

Agenda
UTK Faculty Senate Executive Committee
March 9, 2009

I. CALL TO ORDER

II. REVIEW OF MINUTES

Minutes of the Executive Committee meeting of February 9, 2009

III. REPORTS

President's Report (J. Nolt)

Provost's Report (S. Martin)

Chancellor's Report (J. Cheek)

IV. OLD BUSINESS

Resolutions of the Faculty Affairs Committee (J. Heminway)

Research Council policy statements and a resolution thereon (J. Hall)

Resolution on support for faculty stimulus package proposals (J. Hall)

Proposed amendments to Senate Bylaws changes (T. Boulet)

V. NEW BUSINESS

Additional Senate Bylaws changes (T. Boulet)

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

Report on Senate elections (T. Boulet)

Attachments

Minutes of February 9, 2009, Executive Committee Meeting

Proposed Resolutions of the Faculty Affairs Committee

Research Data Policy (revised)

Tangible Research Property Policy (revised)

Faculty Senate Executive Committee
MINUTES
February 9, 2009

Present: Vince Anfara, Doug Birdwell, Toby Boulet, Marianne Breinig, Donald Bruce, Paul Crilly, Becky Fields, Joan Heminway, Becky Jacobs, Suzanne Kurth, India Lane, Catherine Luther, Beauvais Lyons, Susan Martin, John Nolt, David Patterson, Carl Pierce, Anne Smith

Guests: Scott Simmons (Graduate Assistant), Candace White (Task Force Chair)

I. CALL TO ORDER

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

II. REVIEW OF MINUTES

J. Heminway asked for several corrections to the minutes: on the last line of page 3 "Appeals" Committee should be substituted for "Faculty Affairs" Committee, the underscore should be continued to include the last 6 letters of Activities on the last page, and after "only a plan" insert "and compliance with certain documentation requirement." Minutes approved as corrected.

III. REPORTS

Senate President's Report (J. Nolt)

J. Nolt indicated he was more optimistic, as on Friday the Governor indicated that he expected money from the proposed stimulus package, although it would only be for the next two years. Some stimulus money would go to higher education. It was unclear whether the Governor's goal of avoiding layoffs included the University of Tennessee. D. Bruce said the *Knoxville News Sentinel* story did not pick up on his [the Governor's] direct call for higher education to change the way it does business. Nolt reported the Legislative Task Force had been busy planning events to contact legislators directly or indirectly, e.g., J. Woodson. Nolt met with J. Woodson and D. Gresham. Legislators are being told about the need for tuition flexibility and the importance of keeping teachers in the classroom. TUFS has set Tuesday, February 24 as a legislative action day. Nolt asked for people to participate. An action was planned on March 17 by the UCW. TUFS is sponsoring a statewide faculty senates' retreat the weekend of April 4 to plan a statewide strategy for lobbying.

The CPR case discussed at the January meeting has been withdrawn from Faculty Senate review, as it will go through the entire procedure. If it continues, the case would return to the Appeals Committee.

B. Lyons asked given the departure of D. Barlow what Nolt knew about construction management, specifically breaking ground for a new music building, the safety of Stokely Athletic Center, and the new student health facility. Nolt reported that the campus Master Planning Committee had not met for almost two years. The Committee is waiting for standards from THEC. Nolt indicated he did not think any planning activities were underway. Lyons said he wanted his concern about construction management to be on the record.

Provost's Report (S. Martin)

S. Martin reported the Senate had excised much support for higher education from the proposed stimulus legislation. She noted that she was concerned by the Governor's caveat about it only being effective for two years suggesting the need for a tuition increase. She said she was impressed by Chancellor Cheek's transition, including his meeting with local political figures. She commented on the visit of D. Gresham, the new chair of the Tennessee Senate's Education Committee. With reference to Academic Affairs, she noted excellent prospective students were being interviewed for the Honors Program and the admissions process for international students was being reviewed. S. Gardial is conducting focus groups with advanced probationary faculty. For first year faculty members, facilities are an issue.

B. Lyons commented that the Center for International Education did excellent work procuring "green cards" for faculty. Lyons said he had talked with colleagues concerned with the impact of budget woes on the evaluation process, namely that retaining a poor colleague would be better than losing a position. He asked how to deal with the question of possibly losing a position if there were a vote against retaining a faculty member. Martin commented that the campus overwhelmingly votes to retain faculty. She said she could raise Lyons' question with the academic deans. Heminway referred to the international student issue. Brazilian students had contacted her and she had to go to several different places on UTK's web site for help. She suggested at a minimum links could be set up. D. Patterson asked about maintaining the current enrollment goal. Martin said it was important to maintain the target as otherwise there could be a double whammy in terms of revenue. Martin noted that the less qualified were not showing up in the applicant pool. The application figures were difficult to interpret given the change of the deadline to December. Housing applications were down, as were applications from out-of-state.

C. Pierce noted his personal interest in nursing and the proposed cuts in enrollment. Martin replied that the College of Nursing started the year with a deficit because key grants had been lost. The requested 8% budget reduction in combination with the deficit amounted to a substantial sum of money. Nursing depends heavily on clinical faculty for the BSN program (8-12:1) and the job market is good for clinical faculty because there are not many of them. A quick way to achieve cuts would be to cut clinical faculty. Stimulus or one-time money would help. Nursing has been encouraged to return to its priorities--its doctoral program and 100 BSN students. Admission to about half of the 8 or 9 specialty Master's programs was being suspended. Pierce recommended that Gardial talk to some faculty in focus groups about retirement, for the faculty has aged. Martin pointed out the need to be careful about age discrimination. Pierce wondered if Haslam believed that the University received money from lottery scholarships, as he saw articles that suggested that UT did receive money. V. Anfara asked about the proposed DNP. Martin said it had been stopped for the present. One question was whether it would lead to the elimination of some of the Master's level programs.

Chancellor's Report (J. Cheek)

The Chancellor regretted being unable to attend the meeting.

IV. OLD BUSINESS

Faculty Affairs Committee: Handbook Revisions Update (J. Heminway)

Annual performance and retention reviews were the focus of the revisions Heminway reviewed. She drew particular attention to those noted below:

A. For tenure track faculty, she referred to how the document incorporated the change to one coordinated evaluation and retention review in the fall.

4. The Committee noticed there was no process for Department Heads to respond when they disagreed with their Deans' decisions. There apparently have been some means, but they have not been explicit.

B. Changes. The nomenclature was changed.

2. A three-year evaluation time frame was set up.

3. Sometimes there was informal communication with Deans and others before the formal review.

The goal was to have everything done through the formal process.

4. The external compensation form would be submitted with a separate form required by the University.

Lyons said, for example, if Chapter 7 requires conversation about outside activities that these changes would formalize the requirement. Heminway said yes they were trying to avoid duplication. Crilly asked whether consulting work would require prior approval as some is reported after the fact. Lyons said that he did not think once in a while activities would. Heminway said look at the *Faculty Handbook*, but noted that there were numerous additional guidelines (e.g., college bylaws). Crilly asked whether a department head's approval was necessary. Heminway recommended checking all rules.

5 and 6. Faculty members in "good standing" could submit less information and department heads would not have to write full narratives for them. Discussion was underway about "piloting" a 5 category evaluation scale.

C. 1 & 2. The provisions are intended to give better feedback to probationary faculty via a super review process. During the early probationary years there is more emphasis on meeting departmental needs and in the later years more emphasis on progress toward tenure.

She indicated the document was an information item for which she was soliciting comments. Lyons said in a conversation he had with former Provost Holub last year that Holub said the evaluations were not as complete as they should be. He said Martin should return them, if they were not complete, as the Provost's Office has a critical role in setting expectations. Martin replied that the Deans also play an important role. Heminway said they have asked that the evaluation processes for academic administrators include the provision of appropriate evaluations.

Research Council: Policy Statement Updates (J. Hall)

As J. Hall was not present, the item was deferred to the next meeting.

Program Review, Reallocation and Reduction Task Force: Update (J. Nolt)

Nolt reported that the proposed procedure distributed before the meeting was approved by both the Undergraduate and Graduate Councils. He also noted that Bill Dunne suggested

clarification of the term “program” and placing the procedure in the “Guidelines for Submission” document. Nolt said the Program Review, Reallocation and Redirection Task Force (PRRR) was proceeding to work on criteria in consultation with B. Yegidis.

Nolt sought not a judgment on the procedure (already approved by Councils), but rather a way to establish a record of recommendations. Nolt brought up a proposed definition of programs as majors, minors or concentrations. Pierce asked whether “program” included a *degree*, that is, whether the definition would be under inclusive. T. Boulet and Anfara agreed it was confusing. Nolt pointed out the proposed procedure did not consider administrative reorganization like that proposed between his department (Philosophy) and Religious Studies. Anfara said the Graduate Deans’ group was concerned that RRTF guidelines were employed even though they had never been adopted. There was concern about materials being linked to guidelines for submitting curricular materials, as the focus was on cases outside the usual process. The Deans’ group was unclear about where it should be located. It would not be a Curriculum Committee task. He reported the fear was that it would be approved and then would be effectively lost in some minutes no one could locate. Nolt agreed. Pierce said it represented another example of the problem of minutes of the Undergraduate and Graduate Councils. He suggested another process should be followed. If the Senate approves the minutes of those two Councils’ meetings, a definitional change would be being approved and, if that were the case, people needed to see what was being amended. Heminway said it affects faculty, administrators and others. The Senate approves curricular changes through the two Councils and they have considerable impact on faculty and administrators. She pointed out there was no place for rules that affect multiple bodies. I. Lane asked whether the Bylaws helped. D. Birdwell said THEC defines a program as something that people obtain a degree in (raising questions about minors and concentrations). Nolt said no decisions should be made about where it belongs before the next Senate meeting, as approval for procedures adopted by the Councils was what was under consideration. Anfara found the process confusing. Nolt had wanted the two Councils to review proposals to terminate programs. The confusion in part revolves around why the Councils should be involved. Two big issues for them were defining what a “program” is and whether the document represented a procedure or a policy. He did not think the document should be returned to the Graduate Council. Boulet said that according to the Faculty Handbook the Councils had to be involved; perhaps it should go back to PRRR. Pierce asked if a motion were being made. Nolt said “no.” The recommendation was that it be returned to PRRR. Heminway suggested PRRR should develop a definition of “program” and determine where it should be lodged in the document.

V. NEW BUSINESS

THEC Data: Accuracy of Information of Low-Performing Programs (D. Birdwell)

Birdwell said he noticed discrepancies in the data (e.g., on numbers of program graduates) on low-performing programs obtained from different sources (e.g., departmental and THEC). He depicted the discrepancies in some cases as grossly wrong and argued that decisions about programs should not be made using such poor data. Martin said responses are required. THEC should be informed about incorrect data. Some discrepancy might be due to double majors that are only counted once. She continued by saying if such errors represented a trend, then there was a big problem. Birdwell said high error levels in enrollment data necessitate a process driven by the Faculty Senate to identify the source(s) of data error. Decisions should not be made on the basis of bad data. Birdwell proposed having a Senate resolution. Nolt pointed out that there was not time at the meeting to craft a resolution and suggested Birdwell

develop one. Pierce suggested asking administrators to look into the problem, that is, make a request rather than pass a resolution.

Efficiency and Effectiveness Task Force: Proposed Senate Bylaws Changes (C. White)

C. White stated that the Senate is not usually at the table when policy decisions are made. Some Senate committees rarely deal with policy supporting the perception that serving on the Senate is a waste of time. One change that can be made is the Senate committee structure. The Athletics Committee exists in a "bubble" that rarely addresses policy. She said the chart she distributed was a result of examination of how policy making interfaced with committees. She said the Athletics Committee has policy interests, but it is not functioning well in terms of policy development. The Task Force recommended abolishing it and moving important issues to other committees, for example student athlete issues would go to the Teaching [and Learning] Council. Nolt said all the information would be on the web for people to make comments before the first reading at the next Senate meeting. White directed attention to the proposed changes and the chart depicting the underlying rationale for changes. Heminway noted that people had comments related to their committees. Lyons said the Blackboard site allowed for "word smithing." He wanted the first reading to focus on the overall plan. He encouraged committees to discuss the changes. White explained that the Task Force was not saying that the current committees were not engaged in work, but that they were not focused on policy. Lyons gave the example of the Teaching Council being burdened with selection of the Chancellor's Teaching Awards. Lane said she had noticed policy questions appeared to go elsewhere. Birdwell commented that based on his experience with the award decision-making process on the Research Council that it was important to use faculty expertise. Lyons pointed to the lack of clerical support for the Teaching Council necessitated faculty scheduling classroom visits. He also applauded merging the Library and Information Technology Committees. White said the Task Force looked at minutes for 6 years, as well annual reports. Birdwell noted the Research Council had administrative support in making awards. The ensuing discussion indicated that providing support was the goal for the Teaching Council [part of the proposed Teaching and Learning Council]. White pointed to the elimination of the Nominating Committee. She said virtually all committee chairs would be appointed. The Executive Committee would become a smaller body called the Executive Council. Heminway noted some drafting was still underway. Boulet asked about the schedule for document availability, as he would post the next version for Senators to read before the next Senate meeting. White noted that a new entity was created, University System Relations Committee.

Lane said D. Schumann (Teaching and Learning Center) would like to visit with the Senate. Nolt said the next couple of Senate meetings were tightly scheduled, but he would try to work in time for Schumann to come.

The proposed Bylaws changes from the Efficiency and Effectiveness Task Force were moved and seconded. Motion approved.

Meeting adjourned 5:14 p.m.

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

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

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

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

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

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

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

now, therefore, it is

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

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

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

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

And it is further

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Changes Affecting the Annual Performance Review Process

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

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

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

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

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

Related Pilot Program

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

C. Changes Affecting the Retention Review Process

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

UTK Faculty Senate Faculty Affairs Committee

Annual Review for All Faculty Members

Recommended Changes to Faculty Handbook (Section 3.8.1)

3.8.1 Annual Review for All Faculty Members

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

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

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

Recommended Changes to Manual for Faculty Evaluation (Part II)

A. GENERAL INFORMATION

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

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

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

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

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

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

B. PROCEDURES FOR THE ANNUAL REVIEW OF FACULTY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Following up on the Plan of Improvement

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

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

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

D. COMPENSATED OUTSIDE ACTIVITIES

As outside compensated activities are not part of the full-time commitments of a faculty member, they cannot be substituted for commitments of a faculty member to teaching, research/scholarship/creative activity, and service within the University. Correspondingly, the annual review of the performance of a faculty member is based only on her/his regular responsibilities and duties as part of her/his full-time commitments to the University which are negotiated annually and must be consistent with the *Faculty Handbook* and applicable bylaws. Should a faculty member wish to pursue compensated outside activities, the faculty member and her/his department head must agree about the faculty development benefits that will be gained by the planned activities, as part of the annual review process. (Faculty members should review and ensure they comply with the full policy on Compensated Outside Services in Chapter 7 of the *Faculty Handbook*.)

UTK Faculty Senate Faculty Affairs Committee

Retention Review for All Faculty Members

Recommended Changes to *Faculty Handbook* (Section 3.8.2)

3.8.2 Annual Retention Review for Tenure Track Faculty Members

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

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

3.11.3.3 Notice of Non-renewal

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

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

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

3.11.3.4 Annual Retention Review

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

progress toward promotion and tenure in the context of this *Faculty Handbook*, the *Manual for Faculty Evaluation*, his or her appointment, and departmental bylaws. More information about annual retention reviews and procedures for annual retention reviews is contained in the *Manual for Faculty Evaluation*.

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

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

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

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

A. GENERAL INFORMATION

1. Annual Review Process and Retention Review

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

2. Annual Retention Review Process for Tenure-Track Faculty

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

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

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

3. Mentor

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

B. PROCEDURES FOR RETENTION AND NON-RETENTION

1. Departmental Retention Review Process for Tenure-Track Faculty

a. Preparation for the retention review.

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

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

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

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

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

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

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

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

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

i. If a retention review results in a recommendation by the department head to retain the tenure-track faculty member, the department head shall ensure that the written report includes express guidance to the faculty member on ways to improve performance.

ii. If the retention review results in a recommendation by the department head not to retain the tenure-track faculty member, the department head includes in the report specific reasons for that decision.

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

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

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

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

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

2. Dean’s Review of the Retention Review Form

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

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

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

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

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

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

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

FACULTY ANNUAL REVIEW REPORT - ANNUAL REVIEW

Exhibit D

Faculty member: _____
 Rank: _____

Department: _____
 Evaluation Period: _____

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

- 4 – Exceeds expectations**
- 3 – Meets expectations**
- 2 – Needs improvement²**
- 1 – Unsatisfactory²**

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

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

- For purposes of merit and performance-based salary adjustments, this faculty member:
- ___ Exceeds expectations (is eligible for significant merit/performance pay adjustments)
 - ___ Meets expectations (is eligible for minimum merit/performance pay adjustments)
 - ___ Needs improvement (is not eligible for merit/performance pay adjustments)²
 - ___ Unsatisfactory (is not eligible for merit/performance pay adjustments)²

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

Faculty Member: _____ Date: _____
 Department Head: _____ Date: _____
 Dean:⁵ _____ Date: _____
 Chief Academic Officer:⁴ _____ Date: _____

¹ Procedures and standards are set forth in the *Faculty Handbook*, the *Manual for Faculty Evaluation*, and the departmental bylaws.
² An improvement plan is required.
³ A tenured faculty member is in "Good Standing" if he or she (a) receives an overall rating in this annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (b) is not under a Cumulative Performance Review.
⁴ A department head may also voluntarily attach a Progress and Performance Narrative in any year in which it is not required.
⁵ Attach rating and rationale, as necessary.

FACULTY ANNUAL REVIEW REPORT - RETENTION REVIEW

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

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

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

The enhanced retention review⁵ (i.e., typically in year four) reflects a comprehensive, substantive evaluation based upon a file prepared by the faculty member, in accordance with requirements set forth in the *Manual for Faculty Evaluation* as a preliminary draft of the faculty member's tenure dossier. Beginning in the year of the tenure-track faculty member's enhanced retention review (and beginning with the first retention review for each faculty member exempt from the enhanced retention review), the tenured faculty's retention vote shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.

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

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

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

The department head recommends: Retention _____ Termination as of _____

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

Faculty Member: _____ Date: _____

4. **Review by the dean.**⁷

The dean recommends: Retention _____ Termination _____

Dean: _____ Date: _____

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

The chief academic officer recommends: Retention _____ Termination _____

Chief Academic Officer: _____ Date: _____

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

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

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

FACULTY ANNUAL REVIEW REPORT - ANNUAL REVIEW

Exhibit E

Faculty member: _____ Department: _____
 Rank: _____ Evaluation Period: _____

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

- 5 – Outstanding (Excellent):** Far exceeds expectations
- 4 – More Than Expected (Very Good):** Exceeds expectations
- 3 – Expected (Good):** Meets expectations
- 2 – Less Than Expected (Fair):** Falls short of meeting expectations¹⁰
- 1 – Unsatisfactory (Poor):** Falls far short of meeting expectations²

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

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

- For purposes of merit and performance-based salary adjustments, this faculty member:
- ___ Exceeds expectations (is eligible for significant merit/performance pay adjustments)
 - ___ Meets expectations (is eligible for minimum merit/performance pay adjustments)
 - ___ Needs improvement (is not eligible for merit/performance pay adjustments)²
 - ___ Unsatisfactory (is not eligible for merit/performance pay adjustments)²

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

Faculty Member: _____ Date: _____
 Department Head: _____ Date: _____
 Dean:¹³ _____ Date: _____
 Chief Academic Officer:⁴ _____ Date: _____

⁹ Procedures and standards are set forth in the *Faculty Handbook*, the *Manual for Faculty Evaluation*, and the departmental bylaws.
¹⁰ An improvement plan is required.
¹¹ A tenured faculty member is in "Good Standing" if he or she (a) receives an overall rating in this annual review indicating that his or her performance meets or exceeds expectations for his or her rank and (b) is not under a Cumulative Performance Review.
¹² A department head may also voluntarily attach a Progress and Performance Narrative in any year in which it is not required.
¹³ Attach rating and rationale, as necessary.

FACULTY ANNUAL REVIEW REPORT - RETENTION REVIEW

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

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

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

The enhanced retention review⁵ (i.e., typically in year four) reflects a comprehensive, substantive evaluation based upon a file prepared by the faculty member, in accordance with requirements set forth in the *Manual for Faculty Evaluation* as a preliminary draft of the faculty member's tenure dossier. Beginning in the year of the tenure-track faculty member's enhanced retention review (and beginning with the first retention review for each faculty member exempt from the enhanced retention review), the tenured faculty's retention vote shall focus primarily (and increasingly, in succeeding years) on the tenure-track faculty member's ability to meet the requirements for tenure in the department, college, campus, and University.

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

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

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

The department head recommends: Retention _____ Termination as of _____

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

Faculty Member: _____ Date: _____

4. **Review by the dean.**¹⁵

The dean recommends: Retention _____ Termination _____

Dean: _____ Date: _____

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

The chief academic officer recommends: Retention _____ Termination _____

Chief Academic Officer: _____ Date: _____

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

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

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

FORM A – CONSULTING ENGAGEMENT REPORT

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

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

2. Nature of work: _____

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

4. Period of request: _____ through _____
Date Date

Total consulting time requested for period: _____

Total consulting time requested (including previous approvals): _____

5. Equity ownership involved? _____

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

DRAFT
Research Data Policy

1. Objectives

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

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

2. Definition of Research Data

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

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

3. 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.

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Tangible Research Property Policy

1. Objectives

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

2. Definition of Tangible Research Property

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

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

3. 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.