204 Tenure

Approved by Board of Trustees
Effective Date: _____, 2020
Responsible Division: Academic Affairs
Responsible Office: University Provost
Responsible Officer: University Provost

I. Purpose

This policy establishes criteria and procedures relating to academic tenure at Middle Tennessee State University (MTSU or University).

The criteria listed represent minimum University standards for tenure. College and/or department policies relating to the tenure process must meet the criteria as specified herein, but may exceed and be more specific than University standards. All college and department policies will be reviewed for consistency with this policy by the Provost and approved by the President. Approved college and department policies will be made available online. Materials are submitted using the institution's digital faculty activity software of record, unless the Provost has approved an exception.

II. Definitions

The following general definitions of words and terms used in this policy are subject to further qualification and definition in the subsequent sections of this policy or those of colleges and departments.

A. Academic Tenure. A personnel designation that guarantees holders of continuing employment at the University until such status is abandoned or removed for adequate cause, for financial exigency, or for curricular reasons. Tenure may be awarded only by positive action of the Board of Trustees (Board).

B. Adequate Cause. A basis upon which a faculty member, either with academic tenure or a tenure-track appointment, may be terminated. The specific grounds that constitute adequate cause are set forth in Section VIII.

C. Financial Exigency. The Board’s formal declaration that the University faces an imminent financial crisis requiring the University to resort to extraordinary means, including the termination of existing and continuing academic and non-academic appointments, to balance the budget.
D. Tenurable Faculty Member. A full-time employee who holds academic rank as assistant professor, associate professor, or professor and is potentially eligible for tenure. Although full-time non-tenurable faculty appointments are recognized by the University, e.g., temporary, instructor-/coordinator-/clinical-/professional practice-/research-track, “faculty member” in this policy applies only to tenurable faculty positions (assistant professor, associate professor, professor). See Policy 202 Faculty Definition, Roles, Responsibilities, and Appointments Types.

E. Probationary Employment. Period of full-time professional service by tenure-track faculty members before they have been granted tenure. During this time, they are evaluated by the University to determine whether they are making progress toward a recommendation for tenure. Probationary employment provides an opportunity for faculty members to demonstrate their commitment to the University and for the University to determine whether they meet its stated criteria of quality.

F. Tenure Clock. Metaphor used to describe the passage of time during the probationary period, between the date specified in the letter of appointment and the date of the tenure decision.

G. Department. Academic unit (Department or School)

H. Chair. Departmental officer, which includes School Director.

I. Academic Year. The period of time consisting of the Fall and Spring semesters.

J. Teaching. Any activity that fosters and facilitates student learning, including, but not limited to, instruction, student advising and/or mentoring, assessment, and the development of course materials and courseware.

K. Research/Scholarship/Creative Activity. Research/scholarship/creative activity encompasses the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge and is disseminated to an appropriate audience. Research/scholarship/creative activity may include, but is not limited to, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, field-based scholarship, creative activities (e.g., media production, performances, or other artistic creations), the scholarship of teaching and learning, and grant-writing to support such activities.

L. Service. Service encompasses University service, professional service, and public service.

1. University service refers to work other than teaching and research/scholarship/creative activity done at the department, college, and/or
University level. Participation in University service is expected of every faculty member.

2. Professional service refers to work done for disciplinary professional organizations or for the teaching profession generally.

3. Public service refers to the University’s outreach to the community and society, involves sharing professional expertise and should directly support the goals and mission of the University.

M. Rebuttal. A candidate may add a letter of rebuttal, addressing and providing evidence of errors of fact, within ten (10) business days of the posting date of the letters from the Chair, college tenure and promotion committee, and/or the Dean, as recorded by the faculty activity software.

III. Tenure Appointments

A. Tenure appointments are guarantees of continued employment during the academic year subject to abandonment or termination as outlined in Section VIII.

B. Tenure is awarded only to faculty members with tenure-track contracts following the rigorous vetting described below in Section IV. and to faculty and/or administrators who are recommended for tenure when the contract is issued.

C. Tenure resides in the academic departments and recommendations for or against tenure originate with the faculty member’s department.

D. In general, candidates for tenure must have earned the doctorate or other specified terminal degree in the faculty member’s discipline. The Provost, in consultation with the Dean, Chair, and department faculty, may grant exceptions based upon a candidate’s extraordinary professional qualifications.

E. Failure to give timely notice of non-renewal of a tenure-track contract will result in the right of the faculty member to a terminal year of service, not in the awarding of tenure. (See Section VIII. A. 1.)

IV. Tenure Process

A. Tenure is awarded only by positive action of the Board, pursuant to the requirements and procedures of this policy.

B. Tenure-track faculty members in years one, two, four, and five will be evaluated annually by their Chair and department promotion and tenure committee. Copies of
these letters will be uploaded to the faculty activity software for review by the appropriate Dean and the Provost.

C. Tenure-track faculty entering with zero or one year of credit for prior service will receive a pre-tenure review in the third year of their probationary appointment. Pre-tenure review follows the process of tenure review through the department and college levels as outlined in Section V. Tenure-track faculty entering with two or three years of credit for prior service will receive a pre-tenure review in the fourth year of their probationary appointment. Exceptions must be approved by the Provost.

D. Tenure-track faculty members in year six will receive a full tenure review, to include recommendations by the Provost and President to the Board.

E. Candidates choosing to apply for early tenure may forward their candidacy before their sixth year; however, if their application is denied, they will receive a terminal contract for the following year.

F. Applicants may withdraw from the tenure review process at any point. In doing so, they forfeit claim to future tenure at MTSU.

V. Procedures for Tenure Recommendations

A. General Guidelines

1. Consideration for tenure originates in the department to which the faculty member has been assigned. Candidates for tenure submit the Outline of Faculty Data (OFD) and other supporting materials detailed below using the University’s faculty activity software, unless the Provost has approved an exception.

2. After submission of the OFD, the only materials that may be added to the file are letters from the department committee, Chair, college committee, Dean, and Provost and any rebuttals, due within ten (10) business days of the posting date of the letters of recommendation at each level.

3. Members of department and college tenure and promotion review committees may not make individual recommendations concerning candidates to administrators or other review committees.

4. Each spring semester, the Office of the Provost will issue the dates for faculty review and evaluation for the upcoming academic year; and department and college committees will be provisionally elected pending the Board’s awarding of tenure and promotion.

5. Policy 816 Nepotism will apply to all levels of the tenure process.
6. Qualified Privilege of Academic Confidentiality for Tenure Review Committees

a. All those serving on committees that make evaluations are expected to observe the highest appropriate standards of confidentiality concerning deliberations. Tenure and promotion review committees have qualified privilege of academic confidentiality against disclosure of individual promotion votes unless evidence casts doubt upon the integrity of the committee. This policy will be interpreted in a manner consistent with the Tennessee Public Records Act, as recorded in T.C.A. § 10-7-101 et seq.

b. In general, no qualified privilege of academic confidentiality is recognized for proceedings outside of the University. The records created during the promotion process are subject to disclosure pursuant to T.C.A. § 10-7-503 et seq., and information regarding the process may be sought by subpoena or court order.

B. Probationary Employment

1. The probationary period starts on the date specified in the letter of appointment.

2. The probationary period of six (6) years may include credit for prior service. Credit toward completion of the probationary period may, at the discretion of the Provost, be given for a maximum of three (3) years of previous full-time service at colleges, universities, or institutes provided that the prior service is relevant to the University’s needs and criteria. Any credit for prior service must be confirmed in writing in the appointment letter.

3. A period of approved leave of absence will be excluded from the requisite period for completion of the probationary period unless the President specified in writing prior to the leave of absence that it will be included in the probationary period. Leaves of absence may not be granted retroactively. During the probationary period, a faculty member may apply for a maximum of two (2) extensions in one (1) year increments.

4. Faculty members in a tenure-track appointment may request to stop the tenure clock during their probationary period when circumstances interrupt normal progress toward building a case for tenure. Only the President, with the recommendation of the Chair, Dean, and Provost, may grant a request to stop the tenure clock. Faculty members may request to stop the tenure clock for one (1) year if they demonstrate circumstances warranting such interruption. Examples may include personal or family situations requiring time, energy, or attention normally directed to faculty duties and professional development, such as childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, or similar circumstances that require a fundamental alteration of
one’s professional life. Once approved, the stop-the-tenure clock year is not counted in the probationary period.

5. A faculty member who is appointed to an administrative position prior to a tenure award remains eligible for tenure. They must qualify for tenure under department, college, and University guidelines. The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.

6. If a faculty member is serving a probationary period in a department and is subsequently transferred to another department, the faculty member may, with the approval of the Provost, elect to begin a new probationary period on the date of the transfer. If they do not so elect (and confirm in writing to the Provost), time spent in the first appointment will count toward establishing the probationary period.

7. Faculty members whose tenure-track appointments begin in January may negotiate at the time of hire whether the spring semester is included in their probationary period, subject to approval by the Dean and Provost.

8. Tenure-track faculty in their sixth year must submit the completed tenure application in accordance with the established calendar unless otherwise stipulated in the employment contract or the tenure clock has been stopped. A faculty member who fails to apply for tenure by the prescribed date will automatically be denied tenure.

C. Department Review

1. All departments will use approved policies that cover the structure, annual election of committee members, and operating procedures of the department tenure and promotion review committee. A copy of these policies will be available online. At a minimum, these policies will include the following:

   a. Committee members must be tenured;

   b. All full-time tenured and tenure-track faculty members in the department may vote on committee membership;

   c. Non-tenure-track faculty may not vote on committee membership;

   d. Candidates for tenure and the Chair may not be members;

   e. A committee chair will be elected by the members of the committee;

   f. Academic rank requirements for committee membership must be stated in department tenure and promotion policy.
If the staffing requirements described in the department policy cannot be met (as in the case of an inadequate number of tenured faculty or of specified academic rank), an alternate committee composition may be proposed by the department subject to approval by the Dean and Provost prior to review of the candidate application(s).

2. The review process for tenure recommendations at the department level consists of separate and independent considerations by the department tenure and promotion review committee and the Chair.

   a. The department tenure and promotion review committee will consider each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the Chair.

   b. The Chair considers each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the department tenure and promotion committee.

If the two recommendations differ, the Chair and committee will meet to discuss, later submitting independent recommendations to award or deny tenure, copying the candidate.

D. College Review

1. All colleges will use approved policies that cover the structure, election of members to terms of three (3) years, and the operating procedures for the college tenure and promotion review committee. A copy of these policies will be available online. At a minimum, these policies will include the following:

   a. Colleges with six (6) or more departments will elect one (1) faculty member from each department to the committee; colleges with five (5) or fewer will elect two (2) faculty members from each department to the committee. (To provide for committee rotation, those tenured faculty elected to serve on the first college tenure and promotion review committee will draw numbers to determine whether they serve for periods of one (1), two (2), or three (3) years; one-third of the members will rotate off the committee each year.)

   b. Committee members must be tenured;

   c. All full-time tenured and tenure-track faculty members in the department may vote on committee membership;

   d. Non-tenure-track faculty may not vote on committee membership;
e. Chairs may not be members;

f. A committee chair will be elected annually by the members of the committee;

g. Each college’s policy must state rank requirements for faculty members serving on the college committee.

If staffing requirements described in the college policy cannot be met (as in the case of an inadequate number of tenured faculty or of a specified academic rank in a department), an alternate committee composition may be proposed subject to approval by the Provost and Faculty Senate president prior to review of the candidate applications.

Each Dean will provide the Faculty Senate president with the names of those elected to the college tenure and promotion review committee according to the timetable specified in the tenure and promotion calendar. The Faculty Senate president, in consultation with the Faculty Senate Steering Committee, may appoint up to two (2) additional faculty members to each college tenure and promotion review committee to ensure diversity and appropriate representation.

2. The review process for tenure recommendations at the college level consists of separate and independent considerations by the college tenure and promotion review committee and the Dean.

a. Upon receipt of the recommendations and other materials from the department tenure and promotion review committee and Chair, the college tenure and promotion review committee will consider each candidate’s qualifications for tenure using the approved department, college, and University criteria. Following its review, the college committee shares their recommendation with the Dean.

b. The Dean considers each candidate’s qualifications for tenure using the approved department, college, and University criteria and shares their recommendation with the college tenure and promotion committee. If the two (2) recommendations differ, the Dean and committee will meet to discuss, later submitting independent recommendations to award or deny tenure, copying the candidate.

E. Provost’s Review

1. The Provost considers each candidate’s qualifications using approved department, college, and University criteria; reviews the recommendations of the department tenure and promotion review committees, the Chair, college tenure and promotion
review committees, and Dean; and forwards all materials, along with their recommendation to the President, copying the Dean, Chair, and faculty member.

2. The appeals process, outlined in Policy 206 Tenure and Promotion Appeals, may begin after the Provost has notified the candidate of their recommendation. The President’s letter with the tenure recommendation will be sent after the appeals process is completed.

F. President’s Review

The President considers each candidate’s qualifications using approved department, college, and University criteria; reviews the recommendations of Chair, department tenure and promotion review committee, college tenure and promotion review committee, Dean, and Provost for each candidate; and makes recommendations to the Board. The President will notify candidates, Chairs, Deans, and Provost of their recommendations. When notified of official action by the Board, the President will provide written confirmation of the Board’s award of tenure to the candidates, Chairs, Deans, and Provost.

VI. Criteria to Be Considered in Tenure Recommendations

A. General Tenure Criteria

1. Faculty members being considered for tenure must demonstrate commitment to the goals of MTSU. As institutional citizens, they will adhere to high ethical standards. Prior to review of the OFD and supporting materials by the departmental committee, Chairs may include formal documentary evidence of breaches of University policies (e.g., 10 Ethics and Code of Conduct; 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 211 Misconduct in Scholarly Activities and Research; and this policy in Section VIII.G.) as part of the review process. To be included in the materials for review, such evidence must be shared with the candidate at the time it is added to the materials.

2. Candidates will be evaluated with respect to their performance in (a) teaching, (b) research/scholarship/creative activity, and (c) service. They must demonstrate high-quality performance in teaching, high-quality performance in either research/scholarship/creative activity or service, and quality performance in the remaining area. College and department criteria, however, may require high-quality performance in both teaching and research/scholarship/creative activity, in which case those requirements will supersede the University’s requirements.
3. In all categories of evaluation, documentation of quality as evaluated by peers will be stressed over quantity. Within the context of teaching, research/scholarship/creative activity, and service, the faculty member must demonstrate willingness to support the mission and goals of the department, the college, and University.

B. Outline of Faculty Data and Supporting Materials

Candidates for tenure will submit their OFD (including Workload Part A) and all appropriate materials to support activities in teaching, research/scholarship/creative activity, and service.

C. Teaching

Because effective teaching is an essential qualification for tenure, tenure should not be granted in the absence of clear evidence of a candidate’s teaching ability and potential for continued development.

1. Candidates for tenure must demonstrate high-quality performance in teaching. Departments may assign varying degrees of significance to the following activities:

   a. Performance in teaching as evaluated by students and peers;

   b. Performance in advising and mentoring;

   c. Performance in assessment activities;

   d. Improvement of their own courses and the larger curriculum;

   e. Effectiveness in teaching methods, including efforts to improve pedagogy;

   f. Supervision of specialized instructional activities (student research/scholarship/creative activity, service learning, experiential learning, thesis and dissertation direction, internships, student teaching, etc.);

   g. Honors received and recognition for teaching;

   h. Seeking internal and external funding for instructional activities;

   i. Contributions to teaching, e.g., textbooks, articles, workshops, presentations, instructional technology resources.

2. Documentation
a. **Supporting materials will include** the candidate’s summary of activities and accomplishments in teaching, syllabi for each unique course, **evidence of evaluation by faculty peers**, and the one-page quantitative summaries of student evaluations for each course section evaluated during the probationary period.

b. **Other supporting materials may include** selected course documents, assessment materials and reports, **grant proposals**, additional student input, results of alumni surveys and/or student exit interviews, and **textbooks or published contributions to pedagogy**.

D. **Research/Scholarship/Creative Activity**

1. To be awarded tenure, candidates must present evidence of, at minimum, quality research/scholarship/creative activity. Departments and/or colleges may assign varying degrees of significance to the following activities, based upon their policies:

   a. **Participation in research/scholarship/creative activity**, which may include collaboration with undergraduate and/or graduate students.

   b. **Submission of internal and external funding proposals for research/scholarship/creative activity**.

2. **Documentation**

   a. **Summary of activities and accomplishments in Research/Scholarship/Creative Activity**

   b. **Supporting materials may include**, but will not be limited to, the following:

      (1) Reputable, high-quality peer-reviewed publications, including **articles, monographs, books, electronic media**, and other published works; non-peer-reviewed publications may be submitted and will be evaluated accordingly.

      (2) Funded external or internal grants, with weight given to grants from external agencies and organizations;

      (3) **Written reviews and evaluations by qualified peers of performances, compositions, and other creative activities**;

      (4) Published programs or reviews of public performance or public display;

      (5) Presentations to one’s professional peers at regional, national, or international meetings/conferences;
(6) The scholarship of teaching and learning (SOTL), including textbooks, educational articles, and instructional technology resources, and innovative contributions to teaching;

(7) Unfunded proposals for external grants, where the documentation supports the quality of the proposal.

c. Documentation must be included to support a designation of accepted and/or in press.

E. Service

1. To be tenured, candidates must demonstrate, at minimum, quality service. Departments and/or colleges may assign varying degrees of significance to the following activities based upon their policies:

   a. University service refers to work other than teaching and research/scholarship/creative activity performed at the department, college, and/or University level. University service includes, but is not limited to, meaningful participation on department, college, and University committees. University service also includes taking a role in shared governance, such as service as a Faculty Senator, on a specially appointed task force, and/or on a University search committee. It also includes activities that contribute to the professional development of faculty, as well as to the recruitment, retention, progression, graduation, and post-graduation career placement of students.

   b. Professional service refers to the work done for disciplinary professional organizations or for the teaching profession generally. Service to the profession includes, but is not limited to, association leadership, accreditation review, journal editorship, article/manuscript/grant proposal review, guest lecturing on other campuses, and other appropriate activities. Examples of significant service would be that done by an officer of a professional organization or a member of the editorial staff of a journal.

   c. Public service, the University’s outreach to the community and society, involves sharing professional expertise and should directly support the goals and mission of the University.

2. Documentation

   a. Summary of activities and accomplishments in service.

   b. Supporting materials may include, but will not be limited to, the following:
(1) An evaluation of the effectiveness of the candidate’s service, as judged by its impact. This should include indices of the success of the service activities, in terms of improvement of communities, programs, operating agencies, production processes, or management practices; of satisfaction with the service provided by the candidate; and of the magnitude and complexity of the work.

(2) An external appraisal of the candidate’s local, regional, national, and/or international stature.

(3) Evidence of submission of applications seeking internal and external funding for service activities, funded internal and external grants, and University submitted proposals.

VII. Expedited Tenure Review

The University may find it necessary to expedite tenure review in order to recruit high-quality faculty for administrative positions. Departmental input regarding tenure for an administrator is necessary since tenure is awarded in a specific department.

The request for expedited tenure review for candidates who have been selected as finalists will originate with the search committee. The Chair and the departmental tenure and promotion review committee will review the candidate’s application materials and make a recommendation to the college committee and dean within 10 business days of the search committee’s request. The dean will forward these recommendations along with their own recommendation to the Provost before a contract offer discussing tenure may be extended to a candidate. Following the completion of these steps, the President will request approval for tenure from the Board as soon as possible. The candidate will be notified of the results after the Board vote.

VIII. Changes in Tenure/Tenure-Track Status

A. Negative evaluations of tenure-track faculty

1. A negative annual evaluation for tenure-track faculty in years 1 and 2 of their service requires the President to notify them by April 15 that they will not receive a contract for the next academic year. If the year 3 pre-tenure review, the annual evaluation in years 4 and 5, or tenure review is negative, these faculty receive notification by May 30 from the President that they will receive a terminal year contract for the next academic year. Their employment will end on the Monday following Spring Commencement of the following academic year. A faculty member’s rights in such instances where timely notice is not given are described in Section III.E.

2. Notice of non-renewal, a negative pre-tenure review, or a negative tenure review will be provided via email and a hard copy will be provided by one of the following:
(1) personal delivery by the faculty member’s Chair, (2) certified mail, return receipt requested, postage prepaid, or (3) overnight courier. Any notification or document sent as specified above will be effective on the date that it is sent via any of the means set forth above.

3. Tenure-track faculty members will not be terminated during the contract year except for adequate cause. See below.

4. Recommendations of non-renewal of a tenure-track faculty appointment are not subject to appeal to the Board unless there is an alleged violation of state or federal law under the limitations described in Policy 206 Tenure and Promotion Appeals.

B. Transfer of Tenure

Faculty members tenured in a department may be transferred to another department in which they will retain tenure. In no instance must the faculty member abandon tenure as a condition of the transfer.

C. Abandonment of Tenure

A faculty member abandons or waives their right to tenure if one of the following occurs:

1. They resign from the University.

2. They fail to report for service on the first day of classes of any academic term without notice. Such failure to report will be deemed to be a resignation unless the Provost believes that the faculty member has shown good cause for such failure to report.

3. They are absent from work without approved leave for five consecutive days. Such absences will be deemed a resignation unless the Provost believes that the faculty member has shown good cause for such absence.

Notwithstanding the above, tenure is not abandoned during periods of approved leaves of absence or during administrative assignments at the University.

D. Termination of Tenure for Reasons of Financial Exigency

A tenured faculty member may be terminated as a result of financial exigency subject to declaration by the Board that such financial conditions exist. Personnel recommendations (including those pertaining to tenured faculty) resulting from a declaration of financial exigency will comply with Policy 40 Financial Exigency; also see definition of financial exigency in Section II..

E. Termination of Tenure for Curricular Reasons
A tenured faculty member’s employment may be terminated when an academic program is deleted from the curriculum by the Board as a result of decreased student enrollment in the field or discipline, thus reducing the requirement to employ qualified faculty in the field. Substantive and continuing reduction of student enrollment is measured over a period of at least three (3) years and results in a faculty-student ratio that cannot be warranted in the opinion of the President.

Before terminating a program for curricular reasons, the President will present a written report of curricular reasons warranting the termination of tenured faculty and meet with the Faculty Senate to review the curricular reasons. The Faculty Senate will have the opportunity to respond in writing before any action is initiated. Such drastic proposed reductions in faculty must be substantially greater than any shifts in staffing that are accommodated annually to address shifting enrollment patterns.

F. Procedures for Termination of Tenure for Curricular Reasons

Before terminating tenured faculty, the President shall not rehire part-time, temporary, promotable track, and tenure-track faculty.

1. After determining that curricular reasons warrant termination of tenured faculty, the President will consult with the Chairs and Deans of affected departments to understand which terminations would least jeopardize the academic programs in their units. An assessment of which terminations would least compromise the unit’s academic programs will drive the President’s decisions regarding faculty termination. The President will also consider overall staffing patterns at the University and at peer institutions.

While it is within the President’s purview to make exceptions, the following considerations should guide the President in determining the order of faculty reductions:

a. Among tenured faculty, those with higher rank should have priority in retaining their positions over those with lower rank;

b. Among tenured faculty of comparable rank, those with appropriate terminal academic degrees should have priority in retaining their positions over those without appropriate terminal degrees;

c. Among tenured faculty of comparable rank and degrees, those with more seniority should have priority in retaining their positions over those with less seniority.

The President will furnish each faculty member to be terminated with a written statement of reasons for the termination and how the decision to terminate was reached. The statement will also indicate that the faculty member may respond in writing to state objections to the decision.
When a tenured faculty member is to be terminated for curricular reasons, the President will make every possible effort to reassign the tenured faculty member to an existing vacant position for which they are qualified. If the President believes that relocation within the University is possible, the University is obliged to make a significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision to relocate is within the President’s discretion.

2. If a faculty member to be terminated objects to the President’s statement and requests a review, the President will appoint a faculty committee of a minimum of five (5) tenured faculty members from a slate of ten (10) tenured faculty members proposed by the Faculty Senate. The committee will conduct a hearing and report its findings and recommendations to the President, who will inform the faculty member(s) in writing of the decision.

3. The President’s decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the Board only as provided in Policy 60 Appeals and Appearances before the Board.

4. When a tenured faculty member is terminated for curricular reasons, the position will not be filled by a new hire with the same fields of specialization as said tenured faculty member for a period of at least three years unless the faculty member has been offered in writing reappointment to the position at the previous rank and at the previous or higher salary if raises have been awarded during the period of unemployment.

G. Termination for Adequate Cause

A tenured or tenure-track faculty member may be terminated for adequate cause. Adequate cause includes the following:

1. Incompetence or dishonesty in teaching or research;

2. Willful failure to perform the duties and responsibilities for which the faculty member is employed or refusal or continued failure to comply with the policies of the University, or to carry out specific assignments when such policies or assignments are reasonable and non-discriminatory;

3. Conviction of a felony;

4. Improper use of narcotics or intoxicants that substantially impair the faculty member’s fulfillment of departmental and institutional duties and responsibilities;

5. Disregard of accepted standards of professional conduct;

6. Falsification of information on an employment application or other information concerning qualifications for a position; and/or
7. Failure to meet ethical standards as defined in “Ethics Guidelines for Faculty” (Adopted by the Faculty Senate, April 11, 1994).

8. Termination of an appointment with tenure for medical reasons will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and condition of the appointment. The decision to terminate will be reached only after there has been appropriate consultation and after the faculty member concerned, or someone representing the faculty member, has been informed of the basis of the proposed action and has been afforded an opportunity to present the faculty member’s position and respond to the evidence.

H. Procedures for Termination for Adequate Cause

1. Except for announcements such as those concerning scheduling of proceedings, public discussions about such proceedings by either the faculty member or administrators will be avoided pending completion of this process.

2. Termination for adequate cause may be initiated upon a recommendation by the Provost to the President or a decision by the President.

3. If the University determines that the faculty member’s presence on campus during the termination process poses a danger to persons or property or a threat to the academic or operational processes of the University, the faculty member may be reassigned or suspended.

   a. If the University determines that it is in the institution’s best interest to reassign a faculty member pending resolution of the termination for adequate cause process, the University may reassign a faculty member to responsibilities for which they are qualified.

   b. If the faculty member is suspended, they may contest the suspension and be provided the opportunity for a hearing within five (5) days of being notified of the suspension, at which time the faculty member may cross-examine witnesses testifying against him/her, present witnesses on their behalf, and be represented by an attorney.

4. In advance of forming a Termination Hearing Committee (Committee), appropriate administrators will meet with the faculty member to attempt to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings. If a solution is reached, the proceedings end. If a resolution is not reached, the faculty member will be given a statement of the specific charges 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 twenty (20) days prior to the hearing. The faculty member will respond to the charges in writing at
least five (5) days prior to the hearing. The faculty member may accept the charges and agree not to contest the termination by waiving the hearing in writing.

5. A Committee of tenured faculty will be appointed to determine if adequate cause for termination exists. Nominations for service on this Committee are provided to the President by the Faculty Senate, with one tenured faculty member at the rank of professor representing each of the following colleges: Basic and Applied Sciences, Behavioral and Health Sciences, Business, Education, Liberal Arts, Library, Media and Entertainment, and University College. Members deeming themselves disqualified for bias or interest will remove themselves from the case. Members of the Committee will not discuss the case outside Committee deliberations and will report any ex-parte communication pertaining to the hearing to the President, who will notify all parties of the communication.

6. The Committee will elect a chair to direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.

7. The Office of University Counsel will represent the University in the hearing.

8. The chair of the Committee may in their discretion require a joint pre-hearing conference with the parties, either in person or by a conference telephone call or videoconference. The pre-hearing conference may include:
   a. Notification as to procedure for conduct of the hearing;
   b. Exchange of witness lists, documentary evidence, and affidavits;
   c. Definition and clarification of issues;
   d. Stipulations of fact; and
   e. Any other appropriate preliminary matters.

A written memorandum of the pre-hearing conference will be prepared and provided to each party.

9. A hearing will be conducted by the Committee to determine whether adequate cause for termination exists, as defined above. The hearing will be conducted according to the procedures below and will not be open to the public.
   a. During the hearing, the faculty member may be accompanied by a University employee and may be represented by legal counsel.
   b. A verbatim record of the hearing will be taken, and a written copy will be made available to the faculty member upon request.
c. The burden of proof of adequate cause rests with the University and will be satisfied only by clear and convincing evidence in the record considered as a whole.

d. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the Committee in making every effort to secure witnesses and make available documentary and other evidence.

e. The faculty member and the University will have the right to confront and cross-examine all witnesses. Where the Committee determines that the interests of justice require admission of statements of witnesses who cannot or will not appear, the Committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness, if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within seven (7) days after delivery of the affidavit, or if the Committee chair determines that the admission of the affidavit is necessary to ensure a just and fair recommendation.

f. In a hearing on charges of incompetence, the testimony will include that of qualified faculty members from the University and/or other universities.

g. The Committee will not be bound by strict rules of legal evidence and may admit any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

h. The Committee will issue a written report to the President (Committee report) and the faculty member. The Committee report will specify findings of fact based solely on the hearing record, including applicable policy, and will state whether the Committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination. In addition, the committee may recommend action other than dismissal.

10. After considering the Committee’s report and the record, the President may consult with the faculty member prior to issuing final decision. If the President’s and the Committee’s decisions differ, the President will issue a written statement explaining the decision.

11. If the faculty member is terminated or suspended as a result of the President’s decision, the faculty member may have grounds to appeal to the Board pursuant to Policy 60 Appeals and Appearances before the Board.
Note: The definition of tenure (II: A) became effective January 1, 1984. That definition applied only to faculty tenured subsequent to the effective date. For faculty members tenured before January 1, 1984, the applicable definition of tenure will be: “a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a University until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons (see policy adopted June 25, 1976).”

Revisions: June 5, 2017 (original); ________, 2020.


References: T.C.A. § 10-7-101; 10-7-503; Ethics Guidelines for Faculty; Policies 10 Ethics and Code of Conduct; 26 Discrimination and Harassment Based on Protected Categories Other than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 40 Financial Exigency; 60 Appearances before the Board; 202 Faculty Definition, Roles and Responsibilities and Appointment Types; 206 Tenure and Promotion Appeals; 211 Misconduct in Scholarly Activities and Research; 816 Nepotism.