

## Chapter 4 – Non-Tenure-Track Faculty

### 4.1 Appointment of Faculty to Non-Tenure-Track Positions

A non-tenure-track appointment (whatever its duration) may be renewed for a new term through the normal application and appointment process. Renewal decisions will include consideration of available funding and the faculty member's performance. If a non-tenure-track appointment is not renewed in writing, it automatically expires at the end of the stated term. The required notice for a non-tenure-track appointment is determined by the nature of the appointment (research, clinical, or teaching), as further detailed below.

**Comment [LMY1]:** Red text identifies changes proposed by UTK; blue and green revisions to red text are suggested by OGC.

**Comment [lmy2]:** This section really applies to all three types of NTTF, so I have suggested moving it to here.

#### 4.1.1 Non-Tenure-Track Teaching Positions

When the need for new non-tenure-track teaching faculty is identified, departments should initiate the hiring process as soon as possible by contacting the Office of Equity and Diversity. As soon as possible, but normally no later than May 1, a departmentally designated group of faculty will review applications in accordance with departmental and college bylaws. The department head will then recommend appointments to the Office of the Chancellor or Vice President, after obtaining approval of the dean and chief academic officer. In those cases where immediate replacements of faculty are required, the department head may recommend appointments without prior faculty review. However, in such cases, departmental faculty should be notified of the appointment as soon as possible.

~~After their initial appointment, non-tenure-track faculty must complete a reapplication process each year, preferably by March 1.~~

~~All non-tenure-track teaching appointments will be made for a definite term of one year or less, except distinguished lecturer appointments, which may be made for a term of five years. Appointments are renewable subject to availability of funds and satisfactory performance.~~

**Comment [lmy3]:** Sarah asked why this sentence is removed. Answer: It was too narrow/limiting – those are not the only bases upon which a renewal decision would be made. It is true that a renewal decision includes consideration of funding and performance, so I recommend adding similar language to convey that same concept two paragraphs below.

Typically, initial non-tenure-track teaching appointments will be made at the rank of lecturer for a term of one year or less. ~~Appointments are renewable subject to availability of funds and satisfactory performance. Each lecturer must complete a reapplication process each year, preferably by March 1.~~ Non-tenure-track teaching faculty promoted to the rank of senior lecturer or distinguished lecturer may hold ~~ave~~ an appointments lasting up to three years or five years, respectively. ~~To be re-appointed, a lecturer at any rank, and must should complete the reapplication process in~~ no later than March 1 in the final year of his/her ~~their~~ current letters of appointment.

A non-tenure-track appointment (whatever its duration) may be renewed for a new term through the normal application and appointment process. Renewal decisions will include consideration of available funding and the faculty member's performance. If a non-tenure-

**Comment [LMY4]:** See comment above.

track appointment is not renewed in writing, it automatically expires at the end of the stated term. The required notice for a non-tenure-track appointment is determined by the nature of the appointment (research, clinical, or teaching).

**Comment [lmy5]:** This section really applies to all three types of NTTF, so I have suggested moving it to the section above.

In unusual circumstances, the department head, with the prior permission of the dean and chief academic officer, may recommend to the Office of the Chancellor initial appointment at a rank of senior lecturer or distinguished lecturer. In such cases, initial appointment may be for a period of up to three years for a senior lecturer, or up to five years for a distinguished lecturer.

The following ranks or titles may be assigned to non-tenure-track teaching faculty: instructor, lecturer, senior lecturer, distinguished lecturer, adjunct faculty, and visiting faculty.

#### 4.1.2 Non-Tenure-Track Research Positions

Non-tenure-track research positions are filled as required to meet research needs and may occur at any time during the year. Department and college bylaws establish standards and procedures relating to searches for and promotion of research faculty.

All non-tenure-track research appointments will be made for a definite term of ~~one year or less up to five years, subject to continued availability of external funding.~~ Appointments are renewable subject to continued availability of external funding and satisfactory performance.

A research appointment is, by its nature, funding-limited; it automatically expires when funding lapses. Whenever feasible, however, the faculty member on a research appointment should receive no less than one month's notice of expiration. If less than one month's notice of expiration is provided, the appointment shall be extended for the duration required to permit one month's notice, or the faculty member will be provided with some combination of notice and salary equivalent to one month's notice of the termination of the faculty member's employment.

**Comment [lmy6]:** The one month and three month time frames worked for UTHSC but may need to be altered to work at UTK. OGC is not concerned about the time frame – it can be whatever you want – we just want it to be clear and certain how a multi-year appointment ends.

The following ranks or titles may be assigned to non-tenure-track research faculty: research assistant professor, research associate professor, research professor, adjunct research faculty, and visiting research faculty.

#### 4.1.3 Non-Tenure-Track Clinical Positions

Non-tenure-track clinical faculty are appointed to meet instructional needs and provide professional services. Department and college bylaws establish standards and procedures relating to searches for and promotion of clinical faculty.

All non-tenure-track clinical appointments will be made for a definite term of ~~one year or less up to five years~~. ~~Appointments are renewable subject to availability of funds and satisfactory performance.~~

For clinical appointments, notice of non-renewal shall be provided no less than three months before the expiration of the current appointment. Failure to provide notice at least three months before the expiration of the current annual appointment shall not entitle the faculty member to a new one-year appointment. In that event, either the appointment shall be extended to permit three months' notice, or the faculty member shall be provided some combination of notice and salary equivalent to a total of three months' notice.

The following ranks or titles may be assigned to non-tenure-track clinical faculty: clinical instructor, clinical assistant professor, clinical associate professor, clinical professor, visiting clinical faculty, and adjunct clinical faculty.

## 4.2 Criteria for Appointment to Faculty Rank

### 4.2.1 Non-Tenure-Track Teaching Faculty

Non-tenure track teaching faculty are hired for specific teaching assignments. They generally are not expected to conduct research or perform public or disciplinary service as a condition of their employment. However, research or service activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member.

**Instructor:** This rank is reserved for faculty members who are appointed through a search for a tenure-track faculty position but do not hold the terminal degree at the time of the appointment. Instructors are expected to have all the qualifications listed for appointment as a tenure-track assistant professor, except for completion of the appropriate terminal degree. Upon certification that the requirements for the terminal degree have been completed, promotion to the rank of assistant professor will normally follow, at which time the tenure-track probationary period, typically six years, begins. Clear expectations for completion of the highest degree shall be included in the letter of appointment. Instructors who do not complete their degree requirements within 12 months of their appointment will be terminated.

**Lecturer:** This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who are appointed for full or part-time service to teach one or more courses.

Senior Lecturer: This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated outstanding teaching at the rank of lecturer, normally through five or more years of service. A departmentally designated group of faculty will review and evaluate appointments to the rank of senior lecturer, in accordance with departmental and college bylaws.

**Distinguished Lecturer:** This rank is for those who hold a degree appropriate to their disciplines (or its professional equivalent) and who have demonstrated excellence in teaching at the rank of ~~lecturer or above~~ senior lecturer, normally for a period of three to five years. A departmentally designated group of faculty will review and evaluate appointments to the rank of distinguished lecturer, in accordance with departmental and college bylaws.

## Chapter 5 – Faculty Rights of Appeal

### FN1 to 5.1 – Introduction

For procedures for terminating tenured faculty for adequate cause or tenure-track faculty before the end of the stipulated time of appointment, see Chapter 3 and the board's policy.

### 5.6 – Termination of Tenure-Track and Non-Tenure-Track Faculty Members Before The Stipulated Term of Employment

Termination of tenure-track faculty members before the stipulated term of appointment is under the same procedure as used for revocation of tenure and termination for tenured faculty member. Termination of non-tenure track faculty members before the stipulated term of appointment is under the procedure in the *Personnel Policies and Procedures for Exempt Employees*.

**Comment [LMY7]:** Because an argument can be made that a NTT FM cannot be terminated mid-appointment without an APA hearing, we recommend deleting this language (likely vestigial) and replacing it with a more specific process described below. This would eliminate any debate about whether a NTT FM is entitled to an APA hearing or not by clearly offering the FM that option.

A non-tenure-track faculty member may be terminated for adequate cause (as defined in Sections 3.12.1 and 3.12.2 of this handbook) prior to the expiration of the appointment term. In the event that a department head recommends to the dean and chief academic officer that a nontenure track faculty member should be terminated for cause, the department head and dean shall meet with the faculty member to present the reasons for the recommended termination, and to permit the faculty member to respond. If, after this meeting, the dean concludes that adequate cause for the termination exists, he/she shall recommend termination to the chief academic officer. If the chief academic officer agrees with the termination decision, he/she shall inform the faculty in writing. A non-tenure track faculty member whose appointment has been terminated for adequate cause shall be notified of his/her right to a post-termination hearing under the Tennessee Uniform Administrative Procedures Act as described in Sections 3.12.1.4 and 3.12.2.7 of this handbook.

In the event of Extraordinary Circumstances (as defined in Board Policies Governing Academic Freedom, Responsibility, and Tenure § H.1.b. and in this Handbook at §3.11.7(2)), a nontenure track appointment may be terminated under the same circumstances, and following the same procedures, that are applicable to tenure track faculty.

The University may, at any time, with or without notice, terminate the appointment of a non-tenure-track faculty member without cause upon payment of the remaining salary due during the appointment.

**Comment [LMY8]:** The University has taken the position in the past that this buyout option exists even without this explicit statement. But adding a statement would make it clearer to all.