

**Discussion of Handbook Revision Processes**  
**March 21, 2022 UTK Faculty Senate Executive Council Meeting**  
**Beauvais Lyons, Faculty Affairs Committee**

Below are two pending *UTK Faculty Handbook* changes under consideration. I would like to discuss these two proposals as examples of the process through which new handbook language is considered. As the *UTK Faculty Handbook* is bound by [UT Board of Trustees Policies](#), changes to the handbook need approval from the UT Office of General Counsel (OGC). In this process, the Office of the Provost represents academic programs, with the UTK Faculty Senate only serving an advisory role. In the recent past there have been a number of cases where the OGC was not involved from the beginning of a proposed change, and a proposal was approved by the UTK Faculty Senate with the support of the Office of the Provost, only to be overturned or revised later.

I hope to have time at our March 21 meeting to share and discuss these with the Council as well as Provost Zomchick and Vice Provost Kelly. Below is a proposed change and a change under consideration I am requesting that we discuss.

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

*This November 15<sup>th</sup> draft was approved by Faculty Affairs and is currently with the Office of the Provost. It stems from the case of Dr. Anming Hu, and reflects discussions between our committee on October 13<sup>th</sup> which involved the Office of General Counsel.*

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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.

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### **Proposed Revisions to the *UTK-Faculty Handbook* Regarding the Procedures Annual Retention Reviews**

*Below is a February 20, 2022 draft of set of recommended changes to the retention review process for tenure-track faculty members. The proposed changes are in response to a [report from June 1, 2021 by the Equity, Fairness, and Inclusion Working Group](#) as part of the Faculty Review and Promotion Taskforce appointed by Provost John Zomchick. The report was reviewed by the Faculty Senate Faculty Affairs Committee with discussion reflected in their November 2021, January and February 2022 meeting minutes. Below is specific text for proposed revision to section 3.11.4.5 **underscoring new text and strikethrough of text to be deleted.***

#### **3.11.4.5 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*, his or her appointment, and departmental bylaws.

##### 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 will 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 3.11.4.6, below.

2. Mentor: Working with the probationary faculty member, 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 will make the materials prepared and submitted in accordance with this paragraph 11.4.5a(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 3.11.4.5a(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 will rely on and include documented and substantiated information available to the tenured faculty at the time of the review and will not be based on rumor or speculation.
5. The vote of the tenured faculty: Prior to the Enhanced Tenure-Track Review (ETTR) the tenured faculty will conduct a review as described above, but will only conduct a vote for non-retention though a motion of a majority of the faculty if the faculty member's performance is judged to be unsatisfactory, and not making progress toward tenure. Beginning with the ETTR review 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. The principle of anonymity of the voting process is

important to ensure honest assessment of the faculty member under review. Additionally, to ensure the fairness and equity, all votes against retention or tenure must include a written justification based on the department's criteria for rank. A college or department may develop a rubric for this purpose. In the years before any enhanced retention review, ~~this vote~~ the evaluation will 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 will 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 will 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 will 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 14 calendar days of the date of receipt, the faculty member relinquishes the right to respond. For good cause, and upon approval by the chief academic officer, the response time may be extended once for an additional 14 days.