By: Wentworth S.C.R. No. 27

1 CONCURRENT RESOLUTION

- 2 WHEREAS, Dr. Angel W. Lee alleges that:
- 3 (1) in September 2008, Dr. Lee entered an employment
- 4 contract with The University of Texas Health Science Center at
- 5 Houston for a full-time position of Associate Professor, tenure
- 6 track, in the School of Health Information Sciences;
- 7 (2) under the terms of the contract, Dr. Lee was hired
- 8 for the academic year 2009, a twelve month period;
- 9 (3) Dr. Lee completed her first year of academic
- 10 service on August 31, 2009, and completed her second year of
- 11 academic service on August 31, 2010;
- 12 (4) Dr. Lee began her third year of employment on
- 13 September 1, 2010;
- 14 (5) on December 6, 2010, Dr. Lee received a Notice of
- 15 Non-Reappointment from the university, which terminated Dr. Lee's
- 16 employment effective August 31, 2011;
- 17 (6) Dr. Lee's termination was made pursuant to Policy
- 18 44 of the Handbook of Operating Procedures of The University of
- 19 Texas Health Science Center at Houston (HOOP); the HOOP, among
- 20 other university policies and rules, was incorporated by reference
- 21 into Dr. Lee's contract;
- 22 (7) under HOOP Policy 44, nontenured tenure-track
- 23 faculty members in their third year of probationary service must
- 24 receive notification of non-reappointment by August 31 of their

- 1 third year in order to be terminated by August 31 of the following
- 2 calendar year;
- 3 (8) Dr. Lee was given insufficient notice on December
- 4 6, 2010, to terminate Dr. Lee's employment effective August 31,
- 5 2011;
- 6 (9) proper notification of Dr. Lee's August 31, 2011,
- 7 termination would have had to be given to Dr. Lee by August 31,
- 8 2010;
- 9 (10) the university's actions constitute a breach of
- 10 contract; and
- 11 (11) Dr. Lee will suffer irreparable harm, including
- 12 loss of valuable research and the inability, as a practical matter,
- 13 to secure new employment as a research scientist, unless the
- 14 university is ordered by the courts to confirm Dr. Lee's
- 15 appointment through August 31, 2012, under the terms of Dr. Lee's
- 16 contract; now, therefore, be it
- 17 RESOLVED by the Legislature of the State of Texas, That Dr.
- 18 Angel W. Lee is granted permission to sue the State of Texas and The
- 19 University of Texas Health Science Center at Houston subject to
- 20 Chapter 107, Civil Practice and Remedies Code; and, be it further
- 21 RESOLVED, That Dr. Angel W. Lee may plead a cause of action
- 22 for equitable relief, including specific performance of Dr. Lee's
- 23 contract; and, be it further
- 24 RESOLVED, That the president of The University of Texas
- 25 Health Science Center at Houston and the attorney general be served
- 26 process as provided by Section 107.002(a)(3), Civil Practice and
- 27 Remedies Code.