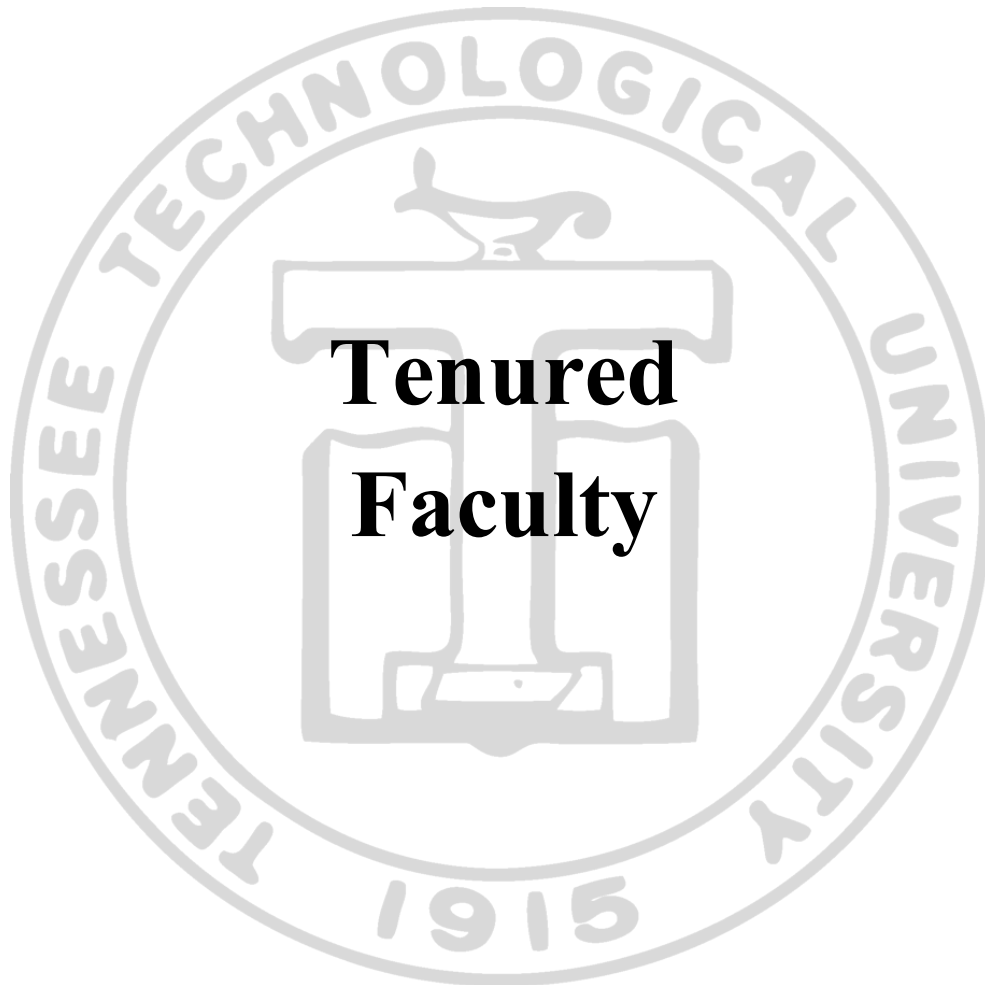


Tennessee Technological University
Policy No. 207



**Tenured
Faculty**

Effective Date: July 1, 2019

Policy No.: 207**Policy Name: Tenured Faculty****I. Purpose**

This policy addresses processes related to faculty tenure after tenure has been granted. The process of obtaining tenure is detailed in TTU Policy 205 (Faculty Tenure).

- A.** Tenure for faculty at a university is not a “job for life.” It is a guarantee of academic freedom and due process built on a rigorous credentialing process and peer review. Tenure is only granted when earned, and only revoked in accordance with this policy.
- B.** Tenure protects the reputation of the university and the pursuit of knowledge and truth. University faculty must be allowed to pursue knowledge and truth as a public good, without fear of reprisal, coercion, or undue outside influence.
- C.** Faculties are built by attracting, hiring, and retaining highly qualified professors in their fields. Tenure enables the university to attract and keep expertise and research dollars on campus.
- D.** While tenure protects faculty from arbitrary dismissal, this policy provides an appropriate means to address the occasional problem of tenured faculty who appear to be failing to contribute to the university in a meaningful fashion.

II. Review

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Provost, with recommendations for revision reviewed by the Faculty Senate and approved by the Academic Council, Administrative Council, University Assembly, and the Board of Trustees.

III. Scope

This policy is only applicable to Faculty Members who hold Tenure.

IV. Definitions

- A.** Tenure - a personnel status in a Unit defined by TTU Policy 205 (Faculty Tenure).
- B.** Board - the Tennessee Tech Board of Trustees.
- C.** Faculty Member – for the purposes of this policy, an employee holding academic rank as instructor, senior instructor, master instructor, assistant professor, associate professor, or professor.
- D.** Peers - regular, full-time tenured members of the same Unit as the Faculty Member excluding those whose primary responsibilities are administrative, including, but not limited to, academic Unit chairpersons, center directors, deans, assistant and associate deans, President, vice presidents, assistant and associate vice presidents,

Provost, assistant and associate provosts, and Immediate Family.

E. Immediate Family - spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin.

F. Unit - a Tennessee Tech academic department, school, or the Volpe Library.

V. Transfer and Retention of Tenure

A. Tenured Faculty Members may have their positions transferred within Tennessee Tech to accommodate changing needs. When a Faculty Member is transferred to another Unit, the transfer is made with tenure. In no instance may the Faculty Member be compelled to relinquish tenure as a condition of the transfer.

B. Before a transfer, the Provost shall consult the tenured Faculty Member and the Peers in the receiving Unit. Approval of a majority of the Peers and the Faculty Member is required to complete the transfer.

C. When a tenured Faculty Member is appointed to an administrative position, he/she retains tenure and rank in his/her former faculty position.

VI. Tenure Expiration and Relinquishment

A. Tenure shall expire upon the resignation or retirement of the Faculty Member. Emeriti faculty retain certain rights and privileges as described in TTU Policy 219 (Emeriti Faculty).

B. Consistent with federal and state law, tenure shall expire should a permanent physical or mental condition render a Faculty Member unable to continue to perform his/her essential duties, with or without an accommodation, as certified by appropriate medical authorities.

C. A Faculty Member relinquishes his/her tenure during a period of an unapproved leave of absence, which includes, but is not limited to, a failure to report for service at the designated date of the beginning of any academic term. This failure to report or absence shall be deemed to be a resignation unless, in the opinion of the President, the Faculty Member has shown good cause for his/her failure to report.

VII. Tenured Faculty Evaluation and Remediation

A. The professional performance of each Faculty Member is evaluated annually.

1. Faculty workloads vary in their percentage of effort for research, teaching, and service and may at times include additional responsibilities such as

advisement, administration, or special assignments. Workloads can change over time. This necessitates annual “Agreements on Responsibilities” (AORs), which establish parameters to measure faculty performance.

2. Department chairs will review faculty effort reports and rate each faculty member annually, taking into account these AORs.
 3. Deans will review all materials and rate each faculty member as well. They may or may not concur with the chair’s ratings.
- B. Limited faculty remediation will be handled within individual departments.**
Should a chair deem a Faculty Member’s performance in a particular area below standard, developmental activities (including, but not limited to, mentoring and training) are encouraged and should be coordinated within the department and the Office for Human Resources as appropriate. Long-term unacceptable performance in one particular area (including, but not limited to, research), if accompanied by strong performance in other area(s) (including, but not limited to, teaching and service), may be best addressed via reassignment of duties and adjustment of the AORs (including, but not limited to, differential teaching loads).
- C. An overall unsatisfactory performance requires immediate attention for the sake of the students, the Unit, and the university.**
1. If a tenured Faculty Member receives an overall rating of “Unacceptable” from both his/her chair and dean, indicative of systemically poor performance across the majority of her/his duties as per the AOR, the Provost must initiate a Faculty Improvement Assessment (FIA).
 2. In addition to the procedures outlined below, an overall rating of “Unacceptable” carries with it sanctions that can include, but are not limited to, withholding all merit-based salary increases, and loss of eligibility for travel funds, summer appointments, overload pay, and internal grants.
- D. Faculty Improvement Assessment (FIA)**
1. To review an overall rating of “Unacceptable” the Provost (or her/his designee) will chair an FIA committee and select at least four tenured Peers, of equal or higher rank, from the Unit (if available) and relevant departments (if needed) to serve on the committee.
 2. The committee chair will gather the following documentation:
 - a. Dossier from the Faculty Member of work over the preceding five years related to teaching, research, service, and other responsibilities;
 - b. Teaching evaluations from the previous five years, and other teaching related documents (including, but not limited to, grade distributions, enrollment data, observations) as appropriate;

- c. Current curriculum vita from the Faculty Member; and
 - d. Feedback from Peers, direct supervisor, and dean, including performance evaluations from the previous five years.
3. The FIA committee will review the documentation, and the committee chair will provide the Faculty Member with a written summary of the assessment and the conclusion as to whether the Faculty Member's performance is unacceptable or not. The chair will also provide copies of this summary to the direct supervisor and dean as applicable.
- a. If the majority of the FIA committee determines the Faculty Member's performance is satisfactory, the Faculty Member's chair and dean will revise the annual performance evaluation.
 - b. If the faculty of the FIA committee are evenly divided, or if a majority of the faculty determines the Faculty Member's performance is unsatisfactory, the final decision passes to the Provost alone. If he/she determines the Faculty Member's performance is unsatisfactory, then a Faculty Development Plan (FDP) shall be created.

E. Faculty Development Plans

1. The FDP will be created jointly by the Faculty Member and direct supervisor, subject to approval by the dean and Provost, by May 15, absent good cause.
2. The FDP is an attempt to elevate the Faculty Member to a higher level of performance. It must include specific, measurable goals, which can be reasonably attained by July 15 of the year following its creation, absent good cause.
3. Unless the FDP states otherwise, the Faculty Member will submit his/her regular annual evaluation materials as usual, including progress on the FDP as requested.
4. The Faculty Member will submit a report summarizing his/her progress on achieving the goals specified in the FDP not later than July 15 of the year following the creation of the FDP, absent good cause.
 - a. The dean, direct supervisor, and the FIA committee (minus the Provost or designee) will jointly review the report to determine (not later than August 15, absent good cause) whether the Faculty Member successfully achieved the goals of the FDP. The dean will chair the meeting of this FDP evaluation group.
 - b. A two-thirds majority positive vote of the FDP evaluation group confirms satisfactory performance. The FDP is completed.
 - c. Less than a two-thirds vote initiates an automatic appeal to the Provost. The Provost will render a decision within 10 working days, absent good cause, and

his/her decision shall be final. Upon the Provost's finding of unsatisfactory performance, the Faculty Member is subject to VIII-B-4 below.

VIII. Termination of Tenured Faculty

- A. A tenured Faculty Member may be terminated due to curricular changes such as the deletion of an academic program or a substantial and continued reduction of student enrollment in a particular field. Similarly, a tenured Faculty Member may be terminated as a result of financial exigency. All personnel decisions that result from a declaration of financial exigency will comply with TTU Policy 648 (Financial Exigency).
1. The Provost will make every possible effort to relocate the tenured Faculty Member in another vacant position for which he/she is qualified, prior to termination.
 2. The Faculty Senate shall have the opportunity to respond in writing to the Provost on a proposed termination of a tenured Faculty Member due to financial exigency or enrollment/curricular changes.
 3. If tenured Faculty Members must be terminated due to financial exigency or curricular changes, reductions shall take place within any department in the following order, unless the President determines that an exception should be made based on annual performance evaluations to reduce qualitative compromises:
 - a. Before a tenured Faculty Member is terminated, part-time faculty should not be renewed.
 - b. Before a tenured Faculty Member is terminated, temporary faculty, Lecturers, and tenure-track faculty in the probationary period should not be renewed.
 - c. Tenured Faculty Members with lower rank should be terminated before those with higher rank.
 - d. Among tenured Faculty Members with comparable rank, those with non-terminal degrees should be terminated before those with appropriate higher academic degrees.
 - e. Among tenured Faculty Members with comparable rank and comparable degrees, those with less seniority in rank should be terminated before those with greater seniority.
 4. The Provost's written notification to the Faculty Member of termination due to financial exigency or curricular changes shall explain the reasons and indicate that the Faculty Member has the opportunity to appeal the decision in writing within ten working days of receiving the notice, absent good cause.

- a. If the Faculty Member appeals, the Faculty Affairs Committee shall conduct a review and a hearing within ten working days of receiving the request, absent good cause.
 - b. The committee shall consider evidence including, but not limited to, the following: the Unit in which the reductions are required, the order of reductions within the Unit, exceptions to the normal order of reductions, and the possibility of departmental transfer within Tennessee Tech.
 - c. The committee shall report its findings and recommendation to the President within ten working days of receiving the Faculty Member's appeal request. In a reasonable amount of time, the President shall inform the Faculty Member in writing that the decision for termination stands or that it has been altered.
- 5. When a tenured Faculty Member is terminated due to financial exigency or curricular changes, the position will not be filled in the same areas of specialization for at least three years unless the terminated Faculty Member has been offered reappointment to the position with tenure and at his/her previous rank and salary plus raises that would have been awarded during the termination period.
- B.** A tenured Faculty Member may be terminated for adequate cause. Reasons for adequate cause include, but are not limited to, the following:
 - 1. Conviction of a felony or a crime involving moral turpitude;
 - 2. Improper use of narcotics or intoxicants, which substantially impairs fulfillment of duties and responsibilities;
 - 3. Falsification of information on an employment application or otherwise providing false information concerning qualifications for a position;
 - 4. Unsatisfactory completion of an FDP;
 - 5. Refusal or continued failure to comply with the policies of the Board, Tennessee Tech, or his/her Unit;
 - 6. Willful failure to perform assigned duties and responsibilities when such assignments are reasonable and non-discriminatory including, but not limited to, failure to participate in a required FDP;
 - 7. Incompetence or dishonesty in teaching, or research misconduct; and
 - 8. Capricious disregard of accepted standards of professional conduct.
- C.** Investigation as to the validity of accusations 1-3 and 5-8 (including, but not

limited to, multiple accusations) falls under the purview of the Office for Human Resources and shall be handled according to related policies impacting all university employees. The Office for Human Resources will seek expert advice from concerned parties as appropriate, including but not limited to, law enforcement, the Office of Research, deans, chairs/directors, faculty, and university counsel, before reporting its findings to the Provost.

1. In cases related to “adequate cause” as defined in Section VIII.B.1-B.4, the Provost alone makes the final determination whether the evidence supports a conclusion of a violation of policy/policies or otherwise is sufficient to convene a hearing committee to consider whether adequate cause under Sections VIII.B.1-B.4 exists.
 2. In cases related to “adequate cause” as defined in Section VIII.B.5-B.8 (or any other reason not listed), the Provost shall, after conferring with the faculty senate president and the faculty trustee, share the recommendations with the President as to whether the evidence supports a conclusion of a violation of policy/policies or otherwise is adequate cause for termination. The President shall decide whether the evidence is sufficient to convene a hearing committee to consider whether adequate cause under Sections VIII.B.5-B.8 (or any other reason not listed) exists.
- D.** Any proposed termination for adequate cause shall be preceded by discussion between the Faculty Member and appropriate administrative officers seeking a mutual resolution. Faculty Members who do not attend such a discussion forfeit the opportunity for a hearing.
- E.** The following procedures apply to hearings convened to decide whether adequate cause under Sections VIII.B.1-8 (or any other reason not listed) exists and to related matters:
1. The Faculty Member shall be provided with a written statement of the specific charges alleged by Tennessee Tech that constitute grounds for termination and a notice of hearing specifying the time, date, and place. The statement and notice must be provided at least thirty days before the hearing. The Faculty Member shall respond to the charges in writing at least ten days before the hearing.
 2. A Faculty Member may be suspended (with pay) pending completion of the process.
 3. The Provost and faculty senate president shall jointly appoint a hearing committee consisting of six tenured Peers of equal or higher rank. If the Provost and faculty senate president are unable to agree as to the committee members, then each shall choose three Peers. Members of a related FIA committee may serve, but the majority of the committee shall be non-FIA members.
 4. The Faculty Senate President (or designee) will serve as chairperson and the committee’s seventh member. She/he shall direct the proceedings and rule on

procedural matters.

5. The main purpose of the hearing is to determine whether termination of the Faculty Member is appropriate. Specific conduct of the hearing is the prerogative of the committee chair.
 - a. The burden of proof rests with Tennessee Tech and shall be satisfied only by clear and convincing evidence in the record considered as a whole, and shall be based solely on the hearing record.
 - b. During the hearing, the Faculty Member will be permitted to have an advisor present and may be represented by legal counsel of his/her choice.
 - c. The Faculty Member shall have the right to confront and cross-examine all witnesses.
 - d. A verbatim record of the hearing shall be made, and a copy made available to the Faculty Member for a reasonable fee upon his/her request.
 - e. Following the hearing, the committee shall prepare a report (within five days of receiving all evidence, absent good cause) specifying whether the committee has determined that termination is appropriate, and, if so, the specific reasons for termination. The committee chair will provide the President and the Faculty Member with a copy of the report.
 - f. The committee may at its discretion recommend or suggest actions other than termination.
6. After consideration of the committee's report and the record, the President may at his/her discretion consult with the Faculty Member, the hearing committee, or others as necessary before reaching a final decision regarding termination. Following his/her review, the President shall notify the Faculty Member of his/her decision within a reasonable time, which, if contrary to the committee's recommendation, shall be accompanied by a statement of the reasons.
7. A Faculty Member who has been awarded tenure and who has been dismissed or suspended for cause may obtain de novo judicial review of the final decision by filing a petition in chancery court having jurisdiction within thirty (30) days of the final decision and copies of the petition shall be served upon the Board and all parties of record.
 - a. Within forty-five (45) days after service of the petition, or within such further time allowed by the court, the Board or its designee shall transmit to the court the original or a certified copy of the entire record of the proceeding.
 - b. The Chancellor may award back pay in the event a determination is made that dismissal was not appropriate.

IX. Conflicts of Interest

- A.** In cases where a party to any of the procedures outlined above believes that a committee member or a recommender has a conflict of interest, that party must send a written request to the Provost, or if the alleged conflict of interest involves the Provost or if the Provost is raising the alleged conflict of interest, to the President, for reconsideration of the member or recommender's role. The President will advise the party in writing of the decision related to the request.
- B.** If a committee member or recommender is removed for a conflict of interest, the President or his/her designee will appoint a replacement to the role.

X. Interpretation

The Provost or his/her designee has the final authority to interpret the terms of this policy.

XI. Citation of Authority for Policy

T.C.A. § 49-8-301 et seq.

XII. Approved by:

Academic Council:	April 10, 2019
Administrative Council:	April 3, 2019
University Assembly:	April 17, 2019
Board of Trustees:	June 20, 2019