May 8, 2014

TO: Academic Senate Members

FROM: Office of Academic Governance
       Chris McGowan, Academic Governance Secretary

RE: Academic Senate Meeting

The Academic Senate will meet on Wednesday, May 21, 2014 at 2:00 p.m. in the TI Auditorium, ECS South 2.102.

Please bring the agenda packet with you to this meeting. If you cannot attend, please notify me at x4791.

xc:

David Daniel               John Workowski                         Darrelene Rachavong        Paula Austell, SC President
Hobson Wildenthal          Calvin Jamison                          Abby Kratz                 Brooke Knudston, SG President
Andrew Blanchard           Inga Musselman                          Chief Larry Zacharias      Deans
Serenity King

2013-2014 ACADEMIC SENATE

Ackerman, Robert          Dragovic, Vladimir          Namgoong, Won
Al-Dhahir, Naofal          Fass, Simon                 Nielsen, Steve
Alborz, Shawn             Ferguson, John             Ntafos, Simeon
Assmann, Peter            Gans, Nicholas             Prakash, Ravi
Balsara, Poras            Geissman, John             Ramakrishna, Viswanath
Beron, Kurt                Gelb, Lev                  Rebello, Michael
Bhatia, Dinesh            Hagge, Tobias              Redman, Tim
Bradbury, Judd            Holmes, Jennifer           Rodrigues, Fabiano
Breen, Gail                Huynh, Dung                Salamasick, Mark
Brown, Matthew            Ishak-Boushaki, M.          Salter, Liz
Burnham, Gerald           Kiasaleh, Kamran            Scotch, Richard
Burr, John                *Leaf, Murray               Serfling, Robert
Chandrasekaran, R          Linsteadt, Chris             Thompson, Tres
Choudhary, Pankaj          Liu, Jin                   Venkatesan, Subbarayan
**Cordell, David           Manton, William            Zheng, Si
Daescum Ovidiu            Menon, Syam                 Zheng, Zhiqiang
Dai, Zhonglan              Miller, Dennis
Dieckmann, Gregg

*Speaker
**Secretary

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION UNIVERSITY
AGENDA
ACADEMIC SENATE MEETING
May 21, 2014

1. Call to Order, Announcements & Questions Dr. Daniel
2. Approval of the Agenda Dr. Leaf
3. Approval of Minutes
   April 16, 2014 Meeting Dr. Leaf
4. Speaker’s Report Dr. Leaf
5. FAC Report Dr. Leaf
6. Student Government Liaison Report
7. CEP Proposals – UNIV3010 Dr. Radhakrishnan
8. Nondiscrimination Proposal Colleen Dutton
9. OGC comments on PPPE policy plus consideration of changing five
   years to six years as the review cycle. Dr. Leaf
10. Email vote to Approve Summer Graduates Dr. Leaf
11. Resolution on Intellectual Property Dr. Leaf
12. Adjournment Dr. Daniel
UNAPPROVED AND UNCORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC SENATE MEETING
April 16, 2014

Present: Hobson Wildenthal, Naofal Al-Dhair, Shawn Alborz, Kurt Beron, Judd Bradbury, Gail Breen, Gerald Burnham, John Burr, R. Chandrasekaran, David Cordell, Gregg Dieckmann, Vladimir Dragovic, Jennifer Holmes, D. T. Huynh, Murray Leaf, Dennis Miller, Ravi Prakash, Viswanath Ramakrishna, Tim Redman, Fabiano Rodrigues, Mark Salamasick, Liz Salter, Richard Scotch, Tres Thompson, Si Zheng


Visitors: Frank Anderson, Andrew Blanchard, George DeCourey, Gene DeLuke, Andrea Fumagalli, Nate Howe, Calvin Jamison, Abby Kratz, Jinkunug Na, Mary Jo Venetis

1. Call to Order, Announcements and Questions
Provost Wildenthal called the meeting to order at 2:08 PM. He had no major announcements. The President was to make a budget proposal in Austin on April 17. Administration is still waiting on the response from the subcommittee on the tuition increase.

2. Approval of the Agenda
Tim Redman made the motion to approve the agenda. Richard Scotch seconded. The motion carried.

3. Approval of Minutes
Richard Scotch moved to approve the amended minutes. Judd Bradbury seconded. The motion carried.

4. Introduction of the New Information Security Officer
The new Information Security Officer (ISO), Nate Howe was introduced to the Senate, and he gave a PowerPoint presentation, a copy of which is included in Appendix A. Information Security is currently working on two main projects, 1) a safe and compliant cloud base drive alternative for the University, and 2) the encryption of desktop computers on campus. In the past there has been a blanket ‘No’ on any cloud based drives with no rationale given and no
alternatives offered. With no alternatives people have continued to use cloud-based drives, which is a serious security risk. Information Security is developing a substitute service that will be safe and compliant.

Desktop encryption had been a topic in the Senate before but the question of “why” was never answered. The concern is that if someone could physically steal the hard drive of a computer, could they have access to that hard drive’s data. Encryption prevents a thief from gaining access to that data, protecting everything so that users do not have to be concerned. There is a minor performance impact but with newer machines it is less likely to be noticeable. Each desktop considered for encryption is evaluated on risk-versus-reward. Is the desktop in a public place where it could be easily stolen? What is the machine used for? Is the person using it likely to work with high risk data (i.e., FERPA, HIPPA, HR information)? When was it purchased? If the desktop is considered high risk, then it will be encrypted. An exception may be made if the machine is so old that the software cannot run on it, or the performance is so disrupted that it makes the machine unusable. ISO Howe would be able to approve exceptions, offer a compromise, or if necessary, recommend replacing the machine. He is willing to work with faculty toward the university’s best interest. UT system has a completion deadline for desktop encryption by the end of May.

ISO Howe opened the floor to questions. Shawn Alborz requested an update on the ‘single log in approach’. Howe noted that project had been on hold but work is now proceeding. This process would allow a user to log into a system, and the log in would follow them from one application to the next. The main concern has been whether it is possible to audit the information. Judd Bradbury brought up the feasibility of two-factor authentication for some systems, i.e., a password and a key generated for the user to access a system. This type of security is used in high security areas. Currently the university’s legal department is working with the tool vendor.

Tres Thompson proposed a hypothetical situation to get clarification on how the desktop encryption would work: a locked lab with limited access and with computers that contain no FERPA, or HIPPA information. ISO Howe noted that this type of room would most likely receive an exemption, but a request would have to be made listing all the reasons why it would be safe.

5. Speaker’s Report – Murray Leaf

1. We have received a response to our policy on revoking graduate degrees from Priscilla Lozano at OGC. Her proposed alternative is on the agenda.

2. We have also received a response from Priscilla to our charge for the Faculty Personnel Review Committee back from OGC. Her reactions were mostly questions. We have responded with answers.

3. OGC is also reviewing our changes to the Campus Facilities Oversight Committee.

4. The Council has reviewed the policy on upward evaluation of administrators, and among other things agreed with the provost that it would advisable to put the administrative reviews on a six year cycle like the periodic performance evaluation. In that connection I have also reviewed the policy on Periodic Performance evaluation. It would not need any
changes. If the council concurs, we should be able to bring back all the necessary recommendations at the next Senate meeting.

5. Everything else is on the agenda.

6. **FAC Report**
The FAC will meet tomorrow and Friday (April 17-18).

I have sent an expanded version of our objections to UTSP 175. The FAC will discuss it. We will also discuss the claims the Regents Rules make to own all the "research data" we create or obtain "in the course and scope" of our employment.

The agenda includes a discussion with Raymund Paredes, Commissioner of the Higher Education Coordinating Board. Doubtless we will discuss the core program issues, and the CB's role in it. Evidently we could not get the legislators or new regents we wanted to invite.

7. **Senate Election Report**
There was an error on the vote counting. David Cordell recommended waving the cap on the senate membership, and approving the 54 instead of the 51. By unanimous consent, Tim Redman moved to temporarily raise the cap to 54 Senate members. Richard Scotch seconded. The motion carried.

8. **Student Government Liaison Report**
No report was given.

9. **CEP Proposals- MS in Business Analytics**
The catalog copy for the MS in Business Analytics program was presented. It had previously been approved by CEP and Senate. The Graduate catalog was approved by the CEP committee in March but the finalized document for the MS program did not get approved by Graduate council until April. The format was corrected by JSOM and was approved by CEP. Judd Bradbury moved to approve the catalog copy of the MS in Business Analytics. Jennifer Holmes seconded. The motion carried.

10. **Update the School bylaws guidelines to reflect the new Voting Faculty**
The template for the school bylaws was updated to reflect the changes in UTDPP1088 and 1077. Kurt Beron moved to approve the amendments. Liz Salter seconded. The motion carried.

11. **Review policy on upward evaluation of Administrators**
There is a difference between the review of Administrators and the Periodic Performance Evaluation policy. Administrators are being reviewed every 5 years, while the PPE requires every 6 years. The amendments made to UTDPP 1047 change the review of administrators to every 6 years, from 5 years. The current document does not specify that the Provost should give a report on the evaluation of deans to the Senate. The university has been doing this but it has not been required. This will be included in the policy.

The Academic Council made the following amendments. In section 2.2.6:
“To the extent allowed by law, supervisors will preserve the identity of the source of all written and verbal comments received from faculty in connection with the review of an academic administrator. No anonymous material other than the official surveys that correspond with this policy will be considered as part of the review.”

The statement was changed to:

“To the extent allowed by law, supervisors will not reveal the identity of the sources of all written comments received from faculty in connection with the review of an academic administrator. No anonymous material other than the official surveys that correspond with this policy will be considered as part of the review.”

In order to have the document reflect the current titles of school administrators the following amendments were proposed in Section 2.2.8:

“Following the immediate supervisor’s meeting with the academic administrator being reviewed, the supervisor will convene a meeting to communicate his/her response to the review to the faculty members in the relevant academic unit. In the case of a review of the Dean of Graduate Studies, Dean of Undergraduate Education, Dean of Libraries, Director of Research Administration, and Vice President for Research, the Provost’s response will be communicated to the Academic Senate.”

The statement was changed to:

“Following the immediate supervisor’s meeting with the academic administrator being reviewed, the supervisor will convene a meeting to communicate his/her response to the review to the faculty members in the relevant academic unit. In the case of a review of the Dean of Graduate Studies, Dean of Undergraduate Education, the deans of the schools, and the Dean of Libraries, the Provost’s response will be communicated to the Academic Senate. The review of the Vice President for Research and the Provost will be reported to the Senate by the President of the University.”

Tim Redman moved to approve the amendments. Liz Salter seconded. The motion was approved.

12. Revocation of Graduate Degrees back from UT System Office of the General Counsel (OGC)
The only major change made to the document was that OGC felt that, since this was a student disciplinary matter, it should be addressed by the Dean of Students’ Office. The Dean will appoint a committee of faculty experts to review. Gene Fitch, Andrew Blanchard, and Austin Cunningham all approved of the changes. Tres Thompson moved to accept the recommendations offered by the Office of General Council. Judd Bradbury seconded. The motion carried.

13. UTD Policy Implementing UTSP 180: OGC suggested revision
Tim Shaw made a couple of editorial changes on top of the changes that the Office of General Council made to the document. The general change was to make UTSP 180 apply to all University employees. All references to UTS175 were removed from the document so that UTS180 can now be free standing. Judd Bradbury moved to accept the recommendation offered by the Office of General Council. Richard Scotch seconded. The motion carried.

14. Approval of Candidates for Graduation
David Cordell moved that:

These students have applied for graduation and have been reviewed by the Office of Records. The Office of Records has declared that all of these students will be eligible for graduation upon the completion of the current semester’s work at the necessary levels. I request, therefore, that the Faculty Senate certify these students to graduate upon receipt of final grades, and notification of completion of other requirements, provided that the grades are consistent with the standards for graduation prescribed by this University. I also request that the Faculty Senate certify those students designated as eligible to graduate with honors upon completion of coursework and requirements consistent with the standards for honors at the levels offered by this University. Tim Redman seconded. The motion carried.

David Cordell moved that:

These students have applied for graduate degrees and have been reviewed by the Graduate Dean. The Graduate Dean certifies that all of these students will be eligible for the degrees indicated upon satisfactory completion of the current semester’s work. I request, therefore, that the Academic Senate certify these students to receive the degrees as indicated upon receipt of final grades and notification of completion of other requirements, provided that the grades received are consistent with the standards for credit prescribed by this University. Tim Redman seconded. The motion carried.

15. Adjournment

There being no further business, Judd Bradbury moved to adjourn. Tres Thompson seconded. The meeting was adjourned at 3:03 pm.

APPROVED: ___________________________  DATE: _____________
Murray J. Leaf
Speaker of the Academic Senate
Academic Senate Meeting

April 16, 2014

Nate Howe
Chief Information Security Officer
nate.howe@utdallas.edu
• Introduction

• What is your definition of Security?
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Program Scope – Summarized
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APPROACH

• Risk management, not risk elimination.

• Rather than say NO, we help discuss HOW to do things in a safe and responsible way.

• Need to be clear about WHY is are recommending changes.

• Represent UT Dallas first and the UT System second.

• Security is cheaper when built-in early, rather than added later.
EXAMPLE OF A CURRENT PROJECT

• Previous directive was to not use any cloud storage provider, ie. dropbox.com.

• Despite directive, various services are used around campus because they are convenient.

• Working with IR and System to provide box.com solution, similar to what UT Austin already offers.
DESKTOP ENCRYPTION PROJECT

• If physical access to an unencrypted hard drive is achieved, operating system passwords irrelevant and files can be accessed.

• Whole disk encryption utilities protect all contents of hard drive without ongoing need for user intervention.

• Performance impact considered versus benefit.

• Desktop risk assessment based on location, purpose, user, and purchase date.

• High-risk desktops subject to encryption, exemption, or replacement.
Questions
&
Discussion

Nate Howe
Chief Information Security Officer
nate.howe@utdallas.edu
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<td>UNIV 3010 Transfer Transitions (0 semester credit hours) This course is designed to introduce incoming students transferring from another college or university to the academic and cultural environment of UT Dallas. The course encompasses topics such as: student life at UT Dallas, leadership opportunities, ways to get involved, academic and wellness resources on campus, and other pertinent information to help maximize your time at the university. The purpose of the course is to help you develop strategies and tactics that will lead to a successful experience at UT Dallas. Credit/No Credit Only. (1-0)</td>
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UNIV 3010 Transfer Transitions (0 semester credit hours) This course is designed to introduce incoming students transferring from another college or university to the academic and cultural environment of UT Dallas. The course encompasses topics such as: student life at UT Dallas, leadership opportunities, ways to get involved, academic and wellness resources on campus, and other pertinent information to help maximize your time at the university. The purpose of the course is to help you develop strategies and tactics that will lead to a successful experience at UT Dallas. Credit/No Credit Only. (1-0)
MEMORANDUM
April 8, 2014

TO: Academic Council*

COPY TO: David Daniel Paula Austell
Murray Leaf Elizaveta Liberman
Marco Mendoza

FROM: Office of Human Resources
Colleen Dutton, Assistant Vice President for Human Resources

SUBJECT: Revised Non-discrimination Policy

Dr. Leaf, Paula, and Liza,

At the request of the Women’s Center and LGBTQ groups on the UT Dallas campus, the Office of Human Resources lends its support to the suggested revisions to UTD’s Nondiscrimination Policy UTDBP3090. I would like to move this through to the HOP this month but wanted to see if you had any objections first. Please let me know by Thursday if you have any questions regarding the revised policy. Additional information is attached that supports the revisions.

Outlined below is an overview of the proposed changes to the policy:

1. **Addition of gender identity, gender expression to the category of protections.** This addition is common in many organizations, both public and private, who are working toward making their organizations as inclusive as possible. Attached is a document with policy verbiage from various universities and school districts across Texas.

2. **Reporting Responsibility and Time Limit** – The proposed policy does away with the 60 day time limit to report an act of discrimination and encourages reporting within 30 days of the alleged occurrence. However, this is not a hard deadline as there are many variables as to why a person may wait to report an incident. This would also allow UTD an opportunity to be aware of and appropriately respond to an act of discrimination no matter the date of the occurrence. However the timeliness of reporting a complaint may limit the university's ability to adequately address allegations. In reading the current policy a person may feel that the only option is to report directly to an external agency because the 60 day time limit has expired. We would error on the side of caution and appear more reasonable by not limiting the reporting time.

Thank you,

Colleen Dutton, SPHR
Assistant Vice President for Human Resources
University of Texas at Dallas
972-883-2130
Nondiscrimination

Section I. General Policy Guidelines

A. Policy Statement
The University of Texas at Dallas is committed to providing an educational, living and working environment that is welcoming, respectful and inclusive of all members of the University community. An environment that is free of discrimination and harassment allows members of the University community to excel in their academic and professional careers. To that end, to the extent provided by applicable federal and state law, the University prohibits unlawful discrimination against a person because of their race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, or veteran status. The University's commitment to equal opportunity extends its nondiscrimination protections to include sexual orientation, gender expression and gender identity.

Retaliation against a person who files a claim of discrimination, participates in a discrimination investigation or proceeding, or otherwise opposes an unlawful employment practice is prohibited.

B. Scope
This policy applies to visitors, applicants for admission to or employment with the University, and students and employees of the University who allege discrimination by University employees, students, visitors, or contractors. Complaints of full-time faculty who are notified that they will not be reappointed, or that the subsequent academic year will be their terminal appointment, and who contend that such decisions were made for unlawfully discriminatory reasons will be referred to the Office of the Executive Vice President and Provost for handling pursuant to the Rules and Regulations of the Board of Regents of The University of Texas System.

C. Definitions

1. Discrimination is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, veteran status, sexual orientation, gender expression or gender identity.

2. Harassment is a form of discrimination defined as verbal or physical conduct that is directed at an individual or group because of their race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, veteran status, sexual orientation, gender expression or gender identity when such conduct is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment.

3. Verbal conduct is defined as oral, written, or symbolic expressions that:
   a. personally describe or is personally directed at a specific individual or group of identifiable individuals; and
b. is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

4. **Constitutionally protected** expression cannot be considered harassment under this policy.

Section II. General Procedures

A. Reporting

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy should report the incident to any University official, administrator or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position. Students are encouraged to report such incidents to the Office of the Dean of Students; employees and campus visitors are encouraged to report to the Office of Human Resources, Institutional Equity/EEO. Incidents should be reported as soon as possible after the time of their occurrence, in most cases this will be within thirty (30) calendar days. No person is required to report discrimination or harassment to the alleged offender.

B. Reporting Responsibility

It is the responsibility of every supervisor, administrator and University official to promptly report incidents of discrimination and harassment in violation of this policy that come to their attention. Reports are to be made to Office of the Dean of Students or the Office of Human Resources, Institutional Equity/EEO, as appropriate.

C. Resolution Options

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy and seeks to take action may use either the informal resolution process or the formal complaint process, or both. The informal resolution and formal complaint process described in this policy are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

Section III. Informal Resolution Procedure

A. Informal Resolution:

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process.

1. A request for informal resolution must be made within 60 calendar days of the date of the alleged incident to either the Office of the Dean of Students or the Office of Human Resources, Institutional Equity/EEO who shall determine whether the nature of the problem is such that it can be resolved by
agreement on an informal basis, and if so, which office will do so. A request for informal resolution will not extend the 60 day time limit for filing a formal complaint. Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; aiding in the modification of a situation in which the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the Nondiscrimination Policy.

2. The University shall document any informal resolution. Such documentation shall be retained by the Office of the Dean of Students or Office of Human Resources, Institutional Equity/EEO, as appropriate, and will be kept confidential to the extent permitted by law. An informal resolution meeting shall not be considered a precondition for the filing of a written complaint.

Section IV. Formal Complaint Resolution Procedure

A. Definitions:

Formal Complaint: A signed document alleging discrimination, including harassment under this policy.

Complainant: A person who submits a written complaint alleging discrimination, including harassment under this policy.

Respondent: The person designated to respond to a complaint. Generally the respondent would be the person alleged to be responsible for the prohibited discrimination or harassment alleged in a complaint. The term "Respondent" may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.

Notification: Notification takes place two days after the date of posting of any properly addressed document in the United States mail, or upon the date of receipt of any document sent via the campus mail service. Written communications to a complainant are properly addressed when sent to the address given in the complaint or the last address given since the filing of the complaint.

B. Formal Complaint Procedure:

1. Formal Complaint: A complaint alleging discrimination or harassment must be submitted in writing or via electronic means to Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students. The complaint must contain the following information:

   o Name and UT Identification Number of the Complainant(s);
   o Contact information, including address, telephone, e-mail;
   o Name of person(s) directly responsible for alleged violation(s);
   o Date(s) and place(s) of alleged violation(s);
   o Nature of alleged violation(s) as defined in this policy;
The following communications do not constitute a formal complaint and will not be investigated or resolved pursuant to the complaint resolution process:

2. **Time Limit:** A written complaint should be filed as soon as possible from the date of the occurrence of the alleged violation, in most cases this will be within thirty (30) calendar days. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that semester. Failure to file a complaint in a timely manner may limit the University’s ability to thoroughly investigate the allegations.

3. **Acknowledgement:** Within five (5) working days after receipt of a written complaint, Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students, as appropriate, will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant(s) that he or she will be contacted within a given time. The acknowledgment letter will include a copy of these complaint procedures.

4. **Complaint Evaluation:** A formal investigation will be initiated if a complaint is complete, timely, within the scope of this policy and articulates sufficient specific facts, which, if determined to be true, would support a finding that this policy was violated. The University may not proceed with a complaint investigation under a variety of circumstances, for instance:

   - a person fails to provide a written, signed complaint;
   - a complaint fails to describe in sufficient detail the conduct that is the basis of the complaint;
   - the conduct described in the complaint is not covered by this policy;
   - a complaint is not timely;
   - the complainant declines to cooperate in the University's investigation;
   - the complaint has been withdrawn; or
   - an appropriate resolution or remedy has already been achieved, or has been offered and rejected.

If it is determined that the University will not proceed with a complaint investigation, the Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students, as appropriate, will
send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the Vice President for Administration or the Vice President for Student Affairs, as appropriate. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was in error. The appropriate vice president will respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students, as appropriate, for investigation in accordance with the procedures outlined below.

**5. Notification of Respondent:** If it is determined that the University will proceed with a complaint investigation, the Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students will give the respondent written notification of the complaint investigation. The notification letter will include a copy of the written complaint. The notification letter will provide the respondent an opportunity to submit a written response to the allegations within ten (10) working days, unless unusual circumstances warrant additional time. The notification letter will include a statement advising the respondent that retaliation against the complainant is prohibited and will subject the respondent to appropriate disciplinary action.

**6. Investigation Responsibility:** The Office of the Dean of Students is responsible for conducting formal investigations of complaints against students alleging discrimination and harassment in violation of this policy. The Office of Human Resources, Institutional Equity/EEO is responsible for conducting formal investigations of complaints against non-students alleging discrimination and harassment in violation of this policy. If a complaint is directed against an individual who would otherwise play a role in investigating and attempting to resolve the complaint, the function assigned to that person by these procedures will be delegated to another person.

**7. Investigative Process and Findings:** The investigator will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator shall also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature.

**8. Representation:** During the complaint process, the complainant(s) and the respondent(s) may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no representative may examine witnesses or otherwise actively participate in a meeting or interview.
9. **Submission of Evidence:** During the complaint investigation process, the complainant(s) and the respondent(s) will provide Office of Human Resources, Institutional Equity/EEO or the Office of the Dean of Students, as appropriate, with all documents relied upon regarding the issues raised in the complaint.

10. **Report of Findings and Recommendation - Complaints Against Non-Students:**
    a. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the appropriate vice president within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The appropriate vice president to act on complaints against faculty and staff will be the vice president over the area where the respondent is employed. The appropriate vice president to act on complaints against contractors and visitors will be the Vice President for Administration. If a complaint is directed against a vice president who would otherwise act on a complaint, the function assigned to that vice president will be delegated to another person.
    b. The appropriate vice president will promptly notify the complainant and the respondent that the investigation has been completed and attach a copy of the proposed statement of findings. Student identifiable information, if any, which is confidential by law, will be redacted. Within ten (10) working days from the date of notification, the complainant and respondent may each submit, for consideration by the appropriate vice president, such comments and corrections as they may have.
    c. Within fifteen (15) working days of the notification to the complainant and the respondent that the investigation has been completed, the appropriate vice president and the investigator shall meet to discuss the findings, and review the record, along with any comments and proposed corrections submitted by the complainant and respondent.
    d. Within fifteen (15) working days from that meeting, the vice president shall take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.
    e. If the vice president determines that this policy was violated, he or she, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension without pay, and termination.
    f. The vice president shall inform the complainant and accused individual, and the appropriate unit head in writing of his or her decision, and shall attach a copy of the final statement of findings. Copies of the vice president's letter, the attached statement of findings, and relevant documents shall also be sent to the Office of the Dean of Students or the Office of Human Resources, Institutional Equity/EEO as appropriate.

11. **Report of Findings and Recommendation - Complaints Against Students:**
    a. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the Dean of Students within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The Dean of Students and the investigator shall meet within fifteen (15) working days to discuss the findings, and review the record.
b. Within fifteen (15) working days from that meeting, the Dean of Students shall take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.

c. If the Dean of Students determines that this policy was violated, the Dean, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine whether to initiate a disciplinary action appropriate to the severity of the conduct pursuant to Chapter 51, Student Grievance Procedures of Title V of the UTD Handbook of Operating Procedures. Disciplinary actions can include, but are not limited to, a documented warning, the imposition of conditions, probation, suspension, and dismissal.

d. As required by federal law, any disclosure of the findings and decision of the Office of the Dean of Students will be governed by the provisions of the Family Educational Rights and Privacy Act.

Section V. Miscellaneous

A. Grievances:
Any employee disciplined pursuant to this policy, except faculty, graduate research assistants, graduate teaching assistants, or members of the University of Texas at Dallas Police Department (each of whom are subject to separate grievance procedures), may grieve that action by submitting a written grievance, within ten (10) working days of the imposition of the disciplinary action, to the president's office. Ordinarily, the president will assign responsibility for review and action on the appeal of the vice president's action to another vice president; however, when required by unusual circumstances, the president may review and handle a grievance pursuant to this policy.

1. If the disciplinary action that is being grieved does not involve termination, demotion, or suspension without pay, the vice president shall thoroughly review and finally decide the matter within thirty (30) calendar days of its receipt unless unusual circumstances require more time.

2. If the disciplinary action that is being grieved involves the termination, demotion or suspension without pay of a faculty member with the rank of Regental Professor, Professor, Associate Professor, Assistant Professor, or Instructor, the vice president who is assigned to review the grievance shall follow the procedures for appealing such actions contained in the UTD Faculty Grievance Procedure. Complainants may be required to appear and testify at hearings that may be a part of such proceedings.

3. Any student disciplined under this policy has the right to appeal as provided in Section 49.30 of the UTD Handbook of Operating Procedures. The student must give written notice of appeal to the President within fourteen (14) calendar days after all parties are notified of the decision.

B. Retaliation Prohibited:
A student, faculty, or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in good faith in an investigation of such a complaint, is subject to disciplinary action, up to and including dismissal from the University.

C. Filing of False Complaints:
Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal from the University.
D. Effect on Pending Personnel Actions:
The filing of a nondiscrimination or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who has violated University rules or policies.

E. Relationship of Complaint Process to Outside Agency Time Limits:
The filing of a discrimination or harassment complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies.

F. Relationship to Grievance Procedure:
This complaint procedure shall also constitute the grievance procedure for complaints alleging unlawful discrimination. As used herein, "complaint" is synonymous with "grievance."

G. Time Frame:
Time frames mentioned in these procedures may be extended for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

H. Documentation and Confidentiality:
The University shall maintain documents related to complaints under this policy as required by law. The Office of the Dean of Students shall be primarily responsible for records related to complaints against students. The Office of Human Resources, Institutional Equity/EEO shall be primarily responsible for records related to complaints against non-students. The confidentiality of a complaint under this policy and all documents, correspondence, interviews and discussions relating to the investigation of the information contained in a complaint will be maintained on a need to know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise relating to the investigation of a complaint under this policy is subject to disciplinary action.

For Assistance: Questions regarding this policy should be directed to the Office of the Dean of Students or Office of Human Resources, Institutional Equity/EEO.

Sources: Titles VI and VII of the Civil Rights Act of 1964, as amended; Age Discrimination in Employment Act of 1967, as amended; Age Discrimination Act of 1975; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Uniformed Services Employment and Reemployment Rights Act; Genetic Information Nondiscrimination Act of 2008; Executive Order of 11246; Sections 503 and 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Texas Labor Code, Chapter 21; UT System Board of Regents Rule 10701, 31002, 31007; UT System Policy UTS105

Policy History
- Issued: October 12, 2004
- Revised: March 28, 2013
- Revised: December 19, 2013
Policy Links

- Permalink for this policy: http://policy.utdallas.edu/utdbp3090
- Link to PDF version: http://policy.utdallas.edu/pdf/utdbp3090
State of Educational Systems Nondiscrimination Inclusion in Texas

Policy Inclusion with Change in Nondiscrimination Statement
Universities and Colleges

Rice University-2006

EQUAL OPPORTUNITY/NON-DISCRIMINATION/AFFIRMATIVE ACTION POLICY
Rice University is committed to the principle of equal opportunity in education and employment, and it is the policy of the University to attract qualified individuals of diverse backgrounds to its faculty, staff and student body. Accordingly, Rice University does not discriminate against individuals on the basis of race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, ancestry, age, disability, or veteran status in its admissions policies, educational programs, or employment of faculty or staff. The University takes affirmative action in employment by recruiting, hiring and advancing women, members of underrepresented minority groups, and qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans (as those categories are defined by law).

University of Texas at Austin (UT)-2008

Section I. General Policy Guidelines
A. Policy Statement
It is the policy of The University of Texas at Austin to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin, gender, including sexual harassment, age, disability, citizenship, and veteran status. Procedures for filing discrimination complaints on the basis of gender, including sexual harassment, are addressed by HOP Policy 4.B.2. Pursuant to University policy, this policy also prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression.
http://www.utexas.edu/policies/hoppm/04.B.01.html

The University of Texas at Austin just recently approved having a Gender Neutral Restroom in all newly constructed buildings and also provides a Gender Neutral Restroom in all existing buildings.

South Texas College of Law Student Policy-Date Unknown
South Texas College of Law does not discriminate on the basis of race, color, religion, national or ethnic origin, sex, sexual orientation, gender identity or gender expression, age or disability in the administration of its educational policies, admission policies, scholarship and loan programs, or other school-administered rights, privileges, programs or activities generally accorded or made available to students at the college. (Only in student policies.)
http://www.stcl.edu/registrar/handbk0910c.pdf
University of Texas Pan America (UT Pan Am)-2010
The policy of the University is to provide an educational and working environment that provides
equal opportunity to all members of the University community. In accordance with federal and
state law, the University prohibits unlawful discrimination, including harassment, on the basis of
race, color, religion, national origin, gender, including sexual harassment, age, disability,
citizenship, and veteran status. Procedures for filing discrimination complaints on the basis of
gender, including sexual harassment, are addressed by Handbook of Operating Procedures
Section 2.2.4. Pursuant to University policy, this policy also prohibits discrimination on the
basis of sexual orientation, gender identity, and gender expression.

San Jacinto College District (3) (SJCD)-2011
Policy on Equal Employment Opportunity
The San Jacinto College District is committed to equal employment opportunity for all
employees and applicants without regard to race, creed, color, national origin, citizenship status,
age, disability, pregnancy, religion, gender, sexual orientation, gender expression or identity,
genetic information, marital status, or veteran status in accordance with applicable federal and
state laws. No person including students, faculty, staff, part-time, and temporary workers will be
excluded from participation in, denied the benefits of, or be subjected to discrimination or
harassment under any program or activity sponsored or conducted by the San Jacinto College
District on the basis of the categories listed.
(See Guidelines and Procedures, Section 1)
(Effective March 5, 2007; Revised February 7, 2011.)
http://www.sanjac.edu/key-information/policies/policy-iv-b-policies-on-equal-opportunity
SJCD has three campuses: North, Central, and South.

Houston Community College System (6) (HCC)-2011
Ensure compliance of HCC’s policies and law concerning Employment and Higher Education
including (but not limited to) Title VI and Title IX of the Education Amendment Act, as well as
Title VII which includes Sexual Harassment, Discrimination and Harassment based on Race,
Gender Identity and Gender Expression, National Origin, Religion, Age, Disability, Sexual
Orientation and Color.
http://www.hccs.edu/portal/site/hccs/menuitem.a12520d901466b1f3227a2ced07401ca/?vgnextoid=e0958be622f2e210VgnVCM100000864710acRCRD&vgnextchannel=5c234a46ed2a5210VgnVCM100000864710acRCRD&appInstanceName=default
It is the policy of the Board to provide an educational, employment, and business environment
free of harassment. No student or employee of the College shall engage in harassment based on
race, color, religion, sex, gender identity and gender expression, national origin, age,
disability, sexual orientation, or veteran status. The College is responsible for maintaining a
workplace free of harassment.
http://www.hccs.edu/hccs/faculty-staff/board-policies/g-1-discrimination-and-harassment/g-1-discrimination-and-harassment
HCCS has six campuses: Central, Coleman, Northeast, Northwest, Southeast, and Southwest.

TTNS P. O. Box 1095 Baytown, Texas 77522
http://www.txtns.org
txtgsummit@gmail.com
832-409-3363 Phone Mail
501(c)3 nonprofit organization
Texas Southern University Thurgood Marshall School of Law (2011)
Student Affairs - Non-Discrimination Policy
Thurgood Marshall School of Law, Texas Southern University does not discriminate on the basis of race, color, religion, national or ethnic origin, gender, sexual orientation, gender identity or gender expression, age or disability in the administration of its academic or employment policies, or other school-administered rights, privileges, programs or activities.
http://www.tsulaw.edu/life/nondiscrimination_policy.html

Our Lady of the Lake University San Antonio (OLLU)-2012
Thanks to the efforts of the gay/straight alliance at Our Lady of the Lake University, the school's student handbook has been amended to include sexual orientation and gender expression or identity in its non-discrimination policy. (in a news article will be updated in student policy in the fall 2013)
http://www.qsanantonio.com/ollu-nd.html

Dallas County Community College District (7) (DCCCD)-2012
Dallas County Community College is an Equal Opportunity institution that provides education and employment opportunities without discrimination on the basis of race, color, religion, national origin, sex, disability, age or sexual orientation, gender identity, gender expression. Dallas County Community College District complies with the Americans with Disabilities Act.
DCCCD has seven campuses: Brookhaven, Cedar Valley, Eastfield, El Centro, Mountain View, North Lake, and Richland campuses.

Sam Houston State University (SHSU)-2012
A Member of The Texas State University System
Finance & Operations Human Resources Policy ER-7
Discrimination, Sexual Harassment, and Equal Employment Opportunity (EEO)
Sam Houston State University, in accordance with applicable federal and state law and institutional values, prohibits discrimination or harassment on the basis of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran’s status, sexual orientation, or gender identity.
Definitions
DISCRIMINATION -- Defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran’s status, sexual orientation, or gender identity.
HARASSMENT -- A form of discrimination that’s defined as verbal or physical conduct that is directed at an individual or group because of race, creed, ancestry, marital status, citizenship, color, national origin, sex, religion, age, disability, veteran’s status, sexual orientation, or gender identity when such conduct is sufficiently severe, pervasive, or persistent so as to have
the purpose or effect of interfering with an individual’s or group’s academic or work performance; or of creating a hostile academic or work environment.


Finance & Operations Human Resources Policy E-1 Staffing

POLICY: It is the policy of Sam Houston State University to fill every position with the best suited person available without regard to race, creed, ancestry, marital status, citizenship, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, or gender identity. http://www.shsu.edu/intranet/policies/finop/human_resources/documents/E-1.pdf

The Art Institute of Dallas-2012

NON-DISCRIMINATION POLICY

The Art Institute does not discriminate or harass on the basis of race, color, national origin, sex, gender, sexual orientation, gender identity or expression, disability, age, religion, genetic marker, or any other characteristic protected by state, local or federal law, in our programs and activities. The Art Institute will not retaliate against persons bringing foreword allegations of harassment or discrimination. The following person has been designated to handle inquiries and coordinate the institution’s compliance efforts regarding the non-discrimination policy: Head of Student Affairs Pg 22


The Art Institute of Houston-2012

NON-DISCRIMINATION POLICY

The Art Institute does not discriminate or harass on the basis of race, color, national origin, sex, gender, sexual orientation, gender identity or expression, disability, age, religion, genetic marker, or any other characteristic protected by state, local or federal law, in our programs and activities. The Art Institute will not retaliate against persons bringing foreword allegations of harassment or discrimination. The following person has been designated to handle inquiries and coordinate the institution’s compliance efforts regarding the non-discrimination policy: Head of Student Affairs Pg 20


Austin College-2012

Austin College does not discriminate on the basis of age, color, disability, gender, gender identity, national origin, race, religion, sexual orientation, or status as a veteran in the administration of its educational policies and programs, employment policies and practices, enrollment policies and practices, and athletics program, as well as any other College-administered policy, procedure, practice, or program. Reasonable accommodations are made for individuals with disabilities

http://www.austincollege.edu/campus-offices/human-resources/employment/
Texas Christian University TCU-2012
In compliance with Title VII of the Civil Rights Act 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other federal, state and local laws, TCU does not discriminate on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, ethnic origin, disability, or covered veteran status, or any basis protected by law, in any phase of its employment process, in any phase of its admission or financial aid programs, or in any other aspect of its educational programs or activities. TCU prohibits sexual harassment, including sexual violence. Pg 11
http://www.studenthandbook.tcu.edu/student_handbook.pdf

Southern Methodist University (SMU)-2013
SMU will not discriminate in any employment practice, education program, or educational activity on the basis of race, color, religion, national origin, sex, age, disability, genetic information, or veteran status. SMU’s commitment to equal opportunity includes nondiscrimination on the basis of sexual orientation or gender identity and expression. The Office of Institutional Access and Equity has been designated to handle inquiries regarding the nondiscrimination policies and may be contacted at Southern Methodist University, Dallas TX 75275; 214-768-3601, or by e-mail at accessequity@smu.edu.
http://www.smu.edu/LegalDisclosures/Nondiscrimination
Dallas Voice article:

University of Texas San Antonio (UTSA)-2013
9.01 Nondiscrimination and Sexual Harassment and Sexual Misconduct
I. POLICY STATEMENT
It is the policy of The University of Texas at San Antonio (UTSA) to provide an educational and working environment that provides equal opportunity to all members of the UTSA community. In accordance with federal and state law, UTSA prohibits unlawful discrimination on the basis of race, color, sex, religion, national origin, age, disability, citizenship, and veteran status in all aspects of employment and education. Sexual misconduct and sexual harassment in any form (including sexual violence) will not be tolerated and individuals who engage in such conduct will be subject to disciplinary action. Discrimination on the basis of sexual orientation, gender identity, and gender expression are also prohibited pursuant to this policy.
https://utsa.edu/hop/chapter9/9-1.html

Texas Woman University System (TWU)-2013
TWU Non-Discrimination Statement
TWU adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education. TWU will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, hearing status, personal appearance, color, sex, pregnancy, political affiliation, source of income, place of business, residence, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, family responsibilities, gender expression,
The University of North Texas values diversity and individuality as part of advancing ideals of human worth, dignity and academic excellence. Diverse viewpoints enrich open discussion, foster the examination of values and exposure of biases, help educate people in rational conflict resolution, responsive leadership and prepare us for the complexities of a pluralistic society. As such, the University of North Texas is committed to maintaining an open, welcoming atmosphere that attracts qualified students, staff, and faculty from all groups to support their success.

The University of North Texas does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, gender identity or expression, age, political affiliation, disability, marital status, ancestry, genetic information, citizenship, or veteran status in its application and admission process, educational programs and activities, employment policies and use of university facilities.

Policy Inclusion with Change in Nondiscrimination Statement for Independent School Districts

Houston Independent School District (HISD)-2011
Employees of the District shall not discriminate on the basis of or engage in harassment motivated by age, race, color, ancestry, national origin, sex, handicap or disability, marital status, religion, veteran status, political affiliation, sexual orientation, gender identity, and/or gender expression. A substantiated charge of harassment against a student or employee shall result in disciplinary action.

Fort Worth Independent School District (FWISD)-2011
The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, sexual orientation, disability, gender identity and expression, military/veteran status, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.
The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, sexual orientation, disability, gender identity and expression, military/veteran status, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, sexual orientation, disability, gender identity and expression, military/veteran status, or any other basis prohibited by law, that adversely affects the employee’s employment.

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, gender, national origin, age, sexual orientation, disability, gender identity and expression, military/veteran status, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:
1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy.

Retaliation against anyone involved in the complaint process is a violation of District policy.

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability, or on any other basis prohibited by law, that adversely affects the student. Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, gender, sexual orientation, gender identity and expression, national origin, disability, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:
1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

Dallas Independent School District (DISD)-2011
The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity, gender expression, genetic information, or any other basis prohibited by law.
gender identity, or gender expression of another student, an employee, or any person who seeks the campus community in any capacity, or who interfaces with the District (such as citizens, parents, vendors) at school or school-related events. [See also DIA (LOCAL)]

Prohibited harassment includes but is not limited to oral, written, psychological, physical (both climate and contact), and other demonstrative actions with regard to race, color, ethnicity, religion, national origin, gender, disability, sexual orientation, genetic information, gender identity, or gender expression that is harassing.


Students shall not engage in sexual harassment or any harassment based on race, ethnicity, religious preference, gender, gender identity, gender expression, disability, or sexual orientation of the following groups while subject to the disciplinary control of the District: 1. Other students; 2. District employees; 3. Board members; 4. Vendors; 5. Contractors; 6. Volunteers; and 7. Parents. Students who violate this prohibition are subject to appropriate discipline in accordance with the Student Code of Conduct.


El Paso Independent School District (ELISD) 071902-2012

EMPLOYEE WELFARE DIA: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION (LOCAL)

The District condemns and prohibits discrimination, including harassment, against any employee on the basis of race, color, creed, age, sex, religion, national origin, marital status, ancestry, citizenship, military status, mental or physical disability, gender stereotyping and perceived sexuality, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, creed, age, sex, religion, national origin, marital status, ancestry, citizenship, military status, mental or physical disability, gender stereotyping and perceived sexuality, or any other basis prohibited by law, that adversely affects the employee’s employment.

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, creed, age, sex, religion, national origin, marital status, ancestry, citizenship, military status, mental or physical disability, gender stereotyping and perceived sexuality, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:
1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee’s performance, environment or employment opportunities.

Examples of prohibited harassment may include:
1. Verbal harassment such as offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; offensive jokes; name calling; slurs; or rumors;

TTNS P. O. Box 1095 Baytown, Texas 77522
http://www.txtns.org
txtgsummit@gmail.com
832-409-3363 Phone Mail
501(c)3 nonprofit organization
STUDENT WELFARE FFH: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION (LOCAL)

The District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, gender, national origin, disability, gender stereotyping and perceived sexuality, or any other basis prohibited by law. The District prohibits dating violence, as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Discrimination against a student is defined as conduct directed at a student on the basis of race, color, religion, gender, national origin, disability, gender stereotyping and perceived sexuality, or on any other basis prohibited by law, that adversely affects the student.

Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, gender, national origin, disability, gender stereotyping and perceived sexuality, or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

Policy Inclusion without Change in Nondiscrimination Statement

The University of Houston System (4) (UH)-2010

General Counsel issued an official Memo in January 2010 to all campuses within the UH System. Local TG folks call it "The Izza Lopez Memo." This Memo stated that in all nondiscrimination policies the term "sex" will be inclusive of "sex stereotypes" (read, gender identity or gender expression) as per the 2008 Lopez v River Oaks Imaging decision, 542 F.Supp.2d 653, which is currently precedent if the federal courts of the Fifth Circuit (which covers all of Texas). The Memo states that the University System will not tolerate transgender discrimination in employment practices. General Counsel, Dona Cornell, verbally indicated that even though Lopez was an employment case, transgender tolerance will be enforced in all situations and for all students, faculty, and staff. (See handout)

1. PURPOSE

The University of Houston System recognizes the importance of and adheres to the practice of providing all applicants and employees with equal opportunity for, and equal treatment during, employment in compliance with state and federal laws. The System also seeks to foster an environment free from discrimination. The System has developed this document to provide recognition and implementation of this philosophy.

2. POLICY

It is the policy of the System that all applicants for employment as well as current employees at the component universities receive equal access to the application process and equal opportunity for, and equal treatment during, employment. The System is committed to the concept of equal employment opportunity as a necessary element of an employment process based on job-related
factors and without regard to protected class status such as age, race, color, disability, religion, national origin, veteran’s status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Discrimination against any individual in any of these protected classifications with regard to recruitment, appointment, benefits, training, promotion, retention, discipline, termination or any other aspect of the terms, conditions and/or privileges of employment is prohibited. Additionally, the System prohibits discrimination in all aspects of employment on the basis of sexual orientation, gender identity or gender expression. Each component university is responsible for ensuring compliance with all federal and state laws, regulations and guidelines, and with System policies.
http://www.uh.edu/af/universityservices/policies/sam/1GenAdmin/1D5.pdf
University of Houston System has four campuses: Central, Downtown, Clear Lake, and Victoria.

Trinity University-San Antonio Texas-2010

ANTI-HARASSMENT

Trinity University is committed to the maintenance of an academic environment free of all forms of conduct considered to be harassment according to Title VII of the Civil Rights Act of 1964 as such conduct adversely affects the working or learning environment. The University reaffirms its commitment that unlawful harassment relating to a person’s race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, or disability is prohibited. This prohibition against harassment includes harassment of employees, job applicants, students, or prospective students.

I. POLICY AND DEFINITIONS

A. Sexual Harassment. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities;
2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive University environment.

B. Harassment Based on Other Protected Categories. In addition to prohibiting sexual harassment, the University also prohibits harassment based upon an individual’s race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, citizenship status, or disability. For these purposes, prohibited harassment includes, without limitation, slurs, jokes, other verbal, graphic, or physical conduct relating to an individual’s race, sex, color, sexual orientation, gender identity, gender expression, religion, national origin, age, citizenship status, or disability when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other University activities;
2. Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive University environment.
In determining whether an alleged behavior constitutes harassment under this policy, the full context in which the incident occurred should be considered. *(Only in student policies.)*


**Alamo College System (5)-San Antonio-2010**

The Alamo Colleges values and affirms the diversity of its students and employees. The Alamo Colleges also supports inclusiveness that recognizes, values, and reflects the diversity of our community. This inclusiveness extends to transgendered individuals.

The Alamo Colleges policies and procedures specifically prohibit discrimination and harassment on the basis of gender. Discrimination and harassment on the basis of gender can occur under many different circumstances. Most notable, discrimination and harassment on the basis of gender can happen under circumstances involving **gender identity** (a person’s internal psychological identification as a man or a woman). Therefore, this is to provide clarification that the Alamo Colleges policies and procedures prohibit discrimination against and harassment of individuals, where the discrimination or harassment is because the individual’s appearance and conduct does not conform to traditional male or female **gender stereotypes**.

http://www.alamo.edu/main.aspx?id=7073

The following colleges, within the Alamo College System, are impacted by this system policy:
- Northeast Lakeview College
- Northwest Vista College
- Palo Alto College
- St. Philip’s College
- San Antonio College

**Texas A&M (TAMU)-2012**

Texas A&M President Dr. R. Bowen Loftin issued an official memo:

“… the university has developed an Affirmative Action Program that documents the policies, practices and procedures to support equal treatment for all applicants and employees and assure, in good faith, equal access and affirmative action for women, minorities, individuals with disabilities and veterans at all levels of its workforce. It is our policy to not discriminate in employment opportunities or practices on the basis of race, sex, color, national origin, religion, age, disability, veteran status, genetic information, or any other characteristic protected by law. Furthermore, we will maintain a work environment free from discrimination of the basis of sexual orientation, gender identity or gender expression.”

“The memo applies only to the employment practices of A&M’s main campus in College Station, not to students or employees at any of the other A&M system campuses. Last month the Texas A&M Student Senate passed a resolution encouraging the university system to adopt a system-wide non-discrimination policy for students, staff and faculty that included **sexual orientation, gender identity and gender expression**. Student Senator Andrew Jancaric, the driving force behind that resolution, greeted the news of Loftin’s memo excitedly. “President Loftin has shown a great deal of leadership, particularly given the proximity of this release to the legislation passed by the Student Senate. Because of that leadership it will make changing that
policy at the student level much more easy,” said Jancaric. “It’s a really important statement coming from the president of our university, which I believe will have great weight with the system’s board of regents.”


This memo explicitly indicates protections for employees. Protections for students are still needed at TAMU.

http://employees.tamu.edu/docs/employment/hiring/AM_AAPMemo.pdf
Policy Statement

Nondiscrimination

Section I. General Policy Guidelines

A. Policy Statement

It is the policy of The University of Texas at Dallas to provide an educational and working environment that provides equal opportunity to all members of the University community. In accordance with federal and state law, the University prohibits unlawful discrimination against someone because of a person's race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information, or veteran status. The University's commitment to equal opportunity extends its nondiscrimination protections to include sexual orientation. Retaliation against a person who files a claim of discrimination, participates in a discrimination investigation or proceeding, or otherwise opposes an unlawful employment practice is prohibited.

B. Scope

This policy applies to visitors, applicants for admission to or employment with the University, and students and employees of the University who allege discrimination by University employees, students, visitors, or contractors. Complaints of full-time faculty who are notified that they will not be reappointed, or that the subsequent academic year will be their terminal appointment, and who contend that such decisions were made for unlawfully discriminatory reasons will be referred to the Office of the Executive Vice President and Provost for handling pursuant to Part I, Chap. III, Sec. 6.35 of the Rules and Regulations of the Board of Regents of The University of Texas System.

C. Definitions

1. Discrimination is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education because of their race, color, religion, national origin, age, disability, citizenship, veteran status or sexual orientation.

2. Harassment as a form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion, national origin, age, disability, citizenship, veteran status or sexual orientation when such conduct is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with an individual's or group's academic or work performance; or of creating a hostile academic or work environment.

3. Verbal conduct is defined as oral, written, or symbolic expressions that:
   o personally describe or is personally directed at a specific individual or group of identifiable individuals; and
is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

Constitutionally protected expression cannot be considered harassment under this policy.

Section II. General Procedures

A. Reporting

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy should report the incident to any University official, administrator or supervisor. A faculty member is not an "official, administrator, or supervisor" for this purpose unless that faculty member holds an administrative position. Students are encouraged to report such incidents to the Office of the Dean of Students; employees and campus visitors are encouraged to report to the Office of Human Resources. Incidents should be reported as soon as possible after the time of their occurrence, but no later than 60 days after the event occurred. No person is required to report discrimination or harassment to the alleged offender.

B. Reporting Responsibility

Every supervisor, administrator and University official is responsible for promptly reporting incidents of discrimination and harassment in violation of this policy that come to their attention to either the Office of the Dean of Students or to the Office of Human Resources.

C. Resolution Options

A person who believes that he or she has been subjected to discrimination or harassment in violation of this policy and seeks to take action may use either the informal resolution process or the formal complaint process, or both. The informal resolution and formal complaint process described in this policy are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

Section III. Informal Resolution Procedure

A. Informal Resolution

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process.

A request for informal resolution must be made within 60 calendar days of the date of the alleged incident to either the Office of the Dean of Students or the Office of Human Resources, who shall determine whether the nature of the problem is such that it can be resolved by agreement on an informal basis, and if so, which office will do so. A request for informal resolution will not extend the 60 day time limit for filing a formal complaint. Methods for informal resolution may include, but are not limited to: coaching the person on how to directly address a situation which is causing a problem; mediating the dispute with the parties; aiding in the modification of a situation in which
the offensive conduct occurred; assisting a department or division with the resolution of a real or perceived problem; or arranging a documented meeting with the alleged offender that involves a discussion of the requirements of the Nondiscrimination Policy.

The University shall document any informal resolution. Such documentation shall be retained by the Dean of Students Office or Human Resources as appropriate and will be kept confidential to the extent permitted by law. An informal resolution meeting shall not be considered a precondition for the filing of a written complaint.

Section IV. Complaint Resolution Procedure

A. Definitions

Complaint: Complaint means a signed document alleging discrimination, including harassment under this policy.

Complainant: Complainant means a person who submits a written complaint alleging discrimination, including harassment under this policy.

Respondent: Respondent means the person designated to respond to a complaint. Generally the respondent would be the person alleged to be responsible for the prohibited discrimination or harassment alleged in a complaint. The term "Respondent" may be used to designate persons with direct responsibility for a particular action or those persons with administrative responsibility for procedures and policies in those areas covered in a complaint.

Notification: Notification takes place two days after the date of posting of any properly addressed document in the United States mail, or upon the date of receipt of any document sent via the campus mail service. Written communications to a complainant are properly addressed when sent to the address given in the complaint or the last address given since the filing of the complaint.

B. Complaint Procedure

1. Complaint: A complaint alleging discrimination or harassment must be submitted in writing to Human Resources or the Office of the Dean of Students. The complaint must contain the following information:
   - Name and UT Identification Number of the Complainant(s);
   - Contact information, including address, telephone, e-mail;
   - Name of person(s) directly responsible for alleged violation(s);
   - Date(s) and place(s) of alleged violation(s);
   - Nature of alleged violation(s) as defined in this policy;
   - Detailed description of the specific conduct that is the basis of alleged violation(s);
   - Copies of documents pertaining to the alleged violation(s);
   - Names of any witnesses to alleged violation(s);
   - Action requested to resolve the situation;
   - Complainant’s signature and date of filing; and
   - Any other relevant information.
The following communications do not constitute a complaint and will not be investigated or resolved pursuant to the complaint resolution process:

- Oral allegations
- E-mail correspondence
- Anonymous communications
- Courtesy copies of correspondence or a complaint filed with others
- Inquiries that seek advice or information only
- Pre-complaint consultations and informal resolution activities.

2. **Time Limit**: A written complaint must be filed within sixty (60) calendar days of the occurrence of the alleged violation. In the case of a currently enrolled student, if the last day for filing a complaint falls prior to the end of the academic semester in which the alleged violation occurred, then the complaint may be filed within thirty (30) calendar days after the end of that semester.

3. **Acknowledgement**: Within five (5) working days after receipt of a written complaint, Human Resources or the Office of the Dean of Students, as appropriate, will send the complainant a brief acknowledgment of the complaint, stating that the complaint will be evaluated, and advising the complainant(s) that he or she will be contacted within a given time. The acknowledgment letter will include a copy of these complaint procedures.

4. **Complaint Evaluation**: A formal investigation will be initiated if a complaint is complete, timely, within the scope of this policy and articulates sufficient specific facts, which, if determined to be true, would support a finding that this policy was violated. The University may not proceed with a complaint investigation under a variety of circumstances, for instance:
   - a person fails to provide a written, signed complaint;
   - a complaint fails to describe in sufficient detail the conduct that is the basis of the complaint;
   - the conduct described in the complaint is not covered by this policy;
   - a complaint is not timely;
   - the complainant declines to cooperate in The University's investigation;
   - the complaint has been withdrawn; or
   - an appropriate resolution or remedy has already been achieved, or has been offered and rejected.

If it is determined that the University will not proceed with a complaint investigation, Human Resources or the Office of the Dean of Students, as appropriate, will send a notification letter explaining the reason(s) to the complainant, with a copy to the alleged offender. The notification letter will also include a statement informing the complainant that, within ten (10) working days of the notification, he or she may appeal the determination not to proceed with a complaint investigation to the Vice President for Business Affairs or the Vice President for Student Affairs, as appropriate. The request for appeal must be a signed, written document articulating why the decision to dismiss the complaint was in error. The appropriate vice president will respond within twenty (20) working days of receipt of the appeal. If the decision to dismiss is upheld, that decision is final. If the decision to dismiss is overturned, the complaint is sent back to Human Resources or the Office of the Dean of Students, as appropriate, for investigation in accordance with the procedures outlined below.
5. **Notification of Respondent:** If it is determined that the University will proceed with a complaint investigation, Human Resources or the Office of the Dean of Students will give the respondent written notification of the complaint investigation. The notification letter will include a copy of the written complaint. The notification letter will provide the respondent an opportunity to submit a written response to the allegations within ten (10) working days, unless unusual circumstances warrant additional time. The notification letter will include a statement advising the respondent that retaliation against the complainant is prohibited and will subject the respondent to appropriate disciplinary action.

6. **Investigation Responsibility:** The Office of the Dean of Students is responsible for conducting formal investigations of complaints against students alleging discrimination and harassment in violation of this policy. Human Resources is responsible for conducting formal investigations of complaints against non-students alleging discrimination and harassment in violation of this policy. If a complaint is directed against an individual who would otherwise play a role in investigating and attempting to resolve the complaint, the function assigned to that person by these procedures will be delegated to another person.

7. **Investigative Process and Findings:** The investigator will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator shall also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature.

8. **Representation:** During the complaint process, the complainant(s) and the respondent(s) may designate and thereafter be accompanied by an advisor of his or her choosing at meetings and interviews at which he or she is present; however, no representative may examine witnesses or otherwise actively participate in a meeting or interview.

9. **Submission of Evidence:** During the complaint investigation process, the complainant(s) and the respondent(s) will provide Human Resources or the Office of the Dean of Students, as appropriate, with all documents relied upon regarding the issues raised in the complaint.

10. **Report of Findings and Recommendation - Complaints Against Non-Students:**

    1. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the appropriate vice president within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The appropriate vice president to act on complaints against faculty and staff will be the vice president over the area where the respondent is employed. The appropriate vice president to act on complaints against contractors and visitors will be the Vice President for Business Affairs. If a complaint is directed against a vice president who would otherwise act on a complaint, the function assigned to that vice president will be delegated to another person.

    2. The appropriate vice president will promptly notify the complainant and the respondent that the investigation has been completed and attach a copy of the proposed statement of findings. Student identifiable information, if any, which is confidential by law, will be redacted. Within ten (10) working days from the date of notification, the complainant and respondent may each submit, for consideration by the appropriate vice president, such comments and corrections as they may have.
3. Within fifteen (15) working days of the notification to the complainant and the respondent that the investigation has been completed, the appropriate vice president and the investigator shall meet to discuss the findings, and review the record, along with any comments and proposed corrections submitted by the complainant and respondent.

4. Within fifteen (15) working days from that meeting, the vice president shall take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.

5. If the vice president determines that this policy was violated, he or she, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine a disciplinary action that is appropriate for the severity of the conduct. Disciplinary actions can include, but are not limited to, written reprimands, the imposition of conditions, reassignment, suspension without pay, and termination.

6. The vice president shall inform the complainant and accused individual, and the appropriate unit head in writing of his or her decision, and shall attach a copy of the final statement of findings. Copies of the vice president's letter, the attached statement of findings, and relevant documents shall also be sent to the Office of the Dean of Students or the Office of Human Resources as appropriate.

11. Report of Findings and Recommendation - Complaints Against Students:

0. The investigator will provide a proposed statement of findings, copies of relevant documents and any physical evidence considered to the Dean of Students within thirty (30) working days of receipt of the respondent's statement, unless unusual circumstances require more time. The Dean of Students and the investigator shall meet within fifteen (15) working days to discuss the findings, and review the record.

1. Within fifteen (15) working days from that meeting, the Dean of Students shall take one of the following actions: a) request further investigation into the complaint; b) dismiss the complaint if the results of the completed investigation are inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or c) find that this policy was violated.

2. If the Dean of Students determines that this policy was violated, the Dean, following consultation with the investigator or other knowledgeable persons as appropriate, shall determine whether to initiate a disciplinary action appropriate to the severity of the conduct pursuant to Chapter 51, Student Grievance Procedures of Title V of the UTD Handbook of Operating Procedures. Disciplinary actions can include, but are not limited to, a documented warning, the imposition of conditions, probation, suspension, and dismissal.

3. As required by federal law, any disclosure of the findings and decision of the Office of the Dean of Students will be governed by the provisions of the Family Educational Rights and Privacy Act.

Section V. Miscellaneous

A. Grievance of a Disciplinary Action:
1. Any employee disciplined pursuant to this policy, except faculty, graduate research assistants, graduate teaching assistants, or members of the University of Texas at Dallas Police Department (each of whom are subject to separate grievance procedures), may grieve that action by submitting a written grievance, within ten (10) working days of the imposition of the disciplinary action, to the president's office. Ordinarily, the president will assign responsibility for review and action on the appeal of the vice president's action to another vice president; however, when required by unusual circumstances, the president may review and handle a grievance pursuant to this policy.

2. If the disciplinary action that is being grieved does not involve termination, demotion, or suspension without pay, the vice president shall thoroughly review and finally decide the matter within thirty (30) calendar days of its receipt unless unusual circumstances require more time.

3. If the disciplinary action that is being grieved involves the termination, demotion or suspension without pay of a faculty member with the rank of Regental Professor, Professor, Associate Professor, Assistant Professor, or Instructor, the vice president who is assigned to review the grievance shall follow the procedures for appealing such actions contained in the UTD Faculty Grievance Procedure, Policy Memorandum 92-III.21-54. Complainants will be required to appear and testify at hearings that may be a part of such proceedings.

4. Any student disciplined under this policy has the right to appeal as provided in Section 49.30 of the UTD Handbook of Operating Procedures. The student must give written notice of appeal to the President within fourteen (14) calendar days after all parties are notified of the decision.

B. Retaliation Prohibited:

A student, faculty, or staff member who retaliates in any way against an individual who has brought a complaint pursuant to this policy or participated in good faith in an investigation of such a complaint, is subject to disciplinary action, up to and including dismissal from the University.

C. Filing of False Complaints:

Any person who knowingly and intentionally files a false complaint under this policy is subject to disciplinary action up to and including dismissal from the University.

D. Effect on Pending Personnel Actions:

The filing of a nondiscrimination or retaliation complaint will not stop or delay any evaluation or disciplinary action related to the complainant who is not performing up to acceptable standards or who has violated University rules or policies.

E. Relationship of Complaint Process to Outside Agency Time Limits:

The filing of a discrimination or harassment complaint under this policy does not excuse the complainant from meeting the time limits of outside agencies.

F. Relationship to Grievance Procedure:
This complaint procedure shall also constitute the grievance procedure for complaints alleging unlawful discrimination. As used herein, "complaint" is synonymous with "grievance."

G. Time Frame:

Time frames mentioned in these procedures may be extended for good cause, such as holidays or when classes are not in session, or when it is necessary to complete an investigation due to difficulties reaching witnesses or parties to the complaint.

H. Documentation and Confidentiality:

The University shall maintain documents related to complaints under this policy as required by law. The Office of the Dean of Students shall be primarily responsible for records related to complaints against students. The Office of Human Resources shall be primarily responsible for records related to complaints against non-students. The confidentiality of a complaint under this policy and all documents, correspondence, interviews and discussions relating to the investigation of the information contained in a complaint will be maintained on a need to know basis to the extent permitted by law. Any person who knowingly and intentionally makes an unauthorized disclosure of confidential information contained in a complaint or otherwise relating to the investigation of a complaint under this policy is subject to disciplinary action.

For Assistance: Questions regarding this policy should be directed to the Office of the Dean of Students or Human Resources.

Sources: Titles VI and VII of the Civil Rights Act of 1964, as amended; Age Discrimination in Employment Act of 1967, as amended; Age Discrimination Act of 1975; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Uniformed Services Employment and Reemployment Rights Act; Genetic Information Nondiscrimination Act of 2008; Executive Order of 11246; Sections 503 and 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Texas Labor Code, Chapter 21; UT System Board of Regents Rule 10701; UT System Policy UTS105

Policy History

- Issued: October 12, 2004
- Revised: March 28, 2013

Policy Links

- Permalink for this policy: http://policy.utdallas.edu/utdbp3090
- Link to PDF version: http://policy.utdallas.edu/pdf/utdbp3090
- Link to printable version: http://policy.utdallas.edu/print/utdbp3090
Procedures Governing Periodic Performance Evaluation of Tenured Faculty - UTDPP1064

Policy Statement

Preamble

Tenure protects scholars and teachers from adverse actions by those who disagree with their findings and teachings; tenure also provides faculty with the long-term security which is vital if they are to undertake high potential, lengthy, risky research; thus, it discourages intellectual censorship and encourages the search for truth, thereby benefiting society at large. However, regular review of all faculty, including those with tenure, is fundamental to the advancement of the University. This document describes procedures for review of tenured faculty.

Nothing in this policy memorandum shall infringe on tenure, academic freedom, due process, or other protected rights, or require faculty to reestablish their credentials for tenure.

Definitions

1. Faculty Categories
   1. School Faculty: School faculty are those faculty members who report to a School Dean, including those who report through Department Heads to a School Dean.
   2. Administrative Faculty: Administrative faculty are those faculty members who do not report, directly or indirectly, to a School Dean.
   3. Concurrent Faculty: Concurrent faculty are those faculty members who, for part but not all of their assignments report, directly or indirectly to a School Dean.

2. Duties: For the purposes of this document, duties (to the University) are activities to which a faculty member is assigned and for which the University provides infrastructure and fiscal resources. Most faculty members mentor individual students, teach organized classes or laboratories, engage in research or creative activities, and serve the University, the community, and their profession through committee assignments and elective or appointive offices. Some also engage in clinical or administrative activities. The exact ratio of these duties varies considerably from one faculty member to another. The ratio of duties can also vary over time. At the time tenure is awarded, duly appointed faculty committees and responsible administrators have determined that a faculty member has performed adequately in both teaching and research or creative activities, and has shown excellence in one of those arenas. Service expectations may change after tenure is awarded, particularly in the case of senior faculty. When a School Faculty member wants to assume a set of duties significantly different from the norm typical of his or her instructional unit, the faculty member should seek approval for such action from the School Dean or the Dean's delegate (Department Head, when appropriate). A Dean does not have authority to approve or disapprove specific research topics, but does exercise approval authority when a faculty member proposes to engage in a set of duties which is atypical for the instructional unit. If such approval is obtained, the faculty member's performance will be judged against the approved set of duties. Otherwise, a faculty member will be judged against the duties typical for his or her instructional unit. The modified set of duties does not go into effect until the Dean notifies the faculty of the School or Department as appropriate. Concurrent and Administrative Faculty should consult with the individual(s) to whom they report in order to construct a written description of their set of duties. To the extent that their duties parallel those of School Faculty, Concurrent Faculty are expected to meet the norm for other faculty in their instructional unit.

3. A Periodic Performance Evaluation (PPE) is the evaluation process described in this document.

4. The PPE Review File is the file created for the purpose of the Periodic Performance Evaluation. It may contain material from a variety of sources within the university community, including material copied from the faculty member's permanent academic file.

5. The PPE Evaluator (Evaluator) is the University official responsible for preparing the PPE Review File and for making the finding. For School Faculty the Evaluator is the Dean of their school. For Concurrent Faculty, the Evaluators are their School Dean and the other administrator to whom they report. For Administrative Faculty, the Evaluator is the administrator to whom they report.

6. Finding: A finding is the Evaluator's written recommendation resulting from the Periodic Performance Evaluation of a tenured faculty member.

Categories and Standards of Evaluation
The finding must evaluate the faculty member's performance in the activities in the current set of duties and assess the faculty member's overall performance. Rule 31102, Evaluation of Tenured Faculty, of the Rules and Regulations of the Board of Regents specifies four possible categories of evaluation: exceeds expectations, meets expectations, fails to meet expectations, or unsatisfactory. The meanings of these levels and the criteria for meeting them should be generally the same as in the annual reviews, as follows:

1. “Exceeds expectations.” This judgment should reflect a clear and significant level of accomplishment beyond normal expectations for faculty in the discipline and unit over the period of evaluation. Normally, a judgment that performance exceeds expectations should follow from several or most of the annual reviews concluding that the faculty member’s performance exceeds expectations, but it is entirely possible that a person's cumulative accomplishment over the previous period appeared more significant when taken as a whole than it did it any given year. Conversely, it is also possible that previous judgments of “exceeds expectations” in annual reviews were based on apparent promise that did not materialize.

2. “Meets expectations.” In general, the judgment that a faculty member's performance meets expectations means that they are meeting the scholarly expectations entailed in their appointment and doing their share of the work of their unit and the university. As with “exceeds expectations” a judgment that a person's performance meets expectations would normally follow from a predominance of similar judgments in their annual reviews, but it is entirely possible either that the cumulative effect of the faculty member's work is greater or less great than it appeared to be in each year separately.

3. “Fails to meet expectations.” We do not expect everything we try to be a success. We do, however, expect each other to try. So indications of failure to meet expectations in scholarly productivity could be a consistent record of failing to publish with no record of significant work in progress, no other creative productivity, and no compensating production under way. Indications of failure to meet expectations in teaching would be an exceptional level of complaints, failure to meet classes, failure to update material for classes from time to time in order to assure adequate preparation of students for the field, unfavorable peer evaluation of teaching if the unit arranges for such evaluation, or failure to carry a normal teaching load. Indications of failure to meet expectations in service would be refusal to accept appointments or failure to exercise diligence and responsibility in carrying out appointments. A judgment of failure to meet expectations may be accompanied with advice for improvements or modifications in the faculty member’s performance. The finding may be accompanied by a plan for allocation of additional resources intended to enhance the faculty member’s performance.

4. “Unsatisfactory.” This judgment would indicate a failure to meet expectations after written advice or other efforts to provide correction or assistance have been offered, or as a result of engaging in professional misconduct or dereliction of duty.

Unsatisfactory performance must be defined relative to the set of duties, which can vary across Departments and Schools and among individual faculty within Programs and Schools (Definitions Section, 2.). However, it usually entails dereliction and/or incompetence in one or more of the faculty member's duties. Examples may include but are not limited to: (a) a failure to meet classes, (b) a failure to engage in remedial activities to improve teaching efforts or a failure to benefit from such remedial activities, (c) a refusal to accept teaching assignments within the faculty member's expertise, (d) a failure to engage in research and/or creative activity which may include submission of grants or scholarly activity for publication, and (e) a failure to shoulder a reasonable share of administrative work.

The finding must be supported by a written, detailed evaluation. For Concurrent and Administrative Faculty, a finding of “unsatisfactory” may result in the termination of the administrative assignment and the return of the faculty member to School Faculty status.

Procedures for All Faculty

1. All faculty members are subject to annual review, in accordance with Regent’s Rule 31102. Periodic performance evaluation as described here applies only to tenured faculty. Procedures for ongoing periodic evaluation of non-tenure-track faculty are described in UTDPP 1062, General Standards and Procedures For Review of Nontenure-System Faculty.

2. It is expected that Deans, Department Heads, and other administrators will make use of the annual review process to identify faculty whose performance does not meet the general performance levels of their unit and to provide those individuals with advice, support, and/or warnings, as appropriate. Written evaluations used in annual reviews will be subsequently included in PPE Review Files. Countersigning or other methods shall be used to certify that the faculty member has been made aware of these evaluations.

3. Periodic Performance Evaluations for tenured faculty are to be conducted every six years except in rare circumstances such as overlap with approved leave, promotion, review for appointment to an endowed position, or review described in the following paragraph. The existence of the PPE process does not preclude administrative action based on annual reviews or other good cause.

4. Administrative Faculty are to be reviewed every five years, as described in Policy UTDPP1047 Evaluation of Academic Administrators, which review is to be concurrent with the review described in this document.
5. The Periodic Performance Evaluation shall include review of the faculty member's duties such as teaching, research, service, administration, and, for faculty with clinical responsibilities, patient care.

6. Individual notice of intent to conduct a Periodic Performance Evaluation must be given to a tenured faculty member at least six months prior to the initiation of the Evaluation, which begins September 15 with the submission of materials by the faculty member. One month before the initiation of the Evaluation, the Evaluator who is conducting the evaluation shall notify the faculty within the School and the Speaker of the Faculty, who in turn will inform the Academic Senate membership and the President of the Student Government Association about the PPE, who is to be evaluated, and the PPE procedures.

7. The PPE Review File shall be constructed as follows:
   1. The PPE process is generally intended to be an internal review of the faculty member's performance of his/her range of duties.
   2. The faculty member being evaluated shall submit to his/her Evaluator or arrange for submission of (a) a resume, including a summary statement of professional accomplishments, (b) where existing, the approved range of duties, (c) results of annual evaluations for the previous six years, where available, and (d) evaluations of teaching from students and other sources, in accordance with policy of the relevant instructional unit. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other materials the faculty member deems appropriate.
   3. The Evaluator may add to the file (a) any material from the faculty member's permanent academic files which he/she deems appropriate and (b) any signed, written material which he/she deems appropriate to the PPE process.
   4. In addition, the Evaluator shall add to the file any signed, written material received through relevant sources such as faculty, students, and the Student Government Association.
   5. No anonymous material, except for teaching evaluations obtained in accordance with University policy, may be included in the file.
   6. At any point in the PPE process, the faculty member being evaluated may see the PPE Review File upon reasonable notice, may copy material contained in the PPE Review File, and may supplement the file. The Evaluator must notify the faculty member under review of any material which he/she adds to the PPE File, and the faculty member is entitled to 10 working days to supplement the file with a written response.

Procedures for School Faculty

1. All evaluations must be based only on material in the PPE Review File.
2. After the end of the faculty member's response period (Procedures for School Faculty,6), the Dean shall make a written preliminary evaluation and shall send that evaluation to the faculty member, the relevant Department Head (if appropriate) and to the Faculty Personnel Review Committee (FPRC).
3. The Program Head (if appropriate) and FPRC shall each examine the PPE Review File, and each shall provide the faculty member under evaluation with the opportunity to discuss the PPE Review File and the preliminary evaluation. The Program Head (if appropriate) and the FPRC will subsequently provide a written response to the preliminary evaluation. The faculty member under review may also provide a response. The responses become part of the PPE Review File.
4. After receiving the responses of the faculty member under review (if any), the Department Head (if appropriate) and the FPRC, the Dean shall re-examine the PPE Review File and make a written finding no later than November 15, unless the President approves an extension.
5. The Dean's finding and the response of the FPRC must be communicated in writing to the faculty member and the Department Head (if appropriate). The faculty member will be given the opportunity to discuss the finding with the Dean and will be allowed 10 working days to respond in writing to the finding. The finding and the faculty member's written response become part of the PPE Review File. After 10 working days, the Dean shall send the PPE Review File to the Executive Vice President and Provost (Provost), who will notify the Dean and faculty member of its receipt within 10 working days.
6. If the Dean has made a finding of "unsatisfactory," the Provost shall notify the Chair of the Committee on Faculty Standing and Conduct and forward the PPE Review File to the Committee on Faculty Standing and Conduct within 10 working days.
7. The Committee on Faculty Standing and Conduct shall examine the PPE Review File and prepare a written report which addresses, at least, the following issues:
   1. Since tenure carries the expectation of continuing employment, the University bears the burden of proof in removing tenure. The report shall assess the degree to which the PPE Review File demonstrates that the tenured faculty member's performance has been sufficiently unsatisfactory that termination under the procedures of Rule 31008, concerning Termination for Good Cause, of the Regents' Rules and Regulations, is a possibility.
   2. In the event that the Committee on Faculty Standing and Conduct concurs with the finding of "unsatisfactory," its report shall address the advisability of an additional review period and the duration and performance expectations for such review period. The report becomes part of the PPE Review File.
8. After receipt of the report from the Committee on Faculty Standing and Conduct, the Provost shall send copies of the report to the faculty member and the Dean and allow 10 working days to receive written responses, which become part of
the PPE Review File. The Provost shall review the PPE Review File and decide on one of the following options as an appropriate action:

1. Conversion of finding of “unsatisfactory” to a finding of “meets expectations” and termination of the PPE process for the faculty member;
2. Acceptance of the finding of “unsatisfactory” and establishment of an additional review period including its duration and performance expectations;
3. Acceptance of the finding of “unsatisfactory” and recommendation to the President that charges for termination of the faculty member be initiated in accord with the Regents’ Rules and Regulations, Rule 31008 concerning Termination for Good Cause.

The Provost shall notify the Dean and the faculty member of his or her decision. The Provost may issue a preliminary assessment and provide a period for comment from the Dean and faculty member prior to making a decision.

9. If the Provost decides that an additional review period is appropriate, the faculty member's performance during the additional review period is to be governed by an additional review period document, which should specify the faculty member's duties, resources to be made available, and the timetable and criteria for interim and end-of-period evaluations. The construction of the extended review period document is the responsibility of the Dean who shall consult with the faculty member, the Department Head (if appropriate), the School Personnel Review Committee, and the Provost prior to issuing the document.

10. At the end of the additional review period, a review in the manner of a Periodic Performance Evaluation is to be conducted, with the faculty member having access to the same procedures and protections which would be in place for a Periodic Performance Evaluation, except that the Dean shall forward her/his assessment directly to the Provost, who must now choose either option 8.1 or option 8.3 from the Section on Procedures for School Faculty above. The Committee on Faculty Standing and Conduct does not review the file.

11. The entire PPE process is confidential. However, if the faculty member makes comment in a public forum on the results of the evaluation, then the University, through its administration, may also make public comment.

Procedures for Concurrent and Administrative Faculty

1. Concurrent Faculty: Concurrent faculty will be evaluated every five years, in which the Periodic Performance Evaluation as described in this policy will be conducted concurrently with the Evaluation of Academic Administrators as described in UTDPP 1047. The Evaluators of a Concurrent Faculty member shall make separate findings in their evaluations of the duties arising from the faculty member's School Faculty and Administrative Faculty roles. The procedures in the Section on Procedures for School Faculty of this document shall govern the PPE process in so far as the School Faculty role is evaluated. The procedures in this section on Procedures for Concurrent and Administrative Faculty shall govern the PPE process in so far as the Administrative role is evaluated, except that a Concurrent Faculty member for whom the School Faculty finding is that their work meets or exceeds expectations shall not be subjected to the PPE process until the normal six year review cycle if they do not continue with their administrative responsibilities.

2. Administrative Faculty. Administrative faculty will be evaluated every five years, in which the Periodic Performance Evaluation as described in this policy will be conducted concurrently with the Evaluation of Academic Administrators as described in UTDPP 1047. The Evaluator of an Administrative Faculty member must prepare a written evaluation of the faculty member, provide a copy to the faculty member, provide the opportunity for the faculty member to discuss the evaluation with him/her, and provide the faculty member with the opportunity to place a written statement in the PPE Review File. A finding of “fails to meet expectations” or “unsatisfactory” by the Evaluator may result in the termination of the administrative appointment and the return of the faculty member to School Faculty status. Such faculty must be reviewed under the School Faculty provisions of this document in the first review cycle after three full academic years have passed since their return to School Faculty status.

Uses of the Evaluations

1. The periodic performance evaluation is not intended to supplant the use of ad hoc committees to consider faculty members for promotion or appointment to chaired professorships, or the procedures for termination of tenured faculty with due process guarantees as required by the Regents Rules and Regulations Rule 31008. It should not require either the level of documentation required for an ad hoc committee or the intensity of scrutiny. The evaluation may, however, include a recommendation that such a committee be formed for further consideration, depending on the judgment reached. Possible recommendations for the four levels of evaluation are as follow.

2. An evaluation that a faculty member’s performance exceeds expectations may warrant consideration of possible forms of exceptional recognition. For an Associate Professor, it may suggest accelerated consideration for promotion to Professor. For a Professor, it may warrant asking if compensation is consistent with the level of accomplishment and recognition, or a change of work assignments to a position with greater responsibility recognition.
3. An evaluation that a faculty member's performance meets expectations generally should imply that present duties and recognition are appropriate.

4. An evaluation that a faculty member's performance fails to meet explanation may be accompanied by advice to the faculty member, as noted, or a recommendation for administrative action such as development of a specific plan for providing remediation or an adjustment of duties.

5. If a faculty member with an administrative or a concurrent appointment fails to meet expectations, the evaluation may appropriately include recommendations for changes to their administrative duties.

6. An evaluation of “unsatisfactory” may be accompanied by a recommendation for further administrative action or proceedings leading to possible termination.

Review of PPE Process

The President is to review the results of each year's Periodic Performance Evaluations with equal or above rank faculty of the Academic Council. In this review, the President shall present the results without identification of individual faculty members. If, however, a faculty member has made public comment about the results of his/her PPE, the President may discuss that individual's case with the Academic Council. The Academic Council is to prepare and present to the Academic Senate, the CAO, and the President a report, in which the faculty reviewed are not identified, which contains recommendations about the Periodic Performance Evaluation process.

Non-Interference with Rights

The adoption of the Procedures for Periodic Performance Evaluation by The University of Texas At Dallas Academic Senate shall not be interpreted or applied to infringe on tenure, academic freedom, due process, or other protected rights.

Evaluations of faculty under this policy may be appealed through the Faculty Grievance Procedure described in UTDPP1050.

Policy History

- Issued: October 3, 1997
- Revised: May 13, 1999
- Editorial Amendments: September 1, 2000
- Editorial Amendments: March 21, 2006

Policy Links

- Permalink for this policy: http://policy.utdallas.edu/utdpp1064
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Procedures Governing Periodic Performance Evaluation of Tenured Faculty - UTDPP1064

Policy Statement

Preamble

Tenure protects scholars and teachers from adverse actions by those who disagree with their findings and teachings; tenure also provides faculty with the long-term security which is vital if they are to undertake high potential, lengthy, risky research; thus, it discourages intellectual censorship and encourages the search for truth, thereby benefiting society at large. However, regular review of all faculty, including those with tenure, is fundamental to the advancement of the University. This document describes procedures for review of tenured faculty.

Nothing in this policy memorandum shall be interpreted or applied to infringe on tenure, academic freedom, due process, or other protected rights, nor to require faculty to reestablish their credentials for tenure.

Definitions

1. Faculty Categories
   1. School Faculty: School faculty are those faculty members who report to a School Dean, including those who report through Department Heads to a School Dean.
   2. Administrative Faculty: Administrative faculty are those faculty members who do not report, directly or indirectly, to a School Dean.
   3. Concurrent Faculty: Concurrent faculty are those faculty members who, for part - but not all - of their assignments report, directly or indirectly to a School Dean.

2. Duties: For the purposes of this document, duties (to the University) are activities to which a faculty member is assigned and for which the University provides infrastructure and fiscal resources. Most faculty members mentor individual students, teach organized classes or laboratories, engage in research or creative activities, and serve the University, the community, and their profession through committee assignments and elective or appointive offices. Some also engage in clinical or administrative activities. The exact ratio of these duties varies considerably from one faculty member to another. The ratio of duties can also vary over time. At the time tenure is awarded, duly appointed faculty committees and responsible administrators have determined that a faculty member has performed adequately in both teaching and research or creative activities, and has shown excellence in one of those arenas. Service expectations may change after tenure is awarded, particularly in the case of senior faculty. When a School Faculty member wants to assume a set of duties significantly different from the norm typical of his or her instructional unit, the faculty member should seek approval for such action from the Dean or the Dean's delegate (Department Head, when appropriate). A Dean does not have authority to approve or disapprove specific research topics, but does exercise approval authority when a faculty member proposes to engage in a set of duties which is atypical for the instructional unit. If such approval is obtained, the faculty member's performance will be judged against the approved set of duties. Otherwise a faculty member will be judged against the duties typical for his or her instructional unit. The modified set of duties does not go into effect until the Dean notifies the faculty of the School or Department as appropriate. Concurrent and Administrative Faculty should consult with the individual(s) to whom they report in order to construct a written description of their set of duties. To the extent that their duties parallel those of School Faculty, Concurrent Faculty are expected to meet the norm for other faculty in their instructional unit.

3. A Periodic Performance Evaluation (PPE) is the evaluation process described in this document.
4. The PPE Review File is the file created for the purpose of the Periodic Performance Evaluation. It may contain material from a variety of sources within the university community, including material copied from the faculty member's permanent academic file.
5. The PPE Evaluator (Evaluator) is the University official responsible for preparing the PPE Review File and for making the finding. For School Faculty the Evaluator is the Dean of their school. For Concurrent Faculty, the Evaluators are their School Dean and the other administrator to whom they report. For Administrative Faculty, the Evaluator is the administrator to whom they report.
6. Finding: A finding is the Evaluator's written recommendation resulting from the Periodic Performance Evaluation of a tenured faculty member.
Categories and Standards of Evaluation

The finding must evaluate the faculty member’s performance in the activities in the current set of duties and assess the faculty member’s overall performance. Rule 31007 Evaluation of Tenured Faculty of the Board of Regents specifies four possible categories of evaluation: exceeds expectations, meets expectations, fails to meet expectations, or unsatisfactory. The meanings of these levels and the criteria for meeting them should be generally the same as in the annual reviews, as follows:

1. “Exceeds expectations.” This judgment should reflect a clear and significant level of accomplishment beyond normal expectations for faculty in the discipline and unit over the period of evaluation. Normally, a judgment that performance exceeds expectations should follow from several or most of the annual reviews concluding that the faculty member’s performance exceeds expectations, but it is entirely possible that a person’s cumulative accomplishment over the previous period appeared more significant when taken as a whole than if it were given year by year. Conversely, it is also possible that previous judgments of “exceeds expectations” in annual reviews were based on apparent promise that did not materialize.

2. “Meets expectations.” An annual review that reflects disregard of after previous written advice or other efforts to provide correction or assistance have been offered, or that involves some danger as a result of engaging in professional misconduct or dereliction of duty.

3. “Fails to meet expectations.” We do not expect everything we try to be a success. We do, however, expect each other to try. So indications of failure to meet expectations in scholarly productivity could be a consistent record of failing to publish with no record of significant work in progress, no other creative productivity, and no compensating production under way. Indications of failure to meet expectations in teaching would be an exceptional level of complaints, failure to meet class size, failure to update material for classes from time to time in order to assure adequate preparation of students for the course, unfavorable peer evaluation of teaching if the unit arranges for such evaluation, or failure to carry a normal teaching load. Indications of failure to meet expectations in service would be refusal to accept appointments or failure to exercise diligence and responsibility in carrying out appointments. A judgment of failure to meet expectations may be accompanied with advice for improvements or modifications in the faculty member’s performance. The finding may be accompanied by a plan for allocation of additional resources intended to enhance the faculty member’s performance.

4. “Unsatisfactory performance.” This judgment would indicate a failure to meet expectations and doing so in a manner that reflects disregard of after previous written advice or other efforts to provide correction or assistance have been offered.

Finding that a person’s performance in unsatisfactory means that the selected faculty member’s performance has been unable or unwilling to meet the Learning and Developmental needs of the unit and/or has a situation that school personnel determine as prima facie or as a result of engaging in professional misconduct or dereliction of duty.

This judgment should reflect a clear and significant level of accomplishment beyond normal expectations for faculty in the discipline and unit over the period of evaluation. Normally, a judgment that performance exceeds expectations should follow from several or most of the annual reviews concluding that the faculty member’s performance exceeds expectations, but it is entirely possible that a person’s cumulative accomplishment over the previous period appeared more significant when taken as a whole than if it were given year by year. Conversely, it is also possible that previous judgments of “exceeds expectations” in annual reviews were based on apparent promise that did not materialize.

Finding that a person’s performance is unsatisfactory must be defined relative to the set of duties which vary across Departments and Schools and among individual faculty within Programs and Schools (Definitions Section 2). However, it must always entail neglect and/or incompetence in one or more of the faculty member’s duties. Examples may include but are not limited to: (a) a failure to meet classes, (b) a failure to engage in remedial activities to improve teaching efforts or to gain favor to benefit from such remedial activities, (c) a refusal to accept teaching assignments within the faculty member’s expertise, (d) an inability to engage in research and/or creative activity which may include submission of grants or scholarly activity for publication, and (e) a failure to shoulder a reasonable share of administrative work. Failure to publish or to win external research funding is not, in itself, proof of incompetence or dereliction in research.
Procedures for All Faculty

1. All faculty members are subject to annual review, in accordance with Regent’s Rule 31102. Periodic performance evaluation as described here applies only to tenured faculty. Procedures for ongoing periodic evaluation of non-tenure-track faculty are described in UTDPP 1062. General Standards and Procedures For Review of Non-tenure-Track Faculty.

2. The finding may be recommended at a meeting of the faculty, the Evaluation Department and Schools and among individual faculty within Departments and Schools (Sec. II.A). However, it must entail at least six months prior to the initiation of the Evaluation, which begins September 15 with the submission of materials by faculty members who have had a prompt and the opportunity to respond to the charges made against them.

3. It is expected that Deans, Department Heads, and other administrators will make use of the annual review process to identify faculty whose performance does not meet the general performance levels of their unit and to provide those individuals with advice, support, and/or warnings, as appropriate. Written evaluations used in annual reviews will be subsequently included in PPE Review Files. Countersigning or other methods shall be used to certify that the faculty member has been made aware of these evaluations.

4. The finding must evaluate the faculty member’s performance in the activities in the current set of duties and reach a conclusion based on one of two assessments by the Evaluator:

   - Advisory: An Advisory finding may be approbative or it may offer advice for improvements or modifications in the faculty member’s performance. The finding may be accompanied by a plan for allocation of additional resources intended to enhance the faculty member’s performance.

   - Adverse: An Adverse finding is a recommendation that the tenured faculty member’s performance has been sufficiently detrimental to the University and/or its evaluation for a sufficiently long period that consideration for termination under the procedures of Rule 31008, concerning Termination for Good Cause, of the Regents Rules and Regulations, is a possibility. It must be supported by a written, detailed argument and data that demonstrate professional incompetence or dereliction in the traditional domains of research, service, clinical duties, teaching, or other good cause. For Concurrent and Administrative Faculty, an Adverse finding will result in the termination of the administrative assignment and the return of the faculty member to School Faculty status.

5. To be conducted every six years except in rare circumstances such as overlap with approved leave, promotion, review for appointment to an endowed position, or review described in the following paragraph. The existence of the PPE process does not preclude administrative action based on annual reviews or other good cause.

6. Individual notice of intent to conduct a Periodic Performance Evaluation must be given to a tenured faculty member at least six months prior to the initiation of the Evaluation, which begins September 15 with the submission of materials by the faculty member. One month before the initiation of the Evaluation, the Evaluator who is conducting the evaluation shall notify the faculty within the School and the Speaker of the Faculty, who in turn will inform the Academic Senate of the Evaluator’s determination.

7. The finding must evaluate the faculty member’s performance in the activities in the current set of duties and reach a conclusion based on one of two assessments by the Evaluator:

   - Advisory: An Advisory finding may be approbative or it may offer advice for improvements or modifications in the faculty member’s performance. The finding may be accompanied by a plan for allocation of additional resources intended to enhance the faculty member’s performance.

   - Adverse: An Adverse finding is a recommendation that the tenured faculty member’s performance has been sufficiently detrimental to the University and/or its evaluation for a sufficiently long period that consideration for termination under the procedures of Rule 31008, concerning Termination for Good Cause, of the Regents Rules and Regulations, is a possibility. It must be supported by a written, detailed argument and data that demonstrate professional incompetence or dereliction in the traditional domains of research, service, clinical duties, teaching, or other good cause. For Concurrent and Administrative Faculty, an Adverse finding will result in the termination of the administrative assignment and the return of the faculty member to School Faculty status.

8. The finding may be recommended at a meeting of the faculty, the Evaluation Department and Schools and among individual faculty within Departments and Schools (Sec. II.A). However, it must entail at least six months prior to the initiation of the Evaluation, which begins September 15 with the submission of materials by faculty members who have had a prompt and the opportunity to respond to the charges made against them.
Procedures for School Faculty

1. All evaluations must be based only on material in the PPE Review File.

2. After the end of the faculty member's response period (see Procedures for School Faculty, 6), the Dean shall make a written preliminary evaluation and shall send that evaluation to the faculty member, the relevant Department Head (if appropriate) and to the Student Faculty Personnel Review Committee (SPRC).

3. The Program Head (if appropriate) and SPRC shall each examine the PPE Review File, and each shall provide the faculty member under review with the opportunity to discuss the preliminary evaluation with the Program Head and SPRC. The Program Head (if appropriate) and SPRC shall subsequently provide a written response to the preliminary evaluation. The faculty member under review may also provide a response. The responses become part of the PPE Review File.

4. After receiving the responses of the faculty member under review (if any), the Department Head (if appropriate) and the SPRC, the Dean shall re-examine the PPE Review File and make a written finding no later than November 15, unless the President approves an extension.

5. The Dean's finding and the response of the SPRC must be communicated in writing to the faculty member and the Department Head (if appropriate). The faculty member will be given the opportunity to discuss the finding with the Dean and will be allowed 10 working days to respond in writing to the finding. The finding and the faculty member's written response become part of the PPE Review File. After 10 working days, the Dean shall send the PPE Review File to the Executive Vice President and Provost (Provost), who will notify the Dean and faculty member of its receipt within 10 working days.

6. If the Dean has made an adverse finding of "unsatisfactory," the Provost shall notify the Chair of the Committee on Faculty Standing and Conduct and forward the PPE Review File to the Committee on Faculty Standing and Conduct within 10 working days.

7. The Committee on Faculty Standing and Conduct shall examine the PPE Review File and prepare a written report which addresses, at least, the following issues:
   1. Since tenure carries the expectation of continuing employment, the University bears the burden of proof in removing tenure. The report shall assess the degree to which the PPE Review File demonstrates that the tenured faculty member's performance has been sufficiently detrimental to the University and its students so as to make termination under the procedures of Rule 31008, concerning Termination for Good Cause, of the Regents' Rules and Regulations, a possibility.
   2. In the event that the Committee on Faculty Standing and Conduct concurs with the adverse finding of "unsatisfactory," its report shall address the advisability of an additional review period and the duration and performance expectations for such review period. The report becomes part of the PPE Review File.

8. After receipt of the report from the Committee on Faculty Standing and Conduct, the Provost shall send copies of the report to the faculty member and the Dean and allow 10 working days to receive written responses, which become part of the PPE Review File. The Provost shall review the PPE Review File and decide on one of the following options as an appropriate action:
   1. Conversion of the adverse finding of "unsatisfactory" to an adverse finding of "meets expectations" and termination of the PPE process for the faculty member;
   2. Acceptance of the adverse finding of "unsatisfactory" and establishment of an additional review period including its duration and performance expectations;
   3. Acceptance of the adverse finding of "unsatisfactory" and recommendation to the President that charges for termination of the faculty member be initiated in accord with the Regents' Rules and Regulations, Rule 31008 concerning Termination for Good Cause.

The Provost shall notify the Dean and the faculty member of his or her decision. The Provost may issue a preliminary assessment and provide a period for comment from the Dean and faculty member prior to making a decision.
9. If the Provost decides that an additional review period is appropriate, the faculty member's performance during the additional review period is to be governed by an additional review period document, which should specify the faculty member's duties, resources to be made available, and the timetable and criteria for interim and end-of-period evaluations. The construction of the extended review period document is the responsibility of the Dean who shall consult with the faculty member, the Department Head (if appropriate), the School Personnel Review Committee, and the Provost prior to issuing the document.

10. At the end of the additional review period, a review in the manner of a Periodic Performance Evaluation is to be conducted, with the faculty member having access to the same procedures and protections which would be in place for a Periodic Performance Evaluation, except that the Dean shall forward her/his assessment directly to the Provost, who must now choose either option 8.1 or option 8.3 from the Section on Procedures for School Faculty above. The Committee on Faculty Standing and Conduct does not review the file.

11. The entire PPE process is confidential. However, if the faculty member makes comment in a public forum on the results of the evaluation, then the University, through its administration, may also make public comment.

### Procedures for Concurrent and Administrative Faculty

1. Concurrent Faculty: Concurrent faculty will be evaluated every five years, in which the Periodic Performance Evaluation as described in this policy will be conducted concurrently with the Evaluation of Academic Administrators as described in UTDPP 1047. The Evaluators of a Concurrent Faculty member shall make separate findings in their evaluations of the duties arising from the faculty member's School Faculty and Administrative Faculty roles. The procedures in the Section on Procedures for School Faculty as described in this document shall govern the PPE process in so far as the School Faculty role is evaluated. The procedures in this section on Procedures for Concurrent and Administrative Faculty of this document shall govern the PPE process in so far as the Administrative Faculty role is evaluated. Except that a Concurrent Faculty member for whom the School Faculty finding is that their work meets or exceeds expectations shall not be subjected to the PPE process until the normal six year review cycle if they do not continue with their administrative responsibilities.

2. Administrative Faculty: An Administrative faculty will be evaluated every five years, in which the Periodic Performance Evaluation as described in this policy will be conducted concurrently with the Evaluation of Academic Administrators as described in UTDPP 1047. The Evaluator of an Administrative Faculty member must prepare a written evaluation of the faculty member, provide a copy to the faculty member, provide the opportunity for the faculty member to discuss the evaluation with him/her, and provide the faculty member with the opportunity to place a written statement in the PPE Review File. An adverse finding of “fails to meet expectations” or “unsatisfactory” by the Evaluator will result in the termination of the administrative appointment and the return of the faculty member to School Faculty status. Such faculty must be reviewed under the School Faculty provisions of this document in the first review cycle after three full academic years have passed since their return to School Faculty status.

### Uses of the Evaluations

1. The periodic performance evaluation is not intended to supplant the use of ad hoc committees to consider faculty members for promotion or appointment to chaired professorships, or the procedures for termination of tenured faculty with due process guarantees as required by the Regents Rules and Regulations Rule 31008. It should not require either the level of documentation required for an ad hoc committee or the intensity of scrutiny. The evaluation may, however, include a recommendation that such a committee be formed for further consideration, depending on the judgment reached. Possible recommendations for the four levels of evaluation are as follows:

2. An evaluation that a faculty member's performance meets expectations generally should imply that present duties and recognition are appropriate.

3. An evaluation that a faculty member's performance fails to meet expectations may be accompanied by advice to the faculty member, as noted, or a recommendation for administrative action such as development of a specific plan for providing remediation or an adjustment of duties.

4. If a faculty member with an administrative or a concurrent appointment fails to meet expectations, the evaluation may appropriately include recommendations for changes to their administrative duties.

5. An evaluation of “unsatisfactory” may be accompanied by a recommendation for further administrative action or proceeding leading to possible termination.
Review of PPE Process

The President is to review the results of each year’s Periodic Performance Evaluations with equal or above rank faculty of the Academic Council. In this review, the President shall present the results without identification of individual faculty members. If, however, a faculty member has made public comment about the results of his/her PPE, the President may discuss that individual’s case with the Academic Council. The Academic Council is to prepare and present to the Academic Senate, the CAO, and the President a report, in which the faculty reviewed are not identified, which contains recommendations about the Periodic Performance Evaluation process.

Phase-In

1. Faculty tenured before the 1992-93 academic year will be assigned the years 1998, 1999, 2000, 2001, 2002, and 2003 for their initial Periodic Performance Evaluation by lot, with approximately 20% of such faculty to be reviewed each year.
2. A faculty member appointed with or promoted to the rank of Associate Professor or Professor after the 1992-93 academic year shall be reviewed every six years after his/her appointment or promotion.

Non-Interference with Rights

The adoption of the Procedures for Periodic Performance Evaluation by The University of Texas At Dallas Academic Senate shall not be interpreted or applied to infringe on tenure, academic freedom, due process, or other protected rights.

Evaluations of faculty under this policy may be appealed through the Faculty Grievance Procedure described in UTDPP1050.

Peer Review Committees

1. The School Peer Review Committee (SPRC) is appointed by the Dean in accordance with an election by secret ballot with a nominations procedure decided by the School and restricted to the tenured faculty in the School. The SPRC is not identical to and may be a different committee than the Faculty Personnel Review Committee as described in Policy Memorandum 22-0102, which deals with promotion, reappointment, and tenure, though some or all of the members of the SPRC may be members of the Faculty Personnel Review Committee. But in all cases, the SPRC will be an elected body.
2. The Committee on Faculty Standing and Conduct is appointed by the President from nominations submitted by the Committee on Committees and confirmed by the Academic Senate (UTDPP1027, Committee on Faculty Standing and ConductHandbook of Operating Procedures, Title III, Chapter 21 Faculty Governance, IV.A.1.b and IV.B.1.c.(5)).

Policy History

- Issued: October 3, 1997
- Revised: May 13, 1999
- Editorial Amendments: September 1, 2000
- Editorial Amendments: March 21, 2006

Policy Links

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The UT System Faculty Advisory Council recommends that the Intellectual property policies of the University should more closely correspond to those of major research universities in the United States, and in the English speaking world in general, by clearly and straightforwardly embodying the principle and policy that the creation belongs to the creator, and that the teaching materials, written products, and inventions of faculty are creations in this sense.

We recommend that the Regents Rules adopt the constructive and forward-looking tone of such other institutions of higher learning as the University of California and the University of Illinois.

Regent’s Rules should not claim ownership of scholarly creations on the sweeping, novel, and unsupported ground that they are created “in the course and scope of employment.”

Provisions may be properly made for assigning patent rights to the Regents on the basis of a written and signed contract, providing that the university agrees to an appropriate quid pro quo in which the university provides support for the invention or seeking the patent.

The University (Regents) does not have and should not claim the right or authority to prohibit a faculty member from pursuing a line of research on the ground that it may involve or lead to a patent in which the university might have an interest.