

By: Reynolds

H.B. No. 4997

A BILL TO BE ENTITLED

AN ACT

relating to the tenure and employment of faculty members at certain public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 51.942, Education Code, is amended to read as follows:

Sec. 51.942. PERFORMANCE EVALUATION OF TENURED FACULTY ~~[TENURE]~~.

SECTION 2. Section 51.942(a)(1), Education Code, is amended to read as follows:

(1) "Governing board" has ~~[and "university system" have]~~ the meaning ~~[meanings]~~ assigned by Section 61.003.

SECTION 3. Section 51.942, Education Code, is amended by amending Subsections (b), (c), (c-1), (c-2), and (c-3) and adding Subsection (d) to read as follows:

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

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

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

4 ~~[(1) address the granting of tenure,~~

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

8 ~~[(A) the faculty member has:~~

9 ~~[(i) exhibited professional incompetence,~~

10 ~~[(ii) continually or repeatedly failed to~~
11 ~~perform duties or meet professional responsibilities of the faculty~~
12 ~~member's position,~~

13 ~~[(iii) failed to successfully complete any~~
14 ~~post-tenure review professional development program,~~

15 ~~[(iv) engaged in conduct involving moral~~
16 ~~turpitude that adversely affects the institution or the faculty~~
17 ~~member's performance of duties or meeting of responsibilities,~~

18 ~~[(v) violated laws or university system or~~
19 ~~institution policies substantially related to the performance of~~
20 ~~the faculty member's duties,~~

21 ~~[(vi) been convicted of a crime affecting~~
22 ~~the fitness of the faculty member to engage in teaching, research,~~
23 ~~service, outreach, or administration,~~

24 ~~[(vii) engaged in unprofessional conduct~~
25 ~~that adversely affects the institution or the faculty member's~~
26 ~~performance of duties or meeting of responsibilities, or~~

27 ~~[(viii) falsified the faculty member's~~

1 ~~academic credentials,~~

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

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

7 ~~[(3) provide]~~ for a periodic performance evaluation
8 process for all tenured faculty at the institution.

9 ~~[(c-2)]~~ The governing board may design its policies and
10 procedures to fit the institution's particular educational
11 mission, traditions, resources, and circumstances relevant to the
12 institution's character, role, and scope, in addition to other
13 relevant factors determined by the governing board in the policies
14 and procedures adopted under this section. The governing board
15 shall seek advice and comment from the institution's faculty before
16 adopting any policies and procedures under this section. The
17 advice and comment from the faculty on the performance evaluation
18 of tenured faculty shall be given the utmost consideration by the
19 governing board.

20 (c) ~~[(c-3)]~~ In addition to any other provisions adopted by
21 the governing board, the policies and procedures adopted by the
22 governing board under Subsection (b) ~~[(c-1)]~~ must include
23 provisions providing that:

24 (1) each tenured faculty member at the institution be
25 subject to a comprehensive performance evaluation process
26 conducted no more often than once every year, but no less often than
27 once every six years, after the date the faculty member was granted

1 tenure or received an academic promotion at the institution;

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

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

9 (4) the comprehensive performance evaluation process
10 incorporate commonly recognized academic due process rights,
11 including notice of the manner and scope of the comprehensive
12 performance evaluation, the opportunity to provide documentation
13 during the comprehensive performance evaluation process, and,
14 before a faculty member may be subject to disciplinary action on the
15 basis of a comprehensive performance evaluation conducted under
16 this subsection, notice of specific charges and an opportunity for
17 hearing on those charges; and

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

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

27 (d) A faculty member subject to termination on the basis of

1 an evaluation conducted under this section must be given the
2 opportunity for referral of the matter to a nonbinding alternative
3 dispute resolution process as described in Chapter 154, Civil
4 Practice and Remedies Code. If both parties agree, another type of
5 alternative dispute resolution method may be elected. The governing
6 board must give specific reasons in writing for any decision to
7 terminate a faculty member on the basis of an evaluation conducted
8 under this section.

9 SECTION 4. The following provisions of the Education Code
10 are repealed:

11 (1) Section 51.942(a)(4); and

12 (2) Section 51.942(c-4).

13 SECTION 5. This Act takes effect September 1, 2025.