

## **APPENDIX A- IDEAS AND BEST PRACTICES FOR EVALUATING FACULTY TEACHING**

### **Goals and Approach for the Review of Teaching**

The University of Tennessee at Chattanooga is dedicated to excellence in teaching. Excellence means effectively providing learning experiences that prepare students for the challenges of a complex, ever-changing, and diverse workplace and society. The goals of a review process are to: (1) improve the quality and importance of teaching across the campus, (2) recognize excellence in teaching with positive incentives, (3) demonstrate faculty accountability within and outside the University, (4) promote the scholarship of teaching, (5) encourage the connection between teaching and research, (6) provide means for protecting intellectual freedom, and (7) foster an ethical university community.

The approach to annual and cumulative review of teaching should be multi-faceted, including inputs from both the faculty member being reviewed and his or her students. The review may also include peer reviews. The various departments across the University are quite diverse in function and size. Therefore, details of the review process will vary considerably at the departmental level to accommodate diversity in teaching techniques and content. This process of teaching assessment and evaluation should minimize burdens for faculty, administrators, and students.

### **Assessment of Teaching**

Assessment is a critical step for constructively improving the quality and role of teaching on this campus. For the purposes of this document, assessment of faculty teaching is feedback about strengths and areas for improvement based on inputs from the faculty member being reviewed, students, and peer reviews if conducted. Faculty members should gain an understanding of their strengths and areas for improvement through self-examination, constructive dialogue with peers, and feedback from students.

#### **Self Assessment**

Self assessment allows faculty members to reflect on their teaching both for their benefit and to facilitate constructive dialogue about their teaching with others. A minimum output from this process would be a document about the person's teaching philosophy and may include, but not be limited to, peer reviews, teaching goals, methods for achieving these goals, and plans for achieving teaching excellence. The document may be supported by a teaching portfolio that illustrates implementations or successes of the philosophy, documents activities such as short courses that improved teaching skills, considers alternative teaching objectives and methods, or possibly other aspects of teaching for the faculty member being reviewed.

#### **Peer Assessment**

Peer assessment can provide faculty members with useful feedback that identifies their strengths and areas for improvement in their teaching. A peer teaching review should be conducted at the request of the faculty member wishing to be reviewed, and may be a required evaluative tool at the department level, according to the bylaws of the individual department.

If called for, the peer review team should consist of three tenured faculty members. One is selected by the faculty member, one by the department head, and the third is agreed upon by the two. Departments are encouraged to have at least one faculty member from outside the department included in peer review teams.

The peer review team should offer feedback that: (1) considers whether the courses of the faculty member have appropriate content and offer students sufficient opportunity to acquire appropriate skills; (2) considers whether the grading system and evaluation/assessment tools are consistent with course content and student skill development; (3) examines the teaching methods of the faculty member for effectiveness; and (4) recognizes the risks and successes inherent in innovative teaching methods. Feedback is facilitated by the peer review team meetings with the faculty member to discuss teaching before, after, and otherwise as needed or requested during the review process. Feedback will be based on: (1) examination of materials for the course (e.g., handouts, tests, web pages, etc.); and (2) observation in

the classroom or instructional setting for at least one course being taught during the semester of the peer assessment. Each team member should visit at least one class meeting. More visits are encouraged for peers to gain a better understanding of the teaching methods of the faculty member, but are not required. At the end of the semester, the peer review team will produce a report that is discussed with the faculty member being reviewed and that presents the strengths and areas for improvement for the teaching of the faculty member.

### **Student Assessment**

Student review of teaching is mandated. To increase the feedback component of the student reviews, written student comments should be solicited in addition to any mandatory questionnaire. Results of the open-ended student comments would be returned to the faculty member after grades are sent to the central administration. While student reviews occur each semester, they should not receive greater weight than self or peer assessments during faculty evaluation processes.

### **Evaluation of Teaching**

Evaluation is an indicator of whether a faculty member's teaching exceeds, meets, or fails to meet a specified standard. The evaluation and the resulting performance measure are necessary for enhancing excellence in teaching through incentives and for achieving the objectives of the Board of Trustee's faculty review process. Evaluation will be the responsibility of the department head and will result in a specific performance measure, which synthesizes the results from the self-assessment, student reviews, and peer reviews if conducted.

Three criteria should be used to evaluate teaching and to assign a performance measure with a narrative that explains each measure. The criteria are:

1. Assuming that a department has agreed to the roles of its courses, do courses of the faculty member have appropriate content and are students given opportunity to acquire the appropriate skills?
2. Are the grading system and evaluation/assessment tools consistent with course content and student skill development?
3. Are the teaching methods of the faculty member effective?

The standards for the evaluation of these criteria are to be constructed by each department, and the results will be documented by the department head in terms of the standards established by the faculty of that department and using the campus-level system of performance categories.

## APPENDIX B- BEST PRACTICES FOR EVALUATING FACULTY RESEARCH/CREATIVE ACHIEVEMENT

### Goals

One of the three basic missions of the University is research, which is the foundation and key to all learning which occurs at the University. Research is simply learning at the most advanced, creative, and systematic edges of knowledge where discovery and imagination constantly recast the relation between the known and the unknown. "Research" has many meanings at a major university. In some disciplines, such as the arts, creative achievement is the means by which a faculty member's scholarly contribution is judged indispensable to the University's full research responsibility. The categories of research and creative activity will vary across departments and colleges. Research and creative achievement should not be measured only in terms of quantity but also in terms of quality. In each discipline, certain outlets for research and creative achievements are considered to be more prestigious and to demonstrate higher standards of scientific and creative merit than others among members of the discipline. Publication, presentation, exhibition, or performance through these outlets should be recognized as demonstrating a high standard of scientific and creative merit. Because these standards of merit vary greatly among disciplines, primary assessment of quality measures should be made within a discipline rather than across disciplines.

While the appropriate mix of research and creative outputs and input activities may be specific to a given discipline, some general dimensions of research and creative achievement performance might be considered.

### Input Activities

Input activities are those in which a faculty member must engage in order to achieve a research and creative achievement output on which the faculty member will be judged. These input activities could include:

- Selecting realistic yet challenging research/creative achievement topics;
- Using appropriate methods and techniques in meeting objectives;
- Optimizing research/creative achievement outputs relative to inputs, such as time, personnel, materials, facilities and equipment;
- Internalizing responsibility for research/creative achievement program effectiveness;
- Expending personal effort in the research/creative achievement effort;
- Investing in professional growth and development;
- Providing leadership in research/creative achievement efforts;
- Adhering to high standards of professional conduct in research/creative achievement;
- Integrating short-term and long-term goals into a comprehensive research/creative achievement strategy;
- Conducting on-going projects to a timely conclusion;
- Committing appropriate efforts to seeking external funds;
- Securing appropriate external funds;
- Providing effective oversight to externally funded activities;
- Committing appropriate efforts to joint research/creative achievement activities.

### Output Activities

A faculty member is evaluated in research and creative achievement by his/her output based on certain input activities such as those described above. Some issues which could be considered when evaluating a faculty member's research/creative achievements outputs are given below.

- Is the research/creative achievement innovative;
- Does the research/creative achievement demonstrate scientific and/or creative merit;
- Is the research/creative achievement output commensurate with research responsibilities and available sources;
- Does the research/creative achievement contribute to the mission of the department, college and University;
- Are the research/creative achievement outputs communicated to appropriate audiences;
- Are the research/creative achievement results communicated through appropriate vehicles (journals, presentations, performances, etc.);
- Are the research/creative achievement outputs communicated in an articulate and/or effective manner;

- Are the research/creative achievement outputs disseminated in a timely manner;
- Are research/creative achievement outputs provided to collaborators and other users in a timely manner?

## **APPENDIX C- BEST PRACTICES FOR EVALUATING FACULTY SERVICE**

Service is defined as activities in which faculty members offer professional knowledge, skills, and advice to their communities (University, profession, and public). Service activities, whether compensated or not, draw on professional expertise, relate to the teaching and research missions of the University, and, typically, imply a connection to the University. Sharing professional expertise with those outside the academy is both an educational experience and a test of the results of research. It follows that not all "services" faculty perform will be relevant to the University's judgment of their work. Activities in which faculty engage that do not involve their professional expertise - activities centered on the family, neighborhood, church, political party, or social action group - are commendable as being the normal commitments of citizenship, but are not components of the workload of a member of the faculty. When involved in those activities, faculty members do not typically present themselves as representatives of the University.

### **University**

Service to the University can include the following:

- Participation in the review of the teaching and research of peers;
- Service as mentor to a probationary faculty member;
- Active service on the Faculty Senate or other college or campus committees;
- Participation in the development of interdisciplinary programs and/or courses.

### **Profession**

Service to the disciplinary specialty can include the following:

- Active service in leadership structure or on a committee of a professional organization;
- Service on the editorial board of a journal;
- Maintenance of web site or moderation of listserv;
- Service as a reader for a journal or university press.

### **Public**

Service to the public can include the following:

- Consulting, whether compensated or not, on matters within the professional expertise of the faculty member;
- Conducting workshops or giving speeches in one's area of expertise;
- Engaging in creative activities and research projects which are not intended for peer review;
- Evaluating community sponsored programs or activities.

While service is, like teaching and research, a required component of the professional life of a faculty member, the type and amount of service a faculty member engages in will vary from year to year and from department to department. Specific service expectations will be negotiated by the faculty member and the department head at the annual planning and review conference. For probationary faculty, service is not a substitute for the establishment of a solid record of independent research and/or creative activities and quality instruction.

**Appendix D: EDO Forms**

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

Department \_\_\_\_\_ Years of Service at UTC/UC \_\_\_\_\_

Academic Rank: \_\_\_\_\_

Date of Appointment to Present Rank: \_\_\_\_\_

Appointment: \_\_\_\_\_  
(Tenured, Probationary, Temporary, or Visiting)

# INDIVIDUAL OBJECTIVES SHEET

## The University of Tennessee at Chattanooga

Fill in the sections of this form identifying all activities to be undertaken during the year being evaluated to accomplish your individual objectives in the three performance areas. Note that faculty responsibilities include the performance of routine responsibilities agreed to by the department and also referred to in the *Faculty Handbook*. Even though these routine performance responsibilities may not be listed on this document they are in effect.

1. Objectives for Instructional and Advisement Activities

Number of assigned Advisees \_\_\_\_\_

Department Head Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME \_\_\_\_\_

YEAR BEING EVALUATED \_\_\_\_\_

2. Objectives for Research, Scholarly, and Creative Activities

Department Head Comments \_\_\_\_\_

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3. Objectives for Professional Service Activities

Department Head Comments \_\_\_\_\_

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NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

Overall Department Head Comments \_\_\_\_\_

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Overall EDO rating range should routine responsibilities and objectives be met:

- Meets Expectations for Rank
- Needs Improvement for Rank
- Unsatisfactory for Rank

\_\_\_\_\_  
Signature of Faculty Member                      Date

\_\_\_\_\_  
Signature of Department Head                      Date

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

Department \_\_\_\_\_ Years of Service at UTC/UC \_\_\_\_\_

Academic Rank: \_\_\_\_\_

Date of Appointment to Present Rank: \_\_\_\_\_

Appointment: \_\_\_\_\_  
(Tenured, Probationary, Temporary, or Visiting)

# INDIVIDUAL PERFORMANCE REPORT FORM

## The University of Tennessee at Chattanooga

Fill in the sections of this form identifying all activities undertaken during the year being evaluated to accomplish the routine performance responsibilities agreed to by the Department and also referred to in the *Faculty Handbook* and individualized objectives outlined in your Individual Objective Sheets. You may attach additional sheets if necessary. This form and supporting documentation should be submitted to the department head.

### 1. Instructional and Advisement Activities:

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

2. Research, Scholarly, and Creative Activities:

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

3. Professional Service Activities:

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

Department \_\_\_\_\_ Years of Service at UTC/UC \_\_\_\_\_

Academic Rank: \_\_\_\_\_

Date of Appointment to Present Rank: \_\_\_\_\_

Appointment: \_\_\_\_\_  
(Tenured, Probationary, Temporary, or Visiting)

# INDIVIDUAL EVALUATION FORM

**The University of Tennessee at Chattanooga**

Attach Additional Sheets if Necessary

Department Heads should fill out each section of this form using the routine responsibilities identified by the department and referred to in the *Faculty Handbook* and the individual objectives and accomplishments identified on the Individual Objective Sheet and Report Forms.

## 1. Instructional and Advisement Activities

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

2. Research, Scholarly, and Creative Activities

3. Professional Service Activities

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

#### 4. Overall EDO Performance Rating Recommendation

The recommended Overall Performance Rating indicates how well faculty have undertaken their routine responsibilities and met pre-determined objectives. Individuals must discuss their objectives with their department or division head in order for the head to evaluate these objectives and to insure that they are compatible with those of the institution, college or school, and department. Any EDO appeal must be consistent with the procedures of the current edition of the *Faculty Handbook* and should be submitted in writing to the dean within 10 working days of the EDO Evaluation Conference.

If appropriate, the department head should counsel with the faculty member on his/her potential for tenure, promotion, and professional growth as demonstrated during the past year. The individual being evaluated should be aware that other sources of evaluation information (e.g., rank and tenure committee views) are used in making recommendations for tenure and promotion. The department head's assessment is based only on the judgment of a single year's performance, not on the cumulative assessment given for tenure and promotion recommendations.

OVERALL COMMENTS:

EDO Rating \_\_\_\_\_

*(Not to exceed a Performance Rating of Meets Expectations for Rank; for a recommended Performance Rating of Exceeds Expectations for Rank the Department Head will attach the Exceeds Expectations for Rank Consideration Form.)*

My signature acknowledges that I have read and discussed this document with my department or division head. My signature is not an indication that I agree with the department head's ranking.

A faculty member who disagrees with the recommended ranking may submit a written response to the department head within five working days. This response will be forwarded to the dean along with the EDO documentation, and will become a part of the faculty's official EDO record. See Chapter 3, Section 2 of the Faculty Handbook for more information.

Signature of Faculty Member: \_\_\_\_\_

I have read and discussed this document with the faculty member.

Signature of Department Head: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

*(College/School/Area Dean)*

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

Department \_\_\_\_\_ Years of Service at UTC/UC \_\_\_\_\_

Academic Rank: \_\_\_\_\_

Date of Appointment to Present Rank: \_\_\_\_\_

Appointment: \_\_\_\_\_  
(Tenured, Probationary, Temporary, or Visiting)

## **EXCEEDS EXPECTATIONS FOR RANK RECOMMENDATION**

### **The University of Tennessee at Chattanooga**

A recommendation for the rating of Exceeds Expectations for Rank requires a full justification, in addition to those activities listed on the Faculty Performance Form. Where "varying degrees of weight" are being accorded particular activities, provide a clear explanation. Use this form to provide full justification and attach to the Faculty Performance Form.

Department Head \_\_\_\_\_ Date \_\_\_\_\_

1. Instructional and Advisement Activities:

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

2. Research, Scholarly, and Creative Activities:

3. Professional Service Activities

NAME \_\_\_\_\_ YEAR BEING EVALUATED \_\_\_\_\_

I recommend  FOR  AGAINST the rating of **Exceeds Expectations for Rank**

Signature of the Dean: \_\_\_\_\_ Date: \_\_\_\_\_

Dean's Comments \_\_\_\_\_  
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## **Appendix E**

### **Termination Procedures for Adequate Cause**

#### **Termination Procedures for Category A: Unsatisfactory Performance in Teaching, Research, or Service**

1. Preliminary Steps The following preliminary steps shall be followed in cases of termination for unsatisfactory performance in teaching, research, or service, unless the faculty member has been under a remediation plan as described in the Cumulative Performance Review section of this policy. 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 Committee 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.

##### **A. 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.

##### **B. 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 the faculty member to improve his or her performance and of the vote of the tenured faculty on the question of whether proceedings should be initiated.

##### **C. Dean's Recommendation**

If the dean concludes termination proceedings should be initiated, he or she shall forward a recommendation to the chief academic officer.

##### **D. Chief Academic Officer's Recommendation**

(1) 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.

(2) If a mutually satisfactory resolution is not achieved, the chief academic officer shall within thirty days ask the Faculty Senate (or appropriate committee of the Senate) 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 shall be advisory to the chief academic officer.

(3) After considering the recommendation of the Faculty Senate, the chief academic officer shall make a recommendation to the Chancellor as to whether termination proceedings should be initiated.

##### **2. 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 ten 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 at the same time.

### 3. Suspension With Pay or Reassignment Pending Completion of Termination Proceedings

After consultation with the President of the Faculty Senate or the Faculty Senate Executive Committee, 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.

### 4. Failure to Contest

If the faculty member does not contest the charge(s) in writing and make the required hearing election within ten 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.

### 5. Hearing under the Tennessee Uniform Administrative Procedures Act

#### A. Contested Case Procedures

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.

#### B. Initial Order

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 ten days. In addition, the Chancellor, on his or her own motion, may elect within ten days to review the hearing officer's initial order.

#### C. Final Order

The hearing examiner's initial order shall become the final order unless review is sought by either party or the Chancellor within the ten-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.

#### D. Judicial Review

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.

### 6. 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, or a designated committee of the Senate, to appoint a hearing tribunal within fifteen days and shall notify the faculty member of this action. The matter then shall proceed in accordance with the tribunal procedures described below.

#### A. Composition of the Tribunal

The University tribunal shall consist of members of the faculty and the administration. 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.

#### B. Notice of hearing

The Chancellor shall give the faculty member written notice of the hearing date at least 20 days in advance.

#### C. 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 ten 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.

#### D. 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 rest its recommendation upon the evidence in the record.

#### E. 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).

#### F. 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 teaching, research, or service," the evidence shall include the testimony of qualified faculty members from this and/or other comparable institutions of higher education.

#### G. 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.

#### H. Adjournments

The tribunal shall grant adjournments to allow either party to investigate evidence to which a valid claim of surprise is made.

#### I. 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.

#### J. 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.

(1) If the tribunal concludes adequate cause for termination has not been established, it shall so report to the Chancellor.

(2) 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.

(3) 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.

#### K. 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 its findings and conclusions.

#### 7. Chancellor's Recommendation on Termination

A. 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 Board of Trustees.

B. 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.

#### 8. 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.

## **Termination Procedures for Adequate Cause**

### **Termination Procedures for Category B: Misconduct**

#### 1. Preliminary Steps

##### A. Consultation with 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.

##### B. 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 recommendation shall include a report of the head's consultation with the tenured faculty.

##### C. Dean's Recommendation

If the dean concludes termination proceedings should be initiated, he or she shall forward a recommendation to the chief academic officer.

##### D. Chief Academic Officer's Recommendation

(1) 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.

(2) If a mutually satisfactory resolution is not achieved, the chief academic officer shall make a recommendation to the Chancellor as to whether termination proceedings should be initiated.

#### 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 ten 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 to the Faculty Senate at the same time.

#### 3. Suspension or Reassignment Pending Completion of Termination Proceedings

##### A. Suspension With Pay

After consultation with the President of the Faculty Senate or the Faculty Senate Executive Committee, 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.

##### B. Suspension Without Pay

After consultation with the President of The University and the President of the Faculty Senate or the Faculty Senate Executive Committee, 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.

#### 4. Failure to Contest

If the faculty member does not contest the charge(s) of misconduct in writing within ten 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.

#### 5. 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 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.

#### 6. Hearing under the Tennessee Uniform Administrative Procedures Act

##### A. Contested Case Procedures

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.

##### B. Initial Order

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 ten days. In addition, the Chancellor, on his or her own motion, may elect within ten days to review the hearing officer's initial order.

##### C. Final Order

The hearing examiner's initial order shall become the final order unless review is sought by either party or the Chancellor within the ten-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.

#### D. Judicial Review

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.

#### 7. 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 Committee, 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:

A. 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

B. 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.

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

(1) notice of the charges;

(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.