

REPORT OF THE FACULTY SENATE
AD HOC COORDINATING COMMITTEE ON TENURE POLICY

INTRODUCTION

The Board of Trustees of the University of Tennessee, which has “full authority to determine and control activities and policies” of all University entities,¹ adopted in June 1998 changes to the policies governing the award of tenure and the review of tenured faculty. Each UT campus is responsible for developing procedures for the implementation of the Trustees’ policy that are appropriate for its mission. To that end, a task force under the direction of the Vice Chancellor for Academic Affairs issued in November 1998 a draft statement outlining implementation procedures for the UTK campus.²

The faculty has the significant responsibility in a system of shared governance to review the implementation procedures and to provide advice to the administration about such matters as budget, academic freedom and due process, and assessment of teaching and research. Accordingly, in September 1998, Faculty Senate President Mark Miller created a Coordinating Committee on Tenure Policy which is responsible for:

1. Coordinating and facilitating scrutiny of proposed policies on tenure by the various Committees and Councils of the Faculty Senate and the faculty in general.
2. Facilitating communication between the faculty and the administration and advising various administrative units of faculty views on tenure policy.
3. Gathering reports on tenure policy from the various Committees and Councils of the Senate and compiling them into a unified document. Reporting in a timely manner to the Senate Executive Committee, the Senate, and the faculty.

It is anticipated that the Coordinating Committee will not bear the primary burden of scrutinizing proposed tenure policies. Rather, the Committees and Councils of the Senate will apply their own specialized expertise to these matters. It is important to stress that the Tenure Policy promulgated by the Board of Trustees last Spring is multifaceted and that the Senate should examine the full range of ramifications.

Each of the Councils and Committees which have representatives on the Coordinating Committee should focus as indicated below.

The Budget Committee: (1) Examination of the costs of proposals, and (2) suggestions for obtaining needed resources for implementation.

¹ *Faculty Handbook*, University of Tennessee, Knoxville, September, 1996, §1.2.1: 6.

² “Implementation of New UT Policies Governing Academic Freedom, Responsibility, and Tenure,” *Notes From Academic Affairs* 5.4 (Nov. 1998); available at <http://www.acad.utk.edu/notes/notes-november1998.html>.

The Faculty Affairs Committee: Scrutiny of proposals with regard to due process and faculty rights and responsibilities.

The Research Council: Suggestions for the role of research in evaluations of faculty merit and deficiency.

The Teaching Council: Suggestions for the role of teaching in evaluations of faculty merit and deficiency.

Other Senate Committees may wish to comment on various aspects of tenure. The Coordinating Committee should receive such comments and incorporate them as appropriate.

This report of the Coordinating Committee consists of a list of recommendations endorsed unanimously by Committee members, summaries of the principal recommendations of the component Councils and Committees, and the full texts of the Council and Committee reports presented as appendices.

Committee Recommendations

Financial

1. Merit increases should be additional, significant, and annual. (*See the report of the Budget Committee, Appendix A.*)

Academic Freedom and Due Process

2. Existing due process procedures established in the *Faculty Handbook* should be retained. (*See the report of the Faculty Affairs Committee, Appendix B.*)

Performance Evaluations

3. Department bylaws incorporating tenure policies must be approved by the faculty of the Department.
4. Documentation procedures should be uniform, standardized within each unit. (*See the report of the Research Council, Appendix C, pp. 31–34.*)
5. Performance standards and evaluation documents should be publicly available. (*See the report of the Research Council, Appendix C, pp. 31–34.*)
6. Evaluation measures should vary appropriately according to the mission of the unit and the rank and assignment of the faculty member. Faculty assignments should be the written product of planning between the faculty member and the unit head and should be available for public review. (*See the report of the Research Council, Appendix C, pp. 31–34.*)
7. Service is regarded highly and should be weighted appropriately with teaching and research in evaluating faculty performance. The service standards outlined in the current *Handbook for Promotion & Tenure* should be retained. (*See the Handbook for Promotion & Tenure, Fall 1997, Part Two, § III: “Service to the University, the Public, and the Profession.”*)
8. The assessment procedures for teaching and research outlined in the reports of the Teaching Council (*see Appendix D*) and the Research Council (*see Appendix C*) should be implemented.

Summaries of Council and Committee Reports

Budget Committee

The Faculty Senate Budget Committee has identified two budgetary issues associated with the new tenure policy established by the Board of Trustees. One issue is the cost of conducting the annual and cumulative reviews associated with the new policy. To minimize the continuing administrative burden associated with the performance reviews, procedures within each unit should be standardized as much as possible, carefully documented, and widely understood and accepted by the faculty. The faculty of each academic unit should formally adopt these procedures, whether by incorporation into their unit's bylaws or through adoption of a separate written document. The second issue is the cost of providing permanent salary increases for faculty whose reviews are so favorable as to warrant such rewards. A merit raise system should be established, should be supported with funds that are in addition to the existing budget, should provide for significant percentage raises, and should provide rewards for superior faculty performance in individual years.

Faculty Affairs Committee

The Faculty Affairs Committee recommends implementation procedures which will promote academic freedom, shared governance, and due process. Academic freedom will be promoted by protecting the right of faculty to present innovative views in their fields of expertise and to speak within the institution about professional issues, and by prudent self-regulation of the academy. Shared governance will be promoted by retaining the central role of peer evaluation in judgments of faculty performance and in decisions about tenure, promotion, and adequate cause and misconduct actions. And due process will be promoted by development of decision-making procedures which recognize the presumption of excellence earned with the award of tenure, which preserve the right of faculty to a hearing by their peers when grievances arise related to employment, and by attention to recognized standards for institutional practice concerning such matters as notice to faculty, objectivity of standards for judgment, and restraint in imposing suspension or dismissal.

Research Council

The primary purpose of the Research Council document is to recommend procedures for the reporting and evaluation of research/creative achievement. While the Research Council recognizes that the categories comprising research/creative achievement vary greatly across disciplines, it is concerned that standardized annual reporting and evaluation instruments be adopted within a given department or unit. The reporting instruments should provide the faculty member with the opportunity to report on research/creative achievement outputs and planned outputs. Performance should be evaluated with respect to pre-defined benchmarks and goals set within a discipline and not across disciplines. Benchmarks should reflect professional competence, while goals should reflect professional excellence. The Council recommends that departments/units solicit input regarding benchmarks and goals within their discipline(s) as part of their Academic Program Review. Because some types of research/creative achievement may take more than one performance reporting period to be completed, input activities contributing to research/creative achievement should also be reported and evaluated. For the purposes of planning, performance expectations for faculty should be clearly defined prior to the performance period. Performance evaluation ratings should include an associated narrative clearly describing strengths and opportunities for improvement. In addition to annual evaluations, other materials provided in support of research/creative achievement for the Cumulative Review should include the faculty member's *curriculum vitae* and his or her statement on research/creative achievement philosophy.

Teaching Council

The primary purpose of this document is to recommend an integrated representative review process for teaching. The process requires contributions from the reviewee, a peer review team, and students. An effective process needs the active involvement of the reviewee, the thoughtful input of faculty colleagues who have visited classes, and student input as participants. A clear distinction is made between assessment where strengths and areas for improvement are identified, and evaluation where a "grade" is assigned for the quality of the reviewee's teaching. The peer review

and self review are assessments, so as to encourage dialogue about teaching, whereas evaluation rests with the unit leader. Three criteria are recommended for evaluating teaching: (1) Is course design appropriate to departmental goals? (2) Are the grading tools and system appropriate to the course? (3) Are teaching methods effective? The Council is concerned about whether teaching can be evaluated on an annual basis as compared to a cumulative basis when peer and self assessments of teaching are only conducted for the cumulative reviews.

The Faculty Senate will meet on January 25 and on February 1 to consider the issues and recommendations raised by the reports which follow, with the expectation that faculty views will be instrumental in shaping the procedures for implementation of the new tenure policies.

Submitted by the Faculty Senate Ad Hoc Coordinating Committee on Tenure Policy

Toby Boulet, Budget Committee

Bill Dunne, Teaching Council

Bob Glenn, Faculty Affairs Committee, Chair

Kim Jensen, Research Council

Mark Miller, Ex Officio

Faculty Senate Budget Committee Report on New Tenure Policy

The Faculty Senate Budget Committee has identified two budgetary issues associated with the new tenure policy established by the Board of Trustees in 1998. One issue is the cost of conducting the annual and cumulative reviews associated with the new policy. The second issue is the cost of providing permanent salary increases for faculty whose reviews are so favorable as to warrant such rewards.

Many academic units already conduct annual reviews of faculty performance, while very few units conduct cumulative performance reviews. For those units that already conduct annual reviews, and for units who do not yet conduct such reviews but have very few faculty, the administrative burden associated with establishing, conducting, and documenting the performance reviews associated with the new tenure policy should not be great. But for those units with many faculty, implementation of annual and/or cumulative reviews will require a significant investment of time and effort. While the Faculty Senate Budget Committee strongly supports the need for this investment, every effort should be made to establish efficient procedures that minimize the continuing administrative burden associated with the performance reviews. To this end, procedures within each unit should be standardized as much as possible, carefully documented, and widely understood and accepted by the faculty. The faculty of each academic unit should formally adopt these procedures, whether by incorporation into their unit's bylaws or through adoption of a separate written document.

The Faculty Senate Budget Committee supports establishment of budgetary policy to provide funds for merit raises for faculty at all levels who receive sufficiently favorable ratings in their reviews. The problems of salary compression and having salaries significantly below the average salaries in our reference group of similar institutions have long plagued this campus. These problems make it difficult to hire and retain faculty recognized by their peers as excellent. The people of

Tennessee deserve to have a university recognized for excellence in teaching, research, and public service. But there can be neither lasting nor meaningful progress toward excellence in any of these areas without permanent solutions to the problems of low and compressed salaries. To help solve these problems, the campus should work to establish a policy for awarding merit raises to faculty. The policy should be permanently incorporated in the state's funding formula, should be widely understood and accepted by both the administration and the faculty, and should include the merit raises associated with promotion. Because the budgetary changes required to support this policy would be significant, they should be phased in over several years.

There are many issues to consider in crafting an effective merit raise policy. Several of these are listed below.

1. *First, do no harm.* The funds required to support any merit raise policy should be obtained without degrading other aspects of the campus budget. If the policy required more money than the state would provide, the campus would be required to decrease spending on something else in order to fund the raises. While this would help with the salary problems, it would exacerbate other problems. To avoid this situation, the merit raise policy should be formally endorsed by the faculty, the Board of Trustees, and the Tennessee Higher Education Commission. All three groups should work together to adapt the state's funding formula to provide funds to support the merit raise policy.
2. *Merit raises should be significant amounts of money.* Given the history of salaries on this campus, we cannot expect "faculty buy-in" if merit raise amounts are insignificant. The policy should specify raises as percentages of current salaries. Whether the percentages are fixed or computed from some formula, they should significantly exceed the prevailing rate of inflation.
3. *Unit leaders would like to be able to reward faculty annually.* If significant merit raises are available only at the time of cumulative reviews, and if cumulative reviews occur infrequently, unit leaders will not be able to use merit raises to help

“bring out the best” in faculty. But the frequency of merit raises, together with the amounts and number of the raises, determines the total amount of money required to provide the raises. Since the total funding available over any period is limited, increasing the frequency requires that either the amounts or the number of faculty rewarded decrease accordingly.

The issues listed above, which are inextricably linked with each other, should all be addressed in any proposed merit raise policy.

APPENDIX B

FACULTY AFFAIRS COMMITTEE

Note: The action items listed below are an overview of the report of the Faculty Affairs Committee which begins on p. 12.

1. Add a statement on “Regulation of the Academy.”
2. Clarify the Trustees’ statement on “personal speech.”
3. Add a statement on “Intramural Speech.”

4. Retain *Handbook* language on annual review of probationary faculty.
5. Clarify the Trustees’ language on the “appropriate interaction” standard.
6. Add a provision to invite nonrenewed probationary faculty to request the reasons for the decision not to continue their employment
7. Retain faculty rights guaranteed to faculty in the existing *Faculty Handbook*.

8. Use “satisfactory” and “unsatisfactory” categories to report the results of annual and cumulative evaluations.
9. Remind faculty and department heads that annual reviews can become evidence used by the administration in a dismissal proceeding to satisfy its burden of proof requirement.
10. Delete the suggestion that the results of annual reviews will be confidential.
11. Base merit pay decisions on annual and cumulative reviews.
12. Clarify the procedures of the Review Committee in an adequate cause process.
13. Clarify the procedural and substantive criteria for the decisions of the action group in an adequate cause process.
14. Require administrators to document efforts to provide guidance and material support to a faculty member who is the subject of an adequate cause process.
15. Clarify the criteria for suspending a faculty member *without pay*, and the rights of the faculty member for due process after suspension.
16. Require that a faculty member accused of misconduct be notified simultaneously with the department head’s recommendation to the Dean and the Vice Chancellor.
17. Limit suspension prior to a due process hearing to those circumstances where “immediate harm” is threatened.
18. Retain the right of a faculty member accused of misconduct to seek review by the Faculty Affairs Committee.
19. Clarify the composition of the ad hoc committee which will conduct a misconduct hearing.

20. Notice that the Trustees’ policy raises significant questions about the definition of tenure, about the application of a competency standard in judging faculty performance, about procedures for dismissal especially in cases of misconduct, and about faculty participation in development of tenure policies.

Statement on Academic Freedom and Due Process Issues

Faculty Affairs Committee of the Faculty Senate

Introduction

In June 1998 the Board of Trustees of the University of Tennessee revised procedures for granting tenure and for reviewing tenure appointments. The Trustees' policy document has been amended by a UTK task force to indicate how the procedures will be implemented on the UTK campus.³ The Faculty Affairs Committee of the Faculty Senate was charged in September 1998 with the responsibility to examine the procedures "with regard to due process and faculty rights and responsibilities," a task the Committee addresses by recommending due process guidelines for various steps of the Trustees' appointment and review procedures, and by noting without recommendation that conflicts exist between some procedures and sound institutional practice.

It may be useful to review briefly the duties of the Faculty Affairs Committee. The *Faculty Handbook* of the University of Tennessee, Knoxville, assigns to the Faculty Affairs Committee two duties, advice and mediation. The Committee is asked to provide advice concerning "development of criteria and procedures for faculty appointment, promotion, the granting of tenure, and discharge for cause." And the Committee is asked to provide mediation—through fact-finding and informal consultation or through formal grievance procedures—in employment matters such as "work assignments, performance evaluations, salary adjustments, imposition of discipline for misconduct, promotion and/or tenure with regard to procedures, and termination of employment."⁴ It is in regard to these areas of concern that the Committee examines the new procedures concerning promotion to tenure and the review of the performance of tenured faculty.

Our examination is based on these assumptions. First, we endorse with enthusiasm the Trustees' statement that "A healthy tradition of academic freedom and tenure is essential to the

³See <http://www.acad.utk.edu/notes/notes-november1998.html>.

⁴*Faculty Handbook*, University of Tennessee, Knoxville, September, 1996, §1.6.4(3): 19.

proper functioning of a University.” The teaching and research missions of the University of Tennessee require that faculty have the freedom to pursue innovative lines of inquiry without jeopardy to their careers. Second, we believe in firm and fair application of objective rules of academic due process. Rules for appointment, promotion, review, and dismissal should be based on sound institutional practice,⁵ should be embodied in University operating procedures such as unit bylaws and the *Faculty Handbook*, should be revised only following consultation with the faculty, and should be applied equitably and without bias. It is especially important at a time when decisions that were once the prerogative of the academic institution are increasingly being made by courts⁶ that the University be able to defend personnel decisions as grounded in objective and equitable procedures. And third, we believe in shared governance, which includes active participation in the development and operation of procedures for appointment, promotion, review, and dismissal. The role of the faculty in these matters is, as the *Faculty Handbook* says, indispensable; the faculty’s advice “cannot be lightly given or peripherally received” (§1.7: 22). One corollary of the principle of shared governance is that faculty must accept the responsibility to participate with candor in peer reviews.

Academic Freedom

Regulation of the Academy: We recommend adding the following as a numbered paragraph between paras. 6 and 7 in the introductory section (“Academic Freedom and Responsibility of the Faculty Member”) of the Trustees’ document: “Academic freedom does not mean that accountability is absent but that control of academic decisions should remain within the institution rather than shifting to political or legal bodies. The best protection against external regulation of the academic community is evidence that the community is regulated well internally. If faculty do not want others

⁵The standard guidelines are those of the American Association of University Professors, for instance in AAUP’s “Recommended Institutional Regulations on Academic Freedom and Tenure,” *Policy Documents and Reports*, 1995 edn. (Washington, DC: AAUP, 1995): 21–30.

⁶John D. Copeland and John W. Murry, Jr., “Getting Tossed from the Ivory Tower: The Legal Implications of Evaluating Faculty Performance,” *Missouri Law Review* 61 (Spring 1996): 318.

to decide who shall belong to the academic community, it is the duty of faculty to make wise and candid judgments themselves about who should become and should remain a member of their community. One consequence of this principle is that the faculty voice must be primary in the evaluation of their peers.”

Personal Speech: In paragraph 4, the Trustees urge faculty to “use care in expressing personal views in the classroom” and to avoid introducing “controversial matters that have no relation to the subject taught.” To make it clear that the purpose of the paragraph is neither to avoid controversy nor to prevent expression of the instructor’s personal views about the subject matter, we recommend substituting the following language for that currently in paragraph 4: “A faculty member is entitled to freedom in the classroom in discussing the subject, including expression of ideas and opinions that might be considered controversial, but should be careful not to introduce controversial matters that have no relation to the subject taught, and especially matters in which he or she has no special competence or training and in which, therefore, the faculty member’s views cannot claim the authority accorded his or her professional statements. Controversy relating to the subject being taught should not be discouraged, but as a matter of professionalism and fairness to students teachers should avoid introduction of extraneous material having no relation to the subject.”

Intramural Speech: The Trustees’ document (Academic Freedom.7) has appropriate language on the rights and responsibilities of faculty concerning extramural speech. The document does not explicitly address intramural speech—speech outside the classroom but still within or concerning the institution, about such matters as state funding, administrative decision making, allocation of funds, employee benefits, and academic freedom. These matters may at times be related directly to the academic mission of the university and so fall under the protections of academic freedom, but may in other cases have only a distant relationship to teaching and research. We recommend addition of a paragraph identifying intramural speech as “academic” or as “professional,” and as deserving

protection on the ground that the free expression of opinion is essential to the process of shared governance.⁷

Promotion to Tenure

Annual Retention Review: The Trustees' policy provides for annual performance reviews of *tenured* faculty but is silent as to annual reviews of probationary faculty. We recommend that when the Trustees' policy is incorporated into the *Faculty Handbook* the language in the existing *Handbook* concerning "annual retention review of probationary faculty" (§2.14.2: 43) be kept, either following the discussion of criteria for tenure in the body of the Trustees' policy or in Appendix A.

Appropriate Interaction Standard: Criteria for tenure in the Trustees' policy statement include—in addition to those concerning teaching, research, and service—what seems to be a fourth standard, "the faculty member's ability to interact appropriately with colleagues and students." In the next sentence which was added by the task force that standard is defined as follows: "Faculty are expected to become good, solid teachers who work enthusiastically with students, try new approaches to pedagogy, and contribute to the development of department programs." With that definition, the standard of "appropriate interaction" becomes less vague and less susceptible to misuse. We recommend that the definition be made still more concrete by linking "interaction" to such job responsibilities as the course management duties outlined in detail in *Hilltopics* and willingness to cooperate with colleagues in professional contexts. The standard should be specific and objective and be related to assigned responsibilities in teaching, research, and service. Also, we note that the "appropriate interaction" standard seems to be a criterion for awarding tenure and not a criterion for judging the performance of tenured faculty. We do not recommend that performance review procedures be revised so as to apply the standard to tenured faculty as well, since even with

⁷See David M. Rabban, "Academic Freedom, Professionalism, and Intramural Speech," *Academic Freedom: An Everyday Concern*, New Directions for Higher Education, No. 88, Winter 1994, ed. Ernst Benjamin and Donald R. Wagner (San Francisco: Jossey-Bass, 1994): 77–88.

definitions a standard of appropriate interaction (or collegiality or good work relationships) will always be subjective and liable to biased application.

Notice of Nonrenewal: Neither the Trustees' policy nor the *Faculty Handbook* invites the probationary faculty member whose employment is not being renewed to seek an explanation of the decision. We believe the invitation should be made, on grounds of courtesy, professional development of a colleague, and protection against discriminatory practice. Those considerations apply especially to faculty who are in the late stages of the probationary period; colleagues whose service warranted employment for several years are entitled to know, upon request, why their service is no longer needed.⁸

Retention of Faculty Rights: The Faculty Affairs Committee expects that protections of faculty rights currently stated in the *Faculty Handbook* will be retained once the Trustees' policies are incorporated. For example, the current *Faculty Handbook* acknowledges the right of the candidate whose application for tenure has been denied to receive upon request the reasons for the decision and the right of a probationary faculty member to appeal a decision not to renew an appointment (§2.14.2: 44, 45). In particular, the *Faculty Handbook* provides for appeal to the Faculty Affairs Committee under "special appeals procedures" (limited to a review of the process followed) for nonrenewal decisions where discrimination or violation of academic freedom is alleged (§3.3.3: 55–56). These policies are consistent with the procedural standards recommended by AAUP⁹ and should remain in UTK's *Faculty Handbook*.

⁸ See AAUP's "Recommended Institutional Regulations on Academic Freedom and Tenure": 22–23: "(d) When a faculty recommendation or a decision not to renew an appointment has first been reached ... the faculty member will be advised upon request of the reasons which contributed to that decision.... (e) If the faculty member so requests, the reasons given in explanation of the nonrenewal will be confirmed in writing." And see the explanation of this recommendation in AAUP's "Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments," *Policy Documents and Reports*: 17–18. Also see the comment on this standard by Ralph S. Brown and Jordan E. Kurland, "Academic Tenure and Academic Freedom," *Law and Contemporary Problems* 53 (Summer 1990): 350–51.

⁹ See note 7 above and "Recommended Institutional Regulations on Academic Freedom and Tenure," *Policy Documents and Reports*: 22–23.

Performance Reviews

Rating Categories: The Trustees say that the award of tenure acknowledges “a reasonable presumption of the faculty member’s professional excellence, and the likelihood that excellence will contribute substantially over a considerable period of time ...” to the institution (Tenure.D). It is inconsistent to “presume” excellence and then every year to distinguish performances as outstanding, very good, good, needs improvement, and unsatisfactory. For purposes of post-tenure review, a simpler policy would have two categories, satisfactory and unsatisfactory. A “satisfactory” rating would be understood as confirming the stated presumption of excellence; by assigning an “unsatisfactory” rating, the department head would be assuming for the institution the burden of proving that the presumption does not hold in a given case. For purposes of administrative decisions about merit pay increases and initiating development plans, a narrative describing performance and justifying the recommendation would be required. Just as a reasoned argument would need to be made that one faculty member’s performance is unsatisfactory, so the department head would make in the performance review narrative a reasoned argument that another faculty member made such an exceptional contribution to the institution that he or she merits special consideration for rewards. Such a system would have the advantages of being consistent with the language of the Trustees’ policy, being easier to administer, and—given that the evaluations will be made public—being less harmful to collegiality and to faculty-student relations.

Burden of Proof: The Trustees’ policy, as amended by the task force, counts annual performance reviews as evidence in a cumulative review; and though the Trustees’ policy does not say so explicitly, the annual performance reviews would apparently be evidence considered by a Review Committee, at a TUAPA hearing or a tribunal hearing, and by the several levels of administrative review in a dismissal case. The Trustees’ policy acknowledges a presumption of the faculty member’s excellence and a burden on the part of the institution to prove otherwise, but that burden could be met in part by the use of annual reviews as evidence. Two consequences would follow. First, the annual review would become a summative process despite the intention of most

parties that it be formative. Second, faculty would—and should be encouraged to—regard sub-satisfactory ratings as initial steps in a possible dismissal proceeding and so should consider all appropriate responses. If annual reviews are to be introduced as evidence in later proceedings, it is important that the annual reviews meet a high standard for accuracy and fairness. That standard is “burden of proof.” If a department head decides to rank the performance of a tenured faculty member as “needs improvement” or as “unsatisfactory,” the department head must assume for the institution the burden of proving that the presumption of excellence conferred by the award of tenure should be overthrown.

Confidentiality: The task force revision of the Trustees’ policy includes this language: “Within the limitations imposed by Tennessee statu[t]es, every effort shall be made to maintain confidentiality of these records in accordance with AAUP standards” (Tenure.G.2). The policy statement from AAUP dealing with access to records reflects strong division of opinion, with those supporting closed records believing that candor in the peer review process requires assurance of confidentiality and with their opponents believing that the disclosure of records is protection against discrimination.¹⁰ The AAUP committees which drafted the policy statement concluded that all faculty members should always have complete access to their own files, that information such as that in a *curriculum vitae* should be public, that the faculty appeals committee should have access to unredacted files of a complainant and colleagues with whom the complainant might be compared, and that the appeals committee should make available to the complainant the unredacted and relevant files of other faculty, “having due regard for the privacy of those who are not parties to the complaint.” Confidentiality of evaluation records cannot be guaranteed in light of AAUP’s recommendations and the limitations of Tennessee statutes, and so we recommend that the task force statement about confidentiality be deleted.

Merit Pay Increments: The task force addition to the Trustees’ discussion of cumulative performance reviews includes this language: “Faculty members whose performance is found through

¹⁰“Access to Faculty Personnel Files,” *Policy Documents and Reports*: 39–45.

the cumulative review process to be outstanding, very good, and good are eligible for merit pay increments according to a schedule established by the University of Tennessee, Knoxville” (Tenure.G.2). The assumption seems to be that merit pay will be tied to the cumulative review; in fact, at a public forum in November a department head in Arts and Sciences identified as one of the difficulties involved in implementing the new policies the likelihood that there will be a large number of faculty applying for inclusion in the first pool for cumulative review so as to be eligible for merit pay increases. But there is no language in the Trustees’ policy itself which links eligibility for a merit pay increase to the outcome of the *cumulative* performance review. To the contrary, the only language about “rewards” occurs in the section on *annual* performance reviews. The task force revision of the Trustees’ language says, “The results of these [annual] evaluations will be used to reward faculty performance,” and later in the Trustees’ original language, “A faculty member whose performance is deemed to be unsatisfactory shall be ineligible for rewards (e.g., salary increments).” There are reasons of equity and sound management practice to prefer the use of annual performance reviews as well as cumulative reviews in awarding merit pay.

Review Committee. The Trustees’ policy provides that a department head shall convene a Review Committee to examine the performance of any faculty member whose work in two consecutive annual reviews or in one cumulative review has been judged to be unsatisfactory; the Review Committee shall conduct a “rigorous and thorough review” of the faculty member’s work, perhaps leading to a judgment that the work of the faculty member has been unsatisfactory and then to a recommendation by an action group that termination proceedings be initiated. We find Jordan Kurland’s comment on this provision to be cogent: “Beyond providing for a review committee with widespread membership to conduct this review, the document is silent on what is to make this review ‘rigorous and thorough’ as distinct from the two previous reviews that resulted in an ‘unsatisfactory’ rating.”¹¹ Accordingly, and in view of the gravity of the decision the Review

¹¹Analysis of the Trustees’ June 1998 tenure policy by Jordan E. Kurland, Associate General Secretary of AAUP. We have provided on the Web the full text (<http://web.utk.edu/~glenn/Kurland.html>) and a synopsis (<http://web.utk.edu/~glenn/KurlandSynopsis.html>) of his analysis.

Committee is asked to make, we recommend that the task force develop a description of the Review Committee process that is as specific as to the procedures the Committee is to follow and the protections afforded to the tenured faculty member as is the description of the Cumulative Performance Review.

Criteria for Initiating a “Development Plan”: If one cumulative review or two consecutive annual reviews result in ratings of unsatisfactory, the automatically-triggered Review Committee will judge the work of the faculty member. If the Review Committee also concludes that the faculty member’s performance is unsatisfactory, an action group consisting of the department head, the Dean, the Vice Chancellor, and the Senate President or Senate Executive Committee will consider the case. The Trustees’ policy (Tenure.G.3) says the action group “shall reach consensus on one of two actions”—initiation of a development plan in order to try to rescue the faculty member or direct movement to termination proceedings. The Trustees’ document is silent as to the substantive and procedural criteria for making that decision. What is a consensus? What happens if the action group fails to “reach consensus”? And most important, what considerations should lead the action group to elect termination rather than an effort at development? We recommend that the task force clarify the standards and procedures for the decision of the action group.

Development Plans: The Trustees’ policy (Tenure.G.3.a and Appendix B.1) anticipates that a case might arise in which the institution would initiate termination proceedings without having made the kind of affirmative effort to correct problems which is described in the paragraph at Tenure.G.3.b.¹² Should that happen, we would regard the failure to be shared by the faculty member and the institution. The description of the consequences of an unfavorable Annual Performance-and-Planning Review should add to the duties of the faculty member (“develop a written statement of area(s) needing attention,” “provide to the department head a written interim progress report of steps taken to improve performance”) a similar statement of the obligation of the

¹²“b. develop with the affected faculty member a written remediation plan (e.g., skill-development leave of absence, intensive mentoring, curtailment of outside services, change in load/ responsibilities) normally of up to one calendar year, and a means of their assessing its efficacy.”

institution to provide guidance and material support. Likewise, at Appendix B.1.B, the description of the department head's recommendation concerning termination should be revised to include the following italicized language: "The head's recommendation shall include ... the history of efforts to encourage *and assist* the faculty member to improve his or her performance...."

Suspension without Pay: The Trustees' policy concerning "Disciplinary Sanctions Other than Termination for Adequate Cause" (Tenure.I.1st para.) leaves several questions unanswered. The paragraph says that ordinarily in cases of suspension without pay the accused will be offered normal due process procedures but that at the Chancellor's discretion suspension without pay can be imposed summarily. This is a serious erosion of normal due process, especially bothersome in view of the broad criterion for identifying misconduct at Tenure.H.1.c.Category B.(v) ("any misconduct"). We see no justification for suspension *without pay* absent prior due process. At the very least, language should be added to the paragraph clarifying the circumstances that would justify such an action. Also, in the same paragraph, there is no indication of the origin of this action. Is it initiated by the department head, as are the Appendix C misconduct proceedings? And the paragraph should be amended to state explicitly that normal due process measures—including appeal to the President and the Board of Trustees—are available to the faculty member *after* suspension.

Notice of Misconduct Charges: The Trustees' policy (Appendix C.1.A–C) says a department head considering misconduct charges against a faculty member will consult with tenured colleagues of the accused and then send a recommendation to the Dean and the Vice Chancellor, and that the Dean will also send a recommendation to the Vice Chancellor. At that point if the Vice Chancellor "concludes termination proceedings should be initiated" he or she will call the accused in for a conference. There is nothing in the procedures which would prevent that call from the Vice Chancellor being the *first* notice the faculty member has that he or she is being accused of misconduct and that termination proceedings might be initiated soon. We believe that the department head's written recommendation to the Dean and the Vice Chancellor should be sent at the same time to the accused faculty member.

Immediate Harm: The Trustees' policy allows termination or suspension without pay prior to a due process hearing in the case of a faculty member charged with egregious misconduct. The AAUP-AAC&U standard is that "Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member's continuance."¹³ The task force addition to the language of Appendix C.7—"if the alleged conduct causes o[r] threatens irreparable harm or injury"—is a welcome change. We recommend that similar language recognizing an "immediate harm" standard be added at Tenure.I, Appendix B.3, and Appendix C.3.A where there are also provisions for suspension prior to a hearing.

Role of Faculty Affairs Committee: The *Faculty Handbook* currently guarantees to faculty involved in both adequate cause and misconduct proceedings the option of review by the Faculty Affairs Committee (§3.2–3: 52–56). Furthermore, the *Faculty Handbook* specifies such mediation as a principal role of the Faculty Affairs Committee, which is charged to "evaluate and make recommendations to the Chancellor regarding faculty grievances that may arise in relation to employment by the University, including but not limited to such matters as work assignments, performance evaluations, salary adjustments, imposition of discipline for misconduct, promotion and/or tenure with regard to procedures, and termination of employment" (§1.6.4.3: 19). The function of the Faculty Affairs Committee as a grievance committee is severely abridged in the Trustees' policy. Appendix C.3.A says, in the Trustees' original language, "Suspension With Pay. After consultation with the President of the Faculty Senate or the Faculty Senate Executive Committee, the Chancellor may suspend the faculty member with pay, or change his or her assignment of duties, pending completion of The University's termination proceedings." And Appendix C.3.B says, in the Trustees' original language, "Suspension Without Pay. After consultation with the President of the University and the President of the Faculty Senate or the Faculty Senate Executive Committee, the Chancellor may suspend the faculty member without pay

¹³"Statement on Procedural Standards in Faculty Dismissal Proceedings," *Policy Documents and Reports*: 12. This 1958 statement was formulated and issued jointly by AAUP and by the organization representing presidents, currently named the Association of American Colleges and Universities.

only for the following types of alleged misconduct....” The task force has amended the Trustees’ language to delete reference to the Executive Committee, and without substituting any other mechanism for review by a Senate committee. In view of the charge in the *Faculty Handbook* to the Faculty Affairs Committee (“evaluate and make recommendations” concerning “imposition of discipline for misconduct”), language should be added to Appendix C to provide for review of misconduct charges by the Faculty Affairs Committee.

Composition of Ad Hoc Committee. The Trustees’ policy (Appendix C.5) gives the Chancellor sole authority to decide the composition of the “ad hoc hearing committee” which will conduct an informal non-TUAPA misconduct hearing. We note that in the case of an adequate cause hearing the composition of the committee is described and the faculty member has the opportunity to “challenge the appointment of a tribunal member on the ground of bias or conflict of interest” (Appendix B.6.A). We recommend that similar language be inserted at Appendix C.5 to control the composition of the committee conducting a misconduct hearing.

Issues Noted without Recommendation

The matters discussed in this section are specific provisions of the Trustees’ June 1998 policy and as such may not be subject to adjustment in unit bylaws or by administrative procedure. The Faculty Affairs Committee believes, however, that these provisions raise serious questions about sound institutional practice—as reflected, for instance, in policy documents of the American Association of University Professors¹⁴—and so calls attention to the difficulties without recommending remedies.

Definition of Tenure. The Trustees’ policy defines tenure as “a principle that entitles a faculty member to continuation of his or her annual appointment until relinquishment or forfeiture of tenure or until termination of tenure....” The use of the expression “annual appointment” suggests

¹⁴Several of the issues were raised in Jordan Kurland’s analysis of the Trustees’ policy.

an affirmative action each year to renew the employment of a faculty member, and as such is inconsistent with the idea of tenure as “continuing employment.” Furthermore, the expression “annual appointment” does not reflect employment practices at UTK.

Competency Standard: The *Faculty Handbook* defines “adequate cause” as including “incompetence (failure to maintain the level of professional competence and ability demonstrated by other faculty members in comparable positions within the academic unit)” (§2.14.3.4.[a]: 46). The Trustees’ language, as amended by the task force (through addition of “in assigned roles”) is different: adequate cause includes “failure to demonstrate professional competence in assigned roles in teaching, research, or service” (Tenure.H.1.c.[i]; cf. Appendix B.6.F). The change in language implies an affirmative duty on the part of the faculty member to prove competence, a duty which is inconsistent with the presumption of excellence which follows the award of tenure. We call attention to AAUP’s recent policy statement on post-tenure review: “The heightened protection of the tenured faculty is not a privilege, but a responsibility earned by the demonstration of professional competence in an extended probationary period, leading to a tenured position with its rebuttable presumption of professional excellence. It chills academic freedom when faculty members are subjected to revolving contracts or recurrent challenge after they have demonstrated their professional competence.”¹⁵

Dismissal: We note two issues related to dismissal procedures, especially the “expedited” procedures described in Appendix C of the Trustees’ policy. First, the Trustees’ policy provides for expedited termination or suspension procedures *without pay*. The AAUP-AAC&U standard is that “Unless legal considerations forbid, any such suspension should be with pay,”¹⁶ and that except in cases of moral turpitude a faculty member who is dismissed should receive severance pay equal to one year’s salary.¹⁷ And second, the Trustees’ policy in Appendix B.8 provides that a decision by the

¹⁵“Post-Tenure Review: An AAUP Response,” *Academe* Sept.–Oct. 1997: 49–51; also available at <http://www.aaup.org/aaup/postten.htm>. AAUP cites the following authorities: William Van Alstyne, “Tenure: A Summary, Explanation, and ‘Defense,’” *AAUP Bulletin* Autumn 1971: 329–51, and Matthew W. Finkin, “The Assault on Faculty Independence,” *Academe* July–August 1997: 16–21.

¹⁶“Statement on Procedural Standards in Faculty Dismissal Proceedings,” *Policy Documents and Reports*: 12.

¹⁷“Recommended Institutional Regulations on Academic Freedom and Tenure,” *Policy Documents and Reports*: 28.

Trustees contrary to the recommendation of the faculty review committee in a case involving termination for adequate cause is final, and there is no further opportunity for faculty consideration; the standard of AAUP-AAC&U is that “the decision of the hearing committee should either be sustained [by the governing body] or the proceeding be returned to the committee with objections specified.”¹⁸

Post-Tenure Review: Finally, as the campus embarks on implementation of the Trustees’ changes in our tenure policy, we call attention to the fact that there never was a general, public discussion of the need for change. That is surprising in view of the fact that the *Faculty Handbook*, which states the policies and procedures of the Board of Trustees, acknowledges the central role of the faculty in University governance generally and in decisions about tenure policies in particular. The Trustees ask that the Faculty Senate “consider, advise, and recommend to the administration policies about ... criteria for faculty appointment, dismissal, promotion, tenure, and retirement ...” (§1.6: 14). The Trustees ask that the Faculty Affairs Committee be “concerned with the development of criteria and procedures for faculty appointment, promotion, the granting of tenure, and discharge for cause” (§1.6.4.3: 19). And the Trustees state that faculty generally participate in governance of academic units by providing advice about promotion, tenure, assessment of performance, and adjudication of grievances: “The voice of the faculty in these areas is indispensable. Its advice cannot be lightly given or peripherally received” (§1.7: 22). We welcome this opportunity to participate in the development of implementation procedures for the Trustees’ policy. But we regret that Senators did not have the opportunity when the policy was being developed to make such points as these in public debate: that UTK faculty are subject to intense evaluation already in various forms, that UTK faculty work hard and perform well, that existing procedures for review of faculty performance could accomplish whatever results the Trustees seek if there were the will to follow

¹⁸“Statement on Procedural Standards in Faculty Dismissal Proceedings,” *Policy Documents and Reports*. 14. The statement continues, “In such a case the committee should reconsider, taking account of the stated objections and receiving new evidence if necessary. It should frame its decision and communicate it in the same manner as before. Only after study of the committee’s reconsideration should the governing body make a final decision overruling the committee.”

them, and that the arguments for post-tenure review advanced in places where there has been public debate—arguments such as that the University should be operated as a business, that tenure protects radical and marginally qualified advocates of postmodernism and multiculturalism, and that there are significant quantities of deadwood in the grove of academe—are without merit.

Note: The action items listed below are an overview of the report of the Research Council which begins on p. 30. Bold text references are to sections in the November issue of *Notes from Academic Affairs*.

The Faculty Senate Research Council recommends the following:

1. The Task Force should consider striking the wording “If a faculty member’s teaching is not acceptable, the research record is of no consequence” from the proposed text to be added to the *Faculty Handbook*. (See **Page 4, Section D. “Criteria for Tenure.”**)
2. The Task Force should consider changing the wording on **Page 4, Section D. “Criteria for Tenure”** from “ untenured faculty” to “probationary faculty.”
3. The Task Force should consider adding the text regarding Annual Performance-and-Planning Reviews (**Section G, Part 1**) to other sections of the *Faculty Handbook* describing procedures for evaluation of untenured faculty.
4. Within any given department or unit, a single standardized annual performance reporting instrument should be adopted for use by every faculty member within that department or unit. This instrument should provide the faculty member with the opportunity to report on activities and outputs in the applicable teaching/research/service areas. The instrument should also include the opportunity for the faculty member to report on planned activities and outputs.
5. The activities, outputs, and plans should provide the basis for the Annual Performance-and-Planning Review.
6. The reporting period should encompass a calendar year. Reporting by the faculty member should occur no earlier than December 1 of the reporting year and no later than January 31 of the following year. Faculty should be provided with the annual performance reporting instrument with no less than two weeks to complete the requested information.
7. Within any given department or unit, a single standardized annual performance evaluation instrument should be adopted for reporting an assessment of each faculty member’s performance in teaching, research, and service.
8. The annual performance evaluation instrument should include appropriate weighting of teaching, research, and service according to the faculty member’s appointment and rank.
9. In addition to an overall measure of performance, the annual performance instrument should include sufficient detail regarding performance so that the faculty member can ascertain where performance evidences merit or needs improvement. Specific examples of strengths and opportunities for improvement should be included. Expectations for performance during the coming year should also be outlined.
10. The Annual Review results should be provided to the faculty member no later than March 31 of the year following the performance reporting year.
11. Faculty performance should be measured with respect to pre-defined benchmarks and goals as suggested by standards within a given discipline, not relative to other faculty members’ performance within the department.
12. Benchmarks and goals for performance should be set within and not across disciplines.
13. Benchmarks and goals should be defined through joint recommendation of administration and faculty in consultation with peers from the respective discipline. Feedback regarding appropriateness of benchmarks and goals must be solicited as part of the respective department’s Academic Program Review.
14. Benchmarks and goals should be outlined for the faculty member as part of the Annual Performance-and-Planning Review.

15. Both the annual performance reporting and the evaluation instruments should be approved by a college-wide committee of faculty and administration of the college in which the department is located.
16. As a matter of implementation, all departments that do not currently have standardized reporting and evaluation instruments developed and approved by a college-wide committee should do so no later than Fall 1999. In these cases, the Annual Performance-and-Planning Review should begin with a performance planning session to precede the annual performance and evaluation by at least 10 months (no later than December 1999).
17. The Task Force should consider whether copies of the rebuttal to the evaluation and written statements of areas needing attention should be provided to the Dean (**Page 5, Section G, Part 1. Annual Performance-and-Planning Review**).
18. To minimize the reporting burden, the categories of teaching, research, and service to be reported in the annual performance reporting instrument should, when possible, closely coincide with those requested in tenure, promotion, and Cumulative Review reports.
19. Under **Section G, Part 2, "Cumulative Performance Review,"** the Task Force should consider revising the wording regarding information used in the Cumulative Reviews to "Cumulative Reviews are based on the information in the annual performance reporting instruments and in the annual performance evaluation instruments from the cumulative period under consideration and..."
20. The Task Force should consider amending the text "Faculty members whose performance is found through the cumulative review process to be outstanding ... are eligible for merit" (contained in **Page 5, Section G, Part 2 "Cumulative Performance Review"** to **Part 1 "Annual Performance and Planning Review"**) to enable merit based upon an outstanding annual review(s).
21. The Task Force should consider changing the word "negative" in the sentence, "within thirty days of the Dean's concurrence with an unsatisfactory cumulative review or a second negative annual review," to "unsatisfactory" (**Page 6, Section G, Part 3**).
22. The Task Force should consider providing a clear definition of the composition of the Review Committee, such as whether it will include only faculty at rank or above and the number of departmental and extra-departmental faculty and administrators that will be included as committee members (**Page 6, Section G, Part 3**).
23. The Task Force should consider addressing the definition of a "consensus" of the Review Committee and the action if the Committee is unable to reach "consensus" (**Page 6, Section G, Part 3**).
24. The sentence in **Appendix A, Part 1 "Tenured Faculty's Recommendation,"** "A written summary of the tenured faculty's deliberations ... is strongly recommended," should be changed to "A written summary of the tenured faculty's deliberations ... is required and must be kept on file in departmental records for no less than one year."
25. The sentence in **Appendix A, Part 1** , "Departments may choose to have ballots with space for written comments ..." should be changed to "Departments must have secret ballots with space for written comments...."
26. In **Appendix A, Part 2 "Department Head's Recommendation,"** the sentence should be added, "The head shall provide the tenure candidate with a copy of the head's recommendation and summary no later than the same date these materials are submitted to the dean."
27. In **Appendix A, Part 2** , the sentence "Tenured faculty, individually or collectively ..." should be changed to "In all cases, regardless of whether the head's recommendation differs from the tenured faculty's recommendation, any individual or group of tenure faculty may forward a report in dissent of the head's recommendation."
28. In **Appendix A, Part 4** , the sentence should be added "The Dean shall provide a copy of his or her recommendation to the tenure candidate."
29. In **Appendix B, Part D.2** , the procedural addition should be made, "The Faculty Affairs Committee's report must be considered by the Faculty Senate Executive Committee and forwarded to the chief academic officer with its concurring or dissenting recommendation."
30. The Task Force should clarify the wording under **Appendix C, Part 3, Subpart A** , "Suspension With Pay" regarding whether the Chancellor will hold sole ability to suspend the faculty member with pay.
31. Because the categories that comprise research and creative achievement vary greatly across disciplines, the categories reported on for the purposes of performance evaluation should be defined through joint

recommendations of faculty and administration in consultation with peers from the respective discipline. A good guideline for potential categories can be found in the *Handbook for Promotion & Tenure*.

32. A variety of research and creative achievement outputs may be appropriate. Hence benchmarks and goals should take into account comparative advantages of each faculty member in producing various types of research and creative achievement.
33. Research and creative achievement should be measured not only in terms of quantity, but also on the basis of quality.
34. Standardized dimensions for measurement of research and creative achievement should be developed for use in faculty performance measurement within each department. An associated narrative should be provided by the head explaining the rating for each performance dimension.
35. Because many types of research and creative achievement may take more than one performance period to be completed, input activities which contribute to research and creative achievement should also be reported and evaluated.
36. As part of the Cumulative Review, in addition to the annual evaluation reports, other materials provided in documentation of research and creative achievement should include the faculty member's *curriculum vitae*, his or her statement on research and creative achievement philosophy, and any other examples of research and creative achievement the faculty member may wish to include in support of the cumulative performance report.

UTK Research Council**Report to the Faculty Senate Tenure Policy Coordinating Committee***Responses to Proposed Revisions of the Faculty Handbook**(as per November 1998 issue of Notes from Academic Affairs)**and**Recommendations on Implementation of Reporting and Evaluation Procedures for Research and Creative Achievement*

In September 1998, the Research Council was charged by the Faculty Senate Tenure Policy Coordinating Committee with the task of making recommendations regarding how research and creative achievement should be addressed in implementing the *Policies Governing Academic Freedom, Responsibility, and Tenure*. The Council is responding to this charge through two primary actions. First, in Part A of this document, the Council wishes to respond to several statements and proposed policies in the document *Implementation of New UT Policies Governing Academic Freedom, Responsibility, and Tenure* (November issue of *Notes from Academic Affairs*). The page and section headings containing the text to which the Council wishes to respond are in bold face. Included in this part are some general recommendations regarding performance reporting and evaluation methods. Second, in Part B of this document, the Council proposes some guidelines specific to reporting, assessment, and evaluation procedures for research and creative achievement. The Council recognizes the importance of each department and college having its own bylaws for the purposes of conducting the Annual Performance-and-Planning Reviews and the Cumulative Reviews. However, certain recommendations should be universal across departments and colleges to ensure a fair system of reporting, assessment, and evaluation. The Research Council strongly endorses adoption of these recommendations. The purpose of the recommendations is to reinforce the importance of establishing a fair and standardized system of reporting, assessment, and evaluation within each department or college and to facilitate implementation of the Cumulative Performance Review.

Part A. Responses to the Document and General Recommendations

Item 1: Page 4 Section D. “Criteria for Tenure”

The wording “**If a faculty member’s teaching is not acceptable, the research record is of no consequence**” should be stricken from the document. Research makes a critical contribution to the overall mission of the Knoxville Campus of the University of Tennessee (“... discovery and dissemination of truth through teaching, research, and service”). While the contribution of research to the mission of the University is broader than just the contribution research makes to teaching, it should be recognized that good, solid teaching relies on professional competence developed, in part, through scholarly discovery and activity. This is particularly true at the graduate level of instruction. Graduate programs which include a research and creative component can not be adequately executed without expectation of faculty competence in scholarly activity. The remaining text in the paragraph provides adequate balance to the roles of teaching, research, and service.

Item 2: Page 4 Section D. “Criteria for Tenure”

Because this section of the document deals with criteria for tenure, the sentence, “**In most cases, untenured faculty ...**” should be reworded to “In most cases, probationary faculty...”.

Item 3: Page 5. Section G, Part 1. Annual Performance-and-Planning Review

This Annual Performance-and Planning Review serves as a foundation for the Cumulative Review. Therefore, it is critical that departments and colleges have well-established procedures for conducting their Annual Performance-and- Planning reviews. Furthermore, the Council recommends that the text under **Section G, Part 1** is suitable for untenured, as well as tenured faculty, as all faculty participate in some type of Annual Performance-and-Planning Review (the results of which may be used in annual retention reviews for tenure track and non-tenure track faculty, or in cumulative reviews for tenured faculty). With respect to the wording, “**Each faculty member’s Annual Performance-and-Planning review should proceed from guidelines and criteria**

contained in the departmental and collegiate bylaws ,” the Council recommends the following regarding performance reporting and evaluation:

Although the annual performance reporting instrument adopted across departments and colleges may vary, a single standardized annual performance reporting instrument should be developed for use by every faculty member (tenured and untenured) within an individual department in reporting the faculty member’s activities and outputs. A single reporting instrument should be used by all faculty (tenured and untenured) within a given department.

The opportunity for the faculty member to report on activities and outputs in the applicable teaching, research/creative achievement, and service categories should be included in the annual performance reporting instrument. The opportunity for the faculty member to report on planned activities and outputs in the applicable teaching, research/creative achievement, and service categories should also be included in the annual performance reporting instrument.

The activities, outputs, and plans reported in the annual performance reporting instrument should provide information to be used in the Annual Performance-and-Planning Review. The information requested in the annual performance reporting instrument should be completed by the faculty member soon after or close to the end of a performance reporting year, but with sufficient lead time for an evaluation period by the department head. It is recommended that the annual reporting period encompass a calendar year, with reporting occurring no earlier than December 1 of the reporting year, and no later than January 31 of the year following the reporting year. Faculty should be provided with the annual performance reporting instrument with no less than two weeks to complete the requested information.

For each department, a single standardized annual performance evaluation instrument should be developed for the purposes of reporting an assessment of each faculty member’s (tenured and untenured) performance in teaching, research, and service. The instrument should include performance evaluation of activities and outputs reported on in the annual performance reporting instrument.

The annual performance evaluation instrument should include appropriate weighting of teaching, research, and service performance according to the faculty member’s appointment and rank. The appropriate weighting must be given to each area in arriving at an overall measure of performance. (Section D. Criteria for Tenure, “The relative weights of these factors will vary according to the fit between the faculty member and the mission of the academic unit in which he or she is appointed.” Note: This statement is appropriate for each level of performance evaluation, including the Annual Performance-and-Planning Reviews and the Cumulative Reviews.)

Furthermore, it is critical that the job descriptions of faculty members' appointments are current and accurately reflect their teaching, research, and service responsibilities.

The annual performance evaluation instrument should contain sufficient detail regarding evaluation of performance (in addition to the overall five point scale of Outstanding, Very Good, Good, Needs Improvement, and Unsatisfactory recommended as part of the Annual and Cumulative Performance Reviews) that the faculty member can ascertain where performance evidences merit or needs improvement. Specific examples of strengths and opportunities for improvement in performance should be included as part of the evaluation. These strengths and opportunities should reflect expectations of future performance to be used in planning. Because a purpose of the review is planning, it is essential that expectations regarding the performance of the faculty member during the coming year be clearly outlined, including the relative weights of teaching, research, and service in the faculty member's responsibilities. The Annual review results must be provided in a timely manner to the faculty member being evaluated (no later than March 31; in cases where results will be used in a Cumulative or retention review, it is recommended that the results be provided earlier).

The performance of faculty within a department should be measured with respect to pre-defined benchmarks and goals as suggested by standards within a given discipline, not relative to other faculty members' performance within the department. Benchmarks should reflect expectations of professional competence within a given discipline. Goals should reflect professional excellence within a given discipline.

Because standards regarding levels and quality of output vary greatly across disciplines, the benchmarks and goals for levels and quality of outputs should be set within disciplines and not across disciplines.

Benchmarks and goals should be defined through joint recommendations of administration and faculty in consultation with peers from the respective discipline. The Council proposes that feedback regarding appropriateness of benchmarks and goals selected by the department be solicited as part of the respective department's Academic Program Review.

Benchmarks and goals regarding quantities and qualities of output should be clearly defined with adequate time for faculty to show changes in performance. Benchmarks and goals for any given year under evaluation should be set prior to the beginning of that year, so the faculty member is aware of performance expectations for the period under evaluation. These benchmarks and goals should be outlined for the faculty member as part of the planning process in the Annual Performance-and-Planning Review.

Both the annual performance reporting instrument and the annual evaluation instrument developed by a department must be reviewed and approved by a college-wide committee of faculty and administration of the college in which the department is located.

Note: As a matter of implementation, the Council recommends that all departments without standardized annual reporting and evaluation instruments developed and approved by a college-wide committee develop such instruments no later than Fall of 1999. In the cases of these departments, the Council also recommends that the process of Annual Performance-and-Planning reviews begin with a performance planning session to precede the performance reporting and evaluation by at least 10 months. This initial planning session should occur no later than December of 1999.

Item 4: Page 5. Section G, Part 1. Annual Performance-and-Planning Review

Will copies of the rebuttal to evaluation and written statements of areas needing attention be provided to the Dean also? If so, this should be stated.

Item 5: Page 5. Section G, Part 2. “Cumulative Performance Review”

To minimize the reporting burden, the categories of research and creative achievement to be reported in the **annual performance reporting instrument** should, when possible, closely coincide with those requested in tenure, promotion, and Cumulative Review reports. As suggested in the document’s wording, “Cumulative Reviews are based on data from annual reviews and normally are conducted during the Spring Semester before April 30” (p. 5, col, 2, line 7).

The concept of a standardized reporting form is alluded to in the document’s wording, “The report from the peer review committee is advisory to the department head, who then makes his or her own assessment and prepares a summary report according to a form developed by the campus to evaluate the faculty member’s performance”. *This wording should be clarified. Will it be based in part on evaluation forms developed for the purposes of the Annual Performance-and-Planning review? If so, a clear statement is necessary indicating that a form should be developed to evaluate and assess the faculty member’s performance on an annual basis.*

The Council suggests the following: “Cumulative Reviews are based on the information in the **annual performance reporting instruments** and in the **annual performance evaluation instruments** from the cumulative period under consideration and are normally conducted....”

Item 6: Page 5. Section G, Part 2. “Cumulative Performance Review”

From the last sentence of Section G, part 2, “Faculty members whose performance is found through the cumulative review process to be outstanding ... are eligible for merit pay increments ...,” it would seem that merit pay is only to be awarded subsequent to a Cumulative Review. Has the discretion for award of merit based upon annual performance been removed? If not, then the merit statement should be revised to apply to Annual, as well as Cumulative, reviews and hence to be applicable to untenured, as well as tenured, faculty. This should be clarified.

Item 7: Page 6. Section G, Part 3. “Review Committee”

In the sentence, “within thirty days of the Dean’s concurrence with an unsatisfactory cumulative review or a second negative annual review”, the word “negative” should be changed or specified in parentheses as “unsatisfactory” to keep consistency of terminology.

With respect to composition of the Review Committee, will the appropriate tenured faculty include only those at rank or above? What is meant by appropriate? How many faculty should be involved (all at rank or above within a department or a select number appointed by the head)? Also, how will outside faculty and administrators be selected? How many?

What if the Review Committee does not reach consensus? Is consensus interpreted as majority recommendation ($\frac{2}{3}$ or $\frac{3}{4}$) or complete agreement? Is a quorum needed?

Item 8: Page 7. Appendix A, Part 1. “Tenured Faculty’s Recommendation”

The Council recommends the following wording be changed from, “A written summary of the tenured faculty’s deliberations ... is strongly recommended,” to “A written summary of the tenured faculty’s deliberations ... is required and must be kept on file in departmental records for no less than one year.” The Council also recommends the wording of the sentence, “Departments may choose to have ballots with space for written comments ...” be changed to “Departments must have secret ballots with space for written comments....”

Item 9: Page 7. Appendix A, Part 2. “Department Head’s Recommendation”

The Council recommends that the sentence “After making an independent judgment on the tenure candidacy, the head shall ...” be followed by the sentence “The head shall provide the tenure candidate with a copy of the head’s recommendation and summary no later than the same date these materials are submitted to the dean.”

The intent of the sentence “Tenured faculty, individually or collectively, may forward a dissenting report to the next level of review,” is unclear. If it means when the faculty vote differs from the head’s recommendation, it should probably have the phrase included “In cases where the faculty recommendation differs from the head’s recommendation, the tenured faculty, individually or collectively, may...” If it means in every case, whether the faculty vote is in agreement with the head’s recommendation, then it should be reworded “In any case, tenured faculty, individually or collectively, may...” Another possible clarification might be “In all cases, regardless of whether the head’s recommendation differs from the tenured faculty’s recommendation, any individual or group of tenured faculty may forward a report in dissent of the head’s recommendation.”

Item 10: Page 8. Appendix A, Part 4.

The Council recommends that the sentence be added, “The Dean shall provide a copy of his or her recommendation to the tenure candidate.”

Item 11: Page 8. Appendix B, Part D.2.

The Council recommends the following procedural addition, “The Faculty Affairs Committee’s report must be considered by the Faculty Senate Executive Committee and forwarded to the chief academic officer with its concurring or dissenting recommendation. In all cases, the Faculty Affairs Committee’s report shall be transmitted as provided to the Senate Executive Committee.” The Council recognizes that this recommendation adds an additional layer of review. However, due to the gravity of termination of tenured faculty, the Council recommends this additional check on the process.

Item 12: Page 11. Appendix C, Part 3, Subpart A. “Suspension With Pay”

The sentence “After consultation ...” should have “President of the Faculty” stricken if it is the intent that the Chancellor hold the sole ability to suspend the faculty member with pay.

**Part B. Recommendations on Implementation of Reporting and
Evaluation Procedures for Research and Creative Achievement**

A research and/or creative achievement mission statement should be defined for each department. Evaluation of research and creative achievement for the individual faculty member should include how well the faculty member’s research/creative achievement fit within that research and creative achievement mission. A clearly defined mission is necessary for setting benchmarks and goals for research and creative achievement (Section D. Criteria for Tenure, “The relative weights of these factors will vary according to the fit between the faculty member and the mission of the academic unit in which he or she is appointed”).

The opportunity for the faculty member to report on activities and outputs in the applicable research and creative achievement categories should be included in the annual performance reporting instrument. The opportunity to report on planned research and creative achievement activities and outputs should also be included in the annual performance reporting instrument. The categories of research and creative achievement in a reporting instrument will likely vary across departments and colleges (See the list of recommended categories at the end of this document). The categories to be included in the reporting instrument should be defined through joint recommendations of administration and faculty in consultation with peers from the respective discipline.

For some disciplines, a variety of categories of research and creative achievement outputs is appropriate. Hence, benchmarks and goals should take into account comparative advantages of each faculty member in producing various types of research and creative achievement outputs. In other words, benchmarks and goals may consist of a range of combinations of outputs.

Both research and creative outputs and input activities should be measured and evaluated. Because progress toward certain types of research and creative achievement is cumulative, an output may take several years or evaluation periods to be produced. Therefore, measurement of activity levels that will likely produce research and creative achievement output may be useful in projecting future accomplishments.

Research and creative achievement should not only be measured in terms of quantity, but also in terms of quality. In each discipline, certain outlets for research and creative achievement are

considered to be more prestigious and to demonstrate higher standards of scientific and creative merit than others among members of the discipline. Publication, presentation, exhibition, or performance through these outlets should be recognized as demonstrating a high standard of scientific and creative merit. Because these standards of merit vary greatly among disciplines, assessment of quality measures should be made within a discipline rather than across disciplines.

While the appropriate mix of research and creative outputs and input activities may be specific to a given discipline, some general dimensions of research and creative achievement performance might be considered. Examples of performance dimensions are provided below. The dimensions could be evaluated according to the five point scale, with an associated narrative explaining the rating for each performance dimension.

I. Evaluation of Research and Creative Achievement Input Activities

1. Selects realistic yet challenging research/creative achievement objectives
2. Uses appropriate methods and techniques in meeting objectives
3. Optimizes research/creative achievement outputs relative to inputs, such as time, personnel, materials, facilities, and equipment
4. Internalizes responsibility for research/creative achievement program effectiveness
5. Expends personal effort in the research/creative achievement effort
6. Invests in professional growth and development
7. Provides leadership in research/creative achievement efforts
8. Adheres to high standards of professional conduct in research/creative achievement
9. Integrates short-term and long-term goals into a comprehensive research/creative achievement strategy
10. Carries on-going projects to a timely conclusion
11. Commits appropriate efforts to seeking external funds
12. Secures appropriate external funds
13. Provides effective oversight to externally funded activities
14. Commits appropriate efforts to joint research/creative achievement activities

Note: Specific strengths and opportunities for improvement in research/creative achievement input activities should be provided to the faculty member for the purposes of planning.

II. Evaluation of Research Output

1. Research/creative achievement is innovative
2. Research/creative achievement demonstrates scientific and/or creative merit
3. Output level is commensurate with research responsibilities and available resources.
4. Research/creative achievement contributes to the mission of the department, college, and University.
5. Findings or achievements are communicated to the appropriate audiences
6. Findings or achievements are communicated through appropriate vehicles (journals, presentations, performances, etc.)
7. Communication of findings or achievements is articulate and or effective.
8. Findings or achievements are disseminated in a timely manner.
9. Outputs needed by collaborators are provided in a timely manner.

Note: Specific strengths and opportunities for improvement in research/creative achievement outputs should be provided to the faculty member for the purposes of planning.

As part of the Cumulative Review, in addition to the annual evaluation reports, other materials may be provided as information for the review. The Council recommends that the term "Other materials" should include the faculty member's curriculum vitae, his or her statement on research and creative achievement philosophy, and any examples of research and creative achievement the faculty member wishes to include in support of the cumulative performance report of research and creative achievement.

A listing of example categories of research and creative achievement that could be reported in annual performance reporting instruments and Cumulative Reviews is provided below. These closely coincide with the categories listed in the Handbook for Promotion & Tenure:

Research and/or Scholarly Publications

I. Externally Peer Reviewed Publications

examples include

- Journal articles
- Published proceedings

II. In-House Publications

a) Internally Peer Reviewed Publications

examples include

- Research reports
- Staff papers

b) Non-Peer Reviewed Publications

examples include

- Staff papers
- Working papers

III. External Non-Peer Reviewed Publications

examples include

- Journal articles in nonrefereed journals
- Industry or popular press articles

IV. Books

- Authored
- Chapters or sections authored
- Edited

V. Reports to Sponsors

examples include

- Reports to granting agencies

Creative Accomplishments

- I. Exhibitions, installation, production or publication of original works of architecture, dance, design, electronic media, film, journalism, landscape architecture, literature, music, theater, and visual art.
- II. Performance of original dance, literary, musical visual arts, or theatrical works, or works from traditional and contemporary repertoires of the performing arts.

Projects, grants, commissions, and contracts (date, title, agency, amount, and status-completed, funded and in progress, or in review)

Supervision of graduate dissertations, theses, monographs, performances, productions, and exhibitions required for graduate degrees; types of degrees and years granted; undergraduate honor theses supervised.

Membership on graduate candidates' committees

Other evidence of research or creative accomplishments (identify patents, new product development, new arts forms, etc.).

Record of pursuit of advanced degrees and/or further academic studies.

Record of participation in, and description of, seminars and workshops (Short description of activity, with titles, dates, sponsor, etc.); indication of role in seminar or workshop, e.g., student, invited participant, etc.).

Papers presented at technical and professional meetings (meeting and paper titles, listed chronologically in standard bibliographic form); indication about whether the candidate was the presenter.

examples include:

- Selected papers (screened for acceptance by peers)
- Other papers (not screened for acceptance by peers)
- Invited papers
- Organized symposia

Description of speaking engagements or other activities in which there was significant use of candidate's expertise (consulting, services to government agencies, professional and industrial associations, educational institutions, etc.).

Description of new computer software programs developed.

Lists of honors or awards for scholarship or professional activity.

Record of membership and active participation in professional and learned societies (e.g., offices held, committee work, editorships or editorial boards, peer review committees, or other related activities).

**“Best Practices” Guidelines for Teaching Reviews of Tenure-track Faculty
Recommendations of the Faculty Senate Teaching Council**

Background and Introduction

In June of 1998, The University of Tennessee Board of Trustees approved guidelines for tenure review of faculty at the University of Tennessee. The Professional Assessment Committee of the Teaching Council was charged by the Faculty Senate in September of 1998 with reviewing the tenure review guidelines and making recommendations on how the review process should be implemented for teaching across the University of Tennessee, Knoxville campus. The Committee is addressing this task in two ways: (1) developing goals and approach for the review process, and (2) recommending strategies for assessment and evaluation of teaching.

Goals and Approach for the Review Process

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

The approach to annual and cumulative review of teaching should be multi-faceted, including inputs from the faculty member being reviewed, peers and students. The various departments across the University are quite diverse in function and size. Therefore, the details of the

review process will vary considerably at the departmental level to accommodate diversity in teaching techniques and content. This process of teaching assessment and evaluation should minimize burdens for faculty, administrators, and students.

Assessment and Evaluation

Assessment is a critical step for constructively improving the quality and role of teaching on this campus. For the purposes of this document, assessment of faculty teaching is feedback about strengths and areas for improvement based on inputs from the faculty member being reviewed, peers, and students. Faculty members should gain an understanding of their strengths and areas for improvement through self-examination, constructive dialogue with peers, and feedback from students. An assessment should not include a performance rating.

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

Proposed Teaching Review Process

A goal of this proposed process is to provide greater balance to the existing review process by gathering inputs from faculty members, their peers, and their students, rather than from primarily student reviews. This process is to apply to all tenure-track faculty where the distinction between probationary and tenured faculty will be in the frequency of self and peer assessments. In the total cumulative review for a faculty member, the importance of the teaching review vs. the research review should be a function of the description of the appointment for the faculty member. In all cases, however, "Unsatisfactory" teaching should be considered unacceptable.

Self Assessment

Self assessment allows faculty members to reflect on their teaching both for their benefit and to facilitate constructive dialogue about their teaching with others. Tenured faculty members would conduct a formal self assessment of their teaching about 1.5 years prior to the date of the 5-year cumulative evaluation of performance. An probationary faculty member would conduct the self assessment about six (6) months prior to a peer review, where peer reviews should occur every two years.

A minimum output from this process would be a document about the person's teaching philosophy and may include, but not be limited to, self-assessment results from previous reviews, teaching goals, methods for achieving these goals, and plans for achieving teaching excellence. The document may be supported by a teaching portfolio that illustrates implementations or successes of the philosophy, documents activities such as short courses that improved teaching skills, considers strengths and areas for improvement, or possibly other aspects of teaching for the faculty member being reviewed. The self assessment documentation would be given to the peer review team at the beginning of the review process to help frame the scope of their activities.

Peer Assessment

Peer assessment provides faculty members with useful feedback from their peers that identifies their strengths and areas for improvement in their teaching. A peer teaching review should be conducted for a tenured faculty member about one year prior to the date of the 5-year cumulative evaluation of performance. A probationary faculty member should receive a peer review every two years. Where special circumstances arise, a faculty member has the right to request reconvening of a peer review team or formation of a new peer review team in the interval between scheduled peer reviews.

The peer review team should consist of three tenured faculty members. One is selected by the faculty member, one by the department head, and the third is agreed between the two. Departments

are encouraged to have at least one faculty member from outside the department included in peer review teams.

The peer review team should offer feedback that: (1) considers whether the courses of the faculty member have appropriate content and offer students sufficient opportunity to acquire appropriate skills; (2) considers whether the grading system and evaluation/assessment tools are consistent with course content and student skill development; (3) examines the teaching methods of the faculty member for effectiveness; and (4) recognizes the risks and successes inherent in innovative teaching methods. Feedback is facilitated by the peer review team meetings with the faculty member to discuss teaching before, after, and otherwise as needed or requested during the review process. Feedback will be based on (1) examination of materials for the course (e.g. handouts, tests, webpages, etc.); and (2) observation in the classroom or instructional setting for at least one course being taught during the semester of the peer assessment. Each team member should visit at least one class meeting. More visits are encouraged to gain a better understanding of the teaching methods of the faculty member, but are not required. At the end of the semester, the peer review team will produce a report that is discussed with the faculty member being reviewed and that presents the strengths and areas for improvement for the teaching of the faculty member.

Student Review

The proposed review process confirms the need for student review of teaching. While not a focus of this document, a review of the current Campus Teaching Evaluation Program (CTEP) policies and administrative procedures is forthcoming from the Teaching Council. Questionnaires similar to the current CTEP, however, should continue to be administered. The current survey forms are evaluative because they provide a numerical rating of faculty members that compares them to others in the department, college and university. However, results from small classes should be used cautiously because of the variability in results introduced by small samples.

To increase the feedback component of the student reviews, written student comments should be solicited in addition to the mandatory questionnaire. Results of the open-ended student

comments would be returned to the faculty member after grades are sent to the central administration. While student reviews occur each semester, they should not receive greater weighting than self or peer assessments during cumulative reviews.

Evaluation by Department Head

Cumulative – For the cumulative review of teaching, a department head considers the inputs from self assessment, peer assessment, and student review. The head has three criteria to evaluate and to assign a performance measure with a narrative that explains each measure. The criteria are:

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

The assessment results—particularly the peer assessment—must be given considerable weight in this evaluation because students do not have the best perspective for evaluating the first two criteria. The standards for the evaluation of these criteria are to be constructed by each department.

Annual – The only new inputs for the annual reviews will be the content of student reviews. However, the existing self and peer assessments must be considered. The three criteria and performance measures for the cumulative review remain the same for the annual review. After an annual review, the faculty member has the right to an additional previously unscheduled peer assessment with self assessment, if they believe it to be appropriate.

The results of the annual and cumulative teaching evaluations will be documented by the department head in terms of the standards established by the faculty of that department and using the campus-level system of performance categories.