

To: Jimmy Cheek, Buddy Mitchell
From: Joan Heminway, Vince Anfara, Steve Thomas
Re: *Faculty Handbook* Changes – Non-Tenure-Track Faculty
Date: May 27, 2011

We enclose a resolution adopted by the three of us, acting as a subcommittee of the Faculty Senate Executive Council on behalf of the Faculty Senate as a whole. The resolution approves changes to Chapter 4 of the *Faculty Handbook* relating to non-tenure-track (NTT) faculty.

Section 8.3 of the *Faculty Handbook* provides that recommendations of the Faculty Senate for revision of the *Faculty Handbook* will be presented to you, and that you will submit your recommendations concerning the proposed revision to the chief academic officer for the system for further review. Jimmy and Joe DiPietro endorsed earlier draft language relating to these changes (approved by the Faculty Senate in March 2010). The changes approved in the accompanying resolution incorporate certain revisions to that earlier language requested by the Office of the General Counsel.

As you may know, Chapter Four of the *Faculty Handbook* recognizes three types of NTT positions: teaching, research, and clinical. The faculty members in each of type of position contribute to the instructional, research, and service missions of the University in different ways. With the exception of one specific group (NTT teaching faculty with the rank of distinguished lecturer), each faculty member must currently be reappointed to his or her position on an annual basis. The proposed changes to the *Faculty Handbook* improve our ability to attract and retain such faculty in two ways. First, they provide the NTT teaching faculty a career ladder that parallels the promotion process for tenured and tenure-track faculty and rewards outstanding teaching. Second, they recognize that NTT positions are often known in advance to be multiple-year in nature, e.g., a funded research project. In such cases, allowing for the possibility of a multi-year appointment is both more efficient and improves our ability to be competitive in the hiring market.

These alterations to campus policies are important to our ongoing efforts to attract stellar faculty to the Knoxville campuses and Tullahoma. We hope that each of you will be able to promptly endorse them so that they can proceed to approval by the Board of Trustees at its June meeting. If you should have any questions about the changes, please contact any of us. Joan can be reached at jheminwa@tennessee.edu, Vince can be reached at vanfara@utk.edu, and Steve can be reached at sthoma15@utk.edu. Your recommendation on the changes reflected in the accompanying resolution should be conveyed to Katie High at khigh@tennessee.edu.

**Consent in Lieu of Meeting of Subcommittee of the
Executive Council of the UTK Faculty Senate**

The undersigned, being all of the members of the designated subcommittee of the Executive Council of the UTK Faculty Senate referenced below, execute this Consent in Lieu of Meeting as of May 27, 2011 to adopt the resolution set forth below on behalf of the Faculty Senate, agreeing that this resolution shall have the same force and effect as if unanimously adopted at a meeting of the subcommittee at which all members were present.

WHEREAS, under Section 2.G. of the Bylaws of the Faculty Senate, the Faculty Affairs Committee of the Faculty Senate “is responsible for reviewing proposed revisions and recommending changes to the *Faculty Handbook* in accordance with the amendments procedures set forth in the *Faculty Handbook*,” and

WHEREAS, the Office of the Provost recommended that the Faculty Senate Faculty Affairs Committee review and recommend proposed revisions to the *Faculty Handbook* to (1) add a new rank of “senior lecturer” for non-tenure track faculty teaching faculty and (2) change the provisions requiring all non-tenure-track faculty appointments (with the exception of distinguished lecturers) to be renewed annually; and,

WHEREAS, under Section 8.3 of the *Faculty Handbook*, the Faculty Senate Faculty Affairs Committee “is responsible for recommending changes, which should have input from the chancellor, the vice president, and their administrative staff including deans for consideration by the Faculty Senate Executive Committee and final consideration by the full Faculty Senate;” and

WHEREAS, the Faculty Senate Faculty Affairs Committee has reviewed—and sought (i) input from the Chancellors of UTK and UTIA and (ii) consideration by the Faculty Senate Executive Council on— the various sections of the *Faculty Handbook* related to these issues; and

WHEREAS, on March 29, 2010, the Faculty Senate adopted two resolutions presented by the Faculty Affairs Committee recommending changes to sections 4.1.1, 4.1.2, 4.1.3, and 4.2.1 of the *Faculty Handbook*; and

WHEREAS, in accordance with Section 8.3 of the *Faculty Handbook*, the Office of General Counsel has reviewed these resolutions and has proposed revisions that require reconsideration by the Faculty Senate before the presentation for approval by the Board of Trustees of the university; and

WHEREAS, the meetings of the Faculty Senate for the 2011-12 academic year had concluded when the proposed revisions were presented for Faculty Senate reconsideration; and

WHEREAS, the changes to the *Faculty Handbook* embodied in the resolutions are urgently needed in order for the Knoxville campuses to implement changes in the appointment and retention of non-tenure-track faculty and do not represent significant substantive changes to the language, purpose, or intent of the resolutions originally adopted by the Faculty Senate; and

WHEREAS, Section 2.A. of Article II of the Faculty Senate *Bylaws* provides that the Faculty Senate Executive Council “shall handle necessary business on an emergency and interim basis between Faculty Senate meetings (including matters that may arise after the last scheduled Faculty Senate meeting in the spring and before the first scheduled Faculty Senate meeting in the fall . . .);” and

WHEREAS, on May 9, 2011, the Faculty Senate Executive Council (A) met to handle emergent and interim business of the Faculty Senate, (B) discussed the revisions proposed by the Office of the General Counsel at that meeting, (C) determined that certain issues relating to those proposed revisions (resulting from the addition of fixed minimum termination notice periods applicable to faculty in positions funded by external grants or contracts) needed to be resolved before the proposed changes to the *Faculty Handbook* could be approved for presentation to the Board of Trustees of the university, and (D) delegated to this subcommittee the tasks of (1) communicating with the Office of the General Counsel on behalf of the Faculty Senate to resolve issues relating to the proposed changes to the *Faculty Handbook*, (2) approving on behalf of the Faculty Senate the resulting final, revised language relating to the proposed changes to the *Faculty Handbook* adopted by the Faculty Senate on March 29, 2010, (3) otherwise acting on the behalf of the Executive Council on matters in connection with the proposed changes to the *Faculty Handbook* included in the resolutions adopted by the Faculty Senate on March 29, 2010, and (4) reporting on the actions taken by this subcommittee in this Consent in Lieu of Meeting at the next meeting of the Executive Council, and

WHEREAS, this subcommittee of the Executive Council met with representatives of the Office of the General Counsel on May 26, 2011 and reached agreement on amended revised language for the proposed changes to the *Faculty Handbook* adopted by the Faculty Senate on March 29, 2010; now, therefore, it is

RESOLVED, that the *Faculty Handbook* be revised as follows.

- 1) The heading for Section 4.1 should be amended to include the words “and Renewal” so it reads in full as follows:

Appointment and Renewal of Faculty to Non-Tenure-Track Positions

- 2) A new, fourth paragraph should be added to the end of Section 4.1, reading in full as follows:

A non-tenure-track appointment (whatever its duration) may be renewed for a new term through the normal application and appointment process.

Renewal decisions will include consideration of available funding and the faculty member's performance. If a non-tenure-track appointment is not renewed in writing, it automatically expires at the end of the stated term. A non-tenure-track appointment may be, by its nature, funding-limited; the compensation amounts for the position may be funded through a grant, contract, or restricted donation, and it may automatically expire when funding lapses. Whenever feasible, however, subject to available funding, a non-tenure-track faculty member's department head should give the faculty member at least (a) one month's written notice of termination of the faculty member's employment or (b) salary equivalent to that which would be paid in the event of one month's notice of the termination of the faculty member's employment.

- 3) The second and third paragraphs of Section 4.1.1 should be deleted in their entireties and replaced with the following two new paragraphs.

Typically, initial non-tenure-track teaching appointments will be made at the rank of lecturer for a definite term of one year or less. Non-tenure-track teaching faculty promoted to the rank of senior lecturer or distinguished lecturer may hold appointments lasting up to three years or five years, respectively. To be re-appointed, a lecturer at any rank should complete the reapplication process preferably no later than March 1 in the final year of his/her appointment.

In unusual circumstances, the department head, with the prior permission of the dean and the chief academic officer, may recommend to the applicable Chancellor initial appointment at a rank of senior lecturer or distinguished lecturer. In such cases, initial appointment may be for a period of up to three years for a senior lecturer or up to five years for a distinguished lecturer.

- 4) The final paragraph of section 4.1.1 should be amended by the addition of the new rank "senior lecturer" and restated in its entirety so it reads in full as follows:

The following ranks or titles may be assigned to non-tenure-track teaching faculty: instructor, lecturer, senior lecturer, distinguished lecturer, adjunct faculty, and visiting faculty.

- 5) The second paragraph of Section 4.1.2 should be deleted in its entirety and replaced with the following text so it reads in full as follows:

All non-tenure-track research appointments will be made for a definite term of up to five years.

- 6) The second paragraph of Section 4.1.3 should be deleted in its entirety and replaced with the following text so it reads in full as follows:

All non-tenure-track clinical appointments will be made for a definite term of up to five years.

- 7) Section 4.2.1 should be amended by inserting the following new paragraph between the paragraphs for “Lecturer” and “Distinguisher lecturer”:

Senior lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated outstanding teaching at the rank of lecturer, normally through five or more years of service. A departmentally designated group of faculty will review and evaluate appointments to the rank of senior lecturer, in accordance with departmental and college bylaws.

- 8) Section 4.2.1 should be further amended by changing the paragraph for “Distinguisher lecturer,” replacing the words “lecturer or above” with “senior lecturer,” and inserting the words “normally for a period of three to five years” at end of the first sentence, so it reads in full as follows:

Distinguished lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated excellence in teaching at the rank of senior lecturer, typically for a period of three to five years. A departmentally designated group of faculty will review and evaluate appointments to the rank of distinguished lecturer, in accordance with departmental and college bylaws.

- 9) Section 5.6 should be amended by deleting the last sentence in the existing paragraph in its entirety and by adding three new paragraphs after the existing paragraph so that the section reads in full as follows:

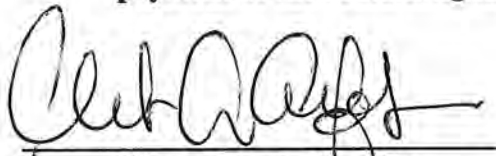
Termination of tenure-track faculty members before the stipulated term of appointment is under the same procedure as used for revocation of tenure and termination for tenured faculty member.

A non-tenure-track faculty member may be terminated for adequate cause (as defined in Sections 3.12.1 and 3.12.2 of this handbook) prior to the expiration of the appointment term. In the event that a department head recommends to the dean and chief academic officer that a non-tenure-track faculty member be terminated for cause, the department head and dean shall meet with the faculty member to present the reasons for the recommended termination and to permit the faculty member to respond. If, after this meeting, the dean concludes that adequate cause for the termination exists, he or she shall recommend termination to the chief academic officer. If the chief academic officer agrees with the termination decision, he or she shall

inform the faculty member in writing. A non-tenure-track faculty member whose appointment has been terminated for adequate cause shall be notified of his or her right to a post-termination hearing under the Tennessee Uniform Administrative Procedures Act as described in Sections 3.12.1.4 and 3.12.2.7 of this handbook.

In the event of Extraordinary Circumstances (as defined in Board Policies Governing Academic Freedom, Responsibility, and Tenure § H.1.b. and in this handbook at §3.11.7(2)), a non-tenure-track appointment may be terminated under the same circumstances, and following the same procedures, that are applicable to tenure-track faculty.

The University may, at any time, with or without notice, terminate the appointment of a non-tenure-track faculty member without cause upon payment of the remaining salary due during the appointment.



Vincent A. Anfara, Jr.



Joan M. Heminway



Steve R. Thomas