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Faculty Senate - March 23, 2009 Meeting Agenda

Faculty Senate

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**SENATE MEETING
MONDAY, MARCH 23, 2009
3:30 P.M. UNIVERSITY CENTER
SHILOH ROOM**

Agenda

John Nolt, President
Suzanne Kurth, Secretary to the Senate

Becky Jacobs and Carl Pierce, Co-Parliamentarians
Toby Boulet, President-Elect

ANNOUNCEMENTS

Establishment of Quorum (S. Kurth)
Senate President's Report (J. Nolt)
Chancellor's Report (J. Cheek)
Interim President's Report (J. Simek)
Report of the Vice Chancellor for Development and Alumni Affairs (L. Davidson)

MINUTES

Faculty Senate Meeting, February 23, 2009 (for approval)
Faculty Senate Executive Committee Meeting, March 9, 2009 (information item)

MINUTES POSTED ELECTRONICALLY

Minutes from the Graduate Council of February 26, 2009, were distributed to Senators electronically prior to the meeting and are available at <http://gradschool.utk.edu/GraduateCouncil/Minutes/20090226-GC-Minutes.pdf>
Implementation of these minutes takes place after approval of the Faculty Senate.

PREVIOUS BUSINESS

Proposed Faculty Senate Bylaws Changes (T. Boulet)*

REPORTS OF STANDING COMMITTEES

Research Council: Two Proposed Research Policies and a Resolution (J. Hall)
Faculty Affairs Committee: Proposed Resolution Regarding Annual Review and Retention Review (J. Heminway)*

NEW BUSINESS AND ANNOUNCEMENTS

Annual Evaluations of Deans and Department Heads (J. Heminway, S. Gardial)
Statements of Presidential Candidates (B. Lyons)
Report on Election of Senators (T. Boulet)

ADJOURNMENT

ATTACHMENTS:

Faculty Senate Meeting Minutes, February 23, 2009 (for approval)
Faculty Senate Executive Committee Meeting Minutes, March 9, 2009 (information item)
Proposed Faculty Senate Bylaws Changes (Feb 15)
Proposed Amendments to the Proposed Changes to the Faculty Senate Bylaws
Proposed Changes to the Faculty Senate Bylaws (March 23)
Research Data Policy
Tangible Research Property Policy
Faculty Senate Resolution on Action in Response to the American Recovery and Reinvestment Act of 2009 and Proposed 2009 and 2010 Budget Opportunities
Proposed Resolution Regarding Annual Review and Retention Review
Presidential Candidate Statements

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*Discussion of and potential amendments to these items are posted on the Senate Blackboard site.

The University of Tennessee Faculty Senate
MINUTES
February 23, 2009

Absent: Janice Appier, Alvaro Ayo, Roberto Benson, Bill Blass, Thomas Boehm, Bill Bradshaw, Max Cheng, Cathy Cochran, Daniela Corbetta, Steven Dandaneau, Ruth Darling, Jim Drake, Linda Frank, Lee Han, Russel Hirst, Roxanne Hovland, Yuri Kamychkov, John Koontz, Ramon Leon, John Lounsbury, Murray Marks, Mike McKinney, John McRae, Trena Paulus, Rupy Sawhney, Montgomery Smith, Edgar Stach, Marlys Staudt, Patricia Tithof, Michelle Violanti, Pia Wood, Yang Zhong, Svetlana Zivanovic

J. Nolt called the meeting to order at 3:31 p.m.

ANNOUNCEMENTS

Establishment of a Quorum (S. Kurth)

S. Kurth reported a quorum was present.

President's Report (J. Nolt)

J. Nolt indicated two important events had occurred. The first was the passage of the federal stimulus package. It was not clear whether the federal stimulus package money would prevent the elimination of jobs, but in any case it would not help solve long term problems. The second event was the resignation of President Petersen and the interim appointment of J. Simek beginning March 1. He continues to emphasize the importance of keeping teachers in the classroom.

Nolt mentioned that one item on the board agenda (Tab 13) is "Report on Academic Program Consolidations and Potential Discontinuance of Academic Programs." The proposed consolidations at UTK are:

1. Consolidation of MSW program in Memphis with Nashville and Knoxville sites
2. Merger, Department of Philosophy and Religious Studies
3. Possible suspension of admissions into MSN specializations

Programs Undergoing Review and Possible Discontinuance are:

1. Dance minor
2. Industrial and Organizational Psychology (PhD)
3. Public Safety (MS)
4. Instructional Technology (EdS)
5. Educational Administration (EdS)
6. Consumer Services Management (MS)
7. Undergrad programs in Italian, Russian, German, Art History, Religious Studies, Geology, Public Administration, and Materials Science and Engineering.

Many of these are on the list because they were classified by THEC as "low producing."

Nolt mentioned that another item on the board agenda was an Honorary Doctorate in Humane and Musical Letters for Dolly Parton. He said that publicity that said the Senate had approved this was in error. It was approved by a committee appointed in accord with the honorary degree policy that the Senate passed at its January meeting.

Nolt said the members of the Senate's Legislative task force have met with Senators Jamie Woodson and Dolores Gresham and with Reps. Harry Brooks, David Hawk and Ryan Haynes. Their consistent messages to legislators have been: tuition flexibility and keeping teachers in the classroom.

Tennessee University Faculty Senates will hold a legislative Action Day Tuesday, February 24 and a retreat on April 3-5. Topics of the retreat will include coordinated lobbying and the potential reorganization of Higher Education in Tennessee.

T. Onami asked with regard to the honorary degree whether Senate approval was being sought. Nolt said it was not, as honorary degrees needed to be handled confidentially, until a decision was made.

Chancellor's Report (J. Cheek)

Chancellor Cheek indicated that the three weeks he had been in office had been busy with travel to Oak Ridge and Knoxville, as well as meetings with every Dean. He indicated he was impressed by the UTK faculty and its students. He was going over strategic objectives as he met with the faculty of each college. He said it was unclear how the stimulus package would affect the campus, but any money received would be put against non-recurring issues. He indicated he too had read about restoration to both 2008 and 2006 levels of funding, but he did not know which it would be. A list of requests totaling \$500 million could be put forward immediately. The campus is finalizing the list for the Board of Trustees (BOT) meeting.

The budget document to be presented to the Board would be predicated on a 9% tuition increase. The campus has \$10 million in fixed costs that are not covered. Despite the reduction in consumption, the costs of utility rose due to rate increases and bringing the Haslam Business Building on line (as it is substantially larger than the building it replaced). In addition, money was needed for promotion and tenure raises and to cover an increase in graduate student health insurance. A 7% tuition increase would be needed to address the \$10 million in needs and a 9% increase would cover a little more than fixed costs.

B. Lyons said D. Barlow was active in planning for the campus. He requested that Cheek talk about planning and how the campus could be involved in it. Cheek noted how rapidly planning is done and buildings are built. He said he realized it was an issue. Lyons followed up with a plea for broad participation in planning. Cheek said he had talked with J. Maples about long-term building. They have talked about the importance of expediting building projects to get the best value [for dollars allocated]. D. Birdwell brought up the programs potentially slated for closure because of low productivity. Birdwell noted that he had already pointed out flaws in the data being used to establish low productivity and argued it provided a poor basis for decision making. Cheek said he remembered the question and had a meeting set with Institutional Research. The University cannot be data driven, if there is a lack of good data. He noted there was almost daily fluctuation in the number of students enrolled based on his administrative experience. Yet, he agreed there should be dependable data and that the figures should become increasingly more stable over the course of the term. Birdwell said he wanted quality data to be a priority item. P. Crilly said he understood variation in numbers while students were registering, but noted that Birdwell was concerned about the number of graduates. Cheek clarified that being on the list did not mean a program was being closed, but that its performance was being questioned. Crilly asserted that the numbers should not be in flux at the time of graduation and the fluctuation in the number of the course of a semester should be limited. D. Patterson brought up another issue, the recent phenomenon of encroachment by the system on campus boundaries. He was interested in opportunities over the next two years to address it noting that construction management was a system function and that apparently was causing significant delays. Cheek said his position involved representing the campus everywhere. He noted that he had a talented group of Vice Chancellors and would work with them. He said he had a good relationship with Simek. He met with him recently and thought Simek well understood the core enterprise of the Knoxville campus.

Provost's Report (S. Martin)

S. Martin explained that the low-producing programs identified as under consideration or proposed for closure in the materials prepared for the Board of Trustees would not be acted on at its upcoming meeting. Programs on the list were on the Tennessee Higher Education Commission's (THEC) list of low producing programs. She asked Deans to look at the programs. She said she had learned about problems with the data. She expected the Deans to consider the units' missions.

She said that the Program Review, Reduction and Reevaluation Task Force (PRRR) was working hard on developing criteria for program review, reallocation or termination. She said everyone knows that the campus does not always get the best data and that she had promised the Executive Committee that she would report back on the data. T. Wang asked whether when THEC pulled data it was for one year or for enough years to establish trends. Martin said the data covered 5 years.

MINUTES

Faculty Senate Meeting

The minutes of the January 26, 2009, Faculty Senate meeting were moved by J. Romeiser and seconded by J. Kovac. Minutes approved.

Faculty Senate Executive Committee Meeting

The minutes of the February 9, 2009, meeting of the Executive Committee were available as an information item.

MINUTES POSTED ELECTRONICALLY

Graduate Council Minutes (M. Murray for V. Anfara)

M. Murray briefly reviewed the action items in the minutes of the January 29, 2009, meeting. The Academic Policy Committee accepted a proposal on the graduation fee that would save some processing costs. The now non-refundable fee would carry over. And, the Committee had acted in accord with its practice of accepting up to 9 hours of joint credit, that is, credit in undergraduate and graduate programs. In addition to approving a number of people to direct dissertations, the Committee made it a requirement that a person have dissertation approval to serve on the Committee.

The Council agreed that the typical process of program review was not feasible for terminating programs when budget issues were the driving force and it adopted the PRRR recommendation that allowed for faculty input while bypassing the regular process. He said this action did not mean the Graduate Council would necessarily approve a termination, but if it did, the approval would come to the Faculty Senate through its minutes.

Nolt said the definition of program was lacking in the PRRR document. So the Graduate Council's approval of the PRRR Task Resolution should be addressed separately. A motion to separate it from the remainder of the minutes was made and passed. T. Boulet moved insertion of a definition of program and Birdwell seconded the motion.

Whereas the Undergraduate Council in its January 27 meeting and the Graduate Council in its January 29 meeting, have approved the Procedure for Review of Administrative Proposals to Terminate Programs proposed by the Task Force on Program Review, Reallocation and Reduction, and

Whereas the Faculty Senate has today in approving appropriate sections of the minutes of these councils also approved this Procedure, and

Whereas there is need to eliminate ambiguity as regards what counts as a program for the purposes of this Procedure,

Now be it resolved that the term 'program' as used in the statement of this Procedure be understood to mean "degree program, minor or concentration."

The amendment specifying the definition of program in the PRRR Task Force Resolution passed. The PRRR Task Force resolution in the Graduate Council minutes was then passed. The Graduate Council minutes of January 29, 2009, were approved.

Undergraduate Council Minutes (J. Romeiser)

J. Romeiser reported that at its January 27, 2009, meeting the Undergraduate Council had unanimously approved the PRRR Task Force resolution, so that within its minutes was the same issue of definition of 'program.' He drew attention to the Academic Policy Committee's approval of procedures paralleling those for Graduate Council programs. Various curricular revisions were approved. The General Education Committee revised the second major policy, so that those pursuing a second major would get a waiver for general education requirements. Legislative mandate requires that students graduating with Associates degrees from TBR schools receive a waiver of campus general education requirements. Wang asked whether it was allowed that a student who failed a course multiple times at UTK could complete a requirement by going to a community college and passing the equivalent course. Romeiser said he was not an expert. T. Diacon said that he thought a student could do that and moreover that it might be appropriate. Wang asked whether rules should be reviewed. Romeiser said he knew it was possible for students attempting to complete their foreign language requirement. J. Malia said the advisors in her college said students could not do so, but there was a question of whether it should be possible. Nolt returned to review of the minutes.

As with the Graduate Council minutes, a motion was made to separate the PRRR motion from the remainder of the minutes. Motion to separate approved. Boulet moved to amend the resolution including a definition of program.

Whereas the Undergraduate Council in its January 27 meeting and the Graduate Council in its January 29 meeting, have approved the Procedure for Review of Administrative Proposals to Terminate Programs proposed by the Task Force on Program Review, Reallocation and Reduction, and

Whereas the Faculty Senate has today in approving appropriate sections of the minutes of these councils also approved this Procedure, and

Whereas there is need to eliminate ambiguity as regards what counts as a program for the purposes of this Procedure,

Now be it resolved that the term 'program' as used in the statement of this Procedure be understood to mean "degree program, minor or concentration."

Amendment seconded and approved. Motion to approve the PRRR Resolution as amended made and approved. Minutes of the Undergraduate Council meeting of January 27, 2009, were approved.

PREVIOUS BUSINESS

Task Force on Faculty Senate Effectiveness: Proposed Bylaws Changes (C. White)

C. White said the Task Force focused on the open-ended comments made to the online survey conducted last fall. She said the key focus had been to optimize delegated authority. The Task Force conferred with Chancellor Simek and Provost Martin, Vice Chancellor Fenwick, Vice President DiPietro, Dean Hodges, the Chairs of the Graduate and Undergraduate Councils, and others. She said there were gaps, that is, occasions when the Senate has not had a representative at the "table." As a consequence, the Senate has been in a reactive mode. In the view of the Task Force, some existing committees rarely addressed policy issues leading to a sense of futility. The Task Force attempted to align committees with policy intersections. And, the Task Force thought it would be more efficient to streamline the Executive Committee. To function effectively the Senate needs more administrative support. This was not a good year to receive the increased support requested, but the effort to obtain increased administrative support should continue. The first reading of the proposed changes to the Bylaws would be made by President-elect Boulet. White said the chart distributed with the meeting materials depicted the changes in the committee structure. In addition to proposing modifications to fit the new committee structure the Task Force also "cleaned up" the Bylaws.

Birdwell said he noticed that staggered three year terms were eliminated in several cases. He thought such a change would be a problem for the Appeals Committee. White explained that the Task Force thought of it as a management problem having only a 1/3 time Administrative Assistant. Lyons said that the rules had not always been followed. Birdwell responded that it was significantly different and that he did not think it was that much of a burden for the Nominating Committee to keep track of continuing members. Lyons said a resolution might be to make the percentage of continuing member 50 rather than 30. Nolt pointed out that detailed comments could be made online.

M. Holland said the Athletics Committee would like to direct attention to the NCAA best practices that encouraged each school's faculty senate have a subcommittee that *solely* addresses athletic issues and serves in a liaison capacity. Nolt said the Task Force would be meeting with the Athletics Committee the next week. White said the Task Force did not do away with athletics, it moved the functions of the Athletics Committee to two other areas. Birdwell said given the massive changes being proposed, he assumed that the Bylaws changes would go into effect after committees were appointed this spring. Nolt said the Task Force intended for them to be passed and in effect before committee appointments would be made. Malia said she hoped that the recent change in the administration would allow for discussion of where athletics is run from so that the Athletics Committee could be more meaningful.

C. Pierce said any amendments brought to the March meeting should focus only on the areas of proposed change. They are being called "isolated changes" and would be considered seriatim. Nolt requested that Senators consider proposing amendments before the meeting. Boulet then officially presented the proposed Bylaws changes distributed to Senators in their meeting materials that would be voted on in 28 days at the March Senate meeting.

REPORTS OF STANDING COMMITTEES

Library Committee: UT Digital Repository (L. Phillips)

Having a repository is intended to increase the visibility of scholarly work at UT. Many services are available, e.g., materials are archived for preservation. Materials are assigned meta data tags, so they can be picked up by Google. They are willing to meet with individuals or departments about depositing materials.

Teaching Council: Tennessee Teaching and Learning (D. Schumann)

D. Schumann said he had been making presentations to faculty members and gave a brief PowerPoint presentation to the Senate. He drew attention to the Open House being held the next week in Aconda Court. The Center facility includes space for private consultation, a mock classroom, and a research library. In preparation for developing the Center he studied similar centers and interviewed their directors by phone. He learned that over 30% of the new faculty at fall orientation had not taught before (e.g., as graduate students). Among other things in process are a lecturer certification program intended to prepare new lecturers and a fall luncheon series. He said departments had been asked to have Center ambassadors. He said there was a need to continually improve our performance. Contact: tenntlc@utk.edu.

Wang said she welcomed creation of this center, for in a lot of disciplines teaching is in second place. She wanted Schumann to encourage Deans and Department Heads to value teaching.

NEW BUSINESS AND ANNOUNCEMENTS

Faculty Senate Elections (T. Boulet)

Boulet said some units had completed their task and others needed to do the same.

ADJOURNMENT

Motion to adjourn made, seconded and approved. Meeting adjourned at 5:16 p.m.

Respectfully submitted,
Suzanne Kurth, Secretary

Faculty Senate Executive Committee
MINUTES
March 9, 2009

Present: Vince Anfara, Doug Birdwell, Toby Boulet, Marianne Breinig, Donald Bruce, Jimmy Cheek, Becky Fields, Joanne Hall, Joan Heminway, Margo Holland, Suzanne Kurth, India Lane, Catherine Luther, Beauvais Lyons, Susan Martin, John Nolt, David Patterson, Carl Pierce, John Romeiser, and Tse Wei Wang

Guests: Donald Cunningham and Greg Reed

I. CALL TO ORDER

J. Nolt called the meeting to order at 3:32 p.m.

II. REVIEW OF MINUTES

D. Birdwell requested prior to the meeting that a sentence be added at the end of the section on Tennessee Higher Education Commission (THEC) Data: S. Martin agreed to report on data problems at the next Executive Committee meeting. J. Heminway asked for clarification of the Faculty Affairs Committee report that after "She drew particular attention to those noted below" that the following "(with references below keyed to the outline format in the summary memorandum distributed in advance of the meeting)" be added. Minutes approved as corrected. S. Kurth asked in response to a request from a Senator that when possible people identify what they meant by initials.

III. REPORTS

Senate President's Report (J. Nolt)

Nolt provided an update on the work of the Program Review, Reallocation and Reduction Task Force (PRRR). The procedures that lead to review now include the definition of program approved at the February Senate meeting. The program review criteria are still being developed. The Board of Trustees (BOT) minutes raised a question about Classification of Instructional Programs (CIP) codes (a national classification system for academic units). The CIP codes reach below the level of department, so that individuals within departments could be targeted. For example, Nolt said using CIP codes, he potentially could be targeted as the sole person in his area within the Philosophy Department. The wording approved by the trustees that there "*may be an expectation for an evaluation* of the entity's function and performance as a whole" was added at the request of the General Counsel and leaves, according to Nolt, too much room for interpretation. Nolt requested that T. Boulet and M. Murray bring a resolution addressing the CIP codes to the next Executive Committee meeting. B. Lyons pointed out that the review process should have a programmatic focus and not a focus that in effect targets tenure. The issue is the use of CIP sub codes.

The Legislative Task Force has a trip to Nashville planned March 19 or 20 that includes some students. The Tennessee University Faculty Senates (TUFS) has a meeting April 3-5 that will address statewide reorganization. The Budget and Planning Committee is working on the system budget. It will report at the next Executive Committee meeting. The Nominating Committee has recruited two candidates for the position of President-elect: Glen Graber and Joan Heminway.

Chancellor's Report (J. Cheek)

J. Cheek said with the changes in the system he would like to stabilize his staff by making two interim appointments permanent. He noted it was not a good time for conducting outside searches. He already had spoken with the Deans about making direct appointments. He said M. Nichols and S. Martin were doing good jobs and that in his view there were probably no better candidates on campus. The discussions that ensued primarily focused neither on the individuals nor the positions but rather on the importance of following recognized processes and the benefits for candidates and the campus of engaging in the search process, even for a search limited to internal candidates. In response to a question, Cheek indicated that the Office of Equity and Diversity supported his making direct appointments.

He said the meeting with the BOT on budget cuts was good. The budget process was built on the assumption of a 9% tuition increase. He noted one trustee recently had supported an even higher increase. He said one challenge was to better communicate the accomplishments of this campus. The campus had not responded well to such requests in the past. When campus tuition is compared with that at institutions in other states, comparable figures need to be used. In addition to tuition and fees, the level of contribution from the state government needed to be considered.

D. Birdwell asked whether with passage of the stimulus package and the required restoration of funding to its previous level would the elimination of programs be delayed until 2012. Cheek indicated he had shared the relevant figures with Nolt. Whether the restoration year is 2006 or 2008 and the focus is allocations or expenditures were unclear. The specific comparisons date would be crucial as the restoration level could vary depending on the date. The Legislature will make the interpretation. Cheek indicated he was uncertain what would be allocated and what allocations would be for.

Provost's Report (S. Martin)

S. Martin began with in idem of good news: the successful opening of the Tennessee Teaching and Learning Center. The recent open house was well attended and the Center had received a number of requests for assistance and to conduct workshops.

D. Cunningham was at the meeting to address questions about data problems that were raised at the February Executive Committee meeting. Martin noted focus was on low producing programs. Martin said she was aware that the data had not always been accurate. A list is regularly generated by THEC and UTK. That list was circulated to the Deans for review and they were asked to report on it March. Martin did not know what had been done with the list in the past. The Registrar (Pam Hindle) reports figures to the system (THEC) and Institutional Research. The list that was produced by THEC was reasonably accurate as to low producing programs. Resolution of discrepancies had been pursued. One problem concerns the semesters included in a "year," e.g., for the awarding of a Ph.D. degree. There also were coding issues, as the CIP codes did not map accurately on UTK programs. Errors for Electrical and Computer Engineering appear to have come from two sources. Changes in the CIP codes by the federal government meant that two codes needed to be used. And, when the programs (Electrical Engineering and Computer Science) were merged some errors resulted. Contrary to what was thought, it turns out that second majors are now counted. Other errors did not lead to placement on the list of low producing programs. Martin said the counting of majors and low producing programs had been addressed.

In response to a question from Birdwell regarding the reporting of research, G. Reed said the Office of Research was working on the definition of terms, e.g., 'awards', for its external funding report. Definitional issues include what fiscal year is used and what to do with multiple year awards. Lyons reminded Martin that she said she would talk with the Deans about the possible effects of lost positions on tenure reviews. Martin she had forgotten to do so, but that she would.

D. Patterson asked about the number of new admissions. Martin said the target was to have 4100 to 4200 students and to not go over 4500. Patterson asked whether students who might go elsewhere (e.g., private schools) were applying. Martin said there had been decreases in applications from out-of-state students and those with ACT scores below 26. Until the May 1 cut-off, the number of new students would remain unclear.

Faculty Affairs Committee (J. Heminway)

J. Heminway reviewed the documents previously distributed to the Executive Committee. In Exhibit B, under *General Information* she pointed out change. The faculty activity report was clarified (A.3). A.4 addressed articulation of the annual review and retention processes. Retention and annual review must draw on substantiated documented fact not speculation (A.5). The change sets tone in *Faculty Handbook* language.

Only small clarifications were made to annual review procedures, Section B. In B.2 materials for annual review crosschecks conducted by S. Gardial were added. "Good standing" had been commented on by I. Lane. Rather than having "good standing" extending to others, possession of tenure was agreed to be a good cutoff.

The Faculty Affairs Committee prepared an extensive resolution proposed for adoption at the March Senate meeting. Heminway explained that Exhibit B ("Annual Review for All Faculty Members") discussed above and Exhibit C ("Retention Review for All Faculty Members") accomplished what was in the memo. The material was arranged by topic rather than sequentially. In each case the annual review appeared before retention.

The annual review form was revised. That form would be separately adopted.

The Committee proposed moving one sentence in the *Faculty Handbook* and making nomenclature changes.

Exhibit F, "Faculty External Compensation and Consulting Annual Report Form" would be part of the annual review. It formalizes the process. She noted it was a reporting form not a permission form.

Exhibit E, "Faculty Annual Review Report—Annual Review," is a pilot form. The Deans requested some nomenclature changes in the scale for the pilot program. The proposal was to change "expectations" to "standards." The two intermediate points are relative to meeting standards, e.g., falls somewhat short. Outstanding refers to significantly exceeding standards and unsatisfactory as significantly failing to meet standards. To some extent the questions related to the categories appear to involve either concentrating more evaluations in the middle categories or generating more evaluations in the extreme categories.

Heminway asked her committee members for comments on the proposed language change. So far, they had indicated that they would like to go with what was presented and, if adopted, change all the documents at the same time. She suggested the material she presented could be approved as presented or the pilot form could be separated and sent back to the Faculty Affairs Committee.

Martin said what happened was the Deans had an earlier version of the wording. She thought it probably would be possible to go with the wording. Heminway said the goal was to create a 5-point scale. Lyons asked whether there was a plan to have the General Counsel's Office review the document. He noted previous changes to the *Faculty Handbook* had been reviewed by the General Counsel's Office. He encouraged having a meeting with C. Mizell for a preliminary reaction. C. Pierce indicated he supported Martin. Small changes do matter. There is a difference between expectations and standards.

The revisions proposed by the Faculty Affairs Committee were approved.

Research Council: Policy Statements (J. Hall)

Two documents were distributed at the meeting: Research Data Policy and Tangible Research Property Policy. Hall said she had reviewed policies from different institutions. She invited G. Reed to discuss the proposed policies. Reed explained that federal agencies require the University to have policies. Hall said people had had opportunity to respond to the proposed policies. Nolt asked how the documents distributed at the meeting varied from earlier ones. Reed said "ownership" was changed to "responsibility" except in one case. Heminway asked if all of L. Gross' comments were addressed. Hall said she had passed Gross' comments and others' comments on to Reed. Reed said for the most part the kinds of changes requested were made and dealt with the ownership issue. One question was how long did people need to retain data. Birdwell asked what was the role of the UT Research Foundation in relation to the faculty. A revenue stream should be coming back to the faculty. He thought it had become smaller. Patterson agreed. He thought there should be dialogue. Nolt said that was something the Research Council could study. He requested the Council do so and report back to the Executive Committee. Birdwell said it was not entirely separate from the report because ownership brought up in reports. Lyons said he appreciated that the policy statements were distributed to the faculty at large for comments.

The two policy statements were approved.

Resolution on Support for Faculty Stimulus Package Proposals (J. Hall)

She noted a minor change in the distributed document, i.e., the addition of "and." She said the good news was there was opportunity for obtaining research funds beginning in April and extending for about a year. B. Fenwick asked the Research Council to encourage faculty to submit high quality proposals. She noted the "whereas" statements were information. The resolution from a Research Council task force focused on encouraging commitment to submitting proposals. Heminway asked whether there was any proposed follow-up. Was there a plan to work together or did it simply represent encouragement? Hall said it was a general call to the faculty. Birdwell asked what was the difference. Hall said projects in the pipeline would be more likely to be funded. M. Holland asked who the contact person would be, for when USDA opportunities came up, people on the Agriculture campus were pulled together.

Reed would be the contact person. He said they were getting ready to post information on the web as it came in from agencies. Some agencies would be able to fast track proposals and might reconsider evaluated proposals that they were not able to fund. M. Breinig said the faculty had been notified by two e-mails. She said the resolution would be seen as useless by most faculty members and would not positively contribute to the perceived effectiveness of the Senate. Hall said Fenwick wanted such a resolution. Reed said both the faculty and the administration needed to change. Lyons proposed the resolution be amended so that the last therefore paragraph includes "Office of Research." The motion to amend was seconded. Motion to amend passed. The amended resolution passed.

Proposed Amendments to Senate Bylaws' Changes (T. Boulet)

Boulet noted changes were distributed earlier in the day. Pierce said if they were changes to the proposed changes they could be considered, but new items could not be considered. Nolt said that as there were two remaining Senate meetings that new changes could be handled. Boulet said some of them would be appropriate for a vote at the next Senate meeting and others would be introduced for action at the following meeting. Lyons said they needed to be sorted out. Pierce said Nolt could sort out which were which. Holland said the Athletics Committee had changes to propose. Pierce said those on the table should be dealt with first. Heminway said she was concerned about achieving specific membership balances on committees, specifically the proposed increase in continuing members from 30% to 40%. Boulet said the Appeals Committee currently was supposed to have 2/3 of its membership continue. Heminway proposed that the Appeals Committee could be treated differently. She asked that reasonable efforts be made for the Faculty Affairs Committee to have representatives from each of the campuses (Section 2, Subsection F). She explained that that committee makes rules that affect all faculty members. Heminway asked to amend Article III, Section 1, line 28 on page 2, so that the originally proposed 30% be used and treat the Appeals Committee differently Section 2, Subsection B. Nolt said the proposal was not to change the percentage and to in the Appeals Committee section specify that it would have a 2/3 carryover in membership from year to year. Birdwell said it could say three-year terms and the intent was to stagger them. Boulet asked if the previous language would be acceptable, i.e., the deleted words about staggered terms could be reinserted. Pierce argued that it was difficult to handle staggered terms efficiently and that there were bigger issues. Patterson seconded the motion. Motion approved. Heminway proposed as a friendly amendment inclusions of the suggestion she posted on Blackboard: "reasonable efforts shall be made to include representation from the faculties of the UT Institute of Agriculture and the UT Space Institute on the Faculty Affairs Committee or to otherwise engage faculty members from the UT Institute of Agriculture and the UT Space Institute in the Faculty Affairs Committee's deliberations."

The proposed new Article II, Section 4 addressed maintaining a quorum. Pierce pointed out that the language of the first and second reading was incorrect. Notice is given at one meeting and voting occurs at the next. Lane said it could be seen as not family friendly.

Pierce made a motion for Holland who had to leave the meeting. The motion referred to portion dealing with the Athletics Committee (p. 4, lines 28-32). The motion was to separate the proposed disposition of the Athletics Committee from the Bylaws amendments and to refer any proposed change to the committee, so that the Athletics Committee would have the opportunity to propose a more effective and efficient Athletics Committee Bylaws amendment. The Committee's view is that ample work exists for it to do and that UT would lose a lot of what

the Athletics Committee could do to improve things. The Committee wants more opportunity to create a vision for itself. There are references in the new system/campus committee but question is whether it needs to be expanded. Motion seconded. Heminway said at the last Senate meeting there was discussion about governing bodies (e.g., the NCAA) requiring a committee. Boulet said subsequent meetings indicated there would have to be a faculty committee, but with the amendment proposed at the last Senate meeting it would not be a Senate committee. Pierce said he thought it was short sighted. Martin thought if there were to be faculty input that it would be much better if it came from the Senate. Patterson asked for clarification of the motion, i.e., was it to not delete the Athletics Committee and refer the task of creating a new and improved charge to that committee. Lane said the concept of the original Bylaws amendment was to not eliminate responsibility, but rather to funnel the academic issues to the Teaching and Learning Council. She thought an alternative would be to have a subcommittee of the Teaching and Learning Council. She argued that even if the Athletics Committee were retained there was value in moving the academic issues to the Teaching and Learning Council.

Lyons thought the intention was to spread the functions out to other committees. The concern was that the Athletics Committee is not a policy making body and there was no integration of the Athletic Board and the Athletics Committee. He supported the motion, if postponement would result in the creation of a more vigorous committee. Heminway joined Lyons in supporting Holland's motion, if the stipulation that bodies governing athletics programs require such a committee were incorporated into the Athletics' Committee charge. Motion approved.

B. Fields said the Faculty and Staff Benefits Committee had concerns about being merged with the Faculty Affairs Committee. She asked whether she needed to post the concerns on the web site. Boulet said additional changes could not be approved by the Executive Committee, but any proposals could be brought to the Senate meeting. Hall asked whether the Research Council could be brought up. She wondered whether there would be acceptance of all of the changes. Nolt said every year the President-elect oversees Bylaws changes.

The document of revisions distributed prior to the meeting was moved and seconded, as amended. The revisions were approved.

V. NEW BUSINESS

Report of Faculty and Staff Benefits Committee (B. Fields)

B. Fields distributed a handout from J. Backus entitled "TCRS Comments Regarding ORP Cashability." The Committee was concerned about item 1 which suggested that the state had some responsibility for ORP and item 6 which questioned intelligent decision- making. Cashability is a concern. A. Chesney reported on the history of efforts to obtain it and indicated that at some point a deal had been struck that included the idea that people would not come make and seek a higher percentage. Contact has been made with Senator Woodson. Efforts are underway to have cashability brought forward by other groups, e.g., TUFS. Nolt suggested a resolution would be appropriate. A resolution to support 100% cashability was made and seconded. Motion approved. (Fields will generate the specific wording of the resolution.)

The question of post retirement service contracts was raised. The issue was the apparent unevenness of the process across the University. It was clarified that the contracts are

negotiated between colleges and specific individuals dependent on each college's needs. Negotiations must be completed within a limited time span.

Birdwell asked what response there had been to the 403b issue raised in the Senate meeting. Fields said there did not appear to be a change in the number that could be used (4).

Report on Senate Elections (T. Boulet)

Boulet reported on the number of Senate positions with two, one or no candidates. Ballots were to be online by the end of the week. Lyons asked how it could be determined whether everyone who was eligible to vote received a ballot, while noting that he thought the move to electronic ballots was admirable. Boulet said people could be asked afterwards about whether they received ballots. Nolt said he would send out messages encouraging faculty to vote.

Meeting adjourned 5:46 p.m.

1 PROPOSED FACULTY SENATE BYLAWS CHANGES

2 DRAFT: February 15, 2009

3
4 ~~Proposed Text to be Deleted~~

5 Proposed New Text

6 7 ARTICLE III. Committees.

8
9 **Section 1. General Aspects of Committees.** Committee, ~~subcommittee~~, and council
10 memberships for a given academic year shall be approved by the Senate at the last Senate
11 meeting of the spring term of the preceding year. Whenever possible, Chairpersons of all
12 committees and councils shall be elected senators. Committee Chairpersons shall be
13 nominated by their committee members or by the Committee on Nominations and Ap-
14 pointments in compliance with Section 2.D. of these Bylaws and the Bylaw subsections
15 in Section 2 for each committee, subcommittee, or council, unless another means of se-
16 lection is provided in Section 2.

17
18 Members shall be nominated in consultation with current committee Chairpersons and
19 through regard for preferences shared by each Senator for personal committee
20 membership. To further communication and collaboration throughout the University, the
21 Chairperson of each committee has the discretion to recommend members who may or
22 may not be elected Senators. Such members' service on committees is subject to the ap-
23 proval of the Committee on Nominations and Appointments. The Committee on Nomina-
24 tions and Appointments shall approve these members when they are recommended. Most
25 committees shall also have ex-officio members who will not be voting members. Most
26 committees shall use some form of staggered membership as designated in committee
27 subsections. Senate Committees shall have at least 25 percent new members each year,
28 with at least 30 percent of committee members continuing service from the prior year.
29 The President of the Senate is an ex-officio member of all standing committees.

30
31 Prior to or at the beginning of each academic year, the Chairperson of each committee
32 will meet with the Executive Council to share committee goals for the upcoming year,
33 review the bylaws concerning duties for that committee, if any, and discuss other infor-
34 mation relevant to that committee.

35 36 **Section 2.**

37 ~~**Committee on Nominations and Appointments.**~~ Membership shall consist of the chairs
38 of each college or division caucus. Membership shall be for a one-year term to begin in
39 June of each academic year. The President-Elect of the Faculty Senate shall be
40 the Chairperson of the Committee on Nominations and Appointments.

41
42 It shall be the duty of the Committee on Nominations and Appointments to nominate
43 faculty members, and in some cases Chairpersons to the Faculty Senate for all special
44 and standing committees, subcommittees, and councils except the Undergraduate and
45 Graduate Councils. The nominations shall be made in compliance with Article III,
46 Sections 1 and 3. The Senate President shall retain responsibility for all nominations of

1 ~~faculty to administrative committees and other bodies. The Committee on Nominations~~
 2 ~~and Appointments shall render a report to the Senate at its regular May meeting of each~~
 3 ~~year and at other times as may be required.~~

4
 5 **Section 2. Standing and Special Committees.** The standing committees of the Faculty
 6 Senate are:

7
 8 **A. Executive ~~Committee~~ Council of the Faculty Senate.**

9
 10 ~~(4)~~ Membership shall consist of the Chairpersons of the standing committees of the
 11 Senate; the officers of the Senate, including the Immediate Past President; and up to two
 12 at-large faculty members. ~~and one administrator who is an elected Senator. The Executive~~
 13 Council will include the elected faculty representative to the University Faculty Council.
 14 Ex-officio non-voting members shall include the chief academic officer(s) and the chief
 15 officer in charge of business and finance. The Chairperson of the Executive Council shall
 16 be the President of the Senate.

17
 18 The ~~committee~~ Executive Council shall represent the Senate as needed in meetings with
 19 the administration and other groups, shall handle necessary business on an emergency
 20 and interim basis between Senate meetings (including matters that may arise after the last
 21 scheduled Senate meeting in the spring and before the first scheduled Senate meeting in
 22 the fall, during which time a quorum will be seven members of the Executive Council
 23 including the Senate President shall recommend and review assignments to other com-
 24 mittees, and shall establish ad hoc committees on behalf of itself or as directed by the
 25 Senate.

26
 27 The ~~committee~~ Executive Council shall concern itself with the formulation and review of
 28 the long-range and short-range educational policies of the University as represented by
 29 the monetary allocations made in the budget.

30
 31 The ~~committee~~ Executive Council shall not concern itself with individual salaries nor
 32 with college or departmental allocations, except as they may relate to the educational
 33 policies of the University.

34
 35 When campus or system administrative appointments are to be filled and where it is
 36 appropriate for faculty to be of assistance in the recruitment and screening of candidates,
 37 the Executive ~~committee~~ Council will assist in the selection of the faculty members to
 38 serve on screening committees and lend its counsel to the development of procedures for
 39 recruitment and screening of such candidates.

40
 41 The ~~committee~~ Executive Council shall annually review these Bylaws and make appro-
 42 priate recommendations to the Senate for amendments. It shall also review any revisions
 43 suggested by members or committees of the Senate. (This latter duty shall in no way pre-
 44 vent members or committees from bringing amendments directly to the Senate for con-
 45 sideration.) It is the responsibility of the President-Elect to make sure that revisions to the
 46 bylaws are accurately ~~communicated to the Information Officer.~~ updated on the Faculty

1 Senate website.

2
3 ~~(2) The Executive Council of the Executive Committee. Membership shall consist of the~~
4 ~~President, the President Elect, the immediate Past President, the Secretary, and at least~~
5 ~~four other members of the Executive Committee. The Chairperson of the Executive~~
6 ~~Council shall be the President of the Senate.~~

7
8 ~~The Executive Council shall prepare annually a Statement of Objectives for the Senate,~~
9 ~~based on consultations with the Standing Committees and with appropriate administration~~
10 ~~officers, and shall present the Statement of Objectives for review and approval by the Ex-~~
11 ~~ecutive Committee and the Senate at their first meetings in the Fall. Any activities of the~~
12 ~~Executive Council shall be reported to the Executive Committee and the Senate at the~~
13 ~~earliest scheduled opportunity.~~

14
15 **B. Appeals Committee.** Membership shall consist of at least 18 tenured faculty members
16 ~~appointed to staggered three-year terms~~ by the Faculty Senate Committee on Nomina-
17 ~~tions and Appointments with the advice and consent of the Faculty Senate.~~ At least one
18 member of the committee must have legal expertise. This committee shall have no ex-
19 officio members, and no member shall be an administrator at or above the level of
20 department head ~~or above~~. ~~The Chairperson shall be appointed by the Faculty Senate~~
21 ~~Committee on Nominations and Appointments.~~

22
23 The function of the ~~Faculty Senate~~ Appeals Committee is to gather evidence and make
24 recommendations to the chief academic officer ~~of the University~~ for the disposition of
25 cases within its jurisdiction. The ~~Faculty Senate~~ Appeals Committee does not replace the
26 role of faculty and administrators in making employment-related decisions. Instead, it is
27 guided by the aim of maximizing the protection of the principles of academic freedom
28 and due process. In all cases, faculty members are entitled to notice regarding grounds on
29 which administrative action has been taken. All matters before the ~~Faculty Senate~~ Ap-
30 peals Committee are kept in strict confidence, subject to state open records laws.

31
32 The jurisdiction of the ~~Faculty Senate~~ Appeals Committee includes complaints regarding
33 violations of due process and fairness in tenure or promotion decisions, annual
34 performance reviews, and violations of provisions contained in the *Faculty Handbook*,
35 the *Manual for Faculty Evaluation*, and in collegiate and departmental bylaws.

36
37 **C. Faculty and Staff Benefits Committee. Benefits and Professional Development**
38 **Committee.** Membership shall consist of ten faculty members, and the Chairperson of
39 the Benefits and Professional Development Committee shall invite appropriate campus
40 administrators to attend meetings as needed. ~~with three-year staggered terms. Ex-officio~~
41 ~~members shall include the University Treasurer, Director, Office of Retirement Services,~~
42 ~~and the Executive Director of Human Resources for the University (or their designees).~~
43 ~~The Chairperson shall be appointed by the Committee on Nominations and Appoint-~~
44 ~~ments and should have been an active member of the committee prior to serving as~~
45 ~~Chairperson.~~

46
47 This committee will examine, clarify, and make recommendations to the Faculty Senate on

1 issues and concern on retirement, leave, faculty welfare, insurance, and fringe benefits; coop-
 2 erate with committees addressing similar concerns on other higher education campuses in
 3 Tennessee; receive representation from and provide representation to any other Faculty Sen-
 4 ate or University task force or committee addressing issues directly related to faculty and
 5 staff benefits. Duties of the Benefits and Professional Development Committee shall in-
 6 clude (1) suggesting administrative actions that would permit and encourage professional
 7 development and monitoring and evaluating the resulting actions and programs; (2) initi-
 8 ating activities to facilitate the development of faculty members as professionals and
 9 monitoring and evaluating these activities and resulting programs; (3) developing a pol-
 10 icy of professional leave (sabbatical leave) and monitoring the resulting program; (4) en-
 11 hancing and expanding international teaching and research opportunities for faculty and
 12 strengthening opportunities for participation of scholars and artists from outside the U. S.;
 13 (5) examining, clarifying, and making recommendations to the Senate on issues and con-
 14 cern on retirement, leave, faculty welfare, insurance, and fringe benefits; cooperate with
 15 committees addressing similar concerns on other higher education campuses in Tennes-
 16 see; (6) receiving representation from and provide representation to any other Faculty
 17 Senate or University task force or committee addressing issues directly related to faculty
 18 and staff benefits. When appropriate, the Benefits and Professional Development Com-
 19 mittee will cooperate with other Faculty-Senate committees on base salary and other is-
 20 sues that are related to faculty and staff benefits.

21
 22 **B. Athletics Committee.** Membership shall consist of twelve faculty members appointed
 23 to two year staggered terms. Ex-officio members shall include the chief campus
 24 administrative officer charged with academic affairs (or designee), the Director of
 25 Athletics, the Director of Women's Athletics, the faculty chairperson of the UT Athletics
 26 Board, the Director of Student Recreation, two student athletes appointed by the Athletics
 27 Department, and two students elected by the Student Senate. The Committee will also
 28 include the following non-voting ex-officio members: the Director of the Thornton Ad-
 29 vising Center, the Associate Director of Women's Athletics Compliance, the
 30 Associate Director of Men's Athletics Compliance. The Committee on Nominations and
 31 Appointments shall appoint the Chairperson of the Athletics Committee for a one-year
 32 term.

33
 34 This committee shall concern itself with academic aspects of intercollegiate athletics as
 35 well as the intramural athletics program. It may also concern itself with any other
 36 athletics matters which the committee deems appropriate and which lie within the
 37 purview of the Faculty Senate.

38
 39 **D. Budget and Planning Committee.** Membership shall consist of at least ten faculty
 40 members appointed to two-year staggered terms. Ex-officio members shall include the
 41 chief financial officer for the campus. The committee shall elect the Chairperson for a
 42 one-year term at the last meeting of the Spring semester.

43
 44 The duties of the Budget and Planning Committee are: (1) to provide for campus-wide
 45 faculty input into the University budgeting process; (2) work with the UT System Rela-
 46 tions Committee to monitor the UT system budget including the Athletics Department;
 47 (3) to encourage the use of faculty expertise in budget matters; (4) to inform the faculty,

through the Senate, concerning budget matters. Both long-range and short-term aspects of its role will receive the committee's attention, including budget priorities, THEC formulas, and planning for projects of the University or other entities that may eventually result in changes to campus facilities.

The primary concerns of the Budget and Planning Committee ~~will be~~ are policy and communication. The Budget and Planning Committee is not expected to become involved ~~in detail with, nor engaged in,~~ comprehensive investigations necessary as a basis for budget decisions.

E. Committee on Nominations and Appointments. Membership shall consist of the chairs of each college or division caucus and the Senate President-Elect. Membership shall be for a one-year term to begin in June of each academic year. The Senate President-Elect of the Faculty Senate shall be the Chairperson of the Committee on Nominations and Appointments.

It shall be the duty of the Committee on Nominations and Appointments to nominate faculty members and ~~in some cases~~ Chairpersons of all standing and special committees, ~~subcommittees~~, and councils of the Senate, except that the Chairpersons of the Executive Council, this Committee on Nominations and Appointments, and the Undergraduate and Graduate Councils shall be nominated as set forth in this Section 2. The Senate President shall retain responsibility for all nominations of faculty to administrative committees and other bodies. The Committee on Nominations and Appointments shall render a report to the Senate at its regular May meeting of each year and at other times as may be required.

This Committee on Nominations and Appointments shall also recruit two nominees for Faculty Senate President-Elect and two nominees for the campus representative to the University Faculty Council.

~~D. Executive Committee of the Faculty Senate.~~

~~(1) Membership shall consist of the Chairpersons of the Standing Committees of the Senate; the officers of the Senate, including the Immediate Past President; and up to two at-large faculty members, and one administrator who is an elected Senator. Ex-officio members shall include the Chief Academic Officer and the chief officer in charge of business and finance. The Chairperson of the Executive Committee shall be the President of the Senate.~~

~~The committee shall represent the Senate as needed in meetings with the administration and other groups, shall handle necessary business on an emergency and interim basis between Senate meetings, shall recommend and review assignments to other committees, and shall establish ad hoc committees on behalf of itself or as directed by the Senate.~~

~~The committee shall concern itself with the formulation and review of the long and short range educational policies of the University as represented by the monetary allocations made in the budget.~~

~~The committee shall not concern itself with individual salaries nor with college or departmental allocations, except as they may relate to the aforementioned educational policy decisions.~~

~~When campus or system administrative appointments are to be filled and where it is appropriate for faculty to be of assistance in the recruitment and screening of candidates, the Executive committee will assist in the selection of the faculty members of such screening committees and lend its counsel to the development of procedures for recruitment and screening of such candidates.~~

~~The committee shall annually review the Bylaws and make appropriate recommendations to the Senate for amendments. It shall also review any revisions suggested by members or committees of the Senate. (This latter duty shall in no way prevent members or committees from bringing amendments directly to the Senate for consideration.) It is the responsibility of the President-Elect to make sure that revisions to the bylaws are accurately communicated to the Information Officer.~~

~~(2) The Executive Council of the Executive Committee. Membership shall consist of the President, the President-Elect, the immediate Past President, the Secretary, and at least four other members of the Executive Committee. The Chairperson of the Executive Council shall be the President of the Senate.~~

~~The Executive Council shall be empowered to represent the Senate in all urgent matters that may arise after the last scheduled Senate meeting in the spring and before the first scheduled Senate meeting in the fall. The Executive Council shall prepare annually a Statement of Objectives for the Senate, based on consultations with the Standing Committees and with appropriate administration officers, and shall present the Statement of Objectives for review and approval by the Executive Committee and the Senate at their first meetings in the Fall. Any activities of the Executive Council shall be reported to the Executive Committee and the Senate at the earliest scheduled opportunity.~~

F. Faculty Affairs Committee. Membership shall consist of nine faculty members, none of whom shall be an administrator at or above the level of department head. with three-year staggered terms. The Chairperson shall be appointed by the Committee on Nominations and Appointments.

This Faculty Affairs Committee shall concern itself with the adoption and amendment of faculty governance policies and rules, including the development and refinement of criteria and procedures for faculty appointment, promotion, retention, evaluation, the granting of tenure, retirement, and discharge for cause. It will check college, school, and department bylaws for compliance with the Faculty Handbook. The Faculty Affairs Committee is responsible for reviewing proposed revisions and recommending changes to the *Faculty Handbook* following review provisions as in accordance with the amendments procedures set forth in the *Faculty Handbook*, and for reviewing proposed revisions and recommending changes to the Manual for Faculty Evaluation in accordance with the amendments procedures set forth in the *Manual for Faculty Evaluation*. The activities of

the Faculty Affairs Committee shall be conducted at all times in a manner consistent with the Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure, as the same may be amended from time to time, and shall be guided by faculty governance best practices in higher education, including especially those identified and promoted by the American Association of University Professors.

G. Graduate Council. Membership shall consist of faculty representatives chosen for three-year terms from the schools and colleges of the University engaged in graduate work, and two graduate students appointed by the Graduate Student Senate. Members shall be chosen in the spring term for terms to commence at the start of the next fall term.

Representatives shall be apportioned among the schools and colleges according to the number of graduate students enrolled in the college or school in the previous fall term, using the following table:

Graduate Students Representatives	Total Graduate Council
1 – 300	1
301 – 500	2
501 – 700	3
701 – 900	4
901 – 1100	5
1101 – 1300	6
1301 – 1500	7
1501 – 1700	8

Representatives must regularly teach graduate courses or supervise graduate study and must (1) hold full-time or continuing part-time appointment with the rank of assistant professor or higher and (2) perform academic duties consisting of at least half-time teaching, research, service or departmental administration. Ex-officio, non-voting members ~~(without vote)~~ shall be the Dean of Libraries, the Dean of Outreach and Continuing Education, the Director of the Center for International Education, and the Chair of the Research Council, or their respective designees. In addition, the administrative officer having primary responsibility for graduate curriculum in each college or school shall serve as ex-officio, non-voting member ~~(without vote)~~ of the Graduate Council if that person is not a college or school representative. The Chairperson of the Graduate Council ~~shall be a faculty member from the Graduate Council elected for a two-year term by voting members of the Graduate Council. The election of the Chair will take place at the last meeting of the Spring semester.~~ is a faculty member from the Council who serves for a one-year term, following a one-year term as Vice-Chair and Chair-Elect.

The Graduate Council shall report its actions to the Executive Committee of the Faculty Senate. The agenda and minutes of the Graduate Council meetings will be distributed electronically to all senators at least five business days prior to the next senate meeting. Implementation follows approval of the changes at that meeting. Any curricular change may be reopened for review and its implementation delayed at the will of the Executive Committee, or the full Senate.

H. Library and Information Technology Committee. Membership shall consist of ~~six~~ ten faculty members representing broad interests with experience in library policies, educational and/or information technology and research that are appointed ~~to three-year staggered terms~~ by the Committee on Nominations and Appointments. One undergraduate student member may be selected by the Student Government Association, and one graduate student member may be selected by the Graduate Student Senate. ~~The Chairperson shall be elected by the members of the committee and shall serve a two-year term. The Chairperson shall be appointed by the Committee on Nominations and Appointments.~~

Voting ex-officio members shall include the Dean of the Libraries, ~~(or designees)~~, the chief information officer of the Office of Information Technology, the chief information officer for the Knoxville campus, and the director of the Innovative Technology Center. ~~Non-voting ex-officio members shall include other leaders of the Office of Information Technology, specifically the executives responsible for engineering services, and customer technology support, and also a representative of University outreach distance education.~~

Duties of the Library and Information Technology Committee include: (1) identifying, reviewing, and recommending information technology policies, (2) representing the Senate on key university committees that address information technology, and (3) reporting to the Senate on key information technology issues and developments that affect the campus, and (4) ensuring that library services and collections meet the teaching, research, and public service needs of the University community with particular focus on library policies and procedures that facilitate use of resources.

~~**I. Library Committee.** Membership shall consist of one faculty representative from each college or school, except in the case of Arts and Sciences that shall be represented by three faculty members, one from each of the major divisions of the college. One student representative may be selected by the Graduate Student Senate and one by the Undergraduate Academic Council. Ex-officio members shall include the Dean of Libraries and the Associate Dean of Libraries (or designees). The Committee on Nominations and Appointments shall select the Chairperson.~~

~~The Committee's duties include working with the Dean of Libraries to ensure that library services and collections meet the teaching, research, and public service needs of the University community. Particular focus shall be placed on library policies and procedures that facilitate use of resources.~~

~~**J. Nominating Committee.** Membership shall consist of five members of the Senate who serve a one-year term and are appointed by the Committee on Nominations and Appointments. None of the members shall be a member of the Committee on Nominations and Appointments. No ex-officio members will be appointed. The Committee on Nominations and Appointments shall appoint the Chairperson. This committee shall nominate two candidates for the President Elect. The committee shall~~

1 solicit nominations from the University Faculty at large and shall prepare a ballot that
2 includes biographical information on all candidates.

3
4 ~~This committee shall nominate two candidates for position of faculty representative to the~~
5 ~~University Faculty Council. The committee shall solicit nominations for the University~~
6 ~~Faculty Council from the University Faculty at large and shall prepare a ballot that in-~~
7 ~~cludes biographical information on all candidates. Elections shall be held every third~~
8 ~~academic year in the spring.~~

9
10 **K. Professional Development Committee.** ~~The membership of the Committee shall~~
11 ~~consist of a minimum of nine faculty members serving one-year terms and representing~~
12 ~~the diversity of programs on the campus. Ex-officio members shall be the chief campus~~
13 ~~academic officer with primary responsibility for academic affairs and the chief campus~~
14 ~~academic officer with primary responsibility for graduate education (or their designees).~~
15 ~~The Committee on Nominations and Appointments shall appoint the Chairperson.~~

16
17 ~~Duties of the committee shall include (1) suggesting administrative actions that would~~
18 ~~permit and encourage professional development; monitoring and evaluating the resulting~~
19 ~~actions and programs; (2) initiating activities to facilitate the development of faculty~~
20 ~~members as professionals; monitoring and evaluating these activities and resulting~~
21 ~~programs; (3) developing a policy of professional leave (sabbatical leave) and monitoring~~
22 ~~the resulting program; (4) enhancing and expanding international teaching and research~~
23 ~~opportunities for faculty, and strengthening opportunities for participation of scholars and~~
24 ~~artists from outside the U. S.~~

25
26 **I. Research Council.** Membership shall consist of no fewer than ~~45~~ 12 appointed faculty
27 or faculty/administrator representatives chosen by the Committee on Nominations and
28 Appointments ~~for staggered three-year terms~~. In addition, there shall be three graduate
29 students selected by the Graduate Student Senate. Ex-officio members shall include the
30 chief academic officer responsible for research, the Associate Vice President of the Of-
31 fice of Research, the Dean of Libraries and college-level administrators with responsibil-
32 ity for research (or their designees). The composition of the Research Council shall
33 reflect balance among externally funded and institutionally supported research, between
34 research and other creative activity, and between disciplines. Members must be actively
35 engaged in research or other creative activity and must (1) hold full-time or continuing
36 part-time appointment with the rank of assistant professor or higher, and (2) perform
37 academic duties consisting of at least half-time teaching, research, service, or departmen-
38 tal administration. Ex-officio members shall be the Dean of Libraries and up to two addi-
39 tional designees. ~~The Council members shall elect the Chairperson for a one-year term.~~
40 The Chairperson must have served at least one year on the Research Council prior to
41 ~~election appointment by the Committee on Nominations and Appointments..~~ The mem-
42 bers of the Research Council may elect co- or vice Chairpersons.

43
44 The Research Council acts as an advisory body to the chief university officer for
45 research. The Research Council shall promote excellence in research and other creative
46 activity through the study and recommendation of policies. The Research Council shall

1 sponsor programs to communicate an understanding and appreciation of research and
 2 other creative activity to the University community and the community at large. The Re-
 3 search Council co-administers some programs of the Office of Research as requested by
 4 the chief university officer for research. Areas of concern include research incentives and
 5 support, intradisciplinary and interdisciplinary research activities, compliance with State,
 6 federal and University regulations governing the conduct of research, rights to and com-
 7 mercialization of intellectual property, the broad range of research infrastructure includ-
 8 ing all forms of telecommunications and computational support, and other appropriate
 9 matters. Further, the Research Council shall concern itself with the institutional policy on
 10 research grants and funding, with copyright and patent policy, with protection of investi-
 11 gators, with the protection of human subjects of research, with the protection of experi-
 12 mental animals, and with policies affecting compliance of research activities with envi-
 13 ronmental and occupational health and safety requirements. Further, the Research Coun-
 14 cil shall encourage publications and the development of specialized research facilities for
 15 intercollegiate and/or interdisciplinary uses and with any other policies pertaining to
 16 research programs. The Research Council shall also encourage the advertisement of re-
 17 search successes of The University of Tennessee, Knoxville researchers. When appropri-
 18 ate, the Research Council shall report its actions for approval to the Faculty Senate.
 19

20 ~~**M. Student Concerns Committee.** Membership shall consist of four faculty members,~~
 21 ~~Vice Chancellor of Student Affairs, a representative from the Dean of Students' Office,~~
 22 ~~President of the Student Government Association, Vice President of the Student~~
 23 ~~Government Association, Director of Student Services, President of the Faculty Senate,~~
 24 ~~President Elect of the Faculty Senate, and President of the Graduate Student Senate. The~~
 25 ~~chairperson shall be a faculty member appointed by the Committee on Nominations and~~
 26 ~~Appointments.~~
 27

28 ~~This committee shall serve as a liaison between the Faculty Senate and student~~
 29 ~~government organizations. It shall make recommendations to the Faculty Senate on~~
 30 ~~matters of mutual concern.~~
 31

32 **J. Teaching and Learning Council.** Membership shall consist of fifteen faculty mem-
 33 bers nominated to the Senate by the Committee on Nominations and Appointments, as
 34 well as three graduate students selected by the Graduate Student Senate in consultation
 35 with the Chairperson of the Teaching and Learning Council and three undergraduate stu-
 36 dents selected by the Student Government Association, and/or the Director of the Honors
 37 Program, in consultation with the Chairperson of the Teaching and Learning Council.
 38 The faculty members should have currently active teaching/advising responsibilities.
 39 ~~Members shall serve for three-year staggered terms with 1/3 of the terms expiring each~~
 40 ~~year.~~ All colleges offering instruction at the graduate or undergraduate level will have at
 41 least one representative. Attempts will be made to distribute the other representatives
 42 among the colleges of the university. Ex-officio members shall include the Dean of Un-
 43 dergraduate Academic Affairs, and the Associate Dean of the Graduate School and the
 44 Director of the Tennessee Teaching and Learning Center, the coordinator of SAIS and the
 45 Director of the Student Success Center. ~~The Teaching Council shall elect the Chairperson~~
 46 ~~for a one-year term at the last meeting of the spring semester; the Chairperson takes of-~~

~~free at the first meeting of the fall semester. Should the Teaching Council so decide, the Council may have co-Chairpersons who operate within the same procedures as a single Chairperson.~~

The Teaching and Learning Council is a committee of the ~~Faculty~~ Senate that works to advance excellence in teaching and academic advising at UTK. Areas of concern for the Teaching and Learning Council include incentives for recognizing quality instruction and advising, methods for improving instruction at a campus and departmental level, guidelines for routine and disciplinary evaluation of teaching, academic advising, and curriculum. For example, the Teaching and Learning Council examines policy issues related to teaching on the UTK campus and works with the chief academic officer to recognize excellence in teaching and advising. The Teaching and Learning Council works with the ~~Center for Undergraduate Excellence~~ Tennessee Teaching and Learning Center to run a yearly campus-wide program that involves faculty and staff in addressing issues central to improving instruction and advising. The Teaching and Learning Council works with both the Graduate School and the ~~Center for Undergraduate Excellence~~ Tennessee Teaching and Learning Center to develop practical means of improving and rewarding instruction and advising on campus.

K. Undergraduate Council. Voting membership shall consist of representatives chosen for three-year terms from the schools and colleges of the University granting baccalaureate degrees, one member of the ROTC faculty, and four students designated by the Undergraduate Academic Council. Members shall be chosen in the spring term for terms to commence at the start of the next fall term. Representatives shall be apportioned among the baccalaureate degree-granting units according to the number of degrees granted during the prior academic year, using the following table:

Baccalaureate Degrees Granted	Total Undergraduate Council
1 – 300	1
301 – 500	2
501 – 700	3
701 – 900	4
901 – 1100	5
1101 – 1300	6
1301 – 1500	7
1501 – 1700	8
1701 – 1900	9

In the College of Arts and Sciences, representatives shall be apportioned among the Divisions of Social Sciences, Humanities and Natural Sciences. Members must (1) hold full-time or continuing part-time appointment with the rank of assistant professor or higher and (2) perform academic duties consisting of at least half-time teaching, research, service or departmental administration. Ex-officio, non-voting members (~~without vote~~) shall be the Dean of Admissions and Records, the Dean of Outreach and Continuing Education, the Dean of Libraries, the Director of the Center for International Education, the Director of the Chancellor's Honors Program and the Chair of the Standing Committee on Advising (or their designees). In addition, the administrative officer

1 having primary responsibility for undergraduate curriculum in each college or school
 2 shall serve as an ex-officio, non-voting member (~~without vote~~) of the Undergraduate
 3 Council if that
 4 person is not a college or school representative. The Chair of the Undergraduate Council
 5 shall be a faculty member from the Undergraduate Council elected for a two-year term by
 6 voting members of the Undergraduate Council. The election of the Chair will take place
 7 at the last meeting of the Spring semester.

8
 9 The Undergraduate Council shall concern itself with standards for admission, retention,
 10 and graduation; with curricular matters in the undergraduate programs; with the
 11 development of interdisciplinary programs; with the approval of new programs and any
 12 other matters of educational policy pertaining to undergraduate programs. The Under-
 13 graduate Council shall report its actions for approval to the Executive ~~Committee~~ Council
 14 ~~of the Faculty Senate~~. The agenda and minutes of the Undergraduate Council meetings
 15 will be distributed electronically to all senators at least five business days prior to the
 16 next senate meeting. Implementation follows approval of the changes at that meeting.
 17 Any curricular change may be reopened for review and its implementation delayed at the
 18 will of the Executive Council or the full Senate.

19
 20 **L. University/System Relations Committee.** Membership shall consist of at least eight
 21 faculty members including the elected campus representative to the University Faculty
 22 Council and the Faculty NCAA Representative. During years when the campus has a fac-
 23 ulty representative on the UT Board of Trustees, that person will also serve on the Uni-
 24 versity/System Relations Committee. The Chairperson shall be a faculty member.

25
 26 The University/System Relations Committee will provide for faculty input (a) into activi-
 27 ties of The University of Tennessee system, including Athletics, Research, ORNL, In-
 28 formation Technology, the Cherokee Campus and (b) with the Board of Trustees and the
 29 Tennessee legislature. The University/System Relations Committee shall work with the
 30 Budget and Planning Committee to monitor The University of Tennessee system budget
 31 and Athletics Department budget.

32
 33 **Section 3. Other Committees.** The Senate shall have such other committees, ~~standing~~
 34 ~~and special~~, as it may establish ~~may be established~~ from time to time. The members of all
 35 committees shall hold office for one year from the time of their appointment, unless oth-
 36 erwise specified. Membership of these committees may include any faculty (unless mem-
 37 bership is restricted to Senators ~~are designated only~~), as well as students and staff. ~~The~~
 38 ~~President of the Senate is an ex-officio member of all standing committees.~~

39
 40 **Section 4. Committee Vacancies.** In the event of a vacancy in the faculty membership of
 41 the Committee on Nominations and Appointments or of any committee, the ~~Faculty Sen-~~
 42 ~~ate~~ shall fill ~~such the~~ vacancy by an election at the next regular meeting. The new mem-
 43 bers shall be elected for the unexpired portion of the term vacated.

44
 45 **Section 5. Committee Reports.** Each standing or special committee shall submit a writ-
 46 ten report to the Senate at least once during the academic year.

Proposed Amendments to the Proposed Changes to the Faculty Senate Bylaws
First Read to the Senate on February 23, 2009
March 23, 2009

A number of proposed changes to the Bylaws of the Faculty Senate were posted at the Senate's Blackboard web site prior to the Senate's meeting on February 23, 2009. At that meeting, the proposed changes received their first reading. Since that meeting, a number of suggestions have been posted to the discussion board at the web site. Primarily in response to those suggestions, the Executive Council, at its meeting on March 9, 2009, approved the following amendments for consideration by the Senate.

In what follows, line numbers, section numbers, subsection letters and paragraph numbers are as found in the proposed changes to the Bylaws (not those in the current Bylaws).

Article III, Section 2, Subsection B, Paragraph 3. (Page 3, lines 33-34) Change "... in tenure or promotion decisions, annual performance reviews, ..." to "... in retention, tenure or promotion decisions; annual performance reviews;"

Article III, Section H. (Page 8, line 12) Change "Voting ex-officio members shall include the Dean of the Libraries, ..." to "Ex-officio members shall include the Dean of Libraries, the Executive Associate Dean of Libraries,"

Article III, Section 2, Subsection K, Paragraph 3. (Page 12, lines 4-6) Change "The Chair of the Undergraduate Council shall be a faculty member from the Undergraduate Council elected for a two-year term by voting members of the Undergraduate Council. " to "The Chair of the Undergraduate Council shall be a faculty member from the Undergraduate Council, elected to a one-year term, following a one-year term as Vice Chair, by voting members of the Undergraduate Council."

Proposed Changes to the Faculty Senate Bylaws

March 23, 2009

At its meeting on March 9, 2009, the Executive Committee approved the following proposed changes to the Bylaws. Following a first reading of these at the Senate meeting on March 23, 2009, these amendments can be considered by the Senate at its meeting on April 20, 2009.

Article I, Section 3. (New section) The Faculty Senate in Knoxville represents three distinct campuses: Knoxville (UTK), the Institute of Agriculture (UTIA) and the Space Institute (UTSI). Hereinafter, these are referred to collectively as the Campuses. Unless otherwise specified below, the title of Chief Academic Officer refers to the Chief Academic Officers of the Campuses.

Article II, Section 4. At the end of the section, add the sentence "Once a quorum is achieved at a meeting of the Faculty Senate, it cannot be lost before the meeting is adjourned."

In what follows, line numbers, section numbers, subsection letters and paragraph numbers are as found in the proposed changes to the Bylaws (not those in the current Bylaws).

Article III, Section 1, Paragraph 2. (Page 1, line 29) At the end of the paragraph, add "Unless otherwise specified below, ex-officio members of committees shall be nonvoting members. Except for the President of the Senate, the term of office for all officers, committee chairs and committee members shall be from August 1 to July 31."

Article III, Section 2, Subsection G, Paragraph 4. (Page 7, line 42) Change "... agenda and minutes ..." to "... agenda, a summary of substantive actions taken and the minutes"

Article III, Section 2, Subsection K, Paragraph 4. (Page 12, line 14) Change "... agenda and minutes ..." to "... agenda, a summary of substantive actions taken and the minutes"

Article III, Section 4. (Page 12, lines 40-43) Change "In the event of a vacancy in the faculty membership of the Committee on Nominations and Appointments or of any committee, the Faculty Senate shall fill ~~such~~ the vacancy by an election at the next regular meeting. The new members shall be elected for the unexpired portion of the term vacated." to "In the event of a vacancy in the faculty membership of any committee, the vacancy shall be filled by action of the Executive Council."

Research Data Policy

1. Objectives

Research Data are a valuable asset to The University of Tennessee (the University). This policy protects the faculty's and University's property rights by addressing definition, responsibility, control, and distribution of Research Data produced during activities supported by the University; supported by external sponsors; or produced with University facilities, resources, or other personnel.

This policy is applicable to Research Data developed by University employees in performing the duties of their employment by the University or through substantial use of funds and facilities provided by the University. This policy assures that Research Data are adequately recorded, archived, retained, and accessible for sufficient time to support the associated research that produced the data and any intellectual property developed by that research. This policy supports the academic freedom for free and broad dissemination of Research Data, consistent with University policy and needs.

2. Definition of Research Data

For purposes of this policy, Research Data includes all records necessary for the reconstruction and evaluation of reported results of research and the events and processes leading to those results, regardless of form or media. Research Data may include laboratory notebooks, databases documenting research, and other compilations of information developed during research.

Research Data are distinct and separate from, but may be associated with, other intellectual property such as patentable or copyrightable works, and trademarks. Intellectual property is subject to a separate policy (see The University of Tennessee Statement of Policy on Patents, Copyrights, and Other Intellectual Property), as is Tangible Research Property (see Tangible Research Property Policy).

3. Responsibility for Research Data

The University is ultimately responsible for the accuracy and sufficiency of research records, the cornerstone of rigorous research. Therefore, the University is responsible for Research Data developed by University personnel in performing the duties of their employment by the University or through substantial use of facilities or funds provided by the University. Such responsibility applies to research funded by external sources and managed by the University, unless the University agrees to another arrangement in a grant, contract, or other agreement.

The University's responsibility for the scientific record for projects conducted at the University, under University auspices, or with University resources is based upon (a) United States Office of Management and Budget Circular A-110, Sec. 53, (b) the University's need to assess and defend charges of intellectual dishonesty, (c) the University's need to support and commercialize the management of intellectual property, and (d) the University's mission to develop and disseminate new knowledge.

4. Control of Research Data

The University supports the principle of openness in research. Free dissemination of data, processes, and results of research and other sponsored activity is crucial to a vibrant and healthy academic environment. The University promotes the prompt and open exchange of Research Data with scientific colleagues outside the investigator's immediate laboratory or department, subject to relevant grants, contracts, other agreements, or applicable law.

In the case of externally sponsored research involving a grant, contract, or other agreement, the Principal Investigator (PI) is responsible for controlling storage, use, and distribution of Research Data arising from the research activity, subject to provisions of the applicable grant, contract, or other agreement, or University policy, or applicable law. The PI, or laboratory/department head is responsible in situations where the research is performed without a grant, contract, or other agreement, such as institutionally sponsored research. The PI or laboratory/department head is responsible for the following:

- a) Collection of Research Data, including production of defensible laboratory notebooks;
- b) Management of Research Data ensuring efficient and effective retrieval by the PI, other personnel within the research group, or appropriate administrative personnel or research sponsors;
- c) Development of a formal Research Data plan and procedures where appropriate;
- d) Consideration of a system for preserving Research Data in the event of a natural disaster or other emergency;
- e) Retention of Research Data for the requisite period of time (see below); and
- f) Documented communication of the management system and description of the data managed to members of a research group and to the Chief Research Officer.

Control of Research Data, however, remains at all times subject to the other provisions of this policy.

5. Retention of Research Data

The PI or laboratory/department head must preserve Research Data for a minimum of three (3) years after the final project close-out, with original data retained where feasible. The following circumstances may require longer retention:

- a) Where data supports a patent, such data must be retained as long as the patent and any derivative patents are valid;
- b) If allegations of scientific misconduct, conflict of interest, or other charges arise, data must be retained until such charges are fully resolved;
- c) If a student is involved, data must be retained at least until the degree is awarded or the student has unambiguously abandoned the work; and
- d) Data must be retained if required by the terms of a grant, contract, or other agreement, or applicable law.

Beyond these periods, destruction of the research record is at the discretion of the PI or the laboratory/department head. Research Data will normally be retained in the administrative unit where generated. Research Data must be retained on a University facility unless specific permission to do otherwise is granted by the Chief Research Officer.

6. University Responsibilities

University responsibilities with respect to Research Data include the following:

- a) Ensuring the academic freedom of the faculty in pursuit of the University's mission of developing and disseminating new knowledge;
- b) Securing and protecting intellectual property rights for Research Data and commercialization of such data where appropriate and feasible;
- c) Protecting the rights, including those of access to data, of faculty, postdoctoral scholars, students, and staff;
- d) Avoiding undue interference with appropriate dissemination of Research Data in an academic community;
- e) Complying with the terms of a sponsored grant, contract, or other agreement;
- f) Facilitating the investigation of charges of scientific misconduct, conflict of interest, and similar charges or disputes; and
- g) Ensuring the appropriate care of animals, human subjects, recombinant DNA, radioactive materials, controlled substances and the like.

7. Research Data Transfer When a PI Leaves the University or a Grant is Transferred

If a PI leaves the University and a research project is to accompany the PI to a new institution, ownership of the data may be transferred with the approval of the Chief Research Officer and with written agreement from the PI's new institution that ensures: (1) its acceptance of custodial and other responsibilities for the data; (2) the University

and any sponsors have access to the data when necessary and upon reasonable notice; and (3) protection of the rights of human subjects.

8. Resolving Disputes Concerning Research Data Ownership or Policy

Questions of Research Data ownership or other matters pertaining to the Research Data policy will be resolved by the Chief Research Officer in conformance with applicable University policies.

9. University Access

When necessary to assure access to Research Data, the University has the option to take custody of the data in a manner specified by the Chief Research Officer.

Tangible Research Property Policy

1. Objectives

Tangible research property (TRP) is a valuable asset to The University of Tennessee (the University). This policy protects the University's property rights by addressing definition, responsibility, control, and distribution of tangible property produced during activities supported by the University; supported by external sponsors; or produced with University facilities, resources, or personnel. It is the University's intent to preserve TRP where necessary to allow reconstruction of scientific and medical research and to capture commercial value where economically feasible, while not interfering with the normal conduct of research. The policy also guides the distribution of TRP and resolution of disputes involving TRP.

2. Definition of Tangible Research Property

For the purposes of this policy, TRP includes all tangible items produced in the course of research or other projects supported by the University or external sponsors. TRP includes, but is not limited to, biological materials, engineering drawings, computer software, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment.

TRP is distinct and separate from other research data and intellectual property such as patentable or copyrightable works, and trademarks. Intellectual property that develops from research activities and/or data is subject to a separate policy (see The University of Tennessee Statement of Policy on Patents, Copyrights, and Other Intellectual Property, the "IP Policy"), as are research data (see Research Data Policy).

3. Responsibility for Tangible Research Property

The University is ultimately responsible for the accuracy and sufficiency of research records, the cornerstone of rigorous research. Therefore, the University as well as the researcher have rights and responsibilities of ownership of Tangible Research Property developed by University personnel in performing the duties of their employment by the University or through substantial use of facilities or funds provided by the University. Such ownership applies to research funded by external sources and managed by the University, unless the University agrees to another arrangement in a grant, contract or other agreement.

4. Control of Tangible Research Property

The University supports the principle of openness in research. Free dissemination of data, processes, and results of research and other sponsored activity is crucial to a vibrant and healthy academic environment. The University promotes the prompt and open exchange of

TRP and associated research data with scientific colleagues outside the investigator's immediate laboratory or department, subject to relevant grants, contracts, other agreements, or applicable law.

In the case of externally sponsored research involving a grant, contract, or other agreement, the Principal Investigator (PI) is responsible for controlling storage, use, and distribution of TRP arising from the research activity, subject to provisions of the applicable grant, contract, or other agreement, or University policy, or applicable law. The laboratory or department head is responsible in situations where the research is performed without a grant, contract, or other agreement, such as institutionally sponsored research. The responsibility includes determining whether TRP may be distributed outside the department or laboratory for other's scientific uses. Control of TRP, however, remains at all times subject to the other provisions of this policy.

Because TRP may have commercial value, the responsible party may desire to limit the dissemination of TRP to individuals involved in the research. This restriction of dissemination should be carefully considered and should not unreasonably impact outside scientific research, public use, or other commercial development. Scientific exchanges should not be inhibited by unreasonable commercial considerations, only by those being actively pursued.

All TRP transfers outside the University require a material transfer agreement (MTA) approved by the Campus Research Office and, if applicable, The University of Tennessee Research Foundation (UTRF).

5. Commercialization of Tangible Research Property

TRP may be commercialized, typically through a license agreement providing for commercialization income. In addition, a license agreement may be negotiated for the intangible property rights associated with the TRP. All such agreements must be established in accordance with the IP Policy.

Commercialization must be coordinated through UTRF.

In the course of evaluating the commercial potential of University-owned TRP, prospective licensees may require specific information. To protect University ownership and other rights, disclosure of unpublished inventions, discoveries, or other pertinent information to third parties should be made only after the third party has signed a Confidentiality Agreement, as provided by UTRF.

6. Distribution of Tangible Research Property

All persons involved in TRP exchanges with other institutions are responsible for promptly contacting the Campus Research Office to disclose the nature and detail of such activities and otherwise complying with this policy. TRP leaving the University must be supported by

an MTA developed in conjunction with the Campus Research Office. Consultation with UTRF may be required and is recommended.

Before distribution, each item of TRP should be marked with unambiguous identification, as developed and documented by the Department Head, sufficient to distinguish it from other similar items developed at the University or elsewhere. In certain instances, ownership marks may be necessary to meet the University's contractual obligations and administrative requirements. Because of the various types of TRP, the use of such ownership marks could include the name of the institution, the name of the TRP developer, a copyright notice, a trademark notice, or other identifying marks. The selection of the ownership mark will depend upon the nature of the TRP.

a. Distribution for research purposes

1. Biological TRP

Biological materials must be shipped or transferred in a manner that satisfies regulations addressing transfer of infectious or other hazardous agents or recombinant DNA material. Please consult with the Campus Safety Office if the biological material may fall within the scope of these regulations.

All biological material transfers must be pursuant to an appropriate MTA approved by the Campus Research Office and, if applicable, UTRF.

2. Software TRP

Distribution of University-owned software for research purposes must be coordinated through the Campus Research Office and UTRF if (i) the software has potential commercial value, (ii) the PI wishes to control subsequent use, or (iii) the software is subject to the provisions of contracts, grants, or other agreements.

UTRF will work with the PI to establish an appropriate agreement with the recipient. If approved, UTRF will arrange for patent, copyright, or trademark protection.

3. Other forms of TRP

Other forms of TRP should typically follow the policy for software outlined above. Should questions arise, contact the Campus Research Office.

b. Distribution for Commercial Purposes

If TRP developed as a result of research activities at the University is to be distributed to outside users for commercial purposes, UTRF will coordinate the distribution as provided in Section 5 of this policy.

c. Procedures for Receiving TRP from other organizations

Organizations supplying TRP to University scientists and staff will typically insist on entering into an appropriate MTA. The recipient of the TRP must send the MTA to the Campus Research Office for review and execution.

MTAs from provider organizations may contain unacceptable conditions. Two of the most common unacceptable terms are demands for ownership of any invention or discovery made using their TRP and restriction of the right to publish research results. Demands for ownership conflict with the IP Policy and with federal law where government funding supports the research. These demands may also interfere with research by preventing researchers from obtaining materials and funding from other sources.

The Campus Research Office will work to resolve disagreements over terms through negotiations with the transferring organization. In the case of ownership of inventions, reasonable license rights may be offered, consistent with other commitments, legal requirements and University policy. Regarding the right to publish, a reasonable delay in publication may be granted if acceptable to the PI and in conformity with the applicable grant, contract, or other agreement, so that the transferring organization can review proposed publications.

In some instances, a grant, contract, or other agreement will have terms that provide for transfer of certain classes of TRP. In such cases, transfers of the materials may not require a separate MTA, but the terms for transfer in such an agreement must be reviewed by the Campus Research Office.

7. TRP Transfer When a PI Leaves the University or a Grant is Transferred

If a PI leaves the University and a research project is to accompany the PI to a new institution, TRP may be transferred in conjunction with the transfer of a grant, contract, other agreement. In recognition of existing rights to the TRP which are held by the University or a contracting third party, all TRP must be cleared for transfer by the Department Head, the Campus Research Office, and/or UTRF. An MTA may be required to document the transfer of the TRP and associated liability to the new organization.

8. Resolving Disputes Concerning Tangible Research Property Ownership or Policy

Questions of TRP ownership or other matters pertaining to the TRP policy will be resolved by the campus Chief Research Officer in conformance with applicable University Policies.

9. Distribution of Income from the Sale or License of Tangible Research Property

Distribution of any TRP-related royalty income will follow the income distribution plan described in the IP Policy.

Faculty Senate Resolution on Action in Response to the American Recovery and Reinvestment Act of 2009 and Proposed 2009 and 2010 Budget Opportunities

Whereas the American Recovery and Reinvestment Act allocates a total of \$787 B toward stimulating the national economy and,

Whereas allocations are as follows: Infrastructure and Science (\$111 B, including Federal Research and Development in the amount of \$21.5 B), Social Services (\$81 B), Health Care (\$59 B), Education (\$53 B), Energy (\$43 B), and Other (\$8 B), and

Whereas Federal departments affected include USDA, Commerce, Defense, Education, Energy, HHS, NIST, NSF which all house allocations for scholarly, practice-related and scientific endeavors for which the University of Tennessee is ably situated to respond, and

Whereas to carry out these projects funds are also available for building of facilities to update and to develop new physical spaces and other structures and equipment needed for this scientific growth, and

Whereas Grants and Agreements Awards that will made available in this context will entail some expedited deadlines, modification as compared to existing research funding, and changes in eligibilities and accountabilities, and

Whereas the Federal Science and Technology outlook (Omnibus Fiscal Year 2009) includes selective increases in Commerce, Justice and Science (NASA, NSF, NIST and NOAA), Energy and Water (DOE), Interior (USGS, NEH, NEA), Labor, Health and Human Services (HIH, Bell Grants, Graduate Assistance in Areas of National Need, Work Study, Perkins, TRIO) Appropriations and Cross-Cuts Appropriations for Global Climate Change Research (NASA, NOAA, NSF), and

Whereas the Proposed Fiscal Year Budget 2010 (issued Feb. 26, 2009) contains plans for increases in appropriations for non-defense discretionary funding such as cancer research, global climate change research, targeted funding for basic, exploratory and high-risk projects, and other increases for NIH, NSF, NASA, DOE, and DoEd, and

Whereas the University of Tennessee administration, students and faculty will only have a short window, beginning in April, 2009 through early 2010 to apply for these highly competitive resources to develop current and new programs of research, scholarship and creative activity, and

Whereas mechanisms, resources, personnel, policies and institutional structures at the University of Tennessee are integral to obtaining and sustaining efforts toward economic recovery and knowledge development outlined in the American Recovery and Reinvestment Act and planned budget appropriations for the fiscal years of 2009 and 2010, and

Whereas current proposals, highly ranked proposals that were unfunded, as well as new proposals meeting upcoming requests for applications will be prioritized for funding, and

Whereas scientists/scholars need more administrative support and infrastructure than are currently available to meet expedited deadlines, and

Whereas the University of Tennessee, including administration, faculty and students, as well as the people of the State of Tennessee will benefit from these federal investments in research and research infrastructure, as well as the associated outcomes, and

Whereas in order to compete effectively for the above-mentioned and related new resources, the administration and faculty need to reconceptualize, innovate, envision, and collaborate in new ways,

Therefore be it resolved that all members and offices of the university, especially those in the Office of Research, are strongly urged to prioritize this opportunity and work together to provide the effort and all necessary support required for the University of Tennessee Knoxville faculty to be particularly successful in preparing proposals for this one-time funding of research, scholarship and creative activity.

**RESOLUTION FROM THE FACULTY AFFAIRS COMMITTEE OF THE
FACULTY SENATE
PROPOSED FOR ADOPTION AT A MEETING OF THE
FACULTY SENATE TO BE HELD ON
March 23, 2009**

WHEREAS, under Section 3.E. of the Bylaws of the Faculty Senate, the Faculty Senate Faculty Affairs Committee of the Faculty Senate “is responsible for reviewing proposed revisions and recommending changes to the *Faculty Handbook* following review provisions as set forth in the *Faculty Handbook*, and for reviewing the *Manual for Faculty Evaluation*,” and

WHEREAS, the Office of the Provost and the Deans’ Council recommended that the Faculty Senate Faculty Affairs Committee review and recommend proposed revisions to the *Faculty Handbook* and the *Manual for Faculty Evaluation* to improve, clarify, and simplify the faculty annual review and retention review processes;

WHEREAS, under Section 8.3 of the *Faculty Handbook*, the Faculty Senate Faculty Affairs Committee “is responsible for recommending changes, which should have input from the chancellor, the vice president, and their administrative staff including deans for consideration by the Faculty Senate Executive Committee and final consideration by the full Faculty Senate;” and

WHEREAS, under Appendix D of the *Manual for Faculty Evaluation*, “[r]evisions to the *Manual for Faculty Evaluation* are made in consultation with and the approval of the Faculty Senate Faculty Affairs Committee and the Faculty Senate Executive Committee for final approval by the full Faculty Senate;” and

WHEREAS, the Faculty Senate Faculty Affairs Committee has reviewed—and sought (i) input from the Interim Chancellor and the Vice President of Agriculture and (ii) consideration by, consultation with, and the approval of the Faculty Senate Executive Committee on—various revisions to the *Faculty Handbook* and the *Manual for Faculty Evaluation* designed to improve, clarify, and simplify the faculty annual review and retention review processes; and

WHEREAS, the memorandum from the Faculty Senate Faculty Affairs Committee to the Faculty Senate attached to the minutes of this meeting as Exhibit A describes these various revisions to the *Faculty Handbook* and the *Manual for Faculty Evaluation*;

now, therefore, it is

RESOLVED, that the changes to the *Faculty Handbook* and the *Manual for Faculty Evaluation* attached to these minutes as Exhibits B and C are approved and adopted and that the changes to the *Manual for Faculty Evaluation* become effective only if and at the time the changes to the *Faculty Handbook* become effective; and it is further

RESOLVED, that the Annual Recommendation on Retention of Tenure-Track Faculty and the Faculty Annual Evaluation Report attached as part of Appendix A to the *Manual for Faculty Evaluation* are deleted and that the two-sided Faculty Annual Review Form attached to these minutes as Exhibit D is substituted for those documents; and it is further

RESOLVED, that, in addition to the changes to the *Faculty Handbook* noted in Exhibits B and C to these minutes, paragraph 3 of Section 7.2 of the *Faculty Handbook* is revised to delete the following sentence:

“The faculty member may choose to include a description and review of compensated outside activities as a separate addendum to the annual review, if appropriate.”

And it is further

RESOLVED, that in addition to the changes to Parts I and II of the *Manual for Faculty Evaluation* noted in Exhibits B and C to these minutes, certain conforming changes are made in the *Manual for Faculty Evaluation* as follows:

- (1) the term “annual evaluation” in the text of the “Introduction: General Information and Guidelines for Using this Manual,” Part V.A.1., Part V.A.2.a., Part V.A.2.b., and Part V.A.3. of the *Manual for Faculty Evaluation* is changed to “annual review;”
- (2) the reference in Part IV.A.1.e.i. to “Annual Recommendation on Retention forms and Faculty Annual Evaluation Reports” is changed to “Retention Review Forms and Annual Review Forms;”
- (3) the two references in Part IV.B.3.d.i. of the *Manual for Faculty Evaluation* to “Annual Recommendation on Retention forms” are changed to “Retention Review Forms” and that the word “for” be inserted after the first reference;
- (4) the two references in Part IV.A.1.e.ii. and the reference in Part V.B.1.a. of the *Manual for Faculty Evaluation* to “Faculty Annual Evaluation Reports” are changed to “Annual Review Forms;”
- (5) the reference to “Faculty Annual Evaluation Report” in Part V.A.3. of the *Manual for Faculty Evaluation* is changed to “Annual Review Form;”
- (6) Appendix A to the *Manual for Faculty Evaluation* is re-titled as follows “Faculty Annual Review Report and Cumulative Peer Review Report;”
- (7) the first two listed items in Instruction G and the two items in numbered paragraphs 1 and 2 of Part G in Appendix B are deleted and are replaced with “Retention Review Forms (for tenure-track faculty only)” and “Annual Review Forms (for faculty seeking promotion only),” respectively;
- (8) the reference to “Annual Recommendation on Retention forms and/or the Faculty Annual Evaluation Reports” in Part A. 3. of Appendix B is replaced with a reference to “Retention Review Forms and/or Annual Review Forms;” and
- (9) references to “annual evaluation” and “annual teaching evaluation” in the “Best Practices for Assessment and Evaluation of Faculty Teaching” attached to the *Manual for Faculty Evaluation* are changed to “annual review” and “annual teaching review,” respectively; and it is further

RESOLVED, that this Faculty Senate approves and adopts a five-category evaluation scale (as included in the Annual Review side of the Faculty Annual Review Report attached to these minutes as Exhibit E) for use in annual reviews on a pilot basis commencing in the fall 2009 semester and that the Faculty Annual Review Report attached to these minutes as Exhibit E be used for faculty annual reviews commencing in the fall 2009 semester and continuing until the pilot program is terminated; and it is further

RESOLVED, that the Faculty External Compensation and Consulting Annual Report Form attached to these minutes as Exhibit F is approved and adopted and that this form be included as part of Appendix A to the *Manual for Faculty Evaluation*; and it is further

RESOLVED, that the changes to the *Faculty Handbook* approved in these resolutions be presented to the Chancellor and the Vice President of Agriculture (who then will submit their recommendations concerning the proposed revisions to the chief academic officer for the system, who then will submit his or her recommendation to other appropriate vice presidents, the general counsel, and the president).

To: Faculty Senate
From: Faculty Senate Faculty Affairs Committee
Date: March 4, 2009

Re: Annual Performance Reviews and Retention Reviews –
Proposed Changes to the *Faculty Handbook* and *Manual for Faculty Evaluation*; Related Pilot Program

This memorandum explains proposed changes to the *Faculty Handbook* and *Manual for Faculty Evaluation* relating to both (1) annual performance reviews for tenure-track and tenured faculty and (2) retention reviews for tenure-track faculty. The memorandum also describes a related pilot program for annual performance reviews. These changes and the basic description of the related pilot program incorporate suggestions from the UTK Dean's Council, the Vice President of Agriculture, the Dean of the University of Tennessee Space Institute, the Office of the Provost, and faculty members serving on the Faculty Affairs Committee. The changes, the pilot program, the related drafting, and the summary provided in this memorandum, have been discussed and vetted by the Faculty Affairs Committee over a period of many months.

As you will see, there are many interrelated changes. Since our objective is to propose these changes and the pilot program for approval and adopted at the March Faculty Senate meeting, **I ask that you review this memorandum and post your comments in the related discussion forum on the Faculty Senate Blackboard site.**

A. Changes Affecting both the Annual Performance Review Process and Retention Review Process

1. *Ensure that basic substantive descriptions of both processes are included in the Faculty Handbook and that the procedures regarding each are included in the Manual for Faculty Evaluation.* This mostly requires shifting some text back and forth between the two documents, but also involves a limited amount new drafting.
2. *For untenured UTK and UTSI faculty, coordinate the annual review and retention review processes so that tenure-track faculty members prepare and submit review materials once every year.* With both reviews occurring in the fall at UTK and UTSI, faculty members on those campuses will complete and file Faculty Activity Reports (see item 4 below) once each year, in or about August (to cover the preceding academic year).
3. *Provide for a single report (i.e., Faculty Annual Review Report) for each tenure-track and tenured faculty member that will include evaluation results for that faculty member and any required form of narrative or substitute, as well as, in the case of a tenure-track faculty member, the retention review results for that faculty member.* The revised, consolidated, two-sided report will be included as an attachment to the *Manual for Faculty Evaluation*. At UTK and UTSI, the two sides of the report will be prepared, signed, and transmitted together, streamlining the review process for the faculty member and administrators. At UTIA, where the annual review and retention review processes will not take place in the same semester for operational and administrative reasons, the two sides of the report will be separately prepared, signed, and transmitted.
4. *Formalize the name and genesis of the contents of the annual report prepared and filed by each faculty member at the department level.* The proposed text labels this report by its common moniker—Faculty

Activity Report—and provides that the form and content of the report be determined by college and department bylaws.

5. *In both the annual review and retention review processes, add express provisions (a) allowing for department heads to formally respond when the college dean disagrees with the department head's determinations and (b) providing that any such response (i) be disseminated to the faculty member and the dean and (ii) be included in the formal record of the review.* This seems like an approach that is more transparent and fair to both the faculty member and the involved administrators.
6. *In both the annual review and retention review processes, add a statement requiring that the threshold decision-making person (the department head, for the annual review) or body (the tenured faculty, for the retention review) only rely on and include in the review and any related narrative documented and substantiated information available at the time of the review.* The text includes an express clarification that neither the review nor the narrative may be based on rumor or speculation. This additional guidance is designed to help department heads and tenured faculty meaningfully and fairly distinguish and employ information important to the review.

B. Changes Affecting the Annual Performance Review Process

1. *Conform references to this process in the Faculty Handbook and Manual for Faculty Evaluation so that they use consistent terminology.* I note that the UT Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure (March 2006), available at <http://bot.tennessee.edu/policies-acad.html#evaluationoftenuredfaculty>, calls this activity an "Annual Performance-and-Planning Review." The *Manual* variously uses "annual evaluation" and "annual review." We chose the latter (the term used in the *Faculty Handbook*) and plan to make the Part consistent. (Note that the Policies refer to this process only in the context of tenured faculty.)
2. *Provide that each year, faculty are evaluated based on their performance during the prior three years.* This enables faculty members with long-term projects to more easily show progress that then can be credited and, under current metrics, awarded with merit pay, when it is made available. Although the UT Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure (March 2006), available at <http://bot.tennessee.edu/policies-acad.html#evaluationoftenuredfaculty>, provide that the annual evaluation examines "the current fiscal/academic year's activities," the Office of the Provost and the Faculty Affairs Committee agree that this language in the Policies is not intended to be exclusive (i.e., that an examination of more than just the current year's activities is compliant with the Policies).
3. *Clearly state that neither faculty nor administration is permitted to communicate about the substance of the faculty member's annual review except as part of the formal review process itself.* Some faculty members have learned that unit leaders have informally discussed their evaluation of a faculty member with, for example, a more senior administrator within the review system before review processes have been undertaken or fully completed. This compromises the fairness of the evaluation process and must not occur.
4. *Provide that faculty members must prepare and submit the Faculty External Compensation and Consulting Annual Report Form among the materials required to be supplied in connection with each annual review.* This new form reports compensated outside activities engaged in by faculty. Currently, some units successfully capture this information and some do not, creating inequities. With this change, both faculty and unit leaders are responsible for the failure of a faculty member to complete and file this information on an annual basis and can be held accountable for a failure to do so. Implementation of

this change requires small changes to both the *Faculty Handbook* (Section 7.2) and the *Manual for Faculty Evaluation* (Part II.D.).

5. *Allow tenured faculty members in good standing to submit abbreviated materials in connection with annual reviews.* For these purposes, a tenured faculty member is in good standing if he or she (a) received a rating in the previous annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (b) is not under a Cumulative Performance Review.
6. *Permit unit leaders to attach the Faculty Activity Report of a faculty member in good standing (as defined in item B.5. above) in lieu of writing a separate narrative about the faculty member's performance for inclusion with the faculty member's Faculty Annual Evaluation Report, unless (i) the faculty member requests that the department head write a separate narrative in that year or (ii) it has been three years since the department head last wrote a narrative for that faculty member.* The Deans' Council requested a short-form process under these circumstances. The UT Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure (March 2006), available at <http://bot.tennessee.edu/policies-acad.html#evaluationoftenuredfaculty>, provide that

[e]ach faculty member and his or her Department Head will engage in a formal annual Performance-and-Planning Review, examining the current fiscal/academic year's activities and planning what should occur during the coming fiscal/academic year. . . . A document summarizing the review-including an objective rating of the faculty member's performance, as listed below-must be signed by the faculty member (to acknowledge receipt of the review document) and the Department Head. The Head must send a copy to the Dean. The Dean must send copies of the documents or a list of names by category to the Chief Academic Officer for review and approval/disapproval.

The proposed short-form process does not appear to violate the letter or spirit of these provisions and relieves unit leaders of what we deem to be inconsequential reporting obligations. The Faculty Affairs Committee considered the possibility of only extending the good standing definition to tenured full professors or faculty tenured for at least five years, but we determined that a tenured faculty member in good standing who desires that his or her department head draft a full narrative more often than once every three years (e.g., as he or she prepares for promotion to full professor) could request that the department head draft a narrative and should feel secure in doing so. We also afforded the department head an express right to voluntarily provide a narrative at any time.

Related Pilot Program

Also, the Deans' Council and the Faculty Affairs Committee concur that a five-category annual review ranking system, with "meets expectations" as the equivalent of the middle ranking category, is preferable to the current four-category system in which "meets expectations" is the second-highest ranking category. This would allow for more refined judgments to be made about the performance of faculty and normalize the ranking scale around a defined midpoint. The UT Trustees' Policies Governing Academic Freedom, Responsibility, and Tenure (March 2006), available at <http://bot.tennessee.edu/policies-acad.html#evaluationoftenuredfaculty>, mandate the current four-category system, so we currently are unable to propose a change in this regard. However, UTK Vice Provost for Faculty Affairs, Sarah Gardial, has received tentative approval from the University system administration to suggest and implement a pilot program for a five-category system at UTK, UTIA, and UTSI. Accordingly, we also are asking for Faculty Senate approval of this pilot program for implementation in the 2009-2010 academic year, beginning with the fall 2009 review cycle at UTK (and if the Faculty Senate approves the related changes set forth in this memorandum, UTSI), assuming Faculty Senate and Board of Trustees approval this spring.

C. Changes Affecting the Retention Review Process

1. *Mandate a more substantive review of each faculty member in the year following the midpoint of their probationary period (for most faculty members, in their fourth year of service) that focuses specifically and comprehensively on the faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.* Units will need to provide for specific procedures for this enhanced review in their bylaws, but this new provision in the *Manual for Faculty Evaluation* will call for the tenure-track faculty member to prepare, with the guidance and counsel of the Dean, a file on her or his cumulative performance that is, in substance, a tenure "pre-dossier," reflecting her or his degree of progress in satisfying the requirements for tenure in teaching, research / scholarship / creative activity, and service. This file will be completed in time for the faculty member's annual retention review. A faculty member with a probationary period of less than four years is exempt from this enhanced review process but may voluntarily request that the tenured faculty provide such a review in any one year during the probationary period.
2. *Clarify the meaning of the tenured faculty's vote on retention.* The Deans' Council and the Faculty Affairs Committee both are concerned that the purpose of the tenured faculty's vote on retention is unclear and that more clarity may enhance the informational value of the retention review for faculty members and the better delineate the nature of the tenured faculty's review process. Accordingly, the tenured faculty's vote in the years before any enhanced retention review referenced in item C.1. above shall focus primarily (but not exclusively) on the tenure-track faculty member's ability to sustain a level of teaching, research / scholarship / creative activity, and service that comports with the unit's expectations for faculty members at the rank of the faculty member under review. Beginning in the year in which the tenure-track faculty member is the subject of the enhanced retention review process referenced in item C.1. above (or, for a faculty member who is exempt from the enhanced retention review process, in every year of his or her probationary period), the tenured faculty's vote on retention shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.

UTK Faculty Senate Faculty Affairs Committee

Annual Review for All Faculty Members

Recommended Changes to *Faculty Handbook* (Section 3.8.1)

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.

Recommended Changes to *Manual for Faculty Evaluation* (Part II)

A. GENERAL INFORMATION

1. Policies Governing Annual Review. Policies adopted by The University of Tennessee Board of Trustees require that each faculty member and his or her department head engage in a formal annual performance-and-planning review. Each faculty member's annual performance-and-planning review must proceed from guidelines and criteria contained in Section 3.8.1 of the *Faculty Handbook*, this manual, and collegiate or departmental bylaws.

2. Goals of the Annual Review. The goals of the annual performance and planning review are set forth in Section 3.8.1 of the *Faculty Handbook*.

3. Timetable for Annual Review. Each faculty member at The University of Tennessee, Knoxville and the University of Tennessee Space Institute is evaluated annually on his or her performance during the previous three academic years. Each faculty member at the University of Tennessee Institute of Agriculture is evaluated annually on his or her performance during the previous three calendar years. In either such case, the three-year period is referred to as the "Evaluation Period." For each tenured or tenure-track faculty member at The University of Tennessee, Knoxville or the University of Tennessee Space Institute, the Annual Review side of the Faculty Annual Review Report attached at Appendix A to this manual (the "Annual Review Form") will be completed at and transmitted from the faculty member's department in the fall semester of each academic year,

as set forth in the Faculty Evaluation Calendar. For each tenured or tenure-track faculty member at the University of Tennessee Institute of Agriculture, the Annual Review Form will be completed in the spring semester of each academic year, as set forth in the Faculty Evaluation Calendar.

4. Articulation with the Retention Review. Tenure-track faculty members undergo the annual retention review process described in Part I of this manual as well as an annual review. The retention review process for tenure-track faculty members at The University of Tennessee, Knoxville and the University of Tennessee Space Institute shall be coordinated with the annual review process described in this Part II, and the results of the retention review process shall be recorded on the appropriate side of the Faculty Annual Review Report (see paragraph B.4. of this Part II and Appendix A of this manual).

5. No *Ex Parte* Communications. The annual review process exists to provide fair and objective feedback and relevant support to faculty members on a regular and constructive basis. Accordingly, the procedures for the annual review are designed to create and preserve specific lines of communication between faculty and administrators. As a means of preserving this process, neither the faculty member under review nor any administrator managing or conducting the review is permitted to communicate substantive information about the review with others in or outside the review process except as specified in this manual. For example, a department head shall not communicate with a dean about the substance a faculty member's review except through the Annual Review Form.

B. PROCEDURES FOR THE ANNUAL REVIEW OF FACULTY

1. Initiating the Annual Review Process. The department head manages the process of annual review of tenured and tenure-track faculty in a timely way to ensure compliance with all deadlines for submission of the review forms to the dean and chief academic officer.

a. Scheduling the annual review conference. The department head should schedule the annual review conference with each tenured and tenure-track faculty member at least two weeks in advance of the date to allow faculty adequate notice to prepare the required materials.

b. Preparing for the review conference. The department head will inform the departmental faculty of the materials that should be prepared and submitted before the conference and the format to be used for submission of materials for the review, in each case as set forth in paragraph B.2. of this Part II.

2. Documents Prepared by the Faculty Member. The faculty member prepares a written summary of work in teaching, research/scholarship/creative activity, and service. The summary includes work accomplished during the Evaluation Period. Except as otherwise noted at the end of this paragraph 2., it is suggested that each faculty member under review provide to the department head review materials which contain at least the following:

a. a summary of the past year's plans and goals developed at the previous year's annual review;

b. a summary of the faculty member's activities and accomplishments during the Evaluation Period in teaching, research/scholarship/creative activity, and service, in accordance with Section 3.8.1 of the *Faculty Handbook* (the "Faculty Activity Report"), the form and content of which shall be determined based on college and department bylaws, but each of which should include evidence, if any, of international and intercultural expertise or experience;

c. a list of specific plans and goals for the upcoming year;

- d. any documentation requested by the department head or required by departmental or collegiate bylaws that evidences the faculty member's activities during the Evaluation Period, which may include information supporting accomplishments in teaching, research/scholarship/creative activity, and service;
- e. a completed, signed copy of the Faculty External Compensation and Consulting Annual Report Form (see Appendix A of this manual and Section D. of this Part II); and
- f. a current *curriculum vitae*.

Collegiate or departmental bylaws may require that less extensive review materials be submitted by a tenured faculty member who (i) received an overall rating in his or her most recent annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (ii) is not under a Cumulative Performance Review (as described in Part V of this manual). A faculty member meeting the criteria set forth in clauses (i) and (ii) of the preceding sentence is in "Good Standing."

3. The Department Head's Evaluation. The faculty member and the department head have a scheduled conference (a) to discuss the faculty member's (i) goals for the previous year and (ii) accomplishments during the Evaluation Period and (b) to formulate goals for the faculty member for the coming year.

4. Preparation of the Annual Review Form. The department head documents his or her review of each faculty member on the Annual Review Form with attachments if necessary. The department head signs the Annual Review Form. The Annual Review Form should include the components set forth below, as applicable.

a. The department head writes a narrative describing and discussing the faculty member's progress on his or her goals for the previous year and the performance of the faculty member in the areas of teaching, research/scholarship/creative activity, and service during the Evaluation Period, in each case, based on procedures and standards set forth in the *Faculty Handbook*, this manual, and the departmental bylaws ("Progress and Performance Narrative"). The Progress and Performance Narrative also outlines goals for the faculty member for the coming year and should include evidence, if any, of international and intercultural expertise or experience. The department head's review and the Progress and Performance Narrative only shall rely on and include documented and substantiated information available to the department head at the time of the review and shall not be based on rumor or speculation.

b. The department head may, but is not required to, write a Progress and Performance Narrative for a faculty member in any year in which the faculty member is in Good Standing, unless (i) the faculty member requests that the department head write a Progress and Performance Narrative in that year or (ii) it has been three years since the department head has written a Progress and Performance Narrative for that faculty member. In any year in which the department head does not write a Progress and Performance Narrative for a faculty member as permitted by the previous sentence, the department head shall attach to the Annual Review Form that faculty member's Faculty Activity Report.

c. The department head indicates on the Annual Review Form whether the performance of the faculty member exceeds expectations for his or her rank, meets expectations for his or her rank, needs improvement for his or her rank, or is unsatisfactory for his or her rank, based on previously established objectives for that faculty member and departmental bylaws (including the department's criteria for the various ratings at the different ranks).

5. Reviewing and Signing the Annual Review Form. The department head gives the Annual Review Form to the faculty member, who reviews and signs it. The faculty member's signature indicates that he or she has read the

entire Annual Review Form, but the signature does not necessarily imply agreement with the Progress and Performance Narrative, performance evaluation, or other contents.

6. Responding to the Annual Review Form. The faculty member may prepare a written response to the Annual Review Form. This response should be copied to the department head, and the department head shall include it in the materials forwarded to the dean under paragraph 7 of this Part II.B. The faculty member shall be allowed two weeks from the date of receipt of the finalized Annual Review Form from the department head to submit any written response. If no response is received by the department head after two weeks from the date the faculty member receives the Annual Review Form from the department head, the faculty member relinquishes the right to respond.

7. Transmitting the Evaluation. The department head forwards to the dean the Annual Review Form and any attachments. The department head also forwards any written response received from the faculty member.

8. The Dean's Review of the Annual Review Form

a. Reviewing and signing the review forms. The dean reviews the Annual Review Forms submitted by each department head and signs the Annual Review Forms, indicating either concurrence with or dissent from the department head's rating of each faculty member.

b. Dissent from the department head's rating. In cases where the dean does not concur with the department head's rating, the dean (i) assigns a different rating, indicating whether the performance of the faculty member exceeds expectations for his or her rank, meets expectations for his or her rank, needs improvement for his or her rank, or is unsatisfactory for his or her rank, based on previously established objectives for that faculty member and departmental bylaws (including the department's criteria for the various ratings at the different ranks), and (ii) prepares a written rationale summarizing the reasons for his or her dissent from the department head's rating. Copies of the dean's rating and rationale must be forwarded to the faculty member and the department head.

c. Faculty member's and department head's right to respond. Each of the faculty member and the department head has the right to submit a written response to the dean's rating or the accompanying rationale. Any response by the faculty member should be copied to the dean and the department head, and the dean shall include it in the materials forwarded to the chief academic officer under subparagraph d. of this Part II.B.8. Similarly, any response by the department head should be copied to the dean and the faculty member, and the dean shall include it in the materials forwarded to the chief academic officer under subparagraph d. of this Part II.B.8. The faculty member and department head will be allowed two weeks from the date of receipt of the dean's rating and rationale to submit any written response. If no response is received after two weeks from the date of receipt of the dean's rating and rationale, the faculty member or department head, as applicable, relinquishes the right to respond.

d. Transmitting the Annual Review Forms. The dean forwards the Annual Review Form for each faculty member, together with any attachments and any written responses received from the faculty member and the department head, to the chief academic officer by the deadline established in the Faculty Evaluation Calendar. In addition, the dean prepares a spreadsheet listing all faculty and the ratings for each (exceeds expectations, meets expectations, needs improvement, unsatisfactory), organized by academic department, and forwards the spreadsheet to the chief academic officer with the Annual Review Forms.

9. Chief Academic Officer's Review of the Annual Review Forms

The chief academic officer reviews the Annual Review Forms, indicates a final decision on the rating to be assigned to the faculty member (exceeds expectations for his or her rank, meets expectations for his or her rank, needs improvement for his or her rank, unsatisfactory for his or her rank), and signs the form. Fully executed copies of the Annual Review Form will be returned to the faculty member, the department head, and the dean. In cases where the chief academic officer does not concur with the rating given by the dean, the chief academic officer (a) assigns a different rating, indicating whether the performance of the faculty member exceeds expectations for his or her rank, meets expectations for his or her rank, needs improvement for his or her rank, or is unsatisfactory for his or her rank, based on previously established objectives for that faculty member and departmental bylaws (including the department's criteria for the various ratings at the different ranks), and (b) prepares a narrative summarizing the reasons for his or her dissent from the dean's rating. Copies of the chief academic officer's rating and narrative must be forwarded to the faculty member, the dean, and the department head.

C. FOLLOW-UP IN CASES OF NEEDS IMPROVEMENT OR UNSATISFACTORY RATINGS

Faculty members who receive notice from the chief academic officer that they have received ratings of "needs improvement" or "unsatisfactory" must develop a plan of improvement and submit the plan to the department head within 30 days of receipt of the fully executed Annual Review Form (as described in Part II.B.9 of this manual). The faculty member has the responsibility of developing a written response for each area needing attention in the Annual Review Form, including the goals and benchmarks for improvement and the resources, if any, to be allocated for this purpose. The faculty member will follow up on this plan at subsequent annual reviews.

1. **Administrative Review of the Plan of Improvement.** The department head will review each plan of improvement developed and submitted by a faculty member under this Part II.C. The department head must approve the plan before forwarding it to the dean for approval. The dean must approve the plan before forwarding it to the chief academic officer for approval. The chief academic officer will notify the dean, department head, and faculty member of his or her approval of the plan. The department head has primary responsibility for monitoring the progress of the faculty member in accordance with standards and procedures established in the departmental bylaws.

2. Following up on the Plan of Improvement

a. **Progress reports.** To permit the department head to monitor the progress of the faculty member, the faculty member should submit to the department head periodic updates on progress on the goals and benchmarks established in the improvement plan, in the form and at the times requested by the department head. The first annual review following a review rating indicating that the faculty member's performance needs improvement or is unsatisfactory shall include a report that clearly describes progress in any area(s) needing improvement or noted as unsatisfactory.

b. **Cumulative Performance Review.** Cumulative performance reviews for tenured faculty are triggered by the rating from the annual review. A faculty member whose performance is found to be unsatisfactory for his or her rank in two out of five consecutive annual reviews or whose reviews in any three of five consecutive years indicate performance that needs improvement for his or her rank or is unsatisfactory for his or her rank shall undergo a cumulative performance review. This process is described in Part V of this manual.

3. **Rating of Unsatisfactory.** A faculty member who receives a rating of unsatisfactory shall be ineligible for rewards.

D. COMPENSATED OUTSIDE ACTIVITIES

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 *Faculty Handbook* and applicable bylaws. 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. (Faculty members should review and ensure they comply with the full policy on Compensated Outside Services in Chapter 7 of the *Faculty Handbook*.)

UTK Faculty Senate Faculty Affairs Committee

Retention Review for All Faculty Members

Recommended Changes to *Faculty Handbook* (Section 3.8.2)

3.8.2 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.

Recommended Changes to *Faculty Handbook* (Sections 3.11.3.3 and 3.11.3.4)

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 this *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.

Recommended Changes to Part I of the *Manual for Faculty Evaluation*

A. GENERAL INFORMATION

1. Annual Review Process and Retention Review

Department heads evaluate tenured and tenure-track faculty members annually. For information on the annual review of faculty, please refer to Part II of this manual. In accordance with the *Faculty Handbook* (3.8.2; 3.11.3.4), tenure-track faculty members receive an annual retention review 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. The specific criteria for the evaluation and review of tenure-track faculty must be described in collegiate and/or departmental bylaws.

2. Annual Retention Review Process for Tenure-Track Faculty

a. Schedule for retention reviews. The annual retention review will take place in each year of the probationary period leading up to (but not including) the year of tenure consideration. For the schedule of due dates for retention reviews in a given academic year, please consult the Faculty Evaluation Calendar. Each tenure-track faculty member with a probationary period of four or more years shall undergo an enhanced retention review in the academic year following the midpoint in his or her probationary period (typically, the faculty member's fourth year of employment). A tenure-track faculty member with a probationary period of less than four years may request that the tenured faculty provide him or her with an enhanced retention review in any one year of the probationary period up to (but not including) the faculty member's year of tenure consideration. The procedures for regular and enhanced retention reviews are set forth in Section B of this Part I.

b. Recommendation form. The retention review process is documented using the Retention Review side of the Faculty Annual Review Report attached at Appendix A to this manual (the “Retention Review Form”). For each tenure-track faculty member at The University of Tennessee, Knoxville, the University Institute of Agriculture, and the University of Tennessee Space Institute, the Retention Review Form will be completed at and transmitted from the faculty member’s department in the fall semester of each academic year, as set forth in the Faculty Evaluation Calendar.

c. English language competency. The University of Tennessee Board of Trustees mandates that each candidate for tenure and promotion who is not a native speaker of English be certified as competent to communicate in English. The department head monitors effectiveness in communication in English in the annual retention review process. Should student evaluations or other indicators suggest that the faculty member’s English language communication is not effective, the department head will work with the faculty member to identify areas for improvement and to develop, as appropriate, a plan for improving the faculty member’s skills in English language communication.

3. Mentor

The department head assigns a faculty mentor or a mentoring committee for each tenure-track faculty member. The mentor should be a senior member of the same department or another unit, who can serve as a model and as a source of information for the tenure-track faculty member. Department heads should not serve as mentors for faculty within their own departments. The mentor or mentoring committee may participate in the annual retention review in a manner to be determined in collegiate and/or departmental bylaws (see the Best Practices for Faculty-to-Faculty Mentoring annexed to this manual).

B. PROCEDURES FOR RETENTION AND NON-RETENTION

1. Departmental Retention Review Process for Tenure-Track Faculty

a. Preparation for the retention review.

Except in years in which an enhanced retention review occurs (as provided for in paragraph A.2.a. of this Part I), the faculty member prepares and submits to the department head (for distribution to the tenured faculty) a written summary of his or her accomplishments in teaching, research / scholarship / creative activity, and service for the previous academic year in accordance with departmental bylaws. The department head requests this summary in writing from each tenure-track faculty member on behalf of the tenured faculty at least two weeks before it is needed for the review. It is expected that, at The University of Tennessee, Knoxville and the University of Tennessee Space Institute, the Faculty Activity Report submitted to the department head in accordance with paragraph B.2.b. of Part II of this manual will serve as the summary required under this paragraph.

In the year in which an enhanced retention review occurs (as provided for in paragraph A.2.a. of this Part I), the faculty member shall, with the guidance and counsel of the department head, prepare and submit to the department head (for distribution to the tenured faculty) a file on her or his cumulative performance, reflecting her or his degree of progress in satisfying the requirements for tenure in teaching, research / scholarship / creative activity, and service. The file (which shall be prepared by the faculty member as a preliminary draft of the faculty member’s file in support of a tenure dossier) shall contain: the faculty member’s Faculty Activity Reports submitted to the department head in accordance with paragraph B.2.b. of Part II of this manual, computer-tabulated teaching evaluations, and annual retention reports compiled during the faculty member’s probationary period; copies of

research / scholarship / creative activity published or otherwise completed during the probationary period; teaching materials; evidence of research / scholarship / creative activity work in progress; a statement prepared by the faculty member describing other research / scholarship / creative activity in progress but not included in the file, a summary of service to the department, college, University, and other relevant constituencies; and any other materials that the department head requests or the faculty member desires to make available to the tenured faculty.

Faculty members also may be required or permitted to submit other materials in accordance with collegiate and/or departmental bylaws. The department head shall make the materials prepared and submitted in accordance with this paragraph B.1.a. available to the tenured faculty in advance of the meeting on retention.

b. Review by the tenured faculty. The tenured faculty will review the summary submitted by the faculty member in accordance with Part I.B.1.a and, as provided in collegiate and/or departmental bylaws, solicit input from the faculty member's mentor or mentoring committee. The tenured faculty then will construct a narrative that describes and discusses both (i) 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 (ii) the faculty member's progress toward promotion and tenure in the context of the *Faculty Handbook*, this manual, his or her appointment, and departmental bylaws. The review and narrative should specifically address (among other things) the faculty member's establishment and development of teaching methods and tools, program of disciplinary research / scholarship / creative activity, and record of institutional, disciplinary, and professional service, as well as progress toward promotion (where applicable) and tenure. The tenured faculty's review and narrative only shall rely on and include documented and substantiated information available to the tenured faculty at the time of the review and shall not be based on rumor or speculation.

c. The vote of the tenured faculty. The tenured faculty will take a formal retention vote. In the years before any enhanced retention review (as provided for in paragraph A.2.a. of this Part I), this vote shall focus primarily (but not exclusively) on the tenure-track faculty member's ability to sustain a level of teaching, research / scholarship / creative activity, and service that comports with the unit's expectations for faculty members at the rank of the faculty member under review. Beginning in the year in which the tenure-track faculty member is the subject of the enhanced retention review process (or, for a faculty member who is exempt from the enhanced retention review process, in every year of his or her probationary period, even if he or she chooses to undergo a voluntary enhanced retention review in any year), the tenured faculty's vote on retention shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University. The tenured faculty will share the vote and the written narrative with the faculty member and the department head.

d. The department head's review. The department head conducts an independent retention review based upon the faculty member's written summary, the written narrative and vote of the tenured faculty, and a scheduled meeting with the faculty member. The department head shall attach the tenured faculty's vote and narrative (as provided in paragraph B.1.c. of this Part I) to the Retention Review Form. In conducting his or her independent retention review, the department head also may have other consultations with the tenured faculty as needed.

e. The department head's report. The department head makes an independent recommendation on retention and reports this recommendation on the Retention Review Form. The department head's report includes a written recommendation to the dean as to retention or non-retention, including an

evaluation of performance that uses the ratings for annual performance and planning reviews (see Part II)—from “exceeds expectation” to “unsatisfactory.” The department head signs the Retention Review Form.

- i. If a retention review results in a recommendation by the department head to retain the tenure-track faculty member, the department head shall ensure that the written report includes express guidance to the faculty member on ways to improve performance.
- ii. If the retention review results in a recommendation by the department head not to retain the tenure-track faculty member, the department head includes in the report specific reasons for that decision.

f. Dissemination of the Retention Review Form. The department head will provide to the faculty member a copy of the finalized Retention Review Form, including the department head’s retention report and recommendation. The department head will furnish to the tenured faculty a copy of the department head’s retention report and recommendation.

g. Dissenting statements. Any member of the tenured faculty may submit a dissenting statement to the department head. A copy of the dissenting statement will be furnished to the faculty member under review. The dissenting statement will be attached to the Retention Review Form.

h. Faculty member’s review and signature on the Retention Review Form. The faculty member reviews the Retention Review Form. The faculty member’s signature indicates that she or he has read the entire evaluation, but the signature does not necessarily imply agreement with its findings.

i. Faculty member’s response. The faculty member under review has the right to submit a written response to the vote and narrative of the tenured faculty, to the report and recommendation of the department head, and/or to any dissenting statements. The faculty member shall be allowed two weeks from the date of receipt from the head of the finalized Retention Review Form and its complete set of attachments to submit any written response. If no response is received after two weeks of the date of receipt, the faculty member relinquishes the right to respond.

j. Transmission of the Retention Review Form. The department head will forward to the dean the finalized Retention Review Form, together with the department head’s report and recommendation, the retention vote and the narrative of the tenured faculty, and all dissenting statements and responses.

2. Dean’s Review of the Retention Review Form

a. The dean’s review and recommendation. The dean makes an independent review and recommendation on retention after reviewing the materials referred to in Part I. B.1.j. The dean shall prepare a statement summarizing his or her recommendation when it differs from that of the department head or tenured faculty or stating any other concerns the dean might wish to record, as appropriate.

b. Transmission of the dean’s recommendation and statement. The dean will indicate his or her recommendation for retention or non-retention on the Retention Review Form, sign the Retention Review Form, attach his or her statement, if any, and forward the Retention Review Form with its complete set of attachments to the chief academic officer. The dean will send a copy of his or her recommendation and statement, if any, to the department head and the faculty member.

c. Faculty member's and department head's right to respond. Each of the faculty member and the department head has the right to submit a written response to the dean's retention recommendation or any accompanying statement. Any response by the faculty member should be copied to the dean and the department head. Similarly, any response by the department head should be copied to the dean and the faculty member. The dean shall include any response by the faculty member or department head in the materials forwarded to the chief academic officer under subparagraph d. of this Part I.B.2. The faculty member and the department head will be allowed two weeks from the date of receipt of the dean's recommendation to submit any written response. If no response is received after two weeks from the date of receipt, the faculty member or department head, as applicable, relinquishes the right to respond.

d. Transmitting the retention recommendation. The dean forwards the retention recommendation and any accompanying statement for each faculty member, together with any attachments and any written responses received from the faculty member and the department head, to the chief academic officer by the deadline established in the Faculty Evaluation Calendar.

3. Chief Academic Officer's Review of Recommendations for Retention

a. The chief academic officer's review. The chief academic officer shall review all retention recommendations, make the final decision on retention, and indicate his or her decision on retention on the Retention Review Form. The chief academic officer signs the Retention Review Form and sends a copy of the fully executed Retention Review Form to the faculty member with copies to the dean and department head.

b. Notification in cases of non-retention. If the chief academic officer decides that the faculty member will not be retained, the chief academic officer will notify the faculty member receiving the negative decision in accordance with notification requirements described in the *Faculty Handbook* and the Faculty Evaluation Calendar. The chief academic officer will attach to the Retention Review Form a written statement of the reasons for the non-renewal decision. The chief academic officer's statement, together with any subsequent correspondence concerning the reasons, becomes a part of the official record.

FACULTY ANNUAL REVIEW REPORT - ANNUAL REVIEW

Exhibit D

Faculty member: _____
Rank: _____

Department: _____
Evaluation Period: _____

Areas to be evaluated and rated are (1) teaching, (2) research/scholarship/creative activity, (3) service, and (4) overall performance.¹ In each area, the department head rates faculty performance on a scale of 1 to 4, as set forth below, relative to expectations for his or her rank, based on previously established objectives for that faculty member (including goals for the previous year and each of the preceding two years in the Evaluation Period) and departmental bylaws (including the department's criteria for the various ratings at the different ranks).

4 – Exceeds expectations

3 – Meets expectations

2 – Needs improvement²

1 – Unsatisfactory²

	<i>Unsatisfactory</i>			<i>Exceeds expectations</i>	
Teaching	1	2	3	4	NA
Research/Scholarship/Creative Activity	1	2	3	4	NA
Service	1	2	3	4	NA
Overall	1	2	3	4	NA

The department head's Progress and Performance Narrative shall be attached to this Report. Other supporting materials also may be attached. For tenured faculty in Good Standing,³ the department head is required to attach a Progress and Performance Narrative only every three years, unless the faculty member asks the department head to draft and attach a narrative for that year.⁴ In years for which a Progress and Performance Narrative is not attached, the faculty member's Faculty Activity Report for that year is attached to this Report in lieu of the Progress and Performance Narrative.

For purposes of merit and performance-based salary adjustments, this faculty member:

___ Exceeds expectations (is eligible for significant merit/performance pay adjustments)

___ Meets expectations (is eligible for minimum merit/performance pay adjustments)

___ Needs improvement (is not eligible for merit/performance pay adjustments)²

___ Unsatisfactory (is not eligible for merit/performance pay adjustments)²

By signing below, I acknowledge that I have participated in the review process and have received a copy of this review (without implying agreement or disagreement). I understand that I have the right to respond in writing to this form within two weeks from the date I received this form in accordance with Part II.B. of the *Manual for Faculty Evaluation*.

Faculty Member: _____ Date: _____

Department Head: _____ Date: _____

Dean:⁵ _____ Date: _____

Chief Academic Officer:⁵ _____ Date: _____

¹ Procedures and standards are set forth in the *Faculty Handbook*, the *Manual for Faculty Evaluation*, and the departmental bylaws.

² An improvement plan is required.

³ A tenured faculty member is in "Good Standing" if he or she (a) receives an overall rating in this annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (b) is not under a Cumulative Performance Review.

⁴ A department head may also voluntarily attach a Progress and Performance Narrative in any year in which it is not required.

⁵ Attach rating and rationale, as necessary.

FACULTY ANNUAL REVIEW REPORT - RETENTION REVIEW

Faculty member: _____ Department: _____
Year of appointment: _____ Tenure consideration scheduled for AY: _____
Assigned mentor(s): _____

Retention reviews specifically address (among other things) the faculty member's (a) establishment and development of (1) teaching methods and tools, (2) program of disciplinary research/ scholarship/ creative activity, and (3) record of institutional, disciplinary, and/or professional service, as well as (b) progress toward promotion (where applicable) and tenure.

For retention reviews prior to the enhanced retention review⁶ (i.e., typically in the second and third year of the probationary period), the tenured faculty's retention vote shall focus primarily (but not exclusively) on the tenure-track faculty member's ability to sustain a level of teaching, research /scholarship/creative activity, and service that comports with the unit's expectations for faculty members at the rank of the faculty member under review.

The enhanced retention review⁶ (i.e., typically in year four) reflects a comprehensive, substantive evaluation based upon a file prepared by the faculty member, in accordance with requirements set forth in the *Manual for Faculty Evaluation* as a preliminary draft of the faculty member's tenure dossier. Beginning in the year of the tenure-track faculty member's enhanced retention review (and beginning with the first retention review for each faculty member exempt from the enhanced retention review), the tenured faculty's retention vote shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.

1. **Review by the tenured faculty.** The narrative of the tenured faculty is attached and the vote recorded below.

Vote of the tenured faculty: For retention _____ Against retention _____ Abstain _____

2. **Review by the department head.** The report of the department head is attached.

The department head recommends: Retention _____ Termination as of _____

3. **Review by the faculty member.** By signing below, I acknowledge that I have participated in the review process and have received a copy of this review (*without implying agreement or disagreement*). I understand that I have the right to respond in writing to the vote and narrative of the tenured faculty, to the report and recommendation of the department head, and/or to any dissenting statements within two weeks from the date I received this form in accordance with Part I.B. of the *Manual for Faculty Evaluation*.

Faculty Member: _____ Date: _____

4. **Review by the dean.⁷**

The dean recommends: Retention _____ Termination _____

Dean: _____ Date: _____

5. **Review by chief academic officer.⁸**

The chief academic officer recommends: Retention _____ Termination _____

Chief Academic Officer: _____ Date: _____

⁶ The enhanced retention review process is provided for in paragraph A.2.a. of Part I of the *Manual for Faculty Evaluation*.

⁷ A dean's statement should be attached when his or her recommendation "differs from that of the department head or tenured faculty or stating any other concerns the dean might wish to record, as appropriate," as provided in paragraph B.2.a. of Part I of the *Manual for Faculty Evaluation*.

⁸ The chief academic officer's statement may be attached when appropriate.

FACULTY ANNUAL REVIEW REPORT - ANNUAL REVIEW

Exhibit E

Faculty member: _____
Rank: _____

Department: _____
Evaluation Period: _____

Areas to be evaluated and rated are (1) teaching, (2) research/scholarship/creative activity, (3) service, and (4) overall performance.⁹ In each area, the department head rates faculty performance on a scale of 1 to 5, as set forth below, relative to expectations for his or her rank, based on previously established objectives for that faculty member (including goals for the previous year and each of the preceding two years in the Evaluation Period) and departmental bylaws (including the department's criteria for the various ratings at the different ranks).

5 – Outstanding (Excellent): *Far exceeds expectations*

4 – More Than Expected (Very Good): *Exceeds expectations*

3 – Expected (Good): *Meets expectations*

2 – Less Than Expected (Fair): *Falls short of meeting expectations*¹⁰

1 – Unsatisfactory (Poor): *Falls far short of meeting expectations*¹⁰

	<i>Unsatisfactory</i>				<i>Outstanding</i>	
Teaching	1	2	3	4	5	NA
Research/Scholarship/Creative Activity	1	2	3	4	5	NA
Service	1	2	3	4	5	NA
Overall	1	2	3	4	5	NA

The department head's Progress and Performance Narrative shall be attached to this Report. Other supporting materials also may be attached. For tenured faculty in Good Standing,¹¹ the department head is required to attach a Progress and Performance Narrative only every three years, unless the faculty member asks the department head to draft and attach a narrative for that year.¹² In years for which a Progress and Performance Narrative is not attached, the faculty member's Faculty Activity Report for that year is attached to this Report in lieu of the Progress and Performance Narrative.

For purposes of merit and performance-based salary adjustments, this faculty member:

___ Exceeds expectations (is eligible for significant merit/performance pay adjustments)

___ Meets expectations (is eligible for minimum merit/performance pay adjustments)

___ Needs improvement (is not eligible for merit/performance pay adjustments)¹⁰

___ Unsatisfactory (is not eligible for merit/performance pay adjustments)¹⁰

By signing below, I acknowledge that I have participated in the review process and have received a copy of this review (*without implying agreement or disagreement*). I understand that I have the right to respond in writing to this form within two weeks from the date I received this form in accordance with Part II.B. of the *Manual for Faculty Evaluation*.

Faculty Member: _____ Date: _____

Department Head: _____ Date: _____

Dean:¹³ _____ Date: _____

Chief Academic Officer:¹³ _____ Date: _____

⁹ Procedures and standards are set forth in the *Faculty Handbook*, the *Manual for Faculty Evaluation*, and the departmental bylaws.

¹⁰ An improvement plan is required.

¹¹ A tenured faculty member is in "Good Standing" if he or she (a) receives an overall rating in this annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (b) is not under a Cumulative Performance Review.

¹² A department head may also voluntarily attach a Progress and Performance Narrative in any year in which it is not required.

¹³ Attach rating and rationale, as necessary.

FACULTY ANNUAL REVIEW REPORT - RETENTION REVIEW

Faculty member: _____ Department: _____
Year of appointment: _____ Tenure consideration scheduled for AY: _____
Assigned mentor(s): _____

Retention reviews specifically address (among other things) the faculty member's (a) establishment and development of (1) teaching methods and tools, (2) program of disciplinary research/ scholarship/ creative activity, and (3) record of institutional, disciplinary, and/or professional service, as well as (b) progress toward promotion (where applicable) and tenure.

For retention reviews prior to the enhanced retention review¹⁴ (i.e., typically in the second and third year of the probationary period), the tenured faculty's retention vote shall focus primarily (but not exclusively) on the tenure-track faculty member's ability to sustain a level of teaching, research /scholarship/creative activity, and service that comports with the unit's expectations for faculty members at the rank of the faculty member under review.

The enhanced retention review¹⁴ (i.e., typically in year four) reflects a comprehensive, substantive evaluation based upon a file prepared by the faculty member, in accordance with requirements set forth in the *Manual for Faculty Evaluation* as a preliminary draft of the faculty member's tenure dossier. Beginning in the year of the tenure-track faculty member's enhanced retention review (and beginning with the first retention review for each faculty member exempt from the enhanced retention review), the tenured faculty's retention vote shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.

1. **Review by the tenured faculty.** The narrative of the tenured faculty is attached and the vote recorded below.

Vote of the tenured faculty: For retention _____ Against retention _____ Abstain _____

2. **Review by the department head.** The report of the department head is attached.

The department head recommends: Retention _____ Termination as of _____

3. **Review by the faculty member.** By signing below, I acknowledge that I have participated in the review process and have received a copy of this review (*without implying agreement or disagreement*). I understand that I have the right to respond in writing to the vote and narrative of the tenured faculty, to the report and recommendation of the department head, and/or to any dissenting statements within two weeks from the date I received this form in accordance with Part I.B. of the *Manual for Faculty Evaluation*.

Faculty Member: _____ Date: _____

4. **Review by the dean.**¹⁵

The dean recommends: Retention _____ Termination _____

Dean: _____ Date: _____

5. **Review by chief academic officer.**¹⁶

The chief academic officer recommends: Retention _____ Termination _____

Chief Academic Officer: _____ Date: _____

¹⁴ The enhanced retention review process is provided for in paragraph A.2.a. of Part I of the *Manual for Faculty Evaluation*.

¹⁵ A dean's statement should be attached when his or her recommendation "differs from that of the department head or tenured faculty or stating any other concerns the dean might wish to record, as appropriate," as provided in paragraph B.2.a. of Part I of the *Manual for Faculty Evaluation*.

¹⁶ The chief academic officer's statement may be attached when appropriate.

Faculty External Compensation and Consulting Annual Report Form

Employee name: _____
First Middle Last

Title: _____

Department: _____

This form reports my acceptance of or my intention to accept outside employment and/or consulting work. The proposed employment will not interfere with my assigned duties. In such outside employment, I will act as an individual and not as a representative of The University of Tennessee.

A Consulting Engagement Report (Form A) is attached for each engagement.

I understand that consulting/outside employment may not be undertaken on that portion of time covered by federal grants or contracts. I further understand that this request applies only to that portion of my time for which I am employed by The University of Tennessee. I agree to furnish reports and additional details of employment as reasonably required (taking into account, for example, professional or contractual obligations of confidentiality) and to update this form when appropriate during the academic year.

I certify that there will be no conflict of interest between this outside employment and my responsibilities as an employee of The University of Tennessee. I also certify that this employment/consulting work will be conducted at no expense to The University of Tennessee. By signing below, I represent that:

my value as a faculty member and my own professional status will be enhanced and improved by the proposed outside professional activity;

I have read Chapter 7 of the *Faculty Handbook* (Compensated Outside Services) and agree to conduct my outside employment/consulting in accordance with the applicable provisions of this Chapter; and

if I receive compensation from federal grants and contracts, the additional commitment reported with this form cannot result in more than 100% effort as detailed in OMB Regulation A21.

Signature of Faculty Member

University Identification Number

Date

Acknowledged and agreed:

Release time basis?

Yes _____

No _____

Department Head

Date

Acknowledged and agreed:

Release time basis?

Yes _____

No _____

Dean

Date

FORM A – CONSULTING ENGAGEMENT REPORT

The information requested below is supplied to the extent available and to the extent the requested information can be provided consistent with professional and contractual obligations of confidentiality

1. Names and addresses of employing firms, agencies or individuals: _____

2. Nature of work: _____

3. Basis for requesting consulting time, if applicable (discuss remuneration, value to UT, professional enhancement):

4. Period of request: _____ through _____
Date Date

Total consulting time requested for period: _____

Total consulting time requested (including previous approvals): _____

5. Equity ownership involved? _____

If so, the amount and type of equity interest owned:

Candidate for Faculty Senate President (2010-2011)

Glenn C. Graber
Professor of Philosophy

Position Statement:

The times we are going through call urgently for meaningful shared governance. The decisions being made in this time of tight budgets will shape the University for a long time to come. Programs discontinued are unlikely to be re-established; programs reshaped will retain that shape. If there was ever a time for deliberate strategic planning, this is it. And, with the change of leadership at the Systems level, there is opportunity for improved communication between the System and the Campus leadership and between both and the faculty. The strong Senate leadership in recent years has brought the Faculty Senate respect from campus constituencies as well as within the wider community. The new Senate structure being proposed this year can lead to a more effective voice on the issues of importance to those making the key decisions for the System and the Campus. I would hope that the period of Jan Simek's interim presidency would be a time to rethink the structure of the System administration and the relationship of System to Campus. I was a member of a small task force that John Shumaker put together to discuss the System structure. Unfortunately, he departed before we could get further than restoring the campus Chancellor position. Now is the time to renew that dialogue, and the new University System Relations Committee is a natural instrument to prompt the discussion.

Professional Background and Service:

I came to UT in 1968 ABD from graduate study at the University of Michigan. My interests have always been interdisciplinary: bioethics with health professionals, ethics in science with biologists, and most recently engineering ethics. I have served on the Faculty Senate for four terms: 1976-7, 1990-5, 2001-3, 2006-9. I was Senate President 1993-4. I have served on a number of committees of the Senate. I chaired the Nominating Committee three times and the Student Affairs Committee twice. I chaired the committee that brought us the Campus Teaching Evaluation Program (the precursor to the current Student Assessment of Instruction System). I served on a task force which resulted in the current structure of College and Divisional Caucuses. As Senate President, I implemented the system of faculty evaluation of administrators, planned for the bicentennial celebration, and worked with Chancellor Bill Snyder in one of the periods of real shared governance on this campus: a Planning & Budgeting Advisory Committee with significant faculty representation.

Candidate for Faculty Senate President (2010-2011)

Joan Heminway
Associate Professor of Law

Position Statement:

I am honored to be asked to be a candidate for Faculty Senate President-Elect. Two of my current and former colleagues at The University of Tennessee (UT) College of Law (Carl Pierce and Deseriee Kennedy) have served with distinction as Faculty Senate President.

I have been a Faculty Senator for almost half of my time at UT, most recently serving as Chair of the Faculty Affairs Committee. I also was a search committee member in the recent selection of both our incoming Chancellor and our current Vice Provost for Faculty Affairs. Through these campus governance roles, I have observed and participated in interactions between and among University administrators, unit administrators, faculty, staff, and students. The importance of these interactions cannot be understated, and the need for true shared governance (borne out in actions, not merely words), fresh ideas, and increased diversity (including gender diversity) often is apparent.

If elected as President-Elect, I would devote my years in Senate leadership to the continued development of trust among our various campus constituencies and between our campus and the UT System. The challenges presented by the current economic crisis make it more important than ever before that we all take an oar and row the boat together. This will require strong, mutual trust built through (a) compliance with regularized, fair processes, (b) transparency, and (3) communication. I believe that I have demonstrated capability in these areas sufficient to enable me to engender and sustain the requisite trust.

Professional Background and Service:

I came to Knoxville and the UT College of Law in 2000 to start my law teaching career after 15 years in private practice in the Boston office of a major multinational law firm. I teach in the areas in which I practiced: Business Associations, Corporate Finance, Securities Regulation, and Representing Enterprises (transactional business law). However, I also have taught a course on Animals & the Law twice at UT and once at Vanderbilt (in honor of my students who wanted to take the class and my three companion animals: Tara, Meowth, and Pippin).

My recent service commitments have included participation in:

- * campus search committees for UTK's Chancellor and Associate Provost for Faculty Affairs;
- * the Faculty Senate (including, most recently, as Chair of the Faculty Affairs Committee);
- * our College Bylaws Committees;
- * activities of state and local professional associations;
- * continuing legal education;
- * bar review instruction.