

**UTK FACULTY SENATE
FACULTY AFFAIRS COMMITTEE
FINAL REPORT
2008-2009**

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Membership shall consist of nine faculty members with three-year staggered terms. The Chairperson shall be appointed by the Committee on Nominations and Appointments.

This committee shall concern itself with the development of criteria and procedures for faculty appointment, promotion, evaluation, the granting of tenure, and discharge for cause. It will check college, school, and department bylaws for compliance with the *Faculty Handbook*. The committee 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*.

[UTK Faculty Senate Bylaws (Section 3.E.)¹]

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Members: Joan Heminway (Chair), Max (Zong-Ming) Cheng, Roxanne Hovland, Norman Magden, Julia Malia, Molly Royse, Steve Thomas, Gary Ubben, and Yang Zhong.

Minutes for the Committee's meetings are posted on the Faculty Senate Web site. The Committee met monthly, on Monday afternoons. Participation and attendance by members of the Committee was excellent.

Current members interested in serving on the Committee again next year are R. Hovland, S. Thomas, and Y. Zhong. S. Thomas expressed a willingness to be considered for the Chair of this Committee for the 2009-10 academic year and has been named to the role.

INTRODUCTORY COMMENTS:

Recent proposed changes to the *Faculty Senate Bylaws* more appropriately tailor this Committee's mandate, as set forth at the outset in this report. This is a blessing for Committee members. The rule-making function of the Committee continues to be very time-consuming. The Office of the Provost plans to continue the Committee's former job of checking unit bylaws for compliance and ensuring, in cooperation with the President of the Faculty Senate, that current links to unit bylaws are posted on the Faculty Senate Web site.

THE COMMITTEE ACCOMPLISHED THE FOLLOWING IN 2008-09:

- The Committee followed up on the new *UTK Faculty Handbook* provision relating to informal dispute resolution through a single ombudsperson. The approval process on this was somewhat stalled at the University level, but the change eventually was formally approved and can be

¹ I note that the Committee's mandate is being changed with the new amendments to the Faculty Senate Bylaws adopted this spring. This text is, however, the text under which we operated during the 2008-09 academic year.

implemented. At its last meeting of the year, the Committee expressed concern about the current state of the ombudsperson program. It has been a year since the related changes to the *Faculty Handbook* were approved, and the University has been unable to hire (despite one search) a qualified candidate at the proposed salary range. The Committee also expressed concern that we have had no report from the existing interim ombudsperson. The Committee suggests that the interim ombudsperson report out to the Faculty Senate at an early meeting (perhaps the retreat?) in the 2009-10 academic year. The final report of the three former faculty ombudspersons (under the former *Faculty Handbook* provision) can be used as a checklist for this report and for the Faculty Senate's evaluation of the interim ombudsperson. As an alternative, the interim ombudsperson could meet with the Faculty Affairs Committee for this purpose, and the Committee could report out to the full Faculty Senate.

- The Committee directed and monitored Scott Simmons, Graduate Assistant to the Faculty Senate, in completing the process of uploading current links to current college and department bylaws to the UTK Faculty Senate Web site (a project begun by Committee member S. Thomas in 2007-08). In addition, the Committee requested that S. Simmons check the compliance of a sample set of unit bylaws from UTIA and UTK with the *Faculty Handbook* and the *Manual for Faculty Evaluation* and report out to the Committee on his findings. This information has been used to inform the Vice President of Agriculture and the Vice Provost for Faculty Affairs about unit bylaws compliance issues. The Vice Provost for Faculty Affairs intends to use this information to help prepare for Dean and Department Head trainings scheduled to occur in the coming year.

- The Committee recommended changes to the process of reappointing Department Heads. A resolution embodying these changes was approved by the Executive Committee and was approved and adopted by the Faculty Senate at its November meeting. These changes were forwarded to University personnel by the Vice President of Agriculture and the Interim Chancellor.

- Also at the November meeting, the Faculty Senate approved and adopted the Committee's resolution (as approved by the Executive Committee) regarding proposed revisions to Part II of the *Manual for Faculty Evaluation* (relating to the timing of annual evaluations of tenured and tenure-track faculty) to provide for annual evaluations of tenured and tenure-track faculty at The University of Tennessee, Knoxville (but not tenured and tenure-track faculty at the University of Tennessee Institute of Agriculture and the University of Tennessee Space Institute) with respect to performance through the end of the preceding academic year, rather than with respect to performance through the end of the preceding calendar year.

- The Committee next drafted and proposed comprehensive changes to the retention review and annual review processes (and related forms), embodied in amendments to both the *Faculty Handbook* and the *Manual for Faculty Evaluation*. These resolutions first came before the Faculty Senate at the March meeting, after approval by the Executive Committee. The Faculty Senate approved these changes at its April meeting, and they (as/where required) have been sent by the Chancellor and the Vice President of Agriculture to University officials for approval.

- Finally, the Committee compiled a list of topics for Dean and Department Head trainings based on its deliberations over the course of the year. This list was forwarded by the Chair to the Vice President of Agriculture and the Vice Provost for Faculty Affairs.

UNFINISHED BUSINESS FOR 2008-2009/POSSIBLE AGENDA ITEMS FOR 2009-10 (in no particular order):

- Continue discussions, started during the 2007-08 academic year, on amending Section 3.12 of the *UTK Faculty Handbook* and related provisions in the *Manual for Faculty Evaluation* to more completely integrate (a) the existing Cumulative Performance Review (“CPR”) process with termination procedures and (b) the role of the CPR Committee with the role of the Provost in making recommendations after a CPR. I am filing with this report two flow charts (one for overall termination processes and one for the CPR process) in three files sent to me by Lela Young that represent the views of the Office of the General Counsel on these processes. These may be helpful to the Committee as it navigates these waters, but the Committee should not be wedded to them as a statement of desired process. Absent emergent priorities, these should proceed to suggested changes in the 2009-10 academic year, based on the committee’s work this year on annual reviews. This set of changes to CPR, together with changes regarding tenure and promotion noted below, are likely to be the Committee’s two largest projects for 1009-10.

- Change forms for tenure and promotion to add separate signature lines for the Chancellor’s sign-off on each matter (i.e., one for tenure, and one for promotion) to clarify the meaning of his signature. This matter was raised late in the spring semester by the Chancellor through the Provost’s office. It should be a no-brainer, and I recommend approval as early as possible in the fall semester, perhaps even at the first meeting of the Committee at the Faculty Senate retreat.

- Continue discussions, also commenced during the 2007-08 academic year, on amending Section 1.1 of the *UTK Faculty Handbook* to conform to the Knoxville campus anti-discrimination statement and the sentiments in the former Provost’s statement on “Principles and Prejudice.” This matter was deferred to permit the Committee to come to closure on the resolution regarding the changes to the ombudsperson program but should again be taken up for action in 2009-10.

- As necessary or desirable, discuss and take action on the following additional matter brought to the Committee’s attention in 2007-08 by (then Senior Vice Provost, now Interim Provost) Susan Martin in a message dated February 14, 2008:

- “Two memoranda dealing with the tenure and promotion process have been discussed widely on campus. These memoranda should be incorporated into the *Manual for Faculty Evaluation*. . . .”

S. Martin has done significant work toward thinking about these items from the point of view of the Provost’s office.

- Members of the Policy Committee of the Chancellor’s Academic Outreach and Engagement Council (Nan Gaylord and Sally McMillan) met with the Provost last year. They reported to me

that former Provost Holub agreed with the committee's recommendation to include in Part II Section B.2. of the *Manual* a new suggested set of materials as follows: "any statements from administrators, community collaborators or peer reviews regarding engagement in outreach teaching." This change should be implemented ASAP. We prioritized it behind more important matters this year, but it seems appropriate to do this (perhaps very early) in the 2009-10 academic year. Other considerations regarding outreach were considered and rejected by former Provost Holub and former Senior Vice Provost (now Interim Provost) Susan Martin. I have saved these rejected proposals (which were first suggested in the 2006-07 academic year when Beauvais Lyons chaired the Committee) in case the Committee needs them for any reason.

- Work with other appropriate Faculty Senate committees to discuss ways to address equity, cost, and other issues relating to the lack of a “phased retirement” policy at UTK.² In tough economic times, this is an easy way to show faculty that the campus cares. I recommend that this be prioritized highly.
- Work with the Office of the Provost to ensure continued (a) monitoring of the process of reappointing Department Heads (including by listing department heads and their appointment dates on the Web and ensuring that the Department Head reappointment process outlined in the *Faculty Handbook* (1.4.6) is upheld, and (b) collection and posting of urls of department and college bylaws on the resources section of the Faculty Senate Web site (<http://web.utk.edu/~senate/collegebylaws/index.html>). (The committee should be mindful that departments on the “Ag” campus do not report to the Provost on these items.) I suggest a formal periodic (monthly?) reporting process on this.
- Consider adding to the *Faculty Handbook* provisions requiring the annual evaluation of Associate Deans, Directors, Program Chairs, and like administrators (in addition to the existing required evaluations of Deans and Department Heads). This idea was suggested in an email colloquy between Faculty Senate President John Nolt and UTK faculty member George Dodds, on which I was copied on May 1, 2009.
- Consider following up on the following ideas raised by Faculty Senate members during the 2008-09 academic year:
 - Collegiality – Hold a forum or other session among campus faculty defining collegiality and discussing its use as a component of job qualifications and tenure, and promotion criteria for faculty in different colleges and departments. AAUP guidance on this issue may be especially engaging and important in setting up this event. The Committee may determine to address this in connection with other tenure and promotion issues raised in this report for possible future consideration.

² Former Committee and faculty member N. Cook has suggested that the Committee review AAUP information relevant to this area and available at: <http://www.aaup.org/AAUP/issues/retirement>. Committee member J. Malia, who has reviewed the information available at the site, refers us to the “Survey of Changes in Faculty Retirement Policies 2007” and specifically to pp. 9-11 in the PDF version as the most important part for our purposes. It has been observed that here are significant inequities in the way retirements are handled in different departments.

- Tenure and Promotion Processes – Review existing policies for needed changes, with a special focus on the types of documentation appropriately included in a tenure or promotion file (considering both the probative value of any document and its potential prejudicial effect). Also, the Committee should consider clarifications to the information that should be included in tenure and promotion dossiers and should discuss mechanisms for purging tenure-related and promotion-related files of inappropriate information. In addition, the Committee should review the new external reviewer policy that has been informally implemented on campus over the past year. The policy should be recommended for Faculty Senate approval in its current form or revised by the Committee in consultation with the Office of the Provost and then recommended for approval. Again, I suggest that this be done early on in the year to avoid conflicts with the tenure and promotion process itself. Parenthetically, informal process adoptions of this kind should be discouraged. Finally, it has been suggested that we better educate UTK and UTIA faculty members as to not only the tenure and promotion processes, but also as to where tenure resides at UTK and UTIA and why that matter is significant.

- Dean and Department Head Evaluations – Review existing forms and practices with an eye toward making these important evaluation processes more meaningful for all. Any work on this can be linked to the possible adoption of requirements for evaluations of Associate Deans, Directors, Program Chairs, etc. noted above.

- As necessary or desirable, take up the following items that represent possible future projects based on the Committee’s 2006-07 report (and these are in no particular order):
 - Ph.D. Policy – Address concerns about policy preventing UT employees from pursuing a Ph.D. in the field in which they are teaching.

 - Honoring Written Agreements between Administration and Faculty – The Provost desires that these agreements have 5-year reviews/sunsets with the possibility of renewal.

 - Appropriate Valuation of Interdisciplinary Work – Consideration should be given to including a section for Interdisciplinary Research/Scholarship and Creative Activity in *Manual for Faculty Evaluation* Appendix D.

 - Personnel Committees – Review the *Faculty Handbook* to determine if more specific limits should be prescribed regarding the rank of faculty on personnel committees.

 - Workload Parity – Consider was of addressing disparities in the workload parity between/among disciplines.

 - Faculty Scholarship – Review the *Manual for Faculty Evaluation* in light of the “Scholarly Publishing” resolution from the Library Committee passed by the Faculty Senate on May 1, 2006 as posted at: <http://web.utk.edu/~senate/minutes/2005-06/SenateMinutes-20060501.pdf>.

- Best Practices for Tenure and Promotion – Consider adding a reference in the *MFE* to the ACE, AAUP, UEIRRG document: *Good Practice in Tenure Evaluation: Advice for Tenured Faculty, Department Chairs, and Academic Administrators* (see <http://www.acenet.edu/bookstore/pdf/tenure-evaluation.pdf>) or maybe add the document itself as an appendix. This could be a companion project to the tenure and promotion suggestions set forth above.

- Distribution of Merit Pay – There is a need to better ensure regularity in merit procedures within departments. This may result in changes to the *Faculty Handbook*. See UTOline commentary and <http://search.tennessee.edu/cs.html?url=http://web.utk.edu/~senate/docs/2005-06/MeritPayResolution20051121.pdf&charset=iso-8859-1&qt=merit+pay+scale6&col=utia+utips+utk&n=1&la=en>.

Respectfully submitted:
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June 8, 2009

**TENURE
TERMINATION
PROCEDURES**

**Board Policy on Academic Freedom and Tenure
Appendix B – Termination Procedures for Category A Adequate Cause:
Unsatisfactory Performance in Teaching, Research, or Service**

1. Preliminary Steps

The following preliminary steps shall be followed in cases of termination for unsatisfactory performance in teaching, research, or service, **or UNLESS** the faculty member has been under a remediation plan as described by the Cumulative Performance Review section of the policy. (Emphasis added.)

- A. Tenured Faculty's Recommendation
- B. Department Head's Recommendation
- C. Dean's Recommendation
- D. Chief Academic Officer's Recommendation
[note: always the path for tenure track]

OR

If a faculty member has been under a remediation plan and the Review Committee, dean, chief academic officer, and Faculty Senate President or Faculty Senate Executive Committee recommend initiation of termination proceedings, the Chancellor shall proceed to consult with the President and to decide whether to initiate termination proceedings without following these preliminary steps.

Note: This policy expressly requires this procedural path when the chancellor initiates termination proceedings after an immediately preceding CPR remediation plan has failed.

2. Chancellor's Decision to Initiate Termination Proceedings

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

4. Failure to Contest

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

OR

5. Hearing under the [TUAPA]

. . . . [with] judicial review of the final order in accordance with applicable provisions of the [TUAPA].

6. Hearing before a Tribunal

. . . . [oral and written arguments results in final action by Board – no appeal]

Board of Trustees Policy on Academic Freedom and Tenure

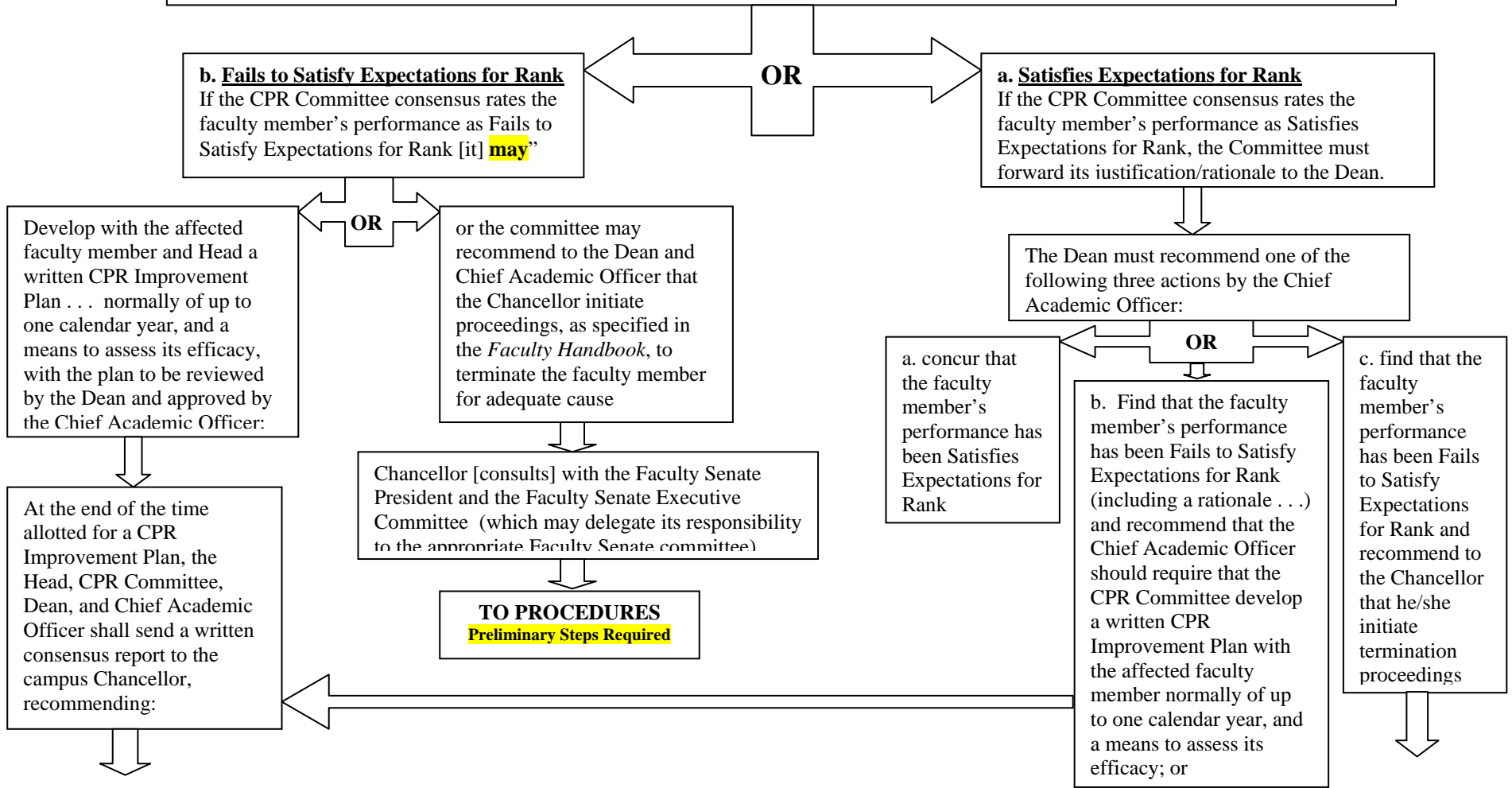
G. Evaluation of Tenured Faculty Members

1. Annual Performance-and-Planning Review

2. Cumulative Performance Review (CPR)

A comprehensive, formal, cumulative, performance review is triggered for the following tenured faculty members:

- a. a faculty member whose annual review is unsatisfactory in any two of five consecutive years;
 - b. a faculty member whose annual review is any combination of Unsatisfactory or Needs Improvement in any three of five consecutive years
- Each campus shall establish policies and procedures for peer evaluation of the faculty member’s cumulative performance.
 - Within thirty days of being triggered, a CPR committee shall be convened by the Dean, who shall determine its chair.
 - This committee shall be composed of appropriate, same or higher rank, tenured departmental faculty members (excluding the Head), and appropriate faculty (same or higher rank) from outside the department. The faculty member being reviewed and the Head may each name a campus tenured professor (same or higher rank) to the committee, which should normally have at least five (5) members including the CPR Committee chair, and at least two additional faculty members nominated by the Faculty Senate (one departmental faculty member [same or higher rank] and one non-department faculty member [same or higher rank]).
 - The Committee chair shall forward the committee **consensus** to the Head, Dean and Chief Academic Officer.
 - Performance ratings for cumulative reviews shall be as follows:



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i. that the faculty member's performance is Satisfies Expectations for Rank and no other action need be taken at this time; or

OR

ii. that the faculty member's performance has improved sufficiently to allow for up to one additional year of monitoring of improvement,

iii. that the Chancellor initiate proceedings

Chancellor [consults] with the Faculty Senate President and the Faculty Senate Executive Committee (which may delegate its responsibility to the appropriate Faculty Senate committee).

after which the Head, CPR Committee, Dean, and Chief Academic Officer **must by consensus** determine [whether]:

**TO PROCEDURES
Skip Preliminary Steps**

OR

the faculty member's performance is Satisfies Expectations for Rank or

recommend that the Chancellor initiate Proceedings

Chancellor [consults] with the Faculty Senate President and the Faculty Senate Executive Committee (which may delegate its responsibility to the appropriate Faculty Senate committee).

**TO PROCEDURES
Skip Preliminary Steps**

CONTINUED

Chancellor [consults] with the Faculty Senate President and the Faculty Senate Executive Committee (which may delegate its responsibility to the appropriate Faculty Senate committee)

**TO PROCEDURES
Preliminary Steps Required**