

01.03 Appointing Power and Terms and Conditions of Employment



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Policy Summary

The Board of Regents (board) of The Texas A&M University System (system) appoints all officers, faculty members and other employees of the system.

This policy explains the appointment of system officers and employees made by the board and those delegated to the chancellor, including those the chancellor may delegate to member chief executive officers (CEOs).

Policy

1. GENERAL

The board appoints all of the officers, faculty members and other employees of the system. The board, however, may delegate to the chancellor, and the chancellor may delegate to the respective CEO, the authority to appoint, promote, transfer and terminate employees subject to the limitations provided in system policy, including System Policy 25.07, *Contract Administration*. The CEO of a university is its president. The CEO of an agency is its director.

2. APPOINTMENT OF SYSTEM OFFICERS BY THE BOARD OF REGENTS

- 2.1 The board selects and appoints the chancellor as the CEO of the system. The chancellor is responsible for the management and operation of the system under the direction of the board. The board may dismiss or reassign the chancellor without cause.
- 2.2 The board appoints the university presidents and the agency directors, with exception of the chief of the Texas Division of Emergency Management (TDEM) who is appointed by the governor. Prior to appointment, the chancellor makes recommendations for the position. With prior approval of the board, the chancellor may dismiss or reassign a CEO without cause.
- 2.3 The board appoints deputy chancellors and vice chancellors, including the vice chancellor and dean, agriculture and life sciences, the vice chancellor and dean, engineering, and the vice chancellor and dean, health services. The chancellor makes recommendations for these positions to the board. However, prior to submitting recommendations for vice chancellor and dean positions in agriculture and life sciences, engineering, and health services, the chancellor consults with the president of Texas

A&M University. The board and the chancellor must not be constrained by university or agency rules in the appointment of vice chancellors with dean responsibilities, including provisions addressing the following: a required application and selection process; set appointment terms; and a required reappointment process. With subsequent confirmation of the board, the chancellor may dismiss or reassign a deputy chancellor or a vice chancellor without cause.

- 2.4 The board appoints the general counsel. Prior to appointment, the chancellor makes recommendations for the position. With prior approval of the board, the chancellor may dismiss or reassign the general counsel without cause.
- 2.5 The board appoints the chief auditor. Prior to appointment, the chancellor makes recommendations for the position. The chief auditor reports to the board through the Committee on Audit of the Board, with access to the chancellor. The board may dismiss or reassign the chief auditor without cause.
- 2.6 Except as provided by Section 2.3 and with the approval of the chancellor, a university president appoints and reappoints vice presidents and deans of member universities, and agency directors appoint and reappoint deputy and associate directors of agencies. While university presidents and agency directors are expected to seek input from key campus or agency stakeholders including administrators, faculty and staff in their decisions associated with the appointment or reappointment of administrators, their appointment decisions must not be constrained by member rules in the appointment and reappointment of vice presidents, deans, department heads, and deputy or associate directors, including provisions addressing the following: a required application and selection process; set appointment terms; and a required reappointment process. After consultation with the chancellor, a CEO may dismiss or reassign a vice president, dean, deputy director or associate director without cause.
- 2.7 The board may select and appoint an interim chancellor. Upon the recommendation of the chancellor, the board may make interim appointments of deputy chancellor, vice chancellor, general counsel, chief auditor, and CEO.
- 2.8 Except for the vice chancellor and dean, agriculture and life sciences, the vice chancellor and dean, engineering, and the vice chancellor and dean, health services, and with the approval of the chancellor, a CEO may appoint an interim vice president, dean, deputy director or associate director.
- 2.9 The board sets the initial salary and the conditions of employment for each officer appointed under Sections 2.1 through 2.5 (with the exception of the TDEM chief who reports to the governor) and 2.7. A CEO sets the initial salary and conditions of employment for vice presidents, deans, deputy directors and associate directors appointed under Section 2.6 and interim appointees under Section 2.8, and the initial salary for these officers must not, without board approval, exceed by 10% the median annual salary for a comparable position at peer institutions or agencies.

3. PRESIDENTIAL SEARCH

- 3.1 The board acts as a search committee of the whole for all presidential searches.

3.2 The board may at its discretion appoint a presidential search advisory committee (committee) to fill a vacancy for the position of president of a member university. Membership of this committee may include faculty, administrators and other key campus stakeholders.

3.3 Responsibilities of the Advisory Committee

The committee determines the candidates' academic, administrative, and business abilities.

The committee may interview candidates as a part of its selection process. Interviews should be conducted on the basis that the confidentiality of the process is critical to its ultimate success.

The committee submits to the board, through the chancellor, a list of no fewer than three candidates in no rank order.

The board determines which candidates (if any) will be interviewed by the board prior to naming a finalist(s). If none of the names submitted by the committee is satisfactory to the board, the board may either name a new committee or proceed to select a finalist(s) under such other procedures as it may deem proper and appropriate at its sole discretion.

The board is not limited under any circumstances to only consider candidates previously vetted by the advisory committee.

4. APPOINTMENT OF FACULTY AND OTHER EMPLOYEES AND AWARD OF TENURE

4.1 Appointment of University Faculty and Award of Tenure

4.1.1 A university president appoints and approves promotion of all members of the faculty except as provided in Section 4.1.3, and the president annually provides to the chancellor a list of all faculty promoted during the preceding fiscal year.

4.1.2 The appointing president sets the initial salaries and conditions of employment for faculty appointed in Section 4.1, and the initial salary for these faculty members may, only with the specific prior approval of the chancellor, exceed by 10% the median annual salary for a comparable position at peer institutions.

4.1.3 Upon recommendation of the university president and with approval of the chancellor, the board may award tenure to a faculty member.

4.2 Other Appointments

The chancellor may delegate authority to the CEOs to appoint, promote, transfer and dismiss all other employees not covered in the preceding sections.

4.3 Appointment of University Faculty as Administrators

4.3.1 The appointing authority may dismiss an administrator, who holds tenure on the faculty of a member university, from the administrative position without cause.

4.3.2 The actions or conduct of an administrator may be used as grounds for dismissal as a tenured faculty member. Unless dismissed as a tenured faculty member, an administrator who holds tenure may return to a tenured faculty position.

4.3.3 The CEO adjusts the salary of a faculty member who returns to the faculty after serving in an administrative position to an amount that does not exceed the salary of other persons with similar qualifications performing similar duties.

5. BOARD OF REGENTS REVIEW

Annually, the board reviews the performance of the chancellor of the system and the member CEOs.

Related Statutes, Policies, or Requirements

[Tex. Educ. Code § 51.948, *Restrictions on Contracts with Administrators*](#)

[System Policy 02.01, *Board of Regents*](#)

[System Policy 02.02, *Office of the Chancellor*](#)

[System Policy 25.07, *Contract Administration*](#)

Member Rule Requirements

A rule is not required to supplement this policy.

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