

# **University of Tennessee at Chattanooga Faculty Handbook**

**Effective August 2, 2021**

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# Preface

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## FACULTY HANDBOOK

The administration and faculty of the University of Tennessee at Chattanooga ("UTC") share responsibility for effectively conducting the academic affairs of UTC. Institutional success depends upon the mutual respect and thoughtfulness of the faculty and the UTC administration. Both the faculty and the UTC administration are employed by The University of Tennessee (the "University") and have specific responsibilities that can be successfully discharged only with the support and counsel of the other. UTC faculty members are professionals whose services have been obtained by the University through its administrators on behalf of UTC and for the sake of UTC's students.

The Faculty Handbook is intended to be a general summary of university governance, policies, guidelines, services, and resources. UTC maintains a copy of the current Faculty Handbook on the [Faculty Senate website](#). The Faculty Handbook, along with [UT Policy HR0580 - Code of Conduct](#), should be read carefully by all members of the faculty.

Collegiate and departmental bylaws do not supersede and may not conflict with the contents of this Faculty Handbook. In the event of any conflict or inconsistency between Board policy and this Faculty Handbook, Board policy will take precedence.

Current versions of the Board and UT System policies are available on the [UT System policy website](#).

UTC campus policies and procedures are available on the [UTC policy website](#).

Additional information about UTC accreditation, memberships, history, facts, and statistics may be found on the UTC website [here](#).

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# Chapter 1

## University Organization and Governance

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### 1.1. THE UNIVERSITY OF TENNESSEE SYSTEM

The University of Tennessee is the state's land-grant, higher education institution and flagship public university. It is comprised of campuses at Knoxville, Chattanooga, and Martin; the Health Science Center at Memphis; the Space Institute at Tullahoma; and the statewide Institute of Agriculture and Institute for Public Service.

The University of Tennessee System has a presence in each of Tennessee's 95 counties. Through the combined force of its education, research, and outreach, the University serves students, business and industry, schools, governments, organizations, and citizens throughout the state. The mission statement of The University of Tennessee System can be found [here](#).

### 1.2. THE UNIVERSITY OF TENNESSEE AT CHATTANOOGA

Since its founding as Chattanooga University in 1886, The University of Tennessee at Chattanooga ("UTC") has developed an institutional excellence which rests on an unusual blend of the private and public traditions of American education.

For 83 years the university was a private school. Three years after its founding, the university was consolidated with another church-affiliated school, East Tennessee Wesleyan University at Athens, under the name of Grant University. In 1907, the university adopted the name University of Chattanooga.

In 1969, the University of Chattanooga and a junior college, Chattanooga City College, merged with The University of Tennessee to form The University of Tennessee at Chattanooga campus.

UTC is a driving force for achieving excellence by actively engaging students, faculty and staff; embracing diversity and inclusion; inspiring positive change; and enriching and sustaining our community. The mission statement of UTC can be found [here](#).

### 1.3. UNIVERSITY ORGANIZATION AND GOVERNANCE

#### 1.3.1. UT Board of Trustees (link: [Board of Trustees website](#))

The governing body of The University of Tennessee is the Board of Trustees (the "Board"). The Board exercises general control and oversight of The University of Tennessee System and its institutions, delegating to the President the executive management and administrative authority necessary and appropriate for the efficient administration of the system or to carry out the mission of the system; and delegating to each Chancellor the executive management and administrative authority necessary and appropriate for the efficient administration of each institution and its programs, subject to the general supervision of the President.

The Board reserves to itself, among other matters, the authority to approve the scope of educational opportunities to be offered by the University, provided that the planning and development of curricula shall be the function of the faculties; policies and procedures governing the granting and removal of tenure for faculty members; granting tenure to eligible members of the faculty upon the positive recommendation of the President; and general admission, progression, retention, and graduation requirements.

The Board, through its Academic Affairs and Student Success Committee, oversees matters related to the University's educational mission of teaching, research, and service; and considers the needs and interests of the faculty, administrative staff, and students in creating and sustaining the University's academic environment, including in the creation, evaluation, continuation, and termination of academic programs.

For a more complete description of the organization, duties, and powers of the Board, please consult the Charter of The University of Tennessee and the [Board Bylaws](#).

### **1.3.2. UT System Administration**

The UT System Administration, headed by the President, enunciates the general mission of The University of Tennessee System, and coordinates comprehensive, long-range plans, growth, and development of the campuses and system operating divisions. For more information regarding the organization, duties, and functions of the UT System Administration, please consult the [Office of President website](#).

### **1.3.3. UTC Campus Administration**

The Chancellor of the UTC campus (the "Chancellor") has been delegated authority to administer the campus, subject to the supervision of the President and to system-wide administrative policies, and to coordinate campus relations with the officers of the UT System Administration. For the UTC campus, the Chancellor exercises primary authority in control and allocation of all fiscal resources; establishment of the administrative organization; approval of personnel appointments; administration of academic programs and policies; administration of student affairs and services; administration and control of the intercollegiate athletics program; and administration of all campus plans and facilities. As a member of the President's staff, the Chancellor also participates regularly in matters concerning the state-wide University of Tennessee System. The Chancellor serves at the pleasure of the President.

For more information regarding the organization, duties, and functions of the Office of the Chancellor and the UTC campus administration, please consult the [Office of the Chancellor website](#) and [Article IV, Section 5\(c\) of the Board Bylaws](#).

### **1.3.4. UTC Academic Administration**

#### **1. Provost and Vice Chancellor for Academic Affairs**

The Provost and Vice Chancellor for Academic Affairs (the "Provost") is the chief academic officer of UTC. The Provost reports directly to the Chancellor and is responsible for the supervision of all academic affairs at UTC, including ensuring that UTC's academic programs and faculty are of the highest quality. The Provost's responsibilities include, but are not limited to, working collaboratively with the deans for the oversight of the colleges and similar major academic units; supervising and evaluating the performance of the deans and Academic Affairs administrators and staff; managing the Academic Affairs budget and fiscal affairs; directing the development and implementation of UTC's academic plans and policies; working in a collaborative fashion with UTC administrators, the deans, and faculty to advance UTC's academic programs; and reviewing recommendations for appointment, salary, retention, tenure, and/or promotion of faculty and making recommendations to the Chancellor regarding the same.

The Provost serves at the pleasure of the Chancellor. Information about the UTC Academic Affairs administrative structure can be found at the [UTC Academic Affairs webpage](#).

#### **2. Academic Deans**

Academic units at UTC are varied and diverse both in their role and scope and in their model of organization. Each college or major unit (hereafter referred to as "college") is administered by a dean, who is the chief officer responsible for the success of its programs.

Deans serve as the academic leaders of their colleges, representatives of their colleges to the rest of the UTC community, representatives of the UTC executive leadership to their colleges, managers of the resources of their colleges, and representatives of their colleges and UTC to external bodies. A dean's responsibilities include, but are not limited to, coordinating the development of and implementing the college's goals in alignment with UTC's goals and strategic plan; developing a college budget through conversation with department heads and faculty within the college; managing the fiscal affairs of the college; evaluating the performance of department heads and staff within the college; reviewing recommendations for appointment, salary, retention, tenure, and/or promotion of faculty within the college, and making recommendations regarding the same to the Provost; and assessing the performance of academic programs within the college and recommending to the Provost reductions in or the elimination of current programs and the addition of new programs within the college.

The deans serve at the pleasure of the Provost and the Chancellor. An evaluation of the performance of the deans is conducted annually by the Provost.

### **3. Academic Department Heads**

The term "department head" includes administrators with other titles, such as director, who perform the duties of a unit administrator, where the basic administrative units are typically departments, but not always (e.g., schools). In discipline-specific colleges not organized into schools or departments, the dean may serve as both dean and department head.

The department head is the first level of administration and is assigned the special duty of administering the academic department. The department head is appointed by the dean in consultation with the faculty within the unit that the department head will administer.

The department head's responsibilities include, but are not limited to, assuming responsibility for the quality, effectiveness, and progress of the academic programs and activities within the department; implementing University, college, and departmental policies and procedures affecting the department, with due regard for the prerogatives and responsibilities of the faculty; recommending to the dean, after appropriate faculty counsel and consistent with University policies and procedures, appointment, re-appointment, salary adjustments, tenure, dismissal, and other personnel actions relating to members of the faculty and staff within the department; providing, through conversation with the departmental faculty, an annual budget for the department and submitting the annual budget to the dean; coordinating the recruitment of new faculty members within the department, consistent with University policies and procedures; promoting the career development and performing annual performance appraisal reports of faculty and staff within the department; and in consultation with the departmental faculty, assessing departmental academic programs for performance and productivity and recommending to the dean the continuation, reduction, or elimination of programs and the addition of new programs within the department.

In addition, the department head's responsibility entails care of the apparatus necessary for support of the academic programs through employment and supervision of clerical and support personnel, management of departmental physical facilities, planning for space and equipment needs, and monitoring of all expenditures from the departmental budget.

The department head's many tasks relating to these duties may be delegated to other members of the department or to specific clerical or support personnel. In almost all departments, a number of standing faculty committees are responsible for collection of data

and the formulation of policy recommendations concerning specific matters. In such instances, the departmental faculty reviews recommendations made by committees. The active participation of departmental faculty in the planning, execution and review of its curriculum is vital to the well-being of the department.

The administrative appointment of department heads, like all other administrative offices, does not carry tenure. The department head serves at the pleasure of the dean, Provost, and Chancellor. The dean conducts an annual evaluation of the department head.

#### **1.4. UTC FACULTY ROLE IN SHARED GOVERNANCE**

Faculty members are representatives of a profession whose services have been obtained by the University through its administrative officers on behalf of UTC and for the sake of UTC's students. The privileges and responsibilities of the faculty in the governance of UTC are important and varied. The most direct responsibility of the faculty in the governance of UTC is to plan and develop the curriculum of UTC's academic programs. The Board, through its Academic Affairs and Student Success Committee, shall consider the needs and interests of the faculty (as well as the administrative staff and students) in creating and sustaining UTC's academic environment, including the creation, evaluation, continuation, and termination of academic programs. A less direct, but no less important, role of the faculty is to advise UTC's administration about administrative matters that are intrinsically related to the well-being of UTC. These advisory matters include the:

- appointment, dismissal, evaluation, and reappointment of faculty, including probationary faculty
- promotion of faculty and the awarding of tenure
- evaluation of faculty performance
- grievances of faculty
- search for and hiring of the UTC Chancellor, Provost, deans, and department heads

The opinion of the faculty in these areas is invaluable. Its advice cannot be lightly given or peripherally received. Institutional success depends upon the mutual respect and sensitivity of the faculty and the administration. The basic principle of the relationship is that the faculty and the administration are colleagues in shared governance. The Board is the governing body for all campuses within the University of Tennessee System and has delegated respectively to the faculty and administration separate specific sets of responsibilities that can be successfully discharged only with the support and counsel of the other. It is the right and responsibility of faculty members to work collaboratively with administrators, professional support staff, and students in deliberations and decisions on university actions, policies, and positions on the matters listed above. The basic fundamentals of successful shared governance include:

- transparency and accessibility of information and responses of others
- adequate time to reflect on information and the responses of others
- opportunity to communicate collaboratively across all campus bodies
- consistency in the process of shared governance
- clear accountability for responsibilities at all levels
- consistent and clear communication among all levels of governance

##### **1.4.1. The Full Faculty**

The full faculty is composed of all full-time tenured, tenure track and non-tenure track faculty.

The full faculty reviews, considers and votes on issues of major importance. Issues of major importance are determined by the Faculty Senate President, in consultation with the Faculty Secretary, the Senate Executive Committee, the Parliamentarian, and, whenever possible, the body of the Faculty Senate.

##### **1.4.2. Faculty Senate**

The faculty role in campus-wide governance is through its representative body, the Faculty Senate, and responsibility for much of the business conducted on behalf of the faculty is delegated to the Faculty Senate. The Faculty Senate is composed of elected faculty representatives as well as administrators with *ex officio* status. The Faculty Senate is authorized to recommend to the Chancellor for approval, policies and regulations related to the overall general requirements for admission, readmission, retention, graduation, and honors for the academic programs of UTC; and UTC's educational standards and degree requirements, including planning, development, and recommendation of academic programs and their curricula. The Faculty Senate is also authorized to consider, advise, and recommend to the administration policies about a wide range of issues affecting the general welfare of the faculty.

Neither the full faculty nor the Faculty Senate have management or administrative functions either in themselves or through their committees, since such functions are expressly reserved for the President (as delegated by the Board) and through the President to the Chancellor. Nevertheless, the advice and recommendation of the full faculty and the Faculty Senate about all of the matters listed in the previous paragraph are considered carefully and seriously by all administrators.

Specific information about the organization, duties, and powers of the Faculty Senate can be found in the [Faculty Senate Bylaws](#).

#### **1.4.3. Faculty Role in Appointment of UTC Administrators**

The Bylaws of the Board of Trustees provide that in a search to fill a vacancy in the UTC Chancellor position, the President's advisory committee shall include faculty, staff, students, alumni, and representatives of the external constituencies of the campus to assist in identifying and screening candidates. In addition, the UTC faculty and the Faculty Senate render advice to the UTC administration about the appointment of the Provost, deans, and department heads. In addition, the faculty of each academic unit plays an important role in the evaluation of deans and department heads assigned to it and in the search of new persons to fill such positions as they become vacant. When these leadership positions become vacant, faculty members are invited and expected to serve on search committees, to interview prospective candidates and to submit evaluations of those candidates. This participation in the ongoing renewal of the leadership is one of the most important ways in which faculty judgment informs the administration of the University.

#### **1.4.4. Faculty Role on Administrative Committees**

Administrative committees play an important role in the governance of UTC. These committees, composed of students, faculty, staff and, in some cases, members of the community, are appointed yearly by the Chancellor and other administrators to assist in the development of institutional policy, procedure and practice. Faculty members are given an opportunity to indicate their preference of administrative committees on which they wish to serve.

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# Chapter 2

## Faculty Rights and Responsibilities

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### 2.1. ACADEMIC FREEDOM

The principal mission of the University is the discovery and dissemination of truth through teaching, research and service. The Board of Trustees for The University of Tennessee ("Board") recognizes that freedom of inquiry and expression is indispensable for this purpose and believes that it and the administration and faculty should cooperate to that end. In the University's program of teaching, research and service, it is essential that the Board, administration and faculty cooperate voluntarily, each contributing freely, according to his or her qualifications, in a mutually beneficial exchange of information and ideas.

#### 2.1.1. Academic Freedom and Responsibility of the Faculty Member

The Board's policy governing academic freedom and responsibilities ([UT Policy BT0006](#)) states the following about academic freedom and the responsibility of faculty members:

A healthy tradition of academic freedom and tenure is essential to the proper functioning of a University. At the same time, membership in a society of scholars enjoins upon a faculty member certain obligations to colleagues, to the University, and to the State that guarantees academic freedom.

1. The primary responsibility of a faculty member is to use the freedom of his or her office in an honest, courageous, and persistent effort to search out and communicate the truth that lies in the area of his or her competence.
2. A faculty member is entitled to full freedom in research and in publication of the results, subject to the adequate performance of his or her other academic duties, but research for pecuniary gain either within or beyond the scope of his or her employment must be based upon an understanding with the University administration, according to the University's policies (e.g., Compensated Outside Services, Conflict of Interest).
3. A faculty member should maintain a high level of personal integrity and professional competence, as demonstrated in teaching, research, and service. Academic freedom does not exempt a faculty member from an evaluation by colleagues and administration of his or her qualifications for continued membership in their society.
4. Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, the faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is unreasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction.
5. A faculty member should recognize that the right of academic freedom is enjoyed by all members of the academic community. He or she should be prepared at all times to support actively the right of the individual to freedom of research and communication as defined herein.



6. In addition to the normal responsibilities of a citizen of the State and nation, including the duty to uphold their Constitutions and obey their laws, a faculty member also should conduct himself or herself professionally with colleagues. He or she should strive to maintain the mutual respect and confidence of his or her colleagues. He or she should endeavor to understand the customs, traditions, and usages of the academic community.
7. When, as a citizen, a faculty member speaks outside the classroom or writes for publication, he or she should be free, as a citizen, to express his or her opinions. Each faculty member should conduct himself or herself professionally, should be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make clear that he or she speaks for himself or herself and not for the University.
8. This policy is intended to be consistent with [UT Policy BT0021 - Policy Affirming Principles of Free Speech for Students and Faculty](#), and shall be interpreted accordingly.

### **2.1.2. Academic Freedom and Responsibility of the University Administration**

The Board's policy governing academic freedom and responsibilities ([UT Policy BT0006](#)) states the following about academic freedom and the responsibility of the University administration:

1. The University is committed to recruiting, appointing, retaining and promoting faculty members by processes which are thorough, thoughtful, equitable, and in which the professional judgments of faculty members are of major importance.
2. Administrative officers should actively foster within the University a climate favorable to freedom of teaching and research. In its pursuit of excellence, the University should reward its outstanding faculty members.
3. The administration is responsible for enforcing all Board and campus policies applicable to faculty members. It is the duty of the administration—beginning with department heads, deans, and chief academic officers—to remove from the faculty any faculty member who has been found, through proper procedures, seriously derelict in his or her responsibilities as a member of the academic community.

## **2.2. TENURE**

Tenure is defined in board policy and protects academic freedom. This status is awarded to a junior tenure-track faculty member after serving a successful probationary period that is typically six years, to a senior faculty member with previously demonstrated academic excellence who maintains excellence for a shorter probationary period, to a senior faculty member of outstanding academic excellence who was tenured at the institution from which recruited, or to a senior faculty member who is assuming a senior administrative position at the time of appointment and was tenured at the institution from which recruited. Additional information about tenure is found in [Chapter 3](#) of this Handbook.

## **2.3. FREEDOM AS A CITIZEN**

When faculty members communicate as citizens on matters of public concern, they operate independently of UTC. In this situation, faculty members have rights common to all citizens, including the rights to organize associations, join associations, participate in public meetings, run for and serve in government offices subject to applicable state and federal laws and university personnel policies, demonstrate, picket, and voice their opinions. When exercising their rights as citizens, faculty members must also respect UTC by not claiming to represent the positions or views of UTC and by using institutional resources.

## **2.4. EQUITY AND DIVERSITY**

## 2.4.1. Equal Employment Opportunity

### 1. Policy and Position Statements

The University is committed to the principle that decisions concerning employment, admission, and performance should be based on an individual's qualifications and performance and not on characteristics unrelated to job performance or academic requirements. It is the policy of the University under [UT Policy HR0220 - Equal Employment Opportunity](#) not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, marital status, parental status, sexual orientation, gender identity, national origin, disability, age, genetic information, veteran status, or any other characteristic protected by federal or state law. The University policy also prohibits harassment based on such characteristics. This policy extends to recruitment, employment, promotion, demotion, transfer, layoff, termination, compensation, training, benefits, and all other terms and conditions of employment.

This policy shall not be construed to: (1) confer eligibility for employment benefits for which an employee is not otherwise eligible under state law, policy, or practice as the same may be modified by federal law; (2) infringe upon the free exchange of ideas essential to the academic environment; (3) limit freedom of religious association; (4) establish a duty to engage in affirmative action measures for characteristics not subject to affirmative action under state or federal law; (5) require the compliance of external government agencies in which non-discrimination does not include certain personal characteristics (e.g., ROTC); or (6) create any cause of action not currently provided under state or federal law.

For further information, see the following:

- [UTC Notice of Non-Discrimination and Statement of Equal Employment Opportunity](#)
- The UTC Office of Equity and Inclusion (OEI). The [OEI website](#) includes information regarding the following:
  - Discrimination complaint procedures;
  - The affirmative action checklist for conducting searches; and
  - UTC sexual harassment and discrimination guidelines.

### 2. Complaints

Complaints that a University employee has violated a University policy prohibiting discrimination, including but not limited to [UT Policy HR0220 - Equal Employment Opportunity](#) and [UT Policy HR0280 - Sexual Harassment & Other Discriminatory Conduct](#), should be directed to the OEI. Complaints will be investigated and resolved in accordance with the [Discrimination Complaint Procedure](#).

## 2.4.2. Sex Discrimination

UTC is a recipient of federal financial assistance, and in accordance with the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title IX"), all of its education programs and activities are subject to the prohibition against sex discrimination, including sexual harassment, sexual assault, and sexual exploitation. UTC's [Nondiscrimination Statement](#) prohibits sex discrimination in any UTC education program or activity, including employment and admissions. Title IX applies to all UTC students, employees, applicants for admission or employment, volunteers and campus visitors.

### 1. Sexual Harassment & Other Discriminatory Harassment

The University is committed to an environment that recognizes the worth and dignity of every person while striving to foster tolerance, sensitivity, and mutual respect. The University therefore prohibits employees from engaging in acts of harassment on the basis of sex, which includes harassment based on gender, pregnancy, sexual orientation, and gender identity, as required by state or federal law. [UT Policy HR0280 - Sexual Harassment & Other Discriminatory Conduct](#) prohibits employees from engaging in sexual or other discriminatory harassment, regardless of whether such conduct is directed at another employee, a student, a vendor, or a visitor to campus.

## **2. Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking**

UTC is committed to creating and maintaining a learning, living, and working environment free from sexual harassment, sexual assault, dating and domestic violence, stalking, and retaliation, as defined and prohibited under the [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#) ("Title IX Policy"). The Title IX Policy protects and applies to the conduct of UTC students, employees, volunteers, contractors, and third parties participating in a UTC program or activity.

### **(1) Complaints**

Complaints of prohibited conduct under the Title IX Policy should be directed to the OEI or the Title IX Coordinator. Complaints will be investigated and resolved in accordance with the Title IX Policy.

### **(2) Mandatory Reporter Obligations**

All UTC faculty members are mandatory reporters under the Title IX Policy when: (1) the complainant is a student; (2) the faculty member is the immediate supervisor of either the complainant or the respondent; or (3) the faculty member has the authority to redress the prohibited conduct. As mandatory reporters, faculty members are obligated to report information they receive concerning conduct prohibited under the Title IX Policy to the Title IX Coordinator in accordance with the mandatory reporter procedures set forth in the policy. A mandatory reporter's failure to fulfill his or her obligations may result in discipline. For more information regarding the requirements and guidelines for mandatory reporters, please see the [Title IX Policy](#).

## **3. Prohibited Relationships with Students**

An amorous or sexual relationship between a faculty member and a student greatly increases the potential for a faculty member's abuse of power because of the inherently unequal status of the persons involved in the relationship. Even in cases where such a relationship begins with the mutual consent of the participating persons, it can result in exploitation of the student or the creation of a hostile learning or work environment for the student. Accordingly, amorous or sexual relationships between faculty members and students under the circumstances provided under Section [2.4.2.3.\(1\)](#) below are expressly prohibited. Amorous or sexual relationships between faculty members and students not otherwise prohibited are strongly discouraged.

### **(1) Prohibited Conduct**

The following conduct is prohibited:

- (a)** A faculty member shall not have an amorous or sexual relationship (consensual or otherwise) with a student who is not the faculty member's spouse and who is

simultaneously enrolled in a course taught by the faculty member or whose academic or work performance is subject to the supervision or evaluation of the faculty member.

- (b) A faculty member shall not have an amorous or sexual relationship (consensual or otherwise) with a student who is not the faculty member's spouse and to whom the faculty member, as part of the faculty member's job-related responsibilities, provides academic advising, mentoring, or tutoring.
- (c) Retaliation is prohibited against any person who reports conduct prohibited under this Section [2.4.2.3.\(1\)](#). Retaliation is also prohibited against any person who participates in an OEI investigation of a report of prohibited conduct under this section.

## (2) Reporting Violations

Reports of possible violations of Section [2.4.2.3.\(1\)](#) above should be reported to the OEI for review and investigation. Certain conduct described in this section may also trigger a mandatory reporting obligation under the Title IX Policy: (1) if the involved student is a minor; (2) if the conduct appears to violate the Title IX Policy; or (3) if reporting is otherwise required by law or University policy. In the case of uncertainty about the reporting obligation, OEI officials may be consulted without providing personally identifiable information in order to clarify the reporting obligation, or to get more information about how the OEI might handle a possible violation of this section.

## 4. Prohibited Discrimination Against Pregnant Students

Discrimination against any student, or exclusion of any student from participation in any part of a UTC educational program or activity, on the basis of a student's pregnancy is prohibited, as provided under state or federal law. UTC educational programs and activities include, but are not limited to, classes, extracurricular activities, internships, fellowships, clinics, and labs. When necessary to ensure a pregnant student's access to an educational program or activity, UTC will provide reasonable adjustments to the program or activity for the student, in accordance with the [Policy on Educational Accommodations for Pregnant Students](#).

### 2.4.3. Discipline and Appeal Rights

A faculty member who is found to have violated a University policy prohibiting discrimination or other provision of this [Section 2.4](#), including but not limited to [UT Policy HR0220 - Equal Employment Opportunity](#), [UT Policy HR0280 - Sexual Harassment & Other Discriminatory Conduct](#), and the [Title IX Policy](#), may be subject to discipline up to and including termination. Any disciplinary action taken against a faculty member for violation of the University's anti-discrimination policies or other provision of this [Section 2.4](#), and any appeal of such disciplinary action, must be in accordance with [Section 5.4.2](#). (tenured faculty) or [Section 5.4.3](#). (non-tenured faculty).

## 2.5. SEXIST LANGUAGE

It is the practice at UTC to avoid the use of sexist words and terms in all official correspondence and publications. Every reasonable attempt should be made to comply with this policy and to assist in making UTC a model for real as well as perceived equal treatment in organizational communications. The following serves as a guideline for all written materials:

Avoid sexist words and terms. Do not avoid them, however, at the expense of correct grammar. Almost all sexist language problems—especially "he" or "she" constructions—can be eliminated by careful writing or rewriting.

## 2.6. DRUG-FREE CAMPUS AND WORKPLACE

It is the policy of the University to maintain a safe and healthful environment for its students and employees. Therefore, University policy prohibits the unlawful use, manufacture, possession, distribution, or dispensing of drugs ("controlled substances" as defined in the Controlled Substances Act, 21 U.S.C. 812) and alcohol on University property or during University activities. For more information, please see [UT Policy HR0720 - Drug Free Campus and Workplace](#).

## **2.7. PERSONNEL FILES AND RELEASE OF INFORMATION**

The University maintains official personnel files on every University employee and has adopted [UT Policy HR0130 - Personnel Files and Release of Information](#) to assure that accurate and complete personnel data are maintained, that individual employees are afforded an opportunity to see that their records reflect such standards, and that the release of information from personnel files is adequately monitored.

Under the Tennessee Public Records Act, personnel records of all University employees are public records which may be inspected and copied by citizens of Tennessee during regular business hours. Public records include "all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other materials regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency" (Tenn. Code Ann. § 10-7-503(a)(1)(A)). This law is addressed by [UT Policy HR0130](#), which includes a list of information to be redacted (when possible) before record release and a list of documents to be stored permanently. At UTC, these documents are found in Human Resources, Academic Affairs, and college and departmental personnel files.

## **2.8. ETHICAL CONDUCT OF FACULTY**

Faculty members should be familiar with and must comply with University policies governing the ethical conduct of faculty, including the policies set forth under [Chapter 7](#) of this Handbook.

## **2.9. GENERAL STATEMENT OF STUDENT-RELATED AND PROFESSIONAL RESPONSIBILITIES OF FACULTY**

Faculty members carry a wide range of specific responsibilities—to students, to professional colleagues, and to UTC. The statement of responsibilities below represents UTC's view of those specific responsibilities of its faculty members:

### **2.9.1. Responsibilities to Students**

Faculty members have the responsibility to deal seriously and conscientiously with the instructional assignment, including careful planning of courses, preparation of class meetings, regularity in meeting scheduled classes, clear communication to students of course requirements through presentation of course syllabi (further description of appropriate syllabus material appears in the appendices), and fair and impartial grading according to standards established by the institution.

Faculty members should recognize that students deserve respect as individuals and have certain rights that must be protected. This encompasses an active interest in individual academic and personal problems of students, the giving of mature professional advice, courteous treatment of students in class, and keeping in confidence personal information about students that may come to the attention of faculty members in their role as counselors, subject to university, system, and state policies for reporting.

Faculty members should recognize that faculty members serve as models and exercise a great influence in shaping young minds. This being true, faculty members must try to set a high standard in:

- Academic and scholarly excellence
- Personal integrity
- Professional ethics

Faculty members should recognize that in their influential classroom roles, they are morally bound not to take advantage of their positions by repeatedly introducing into classes discussions of subject matter outside the scope of the course and not within their field of professional competence.<sup>1</sup>

## **2.9.2. Professional Responsibilities**

Faculty members have the following general professional responsibilities:

1. Special responsibility to keep up to date with developing knowledge in their academic disciplines through familiarity with recent publications and journals and participation in local or national professional societies and meetings where appropriate.
2. Responsibility to seek ways of improving their effectiveness as teachers, exploring new ways of presenting academic subject matter, motivating students, and improving methods of evaluating student performance.
3. Responsibility to advance knowledge in their respective academic disciplines through individual research, creative writing and analysis, and presenting papers at colloquiums or professional meetings.
4. Responsibility to assist faculty colleagues in academic department and college activities including:
  - (1) Contributing to curriculum studies at both the departmental and college levels
  - (2) Participating in department, college and University faculty meetings for the better operation and strengthening of the educational program of the institution
  - (3) Carrying a fair share of the burden of special faculty committee assignments, including participation in such bodies as curriculum committees and honors program committees, as well as sharing in joint faculty responsibilities such as registration, counseling, and academic proctoring
  - (4) Responsibility to exercise an active role in protecting and enhancing the academic and professional standing of the faculty by:
    - Assisting with recruitment of competent new faculty members
    - Giving appropriate recommendations regarding promotion or tenure appointments for faculty colleagues
    - Recommending the removal of colleagues who, after fair hearing, have been proved to warrant removal for adequate cause
  - (5) Responsibility to demonstrate respect for the right of others in the UTC community to hold

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<sup>1</sup> Statement adapted from Asa Knowles' *1970 Handbook of College and University Administration*. Used with permission of the publisher, McGraw-Hill.



divergent opinions, including other faculty members, students and administrators.<sup>2</sup>

## **2.10. FACULTY RESPONSIBILITIES RELATED TO TEACHING AND ADVISING**

A university's worth is determined in large measure by the quality of its teachers. The styles of good teaching vary almost as much as the many disciplines in a complex university. The size and academic level of the class, the personality of the teacher, the goals of the students, the kind of subject matter under investigation, the expectations of a profession or of the public—all affect the definition of what constitutes good teaching. UTC acknowledges and supports this variety. It supports as well the seriousness of the UTC faculty's commitment to good teaching and recognizes the students' legitimate expectations in this important aspect of UTC's mission.

Good advising (as assigned) is an important aspect of many faculty roles. Indeed, good teaching, scholarly research and academic advising are mutually supporting aspects of faculty excellence. The serious UTC student is learning how to learn and also how to relate the several parts of the college experience (the classes, lectures, readings, discussions, labs and extra-classroom endeavors) to some emerging sense of a whole. Good advising is a crucial aspect of this search for unity and integrity in the many parts. To be good academic advisors, faculty must be knowledgeable about the curriculum and the students. All students are required to see their advisor at least once a semester to discuss the many choices and goals that need to be considered. Every student should know some faculty member well enough to ask for an informed, personal letter of reference or recommendation when the time comes for graduation. The faculty member has, in turn, much to learn from the advisee and from the careful inspection of curriculum that advising requires. A good advisor is better informed about the issues that face the faculty when it votes on curriculum and on admission and graduation requirements.

Course loads should be consistent with UTC and departmental policies. Advising students, as assigned, is considered to be an integral part of the teaching obligation, and instructors are expected to give assistance freely to students in their classes. In addition, faculty members are expected to provide competent counsel to students assigned for overall course planning.

All members of the faculty are expected to attend commencement exercises in support of student success and accomplishments and in accordance with college and departmental bylaws.

## **2.11. FACULTY RESPONSIBILITIES RELATED TO CLASS ADMINISTRATION AND STUDENT INTERACTIONS**

The following statements cover important aspects of UTC's expectations for faculty members' administration of their classes, including their relationships with students in the classroom and related interactions, as well as its general philosophy governing the rights and responsibilities of students in the classroom and related interactions with faculty members.<sup>3</sup>

### **2.11.1. Student Standards of Conduct**

The [UTC Student Handbook - Student Rights & Responsibilities](#), published annually, contains statements concerning standards of conduct which students are expected to maintain and disciplinary procedures which may be used when unacceptable student behavior occurs. Faculty members are expected to encourage acceptable conduct on the part of students. In specific cases of student misconduct, faculty should consult with the Division of Student Development or the Division of Academic Affairs for guidance on how to appropriately address the misconduct.

### **2.11.2. Faculty Office Hours**

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<sup>2</sup> Statement adapted from Asa Knowles' *1970 Handbook of College and University Administration*. Used with permission of the publisher, McGraw-Hill.

<sup>3</sup> For more information regarding student rights and responsibilities, please see [UTC Student Handbook - Student Rights & Responsibilities](#).

Faculty members are expected to maintain office hours so that they may be available to students and other members of the UTC community at stated places and times. Office hours should be clearly posted in a manner that is accessible to students.

### **2.11.3. Textbooks and Course Materials**

Unless departmental approval is given, an instructor may not require students to purchase the instructor's own textbook for the courses the instructor teaches. Each department is responsible for adopting and enforcing appropriate guidelines concerning textbook choices within the department. Additionally, any duplication and distribution of instructional materials must comply with [UT Policy FI0155 - Duplication and Distribution of Instructional Materials](#) and federal copyright statutes.

### **2.11.4. Meeting Scheduled Classes**

Faculty members should meet their classes as scheduled; in the event faculty members are unable to meet class, it is their responsibility to notify the department head and arrange for a qualified replacement to conduct the class. Individual faculty members may not dismiss their classes without official authorization from their department head. Any decision to dismiss all university classes must be made by the Chancellor, or if absent, by an individual designated by the Chancellor.

### **2.11.5. Freedom of Expression**

Free and pertinent discussion is welcome at UTC. Students should feel free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion. Students are responsible, however, for learning the content of any course of study for which they are enrolled.

### **2.11.6. Academic Evaluation**

Faculty are expected to evaluate student performance honestly and professionally, based solely on academic considerations and not on opinions or conduct in matters unrelated to academic standards. Students are responsible for meeting the academic standards and requirements of each course in which they are enrolled. In order to make clear to students the basis for academic evaluation, faculty members normally should satisfy the following general guidelines: a) provide written course objectives, criteria and methods of student evaluation to the students near the beginning of each course; b) provide a written make-up examination policy near the beginning of each course; c) return graded exercises to the student promptly; d) provide a mid-term grade in writing to students by the middle of the semester or term at the latest; e) make themselves reasonably available to students for conferences and make reasonable efforts to assist students who are having difficulty in their courses. However, the burden of taking advantage of such opportunities falls on the student. A student alleging unfair evaluation may appeal pursuant to the applicable grade appeal procedure referenced under [Section 2.11.16](#) below.

### **2.11.7. Academic Integrity**

UTC expects that all academic work will provide an honest reflection of the knowledge and abilities of both students and faculty. Cheating, plagiarism, fabrication of data, providing unauthorized help and other acts of academic dishonesty are abhorrent to the purposes for which the UTC exists.

#### **1. UTC Honor Code**

The Honor Code is designed to foster a campus-wide climate of honesty and integrity in order to insure that students derive the maximum benefit from their work at UTC. All students are



subject to the rules and regulations of the UTC Honor Code upon registration at UTC. Faculty members have a general responsibility to make students aware that the Honor Code governs all of their academic work at UTC. Faculty members should stress that, although the Honor Code applies only to student work, the principles which it embodies, especially the principle of giving proper credit for another's ideas, are binding upon all members of the academic community. The Honor Code places responsibility for maintaining academic honesty on the student, but faculty are free to supervise examinations and other graded work in whatever way deemed appropriate.

The rules and regulations governing the UTC Honor Code and the procedures and disciplinary measures for addressing violations of the Honor Code are provided under the Tennessee Rules and Regulations for the UTC Honor System ([Tenn. Comp. R & Regs. § 1720-02-01-.01 et seq.](#)) and can also be found in the [UTC Honor Code Handbook](#).

### **(1) Reporting Honor Code Violations**

Either through their own observation, reports from students, or other means, faculty members may confront suspected violations of the Honor Code. The faculty member must make a preliminary judgment about the seriousness of the incident and judge whether it is a possible violation of the Honor Code. If the incident appears to be a violation of the Honor Code, the faculty member must then decide whether the seriousness of the incident and the evidence are sufficient to justify a formal report to the Office of Student Conduct. Formal reports of suspected Honor Code violations should be submitted to the Office of Student Conduct.

Faculty members are strongly encouraged to report suspected violations of the Honor Code to the Office of Student Conduct. The Office of Student Conduct (or designee) is empowered, through the Honor Code Process, to impose penalties more severe than those which an individual faculty member can impose. Only through the process of reporting suspected violations will it be possible to identify and deal with students whose academic work is habitually dishonest. If a faculty member chooses not to formally report an Honor Code violation to the Office of Student Conduct, the faculty member is not permitted to penalize the students involved without the students' knowledge and consent.

### **(2) Resolution of Honor Code Violations**

A student accused of an Honor Code violation is guaranteed the right to a hearing to contest the accusation before either: (1) an Honor Code Officer, (2) the Honor Code Board<sup>4</sup> or (2) an Administrative Judge in accordance with the Uniform Administrative Procedures Act ("APA") (Tenn. Code Ann. §§ 4-5-101 *et seq.*)<sup>5</sup> The faculty member who reports the Honor Code violation ("faculty member reporter") and other faculty members who are necessary witnesses will be requested to appear at the hearing. If appearing and called upon to testify at the hearing, the faculty member reporter should present a clear and impartial account of the incident in question and present to the decision-maker (i.e., Honor Code Officer, Honor Code Board, or APA Administrative Judge) any relevant evidence, especially written evidence, at the faculty member's disposal.

Where a faculty member reporter who is willing to appear at an Honor Code Officer or Honor Code Board hearing but has provided adequate prior notice of a reasonable excuse for not being able to appear at the hearing, the Honor Code Officer or Honor Code Board

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<sup>4</sup> The rules and procedures governing Honor Code Officer and Honor Code Board hearing proceedings are provided under the Tennessee Rules and Regulations for the UTC Honor Code ([Tenn. Comp. R & Regs. § 1720-02-01-.01 et seq.](#)), and can also be found in the [UTC Honor Code Handbook](#).

<sup>5</sup> The rules and procedures governing APA hearing proceedings are provided under the Tennessee Rules and Regulations for APA Hearings ([Tenn. Comp. R. & Regs. § 1720-01-05-.01 et seq.](#)).

has the discretion to hold the hearing in the faculty member reporter's absence if it reasonably concludes that a delay in holding the hearing may result in undue harm to the accused student.

## **2. Employee Academic Misconduct**

UTC's [Policy on Employee Academic Misconduct Involving Students](#) prohibits all UTC faculty and staff employees from engaging in academic misconduct in student academic matters. Prohibited academic misconduct under the policy includes academic fraud relating to a student (e.g., falsifying a student's transcript); authorizing, enabling or assisting violations of the Honor Code by a student; and providing impermissible academic assistance to a student.

### **2.11.8. Students with Disabilities**

Under certain circumstances, UTC is obligated, under the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, to make reasonable accommodations to provide qualified students with disabilities the opportunity for full participation in academic programs and activities. Reasonable accommodation may include increasing physical accessibility, modifying teaching/testing practices, acquiring equipment/devices, course substitution,<sup>6</sup> and/or providing qualified readers or interpreters. Faculty who have students with disabilities in their classes are expected to be sensitive to the special needs of those persons. The [UTC Disability Resource Center](#) should be contacted for information regarding possible reasonable accommodations for students with disabilities.

### **2.11.9. Make-Up Examination Policy**

Students are responsible for meeting all course requirements, including graded exercises which are administered in class. Along with other course requirements, policies covering make-ups for graded exercises normally are announced at the beginning of the course. In the event of an impasse between the instructor and the student over the questions of make-up, the student may appeal to the department head, director or program coordinator.

### **2.11.10. Final Exams**

Final examinations are to be given at the scheduled time during final exam week. If an emergency should arise, or if there are scheduling difficulties, the faculty member should consult with his or her dean.

### **2.11.11. Attendance Policy and Excuses**

At the beginning of the semester, faculty members should state to their classes their policy on absences. It is the student's responsibility to inform the instructor when documented illness, family emergency, participation in a University activity, or other reasonable excuse prevents attendance.

When absences are occasioned by University projects, students should check with their instructors, informing them of the possibility of the event and the classes to be missed. If the instructor wishes written confirmation of the organized trip before granting an excuse, a list of the student's classes along with the instructors' names and dates of the trip should be submitted to the office of the appropriate dean. All excuse requests must be submitted at least three days before the event. This list should be signed by the faculty advisor of the organization, who certifies as to the accuracy of the information. The dean returns the approved list to the faculty advisor, who issues copies to the students.

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<sup>6</sup> For more information regarding granting substitution of a course as a reasonable accommodation for a student with a disability, please see the [UTC Course Substitution Policy](#).

Upon receipt of appropriate documentation, the instructor should accommodate the missed coursework and communicate with the student how the make-up work should be accomplished. Specific information on make-up exams and missed work should be clearly stated in course syllabi.

#### **2.11.12. Academic Disputes**

Complaints or grievances will arise occasionally in the faculty-student relationship and should be clarified at the earliest possible time and at the level closest to the locus of the complaint. Students who have such complaints are urged to address them directly to the faculty member in an appropriate setting. It is understood that some issues may need to be addressed to the nearest administrator, generally the department or program unit head. Every effort should be made to resolve such matters informally by conversation. A matter unresolved on the departmental level may be brought to the appropriate dean and, after that, the Provost.

#### **2.11.13. Grade Change Policy**

Changing of a semester grade, once it has been reported to the records office by the instructor, may be made only in cases of computational error, for removal of an incomplete, or in cases of academic dishonesty after the conclusion of the student conduct process. Students are not permitted to re-do work or do additional work (e.g., re-write a paper) after the end of the semester in order to receive a change of grade.

#### **2.11.14. Course and/or Instructor Evaluation**

Course and/or instructor evaluation by students is required by UTC. Such evaluations form one constituent of the overall evaluation of the faculty which includes, in addition, a self-evaluation, an evaluation by the department head, and an evaluation by the dean or other administrator.

#### **2.11.15. Retention of Student Papers**

A faculty member who chooses not to return papers to the student should keep graded exams and papers for a minimum of the next regular semester following the completion of a term, until the time period for filing a grade appeal has expired. In the event the faculty member goes on leave, papers should be kept until one semester after the faculty member's return from leave.

#### **2.11.16. Student Grade Appeals**

It is the prerogative and responsibility of members of the faculty to determine the final grade for each student according to criteria clearly defined and explained in the course syllabus.

If a student feels that his or her rights and interests have been seriously jeopardized by way of unfair, arbitrary or malicious exercise of faculty grading prerogatives, and desire to appeal the final grade, the student may file a grade appeal pursuant to the applicable grade appeals procedures linked below.

##### **1. Undergraduate Students**

The grade appeal process for undergraduate students is set forth in the [UTC Student Handbook - Academics](#).

##### **2. Graduate Students**

The grade appeal process for graduate students is set forth in the [Catalog of Academic Policies for Graduate Students - Grade Appeal Section](#).

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# Chapter 3

## Tenure-Track and Tenured Faculty

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The Board of Trustees' *Policies Governing Academic Freedom, Responsibility, and Tenure* ([UT Policy BT0006](#)), originally adopted in 1998, and all subsequent amendments, govern faculty rights and responsibilities. The following sections are intended as a general summary of the parts of the Board's policy relevant to tenure and tenure-track faculty and of UTC's related policies and procedures established in accordance with Board policy. Academic freedom is addressed in [Chapter 2](#) of this Handbook. In the event of any conflict or inconsistency between Board policy and this Handbook, Board policy will control.

### 3.1. SELECTION OF NEW FACULTY FOR TENURE-TRACK APPOINTMENTS

Except as otherwise provided in this chapter, all academic departments will follow departmental and college bylaws for conducting the search for and the hiring of new faculty for tenure-track faculty appointments. In general, selection of new tenure-track faculty follows the following process.

#### 3.1.1. Authorization to Search

The dean or other appropriate administrator must obtain authorization from the Provost to begin a search for a tenure-track faculty position. Factors considered by the Provost in determining whether to authorize a search for a tenure-track position include demonstrated need of the academic department's academic program and availability of funds for the position. The tenure-track position may be a new position or an existing position that is or is expected to be vacant. The authorization by the Provost of a search for a new or existing tenure-track position does not necessarily mean that an appointment will be made to the position.

#### 3.1.2. Commitment to Diversity

UTC is fully committed to diversity in recruitment at all levels. Efforts must be made by the academic department to advertise position vacancies in an effort to obtain a diverse pool of qualified applicants. For each search, the Director of the Office of Equity and Inclusion ("OEI") will be contacted to advise the academic department as to appropriate search procedures that should be followed.<sup>7</sup> Prior to an appointment being offered for a position, the Director of the OEI must certify that appropriate search procedures have been followed in the search for the position.

#### 3.1.3. Search Process

A thorough search and careful selection should precede any departmental recommendation of appointment to the dean. The department head should consult with the departmental faculty members to develop a plan for the search process. Under normal circumstances, the departmental faculty members or a faculty member search committee should identify the needs of the program, the characteristics needed in a new faculty member, and a timeline of the procedures to be followed in conducting the search and screening candidates. The department head and the departmental faculty members should approve the plan. The departmental faculty members should have the opportunity to help determine the kind of person needed, the search procedure to be followed, the basic pool of candidates, the persons to be selected for interview, and to provide an assessment of candidates interviewed. At each of these stages, final responsibility for the departmental recommendation rests with the department head.

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<sup>7</sup> The OEI search procedures can be found [here](#).

### **3.1.4. Certification of English Language Competency**

No individual shall be appointed to a teaching position or recommended for tenure in such a position unless the department head, in consultation with the departmental faculty members, certifies in writing to the Provost that the individual can communicate effectively with students in the English language. Individuals who teach courses that are conducted primarily in a foreign language are exempt.<sup>8</sup> The certification form is available on the UTC Academic Affairs website here.

### **3.1.5. Recommendation to Appoint**

A departmental recommendation of appointment for a tenure-track position shall be made by the department head to the dean. If the dean agrees with the departmental recommendation, the department head and dean shall forward the recommendation to the Provost. Each recommendation should be accompanied by a full set of the candidate's credentials and any required forms or certifications. Following a departmental decision to recommend an appointment of a candidate to a position, there may be informal discussions concerning rank, salary and other terms of employment between the department head or dean and the candidate. Such discussions serve merely to shape and influence the recommendations of the department head or dean and do not constitute a binding commitment by UTC.

### **3.1.6. Official Notification of Appointment**

Official notification of appointment is made by letter from the Provost. The letter of appointment must specify:

1. the rank at which the faculty member is being appointed;
2. the faculty member's initial salary and related financial conditions;
3. the faculty member's probationary status, indicating that he or she will be advised annually on his/her reappointment status and progress toward tenure and promotion;
4. the length of the faculty member's probationary period (i.e. the academic year during which a tenure decision must be reached); and
5. the faculty member's general duties and expectations.

Only the letter of appointment from the Provost to the candidate regarding the terms and conditions of the appointment is binding on UTC. Any other representations concerning the terms and conditions of the appointment, whether oral or written, are not authorized by UTC and not binding on UTC.

The new faculty member's written acceptance of the letter of appointment, together with execution of normal UTC employment forms, completes the initial appointment to employment between UTC and the faculty member.

## **3.2. TENURED AND TENURE-TRACK APPOINTMENTS**

Except as otherwise permitted in this chapter and agreed upon between UTC and a faculty member, all tenure and tenure-track appointments will be for either one academic year or for twelve months.<sup>9</sup>

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<sup>8</sup> See [UT System Policy Concerning English Language Competency of UT Instructional Staff](#).

<sup>9</sup> See [Section 3.2.2](#) below regarding the Classifications of Tenure-Track and Tenured Appointments.

Academic departments shall provide their faculty members with the resources necessary to perform assigned duties, including office space, office and pedagogical supplies, support services, and equipment.

Academic departments should have consistent criteria for assigning teaching duties to all faculty members and should consider the views of non-tenure-track faculty members when preparing teaching schedules and other professional assignments.

Employment of relatives of a faculty member is permitted, subject to the restrictions set forth under [UT Policy HR0115 - Employment of Relatives](#).

### **3.2.1. Criteria for Appointment to Faculty Rank**

Criteria for appointment to faculty ranks reflect the rigorous preparation necessary for University teaching and research, the various service activities expected of the faculty members of a major university, and the diversity of missions performed by academic departments. For all faculty ranks, concerned and effective advising and counseling, where appropriate, is normally understood to be part of the task of teaching.

UTC has established the following general criteria that faculty members are expected to meet for the appropriate rank. Each academic department must establish its own metrics and standards for evaluating such criteria for faculty rank appointments within the department, and the department's specific metrics and standards shall be published in the department's bylaws. In regard to evaluation of librarians, "librarian" should be substituted for the word "teacher."

#### **1. An Assistant Professor is expected to:**

1. have a doctorate degree or other terminal degree in his or her discipline or present equivalent training and experience;
2. show potential or have demonstrated ability as a teacher;
3. show potential or have demonstrated evidence of research, scholarship, or creative activity;
4. have demonstrated willingness to participate effectively in professional activities other than teaching and research; and
5. have demonstrated ability to relate appropriately to students and professional colleagues.

#### **2. An Associate Professor is expected to:**

1. have a doctorate degree or other terminal degree in his or her discipline or present equivalent training and experience;
2. have achieved a reputation as an accomplished teacher;
3. have achieved a good record in research, scholarly, or creative activities;
4. have an established record of effective participation in professional activities other than teaching and research;
5. have demonstrated ability to relate appropriately to students and professional

colleagues; and

6. have demonstrated excellence in at least one of the three areas of responsibility (i.e., teaching, service, and research) required for full-time faculty status.

3. A Professor is expected to:

1. have a doctorate degree or other terminal degree in his or her discipline or present equivalent training and experience;
2. have achieved and maintained a reputation as an accomplished teacher;
3. have achieved and maintained a significant record in research, scholarly or creative activities;
4. have achieved and maintained a significant record of effective participation in professional activities other than teaching and research;
5. have demonstrated an ongoing ability to relate appropriately to students and professional colleagues; and
6. have demonstrated excellence in at least two of the three areas of responsibility (i.e., teaching, service, and research) required for full-time faculty status.

4. "All But Dissertation" Appointees

A faculty member who has not completed the terminal degree in his or her discipline (e.g., Ph.D.) but who otherwise meets all of the other criteria for the rank of Assistant Professor may be initially appointed to a tenure-track full-time academic year appointment at the rank of Assistant Professor and noted as "All But Dissertation" or "ABD," subject to the following conditions:

- If appointed in August, the faculty member will be required to complete his or her terminal degree on or before July 31 after completing his or her first full academic year (i.e., Fall and Spring semesters) in order to retain the rank of Assistant Professor; or
- If appointed in January, the faculty member will be required to complete his or her terminal degree on or before July 31 after completing half of his or her first academic year (i.e., the Spring semester) in order to retain the rank of Assistant Professor; or
- Such conditions as are imposed by the Provost at the time of the faculty member's initial appointment and set forth in the initial appointment letter.

The faculty member's failure to complete his or her terminal degree within the applicable time period set forth in this section constitutes adequate cause for terminating the faculty member's employment. The tenure probationary period for a faculty member initially appointed under such circumstances is treated in an identical manner as the tenure probationary period for a faculty member initially appointed at the rank of Assistant Professor who already has his or her terminal degree at the time of the appointment.

### 3.2.2. Classifications of Tenure-Track and Tenured Appointments

Tenure-track and tenured appointments consist of regular full-time academic year appointments and regular full-time twelve-month appointments.

#### 1. Regular Full-Time Academic Year (Nine-Month) Appointment:



Regular full-time academic year appointments involve full-time service during the nine-month academic year (Fall and Spring semesters). One-half of the faculty member's annual salary is earned for service for the Fall semester and one-half of the faculty member's annual salary is earned for service for the Spring semester. Regular full-time academic year appointments typically commence in August at the beginning of the Fall semester. The faculty member's annual salary for the nine-month appointment is prorated and paid over twelve (12) months, as earned, in monthly installments from August to July.

In some cases, regular full-time academic year appointments may begin in January at the beginning of the Spring semester. In such cases, the faculty member may be compensated in one of two ways for the Spring semester of the initial appointment, as agreed upon between the department head and the faculty member:

- The faculty member's salary earned for service for the Spring semester (i.e., one-half of the faculty member's total annual salary) is prorated and paid, as earned, over six (6) months from February to July; or
- The faculty member's salary earned for service for the Spring semester (i.e., one-half of the faculty member's total annual salary) may be prorated and paid, as earned, over seven (7) months from January to July.

## **2. Regular Full-Time Twelve-Month Appointment**

Regular full-time twelve-month appointments involve full-time service for twelve months out of a year commencing on July 1 and ending the following June 30. The faculty member's total annual salary is paid, as earned, in twelve (12) monthly installments from July to June. Faculty members under regular full-time twelve-month appointments are entitled to vacation and sick leave accruals in accordance with [UT Policy HR0305 - Annual Leave \(Vacation\)](#) and [UT Policy HR0380 - Sick Leave](#).

### **3.3. PROBATIONARY PERIOD**

A tenure-track faculty member must serve a probationary period at UTC prior to being considered for tenure.

#### **3.3.1. Length of Probationary Period**

Except as otherwise provided in [UT Policy BT0006](#), the probationary period of a tenure-track faculty member 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.

For tenure-track full-time academic year appointments that begin in January, the faculty member's probationary period begins on August 1 of the year in which the original appointment is made. For example, the tenure probationary period for an original appointment made in January 2020 would begin in August 2020 and the faculty member's first reappointment review would be performed in the 2020-2021 academic year.

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 does not guarantee retention of the faculty member for the full probationary period.



### **3.3.2. Applying for Early Tenure**

A tenure-track faculty member may request an early consideration for tenure before the sixth year of his or her probationary period ("early tenure") subject to the following limitations:

- A faculty member may apply for early tenure during years 2, 3, and 4 of the probationary period; however, if tenure is not granted, the faculty member must wait for one complete annual tenure cycle before reapplying; and
- A faculty member may apply for early tenure in year 5 of the probationary period. If tenure is not granted, he or she may reapply in the final year of the probationary period.

A faculty member should seek early tenure only after consultation with his or her departmental RTP Committee, department head and/or dean, which should include a thorough conversation about the faculty member's record.

### **3.3.3. Extension of Probationary Period**

For good cause that is either related to procedural error or results from a significant disruption of University operations that has impeded the faculty member's opportunity to conduct required research or other scholarly activity, teaching, and/or service, UTC and a tenure-track faculty member may agree in writing to extend a six-year probationary period for a maximum of two additional years (not including any extension granted due to the coronavirus crisis as authorized by the UT Board of Trustees' March 27, 2020 action). The proposed extension must be approved in advance by the Provost, the Chancellor, and the UT System Vice President for Academic Affairs.<sup>10</sup>

### **3.3.4. Suspension of Probationary Period**

The Provost 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 or modified duties assignment.

The Provost shall give the faculty member written notice of the decision concerning suspension of the probationary period.<sup>11</sup>

## **3.4. FACULTY EVALUATION AND DEVELOPMENT**

UTC utilizes the Faculty Evaluation and Development by Objectives (EDO) process for its annual evaluations of its faculty members. The EDO process is an annual performance-oriented system that is based on identifying objectives, establishing a realistic program for obtaining the objectives, and evaluating and rewarding performance in achieving the objectives. The scope of the EDO process is broad in that the format of the review process is consistent for all members of the faculty, is evidentiary-based, and represents common goals of all faculty members. The EDO process also recognizes unique

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<sup>10</sup> See Section III.E.2. of [UT Policy BT0006](#).

<sup>11</sup> See Section III.E.3. of [UT Policy BT0006](#).

disciplinary characteristics and expectations of the faculty members working within their academic discipline.

The evaluation of a faculty member's performance is an essential component of the EDO process. The performance evaluation provides a formative and summative assessment of the faculty member's performance so that the faculty member can maintain or improve subsequent performance; serves as a basis for promotion, tenure, salary, and other decisions; and provides accountability with regard to the quality of teaching, research and service to those concerned with the institution. Essential to the annual evaluation process and progress toward promotion and/or tenure is the linking of the expectations for annual performance to the long-term efforts toward promotion and/or tenure. Departmental bylaws should clearly describe the association of the annual EDO process with faculty progression toward promotion and/or tenure.

### 3.4.1. Areas of Evaluation

The evaluation of the performance of the faculty member focuses on the following three (3) areas of professional responsibility:

- teaching and advising;<sup>12</sup>
- research, scholarship, and creative activities; and
- professional service to the University, profession, and community.

Among these obligations, teaching and advising (as appropriate) are of highest importance at UTC. It is recognized, however, that research, and scholarly and creative achievement contribute significantly to good teaching and to the advancement of knowledge. It follows, then, that faculty members will be expected to be actively involved in research, scholarship or creative activity as well. The fundamental purpose of the institution is to serve the people of the community, state, and region, and it is expected that faculty members will contribute to the mission of UTC.

While the individual faculty member is expected to participate in each of the three areas, annual achievement will vary in accordance with the objectives established in conference with the department head. Lesser participation in one area should be counterbalanced by greater participation in others.

The mechanics for the EDO as they apply to tenure-track and tenured faculty members do not differ. However, the EDO process for tenure-track faculty members can and does have bearing on reappointment and tenure decisions. In turn, the EDO process for tenured faculty members can and does have bearing on promotion decisions, and is linked directly to the Enhanced Post-Tenure Performance Review (EPPR) process.<sup>13</sup> It is the responsibility of the department head to ensure that the EDO process takes into account the distinction between tenure-track and tenured faculty members as follows:

- Tenure-Track Faculty Members: The EDO process should focus on faculty development and mentorship, and should help to determine whether the faculty member is making adequate progress towards receiving tenure.
- Tenured Faculty Members: The EDO process should focus on innovation and long-term goal setting and should ensure that the faculty member continues to meet the expectations of a tenured member of the faculty at such rank as determined by departmental by-laws.

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<sup>12</sup> The scope of a faculty member's responsibility regarding "advising" is determined by departmental bylaws.

<sup>13</sup> See Section III.I.3. and Appendix E of [UT Policy BT0006](#) for more information regarding the EPPR process.

### 3.4.2. EDO Process Calendar

The schedule of timelines for the annual the EDO review process is available on the UTC Academic Affairs website [here](#). Each tenured and tenure-track faculty member must be evaluated annually in accordance with Board policies.

### 3.4.3. Evaluation and Development by Objectives

An effective EDO process is one in which a faculty member's objectives are clear and in which discussion occurs on an ongoing basis between the faculty member and the department head regarding the faculty member's performance and progress toward achieving the faculty member's objectives.

#### 1. EDO Objectives

Within the context of the institutional goals and long-range plans of UTC, individual faculty members propose objectives in writing on the [Individual Objectives Sheet Form](#), which they submit to their department heads for review, discussion, and approval. Since the objectives of the faculty are fundamental components of the EDO process, it is important that they be carefully prepared. It is the responsibility of the faculty member to clearly articulate in writing specific objectives and to demonstrate how the objectives relate to his or her professional development and responsibilities. It is the responsibility of the department head to provide an unambiguous review of the merit and quality of the faculty member's objectives within the context of the disciplinary standards for the profession and the expectations of the faculty member specified in the faculty member's letter of appointment. The following guidelines should be consulted during the stage of the EDO process for formulating the faculty member's objectives:

- The objectives must reflect the department, college, and University missions.
- The objectives should contribute to the faculty member's development as an effective faculty member.
- The objectives should be realistic and they should identify needed resources. Although a good objective will be challenging, it should also be attainable within the capabilities and resources of the faculty member and the University. Objectives should reflect the resources available to the faculty member.
- Objectives should specify an action to be taken or a task to be accomplished. At the time of evaluation, it should be clear whether or not a particular objective has been achieved.
- Objectives should be described in such a way that their completion may be objectively evaluated in a manner keeping with disciplinary standards. Not all objectives can or even should be quantified; but for those objectives that so lend themselves, the objectives should be stated in a manner so that the result is specific and subject to quantitative measures. When an objective aims for a qualitative result, understanding should be reached between the faculty member and the department head beforehand as to how and by what standards the outcome is to be judged.
- Once formulated, objectives should be set forth in writing in a completed [Individual Objectives Sheet](#) for the faculty member.

#### 2. Review and Modifications of EDO Objectives

The faculty member and the department head will review the faculty member's objectives at the time of the faculty member's EDO review. If, after a faculty member's objectives have been established, the faculty member proposes to change his or her objectives before the next EDO review is conducted, the faculty member must immediately consult with and obtain the approval of his or her department head regarding the proposed changes.

#### **3.4.4. Performance Ratings**

Each tenured and tenure-track faculty member must be evaluated annually in accordance with Board policy. Performance ratings for annual reviews shall be as follows, and college and department bylaws must clarify the means and metric for each department head to employ in conducting these reviews:

3. Exceeds Expectations for Rank—eligible for significant merit pay or performance-based salary adjustment that is consistent with campus, college, and department fiscal situations;
4. Meets Expectations for Rank—eligible for minimum merit pay or performance-based salary adjustment that is consistent with campus, college, and department fiscal situations;
5. Needs Improvement for Rank—not eligible for merit pay or performance-based salary adjustment and, if tenured, required to implement an Annual Review Improvement Plan (see [Section 3.4.6.3.\(1\)](#) below).<sup>14</sup> If tenure-track, required to implement an Annual Review Improvement Plan unless the faculty member receives a notice of non-renewal of his or her reappointment as provided under [Section 3.7.4.](#) below; and
6. Unsatisfactory for Rank—not eligible for any salary adjustment, and, if tenured, requires an Enhanced Post-Tenure Performance Review (see [Section 3.4.6.4.\(1\)](#) below).<sup>15</sup> If tenure-track, required to implement an Annual Review Improvement Plan unless the faculty member receives a notice of non-renewal of his or her reappointment as provided under [Section 3.7.4.](#) below.

#### **3.4.5. Performance Standards**

Each college and academic department will establish the standards for evaluating performance of their faculty members in each of the three areas of professional responsibility: teaching, research, and service. The performance standards will be utilized in determining the assignment of performance ratings to faculty members for their annual reviews.

College and departmental performance standards must be approved by the dean and the Provost and should be kept on file in the office of the dean of the college. The performance standards must be included in the college and departmental bylaws. Any proposed changes in college or departmental performance standards must be approved by the dean and Provost. It is the role of the dean to encourage reasonably comparable levels of standards for the differing units within each college or school. It is the role of the Provost to encourage reasonably comparable standards for the differing colleges and schools at UTC.

Performance evaluations must be based on the published performance standards as stated in college and departmental bylaws. In applying the performance standards, the department head is charged with fairly and equitably identifying qualitative differences in performance of the academic department's faculty members.

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<sup>14</sup> See Section III.I.1. of [UT Policy BT0006](#).

<sup>15</sup> See Section III.I.3. of [UT Policy BT0006](#).

### 3.4.6. Determination of Performance Ratings and Process

In the three areas of responsibility (teaching, research, and service), the department head will evaluate the faculty member's routine responsibilities established by the academic department, those defined by Board policy,<sup>16</sup> and those identified in the faculty member's Individual Objectives Sheet for the period being evaluated. During the course of the year, a faculty member may undertake teaching, research, or professional service activities in addition to those listed in the faculty member's Individual Objectives Sheet and report such activities for consideration in the EDO evaluation process. The department head shall not utilize quotas or forced distributions of ratings in the determination of annual performance ratings of faculty members within the academic department.

For the faculty member's performance evaluation, the department head will report on the Individual Evaluation Form: (1) brief narrative evaluations of the faculty member's performance in each of the three areas of responsibility; and (2) a recommended composite rating of the faculty member's overall performance.

The department head will provide the completed Individual Evaluation Form to the faculty member. The faculty member must sign the completed Individual Evaluation Form to indicate that the faculty member has read and understood the department head's evaluation. The faculty member's signature does not indicate agreement with the department head's evaluation. Subject to the provisions under Sections 3.4.6.1.-3.4.6.4. below, the department head will send a copy of the faculty member's evaluation and other EDO documentation to the dean, and the dean will send to the Provost for review and approval/disapproval copies of the evaluations of all faculty members within the dean's college or a list of the names of the faculty members and their corresponding performance ratings.

#### 1. Rating of Meets Expectations for Rank

If a faculty member disagrees with the department head's recommendation of a "Meets Expectations for Rank" rating, the faculty member must, within seven (7) days of signing the Individual Evaluation Form, submit a written response to the department head setting forth the basis for the disagreement. The department head's evaluation and the faculty member's written response will be forwarded to the dean along with the faculty member's EDO documentation, all of which will become a part of the faculty member's official EDO record. The dean will review the matter and forward to the Provost a written recommendation and a copy of the faculty member's EDO documentation. The Provost will review the matter and provide written notice of his or her decision to the faculty member, department head, and dean.

#### 2. Recommendation for Exceeds Expectations for Rank

In cases where the department head recommends an annual performance rating of "Exceeds Expectations for Rank," the department head will forward the recommendation to the dean by attaching the Exceeds Expectations for Rank Recommendation Form to the faculty member's Individual Evaluation Form. If the dean agrees with the department head's recommendation, the dean will forward his or her recommendation for "Exceeds Expectations for Rank" to the Provost and provide a copy of the recommendation to the department head. The Provost will make his or her recommendation to the Chancellor for final award.

#### 3. Rating of Needs Improvement for Rank

If a faculty member disagrees with the department head's recommendation of a "Needs

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<sup>16</sup> See [UT Policy BT0006](#).

Improvement for Rank" rating, the faculty member must, within seven (7) days of signing the Individual Evaluation Form, submit a written response to the department head setting forth the basis for the disagreement. Within three (3) days of receipt of the faculty member's response, the department head must provide to the departmental Reappointment, Tenure, and Promotion Committee (RTP Committee)<sup>17</sup> written notice of the basis and rationale for the faculty member's rating and a copy of the faculty member's written response. Within seven (7) days of receipt of the department's head notice, the departmental RTP Committee will provide a written evaluation of the faculty member's record and a performance rating recommendation. The departmental RTP Committee shall include in its evaluation the number of votes for and against the recommended performance rating.

The department head's evaluation, the faculty member's written response, and the departmental RTP Committee's recommendation will be forwarded by the department head to the dean along with the faculty member's EDO documentation, all of which will become a part of the faculty member's official EDO record. The dean will review the matter and forward to the Provost a written recommendation and a copy of the faculty member's EDO documentation. The Provost will review the matter and provide written notice of his or her decision to the faculty member, departmental RTP Committee members, department head, and dean.

#### **(1) Annual Review Improvement Plan**

Except as otherwise provided in this [Section 3.4.6.3.\(1\)](#) or in [Section 3.4.6.4.\(1\)](#) below, within thirty (30) calendar days of the Provost's decision to approve a "Needs Improvement for Rank" rating for a faculty member, the faculty member must collaborate with the department head on an Annual Review Improvement Plan to be reviewed by the department head and recommended by him or 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) for which improvement was required. The Annual Review Improvement Plan process is inapplicable if the faculty member's performance rating has triggered Enhanced Post-Tenure Performance Review.<sup>18</sup> An Annual Review Improvement Plan is not required for a tenure-track faculty member with an overall performance rating of "Needs Improvement for Rank" who receives a notice of non-renewal of his or her appointment for the following year.

#### **4. Rating of Unsatisfactory for Rank**

If a faculty member disagrees with the department head's recommendation of an "Unsatisfactory for Rank" rating, the faculty member must, within seven (7) days of signing the Individual Evaluation Form, submit a written response to the department head setting forth the basis for the disagreement. Within three (3) days of receipt of the faculty member's response, the department head must provide to the departmental RTP Committee written notice of the basis and rationale for the faculty member's rating and a copy of the faculty member's written response. Within seven (7) days of receipt of the department's head notice, the departmental RTP Committee will provide a written evaluation of the faculty member's record and a performance rating recommendation. The departmental RTP Committee shall include in its evaluation the number of votes for and against the recommended performance rating.

The department head's evaluation, the faculty member's written response, and the

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<sup>17</sup> See [Section 3.5.](#) below for information regarding departmental RTP Committees.

<sup>18</sup> See Section III.I.1. of [UT Policy BT0006](#).



departmental RTP Committee's recommendation will be forwarded by the department head to the dean along with the faculty member's EDO documentation, all of which will become a part of the faculty member's official EDO record. The dean will review the matter and forward to the Provost a written recommendation and a copy of the faculty member's EDO documentation. The Provost will review the matter and provide written notice of his or her decision to the faculty member, departmental RTP Committee members, department head, and dean.

### **(1) Enhanced Post-Tenure Performance Review**

A tenured faculty member who receives an annual performance rating of "Unsatisfactory for Rank" will be subject to an Enhanced Post-Tenure Performance Review (EPPR). An EPPR is an expanded and in-depth performance review conducted by a committee of tenured peers and administered by the Provost.

An EPPR must be initiated when the Provost determines that a faculty member has:

- Requested an EPPR, after at least four annual performance review cycles since the last enhanced review (such as a previous EPPR or a review in connection with tenure or promotion);
- Received one overall annual performance rating of "Unsatisfactory for Rank"; or
- Received two overall annual performance ratings of "Needs Improvement for Rank" during any four consecutive annual performance review cycles.<sup>19</sup>

The procedures for conducting an EPPR are detailed in Appendix E of [UT Policy BT0006](#).

### **(2) Annual Review Improvement Plan**

Except as otherwise provided in this [Section 3.4.6.4.\(2\)](#), within thirty (30) calendar days of the Provost's decision to approve an "Unsatisfactory for Rank" rating for a tenure-track faculty member, the tenure-track faculty member must collaborate with the department head on an Annual Review Improvement Plan to be reviewed by the department head and recommended by him or 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) for which improvement was required. However, an Annual Review Improvement Plan is not required for a tenure-track faculty member with an overall performance rating of "Unsatisfactory for Rank" who receives a notice of non-renewal of his or her appointment for the following year.

#### **3.4.7. Appeal of Annual Performance Rating**

The Provost's decision regarding a faculty member's annual performance rating may be appealed pursuant to the appeal procedure under [Section 5.3](#) of this Handbook, except that the decision of the Chancellor on appeal shall be final and not appealable to the President. An Enhanced Post-Tenure Review or the implementation of an Annual Review Improvement Plan will not be stayed pending the appeal of an annual performance rating.

#### **3.4.8. Periodic Post-Tenure Performance Review (PPPR)**

The academic freedom afforded to faculty by a grant of tenure is essential to the University's principal mission of discovery and dissemination of truth through teaching, research, and service.

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<sup>19</sup> See Section III.I.3. of [UT Policy BT0006](#).

The Board has recognized and affirmed the importance of tenure in [UT Policy BT0006](#). The Board has also recognized its fiduciary responsibility to students, parents, and all citizens of Tennessee to ensure that faculty members effectively serve the needs of students and the University throughout their careers. To balance its dedication to academic freedom with its responsibilities, UTC, with the approval of the President and the Board, has established the procedures under this [Section 3.4.8](#), under which every tenured faculty member shall receive a comprehensive performance review no less often than every six years.

## 1. Post-Tenure Review Period

Except as otherwise provided in the procedures under this [Section 3.4.8](#), each tenured faculty member must undergo some form of comprehensive performance review ("post-tenure review" or "PTR") no less often than every six years. The PTR shall not substitute for the EDO process in the year a faculty member is scheduled for PTR.

The dean of each college shall develop, and submit to the Provost for approval, an initial plan for staggering post-tenure reviews to avoid excessive administrative burden at any given time. The initial staggering plan may be revised with the approval of the Provost if later developments require changes in order to avoid excessive administrative burden. The post-tenure review period begins at the granting of tenure, and, except as otherwise provided by the staggering plan, a faculty member's PTR will occur no less often than every six years thereafter unless one of the following circumstances results in a different timetable:

1. Suspension of PTR Period: A faculty member's PTR period is suspended during any year in which the faculty member is granted a leave of absence or a modified duties assignment.
2. Restarting of PTR Period Due to Alternative Comprehensive Review: A comprehensive review of a faculty member's performance restarts the faculty member's PTR period under the following circumstances:
  - (a) If a tenured faculty member undergoes a successful promotion review or a promotion is in progress during the year scheduled for the faculty member's PTR, the promotion review fulfills the PTR requirement and the PTR period is modified to require a PTR six years after the promotion review. An unsuccessful promotion review does not count as an Alternative Comprehensive Review.
  - (b) If a tenured faculty member undergoes an Enhanced Post-Tenure Performance Review (EPPR) (generally triggered by annual performance review rating(s)) and is either rated as meeting expectations or successfully completes the terms of the EPPR improvement plan, the EPPR process fulfills the PTR requirement and the PTR cycle is modified to begin with the date of the EPPR committee's report.
3. Start of the PTR Period Upon Conclusion of an Administrative Appointment: Full-time administrators and faculty members with a majority administrative appointment (more than 50%) are not subject to PTR; faculty members holding a less than majority administrative appointment (50% or less) are subject to PTR regarding their faculty duties based on expectations consistent with their faculty duty allocation. When a full-time or majority-time administrator leaves his or her administrative position to assume a tenured faculty position, the faculty member's initial PTR shall occur within six years after leaving the administrative post.
4. Commitment to Retire: When a faculty member submits a letter of resignation with a termination date within the academic year during which a post-tenure review would have taken place, and provided the letter of resignation is accepted by the Provost, the post-



tenure review shall be deemed unnecessary.

5. Good Cause: A faculty member's scheduled PTR may be otherwise deferred or modified only for good cause approved by the Provost.

## **2. Annual Schedule for Post-Tenure Reviews**

All post-tenure reviews will be conducted and completed during the Fall semester according to the following schedule:

- The Provost shall notify all faculty members subject to post-tenure review in a given academic year no later than April 1 of the preceding academic year.
- The dean of the faculty member's college shall appoint all PTR Committees as set forth in [Section 3.4.8.3](#), below no later than May 1 of the preceding academic year.
- Each PTR Committee shall convene and elect a chair and shall be provided with the materials required by [Section 3.4.8.3](#), below no later than September 1.
- When external review is required as part of the post-tenure review by the PTR Committee in accordance with college bylaws or by the dean in accordance with college bylaws, or is requested by the faculty member for his or her post-tenure review, the PTR Committee shall solicit reviews from at least three (3) valid external reviewers no later than October 1.
- Each PTR Committee shall submit its report required under [Section 3.4.8.6](#), below no later than December 15.

## **3. Appointment and Composition of Post-Tenure Review Committee**

(1) All post-tenure reviews must be conducted by college-level committees established for the sole purpose of post-tenure review. Each PTR Committee shall include a minimum of three (3) members, provided the number is odd. Deans of larger colleges may opt to appoint a larger committee. The committee is appointed by the dean of the faculty member's college in the following manner:

- Each department may nominate at least one (1) member, but no more than three (3) members of its tenured faculty, to serve on a college-level PTR Committee. The nominees should include no faculty member who is subject to post-tenure review in that cycle. The department nominee may hold the rank of Associate Professor only with prior approval of the dean and only in the event that no full Professor is eligible or available to serve.
- From among the departmental nominees, the dean shall appoint faculty members to serve on a PTR Committee for any specific faculty member (or group of faculty members) undergoing review. The members of a PTR Committee shall be appointed so as to avoid any conflict of interest with any faculty member (or group of faculty members) undergoing review.
- For the purpose of this process, a conflict of interest shall be defined as any professional or personal consideration between a PTR Committee member and a faculty member undergoing post-tenure review which may compromise, or have the appearance of compromising, the independence of the former's judgment during review of the latter.

(2) The composition of the PTR Committee must meet the following requirements:

- Each PTR Committee member must be a tenured full-time faculty member who is at the same or higher academic rank (except as provided under [Section 3.4.8.3.\(1\)](#) above), and whose locus of tenure is at the same campus as the faculty member being reviewed.
- One, and only one, PTR Committee member must hold an appointment in the same department as the faculty member being reviewed, unless there is no such faculty member eligible to serve.

College bylaws may further define the size and membership of a PTR Committee, accounting for the characteristics of the departments and faculties which constitute the college itself.

The Provost, working with the University of Tennessee Office of Academic Affairs and Student Success, will provide instructions, guidelines, and best practices to members of PTR Committees.

Each PTR Committee shall convene and elect a chair. The chair shall solicit and collect all required materials from each faculty member under review and the department head of each faculty member under review. The chair shall subsequently ensure that the committee meets in person for a thorough review of those materials.

#### **4. Materials to be Reviewed by Post-Tenure Review Committee**

The PTR Committee must review:

- (1) a completed EDO (including the department head's evaluation and rating of the faculty member's performance, and student and any peer evaluation of teaching) for each year since the last review;
- (2) EDO goals for the current review period;
- (3) the faculty member's current Curriculum Vitae;
- (4) a narrative, not to exceed two pages, prepared by the faculty member describing the faculty member's milestone achievements and accomplishments since the last review as well as goals for the next post-tenure review period; and
- (5) if there has been a previous PTR, a copy of the narrative submitted as a part of the faculty member's previous PTR.

Items (1) – (2) above should be supplied by the faculty member's department head. Items (3) – (5) above should be supplied by the faculty member.

The PTR Committee may also review:

- (6) external reviews, when external reviews are deemed necessary by the PTR Committee in accordance with college bylaws or when external reviews are deemed necessary by the dean of the faculty member's college in accordance with college bylaws. In the event that an external review is not deemed necessary by the PTR Committee or dean, external reviews may be requested by the faculty member undergoing post-tenure review.

When an external review is deemed necessary, or is requested, for a faculty member's post-

tenure review, the materials to be reviewed for that faculty member (i.e., the materials listed under (1) – (5) above), will be sent to no fewer than three external reviewers. At least two external reviewers must provide written reviews.

The selection of the external reviewers for a faculty member is a collaboration between that faculty member and the PTR Committee conducting the review. The faculty member shall submit to the PTR Committee two lists: one list of no fewer than five names of valid reviewers, and a second list of names of individuals who must be excluded from the external review. Relying on its own counsel and expertise, the PTR Committee will create its own list of no fewer than five valid reviewers.

A valid reviewer is a tenured faculty member at a comparable institution of higher education holding the rank of full Professor and a terminal degree in the same discipline, or sufficiently-related discipline, as the faculty member undergoing post-tenure review. Preference should be given to valid reviewers from institutional peers of UTC.

From these two lists, the PTR Committee shall select exactly one name of a valid reviewer from the faculty member's list and two names of valid reviewers from its own list. From this panel of three reviewers, the PTR Committee shall solicit external reviews using a form letter provided by the Provost for this purpose. Each reviewer shall receive the same packet of materials (i.e., the materials listed under (1) – (5) as above), along with clear instructions on timely return of a review to the PTR Committee. Should a reviewer decline to review a candidate for post-tenure review, the PTR Committee may return to the two lists of valid reviewers and select another valid reviewer from whom to solicit a review.

At least two valid external reviewers must supply reviews to the PTR Committee reviewing a candidate for post-tenure review. In the event that two reviews from valid external reviewers cannot be secured, the chair of a PTR Committee may appeal to the Provost for a waiver of this requirement.

The reviews of external reviewers are advisory to the PTR Committee. In its conclusions and report, the PTR Committee should highlight relevant observations made by external reviewers, and describe the role that those observations played in the PTR Committee's conclusions and report.

## **5. Criteria for Post-Tenure Review**

The post-tenure review process should ensure the faculty member has demonstrated continued professional growth and productivity in the areas of teaching, research (including published scholarship and creative achievement), service, and/or clinical care pertinent to his or her faculty responsibilities. The criteria for assessing the faculty member's performance must be consistent with established expectations of the department, college, and UTC and provide sufficient flexibility to consider changes in academic responsibilities and/or expectations. The expectations for faculty performance may differ by college, department, and even among sub-disciplines within a department or program. Those expectations may be commonly-held standards in the discipline or sub-discipline. Those expectations may be stated explicitly in the faculty member's own past annual performance reviews, work assignments, goals or other planning tools (however identified), as well as department or college bylaws, this Handbook (including without limitation this [Section 3.4.8.](#)), and in other generally-applicable policies and procedures (for example, fiscal, human resources, safety, research, or information technology policies and procedures).

## **6. PTR Committee's Conclusions and Report**

The PTR Committee is charged to review the faculty member's performance during the review

period and to conclude whether the faculty member's performance satisfies the expectations for the faculty member's discipline and academic rank. All conclusions and recommendations shall be adopted upon the vote of a simple majority of the PTR Committee. No member of the PTR Committee may abstain or recuse himself or herself from voting. Based on the judgment of its members, the PTR Committee must conclude either:

- That the faculty member's performance satisfies the expectations for the faculty member's discipline and academic rank; or
- That the faculty member's performance does not satisfy the expectations for the faculty member's discipline and academic rank.

The committee must report its conclusions and recommendations in writing using a standard format prepared by the Provost, including (a) an enumeration of the vote, (b) the supporting reasons for its conclusion, (c) a dissenting explanation for any conclusion that is not adopted unanimously, (d) an identification of any incongruences observed between the faculty member's performance and his or her annual evaluations, (e) a statement of any additional concerns identified or actions recommended, and (f) if applicable, an identification of areas of extraordinary contribution and/or performance.

The detailed PTR Committee report shall be provided to the faculty member, department head, dean, and Provost.

Faculty members and department heads must have the opportunity to provide a written response to the PTR Committee report. The dean shall either accept or reject the PTR Committee's determination that the faculty member's performance satisfies or does not satisfy the expectations for the faculty member's discipline and academic rank. The Provost and the Chancellor shall indicate whether or not they concur in the dean's determination. If the PTR Committee report is not unanimous, the dean shall provide the supporting reasons for his or her determination. If the dean, the Provost, or the Chancellor do not concur in a determination, then he or she shall provide the supporting reasons for the non-concurrence. The dean's determination, the Provost's and Chancellor's concurrences, and any written responses of the faculty member and department head will be maintained with the PTR Committee report in UTC Faculty Records and submitted electronically to the University of Tennessee Office of Academic Affairs and Student Success.

## **7. Appeal**

Within thirty (30) days of receipt of the PTR Committee report, the faculty member may appeal any conclusion with which the faculty member disagrees. The procedure for appeal is described in [Section 5.3](#) of this Handbook, except that a final decision on the appeal shall be made within ninety (90) days of the faculty member's appeal, and the decision of the Chancellor on an appeal shall be final and not be appealable to the President.

## **8. Further Actions**

If the PTR Committee concludes that the faculty member's performance has not satisfied the expectations for the faculty member's discipline and rank, a PTR improvement plan must be developed using the same procedures used for the development of an EPPR improvement plan as detailed in Appendix E to [UT Policy BT0006](#).

If the Provost concludes that deficiencies exist in the departmental annual performance review process (including failure of department heads to conduct rigorous annual performance reviews) or other incongruences are observed between the PTR performance review and rankings assigned through the annual performance review process, the Provost must develop

a process for addressing the issues.

## **9. Annual Report to the Board**

The Provost shall prepare an annual assessment report of campus post-tenure review processes, procedures and outcomes for submission by the Chancellor to the Board, through the President, no later than June 1 of each year. The report shall include a description of any deficiencies identified in departmental annual performance review processes and the plan for addressing the issues.

## **3.5. ROLE OF THE FACULTY IN THE EVALUATION PROCESS**

In matters of evaluation, including retention, tenure and promotion, the role of the faculty is critical. Each department shall establish a standing Rank, Tenure and Promotion (RTP) Committee for considerations of reappointment, tenure, and promotion for faculty members within the department.

### **3.5.1. Departmental RTP Committee**

#### **1. Membership**

The full membership of a departmental RTP Committee shall consist of all tenured faculty members within the academic department, except for the department head, and, if necessary, non-departmental tenured faculty members selected to the committee as provided under [Section 3.5.2.](#) below. Tenured faculty members on leave are eligible to sit on the RTP Committee but are not required to do so. Tenured faculty members on leave who are members of the committee have the right to vote in absentia on any matters before the committee. The membership of the departmental RTP Committee shall consist of at least three members.

#### **2. Selection of Non-Departmental Members**

If there are not three tenured faculty members within the academic department, the committee's membership will be augmented by tenured faculty members from academic departments of similar or related disciplines, generally within the same college, and/or if necessary, from academic departments of non-similar or non-related disciplines. For each vacancy on a departmental RTP Committee that must be filled in order to meet the three-person membership requirement, the department head shall prepare a list of at least two nominees, giving consideration to each nominee's expertise and familiarity with the nature of the discipline. The non-departmental committee members will then be elected by majority vote of all tenured and tenure-track faculty members within the academic department.

#### **3. Procedures**

The department head is responsible for calling an organizational meeting of the complete RTP Committee each academic year and for providing the committee with a record of EDO reports for each faculty member being considered for reappointment, tenure, or promotion in that year. The committee will elect a chair at the first called meeting. The departmental RTP Committee shall meet for deliberation and voting on matters before it. The committee's recommendations shall be by majority vote of its members.

In principle, no member of the faculty or administrative chain involved in making recommendations for reappointment, tenure, or promotion should make recommendations on any individual case at more than one level of the review process. Accordingly, no administrator who makes recommendations should serve on a departmental RTP Committee, nor should any such administrator be present during any meeting or deliberations of the committee unless invited by a positive vote of the committee. In particular, the department head shall not be

present at any meeting or during any deliberations of the departmental RTP Committee. A faculty member serving on both the departmental RTP Committee and the college-wide Tenure and Promotion Review Committee may vote on a tenure and/or promotion recommendation at only one level of the tenure and promotion review process, either at the departmental RTP Committee level or at the college-wide Tenure and Promotion Review Committee level.

For a promotion recommendation, only those members of the committee already at or higher than the rank to which promotion is being considered are eligible to consider and vote on the promotion recommendation. All promotion recommendations must be considered and voted on by at least three eligible faculty members on the committee. If the committee does not have three departmental members eligible to vote on a promotion recommendation, additional eligible non-departmental members must be selected to the committee in order to meet the three-person requirement pursuant to the process outlined in [Section 3.5.2](#) above. Members of the committee who are eligible to consider and vote on a promotion recommendation are prohibited from consulting with departmental faculty members who are at a rank lower than the rank to which promotion is being considered. For reappointment, tenure, and promotion decisions, the committee will sit as a whole.

### **3.5.2. College-Wide Tenure and Promotion Review Committee**

Each college shall determine and publish in its bylaws the composition, selection of membership, and procedures of the college-wide committee (or independent review committee) established for the review of tenure and promotion recommendations within the college. For a promotion recommendation reviewed by the committee, only those members of the committee already at or higher than the rank to which promotion is being considered are eligible to consider and vote on the promotion recommendation. The recommendations of the committee shall be advisory to the dean of the college.

## **3.6. REAPPOINTMENT OF TENURE-TRACK FACULTY**

Faculty members holding tenure-track appointments are considered annually for reappointment. A tenure-track faculty member's annual reappointment review is separate from his or her annual performance evaluation, but it may be conducted concurrently with the annual performance evaluation.

### **3.6.1. First Year of Probationary Period**

In the Spring semester of the first year of a faculty member's probationary period, the faculty member must apply for reappointment by submitting to his or her department head the faculty member's objectives for teaching, scholarship and professional/public/community service for the following year. The department head must approve the faculty member's objectives. Approved objectives will be used for the evaluation of the faculty member's performance for the second year of the faculty member's probationary period.

### **3.6.2. Subsequent Years of Probationary Period**

In each subsequent year of a tenure-track faculty member's probationary period in which the faculty member applies for reappointment,<sup>20</sup> the faculty member must submit evaluation and reappointment materials to his or her department head for review. The evaluation and reappointment materials that a faculty member must submit are identified on the UTC Academic

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<sup>20</sup> In last year of a faculty member's probationary period (typically, Year 6), a decision regarding tenure for the faculty member is made.



### 3.7. REAPPOINTMENT REVIEW PROCESS

#### 3.7.1. Regular Probationary Year Review

In each year of the tenure-track faculty member's probationary period in which the faculty member is subject to consideration for reappointment, the department head is responsible for the careful evaluation of the faculty member in determining whether to recommend reappointment of the faculty member for the following year. Departments may elect to require that the departmental RTP Committee perform the initial evaluation and recommendation on reappointment in each year of the faculty member's probationary period and provide such recommendation to the department head. To the extent a department elects to do so, the department must include such a requirement in its departmental bylaws.<sup>21</sup> Otherwise, the reappointment review process set forth in this [Section 3.7.1](#), shall be followed.

Unless otherwise provided in the department's bylaws, the department head's recommendation is the initial recommendation, except for in the mid-probationary review year (i.e., typically, the third year of the probationary period). In the mid-probationary review year, the departmental RTP Committee makes an initial recommendation regarding reappointment as provided under [Section 3.7.2](#), below.

In the event the department head recommends reappointment, the department head shall submit his or her written recommendation to the dean and inform the faculty member in writing of the recommendation. The department head's recommendation should note positive areas and areas where improvement is needed. If the dean agrees with the department head's recommendation, the faculty member shall be reappointed and the faculty member shall be notified in writing of the dean's decision.

In the event the department head makes a recommendation against reappointment, the department head must provide to the faculty member a letter stating the specific reasons for the recommendation against reappointment. The department head must also notify the RTP Committee of the academic department within five (5) days of providing the faculty member with notification of his or her recommendation. The department head should share with the departmental RTP Committee the basis and rationale for the recommendation. The departmental RTP Committee will then provide an additional written evaluation of the faculty member's record and recommendation. The departmental RTP Committee shall include in its evaluation the number of votes for and against reappointment.

The departmental RTP Committee's evaluation and recommendation must be provided to the department head within seven (7) days of the departmental RTP Committee's receipt of notification of the department head's recommendation. Upon receipt of the departmental RTP's evaluation, the department head shall submit his or her written recommendation to the dean along with the departmental RTP's evaluation and recommendation. If the dean does not agree with the recommendation against reappointment and decides to reappoint the faculty member, the faculty member shall be reappointed and the faculty member shall be notified in writing of the dean's decision. If the dean agrees with the recommendation against reappointment, the dean shall submit his or her recommendation against reappointment to the Provost.

Upon receipt of the dean's recommendation, the Provost will review the matter and make the final decision whether or not to reappoint the faculty member. The Provost will send a letter to the

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<sup>21</sup> A department's adoption of such a requirement in its bylaws will modify the reappointment review process as set forth in this [Section 3.7.1](#), only as to the levels of review and recommendation before the dean's level of review and recommendation.

faculty member notifying the faculty member of the final decision. The Provost will also communicate to the dean, department head, and the departmental RTP Committee (if appropriate) his or her decision and rationale.

The Provost must give notice to a tenure-track faculty member that his or her appointment will not be renewed for the next year pursuant to the schedule and requirements set forth under [Section 3.7.4.](#) below.

### **3.7.2. Mid-Probationary Review of Probationary Faculty (Enhanced Tenure-Track Review)**

In a tenure-track faculty member's mid-probationary review year (i.e., typically, the third year of the probationary period), before the department head makes his or her recommendation, the departmental RTP Committee shall conduct a full review and evaluation (i.e., Enhanced Tenure-Track Review or ETTR) of the faculty member's progress towards tenure as part of the reappointment evaluation undertaken for the faculty member for that year.<sup>22</sup>

The faculty member shall assemble a dossier thoroughly documenting progress toward tenure. The dossier must include artifacts, dated after his or her appointment to UTC, that demonstrate work as a teacher;<sup>23</sup> development as a scholar, researcher, or creator; and participation in service and other professional activities. Prior to the beginning of each academic year, the Provost shall provide a list of recommended materials which may be used for such evidence. The faculty member shall submit his or her dossier to the departmental RTP Committee for its review and evaluation.

The departmental RTP Committee shall provide to the department head a written report that will contain a list of the participating tenured faculty members; suggestions for enhancing the faculty member's progress toward tenure; the majority and minority report, if applicable; the summary anonymous vote on whether the faculty member is progressing satisfactorily toward the grant of tenure; and a recommendation for or against reappointment. Upon receipt of the departmental RTP Committee's report, the department head will present and discuss the departmental RTP Committee's report, as well as his or her own written assessment, and develop a plan to address suggested enhancement from the RTP Committee, with the faculty member. Copies of the ETTR documents will be given to the faculty member. A favorable ETTR does not commit the departmental RTP Committee, the department, or the college to a subsequent recommendation for the grant of tenure.

After meeting with the faculty member, the department head shall submit his or her written recommendation for or against reappointment to the dean along with the departmental RTP Committee's report and recommendation. The reappointment review for the faculty member's mid-probationary review year otherwise follows the same process as described under [Section 3.7.1.](#) above. An appeal regarding an ETTR may be made under the same procedures applicable to the appeal of an annual performance rating as provided under [Section 3.4.7.](#) above.

### **3.7.3. Roles of the Department Head and RTP Committee in the Reappointment Review Process**

The roles of the department head and departmental RTP Committee in the reappointment process for a tenure-track faculty member under a typical six-year probationary period are summarized in the following chart:

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<sup>22</sup> In the discretion of the department head, the ETTR may be performed in the fourth year of the faculty member's probationary period. A faculty member's ETTR may be performed beyond the fourth year of the probationary period if the faculty member has been granted an extension of their probationary period (with the year to be determined by the department head after consultation with the faculty member and, if applicable, the faculty member's mentor).

<sup>23</sup> In regard to evaluation of librarians, "librarian" should be substituted for the word "teacher".



<b>Probationary Year</b>	<b>Department Head Role</b>	<b>RTP Committee Role</b>
1	Establish goals and objectives for annual performance and achieving tenure	Providing input on reappointment of faculty is required only in instances where the department head recommends against reappointment*
2	Annual performance evaluation and progress toward tenure	Providing input on reappointment of faculty is required only in instances where the department head recommends against reappointment
3 Mid-Probationary Review Year (ETTR)	Annual performance evaluation and progress toward tenure	Provide input on reappointment and evaluation of faculty member's progress toward tenure
4	Annual performance evaluation and progress toward tenure	Providing input on reappointment of faculty is required only in instances where the department head recommends against reappointment
5	Annual performance evaluation and progress toward tenure	Providing input on reappointment of faculty is required only in instances where the department head recommends against reappointment
6 Tenure Decision Year	Provide evaluation regarding whether faculty met departmental and University standards for awarding tenure	Provide evaluation regarding whether faculty met departmental and University standards for awarding tenure

\*As provided under [Section 3.7.1.](#) above, a department may elect to require that the departmental RTP Committee provide the initial recommendation on reappointment to the department head in each year of the faculty member's probationary period.

#### **3.7.4. Notice of Non-Reappointment**

Notice that a tenure-track faculty member's appointment will not be renewed for the next year shall be made in writing by the Provost 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 twelve months in advance.

These notice requirements relate only to service in a probationary period with the University. Credit for prior service 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.<sup>24</sup>

### **3.8. CHANGES TO THE APPOINTMENT**

As provided under [Section 3.7.1.](#) above, a faculty member is officially notified of reappointment by letter from the Provost or the dean. A faculty member is officially notified by letter from the Provost of any other changes in the terms of the faculty member's appointment, including, but not limited to, subsequent salary decisions or changes in rank, title or assignment. Any other representations, whether oral or written, concerning adjustments or changes to a faculty member's appointment or concerning a faculty member's reappointment are unauthorized and not binding on UTC. Normally, salary decisions and other changes in employment status are made following approval of the University budget by the Board at its annual meeting in June.

### **3.9. TERMINATION BEFORE EXPIRATION OF APPOINTMENT TERM**

A tenure-track faculty member may be terminated before the expiration of his or her annual appointment term on the same grounds and pursuant to the same procedures applicable to the revocation of tenure and termination of tenured faculty members.<sup>25</sup>

### **3.10. 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 (as defined under [UT Policy BT0006](#)), financial exigency, or academic program continuance. The burden of proof that tenure should be awarded rests with the faculty member. The grant of tenure shifts the burden of proof concerning the faculty member's continuing appointment from the faculty member to the University, except in the case of relinquishment or forfeiture of tenure. More information regarding the Board's policy on tenure can be found [here](#).

#### **3.10.1. Authority to Grant Tenure**

Tenure is acquired only by positive action of either the President or the Board, based on the circumstances under which tenure is sought, and is granted in a particular academic unit (department, school, or college). The Board makes the decision whether to grant tenure, based upon the recommendation of the President, to (1) all University Officers as defined in bylaws and adopted by the Board; (2) any faculty member who is to be granted tenure upon initial appointment without serving a probationary period at UTC; and (3) any faculty member to be tenured after serving less than a six-year probationary period, but not including a faculty member who has been employed by the University in a tenure-track position for six years and whose probationary period has been suspended for one or more year(s) in connection with a leave of absence or modified duties assignment under Section 3.3.4.3 above. The President makes the decision whether to grant tenure, based upon the recommendation of the Chancellor, in all other cases. The President or the Board (as applicable according to [UT Policy BT0006](#)) may grant tenure at any time during a given year, after confirming that all tenure review and recommendation procedures in Appendix A of [UT Policy BT0006](#) have been followed.

#### **3.10.2. Eligibility for Tenure Consideration**

Board policy establishes the following minimum standards for eligibility for tenure consideration:

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<sup>24</sup> See Section III.E.4. of [UT Policy BT0006](#).

<sup>25</sup> The grounds and procedures for revocation of tenure and termination of tenured faculty members are set forth in Section III.J. and Appendices B and C of [UT Policy BT0006](#).

1. Regular, full-time, tenure-track faculty appointments at the academic rank of instructor, assistant professor, associate professor, or professor are eligible for tenure consideration;
2. Temporary, term, and part-time appointments are not eligible for tenure consideration, except that in the extraordinary circumstances defined in Board policy, faculty members who do not have a full-time appointment may be eligible for tenure consideration.<sup>26</sup>

### 3.10.3. Tenure Upon Initial Appointment

No faculty member shall be granted tenure upon initial appointment except by positive action of the Board upon the recommendation of the President, which shall include documentation of compliance with all tenure review and recommendation procedures stated in Appendix A of [UT Policy BT0006](#) and as established under [Section 3.10.7.](#) of this Handbook. The Board will grant tenure upon initial appointment only if (1) the proposed appointee holds tenure at another higher education institution and the Board determines that the President has documented that the proposed appointee cannot be successfully recruited to UTC without being granted tenure upon initial appointment; or (2) the Board determines that the President has documented other exceptional circumstances warranting the grant of tenure upon initial appointment. When necessary between regular meetings of the Board, the Board's executive committee may act on behalf of the Board to grant tenure upon initial appointment in accordance with the provisions of this [Section 3.10.3.](#)<sup>27</sup>

### 3.10.4. Criteria for Tenure Consideration

The criteria for appointment and reappointment reflect the basic elements for tenure consideration; however, a positive recommendation for tenure requires demonstrated excellence in performance. Expectations necessarily vary within the respective disciplines of faculty members and in light of the differing ranks of faculty members. The natures of disciplines are such that they emphasize differing levels of performance and differing mixes and types of research and service. Consequently, the tenured faculty members in the disciplines in which tenure-track faculty members work will recommend the standards, degrees of emphasis, and the appropriate types of research and service required for tenure. The individual standards and criteria for tenure for each academic department must be explicitly laid out in the bylaws of the academic department.

A faculty member, at a minimum, must meet the following criteria necessary for the rank of Associate Professor in order to be granted tenure:

1. have a doctorate degree or other terminal degree in his or her discipline or present equivalent training and experience;
2. have achieved a reputation as an accomplished teacher;<sup>28</sup>
3. have achieved a good record in research, scholarly, or creative activities;
4. have an established record of effective participation in professional activities other than teaching and research;
5. have demonstrated ability to relate appropriately to students and professional colleagues; and

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<sup>26</sup> See Section III.C. of [UT Policy BT0006](#).

<sup>27</sup> See Section III.D. of [UT Policy BT0006](#).

<sup>28</sup> In regard to evaluation of librarians, "librarian" should be substituted for the word "teacher".

6. have demonstrated excellence in at least one of the three areas of responsibility (i.e., teaching, service, and research) required for full-time faculty status.

An academic department shall establish more specific criteria for tenure in that academic department that are consistent with the tenure criteria stated in [UT Policy BT0006](#) and this Handbook but may be more restrictive. Departmental criteria for tenure shall be effective upon approval of the dean and Provost and shall be published in the bylaws of the department. Departmental criteria for tenure shall not be required, however, if more-specific criteria have been established by the applicable college, and the dean and Provost have approved application of the college criteria in lieu of departmental criteria.

### **3.10.5. Tenure Dossier**

All tenure candidates must prepare and submit a tenure dossier, which will be reviewed and inform the recommendations made at each stage of the tenure review process. The dossier is standard to the extent that it describes the way in which the candidate has met each of the respective criteria for tenure as listed in this Handbook. The departmental bylaws shall contain a statement of the required contents of the tenure dossier that is consistent with the Faculty Handbook and with applicable college bylaws, unless the dean and the Provost have approved the department's application of tenure dossier requirements established in college bylaws.

The dossier should include a preface that must contain a Curriculum Vita (CV) describing the candidate's education and experience (both prior to coming to UTC and while at UTC) and a one-page executive summary of the same. In addition, the preface to the dossier may contain a summary of the candidate's EDO evaluations. The dossier should be divided into the three distinct components based on the three performance areas outlined in the EDO: (1) teaching and advising; (2) research, scholarship and creative activities; and (3) professional service to the University, profession, and community. The respective components of the dossier should include all documentation for and evidence of activities related to, respectively, the teaching, research, and service in which the candidate has engaged since the candidate's initial appointment at UTC. A teaching philosophy and a record of [Student Ratings of Faculty](#) for the candidate must be included in the dossier. Other materials should be included at the discretion of the candidate, and, if possible, on the advice of the departmental RTP Committee. The departmental bylaws shall set forth information pertaining to appropriate activities of faculty members in the academic department for each of the three areas of professional responsibility.

### **3.10.6. Requirement for Peer Review Teaching and External Reviews**

#### **1. Peer Review of Teaching**

Tenure candidates who engage in teaching will be subject to a peer review of their teaching performance as part of the tenure review process. Each academic department will establish procedures for conducting teaching peer reviews for the tenure review process and publish such procedures in its bylaws. Departmental procedures for teaching peer reviews are not required, however, if the dean and the Provost have approved application of college-wide teaching peer review procedures in lieu of departmental procedures. College-wide teaching peer review procedures approved by the dean and Provost will be published in the college bylaws.

#### **2. External Reviews**

All dossiers for tenure/promotion must include reviews from no fewer than two (2) external reviewers. Each college or academic department will establish an external review process, which will incorporate, at a minimum, the following requirements:

- The external reviewers must be in the same, or a very similar, academic field.
- The external reviewers must be tenured and at, or above, the rank that the candidate seeks.
- The external reviewers must be at a comparable institution.
- The external reviewers must not have a current conflict of interest with the candidate.
- The departmental RTP Committee and the candidate shall be jointly responsible for selecting the external reviewers.
- Neither the departmental RTP Committee nor the candidate will be permitted to contact the external reviewers during the review process. However, the external reviewers are permitted to contact the chair of the departmental RTP Committee for procedural clarifications.

Each academic department will publish its external review process in its bylaws. Departmental procedures for external reviews are not required, however, if the dean and the Provost have approved application of college-wide external review procedures in lieu of departmental procedures. College-wide external review procedures approved by the dean and Provost will be published in the college bylaws.

The purpose of the external review is *not* to make a recommendation regarding tenure/promotion but to provide an objective evaluation of the faculty member's record to date. This external review will include the performance area of research and may also include the performance areas of teaching and service, as defined by college and departmental bylaws. It is the responsibility of the faculty member seeking tenure/promotion to demonstrate excellence in applicable areas. Examples of accomplishments or evidence of excellence include: peer-reviewed publications; presentations at major, regional, national, or international conferences; substantial contributions to regional, national or international committees or work groups; and regional and national awards/recognition for teaching, research, and professional contributions. This list is illustrative only, and is not exhaustive. Objective standards of record and of excellence will be defined through college and departmental bylaws.

### **3.10.7. Procedure for Consideration and Grant of Tenure**

A calendar is established annually by the Provost that should be followed during the development of tenure recommendations. The calendar for the tenure review process is available on the UTC Academic Affairs website [here](#).

The candidate will be informed in writing of the progress of his or her tenure candidacy at each stage of the process. The procedure for the consideration and granting of tenure includes the following stages:

1. Submission of Tenure Dossier: The departmental RTP Committee, at its organizational meeting each academic year, will consider a list of candidates for tenure and request tenure dossiers from the candidates. The candidate shall then prepare and submit a tenure dossier to the departmental RTP Committee.
2. RTP Committee's Recommendation: After receiving and reviewing dossiers from each faculty member under consideration for tenure, the departmental RTP Committee (consisting of tenured faculty in the department) holds a preliminary review at which it has an opportunity to request clarifying information from each candidate prior to final consideration and forwarding of recommendations to the department head. The departmental RTP Committee's

recommendation is decided upon by majority vote (yes or no) of those committee members present and voting. Votes will be cast anonymously. Abstentions are permitted. A quorum, as specified by departmental bylaws, is required for actions to take place, and the departmental bylaws will specify the minimum number of votes necessary to constitute a positive recommendation. The vote of the departmental RTP Committee is advisory to the department head.

The departmental RTP Committee will forward a written recommendation to the department head, together with records of committee membership, attendance at final discussions, and voting results.

3. Department Head's Recommendation: After making an independent judgment on the tenure candidacy, the department head shall submit his or her recommendation to the dean with a written summary explanation of his or her judgment, with a copy provided to the tenure candidate at the same time. If the department head's recommendation differs from the recommendation of the departmental RTP Committee, the summary must explain the reasons for the differing judgment, and the department head must provide a copy of the summary to the departmental RTP Committee. The departmental RTP Committee may forward a dissenting report to the next level of review, with a copy provided to the tenure candidate at the same time.
4. Dean's Recommendation: All tenure recommendations of the department head, whether positive or negative, shall be reviewed by the dean. The dean must establish a college-wide committee for review of tenure and promotion recommendations or, if a college-wide committee is not established, some other independent peer review committee in addition to the departmental RTP Committee's review. The recommendation of such a college-wide committee shall be advisory to the dean. After making an independent judgment on the tenure candidacy, the dean shall forward his or her recommendation and a summary explanation for the recommendation to the Provost, with a copy provided to the tenure candidate at the same time.
5. Provost's Recommendation: All tenure recommendations of the dean, whether positive or negative, shall be reviewed by the Provost. After making an independent judgment on the tenure candidacy, the Provost shall forward his or her recommendation and a summary explanation for the recommendation to the Chancellor, with a copy provided to the tenure candidate at the same time.
6. Chancellor's Recommendation: All tenure recommendations of the Provost, whether positive or negative, shall be reviewed by the Chancellor. After making an independent judgment on the tenure candidacy, the Chancellor shall forward only positive recommendations, with a summary explanation for the recommendation, to the President, with a copy provided to the tenure candidate at the same time.
7. President's Action or Recommendation: The President acts only on the Chancellor's positive recommendation for tenure. If the President concurs in the positive recommendation, he or she shall grant tenure if he or she is authorized to do so, and the Chancellor shall give the faculty member written notice of the effective date of tenure. If only the Board is authorized to grant tenure, the President shall submit the recommendation to grant tenure and a summary explanation for the recommendation to the Board. If the President does not concur in the positive recommendation of the Chancellor, the Chancellor shall give the faculty member written notice that tenure will not to be granted.
8. Action by the Board when Required: Only the Board is authorized to grant tenure in certain cases specified in Article III.B. of [UT Policy BT0006](#). In those cases, the Board acts only on the President's positive recommendation for tenure. After positive action by the Board to grant



tenure, the President shall give the faculty member written notice of the effective date of tenure.

### **3.10.8. Appeal of Tenure Decisions**

A decision not to grant tenure may be appealed by a tenure candidate pursuant to the appeal procedure under [Section 5.3](#) of this Handbook. A tenure candidate may not initiate an appeal until after the candidate receives notification of the Chancellor's recommendation not to grant tenure.

### **3.10.9. Locus of Tenure**

Tenure is granted in a particular academic unit (e.g., department, school) of UTC in a position appropriate to the faculty member's qualifications. Reorganizations that result in the merger or splitting of departments do not affect the tenure or probationary status of the faculty member involved.

If a tenured faculty member voluntarily transfers from one University of Tennessee campus to another, his or her tenured 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 President that tenure at the new campus be granted to the transferred individual; on the other hand, a new probationary period in the receiving department may be established. There shall be no involuntary transfer of faculty members between campuses.

Transfers of tenure between departments at UTC do not require the President's approval, but must be approved by the responsible campus administrators in consultation with the tenured faculty of the receiving unit, with notice to the President. 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 non-tenured 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 or an administrative position with UTC, neither of which can carry tenure, the faculty member retains tenure in the full-time faculty position he or she vacated.<sup>29</sup>

### **3.10.10. Grounds for Termination of Tenure**

#### **1. Relinquishment or Forfeiture of Tenure**

A tenured faculty member relinquishes tenure upon resignation or retirement from the University.<sup>30</sup> 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 Provost shall give the faculty member written notice of the forfeiture of tenure and termination of employment.<sup>31</sup>

##### **(1) Resignation**

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<sup>29</sup> Section III.H. of [UT Policy BT0006](#).

<sup>30</sup> Under [UT Policy BT0006](#) and for purposes of this section, the "University" refers to The University of Tennessee System.

<sup>31</sup> Section III.J.1.a. of [UT Policy BT0006](#).



Faculty members who desire to resign should provide written notice to their department head of their intent to resign and their intended resignation date. The department head will forward the resignation notice to the dean. Except as otherwise provided in this section, the dean will accept the resignation in writing and forward it to the Office of Human Resources with a copy to the Provost. Since faculty appointments are made for the academic year, it is expected that faculty members who wish to resign will do so effective at the end of the academic year. In all cases, notification of resignation must be made early enough to allow UTC to cover any of the faculty member's scheduled assignments. If a faculty member seeks to resign before the end of the faculty member's stipulated appointment term, the acceptance of the resignation will not become official until accepted in writing by the Provost (or the Provost's designee).

## **(2) Retirement**

Faculty members who wish to retire are expected to provide written notice to their department head of their intention to retire and date of expected retirement at least three months before the intended retirement date. The department head will forward the retirement notice to the dean, Provost and the Office of Human Resources. There is no mandatory retirement age for faculty members, and under normal circumstances, a faculty member controls the decision to retire. The effective date of retirement for faculty members on academic year (nine-month) appointments normally will be at the end of the either the Fall or Spring semester.

## **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 UTC shall be followed. In the case of academic program discontinuance, the criteria and procedures outlined in [UT Policy BT0009 - The University of Tennessee Procedural Framework for Academic Program Discontinuance](#) shall be followed, and 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 and a reasonable time in which to accept or decline the offer.<sup>32</sup>

A decision to terminate a faculty member due to financial exigency or academic program discontinuance may be appealed by the faculty member pursuant to the appeal procedure under [Section 5.4.4.](#) of this Handbook.

## **3. Adequate Cause**

"Adequate Cause" for terminating a tenured faculty member means the following:

- (1) Unsatisfactory Performance in Teaching, Research, or Service, which includes the following and similar types of unsatisfactory performance:**

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<sup>32</sup> Section III.J.1.b. of [UT Policy BT0006](#).

- (a) failure to demonstrate professional competence in teaching, research, or service;
  - (b) failure to perform satisfactorily the duties or responsibilities of the faculty position, including but not limited to failure to comply with a lawful directive of the department head, dean, or Provost with respect to the faculty member's duties or responsibilities;
  - (c) inability to perform an essential function of the faculty position, given reasonable accommodation, if requested;
  - (d) loss of professional licensure if licensure is required for the performance of the faculty member's duties;
  - (e) with respect to members of the Health Sciences Center faculty, failure to be granted or loss of medical staff membership and privileges at affiliated teaching hospitals;
  - (f) loss of appointment (or substantive alteration of the faculty member's work) with an affiliated entity unless approved in advance by the Provost (or designee) (for example, loss of employment with an affiliated medical practice or loss of "joint faculty" support from Oak Ridge National Laboratory);
  - (g) as specified in Appendix D to [UT Policy BT0006](#), cessation of employment with an external entity/primary employer if tenure was granted contingent upon remaining employed by the external entity/primary employer; or
  - (h) 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.
- (2) Misconduct, which includes the following and similar types of misconduct:
- (a) 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;
  - (b) falsification of a University record, including but not limited to information concerning the faculty member's qualifications for a position or promotion;
  - (c) theft or misappropriation of University funds, property, services, or other resources;
  - (d) 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; or
  - (e) any misconduct directly related to the fitness of the faculty member to engage in teaching, research, service, or administration.<sup>33</sup>

### **3.10.11. Other Tenure-Related Policies**

The following tenure-related matters are established by Board policy:

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<sup>33</sup> Section III.J.1.c. of [UT Policy BT0006](#).

1. Exception to Policy Requiring Full-Time Status for Eligibility for Tenure<sup>34</sup>
2. Disciplinary Sanctions Other Than Termination<sup>35</sup>
3. Termination Procedures for Unsatisfactory Performance in Teaching, Research, or Service<sup>36</sup>
4. Termination Procedures for Misconduct<sup>37</sup>

Additionally, University policy regarding the awarding of Emeritus Status is found at [UT Policy HR0102 - Emeritus Status](#).

## 3.11. PROMOTION

### 3.11.1. Guidelines for Promotion

Promotion is recognition of promise and a sign of confidence that a faculty member is capable of greater accomplishments and of assuming greater responsibilities within UTC. The policy of UTC is to make promotion decisions objectively, equitably, impartially and strictly on the basis of merit.

At UTC, promotion is usually tied to tenure for tenure-track faculty members, as application for tenure is usually linked to application for promotion from the rank of Assistant Professor to the rank of Associate Professor. A tenure-track faculty member at the rank of Assistant Professor must be granted tenure in order to be promoted to the rank of Associate Professor. A tenure-track faculty member initially appointed at the rank of Associate Professor or higher may be granted tenure without receiving a promotion.

Faculty members who wish to be promoted should meet the expectations of the new rank as outlined in the criteria for appointment to rank. In regard to librarian faculty, "librarian" should be substituted for the word "teacher."

### 3.11.2. Procedure for Promotion Review

A calendar is established annually by the Provost that should be followed during the development of promotion recommendations. The calendar for the promotion process is available on the UTC Academic Affairs webpage [here](#).

The procedure for consideration of and awarding promotion includes the following stages:

1. Submission of Promotion Dossier: The candidate prepares and submits a promotion dossier to the departmental RTP Committee. Similar to tenure dossiers, all promotion dossiers must include reviews from no fewer than two (2) external reviewers pursuant to the external review process established by the college or academic department (see [Section 3.10.4.2](#), above).
2. RTP Committee's Recommendation: After receiving and reviewing dossiers from each faculty member applying for promotion, the departmental RTP Committee (consisting of faculty already at or higher rank than the rank the candidate seeks) holds a preliminary review at which it has an opportunity to request clarifying information from each candidate prior to final consideration and forwarding of recommendations to the department head. The departmental

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<sup>34</sup> See Appendix D of [UT Policy BT0006](#).

<sup>35</sup> See Section III.K. of [UT Policy BT0006](#) and [Sections 5.4.2.3](#) and [5.4.2.4](#) of this Handbook.

<sup>36</sup> See Appendix B of [UT Policy BT0006](#) and [Section 5.4.2.1](#) of this Handbook.

<sup>37</sup> See Appendix C of [UT Policy BT0006](#) and [Section 5.4.2.2](#) of this Handbook.

RTP Committee's recommendation is decided upon by majority vote (yes or no) of those committee members present and voting. Abstentions are permitted. A quorum, as specified by departmental bylaws, is required for actions to take place.

The departmental RTP Committee will forward a written recommendation to the department head, together with records of committee membership, attendance at final discussions, and voting results.

3. Department Head's Recommendation: The department head will make a written recommendation to the dean and inform the candidate in writing of the recommendation.
4. Dean's Recommendation: The dean will make a written recommendation to the Provost and inform the candidate in writing of the recommendation.
5. Provost's Recommendation: The Provost will make a written recommendation to the Chancellor and inform the candidate in writing of the recommendation.
6. Chancellor's Recommendation: The Chancellor reviews all recommendations concerning promotions and recommends those to be approved to the President. The Chancellor will inform the candidate in writing of the recommendation.
7. President's Action: The President reviews proposed faculty member promotions in rank, evaluates the recommendations submitted by the Chancellor, and makes final decisions on awarding promotions. The President informs the Board of the promotions awarded.

### **3.11.3. Appeal of Promotion Decisions**

A decision not to award promotion may be appealed by a promotion candidate pursuant to the appeal procedure under [Section 5.3](#) of this Handbook. A promotion candidate may not initiate an appeal until after the candidate receives notification of the Chancellor's recommendation not to award promotion.

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# Chapter 4

## Non-Tenure-Track Faculty

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### 4.1. SELECTION OF NEW FACULTY FOR NON-TENURE-TRACK APPOINTMENTS

All appointments to non-tenure-track faculty positions, including full-time and part-time appointments, will be made in accordance with departmental and college bylaws and subject to the provisions of this Faculty Handbook.

#### 4.1.1. Authorization to Search

The dean or other appropriate administrator must obtain authorization from the Provost to begin a search for a non-tenure-track faculty position. Factors considered by the Provost in determining whether to authorize a search for a non-tenure-track position include demonstrated need of the academic department's academic program and availability of funds for the position. The non-tenure-track position may be a new position or an existing position that is or is expected to be vacant. The authorization by the Provost of a search for a new or existing non-tenure-track position does not necessarily mean that an appointment will be made to the position.

#### 4.1.2. Commitment to Diversity

UTC is fully committed to diversity in recruitment at all levels. Efforts must be made by the academic department to advertise position vacancies in an effort to obtain a diverse pool of qualified applicants. For each search, the Director of the Office of Equity and Inclusion ("OEI") will be contacted to advise the academic department as to appropriate search procedures that should be followed.<sup>38</sup> Prior to an appointment being offered for a position, the Director of the OEI must certify that appropriate search procedures have been followed in the search for the position.

#### 4.1.3. Search Process

A thorough search and careful selection normally should precede any departmental recommendation of appointment to the dean. The department head should consult with the tenured and tenure-track departmental faculty members to develop a plan for the search process. Under normal circumstances, the tenured and tenure-track departmental faculty members or a faculty member search committee should identify the needs of the program, the characteristics needed in a new faculty member, and a timeline of the procedures to be followed in conducting the search and screening candidates. The department head and the tenured and tenure-track departmental faculty members should approve the plan. The tenured and tenure-track departmental faculty members should have the opportunity to help determine the kind of person needed, the search procedure to be followed, the basic pool of candidates, and the persons to be selected for interview, and to provide an assessment of candidates interviewed. At each of these stages, final responsibility for the departmental recommendation rests with the department head.

#### 4.1.4. Certification of English Language Competency

No individual shall be appointed to a teaching position, unless the department head, in consultation with the departmental faculty members, certifies in writing to the Provost that the individual can communicate effectively with students in the English language. Individuals who

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<sup>38</sup> The OEI search procedures can be found on the OEI website [here](#).

teach courses that are conducted primarily in a foreign language are exempt.<sup>39</sup> The certification form is available on the UTC Academic Affairs website here.

#### **4.1.5. Recommendation to Appoint**

A departmental recommendation of appointment for a non-tenure-track position shall be made by the department head to the dean. If the dean agrees with the departmental recommendation, the department head and dean shall forward the recommendation to the Provost. Each recommendation should be accompanied by a full set of the candidate's credentials and any required forms or certifications. Following a departmental decision to recommend an appointment of a candidate to a position, there may be informal discussions concerning rank, salary and other terms of employment between the department head or dean and the candidate. Such discussions serve merely to shape and influence the recommendations of the department head or dean and do not constitute a binding commitment by UTC.

#### **4.1.6. Letter of Appointment**

Official notification of appointment is made by letter from the Provost. The letter of appointment must specify:

1. the rank at which the faculty member is being appointed;
2. the faculty member's initial salary and related financial conditions;
3. the faculty member's general duties and expectations; and
4. the duration of the appointment.

Only the letter of appointment from the Provost to the candidate regarding the terms and conditions of the appointment is binding on UTC. Any other representations concerning the terms and conditions of the appointment, whether oral or written, are not authorized by UTC and not binding on UTC.

The faculty member's written acceptance of the letter of appointment, together with execution of normal university employment forms, completes the initial appointment.

## **4.2. GENERAL APPOINTMENT TERMS AND CONDITIONS**

The employment of non-tenure-track faculty is governed by the terms of the appointment letter, applicable provisions of the Faculty Handbook, college and departmental bylaws, and applicable provisions of University policies and procedures. Non-tenure-track faculty members enjoy the same academic freedom as tenured and tenure-track faculty members.

Conditions necessary to perform assigned duties in a professional manner, including such things as appropriate office space, necessary supplies, support services, and equipment will be provided to non-tenure-track faculty members. Departments should have consistent criteria for deciding teaching assignments. Departments should consider the views of non-tenure-track faculty in setting schedules and other issues that impact quality of teaching and working conditions. Opportunities for faculty development, including travel to scholarly meetings, should be provided whenever possible.

Non-tenure-track faculty members may participate in college and/or departmental activities as outlined in college and departmental bylaws. Depending on stipulations of departmental and college bylaws, non-tenure-track faculty members may have the opportunity to participate in departmental, college, and/or

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<sup>39</sup> See [UT System Policy Concerning English Language Competency of UT Instructional Staff](#).

university governance, including service on university-wide committees and in other assigned positions. Non-tenure-track faculty members may also serve on graduate committees if the dean, Graduate Council, and Dean of the Graduate School, in consultation with the department head, have evaluated and approved their academic credentials.

The level of representation of non-tenure-track faculty on the Faculty Senate is determined by the Faculty Senate and set forth in the [Faculty Senate Bylaws](#).

#### **4.3. REAPPOINTMENT**

A non-tenure-track appointment (whatever its duration) may be renewed for a new term pursuant to the reappointment review process described in this section. A non-tenure-track faculty member's reappointment review is combined with his or her annual performance review in the year in which reappointment is under consideration.

The department head is responsible for the careful evaluation of the faculty member in determining whether to recommend reappointment for a new term. Reappointment recommendations will include consideration of available funding and the faculty member's performance. A non-tenure-track appointment may be, by its nature, funding-limited; the compensation amounts for the position may be funded through a grant, contract, or restricted donation, and it may automatically expire when funding lapses.

The department head will make a recommendation regarding reappointment to the dean. The dean will consider the department head's recommendation and make a recommendation regarding reappointment to the Provost. The Provost will consider the recommendation of the dean and make a final decision regarding reappointment.

The Provost shall provide the faculty member notice of his or her decision in writing. If the Provost decides not to reappoint a non-tenure-track faculty member, the Provost, whenever feasible, should give the faculty member at least (a) one month's written notice of termination of the faculty member's employment or (b) salary equivalent to that which would be paid in the event of one month's notice of the termination of the faculty member's employment.

#### **4.4. NON-TENURE-TRACK FACULTY EVALUATION**

All faculty holding non-tenure-track appointments will be evaluated annually as appropriate to the particular appointment. The department head will evaluate annually all non-tenure-track faculty members holding Teaching,<sup>40</sup> Clinical,<sup>41</sup> or Faculty of Practice<sup>42</sup> appointments within the department. A non-tenure-track faculty member holding a Research<sup>43</sup> appointment will be evaluated by the principal investigator(s) of the research grant or contract, or, if the principal investigator(s) are not able to perform the evaluation, by the department head. Each academic department will be responsible for establishing procedures in the departmental bylaws for the regular review of all non-tenure-track faculty members.

The scope of a non-tenure-track faculty member's evaluation will be determined by the assigned duties specified in the faculty member's appointment letter, and the standards for evaluation should be consistent with the relevant standards of performance for teaching, research, and service as defined at

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<sup>40</sup> See [Section 4.7.1](#), below regarding non-tenure-track Teaching appointments.

<sup>41</sup> See [Section 4.7.3](#), below regarding non-tenure-track Clinical appointments.

<sup>42</sup> See [Section 4.7.4](#), below regarding non-tenure-track Faculty of Practice appointments.

<sup>43</sup> See [Section 4.7.2](#), below regarding non-tenure-track Research appointments.



UTC. Reporting of evaluation results should be consistent within the academic department and the college and are subject to the approval of the dean. The records of non-tenure-track faculty member evaluations will be maintained within the academic department and the Faculty Records Office.

#### 4.5. TERMINATION PRIOR TO EXPIRATION OF APPOINTMENT TERM

A non-tenure-track faculty member may be terminated for Adequate Cause (as defined in [UT Policy BT0006](#))<sup>44</sup> prior to the expiration of the faculty member's appointment term. In the event that a department head recommends to the dean and Provost that a non-tenure-track faculty member be terminated for adequate cause, the department head and dean shall meet with the faculty member to present the reasons for the recommended termination and to permit the faculty member to respond. If, after this meeting, the dean concludes that adequate cause for the termination exists, a recommendation for termination shall be forwarded to the Provost. If the Provost agrees with the termination recommendation, the Provost shall inform the faculty member of his or her termination in writing. The Provost shall also notify the faculty member in writing of his or her right to a post-termination hearing under the Tennessee Uniform Administrative Procedures Act (see Tenn. Code Ann. § 4-5- 301 *et seq.*).

#### 4.6. GRIEVANCES AND APPEALS

Non-tenure-track faculty members may exercise the grievance and appeal procedures outlined in [Chapter 5](#) of this Handbook, except for those grievance and appeal procedures that are expressly applicable only to tenured and tenure-track faculty members.

#### 4.7. NON-TENURE-TRACK APPOINTMENTS

##### 4.7.1. Teaching Appointments

UTC may hire non-tenure-track Teaching faculty members for specific teaching assignments; engagement in disciplinary scholarship and/or public or disciplinary service may be added to the terms of employment as outlined by the hiring college or department.

UTC uses the following ranks or titles for Teaching appointments:

**Lecturer:** This rank is for those who hold the appropriate degree for their discipline (or its professional equivalent) and who are appointed for full or part-time teaching. Teaching appointments at this rank will be made for a definite term of one year or less.

Normally, those holding the rank of Lecturer will:

1. Have a minimum of a master's degree in the teaching discipline, or a master's degree in another discipline along with professional experience in teaching discipline;
2. Have demonstrated ability or potential as a teacher in the discipline;
3. Effectively participate in service activities aligned with the department's needs;
4. Have demonstrated capacity to relate appropriately to students and professional colleagues; and
5. Effectively engage in professional development and/or research activities in cases where college or departmental bylaws identify these activities as an obligation of the position.

**Associate Lecturer:** Faculty members who have held Teaching appointments at the rank of

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<sup>44</sup> See also [Section 3.10.10.3.](#) of this Handbook.

Lecturer for four (4) years will be considered for promotion to the rank of Associate Lecturer, although a record of superior performance may justify earlier consideration. Teaching appointments at this rank will be made for a definite term of up to three years.

Normally, those holding the rank of Associate Lecturer will:

1. Have a minimum of a master's degree in the teaching discipline, or a master's degree in another discipline along with professional experience in teaching discipline;
2. Have a record as an accomplished teacher in the discipline;
3. Have an established record of effective service activities aligned with the department's needs;
4. Have demonstrated the ability to relate appropriately to students and professional colleagues; and
5. Have a substantial record of professional development and/or research activities in cases where college or departmental bylaws identify these activities as an obligation of the position.

**Senior Lecturer:** Faculty members who have held Teaching appointments at the rank of Associate Lecturer for six (6) years will be considered for promotion to the rank of Senior Lecturer. However, a record of extraordinary performance at the Associate Lecturer level may justify earlier consideration. Additionally, those faculty holding Teaching appointments who were hired prior to the creation of the Associate Lecturer position in 2019 will be considered for promotion to Senior Lecturer after ten (10) years of service at any Teaching appointment rank(s). Teaching appointments at this rank will be made for a definite term of up to five years.

Normally, those holding the rank of Senior Lecturer will:

1. Have a minimum of a master's degree in the teaching discipline, or a master's degree in another discipline along with professional experience in teaching discipline;
2. Have a significant record as an accomplished teacher in the discipline;
3. Have an extended record of effective service activities aligned with the department's needs;
4. Have demonstrated a continuing ability to relate appropriately to students and professional colleagues; and
5. Have a substantial record of professional development and/or research activities in cases where college or departmental bylaws identify these activities as an obligation of the position.

**Distinguished Lecturer:** This rank is for those Senior Lecturers who hold a degree appropriate to their discipline (or its professional equivalent) and who have demonstrated excellence in teaching. Tenured faculty members within the academic department will evaluate and make recommendations for appointments to the rank of Distinguished Lecturer, in accordance with departmental and college bylaws. Ordinarily, this rank is reserved for senior scholars with established national reputations in their discipline. Teaching appointments at this rank will be made for a definite term of up to five years.

All Teaching appointments are renewable subject to availability of funds, satisfactory performance, and staffing needs.

Each academic department shall establish the criteria and process for evaluating applications for promotion of departmental faculty members holding Teaching appointments, subject to the approval of the dean and Provost. The departmental criteria and process for evaluating promotion decisions shall be consistent with this Faculty Handbook and any criteria established by the college within which the department resides and shall be published in the departmental bylaws.

#### 4.7.2. Research Appointments

UTC may hire non-tenure-track Research faculty members to conduct research and ordinarily does not expect them to engage in teaching or perform public or disciplinary service as a condition of their employment. UTC may hire Research faculty members at any time to meet research needs within the various academic programs. Expectations of teaching duties and service may be added to the terms of employment. Research appointments are supported on extramural funding provided by research grants and contracts; therefore, the appointment periods correspond to the available funding.

UTC uses the following ranks or titles for Research appointments:

**Research Assistant Professor:** This rank is for those who have completed a doctoral degree or terminal degree appropriate to the discipline. Individuals holding such positions demonstrate an ability to initiate independent research and obtain external funding.

**Research Associate Professor:** This rank is for those who have completed a doctoral degree or terminal degree appropriate to the discipline, and have a good record of sustained scholarly activity and external financial support. Research Associate Professors have research qualifications and accomplishments consistent with those for appointment at the rank of Associate Professor.<sup>45</sup>

**Research Professor:** This rank is for those who have completed a doctoral degree or terminal degree appropriate to the discipline, and have a significant record of sustained, externally funded, scholarly activity that has culminated in national and/or international recognition among their peers. Research Professors have demonstrated research qualifications and accomplishments consistent with those for appointment at the rank of Professor.<sup>46</sup>

All Research appointments will be made for a definite term of one year or less and may be renewed subject to continued availability of funding, satisfactory performance, and staffing needs.

Each academic department shall establish the criteria and process for evaluating applications for promotion of departmental faculty members holding Research appointments, subject to the approval of the dean and Provost. The departmental criteria and process for evaluating promotion decisions shall be consistent with this Faculty Handbook and any criteria established by the college within which the department resides and shall be published in the departmental bylaws.

#### 4.7.3. Clinical Appointments

UTC may hire non-tenure-track Clinical faculty members to perform professional services and to provide instruction to students in a clinical setting. Faculty members holding Clinical appointments

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<sup>45</sup> See [Section 3.2.1.2](#) of this Handbook regarding criteria for appointment to the rank of Associate Professor.

<sup>46</sup> See [Section 3.2.1.3](#) of this Handbook regarding criteria for appointment to the rank of Professor.

generally are not expected to conduct research or perform public or disciplinary service as a condition of their employment. However, expectations of scholarship and service may be added to the terms of employment.

UTC uses the following ranks or titles for Clinical appointments:

**Clinical Assistant Professor:**<sup>47</sup> This rank is for those who have completed a doctoral degree or terminal degree appropriate to the discipline, and who are licensed or certified to practice the profession. Individuals holding such positions demonstrate an ability to teach students in a clinical setting.

**Clinical Associate Professor:** This rank is for those who have completed a doctoral degree or a terminal degree appropriate to the discipline, and who are licensed or certified to practice the profession. Individuals holding such positions have demonstrated clinical and teaching abilities consistent with those for appointment at the rank of Associate Professor.<sup>48</sup>

**Clinical Professor:** This rank is for those who have completed a doctoral degree or a terminal degree appropriate to the discipline and who are licensed or certified to practice the profession. Individuals holding such positions have demonstrated clinical and teaching qualifications and accomplishments consistent with those for appointment at the rank of Professor.<sup>49</sup>

All Clinical appointments will be made for a definite term of one year or less and may be renewed subject to continued availability of funding, satisfactory performance, and staffing needs.

Each academic department shall establish the criteria and process for evaluating applications for promotion of departmental faculty members holding Clinical appointments, subject to the approval of the dean and Provost. The departmental criteria and process for evaluating promotion decisions shall be consistent with this Faculty Handbook and any criteria established by the college within which the department resides and shall be published in the departmental bylaws.

#### 4.7.4. Faculty of Practice Appointments

UTC may hire non-tenure-track Faculty of Practice faculty members to meet instructional and research needs, with the specific intent of bringing practicing professionals into the classroom and research laboratories.

UTC uses the following ranks or titles for Faculty of Practice appointments:

**Assistant Professor of Practice:**<sup>50</sup> This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field or who are licensed or certified to practice the profession where appropriate or have substantial professional experience. Individuals holding such positions demonstrate an ability to teach and/or conduct research based on their experience and practice in the profession.

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<sup>47</sup> Effective August 1, 2018, all non-tenure-track faculty appointments at the rank of Clinical Instructor will be converted to appointments at the rank of Clinical Assistant Professor.

<sup>48</sup> See [Section 3.2.1.2.](#) of this Handbook regarding criteria for appointment to the rank of Associate Professor.

<sup>49</sup> See [Section 3.2.1.3.](#) of this Handbook regarding criteria for appointment to the rank of Professor.

<sup>50</sup> Effective August 1, 2018, all non-tenure-track faculty appointments at the rank of Instructor of Practice will be converted to appointments at the rank of Assistant Professor of Practice.

**Associate Professor of Practice:** This rank is for those who have completed a doctoral degree or a terminal degree appropriate to the field or who are licensed or certified to practice the profession where appropriate or have substantial professional experience. Individuals holding such positions have demonstrated practice in the profession and teaching and/or research abilities consistent with those for appointment at the rank of Associate Professor.<sup>51</sup>

**Professor of Practice:** This rank is for those who have completed a doctoral degree or a terminal degree appropriate to the field or who are licensed or certified to practice the profession where appropriate or have substantial professional experience. Individuals holding such positions have demonstrated practice in the professional and teaching or research accomplishments consistent with those for appointment at the rank of Professor.<sup>52</sup>

All Faculty of Practice appointments will be made for a definite term of up to three years and may be renewed subject to continued availability of funding, satisfactory performance, and staffing needs.

Each academic department shall establish the criteria and process for evaluating applications for promotion of departmental faculty members holding Faculty of Practice appointments, subject to the approval of the dean and Provost. The departmental criteria and process for evaluating promotion decisions shall be consistent with this Faculty Handbook and any criteria established by the college within which the department resides and shall be published in the departmental bylaws.

#### **4.7.5. Adjunct Faculty Appointments**

Individuals who provide compensated or uncompensated service to the instructional and/or research programs of UTC on a semester-by-semester basis will receive Adjunct Faculty appointments. Normally the dean, as a designee of the Provost and in consultation with the department head, will issue letters of appointment to Adjunct Faculty members listing their specific duties and compensation. In coordination with the Provost, each dean will be responsible for developing protocols appropriate to the college in order to insure consistency in Adjunct Faculty appointments.

Exempt employees of UTC may receive an Adjunct Faculty appointment in an academic department other than the employee's primary appointment. Such arrangements must be approved by the employee's supervisor and must not conflict with the execution of his or her primary duties.

All Adjunct Faculty members who teach must hold the appropriate degree required for teaching within the academic discipline. Adjunct Faculty members may supervise clinical experiences or assume other responsibilities within the guidelines set forth in university, college, and departmental policies. Individuals with Adjunct Faculty appointments are not eligible for tenure.

#### **4.7.6. Visiting Faculty Appointments**

Academic programs may invite Visiting Faculty members to teach, participate in scholarly work, or both within the program. The Visiting Faculty member shall have the professional credentials and level of education required of faculty members in the academic program.

Visiting Faculty members do not participate in the governance of the academic department. A

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<sup>51</sup> See [Section 3.2.1.2.](#) of this Handbook regarding criteria for appointment to the rank of Associate Professor.

<sup>52</sup> See [Section 3.2.1.3.](#) of this Handbook regarding criteria for appointment to the rank of Professor.

Visiting Faculty appointment is typically for an academic year but may be extended upon recommendation of the department head and dean. One-year Visiting Faculty members are not subject to annual performance reviews. The Provost will issue letters of appointment to Visiting Faculty members. Individuals with Visiting Faculty appointments are not eligible for tenure.

#### **4.7.7. Distinguished Scientist Appointments**

Distinguished Scientist appointments may be awarded to individuals who contribute significantly to nationally and internationally recognized research (e.g., scientists employed at Oak Ridge National Laboratory). The salary of an individual appointed as such is paid by the individual's primary employer, not UTC. A Distinguished Scientist appointment is typically for one year but may be extended by the Provost upon recommendation of the department head and dean. One-year Distinguished Scientist faculty members are not subject to annual performance reviews. The Provost will issue letters of appointment to Distinguished Scientist faculty members. Individuals with Distinguished Scientist appointments are not eligible for tenure.

#### **4.7.8. Intercampus Academic Appointments**

Intercampus Academic appointments are sometimes authorized when it appears that a faculty member at one campus has expertise that qualifies him/her for participation in the work of an academic department on another campus, and when the academic department has need for his/her services. The definition and extent of such intercampus participation is determined by mutual agreement between the faculty member and the respective department heads, deans and Provosts involved. In these cases, the following guidelines are observed:

1. The appointment is normally without salary or tenure in the cooperating academic department awarding the intercampus appointment; tenure (if any) and salary continue to be linked with the faculty member's home academic department (i.e., the department from which the visiting faculty member is coming).
2. The department head of the home academic department recommends the intercampus appointment to the department head of the cooperating academic department following information discussion or negotiation.
3. The appointment is made by the cooperating academic department subject to the approval of the dean, Provost, and Chancellor.
4. The title of the faculty member in the cooperating academic department is determined by mutual agreement between the department head and the faculty member, subject to the approval of the dean and Provost.

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# Chapter 5

## Faculty Discipline, Grievance and Appeal Procedures

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### 5.1. INTRODUCTION

Faculty members are entitled to fair, impartial and honest resolutions of problems that may arise in relation to employment. This chapter outlines principles and procedures designed to promote fair resolutions within a reasonable time period and addresses formal appeals in the sections on general appeals ([Section 5.3.](#) below) and special appeals ([Section 5.4.](#) below). Except as otherwise expressly provided, the disciplinary, grievance, and appeal procedures described in this chapter apply to all tenured, tenure-track, and non-tenure-track faculty.

In all cases, faculty members are entitled to notice regarding the grounds on which an administrative action or decision has been taken. Faculty members are encouraged to first informally bring complaints or grievances to the lowest administrative level at which an adverse recommendation, decision, or action was taken. Additionally, informal grievances may be submitted to the faculty ombudsperson for resolution through mediation. Every effort should be made to expeditiously resolve grievances informally before submitting a formal appeal.

A faculty member may initiate a formal appeal under the applicable general or special appeal procedures outlined in this chapter. A formal appeal must be initiated within the applicable time periods specified in this Handbook or University policy or, if not specified, no more than one year from the date of the adverse recommendation, decision, or action in question.

### 5.2. FACULTY OMBUDSPERSON

The Chancellor, with the advice and consent of the Faculty Senate Executive Committee, shall select a faculty ombudsperson. It is expected that the ombudsperson will be experienced in both alternative dispute resolution and university faculty affairs (including tenure, promotion, evaluation, dispute resolution, and governance), and he or she shall be responsible for facilitating informal conflict resolution at the request of faculty members. Specifically, the ombudsperson serves as a consultant for faculty members needing advice to resolve problems and may serve as an informal mediator if the faculty member has not started a formal appeal (i.e., general appeal or special appeal).

The faculty ombudsperson is not an advocate for either the faculty or UTC, but rather a supporter of fair practices and mutual respect, fostering probity and timeliness in the administration of campus policies and practices. Subject to the provisions of this Handbook, University policy, and the law, the ombudsperson will be guided by the [International Ombudsman Association Code of Ethics](#). The ombudsperson's responsibilities as set forth in this Handbook do not include grievances initiated by administrators, students, or staff. The ombudsperson is appointed under UTC's human resources policies and procedures and is compensated as described in his or her appointment letter. The Chancellor, with the advice and consent of the Faculty Senate Executive Committee, shall renew the term of the ombudsperson.

#### 5.2.1. Consultant Role

As a consultant, the ombudsperson acts as a resource for information on University policies, the faculty member's rights and responsibilities, and procedures of appeal and due process. The ombudsperson helps faculty members decide how best to solve problems early and generally at the lowest levels. If the faculty member has initiated a formal appeal through a formal appeal



process, he or she may continue to consult the ombudsperson for a neutral opinion and advice, but the ombudsperson is not permitted to participate actively in formal appeals. Except as required by law or University policy, consultations with the ombudsperson shall not be communicated to a third party unless the faculty member gives his or her permission or the faculty member brings an administrative complaint or legal action against the University or another University employee. For purposes of this [Section 5.2.1.](#) and [Section 5.2.2.](#) below, the term "administrative complaint" refers to a complaint filed with an administrative agency outside of the University such as the Equal Employment Opportunity Commission, the Tennessee Human Rights Commission, and the Office for Civil Rights within the Department of Education.

### **5.2.2. Mediator Role**

As an informal mediator, the ombudsperson serves as a communication channel and dispute resolution facilitator. As used in this context, informal mediation is a flexible concept that may involve investigation by the ombudsperson and direct participation in the conflict resolution as well as the more traditional role of facilitating communication and conflict resolution. The ombudsperson's mediation services do not supersede or replace appeals through the formal appeal processes, but they may be used before those processes are initiated. The ombudsperson is independent of both the faculty member and the administration. If a faculty member requests informal mediation by the ombudsperson, the ombudsperson has sole discretion as to whether a complaint warrants mediation and as to the manner in which any investigation and mediation is to be conducted. Mediation by the ombudsperson should involve only those employees or others with a need to be involved in either providing information or reaching a resolution. Except as required by law, the ombudsperson will not communicate with individuals not involved in the mediation process unless the faculty member gives his or her permission or the faculty member brings an administrative complaint or legal action against the University or another University employee.

The ombudsperson is not permitted to:

- (1) address matters subject to a special appeal procedure described in [Section 5.4.](#) below;
- (2) provide legal advice;
- (3) assist in problems that are unrelated to the University; or
- (4) represent a faculty member in a formal appeal procedure or hearing.

The ombudsperson does not make binding decisions for the University or overrule administrative decisions. Rather, the ombudsperson makes recommendations based upon his or her understanding of the situation, University policies and procedures, experience, and sense of fairness.

### **5.2.3. Relationship with the Faculty Senate**

The Faculty Senate shall provide ongoing advice and assistance for the ombudsperson on the rules and policies applicable to University faculty. The ombudsperson shall issue a report to the Faculty Senate once each year on (a) the number of faculty members served; (b) the types of matters handled; (c) any recommended change to University or faculty rules or policies and the basis for the recommended change; and (d) any other matters that the ombudsperson or the Faculty Senate shall deem necessary or advisable in connection with their respective roles in faculty support and governance. The annual report of the ombudsperson shall not disclose any information that the ombudsperson is required to keep confidential in accordance with this section or ombudsperson best practices.

## 5.3. PROCEDURE FOR GENERAL APPEALS

### 5.3.1. Appeal Through the Administrative Channel

Except for the types of grievances for which a faculty member must pursue a formal appeal under a special appeal procedure described under [Section 5.4.](#) below, a faculty member may pursue a formal appeal through the administrative channel. The administrative channel through which an appeal may progress includes: the department head of the department to which the faculty member belongs; the dean of the college to which the faculty member belongs; the Provost; and the Chancellor. The Chancellor's decision is final.

To initiate an appeal through the administrative channel, the faculty member must write a letter to the administrator at the first administrative level at which a contested recommendation or decision was made within sixty (60) calendar days after receipt of notice of the adverse recommendation or decision. The letter should (a) notify the administrator that an appeal is being made, (b) outline the nature of the appeal, and (c) state the desired action.

Before the sixty-day appeal period runs, the faculty member may submit in writing to the administrator a request for an extension of the appeal period beyond the sixty-day deadline. Upon receipt of the faculty member's request, the administrator, for good cause, may extend the appeal period for a reasonable amount of time as determined by the administrator, and in such case, the administrator shall provide written notice to the faculty member of the granted extension of time to appeal.

If the appeal is not resolved to the faculty member's satisfaction at the first administrative level at which the contested recommendation or decision was made, the faculty member may pursue the appeal through each succeeding administrative level. Upon receipt of a negative decision by an administrator at one level, the faculty member will have ten (10) calendar days to appeal in writing to the next administrative level. At each level, the administrator ideally should inform the faculty member of his or her decision in writing within thirty (30) calendar days of receipt of the appeal.

### 5.3.2. Review by the Faculty Administrative Relations Committee

Except as otherwise provided in this chapter, when a faculty member who has initiated a formal appeal through the administrative channel procedure receives a negative decision by the Provost, the faculty member may appeal the Provost's decision to the Chancellor directly or request review by the Faculty Administrative Relations Committee ("FARC") prior to the Chancellor's review as provided under [Section 5.5.2.](#) below. The faculty member will have ten (10) calendar days after receipt of the Provost's decision to request a FARC review.

## 5.4. PROCEDURES FOR SPECIAL APPEALS

Special appeal procedures are provided for cases involving the following:

- Complaint of alleged discrimination, unlawful harassment, or violation of the sexual misconduct policy ([Section 5.4.1.](#) below);
- Disciplinary sanctions against a tenured faculty member for adequate cause ([Section 5.4.2.](#) below);
- Disciplinary sanctions against a non-tenured faculty member for adequate cause ([Section 5.4.3.](#) below);
- Termination of a faculty member due to extraordinary circumstances (i.e., financial exigency or

academic program discontinuance) ([Section 5.4.4.](#) below).

#### **5.4.1. Complaints of Alleged Discrimination or Violation of the Title IX Policy**

Complaints that a faculty member has violated a University policy prohibiting discrimination, including but not limited to [UT Policy HR0220 - Equal Employment Opportunity](#), [UT Policy HR0280 - Sexual Harassment & Other Discriminatory Conduct](#), and the [Policy on Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking](#) ("Title IX Policy"), will be investigated in accordance with the applicable policy. Any disciplinary action taken against a faculty member for violation of the University's anti-discrimination policies and any appeal of such disciplinary action must be in accordance with [Section 5.4.2.](#) (tenured faculty) or [Section 5.4.3.](#) (non-tenured faculty) below.

#### **5.4.2. Disciplinary Sanctions Against a Tenured Faculty Member for Adequate Cause**

##### **1. Termination for Adequate Cause Based on Unsatisfactory Performance in Teaching, Research, or Service<sup>53</sup>**

The following procedures shall apply to termination of a tenured faculty appointment for unsatisfactory performance in teaching, research, or service (see Appendix B to [UT Policy BT0006](#)).

##### **(1) 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 Provost 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 this Section 5.4.2.1. The Provost may combine action under this Section 5.4.2.1.(1) with any other procedures under Section 5.4.2.1.

##### **(2) Tenured Faculty's Recommendation**

The department head shall direct the tenured departmental faculty to consider the faculty member's performance in teaching, research, and service, and, by an anonymously cast vote taken in accordance with applicable department or college bylaws, to make a recommendation on the question of whether the faculty member's performance constitutes Adequate Cause for termination. The faculty recommendation shall be advisory to the department head. If an Enhanced Post-Tenure Performance Review (EPPR) has been completed in the preceding four years, the report of the EPPR peer committee shall be provided to the tenured faculty, along with any other evaluative information provided for their review. The faculty member under review shall be provided with a copy of the material provided to the tenured faculty and shall be given a reasonable opportunity to submit responsive written materials before the vote of the tenured faculty.

##### **(3) Department Head's Recommendation**

The department head shall consider the faculty member's performance in teaching, research, and service, and the recommendation of the tenured departmental faculty, and

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<sup>53</sup> The steps and procedures under [Section 5.4.2.1.](#) for the termination of a tenured faculty member for unsatisfactory performance in teaching, research, or service within the definition of Adequate Cause are intended to be consistent with the requirements and procedures set forth under Appendix B of [UT Policy BT0006](#). In the event of any conflict or inconsistency between Board policy and this Faculty Handbook, Board policy will control.

make a recommendation on the question of whether the performance constitutes Adequate Cause for termination. The department head shall forward his or her recommendation and the reasoning supporting the recommendation to the dean, together with the history of efforts to encourage the faculty member to improve his or her performance and a report of the recommendation of the tenured faculty (including the anonymously cast vote tally) on the question of whether the faculty member's performance constitutes Adequate Cause for termination.

#### **(4) Dean's Recommendation**

The dean shall consider the faculty member's performance in teaching, research, and service, and the recommendation of the tenured departmental faculty and department head, and make a recommendation on the question of whether the performance constitutes Adequate Cause for termination. The dean shall forward his or her recommendation and the reasoning supporting the recommendation to the Provost, together with the recommendations of the tenured faculty and the department head.

#### **(5) Decision by the Provost**

##### **(a) Review by the Provost**

- (i) If the Provost concludes that Adequate Cause for termination may exist, he or she shall call the faculty member to a meeting to discuss the possibility of a mutually satisfactory resolution of the matter.
- (ii) If a mutually satisfactory resolution is not achieved within thirty (30) calendar days, the Provost shall ask the Faculty Senate (or appropriate committee or Executive Council of the Faculty Senate) to make a recommendation as to whether Adequate Cause for termination exists. The recommendation of the Faculty Senate, along with supporting reasoning, shall be provided to the Provost within thirty (30) calendar days of the request and shall be advisory to the Provost.
- (iii) If the Provost concludes that Adequate Cause does not exist, then the Provost shall provide the faculty member with written notice of the conclusion (with a copy to the dean and the department head), and shall include in the notice any further instructions regarding the matter as may be necessary.

##### **(b) Sanctions Less Than Termination for Adequate Cause**

- (i) If the Provost concludes Adequate Cause exists but that a sanction other than termination or suspension without pay should be imposed, then the Provost may impose the lesser sanction. The faculty member may appeal the lesser sanction to the Chancellor, whose decision shall be final and not appealable to the President.
- (ii) If the Provost concludes Adequate Cause exists but that the sanction should be suspension without pay rather than termination, the Provost shall employ the procedures set forth in Section 5.4.2.1.(5)(c) below, all as appropriately tailored to reflect that the proposed sanction is suspension without pay rather than termination. If the faculty member wishes to contest the suspension without pay, the procedures shall be those set forth in Section 5.4.2.1.(7) below, all as appropriately tailored to reflect that the proposed sanction is suspension without pay rather than termination.

## **(c) Termination for Adequate Cause**

### **(i) Notice of Adequate Cause and Opportunity to Respond**

Before deciding that the faculty member's appointment should be terminated for Adequate Cause, the Provost shall give the faculty member written notice, including a statement of the grounds for termination, framed with reasonable particularity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the Provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the Provost. Any written response must be submitted to the Provost within ten (10) calendar days of delivery of the written statement of the grounds for termination.

### **(ii) Notice of Termination**

If, after considering any information provided by the faculty member and after consulting with the Chancellor and the President, the Provost concludes that the faculty member's appointment should be terminated for Adequate Cause, the Provost shall provide written notice of termination to the faculty member (1) providing a statement of the grounds for termination, framed with reasonable particularity, and the date on which the termination will become effective unless the faculty member elects to contest the termination in a pre-termination hearing before a hearing tribunal (as provided under Section 5.4.2.1.(7)(a) below); (2) providing notice of the faculty member's right to contest the proposed termination in a pre-termination hearing before a tribunal, as described under Section 5.4.2.1.(7)(a) below, or in a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act; and (3) providing notice that the faculty member has fifteen (15) calendar days after receipt of the written notice to elect in writing to contest the termination and to elect in writing the form of hearing. Selection of one type of hearing waives the opportunity to contest the termination through the other type of hearing. The Provost shall send a copy of the written notice to the Faculty Senate at the same time.

## **(6) Failure to Contest Termination**

If the faculty member does not contest the charge(s) in writing and make the required hearing election within fifteen (15) calendar days after receipt of the written notice described in Section 5.4.2.1.(5)(c)(ii) above, the faculty member shall be terminated, and no appeal of the matter will be heard within the University.

## **(7) Options to Contest Termination**

The rights provided in this Section 5.4.2.1.(7) are in lieu of any other rights of grievance or appeal in this Handbook or any appeal to the President.

### **(a) Pre-Termination Hearing before a Tribunal and Final Decision by the Chancellor**

If the faculty member makes a timely election to contest the charge(s) through a hearing by a University tribunal, the faculty member must confirm in writing the decision to waive the right to a hearing under the Uniform Administrative Procedures Act, and the Chancellor shall ask the Faculty Senate, or a designated committee of the Faculty Senate, to appoint a tribunal within fifteen (15) calendar days and shall notify the faculty member of this action. The matter then shall proceed in accordance with the tribunal procedures described under this Section 5.4.2.1.(7)(a), with the

faculty member's termination stayed pending the conclusion of these procedures.

**(i) 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 Faculty Senate, whose decision on the challenge shall be final and not subject to appeal.

**(ii) Notice of hearing**

The Chancellor shall give the faculty member written notice of the hearing date at least thirty (30) calendar days in advance. The Chancellor shall issue a scheduling order to ensure that the tribunal's written findings, reasoning, and conclusions are submitted to the Chancellor within one hundred twenty (120) calendar days from the date the faculty member has been provided with written notice of termination under Section 5.4.2.1.(5)(c)(ii) above. A scheduling order shall not be modified except by leave of the Chancellor upon a showing of good cause.

**(iii) 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 (10) calendar 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.

**(iv) 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.

**(v) 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).

**(vi) 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 UTC and/or other comparable institutions of higher education.

**(vii) 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.

**(viii) Adjournments**

The tribunal shall grant adjournments to allow either party to investigate evidence to which a valid claim of surprise is made. The tribunal may grant one such adjournment for a period of no more than five (5) calendar days. If the tribunal wishes to grant an adjournment for more than five (5) calendar days, or wishes to grant more than one adjournment, the tribunal shall notify the Chancellor of the proposed adjournment, provide an explanation of the need for the adjournment, and provide a recommendation regarding the length of the adjournment. If the Chancellor concurs in the tribunal's recommendation that an adjournment be granted, the Chancellor shall give the faculty member written notice of the date on which the hearing will resume.

**(ix) 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.

**(x) 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, with supporting reasons. In the case of a split decision, a minority report should be included.
- (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. In the case of a split decision, a minority report should be included.
- (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, with supporting reasons. In the case of a split decision, a minority report should be included.

**(xi) 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, reasoning, and conclusions.

**(xii) Final Decision by the Chancellor**



Upon receipt of the tribunal's findings, reasoning, and conclusions, the Chancellor shall provide an opportunity for written argument by the parties and may provide the parties an opportunity to present oral argument. After considering the tribunal's findings, reasoning, and conclusions and any arguments of the parties, the Chancellor will determine whether Adequate Cause has been established and whether termination is the appropriate sanction.

If the Chancellor concludes that Adequate Cause has not been established, the Chancellor shall provide the faculty member with written notice of the conclusion (with a copy to the tribunal, Provost, dean, and department head), and shall include in the notice any further instructions regarding the matter as may be necessary.

If the Chancellor concludes that Adequate Cause has been established but that a sanction other than termination should be imposed, including without limitation suspension without pay, the Chancellor may impose the lesser sanction by written notice to the faculty member (with a copy to the tribunal, Provost, dean, and department head). The notice shall include the date on which the sanction will become effective. The decision of the Chancellor shall be final and not appealable to the President.

If the Chancellor concludes that Adequate Cause has been established and that termination is the appropriate sanction, the Chancellor shall provide the faculty member with a written notice of termination stating the grounds for termination (with a copy to the tribunal, Provost, dean, and department head). The notice of termination may include or adopt the written findings and conclusions of the tribunal if applicable to the Chancellor's decision. The notice shall include the date on which termination will become effective. The decision of the Chancellor shall be final and not appealable to the President.

**(b) Post-Termination Hearing and Final Decision under the Uniform Administrative Procedures Act**

**(i) Contested Case Procedures**

If the faculty member makes a timely election to contest the charge(s) under the Uniform Administrative Procedures Act (UAPA), the Chancellor shall appoint an administrative judge, the faculty member's employment will be terminated on the date specified in the notice provided under Section 5.4.2.1.(5)(c)(ii) above, and the matter shall proceed post-termination in accordance with the contested case procedures promulgated by the University under the UAPA. The UAPA contested case procedures are published in the Compiled Rules and Regulations of the State of Tennessee ([Tenn. Comp. R. & Regs. § 1720-01-05-.01 et seq.](#)).

**(ii) Initial Order**

In accordance with the UAPA contested case procedures, upon completion of the hearing, the administrative judge shall render an initial order, which either party may appeal to the Chancellor within fifteen (15) calendar days. In addition, the Chancellor, on his or her own motion, may elect within fifteen (15) calendar days to review the administrative judge's initial order.

**(iii) Final Order**

The administrative judge's initial order shall become the final order unless review

is sought by either party or the Chancellor within the fifteen-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 UAPA 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 University's final order is favorable to the faculty member and concludes that the faculty member's employment should not have been terminated for Adequate Cause, then full restitution of salary, academic position and tenure lost during the termination will be made.

**(iv) 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 UAPA.

**2. Termination for Adequate Cause Based on Misconduct<sup>54</sup>**

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 (see Appendix C to [UT Policy BT0006](#)).

**(1) Suspension or Reassignment Pending Completion of Termination Proceedings**

The Provost may combine action under this Section 5.4.2.2.(1) with any other procedures in Section 5.4.2.2.

**(a) Suspension with Pay or Reassignment of Duties**

After consultation with the President of the Faculty Senate or the Faculty Senate Executive Committee, the Provost 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 this Section 5.4.2.2.

**(b) Suspension without Pay**

After consultation with the Chancellor, the President, and the President of the Faculty Senate or the Faculty Senate Executive Committee, the Provost 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 Section 5.4.2.5. below entitled "Expedited Procedure for Termination or Suspension Without Pay in Certain Cases of Misconduct:"

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

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<sup>54</sup> The steps and procedures under [Section 5.4.2.2.](#) for the termination of a tenured faculty member for misconduct within the definition of Adequate Cause are based on and intended to be consistent with the requirements and procedures set forth under Appendix C of [UT Policy BT0006](#). In the event of any conflict or inconsistency between Board policy and this Faculty Handbook, Board policy will control.

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.

**(2) Consultation with Tenured Faculty**

The department head shall consult with the departmental tenured faculty before making a recommendation regarding whether a faculty member's alleged misconduct constitutes Adequate Cause for termination.

**(3) Department Head's Recommendation**

If the department head concludes that a faculty member's alleged misconduct constitutes Adequate Cause for termination, he or she shall forward a recommendation and the reasoning supporting the recommendation to the dean. The recommendation shall include a report of the department head's consultation with the tenured faculty.

**(4) Dean's Recommendation**

If the dean concludes that a faculty member's alleged misconduct constitutes Adequate Cause for termination, he or she shall forward a recommendation and the reasoning supporting the recommendation to the Provost.

**(5) Decision by the Provost**

**(a) Review by the Provost**

- (i) If the Provost concludes that Adequate Cause for termination may exist, he or she shall call the faculty member to a meeting to discuss the possibility of a mutually satisfactory resolution of the matter.
- (ii) If the Provost concludes that Adequate Cause does not exist, the Provost shall provide the faculty member with written notice of the conclusion (with a copy to the dean and the department head), and shall include in the notice any further instructions regarding the matter as may be necessary.

**(b) Sanctions Less than Termination for Adequate Cause**

- (i) If the Provost concludes that Adequate Cause exists but that a sanction other than termination or suspension without pay should be imposed, the Provost may impose the lesser sanction. The faculty member may appeal the lesser sanction to the Chancellor, whose decision shall be final and not appealable to the President.
- (ii) If the Provost concludes that Adequate Cause exists but that the sanction should be suspension without pay rather than termination, the Provost shall employ the procedures set forth in Section 5.4.2.2.(5)(c) below, all as appropriately tailored to reflect the proposed sanction is suspension without pay rather than termination. If the faculty member wishes to contest the suspension without pay, the procedure shall be those set forth in Section 5.4.2.2.(7) below, all as appropriately tailored to reflect that the proposed sanction is suspension without pay rather than

termination.

**(c) Termination for Adequate Cause**

**(i) Notice of Adequate Cause and Opportunity to Respond**

Before deciding that the faculty member's appointment should be terminated for Adequate Cause, the Provost shall give the faculty member written notice, including a statement of the grounds for termination, framed with reasonable particularity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the Provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the Provost. Any written response must be submitted to the Provost within ten (10) calendar days of delivery of the written statement of the grounds for termination.

**(ii) Notice of Termination**

If, after considering any information provided by the faculty member and after consulting with the Chancellor and the President, the Provost concludes that the faculty member's appointment should be terminated for Adequate Cause, the Provost shall provide written notice of termination to the faculty member (1) providing a statement of the grounds for termination, framed with reasonable particularity, and the date on which the termination will become effective unless the faculty member elects to contest the termination in a pre-termination hearing before an ad hoc committee (as provided under Section 5.4.2.2.(7)(a) below); (2) providing notice of the faculty member's right to contest the proposed termination in a pre-termination hearing before an ad hoc committee, as described under Section 5.4.2.2.(7)(a) below, or in a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act; and (3) providing notice that the faculty member has fifteen (15) calendar days after receipt of the written notice to elect in writing to contest the termination. Selection of one type of hearing waives the opportunity to contest the termination through the other type of hearing. The Provost shall send a copy of the written notice to the Faculty Senate at the same time.

**(6) Failure to Contest**

If the faculty member does not contest the charge(s) of misconduct in writing within fifteen (15) calendar days after receipt of the written notice described in Section 5.4.2.2.(5)(c)(ii) above, the faculty member shall be terminated, and no appeal of the matter will be heard within the University.

**(7) Options to Contest the Termination**

The rights provided in this Section 5.4.2.2.(7) are in lieu of any other rights of grievance or appeal in this Handbook or any appeal to the President.

**1. Pre-Termination Hearing before an Ad Hoc Committee and Final Decision by the Chancellor**

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 UAPA, the faculty member must confirm in writing the decision to waive the right to a hearing under the UAPA, and the Chancellor shall appoint an ad hoc hearing committee to

conduct an informal hearing on the charges, with the faculty member's termination stayed pending the conclusion of the procedures set forth in this Section 5.4.2.2.(7)(a).

(i) Notice of Hearing

The Chancellor shall give the faculty member written notice of the hearing date at least thirty (30) calendar days in advance. The Chancellor shall issue a scheduling order to ensure that the hearing committee's written findings, reasoning, and conclusions are submitted to the Chancellor within one hundred twenty (120) calendar days from the date the faculty member has been provided with written notice of termination under Section 5.4.2.2.(5)(c)(ii) above. A scheduling order shall not be modified except by leave of the Chancellor upon a showing of good cause.

(ii) Legal Counsel

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 (10) calendar days of receipt of the written notice of the hearing date. If the faculty member fails to give timely notice of legal representation, then the hearing date shall be postponed at the University's request.

(iii) Adjournments

The hearing committee shall grant adjournments to allow either party to investigate evidence to which a valid claim of surprise is made. The hearing committee may grant one such adjournment for a period of no more than five (5) calendar days. If the hearing committee wishes to grant an adjournment for more than five (5) calendar days, or wishes to grant more than one adjournment, the hearing committee shall notify the Chancellor of the proposed adjournment, provide an explanation of the need for the adjournment, and provide a recommendation regarding the length of the adjournment. If the Chancellor concurs in the hearing committee's recommendation that an adjournment be granted, the Chancellor shall give the faculty member written notice of the date on which the hearing will resume.

(iv) Written Report

The hearing committee shall make a written report of its findings, reasoning, and conclusions to the Chancellor. In the case of a split decision, a minority report should be included.

(v) Final Decision by the Chancellor

Upon receipt of the hearing committee's findings, reasoning, and conclusions, the Chancellor shall provide the opportunity for written argument by the parties and may provide the parties an opportunity to present oral argument. After considering the hearing committee's findings, reasoning, and conclusions and any arguments of the parties, the Chancellor will determine whether Adequate Cause has been established and whether termination is the appropriate sanction.

If the Chancellor concludes that Adequate Cause has not been established, the Chancellor shall provide the faculty member with written notice of the conclusion

(with a copy to the hearing committee, Provost, dean, and department head), and shall include in the notice any further instructions regarding the matter as may be necessary.

If the Chancellor concludes that Adequate Cause has been established but that a sanction other than termination should be imposed, including without limitation suspension without pay, the Chancellor may impose the lesser sanction by written notice to the faculty member (with a copy to the hearing committee, Provost, dean, and department head). The notice shall include the date on which the sanction will become effective. The decision of the Chancellor shall be final and not appealable to the President.

If the Chancellor concludes that Adequate Cause has been established and that termination is the appropriate sanction, the Chancellor shall provide the faculty member with a written notice of termination stating the grounds for termination (with a copy to the hearing committee, Provost, dean, and department head). The notice of termination may include or adopt the written findings, reasoning, and conclusions of the hearing committee if applicable to the Chancellor's decision. The notice shall include the date on which termination will become effective. The decision of the Chancellor shall be final and not appealable to the President.

## **2. Post-Termination Hearing and Final Decision under the Uniform Administrative Procedures Act**

### **(i) Contested Case Procedures**

If the faculty member makes a timely election to contest the charge(s) under the Uniform Administrative Procedures Act (UAPA), the Chancellor shall appoint an administrative judge, the faculty member's employment will be terminated on the date specified in the notice provided under Section 5.4.2.2.(5)(c)(ii) above, and the matter shall proceed post-termination in accordance with the contested case procedures promulgated by the University under the UAPA. The UAPA contested case procedures are published in the Compiled Rules and Regulations of the State of Tennessee ([Tenn. Comp. R. & Regs. § 1720-01-05-.01 et seq.](#)).

### **(ii) Initial Order**

In accordance with the UAPA contested case procedures, upon completion of the hearing, the administrative judge shall render an initial order, which either party may appeal to the Chancellor within fifteen (15) calendar days. In addition, the Chancellor, on his or her own motion, may elect within fifteen (15) calendar days to review the administrative judge's initial order.

### **(iii) Final Order**

The administrative judge's initial order shall become the final order unless review is sought by either party or the Chancellor within the fifteen-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 UAPA 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 University's final order is favorable to the faculty member and concludes that the faculty member's employment should not have been terminated for Adequate Cause, then full restitution of salary, academic position and tenure

lost during the termination will be made.

**(iv) 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 UAPA.

**3. Disciplinary Suspension Without Pay for Adequate Cause<sup>55</sup>**

Suspension without pay may be imposed as a disciplinary sanction against a tenured faculty member for (1) unsatisfactory performance in teaching, research, or service within the definition of Adequate Cause or (2) misconduct within the definition of Adequate Cause.

If the proposed sanction is suspension without pay for a definite term (no more than one year), the procedures applicable to termination as described in [Section 5.4.2.1](#) and [Section 5.4.2.2](#) above (as applicable and as tailored to reflect that the proposed sanction is suspension without pay rather than termination) shall be offered in connection with the suspension.

**4. Other Disciplinary Sanctions for Adequate Cause<sup>56</sup>**

Disciplinary sanctions that do not involve termination or suspension without pay may be imposed against a tenured faculty member for (1) unsatisfactory performance in teaching, research, or service within the definition of Adequate Cause or (2) misconduct within the definition of Adequate Cause.

If the proposed sanction does not involve termination or suspension without pay, the following steps will be followed before the sanction is issued:

- (1) The department head shall make a recommendation to the dean.
- (2) The dean shall make a recommendation to the Provost.
- (3) The Provost 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 the administrative channel appeal procedure under [Section 5.3](#) above, except that a decision by the Chancellor on appeal will be the final decision for the University and not appealable to the President. The sanction shall be held in abeyance until conclusion of the appeal.

**5. Expedited Procedure for Termination (or Suspension Without Pay) in Certain Cases of Misconduct**

**(1) Grounds for Termination or Suspension Without Pay**

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<sup>55</sup> The steps and procedures under [Section 5.4.2.3](#) for the suspension without pay of a tenured faculty member for Adequate Cause are based on and intended to be consistent with the requirements and procedures set forth under Section III.K. of [UT Policy BT0006](#). In the event of any conflict or inconsistency between Board policy and this Faculty Handbook, Board policy will control.

<sup>56</sup> The steps and procedures under [Section 5.4.2.4](#) for disciplinary suspension with pay or other sanctions of a tenured faculty member for Adequate Cause are based on and intended to be consistent with the requirements and procedures set forth under Section III.K. of [UT Policy BT0006](#). In the event of any conflict or inconsistency between Board policy and this Faculty Handbook, Board policy will control.



In the following cases of alleged misconduct by a tenured faculty member, the Provost, after consulting with the Chancellor, the President, 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:

- (1) alleged misconduct (i) involving acts or credible threats of harm to a person or University property, including without limitation, sexual harassment or other sexual misconduct; 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.

## **(2) Procedures Required *Before* Expedited Termination or Suspension Without Pay**

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

- (a) notice of the charges;
- (b) an explanation of the evidence; and
- (c) an informal opportunity to refute the charges in a meeting with the Provost.

## **(3) Procedures Required *After* Expedited Termination or Suspension Without Pay**

After termination or suspension without pay, the faculty member shall be offered the full range of due process options in other Adequate Cause proceedings under Section 5.4.2.1. (unsatisfactory performance) and Section 5.4.2.2. (misconduct) above, except that the termination or suspension without pay shall not be stayed pending the outcome of an ad hoc hearing committee if the faculty member elects that method of contesting the action. 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 that the faculty member should not have been suspended without pay or that the faculty member's employment should not have been/should not be terminated for Adequate Cause, then full restitution of salary, academic position and tenure lost during the suspension without pay or termination will be made.

### **5.4.3. Disciplinary Sanctions Against a Non-Tenured Faculty Member for Adequate Cause**

A non-tenured faculty member's employment may be terminated before the end of the faculty member's stipulated appointment term only with the approval of the Chancellor and only for Adequate Cause.

A tenure-track faculty member's employment may be terminated at the end of the faculty member's stipulated appointment term without the required minimum advance notice of non-reappointment,<sup>57</sup> only with the approval of the Chancellor and only for Adequate Cause.

The following steps and procedures shall apply to disciplinary sanctions against a non-tenured faculty member.

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<sup>57</sup> See [Section 3.7.4](#) of this Handbook regarding the minimum advance notice required for notice of non-reappointment of a tenure-track faculty member.

## **1. Termination for Adequate Cause Based on Unsatisfactory Performance in Teaching, Research, or Service**

The steps and procedures detailed in [Section 5.4.2.1](#), above will be followed for the termination of a non-tenured faculty member for unsatisfactory performance within the definition of Adequate Cause before the end of the faculty member's stipulated appointment term. The same steps and procedures will be followed for the termination of a tenure-track faculty member for unsatisfactory performance within the definition of Adequate Cause at the end of the faculty member's stipulated appointment term without the required minimum advance notice of non-reappointment.

## **2. Termination for Adequate Cause Based on Misconduct**

The steps and procedures detailed in [Section 5.4.2.2](#), above will be followed for termination of a non-tenured faculty member for misconduct within the definition of Adequate Cause before the end of the faculty member's stipulated appointment term. The same steps and procedures will be followed for the termination of a tenure-track faculty member for misconduct within the definition of Adequate Cause at the end of the faculty member's stipulated appointment term without the required minimum advance notice of non-reappointment.

## **3. Disciplinary Suspension Without Pay for Adequate Cause**

The steps and procedures detailed in [Section 5.4.2.3](#), above will be followed for disciplinary suspension without pay of a non-tenured faculty member during the faculty member's stipulated appointment term.

## **4. Other Disciplinary Sanctions for Adequate Cause**

The steps and procedures detailed in [Section 5.4.2.4](#), above will be followed for disciplinary sanctions of a non-tenured faculty member during the faculty member's stipulated appointment term which do not involve termination or suspension without pay.

### **5.4.4. Termination Due to Extraordinary Circumstances (i.e., Financial Exigency or Academic Program Discontinuance)**

In the event of the termination of a faculty member due to financial exigency or academic program discontinuance, the faculty member may appeal the decision in writing to the Provost within ten (10) calendar days after receipt of the notice of termination.

Upon receipt of the appeal, the Provost shall convene a Faculty Hearing Committee which shall consist of the Provost, the faculty member's dean and five faculty members elected by the Faculty Senate. The Provost shall chair the Hearing Committee. The Hearing Committee shall ensure a prompt and expeditious hearing that is fair and unbiased although procedural requirements of formal adjudication shall not be required. The Hearing Committee shall evaluate whether established procedures were followed and appropriate criteria applied in arriving at the decision to terminate. The Hearing Committee shall not review the decision concerning the discontinuance of an academic program, the declaration of the financial exigency, or the decisions that led to necessary funding reductions. A recommendation will be sent from the Hearing Committee to the Chancellor to uphold or reverse the action of termination. The Chancellor will make a final decision and notify the faculty member of the decision in writing. The Chancellor's decision may be appealed to the Board.<sup>58</sup>

## **5.5. APPELLATE REVIEW ROLE OF THE FACULTY ADMINISTRATIVE RELATIONS COMMITTEE**

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<sup>58</sup> See UTC Financial Exigency Policies and Procedures.

The Faculty Administrative Relations Committee (FARC) is a standing committee of the Faculty Senate. The FARC may serve in an appellate review role as provided in this [Section 5.5](#).

### **5.5.1. Membership**

The FARC consists of six faculty members. Two committee members are elected each year for three-year terms by the full faculty in accordance with the [Faculty Senate Bylaws](#). Attendance of three committee members shall constitute a quorum for a FARC meeting. The chairperson of the FARC is elected by the committee members in accordance with the [Faculty Senate Bylaws](#). The chairperson will preside over FARC meetings but shall not vote on a matter unless there is a tie-vote among committee members at a meeting.

### **5.5.2. Request for a FARC Review**

As provided under [Section 5.3.2](#) above, when a faculty member who has initiated a formal appeal through the administrative channel procedure receives a negative decision by the Provost, the faculty member may appeal the Provost's decision to the Chancellor directly or request a review by the FARC prior to the Chancellor's review. The faculty member will have ten (10) calendar days from receipt of the Provost's decision to request a FARC review.

In order to request a review by the FARC, the faculty member must submit a written request to the FARC chairperson, with a copy to the Provost. The faculty member's written request should state the nature of the faculty member's appeal, the status of the appeal, and the faculty member's desired outcome.

If the matter lies within the FARC's purview (as specified in [Section 5.5.3](#) below), the FARC will review the matter. If the matter does not lie within the FARC's purview, the matter will not be reviewed by the FARC, and the faculty member's appeal will continue to the Chancellor for determination.

### **5.5.3. Purview and Scope of Review**

Matters that lie within the purview of the FARC include, but are not limited to, tenure decisions, promotion decisions, non-reappointment decisions, annual performance rating appeals, and allegations of academic freedom violations. Notwithstanding the foregoing, matters that are subject to one of the special appeal procedures set forth under [Section 5.4](#) above lie outside of the FARC's purview and may not be reviewed by the FARC.

For matters submitted to the FARC for review, the FARC does not replace the role of faculty and administrators in making employment-related decisions. Instead, it is guided by the aim of maximizing the protection of the principles of academic freedom, due process, and fairness. Accordingly, for each matter submitted to the FARC for review, the FARC, at a minimum, is obligated to consider whether or not the decision under review was made in accordance with University policies, procedures, and regulations, including, but not limited to, this Handbook and departmental and collegiate bylaws. For example, in reviewing a tenure decision, the FARC, at a minimum, must make a finding and recommendation regarding whether or not the applicable tenure procedures in this Handbook and in collegiate and departmental bylaws were followed. The FARC will gather evidence and make findings and recommendations and provide a report of its findings and recommendations to the Chancellor and the faculty member.

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# Chapter 6

## Benefits and Leaves of Absence

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### 6.1. INTRODUCTION

The University of Tennessee provides a comprehensive program of benefits for faculty members and full-time non-tenure-track faculty members as set forth in UT Human Resources policies and this Faculty Handbook.

UT policies governing benefits and leaves of absence are established in the UT Human Resources policies and may be amended from time to time. The following sections are intended as a general summary of the most important benefits and leaves of absence and are provided for information purposes and do not guarantee that any particular benefit or leave request will be granted. In the event of any conflict or inconsistency between UT Human Resources policies and this Faculty Handbook, the UT Human Resources policies will control.

Certain benefits and leaves of absence are available to both nine-month and twelve-month faculty members. Other benefits and leaves are applicable only to nine-month faculty members. Twelve-month faculty members have certain leave benefits, which are not applicable to nine-month faculty members.

### 6.2. BENEFITS

The University of Tennessee offers a core employee benefits package with traditional benefits such as health and dental care, life insurance, deferred compensation and retirement plans as well as various leaves of absence, educational assistance, and other benefits, including longevity pay. A summary of benefits that may be available to UTC faculty can be found on the [UTC Office of Human Resources website](#). Benefit availability is based upon employment status as defined in [UT Policy HR0105 - Employment Status](#).

### 6.3. LEAVES OF ABSENCE

A leave of absence must be requested by a faculty member and approved in advance by the faculty member's department head and/or other administrator as appropriate. Each request for leave must be in writing and specify the length of the leave period. Leaves of absence normally shall not exceed two years and are normally without university compensation. For more information regarding the University's policies on leaves of absence, please see [UT Policy HR0355 - Leave of Absence](#).

Department heads should consult with the UTC Office of Human Resources to be sure a requested leave of absence complies with University policy. For more information regarding obtaining leave approvals and the recording of leave, faculty members should contact the [UTC Office of Human Resources](#). Normally, a faculty member on a leave of absence must complete his or her annual Evaluation and Development by Objectives (EDO) process in the appropriate time frame in order to be eligible for a merit pay increase for that year.

#### 6.3.1. Leave Available to All Regular Full-Time Faculty Members

##### 1. Family and Medical Leave

The University provides for family and medical leave for eligible employees, as appropriate, for childbirth, adoption, foster care placement of a child, serious illness of a spouse, child or parent, or the employee's own serious illness. Family and medical leave requests should be

made through the UTC Office of Human Resources. The dean or department head and the Provost will work in consultation with the UTC Office of Human Resources to determine the length of a faculty member's family and medical leave and any work restrictions associated with such leave. For more information regarding family and medical leave, please see [UT Policy HR0338 - Family and Medical Leave](#).

## **2. Court Leave**

Subject to the terms and requirements of [UT Policy HR0315 - Court Leave](#), a faculty member may be granted leave by his or her department head, without loss of pay, to serve as a witness or on a jury in a court or other legal proceeding. A faculty member must provide to his or her department head a copy of the summons or subpoena for jury or witness duty. Court leave must be approved in advance by the department head. Before approving a request for court leave, the department head shall consult with the UTC Human Resources Director to determine whether approval is in accordance with UT Policy HR0315. If the faculty member's absence is expected to create undue hardships in the academic department, the faculty member may wish to respond to the summons or subpoena with a letter requesting that he or she be excused until a later time (stating the hardships that would be caused by an extended absence). Should such a request not be granted by the court, the academic department must make arrangements to cover for the faculty member during his or her absence.

## **3. Funeral and Bereavement Leave**

Faculty members may be granted leave with pay for bereavement and/or to attend the funeral of a close relative. Funeral/bereavement leave must be approved in advance by the department head and the UTC Human Resources Director. For information regarding funeral and bereavement leave, please see [UT Policy HR0340 - Funeral and Bereavement Leave](#).

## **4. Military Leave**

Faculty members may be granted leave for military duty with or without pay. For information regarding leave for military duty, please see [UT Policy HR0370 - Military Leave](#).

## **5. Educational Leave**

UTC may grant leave to regular full-time faculty members, with or without pay, to continue their education and/or participate in research, grants, or fellowships. Educational leave for faculty members must be requested in writing and approved in advance by the Provost and the UTC Human Resources Director. Such approval must specify the length of the leave, which normally should not exceed two years. Each request for leave will be evaluated on its own merits and university approval will depend upon the evidence provided as to the enhancement of the faculty member's value to the University resulting from the leave. Any approved leave extending beyond the current fiscal year is subject to budgetary constraints or funding availability or both. For more information regarding educational leave, please see [UT Policy HR0335 - Educational Leave](#).

## **6. Personal Leave**

A regular full-time faculty member may request leave without pay for personal reasons by making a request in writing to his or her department head. Personal leave is approved or disapproved on an individual basis and predicated on departmental needs and requirements. During a personal leave, the faculty member is always in a leave without pay status.

## **7. Holidays**

The University recognizes the holidays identified under [UT Policy HR0350 - Holidays](#). When a recognized holiday falls on Saturday, it shall be observed on the preceding Friday. When a recognized holiday falls on Sunday, it shall be observed on the following Monday. All regular full-time faculty member employees, as defined under [UT Policy HR0105 - Employment Status](#), qualify for compensation for recognized holidays. More information regarding designated holidays and associated compensation matters can be found under [UT Policy HR0350 - Holidays](#).

## **6.3.2. Additional Benefits and Leave for Faculty Members on Nine-Month Appointments**

### **1. Annual/Vacation Leave**

Faculty members employed on regular full-time academic year (nine-month) appointments do not accrue annual leave under [UT Policy HR0305 - Annual Leave \(Vacation\)](#). However, subject to any Summer semester responsibilities and submitting all reports for the Spring semester, a faculty member on an academic year appointment is considered to be on vacation beginning after the Spring semester Commencement. The faculty member should return back to work at least seven (7) days prior to the first day of the Fall semester in order to give sufficient time to participate in scheduled faculty meetings, committee work, advising and other activities necessary for the satisfactory resumption of the work of the department for the Fall semester. Exceptions on an individual basis may be made by the department head. Faculty members on academic year (nine-month) appointments who are not teaching during the Summer semester are expected to be available during the summer months for communication with their college and departmental faculty colleagues and UTC administrators.

### **2. Sick Leave**

Faculty members employed on regular full-time academic year (nine-month) appointments do not accrue sick leave under [UT Policy HR0380 - Sick Leave](#). However, see [Section 6.3.2.3](#) below regarding family care policies applicable to nine-month faculty members.

### **3. Family Care**

Certain nine-month faculty members may be eligible for leave or additional benefits under circumstances where: (1) the faculty member has a serious illness or has primary responsibility for the care of a child or an ill or disabled parent, spouse, or other family member; or (2) the faculty member is managing the arrival of a child through birth, adoption, or foster care. Such additional benefits may include modified duty assignments and extending the probationary period for a tenure-track faculty member. For more information regarding benefits and leave related to family care reasons, see the UTC Faculty and Family Care Policy.

### **4. Summer Semester**

Faculty holding regular full-time academic year (nine-month) appointments may teach Summer semester courses and are paid compensation for teaching such courses, unless such courses are "banked" by the faculty member toward extended periods of release in other semesters as provided under [Section 6.3.2.5](#) below. A nine-month faculty member's total compensation in a year from teaching Summer semester courses may not exceed twenty-five percent (25%) of the faculty member's academic year salary.

The Provost, in consultation with the department head and dean, determines compensation



for Summer semester courses. Compensation for a Summer semester course is primarily determined based on the level of student enrollment in the course and the qualifications of the faculty member teaching the course. The amount paid for a Summer semester course in which student enrollment is less than fully subscribed may be less than the amount paid for a course in which student enrollment is fully subscribed. Application of the appropriate percentages of faculty members' full-time effort and pay for teaching Summer semester courses should be consistent among faculty. Colleges, subject to the approval of the Provost, may cap the total amount of compensation paid for teaching Summer semester courses offered within the college.

## **5. Semester Banking**

Semester banking is available to faculty members who hold regular full-time academic year (nine-month) appointments. Subject to the conditions set forth in this section, permission may be granted to substitute Summer semesters of teaching, or to "bank" such semesters, toward extended periods of release from regular duties in other semesters. Acceptable practice also allows a faculty member to teach (without additional compensation) a larger than normal course load during semesters of the academic year in order to bank the additional courses for released time in subsequent semesters.

Such periods of released time are not considered leaves of absence since they represent substitution of one working period for another and do not entail any redirection of the normal duties of the faculty member. Evaluation and approval of a request for a semester banking arrangement is subject to the following conditions and considerations:

- (1) Service for the semester must be performed before the semester may be "banked" toward a period of release from regular duties in subsequent semesters.
- (2) The duties performed during the "banked" semester (e.g., advising, committee work, etc.) must be coextensive with the duties required for the semester from which the faculty member is to be released.
- (3) The needs of the department and college will be a major consideration.
- (4) The financial and educational resources of the department and college must not be jeopardized in order to effect the substitution.
- (5) Credit for "banked" semesters will not result in additional pay at termination of the faculty member's employment.

A request for a semester banking arrangement will be evaluated by the department head, in consultation with the Office of Human Resources, and the department head will submit his or her recommendation regarding the request to the dean. The request must be approved by the dean.

### **6.3.3. Additional Benefits and Leave for Faculty Members on Twelve-Month Appointments**

#### **1. Annual/Vacation Leave**

Faculty members on regular full-time twelve-month appointments accrue annual leave as provided under [UT Policy HR0305 - Annual Leave \(Vacation\)](#).

#### **2. Sick Leave**



Faculty members on regular full-time twelve-month appointments accrue sick leave as provided under [UT Policy HR0380 - Sick Leave](#).

### **3. Family Care**

Certain twelve-month faculty members may be eligible for leave or additional benefits under circumstances where: (1) the faculty member has a serious illness or has primary responsibility for the care of a child or an ill or disabled parent, spouse, or other family member; or (2) the faculty member is managing the arrival of a child through birth, adoption, or foster care. Such additional benefits may include modified duty assignments and extending the probationary period for a tenure-track faculty member. For more information regarding benefits and leave related to family care reasons, see the UTC Faculty and Family Care Policy.

#### **6.3.4. Professional Development Leave**

##### **1. Eligibility**

Full-time tenured faculty members are eligible to apply for professional development leave if they have completed a minimum of six consecutive years of service in a full-time appointment immediately prior to the time the professional development leave is to begin.

##### **2. Application and Approval Procedure**

An eligible faculty member interested in applying for professional development leave should submit the [Application For Leave or Faculty Development Grant](#) to his or her department head. The department head will review the application and will make a recommendation to the dean. The dean will review the application and make a recommendation to The Deans Council to the Provost. The Deans Council to the Provost will review annually all applications requesting leave for the following academic year and make recommendations to the Provost. The Provost will make the final decision on each application.

##### **3. General Criteria for Awarding Leave**

Professional development leave is awarded on the merits of a faculty member's specific proposal for professional development. The award is an investment by UTC in the expectation that the leave will enhance the faculty member's ability to contribute to the objectives of UTC and to student development.

The improvements sought during professional development leave should benefit the work of the faculty member, department, college, and university. Only professional development leave proposals that meet this criterion will be accepted and approved by UTC. The purposes for which professional development leave may be granted include:

- (1) research on significant problems and issues;
- (2) important creative or descriptive work in any means of expression;
- (3) post-doctoral study at another institution; and
- (4) other approved projects, including innovations in teaching and learning.

##### **4. Duration of Leave and Compensation**

Professional development leave may be granted for either:

- (1) one-half the faculty member's annual appointment period at the faculty member's full base salary rate; or

- (2) the faculty member's full annual appointment period at one-half of the faculty member's full base salary rate.

Compensation shall be paid monthly, unless approved otherwise.

## **5. Additional Compensation and Benefits**

- (1) For the period of a faculty member's professional development leave, the faculty member normally will be permitted to accept only such grants, contracts, awards, fellowships, and other additional compensation as are given to support the approved professional leave project or are consistent with university policies. The approval of the Provost must be obtained prior to accepting any compensation beyond that specified in [Section 6.3.4.4.](#) above. A fellowship, grant-in-aid, or government-sponsored exchange lectureship may be accepted for the period of the leave if acceptance will promote the purpose of the leave and is approved by the Provost.
- (2) If approved by the Provost, a faculty member on leave normally will be permitted to earn compensation from an outside source in accordance with the Policy on Compensated Outside Services set forth in [Chapter 7](#) of this Handbook.
- (3) To the extent permitted by state law, all benefits available to the faculty member under normal service shall be available during professional leave.

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# Chapter 7

## Compensated Outside Services, Ethical Conduct of Faculty, and Intellectual Property

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### 7.1. COMPENSATED OUTSIDE SERVICES POLICY

#### 7.1.1. Purpose

Full-time faculty members agree to devote themselves to UTC's mission of teaching, research, and public service. Fulfillment of these responsibilities demands a full-time, one hundred percent (100%) commitment to a faculty member's regular UTC duties and responsibilities, including the responsibility to remain current in the discipline to which the faculty member is appointed. For many faculty members, an important way to remain current in their disciplines involves testing and applying their academic skills and abilities to real-world problems outside of their regular UTC duties. UTC encourages faculty members to engage in consulting and other related outside services which are associated with the disciplines of their appointments and which develop their professional expertise. By engaging in such outside services, many faculty members improve their disciplinary skills; serve educational institutions, professional organizations, business, industry, and government; and bring positive recognition to UTC.

The purpose of the Compensated Outside Services Policy set forth in this [Section 7.1](#) is to ensure that professional development of the faculty is encouraged and, at the same time, ensure that faculty meet their regular UTC duties and responsibilities in a timely and effective manner.

#### 7.1.2. General Principles and Application

1. This policy has three governing ideas. One is that the faculty development and University "value" of compensated outside services is partly determined within the culture of the academic discipline; thus, rather than having a centralized and unilateral requirement, the responsibility of determining faculty development and University "value" of compensated outside services is delegated to the departmental level. Secondly, as a means of promoting accountability, this policy calls for regular and open communications between the faculty member and his or her department head regarding the faculty member's compensated outside services. Finally, because other faculty activities (teaching, research, service) often are gauged as a percent-of-effort, this policy similarly gauges compensated outside services on a percent-of-effort basis.
2. While compensated outside services may be valuable for both faculty members and UTC, the primary responsibility of faculty members is to fulfill the teaching, research, and service commitments of their full-time appointments to UTC. Faculty members have a responsibility not to undertake external activities that substantially burden or interfere with their commitments to UTC. A full-time appointment includes an obligation to maintain a meaningful presence on behalf of UTC in the performance of responsibilities, including by being accessible on campus to students, staff, and colleagues. Compensated outside services must not result in a conflict of interest or a conflict of commitment with respect to the faculty member's regular UTC duties and responsibilities.
3. Compensated outside services are not part of and cannot be substituted for a faculty member's full-time teaching, research, and service commitments to UTC. Correspondingly, a faculty member's annual performance evaluation is based only on the faculty member's performance of the duties and responsibilities of his or her appointment to UTC.

4. Subject to and consistent with the requirements of this policy, college and departmental bylaws may further define the nature and allowable time commitments of appropriate compensated outside services for faculty members within the college or department. A faculty member's department head and dean are responsible for assessing the value of the faculty member's compensated outside services.
5. The guidelines and requirements of this policy primarily apply to compensated outside services provided by faculty members pursuant to long-term arrangements or continuing/recurring short-term arrangements with outside clients. The guidelines and requirements of this policy do not apply to:
  - (1) Compensated outside services provided by faculty members pursuant to non-recurring, short-term arrangements (which are typically not compensated except for modest honoraria), such as participation in symposia, accreditation visits, research paper presentations, exhibitions, or recitals; however, faculty members must notify and secure approval from their department heads in advance of such activities.
  - (2) Compensated outside services provided by faculty members on academic year (nine-month) appointments during the Summer semester term, except as provided under [Section 7.1.3.6](#), below.
  - (3) Compensated outside services provided by faculty members pursuant to sponsored grants or contracts subject to UT Fiscal Policies on Sponsored Grants and Contracts.<sup>59</sup>
6. This policy shall be construed to be consistent with all other provisions of this Handbook and other University policies, including policies regarding conflicts of interest (see [UT Policy FI0125 - Conflicts of Interest](#)), intellectual property (see [Statement of Policy on Patents, Copyrights, and Other Intellectual Property](#)), and academic freedom (see [UT Policy BT0006 and Chapter 2](#) of this Handbook).

### 7.1.3. Specific Guidelines and Requirements

#### 1. Restriction on Use of University's Name

During the conduct of compensated outside services, faculty members shall not make any use of the name of The University of Tennessee or of any of its constituent institutions (e.g., UTC or any other UT campus or institute) for any purpose other than professional identification; nor may faculty members claim any University or institutional responsibility for the conduct or outcome of such services.

#### 2. Approval to Engage in Compensated Outside Services

Should a faculty member wish to pursue compensated outside services, the faculty member shall submit to his or her department head for approval a Compensated Outside Services Approval Form indicating the proposed plan for such services and the general percent of effort to be allocated to the services in the year ahead. The department head shall review the faculty member's plan as part of the faculty member's annual review and come to an agreement with the faculty member on the plan. If, after the faculty member's plan is approved, the faculty member has an opportunity to pursue a new compensated outside service or if any significant changes to an agreed plan arise before the faculty member's next annual review, the faculty member must notify the department head and submit a new or revised approval form for the department head's approval.

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<sup>59</sup> UT Fiscal Policies on Sponsored Grants and Contracts (UT Policies FI0205 – FI0230) can be found at [http://policy.tennessee.edu/fiscal\\_policy/](http://policy.tennessee.edu/fiscal_policy/).

### **3. Reporting of Compensated Outside Services**

As part of a faculty member's annual review, the faculty member must report his or her previous year's allocation of effort regarding compensated outside services on a Compensated Outside Services Certification Form.

### **4. Use of UTC Resources**

Faculty members are not permitted to engage in compensated outside services that involve significant direct expense to UTC or significant use of UTC facilities, equipment, or services, except as permitted in this section. Faculty members who wish to use UTC resources to conduct compensated outside services must enter into a written agreement with UTC specifying the nature of the services to be performed; the kind of resources (equipment, supplies, material, services, etc.) to be used; the extent of use of the UTC resources; and the fee schedules and procedures regarding the compensation to be paid to UTC for the use of the resources. The compensation to be paid to UTC should be the fair market value for such resources, but, at a minimum, it shall not be less than UTC's cost for the resources. The written agreement must be approved in advance by the faculty member's department head, the dean, and the Chief Business Officer.

### **5. Restrictions on Compensated Outside Services Effort**

A faculty member is expected to perform his or her UTC duties and responsibilities during the entire period of the faculty member's appointment term, and such performance of his or her UTC duties and responsibilities comprises the faculty member's total one hundred percent (100%) university effort for the appointment term. Accordingly, for a faculty member holding an academic year (nine-month) appointment, the faculty member's 100% university effort should be for the nine-month term.<sup>60</sup> For a faculty member holding twelve-month appointment, the faculty member's 100% university effort should be for the twelve-month term.<sup>61</sup>

A faculty member's total compensated outside services efforts should not be more than twenty percent (20%) over his or her total 100% university effort during the faculty member's appointment term. The department head and dean have the discretion to restrict a faculty member's compensated outside service efforts to a percentage less than 20% over the faculty member's total 100% university effort during the appointment term. Such further limitation on a faculty member's compensated outside services efforts is particularly appropriate in cases where the faculty member's performance of his or her assigned UTC duties and responsibilities does not meet expectations for rank, as determined by the annual performance evaluation of the faculty member.

### **6. Summer Semester Term**

A nine-month faculty member who does not have an appointment to perform work for UTC

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<sup>60</sup> In order to determine the faculty member's 100% university effort for the nine-month term, granted released-time taken by the faculty member during the nine-month term should be counted toward the 100% effort. Accordingly, if a faculty member takes one month of granted released-time during the nine-month term, the faculty member's compensated outside services efforts will remain limited to 20% over the faculty member's 100% effort for a nine-month schedule (i.e., the amount of the faculty member's allowable compensated outside efforts will not be decreased for that academic year). For example, in some departments, 20% over a faculty member's 100% university effort normally corresponds to one day per week that the faculty member is allowed to perform compensated outside services. If the faculty member in such a department takes one month of released-time during the nine-month term, the faculty member's compensated outside services will not be limited to less than one day per week; the limitation will remain at one day per week.

<sup>61</sup> In order to determine the faculty member's 100% university effort for the twelve-month term, annual leave taken and granted released-time taken by the faculty member during the twelve-month term should be counted toward the 100% effort.

during the Summer semester term (e.g., to teach Summer semester courses) is not subject to any quantity restrictions on his or her compensated outside services efforts during the Summer semester term.

A nine-month faculty member who has an appointment to perform work for UTC during the Summer semester term (e.g., to teach Summer semester courses) shall be limited in his or her compensated outside services efforts during the Summer semester term as established by written agreement between the department head and the faculty member.

## **7. "Extra Services Pay" Activities**

Activities for which a faculty member is reimbursed by UTC as "extra services pay" under [UT Policy HR0472 - Supplemental Pay Practices](#) may be counted as compensated outside services effort. The total of activities of a faculty member covered by both extra services pay activities and compensated outside services should not be more than twenty percent (20%) over the faculty member's total 100% university effort for his or her appointment term.

## **8. Non-Compliance**

A faculty member's failure to comply with the requirements of this policy and/or applicable college or departmental bylaws with respect to the performance of outside compensated services may be considered as a negative factor during annual reviews, promotion and tenure decisions, salary determinations, and requests for released time or other institutional support. Serious and/or continuing noncompliance also may result in more severe disciplinary action, including, but not limited to, reduction in allowable compensated outside services, salary reduction, restitution for cost of equipment, and termination for adequate cause. A faculty member found to have violated this policy may appeal the finding and any resulting disciplinary action pursuant to the applicable appeal procedures provided in [Chapter 5](#) of this Handbook.

## **7.2. ETHICAL CONDUCT OF FACULTY**

### **7.2.1. Employee Code of Conduct**

In carrying out its educational, research, and public service missions, the University relies on the ethical and responsible conduct of all employees. The University's Employee Code of Conduct under [UT Policy HR0580 - Code of Conduct](#) was developed to supplement and clarify existing University policies, procedures, and rules. Employees are expected to familiarize themselves with the Code and to abide by it.

### **7.2.2. Conflicts of Interest Policy**

The purpose of the Conflicts of Interest Policy is promote the highest standards of objectivity and integrity for its employees and others engaged in carrying out the University's mission in the areas of instruction, research, and public service. All UTC faculty members are subject to and must comply with the Conflicts of Interest Policy set forth under [UT Policy FI0125](#).

### **7.2.3. Research and Scholarship Integrity**

Public confidence in the integrity of the research and scholarship conducted at the University is critical to the fulfillment of the University's objectives as a public institution of higher education and is a critical responsibility of individual educators and scholars. Faculty members who engage in research and scholarly activities must familiarize themselves with and abide by [UT Policy RE0001 - Policy and Procedures on Responsible Conduct in Research and Scholarly Activities](#).

### **7.2.4. Acceptable Use of Information Technology Resources**

All faculty members are expected to be familiar with and must comply with [UT Policy IT0110 - Acceptable Use of Information Technology Resources](#) relating to their use of University information technology resources.

### **7.3. INTELLECTUAL PROPERTY POLICY**

All faculty members are subject to and must comply with the [UT Policy BT0024 - Statement of Policy on Patents, Copyrights, and Other Intellectual Property](#). The goal of the policy is to promote the progress of science and the arts and the development of the University and faculty. Patents, copyrights, and licensing of intellectual property provide a means for developing and using inventions and creations. The policy was established to ensure that those creative developments in which the University has an equity interest will be used in a manner most likely to benefit the public and at the same time provide compensation to those faculty and staff who invent and create.



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# Chapter 8

## Procedure for Faculty Handbook Revisions

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### 8.1. BOARD OF TRUSTEES POLICY

The Board of Trustees' *Policy on Faculty Handbook Revisions* ([UT Policy BT0007](#)), adopted in 1992, and any subsequent amendments, governs the revision of faculty handbooks. [Section 8.2.](#) below sets out the general procedures to be followed. In the event of any conflict or inconsistency between the Board's policy and this handbook, the Board's policy will control.

### 8.2. UTC PROCEDURE

The Handbook Committee of the Faculty Senate will initiate proposed revisions to the Faculty Handbook, after consultation with the Provost and campus administration. Each recommendation of the Handbook Committee will be presented at the next meeting of the Faculty Senate as a motion briefly outlining the reason(s) for the proposed revision and specifying the precise change(s) to be made. Adoption of the motion by the Faculty Senate constitutes a recommendation of the Faculty Senate to the Chancellor for revision of the Faculty Handbook.

The Chancellor will submit his or her recommendations, if any, concerning the proposed revision to the chief academic officer for the system. The chief academic officer for the system will submit his or her recommendations, if any, to appropriate vice presidents, the general counsel, and the President.

If the proposed revision involves a substantive change in policy matters as outlined in [UT Policy BT0007](#), the President, in consultation with the vice presidents and the general counsel, will present his or her recommendation concerning the proposed revision, if any, to the Board, or appropriate committee of the Board, if the President determines to go forward with seeking approval for the proposed revision. Final approval of all other proposed revisions of the Handbook lies with the President, in consultation with the vice presidents and the general counsel.