Agenda
UTK Faculty Senate Executive Committee
January 12, 2009

I. CALL TO ORDER

II. REVIEW OF MINUTES
Minutes of the Executive Committee meeting of November 3, 2008

III. REPORTS
President's Report (J. Nolt)
Provost's Report (S. Martin)
Chancellor's Report (J. Simek)

IV. OLD BUSINESS
Report of the UT Alcohol on Campus Task Force (D. Patterson)

V. NEW BUSINESS
Consultation with Executive Committee on CPR/Tenure Termination Case (J. Nolt)
Research Council Policy Statements (J. Hall)
Nominations Committee on Honorary Degrees (J. Nolt)
Report on Changes in Policy for 403(b) Plans (J. Heminway, B. Fields)
Report on UT Faculty Council Activities (B. Lyons, T. Boulet, J. Nolt)

Attachments
Minutes of November 3, 2008, Executive Committee Meeting
Processes Involving the Senate in Tenure Termination
When There Has Been No Remediation Plan
Research Data Policy
Tangible Research Property Policy
UTK Honorary Degrees Policy
(A brief report on UT Faculty Council Activities will be sent separately)

Faculty Senate Executive Committee
MINUTES
November 3, 2008

Present: Vince Anfara, Denise Barlow, Doug Birdwell, Toby Boulet, Donald Bruce, Paul Crilly, Becky Fields, Joan Heminway, Margo Holland, Becky Jacobs, Suzanne Kurth, India Lane, Catherine Luther, Beauvais Lyons, Susan Martin, John Nolt, David Patterson, Carl Pierce, Wornie Reed, John Romeiser, Anne Smith, Tse-Wei Wang

Guests: Jan Simek, Scott Simmons, Ken Stephenson for Joanne Hall,

I. CALL TO ORDER
J. Nolt called the meeting to order at 3:32 p.m.

II. REVIEW OF MINUTES
The minutes of the October 6, 2008, meeting were moved by T. Boulet, seconded by D. Birdwell and approved.

III. REPORTS
Senate President's Report (J. Nolt)
Budget Problems. J. Nolt reported on his comments to the Board of Trustees (BOT) meeting In October. The comments are posted on the website under "President's Comments." He pointed out that the campus had never recovered from previous cuts, e.g., the campus no longer has a tenured faculty member to teach Chinese. He also talked about academic program eliminations and the need to consider *other* efficiencies. (The BOT has a committee focused on efficiencies probably primarily at the system level.) Nolt also emphasized the need for a tuition increase. In addition, in meetings with individual trustees he emphasized energy conservation, a tuition increase, and administrative efficiency particularly at the system level. The appointment of Chancellor Cheek was announced at the BOT meeting.

Provost Martin has a task force (B. Ambroziak, T. Boulet, C. Hodges, M. Murray, J. Nolt, L Parker, J. Romeiser, and P. Williams) that is developing program evaluation criteria and procedures for obtaining faculty input. The committee has had one meeting. S. Simmons is obtaining information from peer institutions. As all faculty members have program affiliations, there are conflicts of interest. So, processes need to be out in the open before the Senate. The goal is to have criteria and procedures to the Senate in the spring.

A committee that emerged informally is working on ideas for budget reductions and recommendations for the new Chancellor (T. Boulet, M. Murray, B. Bruce, D. Patterson, and J. Nolt).

Nolt met with D. Millhorn and discussed the development of Cherokee Farm and ORNL. They talked about poor communication between the campus and the system. The plan is to have Millhorn talk with campus researchers. Nolt wants there to be an academic component at Cherokee Farm.

The question of where tenure would reside for the new chancellor was noted.

The BOT was notified that the proposed closures of the graduate and undergraduate programs in Audiology and Speech Pathology, the graduate program in Industrial and Organizational Psychology, and the undergraduate minor in Dance would go through normal channels. The Chairs of the Graduate and Undergraduate Councils were asked if they had received any paperwork. They had not. Nolt commented that the process needed to move forward in a timely manner for the process to be completed by the end of the year. Chancellor Simek clarified that the department would initiate the paperwork for the program closures, e.g., I. Schwarz would apply to the Graduate Council. The application to the Undergraduate Council for the closure of the undergraduate programs will be much slower to allow students to complete their degrees. V. Anfara asked about the Industrial and Organizational Psychology Program. Simek said he could not speak for Provost Martin. The College of Education, Health and Human Sciences would probably put forward the paperwork for the Dance Program.

Nolt said he thought the two proposals to be introduced by the Faculty Affairs Committee should be heard differently from the usual Senate custom. Typically, there are two readings, but the proposals were time sensitive. He suggested sending them to Senators immediately if approved with a notice stating that a vote would be taken at the November 17 meeting of the Faculty Senate. This process would not violate any rules as the two reading requirement is for revision to the *Bylaws* and these are revisions to the *Faculty Handbook*.

D. Patterson said Nolt might consider sending his BOT comments to the faculty. He asked whether Millhorn provided a timetable for what would be happening at Cherokee Farm. Nolt responded that he was on the committee that had one meeting in October. The stated goal was to break ground in the spring, but that did not seem realistic. Discussion of the need to act to retain the federal funding for the JIAMS building supported the idea that some type of ground breaking would occur in the spring.

Chancellor's Report (J. Simek)
J. Simek complimented Nolt on his presentation to the BOT. The BOT is concerned about structure, i.e., the size of the system administration and its effectiveness, which is not the campus focus. The campus does not want to respond to the BOT's Efficiency and Effectiveness Task Force, rather the goal is to be proactive. The campus is engaging in studies of campus processes and structures. The goal is to demonstrate that the campus has adequately "tunneled down." Simek gave the example of how UTK processes student tuition invoices. The current multiple mailings involve substantial costs in labor, energy, and paper. Changing to electronic billing would produce a saving of $65-66,000 and 33 trees (reducing our carbon footprint). J. Heminway asked that they also look at the process for students that are children of faculty. Simek also identified the process for registering international students that currently requires too many different people handle the papers. He also discussed the use of motorcycles and bicycles to help the police force stay within its leases of SUVs and pursuit vehicles.

Simek anticipates a base budget reduction similar in size to the one incurred this year. Reducing unit budgets 5% would produce about 2/3 of the money needed. The other 1/3 would be covered centrally. He indicated that he did not see how to avoid cuts in personnel. Revenue enhancements were also being considered, such as lab fees. Such fees have to be approved by the BOT, so the timing would be risky. Simek said he would have a draft budget for Chancellor Cheek.

B. Lyons asked about enrollment management, specifically whether the size of the entering class would be reduced. Simek said it would, but there would not be much gain unless there were a shift in in-state and out-of-state students. Lyons asked about outsourcing and whether there were ethical ways to do it. Simek said yes, but pointed out that by definition outsourcing means people will lose jobs. Lyons asked specifically about the motor pool. Simek said it was not a campus operation, but again any change in it would mean people would lose jobs. Lyons asked if there was a commitment to limiting the impact of budget cuts could Simek offer a rebuttal to across the board salary reduction. Simek explained everyone would have to agree to such a reduction and there would be contractual/legal issues that could lead to litigation. Simek said the people administering the campus are good people and the campus needs to figure out how to have nimble responses.

P. Crilly said that lab fees are supposed to go to particular programs. Simek said the issue is that there are programs, such as in art, which should be eligible to have fees and have not gotten them because of resistance to adding fees as a form of tuition increase.

T. Wang asked if anyone was working on adjusting the temperature in SERF. Simek replied that work was proceeding on a detailed plan.

Patterson asked in what department the new chancellor would be tenured. S. Martin said it was under discussion and it would go through all procedures. Patterson said students at the BOT meeting raised the question about sports fields. Simek replied that the University is acquiring property between Lake and Terrace that will be committed to fields in the near term. Patterson pointed out that he had recently received the faculty/staff/student directory. He asked whether the campus needed to continue printing it. Simek said no. D. Birdwell said *Business Week* concluded that the worst response to a downturn is to take advantage of employees in the short term. He commented that the motor pool has been turning cars over at 50,000 miles, a standard that dates from a time when cars had a shorter lifetime, and turning them over at 80,000 miles would save money. Simek replied it was a system operation and noted that car dealers had a role in setting the mileage standard. Then Birdwell asked how much money was being spent per person on the e-mail system. Simek said J. Poore would need to come to explain, as he did not know. In his assessment the e-mail system is working better this year, but still some units are using other systems. Birdwell that, if it were $50 a head as had heard, it exceeded the industry standard of @$10. And, he noted that fewer servers had been replaced with more. Nolt encouraged people to go to the Chancellor's website link to make suggestions and/or to the suggestion link on the website of D. Horne, Chair of the Board of Trustees' Committee.

Provost's Report (S. Martin)
S. Martin reported that she is working on reports for the Chancellor including revenue enhancement ideas. She attended the meeting of the BOT's Efficiency and Effectiveness Committee. The Committee wants to look at all levels. The University of Maryland had been visited. Faculty workloads are one thing at issue. C. Pierce asked whether the campus had started collecting information on savings from actions, such as not hiring adjuncts. Martin said the Deans knew of no cuts in adjuncts hired for terms or one-year non-tenure track positions. Reductions would have been in those hired a semester at a time. Pierce said he was concerned about possible reductions that would result in people not being willing to come back to teach at

later dates. S. Martin said there had been an increase in the number of untenured faculty to cover the increased number of students. The problem is more often seen as one of increased use of adjuncts/lecturers leading to reduction in the number of tenured faculty. Wang asked whether with lottery scholarships and higher test scores for entering students there was a need to reduce the number of "remedial" courses. Martin said the state is raising the high school graduation requirements. Simek said there should be fewer inadequately prepared students, as a result. Crilly reported that numerous students enter not ready to pursue engineering. He asked whether teaching them what they need could be outsourced to Pellissippi. Stephenson said the math courses might be moneymakers because of the cost of instructors. Birdwell asked about consolidating the teaching of courses, e.g., eliminating course like math for education students. Martin said faculty members have to inform her about such issues.

IV. OLD BUSINESS
Report of Safe Zones Task Force. The report of the task force established to consider safe zones for Lesbians, Gays, Bisexuals, and Transsexuals was included in the materials distributed for the meeting as an information item.

Faculty Affairs Committee (J. Heminway)
Resolution on Reappointment of Department Heads. The Executive Committee voted to return the resolution on the reappointment of department heads to the Faculty Affairs Committee at its October meeting. The reason for pushing through the revisions (considering not having a second reading) is the timing of faculty evaluations and reviews of department heads. Comments were invited from the Chancellor and the Vice President for Agriculture. None were received. The primary objection had been that no faculty vote was mandated before reappointment. The Committee added back in a faculty vote along with the opportunity for units to develop other forms of consensus building. Also, some "wills" were changed to "shalls." Lyons indicated this modification was in response to comments from Deans, who perceived the process was somewhat backward preferring faculty input before they made decisions. He thought it was a workable solution. With reference to the omission of a first reading, he argued that any changes from the floor should be discouraged. He also argued that a brief narrative summary or "skinny" on the changes prepared by Heminway would be helpful. Nolt stated the goal was to get the resolution out before the end of the week. Pierce noted that, as the *Bylaws* do not require two readings, all Senators needed was the information; that two readings were not required. He also disagreed with Lyons about discouraging Senate involvement. Nolt commented that changes from the floor could not be ruled out, but they could be discouraged. The resolution came as a motion to the Executive Committee. The resolution with a cover memo was to be given to the Senate for action at its next meeting. The motion passed.

V. NEW BUSINESS
Faculty Affairs Committee (J. Heminway)
Resolution on Timing of Annual Evaluations. The resolution proposes changing the timing of annual faculty evaluations. Currently departments are conducting retention reviews in the fall and annual evaluations in the spring for the same faculty members. Having annual evaluations in the fall would work better. UTIA and UTSI would not be included in the change in the evaluation year. The change better aligns the evaluation process with the academic year. The resolution required defining the academic year. This change would put UTK in accord with BOT policy. Birdwell pointed out that some departments have many faculty members to evaluate.

Lyons asked about the impact of this change in years with possible merit raises at stake. Heminway replied that there are various half year issues. Fall evaluations would remove them further in time from when raises are decided, but Heminway pointed out that annual evaluations and merit pay are not necessarily linked. Lyons indicated he liked them to be linked. The Committee's motion to change the timing of annual faculty evaluations was passed.

Research Council (K. Stephenson for J. Hall)
The Council is planning on holding forums again this year and is soliciting topics.

Task Force on Criteria and Procedures for Academic Program Evaluation (J. Nolt)
Nolt said he thought the goals were to develop criteria for programs elimination and faculty input in procedures. He asked for suggestions for making it an open process. Martin pointed out that the process was not replacing the normal process through which departments and colleges for various reasons sought to eliminate programs. This process would be economically driven and would build on APEC (Academic Program Evaluation Committee) and the RRTF (Review and Redirection Task Force) documents. Some materials were developed at the department heads retreat. There is a Blackboard site for suggestions. The Task Force needs to develop criteria and an expeditious process. Patterson said he heard a twofold approach. The administration would ask deans for proposals to cut 5%. The deans might come back with proposals to eliminate programs. He asked whether there might be someone above the deans looking down at colleges and the programs within them. Martin said it would be unusual for anyone outside to identify college programs. Deans may propose cuts of various sorts including program cuts. The process will involve back and forth discussion. Heminway commented that data gathering metrics should be linked to decisions and that data should be reported on a regular basis. If comparative data were available, programs would have a better basis for knowing their relative standing. Martin said the institution is doing better at collecting relevant information. Simek noted that this budgeting process does not mean that the poorest programs are targets of elimination, which makes setting the criteria harder. He acknowledged the University has not done a good job of data acquisition. He also pointed out that while it is important for a unit to know where it stands, having clear rankings can create morale and recruitment problems. Wang pointed out that when a program or department is eliminated there can be problems placing tenured faculty in other units because of a lack of fit. She asked whether anything could be done about that problem. Simek said it was troublesome and stated the need for criteria. Lyons, following up on Heminway's ideas about linking data to program assessment, asked whether UTK still looked at Delaware data and whether Institutional Research continued to generate the relevant data. Martin said while there was some question about the consistency of the data across institutions (e.g., definitions of lecturers and instructors), they were the best data available. Lyons commented that the Undergraduate Council and the Graduate Council were equipped to deal with program quality, but the program elimination process necessitated other data. Simek stated that the institution did not want to declare financial exigency. Birdwell said there were two problems: the immediate need for a decision making process and the lack of good information on which to base decisions.

Pierce wanted to point out the good things that happen on campus like the opportunity to get flu shots. He thought the Student Concerns Committee might consider whether the shots could be given at lower cost for students.

Meeting adjourned at 5:16 p.m.

Processes Involving the Senate in Tenure Termination
When There Has Been No Remediation Plan

From *UT Board of Trustees Policy Governing Academic Freedom, Responsibility and Tenure (Revised 19 June 2003, 16 March 2006)*, p. 10:

> If the CPR Committee consensus rates the faculty member's performance as Fails to Satisfy Expectations for Rank, it may develop with the affected faculty member and Head a written CPR Improvement Plan (which may include, but shall not be limited to, 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 to assess its efficacy, with the plan to be reviewed by the Dean and approved by the Chief Academic Officer; or the committee may recommend to the Dean and Chief Academic Officer that the Chancellor initiate proceedings, as specified in the *Faculty Handbook*, to terminate the faculty member for adequate cause after the Chancellor has consulted with the Faculty Senate President and the Faculty Senate Executive Committee (which may delegate its responsibility to the appropriate Faculty Senate committee). …

But according to the *Faculty Handbook* (3.12.1):

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

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

1. Tenured faculty's recommendation. The department head shall direct the tenured departmental faculty to review the faculty member's performance in teaching, research, and service and to vote on the question of whether termination proceedings should be initiated. The faculty vote shall be advisory to the department head and communicated to the head in writing.

2. Department head's recommendation. If the department head concludes termination proceedings should be initiated, he or she shall forward a recommendation simultaneously to the dean and the chief academic officer. The head's recommendation shall include the history of efforts to encourage and assist the faculty member to improve his or her performance, the reasons for recommending that termination proceedings be initiated, and the vote of the tenured faculty on the question of whether proceedings should be initiated.

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

4. Chief academic officer's recommendation. If the chief academic officer concludes termination proceedings should be initiated, he or she shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not achieved, the chief academic officer shall within 30 days ask

the Faculty Senate Appeals Committee to conduct an informal inquiry and make a recommendation to him or her within thirty days as to whether termination proceedings should be initiated. The recommendation of the Faculty Senate shall be advisory to the chief academic officer. After considering the recommendation of the Faculty Senate Faculty Affairs Committee, the chief academic officer shall make a written recommendation to the chancellor as to whether termination proceedings should be initiated

Research Data Policy

1.   Objectives

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

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

2.   Definition of Research Data

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

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

3.   Ownership of Research Data

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

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

4.   Control of Research Data

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

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

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

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

5.   Retention of Research Data

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

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

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

6.   University Responsibilities

University responsibilities with respect to Research Data include the following:

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

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

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

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

8.   **Resolving Disputes Concerning Research Data Ownership or Policy**

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

9.   **University Access**

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

Tangible Research Property Policy

1.   Objectives

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

2.   Definition of Tangible Research Property

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

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

3.   Ownership of Tangible Research Property

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

4.   Control of Tangible Research Property

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

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

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

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

5.   Commercialization of Tangible Research Property

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

Commercialization must be coordinated through UTRF.

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

6.   Distribution of Tangible Research Property

All persons involved in TRP exchanges with other institutions are responsible for promptly contacting the Campus Research Office to disclose the nature and detail of such activities and otherwise complying with this policy. TRP leaving the University must be supported by an MTA developed in conjunction with the Campus Research Office. Consultation with UTRF may be required and is recommended.

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

   a.   Distribution for research purposes

      1. Biological TRP

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

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

      2. Software TRP

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

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

      3. Other forms of TRP

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

b. Distribution for Commercial Purposes

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

c. Procedures for Receiving TRP from other organizations

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

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

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

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

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

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

8.   Resolving Disputes Concerning Tangible Research Property Ownership or Policy

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

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

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

The University of Tennessee, Knoxville

PROPOSED POLICY AND PROCEDURES ON HONORARY DEGREES

The Board of Trustees of The University of Tennessee (UTK) authorizes the awarding of honorary degrees to recognize individuals who have benefited the institution or society through outstanding achievements or leadership. The Board of Trustees has put forth criteria to guide campuses in nominating and considering candidates for honorary degrees. The University of Tennessee Knoxville (UTK) shall adhere to the policy as set out in the following procedures:

(NOTE: University of Tennessee policy statements are italic font; proposed UTK procedures are normal font.)

A. Each campus of the University of Tennessee may award up to three honorary degrees each year.

B. University employees shall not be eligible for nomination during their employment. In addition, elected officials and University of Tennessee Trustees shall not be eligible for nomination prior to completion of their terms of service.

C. Each campus shall develop specific procedures for nominating and considering honorary degrees recipients. As a minimum, campus procedures shall include the following provisions:

> *1. A nominating committee shall be comprised of faculty (selected by the faculty governing body), the Chancellor/Provost, and the Chair of the Academic Programs and Planning Committee of the Board of Trustees.*

>> 1. The Honorary Degree Nominating Committee (hereafter referred to as Nominating Committee) shall consist of the UTK Chancellor, the Chair of the Academic Programs and Planning Committee of the UT Board of Trustees, and five tenured faculty members selected as needed by the Executive Committee or Council of the UTK Faculty Senate.
>> 3. The faculty members of the Nominating Committee will be appointed for a term of one year.
>> 4. The Chair of the Nominating Committee shall be elected by the committee membership from among the serving faculty members.

> *2. The nominating committee will receive and screen nominations and recommend candidates to a special committee of the faculty governing body.*

>> 1. The process for nominating candidates will be available through the UTK website (Chancellor's Office) and nominations can be received at any time. Nominators must hold a current faculty appointment with UTK. Nominations should be sent to the Office of the Chancellor on the UTK campus and addressed to the Chair of

the Honorary Degree Nominating Committee. All complete nominations must include:
  1. A letter from the nominator and supporting documentation detailing why the candidate is worthy of an honorary degree from UTK
  2. The candidate's CV or a biographical statement
  3. At least three names and contact information of individuals who may be solicited for letters of recommendation
  4. The nominator's relationship with the candidate, including any potential or perceived conflicts of interest
2. The Nominating Committee shall consider all complete nomination packets.
3. The Nominating Committee will consider individuals who have distinguished themselves in the areas of teaching, research, or service. Achievements of national or international significance, or outstanding and sustained service to our state or community, should be the overriding criterion for all candidates.
4. Financial contributions to UTK or UT, or prior service as an elected official, shall not be the sole deciding factor in the nominations process.
5. The name and supporting documents of any candidate recommended to receive an honorary degree from UTK by at least a two-thirds vote of the membership of the Nominating Committee shall be submitted to the chair of the Graduate Council, who will form a Special Committee (see Section 3.1 below) for the unit that best matches the achievements of the candidate.
7. The Chair of the Nominating Committee will send a letter to the nominator of any candidate not recommended. Candidates may be reconsidered upon re-nomination.
8. All members of the Committee are required to function in a confidential manner, respecting the privacy of all candidates; including those recommended and those not recommended.

3. Upon concurring with a recommendation by the nominating committee, the special committee will submit the candidate to the Chancellor/Provost for consideration.

  1. For each candidate, the Special Committee will consist of five individuals: the head of the department in which the degree is recommended, the Provost and three tenured faculty members who are not on the nominating committee and who are appointed by the chair of the Graduate Council. The chair of the Graduate Council will appoint the chair of this Special Committee.
  2. Based on the candidate's merits and compliance with the UT Board of Trustees' policy and UTK procedures, the Special Committee will vote whether or not to concur with the recommendations of the Nominating Committee.
  3. If four or more members of the committee vote to approve the candidate, the name and application of that candidate shall be submitted to the Chancellor for consideration.
  4. All members of the Committee are required to function in a confidential manner, respecting the privacy of all candidates; those selected and those not selected.

4. Upon approval, the Chancellor/Provost will submit the candidate to the President for consideration.

      1. The UTK Chancellor, provided s/he approves the candidate, shall notify the candidate to ascertain their willingness to accept the honorary degree and their availability to attend commencement exercises.

5. Upon approval, the President will submit the candidate to the Board of Trustees for consideration.

D. The Board of Trustees will make the final decision to award an honorary degree.

E. The University expects honorary degree recipients to participate fully in commencements exercises, but exceptions will be made for extenuating circumstances.