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Proposed Revisions to the UTK-UTIA Faculty Handbook Regarding the Procedures for Terminating Tenured Faculty Members

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3.12 Procedures for Terminating Tenured Faculty

3.12.2. Termination Procedures for Unsatisfactory Performance in Teaching, Research, or Service

The following procedures shall apply to termination of a tenured faculty appointment, or termination of a tenure-track appointment before expiration of the annual term, for unsatisfactory performance in teaching, research, or service within the definition of Adequate Cause, 3.11.8.1c.(1), above.

3.12.2.1 Suspension with Pay or Reassignment Pending Completion of Termination Proceedings

After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect 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.

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3.12.3 Termination Procedures for Misconduct

The following procedures shall apply to termination of a tenured faculty appointment, or termination of a tenure-track appointment before expiration of the annual term, for misconduct within the definition of Adequate Cause.

3.12.3.1 Suspension or Reassignment Pending Completion of Termination Proceedings

The chief academic officer may combine action under this paragraph with any other procedures in section 3.12 of this handbook.

a. Suspension with Pay or Reassignment of Duties: After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect of the Faculty Senate ~~or the Faculty Senate Executive Council~~, the chief academic officer may suspend a faculty member with pay, or change his or her assignment of duties, pending completion of the university's termination proceedings described in section 3.12 of this handbook and in campus procedures

incorporating this section.

b. Suspension without Pay: After meaningful consultation with the chancellor, the president, and a meeting including the president of the Faculty Senate, the immediate-past president of the Faculty Senate, and the president-elect of the Faculty Senate or the Faculty Senate Executive Council, the chief academic officer may suspend a faculty member without pay, pending completion of termination proceedings only for the following types of alleged misconduct and only in accordance with the procedures outlined in the section 3.12.3.8 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.

If the university’s final determination after either a UAPA proceeding or an ad hoc hearing committee proceeding is favorable to the faculty member and concludes both that the faculty member’s employment should not be terminated for Adequate Cause and that the faculty member should not have been suspended without pay pending completion of termination proceedings, then full restitution of salary, academic position and tenure lost during the suspension without pay will be made.