0 | 21 | 5 | 356 |
| 2012-13 | 39 | 39 | 207 | 1 | 11 | 1 | 370 |

**SECTION IV. FACULTY
PART B: NARRATIVE DATA AND TABLES**

NOTE THAT STANDARD FA-1 HAS BEEN REPLACED WITH STANDARD IS-16.

FA-2. A medical education program must have a sufficient number of faculty members in the subjects basic to medicine and in the clinical disciplines to meet the needs and missions of the program.

In determining the number of faculty needed for the medical education program, the program should consider the other responsibilities that its faculty may have in other academic programs and in patient care activities required to conduct meaningful clinical teaching across the continuum of medical education.

Complete the following tables for the indicated basic science and clinical departments. See the instructions for completing the database for the definition of full-time faculty.

a. Basic Science Departments

FACULTY NUMBERS

| Department* | Full-Time Faculty ‡ | | | | | Part-Time Faculty ‡ |
|---------------------|---------------------|------------|-----------|------------|---------|---------------------|
| | Prof | Assoc Prof | Asst Prof | Inst/Other | Vacant† | |
| Biomedical Sciences | 5 | 6 | 3 | 3 | 6 | 1 |
| Medical Education | 5 | 8 | 5 | 0 | 7 | 1 |
| Pathology 0 | | 2 | 3 | 0 | 2 | 2 |
| Total 10 | | 16 | 11 | 3 | 15 | 3 |

*Add department names used at your institution

† Funded positions under recruitment or anticipated

‡ Data updated as of 06-01-2012

TEACHING RESPONSIBILITIES

| Department | Number of Courses Taught per Year* | | | | | |
|---------------------|------------------------------------|-------------------|-----------------|------------------|------------------------|-------------------------------|
| | Medical Students | Graduate Students | Dental Students | Nursing Students | Allied Health Students | Undergraduate (baccalaureate) |
| Medical Education | 17 | NA | NA | NA | NA | NA |
| Biomedical Sciences | 0 | NA | NA | NA | NA | NA |

| | Number of Courses Taught per Year* | | | | | |
|-------------|------------------------------------|----|----|----|----|----|
| Pathology 0 | | NA | NA | NA | NA | NA |

*List only courses for which departmental faculty have primary and ongoing responsibility (e.g., reporting final grades to the registrar)

b. Clinical Departments

FACULTY NUMBERS

| Department* Prof | Full-Time Faculty ‡ | | | | | Part-Time | Volunteer |
|-------------------------|---------------------|-----------|-------------------|---------|----|-----------|-----------|
| | Assoc Prof | Asst Prof | Instructor/ Other | Vacant† | | | |
| Anesthesiology 2 | | 3 | 10 | 3 | 5 | 0 | 3 |
| Dermatology | | | | | | | |
| Family Medicine | 2 | 7 | 10 | 0 | 2 | 0 | 63 |
| Internal Medicine | 7 | 11 | 22 | 2 | 5 | 4 | 76 |
| Neurology 1 | | 1 | 2 | 1 | 1 | 0 | 0 |
| Obstetrics/Gynecology 5 | | 5 | 5 | 5 | 8 | 1 | 20 |
| Ophthalmology | | | | | | | |
| Orthopedics 2 | | 0 | 2 | 4 | 2 | 0 | 43 |
| Otolaryngology | | | | | | | |
| Pathology** | | | | | | | |
| Pediatrics 5 | | 8 | 15 | 5 | 14 | 0 | 56 |
| Physical Medicine | | | | | | | |
| Psychiatry 2 | | 4 | 6 | 0 | 2 | 1 | 27 |
| Pub Hlth/Prev Med** | | | | | | | |
| Radiology 2 | | 1 | 9 | 0 | 1 | 0 | 10 |
| Surgery 4 | | 2 | 5 | 2 | 3 | 5 | 27 |
| Urology | | | | | | | |
| Other (specify) | | | | | | | |

| | Full-Time Faculty ‡ | | | | | | | |
|--------------------|---------------------|----|----|----|----|----|-----|--|
| Emergency Medicine | 3 | 1 | 11 | 4 | 11 | 1 | 29 | |
| Library 0 | | 0 | 0 | 4 | 0 | 0 | 0 | |
| Total 35 | | 43 | 97 | 30 | 54 | 12 | 354 | |

*Replace indicated department names with names used at your institution, as needed.

**Report data for these departments here only if you reported them as clinical departments in your faculty counts for Part A of this database section.

† Funded positions under recruitment or anticipated

‡ Data updated as of 06-01-2012

TEACHING RESPONSIBILITIES

| Department** | Number of Courses Taught per Year* | | | | |
|--------------------|------------------------------------|------------------|-------------------|-------------------------|-----------------|
| | Medical Students | †Dental Students | †Nursing Students | †Allied Health Students | Other (specify) |
| Family Medicine | 2 | | | | |
| Internal Medicine | 3 | | | | |
| Neurology 1 | | | | | |
| Obst/Gynecology 2 | | | | | |
| Anesthesiology 1 | | | | | |
| Pediatrics 4 | | | | | |
| Psychiatry 1 | | | | | |
| Surgery 3 | | | | | |
| Emergency Medicine | 1 | | | | |

*List only courses or clerkships for which departmental faculty have primary and ongoing responsibility (e.g., reporting final grades to the registrar)

**Replace indicated department names with names used at your institution, as needed.

† Faculty at the Paul L. Foster School of Medicine do not teach courses as defined above for students in these professions.

c. List the courses or clerkship rotations where the medical school has had to make use of part-time and volunteer faculty, graduate students, or residents in medical student education to compensate for the decreased availability of full-time faculty members to participate in teaching.

Volunteer faculty participate selectively, and to a limited extent, in some small group sessions in the Scientific Principles of Medicine course “worked case example sessions” to lend their clinical expertise to the session

and to supplement full-time paid faculty participation. Similarly, we selectively employ volunteer faculty from time to time to assist us in our Medical Skills course. In both instances the faculty we draw upon bring expertise in specialties that are not well represented among the full-time paid faculty. Please note that these faculty members have volunteer faculty appointments and that participation in medical education in some capacity is a required for continued appointment. Each participating volunteer faculty member is well prepared for their teaching roles by the course or unit director. The table below documents the level of volunteer faculty participation in the first and second years of the curriculum during 2011-12.

| <i>Course</i> | <i>Volunteer Faculty Number</i> | <i>Contact Time</i> | <i>Percent Total Contact Time</i> | <i>Total Contact Time</i> |
|---------------------------------------|---------------------------------|---------------------|-----------------------------------|---------------------------|
| Medical Skills I | 0 | 0 | 0% | 319.50 |
| Medical Skills II | 0 | 0 | 0% | 241.50 |
| Medical Skills III | 2 | 8 | 6% | 128.00 |
| Medical Skills IV | 0 | 0 | 0% | 142.00 |
| Scientific Principles of Medicine I | 9 | 11 | 6% | 774.75 |
| Scientific Principles of Medicine II | 1 | 8 | 1% | 601.75 |
| Scientific Principles of Medicine III | 6 | 21 | 6% | 374.00 |
| Scientific Principles of Medicine IV | 0 | 0 | 0% | 317.00 |

In years 1 and 2 community based voluntary faculty serve as preceptors for student early clinical experience as part of the Society, Community, and Individual course. In some instances, students in year 3 spend time with community based volunteer faculty to gain ambulatory experience in selected specialties. In both instances, participation by community faculty is by design and is not due to constraints on fulltime faculty member time.

Advanced Emergency Medicine residents participate with full time faculty members in clinical simulations—“Coding of the Rich and Famous”— as part of Unit 6 “Integration of Systems” unit. Again, their participation is by design to give them experience supervising students in simulation exercises.

d. List all faculty with substantial teaching responsibilities for courses or clerkships required for graduation who are on site for fewer than three months during an academic year.

No “out of town” faculty members have substantial teaching responsibilities.

e. Provide the amount of protected time that course and clerkship directors and other individuals with major leadership responsibilities for the educational program have for the noted activity (i.e., list the specific percent of their salaries covered by the medical school based on their roles in the educational program).

i. Percent protected time for preclinical course directors (include range if not consistent)

All pre-clerkship course directors are full time members of the Department of Medical Education. Each is expected to spend 70-80% of their time and effort devoted to meeting their duties as educators and teachers.

ii. Percent protected time for clerkship directors (include range if not consistent)

At present (March 2012) “protected” time for clerkship directors ranges between 20 and 50%. Beginning in July 2012, all required year 3 clerkship directors will devote between 40 and 50% of their time to clerkship related duties. This time is being “purchased” by the dean’s office through the allocation of Educational Value Unit (EVU) funds derived from state dollars. Required clerkship directors in year 4 will devote about 30% of their time to clerkship (and sub-internship) duties and supported by EVU funds allocated to their departments by the dean’s office. Clerkship directors will now have a dual reporting line to their respective department chairs and to the senior associate dean for medical education for that portion of their job responsibilities related to medical student education.

iii. Percent protected time for the chair of the curriculum committee (if not an administrator)

The senior associate dean for medical education currently serves as chair of the Curriculum and Educational Policy Committee (CEPC). He devotes 100% of his time to the educational mission of the school of medicine and thus has adequate time for CEPC business.

See also Part A for this section, and information for standard IS-12 in Section II: Educational Program for the M.D. Degree and standard ER-3 in Section V: Educational Resources.

FA-3. A person appointed to a faculty position in a medical education program must have demonstrated achievements commensurate with his or her academic rank.

FA-7. There must be clear policies in place at a medical education program for faculty appointment, renewal of appointment, promotion, granting of tenure, and dismissal that involve the faculty, the appropriate department heads, and the dean.

a. Provide a brief description of each faculty employment track.

The two faculty employment tracks for salaried faculty are 1) tenure track and 2) non-tenure track. Employment tracks are implemented according to the Chapter 4 of the *Regents' Rules, and the TTUHSC Policy & Procedure 60.01*, and a copy is included in the Section IV, Appendix 1a and 1b, and can be accessed at <http://www.depts.ttu.edu/oppol/> and <http://www.ttuhs.edu/hsc/op/op60/op6001.pdf>. Faculty may change from one track to the other one time. Non-salaried faculty and part-time faculty who are employed less than half-time are all non-tenure track. They may be unpaid volunteers or may be paid an hourly wage for part-time work instead of a monthly salary.

TENURE-TRACK APPOINTMENT

Only full-time faculty members are eligible for tenure track appointments and may be appointed at any of the following levels: assistant professor, associate professor, and professor. However, tenure may be granted only at the associate and full professor levels after a period of probationary service (not to exceed seven years). Awarding of tenure is based upon excellent performance in teaching, scholarship, clinical service, and academically-related public service. Both Ph.D.'s and physician faculty are eligible for appointment to the tenure track.

NON-TENURE TRACK APPOINTMENT

Non-tenure track appointments may be made for faculty employed at least half-time at the assistant instructor, instructor, assistant professor, associate professor, and professor levels.

For faculty primarily involved in research with incidental teaching and/or patient care responsibilities, the *Research Appointment* is available at the following ranks: instructor, assistant professor, associate professor, and professor.

For part-time faculty members who have less than a half-time appointment, the *Clinical Appointment* is available at the following ranks: clinical lecturer, clinical instructor, clinical assistant professor, clinical associate professor, and clinical professor.

b. Briefly summarize, by employment track, the institution-wide (medical school or parent university) policies and procedures for the appointment, renewal of appointment, promotion, granting of tenure (if applicable), and dismissal for all faculty members. Include a copy of the written appointment, re-appointment, tenure and promotion, and dismissal guidelines or the Web site URL at which these policies are posted.

PLFSOM Guidelines for Faculty Appointment, Tenure, and Promotion can be accessed on-line at http://www.ttuhsoc.edu/elpaso/admin/documents/plfsom_guidelines_for_faculty_appoinment_tenureandpromotion.pdf

These guidelines are consistent with those of the parent institution, Texas Tech University Health Sciences Center (see <http://www.ttuhsoc.edu/hsc/op/op60/op6001.pdf>) and the *Regents' Rules* (<http://www.depts.ttu.edu/oppol/>). Copies of these documents are also included in Section IV, Appendix 2.

FACULTY APPOINTMENT

The request for appointment is made by the department chair to the Dean and is reviewed by the Committee on Faculty Appointments, Tenure and Promotion and Comprehensive Performance Evaluation. An eligible faculty candidate must have M.D., D.O., or Ph.D. from an approved or accredited institutions or some other doctoral level or terminal degree along with appropriate training and licensure/certification (if applicable) in area of specialty. Physician faculty must hold an unrestricted license or be eligible for an unrestricted license to practice medicine in the State of Texas.

RENEWAL OF APPOINTMENT

Non-tenure track faculty members receive a letter of reappointment on an annual basis in accordance with HSC OP 60.08 <http://www.ttuhsoc.edu/hsc/op/op60/op6008.pdf> (Section IV, Appendix 3). The letter also includes information about compensation for the coming year. Faculty members on the tenure track receive a contract at the beginning of their employment.

Notice of non-reappointment for non-tenure track faculty:

- If the appointment of a non-tenure track faculty is not going to be renewed, written notice of non-reappointment must be issued no less than 4 months prior to August 31 of each year.
- After 5 years of full-time service, the written notice of non-reappointment must be issued no less than 1 year prior to Aug 31 of each year.
- A reason for the decision of non-reappointment is not required. However, each faculty member is entitled to see all of his or her personnel file and to obtain a copy of the information contained therein at his or her expense.

Notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments shall be given in writing in accordance with the following schedule.

- At least three months before the end of the first 12 months of service;
- At least six months before the end of the first 24 months of service; or
- At least nine months for those with more than 24 months of service.

PROMOTION

Promotion is based on academic accomplishments in teaching, scholarship, clinical service, and academically-related public service.

Primary responsibility for evaluation of the academic qualifications of candidates for promotion rests with the faculty, based on criteria described in the PLFSOM Guidelines for Faculty Appointment, Tenure and Promotion. The promotion review process includes three steps:

1. Evaluation by the department or division, which includes a vote by those faculty members who are at or above the rank to which the applicant aspires and a recommendation by the chair.
2. Review at the School of Medicine level by the members of the Committee on Faculty Appointment, Tenure & Promotion and Comprehensive Performance Evaluation who review the application and make recommendations to the Dean.
3. The Dean reviews and makes recommendation to the President. The President reviews and makes recommendations to the Board of Regents. A faculty member is awarded promotion by action of the Board of Regents.

GRANTING OF TENURE

Members of the faculty who are employed full-time in the university and who hold the rank of associate professor or professor are eligible for tenure consideration.

A tenure track faculty may apply for tenure after an appropriate probationary period (described in HSC OP 60.01, and can be viewed at <http://www.ttuhsac.edu/HSC/OP/OP60/op6001.pdf>)

The same 3-level review process described above for promotion applies to the tenure process. However, only tenured faculty members participate in the review. The awarding of tenure is based on excellence in performance in areas relevant to the faculty member's discipline. The general criteria are that the person must demonstrate potential for making continuous valuable contributions to the academic mission of the Paul L. Foster School of Medicine.

DISMISSAL

Examples of cause for dismissal of a faculty member include, but shall not be limited to, the following:

- Professional incompetence
- Neglect of professional responsibilities
- Moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates
- Mental or physical disablement of a continuing nature adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates that cannot be reasonably accommodated; and
- Unprofessional conduct adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates.

Due process as set forth in the policy statement embodies a course of proceeding in line with rules and principles generally recognized in the academic community. Among these is the right of a faculty during the term of his or her appointment, to request and be granted a hearing before the School Hearing & Grievance Committee, when notice of cause and request for dismissal or termination of appointment has been received by the faculty member and the Dean.

b. Explain any variation in the policies across tracks or in the application of policies across departments.

All departments must use the institutional guidelines for faculty appointment, tenure, and promotion. However, to stimulate the full development of scholarly activities and to raise quality and standards, each department has the option to develop and implement its own specific criteria for appointment, promotion and tenure. For example, the institutional guidelines set general criteria for scholarly activity while the departments set specific criteria for numbers and types of publications, curricular modules, bedside teaching etc. It shall be the responsibility of the Committee on Faculty Appointment, Tenure and Promotion and Comprehensive Performance Evaluation, and the Dean to approve these standards and guidelines and to monitor their application.

In all instances, departmental criteria and guidelines must conform to the minimal standards established by institutional policies and requirements.

d. Describe how faculty members are informed about the various tracks and how they are assigned to a specific track. Note if a faculty member is able to change tracks at some point in his or her employment.

As part of the recruitment and interview process, candidates are informed about the two tracks at PLFSOM. This is typically the responsibility of the department chair and/or the chair of the search committee. As part of appointment discussions, the department chair and candidate reach a negotiated decision about track based in part on departmental policy and needs and the career goals and aspirations of the new faculty member. This decision is incorporated into the new faculty member's letter of offer.

Subsequently, based on discussions with the department chair and, as appropriate, the associate dean for faculty affairs and development, a faculty member is permitted to change tracks one time. This change is binding and no further changes are permitted.

FA-4. A member of the faculty in a medical education program must have the capability and continued commitment to be an effective teacher.

Effective teaching requires knowledge of the discipline and an understanding of curricular design and development, curricular evaluation, and methods of instruction. Faculty members involved in teaching, course planning, and curricular evaluation should possess or have ready access to expertise in teaching methods, curricular development, program evaluation, and medical student assessment. Such expertise may be supplied by an office of medical education or by faculty and staff members with backgrounds in educational science.

Faculty involved in the development and implementation of a course, clerkship rotation, or larger curricular unit should be able to design the learning activities and corresponding student assessment and program evaluation methods in a manner consistent with sound educational principles and the institution's stated educational objectives.

A community physician appointed to the faculty of a medical education program, on a part-time basis or as a volunteer, should be an effective teacher, serve as a role model for medical students, and provide insight into contemporary methods of providing patient care.

Among the types of evidence indicating compliance with this standard are the following:

- *Documented participation of the faculty member in professional development activities related specifically to teaching and assessment.*
- *Attendance at regional or national meetings on educational affairs.*
- *Evidence that the faculty member's knowledge of his or her discipline is current.*

FA-11. A medical education program must provide opportunities for professional development to each faculty member to enhance his or her skills and leadership abilities in education and research.

a. Describe any centralized or departmental activities to assist faculty members in improving their skills in teaching and assessing medical students. For the formal programs that were offered, provide the number of faculty who participated in such activities during the most recently completed academic year and the sources of funding available to support such activities.

Institutional Faculty Development Program

The first institutional faculty development course (FDC) was developed and implemented by the Associate Dean of Faculty Affairs & Development in March 2003 when the El Paso Campus was part of the TTUHSC regional clinical campus system. The purpose of this program is to provide a basic program of faculty development for the entire institution upon which each department or academic unit can build a program of further faculty development that is specific to its particular needs and those of its faculty. The FDC is designed to help junior and mid-level faculty members enhance their teaching skills by familiarizing them with new teaching methodologies and to develop their professional careers by teaching them about clinical or basic science research strategies. All new junior and mid-level faculty members are encouraged to attend the course within the first year of their appointment. This 8-month comprehensive course has been successful in providing excellent opportunities for the faculty to acquire and expand their skills as educators and scholars.

Although this 90 hour faculty development program is comprehensive in scope, a total of 64 hours is devoted to providing faculty with the knowledge, skills and attitudes required of effective teachers and evaluators of medical student performance. This component of the faculty development program curriculum is outlined in Table 1. (Components of the program related to research and scholarship are described in section 'd.' pages 22-23)

In April 2012, 20 faculty members completed the 10th iteration of the FDC program. A total of 143 faculty members have participated in the past. Thus, approximately 55% of all full time faculty members at the PLFSOM have completed this program.

Since the inception of the faculty development program, the Office of Faculty Affairs & Development has obtained funding from the institution to provide FDCs at no cost to the faculty member (maximum 20 faculty members per course). Department chairs have demonstrated their support by providing faculty the released time necessary to participate. Beginning in 2009, a HRSA Hispanic Center of Excellence grant has provided participants a modest stipend to defray the costs of purchasing an iPad and educationally related applications.

Table 1. Teaching and Assessment Related Curriculum of the Faculty Development Course 10 (2011-12)
(Please note: Research components of the Faculty Development Course are described in response to FA-4 and 11 'd.')

| Topics for Enhancing Faculty Teaching & Assessment | Purposes | Method | Hours |
|---|--|---------------|--------------|
| Curriculum of PLFSOM | Examine PLFSOM Curriculum | Lecture | 1 |
| What is Professionalism and How Can We Measure It? | Emphasize professionalism | Lecture | 1 |
| Adult Learning and Effective Teaching | Analyze and apply principles of AL | Workshop | 2 |
| Accessing Library and Information Resources | Utilize effectively available resources | Workshop | 2 |
| How to Improve Your Oral Presentation? | Enhance oral presentation skill | Workshop | 2 |
| How to Prepare a Good Lecture? | | | |
| Evidence-Based Medicine: A Challenge to the Teachers & Learners | Apply concepts & principles of AL | Workshop | 2 |
| Practice EBM with Confidence | Examine principles of EBM | Workshop | 2 |
| How to Use Available Resources for Learning & Practicing EBM | Apply principles of EBM in medical education | Workshop | 2 |
| | Practice EBM with available resources | Workshop | 2 |

| | | | |
|--|---|---|--------------|
| Asking and Writing Questions that Measure Student Learning | Analyze and practice principles of writing good questions | Workshop | 2 |
| Basics of Audience Interactive Response System (AIRS) | Apply AIRS in medical education to enhance learners assessment | Workshop | 2 |
| Why We Couldn't Evaluate Effectively our Trainees and How to Fix It? | Analyze principles of effective evaluation and feedback | Workshop | 2 |
| How to Monitor the Implementation of the 6 Core-Competencies | Analyze effective implementation and monitoring core competencies | Workshop | 2 |
| Participants Oral Presentation | Demonstration of learner competency in preparing lecture and giving oral presentation | Presentation | 2 |
| Topics to enhance the faculty clinical teaching skills | Purposes | Method | Hours |
| Bedside teaching | Refresh and enhance faculty clinical teaching skills | Hand-on training & practice at the Center for Advanced Teaching & Assessment in Clinical Simulation (ATACS) | 2 |
| Cardiovascular examination skills | | | 2 |
| Central nervous system examination skills | | | 1 |
| Musculoskeletal examination skills | | | 1 |
| Female genito-urinary examination skills | | | 1 |
| Male genito-urinary examination skills | | | 1 |
| Abdominal examination skills | | | 1 |
| Ultrasound of the abdomen | | | 1 |
| Interpretation of chest radiograph | | | 2 |
| Ultrasound of the pelvis | | | 2 |
| Pulmonary examination skills | | | 1 |
| Interpretation of pulmonary function tests | | | 1 |

| | | | |
|---|---|--------------------------------------|-----------------|
| Interpretation of peripheral blood smear | | | 1 |
| Interpretation of urinalysis | | | 1 |
| GI procedures: Flex Sig, EGD, NG insertion, paracentesis | | | 2 |
| Topics to assist faculty in implementing technology in medical education | Purposes | Method | Hours |
| Introduction to Mobile Computing Platform in medical education and medical practice | Analyze the impact of mobile computing platform in medical education and practice of medicine | Hand-on training & practice at ATACS | 4 |
| Advanced training on literature database | Utilize effectively available resources to enhance the quality and effectiveness of medical education | | 2 |
| Using SmartBoard to enhance teaching effectiveness | | | 2 |
| Advance training in Audience Interactive Response System | Use advanced reporting features of AIRS to monitor learners' progresses | | 2 |
| Practice on Camtasia | Develop enduring materials for active learning | | 1 |
| Practice on Podcasting | Develop enduring materials for active learning | | 1 |
| Cloud Storage in medical education and practice of medicine | Apply new technology to develop materials for self-directed and active learning | | 1 |
| Cyber security in medical education and practice of medicine | | | 1 |
| How to use simple technology to improve teaching effectiveness | | | 2 |
| TOTAL | | | 64 hours |

At an institutional level, the Office of Faculty Affairs & Development and the Office of Continuing Medical Education (CME) coordinates the institutional training sessions for enhancing the faculty teaching and assessment skills. Several awards-winning educators, education specialists of the Paul L. Foster SOM (department of Medical Education, Family Medicine), and speakers from other academic institutions have given presentations at the FDC, CME Grand Rounds or departmental teaching sessions. We also have in-house education specialists (Senior Associate Dean for Medical Education, Director of Assessment and Evaluation, and Director of Academic Support for Student Affairs) who have provided training sessions for the faculty. Working closely with each department, the CME office also has actively invited speakers from other institutions for lecturing PLFSOM faculty and keeping them current in their disciplines

The HCOE Advisory Board has approved nearly \$200,000/year over the past 3 years in support of faculty development across the entire campus. This has made it possible for 195 individual faculty members to participate in one or more programs, both locally and nationally, to enhance the development of their careers and acquire the knowledge and skills needed to succeed in academic medicine and research. The following table lists the numbers of faculty members participating in various programs.

Table 2. Faculty Participation in HCOE- Sponsored Activities

| Program/Activity | 2009-10 | | 2010-11 | 2011-12 |
|---|----------------|-----|----------------|----------------|
| Faculty Mentoring Program (IFMP) | NA | 37* | | 26* |
| AAMC Annual Meeting/Regional | 10 | 10 | | 0 |
| Teaching | | | | |
| --Soc of Teachers of Family Medicine | 1 | | 0 | 0 |
| --URM | 0 | | 1 | 0 |
| Research Skills Enhancement | | | | |
| --Grant writing workshop | 33 | 0 | | 0 |
| --Special training | 1 | 0 | | 0 |
| Faculty Development | | | | |
| --PLFSOM FDC | 0 | 12 | | 18 |
| --FDC Trainers | 0 | 16 | | 18 |
| --Mini-Fellowship | 5 | 5 | | 0 |
| --Executive Development | 0 | 1 | | 0 |
| Support for MPH Degree | 2 | 0 | | 0 |
| Total | | 52 | 82 | 61 |

Grand Total 2009 through 2012 =195

*Note: These numbers include both the mentor and mentees supported by the HCOE.

PLFSOM uses the AAMC definition of the under-represented minority (URM) in medicine which includes: Blacks, Mexican- Americans, Native Americans, and mainland Puerto Ricans. These faculty members can

prepare and submit to HCOE their proposals requesting funding support for off-site training opportunities such as: 1) Special training: course of less than 2-weeks for learning a new skill, e.g. ultrasound endoscopy or hysteroscopy in HIV-infected patients; 2) Mini fellowship: a course of more than 2 weeks, e.g. development of a center to care for child abuse victims; 3) Executive development, e.g. seminar offered by AAMC for Associate Deans and/or department Chairs. HCOE also provides a small stipend for FDC Trainers who are not only responsible for developing and delivering the course but also supporting the FDC trainees in accomplishing their learning objectives such as conducting bedside teaching, EBM-based Journal Club or Morning Report.

Leadership Skills for Senior Faculty and Administrators is a program coordinated by the Association of American Medical Colleges (AAMC) for department chairs, assistant and associate deans. In addition to providing these individuals with detailed and current information about the national policies and procedures on medical education and the practice of medicine, the program also provide valuable training on faculty mentoring, faculty development, negotiation and conflict resolution, and administrative skills. The program used recognized experts from other academic institutions as the teaching faculty to provide a greater sense of reliability, authority, and usefulness of the information. All of the associate deans at PLFSOM have participated in this program. Some department chairs also have participated in Leadership Development program at other institutions.

The Associate Dean for Student Affairs has been selected to attend the Executive Leadership in Academic Medicine® (ELAM) Program for Women in the year 2012-2013. ELAM is the only program in the U.S. dedicated to preparing senior women faculty for positions of leadership at academic health centers.

The PLFSOM is currently working with the Business School at University of Texas at El Paso to develop an Executive Academic Medical Management Program for associate deans, department chairs and center directors.

Departmental Faculty Development

At a departmental level, faculty members are supported in their efforts to improve their educational skills through participation in courses provided by professional organizations. For example:

Department of Emergency Medicine (EM)

- Society for Academic Emergency Medicine (SAEM)Meeting -2 faculty
- Improving Simulation Instructional Methods' course - 4 faculty
- International Meeting for Simulation in Healthcare – 4 faculty

Department of Family and Community Medicine

- The Society of Teachers of Family Medicine (STFM) – 8 faculty
- STFM Emerging Leaders program in 2011 – 1 faculty
- STFM Medical Student Educators Development Institute in 2012 – 1 faculty
- Funds for Annual membership dues for all faculty
- CME resources(time and funds) for all faculty

Department of Internal Medicine

- Program Directors and Clerkship Directors annual meetings - 4 faculty
- American Association of American Medical Colleges (AAMC) Annual meeting – 1 faculty
- Association of Professors of Medicine (APA) annual meeting – 1 faculty

The Department of Medical Education

- International Association of Medical and Science Educators (IAMSE) – 8 faculty
- Southern Group on Educational Affairs – 1 faculty
- Association of American Medical Colleges – 5 faculty
- Harvard-Macy Program for Medical Science Educators – 2 faculty

Department of Obstetrics and Gynecology

- Association of Professors in Obstetrics and Gynecology APGO seminar - 1 faculty
- APGO/ Council on Residency Education in OB/GYN (CREOG) – 2 faculty
- CREOG Educational Retreat - 1 faculty
- Faculty Development Course (FDC), Paul L. Foster SOM – 3 faculty

Department of Pediatrics

- ACGME Annual Educational Conference on Encouraging Excellence - 2 faculty
- Association for Pediatric Program Directors Annual Meeting – 2 faculty
- Texas Pediatric Society Annual Leadership Planning Summit – 2 faculty
- Association of Medical School Pediatric Department Chairs – 1 (Chairperson)
- Annual meeting The Council on Medical Student Education in Pediatrics (COMSEP) – 1 faculty

Department of Psychiatry

- American Society of Addiction Medicine (ASAM) - 1 Faculty
- American Academy of Child and Adolescent Psychiatry (AACAP) Annual Meeting - 1 Faculty
- Texas Society of Psychiatric Physicians, 55th Annual Convention.- 1Faculty
- 16th Annual Psychopharmacology Update Conference - 1 Faculty
- Annual Meeting Integration Medicine and Psychiatry in Multi-Ethics Setting - 1 Faculty
- American Association of Directors of Psychiatric Residency Training - 2 Faculty
- Association of Academic Psychiatry Annual Meeting. 1 Faculty
- 12th International Congress of Human Genetic – 1 Faculty
- 61st American Society of Human Genetics (ASHG) Annual Meeting - 1Faculty
- Annual Fay Lecture Series in Analytical Psychology - 1 Faculty
- Jungian Studies Seminar Series - 1 Faculty

Department of Radiology

- Faculty Development Course at the Paul L. Foster School of Medicine Campus – 1 faculty
- Alliance of Medical Student Educators in Radiology (AMSER) event - 1 faculty

Department of Surgery

- Society of Teachers of Family Medicine Conference - 1 faculty
- Southwestern Surgical Congress education sessions - 1 faculty
- American Association of Medical Colleges (AAMC) GDI Spring Meeting in New Orleans. – 1 faculty

Other departments also provided support to Clerkship Directors and Program Directors to attend annual scientific meetings of their specialties to enhance their teaching and assessment skills.

PLFSOM is currently recruiting for the position of assistant dean for faculty development whose primary responsibility will be to assist departments in the development of departmental faculty development programs.

Faculty-development programs for community-based faculty

Faculty development for community based faculty is a challenge given their busy schedules and varying levels of participation and involvement. Consequently we have adopted a multi-pronged approach to preparing our community-based voluntary faculty for their roles as teachers. These include the following:

- The department of family and community medicine is in its first year of a five year pre-doctoral HRSA training grant in which the department offers twice yearly faculty development workshops for community faculty.
- “Just-in-time” preparation for specific sessions (e.g., worked case example small group facilitation, participation in Medical Skills instruction) consisting of discussions regarding goals, objectives, instructional methods, lesson plans, handouts, etc.
- Providing CME-bearing, evening dinner faculty development sessions. For example, on March 7, 2012 we conducted a three hour session for 21 community faculty members and 6 prospective faculty members on “precepting” skills including, preparing staff regarding the learning environment and student assessment, including giving effective feedback and discussing roles and expectations with students at the beginning of the rotation. Pre-and post-testing utilizing an audience response system demonstrated significant knowledge gains by participants. On May 30, 2012, a two and a half hour development session was conducted for 11 preceptors from the Veteran’s Affairs Medical Center of El Paso. In addition to the overview of preceptor expectations in the Society, Community, and Individual (SCI) course, preceptors were granted access to the Teaching Physician website and a copy of the 6-module faculty development program.
- Preparation of a 6- module faculty development program that is loaded on a flash drive and given to community-based faculty member.
- Community faculty are also encouraged to participate free of charge in the full FDC program described in page 11. Furthermore, the curriculum of this program is available online through the Faculty Affairs and Development website <http://www.ttuhsu.edu/fostersom/facdevelopment/coursepresentationFDCIX.aspx>
- We also provide to all faculty members, including volunteer faculty, with access to the “Teaching Physician”, a comprehensive web-based resource which delivers videos, tips, answers to frequently asked questions, and links to in-depth information on precepting topics and opportunity to complete 14.5 CME credit hours.

b. Describe the elements of faculty teaching skills (e.g., content mastery, ability to lecture or lead a small group, professionalism) that are formally evaluated by medical students. Summarize the methods used by departments or the medical school to evaluate individual faculty teaching efforts (e.g., student course

evaluations, peer review, focus group meetings with students, etc.). Describe the means by which the results of such evaluations are communicated to faculty.

The evaluation of faculty teaching performance is centralized in the Office of Curriculum, Evaluation, and Accreditation and is overseen by the Director of Assessment and Evaluation. To rate the quality of faculty teaching, students are asked to complete anonymous on-line evaluations at the conclusion of each semester or, in the case of the Scientific Principles of Medicine course, at the end of each of the 11 units that comprise that course. In years 3-4 students evaluate faculty and resident teaching at the end of their rotations by completing anonymous on-line evaluation forms.

Faculty members in all required courses are evaluated by medical students throughout the curriculum for their teaching skills and abilities on the following parameters utilizing a 5-point Likert scale

- Clearly communicates objectives
- Adequately addresses objectives
- Provides learning materials that enable students to meet objectives
- Presentations are well organized
- Encourages thinking about material
- Quality of public speaking
- Usefulness of AV materials
- Respectful of students
- Approachable for help outside of class
- Preparation of students for USMLE step 1 exam

An example of the faculty evaluation survey completed by students can be found in Section IV, Appendix 4.a, b, c, d.

In addition to quantitative measures, students are asked to complete two free text items commenting on the faculty member's major strengths and constructive recommendations for improvement.

The instrument used to evaluate teaching by attending and residents includes the following items answered on a 5 point scale with 1 indicating strong disagreement and 5 indicating strong agreement with the item:

- Discusses pathophysiology of disease
- Brought to my attention physical findings I had previously not seen
- Improved my understanding of pharmacology
- Demonstrates the value of respecting patient preferences
- Models good communication skills with patients
- Instructs me at my own level of expertise
- Encourages questions
- Asks questions in a non-threatening way
- Made me feel part of the team
- Serves as a good role model
- Behaves respectfully to others
- Gave me constructive feedback
- Treats students with respect
- Is mindful of schedule
- Is approachable for help
- Shows interest in student learning

These questions are followed by free-text items requesting that the student provide descriptions of 2-3 faculty member major strengths and 2-3 constructive recommendations for improvement.

The results of student evaluations of individual faculty members are reviewed by the Senior Associate Dean for Medical Education and the Director of Assessment and Evaluation. If clarification or elaboration is needed to better interpret the results of student evaluations, the Senior Associate Dean and Director of Assessment and Evaluation can (and do) meet with the elected members of the Student Curriculum and Evaluation Committee in focus group sessions to learn more about areas of student concern or recommendations for improvement.

In addition to the individual faculty member, the department chair and course/clerkship director are given access to faculty evaluation results. Faculty members are encouraged to discuss these results with the chair, course director, or associate dean of faculty affairs and development if the results suggest problems that need to be remedied through faculty development.

Additional evaluations are done with faculty in the Medical Skills course as follows: at the conclusion of each weekly medical skills training session all students are asked to complete a written feedback commenting on the clinical skills learned and faculty mastery in teaching during the session, as well as training aspects that were most effective or in need of improvement. This questionnaire is administered by the Center for Advanced Teaching & Assessment in Clinical Simulation (ATACS); the results of each survey are compiled and sent to the corresponding faculty for further consideration. (Section IV, Appendix 5)

c. Describe the means by which any problems identified by such evaluations are addressed. Describe the resources that are available to support the remediation of deficits in faculty teaching skills.

It is a goal of the institution to identify and, if necessary, remediate problems in a timely manner. In order to accomplish this goal, evaluations are conducted, summarized, and reviewed as quickly as possible, usually within one to two weeks of the completion of the course/clerkship and the posting of grades.

It is also expected that each interdisciplinary course committee reviews its own performance at the conclusion of the teaching unit. At that time, course faculty members have the opportunity to review the overall effectiveness of their effort and plan corrective actions for both the course and for individual participants in the course.

If a faculty member receives recurring poor evaluations indicating chronic performance problems, the department chair meets with the individual faculty member to advise him/her of the concerns that have been raised. The Chair can request the Associate Dean for Faculty Affairs & Development to review the student feedback and provide a remediation plan for that particular faculty.

If serious professional or behavioral problems are identified, the Dean is immediately notified of the problem by the Senior Associate Dean for Medical Education, the Associate Dean for Faculty Affairs and Development, the Associate Dean for Student Affairs or the department chair depending upon who was made aware of the problem. A faculty member may appeal an adverse finding or action through the Faculty Hearing/Grievance Committee, a standing committee of the School of Medicine.

d. Describe any centralized or departmental activities to assist faculty members in enhancing their skills in research and grant procurement. Include the number of faculty who participated in such activities during the most recently completed academic year and the sources of funding available to support such activities.

Faculty members engage in basic science research, clinical research, translational research and medical education research at our institution as evidenced by numbers of extramural grants awarded, publications in scientific peer-review journals or presentations at national/international meetings. In 2011, faculty members in the departments of Anesthesiology, Biomedical Science, Emergency Medicine, Family Medicine, Internal Medicine, and Psychiatry have received approximately \$12 million in extramural funding.

In the department of medical education each faculty member is provided a modest budget for professional society memberships, books, and professional meetings in their areas of interest and expertise. The meetings attended by departmental faculty include the IAMSE, the AAMC, the SGEA, and RIME. Most faculty members also attend their respective scientific society meetings such as the American Association of Anatomists, American Physiological Society, American Society for Microbiology, American Association of Immunologists or the American Association of Clinical Anatomists. Although basic scientist in the department of medical education are primarily responsible for teaching foundational knowledge to medical students, they are also expected to remain current in their respective disciplines through collaborative research with colleagues in the department of biomedical science and the Centers of Excellence. A state-of-the-art “Laboratory in Molecular Medicine Education” has been constructed in the medical education building where basic science faculty in medical education work with students on original research projects as part of the school’s Scholarly Activity and Research project requirement for medical students. To address a non-compliance citation in 2011 related to the lack of emphasis on development of knowledge and skills in the individual discipline of faculty in the Department of Medical Education, the PLFSOM has:

- 1) Actively encouraged research collaboration between the Department of Medical Education and the Department of Biomedical Science.
- 2) Suggested faculty within the Department of Medical Education to pursue a joint faculty appointment in the new Graduate School of Biomedical Sciences that will open in fall of 2012.
- 3) Promoted faculty involvement in biomedical science through participation in the Scholarly Activity Research Program (SARP) projects with medical students.
- 4) Permitted faculty in the Department of Medical Education to use funding support towards their research activities.

There are many activities at PLFSOM that are designed to enhance the research and grant procurement skills of faculty members. For example, the Hispanic Center of Excellence (HCOE) funded a grant writing workshop in 2010 that was provided to interested faculty (Hispanic and all other faculty) at no charge. The presenters were experienced grant writers who provided valuable information about writing effective grants for federal funding. To support those efforts, the Associate Dean for Research recently established an office at PLFSOM that provides pre-submission grant review with feedback and assistance with grant submission. To build collaborative partnerships between basic science researchers and clinical researchers, a “Data Blitz” series has been initiated during which presenters provide information about their current research activities and other research interests followed by an informal networking session. The Department of Biomedical Sciences also invites scientists from other institutions to give monthly lectures for expanding the research knowledge of PLFSOM faculty and foster collaborations.

Paul L. Foster School of Medicine has set aside approximately \$120,000 a year for competitive seed grant funding. Each peer-reviewed grant average \$25,000 per year. The institution also hosts an annual research colloquium for faculty to present and discuss their research in the form of posters and oral presentations. In the last three years, El Paso faculty were recipients of 19 seed grants (9 from Lubbock) resulting in 21 peer-reviewed publications and 4 extramural grants.

Table 3. Research Activities of PLFSOM Faculty

| | 2009 | 2010 | 2011 |
|---|------|------|------|
| Number of external grants submitted | 4 | 12 | 24 |
| Number of publications by all TTUHSC faculty | 29 | 38 | 63 |
| Number of internal seed grants funded | 5 | 5 | 0 |
| Number of publications in which TTUHSC students are authors | 4 | 9 | 12 |

A longtime source of research skills at PLFSOM is the Faculty Development Course. The relevant topics are listed below.

Table 4. Research Section in the Faculty Development Course (FDC) Curriculum

| Topics Purposes | | Method | Hours |
|--------------------------------------|--|------------------------------------|-------|
| Clinical research principles IRB | Enhance understanding in clinical research | Lectures, Workshop | 6 |
| Biomedical statistics | Introduce important concepts | Lectures Application | 4 |
| Grant Writing Poster Presentation | Provide fundamental knowledge in writing grants; skills in preparing manuscript or poster | Workshops | 6 |
| Networking for research | Develop collaborative research project | Workshop | 2 |
| Research Project presentation | Promote completion of a research project | Peer-reviewed live presentation | 2 |

The newly established Faculty Mentoring Program is providing one-on-one mentoring for junior faculty. Each mentor-mentee pair pledges to make a presentation at both a professional meeting and at the PLFSOM Research Colloquium and also to produce a manuscript for publication.

The institutional mentorship program enables junior faculty to interact with senior faculty to learn the process of writing grant applications, formulating hypothesis, writing scientific articles to be published in peer-reviewed journals, etc. Members of the first group of the Institutional Faculty Mentoring Program had excellent accomplishments in scholarship during the 12-month partnership ending in November 2011.

Table 5. Scholarly activities of the 18 faculty mentees in the Institutional Faculty Mentoring Program I (IFMP 1)

| Faculty Mentoring Program | Posters- Presentations | Peer-Review Publications | *Level-2 Educational Programs* | Research Projects |
|---------------------------|---------------------------|-----------------------------|--------------------------------------|----------------------|
| Accomplishments | 18 | 20 | 10 | 11 |

*Level 2 refers to a set of criteria described in PLFSOM tenure and promotion guidelines. In general, the significance of faculty accomplishments is defined as follow: Level 1 accomplishment (competent) is achieved and/or recognized at local level; Level 2 accomplishment (meritorious) is achieved and /or recognized at regional level; and Level 3 accomplishment (excellent) is achieved and/or recognized at national/international level.

Similar to the Institutional Faculty Mentoring Program, the faculty development course is another opportunity for the faculty to receive mentorship related to scholarship. Faculty members in the Faculty Development Course 9 (FDC9) also participated in the “Outcome-Driven, Promotion-Oriented” program in which faculty members are committed to achieve pre-defined objectives in a 12-month period. In return, the faculty will receive a small stipend to defray the cost of buying an iPad and applications for education and research.

Table 6. Scholarly activities of 11 faculty members participated in the Outcome Program of the Faculty Development Course 9

| Faculty Development Course IX | Posters- Presentations | Peer-Review Publications | Level-2 Educational Programs* | Research Projects |
|----------------------------------|---------------------------|-----------------------------|-------------------------------------|----------------------|
| Accomplishments | 8 | 6 | 8 | 8 |

*Level 2 refers to a set of criteria described in PLFSOM tenure and promotion guidelines. In general, the significance of faculty accomplishments is defined as follow: Level 1 accomplishment (competent) is achieved and/or recognized at local level; Level 2 accomplishment (meritorious) is achieved and /or recognized at regional level; and Level 3 accomplishment (excellent) is achieved and/or recognized at national/international level.

In addition to the institutional centralized efforts described above, individual departments provide research and grant-writing support to their faculty. Most clinical departments have a research director or vice-chair for research (Anesthesiology, Emergency Medicine, Family Medicine, Internal Medicine, Medical Education, and OB-GYN) and many have research support personnel. These personnel help with the development of research questions, data collection, data analysis, and grant writing. Once projects are completed, faculty members are encouraged to present their research at professional meetings. Some departments are able to provide travel funds to their faculty for these trips.

See also information for standard ED-30 in Section II of the database, and standard FA-11 in this section.

FA-5. A faculty member in a medical education program should have a commitment to continuing scholarly productivity that is characteristic of an institution of higher learning.

a. Provide the following data by department (basic science and clinical) for the most recent completed year (academic or calendar year, whichever is used in the school's accounting of faculty scholarly efforts).

Calendar Year 2011

| Department | Number of: | | Number of Departmental Faculty Members Who Are: | | |
|---------------------|------------------------------------|-----------------------------------|--|-----------------|--------------------------|
| | Articles in Peer-reviewed Journals | Books and Book Chapters Published | Members of National Study Sections or Committees | Journal Editors | PIs on Extramural Grants |
| Anesthesiology 9 | | 2 | 6 | 4 | 4 |
| BioMedical Sciences | 53 2 | | 2 | 2 | 12 |
| Emergency Medicine | 4 4 | | 1 | 1 | 1 |
| Family Medicine | 11 | 7 | - | - | - |
| Internal Medicine | 37 16 | | - | 2 | 8 |
| Medical Education | 13 1 | 7 | 5 | 2 | 5 |
| Neurology 5 | | - | - | - | - |
| OB/GYN 2 | 1 | 27 | 1 | 3 | 1 |
| Orthopedics 3 | | 9 | - | 4 | 1 |
| Pediatrics 1 | | 4 | 4 | 3 | 4 |
| Psychiatry 1 | 0 | 6 | 1 | - | 8 |
| Radiology 5 | | 2 | - | 1 | - |
| Surgery 1 | 3 | 5 | 2 | 1 | - |

b. Describe the means by which faculty scholarship is fostered in the medical school. Is there a formal mentorship program for junior faculty to assist them in their development as scholars? Note any informal opportunities for mentorship or other types of support for faculty scholarly activities.

Faculty Mentoring Program

Prior to the implementation of our current institutional faculty mentoring program described below, several senior faculty members of the PLFSOM have independently taken the lead in serving as informal or situational mentors for the junior faculty, guiding them through challenges and difficulties in academia such as tenure/promotion, scholarship development, career development or conflict resolution. All full-time faculty members graduated from the Faculty Development Course (FDC) are required to provide informal mentoring for junior faculty members.

In the 2010-11 Academic Year, The Office of Faculty Affairs & Development initiated a comprehensive faculty mentoring program--the ***Institutional Faculty Mentoring Program (IFMP)*** -- which systematically pairs carefully selected and trained senior faculty mentors with junior and early mid-career faculty members for a year long period to provide the latter with advice, coaching, and feedback designed to enhance their academic productivity and skills and prepare them for promotion and/or tenure. This program is supported by our institutional HRSA funded Hispanic Center of Excellence, and while open to all junior and early mid-career faculty, the IFMP is particularly intended to promote the academic success of Hispanic and other underrepresented minority faculty members, and women in academic medicine. To date, a total of 34 faculty have been accepted as mentees into the program (21 in cohort 1 and 13 in cohort 2). Of these, 19 (55.9%) are women, 14 (41.2%) are Hispanic, 8 (23.5%) are Asian and 3 (8.8%) are African-American, and the remaining 9 (26.5%) participants are Caucasian. Consequently, the IFMP is helping PLFSOM meet the diversity goals described in IS-16 in the Institutional Setting section of the database.

The dean chairs the Institutional Faculty Mentoring Advisory Board which also includes the chairs of all 14 departments at PLFSOM. This board provides general oversight of the program.

Senior faculty members are invited to participate as IFMP mentors in August of each year and asked to complete a Mentoring Interest Inventory form. Prospective mentees are subsequently provided a list of possible mentors from which to select a mentor, or they may contact a potential mentor directly and secure their agreement to fill this role. Once paired, mentor and mentee complete a "Faculty Mentoring Partnership Agreement" form that is maintained, and monitored, within the Office of Faculty Affairs & Development. Each mentee and mentor is provided an iPad and a monthly stipend to buy books, iPad applications, and other materials to support their scholarly development. In return, both mentees and mentors agree to meet the following four goals during the mentoring partnership:

1. **Presentation at a professional meeting**
The mentor will assist and/or support the mentee in preparing and submitting a proposal or abstract that will be accepted for presentation at a national or international professional conference or seminar.
2. **Publication in peer-review journal**
The mentor will guide, assist and/or collaborate with the mentee in preparing and submitting a manuscript that will be published in a peer-review journal.
3. **Scholarly activity**

The mentor will guide, facilitate, or assist the mentee in carrying out a scholarly activity that is directed to the teaching and/or training of the students of the Paul L. Foster School of Medicine and be recognized at least at a regional level such as dissemination or presentation at a regional or national scientific meeting.

4. Participation in the PLFSOM Research Colloquium

Mentor will support the mentee in preparing and submitting an abstract, poster or presentation for the Research Colloquium conducted by the Office of the Associate Dean for Research.

All participants participated in the two mandatory sessions where we covered the introduction and essential components of the mentoring program, and the hand-on workshop on using the iPad in teaching and research. To support the mentees and mentors in discussing topics covered in these self-directed learning topics, the Office of Faculty Affairs & Development provided them with training materials and posted these topics online in the Faculty Development webpage.

(<http://www.ttuhschool.edu/fostersom/facdevelopment/coursepresentationRefFDCIX.aspx>; and <http://www.ttuhschool.edu/fostersom/facdevelopment/coursepresentationFDCIX.aspx>)

1. Essential principles of effective faculty mentoring
2. Faculty development programs and resources at PLFSOM
3. Paul L. Foster SOM Guidelines for Tenure & Promotion
4. Boyer’s model of scholarship
5. Principles of comprehensive performance evaluation
6. Professionalism and Cultural Diversity
7. Negotiation and Conflict Resolution
8. Leadership development
9. Building a Career in Academic Medicine
10. Innovation in Medical Education
11. Academic Networking for Success
12. Hispanic Center of Excellence (HCOE) and Faculty Development program at PLFSOM

Table 7. IMFP Monthly Requirements for Outcomes Project

| Mentoring Activities for Each Mentor /Mentee | Per Month |
|---|------------------|
| Meeting | 2 hours |
| Training | 2 hours |
| Project /goals preparation | 5 hours |
| Document & Report | 1 hour |
| Total | 10 hours |

Both mentor and mentee complete monthly reports documenting their interactions, activities, and progress toward meeting outcome goals.

Typically, the faculty mentoring relationship ends after 12 months unless both mentor and mentee request a renewal. Either mentor or mentee can request the termination of the mentoring relationship at any time during this process.

The mentees and mentors have made exceptional progresses according to their monthly and quarterly progress reports. The accomplishments of the first cohort of mentees are summarized in Table 5. on page 22. The second cohort is currently in progress.

For details of this program, please refer to the attached Faculty Mentoring Manual in Section IV, Appendix 5a; the manual is also available online at:

http://www.ttuhsu.edu/elpaso/admin/documents/manual_for_faculty_mentoring.pdf

The institutional faculty mentoring program is directed by the Associate Dean for Faculty Affairs and Development. Copies of the Faculty Mentoring Interest Inventory and Faculty Mentoring Agreement Form are included in the Faculty Mentoring Manual .

Other Programs

Besides the institutional faculty mentoring program, faculty members at PLFSOM also have access to the following six programs that are designed to support their scholarly activities:

- *Seed Grants: Research Incentive Awards*—The Associate Dean for Research has identified annual discretionary funds (\$120,000.00) to be used for the encouragement of new research undertakings. This seed grant program provides small awards, generally no greater than \$20,000 for one year, to faculty who wish to begin a new research program. The process is open to all investigators, but preference is given to junior faculty members and new investigators.
- *Biostatistics and Epidemiology Consulting Lab (BECL)* – PLFSOM has created BECL as a free service to all faculty within the school to assist as needed with research projects. With expertise in study design, database management, statistical analyses, graphical presentation and manuscript development, BECL is prepared to work with faculty at any stage of their research projects. BECL maintains a long range goal of acting as collaborators with research investigators within PLFSOM in externally funded research initiatives. Since inception (Summer 2009) BECL has assisted in over 100 research projects spanning 15 departments on campus and many others with faculty in Lubbock, through collaboration with the Clinical Research Institute. BECL is staffed by 3 Masters level statistical programmers working under the supervision of 3 faculty members trained in Biostatistics and Epidemiology.
- *Department Incentive Program*— to foster faculty scholarship, some departments have developed an incentive program for recognizing and rewarding faculty members for their scholarly contributions and accomplishments. Departments have sponsored senior level faculty from other academic institutions to present on scholarship development and to serve as indirect mentor to some department faculty members. Scholarly attainments such as publication in peer-reviewed journals, presentations at national scientific meetings, and extramural research grants, are recognized and rewarded.
- *Hispanic Center of Excellence (HCOE)*—The HCOE has been active in supporting Hispanic faculty by providing opportunities and funding for participation in faculty development activities, teaching enhancement courses, and other advanced training programs such as grant writing workshops. Please refer to FA-11 for details of HCOE activities that promote faculty scholarship.
- *Employee Training and Development*—PLFSOM is an institution of higher education dedicated to the pursuit of educational, research and public service objectives. To attain these objectives, PLFSOM recognizes the importance of its faculty, acknowledges their valued contributions to the

accomplishment of its mission, and promotes lifelong learning for the advancement of the institution. Full and part-time faculty members, regardless of tenure status, are eligible for this institutional Employee Training and Development program to develop and further enhance their professional skills in order to improve job performance. Appropriate expenses include, but are not limited to, salary, tuition and other fees, travel and living expenses, training stipends, training materials and other necessary expenses in a training or education program. The process and application form are described in TTUHSC Operating Policy 70.47.

<http://www.ttuhs.edu/hsc/op/op70/op7047.pdf> Section IV, Appendix 6

- *Faculty development leave*—is available for tenured faculty after serving five years as full-time faculty. The faculty member may be authorized to spend up to six months in scholarly pursuits elsewhere at full pay or up to one year at half pay. Formal application is required as well as a favorable recommendation by the faculty sabbatical leave committee and approval by the Dean and President of the HSC. The process is completely described in TTUHSC Operating Policy 60.02 <http://www.ttuhs.edu/hsc/op/op60/op6002.pdf> and included in the Section IV, Appendix 7

c. Describe the institution's expectations for faculty scholarship. Is documentation of scholarship required for retention and promotion of all or some full-time faculty?

All full-time faculty members, regardless of employment track or rank, are expected to engage in scholarship consistent with their primary institutional role and position (e.g., patient care, education, research) for successful retention, promotion and/or tenure. Documentation of scholarly productivity is included in the faculty member's annual performance evaluation conducted by the department chair. As part of this process, the chair records his/her judgment as to whether a faculty member is "on-track" to meeting criteria, including evidence of scholarship, for promotion and/or tenure. Faculty members who are "off-track" are counseled about institutional and departmental expectations and a plan is devised with the individual faculty member to facilitate his/her success. A copy of the faculty annual evaluation form is available at http://www.ttuhs.edu/fostersom/facultyaffairs/documents/Recognition_and_Promotion-Based_Evaluation_-_By_Chair.pdf. For tenure track faculty members who are at the end of the probationary period, non-renewal of appointment may result from persistent lack of productivity in scholarship despite efforts to assist the faculty member. The post-tenure review is intended to enhance and protect the important guarantees of tenure and academic freedom. It will include a comprehensive review of the faculty member's performance of duties and responsibilities as assigned by the direct supervisor consistent with the institutional policy. All tenured faculty members, except full-time administrators, will be evaluated at six (6) years intervals. The process is described in the TTUHSC Operating Policy 60.03, <http://www.ttuhs.edu/HSC/OP/OP60/op6003.pdf>

See also information for standard IS-13 in Section I: Institutional Setting and Part A, item (e.) in Section V: Educational Resources.

FA-6. The medical school faculty must make decisions regarding student admissions, promotion, and graduation, and must provide academic and career counseling for students.

No additional information is required for this item

Refer to responses for standards MS-4, MS-18, MS-19, and MS-33 in Section III of the database.

FA-8. A medical education program should have policies in place that deal with circumstances in which the private interests of a faculty or staff member may be in conflict with his or her official institutional or programmatic responsibilities.

a. Check each area where the medical school or the university has a faculty conflict of interest policy. Include a copy of each policy in the Appendix, or provide the web site URL where the policy can be viewed.

| | |
|---|---|
| √ | Conflict of interest in research |
| √ | Conflict of private interests of faculty/staff with academic responsibilities |
| √ | Conflict of interest in commercial support of continuing medical education |

CONFLICT OF INTEREST IN RESEARCH

TTUHSC-Paul L. Foster School of Medicine adheres to the policy established by the Health Sciences Center (HSC OP 73.09) on conflict of interest in research. The policy’s purpose is to protect the objectivity in research conducted at or by our institution and to protect faculty, staff and the institution from the consequences of conflicts of interest as a result of interaction with public or private sectors. The policy applies to Investigators and Designated Officials and to the institution where it invests in or accepts philanthropy of commercial research sponsors or otherwise has a proprietary financial interest in research activity. A TTUHSC Conflict of Interest Committee (COIC) exists to review any conflicts of interest. The COIC consist of at least nine voting members including, the Director of the Research Integrity Office, with the seniority, expertise and independence to make credible and effective recommendations. If a conflict of interest is found the COIC chair will forward the matter to the COIC to manage, reduce or eliminate the conflict before expenditure of funds. A due process for appealing a COIC decision is in place for the individual researcher and the institution. A compliance mechanism is in place and sanctions may apply for breaches of the policy including dismissal. This policy can be found in the Appendix, Section IV and the annual reporting form is provided in Section IV, Appendix 8. These items are also available at: <http://www.ttuhscc.edu/HSC/OP/OP73/op7309.pdf>.

CONFLICT OF INTEREST IN ACADEMIC RESPONSIBILITIES

TTUHS-Paul L. Foster School of Medicine adheres to the policy established by the Health Sciences Center, Board of Regents Rule (BOR 03.01) on ethics. This rule is required by state law and contains guidance concerning the private interests of faculty and staff in relation to academic responsibilities. State officers and employees may not have direct interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officers’ duties in the public interest. The policy on conflict of private interests of faculty/staff with academic responsibilities is provided in the Section IV, Appendix 9, and is available at: <http://www.depts.ttu.edu/oppol/Chapter03.pdf>

CONFLICT OF INTEREST IN CONTINUING MEDICAL EDUCATION

TTUHSC-Paul L. Foster School of Medicine adheres to the policy established by the Health Sciences Center (HSC OP 10.27) on conflict of interest in interactions with Health Care Vendor. The CME office at the school is in full compliance with the guidelines of the Accreditation Council on Continuing Medical

Education (ACCME) regarding commercial support. The policy's purpose is to maintain the integrity of the institution's educational and research programs, and clinical decision making by providing guidance on acceptable interactions between faculty, residents, staff, students and trainees on Health Care Vendors to optimize the benefits of such interactions and foster compliance with federal and state laws while minimizing the risk of actual or perceived conflicts of interest. The policy on Health Care Vendor Interactions can be found in the Section IV, Appendix 10. These items are also available at: <http://www.ttuhscc.edu/hsc/op/op10/op1027.pdf>.

b. Summarize the institutional efforts or programs that address research ethics, scientific misconduct, conflicts of interest, and human subjects protection.

It is mandatory for all TTUHSC employees participating in research, including faculty, residents, medical students and research staff to complete the institutional program addressing research ethics, scientific misconduct, conflict of interest, and human subject protection.

Research ethics training involving human subjects research is available through the institution's participation in the CITI program and certification must be renewed every 3 years. Research involving animals is conducted according to the Texas Tech University Health Sciences Center (TTUHSC) Principles for the Ethical Care and Use of Animals. All protocols must be approved by the Institutional Animal Care and Use Committee (IACUC). All researchers must sign a financial disclosure statement annually which addresses any financial conflicts of interest. The coordinator for the El Paso IRB sends out reminders when recertification is needed. The Research Compliance Program is responsible for internal auditing of human research studies to monitor compliance with federal regulations, state laws, and TTUHSC institutional policies for the protection of the rights and welfare of human research participants. They conduct routine regulatory audits, directed audits, and financial audits. (<http://www.ttuhscc.edu/research/hrpo/compliance.aspx>)

The Associate Dean for Research provides information at faculty orientation and in the Faculty Development Course regarding all of these topics. There is a local Research Finance office that monitors grant accounts and expenditure procedures, and the Institutional Internal Audit group conducts frequent process and accounting audits in the clinical departments as well as in the Research Centers of Excellence. All constituents of the Health Sciences Center are governed by policy, and pertinent education, review and remediation processes are in place for faculty, staff and students.

Additionally, ethics is a Grand Rounds topic presented four times per year and is addressed in Residency Conference lectures. The Office of Faculty Affairs and Development provides a faculty development course in which faculty receive training in conflict of interest management and research and clinical practice ethics. The Texas Tech University Health Sciences Center and the Texas Tech University System have written conflict of interest and behavior expectations that are codified in policy, and all employees are required to familiarize themselves with the policies and to attest to an understanding of the policies.

c. Describe the means by which adherence to the conflict of interest policies are monitored.

All research personnel (students, faculty and staff) must sign a financial disclosure document each year indicating whether they or anyone in their family has a financial conflict of interest. These documents are reviewed annually by the Office of Research in Lubbock. The Institutional Compliance Office monitors the implementation of and compliance with the HSC OP 10.27 Health Care Vendor Interactions.

All faculty members who present information at CME activities are required to disclose any conflict of interest regarding commercial support. Failure to disclose conflict of interest disqualifies the faculty member from participating as a presenter at any activities of the CME program.

FA-9. A medical education program should provide each faculty member with written information about his or her term of appointment, responsibilities, lines of communication, privileges and benefits, and, if relevant, the policy on practice earnings.

a. Describe how faculty members are notified about the following items:

- i. Term and conditions of employment
- ii. Benefits
- iii. Compensation, including policies on practice earnings

The Dean's letter of offer outlines terms and conditions of employment, salary, benefits and other compensation, including policies on practice earnings when appropriate. The department chair also writes a letter at the time of appointment that provides additional details on these topics and expected responsibilities of the new faculty within the department pertaining to its different missions and a description of the departmental incentive plan where applicable.

Departmental practice income policy is reviewed with each new faculty member during recruitment and at the time of appointment. Each clinical department has a written policy which is provided to the individual faculty member at the time of appointment and this is also discussed with the new faculty member by both the administrator and department chair.

All faculty members participate in a one day orientation when they first arrive at the PLFSOM. Orientation is coordinated by the Office of Human Resources, which provides detailed written information about policies concerning employment and various benefits available. Additional departmental benefits for faculty are further discussed at the department level by the administrator/Chair. Each subsequent year, the faculty member receives written notice of changes in benefits for the following fiscal year. Similarly, at the end of each fiscal year, all faculty members receive a written communication that summarizes projected compensation for the year ahead. The clinical faculty members also receive a monthly statement of their patient billings and collections, and other clinical practice data.

b. Describe the means by which and the times at which newly hired and existing faculty members are informed about their responsibilities in teaching, research, and, where appropriate, patient care.

Each faculty member is informed about his/her responsibilities in teaching, research, and if applicable, patient care, as early as during the recruitment phase. The department chair and the associate dean for faculty affairs & development discuss in detail with faculty applicants the various faculty appointment tracks and their associated responsibilities and expectations. The letter of offer that is written by the dean delineates a framework of the responsibilities, while the letter from the chair discusses in detail the expectations and responsibilities in teaching, research and scholarship, and direct patient care. The letter also provides information about available supportive resources, such as laboratory space, equipment, and protected non-clinical time. In addition, the chair describes in detail the line of reporting responsibility within the department and within the institution.

During the annual evaluation, faculty members are expected to document achievements over the previous 12 months and prepare goals and objectives for the next 12 months in discussion with their Chair. During this meeting expectations regarding all faculty responsibilities are reviewed and revised as appropriate.

An additional new faculty orientation is held for new faculty during their first year to discuss faculty responsibilities, faculty development opportunities and an orientation again to the institution and its available resources.

c. If there is a faculty handbook, include a copy or provide the Web site URL at which the handbook can be viewed.

Paul L. Foster School of Medicine has an electronic faculty handbook (e-Handbook) available at:

<http://www.ttuhsc.edu/fostersom/facultyaffairs/ebook.aspx#generalinformation>

FA-10. A faculty member of a medical education program should receive regularly scheduled feedback on his or her academic performance and progress toward promotion and, when applicable, tenure.

Feedback should be provided by departmental leadership or, if relevant, by other programmatic or institutional leadership.

a. Briefly describe any medical school or university policies assuring that faculty members receive periodic feedback on their performance and progress toward promotion and, if relevant, tenure.

TTUHSC has specific operating policies concerning feedback to faculty members about their performance and progress toward promotion. HSC OP 60.01 specifically addresses the tenure and promotion policy, including advisement of faculty members. HSC OP 60.08 describes the process required for annual review of non-tenure-track faculty. HSC OP 60.03 addresses the required, recurring, five-year review of tenured faculty members to be in compliance with Section 51.942 of the Texas Education Code. Please see the following: Section IV, Appendix 11, a, b, c, d.

<http://www.ttuhs.edu/HSC/OP/OP60/op6001.pdf>

<http://www.ttuhs.edu/HSC/OP/OP60/op6003.pdf>

<http://www.ttuhs.edu/HSC/OP/OP60/op6008.pdf>

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm>

b. Describe the times at which and the means by which faculty members receive formal feedback from departmental leaders (i.e., the chair or division or section chief) on their academic performance and their progress toward promotion and, if relevant, tenure.

In February-March of each year, each faculty member is required to submit an annual report of his or her accomplishments. Through a process guided by the Faculty Council and the Associate Dean for Faculty Affairs & Development, the format for this report was revised for AY2011. The new format is now directly linked to the criteria applied in tenure and promotion processes, with categories for accomplishments in teaching, clinical service, scholarship and academically-related public service (including self-identification of the level of accomplishment in each domain based on the school's guidelines for tenure and promotion) and the proportion of time each faculty spends in each area for which they were employed. Also there is a specific question addressing whether the faculty is on track for promotion or tenure. These reports serve as the basis for mission-guided, objectives-directed and promotion-oriented annual performance evaluations conducted by the department chairs. These individual performance evaluations result in reports, completed by the relevant department chairs, which assess whether the faculty member is meeting or exceeding institutional expectations – or needs improvement – in each domain. Each faculty member meets with his or her department chair to review his or her evaluation. Faculty members with determinations of “needs improvement” in multiple domains are provided with specific and actionable recommendations generated by their chair, potentially in consultation with the Associate Dean for Faculty Affairs. Each faculty member and their department chair signs an attestation indicating completion of this annual process in accordance with the Faculty Evaluation Guidelines and Procedures, and a copy of this attestation is submitted to the Office for Faculty Affairs and Development. The Office of Faculty Affairs and Development received attestations for 99% of the faculty participating in the annual evaluation cycle ending March 9, 2012.

See also information for standard FA-4 and FA-5.

FA-6. The faculty of a medical education program must make decisions regarding the admission, promotion, and graduation of its medical students and must provide academic and career counseling for medical students.

FA-12. At a medical education program, the dean and a committee of the faculty should determine policies for the program.

The committee that, with the dean, determines policies for the medical education program typically consists of the heads of major departments and may be organized in any manner that brings reasonable and appropriate faculty influence into the governance and policymaking processes of the program.

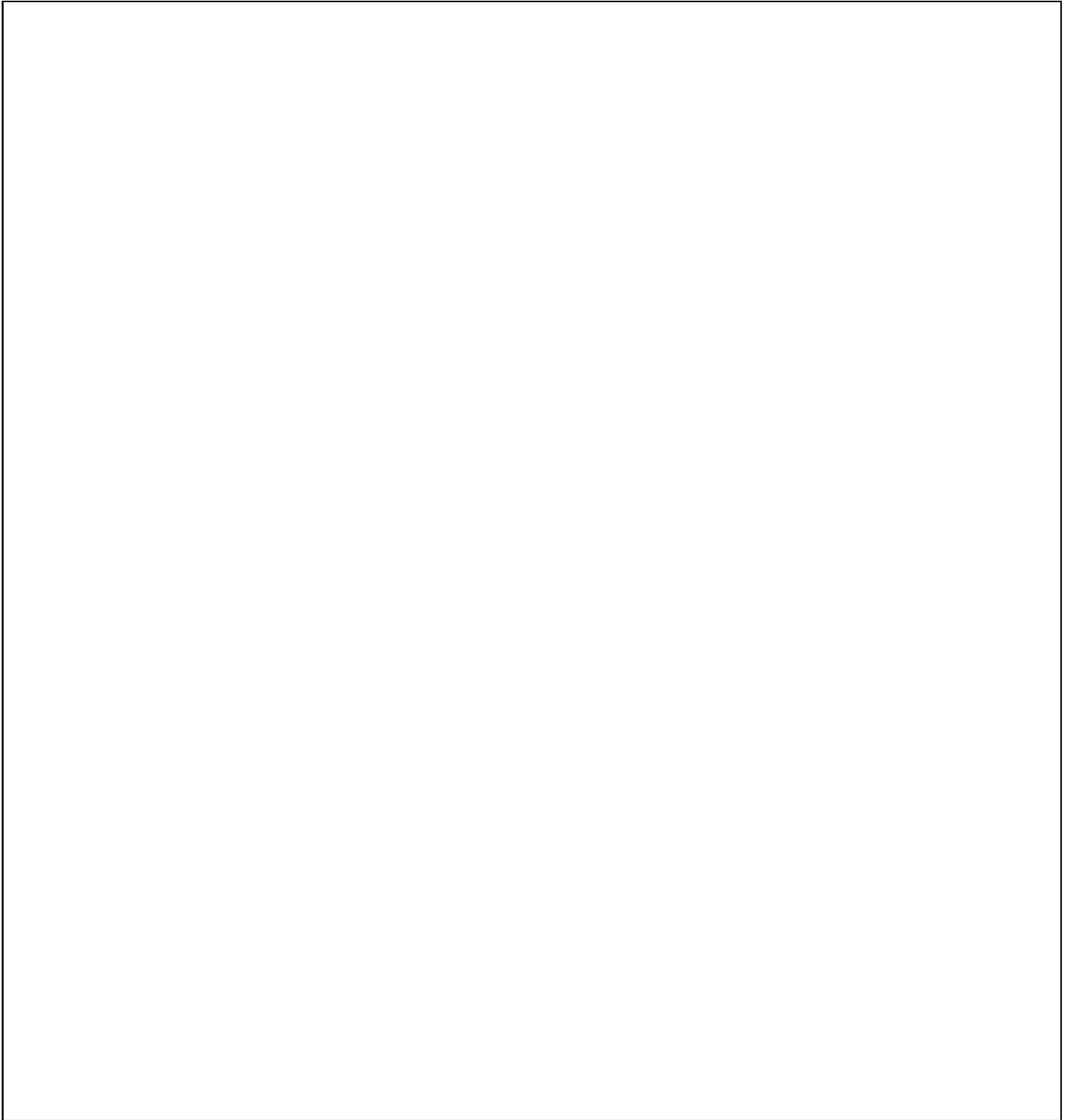
FA-13. A medical education program should ensure that there are mechanisms in place for direct faculty involvement in decisions related to the program.

Important areas in which direct faculty involvement is expected include admissions, curriculum development and evaluation, and student promotions. Faculty members also should be involved in decisions about any other mission-critical areas. Strategies for assuring direct faculty participation may include peer selection or other mechanisms that bring a broad faculty perspective to the decision-making process, independent of departmental or central administration points of view. The quality of an educational program may be enhanced by the participation of volunteer faculty in faculty governance, especially in defining educational goals and objectives.

a. List in the table below all major permanent committees of the medical school. Note whether each committee is charged with making recommendations (R), empowered to take action (A), or both (B).

Below please see a table illustrating how the various permanent committees at PLFSOM relate to one another. This is followed by the requested table outlining committee composition, reporting relationships, and decision-making authority.

ORGANIZATIONAL CHART OF THE PLFSOM FACULTY



Governance**Table 8. Standing Committees of the Paul L. Foster School of Medicine**

| Committee | Number of Members | Appointed or Elected by: | Reports to: | Authority (R/A/B) R=Making recommendation; A=Empowered to take Action; B=Both |
|--|-------------------|--|--|--|
| Medical School Admissions | 19 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Curriculum and Educational Policy | 14 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Evaluation of Education Programs | 14 Dean | with recommendation from Senior Associate Dean for Medical Education | Committee on Curriculum and Educational Policy | B |
| Student Grading and Promotion | 19 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Graduate Medical Education | 15 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Student Affairs | 9 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Continuing Medical Education | 12 Dean | with recommendations by Faculty Council | Faculty Council | B |
| Faculty Appointments, Tenure and Promotion, and Comprehensive Performance Evaluation | 12 Dean | | Academic Council | R |

| Committee | Number of Members | Appointed or Elected by: | Reports to: | Authority (R/A/B) R=Making recommendation; A=Empowered to take Action; B=Both |
|--|---|--|------------------|--|
| Libraries and Educational Resources | 19+ medical student and resident representation | Dean with recommendations by Faculty Council | Faculty Council | R |
| Human Research Review (Institutional Review Board) | 12 Dean | | Academic Council | B |
| Clinical Affairs | 11 | Dean Faculty Council | Academic Council | B |
| Diversity | 14 Dean | with recommendations by Faculty Council | Faculty Council | R |
| Research Committee | 18 Dean | with recommendations by Faculty Council | Faculty Council | R |
| Committee on Hearing & Grievance | 20 Dean | | Dean | R |

b. Describe the means by which the dean obtains input from department heads and faculty members regarding institutional planning and decision-making. Note how often the dean meets with department heads, members of the dean's staff, and other medical school leadership groups (e.g., Executive Committee, Faculty Council).

The Dean of the School of Medicine is assisted by three Councils (Dean's Council, Academic Council, and Faculty Council) which have input in determining medical school policies; each is made up of faculty members of different ranks.

The **Dean's Council** is made up of the dean, the associate deans, heads of all academic units (chairs and directors of centers and institutes) and the president of the Faculty Council. They meet on a monthly basis or more frequently for consideration of special issues. The Dean's Council has the responsibility to "participate by discussion, study, advice, and counsel in the formulation of policies of the School of Medicine".

The **Academic Council** is made up of the dean, four members of the dean's council, the president of the Faculty Council, and four faculty members elected by the Faculty Council. They meet at least quarterly. The Academic Council is the central body for communication between the administration and the faculty. They review and accept or reject recommendations made by Standing Committees reporting to them.

The **Faculty Council** consists of representatives from all departments and meets at least monthly. This Council is the forum for presenting, discussing, considering, and making recommendation about faculty-related and/or education-related issues. Providing oversight for various Standing Committees, Faculty Council may accept or reject recommendations made by Standing Committees reporting to them.

Table 9. Faculty Governance Councils of the Paul L. Foster School of Medicine

| | Number of Members | Appointed or Elected by: | Reports to: | Authority (R/A/B) |
|------------------|-------------------|--------------------------|---------------------------|-------------------|
| Dean's Council | 22 | Dean | Dean B | |
| Academic Council | 10 | Dean Faculty Council | Dean Faculty Council | B |
| Faculty Council | 17 | Voting Faculty | Faculty, Academic Council | B |

* 14 voting members and 3 non-voting members

See also information for standard IS-4 in Section I: Institutional Setting and for standards MS-4, MS-18, MS-19, and MS-33 in Section III: Medical Student

FA-14. A medical education program must establish mechanisms to provide all faculty members with the opportunity to participate in the discussion and establishment of policies and procedures for the program, as appropriate.

Participation by all faculty members in the discussion and establishment of policies and procedures for the program may be facilitated, for example, by:

- *Ease of access to committee meeting agendas and minutes;*
- *Program-wide dissemination of draft policies and procedures for faculty members' review;*
- *Provision of opportunities for faculty members to comment on draft policies and procedures to program leaders prior to their finalization and implementation; or*
- *Faculty meetings.*

a. List the number and type of general faculty meetings held during the past academic year. Indicate whether these meetings were in person or "virtual" (e.g., Web cast) meetings. Describe the major agenda items for these meetings and the means by which faculty were made aware of meeting agendas.

General Faculty Meetings are held bi-annually in accordance with the By-laws approved by the PLFSOM faculty. Accordingly, three meetings were held on March 28th, October 4th, 2011 and March 29, 2012. The next meeting will be held in October of 2012. These were "live" meetings presided over by the dean and the President of the Faculty Council, in which faculty from other locations participated by teleconference. Previous agenda items included faculty governance announcements; the results of a faculty survey regarding effectiveness of communication with the dean; inter-professional education; Medical Center of the Americas, agreement; and graduation plans for Charter Class of 2013.

These general faculty meetings can be held more frequently as deemed appropriate by the Dean, the Faculty Council and also the Faculty at large.

b. Describe the means by which faculty members are informed about upcoming meetings. Describe the means by which faculty who are not present learn about the discussions at and/or outcomes of these general faculty meetings (e.g., through the circulation of meeting minutes).

The Faculty members are informed largely by e-mail and e-mail reminders about upcoming meetings. The members of the Faculty Council also serve as points of communication of upcoming events to their respective department faculty colleagues. When appropriate, electronic messages and/or posters are posted on the monitor displays that are placed at each building on the campus. The minutes of the meetings are available on the web-site for those who are unable to attend. The Office of Faculty Affairs & Development provides secretarial and logistic support for these activities.

c. Describe how copies of draft policies and procedures are distributed for faculty comment. Provide examples of opportunities made available during the past academic year for faculty members to comment on such drafts.

Draft policies are thoroughly discussed by departmental faculty representatives serving on the faculty council and these in turn can be discussed at the departmental level formally (e.g., departmental meetings) and

informally to inform faculty and to solicit comment and feedback. Draft policies are then sent electronically to all voting faculty members for comment and review. These comments are collected and collated for consideration by the faculty council or its designees. A recent example of this process is the proposal on faculty evaluation described above in response to FA-10 .

In 2011, other examples include the review and adoption of the PLFSOM Ambulatory Clinic Bylaws by the faculty as well as revisions to the PLFSOM Faculty Bylaws. These documents were drafted in faculty committees then circulated to the faculty at large for review and comment by e-mail -prior to final adoption. The final vote on the Ambulatory Clinic Bylaws occurred at an all-faculty meeting. The final vote on the Faculty Bylaws revisions occurred at a Faculty Council meeting.

d. In addition to meetings, describe any other mechanisms (e.g., written or electronic communications) that exist at the medical school to inform faculty members about medical school matters.

Tech View Inside Notes

Official weekly electronic newsletter for faculty, residents, staff and medical and nursing students of the TTUHSC Paul L. Foster School of Medicine and Gayle Greve Hunt School of Nursing. Tech View is sent via official Texas Tech email.

Paul L. Foster School of Medicine Facebook page

PLFSOM facebook page is available to anyone who is a fan of the page. It is updated daily with information, news releases, and linked news articles.

Ask the Dean

Ask the Dean at TTUHSC (askthedean@ttuhsc.edu) is an electronic means of asking the founding dean of the medical school questions about issues, policies, procedures, or anything else having to do with the school. It is available to anyone, including faculty, students, residents, and staff by email. It is checked daily and questions presented to the dean during the weekly meeting with the communications and marketing director.

Info Center

Info Center or Information Center, a tool of the IT Department, sends out consistent email blasts daily. It can be used to update faculty on changes to policy and procedures.

In addition to e-mails regularly sent from the dean to address the Faculty regarding current events, the founding dean also sends out a weekly communiqué titled "Tech View" to inform and update general faculty on new developments that are related to the medical school.

Included is the link to Tech View announcing the re-establishment of the Hispanic Center of Excellence (HCOE) at the Paul L. Foster SOM and the award of \$2.6 million to expand Hispanic faculty recruitment programs, build and enhance faculty development opportunities, facilitate research related to health issues predominant in our region, and strengthen our community presence among our underserved and disadvantaged populations. http://www.ttuhsc.edu/fostersom/fostersom_milliongrant.aspx

END OF SECTION IV

Chapter 04 -- Faculty

04.01 Honorific titles

04.01.1 Horn and Murray Professorships

- a. The board has established special professorships known as "Horn Professorships" named in honor of Paul Whitfield Horn, the first president of TTU and "Murray Professorships" named in honor of Grover Murray, the first president of TTUHSC. "Horn Professorships" are granted to TTU professors and "Murray Professorships" are granted to TTUHSC professors.
- b. Horn Professorships and Murray Professorships, the highest honors that TTU and TTUHSC may bestow on members of their respective faculties, are granted to professors in recognition of their attainment of national or international distinction for outstanding teaching, research, or other creative achievement.
- c. In its operating manuals, each university has specific procedures to be followed for selection of Horn or Murray Professorships. These procedures provide details concerning material to be gathered and other procedures to be followed.
- d. The board shall approve those faculty members to be granted Horn Professorships and Murray Professorships upon recommendation of the presidents with concurrence by the chancellor.

04.01.2 Emeritus appointments

- a. The title "Emeritus" may be conferred as a recognition for long and faithful service, or for very distinguished service to the institution.
- b. Members of the faculty with rank of professor or associate professor at retirement may be given emeritus appointments, provided they have completed at least ten years of service at a component institution or have been recommended on the basis

of "very distinguished service." If emeritus status is proposed on the basis of very distinguished service, the operating manuals of a component institution shall prescribe a method for recommendation of emeritus status.

- c. Administrative officers in major positions at the time of retirement from administrative duties may be considered for emeritus appointments.
- d. Emeritus appointments are strictly honorary and without stipend.
- e. Each such appointment shall be subject to approval by the board upon recommendation of the respective president with concurrence by the chancellor.

04.02 **Tenure and promotion.** Each component institution of the TTU system shall publish and maintain as part of the institution's operating manual Tenure and Promotion Regulations and Guidelines. The institutional operating policies for tenure and promotion, and any changes thereto, must be approved by the board.

04.03 **Guidelines for comprehensive performance evaluation of tenured faculty.** Each component institution of the TTU system shall publish and maintain as part of the institution's operating manual Guidelines for Comprehensive Performance Evaluation of Tenured Faculty. The institutional operating policies for the comprehensive performance evaluation of tenured faculty, and any changes thereto, must be approved by the board.

04.04 **Faculty responsibility**

04.04.1 **Public purpose.** TTU and ASU are publicly supported institutions which are obligated to provide instruction in higher education, to advance knowledge through scholarship and research, and to provide related services to the community, the state and the nation. TTUHSC is a publicly supported institution which was established to provide opportunities for higher education in the health professions and related fields, to advance knowledge through scholarship and research, and to provide related services to the community, the state, and the nation.

- 04.04.2 Responsibilities of the TTU system. As centers for learning, component institutions have the obligation to maintain conditions which are conducive to freedom of inquiry and expression in the maximum degree compatible with the orderly conduct of their functions. The responsibilities of the TTU system dictate, to a major extent, the responsibilities of the individual faculty member. The faculty member is properly concerned with the whole process of education and is aware of the responsibilities of the TTU system in a free society. Responsibility is assumed for performing several essential functions: teaching, research, and service to the schools, to the community as a whole, and to individual members of the community as needed.
- 04.04.3 Teaching. As a teacher, the faculty member has responsibilities to students, to a discipline, to a profession, and to the TTU system. These responsibilities include facilitating the intellectual and emotional growth of students, encouraging free inquiry in the classroom and clinic, and striving to create and maintain a climate of mutual respect which will enhance the free interplay of ideas. A faculty member has a responsibility to recognize the varying needs and capabilities of students and to make every effort to assure that evaluation of a student's work reflects the student's level of achievement. The faculty member as a teacher also has the responsibility to uphold the highest scholarly standards and encourage respect for such standards to engage in a continual and critical study of the subject matter of one's discipline so as to ensure that presentations contain the most current and useful knowledge and that the material being taught is consistent with the course of study outlined by a department, college or a course director, and to recognize the responsibilities of the teacher as a counselor and devote a reasonable portion of time to aiding, guiding, and counseling students outside the classroom. Finally, the faculty member has a responsibility to strive to maintain those skills and values that ensure the continuation of free and open inquiry.
- 04.04.4 Research. Through research, a faculty member grows intellectually, stimulates students' learning, and adds to the accumulated knowledge of a discipline. A faculty member should strive constantly to contribute to the growth and understanding of knowl-

edge in one's particular field through creative research and scholarship. The faculty member has an additional responsibility to share the results of research by disseminating them to students, colleagues, and professionals in one's discipline and to the public.

- 04.04.5 TTU system service. A faculty member is responsible for participation in the various activities, programs, and functions related to the enhancement of the TTU system, such as participating in the formulation of component institution's academic policies, service on university committees, and other assignments.
- 04.04.6 Professional service. Within one's field of competence and as time and resources permit, the faculty member has a responsibility to respond to requests for advice and aid and to participate in the activities of one's profession. The faculty member with clinical competence is responsible for the provision of health care services at least to the extent necessary to support adequately the teaching programs of his/her department. All faculty members should stand ready to render advice and aid in their areas of professional competence to those who may need them. Faculty members should exercise care that such activities do not infringe on other obligations and responsibilities to the TTU system.
- 04.04.7 Community service. As a member of a community, the faculty member has the same obligations and responsibilities as those incumbent upon other members of the community. Such services should be consistent with regulations of the TTU system and the state.
- 04.04.8 Discretion. In the case of both professional and community service, the faculty member should exercise discretion in distinguishing between acts carried out or statements made as an individual or a professional and those carried out or made as a representative of the TTU system.

04.05 Faculty development leaves of absence

- 04.05.1 Purpose of leaves of absence. The board may grant faculty development leaves of absence for study, research, writing, field obser-

vations or other suitable purposes, under conditions allowable by the state of Texas.

- 04.05.2 Benefits for faculty. Such leaves shall not jeopardize a faculty member's participation in benefits available by or through the institution or the state to faculty members.
- 04.05.3 Selection process. In making recommendations for faculty leaves to the board, procedures for selection consistent with state guidelines shall be utilized by the respective president.

04.06 Academic workload -- general academic institutions. Each general academic institution of the TTU system shall publish and maintain as part of the institution's operating manual Academic Workload Guidelines. The institutional operating policies for academic workload guidelines, and any changes thereto, must be approved by the board.

04.07 Faculty research

- 04.07.1 New knowledge acquisition. A primary mission of each component institution is the contribution of new knowledge developed by the scholars who are an integral part of the TTU system community.
- 04.07.2 Faculty expectations. All faculty are encouraged to fulfill their roles as members of a scholarly profession by engaging in and actively pursuing a meaningful program of research and scholarly productivity.
- 04.07.3 Sponsored programs. Sponsored program projects include grants, contracts, and cooperative agreements from both the public and private sectors which support research, instructional, and service projects. In its operating manuals, each component institution will provide a conduit through which projects are submitted. Projects which are submitted through these conduits should be evaluated by the appropriate academic officer, the associate dean for research, or members of the faculty. Approval of such projects properly rests with the appropriate dean operating through a system of committees to ensure that the projects fall within recognized

spheres of research and that a positive contribution will be made to the development of an academic discipline.

04.07.4 Salaries for faculty engaged in sponsored research. Whenever possible and appropriate, research proposals should include a budgeted percentage of the salary of principal investigator(s) and other faculty-rank researchers associated with the project.

04.08 **Nonnative English speaking teaching assistants and faculty at TTU and ASU.** Through its chief academic officers, TTU and ASU shall maintain programs for nonnative English speaking teaching assistants and faculty to assist faculty members whose primary language is not English to become proficient in the use of English, and to ensure that courses offered for credit at TTU and ASU are taught in the English language, and that all faculty members are proficient in the use of the English language.

04.09 **Small classes approval at TTU and ASU.** The offering of small classes is a matter of academic and economic concern, and shall be engaged in only when appropriate justification is offered. In keeping with legislative directives and guidelines approved by the Texas Higher Education Coordinating Board, organized small classes may be authorized to be taught if they meet the conditions set forth in the *Texas Administrative Code*. The provost shall approve or disapprove the proposed offering of small classes, monitor the offerings, and provide reports in accordance with state requirements. A report on small classes offered shall be reported to the board as information.

04.10 **Filings with the State of Texas.** For any matter addressed within this chapter of the *Regents' Rules*, if a law or regulation requires a report to be submitted to or a copy of policies and guidelines to be filed with the State of Texas or a state entity, it is the responsibility of the institution to submit the required report or file the required copy of policies and guidelines, as directed by the law or regulation.

Index of Chapter 04 amendments adopted since December 12, 2008:

| <u>Section</u> | <u>Date</u> | <u>Description of Amendment</u> |
|-------------------------|-------------|---|
| 04.02 | 5-14-10 | Language was added to the existing Sec. 04.02 to clarify that any changes to institutional operating policies on tenure and promotion must be approved by the board. |
| 04.03 | 5-14-10 | The detailed policies on “Guidelines for comprehensive performance evaluation of tenured faculty” previously included in Sec. 04.03 were off-loaded (deleted) from Chapter 04 to reside only in institutional operating policies (as of 5-14-10: TTU OP 32.31 ... ASU OP 06.19 ... TTUHSC OP 60.03). And any changes to these institutional operating policies must be approved by the board. |
| 04.06 – <i>revised</i> | 5-14-10 | A revised Sec. 04.06 regarding academic workload for both TTU and ASU requires those institutions to maintain academic policies in the institutions’ operating manuals, with those operating policies – and any subsequent changes thereto – to be approved by the board. |
| 04.06 – <i>previous</i> | 5-14-10 | The detailed policies on “Academic workload” at TTU – previous Sec. 04.06 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 5-14-10, TTU OP 32.18). And any changes to this institutional operating policy must be approved by the board. |
| 04.07 – <i>previous</i> | 5-14-10 | The detailed policies on “Academic workload” at ASU – previous Sec. 04.07 – were off-loaded (deleted) from Chapter 04 to reside only in an institu- |

tional operating policy (as of 5-14-10, ASU OP 06.02). And any changes to this institutional operating policy must be approved by the board.

With both TTU and ASU academic workload policies addressed in the revised Sec. 04.06, the previous Sec. 04.07 was deleted, and all remaining sections were renumbered accordingly.

04.10 – *new* 5-14-10 A new section was added to Chapter 04 to retain a previous *Regents’ Rules* requirement regarding reports that must be submitted to and/or copies of policies that must be filed with the State of Texas.

04.02 – *new* 12-17-09 A new Sec. 04.02 regarding tenure and promotion at all component institutions requires the institutions to maintain tenure and promotion policies in the institutions’ operating manuals, with those operating policies – and any subsequent changes thereto – to be approved by the board. (And all remaining sections after the new Sec. 04.02 were renumbered accordingly.)

04.02 – *previous* 12-17-09 The detailed policies on “Tenure” at TTU – previous Sec. 04.02 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 12-17-09, TTU OP 32.01).

04.03 – *previous* 12-17-09 The detailed policies on “Tenure” at TTUHSC – previous Sec. 04.03 – were off-loaded (deleted) from Chapter 04 to reside only in an institutional operating policy (as of 12-17-09, TTUHSC OP 60.01).

04.04 – *previous* 12-17-09 A section on tenure at ASU (previously Sec. 04.04) that matched the language of the new Sec. 04.02

was deleted, since a separate Chapter 04 provision for tenure at ASU was no longer necessary.



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.01, **Tenure and Promotion Policy**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide TTUHSC tenure and promotion guidelines within the HSC OP manual, as required by Section 04.02, *Regents' Rules*.

REVIEW: This HSC OP will be reviewed concurrently with and in the same manner as the review required by Section 01.07, *Regents' Rules*, provided, however, that this policy may only be revised with formal approval of the Board of Regents.

POLICY/PROCEDURE:

1. General Considerations.

- a. TTUHSC is a community of scholars dedicated to teaching and to the advancement of scientific knowledge through scholarship. An essential component of academic endeavor provided by faculty members who have clinical skills is participation in clinical service. Faculty members may also serve the academic community through participation in institutional governance (e.g., committee work) in addition to other activities. Some TTUHSC faculty members also make important contributions to the community in the form of their academically related public service complementary to the institutional mission. All of these contributions by faculty members will be recognized as essential to the mission of TTUHSC.
- b. A position as a faculty member at TTUHSC implies correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship and teaching ability, faculty members are also responsible for maintaining objectivity and industry and cooperating in relations with colleagues and associates in the university.

2. Academic Freedom.

- a. Achievement of the teaching, research, patient care and service missions of TTUHSC depends upon an uninhibited search for truth and its open expression. Hence, it is essential that each faculty member be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that he or she considers relevant.
- b. A TTUHSC faculty member is entitled to full freedom in the classroom in discussing the subject which he or she teaches, but should refrain from introducing controversial matters which have no relation to the classroom subject. Each faculty member when speaking, writing or acting as a citizen of the nation, state and community, must be free from institutional censorship or discipline, and should make it clear that in this capacity he or she does not speak for TTUHSC. A faculty member is subject to academic responsibility as noted below in this policy.

3. Academic Responsibility.

- a. The concept of academic freedom for faculty members is accompanied by an equally important concept of academic responsibility. A faculty member has a responsibility to TTUHSC, his or her profession, students, and society at large. The rights of a faculty member as extended by society and protected by written policies and the law, require

reciprocally the assumption of certain responsibilities. The fundamental responsibilities of a faculty member as a teacher, scholar and/or clinician include maintaining competence in his or her field of specialization as exhibited in the classroom, clinic or laboratory, and in the public arena by such activities as discussions, lectures, consulting, publications, and participation in professional organizations and meetings.

- b. Statements by a faculty member are protected even though they may be critical in tone or content. However, such statements are not protected by free speech if: they substantially impede the faculty member's performance of his or her duties; materially and substantially interfere with the regular operation of TTUHSC; or are part of a continuing pattern of expression that may destroy the harmony and morale of an academic unit. False statements made publicly with knowledge of their falsity, or in reckless disregard for the truth, are not subject to constitutional protection. Such action may call into question the fitness of the faculty member to perform his or her professional duties.
- c. A faculty member should be judicious in the use of controversial material in teaching and should introduce such material only as it has a clear relationship to the subject matter. A faculty member should: be professional in his or her conduct in the classroom and in relationships with students; maintain respect for students and students' rights in the learning experience; and be reasonably available to students for consultation on course work.

4. **Tenure Perspectives.**

- a. **Concept of tenure.** Academic tenure has been developed so that TTUHSC may have the benefit of the competent and honest judgment of its faculty. It thus recognizes the professional status of its faculty and assures that employment may be terminated only for cause or as noted below. The burden of proof rests upon TTUHSC when it elects to dismiss a tenured faculty member.
- b. **Purposes of tenure.** The purposes of tenure are: to protect the academic freedom of the faculty member; to ensure faithful observance of the requirements of academic due process; and to retain, encourage, and promote the ablest and most promising faculty members. This policy defines the types of appointments that may lead to tenure and specifies procedures for granting tenure.
- c. **Award of tenure.** Tenure may be awarded at certain ranks only after a period of probationary service. Awarding of tenure by TTUHSC will be based upon excellence of performance in the following areas relevant to faculty members' disciplines:
 - (1) teaching;
 - (2) scholarship (includes appropriate research pursuits);
 - (3) clinical service; and
 - (4) academically-related public service.

Tenure at TTUHSC is awarded only by affirmative action by the board.

- d. **Ranks eligible for tenure.** Members of the faculty with the rank of associate professor and professor only are eligible for tenure. Tenure does not apply to administrative appointments.

5. **Non-tenure Track Appointments.**

- a. **Term appointment.** A term (non-tenured) appointment is written for a specific period of employment. All faculty appointees in non-tenured positions shall be given a statement in writing of the conditions and period of their employment. Term appointments may be

renewed. However, reappointment of any such position shall not create the right to a subsequent term appointment. Time served by persons in non-tenure track series cannot be used as time accrued toward tenure. Each school may select titles from the following non-tenure track appointment positions:

- (1) **Non-tenure track appointments.** The following appointments may be used for full-time non-tenure track faculty members and for individuals with the appropriate professional credentials who are full-time employees of institutions holding formal affiliation agreements with TTUHSC:
 - (a) assistant instructor;
 - (b) instructor;
 - (c) assistant professor;
 - (d) associate professor; or
 - (e) professor.

- (2) **Clinical appointments.** The following non-tenure track appointments are reserved for appointees with less than half-time appointments, i.e., less than half-time commitment to, and less than half-time compensation from, TTUHSC:
 - (a) clinical lecturer;
 - (b) clinical instructor;
 - (c) clinical assistant professor;
 - (d) clinical associate professor; or
 - (e) clinical professor.

- (3) **Research appointments.** The following non-tenure track appointments are for full-time faculty members engaged primarily in research with incidental teaching and/or patient care responsibilities:
 - (a) research instructor of (title of discipline);
 - (b) research assistant professor of (title of discipline);
 - (c) research associate professor of (title of discipline); or
 - (d) research professor of (title of discipline).

- (4) **Adjunct appointments.** The term “adjunct” may be used in conjunction with any appropriate non-tenure track title to indicate that the appointee is regularly engaged as an employee of another institution or agency. The following “adjunct” series also may be used for TTUHSC employees who may be engaged in part-time or full-time teaching and/or patient care activities in a duly authorized TTUHSC program and whose compensation is not derived from TTUHSC state-appropriated faculty budgets:
 - (a) adjunct instructor;
 - (b) adjunct assistant professor;
 - (c) adjunct associate professor; or

- (d) adjunct professor.
- (5) **Visiting appointments.** The following non-tenure track appointments are reserved for distinguished individuals who meet the criteria for appointment in senior academic ranks. Visiting appointments may be part- or full-time, but are not continuing unless approved by the dean:
 - (a) visiting associate professor, or
 - (b) visiting professor.
- (6) **Faculty associate.** The faculty associate non-tenure track title may be used for persons who are employees of TTUHSC and who function in an academic support role (e.g., librarians).
- (7) **Conditions of non-tenure series appointments.** Faculty appointments in the non-tenure track series shall be reviewed annually by department chairs and the dean. A written notice of non-reappointment will be issued to full-time faculty excluding adjunct and visiting no less than four months prior to August 31 of each year.
 - (a) After a period of five years of service in the full-time non-tenure track at the assistant professor, associate professor, or professor level, a written notice of reappointment or non-reappointment will be issued no less than one year prior to August 31 of each year.
 - (b) After a period of five years of service in the non-tenure track at the assistant professor level or three years at the associate professor or professor level, extended appointments not to exceed five years may be offered upon recommendation by department chair and approval of the dean.
 - (c) Although a reason for a decision of non-reappointment is not required, a decision not to reappoint cannot be caused by considerations violative of academic freedom or constitutionally impermissible reasons. Each faculty member is entitled to review all of his or her personnel files and to obtain a copy of the information contained therein at his or her expense. The appeal process for an alleged violation of academic freedom or constitutionally guaranteed rights in the non-reappointment process is set out in Section 10.b of this policy.
 - (d) The transition for the non-tenure track series to the tenure track (or vice versa) may be allowed following review and mutual agreements by the faculty member, the department chair, and the dean. Absent extraordinary circumstances which are approved by the dean, only one transfer between tracks will be allowed.
 - (e) A faculty member in a non-tenure appointment may be terminated for cause only during the term of the appointment as set out in Sections 11. and 12. of this policy.
- (8) **Promotion of non-tenure track faculty.** Non-tenure track faculty may be eligible for promotion, in accordance with requirements and procedures provided for in each respective school's tenure and promotion operational guidelines.

6. Tenure Track Appointments.

- a. Time served on the tenure track in the assistant professor, associate professor and professor ranks shall count as probationary time toward the award of tenure. (See also

Section 7. of this policy.) Tenure may be awarded only at the associate professor and professor ranks.

b. **Tenure track appointments**

- (1) assistant professor;
- (2) associate professor; or
- (3) professor.

c. **Tenured appointment.** A tenured appointment assures the right of the faculty member to a continuing academic position of employment. The tenured faculty member is subject to possible adjustments regarding salary, administrative position, employment duties, and campus location.

d. **Probationary appointment.** Probationary appointees serve in a faculty status leading to the possible awarding of tenure. A probationary appointee is reappointed after appropriate review each academic year unless given appropriate written notice (as noted in Section 10.a of this policy). Such appointees are subject to possible adjustment duties, and campus location.

e. **Academic appointment.** Only persons with full-time appointments are eligible for tenure. Tenure applies to full-time faculty including those full-time faculty with nine month appointments. Although tenure does not apply to administrative positions, faculty members holding administrative positions may be tenured in their respective academic units.

f. **Continuous full-time appointment.** Tenure applies to continuous full-time appointment in the academic units which have the authority to initiate tenure recommendations. The following rules govern the effect of a leave of absence upon the maximum probationary period:

- (1) leave for four months or less during an academic year shall be included in the maximum probationary period; and
- (2) continuous leave for more than four months shall cause that entire academic year to be excluded from the maximum probationary period unless that faculty member was on a sabbatical or the equivalent of a Fulbright Fellowship performing scholarly activities.

g. **Joint appointment.**

- (1) A faculty member who holds a 50/50 percent of effort joint appointment in two TTUHSC academic units may be awarded tenure in the joint position. If one of the units refuses to recommend tenure upon expiration of the probationary period and issues timely written notice, tenure shall not be awarded unless the faculty member is given full-time employment in the academic unit that elects to recommend tenure.
- (2) In a joint appointment other than 50/50 percent of effort, tenure may be awarded only in the unit where an appointment greater than 50 percent is held. That unit then must be prepared to absorb the remainder of the faculty member's appointment if the faculty member relinquishes, or is asked to relinquish, the part of the appointment that is less than 50 percent.

h. **Restructuring of Academic Units.** If a department or other academic unit is merged or otherwise reorganized, the tenured faculty member in the academic unit affected shall not lose his or her tenure appointment(s) solely because of such reorganization.

7. **Probationary period.**

- a. The maximum probationary period for admission to tenure is the same for all tenure-eligible ranks. Before the end of the seven-year probationary period at TTUHSC, an untenured assistant professor, associate professor, or professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the eighth year.
- b. Requests for early action may be appropriate if a faculty member's accomplishments are exceptional. Each school will establish criteria for awarding tenure before the end of the maximum probationary period.
- c. Previous full-time service with the rank of assistant professor or higher, or comparable status in institutions of higher learning, may be counted toward the awarding of tenure. The dean's letter of appointment shall state whether, and to what extent, time served at another institution will be applied to the probationary period.
- d. The president, at the request of the dean, may recommend that the board award 'appointment with tenure' to accommodate the recruitment of senior faculty who have been granted tenure by universities or institutions of higher learning that are at levels comparable to TTUHSC. The qualifications of candidates for appointment with tenure will be reviewed in accordance with school tenure and promotion policies, standards and guidelines, as well as Section 9. of this policy.
- e. Occasionally, faculty will experience extraordinary circumstances during their appointment that result in the need to interrupt the probationary period, so that the number of years considered as part of the probationary period are not consecutive. Staying of the probationary period will not jeopardize or adversely affect the faculty member in the tenure review. Guidelines for requests to stay the probationary period are provided in Section 8. of this policy.
- f. Computing years of credit toward tenure. In computing probationary periods for tenure, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made. A common tenure anniversary date of August 31 for all tenure-eligible academic appointments shall apply. (See Section 6.f. of this policy, for computing periods of leave without pay.)

8. **Extension of tenure track probationary period.**

- a. A TTUHSC faculty member may request an extension of his or her maximum probationary period in order to accommodate the faculty member faced with extraordinary circumstances. This period of time is expressly not a leave of absence, but rather is a defined period during which expectations for faculty performance are adjusted to reflect a faculty member's past or current circumstances. The expectations and responsibilities during this period will be defined in writing by the department chair and approved by the dean.
- b. The maximum extension that may be granted a faculty member is three years, regardless of the combination of circumstances. A faculty member who is granted an extension of the probationary period will be judged and evaluated on the same basis and by the same standards as though there had been no extension.
 - (1) **Parenting a new child.** An untenured, tenure-track faculty member who becomes the parent of a child by birth or adoption during the probationary period for tenure may request a one year extension of his or her maximum probationary period to provide time to adjust to the demands of parenting newborn or adopted children. An application for a second consecutive extension may be submitted prior to completion of the first extension.
 - (2) **Requests for extension.** Requests for extension of the probationary period

must be submitted as soon as possible after birth or adoption. If both parents are employed in an eligible position at TTUHSC, each of them may request an extension of the probationary period for each birth or adoption that adds a child or children to their family.

- (3) **Other extraordinary circumstances.** When faced with extraordinary circumstances an untenured, tenure-track faculty member may request an extension of up to three years of the maximum probationary period for reasons beyond the faculty member's control that deprive him or her of reasonable opportunity to demonstrate his or her ability and potential as a faculty member. Examples of extraordinary circumstances include, but are not limited to, care for a seriously ill child or family member, physical disaster affecting research materials, and exceptional institutional responsibilities.
- (4) **Procedure for requesting an extension.** Individual schools will develop criteria for consideration of requests for extension of the maximum probationary period. School procedural guidelines will require, at a minimum, that such requests be submitted in writing through the department chair to the dean for approval.

9. **Tenure and promotion decision process.**

- a. **Criteria and standards.** The criteria and areas of performance to be considered in the tenure and promotion decision processes are teaching, scholarship, clinical service, and academically-related public service. Individual schools will develop standards of performance excellence in each of these areas. These standards should also describe the relative importance of each performance category, along with the related criteria for award of tenure or receipt of promotion.
- b. **Guidelines.** Individual schools will develop and publish written policies that translate tenure and promotion standards into guidelines that are appropriate to their disciplines. It shall be the responsibility of the dean: to assure appropriate faculty participation in the development of these standards and guidelines; to approve school tenure and promotion policies; and to monitor their application. Deans shall review these guidelines periodically and consider appropriate recommendations from the faculty, according to the bylaws of each school.
- c. **Information regarding criteria, standards, and guidelines.** It is the joint responsibility of the department chair, dean, and faculty member to ensure that he or she is provided in writing the tenure and promotion criteria, standards, and guidelines of the school and the department in which appointment has been made.
- d. **Procedure for review of qualifications for tenure and promotion.** Primary responsibility for evaluation of the academic qualifications of candidates for tenure and /or promotion rests with the faculty.
 - (1) Where applicable, six sequential steps in the tenure and/or promotion review process are as follows:
 - (a) peer review by tenured faculty members in the department for consideration of tenure;
 - (b) peer review by faculty members of higher academic rank in the department for consideration of promotion;
 - (c) review by the department chair;
 - (d) review by the school's committee charged with tenure and promotion;
 - (e) review by the dean; and

- (f) review by the president.
- (2) In conducting reviews at the department level, all tenured faculty shall have an opportunity to vote on a tenure recommendation. Likewise, in conducting reviews at the department level, all faculty of higher academic rank shall have an opportunity to vote on a promotion recommendation. However, no faculty member currently or previously related by blood or marriage may participate in the tenure and/or promotion evaluation process of any such relative. The department chair is responsible for making an independent tenure or promotion recommendation in writing to the dean. The summary of the vote by appropriate faculty of the department (or of any special review committee) is to be forwarded with the department chair's recommendation to the school tenure and promotion committee, along with appropriate documentation in the tenure or promotion dossier.
- (3) Each school within TTUHSC will have a committee responsible for tenure and promotion, the composition of which will be outlined in the school's respective bylaws. The school tenure and promotion committee will review recommendations for tenure and/or promotion in terms of department and school standards. Each school tenure and promotion committee will forward its recommendations to the dean who will be responsible for reviewing and recommending appropriate action on all tenure and/or promotion recommendations emanating from the school. These recommendations, with accompanying documentation in the tenure and/or promotion dossier, will be forwarded to the president. The final recommendations on tenure and/or promotion will then be made by the president and forwarded to the board.

A faculty member may be granted tenure and/or promotion only by formal action of the board.

- e. **Discrimination.** All tenure and/or promotion considerations and recommendations rest upon objective requirements in relationship to the ability of the faculty member to perform effectively his or her responsibilities in teaching, scholarship, clinical service, and academically-related public service. Such considerations and recommendations are to be made without regard to race, religion, sex, age, national origin, marital status, physical disabilities, or other protected class which do not obstruct professional performance.

10. **Non-reappointment of faculty on tenure-track probationary appointment.**

- a. **Notice of non-reappointment.** Except under conditions relating to the dismissal of faculty noted in Section 11., notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments shall be given in writing in accordance with the following schedule. For computing the period of employment, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made.
 - (1) at least three months before the end of the first 12 months of service;
 - (2) at least six months before the end of the first 24 months of service; or
 - (3) at least nine months for those with more than 24 months of service.

Notwithstanding the above provisions, notice of non-reappointment may be given with the commencement of the current appointment.

- b. **Appeal of non-reappointment.** TTUHSC is not required to give a non-tenured faculty member a reason for a decision of non-reappointment. However, each faculty member is entitled to review all of his or her personnel file and, at his or her expense to obtain a copy of the information contained therein.

If a non-tenured faculty member alleges that a decision not to reappoint him or her is caused by considerations violative of academic freedom, for constitutionally impermissible reasons, or for significant noncompliance with TTUHSC's established standards or prescribed procedures, the allegation shall be given consideration in accordance with the following procedures:

- (1) The faculty member shall submit in writing, and with specificity, allegation(s) of improper non-reappointment, as outlined above, and request a hearing within twenty (20) TTUHSC business days of receipt of the notice of non-reappointment. The faculty member shall submit the allegations and request for hearing to the dean, the department chair, and the chair of the School of Hearing Committee.
- (2) A hearing will be conducted by the School Hearing Committee as soon as possible after receipt of written, specific allegations. The hearing will be conducted in accordance with guidelines and procedures provided in Section 12.i-k of this policy. Under these procedural guidelines, the School Hearing Committee will select a chair and may request *pro bono* legal counsel or legal counsel from the Office of General Counsel. The legal counsel may advise the School Hearing Committee but may not vote. The faculty member shall have the right to appear in person with legal counsel retained by the individual. Failure on the part of the faculty member to use an attorney or other representative at the hearing shall not preclude the School Hearing Committee from using legal counsel or other assistance from the Office of General Counsel. An audio recording of the proceedings shall be made and delivered to the dean, and a copy of the audio recording will be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the dean and at the expense of the requesting party.
- (3) The faculty member shall have the burden of proving to the School Hearing Committee facts that establish the non-reappointment was improper, as outlined in 10.b., above. The procedure shall be investigatory and non-adversarial in nature.
- (4) Within ten (10) TTUHSC business days of conclusion of the hearing, the chair of the School Hearing Committee shall deliver the findings, recommendations, and minority opinions, if any, to the dean.
- (5) Upon receipt of the School Hearing Committee's findings and recommendations, the dean shall submit same, along with his or her recommendations, to the president and to the faculty member within ten (10) TTUHSC business days.
- (6) The president shall review the findings and recommendations and make a decision. The president's decision will be stated in writing and communicated to the dean and the faculty member within ten (10) TTUHSC business days of receipt of the dean's recommendation. The decision of the president shall be final.

11. **Grounds for dismissal of tenured faculty and termination of non-tenured faculty during their appointment.**

- a. **Dismissal and Termination.** Dismissal of a tenured faculty member and termination of all other faculty members before the expiration of the stated period of their appointment (except by resignation or retirement) will be for cause only.
- b. **Cause for dismissal or termination or appointment.** Examples of cause for dismissal or termination of appointment of a faculty member include, but shall not be limited to, the following:
 - (1) professional incompetence;

- (2) neglect of professional responsibilities;
- (3) moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates;
- (4) mental or physical disability of a continuing nature adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates that cannot be reasonably accommodated; and
- (5) unprofessional conduct adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates.

12. **Procedures in dismissal or termination of appointment cases.** Due process as set forth in this policy statement embodies a course of proceedings in line with rules and principles generally recognized in the academic community. Among these is the right of a tenured faculty member, and a non-tenured faculty member during the term of his or her appointment, to request and be granted a hearing before the School Hearing Committee, when notice of cause and request for dismissal or termination of appointment has been received by the faculty member and the dean.

In each case, the procedure for dismissal or termination of appointment will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of TTUHSC.

- a. A faculty member shall not be dismissed until he or she has received written notice of the cause for dismissal or termination of appointment and, except as specified below, only after a reasonable opportunity for a hearing, which shall meet the established procedures of due process as set forth herein and in which the school shall bear the burden of showing cause for dismissal or termination of appointment.
- b. The faculty member will receive his or her salary until conclusion of the dismissal or termination procedures and may continue the performance of his or her duties for that period unless the individual's welfare or that of the school, in the opinion of the dean, requires that a leave of absence be issued. A faculty member's salary and benefits may be discontinued, on written recommendation of the dean and approval by the president, in cases of job abandonment, loss of professional license to practice, loss of clinical credentials, or similar instances where the faculty member, either by choice or as the result of official actions, becomes prohibited from fulfilling the conditions of his or her employment.
- c. In cases where the respondent faculty member admits his or her conduct constitutes cause, or does not choose to have a hearing, he or she may offer in writing his or her resignation.
- d. Failure to appeal the dismissal or termination of appointment, or to submit one's resignation, within twenty (20) TTUHSC business days of receipt of written notice as set forth above will relieve TTUHSC of any further obligation to pay a faculty member's salary and benefits, effective immediately, and completes the dismissal or termination of appointment process. The dean shall notify the faculty member in writing of this action.
- e. The School Hearing Committee shall be charged with hearing cases of dismissal of tenured faculty or termination of non-tenured faculty during their term of appointment. The composition and method of selection of said committees will be set forth in the faculty bylaws of each school.
- f. Before the filing of formal dismissal or termination charges by the dean, a reasonable effort shall be made to mediate and conciliate differences, where appropriate. Upon written notification by the dean of a request for dismissal or termination, the chair of the School Hearing Committee shall appoint a mediation team within fifteen (15) TTUHSC business days comprised of two faculty members, neither of whom serves in the same

department as the faculty member recommended for dismissal or termination, who are not on the School Hearing Committee, and who are acceptable to both parties. If no mediators are found acceptable within fifteen (15) TTUHSC business days, mediation will be deemed not feasible and the matter will be referred back to the dean. In this case, the dean will determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

If a mediation team is accepted, it shall attempt to reach a mutually acceptable resolution between the dean and faculty member in a thorough, confidential, equitable, and expeditious manner, and report the outcome of the mediation to the president within fifteen (15) TTUHSC business days of the first day of the mediation. If conciliation is not achieved, the dean shall determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

- g. In all cases where formal dismissal or termination charges issue, the faculty member will be informed in writing of the charges. The charges will be considered by the School Hearing Committee unless the faculty member offers his or her resignation as set out in Section 12.c. of this policy, or the faculty member fails to cooperate in advancing the appeal, per Section 12.d. of this policy.
- h. Upon receipt of formal dismissal or termination charges, the faculty member shall also be notified in writing of his or her right to a hearing and shall be given twenty (20) TTUHSC business days from the date of receipt of such notice to submit a request for a hearing before the School Hearing Committee to the dean and the chair of the School Hearing Committee. Upon receipt of the request, the chair of the School Hearing Committee as set out in each school's bylaws to begin consideration of the formal charges as soon as possible.
- i. The School Hearing Committee will select a chair and may, if it chooses, request *pro bono* legal counsel from the Office of General Counsel. The legal counsel will advise the School Hearing Committee, but may not vote. If the School Hearing Committee retains *pro bona* legal counsel from outside the Office of the General Counsel, the School Hearing Committee may consult with the Office of General Counsel regarding technical questions not directly bearing on the merits of the case, if the committee considers such consultation appropriate and helpful.
- j. In every dismissal or termination hearing, the faculty member shall have the right to appear in person with legal counsel retained by the individual, or other representative of his or her choice, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which he or she considers to be relevant or material to the case. TTUHSC shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and have the same rights in the hearing as those accorded to the faculty member. Failure on the part of the faculty member to utilize an attorney or other representative at the hearing shall not preclude the School Hearing Committee from utilizing *pro bono* legal counsel or other assistance from the Office of General Counsel.
- k. The parties shall make any objections, substantive or procedural, deemed relevant during the course of the hearing, although neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.
- l. An audio recording of the proceedings shall be made and delivered by the dean to the president of TTUHSC, and a copy of this audio recording shall be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the president at the expense of the requesting party.
- m. The nature of the hearing or review of the formal dismissal or termination charges shall be investigatory and non-adversarial. The panel of the School Hearing Committee, by majority of its membership, shall make written findings on the material facts on each

charge and make specific recommendations with regard to each of the charges, as well as general recommendations concerning dismissal or termination. The panel of the School Hearing Committee, by majority of its membership, may make any supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated.

- n. The chair of the panel of the School Hearing Committee shall deliver the written findings, recommendations, and suggestions to the dean within seven (7) TTUHSC business days of the hearing. The dean shall review the committee's findings and recommendations and, within seven (7) TTUHSC business days, shall transmit them along with his or her own recommendations to the president of TTUHSC.
- o. In the case of a termination of appointment of a non-tenured faculty member, the president shall review the School Hearing Committee's findings and recommendations and the dean's recommendation and make a decision. The president's decision will be stated in writing and communicated to the faculty member and the dean within ten (10) TTUHSC business days of receipt of the recommendations of the School Hearing Committee and the dean. The decision of the president shall be final.
- p. In the case of a dismissal of a tenured faculty member, the president shall transmit the findings and recommendations of the School Hearing Committee and the dean's recommendations, along with his or her recommendations, to the faculty member and to the board for its consideration. The board, by a majority of its total membership, shall take final action. The decision of the board will be stated in writing and communicated to the president, who will communicate it to the dean. The president shall also notify the faculty member in writing of the board's decision. The decision of the board shall be final. Once the board acts to dismiss, payment of salary shall cease, unless such salary has been discontinued previously for any reason referenced hereinabove.
- q. The president of TTUHSC shall have the prerogative of extending any of the time periods specified above when such is in his or her opinion in the best interest of TTUHSC or the faculty member, and shall have the right to intervene, when in his or her judgment, the proceedings are not progressing in a timely manner.
- r. The procedures for dismissal or termination of appointment described in the foregoing paragraphs of this section do not negate the right of the president to suspend the faculty member from all or some duties, when the president reasonably believes such to be in the best interest of the institution. The suspension with pay shall be without appeal and shall continue until such time as the suspended faculty member has been accorded the procedural rights described in the foregoing paragraphs of this section.

13. Financial exigency, phasing out, or reorganization of programs.

- a. The board has sole authority to declare financial exigency. When faculty dismissals are contemplated on grounds of financial exigency, program termination or reduction, or reorganization of academic units, there should be timely notice as reasonably early as possible, with affected faculty having an opportunity to address the matter with the dean. Recommendations from the faculty will be sought by the dean on alternatives available to the school to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members. In cases of bona fide financial exigency, or the phasing out of programs requiring reduction of faculty, the faculty members involved shall be given opportunities for appointment in related areas of the school (or TTUHSC) provided they are qualified professionally to serve in such areas, and provided such positions are available.

14. Implementation.

- a. This policy is to be implemented immediately upon approval by the board. Faculty members in tenure track probationary status at the time of this approval will have the option of electing the tenure and promotion decision process of either the tenure policy

that was in effect when they were appointed or that was in effect at the time of application for tenure. All faculty members are subject to all other provisions and procedures of this revised tenure policy upon its approval by the board. Faculty members who have been awarded tenure at TTUHSC shall continue under this policy. This policy shall not be applied in derogation of any faculty member's contract rights. It is not the intent of this policy to operate in derogation of any substantive benefit earned by a tenured faculty member under a previous TTUHSC tenure policy.

**PAUL L. FOSTER SCHOOL OF MEDICINE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER at EL PASO**

Guidelines for Faculty Appointment, Tenure and Promotion

As outlined in the *Tenure and Promotion Decision Process, Criteria and Standards* (Section 04.03.8 of the *Regents' Rules*), the criteria and areas of performance to be considered in the tenure and promotion decision processes are:

1. Teaching
2. Scholarship
3. Clinical Service
4. Academically-Related Public Service

Scholarship, as broadly defined by Ernest Boyer*, is expected in all areas that are applicable to the individual faculty member and may be demonstrated in education, research, and clinical service.

These guidelines for faculty appointment, tenure and promotion are intended to serve as minimum standards. Standards that exceed these criteria may be adopted by departments.

TENURE

Tenure has been developed so that the School of Medicine may have the benefit of the competent and honest judgment of its Faculty. It is awarded to Faculty with a proven record of academic accomplishment as referred to above, who hold the potential for long-term value to the School of Medicine. According to the *Regents' Rules*, awarding of tenure by TTUHSC will be based upon excellence of performance in areas relevant to faculty member's discipline.

Granting of Tenure: Faculty will be expected to demonstrate excellence (Level 3 activities or accomplishments) in at least one area, i.e., Teaching, Scholarship, or Clinical Service (area determined by the faculty member and the respective Chairperson), or meritorious achievements (Level 2 activities or accomplishments) in two (2) areas, i.e., Teaching, Scholarship, Clinical Service, and Academically-Related Public Service.

PROMOTION

Promotion is awarded to Faculty based upon the specific guidelines for academic accomplishment that follow in Section B.

The emphasis placed on each of these four areas will depend on the candidate's primary responsibilities as determined with the respective Chairman. For example, those whose duties are primarily patient care and teaching, i.e. clinical educators, will be evaluated primarily on their patient care and teaching activities.

The more areas in which 'excellence' can be demonstrated the greater the likelihood for promotion and/or tenure.

SECTION A. Eligibility for Faculty Appointment:

M.D., D.O., Ph.D. from approved or accredited institutions, other doctoral level or terminal professional degree with appropriate training and licensure/certification (if applicable) in area of specialty, who teaches, provides clinical service and/or performs research in the School of Medicine. Practicing physician faculty must hold an unrestricted license or be eligible for an unrestricted license to practice medicine in the State of Texas.

* Scholarship Reconsidered: Priorities of the Professoriate. Ernest L. Boyer. The Carnegie Foundation for the Advancement of Teaching. 1990.

SECTION B. Criteria: Both the general and specific criteria are to be applied in evaluating teaching, scholarship, clinical service, and academically-related service. General Criteria in the following Table must be met before Specific Criteria are applied. *Competency in teaching is expected of all faculty at all ranks.* Note that the criteria are cumulative, e.g., a candidate for Associate Professor must meet the criteria listed for Assistant Professor plus those listed for Associate Professor.

Examples of activities for Levels 1 (Competent), 2 (Meritorious), and 3 (Excellent) in the Teaching, Scholarship, Clinical Service, and Academically-Related Public Service areas are described further in sections C-F.

| | General Criteria | Specific Criteria |
|---------------------|---|---|
| Instructor | Has appropriate credentials described in <i>Section A, Eligibility for faculty appointment.</i> | |
| Assistant Professor | Demonstrates initial competence in research, education or clinical service; board-certified in primary specialty, if applicable. If not board-certified, completion of a sub-specialty fellowship in U.S. | Level 1 in any of the primary areas of teaching, scholarship (including research pursuits), or clinical service |
| Associate Professor | Demonstrates increasing competence in research, education or clinical service; independence; leadership; creativity; emerging regional or national reputation. Five (5) years at the Assistant Professor level is recommended. Under exceptional circumstances, faculty may be considered for early promotion. | Level 2 in primary area(s) of teaching, scholarship (including research pursuits), or clinical service; plus Level 1 in a different area, which may include academically -related public service |
| Professor | Clear evidence of leadership; makes lasting research or clinical or teaching contributions appropriate to the mission of the School; enhances prestige of School; established national reputation. Ten (10) years cumulative at Assistant/Associate Professor is recommended. Under exceptional circumstances, faculty may be considered for early promotion. | Level 3 in at least one area (teaching, scholarship (including research pursuits), or clinical service); plus Level 2 in one (1) area and Level 1 in one (1) area |
| Tenure | Demonstrate potential for making continuous valuable contributions to the academic missions of the School Tenure at hire may be requested for senior faculty who have been granted tenure by universities or institutions of higher learning comparable to TTUHSC. | Level 3 in one area (teaching, scholarship (including research pursuits), or clinical service); or Level 2 in two (2) areas |

SECTION C. Examples of Activities Demonstrating Accomplishments in Teaching

Recognition of outstanding performance as a teacher and educator by both peers and students can be a powerful factor in the evaluation process. The Office of Curriculum, Evaluation, and Accreditation (OCEA) of the Paul L. Foster School of Medicine is responsible for developing and implementing a centralized and uniform approach to eliciting evaluation data from students on faculty, courses, and the educational program. This function is overseen by the Evaluation Committee, the Curriculum and Educational Policy Committee and ultimately the Faculty Academic Council. However, because Departmental missions are variable and unique, each department will develop or commission the OCEA to develop its own procedures to evaluate faculty teaching performance in an objective, fair and rigorous manner. In all cases, however, it is strongly recommended that peer evaluation comprise a significant part of this process.

Multiple activities comparable to the examples shown below will strengthen the application for promotion at each rank. The examples listed below are offered only as guidelines and are not intended to serve as the only acceptable activities.

Level 1 (These activities should be recognized locally as being competent.)

- Active participation in teaching activities of the department such as presenting a series of lectures, coordinating a course, advising students, residents
- Delivery of educational material to students, residents, trainees, research fellows, or peers in health professions training programs
- Instructs in laboratory sessions for health science students
- Facilitates Team Based Learning (TBL) or other small group sessions for health science students
- Presents teaching rounds or patient conferences
- Supervises trainees performing outpatient or inpatient clinical service
- Participates in teaching or supervision of medical and/or graduate students
- Participates in postgraduate or continuing education course which serves a local audience
- Receives satisfactory evaluations from learners
- Demonstrates commitment to enhancing educational skills by participating in courses, conferences, workshops, on-line learning experiences, etc related to one's educational responsibilities

Level 2 (These activities should be recognized locally or regionally as being proficient.)

- Prepares curriculum materials (new courses/cores, syllabus materials, Worked Case Examples, etc.)
- Supervises or coordinates the teaching by other faculty, fellows, residents, or graduate students (e.g., Course or Unit Director).
- Develops innovative approaches to improving student/resident learning and enhancement of learning experiences
- Develops/directs a postgraduate or continuing education course which serves a regional audience
- Invited to present lectures at the state or regional level
- Invited lecturer at other institutions of higher education (e.g., universities, health professions schools) or research and development facilities or institutes (e.g., NIH, Harvard-Macy, Max Planck Institute)

- Develops and participates in the teaching of major portions of a graduate course
- Supervises graduate students (M.S. or Ph.D.), MPH thesis for students in MD-MPH program, serves as project mentor for MD student Scholarly Activity and Research Project requirement.
- Demonstrates meritorious teaching ability as measured by learner evaluation and peer review
- Receives a local teaching award

Level 3 (These activities should be recognized regionally or nationally as proficient.)

- Develops a course, curricular component, educational software, or evaluation materials which are used regionally or nationally
- Invited to organize and participate in a symposium or plenary session at a regional or national educational meeting
- Supervises a training program which has a regional or national audience
- Receives a regional or national teaching award
- Invited to be a visiting professor at another institution
- Provides educational leadership by writing textbook

SECTION D. Examples of Activities Demonstrating Accomplishments in Scholarship (Research and Other Scholarly Activity)

For promotion above the level of associate professor, demonstration of continued scholarly productivity illustrating the candidate's significant impact in his or her professional community is expected. For those candidates whose scholarly activities are outside the traditional boundaries of research, letters of reference will be especially important in assessing the candidate's professional impact. **Publication criteria also must be fulfilled for each rank. Publications may be original research articles in a peer reviewed journal, review articles, case reports or book chapters. Publication criteria are italicized below.**

Multiple activities comparable to the examples shown below will strengthen the application for promotion at each rank. The examples listed below are offered only as guidelines and are not intended to serve as the only acceptable activities.

Level 1

- *Evidence of initial publication success*
- Publishes abstracts and presents results of research/scholarly activity at national and international meetings
- Actively involved in scholarly activity
- Submit disclosure of inventions; file patents

Level 2

- *Evidence of a portfolio of high quality, peer-reviewed and other publications, the number and forum for these publications being appropriate to the field of study*
- Authorship (regardless of author rank) in peer-reviewed papers
- Participates in multi-center trials

- PI or Co-Investigator on peer-reviewed intramural grants
- Presentations at national meetings
- Invited scholarly talks intramural and extramural (Clinical/Teaching Scholarship)
- Co-author of review articles in peer-reviewed journals
- Development of teaching materials
- Publish articles on health professions education in educational journals or other peer-reviewed venues (e.g., MedEd Portal)
- Success in obtaining extramural, NIH-defined peer-reviewed grants or contracts; success in obtaining investigator initiated basic/applied research through grants or contracts with pharmaceutical, instrumental or other commercial enterprises
- Documented ongoing clinical, translational, and/or clinical outcomes research
- Recognition as an **ad hoc** journal reviewer or ad hoc member of review committees or study sections; consultant for private sector corporations
- Presentation of invited or peer-reviewed research results at national or international professional meetings
- Supervises graduate students (M.S. or Ph.D.), MPH thesis for students in MD-MPH program, serves as project mentor for MD student Scholarly Activity and Research Project requirement
- Inventions licensed, patents issued

Level 3

- *Evidence of a significant portfolio of high quality, peer-reviewed and other publications, the number and forum for these publications being appropriate to the field of study*
- Consistent level of peer-reviewed publications that test hypothesis with first authorship and/or senior authorship
- PI or co-investigator on peer-reviewed grants, especially extramural
- PI or co-investigator on federally-sponsored studies
- Evidence of national recognition supported by external letters of reference, involvement at the national level in professional or research organizations, talks at national conferences
- Publication of review articles in peer-reviewed journals either as first or senior author
- Author of book chapters (or Up-to-Date type of media)
- Direction of scholarly activity of other faculty or post-doctoral appointees
- Continued success in obtaining extramural, NIH-defined peer-reviewed² grant or contract funds or investigator initiated basic or applied research through grants or contracts with pharmaceutical, instrumental or other commercial enterprises
- Recognition as a journal editorial board member or editor
- Regular member of a special review committee or study section

- Invited to organize and participate in a major national or international scientific meeting
- Acquires FDA approvals; invention has a major impact on state-of-the-art; invention generates University resources
- Examiner for National Specialty Board
- Consults at the national level (e.g., Board of Scientific Advisors)

SECTION E. Examples of Activities Demonstrating Accomplishments in Clinical Service

Clinical service may be direct (such as within the hospital or various outpatient clinics) or indirect (as provided by specialized tests or procedures). It is expected that Departmental criteria for quality and productivity in patient care would be established and achieved at each rank. **For promotion at the level of professor, scholarly communications illustrating the candidate's significant impact in his or her professional community are expected.**

Multiple activities comparable to the examples shown below will strengthen the application for promotion at each rank. The examples listed below are offered only as guidelines and are not intended to serve as the only acceptable activities.

Level 1

- Demonstrates competence and promise of excellence in clinical, diagnostic, procedural or other professional work
- Considered a very good clinician or professional by students, residents, fellows and faculty
- Consults at local level

Level 2

- Emerging consulting physician or professional at regional level
- Considered an excellent clinician or professional by local and regional peers
- Directs clinical or professional program
- Known as an excellent clinician with special skills at a regional level
- Devises or implements a new method (diagnosis, therapy, critical pathway or standard guidelines, etc.) or procedure
- Officer in local or regional clinical/professional society
- Publish documentation of intervention and outcome

Level 3

- Develops and implements clinical or professional program
- Established consultant or attracts patients or clients on a regional, national, or international level
- Devises a new method or procedure which receives national or international recognition
- Contributes significantly to board examination (e.g., board examiner, test preparation) in specialty or subspecialty
- Officer in national or international clinical professional society

- Makes major clinical contributions appropriate to the mission of the School of Medicine

SECTION F. Examples of Activities Demonstrating Accomplishments in Academically-Related Public Service

Academically-Related Public Service includes, but is not necessarily limited to, activities in the following units, subunits, or institutions: Paul L. Foster School of Medicine, Graduate School, Departments, Centers of Excellence, Thomason Hospital, and Texas Tech University Health Sciences Center.

Multiple activities comparable to the examples shown below will strengthen the application for promotion at each rank. The examples listed below are offered only as guidelines and are not intended to serve as the only acceptable activities.

Level 1

- Demonstrates skills in managing activities or programs
- Serves on committees
- Conducts tests, procedures or data handling in support of a clinical or service laboratory

Level 2

- Independently develops or directs a major program/project/research laboratory
- Oversees, directs and interprets tests, procedures or data handling in support of a clinical or service laboratory
- Oversees a major research project as principal investigator or co-investigator, which involves management of personnel and finances
- Serves as officer in state or local professional society
- Serves as an Assistant or Associate Dean or other Administrative appointment, e.g., Chairperson, Vice or Associate Chairperson of a department
- Serves as Program Director, Clerkship Director, or other position related to the mission of the PLFSOM that involves significant time in administrative activities such as scheduling, evaluation, program development, documentation of unit activities, etc.
- Consults nationally regarding service-related activities
- Chairs medical subspecialty or professional society committee
- Attracts substantial gifts or endowments to the School of Medicine
- Service as a regular or ad hoc member on a national research or clinical review committee
- Serves as officer or major committee member/chair in regional or national professional society
- Chairs a departmental faculty search committee
- Chairs a major committee (e.g., Admissions, Student Affairs, Grading and Promotion, etc)
- Serves as section chief, director or leader of a clinical area
- Perform a service for the community or organizations within the community which are not directly associated with PLFSOM



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.08, **Annual Renewal of Certain Faculty Employment Contracts**

PURPOSE: The purpose of this HSC Operating Policy and Procedure (HSC OP) is to implement Section 51.943 of the Texas Education Code, as amended or modified, which relates to: (1) annual renewal of employment contracts for full-time, non-tenure acquiring (non-tenure track) faculty, and (2) written notification of changes in a term of employment for tenured and tenure acquiring (tenure track) full-time faculty.

REVIEW: This HSC OP will be reviewed by August 1 of every odd-numbered year (ONY) by the TTUHSC Faculty Senate, with recommendations for revision forwarded to the President by August 31.

POLICY/PROCEDURE:

1. Definitions.

- a. Contract means an agreement between the Texas Tech University System or one of its components ("University") and a full-time faculty member establishing the terms of employment for an academic year, or years, if applicable. (See form, Attachment A.)
- b. Faculty member is a full-time University employee whose primary duties include teaching or research. The term "faculty member" does NOT include:
 1. Classified personnel; or,
 2. A faculty member who spends a majority of his/her time in managerial or supervisory activities, such as a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean or associate or assistant dean.
- c. Non-tenure acquiring (non-tenure track) faculty member is a full-time faculty member who holds one of the following job classifications, including a clinical, teaching or research sub-series:
 1. Instructor;
 2. Lecturer;
 3. Assistant Professor;
 4. Associate Professor; or,
 5. Professor.
- d. Tenured or Tenure acquiring (tenure track) faculty member is a full-time faculty member who holds one of the following job classifications:
 1. Assistant Professor;
 2. Associate Professor; or,
 3. Professor.

2. Annual contract renewals for non-tenure acquiring (non-tenure track) full-time faculty members.

- a. Except as provided below, the University must provide a non-tenure acquiring (non-tenure track) full-time faculty member a written contract for an academic year not later than 30 days before the first day of the academic year.

- b. If the University is unable to provide a timely notice of employment, it must provide the non-tenure acquiring (non-tenure track) full-time faculty member written notice:
 - 1. That it is unable to comply with Section 51.943 of the Texas Education Code;
 - 2. Stating the reasons why it is unable to comply, e.g., unidentified need or funding, etc.; and,
 - 3. Specifying the time by which it will provide a written contract.
- c. If the University retains a non-tenure acquiring (non-tenure track) full-time faculty member without providing him/her a written contract before the 61st day after the beginning of the academic year, then it must employ him/her under the terms and conditions that are at least as favorable as the preceding academic year. The University and the non-tenure acquiring (non-tenure track) full-time faculty member may subsequently negotiate a different employment agreement.

3. Written notification of changes in a term of employment for tenured or tenure acquiring (tenure track) full-time faculty members.

- a. The University will NOT provide annual contracts to tenured or tenure acquiring (tenure track) full-time faculty members.
- b. The University will provide tenured and tenure acquiring (tenure track) full-time faculty members written notification as required by the University's tenure policy at least 30 days before any change in a term of employment takes effect.

**FACULTY MEMORANDUM OF APPOINTMENT
NON-TENURE ACQUIRING RANK (NON-TENURE TRACK)**

NAME _____ DATE _____

ADDRESS _____

FACULTY APPOINTMENT Academic Year 20__ - 20__

The Board of Regents of the Texas Tech University System has authorized your appointment to the following position at Texas Tech University Health Sciences Center:

| | | | | |
|------------------------|--------------------|-------------------------------|-----------------------|-----------------------|
| Academic Title: | | Period of Appointment: | Tenure Status: | Budget Period: |
| | | | Non-Tenured | FY 20__ - 20__ |
| School: | Department: | Campus: | Percent Time: | Salary: |
| | | | | \$ |

This appointment is subject to the *Regents' Rules* of the Texas Tech University System; the operational policies, rules and regulations of the University; and applicable state and federal laws. The salary is the gross salary for the indicated budget period only and is subject to deductions required by state and federal law and, if permitted by law, other deductions that you authorize. The University's obligation to pay any portion of the salary that is payable from contract or grant funds is dependent on the University's receipt of such funds.

You will perform assigned duties at your Department Chair's/Dean's direction. This appointment is subject to the Texas at-will employment doctrine and, if notified earlier by the University of non-reappointment, will terminate at the end of the stated appointment period. Appointment for an additional period is at the University's discretion. This Agreement may be superseded by a different, more specific employment agreement, if applicable, for certain non-tenured faculty, as determined by the Dean of the respective TTUHSC School. A revised Memorandum will be sent if a change in your status occurs during the indicated budget period.

Please indicate acceptance of this appointment by signing and dating this copy of the Memorandum of Appointment in the space indicated below and return it to the Dean's Office by _____, 20__.

DEAN (Signed) _____ DATE _____

CHAIR (Signed) _____ DATE _____

I ACCEPT THIS APPOINTMENT _____
FACULTY (Signed) _____ DATE _____

Clerkship Faculty Evaluations

Discusses the pathophysiology of diseases

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Brought to my attention physical findings that I had previously not seen.

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Improved my understanding of pharmacology

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Uses community resources

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Demonstrates the value of respecting patient preferences

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Models good communication with patients.

Instructs me at my own level of expertise

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Encourages questions
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Asks questions in a non-threatening way
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Actively listens to me.
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Made me feel part of the team
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Provides a good role model
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Behaves respectfully to others
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Gave me constructive feedback
Strongly Disagree

Disagree
Neutral
Agree
Strongly Agree

Treats students with respect
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Is mindful of the schedule
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Is approachable for help
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

Shows interest in student learning
Strongly Disagree
Disagree
Neutral
Agree
Strongly Agree

For the following section, please provide descriptive feedback to help your faculty member know what they can do to become a better teacher.

Please describe 2-3 major strengths of this faculty member (consider what you want this faculty member to continue doing).

Please provide 2-3 constructive recommendations on how this faculty member can improve his or her teaching (please be respectful).

Thank you very much for providing us information upon which to improve our educational programs.

Faculty Evaluation - (Name here)

Have you observed this faculty member's teaching?

Yes

No

I am not certain

In this section, please indicate the extent to which you agree with each of the following statements.

- 1) **This faculty member clearly conveys his/her objectives**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
 6. Not Applicable

- 2) **This faculty member adequately addressed his/her objectives.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
 6. Not Applicable

- 3) **Materials required by this faculty member helped me meet the learning objectives.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
 6. Not Applicable

- 4) **This faculty member provided materials in a timely fashion.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
 6. Not Applicable

- 5) **This faculty member presents material in a well organized fashion.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 6) **This faculty member encourages me to actively think about the material he/she presents.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 7) **I knew what this faculty member expected me to learn**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 8) **This faculty member has good public speaking skills (e.g., volume, pace, pitch, intonation).**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 9) **Slides/handouts and other AV materials are helpful in promoting learning.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
 6. Not Applicable

- 10) **This faculty member treats students with respect**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 11) **This faculty member is mindful of the schedule**
1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 12) **This faculty member encourages questions**
1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 13) **This faculty member shows interest in student learning**
1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 14) **This faculty member is approachable for help outside of class**
1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

For the following section, please provide descriptive feedback to help your faculty member know what they can do to become a better teacher.

Please describe 2-3 major strengths of this faculty member (consider what you want this faculty member to continue doing).

Please provide 2-3 constructive recommendations on how this faculty member can improve his or her teaching (please be respectful).

Thank you very much for providing us information upon which to improve our educational programs.

Facilitator Evaluation - (Name here)

Have you observed this faculty member's facilitating a group?

Yes

No

I am not certain

In this section, please indicate the extent to which you agree with each of the following statements.

- 1) **This faculty member provides group members an opportunity to demonstrate what they are learning.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 2) **This faculty member ensures all group members have an opportunity to contribute to the discussion.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 3) **This faculty member provides adequate direction without dominating the group.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree
- 4) **This faculty member encourages the group to critically evaluate ideas and to articulate reasoning process.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 5) **This faculty member asks challenging questions without intimidating me.**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 6) **This faculty member treats students with respect**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 7) **This faculty member is mindful of the schedule**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 8) **This faculty member encourages questions**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

- 9) **This faculty member shows interest in student learning**
 1. Strongly Disagree
 2. Disagree
 3. Neutral
 4. Agree
 5. Strongly Agree

For the following section, please provide descriptive feedback to help your faculty member know what they can do to become a better teacher.

This faculty member's strengths as a facilitator are (consider what you want this faculty member to continue doing).

Please provide 2-3 constructive recommendations on how this faculty member can improve his or her facilitation (please be respectful).

Thank you very much for providing us information upon which to improve our educational programs.

College Master Evaluation - (Name here)

In this section, please indicate the extent to which you agree with each of the following statements.

My college master clearly conveys his/her objectives

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master adequately addressed his/her objectives.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

I knew what my college master expected me to learn

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master provides college members an opportunity to demonstrate what they are learning.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master ensures all group members have an opportunity to contribute to the discussion.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master provides adequate direction without dominating the group.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master encourages the group to critically evaluate ideas and to articulate reasoning process.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master asks challenging questions without intimidating me.

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master treats students with respect

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master is mindful of the schedule

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master encourages questions

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

My college master shows interest in student learning

1. Strongly Disagree
2. Disagree
3. Neutral
4. Agree
5. Strongly Agree

For the following section, please provide descriptive feedback to help your college master know what they can do to become a better teacher.

This college master's strengths as a facilitator are (consider what you want my college master to continue doing).

Please provide 2-3 constructive recommendations on how your college master can improve (please be respectful).

Thank you very much for providing us information upon which to improve our educational programs.



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER
 Paul L. Foster School of Medicine

Center for Advanced Teaching and Assessment in Clinical Simulation (ATACS)
Student Session Satisfaction Questionnaire

Date: _____ **Event Name:** _____

What suggestions/comments do you have for today's session? Strengths? Weaknesses?

On a scale of 1 to 10, (1 is *very disappointed* and 10 is *very satisfied*) rate your overall experience at the center.

| | | | | | |
|-------------------|-----------------------|---------|----|--------------------|----------------|
| Very Disappointed | Somewhat Disappointed | Neutral | Ok | Somewhat Satisfied | Very Satisfied |
| 1 2 | 3 4 | 5 | 6 | 7 8 | 9 10 |



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.47, **Employee Training and Development**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish the policies and procedures regarding eligible TTUHSC participant training and development in accordance with Texas Government Code, Chapter 656, Sub-chapters C and D and the Educational Assistance pursuant to the Texas Tech University System Section 127 Educational Assistance Plan.

REVIEW: This HSC OP will be reviewed on November 1 of every year (EY) by the Director of Accounting Services, the Managing Director of Training and Staff Development, and the Assistant Vice President for Human Resources, with recommendations for revisions forwarded to the Executive Vice President for Finance and Administration by November 15.

POLICY/PROCEDURE:

1. Definitions.

a. Eligible Participant.

Individuals employed to perform services or duties on behalf of TTUHSC and paid through the payroll system with accompanying tax withholding as provided by law; individuals on approved extended developmental leave; or individuals who have provided services on a substantially full-time basis for at least one year under the institution's primary direction or control. This includes full or part-time faculty, staff and student employees.

b. Development Program.¹

Training, education or developmental learning experience:

- 1) May include, but is not limited to, short courses, workshops, seminars, conferences and technical or professional training
- 2) May be provided by TTUHSC departments, outside vendors, other accredited institutions of higher education or trade schools, or other providers of continuing education
- 3) Related to the current job, upcoming job requirements, or provides additional job-related knowledge which increases the value of the participant and provides a benefit to the institution

2. Objectives.

TTUHSC is an institution of higher education dedicated to the pursuit of educational, research and public service objectives. To attain these objectives, TTUHSC recognizes the importance of its employees, acknowledges their valued contributions to the accomplishment of its mission, and promotes lifelong learning for the advancement of the institution.

3. Policy.

It is the policy of TTUHSC to provide development programs so that eligible participants may gain

¹ In accordance with Internal Revenue Service, development programs defined in this section are job-related courses deductible under Code Section 162 (e.g., nontaxable to the participant under Code Section 132(d) – Working Condition Fringe Benefit/Employee Business Expense).

job-related knowledge and behaviors and personal and professional skills in order to improve job performance and contribute to the long-term improvement of the institution.

- a. Program benefits are available to all eligible participants of TTUHSC.
- b. TTUHSC encourages employees to identify and participate in eligible development programs that will improve job performance, increase the participant's potential, and enhance the institution.
- c. TTUHSC may require an employee to attend a development program if it is related to the employee's current or prospective job duties.²

4. **Funding and Approval.**

- a. The State Employees Training Act allows TTUHSC to use public funds for development programs related to either current or prospective duty assignments.³
- b. Funds may be expended from departmental accounts for employees to participate in development programs upon supervisor and departmental approval.
- c. Appropriate expenses include, but are not limited to, salary, tuition and other fees, travel and living expenses, training stipends, training materials and other necessary expenses of an instructor, student or other participant in a training or education program.⁴
- d. Time spent in class, as well as time in travel to and from class, is considered working hours when the development program is funded by TTUHSC.
- e. Reimbursements may be made to eligible participants during the plan year for all or part of the cost of attending qualified educational courses, however, only reimbursements up to an annual amount not to exceed the amount defined by the Internal Revenue Service will be excluded from taxation. That amount for plan year 2011 is \$5,250.

5. **Qualified Programs.**

a. TTUHSC Programs⁵

Developmental programs deemed necessary by TTUHSC to carry out the mission, vision or strategic plan of the institution, and provided by TTUHSC at low or no cost to the employing department or the employee. These programs are either sponsored or provided by departments within TTUHSC and are provided to:

- 1) Fulfill state and federal requirements
- 2) Clarify TTUHSC's systems, policies and procedures
- 3) Ensure the quality, service and productivity improvement of the institution
- 4) Orient employees to TTUHSC, to train institutionally specific knowledge, behaviors and skills for job-related duties, and to provide ongoing improvement of personal and professional knowledge, behaviors and skills

b. External Programs⁶

² In accordance with Texas Government Code, Chapter 656.045

³ In accordance with Texas Government Code, Chapter 656.044

⁴ In accordance with Texas Government Code, Chapter 656.047

⁵ In accordance with Internal Revenue Service, development programs defined in this section are job-related courses deductible under Code Section 162 (e.g., nontaxable to the participant under Code Section 132(d) – Working Condition Fringe Benefit/Employee Business Expense).

⁶ Job requirements or prospective job requirements required for present job are considered job-related courses deductible under Code Section 162 (e.g., nontaxable to the participant under Code Section 132(d) – Working Condition Fringe Benefit/Employee Business Expense). If “prospective job requirements” means skills that would qualify employee for a new job, then payments/reimbursements would fall under Section 127, reimbursement of greater than \$5250 is taxable to the employee.

Development programs authorized by the employing department for employees which are funded from department accounts and where the participant may be provided release time. These programs are approved with the following criteria:

- 1) Program provides job-related knowledge, behaviors or skills for current or prospective job requirements
- 2) May consist of workshops, seminars, institutes, training sessions or other special programs
- 3) Programs include continuing education for licenses or certifications that are a required qualification of the position but may also qualify the participant for another position determined to be vital to the growth, continuance or mission of the institution
- 4) Courses are offered by an accredited or other recognized provider and lead toward a recognized degree or certification within a defined plan of study and may include graduate level courses

c. Extended Development Programs⁷

Development programs which are paid for by TTUHSC and during which the employee's salary is continued by the employee does not perform regularly assigned job duties for three months or more, including Faculty Development Leave. These programs include the following criteria:

- 1) Program does not include training required by state or federal law
- 2) Must be approved by the Chancellor, President, Dean or appropriate Vice President
- 3) At a minimum, the participant must work for TTUHSC following the development program for at least one month for each month of the development period or repay TTUHSC for all costs associated with the development program, including any amounts of the employee's salary that were paid and were not accounted for by paid vacation, work time, or compensatory leave.⁸
- 4) TTUHSC shall require the participant to agree in writing (Attachment A, *Employee Development Agreement*) to comply with the above requirements before the development program begins
- 5) The Board of Regents may waive the requirements prescribed in subsection (3) and release the participant from the obligation if such action is in the best interest of TTUHSC or is warranted because of an extreme personal hardship suffered by the participant
- 6) If a participant does not provide the services required, provides those services for less than the required term, or fails to make payments as required, and the participant is not released from their obligations, then the participant is liable to TTUHSC for any costs and reasonable expenses incurred in obtaining payment, including attorney's fees
- 7) Any final pay or other amounts owed to the participant may be withheld to reimburse TTUHSC in the event of default of the Employee Development Agreement by the participant
- 8) Each year the Executive Vice President for Finance and Administration will submit an annual report to the Legislative Budget Board which details the amount of money expended in the preceding fiscal year for Extended Development Programs based upon notification by the appropriate Dean or Vice President.

6. **Responsibilities.**

a. **Supervisors and Managers.**

⁷ In accordance with Texas Government Code, Chapter 656.103-105

⁸ These payments are compensation/wages that must be paid through the Payroll Office with applicable employment taxes withheld.

Employee development is a responsibility of every supervisor and manager. Supervisors and managers are responsible for:

- 1) Providing employees on-the-job training in the proper performance of tasks
- 2) Providing a climate in which training and development of employees is encouraged
- 3) Integrating an employee's growth and development needs with the goals and objectives of the institution
- 4) Identifying opportunities for employee improvement and to benefit the institution
- 5) Releasing the employee for the full length of the program, encouraging the employee's complete participation in the learning experience, and involving the employee with back-on-the-job application of knowledge, behaviors and skills
- 6) Ensuring employees comply with institutional training requirements
- 7) Assisting the participant with obtaining all appropriate approvals and associated documentation

b. Employees.

Each employee or participant is responsible for:

- 1) Obtaining appropriate approvals prior to the beginning of any qualifying courses
- 2) Attending the full-length of the development program and fully participating in all learning activities
- 3) Submitting specified documentation of expenses to be reimbursed as well as documentation of grades, progress or any degrees or certifications awarded, and completion of each qualified course and/or other educational program
- 4) Failure to submit appropriate progress documentation as referenced in section 6b(3) may result in any prior payments being classified as non-qualifying and may result in collection by TTUHSC as described in Section 5.c.7
- 5) Application of knowledge, behaviors, and skills gained for the benefit of the institution

7. Course Enrollment Restrictions.

a. A regular full-time faculty or staff member may enroll in courses subject to the following restrictions:

- 1) During normal duty hours, a maximum of three hours of work per week may be taken off for class attendance or course related activities. The class hours taken off during normal duty hours are subject to approval by the administrator concerned and any work time missed must be made up, charged to vacation accrual, or taken as leave without pay.
- 2) Enrollment in any class which requires more than three hours per week of lost work time must be approved by the appropriate vice president or dean.
- 3) There is no limit on the number of class hours which may be taken during off-duty time providing the employee's job performance is not affected.
- 4) Members of the faculty who hold rank higher than Instructor, or equivalent, are not normally eligible to pursue a graduate degree. Deans of the appropriate colleges and schools should be consulted regarding specific rules and requirements.
- 5) Courses are offered by an accredited or other recognized provider and lead toward a recognized degree or certification within a defined plan of study and may include graduate level courses.

b. A part-time employee may not take time off during scheduled work hours to attend class, but there is no limit on the number of class hours that may be taken during off-duty time.

- c. An employee may audit courses subject to the same rules as above.

8. Tuition Assistance Program.

The program is to waive TTU System employees' tuition and mandatory course fees; one permitted course per term (summer I and summer II being combined into one summer term), not to exceed 3 courses in an academic year. Employees whose primary worksite is located in Lubbock are allowed to enroll at Texas Tech University or Texas Tech University Health Sciences Center, or an accredited Texas (State) Community College

Employees whose primary worksite is located outside of Lubbock County may enroll in up to three (3) courses per academic year for the fall, spring, or combined summer semester at Texas Tech University or Texas Tech University Health Sciences Center or Angelo State University or an accredited Texas (State) Community College, or a Texas (State) four-year accredited institution of higher education located in their area. Eligible employees may receive a \$300/semester reimbursement for an unlimited number of semesters (fall, spring, and combined summer terms) for a maximum of three (3) courses per academic year.

If a Texas (State) accredited institution of higher education is not available in the area of the employee's primary worksite, the employee may attend an accredited four-year institution. The following criteria must be met and the documents noted must accompany the request each semester in order for eligibility to be determined.

Program criteria:

- Must maintain 2.25 minimum cumulative GPA
- Must be full-time benefits-eligible employee of Texas Tech (TTUSA, TTU, TTUHSC)
- Must be seeking a degree or certification, verifiable by admission status

a. Reimbursement Process.

- 1) Reimbursement will not exceed the state educational institution rate in effect at the time of enrollment
- 2) Employees enrolled in the Tuition Reimbursement Program will need to submit each semester a Tuition Assistance Certification Form, along with the required documentation listed on the form. The Tuition Assistance Certification Form can be found at <http://www.ttuhsoc.edu/hr/forms.aspx> listed under Current Employees.⁹
- 3) The employee attending TTU or TTUHSC will need to contact Student Business Services for assistance with the tuition assistance process.
- 4) For the employee attending an accredited Texas (State) Community College or a Texas (State) four-year accredited institution of higher education located in their area, all documentation, and certification forms should be sent to the local Human Resources office.
- 5) In addition to submitting the required certification form and documents, the employees' supervisor will be responsible for completing an Employee One-Time Payment System (EOPS) request online at https://banapps.texastech.edu/itis/PY_employee_OTP/Welcome.aspx.
- 6) Reimbursements for dropped or failed classes will be classified as non-qualifying and may result in collection by TTUHSC as described in Section 5.c.7
- 7) Reimbursements will be reduced or repayment required for any financial assistance or scholarship awards received by the participant
- 8) Reimbursement of hotel and travel for business related educational expenses will

⁹ The tuition and mandatory fees waived for an undergraduate level course are exempt from taxation under Internal Revenue Service Code Section 117(d). Graduate level courses are exempt under Code Section 127.

be handled through the normal travel reimbursement process¹⁰

- 9) Eligible employees taking a permitted course offered by TTU or TTUHSC do not need to apply for the Employee Tuition Assistance Program. An automated process will be initiated by Student Business Services to identify eligible employees apply the tuition/fee waiver prior to the beginning of the term.

10. **Related Operating Policies.**

- a. For leave available for use to attend lectures, meetings and training programs, refer to OP 70.06
- b. For faculty development leave with pay, refer to OP 60.02
- c. For guidelines relating to travel to and from employee development programs, refer to OP 79.02 and OP 79.06
- d. For submission of continuing education expenses or all other educational expenses not covered by this OP, refer to O 72.03

Right to Change Policy. TTUHSC reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time without the consent of employees.

¹⁰ In accordance with Internal Revenue Service Section 132(d)



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.02, **Faculty Development Leave of Absence for Compensated Tenured Faculty**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to ensure understanding and a standardized approach in the handling of faculty leaves of absence.

REVIEW: This HSC OP will be reviewed by April 1 of even-numbered years (ENY) by the Deans, Faculty Senate, and Senior Vice President for Academic Affairs, with recommendations for revision forwarded to the President by May 1.

POLICY/PROCEDURE:

1. Sections 51.102 – 51.108 of the Texas Education Code provide for faculty development leaves of absence, and this policy conforms to this legislative directive.
2. The Board of Regents may grant faculty development leaves of absence for study, research, writing, field observations or other suitable purposes, under conditions allowable by the State of Texas.
3. A faculty member is eligible by reason of service to be considered for a faculty development leave when he/she has served as a member of the faculty of the same institution of higher education for at least five consecutive academic years (all schools). This service may be as an assistant, associate, or full professor, or an equivalent rank, and must be on full-time academic duty, but need not include teaching. The faculty member must be tenured at the beginning of the leave in order to receive the leave. A second leave ordinarily will not be granted to the same faculty member within five years of the first leave.
4. Such leaves will not jeopardize a faculty member's participation in benefits available by or through the institution or the state to faculty members, and a faculty member shall continue to be a member of the Teacher Retirement System of Texas or of the Optional Retirement Program of the institution, or both, just as any other member of the faculty on full-time duty.
5. The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of the position's regular salary or for one-half academic year at the position's full regular salary. Payment of salary to the faculty member on faculty development leave may be made from the funds appropriated by the legislature specifically for the purpose, or from such other funds as might be available to the institution.
6. Procedures for selection consistent with state guidelines are utilized by the President in making recommendations for faculty leaves to the Board of Regents.
7. The procedure to be used for leaves of absence for academic purposes shall be as follows:
 - a. The application for leave of absence shall be submitted to the faculty development leave committee of the respective Schools of Medicine, Nursing, Pharmacy and Allied Health Sciences. The composition and responsibility of the committee shall comply with the Faculty Development Leave Policy of the Schools of Medicine, Nursing, Pharmacy and Allied Health Sciences.

The faculty development leave committee of each School shall require submission, along

with the application for leave of absence during which the faculty member will be engaged in research, of all necessary approvals or arrangements for approvals for the conduct of research, e.g., Institutional Review Board, Institutional Animal Care and Use Committee.

- b. The faculty development leave committee recommendations shall be submitted to the appropriate Dean, and the Dean shall make recommendations and submit other relevant information to the Senior Vice President for Academic Affairs.
 - c. The Senior Vice President for Academic Affairs shall forward a recommendation to the President.
 - d. The information to the President should include appropriate data for ratification by the Board of Regents.
 - e. Upon receipt of a copy of the approval of a leave of absence, the appropriate administrator initiates a Personnel Action Form to implement the activity.
8. Any amendment to this HSC OP shall be filed with the Coordinating Board no later than 30 days after the effective date of the amendment.



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 73.09, **Conflict of Interest in Research**

PURPOSE: To protect the objectivity in research conducted at or by Texas Tech University Health Sciences Center (TTUHSC) and to protect faculty, staff and TTUHSC from the consequences of conflicts of interest as a result of interaction with public and private sectors by identifying and managing such conflicts in accordance with requirements established by the Public Health Service¹, as well as guidance from the Office of Human Research Protections to Institutional Review Boards².

REVIEW: This OP will be reviewed by February 1 of every even numbered year (ENY) by the Assoc. Vice President for Research, with recommendations for revision forwarded to the Executive Vice President for Research.

POLICY/PROCEDURE:

1. Introduction

TTUHSC recognizes its responsibility as a public institution to promote interaction between its employees and the public and private sectors as an important component of its research, educational and service activities. TTUHSC recognizes that interaction between the public and private sectors may give rise to conflicts of interest.

The potential for conflict of interest arises due to the nature and scope of activities engaged in by TTUHSC and its employees. Conflicts of interest may be actual, potential, or perceived and, if not identified and managed, may compromise the integrity of TTUHSC, its employees and its research. TTUHSC assumes that conflicts may occur in the normal conduct of activities. However, it is essential that any significant potential for conflicts of interest be disclosed to, reviewed, and where necessary, managed by TTUHSC. TTUHSC recognizes that conflicts of interest may arise between TTUHSC, its employee(s) and the public and these institutional conflicts must also be identified and managed in accordance with this policy.

TTUHSC encourages recruitment, retention, and recognition of individuals who promote interactions with industry, the business community and other public or private entities consistent with their primary appointment. TTUHSC recognizes that such activity may conflict with other institutional interests and that such conflicts must be resolved or managed.

2. Applicability

This policy applies to Investigators and Designated Officials as defined in this policy, and to TTUHSC where it invests in or accepts philanthropy of commercial research sponsors or otherwise has a proprietary financial interest in research activity. This includes Institutional Officials as defined in this policy.

This policy also applies to sub-recipients, sub-contractors or collaborators of TTUHSC involved in a research study unless the institution has its own written policy on conflict of interest that is in accordance with 42 CFR Part 50 Subpart F.

¹ 42 CFR Part 50 Subpart F – “Responsibility of Applications for Promoting Objectivity in Research”, effective October 1, 1995. See also the Department of Health and Human Services, Public Welfare, “Responsible Prospective Contractors”, 45 CFR 94.1 et.seq.

² Financial Relationships and Interests in Research Involving Human Subjects: Guidance for Human Subject Protection, 69 Fed. Reg. 26393 (May 12, 2004)

This policy does not apply to:

- Matters regarded as “conflict of commitment” which are handled through the faculty/staff evaluation process or under separate HSC policies
- Small Business Innovation Research (SBIR) Program Phase I applications³.

3. Definitions

- a. “Conflict of Interest” exists when it is reasonably determined that a Significant Financial Interest could affect the design, conduct or reporting of research. This includes situations where financial considerations may compromise (or have the appearance of compromising) an Investigators’ professional judgment in conducting or reporting research, impacting the collection, analysis and interpretation of data, hiring of staff, procurement of materials, sharing of results, choice of protocol, involvement of human subjects and statistical methods.
- b. “Research” means a systematic investigation designed to develop or contribute to knowledge, including social sciences and behavioral research. The term encompasses basic and applied research and product development.
- c. “Investigator” means the principal investigator, co-investigators, Research Personnel and any other TTUHSC person who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding by an external agency, or funded by internal resources.
- d. “Research Personnel” means individuals other than the Investigator who participate in the research, make decisions about eligibility to participate in research, analyze or report research data, or submit manuscripts concerning research for publication. Clinical trial coordinators and laboratory personnel both fall into this category.
- e. “Family Member” means the Investigator’s spouse (or spousal equivalent) and/or dependent children.
- f. “Designated Officials” mean those individuals who serve on TTUHSC Review Boards with authority to approve or deny research activity.
- g. “Institutional Official (IO)” means an individual responsible for negotiating or signing on behalf of TTUHSC sponsored research agreements or contracts, including those for clinical trials.
- h. “Compelling Circumstances” are those facts that convince the Conflict of Interest Committee (COIC) that a financially interested individual(s), or TTUHSC, should be permitted to conduct the research, including human subjects research, pursuant to a management plan to minimize the conflict. Any decision by the COIC shall not preempt a decision by a TTUHSC Review Board (Institutional Review Board, Institutional Animal Care and Use Committee, Institutional Biohazard Committee(s) and Radiation Safety Committee) to the contrary.
- i. “Financially Interested Company” means a commercial entity with financial interests that would reasonably appear to be affected by the conduct or outcome of the research, or any entity as the agent of or with an equity interest in the company. This includes, but is not limited to the research sponsor, competitors of the sponsor, manufacturers/licensees of the investigational product, or the investment industry (stockbrokers, investment bankers, venture capital firms or investment firms).
- j. “Significant Financial Interest” for individuals means anything of monetary value, including, but not limited to salary or other payments for services (e.g., consulting fees or honorarium); equity interests (e.g., stock, stock options or other ownership interests); and intellectual property rights

³ The SBIR is an extramural research program for small businesses that is established by the PHS awarding components and certain other federal agencies under the Small Business Innovation Development Act and includes the Small Business Technology Transfer (STTR) Program.

(patents, copyrights and royalties from those rights). Significant Financial Interest is the aggregate of the individual, his/her Family Members or of any foundation, trust, or entity controlled or directed by the individual or his/her Family Members from which they have or will derive a benefit. See Attachment B, Examples of Significant Financial Interests.

A Significant Financial Interest does **not** include:

- (1) Salary, royalties, or other remuneration from TTUHSC;
 - (2) Royalties and honoraria for published scholarly or creative works that in the aggregate for the individual, and/or Family Member does not exceed \$10,000.00;
 - (3) Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
 - (4) Income from service on advisory committees or review panels for public or non-profit entities;
 - (5) An equity interest, when aggregated for the Investigator and his/her Family Member, that does not exceed \$10,000.00 as determined through reference to public prices or other reasonable measures of fair market value and does not represent more than a five percent (5%) ownership interest in any single entity.
 - (6) Salary, royalties, or other payments that when aggregated for the investigator and his/her Family Member, are not expected to exceed \$10,000 from any single entity during the next 12 month period.
 - (7) Payments to TTUHSC that are directly related to the reasonable costs incurred in the conduct of the research project as specified in the agreement with TTUHSC. This excludes any bonus or milestone payments that are in excess of reasonable costs incurred, which must be disclosed under this policy.
 - (8) Interests held directly through funds such as mutual funds, pension funds, or other institutional investment fund in which the Investigator or his/her Family Member do not control the selection of investments.
- k. "Significant Financial Interest for TTUHSC" means:
- TTUHSC is entitled to receive royalties from the sale of the investigational product that is the subject of the research;
 - When, through technology licensing or investments related to such activities, the institution has obtained an equity interest or an entitlement to equity of any value (including options or warrants) in a non-publicly traded sponsor of the research, including human subjects research.
 - When, through technology licensing activities or investments related to such activities, the institution has obtained an ownership interest or an entitlement to equity (including options or warrants) of greater than \$100,000 in value (when valued in reference to current public prices, or, where applicable, using accepted valuation methods), in a publicly traded sponsor of research at the institution.
- l. "TTUHSC" Review Board(s) means one or more of the research oversight bodies, including, but not limited to the Institutional Review Board (IRB), Institutional Animal Care and Use Committee (IACUC), Institutional Biohazard Committees (IBC and RDBC), and Radiation Safety Committee (RSC).
- m. "Unit Head" means department chair, area coordinator, director, or in the case of colleges that do not have areas or departments, the dean.

4. Conflict of Interest Committee (COIC)

- a. Establishment of Committee. A TTUHSC Conflict of Interest Committee (hereafter referred to as "COIC") is established to review conflicts of interest. **The COIC and any sub-committees established under this policy shall be considered "medical committees" as defined under Texas Health & Safety Code, §161.031, and/or other applicable state and federal statutes.** All documents generated by, submitted to, or for the purposes of fulfilling COI Committee duties are confidential and privileged as "medical committee documents".
- b. Members. The COIC will consist of at least nine voting members.
 - 1) Each School (Medicine, Nursing, Allied Health Sciences, Pharmacy, Graduate School of Biomedical Sciences) shall appoint at least one faculty member from that School to serve on the COIC.
 - 2) The Executive Vice President for Research (EVPR) shall appoint four other members of the COIC, one of whom shall be appointed from the community and have no family or financial ties to TTUHSC.
 - 3) The Director of the Research Integrity Office and a representative of the Texas Tech University System (TTUS) General Counsel shall serve as non-voting Ex-officio members.

Committee members should be individuals who have sufficient seniority, expertise and independence to evaluate the competing interests at stake and make credible and effective recommendations. All voting members of the COIC shall be independent of the direct line of institutional authority for research, including human subjects research oversight at TTUHSC.

At least two members of the Committee shall be familiar with ethical issues impacting human subjects research. Each member will be appointed to a 3-year term and may be reappointed.

- c. Members with a Conflict. Members of the COIC shall not participate in reviews, deliberations or decisions in which the member has an actual or perceived conflict of interest as determined by the COIC. Those with a conflict may provide information requested by the COIC.
- d. Meetings.
 - 1) *Chair and Vice-Chair.* The COIC Chair and Vice-Chair will be elected to one-year terms by a simple majority vote of the full COIC. Votes may be cast by email. The Chair and Vice-Chair may be re-elected by the COIC for successive terms.
 - 2) *Quorum.* Five (5) voting members must be present for a quorum for all other business. A quorum may include members present via telephone conference call.
 - 3) *Materials.* Each member of the COIC shall be given a copy of the agenda, minutes from previous meetings, the Forms to be reviewed and any other information necessary for conducting reviews of Forms disclosing Significant Financial Interests.
 - 4) *Minutes.* Written minutes shall include the date of the meeting, presence of members and guests and absence of members, COIC actions taken on each Significant Financial Interest reviewed and managed, including the number of members voting for or against, the number abstaining and notation of members not participating due to a conflict of interest. The Chair and/or Vice Chair shall notify the Investigator or TTUHSC Institutional Official of the action taken to manage any identified conflicts of interest.
 - 5) *Additional Information.* The COIC may request the Investigator(s) and other interested parties to appear before the COIC to provide information regarding the disclosed significant financial interests. The COIC may also request a written statement from or presence of a representative from the Office of Technology Commercialization about the current status of an investigator's research relationship(s) or agreement(s) involving a potential conflict.

- 6) *Records.* The COIC shall retain all records of Disclosures and COIC meetings for three (3) years after the conclusion of the research project.

5. Prohibition on Payments for Results.

TTUHSC will not accept sponsored research or contracts, if payments are conditioned on a particular research result or are tied to successful research outcomes. All issues relevant to research with human subjects must conform to IRB Policies and Procedures and applicable federal requirements.

6. Disclosure of Significant Financial Interests

a. Researchers and Designated Officials

- 1) *Annual Disclosure.* All Investigators and Designated Officials shall submit the Annual Financial Disclosure Form ("Form") (Attachment A) to the Research Integrity Office, TTUHSC Lubbock, STOP 8146. This disclosure will include Significant Financial Interest of the individual and his/her Family Member:
 - a) That would reasonably appear to be affected by the research or educational activities funded, or proposed for funding, by an external sponsor or internal resources; or
 - b) In entities whose financial interest would reasonably appear to be affected by the research or education activities funded or proposed for funding by an external agency or internal resource.
- 2) *Initial Disclosure.* New Investigators and Designated Officials must submit the Form within 30 days of hire/appointment. Individuals added to an existing research project must complete and submit the Form before they can be added to the project. No individual shall be added to a research project until the Form has been reviewed in accordance with this policy.
- 3) *New or Additional Significant Financial Interests.* If during the TTUHSC fiscal year (September 1 through August 31), there is a change in the reported information the individual shall submit an updated Form to the Research Integrity Office, within 30 days of acquiring the new or additional Significant Financial Interest.
- 4) *Certification of Disclosure.* Prior to submitting a proposal for funding to any external agency, each Investigator shall certify on the Office of Sponsored Programs routing form that he/she has disclosed all Significant Financial Interests in accordance with this policy. Where a conflict is identified after review by the COIC, the final COIC management plan shall be submitted with the application. Similar procedures shall apply to all research contracts.

b. Technology Transfer and Intellectual Property.

The Office of Technology Commercialization shall report in writing to the COIC within 30 days of execution of any licensing agreements that would create a Significant Financial Interest for an individual in ongoing or future research. Upon receipt of that document the COIC will follow the review procedures described in this policy.

c. TTUHSC Institutional Disclosure

- 1) *Annual Disclosure.* By September 1 of each year, the Development Office or any office overseeing institutional endowments or investments and the Office of Technology Commercialization shall report in writing to the Executive Vice President for Research and to the COIC all Significant Financial Interests that meet the criteria in 3j above. The list shall also include any other information that may present the appearance of a conflict of interest that could adversely impact public trust in TTUHSC. Upon receipt of that information, the COIC will follow the review procedures described in this policy.
- 2) *New or Additional Significant Financial Interests.* Any new or additional Significant Financial Interests obtained by TTUHSC during the fiscal year shall be reported through the submission of an updated Form.

7. Review by COIC

- a. Initial Review. The Research Integrity Office shall initially review the Form to verify that it has been properly completed and signed. If there is any information that is missing, the Research Integrity Office shall contact the individual who submitted the Form, notifying them of the information that is needed before the Form can be reviewed by the COIC.
- b. Preliminary Review of Completed Form. If a significant financial interest has been reported, the Research Integrity Office shall forward the completed Form to the COIC Chair (or his/her designee), along with a listing of current research projects for that Investigator, to determine whether Significant Financial Interest exists, and if so, whether or not a conflict of interest exists requiring further review by the COIC.
 - 1) Determination of No Significant Financial Interest. If no Significant Financial Interest has been reported, the Form shall be retained and maintained by the Research Integrity Office for a period of three (3) years after it has been submitted.
 - 2) Determination that a Significant Financial Interest Creates a Conflict of Interest. If a Significant Financial Interest has been reported, the COIC Chair (or his/her designee) shall determine if it creates a real or potential conflict of interest and if so, forward the matter to the COIC to manage, reduce or eliminate the conflict before expenditure of funds. If the project involves human subjects research, the potential conflict shall also be shared with the Institutional Review Board (IRB). Notification shall be given that the matter has been referred to the COIC for review and that no project funds will be released until a final determination has been made.
- c. COIC Review Process. The COIC shall review (and where necessary investigate) all information contained in the Form to verify the existence of any conflict of interest. In conducting its review, the COIC may consider one or more of the following factors in determining the existence of an actual, potential or perceived conflict of interest:
 - The type and nature of the financial interest;
 - Who is funding the research;
 - Where and by whom the research study was designed;
 - Who will be collecting and/or analyzing the data;
 - Indication that the Investigator(s) has improperly favored an outside entity or appears to have an incentive to do so;
 - Are there incentives that may lead to inappropriate bias or otherwise effect the research results;
 - Will research with the existence of the conflict violate any federal, state laws or institutional policies;
 - Impact of the financial interest on the integrity of the research data, including the impact the study outcome may have on the payment of any compensation under the research;
 - Risks to the rights and safety of human subjects, where applicable;
 - Risks to the rights and obligations of students and trainees participating in the project;
 - Impact on the availability of research results to the scientific community for use in the public interest;
 - Any other matter pertaining to the disclosed significant financial interest and the funded project, including those outlined in the HHS Guidance for Human Subjects Protection, 69 Fed. Reg. 26393; 26396 (May 12, 2004).

If the COIC review determines that a conflict of interest exists, the COIC shall prepare a written summary report **and Conflict Management Plan** pursuant to paragraph [f] below, placing appropriate restrictions to manage, reduce or eliminate the conflict of interest. An Investigator (or TTUHSC) may develop a proposal for consideration by the COIC on minimizing, reducing or eliminating the conflict of interest. If the COIC determines that no conflict of interest exists, no further action will be taken on the matter.

- d. COIC Review of Projects Involving Human Subjects Research – Presumption Against Participation. Since Significant Financial Risks of an Investigator or TTUHSC involved in human subjects research may present actual or perceived risks to the welfare of human subjects, the COIC shall presume that in the case of an Investigator the individual cannot participate in the research while he/she has the Significant Financial Interests and in the case of TTUHSC, the research cannot be done at or under the auspices of TTUHSC while the Significant Financial Interest exists.
- 1) Rebuttal of the Presumption – Compelling Circumstances. The presumption against participation in all or part of the research may be rebutted upon a showing of compelling circumstances, which will be based upon the nature of the science, the nature of the financial interest(s) and how closely those interests are related to the proposed research and the degree to which the interest may be affected by the research. The analysis should define the stages of the research and the specific activities where there compelling reasons to allow participation. The COIC may rely on the 2001 AAMC Report and the 2008 AAMC-AAU Report, as well as other resources in determining whether or not there are compelling circumstances sufficient to rebut the presumption against participation. The COIC shall prepare a written management plan in accordance with paragraph below if the presumption is rebutted based on compelling circumstances.
- e. Notification.
- 1) The COIC shall send a written copy of any Management Plan to the EVPR, the Office of Sponsored Programs, and the Unit Head.
 - 2) Notification of Institutional Review Board (IRB). The COIC will send a copy of the Management Plan to the Institutional Review Board (IRB). The IRB may accept or reject the COIC's Management Plan. If the IRB rejects the proposed Management Plan, it shall return it, with recommendations, to the COIC for further review and action. The IRB will determine how the conflict of interest should be disclosed to participating subjects.
- f. COIC Conflict Management Plans

If the COIC determines there is an actual, potential or perceived conflict of interest, a written Conflict Management Plan shall be prepared to manage, reduce, eliminate the conflict, or alternatively, deny participation in the research project if a management plan is not feasible.

The COIC is ultimately responsible for development of the Conflict Management Plan, where it can be implemented to manage, reduce or eliminate the conflict. The COIC Conflict Management Plan may require one or more of the following actions to manage, reduce or eliminate the conflict:

- Public Disclosure. This includes, but is not limited to release of relevant information about Significant Financial Interests in all publications and presentations (whether academic or not), to members of the research project. In the case of human subjects research, disclosure shall be required to the research subjects (through the IRB approved informed consent/assent), to state and federal officials in addition to the disclosures previously outlined.
- Limitation of Participation. This may include limiting an individual from (i) serving as the Principal Investigator, (ii) analyzing all or portions of the data, (iii) selecting or enrolling human subjects, (iv) determining whether or not an adverse event report is required; or (v) any other limitation that will reduce or eliminate the conflict of interest. If participation is partially limited, the Management Plan shall include a time line identifying at what points the limitation applies as well as a strategy to restrict the time of involvement to a minimum.
- Monitoring. This can include assignment of a co-investigator or appointment of an independent reviewer(s) or data and safety monitoring committee or similar body to monitor the various stages of the research project. If an oversight body is established, the COIC will specify the frequency of reports to the COIC. Monitoring may also include review of abstracts and manuscripts before submission for publication, review of protocols and changes to protocols, subject accrual, complications and other issues. The plan should include the

frequency of reporting and documentation to the COIC by the Investigator or any reviewer/review body appointed by the COIC to manage the conflict.

- Modification. This can include modification of the research project such that the main purpose of the project is not compromised.
- Divestiture of the Conflicting Interest. The COIC may require the Investigator, his/her spouse to sell or dispose of all or part of the disclosed significant financial interests to reduce or eliminate the conflict of interest.
- Severance of the Relationship(s). The Investigator or his/her spouse may be required to sever any relationships that create an actual or perceived conflict of interest, such as relinquishing a seat on a board of directors or terminating a consulting agreement during the course of the research project.
- Restrictions on Equity Interests. The Investigator, his/her spouse or dependent children may be required to place stock in escrow until a trigger date specified by the COIC, or require that options, warrants and similar interests not be exercised without prior written approval of the COIC (and IRB if human subjects are involved).
- Any other conditions, restrictions, or requirements that will contribute to the management, reduction or elimination of the actual or potential conflict of interest.

8. Institutional Conflict of Interest

TTUHSC may have a conflict of interest in research, including human subjects research, whenever financial interests of the institution or an Institutional Official acting within their authority on behalf of the institution might affect or reasonably appear to affect institutional processes for the conduct, review, or oversight of research. Administrative responsibilities for research should be separate from those of institutional investment or technology licensing and transfer.

a. Institutional Officials

An Institutional Official responsible for negotiating or signing sponsored research agreements or contracts, including those for clinical trials, is subject to the same potential conflicts of interest as an Investigator. Because the involvement of the IO is so direct in the research decisions, this shall be considered an institutional conflict of interest. All IOs shall complete and submit the Disclosure Form for review in accordance with this policy. If an actual or potential conflict of interest exists and the COIC does not approve a Conflict of Management Plan, the research will not be conducted within or under the auspices of TTUHSC.

b. Conflicts of TTUHSC

1) Institutional

Financial relationships between TTUHSC and the commercial sponsor may present or appear to present a conflict of interest, even though TTUHSC has separated research and investment functions. Such agreements should receive close scrutiny. When a Significant Financial Interest of TTUHSC as defined in section 3j, is present, the COIC shall conduct a specific inquiry into whether the research should go forward.

If no conflict management plan is approved by the COIC, the research shall not be conducted within or under the auspices of TTUHSC. Options for resolutions include, but are not limited to, eliminating the conflict or appointment by the COIC of a faculty committee composed primarily of senior faculty to oversee the contractual commitments and review the proposed research and any publications.

2) Conflict of Interest between TTUHSC and Employee

Financial relationships between TTUHSC and the commercial sponsor may present or appear to present a conflict of interest between TTUHSC and one or more of its employees. Examples of such conflicts are:

- a) situations where both TTUHSC and the employee(s) share financial interests in a licensed technology and where disagreements arise between the parties about the commitment of the employee to further research; or
- b) research requested by a sponsor with which TTUHSC has a financial interest through investment or philanthropy and with which the employee disagrees.

Such conflicts shall be referred to the COIC for management. If both parties do not agree on a resolution, TTUHSC will take no retaliatory action against the employee including, but not limited to dismissal, denial of access to research resources, failure to promote or provide raises or other adverse employment action unless the employee was hired specifically for the purpose of working on the designated project. Personnel action against an employee on grounds that are unrelated to this conflict is not precluded.

9. Appeal of COIC Recommendations

- a. Individual. An individual may appeal a recommendation of the COIC to the EVPR. Written notice of appeal shall be given to the EVPR within 10 days of receipt of COIC recommendation, or prior to any action by the TTUHSC predicated on the COIC action, e.g. signing a contract, whichever comes first.
- b. Institutional Appeal. TTUHSC Administration may appeal a COIC recommendation to an ad hoc committee composed of two members from each school that will be appointed by the faculty executive committees of each school. The members of this ad hoc committee should be senior faculty members (Associate or Full Professor, preferably with tenure). TTUHSC shall provide notice of appeal to the faculty executive committees within 10 days of a COIC action. Appointments to the committee shall be made within 10 days of notice. The ad hoc committee shall convene within 5 days of appointment and receive the written administrative appeal. The ad hoc committee will report its recommendation to the Administration and the COIC within 20 working days.

TTUHSC can not be compelled to comply with this policy although it is in the best interest of TTUHSC to do so to maintain the public trust and to protect human subjects where clinical trials are concerned. Failure of TTUHSC to comply with this policy or a management plan will be reported by the COIC to the Chancellor.

10. Certification and Notice

- a. PHS and other Federal Agency Notification. The Office of Sponsored Programs shall report to PHS agencies, including NIH, any conflicting interest (excluding the nature or details about the interest) found by the COIC and a description of how the conflict has been managed, reduced, or eliminated. If any conflict of interest is identified after the initial report to PHS, a subsequent report will be made and the conflict managed, reduced, eliminated at least on an interim basis, within 60 days of the identification of the conflict.
- b. PHS Certification. The Director of Sponsored Programs or signing Institutional Official shall certify on each PHS funded proposal that:
 - There is a written and enforced administrative process to identify, manage, reduce or eliminate conflicting interests;
 - The required report has been or will be submitted;

- Upon request, make information available to the Department of Health and Human Services about all conflicting interests and how those interests have been managed, reduced or eliminated.
- c. National Science Foundation Notification. The Director of Sponsored Programs shall keep the NSF Office of the General Counsel informed if TTUHSC finds that it is unable to satisfactorily manage a conflict of interest under an NSF funded project.

11. Compliance

a. Generally

No research may begin until the conflict has been reviewed by the COIC and the conflict has been managed, reduced or eliminated.

If a breach of the policy occurs, sanctions may be imposed by the COIC following their review. Any breach or suspected breach of policy shall be reported to the COIC or through the Compliance Hotline. A breach includes, but is not limited to, failure to file or update a disclosure statement, intentionally filing an incomplete, erroneous, or misleading form; failure to provide additional information when requested by Unit Head, Institutional Official or COIC; violation of terms of plan for management of conflict approved by COIC.

Any person who believes that there has been a breach of policy is responsible to report the allegation to the COIC or through the confidential Compliance Hotline. Such report may be held confidential. However, if at the conclusion of the investigation, the reporting is considered by the COIC to be malicious or in bad faith, procedures described under the Honesty in Research and Allegations of Scientific Misconduct (HSC OP 73.07) shall be followed to identify and initiate appropriate action. In accordance with HSC OP52.04, no retaliatory action shall be taken against anyone who, in good faith, reports a suspected or actual breach of this policy.

When an allegation of breach of this policy is received by the COIC, the COIC shall initiate an inquiry within 5 working days and may request information or documents from the individual as well as TTUHSC units such as Sponsored Programs. All requested documents should be provided to the COIC within 10 working days. The COIC will make an initial determination of whether or not there has been a breach of this policy and report the finding in writing to the individual and EVPR within 10 working days of receipt of the documents.

If a breach is found, the individual will be requested to respond to the finding in writing and may also appear before the COIC in person within 10 working days. The COIC will make a final determination within 10 working days of receiving the response of the individuals or appearance before the committee, whichever ever is later, and provide a written recommendation to the EVPR, copied to the individual.

Sanctions may include but are not limited to the following:

1. Letter of reprimand
2. Ineligibility of the individual for grant applications or supervision of research personnel
3. Suspension of research privileges
4. Non-renewal of appointment in accordance with Regents Rules Chapter 4
5. Dismissal in accordance with Regents Rules Chapter 4

Sanctions, other than recommendation for non-renewal of appointment or dismissal may be appealed to the EVPR who has discretion to appoint an independent committee to review the process and report back to the EVPR.

12. Amendments or Termination of this Policy

TTUHSC reserves the right to modify, amend or terminate this policy at anytime. Nothing in this policy should be construed as a contract between TTUHSC and its employees or agents.

Chapter 03 -- Personnel

03.01 **Ethics policy.** It is important that the people of Texas have complete confidence in the integrity of public servants. This need is especially critical in the area of state-supported higher education. The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The principles and guidelines contained in this policy shall apply to officers and employees of the TTU system regardless of rank or position. Each component institution's operating manuals should be referenced for further information and/or greater specifics not in conflict with the *Regents' Rules*.

03.01.1 Conduct. Officers and employees should not:

- a. accept or solicit any gift, favor, or service that might reasonably tend to influence officers or employees in the discharge of official duties or that officers or employees know, or should know, is being offered with the intent to influence the officers' or employees' official conduct;
- b. accept other employment or engage in a business or professional activity that officers or employees might reasonably expect would require or induce them to disclose confidential information acquired by reason of the official position;
- c. accept other appointments or any employment or compensation that could reasonably be expected to impair officers' or employees' independent judgment in the performance of official duties;
- d. make personal investments that could reasonably be expected to create a substantial conflict between the officers' or employees' private interest and the public interest; or
- e. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised their official powers or performed official duties in favor of another.

03.01.2 Ethical behavior. TTU system officers and employees shall:

- a. put forth honest effort in the performance of their duties;
- b. not make unauthorized commitments or promises of any kind purporting to bind the TTU system or any of its components;
- c. not use their public offices for private gain;
- d. act impartially and not give preferential treatment to any private or public organization or individual;
- e. protect and conserve public property and shall not use it for anything other than authorized activities;
- f. promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
- g. adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam era or special disabled veteran status; and
- h. endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the TTU system.

03.01.3 Conflict of interest – generally. It is state policy that state officers and employees may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officers' or employees' duties in the public interest. (*See also: Section 03.03, Regents' Rules, regarding a specific conflict of interest policy that applies to the board; and Section 03.04, Regents' Rules, regarding a specific conflict of interest policy that applies to executive administration.*)

03.01.4 Benefits, gifts, and honoraria. A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare a TTU system employee has an interest as under state laws.

- a. Bribery. No TTU system officers or employees may solicit, offer, or accept any benefit in exchange for their decisions, opinions, recommendations, votes, or other exercises of official power or discretion. A benefit that is otherwise allowed by TTU system policy is nevertheless prohibited if it is offered in exchange for official action.
- b. Prohibited benefits. Public servants who exercise discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions of government, commit an offense if they solicit, accept, or agree to accept any benefit from any person the public servants know is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving TTU system officers' or employees' discretion. The prohibition does not apply to the following:
 - (1) gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
 - (2) a fee prescribed by law to be received by public servants or any other benefit to which they are lawfully entitled or for which they give legitimate consideration in a capacity other than as public servants;
 - (3) a gift, award, or memento that is received from a lobbyist who is required to make reports under Chapter 305, *Texas Government Code*; and
 - (4) items having a value of less than \$50, not including cash or negotiable instruments.

TTU system officers or employees who receive an unsolicited benefit that they are prohibited from accepting by law may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

- c. Food, lodging, transportation, and entertainment received as a guest. Public servants may accept food, lodging, transportation, or entertainment from persons or entities they know or reasonably should know, are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the public servants' discretion only if the public servants are "guests" as defined by the state laws. Public servants are "guests" if the person or a representative of the entity providing the food, lodging, transportation, or entertainment is present at the time the food, lodging, transportation, or entertainment is received or enjoyed by the public servants.

Public servants are required to report any such benefits valued at over \$250 on their annual disclosure statements filed with the Texas Ethics Commission.

- d. Benefits from friends, relatives, and associates. Public servants may accept benefits from personal friends, relatives, or business associates with whom they have a relationship independent of their official status, so long as the benefit is not offered in exchange for official action or decision.
- e. Awards. Public servants may accept plaques and similar recognition.
- f. Honoraria. Public servants may not solicit, accept, or agree to accept an honorarium in consideration for services they would not have been asked to provide, but for their official position or duties. This prohibition includes a request for or acceptance of a payment made to a third party if made in exchange for such services. However, they may accept the direct provision of or reimbursement for expenses for transportation and lodg-

ing incurred in connection with a speaking engagement at a conference or similar event. Meals provided as a part of the event or reimbursement for actual expenses for meals may also be accepted. Participation by a public servant must be more than merely perfunctory.

03.01.5 Political activities

- a. Use of TTU system funds or property. No public servant shall expend or authorize the expenditure of any TTU system funds for the purpose of influencing the outcome of any election, or the passage or defeat of any legislative measure.
- b. Political contributions. Unless prohibited by state law, public servants may make personal contributions to political organizations and candidates for political office.

03.01.6 Authority

- a. Misapplication of property. It is a violation of state law for public servants, acting with the intent to obtain a benefit or with intent to harm another, to intentionally or knowingly misapply any thing of value belonging to the government that comes into their custody or possession by virtue of their office as stated in state law.
- b. Misuse of official information. It is a violation of state law for public servants if, in reliance on information that they have access to in an official capacity and that has not been made public, they:
 - (1) acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; or
 - (2) speculate or aid another to speculate on the basis of the information as stated in state laws.

03.01.7 Sexual harassment

- a. Public servants should maintain a workplace environment that is free of sexual harassment and intimidation.
- b. It is a violation of Title VII of the Civil Rights Act of 1964 to engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - (2) submission to or rejection of such conduct is used as the basis for employment decisions; or
 - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

03.01.8 Nepotism

- a. Whenever an appointment is made, either on a full or part-time basis, it shall be made on the basis of the qualifications and suitability of the appointee, subject to applicable statutes and subject to the provisions of this policy.
- b. Prohibition applicable to TTU system and system component officials. No person related to any member of the board, to any component institution's president, or to the chancellor within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be eligible for appointment to any position in the TTU system when the compensation of such appointee is to be paid, either directly or indirectly, from public funds or fees.
 - (1) The above does not apply to any employee who has been continuously employed for thirty or more days prior to the appointment of a member to the board, a president,

or the chancellor who is related to the employee within a prohibited degree, and it does not apply to honorary or non-remunerative positions.

- (2) Any employee who has been continuously employed for less than thirty days prior to the appointment of a member to the board, a president, or the chancellor who is related within a prohibited degree will be removed from the individual's position.
- c. Prohibition applicable to administrators, supervisors, and others. No person related to an administrator within a prohibited degree shall be eligible for initial appointment to a position in an area of responsibility over which an administrator has appointive authority, in whole or in part, regardless of the source of funds from which the position's salary is to be paid. Exceptions to this restriction on the initial appointment of an individual may be made only by the board upon recommendations of the president and the chancellor and then only when the administrator in question does not directly supervise the person to be appointed.
- d. No employee may approve, recommend, or otherwise take action with regard to the appointment, reappointment, promotion, salary, or supervision of an individual related to the employee within a prohibited degree.
- e. If the appointment, reappointment, reclassification, or promotion of an employee places the employee under an administrative supervisor who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the employee shall become the responsibility of the next higher administrative supervisor.
- f. If the appointment, reappointment, reclassification, or promotion of an employee makes the employee an administrative supervisor over an employee who is related within a prohibited degree, all subsequent personnel and compensation actions affecting the subordinate employee shall become the responsibility of the next higher administrative supervisor.

- g. The provisions of subsections e. and f. shall apply to situations where two employees marry and one spouse is the administrative supervisor of the other.
- h. All instances where an employee marries an administrative supervisor, is placed under the administrative supervision of a relative, or is made the administrative supervisor of a relative within the prohibited degree will be reported to the board as an information item.
- i. Exception. The provisions of the policy do not apply to the appointment or employment of a personal attendant by any member of the board, a president, the chancellor, or an employee for attendance on the officer or employee who, because of physical infirmities, is required to have a personal attendant.
- j. Enforcement. An individual who is appointed in violation of this policy will be removed from the individual's position.
- k. Persons related within the prohibited degrees are indicated in the Affinity Kinship/Consanguinity Kinship Chart displayed below.

AFFINITY KINSHIP / CONSANGUINITY KINSHIP CHART

Affinity Kinship

The following persons are relatives of the official/employee within the second degree by affinity (marriage):

| | |
|------------------------|--|
| 1 st Degree | Spouse, spouse's child, spouse's mother or father, child's spouse, parent's spouse |
| 2 nd Degree | Spouse's brother or sister, spouse's grandparent, spouse's grandchild, brother or sister's spouse, grandparent's spouse, grandchild's spouse |

Consanguinity Kinship

The following persons are relatives of the official/employee within the third degree by consanguinity (blood):

| | |
|------------------------|---|
| 1 st Degree | Mother, father, daughter, son |
| 2 nd Degree | Brother, sister, grandparent, grandchild |
| 3 rd Degree | Great-grandparent, great-grandchild, uncle (brother of parent), aunt (sister of parent), nephew (son of brother or sister), niece (daughter of brother or sister) |

03.01.9 Affirmative action and equal employment opportunity. TTU system officers and employees will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, physical or mental disability, Vietnam era or special disabled veteran status. TTU system personnel will take affirmative action to provide a nondiscriminatory application process. Such action shall include, but not be limited to the following employment transactions: upgrading, demotion, or transfer; recruitment or recruitment advertising; lay-off or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.

03.02 TTU system community conduct.

03.02.1 Breach of trust. Colleges and universities that are tax supported must function in accordance with the public trust and the actions by faculty, staff and students within them must be consistent with the execution of that trust. A breach of trust includes, but is not limited to, the following:

- a. academic dishonesty such as giving or receiving aid on a test, examination, quiz, or other academic assignment;
- b. plagiarism;
- c. forgery, alteration or unauthorized use of TTU system documents, records, or identification materials;

- d. knowingly furnishing false information to the TTU system;
- e. the use of force or violence or other methods of obstructing the functions of the TTU system, which include teaching, research, administration, public service, presentations by guest lecturers and speakers, and other authorized activities;
- f. physical abuse of any person on TTU system-owned or controlled property or at TTU system-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person;
- g. theft of or damage to the tangible property of the TTU system or of a member of the TTU system community or campus visitor;
- h. unauthorized entry to or use of TTU system facilities;
- i. unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, or any substance the possession or distribution of which is regulated by federal or Texas law, except where the manufacture, distribution, dispensing, possession or use are in accordance with the laws of each;
- j. lewd, indecent, or obscene conduct on TTU system-owned or controlled property or at a TTU system-sponsored or supervised function;
- k. failure to comply with the lawful directions of TTU system officials where such directions are issued in the performance of their duties;
- l. violation of other laws or promulgated TTU system policies or rules;
- m. unauthorized release or removal of any information from university records, including but not limited to patient, student, financial and personnel records;

- n. behavior or activity, on or off campus, that is of such a nature to cause discredit or embarrassment to the university;
- o. commission of an act of moral turpitude, on or off campus, including, but not limited to, sexual harassment, sexual assault, fraud or theft;
- p. criminal or unethical conduct, on or off campus, (including a change in driving status when driving is an essential job function), or employee's failure to report his or her criminal or unethical conduct, that the university could reasonably construe as having an adverse impact on the employee's work performance or work environment, or that would cause discredit or embarrassment to the university; and/or
- q. conviction of a felony or conviction of a misdemeanor involving a crime of violence or moral turpitude in this or any other state or country.

03.02.2 Conviction notification. Each faculty, staff and/or student employee is required to notify the TTU system of any felony conviction, conviction of a Class A misdemeanor, or any drug, assault or theft conviction no later than five days after such conviction.

03.02.3 Adjudication. Adjudication of a violation of the standards established in this policy will result in the assessment of a penalty ranging from an oral reprimand to separation from the TTU system.

03.03 **Conflict of interest and the board.**

03.03.1 Introduction.

- a. The statement of policy in this section applies to each member of the board and shall serve as a guide for board members in fulfilling their position of significant responsibility. Members of the board serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this duty and the provisions of Chapter 572, *Texas Government Code*, and in particular with the standards of conduct set out in Section 572.051 of that chapter. All decisions of the board are

to be made solely on the basis of the desire to promote the best interests of the TTU system and the public good. The integrity of the TTU system must be protected and advanced at all times.

- b. Men and women of substance, such as those who serve on the board, commonly have a wide range of professional and personal associations with interests and involvement in other entities, institutions, and organizations. To assure the TTU system's many constituents of the integrity of its endeavors, board members should avoid situations in which such associations, interests or involvement could compromise or reasonably appear to compromise important academic values or the business decisions of the TTU system. Accordingly, it is the policy of TTU system that board members shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.
- c. No policy statement can specifically address every conceivable situation that might entail a conflict of interest. However, as a general principle, board members should avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each board member to ensure that the board is made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system. The board requires each board member to annually:
 - (1) review this policy;

- (2) disclose all business entities in which a board member, or a board member's family member, has a financial interest; and
- (3) acknowledge by his or her signature that he or she is in compliance with the letter and spirit of this policy.

d. For the purposes of Sec. 03.03, *Regents' Rules*, "business entity" means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

03.03.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with a board member or a board member's family member (defined to include a spouse and the dependent relatives or household members). For this reason, any transaction or other business relationship between the TTU system and a board member or board member's family member is prohibited.

03.03.3 Presumed conflict of interest.

- a. A conflict of interest is presumed to arise when the TTU system has or is considering a transaction or other business relationship with a business entity in which the board member or the board member's family member has a substantial financial interest. A financial interest is presumed to be substantial if it entails:
 - (1) Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a company amounting to less than 10% ownership interest in the company;
 - (2) Receipt of funds from the business entity that exceed 10 percent of the board member's gross income for the previous year, or the expectation of the receipt of such funds in the future;

- (3) Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;
 - (4) A position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, controlling share holder, share holder with a 10% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in 10% or more of the profits, proceeds or capital gains of the entity involved; or
 - (5) Any position as an employee of the entity involved.
- b. A board member is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund, of which the board member does not control investment decisions.

03.03.4 Disclosure of financial interest.

- a. A board member or a board member's family member who has a known substantial financial interest in a pending or a proposed transaction or business arrangement involving the TTU system shall promptly disclose to the board the existence of the interest and other material information that the board member may have regarding the transaction or arrangement.
- b. Each board member annually shall execute and submit to the chief financial officer a statement disclosing all business entities in which the board member has a financial interest. This disclosure will be achieved by the board member submitting to the Office of the Board of Regents, no later than June 1 of each year, a copy of the board member's Personal Financial Statement that is required to be submitted to the Texas Ethics Commission. This disclosure shall be updated throughout the

year by board members if a board member acquires or divests a substantial financial interest in any entity.

03.03.5 Determination of the existence of a conflict of interest.

- a. If a board member is aware of a conflict of interest, the board member shall inform the board during a meeting of the board conducted in accordance with the Texas Open Meetings Act and abstain from any participation in the transaction or matter in which the conflict exists.
- b. The chief financial officer shall review board members' annual disclosure statements to determine whether a substantial financial interest has been disclosed in any business entity in which the TTU system is considering entering into a transaction or business relationship. The chief financial officer also shall monitor the agendas of board meetings to determine if a conflict arises subsequent to the board members' annual disclosures and shall advise board members if a conflict develops. If a substantial financial interest has been disclosed in which a board member has not previously notified the board of a conflict of interest, the chief financial officer shall promptly submit to the Audit Committee chair, or if the interest involves the Audit Committee chair, another member of the Audit Committee, such disclosure forms together with any additional information about the current or proposed transaction or business relationship that may give rise to a conflict of interest that the chief financial officer, in consultation with the Audit Committee, believes may be informative.
- c. The Audit Committee shall review the matter and determine whether a conflict of interest exists. If the interests being reviewed involve a member of the Audit Committee, the member shall not participate in or be present during the committee's consideration of the matter, except as requested by the committee to answer questions or provide information. The Audit Committee may review such information as it deems pertinent, including posing questions to the board member involved. If the Audit Committee determines that a conflict of interest exists, the Audit Committee shall so advise

the board member involved and the board, and the board member involved shall abstain from any discussion or participation on the matter in which there is a conflict.

- 03.03.6 Record of proceedings. When the board conducts a meeting in which a board member's financial interest in a matter is disclosed, a determination regarding an existence of a conflict of interest is made, or a transaction or arrangement with respect to a board member who has a conflict of interest is considered, the board's consideration of these issues shall be reflected in the minutes of the board meeting.
- 03.03.7 Gifts. Board members shall not accept, solicit, or encourage gifts, favors, benefits, gratuities, services, or other items of value for themselves or family members which the board member knows or should know is offered with the intent to influence the board member's conduct or which might reasonably:
- a. affect the exercise of the board member's judgment on behalf of the TTU system;
 - b. tend to influence the board member in the discharge of the board member's duties;
 - c. tend to impair confidence in the TTU system; or
 - d. create the appearance of impropriety.
- 03.03.8 Use of office for personal gain. Board members shall not use the authority, title, prestige or other attribute of the office for personal benefit or gain for themselves or for any relative. Board members specifically are prohibited from procuring or being a party in any way to procuring the appointment of a relative to a position of trust or profit connected with the TTU system.
- 03.03.9 Favored treatment. Board members shall not use the authority, title, prestige or other attribute of the office to obtain consideration, treatment, or favor for any person beyond that which is generally available. This subsection applies, but is not limited to, efforts to influence administrative decisions with respect to an individual's

admission, employment, discipline, and similar matters. However, this subsection does not prohibit letters of recommendation or requests for information about the status of an individual's admission, employment, discipline, and similar matters.

03.03.10 Appropriation of TTU system opportunities. If a board member becomes aware of a business, investment, or other financially valuable opportunity that rightfully belongs to the TTU system and not to the board member individually or another entity with which the board member is affiliated, the board member shall bring the opportunity to the attention of the board.

03.03.11 Confidentiality. Board members may not use confidential information acquired as a result of service to the TTU system for any purpose unrelated to TTU system business, or provide such information to any third party, without the consent of the board. Wrongful use of TTU system information includes, but is not limited to, use or disclosure of information to engage, invest, or otherwise participate in any business, project, venture, or transaction other than through the TTU system.

03.03.12 Actions not void or voidable. Except as otherwise provided by law, no transaction or action undertaken by the TTU system shall be void or voidable, or may be challenged as such by an outside party, by reason of having been undertaken in violation of Section 03.03, *Regents' Rules*, or the principles set forth therein.

03.04 **Conflict of interest and executive administration.**

03.04.1 Introduction.

- a. The statement of policy in this section applies to each member of executive administration ("executive administrators") of: the TTUSA (including the chancellor, chief financial officer, vice chancellor and general counsel, vice chancellors, and any other TTUSA administration officers as designated by the chancellor); and the component institutions of the TTU system (including presidents, provosts, vice presidents, vice provosts, deans of schools and colleges, and other component institution officers as designated by the president of the institution that

employs the executive administrator). This policy statement shall serve as a guide for executive administrators in fulfilling their positions of significant responsibility. Executive administrators serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this duty and the provisions of Chapter 572, *Texas Government Code*, and in particular with the standards of conduct set out in Section 572.051 of that chapter. All decisions of executive administrators are to be made solely on the basis of the desire to promote the best interests of the TTU system and the public good. The integrity of the TTU system must be protected and advanced at all times.

- b. Men and women of substance, such as those who serve as executive administrators, commonly have a wide range of professional and personal associations with interests and involvement in other entities, institutions, and organizations. To assure the TTU system's many constituents of the integrity of its endeavors, executive administrators should avoid situations in which such associations, interests or involvement could compromise or reasonably appear to compromise important academic values or the business decisions of the TTU system. Accordingly, it is the policy of TTU system that executive administrators shall act in a manner consistent with their responsibilities to the TTU system and avoid circumstances in which their financial or other ties to outside persons or entities could present an actual, potential, or apparent conflict of interest or impair the reputation of the TTU system.
- c. No policy statement can specifically address every conceivable situation that might entail a conflict of interest. However, as a general principle, executive administrators should avoid any actions or situations that might result in or create the appearance of using their association with the TTU system for private gain, according unwarranted preferential treatment to any outside individual or organization, losing independence or impartiality, or adversely affecting the reputation of or public confidence in the integrity of the TTU system. Toward this end, it is the responsibility of each executive administrator to ensure that the TTUSA and, if applicable, the component en-

tity that employs the executive administrator are made aware of situations that involve personal, familial, or business relationships that could jeopardize the reputation of or public confidence in the TTU system. The TTU system requires each executive administrator to annually:

- (1) review this policy;
- (2) disclose all business entities in which an executive administrator, or an executive administrator's family member (defined throughout this section to include a spouse and dependent relatives or household members), has a financial interest; and
- (3) acknowledge by his or her signature that he or she is in compliance with the letter and spirit of this policy.

- d. For the purposes of Sec. 03.04, *Regents' Rules*, "business entity" means: any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, firm, corporation, limited liability company, holding company, joint stock company, receivership, or trust.

03.04.2 Conflict of interest. A conflict of interest arises when the TTU system has or is considering a transaction or other business relationship with an executive administrator or an executive administrator's family member. For this reason, any transaction or other business relationship between the TTU system and an executive administrator or an executive administrator's family member is prohibited.

03.04.3 Presumed conflict of interest.

- a. A conflict of interest is presumed to arise when the TTU system has or is considering a transaction or other business relationship with an executive administrator or an executive administrator's family member, or with a business entity in which the executive administrator or executive administrator's family member has a substantial financial interest. A financial interest is presumed to be substantial if it entails:

- (1) Any ownership or investment interest in a business entity (including stock, options, a partnership interest, or any other ownership or investment interest) valued at more than \$10,000, except equity in a company amounting to less than 10% ownership interest in the company;
 - (2) Receipt of funds from the business entity that exceed 10 percent of the executive administrator's gross income for the previous year, or the expectation of the receipt of such funds in the future;
 - (3) Any ownership interest in real property, personal property, intellectual property or any other interest valued at \$10,000 or more;
 - (4) A position of real or apparent authority in a business entity such as director, officer, trustee, partner, agent, controlling share holder, or share holder with a 10% or more voting interest, or a direct or indirect participating interest in any shares, stock or otherwise, regardless of whether voting rights are included, in 10% or more of the profits, proceeds or capital gains of the entity involved; or
 - (5) Any position as an employee of the entity involved.
- b. An executive administrator is not deemed to have a substantial financial interest in a publicly traded entity by reason of an investment in that entity by another publicly traded entity, such as through a mutual fund, of which the executive administrator does not control investment decisions.

03.04.4 Disclosure of financial interest.

- a. An executive administrator or an executive administrator's family member who has a known substantial financial interest in a pending or a proposed transaction or business arrangement involving the TTU system shall promptly disclose to the TTUSA and, if applicable, the component entity that employs

the executive administrator the existence of the interest and other material information that the executive administrator may have regarding the transaction or arrangement.

- b. Each executive administrator annually shall execute and submit to the chief financial officer a statement disclosing all business entities in which the executive administrator has a financial interest. This disclosure will be achieved by the executive administrator submitting to the chief financial officer, by no later than June 1 of each year, a disclosure statement provided by the chief financial officer or, if the executive administrator is required under Chapter 572, *Texas Government Code*, to file a Personal Financial Statement with the Texas Ethics Commission, a copy of the executive administrator's Personal Financial Statement. The chief financial officer annually shall submit his or her disclosure statement to the chair of the board's Finance and Administration Committee. This disclosure shall be updated throughout the year by executive administrators if an executive administrator acquires or divests a substantial financial interest in any entity.

03.04.5 Determination of the existence of a conflict of interest. If an executive administrator is aware of a conflict of interest, the executive administrator shall inform the TTUSA and, if applicable, the component entity that employs the executive administrator, and abstain from any participation in the transaction or matter in which the conflict exists. In matters involving a presumed conflict of interest for which the executive administrator does not believe an actual conflict of interest exists, the chief financial officer, in consultation with the vice chancellor and general counsel, shall make the determination of whether there is an actual conflict of interest. However, if the presumed conflict of interest involves the chancellor, a president, the chief financial officer, the vice chancellor and general counsel, or a family member thereof, the chair of the Audit Committee shall make the determination.

03.04.6 Gifts. Executive administrators shall not accept, solicit, or encourage gifts, favors, benefits, gratuities, services, or other items of value for themselves or family members from any individual or entity that, to the executive administrator's knowledge, has or seeks to

have a business relationship with the TTU system and for which the executive administrator knows or should know is offered with the intent to influence the executive administrator's conduct or which might reasonably:

- a. affect the exercise of the executive administrator's judgment on behalf of the TTU system;
- b. tend to influence the executive administrator in the discharge of the executive administrator's duties;
- c. tend to impair confidence in the TTU system; or
- d. create the appearance of impropriety.

03.04.7 Use of office for personal gain. Executive administrators shall not use the authority, title, prestige or other attribute of his or her office or position for personal benefit or gain for themselves or for any relative. Executive administrators specifically are prohibited from procuring or being a party in any way to procuring the appointment of a relative to a position of trust or profit connected with the TTU system.

03.04.8 Favored treatment. An executive administrator shall not use the authority, title, prestige or other attribute of his or her office or position to obtain consideration, treatment, or favor for any person beyond that which is generally available. This subsection applies, but is not limited to, efforts to influence administrative decisions with respect to an individual's admission, employment, discipline, and similar matters. However, this subsection does not prohibit letters of recommendation or requests for information about the status of an individual's admission, employment, discipline, and similar matters.

03.04.9 Appropriation of TTU system opportunities. If an executive administrator becomes aware of a business, investment, or other financially valuable opportunity that rightfully belongs to the TTU system and not to the executive administrator individually or another entity with which the executive administrator is affiliated, the executive administrator shall bring the opportunity to the at-

tention of the TTUSA and, if applicable, the component entity that employs the executive administrator.

03.04.10 Confidentiality. Executive administrators may not use confidential information acquired as a result of service to the TTU system for any purpose unrelated to TTU system business, or provide such information to any third party, without the consent of the TTUSA and, if applicable, the component entity that employs the executive administrator. Wrongful use of TTU system information includes, but is not limited to, use or disclosure of information to engage, invest, or otherwise participate in any business, project, venture, or transaction other than through the TTU system.

03.04.11 Actions not void or voidable. Except as otherwise provided by law, no transaction or action undertaken by the TTU system shall be void or voidable, or may be challenged as such by an outside party, by reason of having been undertaken in violation of Section 03.04, *Regents' Rules*, or the principles set forth therein.

03.05 **The classified compensation plan.** Each component institution shall promulgate policies and procedures for the appropriate classification and compensation of non-faculty employees. Each component institution shall publish and annually review the classified compensation plan to ensure that employees are compensated in a fair and equitable manner by establishing rates of pay that are directly related to such factors as skill, ability, education, training, experience, level of responsibility, physical and mental effort demanded, and the working conditions involved.

03.06 **Appellate procedures for grievances.**

03.06.1 Board and individual grievances. Except as specifically provided in these *Regents' Rules*, the board does not serve as an appellate body for individual grievances of students, faculty or staff members.

03.06.2 Grievance procedures. The TTU system administration and component institutions shall establish grievance procedures for the types of grievances of students, faculty and staff members applicable to the component. Each such procedure will indicate the final level of review within the TTU system administration or compo-

ment institution that is available to an individual grievant, and a decision at the level so indicated will constitute final institutional action on the grievance.

03.07 Consulting or outside employment.

03.07.1 Outside employment defined. Outside employment is defined to be any compensated service or employment by an entity, other than the TTU system, of a TTU system employee.

03.07.2 Employees' primary responsibility. The primary responsibility of TTU system employees is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment and the maintenance of current professional skills. Outside employment must be compatible with the interests of the TTU system and of such a nature that it will not detract from the effectiveness and performance of the employee.

03.07.3 Clinical faculty. Full-time clinical faculty at TTUHSC who are involved in outside employment must do so under the provisions of each school with TTUHSC's respective Income Plan.

03.08 Service on outside boards.

03.08.1 Service on an outside board by any TTUS employee.

a. Conditions of service on an outside board by any TTUS employee. Service on the governing board of an entity other than the TTU system ("outside board" and "outside entity") by any TTUS employee, including executive administrators subject to the provisions of Section 03.08.2 of this section, shall be subject to and conditional upon compliance with all applicable policies relating to ethics, conflicts of interest, consulting or outside employment, and disclosure provided in Chapters 03 and 10, *Regents' Rules*, and in institutional operating policies.

b. Risk of liability. All TTUS employees should be aware of the potential risk of liability associated with outside board service and should evaluate those risks and the need for appropriate

insurance and indemnification. All TTUS employees also should be aware that statutory limitations on liability of state officials and employees may not apply and that indemnification by TTUS and insurance coverage provided by TTUS may not apply or may be severely limited.

03.08.2 Service on an outside board by an executive administrator.

a. Approval required.

- (1) Except as provided in Section 03.08.2.a(2) of this section, for an appointment or re-appointment to the governing board of an entity other than the TTU system (“outside board” and “outside entity”) that is made on or after December 17, 2010, an executive administrator subject to Section 03.04, *Regents’ Rules*, may serve on the outside entity’s governing board only with the approval of the appropriate authority as set forth in Section 03.08.2.b of this section.
- (2) This section does not provide an exception to the requirements of Section 10.11, *Regents’ Rules*, regarding participation as a member of the governing board of a business entity that has an agreement with TTUS relating to the research, development, licensing or exploitation of intellectual property in which TTUS has an ownership interest. Such situations shall be governed by the provisions of Section 10.11, *Regents’ Rules*.
- (3) An executive administrator subject to this section who wishes to accept a position on the governing board of an outside entity must advise the vice chancellor and general counsel, who shall evaluate whether an actual or apparent conflict of interest would result from the service of the executive administrator on the governing board of the outside entity. The vice chancellor and general counsel shall report the results of the evaluation to the chair, the chancellor, and the designated approval authority, if different.

(4) An approval to serve on the governing board of an outside entity as provided by this section shall take into consideration the evaluation by the vice chancellor and general counsel, and approval shall not be granted if the designated approval authority determines that such service would result in an actual or apparent conflict of interest.

b. Designated approval authority.

| <u>Person Seeking Approval</u> | <u>Approval Authority</u> |
|---|------------------------------|
| Chancellor, president, or vice chancellor and general counsel..... | Board |
| TTUSA: other executive administrator subject to Section 03.04, <i>Regents' Rules</i> | Chancellor |
| TTUS component: other executive administrator subject to Section 03.04, <i>Regents' Rules</i> | President of the institution |

c. Use of executive administrator's time in service on an outside board.

- (1) An executive administrator who is approved to serve on the governing board of an outside entity under the provisions of this section shall use the executive administrator's own time (time outside of business hours, vacation time, compensatory time, or other leave time) while providing service on the outside entity's governing board so that such service is without cost to TTUS.
- (2) Notwithstanding Section 03.08.2.c(1) of this section, if the service is in a non-compensated position on the governing board of a civic or non-profit entity, the designated approval authority, upon a finding that such service is in furtherance of the best interest and mission of TTUS,

may waive the use-of-own-time requirement imposed by this section.

- d. Reporting requirements. In addition to any other required report or disclosure, each executive administrator who serves on an outside board shall file a report with the TTUS chief financial officer at the same time as the annual disclosure of financial interest report required by Section 03.04.4, *Regents' Rules*. On the service-on-outside-board(s) report, the executive administrator must list each outside board on which the executive administrator serves and must include the following information for each outside board:
 - (1) the number of hours per month, quarter or year normally required by service on the outside board;
 - (2) whether the service is compensated or not compensated; and
 - (3) whether the service is protected by one or more policies of directors and officers liability insurance, and whether that insurance coverage provides for general indemnification or only costs of defense.

03.09 **Holidays.** The TTU system administration and each component institution annually shall prepare and present to the board for approval a holiday schedule for the following fiscal year. This schedule shall be prepared in accordance with state law and shall provide the same number of holidays observed by other state agencies. The holiday schedule may differ from the prescribed state holidays so as to coincide with the academic calendar.

03.10 **Leaves.** Each component institution shall promulgate operating policies and procedures governing employee leave regulations in conformity with federal and state laws.

03.11 **TTU system employee retirement.** The TTU system administration and each component institution shall promulgate rules in its operating manuals governing the retirement of employees in conformity with federal and state laws.

03.12 Personnel files.

- 03.12.1 Maintenance. The TTU system will maintain, either electronically or in written form in an appropriate office, a personnel file on each employee. This file shall contain the employee's application for employment, appointment papers, contracts, performance evaluations, and such additional material as is appropriate.
- 03.12.2 Confidentiality. The contents of the personnel file and copies of all parts of the contents of the file that may be maintained elsewhere by the institution are confidential except as provided by law. The materials described in this policy shall be disclosed to the employee and to such other officers, including members of the board, and employees of the TTU system as have responsibilities requiring use of the records.
- 03.12.3 Exceptions. Upon receipt by the TTU system of a subpoena or a court order, or upon the request of the employee, access to personnel files will be granted to persons not having access under Section 03.12.2, *Regents' Rules*, in the manner and under the terms specified in the subpoena, order, or request.

***Index of Chapter 03 amendments adopted since December 12, 2008
(in chronological order):***

| <u>Section</u> | <u>Date</u> | <u>Description of Amendment</u> |
|----------------|-------------|--|
| 03.01.3 | 8-7-09 | An existing conflict of interest subsection that applies to all officers and employees of the TTU System was re-labeled as “Conflict of interest – generally” ... and a parenthetical note was added to reference a new conflict of interest subsection (Sec. 03.03) that applies only to regents. |
| 03.03 | 8-7-09 | A new conflict of interest policy applicable only to members of the Board of Regents was inserted as a new Sec. 03.03 ... and all remaining sections were re-numbered accordingly. |
| 03.01.3 | 12-17-09 | In an existing general conflict of interest subsection that applies to all officers and employees of the TTU System, a parenthetical note was revised to reference a new conflict of interest subsection (Sec. 03.04) that applies only to executive administration. |
| 03.03.4 | 12-17-09 | In the regents’ conflict of interest policy, a provision regarding restrictions on parallel investments was deleted (and subsequent subsections were renumbered accordingly). This issue will be addressed in a new Long Term Investment Fund investment policy statement that is being developed. |
| 03.04 | 12-17-09 | A new conflict of interest policy applicable only to members of executive administration was inserted as a new Sec. 03.04 ... and all remaining sections were renumbered accordingly. |
| 03.04.5 | 12-17-10 | The General Counsel was added to the positions for which the Audit Committee chair resolves a question of whether an actual conflict of interest exists. For |

other executive administrators, a requirement was added that the Chief Financial Officer consult with the General Counsel on questions of whether an actual conflict of interest exists.

- | | | |
|-------|----------|---|
| 03.08 | 12-17-10 | A new policy on service on outside boards in general was inserted as a new Sec. 03.08 ... and all remaining sections were renumbered accordingly. |
| 03.03 | 12-16-11 | Revisions throughout Sec. 03.03 were made to conform the policy on Board member conflicts of interest with recent changes in state law. |
| 03.04 | 12-16-11 | Revisions throughout Sec. 03.04 were made to conform the policy on executive administration conflicts of interest with recent changes in state law. |



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 10.27, Health Care Vendor Interactions

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to maintain the integrity of Texas Tech University Health Sciences Center's (TTUHSC) educational and research programs, and clinical decision making by providing guidance on acceptable interactions between TTUHSC faculty, residents, staff, students and trainees and Health Care Vendors (as defined below) to optimize the benefits of such interactions and foster compliance with applicable federal and state laws, while minimizing the risk of actual or perceived conflicts of interest.

REVIEW: This HSC OP is effective April 1, 2009. It will be reviewed on May 1 of each odd numbered year (ONY) by the TTUHSC Institutional Compliance Working Committee, with recommendations for revisions forwarded to the President by July 1.

DEFINITIONS:

Gift means a tangible item received directly from a Health Care Vendor. Gifts include any benefit or remuneration, including, but not limited to, cash, checks, coupons, securities, discounts, pre-bates, rebates, subsidies, real property, personal property, referrals, goods, prizes, services, promotional items, tickets, or anything else that has value to the person receiving it. It does not include items such as product brochures, fact sheets, article reprints, and bibliographies. This list is provided as examples only and is not intended to be comprehensive.

Health Care Vendor is any individual or company that sells or markets health care services or items to TTUHSC and/or its patients, including, but not limited to pharmaceutical companies and their representatives, device or durable medical equipment (DME) manufacturers and their representatives, and equipment and/or service providers, and their representatives. It **does not** include vendors of items not related to the provision of health care items or services, such as research test tubes, office supplies, etc.

Educational Conference or Meeting as defined by the AMA Council on Ethical and Judicial Affairs¹ is any activity held in an appropriate location, where (a) the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational topic(s) should be the focus of the gathering), and (b) the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented. An appropriate disclosure of financial support of conflict of interest should be made at the beginning of the conference or meeting.

Financial Interest includes, but is not limited to equity ownership, compensated positions on advisory boards, paid consultancy or other forms of compensated relationship. It does not include indirect ownership, through mutual funds or other investment vehicles in publically traded companies.

¹ See AMA Opinion 8.061

GENERAL BACKGROUND:

Interactions between health care providers and Health Care Vendors occur in various and unique ways, especially in the academic setting and when properly managed and monitored can benefit public health and education. However, those interactions must be conducted in such a manner as to advance drug discovery, technology development and improving public health while maintaining the public trust.

As a health care provider and state agency, TTUHSC, its faculty, residents, staff, and students, are subject to federal and state laws, [Texas Tech University System \(TTUS\) Regents' Rules \(Regents' Rules\)](#) and institutional policies that govern our interactions with Health Care Vendors.

The American Association of Medical Colleges' (AAMC) Task Force report² provides further guidance on policies to manage, and where necessary, prohibit academic-industry interactions that can inherently create conflicts of interests and undermine standards of professionalism.

POLICY/PROCEDURE:

1. General.

TTUHSC clinical and academic activities are carried out at multiple campuses and affiliated entities. In all cases where this policy is more restrictive than a TTUS or TTUHSC conflict of interest policy, this policy shall control. When faculty members, residents or students are in affiliated entities (i.e., hospitals), they should abide by this policy or the affiliated entity's policy, whichever is more strict with respect to a particular action in question.

To the extent that certain interactions with Health Care Vendors are prohibited in this policy, they are also prohibited when conducted outside the confines of the TTUHSC campuses, sites and/or facilities and affiliated entities.³

2. Conflicts of Interest and Disclosure

- a. [Texas Government Code, Section 572, Subchapter A, Section 572.001](#) prohibits any state officer or employee from, having a direct or indirect interest, financial or otherwise, engaging in a business transaction or professional activity, that is in substantial conflict with that individual's duties in the public interest. See also [TTUS Regents' Rule 03.01, Personnel Ethics Policy](#), [TTUHSC OPs 52.06, Standards of Conduct and Ethics Guide, 73.09, Conflict of Interest in Research](#), and [70.18, Multiple Employment](#), which may also apply to interactions between Health Care Vendors and TTUHSC faculty, residents, and staff.
- b. Any faculty employee who recommends or approves the purchase of a Health Care Vendor's product for TTUHSC or its affiliated hospitals shall not have a consulting relationship with or serve on the Advisory Board of that Health Care Vendor for the 12 month period prior to and after the recommendation or approval of the purchase. See also [Regents' Rule 03.01, Personnel Ethics Policy](#).
- c. As required by [73.09, Conflict of Interest in Research](#), individuals involved in research activities are required to make an annual report of their financial interests as defined in that policy.

²Industry Funding of Medical Education, Report of an AAMC Task Force, June 2008
http://services.aamc.org/publications/showfile.cfm?file=version114.pdf&prd_id=232

³ See Regents Rule 03.01

3. **Compensation or Gifts from Health Care Vendors.**

The Federal Anti-Kickback statute makes it a crime to knowingly and willfully solicit, receive, offer or pay, overtly or covertly, directly or indirectly anything of value in cash or in kind in exchange for the referral of patients, items or services payable by a federal health care program. A gift can be improper if it is made to someone in a position to generate referrals (i.e., prescribe drugs or durable medical equipment) or if the payment represents more than fair market value.

- a. No personal Gifts, shall be sought or accepted by TTUHSC faculty, residents, staff or students from Health Care Vendors.
- b. Faculty, residents, staff, and students shall **not** seek or accept compensation or gifts from Health Care Vendors for prescribing, or changing a patient's prescription, using or purchasing a specific device or equipment, or for the referral of patients to a provider of health care services or items (i.e., hospital, hospice, nursing facility, etc.).
- d. Faculty, residents, staff, students, Schools and Departments shall **not** seek or accept compensation or gifts, including meals, from Health Care Vendors for listening to sales presentations or talks about their products (i.e., detailing) by the Health Care Vendor.
- e. Compensation or gifts from Health Care Vendors given as a grant for research or studies of products when the research or studies require little or no actual scientific pursuit shall **not** be sought or accepted. An example of an unacceptable "research grant" is one that only requires minimal record keeping.
- f. No compensation or gift shall be sought or accepted from a Health Care Vendor by any TTUHSC faculty, resident or staff who has or may have a substantive role in the selection of that Health Care Vendor to provide items or services (including DME) under contract to TTUHSC or its affiliated hospitals. See Paragraph 8 for further restrictions.
- g. No compensation or gift shall be accepted in exchange for conducting marketing tasks during the course of providing health care, research and/or development services. For example, no one shall accept compensation or gifts from a Health Care Vendor to complete an evaluation form after using a health care item or product.
- h. Prescription pads from Health Care Vendors shall not be accepted.
- i. No compensation or gift from a Health Care Vendor raffle, lottery or contest shall be accepted.

4. **Travel, Lodging, Meals and Conference Fees Provided by Health Care Vendors.**

- a. Faculty, residents, staff, students and/or Departments shall not seek or accept from Health Care Vendors any compensation or reimbursement for travel to and/or attendance at, sporting or entertainment events, all expense paid trips to vacation resorts, or similar entertainment activities.
- b. Conferences.
 - i. Faculty, residents and staff may accept reasonable honoraria and reimbursement for travel, lodging, meals and conference fees for their attendance at educational conferences or meetings, including those related to research activity, only if the individual presents his/her own educational materials, serves as a panel discussion participant, panel moderator, or otherwise actively participates in the conference or meeting. Participation in the event must be more than merely perfunctory and the presenter must determine his/her own lecture content, prepare his/her own materials (including slides and handouts), and present a

balanced assessment of the topic being presented. The terms of the arrangement must be in writing and all compensation must represent fair market value. Acceptance of honoraria must be consistent with Texas laws and TTUHSC policies.

- ii. Faculty, residents and staff who are only attendees at conferences cannot accept either honoraria or reimbursement for travel, lodging or meal expenses directly or indirectly from any Health Care Vendor. Token consulting or advisory arrangements cannot be used to justify receipt of honoraria or reimbursement for travel, lodging, meals and/or conference fees.
- iii. Faculty, residents and staff may accept Health Care Vendor reimbursement for travel, lodging, and meals to attend meetings to act as a "bona-fide" consultant or participate in panels regarding development of new research protocols, to discuss research results or to participate in a conference to understand requirements for future research activities in which the person is involved.
- iv. No compensation or gift shall be personally sought or accepted by faculty, residents or staff on behalf of such individual from a Health Care Vendor for attendance at any conferences or meetings where the individual is not lecturing, presenting or otherwise actively participating in the conference or meeting. This policy does not prohibit attendance at conferences or meetings, but only prohibits accepting compensation or benefits from Health Care Vendors solely to attend a conference or meeting, whether or not it is an educational or research conference or meeting. This policy does not prohibit acceptance of modest meals (comparable to the meal allowance specified by the United States Internal Revenue Service) included as part of the conference fee paid by the individual and/or TTUHSC or by the Health Care Vendor as allowed under this policy.

c. Meals for TTUHSC Educational Events.

- i. Continuing Education Sponsored Events. Meals for TTUHSC accredited continuing education (CE) programs shall only be provided through the applicable continuing education office.
- ii. Non-Continuing Education Sponsored Events. Meals provided by Health Care Vendors for non-accredited educational meetings shall be modest and must be coordinated with/by TTUHSC Schools or Departments and only at the request and approval of the designated faculty representative in the School or Department. The Health Care Vendor shall not select the speaker and shall not be allowed to discuss its product(s) as part of the content of the educational meeting. Content for such events shall be "peer reviewed" and/or publishable material. Any promotional materials to be made available by the Health Care Vendor at such activities must be reviewed and approved by the designated faculty.

5. **Health Care Vendor Representative Access to TTUHSC Campuses, Sites and/or Facilities.**

- a. TTUHSC has entered into an agreement with Vendormate, Inc. ("Vendormate") to provide registration, screening and credentialing of Health Care Vendors subject to this policy. Any Health Care Vendor seeking access to TTUHSC facilities, clinics, faculty or residents shall register with Vendormate before their representatives are allowed onto a TTUHSC campus, site, or facility. As part of this registration process, the Health Care Vendor shall receive information on this policy and other relevant policies based on the Health Care Vendor's registration tier/level.

- b. Health Care Vendors with access to patients (i.e., involved in patient care activities at TTUHSC) shall be designated at the highest registration tier through the Vendormate service.
- c. In coordination with the TTUHSC Institutional Compliance Officer, Vendormate may provide additional Vendor Program awareness/education to TTUHSC leadership and employees.
- d. Each TTUHSC campus shall provide at least one central location for Health Care Vendors to register and receive an access badge to TTUHSC facilities where patient care activities are conducted.
- e. Health Care Vendors are required to check-in and receive a Health Care Vendor ID badge each time they enter a TTUHSC facility, clinic, office and/or department. A Health Care Vendor who fails or refuses to check-in and/or clearly display their ID badge will be directed to the check-in area or asked to leave.
- f. Health Care Vendors shall only have access to TTUHSC campuses and facilities during normal business hours or during scheduled on-site educational conferences or meetings.
- g. Health Care Vendors shall not have access if the purpose is to interact with students and/or residents or fellows about their products without a TTUHSC faculty member present.
- h. To maintain patient confidentiality under HIPAA, Health Care Vendors are limited to administrative areas such as physicians' administrative offices, department offices, conference rooms, public areas and other non-patient care areas. In those cases where it is not possible to directly access administrative areas, the Health Care Vendor shall be escorted through patient areas to access the administrative areas. Health Care Vendors are only allowed in patient care areas for:
 1. required training on new equipment or devices that have been purchased by TTUHSC, setting up such equipment, or similar activities associated with the contract as approved by TTUHSC; or
 2. evaluation of new uses for equipment, devices, or related items.

In these cases, the Health Care Vendor shall execute an appropriate Business Associate agreement [See HSC OP 52.13, HIPAA Business Associate Agreement Policy.](#)

- i. Health Care Vendors shall not attend any conferences or meetings at TTUHSC facilities where patient specific information (i.e., the information is not de-identified) or quality assurance activities are being discussed.
- j. In limited circumstances related to delivery of patient care (i.e., use of new equipment), a Health Care Vendor may be present during treatment, only if the patient has been informed and provided written consent to their presence, and a HIPAA Business Associate Agreement has been signed, and then only to provide in-service training or assistance on devices and/or equipment that has been purchased or is under consideration for purchase by TTUHSC. The Health Care Vendor shall not provide patient care at TTUHSC campuses, sites and/or facilities.

6. **Drug, Equipment and Medical Device Samples.**

- a. No drug, equipment or medical device samples shall be accepted for personal use of faculty, residents or staff employees or their family members. Samples of drugs,

equipment or medical devices shall only be accepted if they are used for patient care or education, or student educational purposes. Patients shall only be given sample drugs to determine efficacy to treat the patient's condition. Those campuses that have a pharmacy presence should evaluate the transition of sample drugs to a central pharmacy to ensure the availability of brand-name and generic medications to patients.

- b. No drug, equipment or medical device sample shall be billed to any patient or third-party payer, including, but not limited to, government payers or private insurers. Free drug, equipment or medical device samples shall never be sold.
- c. Sample drugs shall be stored in a secure and locked location within the Department or Division or in a central campus location. Expired sample drugs shall be disposed of in accordance with state and federal law. See [Ambulatory Clinic Policy 4.02](#).
- d. Sample drugs, equipment and medical devices shall be tracked when given to a patient in a log, indicating the date of it was given to the patient, the patient's name or medical record number, and the lot number of the sample drug(s), or identifying number of the equipment or medical device(s) given to the patient. The lot number of sample drugs shall be noted in the patient's medical record at the time it is given to the patient.

7. Funding of Continuing Education Programs at TTUHSC by Health Care Vendors.

- a. No faculty, resident, staff employee, School and/or Department shall accept or receive any subsidy from a Health Care Vendor to support the cost of continuing education provided at or through TTUHSC. All funding from Health Care Vendors in support of continuing education programs at or through TTUHSC shall be in accordance with applicable accrediting agencies and shall only be made to the appropriate continuing education office at TTUHSC.
- b. For continuing education activities not using the accreditation of internal TTUHSC continuing education departments, funding mechanisms and channels must be reviewed and approved by the appropriate school's continuing education department or appropriate individual designated by the Dean of each School, for compliance with accepted accreditation practices.

8. Consulting Honoraria from Health Care Vendors.

- a. Consulting honoraria shall only be accepted in accordance with [Regents' Rule 03.06](#); [HSC OP 70.18, Multiple Employment](#) and any applicable practice plan by-laws regarding income-generating activities. (See also TTUHSC CME policy regarding honoraria for TTUHSC CME activities) All arrangements must be in writing and represent fair market value for actual work performed by the faculty, resident or staff employee and approved by the faculty member's immediate supervisor.
- b. Payment or compensation from Health Care Vendors for token consulting or advisory arrangements shall not be accepted.
- c. Faculty, staff, residents and students shall not accept honoraria or any other type of payment for presenting at events where the content and/or materials, including slides (in whole or in part) have been prepared by or on behalf of a Health Care Vendor.

9. Health Care Vendor Support for Scholarships, Fellowships or other Trainees.

- a. Scholarships or subsidies from Health Care Vendors to permit students, residents and fellows to attend carefully selected educational conferences or meetings (i.e., major educational, scientific or policy-making meetings of national, regional, or specialty medical, nursing, pharmacy or allied health associations) may be permissible as long as:

- the funds are provided to the School, Department, Program or Division and not directly to the student, resident or fellow;
- Nothing is given in return for the scholarships or subsidies;
- the selection of students, residents or fellows who receive the funds is made by the Dean or Department;
- the educational conference or meeting does not solely address the Health Care Vendor's products; and
- it is otherwise consistent with any continuing education requirements.

10. **Ghostwriting and Speakers Bureaus.**

- a. Faculty, staff, residents and students shall not publish articles under their own names that are written in whole or in part by Health Care Vendor employees, contractors or representatives (i.e., "ghost-written"). The International Committee of Medical Journal Editors guidelines should be followed in determining the criteria for being listed as an author on any publication.
- b. Faculty, staff, residents and students may participate in, or receive compensation for, speaking engagements, provided **ALL OF THE** following exist:
 - The event meets the criteria of Section 2 above;
 - The lecture content or presentation materials (including slides and handouts) are prepared by the speaker and is not subject to prior approval by either the Health Care Vendor or its representatives, including, but not limited to event planners contracted by the Health Care Vendor;
 - The lecture content, including slides and handouts, is based on the best available scientific evidence;
 - The Health Care Vendor does not directly or indirectly select the attendees or provide any honorarium to attendees; and
 - The speaking arrangement is not long term (more than 12 months).

11. **Response to Non-Compliance.**

- a. Non-compliance with this policy should be reported to the appropriate Dean or the Institutional Compliance Officer. Alternatively, reports can be made through the TTUS Compliance Hotline at 1-866-294-9352 (toll-free) or the web at www.ethicspoint.com,
- b. Alleged violations of this policy by TTUHSC faculty, residents, staff, or students shall be investigated by the Institutional Compliance Office. Suspected violations involving faculty, residents, or staff shall be referred to the individual's Dean or Department Chair, who shall determine what actions, if any, shall be taken in accordance with TTUHSC policies. Suspected violations involving students shall be reported to the Dean of Students for the School in which the student is enrolled. Violations of this policy may result in one or more of the following, depending on the seriousness of the violation, whether the violation is a first or repeat offense, whether the individual(s) knowingly violated the policy or attempted to hide the violation:
 - Counseling;
 - Additional education/training regarding this policy;
 - Written reprimand;
 - Suspension of future relationships between the individual(s) involved in the violation and Health Care Vendors for a set period of time;
 - Return of any gifts or compensation received in violation of this policy or related TTUS and TTUHSC policies;
 - Termination for cause.

Any disciplinary action taken under this policy shall follow established TTUHSC procedures.

c. Violations of this policy by Health Care Vendors or their representatives shall result in one or more of the following actions by the Institutional Compliance Officer:

- Verbal warning to the representative;
- Written warning to the representative and Health Care Vendor;
- Written notice to the Health Care Vendor that badge access is terminated and its representatives are no longer allowed on TTUHSC campuses, sites or facilities for purposes of selling or marketing their services or items.

12. **Right to Change Policy.**

TTUHSC reserves the right to interpret, change, modify, amend or rescind any policy in whole or in part at any time without the consent of workforce, but may seek input, where appropriate.



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.01, **Tenure and Promotion Policy**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide TTUHSC tenure and promotion guidelines within the HSC OP manual, as required by Section 04.02, *Regents' Rules*.

REVIEW: This HSC OP will be reviewed concurrently with and in the same manner as the review required by Section 01.07, *Regents' Rules*, provided, however, that this policy may only be revised with formal approval of the Board of Regents.

POLICY/PROCEDURE:

1. General Considerations.

- a. TTUHSC is a community of scholars dedicated to teaching and to the advancement of scientific knowledge through scholarship. An essential component of academic endeavor provided by faculty members who have clinical skills is participation in clinical service. Faculty members may also serve the academic community through participation in institutional governance (e.g., committee work) in addition to other activities. Some TTUHSC faculty members also make important contributions to the community in the form of their academically related public service complementary to the institutional mission. All of these contributions by faculty members will be recognized as essential to the mission of TTUHSC.
- b. A position as a faculty member at TTUHSC implies correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship and teaching ability, faculty members are also responsible for maintaining objectivity and industry and cooperating in relations with colleagues and associates in the university.

2. Academic Freedom.

- a. Achievement of the teaching, research, patient care and service missions of TTUHSC depends upon an uninhibited search for truth and its open expression. Hence, it is essential that each faculty member be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that he or she considers relevant.
- b. A TTUHSC faculty member is entitled to full freedom in the classroom in discussing the subject which he or she teaches, but should refrain from introducing controversial matters which have no relation to the classroom subject. Each faculty member when speaking, writing or acting as a citizen of the nation, state and community, must be free from institutional censorship or discipline, and should make it clear that in this capacity he or she does not speak for TTUHSC. A faculty member is subject to academic responsibility as noted below in this policy.

3. Academic Responsibility.

- a. The concept of academic freedom for faculty members is accompanied by an equally important concept of academic responsibility. A faculty member has a responsibility to TTUHSC, his or her profession, students, and society at large. The rights of a faculty member as extended by society and protected by written policies and the law, require

reciprocally the assumption of certain responsibilities. The fundamental responsibilities of a faculty member as a teacher, scholar and/or clinician include maintaining competence in his or her field of specialization as exhibited in the classroom, clinic or laboratory, and in the public arena by such activities as discussions, lectures, consulting, publications, and participation in professional organizations and meetings.

- b. Statements by a faculty member are protected even though they may be critical in tone or content. However, such statements are not protected by free speech if: they substantially impede the faculty member's performance of his or her duties; materially and substantially interfere with the regular operation of TTUHSC; or are part of a continuing pattern of expression that may destroy the harmony and morale of an academic unit. False statements made publicly with knowledge of their falsity, or in reckless disregard for the truth, are not subject to constitutional protection. Such action may call into question the fitness of the faculty member to perform his or her professional duties.
- c. A faculty member should be judicious in the use of controversial material in teaching and should introduce such material only as it has a clear relationship to the subject matter. A faculty member should: be professional in his or her conduct in the classroom and in relationships with students; maintain respect for students and students' rights in the learning experience; and be reasonably available to students for consultation on course work.

4. **Tenure Perspectives.**

- a. **Concept of tenure.** Academic tenure has been developed so that TTUHSC may have the benefit of the competent and honest judgment of its faculty. It thus recognizes the professional status of its faculty and assures that employment may be terminated only for cause or as noted below. The burden of proof rests upon TTUHSC when it elects to dismiss a tenured faculty member.
- b. **Purposes of tenure.** The purposes of tenure are: to protect the academic freedom of the faculty member; to ensure faithful observance of the requirements of academic due process; and to retain, encourage, and promote the ablest and most promising faculty members. This policy defines the types of appointments that may lead to tenure and specifies procedures for granting tenure.
- c. **Award of tenure.** Tenure may be awarded at certain ranks only after a period of probationary service. Awarding of tenure by TTUHSC will be based upon excellence of performance in the following areas relevant to faculty members' disciplines:
 - (1) teaching;
 - (2) scholarship (includes appropriate research pursuits);
 - (3) clinical service; and
 - (4) academically-related public service.

Tenure at TTUHSC is awarded only by affirmative action by the board.

- d. **Ranks eligible for tenure.** Members of the faculty with the rank of associate professor and professor only are eligible for tenure. Tenure does not apply to administrative appointments.

5. **Non-tenure Track Appointments.**

- a. **Term appointment.** A term (non-tenured) appointment is written for a specific period of employment. All faculty appointees in non-tenured positions shall be given a statement in writing of the conditions and period of their employment. Term appointments may be

renewed. However, reappointment of any such position shall not create the right to a subsequent term appointment. Time served by persons in non-tenure track series cannot be used as time accrued toward tenure. Each school may select titles from the following non-tenure track appointment positions:

- (1) **Non-tenure track appointments.** The following appointments may be used for full-time non-tenure track faculty members and for individuals with the appropriate professional credentials who are full-time employees of institutions holding formal affiliation agreements with TTUHSC:
 - (a) assistant instructor;
 - (b) instructor;
 - (c) assistant professor;
 - (d) associate professor; or
 - (e) professor.

- (2) **Clinical appointments.** The following non-tenure track appointments are reserved for appointees with less than half-time appointments, i.e., less than half-time commitment to, and less than half-time compensation from, TTUHSC:
 - (a) clinical lecturer;
 - (b) clinical instructor;
 - (c) clinical assistant professor;
 - (d) clinical associate professor; or
 - (e) clinical professor.

- (3) **Research appointments.** The following non-tenure track appointments are for full-time faculty members engaged primarily in research with incidental teaching and/or patient care responsibilities:
 - (a) research instructor of (title of discipline);
 - (b) research assistant professor of (title of discipline);
 - (c) research associate professor of (title of discipline); or
 - (d) research professor of (title of discipline).

- (4) **Adjunct appointments.** The term “adjunct” may be used in conjunction with any appropriate non-tenure track title to indicate that the appointee is regularly engaged as an employee of another institution or agency. The following “adjunct” series also may be used for TTUHSC employees who may be engaged in part-time or full-time teaching and/or patient care activities in a duly authorized TTUHSC program and whose compensation is not derived from TTUHSC state-appropriated faculty budgets:
 - (a) adjunct instructor;
 - (b) adjunct assistant professor;
 - (c) adjunct associate professor; or

- (d) adjunct professor.
- (5) **Visiting appointments.** The following non-tenure track appointments are reserved for distinguished individuals who meet the criteria for appointment in senior academic ranks. Visiting appointments may be part- or full-time, but are not continuing unless approved by the dean:
 - (a) visiting associate professor, or
 - (b) visiting professor.
- (6) **Faculty associate.** The faculty associate non-tenure track title may be used for persons who are employees of TTUHSC and who function in an academic support role (e.g., librarians).
- (7) **Conditions of non-tenure series appointments.** Faculty appointments in the non-tenure track series shall be reviewed annually by department chairs and the dean. A written notice of non-reappointment will be issued to full-time faculty excluding adjunct and visiting no less than four months prior to August 31 of each year.
 - (a) After a period of five years of service in the full-time non-tenure track at the assistant professor, associate professor, or professor level, a written notice of reappointment or non-reappointment will be issued no less than one year prior to August 31 of each year.
 - (b) After a period of five years of service in the non-tenure track at the assistant professor level or three years at the associate professor or professor level, extended appointments not to exceed five years may be offered upon recommendation by department chair and approval of the dean.
 - (c) Although a reason for a decision of non-reappointment is not required, a decision not to reappoint cannot be caused by considerations violative of academic freedom or constitutionally impermissible reasons. Each faculty member is entitled to review all of his or her personnel files and to obtain a copy of the information contained therein at his or her expense. The appeal process for an alleged violation of academic freedom or constitutionally guaranteed rights in the non-reappointment process is set out in Section 10.b of this policy.
 - (d) The transition for the non-tenure track series to the tenure track (or vice versa) may be allowed following review and mutual agreements by the faculty member, the department chair, and the dean. Absent extraordinary circumstances which are approved by the dean, only one transfer between tracks will be allowed.
 - (e) A faculty member in a non-tenure appointment may be terminated for cause only during the term of the appointment as set out in Sections 11. and 12. of this policy.
- (8) **Promotion of non-tenure track faculty.** Non-tenure track faculty may be eligible for promotion, in accordance with requirements and procedures provided for in each respective school's tenure and promotion operational guidelines.

6. Tenure Track Appointments.

- a. Time served on the tenure track in the assistant professor, associate professor and professor ranks shall count as probationary time toward the award of tenure. (See also

Section 7. of this policy.) Tenure may be awarded only at the associate professor and professor ranks.

b. **Tenure track appointments**

- (1) assistant professor;
- (2) associate professor; or
- (3) professor.

c. **Tenured appointment.** A tenured appointment assures the right of the faculty member to a continuing academic position of employment. The tenured faculty member is subject to possible adjustments regarding salary, administrative position, employment duties, and campus location.

d. **Probationary appointment.** Probationary appointees serve in a faculty status leading to the possible awarding of tenure. A probationary appointee is reappointed after appropriate review each academic year unless given appropriate written notice (as noted in Section 10.a of this policy). Such appointees are subject to possible adjustment duties, and campus location.

e. **Academic appointment.** Only persons with full-time appointments are eligible for tenure. Tenure applies to full-time faculty including those full-time faculty with nine month appointments. Although tenure does not apply to administrative positions, faculty members holding administrative positions may be tenured in their respective academic units.

f. **Continuous full-time appointment.** Tenure applies to continuous full-time appointment in the academic units which have the authority to initiate tenure recommendations. The following rules govern the effect of a leave of absence upon the maximum probationary period:

- (1) leave for four months or less during an academic year shall be included in the maximum probationary period; and
- (2) continuous leave for more than four months shall cause that entire academic year to be excluded from the maximum probationary period unless that faculty member was on a sabbatical or the equivalent of a Fulbright Fellowship performing scholarly activities.

g. **Joint appointment.**

- (1) A faculty member who holds a 50/50 percent of effort joint appointment in two TTUHSC academic units may be awarded tenure in the joint position. If one of the units refuses to recommend tenure upon expiration of the probationary period and issues timely written notice, tenure shall not be awarded unless the faculty member is given full-time employment in the academic unit that elects to recommend tenure.
- (2) In a joint appointment other than 50/50 percent of effort, tenure may be awarded only in the unit where an appointment greater than 50 percent is held. That unit then must be prepared to absorb the remainder of the faculty member's appointment if the faculty member relinquishes, or is asked to relinquish, the part of the appointment that is less than 50 percent.

h. **Restructuring of Academic Units.** If a department or other academic unit is merged or otherwise reorganized, the tenured faculty member in the academic unit affected shall not lose his or her tenure appointment(s) solely because of such reorganization.

7. **Probationary period.**

- a. The maximum probationary period for admission to tenure is the same for all tenure-eligible ranks. Before the end of the seven-year probationary period at TTUHSC, an untenured assistant professor, associate professor, or professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the eighth year.
- b. Requests for early action may be appropriate if a faculty member's accomplishments are exceptional. Each school will establish criteria for awarding tenure before the end of the maximum probationary period.
- c. Previous full-time service with the rank of assistant professor or higher, or comparable status in institutions of higher learning, may be counted toward the awarding of tenure. The dean's letter of appointment shall state whether, and to what extent, time served at another institution will be applied to the probationary period.
- d. The president, at the request of the dean, may recommend that the board award 'appointment with tenure' to accommodate the recruitment of senior faculty who have been granted tenure by universities or institutions of higher learning that are at levels comparable to TTUHSC. The qualifications of candidates for appointment with tenure will be reviewed in accordance with school tenure and promotion policies, standards and guidelines, as well as Section 9. of this policy.
- e. Occasionally, faculty will experience extraordinary circumstances during their appointment that result in the need to interrupt the probationary period, so that the number of years considered as part of the probationary period are not consecutive. Staying of the probationary period will not jeopardize or adversely affect the faculty member in the tenure review. Guidelines for requests to stay the probationary period are provided in Section 8. of this policy.
- f. Computing years of credit toward tenure. In computing probationary periods for tenure, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made. A common tenure anniversary date of August 31 for all tenure-eligible academic appointments shall apply. (See Section 6.f. of this policy, for computing periods of leave without pay.)

8. **Extension of tenure track probationary period.**

- a. A TTUHSC faculty member may request an extension of his or her maximum probationary period in order to accommodate the faculty member faced with extraordinary circumstances. This period of time is expressly not a leave of absence, but rather is a defined period during which expectations for faculty performance are adjusted to reflect a faculty member's past or current circumstances. The expectations and responsibilities during this period will be defined in writing by the department chair and approved by the dean.
- b. The maximum extension that may be granted a faculty member is three years, regardless of the combination of circumstances. A faculty member who is granted an extension of the probationary period will be judged and evaluated on the same basis and by the same standards as though there had been no extension.
 - (1) **Parenting a new child.** An untenured, tenure-track faculty member who becomes the parent of a child by birth or adoption during the probationary period for tenure may request a one year extension of his or her maximum probationary period to provide time to adjust to the demands of parenting newborn or adopted children. An application for a second consecutive extension may be submitted prior to completion of the first extension.
 - (2) **Requests for extension.** Requests for extension of the probationary period

must be submitted as soon as possible after birth or adoption. If both parents are employed in an eligible position at TTUHSC, each of them may request an extension of the probationary period for each birth or adoption that adds a child or children to their family.

- (3) **Other extraordinary circumstances.** When faced with extraordinary circumstances an untenured, tenure-track faculty member may request an extension of up to three years of the maximum probationary period for reasons beyond the faculty member's control that deprive him or her of reasonable opportunity to demonstrate his or her ability and potential as a faculty member. Examples of extraordinary circumstances include, but are not limited to, care for a seriously ill child or family member, physical disaster affecting research materials, and exceptional institutional responsibilities.
- (4) **Procedure for requesting an extension.** Individual schools will develop criteria for consideration of requests for extension of the maximum probationary period. School procedural guidelines will require, at a minimum, that such requests be submitted in writing through the department chair to the dean for approval.

9. **Tenure and promotion decision process.**

- a. **Criteria and standards.** The criteria and areas of performance to be considered in the tenure and promotion decision processes are teaching, scholarship, clinical service, and academically-related public service. Individual schools will develop standards of performance excellence in each of these areas. These standards should also describe the relative importance of each performance category, along with the related criteria for award of tenure or receipt of promotion.
- b. **Guidelines.** Individual schools will develop and publish written policies that translate tenure and promotion standards into guidelines that are appropriate to their disciplines. It shall be the responsibility of the dean: to assure appropriate faculty participation in the development of these standards and guidelines; to approve school tenure and promotion policies; and to monitor their application. Deans shall review these guidelines periodically and consider appropriate recommendations from the faculty, according to the bylaws of each school.
- c. **Information regarding criteria, standards, and guidelines.** It is the joint responsibility of the department chair, dean, and faculty member to ensure that he or she is provided in writing the tenure and promotion criteria, standards, and guidelines of the school and the department in which appointment has been made.
- d. **Procedure for review of qualifications for tenure and promotion.** Primary responsibility for evaluation of the academic qualifications of candidates for tenure and /or promotion rests with the faculty.
 - (1) Where applicable, six sequential steps in the tenure and/or promotion review process are as follows:
 - (a) peer review by tenured faculty members in the department for consideration of tenure;
 - (b) peer review by faculty members of higher academic rank in the department for consideration of promotion;
 - (c) review by the department chair;
 - (d) review by the school's committee charged with tenure and promotion;
 - (e) review by the dean; and

- (f) review by the president.
- (2) In conducting reviews at the department level, all tenured faculty shall have an opportunity to vote on a tenure recommendation. Likewise, in conducting reviews at the department level, all faculty of higher academic rank shall have an opportunity to vote on a promotion recommendation. However, no faculty member currently or previously related by blood or marriage may participate in the tenure and/or promotion evaluation process of any such relative. The department chair is responsible for making an independent tenure or promotion recommendation in writing to the dean. The summary of the vote by appropriate faculty of the department (or of any special review committee) is to be forwarded with the department chair's recommendation to the school tenure and promotion committee, along with appropriate documentation in the tenure or promotion dossier.
- (3) Each school within TTUHSC will have a committee responsible for tenure and promotion, the composition of which will be outlined in the school's respective bylaws. The school tenure and promotion committee will review recommendations for tenure and/or promotion in terms of department and school standards. Each school tenure and promotion committee will forward its recommendations to the dean who will be responsible for reviewing and recommending appropriate action on all tenure and/or promotion recommendations emanating from the school. These recommendations, with accompanying documentation in the tenure and/or promotion dossier, will be forwarded to the president. The final recommendations on tenure and/or promotion will then be made by the president and forwarded to the board.

A faculty member may be granted tenure and/or promotion only by formal action of the board.

- e. **Discrimination.** All tenure and/or promotion considerations and recommendations rest upon objective requirements in relationship to the ability of the faculty member to perform effectively his or her responsibilities in teaching, scholarship, clinical service, and academically-related public service. Such considerations and recommendations are to be made without regard to race, religion, sex, age, national origin, marital status, physical disabilities, or other protected class which do not obstruct professional performance.

10. **Non-reappointment of faculty on tenure-track probationary appointment.**

- a. **Notice of non-reappointment.** Except under conditions relating to the dismissal of faculty noted in Section 11., notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments shall be given in writing in accordance with the following schedule. For computing the period of employment, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made.
 - (1) at least three months before the end of the first 12 months of service;
 - (2) at least six months before the end of the first 24 months of service; or
 - (3) at least nine months for those with more than 24 months of service.

Notwithstanding the above provisions, notice of non-reappointment may be given with the commencement of the current appointment.

- b. **Appeal of non-reappointment.** TTUHSC is not required to give a non-tenured faculty member a reason for a decision of non-reappointment. However, each faculty member is entitled to review all of his or her personnel file and, at his or her expense to obtain a copy of the information contained therein.

If a non-tenured faculty member alleges that a decision not to reappoint him or her is caused by considerations violative of academic freedom, for constitutionally impermissible reasons, or for significant noncompliance with TTUHSC's established standards or prescribed procedures, the allegation shall be given consideration in accordance with the following procedures:

- (1) The faculty member shall submit in writing, and with specificity, allegation(s) of improper non-reappointment, as outlined above, and request a hearing within twenty (20) TTUHSC business days of receipt of the notice of non-reappointment. The faculty member shall submit the allegations and request for hearing to the dean, the department chair, and the chair of the School of Hearing Committee.
- (2) A hearing will be conducted by the School Hearing Committee as soon as possible after receipt of written, specific allegations. The hearing will be conducted in accordance with guidelines and procedures provided in Section 12.i-k of this policy. Under these procedural guidelines, the School Hearing Committee will select a chair and may request *pro bono* legal counsel or legal counsel from the Office of General Counsel. The legal counsel may advise the School Hearing Committee but may not vote. The faculty member shall have the right to appear in person with legal counsel retained by the individual. Failure on the part of the faculty member to use an attorney or other representative at the hearing shall not preclude the School Hearing Committee from using legal counsel or other assistance from the Office of General Counsel. An audio recording of the proceedings shall be made and delivered to the dean, and a copy of the audio recording will be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the dean and at the expense of the requesting party.
- (3) The faculty member shall have the burden of proving to the School Hearing Committee facts that establish the non-reappointment was improper, as outlined in 10.b., above. The procedure shall be investigatory and non-adversarial in nature.
- (4) Within ten (10) TTUHSC business days of conclusion of the hearing, the chair of the School Hearing Committee shall deliver the findings, recommendations, and minority opinions, if any, to the dean.
- (5) Upon receipt of the School Hearing Committee's findings and recommendations, the dean shall submit same, along with his or her recommendations, to the president and to the faculty member within ten (10) TTUHSC business days.
- (6) The president shall review the findings and recommendations and make a decision. The president's decision will be stated in writing and communicated to the dean and the faculty member within ten (10) TTUHSC business days of receipt of the dean's recommendation. The decision of the president shall be final.

11. **Grounds for dismissal of tenured faculty and termination of non-tenured faculty during their appointment.**

- a. **Dismissal and Termination.** Dismissal of a tenured faculty member and termination of all other faculty members before the expiration of the stated period of their appointment (except by resignation or retirement) will be for cause only.
- b. **Cause for dismissal or termination or appointment.** Examples of cause for dismissal or termination of appointment of a faculty member include, but shall not be limited to, the following:
 - (1) professional incompetence;

- (2) neglect of professional responsibilities;
- (3) moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates;
- (4) mental or physical disability of a continuing nature adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates that cannot be reasonably accommodated; and
- (5) unprofessional conduct adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates.

12. **Procedures in dismissal or termination of appointment cases.** Due process as set forth in this policy statement embodies a course of proceedings in line with rules and principles generally recognized in the academic community. Among these is the right of a tenured faculty member, and a non-tenured faculty member during the term of his or her appointment, to request and be granted a hearing before the School Hearing Committee, when notice of cause and request for dismissal or termination of appointment has been received by the faculty member and the dean.

In each case, the procedure for dismissal or termination of appointment will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of TTUHSC.

- a. A faculty member shall not be dismissed until he or she has received written notice of the cause for dismissal or termination of appointment and, except as specified below, only after a reasonable opportunity for a hearing, which shall meet the established procedures of due process as set forth herein and in which the school shall bear the burden of showing cause for dismissal or termination of appointment.
- b. The faculty member will receive his or her salary until conclusion of the dismissal or termination procedures and may continue the performance of his or her duties for that period unless the individual's welfare or that of the school, in the opinion of the dean, requires that a leave of absence be issued. A faculty member's salary and benefits may be discontinued, on written recommendation of the dean and approval by the president, in cases of job abandonment, loss of professional license to practice, loss of clinical credentials, or similar instances where the faculty member, either by choice or as the result of official actions, becomes prohibited from fulfilling the conditions of his or her employment.
- c. In cases where the respondent faculty member admits his or her conduct constitutes cause, or does not choose to have a hearing, he or she may offer in writing his or her resignation.
- d. Failure to appeal the dismissal or termination of appointment, or to submit one's resignation, within twenty (20) TTUHSC business days of receipt of written notice as set forth above will relieve TTUHSC of any further obligation to pay a faculty member's salary and benefits, effective immediately, and completes the dismissal or termination of appointment process. The dean shall notify the faculty member in writing of this action.
- e. The School Hearing Committee shall be charged with hearing cases of dismissal of tenured faculty or termination of non-tenured faculty during their term of appointment. The composition and method of selection of said committees will be set forth in the faculty bylaws of each school.
- f. Before the filing of formal dismissal or termination charges by the dean, a reasonable effort shall be made to mediate and conciliate differences, where appropriate. Upon written notification by the dean of a request for dismissal or termination, the chair of the School Hearing Committee shall appoint a mediation team within fifteen (15) TTUHSC business days comprised of two faculty members, neither of whom serves in the same

department as the faculty member recommended for dismissal or termination, who are not on the School Hearing Committee, and who are acceptable to both parties. If no mediators are found acceptable within fifteen (15) TTUHSC business days, mediation will be deemed not feasible and the matter will be referred back to the dean. In this case, the dean will determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

If a mediation team is accepted, it shall attempt to reach a mutually acceptable resolution between the dean and faculty member in a thorough, confidential, equitable, and expeditious manner, and report the outcome of the mediation to the president within fifteen (15) TTUHSC business days of the first day of the mediation. If conciliation is not achieved, the dean shall determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

- g. In all cases where formal dismissal or termination charges issue, the faculty member will be informed in writing of the charges. The charges will be considered by the School Hearing Committee unless the faculty member offers his or her resignation as set out in Section 12.c. of this policy, or the faculty member fails to cooperate in advancing the appeal, per Section 12.d. of this policy.
- h. Upon receipt of formal dismissal or termination charges, the faculty member shall also be notified in writing of his or her right to a hearing and shall be given twenty (20) TTUHSC business days from the date of receipt of such notice to submit a request for a hearing before the School Hearing Committee to the dean and the chair of the School Hearing Committee. Upon receipt of the request, the chair of the School Hearing Committee as set out in each school's bylaws to begin consideration of the formal charges as soon as possible.
- i. The School Hearing Committee will select a chair and may, if it chooses, request *pro bono* legal counsel from the Office of General Counsel. The legal counsel will advise the School Hearing Committee, but may not vote. If the School Hearing Committee retains *pro bona* legal counsel from outside the Office of the General Counsel, the School Hearing Committee may consult with the Office of General Counsel regarding technical questions not directly bearing on the merits of the case, if the committee considers such consultation appropriate and helpful.
- j. In every dismissal or termination hearing, the faculty member shall have the right to appear in person with legal counsel retained by the individual, or other representative of his or her choice, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which he or she considers to be relevant or material to the case. TTUHSC shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and have the same rights in the hearing as those accorded to the faculty member. Failure on the part of the faculty member to utilize an attorney or other representative at the hearing shall not preclude the School Hearing Committee from utilizing *pro bono* legal counsel or other assistance from the Office of General Counsel.
- k. The parties shall make any objections, substantive or procedural, deemed relevant during the course of the hearing, although neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.
- l. An audio recording of the proceedings shall be made and delivered by the dean to the president of TTUHSC, and a copy of this audio recording shall be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the president at the expense of the requesting party.
- m. The nature of the hearing or review of the formal dismissal or termination charges shall be investigatory and non-adversarial. The panel of the School Hearing Committee, by majority of its membership, shall make written findings on the material facts on each

charge and make specific recommendations with regard to each of the charges, as well as general recommendations concerning dismissal or termination. The panel of the School Hearing Committee, by majority of its membership, may make any supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated.

- n. The chair of the panel of the School Hearing Committee shall deliver the written findings, recommendations, and suggestions to the dean within seven (7) TTUHSC business days of the hearing. The dean shall review the committee's findings and recommendations and, within seven (7) TTUHSC business days, shall transmit them along with his or her own recommendations to the president of TTUHSC.
- o. In the case of a termination of appointment of a non-tenured faculty member, the president shall review the School Hearing Committee's findings and recommendations and the dean's recommendation and make a decision. The president's decision will be stated in writing and communicated to the faculty member and the dean within ten (10) TTUHSC business days of receipt of the recommendations of the School Hearing Committee and the dean. The decision of the president shall be final.
- p. In the case of a dismissal of a tenured faculty member, the president shall transmit the findings and recommendations of the School Hearing Committee and the dean's recommendations, along with his or her recommendations, to the faculty member and to the board for its consideration. The board, by a majority of its total membership, shall take final action. The decision of the board will be stated in writing and communicated to the president, who will communicate it to the dean. The president shall also notify the faculty member in writing of the board's decision. The decision of the board shall be final. Once the board acts to dismiss, payment of salary shall cease, unless such salary has been discontinued previously for any reason referenced hereinabove.
- q. The president of TTUHSC shall have the prerogative of extending any of the time periods specified above when such is in his or her opinion in the best interest of TTUHSC or the faculty member, and shall have the right to intervene, when in his or her judgment, the proceedings are not progressing in a timely manner.
- r. The procedures for dismissal or termination of appointment described in the foregoing paragraphs of this section do not negate the right of the president to suspend the faculty member from all or some duties, when the president reasonably believes such to be in the best interest of the institution. The suspension with pay shall be without appeal and shall continue until such time as the suspended faculty member has been accorded the procedural rights described in the foregoing paragraphs of this section.

13. Financial exigency, phasing out, or reorganization of programs.

- a. The board has sole authority to declare financial exigency. When faculty dismissals are contemplated on grounds of financial exigency, program termination or reduction, or reorganization of academic units, there should be timely notice as reasonably early as possible, with affected faculty having an opportunity to address the matter with the dean. Recommendations from the faculty will be sought by the dean on alternatives available to the school to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members. In cases of bona fide financial exigency, or the phasing out of programs requiring reduction of faculty, the faculty members involved shall be given opportunities for appointment in related areas of the school (or TTUHSC) provided they are qualified professionally to serve in such areas, and provided such positions are available.

14. Implementation.

- a. This policy is to be implemented immediately upon approval by the board. Faculty members in tenure track probationary status at the time of this approval will have the option of electing the tenure and promotion decision process of either the tenure policy

that was in effect when they were appointed or that was in effect at the time of application for tenure. All faculty members are subject to all other provisions and procedures of this revised tenure policy upon its approval by the board. Faculty members who have been awarded tenure at TTUHSC shall continue under this policy. This policy shall not be applied in derogation of any faculty member's contract rights. It is not the intent of this policy to operate in derogation of any substantive benefit earned by a tenured faculty member under a previous TTUHSC tenure policy.



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.03, **Comprehensive Performance Evaluation of Tenured Faculty**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide for the comprehensive performance evaluation of tenured faculty at the Texas Tech University Health Sciences Center (TTUHSC) consistent with the current Board of Regents' Guidelines.

REVIEW: This HSC OP and its attachments will be reviewed by February 15 every even-numbered year (ENY) by the TTUHSC Council of Deans and TTUHSC Faculty Senate, with any recommendations for revisions forwarded to the President for approval. In reviewing this HSC OP, the President will also consider recommendations from the Schools of Allied Health Sciences, Medicine, Nursing, Pharmacy, Graduate School of Biomedical Sciences, and the Paul L. Foster School of Medicine.

POLICY/PROCEDURE:

1. General Considerations.

- a. As used in this HSC OP, the term "faculty" applies to tenured faculty.
- b. Each academic Dean or their representative will review with the impaneled peer review committee the process used for determining the merit of each faculty members performance in order to ensure that performance evaluations are conducted without regard to a faculty members race, color, religion, sex, age, disability, national origin, Vietnam Era or Special Disability Veteran status, genetic information, or refusal to submit to genetic testing.
- c. Comprehensive performance evaluation is intended to enhance and protect rather than diminish the important guarantees of tenure and academic freedom. The purpose of comprehensive evaluation of faculty is to provide guidance for continuing and meaningful faculty professional development; to enable faculty to enhance professional skills and achieve professional goals; to refocus academic and professional efforts, when appropriate; to ascertain that faculty members are meeting their responsibilities to the University and the State of Texas; and to comply with Texas Education Code, 51.942, as amended or modified, and policies of the Board of Regents.
- d. The acceptance and success of comprehensive performance evaluation for faculty are dependent upon a well-executed, critical process and an institutional commitment to assist and support faculty development. Thus, remediation and follow-up review for faculty who would benefit from such support are essential to the success of this policy.
- e. Each School within TTUHSC shall develop and implement a review procedure for faculty that, at a minimum, results in a Comprehensive Performance Evaluation Report and meets the requirements set forth in Section 2 below. Each School's procedure is to be developed with appropriate faculty input, including consultation with and guidance from faculty governance organizations. Upon approval by the President of TTUHSC, each School's procedure shall be incorporated as an attachment to this HSC OP.
- f. While distinct from the annual evaluation process required of all TTUHSC employees, comprehensive performance evaluations of faculty may be integrated with the annual

evaluation process to form a single comprehensive faculty development and evaluation process.

- g. Nothing in this HSC OP or in the application of this evaluation procedure shall negate the provisions of the Rules and Regulations of the Board of Regents, Chapter 04, "Faculty," (*Regents' Rules*), currently in effect, or be interpreted or applied to infringe on the tenure system, academic freedom, due process, or other protected rights, or establish new term-tenure systems or require faculty to reestablish their credentials for tenure.
- h. Each academic Dean or their representative will review each faculty performance evaluation performed in their school to ensure that appraisals were properly conducted utilizing only lawful, job-related and non-discriminatory criteria.

2. **Requirements of Comprehensive Performance Evaluation of Tenured Faculty.** Consistent with Texas Education Code, 51.942, as amended or modified, and *Regents' Rules*, following are the requirements established for comprehensive performance evaluation of tenured faculty and faculty receiving academic promotions at TTUHSC.

- a. **Evaluation Focus:** The evaluation process will be directed toward the professional development of the faculty member and is to include a comprehensive review of the faculty member's duties and responsibilities including teaching, research, service, administration (when applicable), and, for faculty with clinical responsibilities, clinical service. The comprehensive performance evaluation shall include consideration of the faculty member's annual employment evaluation(s), the results of the peer review described below, and any other materials submitted by the faculty member.
- b. **Evaluation Schedule:** Evaluations under this policy shall be conducted not more often than once every year but no less than once every six (6) years after the date the faculty member is granted tenure. Periods when a faculty member is on leave are not counted in calculating when the evaluation is required. The evaluation may not be waived for any faculty member but may be deferred when the evaluation coincides with granting of tenure, promotion, or appointment to an endowed position. No deferral of the evaluation of an active faculty member may extend beyond six (6) years. Administrators with academic appointments who are subject to review under other policies or customary faculty duties are subject to comprehensive evaluation within six (6) years of the date of return to active faculty service.

Comprehensive evaluation under this policy does not preclude other evaluations of faculty and appropriate actions as may be necessary or authorized under applicable policies.

- c. **Materials Submitted by Faculty Member:** The faculty member being evaluated shall submit or arrange for the submission of a resume or curriculum vitae, a summary statement of professional accomplishments, annual reports, and teaching evaluations. The faculty member may submit additional materials that the faculty member deems appropriate.
- d. **Evaluation Procedure:** The Evaluation Report required under this policy shall be completed not more than one year from the date that written notice of intent to review is provided to the individual faculty member.
 - (1) **Notice:** Notice shall be given at least six (6) months prior to date of commencement of the evaluation and shall include:
 - (a) Date by when faculty member must submit all materials and to whom;
 - (b) Time period covered by the evaluation;
 - (c) Expected time period after submission of materials in which a meeting shall be scheduled with the peer review committee (i.e., within ___ months/weeks); and
 - (d) Anticipated date by when the final Evaluation Report with recommendations shall be completed.

- (2) **Peer Review:** The faculty member shall have an opportunity to meet with a peer review committee made up of TTUHSC tenured faculty as impaneled by each School. Committee members shall consider all materials submitted by the faculty member and may make observation visits, as the committee deems appropriate. The committee's written findings and recommendations shall be contained in the Evaluation Report.
- (3) **Evaluation Report:** The Evaluation Report shall be compiled in writing and distributed to the faculty member, department chair, Dean or Dean's designee, and the President for review and appropriate action.

3. **Actions Based on Evaluation Report.**

- a. The faculty member may challenge the Evaluation Report within a School's existing grievance procedures.
- b. The Evaluation Report may be used:
 - (1) To determine salary recommendations, award nominations, or other forms of recognition commensurate with exceptional performance;
 - (2) To design remediation and follow-up review for individuals in need of institutional support assistance such as mentoring and counseling ineffective teaching, research, service, and, as applicable, administration or clinical responsibilities;
 - (3) To undertake appropriate disciplinary action if incompetency, neglect of duty or other good cause is determined to be present; and/or
 - (4) For termination in accordance with the following section.

4. **Termination Proceedings.** All proceedings for termination of tenured faculty on the basis of the Evaluation Report shall be conducted in accordance with the due process procedures in existing *Regents' Rules* and pursuant to statute. This includes an opportunity for referral of the matter to Alternative Dispute Resolution Procedures as described in Chapter 154, Civil Practice & Remedies Code, as amended or modified, or, if both parties agree within a reasonable time period, another type of alternative dispute resolution may be elected. Such proceedings shall include a list of specific charges by the chief administrative officer and an opportunity for a hearing before a faculty tribunal. In all such cases, the burden of proof shall be on the institution, and the rights of the faculty member to due process and academic freedom shall be protected.



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.08, **Annual Renewal of Certain Faculty Employment Contracts**

PURPOSE: The purpose of this HSC Operating Policy and Procedure (HSC OP) is to implement Section 51.943 of the Texas Education Code, as amended or modified, which relates to: (1) annual renewal of employment contracts for full-time, non-tenure acquiring (non-tenure track) faculty, and (2) written notification of changes in a term of employment for tenured and tenure acquiring (tenure track) full-time faculty.

REVIEW: This HSC OP will be reviewed by August 1 of every odd-numbered year (ONY) by the TTUHSC Faculty Senate, with recommendations for revision forwarded to the President by August 31.

POLICY/PROCEDURE:

1. Definitions.

- a. Contract means an agreement between the Texas Tech University System or one of its components ("University") and a full-time faculty member establishing the terms of employment for an academic year, or years, if applicable. (See form, Attachment A.)
- b. Faculty member is a full-time University employee whose primary duties include teaching or research. The term "faculty member" does NOT include:
 1. Classified personnel; or,
 2. A faculty member who spends a majority of his/her time in managerial or supervisory activities, such as a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean or associate or assistant dean.
- c. Non-tenure acquiring (non-tenure track) faculty member is a full-time faculty member who holds one of the following job classifications, including a clinical, teaching or research sub-series:
 1. Instructor;
 2. Lecturer;
 3. Assistant Professor;
 4. Associate Professor; or,
 5. Professor.
- d. Tenured or Tenure acquiring (tenure track) faculty member is a full-time faculty member who holds one of the following job classifications:
 1. Assistant Professor;
 2. Associate Professor; or,
 3. Professor.

2. Annual contract renewals for non-tenure acquiring (non-tenure track) full-time faculty members.

- a. Except as provided below, the University must provide a non-tenure acquiring (non-tenure track) full-time faculty member a written contract for an academic year not later than 30 days before the first day of the academic year.

- b. If the University is unable to provide a timely notice of employment, it must provide the non-tenure acquiring (non-tenure track) full-time faculty member written notice:
 - 1. That it is unable to comply with Section 51.943 of the Texas Education Code;
 - 2. Stating the reasons why it is unable to comply, e.g., unidentified need or funding, etc.; and,
 - 3. Specifying the time by which it will provide a written contract.
- c. If the University retains a non-tenure acquiring (non-tenure track) full-time faculty member without providing him/her a written contract before the 61st day after the beginning of the academic year, then it must employ him/her under the terms and conditions that are at least as favorable as the preceding academic year. The University and the non-tenure acquiring (non-tenure track) full-time faculty member may subsequently negotiate a different employment agreement.

3. Written notification of changes in a term of employment for tenured or tenure acquiring (tenure track) full-time faculty members.

- a. The University will NOT provide annual contracts to tenured or tenure acquiring (tenure track) full-time faculty members.
- b. The University will provide tenured and tenure acquiring (tenure track) full-time faculty members written notification as required by the University's tenure policy at least 30 days before any change in a term of employment takes effect.

Sec. 51.942. PERFORMANCE EVALUATION OF TENURED FACULTY.

(a) In this section:

(1) "Governing board" has the meaning 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.

(b) Each governing board of an institution of higher education shall adopt rules and procedures providing for a periodic performance evaluation process for all faculty tenured at the institution. The governing board may design its rules and procedures to fit the institution's particular educational mission, traditions, resources, and circumstances relevant to its character, role, and scope, in addition to other relevant factors determined by the governing board in the rules adopted pursuant to this section. The governing board shall seek advice and comment from the faculty of the institution before adopting any rules pursuant to 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) In addition to any other provisions adopted by the governing board, the rules shall include provisions providing that:

(1) each faculty member tenured 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 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 process be directed toward the professional development of the faculty member;

(4) the process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the evaluation, the opportunity to provide documentation during the evaluation process, and, before a faculty member may be subject to disciplinary action on the basis of an evaluation conducted pursuant to this section, notice of specific charges and an opportunity for hearing on those charges; and

(5) a faculty member be subject to revocation of tenure or other appropriate disciplinary action if incompetency, neglect of duty, or other good cause is determined to be present.

(d) A faculty member subject to termination on the basis of an evaluation conducted pursuant to this section must be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code. If both parties agree, another type of alternative dispute resolution method may be elected. The governing board must give specific reasons in writing for any decision to terminate a faculty member on the basis of an evaluation conducted pursuant to this section.

(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 rules adopted pursuant to this section, and any amendments to such rules, 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.