Faculty Handbook

The University of Tennessee, Knoxville
2016

Office of the Provost
and
Senior Vice Chancellor

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FACULTY HANDBOOK

Introduction

This handbook contains material that applies to all faculty members at three campuses of The University of Tennessee (UT): the University of Tennessee, Knoxville (UTK), the University of Tennessee Institute of Agriculture (UTIA), and the University of Tennessee Space Institute (UTSI). The faculty members at these three campuses are represented by one faculty senate (hereafter "the Faculty Senate"). The faculty members at UTK and UTSI report, administratively, to one chancellor (hereafter "the chancellor of UTK") while the faculty members at UTIA report to another chancellor (hereafter "the chancellor of UTIA"). Where this handbook indicates an action that needs to be taken by both chancellors, "the chancellors" or "the chancellors of UTK and UTIA" will be used. Where the action is to be taken by only one chancellor, "the chancellor" will be used without a campus designation and is understood to mean the chancellor with administrative responsibility for the campus where the action is taken.

The Faculty Handbook is intended to be a general summary of university policies, guidelines, services, and resources. When official university policies and procedures are changed by the Board of Trustees or other duly constituted authority, such changes become effective on the date designated at the time of their adoption and supersede any conflicting or inconsistent provision in the Faculty Handbook. Notification of such changes is given to department and college offices. The most recent versions of the University of Tennessee System and UTK Fiscal Policies and the UTK HR Policies are available on the University of Tennessee website. Questions about a particular policy or issue should be addressed to the department administrator, human resources representative, vice provost for faculty affairs, or chief business officer.

This revision of the Faculty Handbook was done in accordance with Chapter 8 of the Faculty Handbook ("Revision of the Faculty Handbook").

CHAPTER ONE
Governance and Organization

1.1 Nature and Purpose

This handbook contains material that applies to all faculty in The University of Tennessee, Knoxville, faculty in the University of Tennessee Institute of Agriculture, and faculty at the University of Tennessee Space Institute.

As the state's leading comprehensive research and land-grant institution, UT's primary purpose is to move forward the frontiers of human knowledge and enrich and elevate society, as further elaborated in its Mission Statement. 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 or academic requirements. The University does not discriminate on the basis of race, gender, color, religion, national origin, age, disability, or veteran status in provision of educational opportunities or employment opportunities or benefits. The University and its employees shall not discriminate against or harass any employee or student on the basis of sexual orientation; gender identity; marital status; parental status; or similar characteristics, regardless of whether those characteristics enjoy a protected status under state or federal law.[1]

The institution welcomes and honors people of all races, creeds, cultures, and sexual orientations, and values intellectual curiosity, pursuit of knowledge, and academic freedom and integrity. Faculty prepare students to lead lives of personal integrity and civic responsibility.

1.2 Board of Trustees

The governing body of The University of Tennessee is the Board of Trustees. The board has delegated administrative authority to the president, who exercises this authority through delegation to, and in consultation with, a staff of vice presidents and chancellors. The board has delegated to UT Faculty Senates the authority, subject to the approval of the chief academic officer(s), chancellor(s), the president, and the board itself, to determine general educational objectives and policies at UT and regulations related to those objectives, such as requirements for admission, retention, readmission, graduation, and honors for all degree and certificate programs. For a more complete description of the organization, duties, and powers of the board, please consult *The University of Tennessee Charter & Bylaws.*

[1] This paragraph is consistent with University policy HR0220, which further states that the language of the paragraph above 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; (2) infringe upon the free exchange of ideas essential to the academic environment; (3) limit the 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 entities or individuals or compliance of university programs governed by 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 by state or federal law.

1.3 The University of Tennessee Administration

The system administration, headed by the president, enunciates the general mission of the university, and coordinates comprehensive, long-range plans, growth, and development of the campuses and statewide operating divisions.

1.4 UTIA Administration

The UTIA Chancellor is the chief executive officer and chief academic officer of UTIA. As chief executive officer, the UTIA Chancellor is fully responsible for the administration and management of the UTIA campus. The Chancellor represents UTIA in all matters that go before the President and Board of Trustees. UTIA manages its faculty hiring, evaluation, tenure and promotion reviews as well as academic program reviews. UTIA and UTK share a broad array of policies, procedures, programs, facilities, and services. The UTK Office of the Provost (chief academic officer) collaborates closely with the UTIA deans, in particular those of the College of Agricultural Sciences and Natural Resources (CASNR) and the College of Veterinary Medicine, in academic program governance, faculty governance, and student life. The Dean of CASNR receives a budget allocation from the Provost to fund instruction in the college and participates in the annual Provost's budget and planning process.

1.5 UTK Administration

1.5.1 Chancellor

The Chancellor is the chief executive officer, or administrative head, of the campus. As chief executive officer, the Chancellor is fully responsible for the administration and management of the campus. The Chancellor represents the campus in all matters that go before the President and the Board of Trustees. The Chancellor delegates responsibility for various campus operations to vice-chancellors.

1.5.2 Chief Academic Officer

The Provost is the chief academic officer of the campus. The Provost reports directly to the Chancellor and is responsible for the supervision of all academic matters on the Knoxville campus.

1.6 College and Departmental Administration

Academic units of The University of Tennessee are varied and diverse both in their role and scope and in their mode of organization. In most colleges, an academic dean serves as the chief officer and department heads administer the work of academic departments within the college. Other college administrators include assistant deans, associate deans, and/or directors. In some smaller colleges, the dean also has responsibilities assigned to department heads. All administrators are expected to act on principles of shared governance and hence seek the advice and recommendations of faculty.

1.6.1 Academic Deans

Generally, the dean has these administrative concerns:

1. the academic program in its college-wide aspects, in the special relationships among its departments, and its relation to the larger university and public
2. the faculty of the college and the leadership of the college (directors and department heads, college committees and task forces), their well-being, development, review, assessment, and renewal

3. the encouragement and support of teaching, research, creative activity, and public service
4. the support services for the conduct of college business (staff, facilities, equipment)
5. the strategic planning
6. the budget preparation, review, and analysis for the college
7. the fund-raising and developing relationships with outside constituents

The university looks to the dean for definitive recommendations about the curriculum; staffing; faculty promotion, tenure, and review; development needs; and all financial aspects of college operation. These recommendations are made after consultation with appropriate faculty and/or college or department level committees, as well as department heads.

Deans are appointed after an internal or external search conducted according to guidelines published by the Office of Equity and Diversity (OED). The chief academic officer selects the chair of the search committee from outside the college and appoints members of the committee from persons nominated by tenured and tenure-track faculty members of the college. A majority of the search committee is composed of tenured and tenure-track faculty members of the college, chosen to represent a balance among the academic areas of the college. The committee may include representation from non-tenure-track faculty members, departmental staff members, students, and where appropriate faculty members from outside of the college, as covered by collegiate bylaws. According to university requirements for upper-level searches (department head and above), membership of the search committee must be diverse, particularly in terms of gender and race.

The dean is expected to take an active role in decision making that may or may not be in agreement with faculty and/or department heads and that may involve identification of needs that have not been made explicit in department reports, or that recommend the orchestration of joint programs and ventures, and the development and execution of alternative means for doing the work of the college. The Office of the Dean, like all other administrative offices, carries no tenure. The dean serves at the will of the chief academic officer, normally for a five-year term that may be renewed. The chief academic officer shall conduct annual reviews of the dean, including surveys of tenured, tenure-track, and non-tenure-track faculty as well as staff. The chief academic officer provides a summary assessment of the dean's performance, including goals established for the coming year, which is available for inspection for the college's faculty. The decision to reappoint a dean to a new term shall be made after a reappointment review, based on annual reviews by the chief academic officer and a survey of the members of the college, similar to that administered for the annual review. In no case should a judgment on retention or non-retention be made without consultation with the faculty, who are involved to a degree at least co-extensive with their role in the selection process.

1.6.2 Department Head

In discipline-specific colleges not organized into schools or departments, the dean serves as both dean and department head. In this handbook, the term "department head" includes administrators with other titles, such as director, who performs the duties of a unit administrator, where the basic administrative units are typically departments, but not always (e.g. schools). The head is a member of the faculty who is assigned the special duty of administering the department. The head is appointed in consultation with the faculty of the unit that he or she will administer.

The head's responsibilities include

1. providing leadership for the departmental academic program in relation to the comprehensive academic program of the university
    a. recruiting faculty and staff
    b. working with faculty to plan, execute, and review curriculum
    c. encouraging and supporting faculty teaching, research and creative activity, and public service
    d. counseling and advising students majoring in the discipline
    e. representing the department to the public, the other faculty and administration, colleagues at other universities and institutions, and the constituency supporting the university

2. providing leadership for the infrastructure necessary for support of the academic programs through
    a. employment and supervision of clerical and supporting personnel
    b. management of departmental physical facilities and planning for space and equipment needs
    c. resource enhancement
    d. preparation, presentation, and management of the departmental budget
    e. authorization of all expenditures from the department budget

3. planning annual performance and review faculty and staff

1.6.3 Effective Departmental Governance

Successful governance of a department is critical to achieving the teaching, research, and service missions of the unit. The collaboration of the department head and the departmental faculty is an essential cornerstone of this success. This collaboration is best implemented through departmental bylaws that define the policies and procedures of the department, and a departmental strategic plan that articulates the vision for the future of the department. Ideally, the head is but one voice in the construction of such documents with the added responsibility of guiding the faculty toward a clear articulation of their policies and vision. Faculty members are responsible for participating constructively in the creation of these documents, which should represent a strong departmental consensus. Departmental bylaws must be congruent with college and university rules, and the *Faculty Handbook*. The bylaws address issues, such as the governance structure of the department; search process for new tenure-track faculty; departmental voting protocols; criteria for promotion, retention and evaluation of tenure-track and tenured faculty members; selection, evaluation and roles of non-tenure-track faculty members in the department; input into criteria for evaluation of department heads; application of faculty evaluations to salary adjustments; and the role of the faculty in setting departmental budget priorities. A departmental strategic plan discusses the needs, goals, and aspirations of the department, providing guidance to both the head and the faculty members about achieving departmental objectives in teaching, research and service. Such plans should be constructed and revised as necessary in the context of college and university goals.

Departmental bylaws and the strategic plan provide the head with guidance for day-to-day decisions about conducting personnel evaluations, handling budgetary responsibilities, dealing with facilities issues, improving the student experience, achieving appropriate diversity goals, and representing the department to the college and university. The head conducts regular faculty meetings (at least two per semester), and facilitates the work of departmental faculty committees as outlined in the bylaws. After approval by the dean, the head conducts searches for new faculty and staff members in accordance with departmental bylaws and university policies. The head meets annually with each faculty member to conduct a

performance review and write an evaluation, in accordance with departmental bylaws, the *Faculty Handbook* and the *Manual for Faculty Evaluation*.

1.6.4 Selection of Department Heads

The head is appointed to a five-year term, serving at the will of the dean, and can be reappointed by the college dean. Prior to initiating a search for a new department head, the departmental faculty meets and drafts a statement, using input from all departmental constituencies including minority opinions, that is sent to the dean, containing their expectations for the position in the context of the departmental vision and their recommendation for an internal or external search. This communication is followed by a meeting of the dean with all departmental faculty members. Typically, the dean's decision to conduct an external or internal search is a function of departmental, college, and institutional priorities and budget. The dean will communicate a decision to the departmental faculty about the search with allowance for response and discussion, particularly where the decision of the dean disagrees with the departmental expectations. However, the dean's decision is final and must be consistent with the university's diversity and equity policies.

For internal and external searches, the dean appoints the chair of the search committee from outside the department. Departmental tenure-track and tenured faculty members collectively recommend a slate of departmental faculty for the search committee, from which the dean selects all departmental representatives on the search committee. A majority of the search committee is composed of tenured faculty members of the department, representing the academic constituencies of the unit, but the committee may include representation from tenure-track faculty members, non-tenure-track faculty members, students, and where appropriate, faculty members from outside the department, as covered by departmental bylaws. The dean has responsibility to assure appropriate representation in search committee membership.

The search committee follows the institutional procedures for an upper-level search as published by the Office of Equity and Diversity. After all candidates for the headship are interviewed, the departmental personnel meet to discuss their preferences. While all departmental constituencies have input into the discussion, only the tenure-track and tenured faculty members conduct an anonymous vote for their choice, unless non-tenure-track faculty are otherwise permitted by departmental bylaws to vote in department head selections. A summary of the faculty discussion and a record of the vote become part of the narrative that the search committee submits to the dean with the recommendation of the committee about candidates for the headship. Normally, the vote of the faculty guides the decision of the search committee. Similarly, the vote of the faculty and the recommendation of the search committee guide the decision of the dean. If the dean's choice of candidate for the headship disagrees with the vote of the faculty, he or she will provide reasons in writing to the departmental faculty and offer the tenure-track and tenured faculty members as a group the opportunity to discuss the decision. The faculty has a right to meet with the chancellor about the dean's decision.

1.6.5 Annual Evaluation of Department Heads

Departmental faculty members provide annual objective and systematic evaluation of the head to the dean of the college, following procedures stated in departmental bylaws that are consistent with university policy[2]. The dean meets with the head annually to discuss job performance. This discussion is based on the review of the departmental faculty and the evaluation of the dean. The dean provides a summary

[2] In cases where a department head reports to more than one dean, unit bylaws determine inclusion of additional supervisors.

assessment, including goals established for the coming year, which is available for inspection by departmental faculty.

1.6.6 Reappointment of Department Heads

The final decision on the reappointment of a department head rests with the dean—or deans in cases where a department head reports to more than one dean. (The singular form is understood to represent the plural form in this Section 1.4.6., as applicable.) A department head may be reappointed for an additional five-year term after a reappointment review. The dean shall base the review on the annual evaluations of the department head by the departmental faculty and the annual assessment of the department head by the dean (as provided for in Section 1.4.5) and on input from relevant constituencies. In particular, prior to making a decision on reappointment, the dean shall (a) solicit input from all departmental groups, including students, staff, and faculty and (b) consult extensively with tenured, tenure-track, and other full-time departmental faculty having voting rights on matters other than tenure and promotion, as may be determined in the departmental bylaws (collectively, the "Voting Faculty"). The process for input solicitation and consultation shall include a vote of the Voting Faculty on the reappointment and may be further defined in collegiate or departmental bylaws. The faculty vote and the bases for that vote shall be documented in writing and promptly sent to the dean for review. Absent compelling circumstances, the dean shall give great weight to the consensus views of the Voting Faculty in making reappointment decisions. The dean shall issue a written report to the Voting Faculty that states his or her final decision on the reappointment of the department head and the reasons for that decision, citing to support from the annual evaluations and other input.

During the term of office of the department head, he or she serves at the will of the dean. If a department head is not reappointed, the dean shall begin the process of selecting a new department head in accordance with Section 1.4.4.

1.7 Governance

The responsibilities of the faculty in the governance of the university are important and varied. They are discharged in two basic ways: (1) through the work of the Faculty Senate (regarding the general policies of the campus as a whole), and (2) through the work of faculty and faculty committees within departments, colleges, and the university as a whole. Faculty members should be active participants in deliberations and decisions on all policy and procedure committees.

Faculty members have the right to contribute to campus and university discourse that is at the heart of the shared governance of the campus and the university. When contributing to campus and university discourse, at any level within the university or the community at large, faculty members have the freedom to raise and to address, without fear of institutional discipline or restraint or other adverse employment action, any issue related to professional duties; the functioning of academic units, the campus, or the university; and department, college, campus, or university actions, positions, or policies.

The perspectives of administrators, students, and professional and support staff are also essential to shared governance. It is the responsibility of the faculty to work collaboratively with these and other university constituencies.

The university practices shared governance. It acts on principles derived from in-depth conversation among faculty representatives and academic administrators that are in accordance with the following principles:

1. communication—regular and timely sharing of information among faculty, staff, students, administration, and trustees
2. faculty responsibility—primary role in determining curriculum, educational policy, standards for evaluating teaching and scholarship, selection of new faculty, and promotion and tenure
3. faculty representation in university decision-making that directly or indirectly affects faculty ability to function effectively
4. timely consultation between faculty and administrators on academic matters
5. peer nomination of faculty to serve on university committees

The process of shared governance depends upon

1. transparency—of information and responses of others, so that constituents are able to fully understand policy and related issues
2. accessibility—to information and the responses of others, so that constituents are able to consider various perspectives
3. adequate time—to reflect on information and the responses of others as well as share one's own response, so that constituents can fully participate
4. opportunity—to communicate collaboratively, so that constituents can reach decisions that serve the common good
5. consistency—in the process of shared governance, so that an atmosphere of openness and trust prevails

Dissemination of information is only one part of the process. Responses from constituents need to be shared as appropriate, where a record of these responses is available to everyone who chooses to review this information. The open sharing of constituent responses requires that gathered information be put in a useful form accessible to the community. In many cases, face-to-face dialogue provides the best opportunity to communicate collaboratively. While the senate and other university committees provide a major source of faculty representation in shared governance, faculty should have the opportunity to share their input prior to the establishment of policy related to academic matters and the welfare of the university community. All faculty members are expected to accept the responsibility of shared governance and act as good university citizens through service on committees, task forces, and the senate.

1.8 The Faculty Senate

The Faculty Senate is authorized, subject to the approval of the chancellors of UTK and UTIA, the president, and the Board of Trustees, to formulate policies and regulations regarding the general educational objectives of the university, including those policies and regulations related to the overall general requirements for admission, readmission, retention, graduation, and honors for the degree programs and certificate programs of The University of Tennessee. The faculty role in campus-wide governance is through the senate, the representative body specifically charged by the board (a) to formulate the university's educational standards and degree requirements, including approval of academic programs and their curricula; and (b) to consider, advise, and recommend to the administration policies about a wide range of issues affecting the general welfare of the faculty. Among these issues are:

1. criteria for faculty appointment, dismissal, evaluation, promotion, tenure, and retirement
2. criteria for the selection of the chancellor, the chief academic officer, and other campus administrative officers
3. criteria for the selection of the president and other statewide executive officers of UT (in conjunction with other faculty senates or corresponding bodies of the other entities within the UT system)
4. priorities for the university development plan
5. changes in physical facilities
6. policies regarding student life, rights, and responsibilities
7. coordination with the faculty senate president to nominate faculty members for service on university committees

The senate is authorized to review curriculum, including admission and graduation requirements for programs of all academic units. The review process takes place through designated committees at the college and university level, proceeding to the senate through the Undergraduate and/or Graduate Councils. Departmental proposals for the curriculum are transmitted by a departmental representative (or head) for review by divisional, college, and university committees. The head does not have veto power in curricular recommendations approved by departmental faculty, although it is important for college and university committees to have full benefit of the head's advice and judgment about such recommendations. Each academic unit is represented on the senate by an equitable number of senators as stated in the *Faculty Senate Bylaws*. Other faculty members may serve on faculty senate committees and task forces to assist in this process.

The senate has no management or administrative functions either in itself or through its committees, since such functions are expressly reserved to the president (as delegated by the board of trustees) and through the president to the chancellors of UTK and UTIA. But the advice and recommendation of the senate about all of the concerns listed above is considered carefully by all administrative officers. The *Faculty Senate Bylaws* contain detailed information about the operation of the senate, its organization, officers, meetings, committees, appointment of faculty members to senate committees and task forces and recommendation of faculty members to serve on administrative committees and task forces. Administrative committees and task forces are determined by the chancellor or chief academic officer. Other task forces are established by the senate according to its bylaws. In an effort to act on shared governance, the chancellor works closely with the senate president in establishing joint task forces.

1.9 Faculty Role in Selection and Evaluation of University Administrators

All administrators at the department head level or higher who have responsibilities touching or affecting the academic programs of the university must understand and respect the values of the academic profession and its ethos of commitment to freedom in open and objective inquiry. That is why the university seeks always to ensure appropriate faculty participation in the appointment of its administrators. The faculty should nominate their peers who serve on search advisory committees, interview prospective candidates, and submit evaluations of those candidates for academic administrative offices.

The faculty will be involved in the annual evaluation of department heads, deans, chief academic officer, and the chancellor and their staffs through a process approved by the Faculty Senate. A more extensive evaluation, including a survey, is conducted during the fifth year of the five-year appointment. Input is sought from all faculty across the university, or within the college or department, as appropriate.

1.10 Faculty Role in Budget Making

Faculty judgments about the academic program have significant bearing on the shape of the budget, and budgetary decisions affect the shape of the academic programs. The faculty are asked to participate in establishing major institutional priorities in several ways. The Faculty Senate, through its Undergraduate Council and Graduate Council, gives approval for establishing new programs and for terminating existing ones. Administrative judgments about the costs of these programs inform this deliberation and in turn are affected by the judgments of the faculty as to the pedagogical and intellectual soundness of such proposals. Deans, department heads, and the chief academic officer consult with appropriate faculty groups at their respective levels concerning the general fiscal implications of decisions about the curriculum, enrollment, class-size, and admission policies. The Faculty Senate Budget and Planning Committee participates in the presentation of budgetary needs presented to the chief academic officer on an annual basis. The chair of the Faculty Senate Budget and Planning Committee serves on the Executive Budget Committee.

1.11 Other Useful University Policy Documents

Faculty should be aware of university policy guidelines related to their work:

- *Charter and By-laws of the University* (contains statement of legal establishment of the university, including charter provisions and by-laws)
- *The University of Tennessee Strategic Planning Document* (outlines the fundamental vision, mission, values, goals, and objectives of UT)
- *Personnel Policy Manual* (contains all current official personnel policies and UT procedures for implementing these policies; includes the *University Code of Conduct*, hiring and termination procedures; leave, absence, and vacation policies)
- *Fiscal Policies and Procedures Statements* (contains all current official statements of university system and UT policies and procedures related to funds, including billing, accounting, and depositing procedures and the *Conflict of Interest Policy*)
- *Affirmative Action Plan* (describes the comprehensive plan for ensuring equal employment opportunity and appropriate affirmative measures for all UT employees; also contains procedures for presenting and investigating complaints of discrimination)
- *Research Information Manual* (describes policies and procedures for research)
- *Policy on Patent, Copyright, and Other Intellectual Property*
- *Benefits and Services* (describes benefits and insurance plans available to university employees)
- *Undergraduate Catalog*
- *Graduate Catalog*
- *Manual for Faculty Evaluation*
- *Hilltopics*: UT handbook for students (includes statements of rights, responsibilities, appeals procedures, and rules governing student organizations)
- *Traffic and Parking Regulations* (describes rules, regulations, procedures, and penalties relating to parking and traffic on the university campus)
- *UT Search Procedures: Guidelines for Conducting Upper-Level Faculty and Staff-Exempt Searches* (describes procedures for conducting upper-level faculty and staff-exempt searches)
- *UT Family Care Policies for Faculty* (PDF)

CHAPTER TWO
Faculty Rights and Responsibilities

2.0 Board of Trustees' Policy

The Board of Trustees' *Policies Governing Academic Freedom, Responsibility, and Tenure,* adopted in 1998, and all subsequent amendments, govern faculty rights and responsibilities. The following sections are intended as a general summary of those rights and responsibilities. In the event of any conflict or inconsistency between the board's policy and this handbook, the board's policy will control.

2.1 Rights

2.1.1 Academic Freedom

Faculty members have the right to academic freedom and are expected to seek and to speak the truth as they perceive it on the basis of expertise and research in their discipline. Academic freedom is this right for faculty members to teach, research, create, and perform about their knowledge and understanding in their discipline. This freedom persists even when faculty members hold a minority view within their discipline and when others in and beyond the institution find these views contrary or objectionable. The right of academic freedom applies to all faculty members, including non-tenure track faculty members. A faculty member should recognize that the right of academic freedom is enjoyed by all members of the academic community. She or he should be prepared at all times to support actively the right of the individual to freedom of research and communication.

2.1.2 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, or to a senior faculty member of outstanding excellence or who is assuming a senior administrative position at the time of appointment. Additional information about tenure is found in Chapter 3.

2.1.3 Freedom as a Citizen

When faculty members communicate as citizens on matters of public concern, they operate independently of the university. 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 the university by not claiming to represent the positions or views of the university and by not using institutional resources.

2.2 Responsibilities

2.2.1 The Importance of Scholarship

Faculty members at The University of Tennessee pursue scholarship throughout the course of their academic careers. Junior faculty members on tenure-track appointments are expected to focus their scholarly activities on establishing a reputation as experts in their disciplines by constructing new knowledge and understanding that is presented in respected venues in a manner recognized by their discipline and the university. Senior faculty members, having established a recognized expertise, build an even greater contribution to the scholarship of their disciplines; contribute to the scholarship about improved learning and teaching; and contribute to the scholarship of improved outreach to K-12 education, applied research focused on the needs of the community, and applied service to benefit the community. Successful faculty members maintain disciplinary expertise even when pursuing scholarship in learning, teaching, and outreach. The university also encourages and supports interdisciplinary activities by faculty members.

While the responsibilities of a faculty member are divided among research, teaching, and service, these arenas are not isolated, particularly at an institution such as UT, which is both a land-grant and research university for the state. For example, faculty members might involve undergraduate students in research or involve the greater community through outreach in basic and applied research. Each faculty member makes a distinct contribution to the university that is in accordance with her or his terms of appointment, departmental bylaws, discipline and rank. Specific responsibilities in each of the three areas described below are evaluated and modified as appropriate annually.

2.2.2 Teaching

Faculty members are responsible for teaching effectively by employing useful methods and approaches that facilitate student learning. Faculty members design courses to achieve clearly defined learning objectives with appropriate evaluation tools and teaching methods. Advising and mentoring undergraduate and graduate students concerning educational and professional opportunities, degree plans, and career goals are also important. Faculty members may educate students through distance learning. Faculty members may pursue the scholarship of education, so as to improve teaching of faculty members and other educators, such as primary and secondary teachers, or extension agents. Other faculty members through outreach instruct non-traditional audiences in off-campus settings to improve professional expertise and public understanding.

2.2.3 Research / Scholarship / Creative Activity

Faculty members make intellectual and creative contributions through the scholarship of discovery and application, both within and across disciplines. Faculty disseminate their scholarly work through venues respected in their disciplines and beyond academia, secure funding where appropriate for their scholarly endeavors through organizations and disciplinary opportunities, and mentor undergraduate and graduate students in the research experience. Some faculty members pursue the scholarship of discovery by creating new knowledge and skills. Some faculty members pursue the scholarship of application, which typically involves outreach to the community to co-develop successful practices to address problems to benefit individuals and organizations.

2.2.4 Service

Faculty members should participate in department, college, and university governance. Faculty members serve their disciplines by providing leadership in appropriate public, private, professional and governmental organizations. Faculty members benefit the community beyond the institution by lending their professional expertise to aid or lead organizations that create beneficial linkages between the university and the community.

2.2.5 Professional Conduct

Within the university, faculty members treat colleagues, staff, and students with respect and fairness. They listen to the views of others, work constructively as members of the diverse academic community, and safeguard the recognition of achievements of others, including those in subordinate positions. Faculty honesty in financial and personal matters is expected. Beyond the university, individual faculty members are representatives to the wider community, which they treat with respect and fairness.

2.2.6 Relationships with Students

2.2.6.1 Definitions.

This policy applies to all faculty as defined in chapters 3 and 4 of the *Faculty Handbook*, whether employed full-time or part-time, whether paid or unpaid. For the purpose of this policy, "relationship" includes any amorous or sexual conduct, whether occurring one time, occasionally, or regularly. Colleges, departments, offices, or other units may impose more restrictive policies governing relationships with students, which shall take precedence over this policy except to the extent such policies violate any Board of Trustees policy or conflict with law.

2.2.6.2 Purpose.

The purpose of this policy is to preserve the trust and respect that are essential to the faculty-student relationship and the instructional mission of the University of Tennessee. Trust and respect are diminished when a person in a position of authority abuses – or appears to abuse – his or her power. Faculty members are in positions of authority and exercise power over students in many ways, whether in giving praise or criticism, evaluating academic or clinical work, evaluating research, making recommendations for further studies or future employment, or in many other subtle expressions of authority over students. An amorous or sexual relationship with 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. Other students and employees may also be adversely affected by the amorous or sexual relationship because the faculty member is positioned to favor or advance one student's interest at the expense of others. In all such cases, the trust and respect essential to the university's instructional mission are diminished.

2.2.6.3 Prohibited Relationships.

Amorous or sexual relationships between a faculty member and a student are prohibited when the faculty member has professional authority over, or responsibility for, the student. This professional authority or responsibility encompasses both instructional and non-instructional contexts as defined below:

1. *Relationships in the Instructional Context*. A faculty member shall not have an amorous or sexual relationship (consensual or otherwise) with a student who is simultaneously enrolled in a course being taught by the faculty member or whose academic or work performance is subject to supervision or evaluation by the faculty member. The instructional context includes not only classroom teaching and direct instruction, but also academic advising, mentoring, or tutoring.

2. *Relationships outside the Instructional Context*. Outside the instructional context, a faculty member shall not take any action or make any decision that may reward or penalize a student with whom he or she has, or has had, an amorous or sexual relationship. Faculty members must be especially cautious to avoid taking any action that rewards or penalizes the student, or influences others responsible for taking such action.

A faculty member violates this policy by engaging in an amorous or sexual relationship with a student over whom he or she has authority or professional responsibility, even when both parties have consented (or appear to have consented) to the relationship or conduct.

Relationships that do not fall under the prohibition in 2.2.6.3, above, even if they appear to be consensual, are strongly discouraged. Voluntary consent by a student to an amorous or sexual relationship with a faculty member is inherently suspect, given the fundamentally asymmetrical nature of the relationship. Furthermore, conduct that begins as consensual can become non-consensual at any time. Even when both parties initially consent to particular conduct, past consent does not preclude a finding of sexual harassment if the conduct was unwelcome (the standard for sexual harassment) or if later conduct was unwelcome. Moreover, conduct that is *consensual* for purposes of criminal statutes may be nonetheless *unwelcome* and therefore may constitute a violation of the University policy prohibiting Sexual Harassment (HR0280) or the UTK/UTIA Sexual Misconduct and Relationship Violence Policy.

2.2.6.4 Disciplinary Sanctions.

When a faculty member is found to have violated this policy, an appropriate sanction, up to and including termination, will be imposed pursuant to the disciplinary procedures applicable to faculty (Board policies, this Faculty Handbook, and HR policies). Disciplinary sanctions may be appealed through any applicable appeal procedures.

2.2.6.5 Administrative Actions.

Before – or in addition to – any disciplinary sanctions, University officials may take administrative actions (in consultation with the Chief Academic Officer) for any of the following or similar reasons: to ensure the safety of any person; to protect the integrity of an academic course or other program; to end or prevent a hostile learning or work environment; to end or prevent retaliatory conduct; or for any other reason required to comply with state or federal law. Administrative actions may include (but are not limited to): temporary administrative leave pending investigation of an alleged violation of this policy; temporary reassignment of courses; temporary reassignment of research projects; or temporary removal from campus. Any such administrative action may be appealed through the applicable appeal process, but the administrative action will not be held in abeyance during the appeal.

2.2.6.6 Reporting Violations of the Policy:

Faculty members who have knowledge of a possible violation of this policy are encouraged to report that concern to the Office of Equity and Diversity (OED) for review or investigation. Certain conduct described in this policy may also trigger a mandatory reporting obligation: (a) if the involved student is a

minor; (b) if the conduct appears to violate the UTK/UTIA Sexual Misconduct and Relationship Violence Policy; or (c) if reporting is otherwise required by law or University policy. In the case of uncertainty about the reporting obligation, OED officials may be consulted without providing personally identifiable information in order to clarify the reporting obligation, or to get more information about how OED might handle a possible violation of this policy.

2.2.6.7 Retaliation Prohibited.

Retaliation is prohibited against any person who reports possible violation of this policy or related policies. Retaliation is also prohibited against any person who participates in an OED investigation. Faculty members who have reason to suspect that the prohibition against retaliation has been violated or are the objects of retaliation themselves are directed to contact the OED.

CHAPTER THREE

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

3.0 BOARD OF TRUSTEES POLICY

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

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

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

1. The department head or dean, where there is no department, obtains authorization to search for a new tenure-track faculty member after consultation regarding the needs of the program with departmental faculty, the dean, and the chief academic officer of the university. An authorization to search does not necessitate appointment, as financial conditions within the university or the inability to hire an appropriate candidate may prevent appointment.

2. The university seeks to recruit a diverse faculty and is fully committed to affirmative action at all levels. A description of university requirements for all searches is provided in *Guidelines for Conducting Academic and Staff Exempt Searches at the University of Tennessee*.

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

4. Following the decision to recommend appointment, the head and prospective faculty member typically discuss informally rank, salary, and other terms of employment. Such discussions inform the recommendations of the department head but do not constitute a binding commitment by the university.

5. Notification of appointment is made by letter from the chief academic officer. This appointment letter specifies (a) rank, (b) salary and related financial conditions, (c) the academic year during which a tenure decision must be reached, (d) general duties and expectations, and (e) the home department, in the case of joint appointments. Correspondence between the department head, dean or director, and prospective faculty member concerning these matters is unofficial and not binding on the university.

6. Written acceptance of the letter of appointment, together with execution of normal university employment forms, completes the initial appointment. The employment of tenure-track faculty members is governed by the terms of the appointment letter, applicable provisions of the *Faculty Handbook*, *Manual for Faculty Evaluation*, and applicable provisions of university policies and procedures.

3.1.1 Terms

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

3.2 Criteria for Appointment to Faculty Rank

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

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

Professors are expected to

1. hold the doctorate or other terminal degree of the discipline, or present equivalent training and experience appropriate to the particular appointment
2. be accomplished teachers
3. have achieved and to maintain a nationally recognized record in disciplinary research / scholarship / creative activity/ engaged scholarship[3]

[3] Outreach research, scholarship and creative activity extends faculty endeavors to serve the public. This may include: basic discovery research, applied or action research, original performances, and creative applied policy. These activities bring together faculty and community collaborators to address real world problems and opportunities. The best examples of outreach research

4. have achieved and to maintain a record of significant institutional, disciplinary, and/or professional service or outreach engagement[4]
5. serve as mentors to junior colleagues
6. have normally served as an associate professor for at least five years
7. have shown beyond doubt that they work well with colleagues and students in performing their university responsibilities

Associate professors are expected to

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

Assistant professors are expected to

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

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

It is incumbent upon faculty and administrators to engage in professional development activities. Such activities lead to continual improvement in performance and enhance the ability of all to contribute at the leading edge of the discipline and/or in leadership roles. Many types of opportunities are available, including one- or two-semester faculty professional leaves, small professional development grants through the university, larger grants through external funding, and participation in professional conferences and workshops, the University of Tennessee Leadership Institute, opportunities to focus on teaching and scholarly outreach, and participation in a wide variety of interdisciplinary activities available to faculty separate from more formal interdisciplinary programs.

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and creative activities are those that engage faculty in advancing knowledge through the pursuit of their scholarly interests while simultaneously addressing specified community problems and issues, thereby benefiting the scholar, the discipline, the university, and society.

[4] Outreach service engages professional skills of faculty to benefit external communities and extends the intellectual resources of the university to seek solutions to problems.

3.2.1 Rank of Emeritus or Emerita

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

3.3 Classifications of Appointment

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

3.4 Special Faculty Titles

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

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

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

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

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

3.5 Joint and Intercampus Appointments

Joint appointments involve participation in the teaching and research of two or more departments or research units such as Oak Ridge National Laboratory (ORNL). Joint appointments with the Agricultural Experiment Station, the College of Agricultural Sciences and Natural Resources, and the Agricultural Extension Service are common in the Institute of Agriculture. The primary department with which the faculty member is affiliated, through which all matters of promotion, salary raise, and tenure are processed, is the “home” department. On all matters, the home department should consult with the department head and faculty of the other unit. Where joint appointments involve equal time in two or more units or service primarily within an interdisciplinary program, it is the shared responsibility of the heads, deans, or other administrative officers to make appropriate recommendations; and in such cases, one of the two units should be designated as the home department. The original appointment letter must specify the faculty member’s home department, administrative reporting relationships, and the peer

group(s) to be consulted in tenure and promotion recommendations. The university recognizes that as the shape of knowledge changes, new disciplinary and interdisciplinary needs may emerge which does not precisely correspond to existing administrative or departmental lines.

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

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

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

3.6 Summer Semester Appointments

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

3.7 Faculty Duties and Workload

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

The normal maximum teaching responsibility of a full-time faculty member engaged only in classroom teaching is 12 credit hours each semester. The precise teaching responsibility of each individual will be based on such things as class size and the number of examinations, papers, and other assignments that require grading and evaluation. In addition, the number of different courses taught and other appropriate considerations will be used to determine teaching responsibility. Classroom teaching responsibility may

be reduced by the department head for other justifiable reasons including student advising, active involvement in research and/or creative activities (with publications or other suitable forms of recognition), direction of graduate theses or dissertations, teaching non-credit courses or workshops, administrative duties, and institutional and/or public service.

3.8 Faculty Review and Evaluation

3.8.1 Annual Review for All Faculty Members

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

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

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

3.8.2 Rating Scale to be Applied in Evaluating Faculty Performance

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

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

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

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

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

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

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

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

3.8.3 Annual Retention Review for Tenure-Track Faculty Members

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

3.8.4 Cumulative Performance Review for Tenured Faculty Members

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

3.9 Salary

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

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

3.10 Promotion

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

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

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

3.10.1 Right of Candidate to Review File

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

3.11 Tenure

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

3.11.1 Definition of Tenure

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

3.11.2 Eligibility for Tenure Consideration

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

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

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

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

3.11.3 Probationary Period

3.11.3.1 Length of the Probationary Period

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

For good cause related to procedural error, the university and a tenure-track faculty member may agree in writing to extend a seven-year probationary period for a maximum of two additional years. The proposed extension must be approved in advance by the chief academic officer, the chancellor, the president (or designee), and the General Counsel (or designee).

3.11.3.2 Suspension of Probationary Period

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

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

In general, the chief academic officer will not approve suspension for work that advances the faculty member's record in teaching, research, or service. Probationary faculty should not be encouraged to

engage in administrative work. The chief academic officer shall give the faculty member written notice of the decision concerning suspension of the probationary period.

3.11.3.3 Notice of Non-renewal

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

1. In the first year of the probationary period, not later than March 1 for an academic year appointment and no less than three months in advance for any other term of appointment;
2. In the second year of the probationary period, not later than December 15 for an academic year appointment and no less than six months in advance for any other term of appointment; and
3. In the third and subsequent years of the probationary period, not less than 12 months in advance.

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

3.11.3.4 Annual Retention Review

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

Each tenure-track faculty member will first be reviewed in the fall of his or her second year of appointment. Departmental bylaws shall provide for specific criteria for annual retention reviews of faculty, consistent with the standards and procedures set forth in this Section 3.11.3.4 and the *Manual for Faculty Evaluation* and any criteria established by the department's college.

If the retention decision is negative, the chief academic officer shall give the faculty member written notice of non-renewal in accordance with the notice requirements described in Section 3.11.3.3 above. The faculty member is entitled to a statement in writing of the reasons for the non-renewal decision. This

statement, together with any subsequent correspondence concerning the reasons, is a part of the official record.

If the retention decision is positive, the department head will convey the outcome to the faculty member in writing and in a timely manner. The department head will also advise the faculty member as to the time remaining in the probationary period and as to how the quality of his or her performance is likely to be assessed by the tenured faculty and the head in the context of tenure consideration.

3.11.4 Criteria for Tenure

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

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

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

3.11.5 Procedures for Consideration and Grant of Tenure

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

Each department, school, or college must adopt bylaws concerning tenure consideration consistent with the procedures outlined in the *Manual for Faculty Evaluation.* The bylaws shall provide for a meeting of the tenured faculty to debate and discuss the tenure candidate. The bylaws shall also provide for the manner of taking and recording a formal vote of the tenured faculty on whether the candidate should be recommended for tenure and shall establish the minimum number of votes necessary to constitute a

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

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

3.11.6 Location of Tenure

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

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

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

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

3.11.7 Termination of Tenure

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

1. Relinquishment or forfeiture of tenure. A tenured faculty member relinquishes tenure upon resignation or retirement from the university. A tenured faculty member forfeits tenure upon taking an unauthorized leave of absence or failing to resume the duties of his or her position following an approved leave of absence. Forfeiture results in automatic termination of

employment. The chief academic officer shall give the faculty member written notice of the forfeiture of tenure and termination of employment. The faculty member may appeal this action under the general appeals procedures outlined in
Chapter 5.

2. Extraordinary circumstances. Extraordinary circumstances warranting termination of tenure may involve either financial exigency or academic program discontinuance. In the case of financial exigency, the criteria and procedures outlined in the board approved financial exigency plan for the Knoxville campus shall be followed. The procedures and criteria to be followed in the event of an explicit declaration of financial exigency are described in detail in the *UT Knoxville Financial Exigency Plan*. In the case of academic program discontinuance, the termination of tenured faculty may take place only after consultation with the faculty through appropriate committees of the department, the college, and the Faculty Senate.

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

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

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

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

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

B. Category B: Misconduct

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

3.12 Procedures for Terminating Tenured Faculty

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

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

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

Committee, the chief academic officer shall make a written recommendation to the chancellor as to whether termination proceedings should be initiated.

3.12.1.1 Chancellor's Decision to Initiate Termination Proceedings.

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

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

3.12.1.2 Suspension With Pay or Reassignment Pending Completion of Termination Proceedings

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

3.12.1.3 Failure to Contest

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

3.12.1.4 Hearing under the Tennessee Uniform Administrative Procedures Act

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

3.12.1.5 Hearing Before a Tribunal

If the faculty member makes a timely election to contest the charge(s) and to waive the right to a hearing under the *Tennessee Uniform Administrative Procedures Act*, the chancellor shall ask the Faculty Senate

president to appoint a hearing tribunal within 15 days and shall notify the faculty member in writing of this action. The matter shall then proceed in accordance with the tribunal procedures described below.

1. Composition of the tribunal. The university tribunal shall consist of five members of the tenured faculty and the administration. Members of the administration who are members of the tribunal must also hold tenure, and the majority of the tribunal must be full-time faculty members. The tribunal shall select its own chair. Either the chancellor or the faculty member may challenge the appointment of a tribunal member on the ground of bias or conflict of interest. A challenge shall be judged by the Faculty Senate, or a designated committee of the senate, whose decision on the challenge shall be final and not subject to appeal.

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

3. Representation. If the university intends to be represented by legal counsel, the written notice of the hearing date shall so advise the faculty member. The written notice shall also state the faculty member's right to be represented by legal counsel or other representative of his or her choice. If the faculty member intends to be represented by legal counsel, he or she must notify the tribunal chairperson within 10 days of receipt of the written notice of the hearing date. If the faculty member fails to give timely notice of legal representation, the hearing date shall be postponed at the university's request.

4. Waiver of hearing. If, at any time prior to the hearing date, the faculty member decides to waive his or her right to a hearing and respond to the charges only in writing, the tribunal shall proceed to evaluate all available evidence and test its recommendation upon the evidence in the record.

5. Pre-hearing preparation. The faculty member and the university shall have a reasonable opportunity prior to the hearing to obtain witnesses, specific documents, or other specific evidence reasonably related to the charge(s).

6. Evidence. The tribunal is not bound by legal rules of evidence and may admit any evidence of probative value in determining the issues. The tribunal shall make every reasonable effort, however, to base its recommendation on the most reliable evidence. If the charge is "failure to demonstrate professional competence in assigned roles in teaching, research, or service," the evidence shall include the testimony of qualified faculty members from this and/or other comparable institutions of higher education.

7. Confrontation and cross-examination of witnesses. The faculty member and the university shall have the right to confront and cross-examine all witnesses. If a witness cannot or will not appear, but the tribunal determines that his or her testimony is necessary to a fair adjudication of the charge(s), the tribunal may admit as evidence the sworn affidavit of the witness. In that event, the tribunal shall disclose the affidavit to both parties and allow both parties to submit written interrogatories to the witness.

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

9. Burden of proof. The burden of proof that adequate cause exists rests with the university and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

10. Findings and conclusions. The tribunal shall make written findings and conclusions and shall provide a copy to the faculty member at the time of submission to the chancellor.

    A. If the tribunal concludes adequate cause for termination has not been established, it shall so report to the chancellor
    B. If the tribunal concludes adequate cause for termination has been established but that a sanction other than termination should be imposed, it shall so recommend to the chancellor, with supporting reasons
    C. If the tribunal concludes adequate cause for termination has been established and that termination is the appropriate sanction, it shall so report to the chancellor

11. Transcript of the hearing. A verbatim record of the hearing shall be made, and a transcript shall be provided to the faculty member and the chancellor at the time of the tribunal's submission of the findings and conclusions.

3.12.1.6 Chancellor's Recommendation on Termination

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

3.12.1.7 Review by the Board of Trustees

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

3.12.2 Termination Procedures for Category B Adequate Cause: Misconduct

3.12.2.1 Preliminary Steps

1. Consultation with the tenured faculty. The department head shall consult with the tenured faculty before making a recommendation that termination proceedings be initiated against a tenured faculty member for alleged misconduct within the Category B definition of adequate cause.

2. Department head's recommendation. If the department head concludes termination proceedings should be initiated, he or she shall forward a written recommendation simultaneously to the dean and the chief academic officer. At the same time, the department head shall send a copy of his or her recommendation to the faculty member. The recommendation shall include a report of the head's consultation with the tenured faculty.

3. Dean's recommendation. If the dean concludes termination proceedings should be initiated,

he or she shall forward a written recommendation to the chief academic officer.

4. Chief academic officer's recommendation. If the chief academic officer concludes termination proceedings should be initiated, he or she shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not achieved, the chief academic officer shall make a written recommendation to the chancellor as to whether termination proceedings should be initiated.

3.12.2.2 Chancellor's Decision to Initiate Termination Proceedings

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

3.12.2.3 Suspension with Pay or Reassignment Pending Completion of Termination Proceedings

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

3.12.2.4 Suspension without Pay Pending Completion of Termination Proceedings

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

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

2. indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for

    i. a felony, or
    ii. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration

3.12.2.5 Failure to Contest

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

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

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

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

3.12.2.7 Hearing under the *Tennessee Uniform Administrative Procedures Act*

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

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

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

1. alleged misconduct involving
    a. acts or credible threats of harm to a person or university property, or
    b. theft or misappropriate of university funds, property, services, or other resources, or

2. indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for
    a. a felony; or

b. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration

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

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

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

3.13 Disciplinary Sanctions Other than Termination for Adequate Cause

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

1. suspension without pay for a definite term (no more than one year) may be imposed as a sanction by the chancellor without review by the president and the Board of Trustees, and

2. the chancellor may determine that the expedited procedure for suspension without pay is applicable to the conduct (see Appendix C concerning the expedited procedure)

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

Before such disciplinary action may be taken, the department head or dean must notify the faculty member of his or her intent to take disciplinary action. This written notice shall include a detailed specification of the alleged misconduct and the nature of the proposed discipline. It shall also inform the faculty member of his or her right to appeal the proposed discipline or to request a review by the Faculty Senate Appeals Committee in accordance with the provisions of this chapter or to the president through the chancellor.

3.14 Notice of Resignation and Retirement

3.14.1 Notice of Resignation

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

Since faculty appointments are made for the academic year (or, in exceptional cases, for one or more designated semesters), it is expected that faculty members who wish to resign will do so effective at the

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

3.14.2 Notice of Retirement

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

CHAPTER FOUR
Non-Tenure-Track Faculty

4.1 Appointment and Renewal of Faculty to Non-Tenure-Track Positions

All appointments to non-tenure-track faculty positions, including part-time appointments, will be made in accordance with departmental and college bylaws and subject to the provisions of this chapter. Except as otherwise provided in this chapter, tenured and tenure-track faculty, or a committee of tenured and tenure-track faculty, will evaluate credentials and vote on non-tenure-track appointments in accordance with departmental and college bylaws.

Notification of appointment is made by letter from the chief academic officer. This appointment letter specifies (a) rank, (b) salary and related financial conditions, (c) general duties and expectations, and (d) duration. Previous correspondence between the department head, dean or director, and a prospective faculty member concerning these matters is unofficial and not binding on the University of Tennessee. The faculty member's written acceptance of the letter of appointment, together with execution of normal university employment forms, completes the initial appointment. The employment of non-tenure-track faculty is governed by the terms of the appointment letter, applicable provisions of the *Faculty Handbook*, and applicable provisions of university policies and procedures.

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. Depending on stipulations of departmental and college by-laws, non-tenure-track faculty may have the opportunity to participate in departmental, college, and/or university governance. Non-tenure-track faculty enjoy the same academic freedom as tenured and tenure-track faculty.

A non-tenure-track appointment (whatever its duration) may be renewed for a new term through the normal application and appointment process. Renewal decisions will include consideration of available funding and the faculty member's performance. If a non-tenure-track appointment is not renewed in writing, it automatically expires at the end of the stated term. 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. Whenever feasible, however, subject to available funding, a non-tenure-track faculty member's department head 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.

4.1.1 Non-Tenure-Track Teaching Positions

When the need for new non-tenure-track teaching faculty is identified, departments should initiate the hiring process as soon as possible by contacting the Office of Equity and Diversity. As soon as possible, but normally no later than May 1, a departmentally designated group of faculty will review applications in

accordance with departmental and college bylaws. The department head will then recommend appointments to the dean, who will in turn recommend appointments to the chief academic officer. Notification of appointment is made by letter from the chief academic officer. In those cases where immediate replacements of faculty are required, the department head may recommend appointments without prior faculty review. However, in such cases, departmental faculty should be notified of the appointment as soon as possible.

Typically, initial non-tenure-track teaching appointments will be made at the rank of lecturer for a definite term of one year or less. Non-tenure-track teaching faculty promoted to the rank of senior lecturer or distinguished lecturer may hold appointments lasting up to three years or five years, respectively. To be re-appointed, a lecturer at any rank should complete the reapplication process preferably no later than March 1 in the final year of his/her appointment.

In unusual circumstances, the department head, with the prior permission of the dean and the chief academic officer, may recommend to the applicable Chancellor initial appointment at a rank of senior lecturer or distinguished lecturer. In such cases, initial appointment may be for a period of up to three years for a senior lecturer or up to five years for a distinguished lecturer.

The following ranks or titles may be assigned to non-tenure-track teaching faculty: instructor, lecturer, senior lecturer, distinguished lecturer, adjunct faculty, and visiting faculty.

4.1.2 Non-Tenure-Track Research Positions

Non-tenure-track research positions are filled as required to meet research needs and may occur at any time during the year. Department and college bylaws establish standards and procedures relating to searches for and promotion of research faculty.

All non-tenure-track research appointments will be made for a definite term of up to five years.

The following ranks or titles may be assigned to non-tenure-track research faculty: research assistant professor, research associate professor, research professor, adjunct research faculty, and visiting research faculty.

4.1.3 Non-Tenure-Track Clinical Positions

Non-tenure-track clinical faculty are appointed to meet instructional needs and provide professional services. Department and college bylaws establish standards and procedures relating to searches for and promotion of clinical faculty.

All non-tenure-track clinical appointments will be made for a definite term of up to five years.

The following ranks or titles may be assigned to non-tenure-track clinical faculty: clinical instructor, clinical assistant professor, clinical associate professor, clinical professor, visiting clinical faculty, and adjunct clinical faculty

4.1.4 Non-Tenure-Track Faculty of Practice Positions

Non-tenure-track faculty of practice are appointed to meet instructional and research needs, with the specific intent of bringing practicing professionals into the classroom and research laboratories.

Department and college bylaws establish standards and procedures relating to searches for and promotion of faculty of practice.

All non-tenure-track faculty of practice appointments will be made for a definite term of up to five years.

The following ranks or titles may be assigned to non-tenure-track faculty of practice: instructor of practice, assistant professor of practice, associate professor of practice, professor of practice.

4.1.5 Non-Tenure Track Extension Positions

Non-Tenure-Track Extension faculty positions are filled as required to meet outreach and engagement needs and may occur at any time during the year. Bylaws of the applicable unit establish standards and procedures related to hiring and promotion of Extension faculty.

All non-tenure-track Extension appointments will be made for a definite term of up to five years. The following ranks or titles may be assigned to non-tenure-track Extension faculty: Extension assistant professor, Extension associate professor, Extension professor, adjunct Extension faculty and visiting Extension faculty.

4.2 Criteria for Appointment to Faculty Rank

4.2.1 Non-Tenure-Track Teaching Faculty

Non-tenure-track teaching faculty are hired for specific teaching assignments. They generally are not expected to conduct research or perform public or disciplinary service as a condition of their employment. However, research or service activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member.

Instructor: This rank is reserved for faculty members who are appointed through a search for a tenure-track faculty position but do not hold the terminal degree at the time of appointment. Instructors are expected to have all qualifications listed for appointment as a tenure-track assistant professor, except for completion of the appropriate terminal degree. Upon certification that the requirements for the terminal degree have been completed, promotion to the rank of assistant professor will normally follow, at which time the tenure-track probationary period, typically six years, begins. Clear expectations for completion of the highest degree shall be included in the letter of appointment. Instructors who do not complete their degree requirements within 12 months of their appointment will be terminated.

Lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who are appointed for full or part-time service to teach one or more courses.

Senior lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated outstanding teaching at the rank of lecturer, normally through five or more years of service. A departmentally designated group of faculty will review and evaluate appointments to the rank of senior lecturer, in accordance with departmental and college bylaws.

Distinguished lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated excellence in teaching at the rank of senior lecturer, typically for a period of three to five years. A departmentally designated group of faculty will review and

evaluate appointments to the rank of distinguished lecturer, in accordance with departmental and college bylaws.

4.2.2 Non-Tenure-Track Research Faculty

Non-tenure-track research faculty are hired to conduct research. They generally are not expected to engage in teaching or perform public or disciplinary service as a condition of their employment. However, teaching or service activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member.

Research assistant professor: This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field. 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 field and have demonstrated continuous improvement and contribution in research or creative activity supported through grants and contracts over a period of years. Research associate professors have research qualifications and accomplishments consistent with those for appointment at the rank of associate professor. A departmentally designated group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

Research professor: This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field and have a record of outstanding research or creative activity (supported by grants and contracts over a period of years) that is affirmed by national and/or international recognition in the discipline. Research professors have demonstrated research accomplishments and qualifications consistent with those for appointment at the rank of professor. A departmentally designated group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

4.2.3 Non-Tenure-Track Clinical Faculty

Non-tenure-track clinical faculty are hired to perform professional services and to provide instruction to students in a clinical setting. They generally are not expected to conduct research or perform public or disciplinary service as a condition of their employment. However, research or service activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member.

Clinical instructor: This rank is for those who have completed a degree appropriate to the field or who are licensed or certified to practice the profession where appropriate. Individuals holding such positions demonstrate an ability to teach students in a clinical setting.

Clinical assistant professor: 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. 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 field and who are licensed or certified to practice the profession where appropriate. Individuals holding such positions have demonstrated clinical and teaching abilities consistent with those for appointment at the rank of associate professor. A departmentally designated

group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

Clinical professor: This rank is for those who have completed a doctoral degree or a terminal degree appropriate to the field and who are licensed or certified to practice the profession where appropriate. Individuals holding such positions have demonstrated clinical and teaching accomplishments consistent with those for appointment at the rank of professor. A departmentally designated group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

4.2.4 Non-Tenure-Track Faculty of Practice

Instructor of Practice: This rank is for those who have completed a degree appropriate to the field or who are licensed or certified to practice the profession where appropriate. Individuals holding such positions demonstrate an ability to teach students in the practice of the profession.

Assistant Professor of Practice: 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. Individuals holding such positions demonstrate an ability to teach and/or conduct research based on their experience and practice in the profession.

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. 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. A departmentally designated group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

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. 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. A departmentally designated group of faculty will review and evaluate promotions to this rank in accordance with departmental and college bylaws.

4.2.5 Non-Tenure-Track Extension Faculty

Non-Tenure-Track Extension faculty are hired for specific outreach and engagement assignments. They generally are not expected to conduct traditional academic research or engage in for-credit, classroom teaching as a condition of their employment. Extension faculty are expected to conduct externally funded work and to publish the results of that work.

Extension assistant professor: This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field. Individuals holding such positions demonstrate an ability to initiate and implement outreach and engagement programs or projects, publish, and obtain external funding.

Extension associate professor: This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field and have demonstrated continuous improvement and contribution in Extension education supported through grants and contracts over a period of years. Extension associate professors have scholarly qualifications including publications and accomplishments consistent with

those for appointment at the rank of associate professor. A designated group of faculty will review and evaluate hiring and promotion to this rank in accordance with applicable bylaws.

Extension professor: This rank is for those who have completed a doctoral degree or terminal degree appropriate to the field and have a record of outstanding outreach and engagement impacts with a strong record of publications as well as support by grants and contracts over a period of years. Extension professors have achieved national and/or international recognition in the discipline, and have documented accomplishments and qualifications consistent with the rank of professor. A designated group of faculty will review and evaluate hiring and promotion to this rank in accordance with applicable bylaws.

4.2.6 Adjunct Faculty

Individuals who provide uncompensated or part-time compensated service to the instructional and/or research programs of the university may be given adjunct faculty appointments. As with all other non-tenure-track faculty appointments, the Office of the Provost will issue letters of appointment to adjunct faculty members. Staff exempt employees with appropriate expertise who, on occasion, provide instruction or participate in research may be given adjunct faculty appointments in a department other than that in which their budget line resides. Professional credentials and/or the terminal degree required for appointment to professorial ranks are required for adjunct faculty appointments. Adjunct faculty may serve on graduate committees, serve as program directors, supervise clinical experiences, or assume other responsibilities as are consistent with university, college, and departmental policies. Adjunct faculty appointments may be made at the rank of adjunct professor, adjunct associate professor, adjunct assistant professor, or adjunct lecturer. Tenured and tenure-track faculty will evaluate the recommended rank in accordance with departmental and college bylaws.

Although uncompensated adjunct faculty members are not employees of the University of Tennessee, they are subject to certain university policies as a condition of receiving and retaining this honorary title. These policies include the non-discrimination policies, the *Policy on Misconduct in Research and Service*, applicable personnel policies (including the *University Code of Conduct*), fiscal policies, computer use policies, and the *Statement of Policy on Patents, Copyrights, and Other Intellectual Property* (when the uncompensated adjunct faculty member makes substantial use of university facilities or funds).

4.2.7 Visiting Faculty

Visiting faculty carry out instructional and/or research responsibilities within an academic department. Professional credentials and/or the terminal degree required for the university's professorial ranks are also required for appointments as visiting faculty. Normally, the rank of appointment will be the professorial rank that the individual holds at his or her home institution; however, the standards of scholarship for holding visiting faculty rank will be the same as required for the university's own faculty. Visiting faculty do not participate in the governance of the department and are not subject to annual performance reviews. Normally, a visiting appointment is for 12 months. As with all other non-tenure-track faculty appointments, the chief academic officer will issue letters of appointment to visiting faculty.

4.2.8 Joint Faculty Appointments

Joint Faculty members are appointed under the terms of a Joint Faculty Agreement between the University of Tennessee and another entity, such as the Oak Ridge National Laboratory. Joint Faculty members with the other entity as home institution are not eligible for tenure. Joint Faculty members carry one of the following titles: Joint Faculty Assistant Professor, Joint Faculty Associate Professor, or Joint Faculty Professor. Department and college bylaws, in conjunction with university policy and procedure,

establish standards and procedures relating to searches for and promotion of Joint Faculty. Joint Faculty members participate in teaching, research, and service missions of the department or college with which they are associated in accordance with the provisions of the Faculty Handbook. The specific allocation of effort in the UTK department or college is negotiated as part of the Joint Faculty Agreement. Joint Faculty members are evaluated on their allocation of effort in the UTK department or college on an annual basis.

4.3 Evaluation

As is the case for tenured and tenure-track faculty, the performance of all non-tenure-track faculty members will be evaluated annually, with a written record of the evaluation maintained in departmental and human resources files. The criteria for evaluating non-tenure-track faculty for purposes of hiring and retention must be adopted by a vote in accordance with departmental bylaws and made available to all faculty.

The annual performance review for retention should be based on the best practices guidelines for evaluating instruction, which are outlined in the *Manual for Faculty Evaluation* (probationary faculty section). In the case of non-retention, every effort should be made to notify the faculty member as soon as possible.

Research and clinical faculty, faculty of practice, and Extension faculty are subject to annual performance reviews appropriate to the positions and as outlined in departmental and college bylaws.

4.4 Promotion of Lecturers

Promotion of non-tenure track teaching faculty to the ranks or senior lecturer or distinguished lecturer (Handbook §§ 4.1.1 and 4.2.1) will follow the process described below and further detailed in the *Manual for Faculty Evaluation*.

4.4.1 Eligibility

After serving at the rank of lecturer, typically for a minimum of five years, a lecturer who has satisfied the criteria described in Section 4.4.2, immediately below, and specified in Section VI.A.2.a. of the *Manual for Faculty Evaluation* may apply for promotion to the rank of senior lecturer. Promotion to the rank of senior lecturer may be accompanied by an appointment that is automatically renewed for up to three years and may be recognized by a base salary adjustment.

After serving at the rank of senior lecturer, typically for a period of three to five years, a senior lecturer who has satisfied the criteria described in Section 4.4.2, immediately below, and specified in Section VI.B.2.b. of the *Manual for Faculty Evaluation* may apply for promotion to the rank of distinguished lecturer. Promotion to the rank of distinguished lecturer may be accompanied by an appointment that is automatically renewed for up to five years and may be recognized by a base salary adjustment.

Like all academic appointments, these multi-year appointments consist of annual appointments that are automatically renewed for the specified term, unless terminated for cause, or by operation of some other provision in the *Faculty Handbook* (such as relinquishment, forfeiture, or other extraordinary circumstances, as those terms are defined in Board Policies Governing Academic Freedomn, Responsibility, and Tenure and in the *Handbook*).

4.4.2 Lecturer Promotion Criteria

The principal criterion for promotion is excellence in teaching. Because lecturers may perform research and/or service, as needed, research and/or service may be considered when recommending a lecturer for promotion. However, even in cases where there is evidence of excellence in research and/or service, excellence in teaching will remain the principal criterion for promotion of lecturers. The criteria are specified in greater detail in Section VI.A.2.a. and VI.A.2.b of the *Manual for Faculty Evaluation*.

4.4.3 Lecturer Promotion Process

The lecturer promotion process begins when the candidate submits a dossier for consideration. Review occurs in turn at the departmental, college, and campus levels; the candidate shall be notified in writing of the decision at each level. For colleges without departments, the review should follow the same procedure used for the promotion and tenure process. Candidates denied promotion at the departmental level may appeal the decision to the college. Candidates denied promotion at the college level may appeal the decision to the chief academic officer. Section VI.A.3. and VI.A.5. of the *Manual for Faculty Evaluation* specify the promotion process, notification process, and appeal process.

4.4.4 Contents of the dossier

A cover sheet that records the decisions at the various levels of review must accompany the dossier. Section VI.A.4. of the *Manual for Faculty Evaluation* specifies in detail the required contents of the dossier, which should not exceed 50 pages, excluding the cover sheet and the candidate's *curriculum vitae*.

4.5 Salaries

Salaries for non-tenure-track faculty members are set by terms of their appointment letters. Salaries reflect faculty qualifications and the work that faculty perform. Faculty members may appeal salary determinations using procedures found in Chapter 5.

4.6 Appeals

Non-tenure-track faculty may exercise the appeal procedures outlined in Chapter 5, except those applicable to the termination of tenured or tenure-track faculty appointments.

CHAPTER FIVE

Faculty Rights of Appeal

5.1 Introduction

Faculty members are entitled to fair, impartial, and honest resolutions of problems that may arise in relation to employment. Accordingly, the following sections outline principles and procedures designed to promote fair resolutions within a reasonable time period. This chapter addresses formal appeals in the sections on general appeals and special appeals. In addition, informal grievances may be addressed through the ombudspersons. A faculty member must initiate a formal appeal under the general and special procedures outlined in this chapter within the time specified in this handbook, board or university policy, or, at a maximum, one year of the date of the employment decision in question.

The rights of appeal described in this chapter apply to all tenured, tenure-track, and non-tenure-track faculty.[5] Faculty members are encouraged to bring complaints or grievances to the lowest administrative level at which an adverse recommendation, decision, or action was taken. Every effort should be made to expeditiously resolve such matters informally, through conversation with the department head, director, or dean, before submitting a formal appeal. In all cases, faculty members are entitled to notice regarding grounds on which administrative action has been taken.

5.1.1 General Appeals

Faculty members with grievances have three options for pursuing appeals, depending on the subject matter(s) of their appeal. Prior to initiating an appeal, they may contact the ombudsperson for consultation or informal mediation (Section 5.2). If those efforts fail, they may initiate an appeal through the administrative channel (section 5.3), request an appeal through the Faculty Senate Faculty Appeals Committee (section 5.4), or bring an appeal through the *Tennessee Uniform Administrative Procedures Act* (TUAPA) for certain matters (section 5.5). Each of these options is described in the following sections.

The appeals procedures through administrative channels and the Faculty Senate Appeals Committee are formal but not judicial processes. Faculty members have a right to consult an attorney, but attorneys are not to participate when following these appeal channels. Faculty members may have attorney representation and participation for hearings under the TUAPA; for conflicts arising between faculty and students, *Hilltopics* should be consulted.

5.1.2 Special Appeals

Special procedures are provided for cases involving (1) allegations of discrimination or harassment due to race, sex, religion, national origin, age, handicap, or veteran status, (2) termination or suspension of a tenure-track faculty member for adequate cause prior to the expiration of his or her term of appointment or without the minimum advance notice specified for non-reappointment of the tenure track faculty (see

[5]For procedures for terminating tenured faculty for adequate cause or tenure-track faculty before the end of the stipulated time of appointment, see Chapter 3 and the board's policy.

Chapter 3), or (3) allegations that the non-renewal of appointment of a tenure track faculty member constitutes a violation of academic freedom.

Faculty members' complaints of sexual harassment or other forms of discrimination (i.e. allegations of discrimination on the basis of race, sex, national origin, religion, age, handicap, or veteran status) are brought forward and investigated in accord with procedures described in the *UTK Affirmative Action Plan*. Copies of the plan are available in the department or college office and may be obtained from the director of the campus Office of Equity and Diversity (OED). Personnel Policies regarding Equal Employment Opportunity and Affirmative Action are posted through the University of Tennessee Office of Human Resources at: http://admin.tennessee.edu/hr/policies/220pol.html.

A tenure-track faculty member may be suspended or dismissed before the end of the stipulated term of appointment or without the minimum advanced notice specified for termination of tenure-track faculty members only with the approval of the chancellor and only for adequate cause (see section 3.11.7). The tenure-track faculty member may appeal this decision through the Faculty Senate Appeals Committee or may elect a TUAPA hearing. The university has the burden of proof. The faculty member must notify the chancellor of his or her intent to appeal within 10 days of receipt of notice of the university's decision to dismiss or suspend.

Allegations that non-renewal of a tenure-track faculty member constituted a violation of academic freedom may be appealed through these administrative channels:

1. The chancellor must ask the Faculty Senate Appeals Committee to review the matter solely to determine whether the notice of non-renewal establishes a violation of academic freedom
2. The faculty member has the burden of proof that non-renewal was a violation of academic freedom
3. The faculty member may appear before the Faculty Senate Appeals Committee to present evidence and argument on his or her behalf
4. The committee should ask the department head, dean, and other appropriate witnesses to present evidence
5. The chancellor will decide who will present argument for the university
6. The committee, after the hearing and considering the evidence presented, will make a recommendation to the chancellor, with a copy to the faculty member, within 21 days after the conclusion of its deliberations
7. The chancellor will consider the committee's recommendation and inform the faculty member of his or her decision within 30 days.

5.2 Faculty Ombudspersons

The chancellor and a committee that includes representation from the Faculty Senate shall select an 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 an appeal through the administrative or Faculty Senate channels described in sections 5.3 and 5.4.

The ombudsperson is an advocate for neither the faculty nor the university, but rather a supporter of fair practices and mutual respect, fostering probity and timeliness in the administration of campus policies and practices. The ombudsperson's responsibilities as set forth in the Faculty Handbook do not include

grievances initiated by administrators, students, or staff.[6] The ombudsperson is appointed under the university's human resources policies and procedures and is compensated as described in his or her appointment letter. The term of the ombudsperson shall be renewed by the chancellor with the advice and consent of the Faculty Senate.

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. He or she helps faculty members decide how best to solve problems early and generally at the lowest levels. If the faculty member has initiated an appeal through the administrative or Faculty Senate channels under section 5.3 or 5.4, 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 those appeals. Except as required by law, 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

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 services do not supercede or replace appeals through administrative channels, the Faculty Senate Appeals Committee, or other university grievance or appeals procedures, but they may be used before (and, to the limited extent permitted in this section, after) 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: address matters subject to the special appeals processes described in section 5.1.2; provide legal advice; assist in problems that are unrelated to the university; or represent the faculty member in administrative appeals or Faculty Senate Appeals Committee hearings or appeals. The ombudsperson's roles as a consultant and informal mediator are separate from the administrative appeals and Faculty Senate appeals processes. 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.

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.

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[6] While the ombudsperson's university responsibilities may include grievances initiated by staff, those aspects of the ombudsperson's role are outside the purview of this Faculty Handbook.

5.3 Appeals through the Administrative Channel

Any faculty member may initiate a written appeal with his or her administrative leader. If resolution of the problem is not achieved, the faculty member has the right to request review at successively higher administrative levels, up to the president (*University Bylaws*: Article V, Section 7). His or her administrative officer shall inform the faculty member of current appeal procedures to facilitate its submission. Faculty members are entitled to notice regarding the grounds on which administrative action has been taken.

5.4 Appeals through the Faculty Senate Appeals Committee

5.4.1 Jurisdiction of the Faculty Senate Appeals Committee

The function of the Faculty Senate Appeals Committee is to gather evidence and make findings and to make recommendations to the chief academic officer for the disposition of cases within its jurisdiction. The Faculty Senate Appeals Committee 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. All matters before the Faculty Senate Appeals Committee are kept in strict confidence and subject to state open records laws and other legal requirements.

A faculty member requesting the Appeals Committee to consider his or her complaint must submit a written statement to the chair of the committee with a copy to the chief academic officer. The Appeals Committee, in consultation with the chief academic officer, will determine if it has jurisdiction over the complaint. The jurisdiction of the Faculty Senate Appeals Committee regarding promotion and tenure includes complaints regarding failure to follow the procedures contained in this handbook and in collegiate and departmental bylaws. The Faculty Senate Appeals Committee will not consider matters for which a special appeals procedure is provided. See section 5.1.2.

The Appeals Committee is comprised of 18 tenured faculty members appointed to staggered three-year terms by the Faculty Senate Committee on Nominations and Appointments with the advice and consent of the Faculty Senate. At least one member of the committee must have legal expertise. The complete procedures for appeals through the Faculty Senate Appeals Committee are posted on the Faculty Senate web site.

Faculty making an appeal are encouraged to consult the faculty ombudsperson before bringing an appeal to the Appeals Committee. After receiving a request for an appeal review, the Appeals Committee will take one of four actions:

1. recommend mediation between the faculty member and the administrator whose action is the source of the faculty member's complaint by trained mediators, which might include faculty ombudspersons who have not been previously involved in the matter as a consultant or informal mediator
2. take no action on the grounds that the appeal lacks merit for consideration or lies outside of the scope of the committee
3. redirect the appeal through the administrative channel, or
4. initiate a review panel

The chairperson will give written notice of that decision with explanation to the faculty member, the administrator(s) whose decision is being contested, and the chief academic officer.

5.4.2 Process for Appeals

Faculty member(s) have the right to initiate an appeal to the Faculty Senate Appeals Committee within one year of the administrative action that caused the complaint. The appeal must be submitted in writing and include a comprehensive statement of the complaint. After the chair of the Appeals Committee has consulted with the committee and the chief academic officer and they have determined that a complaint both lies within the jurisdiction of the committee and merits consideration, the committee chair will establish arrangements necessary to ensure a complete review of the complaint by a review panel.

Alternatively, when a faculty member initiated a complaint through the administrative process with a department head (director) and/or dean that has not been resolved and the faculty member remains unsatisfied after a final decision of the dean, he or she may appeal to the Faculty Senate Appeals Committee. The appeal must be submitted in writing and include a comprehensive statement of the complaint after the faculty member has been given notice of the dean's decision and of his or her right to request consideration of the Faculty Senate Appeals Committee. The appeal will then be reviewed by the chair of the Faculty Senate Appeals Committee in consultation with the committee and the chief academic officer to determine that the complaint both lies within the jurisdiction of the committee and merits consideration. The committee chair will establish arrangements necessary to ensure a complete review of the complaint by a review panel.

The chairperson appoints a panel consisting of no fewer than three members of the committee and designates one of the three as chair of the panel. The chair of the Faculty Senate Appeals Committee provides written notification of the appointment of a review panel along with the names of the chair and the members to the faculty member, each administrator whose decision will be reviewed, and the chief academic officer. The written notification also includes a description of review procedures and a copy of the comprehensive statement of the complaint. Any objections to the membership of the review panel or the review procedures shall be made in writing to the chair of the Faculty Senate Appeals Committee, whose written decision to sustain or overrule the decision shall be final. If the objection is sustained, the chair will facilitate a resolution so that the review may proceed.

5.4.3 Hearing Results and Recommendations

At the conclusion of the review, the Faculty Senate Appeals Committee shares its findings and recommendations in writing with the faculty member, the administrator(s) involved in the appeal, and the chief academic officer. Before the final decision is made by the chief academic officer, the faculty member or the administrator(s) involved in the appeal may request reconsideration of the complaint on the grounds that the review panel made a clearly erroneous finding of fact or that there has been newly discovered evidence which was previously unavailable. This request must be submitted in writing to the chief academic officer and to the chair of the Appeals Committee. The decision of the Appeals Committee whether and to what extent to reopen the hearing shall be final. The request for reconsideration must be made within 15 working days of the findings and recommendation of the Appeals Committee.

If the recommendations of the Appeals Committee are approved by the chief academic officer, the written final decision will be provided to the faculty member making the appeal, the administrator(s) involved in the appeal, and the Appeals Committee.

If the recommendations of the Appeals Committee are not approved by the chief academic officer, the chief academic officer will then meet with the Appeals Committee to exchange views and determine whether the case can be resolved in a mutually acceptable manner between the chief academic officer and

the committee, in which case the committee will re-issue its recommendations to reflect that position. If the chief academic officer and the committee cannot resolve the case in a mutually agreeable manner, the chief academic officer will issue a final written decision which will be provided to the committee, the faculty member, and the administrators involved. The final written decision will include the reasons for not accepting the findings and recommendations of the Appeal Committee.

The faculty member may appeal the decision of the chief academic officer by notifying the chancellor in writing within 10 days of receipt of the written notice of the decision of the chief academic officer.

If the committee's review indicates that principles of due process, shared governance, and/or academic freedom as described in this handbook are not adequately addressed by existing university procedures, the Appeals Committee may request that the Faculty Senate Faculty Affairs Committee consider structural or systemic issues apart from the merits of the particular case that brought the issues to light.

5.5 Appeals through the Tennessee Uniform Administrative Procedures Act

A hearing under the *Tennessee Uniform Administrative Procedures Act* (TUAPA) is available to tenure-track and non-tenure-track faculty members under the following circumstances:

1. termination of a tenure-track faculty member's appointment before the stipulated term of appointment or without the minimum advance notice (see Chapter 3) or for allegations of gross misconduct or reprehensible behavior

2. termination of non-tenure-track faculty member's appointment before the stipulated term of appointment or for allegations of gross misconduct or reprehensible behavior

Requests for a TUAPA hearing must be brought within 10 days of the employment action that is the subject of the hearing.

5.6 Termination of Tenure-Track and Non-Tenure-Track Faculty Members Before The Stipulated Term of Employment

Termination of tenure-track faculty members before the stipulated term of appointment is under the same procedure as used for revocation of tenure and termination for tenured faculty member.

A non-tenure-track faculty member may be terminated for adequate cause (as defined in Sections 3.12.1 and 3.12.2 of this handbook) prior to the expiration of the appointment term. In the event that a department head recommends to the dean and chief academic officer that a non-tenure-track faculty member be terminated for 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, he or she shall recommend termination to the chief academic officer. If the chief academic officer agrees with the termination decision, he or she shall inform the faculty member in writing. A non-tenure-track faculty member whose appointment has been terminated for adequate cause shall be notified of his or her right to a post-termination hearing under the Tennessee Uniform Administrative Procedures Act as described in Sections 3.12.1.4 and 3.12.2.7 of this handbook.

In the event of Extraordinary Circumstances (as defined in Board Policies Governing Academic Freedom, Responsibility, and Tenure § H.1.b. and in this handbook at §3.11.7(2)), a non-tenure-track appointment

may be terminated under the same circumstances, and following the same procedures, that are applicable to tenure-track faculty.

The University may, at any time, with or without notice, terminate the appointment of a non-tenure-track faculty member without cause upon payment of the remaining salary due during the appointment.

CHAPTER SIX
Benefits and Leaves of Absence

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 the *Personnel Policies and Procedures* and this handbook. The university administration works closely with state government officials and the Benefits and Professional Development Committee of the Faculty Senate to assess the needs of the faculty members and to provide programs that respond to those needs.

UT's policies governing benefits and leaves of absence are established in the personnel 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 are not a promise that any particular benefit or leave request will be granted. In the event of any conflict or inconsistency between the personnel policies and this *Handbook*, the personnel policies will control.

Leaves of absence, extended periods of time spent away from campus for professional growth or personal reasons, are an important aspect of faculty development. Leaves of absence must be requested in writing by the faculty member and specifically approved by the department head, dean or director, and the chief academic officer, and where appropriate, the state of Tennessee. Leaves of absence are normally granted for not more than 24 months and are normally without university compensation.

Certain benefits and leaves of absence are available to both nine-month and 12-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 for all Faculty Members

6.2.1 Insurance Plans

The university, through the state of Tennessee, offers a group insurance program to all regular employees who work a minimum of 75% time. The program includes medical, life, and accidental death or dismemberment insurance. Other insurance plans are available for other needs to qualified individuals. Illness or injury sustained in the course of employment is covered by the State of Tennessee Worker's Compensation Program. The flexible benefits plan permits the university to exclude, from both federal income and Social Security taxes, premiums paid for group medical and dental insurance and university parking premiums deducted from the employee's paycheck for participating employees. In addition, the university offers optional dependent care and medical reimbursement accounts in the flexible benefits plan.

6.2.2 Educational Assistance

Faculty members may be eligible for maintenance fee (tuition) waiver under the provisions of the *Personnel Policies and Procedures* and with the approval of the department head, dean, chief academic officer, and chancellor.

Regular full-time faculty members are also eligible for a student maintenance fee (tuition) discount for their spouses and dependent children who have been admitted to the university as undergraduate students through standard admission procedures. Fee discounts do not apply to other student fees. Spouses and dependent children of regular part-time faculty members who have one (1) or more years of regular continuous service with the University of Tennessee working a minimum of 50 percent time shall receive a pro rata discount based on the percent of effort currently worked by the employee.

6.2.3 Retirement

The university offers five retirement programs and retirement counseling. Regular full-time faculty members must participate in a retirement program. Participation in retirement programs is optional for part-time faculty members. In addition, the university offers several optional tax deferred income plans.

6.2.4 Longevity Pay

The University of Tennessee seeks to reward regular faculty members and staff for their years of service with the university and state. Regular full-time employees and regular part-time employees working 82.05 percent time or more, who have completed 36 full-time equivalent (fte) months of service at 82.05 percent time or more with UT, The State Board of Regents, or any other agency of the state of Tennessee are eligible to participate in the longevity pay plan.

6.3 Leave for All Faculty Members

6.3.1 Faculty Development Leave

Full-time tenured faculty members with a minimum of six years full-time campus service since any previously granted professional leave (or six years at the time of an initial professional leave) are eligible to apply for faculty development leave, which is awarded on the merits of a specific proposal for professional development. The award is an investment by the university in the expectation that the leave will enhance the faculty member's ability to contribute to the objectives of the university and to student development. The improvements sought during a professional leave should benefit the work of the faculty member, department, college, and university. Only professional leave proposals that meet this criterion will be accepted and approved by the university.

The purposes for which professional 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
4. other approved projects, including innovations in teaching and learning

Eligible full-time faculty members may be granted professional leave for either (a) one-half the faculty member's annual appointment period at full-base salary, or (b) the full annual appointment period at one-half-base salary. Complete information regarding this policy is found here http://provost.utk.edu/academic-policies/faculty-leave/.

6.3.2 Family and Medical Leave

The university provides for family and medical leave, 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. The leave may extend up to a maximum of twelve (12) work weeks of paid or unpaid leave during the

twelve (12) month period beginning on the date the family and medical leave first begins. During this period, 12-month faculty members may use any or all accrued annual leave, or accrued sick leave if applicable, instead of taking leave without pay. This leave will be granted if it qualifies as family and medical leave on request by the employee or on determination by the university. Family and medical leave forms are available from the campus/unit human resource or personnel office.

Nine-month faculty members should also review the *Family Care Policy* in section 6.4.2.

6.3.3 Court Leave

Court leave is granted to employees to appear as a witness in state, federal, or local court or to serve on jury duty upon presentation of an official summons, subpoena, or notice to that effect. Refer to *Policy 315* in the *UTK Personnel Policies and Procedures Manual*.

6.3.4 Military Leave for Short Tours of Active Duty

Regular employees of the university who receive orders to report for training or active duty in the service of the state of Tennessee or of the United States shall be entitled to military leave with pay for up to fifteen working days per calendar year. It is expected that faculty members employed on an academic year basis will perform their military training during periods when classes are not in session. Refer to *Policy 370* in the *UTK Personnel Policies and Procedures Manual*.

6.3.5 Military Leave for Extended Tours of Active Duty

Regular employees of the university in the National Guard or reserves who receive orders to report for extended active duty in the United States armed forces will be granted leave of absence without pay (for military reason) after the employee has received military leave with pay for 15 working days in any one calendar year.

6.3.6 Educational Leave

Educational leave for regular university employees must be requested in writing and in advance by the chief administrator and the chief personnel officer of the employee's budgetary unit. Such approval must specify the length of the leave, which normally should not exceed two (2) 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 employee's value to the university resulting from the leave. Any approved leave extending beyond the current fiscal year is subject to budgetary constraints and/or funding availability. Refer to *Policy 335* in the *UTK Personnel Policies and Procedures Manual*.

6.3.7 Personal Leave

The university grants leave with or without pay to full-time faculty members on regular appointments for a variety of reasons. A regular employee may request leave without pay for personal reasons by making a request in writing to his or her supervisor and department head. Personal leave is approved or disapproved on an individual basis and predicated on departmental needs and requirements. [*Personnel Policy 355*]

6.3.8 Funeral Leave

Funeral leave is described in *Policy 340* in the *UTK Personnel Policies and Procedures Manual.*

6.3.9 Fringe Benefits for Faculty Members on Leave

Eligible employees on approved leave of absence without pay (except FMLA) are eligible to maintain membership for up to 12 months in the basic group/HMO/POS plan to which they belong at the time the leave begins but will be responsible for both employee and employer portions of the premium. Generally, the period of approved leave of absence without pay does not qualify as creditable service for retirement, and contributions are not made by the university during the leave period. Refer to *Policy 335, 338,* and *355* in the *UTK Personnel Policies and Procedures Manual.*

6.3.10 Outside Compensation for Faculty members on Leave

Policies regarding outside compensation through consulting are covered in Chapter 7 of this handbook and are applicable to faculty members on full-pay while pursuing a professional development leave.

6.3.11 Holidays

The university recognizes holidays as listed on the following human resources link: http://humanresources.tennessee.edu/closing_schedules.html.

6.4 Additional Benefits and Leave for Nine-Month Faculty Members

6.4.1 Sick Leave

Nine-month faculty members do not earn and accrue sick leave. However, the university grants leave with or without pay to full-time faculty members on regular academic year appointments as required by illness, injury, or medical treatment. The amount of such leave varies with the circumstances of the individual case. Factors considered in making the determination are (a) length of service, (b) necessity of replacement, (c) quality of past service, and (d) potential future with the university.

6.4.2 Family Care

In addition to family medical leave, certain 9-month faculty members may be eligible for certain additional benefits such as modifying service requirements and extending the tenure-track probationary status.

6.4.3 Annual Leave

Faculty members employed on regular full-time academic year appointments do not accrue annual leave. However, nine-month faculty members are not required to be on campus during any semester for which they have no university assignments. Such periods begin when all reports have been made following the preceding semester's commencement, and extend to a reasonable period prior to the beginning of the semester following the semester without assigned duties. A reasonable period must include sufficient time to participate in scheduled faculty meetings, perform committee work, advise, and other activity necessary for the satisfactory resumption of the work of the department in that semester.

6.4.4 Semester Banking

Semester banking is available to faculty members who hold regular full-time academic year appointments. Permission may be granted to substitute summer terms of teaching, or to bank such terms, toward extended periods of release from regular duties during other terms. Acceptable practice also

allows faculty members to teach (without additional compensation) larger than normal teaching loads during semesters of the academic year in order to bank these for released time in subsequent semesters. The need of many faculty members upon occasion to devote large uninterrupted amounts of time to a single research or creative project without teaching or committee work and to spend time periodically in personal renewal and development is fundamental to every good university. This arrangement is subject to the following conditions:

1. courses must be banked before leave is taken
2. the needs of the department or program will be a major consideration in evaluation of requests to bank courses
3. the financial and educational resources of the department or unit must not be jeopardized by banking arrangements
4. credit for banked courses will not result in additional pay at termination of employment

6.5 Leave for 12-Month Faculty Members

6.5.1 Vacations and Annual Leave

The university recognizes the importance of rest and recreation and encourages faculty vacations. Faculty members must arrange the length and timing of vacation periods with the department head or dean and must provide information on how they may be contacted during periods of absence. Refer to the *Annual Leave Policy* in the *UTK Personnel Policies and Procedures Manual.* Faculty members employed on regular full-time twelve-month appointments earn annual leave at the rate of two (2) working days per month [twenty-four (24) working days of annual leave per year]. A maximum of forty-two (42) days of accumulated annual leave may be carried forward from one calendar year to the next. At the end of a calendar year, annual leave days in excess of forty-two (42) will be credited to sick leave. Faculty members on regular part-time 12-month appointments receive a prorated amount of annual leave based on the percentage of full-time employment.

6.5.2 Sick Leave

Sick leave is earned at the rate of one (1) working day per month by regular full-time 12-month faculty members. Regular part time faculty members on 12-month appointments earn sick leave on a pro rata basis. Sick leave is described in *Policy 380* in the *UTK Personnel Policies and Procedures Manual*.

6.6 Term-Faculty Members

Faculty members on full-time term and faculty members on part-time term do not receive annual or sick leave. Refer to *Policy 305* in the *UTK Personnel Policies and Procedures Manual.*

6.7 Records of Leave

Official leave records are maintained through IRIS, the university financial and human resources information system, for all regular full-time and part-time personnel other than faculty members employed on academic-year appointments. Deans, directors, and department heads are charged with ensuring that these records are accurate on a current basis.

Any full-time employee of any agency, office, or department of the state who is employed by another state agency (including the University of Tennessee) without a break in service shall have his or her annual and sick leave transferred. Moreover, when such a former employee who has one (l) full year of

state employment in good standing returns to full-time service with one of these employers, he or she shall be credited with all sick leave to which he or she was entitled at the time of termination. The most recent employing authority shall be responsible for certifying eligibility for this sick leave credit to the re-employing agency, college, or university. Employees who come to the university from state agencies, colleges, or universities should be strongly encouraged to take their accumulated annual leave prior to being placed on the rolls of the university, unless there is an immediate and urgent need for their services.

Furthermore, any full-time teacher employed by a local school board in Tennessee, who leaves the employment of that board and becomes an employee of UT, shall have his or her sick leave transferred upon request. The former employee of a local school board must have begun university employment after July l, l965, to be eligible for this transfer of sick leave.

CHAPTER SEVEN
Compensated Outside Services

7.1 Introduction

Full-time faculty members appointed to The University of Tennessee agree to devote themselves to UT's mission of teaching, research, and public service. Fulfillment of these responsibilities demands a full-time, 100% commitment to normal University duties, including remaining current in the discipline to which the faculty member is appointed. For many faculty members, an important part of keeping up-to-date lies outside the classroom, laboratory, and library: it involves testing one's academic skills and abilities by applying them to real-world problems. The University encourages the faculty to engage in consulting and other related outside services which are associated with an individual faculty member's appointment and which develop his/her professional expertise. By these means, many faculty members improve their disciplinary skills; they serve educational institutions and professional organizations, business, industry, and government; and they bring positive recognition to The University.

University-wide policies governing compensated outside activities by faculty require each campus to establish procedures to ensure that professional development of the faculty is encouraged and, at the same time, ensure that faculty meet their regular University responsibilities in a timely and effective manner. The following guidelines represent a compilation of the University-wide policies and implementing guidelines specifically applicable to faculty governed by the Faculty Handbook for The University of Tennessee, Knoxville.

7.2 General Principles

1. Full-time faculty members appointed to The University of Tennessee must devote themselves to the University's mission of teaching, research, and public service. Fulfillment of these responsibilities demands a full-time commitment to normal University duties, including remaining current in the discipline to which the faculty member is appointed.

2. While compensated outside activities may be valuable for both faculty and the University, the primary responsibility of a faculty member is to fulfill the teaching, research/scholarship/creative achievement, and service commitments of her/his full-time appointment to the University. Faculty members have a responsibility not to undertake external activities that substantially burden or interfere with commitments to the University. A full-time appointment includes an obligation to maintain a meaningful presence on behalf of the University in the performance of responsibilities. This obligation means being accessible on campus to students, staff, and colleagues. Compensated outside activities must not result in a conflict of interest or a conflict of commitment with respect to the faculty member's University duties.

3. As outside compensated activities are not part of the full-time commitments of a faculty member, they cannot be substituted for commitments of a faculty member to teaching, research/scholarship/creative activity, and service within the University. Correspondingly, the annual review of the performance of a faculty member is based only on her/his regular responsibilities and duties as part of her/his full-time commitments to the University which are negotiated annually and must be consistent with the Handbook and applicable bylaws. The

primary responsibility for assessing the value of compensated outside activities rests in the academic departments and their bylaws.

4. College and/or departmental bylaws may define the nature and allowable time commitments of appropriate compensated outside activities for a faculty member in the unit beyond these guidelines. Administrative officers such as deans or department heads who believe that a faculty member has engaged in compensated outside activities in a manner inconsistent with these guidelines or applicable bylaws, may initiate appropriate action. In such cases, a faculty member has the right to the appeals processes described in Chapter 5 of this Handbook.

5. These policy guidelines primarily concern long-term or continuing/recurring short-term arrangements between faculty members and clients. These guidelines do not apply to activities such as:
    - Occasional, short-term activities (which are typically not compensated except for modest honoraria), which include but are not limited to, publication and/or editing of research/scholarship/creative activity, participation in symposia, accreditation visits, research paper presentations, professional licensing board examination questions, exhibitions, recitals, or extra-service pay.
    - Compensated activities conducted in the summer by faculty who serve in an academic-year appointment.
    - Faculty compensation through grants and contracts. See Fiscal Policy on Sponsored Grants and Contracts.

6. These guidelines shall be construed to be consistent with the University's policies regarding conflict of interest, ownership of commercial ventures, intellectual property, and Faculty Handbook provisions regarding academic freedom as stated in Chapter 2.

7.3 Specific Guidelines

1. During the conduct of compensated outside activities, faculty members must not make any use of the name of The University of Tennessee or of any of its constituent institutions (e.g., campuses or institutes) for any purpose other than professional identification; nor may she/he claim any University or institutional responsibility for the conduct or outcome of such activities.

2. Should a faculty member wish to pursue compensated outside activities, the faculty member and her/his department head must agree about the faculty development benefits that will be gained by the planned activities, as part of the annual review process. If after the review, a faculty member has an opportunity to pursue a new compensated outside activity or if any significant changes to an agreed plan from the last annual review occur, the faculty member must report the situation to her/his department head, and develop a new or revised plan with the head's concurrence.

3. Nine-month faculty members are expected to perform university-related activities for a nine-month academic year. Thus, nine-month faculty members should limit their total compensated outside services to no more than twenty percent (20%) over their total (100%) university effort during a given academic year, exclusive of non-academic year course schedules (summer session, mini-term, etc.) but including grants of released-time. The department head and dean may restrict compensated outside service effort to less than 20% (e.g., if a faculty member's performance of assigned university duties does not meet expectations, as found in the annual evaluation).

4. Nine-month faculty employed full-time on the university payroll during the summer months (e.g. summer school teaching, work on grants and contracts), must ensure that their annual

compensated outside service activity is no more than 20% over their total (100%) university effort per academic year. For part-time summer employment, the limit of compensated outside services during the time of employment will be established by written agreement between the department head and the faculty member.

5. Twelve-month faculty and staff members are expected to perform university-related activities for a twelve-month year. Thus faculty members on twelve-month appointment are covered by the same University of Tennessee Personnel Policies and Procedures which apply to administrative or professional personnel of the university. However, to provide equitable treatment of nine-month and twelve-month faculty, the latter should normally limit their aggregated compensated outside services to no more than an additional twenty percent (20%) over their total (100%) university effort – including accrued annual leave taken and grants of released time – during a given calendar year, upon approval of the department head and dean. The department head and dean may restrict a faculty member's compensated outside service effort to less than 20% (e.g., if a faculty member's performance of assigned university duties does not meet expectations, as found in the annual evaluation).

6. While conducting compensated outside activities, no unauthorized activity is permitted involving significant direct expense to UT or significant use of university facilities, equipment, or services unless procedures and fee schedules have been established. Faculty and staff wishing to use University resources to conduct compensated outside activities must have an official written UT agreement specifying the nature of work to be performed; the kind of equipment, supplies, material, or services to be used; the extent of the use; and the amount to be paid to the University. The amount may not be less than the University's cost or a fair market value. A written agreement must be approved in advance by the appropriate department head, dean/director, and chief business officer.

7. Noncompliance with this policy for compensated outside activities may be considered as a negative factor during annual reviews, promotion and tenure decisions, salary determinations, and requests for released-time, and other institutional support (e.g., a faculty member's compensated outside activities may be limited if his/her performance of assigned activities is less-than-meets-expectations). Serious and/or continuing noncompliance also may result in other sanctions (e.g., reduction in allowable compensated outside activities, salary reduction, restitution for cost of equipment, termination for adequate cause).

CHAPTER EIGHT
Revision of the *Faculty Handbook*

8.0 Board of Trustee's Policy

The Board of Trustees' Policy on *Faculty Handbook* revisions, adopted in 1992, and any subsequent amendments, governs the revision of faculty handbooks. The following sections are intended as a general summary of those provisions. In the event of any conflict or inconsistency between the board's policy and this handbook, the board's policy will control.

The Faculty Senate, the chancellor of UTK, and the chancellor of UTIA, accept the provisions of this handbook. All have responsibility for revision.

8.1 *Faculty Handbook* Review

The Faculty Senate Faculty Affairs Committee may initiate a proposed revision to the *Faculty Handbook*, after consultation with the chancellors of UTK and UTIA. Each recommendation of the Faculty Senate Faculty Affairs Committee will be presented to the Faculty Senate Executive Council in the form of a resolution briefly outlining the reason(s) for the proposed revision and specifying the precise change(s) to be made. With the acceptance of the Faculty Senate Executive Council, the resolution will be presented for consideration and action at the next meeting of the Faculty Senate. Adoption of the resolution by the Faculty Senate constitutes a recommendation of the Faculty Senate to the chancellors for revision of the *Faculty Handbook*.

8.2 Revision of Titles and Editorial, Technical, and Housekeeping Changes

The secretary of the Faculty Senate, with concurrence of the Faculty Affairs Committee, and the chancellors of UTK and UTIA, may make recommendations on editorial, technical, and other housekeeping changes, including changes to titles of administrative offices, academic units, or other positions or units named in the *Handbook*, following appropriate action on these title changes by the chief academic officer for the system, the university president, or the University of Tennessee Board of Trustees. The chancellors of UTK and UTIA shall submit these recommendations to the chief academic officer for the system, who will forward them, with his or her recommendation, to appropriate vice presidents, the General Counsel, and the president. Final approval lies with the president.

8.3 Policy Revisions

The Faculty Senate Faculty Affairs Committee will periodically review the provisions set forth in this *Handbook*. The committee is responsible for recommending changes, which should have input from the chancellors of UTK and UTIA and their administrative staff including deans, for consideration by the Faculty Senate Executive Council and final consideration by the full Faculty Senate.

Major revisions to the *Handbook* may result from certain actions, including

- adoption of new or amendment of existing policies of the Board of Trustees
- recommendation brought by the chancellor of UTK or UTIA to the Faculty Senate Executive Council, after review by the Faculty Senate Affairs Committee

- recommendation brought by any senate committee to the Faculty Senate Executive Council after review by the Faculty Senate Faculty Affairs Committee

Recommendations of the Faculty Senate for revision of the *Faculty Handbook* will be presented to the chancellors of UTK and UTIA, who will submit their recommendations concerning the proposed revision to the chief academic officer for the system. The chief academic officer for the system will submit his or her recommendation to appropriate vice presidents, the general counsel, and the president.

If the proposed revision involves a substantive change in policy matters outlined in the *Board Policy on Faculty Handbook Revisions*, the president, in consultation with the vice presidents and the general counsel, will present his or her recommendation concerning the proposed revision to the board, or appropriate committee of the board. Final approval of all other proposed revisions of the handbook lies with the president, in consultation with the vice presidents and the general counsel.

APPENDICES

The appendices contain administrative policies approved by the Chancellor of The University of Tennessee, Knoxville. They are not approved by the Board of Trustees, are not legally binding upon The University of Tennessee, and are superseded by any policies of the Board of Trustees with which they may conflict. These policies are subject to change without notice, and a copy of the most recent versions of each appendix may be obtained from the following offices:

- Appendix 1 Director of Office of Equity and Diversity
- Appendix 2 Office of the Vice Chancellor for Academic Affairs
- Appendix 3 Dean of Admissions and Records
- Appendix 4 Director of Office of Equity and Diversity
- Appendix 5 Office of the Vice Chancellor for Academic Affairs
- Appendix 6 Office of Chancellor
- Appendix 7 Office of Research Administration
- Appendix 8 Office of Research Administration

Appendix 1 - Equal Employment Opportunity Policy

Issued February l4, l969;
Revised, l970, l972, l974, l976, l978, 1985

Objective: To set, define, and communicate broadly the policy of The University of Tennessee, Knoxville, concerning fair employment practices and equal employment opportunity for all UTK employees and applicants for UTK employment.

The University of Tennessee, Knoxville, offers equal employment opportunity to all its employees and to all applicants for UTK employment without regard to race, religion, sex, age, national origin, or veteran status, as required by federal, state, and local laws, executive orders, and regulations pertaining to fair employment practices. UTK is also prepared to make reasonable accommodations to allow employment of handicapped individuals and for religious observances of employees and applicants for employment. Additionally, sexual harassment is a direct violation of UTK policy. This policy extends to recruitment, employment, promotion, UTK-sponsored training programs, educational opportunities, compensation, leave, tuition assistance, transfers, lay-offs, return from layoffs, demotions, terminations, social and recreational programs, use of University facilities, and treatment as individuals. This policy is binding on all UTK employees engaged in any of the processes or programs listed above.

UTK views this policy as basic to the institutional commitment, not as merely a means of complying with orders, laws, and regulations to which it is subject.

1.1 Procedures:

1. Advertising copy prepared to announce available positions at UTK shall comply in all regards with federal, state, and local regulations pertaining to equal employment opportunity. In the case of advertisements for faculty and staff-exempt positions, copies of advertisements placed are to be maintained on file by the head of the unit advertising the vacancy. The UTK Personnel Office will place all advertisements for staff non-exempt position vacancies and will maintain on file copies of all such advertisements.
2. Sources of referral utilized by UTK units are to be informed in writing of this policy and UTK's intention to seek out and employ qualified applicants without regard to race, color, religion, sex, age, national origin, handicap, or veteran status. A copy of such notification shall be maintained on file by the head of the unit contacting the source of referral, in the case of faculty and staff-exempt positions. The UTK Personnel Office will notify sources of referral for staff non-exempt positions and will maintain on file copies of the notifications.
3. Employment decisions shall be based solely on an individual's qualifications for the position for which he/she is being considered.
4. Promotions shall be made in accord with the principles of equal employment opportunity. Only valid, job-related requirements for advancement will be established.
5. No employee shall be excluded from participation in any University-sponsored activity or denied the benefits of any University program on the grounds of race, color, religion, sex, age, national origin, or veteran status. The University is prepared to make reasonable accommodations to allow participation by the handicapped in its programs, activities, and benefits to make reasonable accommodations for religious observances by its employees.
6. Evaluation of supervisors' and managers' work performance will include a review of their equal employment efforts and results, as well as other criteria.
7. Reports required by federal, state, and local agencies with regard to equal employment opportunity and affirmative action shall be submitted by the Office of the Director of Affirmative

Action, which office will also maintain such reports on file.

UTK deans, directors, managers, and supervisors shall be apprised of this policy in writing and shall be reminded of its provisions at least once a year. A record shall be made of such notices by the Affirmative Action Director. Employee Handbooks, the Faculty Handbook, and the Affirmative Action Plan, and other appropriate documents shall contain this policy. This policy, and the seven procedures above, shall be posted in conspicuous places throughout the campus and at all locations at which UTK employees are stationed and shall be on file in the offices of all budgetary unit heads.

In support of the intent of this policy, UTK has issued an Affirmative Action Plan. It shall be the responsibility of the Office of the Director of Affirmative Action to monitor the effectiveness of the implementation of this policy by monitoring the provisions of the Affirmative Action Plan.

Appendix 2 – Components of Effective Teaching

A. General Teaching/Learning Guidelines

Introduction. The brief statement which follows is intended to provide some guidelines for the faculty member (all members of the university's academic teaching staff) with regard to the teaching/learning process. We hope that the guidelines will be especially useful to members of the faculty who have just entered the profession; although more experienced teachers may also reflect on these guidelines.
The guidelines are offered in the form of advice and counsel; they are not so comprehensive as to cover every possible eventuality in the teaching/learning experience. There would be other equally good ways of handling some of the circumstances mentioned here. These guidelines are mainly a reminder of some of the principal aspects of the teaching/learning process which should be observed by the university teacher.

Course Organization. It is the responsibility of the faculty member to organize class material as efficiently and effectively as possible at the beginning of each term of instruction. Course objectives should be made clear at the first session. The teacher should discuss such matters as required readings; the approximate number of tests; the basis for the final grade with regard to the value to be placed on class recitation, major tests, minor tests, research papers, etc. At this time the students should be informed if the course is not adequately described in the General Catalog, the Graduate Catalog, or publications of the various colleges and departments.

Conducting the Course. The faculty member should set an example for students in being faithful in attendance and punctual in starting and ending classes. Students should be informed of all planned absences as early as possible. When a faculty member must be away from class to attend a conference or deal with other professional matters, he/she should arrange for a colleague to substitute for him/her. In an emergency, the faculty member should have the class notified through the agency of the departmental office that he/she is compelled to be absent.

In presenting course content, the faculty member should endeavor at all times to adhere to his/her subject; the classroom should not be used as a theater for expression of personal views not germane to the course. The faculty member should take care that the tests and all other devices for student evaluation are appropriate instruments for measuring course content. The faculty member should return all tests as soon as possible and discuss them with the students so that the test remains an educational instrument; thus students can learn from testing as well as from other class activities.

Atmosphere for Teaching and Learning. It is very important that the faculty member create from the beginning, and preserve throughout the course, an atmosphere conducive to learning. Both teacher and student should feel that they have come together in the common cause of the pursuit of learning. The faculty member must be continually sensitive to students' needs, desires, and expectations and should exercise the kinds of judgments which demonstrate this kind of sensitivity. It is in this atmosphere of friendly and serious scholarship that the cause of learning can be most appropriately advanced.

Teaching Expertise. The faculty member should strive not only to maintain minimum competency but to surpass this level by constant inquiry into contemporary trends, prospects and research. Faculty members who supervise graduate teaching assistants should take whatever measures may be necessary to ensure an appropriate level of competency in the classroom. Departments should not neglect to give students of all educational levels the privilege of instruction by teachers of all professional ranks.

B. Academic Advising and Mentoring

Introduction: Faculty members advise and mentor students as an important component of their scholarship in teaching and learning. By serving as academic advisors and mentors, faculty provide effective guidance so that students can maximize their educational opportunities and make critical decisions regarding education, career, and life goals. Faculty mentor students to help them become responsible citizens of their profession and the global community. Successful academic advising depends on the ability of the advisor and advisee to recognize the nature of the academic advising process, address specific components of academic advising, and together be responsible in the advising process.

The Components of Advising: Academic advising has three components: curriculum (what advising deals with), pedagogy (how advising does what it does), and student learning outcomes (the result of academic advising). The curriculum of advising ranges from the ideals of higher education, the meaning, value, and interrelationship of the institution's curriculum and co-curriculum, the selection of degree plans and courses to the pragmatics of enrollment. Academic advising, as a teaching and learning activity, requires a pedagogy that incorporates the facilitation and assessment of advising interactions and is characterized by mutual respect, trust, and ethical behavior. The student learning outcomes of academic advising are guided by an institution's mission, goals, curriculum and co-curriculum. These outcomes define what a student will demonstrate, know, value, and do as a result of participating in academic advising. (Link to UT, Knoxville's undergraduate advising learning outcomes http://www.utk.edu/academics/advising/mission.shtml).

The Organization of Advising: High quality advising of **undergraduate students** is widely recognized as essential for student success, retention, and timely progress toward a degree. Undergraduate students at UTK may have several points-of- access to academic advising opportunities, including professional advisors, college advising center staff, and department faculty advisors. It is certain, however, that nearly every undergraduate student seeks (whether formally or informally) some kind of academic advice from faculty members during her or his academic career. (Undergraduate advising policy link to UG Catalog http://catalog.utk.edu/content.php?catoid=5&navoid=377#acad_advi_univ_tenn). High quality advising and mentoring of **graduate students** is equally important. The relationship between a research mentor and a graduate student is different in many ways from that between a faculty advisor and his or her undergraduate advisee; nevertheless, mentoring and advising graduate students are critically important because of the central role that graduate students research mentors play in the students' professional development. (Graduate advising link to Graduate Catalog http://catalog.utk.edu/content.php?catoid=4&navoid=293). Specific faculty advisor/mentor roles, responsibilities and workloads are determined by the individual academic department or college.

Appendix 3 - Office of Disability Services

Disability Services (DS) seeks to eliminate the barriers that students with disabilities encounter and to work with them to achieve and maintain individual autonomy. The program's primary objective is to provide these students with access to the academic, social, cultural, and recreational opportunities of the university.

Prospective students are encouraged to contact DS personnel so that they can be assured that the campus facilities and services are adequate to meet their needs. The staff can be of service to the students to the extent that their individual needs are made known. Contact with the students prior to registration enables DS staff to better assess the need for interpreters, readers, accessible facilities, and other support services. Van service is also provided to those individuals with mobility limitations, whether permanent or temporary. Documentation of disability from an attending physician or the Student Health Center is required.

Preparations for extra-curricular or course outings must include a plan to accommodate participants who have disabilities. Events open to the public must be made accessible to the entire community of individuals with disabilities. Program coordinators should contact the Director of Disability Services at 974-6087 to make the appropriate arrangements for accommodations.

Appendix 4 - Non-Sexist Language Guidelines

The following suggestions were prepared by the UTK Commission for Women as part of a continuing effort to make the University community aware of the many subtle ways in which traditional language can enforce a subtle sexism. The University does not and cannot impose uniformity of thought or of expression upon its faculty and students. At the same time, it is an abiding and even venerable mission of the University to challenge dull conventions and stereotypes both in language and in thought wherever they appear.

Sexism refers to discrimination on the basis of gender or sex. Sexist language reflects and creates discrimination. Since language is the basis for thought, sexist language is not only an indicator of but also a contributor to sexist attitudes and behavior. Thus, removal of sexual discrimination in language is necessary to eliminate sexism.

In all University settings, members of the University community should:

1. Use gender equivalent construction. Equivalent or parallel construction should be used for males and females. Thus, if males are referred to as "men," females should be referred to as "women," not as "girls" or "ladies."
2. Use alternatives to the masculine singular pronoun for generic singular. The masculine singular pronoun traditionally has been used as the generic singular. Such usage fails to acknowledge the participation of women in human activity unless they are specifically identified. Alternatives to the use of "he," "him," and "his" for the generic singular are he/she, she/he, her/him, him/her, hers/his, his/hers or one's. Some individuals may prefer to alternate the use of the male and female singular pronoun to indicate generic singular. While some alternatives may seem awkward when they are first used, they become comfortable with usage and will, as any other language construction, become second nature in time. It is this natural incorporation of women into language on an equal basis with men that is the purpose of non-sexist language usage.
3. Use person-oriented rather than gender-oriented words. Words which clearly refer to both sexes should be used in preference to words and titles which omit one sex. The terms, human(s), humankind, people, persons, individuals, humanity, or men/women should be used rather than the terms man or mankind. For example, a course titled "Man and Civilization" could be retitled "Humanity and Civilization;" reference to "mankind's development" could read "human development," and so forth.
4. Use person-oriented job and occupational titles. Many titles were developed by attaching "man" as a suffix to the job or occupation. Alternatives to such titles should be utilized, such as: chair, head, presiding officer, (not chairman); mail carrier (not mailman) etc.
5. Avoid sex-role stereotyping: provide parallel treatment of women and men.
    a. Women (as well as men) should be described on the basis of relevant characteristics rather than on the basis of gender.
    b. Jobs, tasks, and behaviors should not be characterized in a stereotypical fashion on the basis of sex. Avoid identifying all doctors, lawyers, pilots, researchers, and the like as males while identifying all secretaries, nurses, flight attendants, and cooks as women.
6. Exhibit non-patronizing, non-condescending ways of describing and addressing women, particularly women in traditional occupations, e.g., secretaries, clerks, nurses. Both men and women should be sensitized to the negative effects which result from usage of terms such as "girl," "gal," "coed,", "girl Friday," the "girls in the office," and the like.

References:

"Guidelines for Nonsexist Use of Language," American Psychologist (June l975): 682-4.

"Guidelines for Nonsexist Use of Language in NCTE Publications," National Council of Teachers of English.
"Proposed Styles and Policies for the Elimination of Sex-Bias in the Media," The Washington Press Club.
"Sexism in Language — A Deterrent to Equality," Tennessee Commission on the Status of Women.

Appendix 5 - Part-time Appointments: Illustrative General Situations and Particular Stipulations

There are several grounds on which part-time appointments may be made:

1. A professional person in practice in the community may have expertise that is valuable or even indispensable to instruction or research in an academic program. Such persons may not be willing or able to accept full-time employment at the University but are able to accept such assignments on a continuing part-time basis negotiated so as to make the long-range term of service much like that of full-time faculty.
2. A person otherwise qualified for full-time academic appointment may have personal reasons for desiring continuing part-time service. Such reasons may include family obligations, independent academic projects, or other independent interests not related to academic work.
3. The varying demands of the academic program may require from time to time an addition of teaching or research faculty on a temporary basis. Such service may be unpredictable in length, scope, and frequency, and therefore is often negotiated on a semester basis. Under these circumstances it is not usually possible to establish a continuing part-time appointment. However, the University recognizes the value of such service and makes every effort to ensure that persons who accept temporary part-time appointments are able to take every possible advantage of the resources and benefits of University service. Where a consistent pattern of employment of such persons has emerged (for instance, when a person has repeatedly been invited to teach two semesters a year for several years and there is reasonable probability that such invitations will continue) a continuing part-time arrangement should be considered.

Any one of the following stipulations might be appropriate for a given part-time appointment, and there may be others:

(a) Assignment to teach a specified course (or courses), with no published research, committee work, or public service expected.
(b) Assignment to teach a specified course (or courses) and in this connection to carry on such research for publication as is necessary for continuing academic credibility; committee work and public service are encouraged and possibly even required.
(c) Assignment to specified research only carrying no teaching, public service, or committee responsibilities.

(d) Assignment to the full range of normal academic duties, scaled down to a proportion of full-time service.

Appendix 6 - Financial Exigency Plan

Prologue: Facing Exigency

It is not easy for the administration and faculty of an institution of higher education to consider a time when lack of financial resources would require not only the cutting away of programs but the layoff of some of the faculty members which the university community has worked so diligently to recruit and has added to its ranks with great pride. A university is composed of people. Its lifeblood is the interaction of people (administrators, faculty, students and support personnel) over a period of time. To plan for the removal of valued programs and bright, capable people for purely financial reasons is an odious task at best.

Nevertheless, the times require that a plan for facing financial exigency be available should it ever become necessary that such a state be declared at the University of Tennessee, Knoxville. While it is hoped that the plan contained in the following pages will never have to be implemented, it is obvious that facing the traumatic decisions necessary in a time of financial exigency without a plan would be disastrous to all segments of the university community.

When following detailed guidelines and implementing procedures specified in a master plan, it is easy to lose sight of the spirit and intent behind the details, guidelines and procedures. If the plan for financial exigency outlined in these pages should ever have to be implemented, it must be remembered that its spirit and intent are to maintain the dynamic quality of The University of Tennessee, Knoxville, which is generated through the diversity and quality of its programs and faculty. The mission of the University is to maintain in all circumstances excellence in teaching, research and service. While all parts of the institution work together to fulfill this mission, no part of it can be accomplished without capable faculty and the programs which they represent. The purpose of the plan presented here then is not to retain jobs in the face of financial exigency, but rather to preserve the energy, viability and strength of the University. To this end, it is the intent of the plan to preserve as many of the programs and faculty of the University as possible in even the direst financial circumstances. [7]

Those faced with the implementation of financial exigency decisions will be faced with certain moral obligations and the responsibilities. For example, the spirit and intent of affirmative action should ever be present in their minds as they wrestle with decisions of program terminations and faculty layoffs. They will also need to remember that such concepts as faculty retraining cannot be viable concepts unless the University maintains its capacity to provide retraining programs. It is imperative that offices and programs essential to this function not be terminated in retrenchment or exigency proceedings. Having articulated these thoughts and concerns, the following plan for alleviating circumstances of financial exigency is presented.

1. Introduction

1.1 Averting exigency. The procedures of this document are to be implemented only as a last alternative to balance the budget of the University. Every effort shall be made to maintain the University's solvency by such means as (a) seeking new sources of income;

[7] It is recognized that there are other groups on The University of Tennessee, Knoxville campus (specifically non-faculty) whose existence both in number and quality are vital to accomplishment of the goals of the institution. The plan presented here does not specifically address their needs or circumstance in a declared state of financial exigency because these are governed by existing university policies and procedures dealing with reduction in force which are included in the University Personnel Manual on file in the office of the Director of Personnel.

(b) maintaining maximum student enrollment and optimum mix of students; (c) developing ways to increase the flexibility of faculty to fulfill essential teaching and research opportunities (through provision of faculty retraining programs and other developmental activities); (d) implementing retrenchment plans which do not directly influence the educational mission of the University.

1.2 Retrenchment. Retrenchment efforts shall be defined as all cost-cutting measures prior to and other than the abrogation of continuing faculty contracts. The Chancellor has the authority to effect a wide range of retrenchment actions without explicit authorization by the Board of Trustees. The two principal exceptions are the discontinuation of an academic program and the layoff of tenured faculty members or of probationary faculty members before the end of their appointment term as specified in the University's tenure policies. Methods of retrenchment which would affect academic programs shall be considered through the normal channels of faculty consultation. Such alternatives might include (a) general salary freezes or reductions, (b) teaching overloads without additional pay, (c) elimination of released time, (d) reduction or elimination of faculty support services, (e) development or research leaves without pay, (f) voluntary retirement, etc.

1.3 Communication. The existence of adverse financial conditions and the need for retrenchment planning shall be communicated early to all faculty so that an atmosphere of cooperative and shared decision-making may be established. The Faculty Senate shall be regularly involved in retrenchment efforts. Such involvement of faculty will establish credibility for any later declaration of a state of financial exigency.

2. Authority

In the event of financial exigency, the Chancellor as authorized by the Board of Trustees may lay off a tenured faculty member or a probationary faculty member, prior to the end of his or her term of appointment. Such layoffs may be made only in accord with the provisions of this plan and those of the Faculty Handbook. Faculty rights, as described in this document shall be guaranteed.

3. Financial Exigency

3.1 Definition. Financial exigency shall be defined as an imminent financial crisis which threatens the survival of the institution as a whole, and which cannot be alleviated by means less drastic than the termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term. [8]

3.2 Conditions. Exigency should not be declared until all cost-cutting procedures (except those which would endanger the safety, health and welfare of the University community) have been implemented to a point beyond which further reductions will seriously impair the central mission of the University.

4. Layoff and Termination

For the purposes of this document, "termination" refers to the elimination of a specific position or the discontinuation of a program.

[8] AAUP definition. (See AAUP Redbook, 1977 ed., p. 17.) Neither the AAUP statement nor court decisions appear to interpret exigency as meaning bankruptcy or financial ruin. General agreement prevails that financial exigency should be declared as a last resort following a series of alternative actions designed to bring the institution's budget into balance.

"Layoff" refers to the indefinite suspension of a faculty member's employment by The University of Tennessee, Knoxville. A laid-off faculty member retains the rights specified in Section 12.

5. Identification of a State of Financial Exigency

5.1 Responsibility. The primary responsibility for identification of a condition of financial exigency rests with the Chancellor. On the basis of information provided by the administrative staff and after consultation with appropriate committees of the Faculty Senate (at least the Executive Council, Budget and Planning Committee, and Appeals Committees), the Chancellor shall recommend to the President that the Board of Trustees be requested to declare a state of financial exigency.

5.2 Communication. The Chancellor shall communicate to the faculty a summary of the reasons and evidence supporting the declaration of a state of financial exigency once that declaration has been made by the Board of Trustees.

6. Committee on Financial Exigency

6.1 Creation. Once the Board has declared a state of financial exigency a committee shall be formed to make recommendations to the Chancellor concerning reductions in programs and personnel which will alleviate the financial emergency.

6.2 Composition. The Committee on Financial Exigency shall be the Chancellor's Advisory Committee on Planning and Budgeting.

The Vice Chancellor for Business and Finance shall serve as an ex officio non-voting member.

6.3 Responsibilities. The committee shall review documentation evaluating institutional priorities, administrative organization, academic priorities and programs in order to identify colleges, schools, departments or program areas in which reductions will be made.[9] Primary responsibilities of the committee shall be to determine the magnitude of cuts which are needed and to assure that factors prescribed by applicable state or federal laws regarding fair employment practices are upheld. The recommendations for program reductions shall be communicated to the Chancellor, who will then instruct the Deans as to his decisions for program reduction.

6.4 Individual Designations. Deans and Directors, in consultation with department heads and faculty, shall select the means for implementing recommended cuts in programs and/or personnel or otherwise respond to the Chancellor's instructions. Specific implementation plans with data indicating the appropriateness of such choices or other response shall be returned to the committee for review. The recommendations of specific individuals to be laid off shall normally follow seniority, as provided in Section 6.5, unless a clear and convincing case is made that program needs dictate other considerations. A faculty member with tenure will not be laid off in favor of a faculty member without tenure except in extraordinary circumstances. Other factors to be

[9] Such documentation will normally include departmental and college budget requests, program reviews conducted by the Graduate or Undergraduate Councils, and any other evaluative materials which may be available. It is a primary responsibility of the faculty to establish criteria for academic program evaluation. It is an on-going responsibility of the institution to engage in program evaluation in all areas and at all levels.

considered in layoff decisions include the effectiveness of those programs whose continuation is determined to be essential, the institution's continuing capability to meet its goals, undue effect on the institution's affirmative action plan, and the performance of individual faculty members.

6.5 Seniority. Seniority shall be first established by academic rank and then within academic rank according to total years of service in the institution.

6.6 Implementation. The Financial Exigency Committee shall prepare a list of recommended reductions in programs and personnel along with all pertinent documentation. Every effort should be made to avoid a program discontinuance in the midst of an academic year. The Financial Exigency Committee shall forward its recommendations to the Chancellor.
The Chancellor shall prepare recommendations for the President and the Board of Trustees. The Chancellor shall communicate program discontinuations to all faculty affected.

7. Notification of Layoff

Each faculty member selected for layoff shall receive prompt written notification from the Chancellor. This statement of notification shall be sent by registered mail and shall include:

(1) A statement of the basis on which the individual was selected for layoff (if on the basis of seniority, the criterion used and the date supporting the choice: if on another basis, the data and reasons supporting that choice);
(2) A statement of the date on which the layoff is to be effective (consistent with the provisions of Section 8); and
(3) A copy of the Chancellor's formal statement of financial exigency as defined in Section 5.2, a copy of the Financial Exigency Plan and such other information as the Chancellor shall deem appropriate.

8. Notification Period

8.1 Faculty With More Than One Year of Service. Tenured faculty and non-tenured faculty in their second year of service or beyond shall be given notice of their intended release as soon as possible, with a normal minimum time of twelve months between notification and layoff. If the magnitude of financial exigency dictates a shorter notification period, the Chancellor, in consultation with the Executive Council of the Faculty Senate and the Financial Exigency Committee, may reduce the period to not less than six months. (See Section 12 regarding alternative employment, retraining and reappointment rights.)

8.2 First Year Faculty. Non-tenured faculty in their first year of service shall be notified at least three months in advance of the layoff date.

8.3 Faculty Prerogatives. The faculty member can terminate his/her employment with the University, with a subsequent termination of salary, at any time prior to that specified in the notice of layoff.

9. Appeals

9.1 Appeals of Program Elimination. Appeals of program discontinuation by individuals, program faculties, or departments shall follow the existing route of

programmatic evaluation and review, i.e., department head, dean, Vice Chancellor for Academic Affairs, and the Chancellor. An appeal of program discontinuation shall be made to appropriate administrative personnel within three weeks after the date of notification.

9.2 Appeals of Faculty Layoff. The faculty member has the right to appeal a layoff decision. The appropriate route of appeal shall be to the individual's program director or department head, dean, and Vice Chancellor for Academic Affairs. [10] At each level an appeal must be initiated within two weeks of the notification of layoff or response from an appeal at the previous level. Decisions at each administrative level shall be communicated to the faculty member. If after review at the Vice Chancellor's level, the individual wishes to carry his/her appeal further, he/she has a right to a hearing before the Appeals Committee of the Faculty Senate. [11] The Appeals Committee or a sub-committee thereof shall conduct a hearing and forward a written report of its findings and recommendations to the faculty member and to the Chancellor for final action. The by-laws of the University (Article V, Section 7) provide that any individual may appeal the Chancellor's decision to the Board of Trustees through the President. A request for a hearing before the Appeals Committee must be made within three weeks after receiving notice of action taken by the Vice Chancellor for Academic Affairs. The faculty member shall be given at least two weeks notice of the date of the hearing; such hearing shall be held not later than three weeks after the request except that this time limit may be extended by mutual consent of the parties or by order of the hearing committee.

9.3 Grounds for Appeal of Faculty Layoff. Appeal of layoff by a faculty member can be made only on the following basis:

(1) that established procedures were not followed; or
(2) that appropriate criteria were not applied, including but not necessarily limited to the following:

    (a) that selection for layoff constitutes a violation of the individual's academic freedom; or
    (b) that available data bearing materially on role or seniority of the faculty member in the institution were not considered; or
    (c) that unfounded or arbitrary assumptions of fact were made.

9.4 University Rights. In spite of any appeal of a decision concerning program discontinuation and/or layoff of a faculty member, the University has the right to continue actions leading to program discontinuations and/or layoff of faculty.[12]

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[10] Once an appeal has reached the level of the Vice Chancellor, he/she may refer it to the Appeals Committee of the Faculty Senate for consideration before rendering a personal decision. If this route is taken, the decision of the Appeals Committee will then be subject to review by the Vice Chancellor for Academic Affairs. Should the decision of the Vice Chancellor conflict with the recommendation of the Appeals Committee, the faculty member may then appeal directly to the Chancellor.

[11] Individuals involved in recommendations for specific personnel terminations shall not take part in hearing appeals of such terminations.

[12] For program or personnel eliminations other than during a declared state of financial exigency, see the Faculty Handbook regarding notification periods.

10. Hearing Procedure

Reviews conducted by the Appeals Committee are non-judicial in nature and necessarily informal. Strict rules of procedure (e.g.) confrontation, cross-examination, and formal rules of evidence) may not be required. However, any individual making a presentation to the Committee may obtain the assistance of an adviser or legal counsel of his or her choice. If legal representation is desired, the faculty member must notify the chairperson of the committee at least one week before any hearing that may be scheduled, so that the University also may schedule the presence of legal counsel. Postponements may be granted so that those who desire counsel may have counsel present. The University will be obliged to notify the individual in the same way.

The committee will ensure that appropriate persons are notified of its review and given an opportunity to present to the committee evidence they deem appropriate. Any objection to the review procedures or composition of the reviewing committee must be made in writing to the committee chairperson. All objections will be reviewed by the committee and its decision will be final.

A verbatim record of the hearing, which might be a sound recording, will be maintained and made available to any person with legitimate interest in the proceeding.

11. Layoff Status

11.1 Conditions. A faculty member whose position has been selected for layoff shall, at the end of the appropriate notice period, be placed on layoff status, unless the layoff notice has been rescinded prior to that time.

11.2 Definition of Layoff Status. The faculty member whose notice period has expired is placed on layoff status which shall be defined as follows:

(1) for probationary faculty, layoff status shall continue for one year;

(2) for tenured faculty, layoff status shall continue until one of the following occurs:

(a) reappointment is made to the position from which laid-off. Failure to accept such reappointment offered in a letter sent by registered mail would terminate the faculty member's association with the University of Tennessee, Knoxville.

(b) an alternative, continuing position at The University of Tennessee, Knoxville is accepted. Failure to accept an alternative appointment would not terminate the faculty member's layoff status.

(c) there is failure by the affected faculty member to notify the Chancellor not later than July 1 of each year while on layoff status as to his/her location, employment status, and desire to remain on layoff status. Failure to provide such notification by registered letter shall terminate the faculty member's layoff status.

(d) The period officially designated as layoff status for tenured faculty shall be three years. At the end of that time, a faculty member not reinstated shall have no further obligations to the University or the University to him/her. However, the University may attempt to re-employ the faculty member after the three year period has elapsed as resources and position openings become available.

12. Rights of Tenured Faculty Members on Layoff

12.1 Alternative Employment. The University shall endeavor to make faculty members laid off aware of openings within the University system, and the University's placement service shall make its resources available to affected faculty members.

12.2 Retraining.[13] The University shall provide support and limited financial assistance, where possible and mutually beneficial, to enable faculty to readapt within the department or within another department of the institution.

Examples of appropriate university support include:

(1) Provide remission of tuition and fees for course work taken at UTK by a faculty member as part of a retraining effort.

(2) Provision of available resources to assist a faculty member in the preparation of grant applications or identification of other sources of external funding which will assist in his/her retraining.

(3) A faculty member's reasonable use of University facilities in his/her retraining.

(4) A period of apprenticeship in another department or agency of the campus, at full or partial salary, shall be considered in the retraining of a faculty member.

(5) Assistance to the faculty member in his/her attempts to develop new skills useful to the University under the auspices of external local agencies.

12.3 Reappointment Rights. In all cases of layoff because of financial exigency, no person may be employed at the University within three years to perform reasonably comparable duties to those of the faculty member laid off unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it. The three-year period shall be computed from the effective date of layoff as specified in the original notice.

12.4 Rights During Layoff. A faculty member on layoff status has the following minimal rights:

(1) such participation in any fringe benefit programs which may be allowed by state regulation governing rights of laid off state employees;

(2) such continued use of campus facilities as is allowed by policies and procedures established by the department and institution; and

(3) such participation in departmental and institutional activities as is allowed by guidelines established by the department and institution. However, participation shall not include participation in judgments (e.g., teaching assignments, curriculum revision) which themselves might affect the faculty member's layoff status.

13. Continuation or Termination of Exigency

13.1 One-Year Limitation. No later than one year from the date of the declaration of a state of financial exigency, the Board of Trustees, upon recommendation of the Chancellor who in turn has consulted with appropriate committees of the Faculty Senate, and the System Administration, shall declare either the continued existence of exigency conditions or the termination of the state of financial exigency.

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[13] The University recognizes its responsibility toward tenured faculty, and, in a period of retrenchment or impending financial exigency, should develop reeducation programs and make its services available to begin the retraining process for faculty before exigency proceedings become necessary.

3.2 Continuation of Policies and Procedures. Should a state of financial exigency continue, the policies and procedures established in this document shall continue in effect.

13.3 Termination of Exigency. At the termination of a declared state of financial exigency, all policies, procedures and bodies created in this document for the sole purpose of making and implementing exigency decisions shall cease to exist.

Epilogue: After Exigency

Declaration that a state of financial exigency exists would come only in extraordinary circumstances. For that declaration to be made, two factors would have to be present:

1) The administration and faculty would not have been able, in conditions of increasing financial stringency to reallocate and redirect resources to handle the demands of the academic program, and
2) the chief external causes for the exigency would have been relatively sudden, unexpected and severe.

It follows that the first concern of administration and faculty following a declaration of exigency and an exercise of exigency decisions would be a review and evaluation of the patterns of management and decision that had led to the exigency, along with a more determined effort to anticipate external causes and conditions. In examining the dire situation occasioned by the declaration of a state of financial exigency, at least two questions would need to be addressed:

1) Are the stated mission, role and scope of The University of Tennessee, Knoxville, consistent with the resources likely to be available in the future?
2) Do institutions and persons responsible for decisions about state appropriations want, implicitly or explicitly to change in fundamental ways UTK's mission, role, and scope?

Finally, The University should be concerned with maintaining the morale and confidence of the faculty by continuing to support good programs for faculty development and evaluation and for further retraining and redirection of competencies as needed. Recruitment and development policies should be reviewed with the experience of exigency decisions in mind.

Appendix 7 - Policy on Misconduct in Research and Service

Institutions of higher education have maintained a centuries-old tradition of integrity and objectivity. The University of Tennessee is pleased with the overall support given by its faculty, staff, volunteers, and students in upholding this tradition and wants to ensure that the highest level of integrity in all academic activities is continued. In recent years, a few well- publicized cases of misconduct in research, including fabrication of results, plagiarism, and misrepresentation of findings, have aroused concern among institutions of higher education, individual investigators, sponsors of research, professional societies, and the general public. Although verified instances of such dishonest behavior are relatively rare, they do indicate the need to be diligent in protecting the integrity of academic work and the stewardship of public and private funds. Allegations of dishonesty by members of the university community must be dealt with carefully and thoroughly and with appropriately defined procedures if a university is to merit continued public confidence and trust. It is with the intent of formally defining the appropriate procedures for addressing allegations of misconduct in research and service that this Statement of Policy on Misconduct in Research and Service has been adopted.

Applicability

This policy applies to the research and service activity of the faculty, staff, volunteers, and students of The University of Tennessee. With respect to students, however, this policy does not apply to activities carried out in credit courses unless the associated or service activities involve external funding.

Definitions

For the purpose of this policy, the following definitions will be employed:

A. Faculty means anyone who has a paid or non-paid academic appointment with faculty rank at The University of Tennessee, as defined in Personnel Policy No. 105, Employment Status.

B. Staff means staff exempt, staff non-exempt, and other academic and student employees of The University of Tennessee, as defined in Personnel Policy No. 105, Employment Status.

C. Student means any individual enrolled in courses for credit on a full- or part- time basis at The University of Tennessee.

D. Volunteer means any individual with a non-paid volunteer, clinical, non- clinical, affiliated, or honorary employment status.

E. Research and Service means research, scholarship, creative endeavors, public service activities, and related functions conducted by faculty, staff, volunteers and students in their capacity as employees, volunteers, or students of the University.

F. Misconduct means fabrication, falsification, plagiarism, or other serious unethical or illegal deviations from accepted practices in proposing, conducting, or reporting the results of research and service activities. It does not include honest error or honest differences in interpretations or judgments of data.

G. Inquiry means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

H. Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

I. Campus means all campuses and independent budgetary units of the University of Tennessee and affiliated institutions in which research, scholarship, creative endeavors, or public service activities for the University are being conducted.

Responsibilities of the University

The University of Tennessee will instruct its faculty, staff, volunteers, and students to promote and encourage integrity in all research and service endeavors; will act vigorously to discourage and detect misconduct in research or service; will take appropriate disciplinary action against any of its faculty, staff, volunteers, or students who engage in such misconduct, as revealed by a careful investigation; and will inform and cooperate with appropriate sponsoring agencies, organizations publishing findings, and other appropriate organizations and institutions that appear likely to have been affected by such misconduct. The University's faculty, staff, volunteers and students are to work collegially to create an environment where misconduct will not be tolerated.

Confidentiality

The University will make every reasonable effort to limit voluntary disclosure of information about an allegation of misconduct to those within and outside the University with a need to know. The University is subject, however, to the Tennessee Public Records Act, and the records of any inquiry or investigation do not fall within any statutory or judicially recognized exception to the Act.

Allegations

Any individual who has reason to believe that he or she has knowledge of an act of misconduct within the meaning of this policy by any University of Tennessee faculty, staff, volunteer or student is responsible for communicating this information to a supervisor or appropriate administrator. The supervisor or administrator will refer the allegation to the administration of the campus where the misconduct in research and service is alleged to have occurred. The University will make every reasonable effort to protect the confidentiality of an individual from retaliation by any University official. However, if the allegation is later shown to have been made maliciously and falsely, the University may take appropriate disciplinary action against the individual who made the allegation.

Inquiries and Investigation

A. Inquiry. When an allegation or evidence of misconduct is referred to the campus administration, the chief administrator of the campus will immediately initiate an inquiry. At the same time, the chief administrator of the campus shall give written notice to the individual against whom an allegation has been made of the nature of the allegation but not the identity of the person who made the allegation. The purpose of the inquiry is to determine if sufficient grounds exist for conducting an investigation. The chief administrator will determine on a case by case basis how the inquiry will be conducted. The chief administrator shall ensure that necessary and appropriate expertise is obtained to carry out a thorough and authoritative evaluation of the relevant evidence. The University will take careful precautions against real and apparent conflicts of interest on the part of those involved in the inquiry. An essential component of the inquiry will be for the individual against whom the allegation is made to present evidence orally or in writing as appropriate.

An inquiry must be completed within sixty calendar days of its initiation unless circumstances clearly warrant a longer period. The record of the inquiry should include documentation of the reasons for exceeding the sixty day period.

The University will maintain in a secure manner and for a minimum of three years sufficiently detailed report of inquiries to permit later assessment of reasons for determining that an

investigation was or was not warranted. A report of the inquiry shall be made to the chief administrator of the campus and to the President of the University. The written report shall include a statement of the evidence reviewed, a summary of relevant interviews, and the conclusions of the inquiry. The individual against whom the allegation was made shall be given a copy of the report of the inquiry. If the individual comments on the report, the comments will be made a part of the record, Sponsoring agency officials will be informed within twenty-four hours if, after consultation with University legal counsel, an inquiry indicates possible criminal violation.

B. Investigation. If as a result of the inquiry, sufficient grounds exist for further investigation, the chief administrator of the campus will initiate a full investigation within thirty days and will notify the sponsor(s) and the individual(s) against whom the allegation has been made in writing on or before the date the investigation begins. At this point, the chief administrator shall disclose to the individual who will be the subject of investigation the identity of the person who made the allegation. The purpose of the investigation is to examine and evaluate relevant facts to determine whether misconduct has taken place.
This investigation will be conducted by a panel of at least (5) full-time University faculty and administrative staff. The panel will include a minimum of (3) University of Tennessee faculty members having expertise in the area of research or service under investigation and who do not hold administrative appointments. Additional individuals may be appointed to provide expertise according to the nature of the specific allegations or evidence in the case. If necessary, additional faculty members with required expertise may be drawn from academic institutions other than The University of Tennessee. All members of the panel must be free of any potential conflict of interest regarding any activity of the investigation. In the event that there are not 3 members from The University of Tennessee faculty that would meet the qualifications, the panel may be filled by faculty from other academic institutions. The University will take careful precautions against real or apparent conflicts of interest on the part of those involved in the investigation.

The panel of investigation will examine the final report of the inquiry, along with a full statement of allegations which shall be prepared by the chief administrative officer of the campus or his/her designee based upon agency notification and information, individual informants, and other sources. The individual who is the subject of investigation shall be given a copy of the full statement of allegations and an opportunity to comment on the allegations, at the outset of the investigation.

The investigation may also include: a review of files, reports, and other documents at the University or in the public domain; a review of procedures or methods and inspection of laboratories, laboratory materials, specimens, and records of the subject(s) of the investigation; interviews with witnesses; a review of any documents of other evidence provided by or properly obtainable form parties, witnesses, or other sources; and a review of records maintained by and properly obtainable form relevant funding agencies. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. The individual against whom the allegation has been made will be provided promptly with copies of all materials placed in the investigatory file, as they are generated, in order to permit timely response. The individual concerned will be allowed an opportunity to respond, in writing and in person, prior to the time that the panel makes a determination as to whether the allegation has been substantiated. Should the individual choose to respond in person, he or she may be

accompanied by legal counsel or other person of his or her choice. The role of legal counsel and any other person shall be limited, however, to advising the individual and shall not include the right to make oral argument or otherwise speak for the individual.

The investigation must be completed within one hundred twenty days of its initiation. This includes conducting the investigation, preparing the report of findings, an obtaining comments from the subject(s) of the investigation. If the University determines that it will not be able to complete the investigation within one hundred twenty days, it must closely adhere to any applicable sponsoring agency regulations regarding the submission of interim reports, requests for extensions, and any other regulations. Documentation will be maintained throughout the investigation to substantiate the findings. This documentation is to be made available to appropriate sponsoring agencies after completion of the investigation.
Upon completing the investigation, the investigative panel shall prepare a final report containing a written statement of its findings and provide a copy of those findings to the individual accused of misconduct. The individual shall have an opportunity to comment on the findings before the investigative panel submits its final report. Comments from the affected individuals will be attached to the final report.

The investigative panel shall submit its final report to the chief administrator of the campus and the President of the University containing an assessment of whether the allegation has been substantiated, describing the procedures under which the investigation was conducted, and including the actual text or an accurate summary of the comments of any individual(s) found to have engaged in misconduct.

The University will strictly adhere to all requirements of sponsoring agencies, if any, including filing of interim progress reports and keeping all agencies apprise of any developments which may affect current or potential funding. Interim administrative actions will be taken, as appropriate, to protect involved sponsoring agency funds and ensure that the purposes of the funding are carried out. The University must notify each sponsoring agency as soon as it ascertains that any of the following conditions exist: (1) there is an immediate health hazard; (2) there is an immediate need to protect agency funds or equipment; (3) there is an immediate need to protect human or animal subjects of the research or service work; (4) there is an immediate need to protect the interests of the person(s) making the allegations or of the subject(s) or co-investigator(s) and associate(s) of the subject(s) of the allegations; (5) it is probable that the alleged incident is going to be reported publicly. Sponsoring agency officials will be informed within 24 hours if, after consultation with University legal counsel, an inquiry or investigation indicates possible criminal violations. Sponsoring agencies will be notified of the final outcome of any investigation including any sanctions taken against an individual.

Unsubstantiated Allegations: Restoration of Reputations
If an allegation of misconduct is not substantiated by an investigation, the chief administrator of the campus will undertake diligent efforts to give notice of that fact to all persons who participated in the inquiry and investigation and other persons or agencies who were informed of the allegation by the University.

Sanctions
If an allegation of misconduct is substantiated, the chief administrative officer of the campus shall initiate the applicable faculty, staff, or student disciplinary procedure, and sanctions, if appropriate, will be imposed under those procedures. If the individual is a faculty member, action will be taken as specified in the applicable Faculty Handbook; if the individual is a staff member, action will be taken as specified in

The University of Tennessee Personnel Policies and Procedures; if the individual is a student, action will be taken as specified in the applicable Student Handbook; if the individual is a student and an employee, action may be taken as specified in the applicable Student Handbook and in The University of Tennessee Personnel Policies and Procedures; if the individual is a volunteer, sanctions will rest with the chief administrative officer of the campus.

Dissemination of Policy and Procedure

The chief administrative officer is responsible for ensuring that faculty, staff, volunteers, and students at his/her campus are informed of this policy and of its significance. Questions regarding a specific allegation, inquiry or investigation should be directed to the Office of the General Counsel.

Appendix 8 - General Policy: Conflict of Interest

This policy is applicable to all employees of The University of Tennessee.

A. General Policy

1. ***Purpose.*** Objectivity and integrity are essential qualities for employees of any organization, and particularly for those who are engaged in the service of a comprehensive public university. If a public university is to carry out its missions in the areas of instruction, research, and public service with unquestioned credibility, its employees must maintain the highest levels of integrity and objectivity as they perform their duties. The purpose of this policy is to provide guidelines to help the faculty and staff of The University of Tennessee maintain these qualities in situations that may involve a conflict of interests.

2. ***Definitions.*** For the purpose of this policy, an employee's financial interest includes the interest of the employee's spouse (whether or not they commingle assets) and the interest of the employee's dependent children (including step- and foster children). In any given circumstance, an employee's financial interest also may include the interest of nondependent children and parents.
   Note: A dependent child is under 24 and unmarried; a nondependent child is 24 and older or married.

3. ***General Principles.*** Faculty and staff of The University of Tennessee are expected to take all reason-able precautions to ensure that their outside financial interests do not place them in conflict with carrying out their duties and responsibilities as employees of the University. Generally, a conflict of interests exists when an employee:
   - ***a.*** Allows outside financial interests to interfere with or compromise judgment and objectivity with respect to duties and responsibilities to the University and sponsoring organizations.
   - ***b.*** Makes University decisions or uses University resources in a manner that results in or is expected to result in:
     - Personal financial gain or financial gain for his or her relatives; or
     - An unfair advantage to or favored treatment for a third party outside the University.
   - ***c.*** Allows outside financial interests to affect the design, conduct, or reporting of research.

4. ***State Law.*** Certain conflicts of interests violate State law and may result in criminal and civil penalties (see Appendix A for applicable sections of Tennessee Code Annotated).

5. ***Related Policies.*** The University has additional policies addressing conflicts of interests. Such policies are in effect for the Board of Trustees and for consultants to the University (see Fiscal Policy Statement 05, Section 130).

Note: Failure to comply with this policy may result in disciplinary action, which could include termination.

B. Examples of Conflicts of Interests

In accordance with the principles stated above, the following situations are examples of prohibited conflicts of interests and do not constitute an all-inclusive list of prohibited conflicts.

Note: The financial interest of a spouse or dependent child is considered the employee's interest. The financial interest of nondependent children and parents must be reported and in any given case may be considered the employee's interest.

1. Serving as a member of the board of directors for, serving as a consultant to, or holding an office or a management position in an outside entity and:
- The employee procures or influences the procurement of goods or services from that entity for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that entity.

2. Holding more than a 5 percent financial interest (or 5% combined interest of the employee, spouse, and dependent child) in an outside venture and:
- The employee procures or influences the procurement of goods or services from that venture for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that venture.

3. Soliciting or accepting gifts, gratuities, benefits, or favors of monetary value from a person or an entity:
- In return for influencing an employee in the discharge of his or her University duties; or
- While being in a position to obtain favored treatment for or provide an unfair advantage to that person or entity.

4. Selling any products or services to the University or other State agency while an employee or within six months after termination of active employment with the University.

This prohibition applies to sales by:
- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest (owns or controls the largest number of outstanding shares owned by any single individual or business).

This prohibition does not apply to:
- The purchase of textbooks, stage plays, and other copyrighted literary property for which the employee receives royalties from a distributor in which the employee does not own a controlling interest.
- Sole-source suppliers, unless the employee-supplier also procures or influences the procurement of the particular product or service for the University.

  Note: If the sole-source exception allows an employee to sell products or services to the University, the employee's interest must be publicly acknowledged at the time of the sale.

5. Using confidential or official University information in any manner that results in or is expected to result in personal financial gain or financial gain for the employees relatives or that provides financial gain or an unfair advantage to a third party.

6. Serving as a member of the board of directors for, serving as a consultant to, or holding an office or a management position in an outside entity and:
- The employee procures or influences the procurement of goods or services from that entity for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that entity.

7. Holding more than a 5 percent financial interest (or 5% combined interest of the employee, spouse, and dependent child) in an outside venture and:

- The employee procures or influences the procurement of goods or services from that venture for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that venture.

8. Soliciting or accepting gifts, gratuities, benefits, or favors of monetary value from a person or an entity:

- In return for influencing an employee in the discharge of his or her University duties; or
- While being in a position to obtain favored treatment for or provide an unfair advantage to that person or entity.

9. Selling any products or services to the University or other State agency while an employee or within six months after termination of active employment with the University.

This prohibition applies to sales by:

- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest (owns or controls the largest number of outstanding shares owned by any single individual or business).

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  Note: If the sole-source exception allows an employee to sell products or services to the University, the employee's interest must be publicly acknowledged at the time of the sale.

10. Using confidential or official University information in any manner that results in or is expected to result in personal financial gain or financial gain for the employees relatives or that provides financial gain or an unfair advantage to a third party.

11. Serving as a member of the board of directors for, serving as a consultant to, or holding an office or a management position in an outside entity and:

- The employee procures or influences the procurement of goods or services from that entity for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that entity.

12. Holding more than a 5 percent financial interest (or 5% combined interest of the employee, spouse, and dependent child) in an outside venture and:

- The employee procures or influences the procurement of goods or services from that venture for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that venture.

13. Soliciting or accepting gifts, gratuities, benefits, or favors of monetary value from a person or an entity:

- In return for influencing an employee in the discharge of his or her University duties; or
- While being in a position to obtain favored treatment for or provide an unfair advantage to that person or entity.

14. Selling any products or services to the University or other State agency while an employee or within six months after termination of active employment with the University.

This prohibition applies to sales by:

- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest (owns or controls the largest number of outstanding shares owned by any single individual or business).

This prohibition does not apply to:

- The purchase of textbooks, stage plays, and other copyrighted literary property for which the employee receives royalties from a distributor in which the employee does not own a controlling interest.
- Sole-source suppliers, unless the employee-supplier also procures or influences the procurement of the particular product or service for the University.

  Note: If the sole-source exception allows an employee to sell products or services to the University, the employee's interest must be publicly acknowledged at the time of the sale.

15. Using confidential or official University information in any manner that results in or is expected to result in personal financial gain or financial gain for the employees relatives or that provides financial gain or an unfair advantage to a third party.

16. Serving as a member of the board of directors for, serving as a consultant to, or holding an office or a management position in an outside entity and:

- The employee procures or influences the procurement of goods or services from that entity for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that entity.

17. Holding more than a 5 percent financial interest (or 5% combined interest of the employee, spouse, and dependent child) in an outside venture and:

- The employee procures or influences the procurement of goods or services from that venture for the University; or
- The employee uses his or her University position to obtain favored treatment for or to provide an unfair advantage to that venture.

18. Soliciting or accepting gifts, gratuities, benefits, or favors of monetary value from a person or an entity:

- In return for influencing an employee in the discharge of his or her University duties; or
- While being in a position to obtain favored treatment for or provide an unfair advantage to that person or entity.

19. Selling any products or services to the University or other State agency while an employee or within six months after termination of active employment with the University.

This prohibition applies to sales by:

- The employee,
- A business in which the employee is the sole proprietor,
- A business in which the employee is a partner, or
- A business in which the employee has a controlling interest (owns or controls the largest number of outstanding shares owned by any single individual or business).

This prohibition does not apply to:

- The purchase of textbooks, stage plays, and other copyrighted literary property for which the employee receives royalties from a distributor in which the employee does

not own a controlling interest.

- Sole-source suppliers, unless the employee-supplier also procures or influences the procurement of the particular product or service for the University.

  Note: If the sole-source exception allows an employee to sell products or services to the University, the employee's interest must be publicly acknowledged at the time of the sale.

20. Using confidential or official University information in any manner that results in or is expected to result in personal financial gain or financial gain for the employees relatives or that provides financial gain or an unfair advantage to a third party.

C. Employee Reporting Requirements

All employees are required to take the initiative and report in writing (e.g., memo, etc.) to their immediate supervisor any conflict of interests between their University duties and responsibilities and their outside interests. In addition, employees (except term and students) will be notified annually to disclose outside interests on the form provided by the University (see Appendix B). This form requires the disclosure of specific outside interests that may or may not represent conflicts of interests. Also, employees may be required periodically to complete a disclosure form whether or not they have interests or activities to disclose.

Reporting requirements are as follows:

1. All faculty and exempt staff must have a completed disclosure form on file whether or not they have interests or activities to disclose.

2. All employees (except term and student) will receive an annual notification to disclose outside interests and activities. Once an employee discloses any outside interests or activities, he or she must file a disclosure form annually as long as the interest or activity exists.

3. New employees (except term and student) are required to complete and file a disclosure form within 30 days of their effective employment date whether or not they have interests or activities to disclose.

4. Senior administrative personnel designated by the President or the Executive Vice President and Vice President for Business and Finance are required to file a disclosure form with the General Counsel's Office by July 30 each year (see Appendix C).

5. Employees involved in research (e.g., PIs, co-PIs, researchers, administrators, etc.) must have disclosed outside interests that may be affected by the research before proposals are submitted to funding agencies. Employees must keep their disclosures updated for the duration of the project. Examples of such interests include, but are not limited to, receiving payments for services exceeding $10,000, having equity interest exceeding 5 percent or $10,000, and holding intellectual property rights.

6. Although not necessarily prohibited, certain outside interests or activities may be conflicts and must be disclosed, such as:

- Engaging in a partnership, consulting relationship, employment relationship, or other outside venture with other University employees or students. Note: Personnel Policy 122 prohibits University supervisory staff from hiring employees in their line of authority for personal services.
- Engaging in University research sponsored by an organization in which the employee has more than a 5 percent or $10,000 financial interest.
- Having a financial interest (including, but not limited to, receiving payments for services exceeding $10,000, having equity interest exceeding 5% or $10,000, and holding intellectual property rights) in an outside venture that would reasonably appear to be affected by any research conducted by the employee.

D. Campus/Unit Requirements

Chief Business Officers are responsible for ensuring that their campuses or units:

1. Present and discuss this policy with new employees during their orientation.

2. Require all faculty and exempt staff to have an outside interests disclosure form on file whether or not they have interests or activities to disclose.

3. Notify employees annually of their obligation to disclose outside interests and activities and of where to file the disclosure form.

4. Provide instructions to department heads and supervisors to ensure that they understand their responsibilities in reviewing and identifying conflicts of interests.

5. Establish a committee(s) to review the information disclosed by employees; determine whether a conflict of interests exists; and notify employees of the results of the review.

6. Maintain employees' disclosure forms in their personnel files.

7. Work with employees to prevent or resolve conflicts. Resolution can include eliminating such conflicts or managing conflicts that cannot be eliminated. Conflicts can be managed through independent reviewers, reassignment of responsibilities, modifying the research plan, or other methods to reduce or minimize the effects of a conflict.

8. Inform the Executive Vice President and Vice President for Business and Finance of conflicts of interests in the following ways: (1) report annually any conflicts of interests that were disclosed or became known over the past twelve months and their resolution and (2) report immediately any conflicts of interests that cannot be resolved.

9. Document the review of information disclosed by employees and the actions taken to resolve any conflicts (see Appendixes B and C). For sponsored programs, all documentation related to disclosures and the elimination or management of conflicts must be maintained for three years either after the close of the related awards or any government action involving these records.

10. Report immediately any conflicts of interests that cannot be resolved to sponsoring organizations according to their requirements.

11. Provide sponsoring organizations with required certifications that, for example, the University's conflict of interests policy was implemented, disclosures were made, and identified conflicts are being managed satisfactorily, etc.