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Underlined blue copy: Language from Board Policy BT0006 inserted into this handbook  
Highlighted underlined blue copy: Language that differs from Board Policy BT0006 added to this handbook  
Underlined green copy: Language from the Manual for Faculty Evaluation inserted into this handbook

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## CHAPTER THREE

Appointment, Evaluation, Promotion, Tenure, and Review for All Tenure-track and Tenured Faculty

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### 3.0 BOARD OF TRUSTEES POLICY

The Board of Trustees *Policies Governing Academic Freedom, Responsibility, and Tenure*, adopted in 1998, and all subsequent amendments, govern appointment, evaluation, promotion, tenure, and review for all tenure-track and tenured faculty members. The following sections are intended as a general summary of those areas. In the event of any conflict or inconsistency between board policy and this handbook, board policy will control.

This chapter concerns the academic status of tenure-track and tenured faculty. In the ~~normal~~ typical case, a faculty career begins with appointment as a tenure-track assistant professor with a probationary for a period of up to six seven years. Probationary tenure-track faculty undergo annual retention reviews and typically are during which the faculty member is evaluated for tenure and promotion to associate professor in the sixth year of the probationary period. Faculty may apply for early consideration for tenure, may have their probationary period extended, or may petition for a suspension of one or more years of the probationary period. ~~to extend the tenure review period beyond six years for reasons related to the faculty member's care-giving responsibilities as described in the pertinent sections of this chapter of the handbook, below. Chapter 6.41 and the Knoxville Family Care Policy. Requests for extensions should be made prior to the final year of review.~~ Tenured associate professors may be promoted to full professor after at least five years at the rank of associate. All faculty members are expected to achieve a sufficient level of accomplishment in teaching, research / scholarship / creative activity, and service to merit promotion to full professor. Throughout this career path, all faculty members have annual reviews and appropriate reviews for promotion and tenure.

#### 3.1 Process for appointment of new faculty to tenure-track positions

1. The department head or dean, where there is no department, obtains authorization to search for a new tenure-track faculty member after consultation regarding the needs of the program with departmental faculty, the dean, and the chief academic officer of the university. An authorization to search does not necessitate appointment, as financial conditions within the university or the inability to hire an appropriate candidate may prevent appointment.
2. The university seeks to recruit a diverse faculty and is fully committed to affirmative action at all levels. A description of university requirements for all searches is provided in *Guidelines for Conducting Academic and Staff Exempt Searches at the University of Tennessee*.
3. A thorough search and careful selection must precede any departmental recommendation of appointment. As part of this process, departmental faculty nominate potential search committee members from which the department head selects a search committee in consultation with the

tenured and tenure-track faculty. It is the department head's responsibility to assure appropriate search committee representation in accordance with departmental bylaws and university search procedures. The search committee recommends the applicant pool and identifies candidates to be considered for interviews. The tenured and tenure-track faculty will evaluate and vote on the candidates and make a recommendation to the department head. The head will then recommend a candidate to the dean. If the dean agrees with the recommendation, the dean will then recommend the candidate to the chief academic officer, who will then make a recommendation to the chancellor. If the head's recommendation diverges from that of the faculty, the head must explain his or her reasons in detail to the faculty, who have the right to meet with the dean and chief academic officer about the recommendation.

4. Following the decision to recommend appointment, the head and prospective faculty member typically discuss informally rank, salary, and other terms of employment. Such discussions inform the recommendations of the department head but do not constitute a binding commitment by the university.
5. Notification of appointment is made by letter from the chief academic officer. This appointment letter specifies (a) rank, (b) salary and related financial conditions, (c) the academic year during which a tenure decision must be reached, (d) general duties and expectations, and (e) the home department, in the case of joint appointments. Correspondence between the department head, dean or director, and prospective faculty member concerning these matters is unofficial and not binding on the university.
6. Written acceptance of the letter of appointment, together with execution of normal university employment forms, completes the initial appointment. The employment of tenure-track faculty members is governed by the terms of the appointment letter, applicable provisions of the *Faculty Handbook*, *Manual for Faculty Evaluation*, and applicable provisions of university policies and procedures.

#### 3.1.1 Terms

Generally, regular nine-month academic year appointments begin August 1 and end July 31. Normally, faculty members on nine-month appointments are expected to be on campus a week before the beginning of classes and through commencement in the spring. Generally, regular 12-month appointments run July 1 through June 30.

### 3.2 Criteria for Appointment to Faculty Rank

All who are appointed as tenure-track and tenured faculty are expected to contribute to the missions of teaching, research / scholarship / creative activity, and public service. While the general scope of performance at a particular rank is consistent across the university, the particular requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the department in which an appointment resides. The exact apportionment of effort in teaching, research / scholarship / creative activity, and service is a function of the skills of the faculty member and the needs of the department and university. All tenured and tenure-track faculty, however, are expected to pursue and maintain excellence in research / scholarship / creative activity.

In addition to the expectations listed for each rank below, the university requires the head to determine and attest that each person appointed to the faculty is competent in written and spoken English.

Professors are expected to

1. hold the doctorate or other terminal degree of the discipline, or present equivalent training and experience appropriate to the particular appointment
2. be accomplished teachers
3. have achieved and to maintain a nationally recognized record in disciplinary research / scholarship / creative activity/ engaged scholarship<sup>1</sup>
4. have achieved and to maintain a record of significant institutional, disciplinary, and/or professional service or outreach engagement<sup>2</sup>
5. serve as mentors to junior colleagues
6. have normally served as an associate professor for at least five years
7. have shown beyond doubt that they work well with colleagues and students in performing their university responsibilities

Associate professors are expected to

1. hold the doctorate or other terminal degree of the discipline, or to present equivalent training and experience as appropriate to the particular appointment
2. be good teachers
3. have achieved and to maintain a recognized record in disciplinary research / scholarship / creative activity/ engaged scholarship
4. have achieved and to maintain a record of institutional, disciplinary, and/or professional service or outreach engagement
5. have normally served as an assistant professor for at least five years
6. have demonstrated that they work well with colleagues and students in performing their university responsibilities

Assistant professors are expected to

1. hold the doctorate or other terminal degree of the discipline, or to present equivalent training and experience as appropriate to the particular appointment
2. show promise as teachers
3. show promise of developing a program in disciplinary research / scholarship / creative activity that is gaining external recognition
4. have a developing record of institutional, disciplinary, and/or professional service
5. show evidence that they work well with colleagues and students in performing their university responsibilities

In all of these ranks, concerned and effective advising and responsible service to the university are understood to be part of the normal task of a university faculty member.

It is incumbent upon faculty and administrators to engage in professional development activities. Such activities lead to continual improvement in performance and enhance the ability of all to contribute at the leading edge of the discipline and/or in leadership roles. Many types of opportunities are available, including one- or two-semester faculty professional leaves, small professional development grants

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<sup>1</sup> Outreach research, scholarship and creative activity extends faculty endeavors to serve the public. This may include: basic discovery research, applied or action research, original performances, and creative applied policy. These activities bring together faculty and community collaborators to address real world problems and opportunities. The best examples of outreach research and creative activities are those that engage faculty in advancing knowledge through the pursuit of their scholarly interests while simultaneously addressing specified community problems and issues, thereby benefiting the scholar, the discipline, the university, and society.

<sup>2</sup> Outreach service engages professional skills of faculty to benefit external communities and extends the intellectual resources of the university to seek solutions to problems.

through the university, larger grants through external funding, and participation in professional conferences and workshops, the University of Tennessee Leadership Institute, opportunities to focus on teaching and scholarly outreach, and participation in a wide variety of interdisciplinary activities available to faculty separate from more formal interdisciplinary programs.

### 3.2.1 Rank of Emeritus or Emerita

At the discretion of the chancellor and upon the recommendation of the department head, dean, and chief academic officer, faculty members who are professors at the time of retirement may be awarded the rank of emeritus or emerita. In special cases of long and meritorious service, persons who have retired with the rank of associate professor or assistant professor may also be awarded the rank of emerita or emeritus.

### 3.3 Classifications of Appointment

There are two types of appointment for tenured and tenure-track faculty: full-time academic year (nine-month) appointments and full-time 12-month appointments, applicable to some faculty in administrative appointments and faculty in the Institute of Agriculture. Those on 12-month appointment accrue sick leave and vacation time in accordance with university personnel policies.

### 3.4 Special Faculty Titles

Endowed chairs, professorships, and fellowships. The university has received endowments to fund chairs, professorships, and fellowships. Nominations for these positions are made on the basis of the terms set by the endowments. These positions may provide a salary supplement, additional research funds, secretarial support, graduate student funding, or release time to pursue research and/or creative projects.

Distinguished professors. This title may be awarded to candidates at the rank of professor who have displayed an exceptional record of teaching, research and/or creativity, and service.

Distinguished scientists. Appointments as distinguished scientists may be awarded to faculty who contribute significantly to nationally and internationally recognized research. They are typically paid jointly by the University of Tennessee and the Oak Ridge National Laboratory (ORNL) under the auspices of The Science Alliance, a center of excellence at the University of Tennessee, Knoxville, established in 1984 by the Governor and the Tennessee Legislature, with the support of THEC.

University distinguished research professor. This title may be awarded to faculty at the rank of professor for exceptional records in research.

University professor. This title may be awarded to faculty at the rank of professor in recognition of exceptional academic accomplishments.

### 3.5 Joint and Intercampus Appointments

Joint appointments involve participation in the teaching and research of two or more departments or research units such as Oak Ridge National Laboratory (ORNL). Joint appointments with the Agricultural Experiment Station, the College of Agricultural Sciences and Natural Resources, and the Agricultural Extension Service are common in the Institute of Agriculture. The primary department with which the faculty member is affiliated, through which all matters of promotion, salary raise, and tenure are processed, is the “home” department. On all matters, the home department should consult with the department head and faculty of the other unit. Where joint appointments involve equal time in two or

more units or service primarily within an interdisciplinary program, it is the shared responsibility of the heads, deans, or other administrative officers to make appropriate recommendations; and in such cases, one of the two units should be designated as the home department. The original appointment letter must specify the faculty member's home department, administrative reporting relationships, and the peer group(s) to be consulted in tenure and promotion recommendations. The university recognizes that as the shape of knowledge changes, new disciplinary and interdisciplinary needs may emerge which does not precisely correspond to existing administrative or departmental lines.

Transfers from one University of Tennessee system campus to another follow procedures outlined above for all other appointments. Advice from the faculty, recommendation of the head, and approval of the dean and chief academic officer are all necessary. All aspects of the new appointment—title, rank, term of appointment, and tenure—are freshly determined. This renegotiation does not jeopardize the faculty member's participation in group insurance, retirement plans, and other standard employment benefits of the statewide university.

Intercampus academic appointments are sometimes authorized when it appears that a faculty member at one campus has expertise that qualifies him or her for participation in the work of a department on another campus, and when the department has need of his or her services. The definition and extent of such intercampus participation is determined by mutual agreement between the faculty member and the heads, directors, or chairpersons in consultation with appropriate faculty of the academic units involved, and the respective deans, vice chancellors, or other campus officers. In these cases, the following guidelines are observed:

1. the appointment is normally without salary or tenure in the cooperating or second department (i.e. the unit awarding the intercampus appointment); tenure and salary continue to be linked with the base or home department
2. the head of the base department recommends the intercampus appointment to the head of the cooperating department, following informal discussion or negotiation
3. the appointment is made by the cooperating department with approvals by the dean, chief academic officer, and chancellor
4. the title of the faculty member in the cooperating department is determined by mutual agreement between the head and the faculty member, subject to approval by the dean and chief academic officer.

### **3.6 Summer Semester Appointments**

Faculty holding regular full-time academic year appointments may teach up to six credit hours during the summer semester. Exceptions to this limit may be granted by petition to the chief academic officer. Ordinarily, faculty are paid extra compensation for summer semester teaching. Appropriate percentages of full-time effort and pay are arranged by the department head, dean, and the chief academic officer.

### **3.7 Faculty Duties and Workload**

The assigned workload for full-time faculty consists of a combination of teaching, advising, research / scholarship / creative activity, and institutional and/or public service. The individual mix of these responsibilities is determined annually by the department head, in consultation with each faculty member, with review and approval of the dean and chief academic officer. The university requires that each member of the faculty perform a reasonable and equitable amount of work each year.

The normal maximum teaching responsibility of a full-time faculty member engaged only in classroom teaching is 12 credit hours each semester. The precise teaching responsibility of each individual will be

based on such things as class size and the number of examinations, papers, and other assignments that require grading and evaluation. In addition, the number of different courses taught and other appropriate considerations will be used to determine teaching responsibility. Classroom teaching responsibility may be reduced by the department head for other justifiable reasons including student advising, active involvement in research and/or creative activities (with publications or other suitable forms of recognition), direction of graduate theses or dissertations, teaching non-credit courses or workshops, administrative duties, and institutional and/or public service.

### **3.8 Faculty Review and Evaluation**

#### **3.8.1 Annual Review for All Faculty Members**

Every tenure-track and tenured faculty member at the University of Tennessee who is not on leave is reviewed annually. The goals of these reviews are to:

1. review accomplishments as compared to previously set specific objectives for the faculty member by the faculty member and the head consistent with this *Faculty Handbook*, the *Manual for Faculty Evaluation*, and departmental bylaws;
2. establish new objectives for the coming year, as appropriate, using clearly understood standards that are consistent with this *Faculty Handbook*, the *Manual for Faculty Evaluation*, and departmental bylaws;
3. provide the necessary support (resources, environment, personal and official encouragement) to achieve these objectives;
4. fairly and honestly assess the performance of the faculty member by the department head and, where appropriate, by colleagues; and
5. recognize and reward outstanding achievement.

The review processes is established in Board Policy, the *Manual for Faculty Evaluation*, and departmental bylaws.

#### **3.8.2 Rating Scale to be Applied in Evaluating Faculty Performance**

Faculty performance must be evaluated in a manner consistent with all applicable campus, college, and/or departmental policies, procedures, and bylaws, and must apply the following performance ratings:

- Far exceeds expectations for rank
- Exceeds expectations for rank
- Meets expectations for rank
- Falls short of meeting expectations for rank
- Fall far short of meeting expectations for rank

This section explains the articulation between this UTK/UTIA/UTSI – specific performance rating scale and the scale provided in the Board of Trustees Policies Regarding Academic Freedom, Responsibility and Tenure. That articulation is necessary for application of certain policies and procedures (for example the Cumulative Performance Review process):

- A faculty member who receives an Overall performance rating of falls short or falls far short of meeting expectations for rank is required to submit an improvement plan.
- For purposes of Cumulative Performance Review, and Overall performance rating of falls short of meeting expectations for rank is consistent with “Needs Improvement for Rank” in the UT Board of Trustees “Policies Governing Academic Freedom, Responsibility, and

Tenure.” An evaluation rating of falls far short of meeting expectations for rank is consistent with “Unsatisfactory for Rank” in the same document.

A faculty member with an Overall performance rating of meets, exceeds, or far exceeds expectations for rank is eligible for any merit pay or other performance-based salary increase that may be authorized under campus, college, and/or departmental rules or guidelines. He/she is also eligible for any across-the-board salary increase.

A faculty member with an Overall rating of falls short of meeting expectations for rank is not eligible for any merit pay or other performance-based salary increase that may be authorized under campus, college, and/or departmental rules or guidelines, but he/she is eligible for any across-the-board salary increase.

A faculty member with an Overall rating of falls far short of meeting expectations for rank is not eligible for any merit pay or other performance-based salary increase that may be authorized under campus, college, and/or departmental rules or guidelines, nor is he/she eligible for any across-the-board salary increase.

Within 30 days of receipt of the fully executed annual review form, any faculty member whose overall performance is rated either falls short or fall far short of meeting expectations for rank must collaborate with the Department Head on an Annual Review Improvement Plan to be reviewed by the Head and recommended by him/her to the Dean for review and approval/denial. The next year’s annual review must include a progress report that clearly describes improvements in any area(s) rated at the level of falls short or falls far short of meeting expectations for rank in the evaluation that necessitated the improvement plan.

### 3.8.3 Annual Retention Review for Tenure-Track Faculty Members

In addition to (and at The University of Tennessee, Knoxville and the University of Tennessee Space Institute, coincident with) the annual performance and planning review described in Section 3.8.1, tenure-track faculty members receive an annual retention review. See Section 3.11.3.

### [3.8.4 Periodic Post-Tenure Performance Review for Tenured Faculty Members \(PPPR\)](#)

[As required by the Board of Trustees Policies Governing Academic Freedom, Responsibility and Tenure, every tenured faculty member shall receive a comprehensive performance review no less often than every six years. The procedures for this periodic review are set forth in Appendix 9 of this handbook.](#)

### ~~3.8.4~~ [3.8.5](#) Cumulative Performance Review for Tenured Faculty Members

Cumulative performance reviews for tenured faculty are triggered by evaluations from annual reviews. Faculty members whose performance is found to be “unsatisfactory” in two out of five consecutive years or whose evaluations are any combination of “needs improvement” or “unsatisfactory” in any three of five consecutive years undergo cumulative performance review. Procedures for cumulative reviews are provided in the *Manual for Faculty Evaluation*.

## 3.9 Salary

In general, annual salary recommendations are made by the head. Departmental bylaws may allow salary decisions to be made by faculty committees or determined by numerical rankings. When the head makes the salary recommendations, he or she is expected to share with the departmental faculty as a whole the general principles and reasoning in determining salary recommendations. Faculty members may appeal salary determinations, using the procedures discussed in Chapter 5. Committees of the Faculty Senate regularly review priorities for budget allocations for salaries.

Recommendations for salary adjustments are reviewed and approved, altered, or rejected by each of the following officers: dean or director and chief academic officer. Alteration or rejection of salary adjustments at any level will be communicated through the administrative line to the head. The Board of Trustees must give final approval. Faculty members will be notified of their salary adjustments in a timely manner.

### **3.10 Promotion**

The criteria for promotion to a rank are the same as those given above for initial appointment to that rank. Annual performance reviews form the basis of a cumulative record that prepares a faculty member for promotion. Generally, assistant professors will be considered for promotion to the rank of associate professor at the same time as they are considered for tenure. Associate professors serve at least five years in rank before promotion to full professor. Exceptions to this policy require approval by the chief academic officer.

An associate professor should consult with his or her department head before initiating promotion procedures. The final decision on proceeding rests with the faculty member. However, if the faculty member is denied promotion after completion of the process described in the next paragraph, then he or she must forgo at least one full promotion cycle before again initiating promotion procedures.

The full procedure for consideration of candidates for promotion is given in the *Manual for Faculty Evaluation*, which should be consulted carefully so that the process is completely understood and closely followed. The process begins with submission of materials by the candidate and departmental solicitation of external letters assessing the record of scholarship and/or creative activity. Departmental faculty at or above the rank to which promotion is sought review these materials and vote on promotion. The department head reviews the material and faculty vote and then makes an independent recommendation to the dean. The college committee reviews the file and makes an independent recommendation to the dean, who reviews the file and makes a recommendation to the chief academic officer. The chief academic officer reviews the file and makes a recommendation to the Chancellor, whose decision ends the promotion process.

#### **3.10.1 Right of Candidate to Review File**

The candidate has a right to review his or her file at any stage of the process. The candidate is to be informed of any additions made to his or her file after submitting it and be given an opportunity to review and respond to the addition at any stage of the process.

### **3.11 Tenure**

Board of Trustees policy governs tenure at the University of Tennessee. Board policy requires each campus to implement the board tenure policy and allows each campus to adopt more specific provisions with respect to certain tenure matters. The following sections describe implementation of the board tenure policy at the University of Tennessee, Knoxville.



### 3.11.1 Definition of Tenure

Tenure is a principle that entitles a faculty member to continuation of his or her annual appointment until relinquishment or forfeiture of tenure or until termination of tenure for adequate cause, financial exigency, or academic program discontinuance. The burden of proof that tenure should be awarded rests with the faculty member. Tenure at the University of Tennessee, Knoxville, is acquired only by positive action of the Board of Trustees, and is awarded in a particular department, school, college, or other academic unit. The award of tenure shifts the burden of proof concerning the faculty member's continuing appointment from the faculty member to the university.

### 3.11.2 Eligibility for Tenure Consideration

Eligibility for tenure consideration shall be subject to the following minimum standards:

1. regular, full-time, tenure-track faculty appointments at the academic rank of assistant professor, associate professor, or professor are eligible for tenure consideration
2. temporary, term, and part-time appointments are not eligible for tenure consideration
3. faculty members pursuing degrees at the campus where they are appointed are not eligible for tenure consideration

At the University of Tennessee, Knoxville, an assistant professor normally will not be considered for tenure until he or she is also eligible for promotion to the rank of associate professor.

No faculty member shall be appointed initially with tenure except by positive action of the Board of Trustees upon the recommendation of the president and after review by the tenured faculty and department head, dean, and chief academic officer.

### 3.11.3 Probationary Period

#### 3.11.3.1 Length of the Probationary Period

~~A tenure-track faculty member must serve a probationary period prior to being considered for tenure. The probationary period at the University of Tennessee, Knoxville, shall be no less than one and no more than seven academic years; however, for good cause, the president, upon the recommendation of the chancellor, may approve a probationary period of less than one academic year. If a faculty member has served in a tenure-track appointment at another institution, his or her total probationary service may extend beyond seven years. (For example, a person who has served five years elsewhere may be given a four-year probationary period at UTK. Except as provided below with respect to extensions for good cause, the probationary period at UTK will not exceed seven years.) The original appointment letter shall state the length of the faculty member's probationary period and the academic year in which he or she must be considered for tenure if he or she has met the minimum eligibility requirements for consideration. The stipulation in the original appointment letter of the length of the probationary period and the year of mandatory tenure consideration does not guarantee retention until that time.~~

Except as otherwise provided in [Board policy](#), the probationary period shall be six years. The faculty member will apply for tenure during the sixth year, and if tenure is not granted, the faculty member will be permitted to serve a seventh year as a terminal year. If a faculty member begins employment after July 1 and before January 1, the remaining term of the faculty member's initial appointment will count as the first year of the probationary period, so that what is treated as the

first year of a faculty member's probationary period will not be shorter than six months. The provision of a probationary period and any statement in an appointment letter or otherwise regarding the probationary period and the year of mandatory tenure consideration do not guarantee retention of the faculty member for the full probationary period.

A faculty member may request an early consideration for tenure before the sixth year of his or her probationary period but no sooner than the next regular tenure cycle after completion of the first year of the probationary period. The request for early consideration is initiated in the tenure-granting unit, after discussion with the unit head. The process for departmental approval for early consideration shall be articulated in the unit bylaws. If the department approves, the head will write a memo to the dean of the college, justifying the request and asking for approval. Upon review of the request, the dean will indicate approval or disapproval in a letter to the chief academic officer. The chief academic officer will review the request and make the final determination whether early consideration is warranted, based on a review of the applicant's credential and all applicable criteria. If the chief academic officer denies the request, the faculty member cannot stand for early consideration. The decision of the chief academic officer is final and not appealable to the chancellor.

**Commented [MMK1]:** Any appetite to expand on what is considered "warranted?" How will the CAO be making this determination? Based on scholarly record and productivity to date, teaching, and service? Or is CAO also weighing other factors. If so, what?

A faculty member whose application for early consideration is denied will be permitted to reapply one additional time. If the initial application is submitted before the fifth year of the probationary period, the applicant cannot reapply until one full academic after the unsuccessful attempt. If the initial application is submitted in the fifth year, the reapplication must be submitted at the beginning of the sixth year of the probationary period. New external letters of assessment are required for a reapplication. A faculty member whose application is denied a second time will have one additional year of employment before separating from the university.

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### 3.11.3.2 Suspension of Probationary Period

The chief academic officer shall decide whether the probationary period will be suspended when the following circumstances occur:

1. the faculty member accepts a part-time faculty position
2. the faculty member accepts an administrative position, or
3. the faculty member is granted a leave of absence under the *UT Knoxville Family Care Policy*

In general, the chief academic officer will not approve suspension for work that advances the faculty member's record in teaching, research, or service. Probationary faculty should not be encouraged to engage in administrative work. The chief academic officer shall give the faculty member written notice of the decision concerning suspension of the probationary period.

### 3.11.3.3 Notice of Non-renewal

Notice that a tenure-track faculty member's appointment will not be renewed for the next year shall be made in writing by the chief academic officer, upon the recommendation of the department head and dean, according to the following schedule:

1. In the first year of the probationary period, not later than March 1 for an academic year appointment and no less than three months in advance for any other term of appointment;
2. In the second year of the probationary period, not later than December 15 for an academic year appointment and no less than six months in advance for any other term of appointment; and

3. In the third and subsequent years of the probationary period, not less than 12 months in advance.

These notice requirements relate only to service in a probationary period with the University of Tennessee, Knoxville, the University of Tennessee Institute of Agriculture, and the University of Tennessee Space Institute. Credit for prior service with another campus or institution shall not be considered in determining the required notice. Notice of non-renewal shall be effective upon personal delivery or upon mailing, postage prepaid, to the faculty member's residential address of record at the university.

#### 3.11.3.4 Annual Retention Review

An annual retention review of tenure-track faculty is conducted by the department head in consultation with the tenured faculty during the fall semester (and at The University of Tennessee, Knoxville and the University of Tennessee Space Institute, coincident with the annual performance and planning review process described in Section 3.8.1). The regular and thorough assessment of tenure-track faculty is an important step in the professional development of those faculty members. The annual retention review process is designed to ensure that a tenure-track faculty member receives clear and timely feedback from the tenured faculty and the department head about his or her contribution to the department, development, and prospects for advancement. Accordingly, the tenured faculty plays an important role in the retention process and is responsible for providing the faculty member with a clear, thoughtful, and professional consideration of both (a) the faculty member's ability to sustain a level of activity that comports with the department's expectations for faculty members at the rank of the faculty member under review and (b) the faculty member's progress toward promotion and tenure in the context of the *Faculty Handbook*, the *Manual for Faculty Evaluation*, his or her appointment, and departmental bylaws. ~~More information about annual retention reviews and procedures for annual retention reviews is contained in the *Manual for Faculty Evaluation*.~~

##### a. Departmental Procedures for the Retention Review

(1). Schedule: Each tenure-track faculty member will first be reviewed in the fall of his or her second year of appointment and in each subsequent year of the probationary period leading up to (but not including) the year of tenure consideration. Each tenure-track faculty member shall undergo an Enhanced Tenure-Track review (ETTR) in the academic year following the midpoint in his or her probationary period (typically, the faculty member's fourth year of employment), as stipulated in section 3.11.3.5, below. ~~Departmental bylaws shall provide for specific criteria for annual retention reviews of faculty, consistent with the standards and procedures set forth in this Section 3.11.3.4 3.11.3.5 and the *Manual for Faculty Evaluation* and any criteria established by the department's college.~~

(2). Mentor: The department head assigns a faculty mentor or a mentoring committee for each tenure-track faculty member. The mentor should be a senior member of the same department or another unit, who can serve as a model and as a source of information for the tenure-track faculty member. Department heads should not serve as mentors for faculty within their own departments. The mentor or mentoring committee may participate in the annual retention review in a manner to be determined in collegiate and/or departmental bylaws.

(3). Preparation for Retention Review: Except in the year of the ETTR, the faculty member prepares and submits to the department head (for distribution to the tenured faculty) a written summary of his or her accomplishments in teaching, research / scholarship / creative activity, and service for the previous academic year in accordance with departmental bylaws. The department head requests this summary in writing from each tenure-track faculty member on behalf of the tenured faculty at least two weeks before it is needed for the review. The Faculty Activity Report submitted to the department head for the APPR may serve as the summary required under this paragraph. Faculty members may be required or permitted to submit other materials in accordance with collegiate and/or departmental bylaws. The department head shall make the materials prepared and submitted in accordance with this paragraph 3.11.3.4a(3) available to the tenured faculty in advance of the meeting on retention.

(4). Review by the tenured faculty. The tenured faculty will review the summary submitted by the faculty member and solicit input from the faculty member's mentor or mentoring committee. The tenured faculty then will construct a narrative in accord with 3.11.3.4a(3), above. The review and narrative should specifically address (among other things) the faculty member's establishment and development of teaching methods and tools, program of disciplinary research / scholarship / creative activity, and record of institutional, disciplinary, and professional service, as well as progress toward promotion (where applicable) and tenure. The tenured faculty's review and narrative shall rely on and include documented and substantiated information available to the tenured faculty at the time of the review and shall not be based on rumor or speculation.

(5). The vote of the tenured faculty. The tenured faculty will take a formal anonymous retention vote and will write a report to the department head that will contain the tally of the anonymous vote; a list of the participating tenured faculty members; suggestions for enhancing the faculty member's progress toward the grant of tenure; and the majority and minority report, if applicable. In the years before any enhanced retention review, this vote shall focus primarily (but not exclusively) on the tenure-track faculty member's ability to sustain a level of teaching, research / scholarship / creative activity, and service that comports with the unit's expectations for faculty members at the rank of the faculty member under review. Beginning in the year in which the tenure-track faculty member is subject to ETTR, the tenured faculty's vote shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University. The tenured faculty will share the report with the faculty member and the department head.

(6). The department head's review. The department head conducts an independent retention review based upon the faculty member's written summary, the written narrative and vote of the tenured faculty, and a scheduled meeting with the faculty member. In conducting his or her independent retention review, the department head also may have other consultations with the tenured faculty as needed.

(a) If the retention decision is positive, the department head will convey the outcome to the faculty member in writing and in a timely manner.

The department head will also advise the faculty member as to the time remaining in the probationary period and as to how the quality of his or her performance is likely to be assessed by the tenured faculty and the head in the context of tenure consideration. The department head shall ensure that the written report includes express guidance to the faculty member on ways to improve performance.

(b) If the retention review results in a recommendation by the department head not to retain the tenure-track faculty member, the department head includes in the report specific reasons for that decision.

(7). Dissemination of the Retention Review Report. The department head will provide to the faculty member a copy of the finalized Retention Review Report, including the department head's retention report and recommendation. The department head will furnish to the tenured faculty a copy of the department head's retention report and recommendation.

(8). Dissenting statements. Any member of the tenured faculty may submit a dissenting statement to the department head. A copy of the dissenting statement will be furnished to the faculty member under review. The dissenting statement will be attached to the Retention Review Report.

(9). Faculty member's review and response to the Retention Review Report. The faculty member reviews the Retention Review Report. The faculty member's signature indicates that she or he has read the entire evaluation, but the signature does not necessarily imply agreement with its findings. The faculty member under review has the right to submit a written response to the vote and narrative of the tenured faculty, to the report and recommendation of the department head, and/or to any dissenting statements. The faculty member shall be allowed 14 calendar days from the date of receipt from the head of the finalized Retention Review Report and its complete set of attachments to submit any written response. If no response is received after two weeks of the date of receipt, the faculty member relinquishes the right to respond.

**Commented [MMK3]:** My preference would be to impose similar deadlines on all actors in the process.

#### b. Dean's Review of the Retention Review Report

(1) The dean's review and recommendation. The dean makes an independent review and recommendation on retention after reviewing the Retention Review Report. The dean shall prepare a statement summarizing his or her recommendation when it differs from that of the department head or tenured faculty or stating any other concerns the dean might wish to record, as appropriate.

(2) Transmission of the dean's recommendation and statement. The dean will indicate his or her recommendation for retention or non-retention on the Retention Review Report, attach his or her statement, if any, and forward the Retention Review Report with its complete set of attachments to the chief academic officer. The dean will send a copy of his or her recommendation and statement, if any, to the department head and the faculty member.

(3) Faculty member's and department head's right to respond. The faculty member and / or the department head have the right to submit to the chief academic officer a written response to the dean's retention recommendation or any accompanying statement. Any response by the faculty member should be copied to the dean and the department head. Similarly, any response by the department head should be copied to the dean and the faculty member. The faculty member and the department head will be allowed 14 calendar days from the date of receipt of the dean's recommendation to submit any written response. If no response is received after two weeks from the date of receipt, the faculty member or department head, as applicable, relinquishes the right to respond.

c. Chief Academic Officer's Review of Recommendations for Retention

(1) The chief academic officer's review. The chief academic officer shall review the retention recommendation, make the final decision on retention, and indicate his or her decision on retention on the Retention Review Report. The chief academic officer sends a copy of the fully executed Retention Review Report to the faculty member with copies to the dean and department head.

(2) Notification in cases of non-retention. If the chief academic officer decides that the faculty member will not be retained, he or she shall give the faculty member written notice of non-renewal in accordance with the notice requirements described in Section 3.11.3.3 above. The faculty member is entitled to a statement in writing of the reasons for the non-renewal decision. This statement, together with any subsequent correspondence concerning the reasons, is a part of the official record.

3.11.3.5 Enhanced Tenure-Track Review (ETTR)

For each tenure-track faculty member, the department and department head will conduct an enhanced review to assess and inform the faculty member of his or her progress toward the grant of tenure during the third or fourth year of the probationary period (with the year to be determined in the department head's sole discretion).

For the ETTR, the faculty member shall, with the guidance and counsel of the department head, prepare and submit to the department head (for distribution to the tenured faculty) a file on her or his cumulative performance, reflecting her or his degree of progress in satisfying the requirements for tenure in teaching, research / scholarship / creative activity, and service. The file (which shall be prepared by the faculty member as a preliminary draft of the faculty member's file in support of a tenure dossier) shall contain: the faculty member's Faculty Activity Reports for each previous APPR, computer-tabulated teaching evaluations, and annual retention reports compiled during the faculty member's probationary period; copies of research / scholarship / creative activity published or otherwise completed during the probationary period; teaching materials; evidence of research / scholarship / creative activity work in progress; a statement prepared by the faculty member describing other research / scholarship / creative activity in progress but not included in the file; a summary of service to the department, college, University, and other relevant constituencies; and any other materials that the department head requests or the faculty member desires to make available to the tenured faculty.

The tenured departmental faculty will confer regarding the faculty member's performance and will then write a report to the department head that will contain a list of the participating tenured

[faculty members; suggestions for enhancing the faculty member’s progress toward the grant of tenure; the majority and minority report, if applicable; and the summary anonymous vote on whether the faculty member is progressing satisfactorily toward the grant of tenure. The department head will present and discuss the tenured faculty’s report, as well as his or her own written assessment, with the faculty member. Copies of the ETTR documents will be given to the faculty member. A favorable ETTR does not commit the tenured departmental faculty, the department, or the college to a subsequent recommendation for the grant of tenure.](#)

### 3.11.3.6 Right to Appeal

[The faculty member may appeal the outcome of the retention review or the ETTR under the general appeals procedures outlined in Chapter 5 of the \*Faculty Handbook\*. According to Board Policies Governing Academic Freedom, Responsibility, and Tenure, the final decision on an appeal of the outcome of a retention review or ETTR lies with the chancellor and is not appealable to the president.](#)

Commented [MMK4]: Can you please point me to the relevant provision in BT0006?

#### 3.11.4 Criteria for Tenure

Tenure is awarded after a thorough review, which culminates in the university acknowledging a reasonable presumption of the faculty member’s professional excellence and the likelihood that excellence will contribute substantially over a considerable period of time to the mission and anticipated needs of the academic unit in which tenure is granted. Professional excellence is reflected in the faculty member’s teaching (which includes advising and mentoring), research, and service or other creative work in the discipline, participation in professional organizations, willingness to contribute to the common life of the university, and effective work with colleagues and students, including the faculty member’s ability to interact appropriately with colleagues and students. It is the responsibility of departments and colleges to define professional excellence in terms of their respective disciplines. Recommendations and best practice guidelines are contained in the *UTK Manual for Faculty Evaluation*. The relative weights of these factors will vary according to the fit between the faculty member and the mission of the academic unit in which he or she is appointed.

More specifically, at the University of Tennessee, Knoxville, tenure is granted on the basis of a demonstrated record of achievement and the promise of continued excellence. A decision not to award tenure is not necessarily a judgment of incompetence. Not all competent persons meet the high standards necessary for tenure, nor are all those who meet such standards automatically fitted to serve needs of the university’s programs. Faculty at UTK are expected to become good, solid teachers who work enthusiastically with students, try new approaches to pedagogy, and contribute to the development of departmental programs. Faculty must also establish an independent record of accomplishment in scholarly work, normed to the standards of the discipline, which can be documented and validated by peers. In most cases, tenure-track faculty should be encouraged to develop first as teachers and scholars, leaving serious involvement in service until after a sound academic record is established.

An academic unit may also establish more specific criteria for tenure in that unit. After approval by the dean and campus chief academic officer, these criteria for tenure shall be published in the bylaws of the academic unit. The tenure criteria for a department shall include and be consistent with the criteria stated in this policy and any criteria established by the department’s college and campus.

#### 3.11.5 Procedures for Consideration and Grant of Tenure

Procedures for consideration and grant of tenure are contained in Appendix A of the *Board Policy on Tenure*, and the specific implementation of those procedures at the University of Tennessee, Knoxville, is contained in the *Manual for Faculty Evaluation*.

Each department, school, or college must adopt bylaws concerning tenure consideration consistent with the procedures outlined in the University's tenure policies, this Faculty Handbook, all superseding bylaws, and any remaining requirements in the campus Manual for Faculty Evaluation. Such bylaws must – at a minimum – require these fundamental components:

- A requirement for external reviews;
- A requirement for the peer review of teaching;
- The required contents of the tenure dossier to be submitted by the candidate;
- A requirement for a meeting of the tenured faculty to debate and discuss the tenure candidacy;
- The manner of taking and recording a formal anonymously cast vote of the tenured faculty on whether the candidate should be recommended for tenure;
- The minimum number of votes necessary to constitute a positive recommendation;
- A method for ensuring two levels of faculty review of every tenure dossier before a positive tenure recommendation is considered by the campus administrators (e.g. for small colleges without departments or divisions, a supra-college committee comprised of two faculty members from affected colleges will review the dossier and make a recommendation regarding tenure to the campus administration.)

A written summary of the tenured faculty's deliberation, in addition to a formal record of the vote, is required to help the department head understand positive and negative considerations for tenure and must be kept on file in accordance with university policies. Departments must have ballots with space for written comments on strengths and weaknesses along with space for recording the vote.

The vote of the tenured faculty is advisory to the department head. After making an independent judgment on the tenure candidacy, the head shall submit his or her recommendation simultaneously to the dean and to the tenure candidate with a written summary of his or her judgment. If the head's recommendation differs from the recommendation of the tenured faculty, the summary must explain the reasons for the differing judgment, and the head must provide a copy of the summary to the tenured faculty. Tenured faculty, individually or collectively, may forward a report supporting or opposing the granting of tenure to the next level of administration.

#### 3.11.6 Location of Tenure

Tenure at the University of Tennessee, Knoxville, is granted in a particular academic unit (e.g. department, school) in a position appropriate to the faculty member's qualifications. Reorganizations that result in the merger or splitting of academic units do not affect the tenure or probationary status of the faculty involved. Tenured faculty members in such reorganization will have tenure in the new unit or program to which they are assigned.

If a tenured faculty member voluntarily transfers from one University of Tennessee campus to another, his or her tenure status is not transferred. However, a review by the responsible administrators in consultation with the tenured faculty of the receiving department may result in an immediate recommendation to the Board of Trustees that tenure at the new campus be granted to the transferred individual; on the other hand, a new probationary period in the receiving unit may be established. There shall be no involuntary transfer of faculty members between campuses.



Voluntary transfers of tenure between departments at UTK do not require board approval but must be approved by the responsible campus administrator in consultation with the tenured faculty of the receiving unit, with notice to the board of trustees. In any event, prior to the effective date of the transfer all conditions relating to tenure must be documented and accepted, in writing, by the transferring faculty member. If a tenure-track faculty member transfers from one existing department to another, a new probationary period must be established and documented under the same guidelines that would be followed if the faculty member came from another institution. All conditions relating to the new probationary period must be documented and accepted, in writing, by the transferring faculty member.

If a tenured faculty member accepts a part-time faculty position at UTK or an administrative position with UTK or university-wide administration, neither of which can carry tenure, the faculty member retains tenure in the full-time faculty position he or she vacated.

### 3.11.7 Termination of Tenure

The employment of tenured faculty members may be terminated in the following ways:

1. Relinquishment or forfeiture of tenure. A tenured faculty member relinquishes tenure upon resignation or retirement from the university. A tenured faculty member forfeits tenure upon taking an unauthorized leave of absence or failing to resume the duties of his or her position following an approved leave of absence. Forfeiture results in automatic termination of employment. The chief academic officer shall give the faculty member written notice of the forfeiture of tenure and termination of employment. The faculty member may appeal this action under the general appeals procedures outlined in Chapter 5.
2. Extraordinary circumstances. Extraordinary circumstances warranting termination of tenure may involve either financial exigency or academic program discontinuance. In the case of financial exigency, the criteria and procedures outlined in the board approved financial exigency plan for the Knoxville campus shall be followed. The procedures and criteria to be followed in the event of an explicit declaration of financial exigency are described in detail in the *UT Knoxville Financial Exigency Plan*. In the case of academic program discontinuance, the termination of tenured faculty may take place only after consultation with the faculty through appropriate committees of the department, the college, and the Faculty Senate.

If termination of tenured faculty positions becomes necessary because of financial exigency or academic program discontinuance, the campus administration shall attempt to place each displaced tenured faculty member in another suitable position. This does not require that a faculty member be placed in a position for which he or she is not qualified, that a new position be created where no need exists, or that a faculty member (tenured or non-tenured) in another department be terminated in order to provide a vacancy for a displaced tenured faculty member. The position of any tenured faculty member displaced because of financial exigency or academic program discontinuance shall not be filled within three years, unless the displaced faculty member has been offered reinstatement in writing and a reasonable time in which to accept or decline the offer.

Tenured faculty given notice of termination because of financial exigency may appeal termination in accordance with the provisions of the *UT Knoxville Financial Exigency Plan*. Tenured faculty given notice of termination because of academic program discontinuance may appeal termination in accordance with the general appeal procedures outlined in Chapter 5.

3. Adequate Cause. Adequate cause includes the following and similar types of reasons:

A. Category A: Unsatisfactory Performance in Teaching, Research, or Service

- 1) failure to demonstrate professional competence in teaching, research, or service
- 2) failure to perform satisfactorily the duties or responsibilities of the faculty position, including but not limited to
  - i. failure to comply with a lawful directive of the department head, dean, or chief academic officer with respect to the faculty member's duties or responsibilities, and
  - ii. inability to perform an essential function of the faculty position, given reasonable accommodation, if requested
- 3) loss of professional licensure if licensure is required for the performance of the faculty member's duties; or with respect to health sciences faculty, failure to be granted or loss of medical staff membership and privileges at affiliated teaching hospitals, or
- 4) dishonesty or other serious violation of professional ethics or responsibility in teaching, research, or service; or serious violation of professional responsibility in relations with students, employees, or members of the community

B. Category B: Misconduct

- 1) failure or persistent neglect to comply with university policies, procedures, rules, or other regulations, including but not limited to violation of the university's policies against discrimination and harassment
- 2) falsification of a university record, including but not limited to information concerning the faculty member's qualifications for a position or promotion
- 3) theft or misappropriation of university funds, property, services, or other resources
- 4) admission of guilt or conviction of
  - i. a felony, or
  - ii. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration
- 5) any misconduct directly related to the fitness of the faculty member to engage in teaching, research, service, or administration.

**3.12 Procedures for Terminating Tenured Faculty**

**3.12.1 Termination Procedures for Adequate Cause Category A: Unsatisfactory Performance in Teaching, Research, or Service**

The following preliminary steps shall be followed in cases of termination for unsatisfactory performance in the faculty member's assigned role in teaching, research, or service, unless the faculty member has been under a remediation plan as described in the "Unsatisfactory Performance" section of the *Manual for Faculty Evaluation*. If a faculty member has been under a remediation plan and the Review Committee, dean, chief academic officer, and Faculty Senate president or Faculty Senate Executive Council recommend initiation of termination proceedings, the chancellor shall proceed to consult with the president and to decide whether to initiate termination proceedings without following these preliminary steps:

1. Tenured faculty's recommendation. The department head shall direct the tenured departmental faculty to review the faculty member's performance in teaching, research, and service and to vote on the question of whether termination proceedings should be initiated.

The faculty vote shall be advisory to the department head and communicated to the head in writing.

2. Department head's recommendation. If the department head concludes termination proceedings should be initiated, he or she shall forward a recommendation simultaneously to the dean and the chief academic officer. The head's recommendation shall include the history of efforts to encourage and assist the faculty member to improve his or her performance, the reasons for recommending that termination proceedings be initiated, and the vote of the tenured faculty on the question of whether proceedings should be initiated.
3. Dean's recommendation. If the dean concludes termination proceedings should be initiated, he or she shall forward a recommendation to the chief academic officer.
4. Chief academic officer's recommendation. If the chief academic officer concludes termination proceedings should be initiated, he or she shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not achieved, the chief academic officer shall within 30 days ask the Faculty Senate Appeals Committee to conduct an informal inquiry and make a recommendation to him or her within thirty days as to whether termination proceedings should be initiated. The recommendation of the Faculty Senate Appeals Committee shall be advisory to the chief academic officer. After considering the recommendation of the Faculty Senate Appeals Committee, the chief academic officer shall make a written recommendation to the chancellor as to whether termination proceedings should be initiated.

#### 3.12.1.1 Chancellor's Decision to Initiate Termination Proceedings.

If, after consulting with the president, the chancellor decides to initiate termination proceedings, he or she shall give the faculty member written notice, including

1. a statement of the grounds for termination, framed with reasonable particularity
2. notice of the faculty member's right to contest the proposed termination in a hearing before a tribunal, as described below, or in a hearing conducted under the provisions of the *Tennessee Uniform Administrative Procedures Act*, and
3. notice that the faculty member has 10 days after receipt of the written notice to elect in writing to contest the termination and to elect in writing the form of hearing. The chancellor shall send a copy of the written notice to the Faculty Senate president and chair of the Faculty Senate Appeals Committee at the same time.

#### 3.12.1.2 Suspension With Pay or Reassignment Pending Completion of Termination Proceedings

After consultation with the president of the Faculty Senate or the Faculty Senate Executive Council, the chancellor may suspend the faculty member with pay, or change his or her assignment of duties, pending completion of the university's termination proceedings.

#### 3.12.1.3 Failure to Contest

If the faculty member does not contest the charge(s) in writing and make the required hearing election within 10 days after receipt of the written notice from the chancellor, the faculty member shall be terminated, and no appeal of the matter will be heard within the university.

#### 3.12.1.4 Hearing under the Tennessee Uniform Administrative Procedures Act

If the faculty member makes a timely election to contest the charge(s) under the *Tennessee Uniform Administrative Procedures Act* (TUAPA), the chancellor shall appoint a hearing examiner, and the matter

shall proceed in accordance with the contested case procedures promulgated by the university under the TUAPA. The TUAPA contested case procedures are published in the *Rules and Regulations of the State of Tennessee* and are available in campus libraries and in the Office of the General Counsel. In accordance with the TUAPA contested case procedures, upon completion of the hearing, the hearing examiner shall render an initial order that either party may appeal to the chancellor within 10 days. In addition, the chancellor, on his or her own motion, may elect within 10 days to review the hearing officer's initial order. The hearing examiner's initial order shall become the final order unless review is sought by either party or the chancellor within the 10-day period. If review is sought, the chancellor shall review the initial order and issue a final order in accordance with applicable provisions of the TUAPA contested case procedures. The final order, whether rendered by the chancellor or by virtue of neither party appealing the initial order, shall be the final decision on the charge(s) within the university. If the final order is unfavorable to the faculty member, he or she is entitled to judicial review of the final order in accordance with applicable provisions of the *Tennessee Uniform Administrative Procedures Act*.

#### 3.12.1.5 Hearing Before a Tribunal

If the faculty member makes a timely election to contest the charge(s) and to waive the right to a hearing under the *Tennessee Uniform Administrative Procedures Act*, the chancellor shall ask the Faculty Senate president to appoint a hearing tribunal within 15 days and shall notify the faculty member in writing of this action. The matter shall then proceed in accordance with the tribunal procedures described below.

1. Composition of the tribunal. The university tribunal shall consist of five members of the tenured faculty and the administration. Members of the administration who are members of the tribunal must also hold tenure, and the majority of the tribunal must be full-time faculty members. The tribunal shall select its own chair. Either the chancellor or the faculty member may challenge the appointment of a tribunal member on the ground of bias or conflict of interest. A challenge shall be judged by the Faculty Senate, or a designated committee of the senate, whose decision on the challenge shall be final and not subject to appeal.
2. Notice of hearing. The chancellor shall give the faculty member written notice of the hearing date at least 20 days in advance.
3. Representation. If the university intends to be represented by legal counsel, the written notice of the hearing date shall so advise the faculty member. The written notice shall also state the faculty member's right to be represented by legal counsel or other representative of his or her choice. If the faculty member intends to be represented by legal counsel, he or she must notify the tribunal chairperson within 10 days of receipt of the written notice of the hearing date. If the faculty member fails to give timely notice of legal representation, the hearing date shall be postponed at the university's request.
4. Waiver of hearing. If, at any time prior to the hearing date, the faculty member decides to waive his or her right to a hearing and respond to the charges only in writing, the tribunal shall proceed to evaluate all available evidence and test its recommendation upon the evidence in the record.
5. Pre-hearing preparation. The faculty member and the university shall have a reasonable opportunity prior to the hearing to obtain witnesses, specific documents, or other specific evidence reasonably related to the charge(s).
6. Evidence. The tribunal is not bound by legal rules of evidence and may admit any evidence of probative value in determining the issues. The tribunal shall make every reasonable effort,

however, to base its recommendation on the most reliable evidence. If the charge is “failure to demonstrate professional competence in assigned roles in teaching, research, or service,” the evidence shall include the testimony of qualified faculty members from this and/or other comparable institutions of higher education.

7. Confrontation and cross-examination of witnesses. The faculty member and the university shall have the right to confront and cross-examine all witnesses. If a witness cannot or will not appear, but the tribunal determines that his or her testimony is necessary to a fair adjudication of the charge(s), the tribunal may admit as evidence the sworn affidavit of the witness. In that event, the tribunal shall disclose the affidavit to both parties and allow both parties to submit written interrogatories to the witness.
8. Adjournments. The tribunal shall grant adjournments to allow either party to investigate evidence to which a valid claim of surprise is made.
9. Burden of proof. The burden of proof that adequate cause exists rests with the university and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
10. Findings and conclusions. The tribunal shall make written findings and conclusions and shall provide a copy to the faculty member at the time of submission to the chancellor.
  - A. If the tribunal concludes adequate cause for termination has not been established, it shall so report to the chancellor
  - B. If the tribunal concludes adequate cause for termination has been established but that a sanction other than termination should be imposed, it shall so recommend to the chancellor, with supporting reasons
  - C. If the tribunal concludes adequate cause for termination has been established and that termination is the appropriate sanction, it shall so report to the chancellor
11. Transcript of the hearing. A verbatim record of the hearing shall be made, and a transcript shall be provided to the faculty member and the chancellor at the time of the tribunal’s submission of the findings and conclusions.

#### 3.12.1.6 Chancellor’s Recommendation on Termination

If the chancellor concludes adequate cause has been established and that termination is the appropriate sanction, he or she shall transmit the hearing record and his or her recommendation to the Board of Trustees through the president. However, if the conclusion of the chancellor differs from that of the tribunal, the chancellor shall give the tribunal and the faculty member a written statement of reasons and shall allow the faculty member an opportunity to respond before transmitting the case to the president and the board. If the chancellor concludes adequate cause has been established but that a sanction other than termination should be imposed, the chancellor may impose the lesser sanction. The faculty member may appeal the lesser sanction to the president.

#### 3.12.1.7 Review by the Board of Trustees

The Board of Trustees shall review a recommendation of termination for adequate cause on the record of the tribunal hearing. The board shall provide an opportunity for oral and written argument by the parties. The faculty member and the university may be represented before the board by legal counsel or other representative. If the board concludes adequate cause has been established and that the faculty member’s tenure and employment should be terminated, the board shall set the effective date of termination.

### 3.12.2 Termination Procedures for Category B Adequate Cause: Misconduct

#### 3.12.2.1 Preliminary Steps

1. Consultation with the tenured faculty. The department head shall consult with the tenured faculty before making a recommendation that termination proceedings be initiated against a tenured faculty member for alleged misconduct within the Category B definition of adequate cause.
2. Department head's recommendation. If the department head concludes termination proceedings should be initiated, he or she shall forward a written recommendation simultaneously to the dean and the chief academic officer. At the same time, the department head shall send a copy of his or her recommendation to the faculty member. The recommendation shall include a report of the head's consultation with the tenured faculty.
3. Dean's recommendation. If the dean concludes termination proceedings should be initiated, he or she shall forward a written recommendation to the chief academic officer.
4. Chief academic officer's recommendation. If the chief academic officer concludes termination proceedings should be initiated, he or she shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not achieved, the chief academic officer shall make a written recommendation to the chancellor as to whether termination proceedings should be initiated.

#### 3.12.2.2 Chancellor's Decision to Initiate Termination Proceedings

If, after consultation with the president, the chancellor decides to initiate termination proceedings, he or she shall give the faculty member written notice, including (1) a statement of the grounds for termination, framed with reasonable particularity, (2) notice of the faculty member's right to contest the proposed termination in a hearing under the provisions of the *Tennessee Uniform Administrative Procedures Act*, and (3) notice that the faculty member has 10 days after receipt of the written notice to elect in writing to contest the termination. The chancellor shall send a copy of the written notice of the Faculty Senate president at the same time.

#### 3.12.2.3 Suspension with Pay or Reassignment Pending Completion of Termination Proceedings

After consultation with the president of the university and the president of the Faculty Senate or the Faculty Senate Executive Council, the chancellor may suspend the faculty member with pay, or change his or her assignment of duties, pending completion of the university's termination proceedings.

#### 3.12.2.4 Suspension without Pay Pending Completion of Termination Proceedings

After consultation with the president of the university and the president of the Faculty Senate or the Faculty Senate Executive Council, the chancellor may suspend the faculty member without pay only for the following types of alleged misconduct and only in accordance with the procedures outlined in the section of this policy entitled "Expedited Procedure for Termination or Suspension Without Pay in Certain Cases of Misconduct":

1. alleged misconduct involving
  - i. acts or credible threats of harm to a person or university property, or
  - ii. theft or misappropriation of university funds, property, services, or other

resources, or

2. indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for
  - i. a felony, or
  - ii. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration

#### 3.12.2.5 Failure to Contest

If the faculty member does not contest the charge(s) of misconduct in writing within 10 days after receipt of the written notice, the faculty member shall be terminated, and no appeal of the matter will be heard within the university.

#### 3.12.2.6 Waiver of Hearing Under the *Tennessee Uniform Administrative Procedures Act*

If the faculty member contests the charge(s) of misconduct but elects to waive his or her right to formal hearing under the contested case procedures of the TUAPA, the chancellor shall appoint an ad hoc hearing committee to conduct an informal hearing on the charges. The faculty member has the opportunity to challenge the appointment of hearing committee members on the grounds of bias or conflict of interest and may be represented before the hearing committee by legal counsel or other representative of his or her choice. If the faculty member intends to be represented by legal counsel, he or she must notify the committee chairperson within ten days of the hearing date. If the faculty member fails to give timely notice of legal representation, the hearing date shall be postponed at the university's request.

The hearing committee shall make a written report of its findings and conclusions to the chancellor. If the chancellor decides adequate cause for termination of tenure and employment has been established, he or she shall submit a written recommendation of termination to the Board of Trustees through the president. If the chancellor decides a lesser sanction should be imposed, he or she may impose the sanction. The faculty member may appeal the lesser sanction to the president.

#### 3.12.2.7 Hearing under the *Tennessee Uniform Administrative Procedures Act*

If the faculty member makes a timely election to contest the charge(s) under the *Tennessee Uniform Administrative Procedures Act* (TUAPA), the chancellor shall appoint a hearing examiner, and the matter shall proceed in accordance with the contested case procedures promulgated by the university under the TUAPA. The TUAPA contested case procedures are published in the *Rules and Regulations of the State of Tennessee* and are available in university libraries and in the Office of the General Counsel. In accordance with the TUAPA contested case procedures, upon completion of the hearing, the hearing examiner shall render an initial order, which either party may appeal to the chancellor within 10 days. In addition, the chancellor, on his or her own motion, may elect within 10 days to review the hearing officer's initial order. The hearing examiner's initial order shall become the final order unless review is sought by either party or the chancellor within the 10-day period. If review is sought, the chancellor shall review the initial order and issue a final order in accordance with applicable provisions of the TUAPA contested case procedures. The final order, whether rendered by the chancellor or by virtue of neither party appealing the initial order, shall be the final decision on the charge(s) within the university. If the final order is unfavorable to the faculty member, he or she is entitled to judicial review of the final order in accordance with applicable provisions of the *Tennessee Uniform Administrative Procedures Act*.

### 3.12.3 Expedited Procedure for Termination or Suspension without Pay in Certain Cases of Misconduct

In the following cases of alleged misconduct by a faculty member, the chancellor, after consulting with the president of the university and the president of the Faculty Senate or the Faculty Senate Executive Council, may invoke an expedited procedure to accomplish termination or suspension without pay, with comprehensive due process procedures to be offered after termination or suspension without pay:

1. alleged misconduct involving
  - a. acts or credible threats of harm to a person or university property, or
  - b. theft or misappropriation of university funds, property, services, or other resources, or
2. indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for
  - a. a felony; or
  - b. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration

Under the expedited procedure, the faculty member shall be offered the following process before termination or suspension without pay:

- ~~1~~ a written notice of the charges and the basis for the charges by the chancellor
- ~~2~~ an explanation of the evidence, and
- ~~3~~ an informal opportunity to refute the charges in a meeting with the campus chief academic officer

After termination or suspension without pay, the faculty member shall be offered the full range of due process options available to faculty members in other adequate cause proceedings.

### 3.13 Disciplinary Sanctions Other than Termination for Adequate Cause

Disciplinary sanctions other than termination may be imposed against a faculty member. If the proposed sanction is suspension without pay for a definite term (no more than one year), the procedures applicable to termination shall be offered prior to suspension, provided, however, that the procedures shall be modified as follows:

1. suspension without pay for a definite term (no more than one year) may be imposed as a sanction by the chancellor without review by the president and the Board of Trustees, and
2. the chancellor may determine that the expedited procedure for suspension without pay is applicable to the conduct (see Appendix C concerning the expedited procedure)

If the proposed sanction does not involve suspension without pay, the department head shall make a recommendation to the dean, and the dean shall make a recommendation to the chief academic officer. The chief academic officer shall give the faculty member written notice of the proposed sanction and the supporting reason(s) and shall offer him or her an opportunity to respond both in writing and in person. The faculty member may appeal the proposed sanction through established appeal procedures, and the sanction shall be held in abeyance until conclusion of the appeal.

Before such disciplinary action may be taken, the department head or dean must notify the faculty member of his or her intent to take disciplinary action. This written notice shall include a detailed specification of the alleged misconduct and the nature of the proposed discipline. It shall also inform the faculty member of his or her right to appeal the proposed discipline or to request a review by the Faculty



Senate Appeals Committee in accordance with the provisions of this chapter or to the president through the chancellor.

### **3.14 Notice of Resignation and Retirement**

#### 3.14.1 Notice of Resignation

Tenure (see above) is relinquished upon resignation from the university. If a faculty member resigns, but is re-employed by the university, tenure will be awarded only subsequent to the procedures outlined above.

Since faculty appointments are made for the academic year (or, in exceptional cases, for one or more designated semesters), it is expected that faculty members who wish to resign will do so effective at the end of the academic year (or, again in exceptional cases, at the end of a semester). In all cases notification of resignation must be made early enough to allow the university to cover any scheduled assignments. Teaching faculty on academic-year appointments who resign before the end of the academic year are paid for the number of semesters they have taught, at one half of annual salary per semester. Faculty members on 12-month appointments will receive leave pay due on resignation.

#### 3.14.2 Notice of Retirement

Under normal circumstances, a member of the faculty controls the decision to retire. The effective date of retirement for academic-year faculty is normally at the end of either the fall or spring semesters. Computation of the final payment for the last year of service is calculated in the same way as for resignations (above). Thus, a faculty member who resigns at the end of the fall semester will have been paid five of the six monthly payments earned and will be due one additional payment. Faculty on 12-month appointments will receive annual leave pay due on retirement.