



# THE UNIVERSITY OF TENNESSEE BOARD OF TRUSTEES

5.1

## AGENDA ITEM SUMMARY

Meeting Date: June 29, 2023

Committee: Education, Research, and Service

Item: **Proposed Faculty Handbook Revisions, UTHSC**

Type: Action

Presenter: Dr. Bernie Savarese, Acting Vice President Academic Affairs,  
Research, and Student Success, UT System

### **Background Information**

Pursuant to the Board's Policy on Faculty Handbook Revisions (BT0007), certain Faculty Handbook changes must be approved by the Board of Trustees.

The proposed revisions are discussed in detail in the attached memorandum from Chancellor Peter Buckley and shown in Attachment A.

These changes have been reviewed by the Acting Vice President for Academic Affairs, Research, and Student Success and the Office of the General Counsel, and were unanimously approved by the UTHSC Faculty Senate, UTHSC Chancellor, and UT System President.

### **Committee Action**

The Committee Chair will call for a motion to recommend adoption of the following Resolution by the Board of Trustees.

#### **Resolved:**

**The Board of Trustees hereby approves the proposed revisions to the UTHSC Faculty Handbook as presented in the meeting materials, which shall be attached to this Resolution following adoption.**

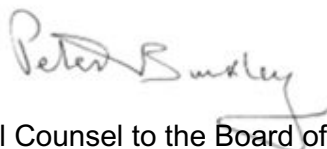
**ATTACHMENT A**

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**5.1****MEMORANDUM**

**To:** Dr. Bernie Savarese, Acting Vice President for Academic Affairs,  
 Research & Student Success

**From:** Peter Buckley, Chancellor, UTHSC 

**Cc:** Cynthia Moore, Secretary and Special Counsel to the Board of Trustees  
 C. Ryan Stinnett, General Counsel  
 Dr. Cynthia Russell, Vice Chancellor for Academic Affairs, Faculty  
 and Student Affairs, UTHSC

**Date:** May 12, 2023

**Subject:** Proposed Changes to UTHSC Faculty Handbook

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The Health Science Center is requesting approval, pursuant to Board Policy BT0007, of proposed changes to the UTHSC Faculty Handbook to implement the ability to offer multi-year appointments to non-tenure-track (“NTT”) faculty members.

On May 9, 2023, the UTHSC Faculty Senate voted to approve the proposed Faculty Handbook changes attached as Exhibit A. We are very excited about these proposed changes, which are the culmination of several years of negotiations conducted in the spirit of shared governance between the campus administration and the faculty leadership and are based upon careful review of the multi-year approaches of other campuses within the UT System that we have worked to right-size for the particular needs of our campus. We believe that together with our faculty leadership we have partnered to craft a win-win approach for our campus that will be highly beneficial to our mission of improving the well-being of Tennesseans and the global community by fostering integrated, collaborative, and inclusive education, research, scientific discovery, clinical care, and public service.

First, this is a win for our ability to recruit and retain the highest quality faculty members in a highly competitive environment. Many other institutions (including campuses within the UT system) are able to offer multi-year appointments, and our being able to do so as well is expected to materially improve our ability to win out in the competition for hiring faculty members who may not be willing to relocate without the assurance of a commitment longer than one year, as well as retaining our existing faculty members who may be tempted by an offer of greater job security at another institution. Please note that this is a highly impactful issue on our campus – our greatest asset at UTHSC is our

people, and the overwhelming majority of our current paid faculty (94%, or 1,272 out of 1,349) is comprised of NTT faculty members.

Second, this is a win for the quality of life of our NTT faculty community. Those who earn our confidence to receive a multi-year appointment will have greater job security, and less stress, that will allow them to focus better on their teaching, research, clinical care, and public service.

The changes we are proposing are shown in track changes format in the attached Exhibit A, and the issues they are designed to address are summarized as follows:

- UTHSC’s current Faculty Handbook language about NTT faculty appointments limits their duration by stating that the “appointment is for one year.” The proposed revisions change that language to “up to three years,” thus allowing 2- and 3-year appointments. Please note that not all NTT faculty members will receive multi-year appointments, but the ability to provide such appointments will be a new tool in our toolbox.
- This proposed change to the possibility of multi-year appointments necessitated conforming changes to other provisions, as well as risk analysis and the implementation of risk mitigation measures due to the consequences of lengthier financial commitments. Most importantly:
  - We analyzed our non-renewal pattern for the past six years and learned that we have had a total of only 49 non-renewals campus-wide, or approximately 8 per year. Our experience of the extremely rare need for us to part ways with NTT faculty strongly suggests that the financial risk of lengthier financial commitments is not likely to have a negative financial impact on our campus.
  - Making lengthier commitments to NTT faculty requires a change in our culture for addressing performance issues. In the past, although there have been few non-renewals, a poor-performing NTT faculty member’s issues could be addressed simply by parting ways with the faculty member at the end of the appointment year. Since that is not possible with a multi-year appointment, we are proposing to change our faculty handbook language to *require* the implementation of a performance improvement plan to proactively address the performance issues of any NTT faculty member who is on a multi-year appointment and thus will remain on our faculty after receiving a negative performance rating.
  - At the request of the faculty leadership, we have increased the time period for providing notice of non-renewal if there is a multi-year appointment. Under current handbook language, in which all appointments are for one

year, this notice period is three months. Under the proposed new language integrating multi-year appointments, faculty on a 2-year appointment will be entitled to six months' notice of non-renewal, and those with a 3-year appointment will be entitled to nine months' notice. At the same time, we retained our historic three-month period for providing a combination of notice and salary when the non-renewal deadline has been missed, thus mitigating the financial risk for the situations – expected to be rare – when we are not able to provide the full amount of notice.

- Under UTHSC's current system, NTT appointments that are not affirmatively non-renewed are automatically extended to create a new one-year appointment. To mitigate the risk that a multi-year appointment would unintentionally create a new multi-year commitment, we have included language that says any such renewals will be for one year unless there is affirmative action to create a new multi-year appointment. Thus, for example, a 3-year appointment would be renewed for one additional year if no action otherwise were taken; but we retain the flexibility to renew a multi-year appointment as a 2- or 3-year appointment if affirmative steps were taken to make it a new multi-year appointment.
- Another proposed change relates to our research NTT faculty. These faculty members are generally on soft money, and current faculty handbook language (which will be retained) permits us to part ways with them before the end of their appointment if their funding lapses. The proposed change increases the notice and payout for such an early termination from one to three months, thus giving our NTT research faculty more financial security and more time to find another position.
- Finally, we are updating our handbook language to recognize modern forms of communication by making clear that a non-renewal notice may be sent by e-mail as well as by postal mail or by personal delivery.

I would be happy to discuss this proposal with you to address any questions or concerns you may have, as would Cindy Russell, who has been working with the faculty leadership for several years in an effort to bring about these important changes to our Faculty Handbook.

**EXHIBIT A**

UTHSC Faculty Handbook

**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.

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**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, and in the case of a multi-year appointment with at least one year remaining in the appointment period, must, recommend an improvement plan to correct areas of poor performance. Alternatively, the Chair or supervisor may recommend non-renewal of the appointment at its conclusion (see Section 5.4). the Chair or supervisor may recommend non-renewal of the appointment for the upcoming year (or other appointment period if the appointment is a multi-year appointment with a term in addition to the upcoming year remaining in the appointment period).

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**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, by e-mail directed to the faculty member’s UTHSC e-mail address, or upon mailing, postage prepaid, to the faculty member’s residential address of record at UTHSC.

Clinician educator appointments are normally renewed annually at the end of their term assuming continuing need, mutual interest, satisfactory performance and availability of funding. For such appointments, notice of non-renewal shall be provided a) no less than three months before prior to the expiration of a one-year appointment, b) no less than six months prior to the expiration of a two-year appointment, and or c) no less than nine-months prior to the expiration of a three-year appointment~~the current annual appointment.~~

Failure to provide the required 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, no matter the length of the appointment, 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, no matter the length of the appointment being renewed, unless a different term of up to three years is provided in a renewal appointment letter.

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-three month's notice of the funding lapse. If less than one-three 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-three month's notice of the termination of the faculty member's employment.

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## SECTION 6 FACULTY RANKS, CLASSIFICATIONS OF APPOINTMENTS, AND PROMOTION

### 6.2.2 Nontenure Track Appointments

The nontenure track is normally reserved for faculty whose efforts and accomplishments are limited to one or two of the missions of the University. Nontenure track faculty members are eligible for University benefits but are not eligible for tenure (Section 4.5). As with tenure track appointments, nontenure track appointments may be paid solely from funds administered by UTHSC or by joint funding arrangements in which UTHSC provides part of the funding but has knowledge and control over the remaining portion of the faculty member's income. Generally, eEach nontenure track faculty member meets annually with the Chair for the Annual Performance and Planning Review (Section 5.3.2 and Faculty Evaluation Manual).

Multi-year non-tenure-track appointments may be made to existing or newly recruited faculty at the rank of instructor, assistant professor, associate professor, or professor, depending on the candidate's qualifications. Initial and subsequent non-tenure-track appointments may be for a period of up to three years as determined by the dean of the college.

Like all academic appointments, these multi-year appointments consist of annual appointments that are automatically renewed for a specified term, unless terminated for cause, or by operation of some other provision in the Faculty Handbook (such as relinquishment, forfeiture, or other extraordinary circumstances, as those terms are defined in Board Policies Governing Academic Freedom, Responsibility, and Tenure (BT0006) and in the Faculty Handbook sections referenced).

Non-tenure-track appointments for research faculty are, by definition, funding-limited and automatically expire when the funding for the position lapses. When the funding for the research faculty position expires, the faculty member's employment will be discontinued as noted in Section 5.4, even if the faculty member has a multi-year non-tenure-track appointment.

There are three types of nontenure track appointments – clinician educator appointments, research track appointments and limited-term appointments.

1. **Clinician Educator Appointment** – This appointment is provided to a faculty member whose major contributions to the missions of UT are in clinical care and/or education. The appointment ~~is for one year~~ may be for a period of up to three years and may be renewed ~~annually~~ following the notice requirements listed in Section 5.4 based on need, mutual interest, satisfactory performance, and availability of funding.
2. **Research Appointment** – This appointment is provided to a faculty member whose major contributions are in research. The appointment may be for a period of up to three years and may be renewed based on need, mutual interest, satisfactory performance, and availability of funding. The appointment is contingent upon salary funding for the position that is provided by sources outside the University (e.g., grants, contracts, etc.). When the funding for the position expires, the faculty member's employment will be discontinued as stated in Section 5.4. If the Research faculty member is later appointed to the tenure track (Section 4.8.2), all Equal Employment Opportunity and Affirmative Action requirements must be fulfilled prior to offering a tenure track appointment to this faculty member as this will be considered a new position. In addition, if the tenure track

appointment is proposed at a higher rank than the current appointment, it is considered a promotion and must be processed as such within the college.

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**APPENDIX J – PROCEDURE FOR THE ANNUAL PERFORMANCE-AND-PLANNING REVIEW**

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Actions required for faculty members who receive a rating of Needs Improvement for Rank vary by tenure status, as noted below.

\* \* \*

- a. Non-tenure track faculty – The Chair or relevant supervisor may, and in the case of a multi-year appointment with at least one year remaining in the appointment period, must, recommend an improvement plan to correct areas of poor performance for a non-tenure track faculty member who receives a rating of Needs Improvement for Rank as provided in § 5.3.4. ~~Alternatively, the Chair or relevant supervisor may recommend non-renewal of the non-tenure track faculty member’s appointment for the upcoming year (or other appointment period if the appointment is a multi-year appointment with a term in addition to the upcoming year remaining in the appointment period). Alternatively, the Chair or supervisor may recommend non-renewal of the appointment at its conclusion (see Section 5.4).~~ Prior to issuing a reappointment letter for the coming fiscal/academic year for any non-tenure track faculty member who receives a rating of Needs Improvement for Rank, the Chair should consult with the Dean and contact the UTHSC Chief Academic Officer.

\* \* \*

Actions required for faculty members who receive a rating of Unsatisfactory for Rank vary by tenure status, as noted below.

\* \* \*

- a. Non-tenure track faculty – The Chair or relevant supervisor may, and in the case of a multi-year appointment with at least one year remaining in the appointment period, must, recommend an improvement plan to correct areas of poor performance for a non-tenure track faculty member who receives a rating of Unsatisfactory for Rank as provided in § 5.3.4. Alternatively, the Chair or supervisor may recommend non-renewal of the appointment at its conclusion (see Section 5.4) ~~the Chair or relevant supervisor may recommend non-renewal of the non-tenure track faculty member’s appointment for the upcoming year (or other appointment period if the appointment is a multi-year appointment with a term in addition to the upcoming year remaining in the appointment period)~~ or termination for adequate cause. Prior to issuing a reappointment letter for the coming fiscal/academic year for any non-tenure track faculty member who receives a rating of Unsatisfactory for Rank, the Chair should consult with the Dean and contact the UTHSC Chief Academic Officer.