Section 5. Selection, Appointment, and Career Development of Nontenure Track Faculty Members

Nontenure track faculty members are hired for a limited scope of faculty activities, with a primary role in clinical care, teaching or research/scholarly activity and at least a minimal contribution in one or more of the other missions of the university. The three types of nontenure track appointment are defined in Section 6.2.2 – Clinician Educator, Research Appointment, Limited Duration Appointment. In addition all part time faculty appointments are nontenure track. As with tenure track faculty members, the selection and the ongoing career development of nontenure track faculty members are essential to the fulfillment of the mission of UTHSC.

5.1 Selection of Nontenure Track Faculty Members

5.1.1 Criteria for Selecting Nontenure Track Faculty Members

Appropriate candidates for nontenure track faculty appointment include those who:

1. fulfill the basic criteria for appropriate faculty rank as outlined in Section 6.1 of this Faculty Handbook,
2. fulfill the distinctive requirements established by the department for the faculty position to be filled, and
3. possess documentation of academic achievement and credentials (acquired as a student, a faculty member, a postdoctoral appointee, research associate, or during a fellowship or residency) that strongly indicate that the performance as a full-time faculty member will be outstanding throughout his or her future academic career.

Proper credentials are the primary criteria for nontenure track faculty appointments. Credentials include, but are not limited to, academic degrees, postdoctoral training, residency, fellowship, certification, and other appropriate education and experience. The initial appointment of an individual to a specific faculty rank must be based on credentials documented through the institutions from which they were obtained.

5.1.2 Process for Selecting Nontenure Track Faculty Members

1. On the basis of a demonstrated need of the unit’s academic, clinical, or research program and availability of funding, the Chair, Division Chief or Principal Investigator submits a written request to the Dean for a new or replacement faculty position.
2. The Dean authorizes the new or replacement nontenure track faculty position to be filled.
3. The Chair, Division Chief, or Principal Investigator prepares a description of the open position and initiates the appropriate UTHSC recruitment process to identify candidates.
4. When a search advisory committee is required by campus search procedures, either the Chair, Division Chief, or Principal Investigator may appoint the committee.
5. The Chair, Division Chief, or Principal Investigator may consult with the departmental faculty of equal or higher academic rank to that of the prospective appointee before nominations are forwarded.

6. The Chair, Division Chief, or Principal Investigator selects the candidate to be recommended for the position.

7. The Chair, Division Chief, or Principal Investigator holds informal discussions with the selected candidate concerning rank, salary, and other conditions of employment, and the candidate's willingness to accept such conditions, if a formal offer is made by UTHSC.

8. If the selected candidate is willing to accept the conditions of employment, the Chair proceeds to the appointment process described in Sections 4.7.1 and 4.7.2.

5.1.3 Role of the Department Chair

The Department Chair is the academic and administrative leader of the department's faculty. The Chair is responsible for managing the department and for general oversight of faculty activities. The Chair is responsible for overseeing the career development of all faculty members in the department. The Chair may delegate some of these responsibilities to a Division Chief or to the relevant supervisor of the nontenure track faculty member.

5.1.4 Role of the Nontenure Track Faculty of the Department

Nontenure track faculty members are entitled to academic freedom and are encouraged to participate in a broad range of campus activities. Some faculty committees, such as those concerned with promotion of tenure track faculty, the award of tenure, and termination of tenured faculty for adequate cause, are limited to faculty with tenure, and therefore formal participation may not be appropriate for nontenure track faculty. Nonetheless, a Department Chair or Division Chief may informally solicit recommendations from nontenure track faculty when their expertise is deemed relevant. Nontenure track faculty may also serve as formal, full-voting members of other departmental, college, or campus committees depending on their expertise, interest, and availability.

5.1.5 Nepotism

The University permits the employment of relatives as defined in Tennessee Code Annotated §8-31-103 (see www.tennessee.gov/attorneygeneral/op/2005/op/op104.pdf), but they must not be placed in the same direct line of supervision, thereby being able to determine the appointment, retention, salary, promotion, or other aspects of the employment of their relatives. Where faculty members are in a position of responsibility affecting a relative, they must waive authority and defer to the next higher administrative officer.
5.1.6 Certification of Effective Communication in English

An individual who is a candidate for an appointment to a teaching position and whose native language is not English is evaluated by the Chair regarding the ability to communicate effectively with students in the English language (Policy on Certification of Effective Communication in English (see http://www.uthsc.edu/policies/w932_document_show.php?p=229.) The method of evaluation shall be noted in the college bylaws and must provide for consistent, thorough, and effective evaluation. If the Chair finds the individual's ability acceptable, he or she so certifies in writing to the Dean, indicating the method of assessment that was employed.

5.2 Transfer from a Nontenure Track to a Tenure Track Appointment

A nontenure track faculty member may request transfer to the tenure track on recommendation of a Department Chair, with the approval of the Dean, and after consultation with the tenured and tenure track faculty of the department.

In such cases, the process for a tenure track appointment must be followed (Sections 4.6 and 4.7). In addition, such an appointment must conform to all Equal Opportunity and Affirmative Action requirements, as this will be considered a new position for Affirmative Action purposes. When such a transfer is approved, the newly appointed tenure-track faculty member can request that his/her full-time effort prior to the transfer be applied to the probationary period. Such credit toward tenure must be agreed upon in writing by the Department Chair, the Dean, the Chief Academic Officer, and the faculty member.

A tenure track faculty member may request transfer to the nontenure track on the recommendation of his/her Department Chair, with the approval of the Dean. Such transfer shall not normally be refused for faculty in good standing.

Only one transfer between nontenure and tenure tracks would normally be considered.

5.3 Career Development and Evaluation of Nontenure Track Faculty

5.3.1 Career Development

Career development for nontenure track faculty members includes continually increasing academic achievement as marked by the progression to the rank of professor. Guidelines and process for promotion in academic rank are the same for both nontenure track and tenure track faculty members (Sections 6.8 and 6.9).

Career development is primarily the responsibility of the individual faculty member; however, guidance should be provided by the faculty member's Chair or designated supervisor. The focus of career development depends on the nature of the nontenure track appointment.

For faculty hired as teachers, the assessment will focus on the faculty member’s success as an educator; and the individual conducting the assessment shall review the instructional materials that
were created by the faculty member, including class syllabi and related course materials, as well as the evaluations of teaching effectiveness obtained from students and peers.

For faculty hired primarily for research, the evaluation should be carried out by the appropriate supervisor and should focus on the quantity and quality of the research assigned.

5.3.2 Evaluation through the Annual Performance and Planning Review

Each faculty member must meet with his/her Chair or relevant supervisor at least once a year for a formal Annual Performance and Planning Review. In addition, either the Chair or the faculty member may at any time request that the tenured departmental faculty review his/her performance.

That Annual Performance and Planning Review is based on criteria and guidelines appropriate to the specific department, college, and campus, and the meeting serves at least four purposes:

1. To review and discuss the faculty member's performance in achieving previously established goals;
2. To convey the faculty member’s work assignment for the upcoming year or other appointment period;
3. To discuss and establish the academic goals to be achieved by the faculty member during the upcoming year or other appointment period; and
4. To provide the faculty member with a routine opportunity to seek and receive advice and guidance.

A written summary of the review must be prepared, including the following ratings designed to indicate whether the faculty member's performance “Exceeds Expectations for Rank,” “Meets Expectations for Rank,” “Needs Improvement for Rank,” or is “Unsatisfactory for Rank.”

This summary must be signed by the faculty member (to acknowledge receipt of the document) and by the Chair or relevant supervisor, with a copy to the Dean. Copies of the summary document and any other appropriate documents are given to the faculty member and placed in appropriate files – e.g. the faculty member’s Human Resources and Academic Affairs files. An example of the summary document and details regarding the evaluation procedure can be found in the Faculty Evaluation Manual.

Any faculty member who feels aggrieved by the career development and evaluation process as applied to him or her may appeal through the provisions of Section 7.

5.3.3 Outstanding Performance to be Rewarded When Feasible

Whenever feasible, UTHSC should recognize and seek to reward faculty members who receive “Exceeds Expectations” ratings on their Annual Performance and Planning Review. Such rewards may include, but need not be limited to the following: a financial reward; additional research or
clerical support; special travel funds; provision of opportunities for participating in professional enrichment conferences or seminars; and UTHSC recognition of individual faculty members for outstanding achievement.

5.3.4 Performance Rated “Needs Improvement” or “Unsatisfactory”

Any nontenure track faculty member whose performance is rated “Needs Improvement” or “Unsatisfactory for Rank” shall not be eligible for merit pay or for a performance based salary supplement. In such cases, the Chair or supervisor may recommend an improvement plan to correct areas of poor performance. Alternatively, the Chair or supervisor may recommend non-renewal of the appointment for the upcoming year (or other appointment period).

A faculty member on an improvement plan must provide to the Chair or supervisor a written interim progress report of remedial steps taken with copies forwarded to the Dean. Such reports must be submitted by the midpoint of the upcoming appointment period. If, in the opinion of the Chair or relevant supervisor, sufficient progress towards remediation has not been made, he/she may recommend that the appointment be terminated for adequate cause (as defined in Section 8.2) under the procedure described in Section 5.5 below.

5.4 Renewal of Nontenure Track Appointments and Notice Requirements for Non-Renewal

Notice for nonrenewal of nontenure track faculty appointments is determined by the type of faculty appointment held (e.g. Clinician Educator, Research, or Limited Duration Appointment, Section 6.2.2).

When notice of nonrenewal is required, such notice that an appointment will not be renewed for the next year shall be made in writing by the Chief Academic Officer, upon the recommendation of the Department Chair and Dean. Notice of non-renewal shall be effective upon personal delivery or upon mailing, postage prepaid, to the faculty member's residential address of record at UTHSC.

Clinician educator appointments are normally renewed annually assuming continuing need, mutual interest, satisfactory performance and availability of funding. For such appointments, notice of non-renewal shall be provided no less than three months before the expiration of the current annual 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 as long as notice is provided at some point before expiration of the current annual 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. If notice of non-renewal is not provided to a Clinician Educator before the expiration of the current appointment, a new one-year appointment is created.

A Research appointment is, by its definition, funding-limited. A Research appointment 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 the funding lapse. If less than one month’s notice of the funding lapse is provided, the appointment shall be extended for the duration required 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.

Limited Duration Appointments are not renewed automatically and notice of non-renewal is not provided to a faculty member holding such an appointment. Rather, a Limited Duration Appointment expires by its own terms unless it has been expressly renewed in writing before the expiration of the term. The total length of a Limited Duration Appointment cannot exceed three years.

Part time faculty appointments are not renewed automatically. At the end of the appointment term, the faculty member’s employment will be discontinued, if the appointment has not been renewed.

5.5 Termination of a Nontenure Track Faculty Member for Adequate Cause

During an appointment year (or other specified appointment term), a nontenure track appointment may be terminated for adequate cause (as defined in Section 8.2) prior to the end of the appointment term. Nontenure track faculty members may also be terminated for adequate cause prior to the end of their appointment period. In the event that a Department Chair recommends to the Dean and Chief Academic Officer that a nontenure track faculty member should be terminated for cause, the Department Chair, Dean, and Chief Academic Officer 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 Chief Academic Officer concludes that adequate cause for the termination exists, the Chief Academic Officer shall inform the faculty member of that decision in writing. A nontenure 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 (see Tenn. Code Ann. § 4-5-10).