

## **Comments for the Board of Trustees on Tenure Policy Review/Revision**

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This document was compiled with input from the UTK Faculty Senate Executive Council at the request of Associate Vice-President India Lane for the University Faculty Council. The UTK Faculty Senate appreciates efforts by the Board of Trustees to protect tenure and academic freedom while also ensuring our tenure policies are both rigorous and fair. We hope to continue to be consulted as part of the process to improve board policies across the UT System.

**Context:** Based on questions from UT Trustees and recognizing efforts to develop state legislative proposals regarding tenure in higher education, UT has accelerated a review of the university-wide tenure policy. This review will also allow a focus on institutional consistency, enhance local decision-making, and provide clarity so as to minimize surprises as well as abuses. The current policy is found at: [https://policy.tennessee.edu/bot\\_policy/bt0006/](https://policy.tennessee.edu/bot_policy/bt0006/)

Recognizing that the integrity of processes is significant, and to assist the UT Board of Trustees in considering its tenure policies, we recommend that AAUP's *Good Practice in Tenure Education* be considered as a useful resource:

<https://www.aaup.org/sites/default/files/files/Good%20Practice%20in%20Tenure%20Evaluation.pdf>

### **Questions with Comments the BOT is considering in November 2017:**

#### **The Final Local Review Steps and Delegation of Authority for Granting Tenure**

The question of delegation is one that we believe should be understood by the BOT as a vote to ratify the tenure review process. The BOT should appreciate how intense the vetting process is from the granting of a PhD (or other terminal degree) to the job search, and the stages of retention review, all designed to guarantee that we have excellent faculty. The BOT's role in the process is a matter of long-standing tradition as well as law. We think that it is important to

emphasize the role of the Board of Trustees as advocates for the university and the importance of academic freedom to UT's mission, to make the final tenure decision by confirming the integrity of the review process.

### **Impact on UT when a Faculty Member Loses Appointment with an External Entity (practice group, ORNL, etc.) on which Academic Appointment is Based**

This is occurring in part due to the BOT making "partial tenure" possible as per Appendix E of the policy. While joint appointments have the capacity to extend the reach and impact of the university, if a joint appointment includes tenure in an academic department at UT, the university needs to be prepared to assume responsibility for this faculty position if the external entity dissolves or the relationship no longer exists. We have many of these joint appointments in conjunction with ORNL, and certainly at UTHSC, in addition to elsewhere. We think it will be both difficult and litigious to reverse engineer these joint appointments, but encourage the university to establish clearer policies for any future positions.

### **Clarification of Procedures for Faculty to Challenge a "For Cause" Termination of Tenure**

The current board policy is understood as straightforward. Where issues sometime can arise are with regard to whether a timeline is followed that ensures due process. It is also important to recognize that there are two processes a faculty member can choose: the academic path or the TUAPA (Tennessee Uniform Administrative Procedures) path. The latter can be long, drawn-out, and expensive. One question for the Office of General Counsel to consider is why we need two different procedures.

### **Review of "Expedited" and "Early" Tenure Parameters and Timelines**

This issue needs to be considered in two contexts, (A) the "expedited" granting of tenure as part of a job offer for a faculty member who is being recruited to assume an administrative or senior-level appointment, and (B) a very productive tenure-track faculty member who has made significant achievements and an "early" tenure decision will help the university to retain them.

While a function of the academic marketplace for administrative appointments, clear policies regarding the granting of expedited tenure are needed to ensure integrity of these processes. Examples from other universities indicate that at least one external letter of evaluation from an independent reviewer should be solicited in every case of expedited tenure review for a faculty/administrative appointment, or a senior-level faculty position.

In the case of an early tenure decision, as we are able to attract stronger, more productive faculty, and as academic job markets get tighter in many fields, we are likely to see more of these cases. Board policy should ensure that procedures and timelines should be made clear. We suggest that Appendix D needs greater clarification. The board should understand why some early cases are a matter of retaining valuable talent who could be recruited to other universities, while also recognizing that having tenure does not ensure that a productive faculty member will not leave UTK for another institution.

### **Mechanisms and Guidelines for Administrator Salary Determination on Return to Faculty**

There are two issues here: (A) compensation of UT faculty who assume administrative duties, and compensation of (B) faculty with administrative titles who are recruited from other institutions.

In the case of (A) administrators who are promoted from faculty ranks, there should be a consistent policy regarding how these faculty are compensated, typically through an administrative stipend that is added to the base salary either for the academic year or for the calendar year. The amount of this stipend should not impact any raises for their base academic appointment with such raises based upon whatever criteria (across-the-board or merit/equity) that are in place at the time of the raise. Then upon return to faculty, the stipend is removed and the faculty member returns to their faculty base salary.

In the case (B) of those who are hired into administrative roles with an associated faculty appointment, as is described in the example of an “expedited” tenure case, we suggest a policy

in which the initial hire has a base salary associated with the faculty appointment plus an administrative stipend. In most cases, the stipend should be removed upon return to faculty. One difficulty with this scenario is that a faculty member in an administrative role is typically less productive in terms of their research and scholarship. Upon return to a faculty position, the individual may not meet criteria for “meets expectations” for the unit. In these cases, a period of "adjustment" should be allowed before the criteria common to the unit are applied to the faculty member. We have several cases in which an administrator hired externally left their administrator role, moved to a faculty position and continued to have an extremely distinguished career as a faculty member. We believe that every new administrator we hire with a faculty appointment should be someone whose research/scholarly record is strong.

### **Department Head Development and Training Requirements**

On the UTK campus, the Office of the Provost has placed a great deal of emphasis in developing a better system of department head training and mentoring. Along with having an office of a Faculty Ombudsperson, through these efforts we have seen a decline in the number of grievances that have resulted in appeals through the Faculty Senate. Our procedural handbook for department heads and directors is posted at: <https://provost.utk.edu/wp-content/uploads/sites/10/2017/02/Procedural-Handbook-for-Academic-Department-Heads-and-Directors-2016.pdf>

### **Questions with Comments the BOT is considering in March 2018**

#### **Departmental or College Criteria**

System policies should acknowledge that criteria for faculty performance will vary by campus, college, department/discipline. For example, performance expectations for a professor of chemistry at UT Martin will not be the same for a professor of chemistry at UT Knoxville. Additionally, performance expectations for a professor of chemistry should be differentiated from a professor of engineering, architecture, business or theatre. Indeed, as more than 25

programs at UT Knoxville have top 25 rankings, having discipline-focused metrics is critical to achieving excellence in specific programs. In this process, we are concerned that these performance expectations are rigorous, with both qualitative and quantitative criteria. Qualitative criteria are especially important, as through these we can assess how the teaching, research and engagement by the faculty member involves meaningful forms of discovery, and impacts the quality of life of Tennesseans. We also believe that all college and department bylaws, which are always under review for currency, should be accessible on-line on each program web site. A directory of bylaws for UTK is posted at: <http://senate.utk.edu/bylaws/>

### **Mentoring**

Ensuring there are effective systems of mentoring is critical to faculty retention and development. At UTK we have several efforts in this regard, but most of the focus is on junior faculty. Our *Manual for Faculty Evaluation* requires the mentor to report on the progress of a faculty member as part of the annual retention review and we have developed a best practices for mentoring document on the Faculty Senate website: <http://senate.utk.edu/wp-content/uploads/sites/16/2011/07/Resource-Manual-2012.pdf> . While there are efforts to consider mentoring of associate professors, we are mindful that this will place an added service burden on some faculty. We think it is important that all UT campuses should have a mentoring system, and reward faculty who are engaged in this form of service.

### **Mid-Cycle Tenure Review:**

Annual performance reviews that include annual retention votes by all tenured faculty are key instruments for the regular and ongoing review of tenure-track faculty. A Mid-Cycle Review, typically in the candidate's third year, provides for a more comprehensive retention process and may be a standard procedure in some disciplines, but not others.

### **External Letters of Review**

As a matter of practice, at UTK we require at least five letters from external reviewers as part of the tenure/promotion dossier. Reviewers should be based at a comparable university at a rank

higher than the candidate. Solicitation of these letters should include the department criteria for rank. Sample letters are included as part of our *Manual for Faculty Evaluation*:

<https://provost.utk.edu/wp-content/uploads/sites/10/2016/10/Manual-for-Faculty-Evaluation-2016.pdf>

### **Levels of Campus Review**

At UTK all large colleges have separate tenure review at the department and college level before dossiers are forwarded to the Office of the Provost. In large colleges, there are typically four levels of independent review (faculty, head/director, college committee, dean) and small colleges have three levels of review before the dossier goes to the Provost. It is reasonable to expect at least three levels of independent review before the dossier goes to a Provost or chief academic officer of a campus.

### **Additional Matters to for the BOT to Consider**

Orientation for new trustees should include a more extensive orientation to the process of searching for, hiring, retaining, mentoring and reviewing new tenure-track faculty members. We believe that it would be useful for new members of the BOT to have an annual tenure workshop facilitated by administrators and faculty in a small group setting to walk through how the tenure process functions, step-by-step. We also suggest that this orientation incorporate data on the process, noting that there are typically a very large number of highly qualified applicants for open faculty positions, making it extremely competitive just to get interviewed.

It is our understanding from the BOT Workshop in August, as well as discussion with Vice-Chair Jubran and Trustee Wharton at the UTK Faculty Senate Retreat August 25 that there are concerns regarding departmental/college documentation for individuals who were either not granted tenure or not retained prior to applying for tenure. Because there is very incomplete data on faculty who leave the university, we believe an exit interview survey should be required

that involves both human resources and academic affairs for all faculty, regardless of their tenure status at the time of departure.