



## 2004 Faculty Handbook

### Chapter Three - Faculty Personnel Policies

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#### General Policies

All faculty appointments are subject to the guidelines, policies, and procedures of the Tennessee Board of Regents and The University of Memphis, including the University's policies and procedures regarding tenure and promotion, conflicts of interest, outside employment, research, intellectual property, illegal discrimination and sexual harassment. Members of the faculty should become familiar with the University's policies and procedures. Policy manuals are maintained on the University's web at <http://policies.memphis.edu>.

## **Affirmative Action/Equal Employment**

Faculty appointments are subject to the laws of the State of Tennessee, the requirements and policies of the Tennessee Board of Regents, and the requirements and policies of The University of Memphis, including the policies and procedures of conflicts of interest and personal benefits, discrimination, sexual harassment, outside employment, research, patents and copyrights, promotion, and tenure. It is the responsibility of faculty members as University employees to acquaint themselves with existing policies and policy revisions as they may occur. Policy manuals are maintained on the web (<http://policies.memphis.edu>).

The University of Memphis does not discriminate against any individual or group for reasons of race, color, national origin, religion, age, sex, disability, or veteran status. Faculty employment decisions are based on educational qualifications, evidence of teaching and research and service ability, personal and professional integrity, and future academic promise.

## **Faculty Applications**

The University advertises faculty positions in appropriate professional journals and other sources in order to encourage applications from faculty from diverse backgrounds. Those interested in an open faculty position at The University of Memphis should submit appropriate materials to the department chair prior to the stated deadline. Application materials are reviewed by the appropriate departmental faculty. Applicants for faculty positions who are invited to the campus usually will meet with faculty members, chairs, deans, vice presidents or others so that all parties may gain as much information and understanding as possible. Although information is shared and questions answered, the university cannot be committed in any way during these interviews. Note: Tenn. Code Annotated §49-5-406 requires applicants for faculty positions to disclose any prior criminal record and/or prior dismissals from employment for cause. Failure to comply with this law may result in fine, dismissal, or both.

## **Faculty Hiring**

Faculty appointments, and all conditions related to them, are made only by the university president, in writing, subject to appropriate approvals and policies of the Tennessee Board of Regents. All non-tenured faculty members are employed on an annual basis and are required to sign an employment agreement for each year of employment. Notice of any salary adjustments are sent to members of the faculty after the budget for the ensuing year is approved by the Tennessee Board of Regents.

## **Types of Appointments**

The following constitute the types of faculty positions that are recognized at the University of Memphis.

### **Temporary Appointments**

Temporary appointments ordinarily are made for instructors, adjunct or part time faculty, faculty employed to replace regular faculty on leave of absence, and faculty employed on grants or for projects funded by non-appropriated funds. Temporary appointments may be made for faculty employed with state appropriated funds where the permanent and continued need for the position is not yet fully established, provided the appointment does not exceed three academic years. A temporary faculty position held by the same individual for three successive years must be advertised and must be the subject of a full search before the position may be filled for the next academic year.

Faculty appointed in temporary positions for terms of more than six months are eligible for University employment benefits. All temporary appointments may be terminated in conformance with the terms of the employment agreement.

### **Tenure-Track Appointments**

Tenure track appointments are appointments for full time faculty positions. Tenure track faculty are employed for a probationary period prior to consideration for tenure. Probationary appointments generally may not exceed a period of six years when tenure and promotion to associate professor

would normally be granted. Extension of the probationary period will be considered only in conformance with the subsection of this Handbook entitled *Extension of Probationary Period*. Applications for *early* tenure and promotion to associate professor may be made under special circumstances if recommended by the president and the chancellor and approved by the Tennessee Board of Regents.

Tenure track appointments are subject to annual renewal by the university. Tenure-track appointments do not create or convey any right to permanent or continuous employment, nor do they create any manner of legal right, interest, or expectancy of renewal or any other type of appointment. For additional information regarding tenure-track appointments, see the sections of this Handbook entitled *Tenure and Promotion*.

## **Tenure Appointments**

Tenure appointments are appointments of full time faculty who have been awarded tenure by the Tennessee Board of Regents upon recommendation of the University's president. Tenure appointments include the assurance of continued employment during the academic year, subject to expiration, relinquishment, or termination of tenure for reasons discussed in the section of this Handbook entitled *Expiration, Relinquishment, and Termination of Tenure*. Tenure does not guarantee a specified salary, position, or summer session employment. For additional information regarding tenure appointments, see the section of this Handbook entitled *Tenure and Promotion*, and the Tennessee Board of Regents policy on *Academic Freedom, Responsibility and Tenure* at *TBR Policy No. 5:02:03:00*.

## **Research Faculty**

Faculty whose primary professional effort is devoted to research projects may be appointed to the rank of research professor, research associate professor, research assistant professor, or research instructor. Appointments for research

faculty positions are annual appointments that may be renewed. Renewal of research faculty appointments is based upon availability of funding to support the position. The research faculty member's department or academic unit may expect the research faculty member to participate in securing external funding to support the position.

Research faculty appointments are not tenure-track positions; therefore, research faculty are not eligible for tenure. Otherwise, however, research faculty appointments carry essentially the same the privileges and responsibilities as tenured and tenure-track faculty members. Research faculty are eligible for promotion under the same rules that apply to promotions for tenured and tenure track faculty, except that advancement within the research ranks is to be based primarily on excellence in research performance. All appointments and promotions to these ranks require the approval of the vice provost for research in addition to other required approvals.

Research faculty may not vote on matters relating to appointment, retention, tenure, or promotion; however, research faculty may serve as members of appointed faculty committees, subject to the policies and requirements of their individual colleges and departments.

### **Clinical Faculty**

Faculty whose primary professional effort is devoted to clinical applications may be appointed to the rank of clinical professor, clinical associate professor, clinical assistant professor, or clinical instructor (TBR Policy 5:02:03:00, [http://www.tbr.state.tn.us/policies\\_guidelines/personnel\\_policies/5-02-03-00.htm](http://www.tbr.state.tn.us/policies_guidelines/personnel_policies/5-02-03-00.htm)). Appointments for clinical faculty positions are annual appointments that may be renewed. Renewal of clinical faculty appointments is based upon availability of funding to support the positions. The clinical faculty member's department or academic unit may expect the clinical faculty member to participate in securing external funding to support the position.

Clinical faculty appointments are not tenure-track positions; therefore, clinical faculty are not eligible for tenure. Otherwise, however, clinical faculty appointments carry essentially the same the privileges and responsibilities as tenured and tenure-track faculty members. Clinical faculty are eligible for promotion under the same rules that apply to promotions for tenured and tenure track faculty, except that advancement within the clinical ranks is to be based primarily on excellence in clinical applications performance.

Clinical faculty may not vote on matters relating to appointment, retention, tenure, or promotion; however, clinical faculty may serve as members of appointed faculty committees, subject to the policies and requirements of their individual colleges and departments.

## **Minimum Requirements for Appointments, Tenure and Promotion**

The following constitutes minimal requirements for appointment, tenure and promotion at the University of Memphis.

### **Instructor**

- Potential ability in instruction.
- Master's degree in the instructional discipline or a related area.
- Evidence of good character, mature attitude, and professional integrity

### **Assistant Professor**

- Evidence of potential ability in instruction, public service and research, provided however, that clinical assistant professors should show evidence of ability in instruction and service only; provided further that research assistant professors should show evidence of research and service capabilities only.
- Earned doctorate from an accredited institution in the instructional discipline or related area; or master's degree in the instructional discipline when that master's degree is the recognized terminal degree in that

discipline. Exceptions to the minimum rank qualifications at the assistant professor level can be recommended by the president to the Tennessee Board of Regents if the applicant's performance has been exemplary in some way.

- Evidence of good character, mature attitude, and professional integrity.

### **Associate Professor**

- Documented evidence of ability in instruction, public service and research, provided however, that clinical associate professors should show evidence of ability in instruction and service only; provided further that research associate professors should show evidence of research and service capabilities only.
- Earned doctorate or terminal degree from an accredited institution in the instructional discipline or related area plus **at least** five years appropriate professional experience (excluding experience concurrent with and in the same institution where studies were taken for an advanced degree) in the instructional discipline or related area
- Documented evidence of high quality professional productivity which is leading to national recognition in the academic discipline.
- Evidence of good character, mature attitude, and professional integrity

### **Professor**

- Documented evidence of ability in instruction, public service and research, provided however, that clinical professors should show evidence of ability in instruction and service only; provided further that research professors should show evidence of research and service capabilities only.
- Earned doctorate or equivalent terminal degree from an accredited institution in the instructional discipline or related area plus **at least** ten years appropriate

professional experience (excluding experience concurrent with and in the same institution where studies were taken for an advanced degree) in the instructional discipline or related area.

- Documented evidence of sustained high quality professional productivity and national recognition in the academic discipline
- Evidence of good character, mature attitude, professional integrity, and a high degree of academic maturity and responsibility.

The absence of teaching excellence and superior contribution to student development or the absence of scholarly or creative activity may prevent advancement to full professor. Since there is no higher rank, promotion to professor is taken with great care and requires a level of achievement substantively beyond that required for associate professor. This rank is not a reward for long service; rather it is recognition of superior achievement within the discipline with every expectation of continuing contribution to the university and the larger academic community.

Note: Please see section entitled "Terminal Degrees" for additional information concerning this requirement and any exceptions that may be requested.

## **Terminal Degrees**

The Tennessee Board of Regents has responsibility for establishing terminal degree designations for each discipline based upon national standards. The university, however, has the opportunity to request that the Board waive this requirement when it successfully documents that the candidate has exceptional credentials.

The university requires all applicants for tenure-, clinical-, or research-track positions to have terminal degrees in their disciplines and to show proof of such credentials before they are hired. Exceptions may be made to this policy under the following circumstances.

- Candidates may have exceptional credentials that

warrant solicitation of a waiver of the terminal degree requirement. Such waivers should be requested in writing by the department chair and should be accompanied with appropriate documentation. The request should be submitted to the dean, provost and president before being forwarded to the Tennessee Board of Regents for final disposition.

- Candidates may have completed all of the requirements for the terminal degree, with the exception of the dissertation or thesis. With appropriate justification, the candidate may be hired with the understanding that degree completion will take place no more than one year from the date of hire. The candidate will be required to show proof of the degree at that time. Moreover, the initial rate of pay will reflect the candidate's degree status, and will be adjusted accordingly when he/she shows proof of degree receipt. **In these cases, the tenure clock will not begin until the candidate has earned his/her terminal degree.**

## Language Proficiency

As required by the Tennessee Board of Regents, the university assesses the English proficiency of all candidates for faculty positions (including part time and adjunct faculty and graduate teaching assistants) prior to employment in order to insure adequate proficiency for direct instruction of students. The minimum criteria for evaluation of English proficiency are: (1) an ability to speak and write English clearly, (2) an ability to understand written and spoken English, and (3) an ability to communicate effectively in an academic environment (for example, previous successful employment in an academic institution). The department chair will certify the candidate's English proficiency. The University reserves the right to further assess English language proficiency after a faculty member has been appointed in order to help insure the quality of direct instruction of its students.

## **Personnel Files and Disclosure of Records**

An official university personnel file is maintained in the Department of Human Resources for all employees except undergraduate student employees. The Office of Academic Personnel Services also maintains a file for all members of the faculty. Faculty personnel files may include the following documents: professional data (transcripts, vitae, etc.), employment agreements, personnel actions (appointment, tenure, promotion, salary), evaluation documents, letters of recommendation and benefits selection forms. Faculty members or their authorized representatives may review their own files upon request. The University generally limits disclosure of personnel records to those officials in the faculty member's direct line of supervision.

Personnel records and information, with certain exceptions, must be disclosed pursuant to a valid request by a citizen of Tennessee in conformance with the Tennessee Public Records Act, *Tenn. Code Ann.* °10-7- 503, 504. The Act permits the University to withhold only the following information regarding employees and/or members of their family or household: unpublished telephone numbers, bank account information, social security numbers, and drivers license information (unless the employee's position involves operation of a motor vehicle). The University attempts to notify any affected employee whenever it receives a Public Records Act request for an employee's personnel information, and also provides the name of the party submitting the request. The University's policy and procedure regarding Public Records Act Requests may be accessed at Uof M Procedure 2A:15:01A.

## **Nepotism**

Tennessee state law prohibits employment of close relatives (i. e., spouses, siblings, children, etc.) within a direct line of line of supervision. *Tenn. Code Annotated* 8-31-100 *et seq.* Related individuals may be employed by the University, but a relative may not supervise the activities of another, including a relative with management responsibility over the function in which his or her family member is employed. Further, the University prohibits enrollment of a faculty member's spouse, children, or siblings in a class for which the faculty member is the instructor of record.

## **Conflicts of Interests/Personal Benefits**

The university subscribes to the statement issued jointly by the American Association of University Professors and the American Council on Education entitled *On Preventing Conflicts of Interest in Government Sponsored Research at Universities*. All faculty members who are engaged in research financed wholly or in part by local, state, or federal governments should familiarize themselves with the principles outlined in this document, copies of which are available in the Office of the Vice Provost for Research.

**No employee of The University of Memphis may use their employment or association with the university for personal monetary gain or benefit.** UofM Policy No.1:2A:11:05. Employees must report any activity that constitutes a potential conflict of interest to the senior level administrator over the area in which they work. TBR Policy No.1:02:03:10.

## **Sexual, Racial and Other Harassment**

Sexual and racial harassment, as well as harassment on the basis of religion, disability, or other protected status, is prohibited not only by University policy but also by various acts of Congress, including Title VII of the Civil Rights Act of 1964 as amended and Title IX of the Educational Amendments of 1972. Violation of these acts may subject the University and individuals to disciplinary action and may have legal consequences.

The University encourages prompt reporting of such harassment and its prompt resolution through either informal or formal procedures. See also UofM Policy No. 1:2A:12:04 for details and UofM Procedure No. 2A:12:04A for complaint and investigation procedures. All complaints lodged with the Affirmative Action Office, whether formal or informal, will be investigated by the university.

## **Drug-Free Campus and Alcohol Abuse Prevention**

In accordance with local, state, and federal law, students and employees of the University are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of controlled substances (illicit drugs) and/or alcohol on campus, on property owned or controlled by the University, or as part of any of the University's activities. See also UofM Policy 1:2D:05:13.

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