

**RESOLUTION FROM THE FACULTY AFFAIRS COMMITTEE
OF THE FACULTY SENATE
PROPOSED FOR ADOPTION AT A MEETING OF THE
FACULTY SENATE TO BE HELD ON
September 19, 2011**

WHEREAS, under Article III, 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* concerning the addition of a sexual orientation non-discrimination statement; 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 Council 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* and the *Manual for Faculty Evaluation* related to this issue; and

WHEREAS on March 7, 2011, the Faculty Senate approved a resolution from the Faculty Affairs Committee to recommend revising section 1.1 of the *Faculty Handbook* by inserting into the second paragraph the sentence “**The university does not discriminate on the basis of sexual orientation or gender identity in provision of educational or employment opportunities;**” and

WHEREAS on or about August 16, 2011, the Office of General Counsel recommended alternative wording that would better reflect the language of existing human resource policy (HR0220); now, therefore, it is

RESOLVED, that the aforementioned action of the Faculty Senate on March 7, 2011 to recommend the revision of section 1.1 of the *Faculty Handbook* is rescinded;

AND IT IS FURTHER RESOLVED, that section 1.1 of the *Faculty Handbook* is revised by modifying the second paragraph and adding a footnote as follows:

As the state’s leading comprehensive research and land-grant institution, UT’s primary purpose is to move forward the frontiers of human knowledge and enrich and elevate society, as further elaborated in its Mission Statement. The University is committed to the principle that decisions concerning employment, admission, and performance should be based on an individual’s qualifications

and performance and not on characteristics unrelated to job or academic requirements. The ~~u~~University does not discriminate on the basis of race, gender, color, religion, national origin, age, ~~handicap~~disability, or veteran status in provision of educational opportunities or employment opportunities or benefits. The ~~u~~University and its employees shall ~~does~~ not discriminate against or harass any employee or student on the basis of sexual orientation; gender identity; marital status; parental status; or similar characteristics, regardless of whether those characteristics enjoy a protected status under state or federal law.¹

The institution welcomes and honors people of all races, creeds, cultures, and sexual orientations, and values intellectual curiosity, pursuit of knowledge, and academic freedom and integrity. Faculty prepare students to lead lives of personal integrity and civic responsibility.

¹ This paragraph is consistent with University policy HR0220, which further states that the language of the paragraph above shall not be construed to: (1) confer eligibility for employment benefits for which an employee is not otherwise eligible under state law, policy, or practice; (2) infringe upon the free exchange of ideas essential to the academic environment; (3) limit the freedom of religious association; (4) establish a duty to engage in affirmative action measures for characteristics not subject to affirmative action under state or federal law; (5) require the compliance of external entities or individuals or compliance of university programs governed by external government agencies in which non-discrimination does not include certain personal characteristics (e.g., ROTC); or (6) create any cause of action not currently provided by state or federal law.

The second paragraph will then read as follows:

As the state's leading comprehensive research and land-grant institution, UT's primary purpose is to move forward the frontiers of human knowledge and enrich and elevate society, as further elaborated in its Mission Statement. The University is committed to the principle that decisions concerning employment, admission, and performance should be based on an individual's qualifications and performance and not on characteristics unrelated to job or academic requirements. The University does not discriminate on the basis of race, gender, color, religion, national origin, age, disability, or veteran status in provision of educational opportunities or employment opportunities or benefits. The University and its employees shall not discriminate against or harass any employee or student on the basis of sexual orientation; gender identity; marital status; parental status; or similar characteristics, regardless of whether those characteristics enjoy a protected status under state or federal law.¹

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