

## **Purpose**

The Board of Trustees is authorized by Tennessee Code Annotated § 49-8-301 to promulgate a tenure policy or policies which shall ensure academic freedom and provide sufficient professional security to attract the best quality faculty available for the institution. Pursuant to this authority, the board defines the nature of tenure and institutions and the rights and responsibilities of faculty in this policy. In the event of any conflict or inconsistency between this board policy and the Faculty Handbook, this board policy will apply.

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## **1. ACADEMIC FREEDOM**

Academic freedom is essential to fulfill the ultimate objectives of an educational university/college – the free search for and exposition of truth – and applies to participation in shared governance as well as teaching and research. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Freedom in shared governance is fundamental to the development and maintenance of effective academic policies, national and regional accreditation, and shared responsibility for the redelivery of educational products and services to students.

Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct as well as other grounds as set forth in applicable law or policy may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members.

The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are unable or unwilling to discharge their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in university policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.

Board policy recognizes the principle of academic freedom and accordingly states:

- Faculty members are entitled to freedom in the classroom in discussing materials relevant to the course.
- Faculty members are entitled to freedom in research and in the publication of the results, subject to adequate performance of their other academic duties; but all research, including research for pecuniary gain, must be performed in an ethical manner and in compliance with all applicable policies and standards in the field and must be based upon an understanding with the authorities of the university.
- Faculty members are citizens, members of a learned profession, and officers of an educational institution. Academic freedom includes the freedom to speak or write without institutional discipline or restraint on matters of public concern, as well as on matters related to professional

duties, and on matters involving the academic and administrative functioning of the educational institution. When faculty members speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge the profession and the university by their utterances. Hence, faculty members should at all times strive to be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the university.

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## **2. TENURE**

### **Tenure**

Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board of Trustees upon recommendation of the president. Tenure appointments include the assurance of continued employment during the academic year, subject to the conditions described in the Faculty Handbook. Faculty members who hold a tenured appointment in a department or other academic unit, and then are transferred to another department or academic unit retain their tenure status. A faculty member cannot be compelled to relinquish tenure as a condition of the transfer.

An internal or external search is required for the appointment of all tenure-track and tenured faculty positions, except for the specific circumstances described in the Waiver of Search policy. The university policy and procedures for recruitment, application, and selection of faculty can be found on the **university website**. There are two types of appointments for tenured and tenure-track faculty: full-time academic year(nine-month) appointments and full-time 12-month appointments, typically applicable to some faculty holding administrative appointments.

### **Minimum Qualifications for Tenure**

- Documented evidence of ability in instruction, service, and research.
- Documented evidence of high-quality professional productivity which is leading to national recognition in the academic discipline.
- Professional comportment consistent with the Faculty Code of Conduct

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## **3. POST-TENURE REVIEW**

Post-tenure Review is an expanded and in-depth performance evaluation conducted by a committee of tenured peers and administered by the provost. Procedures for conducting a Post-tenure Review are set forth in the Faculty Handbook.

This policy recognizes that the work of a faculty member is not neatly separated into academic or calendar years. To ensure that performance is evaluated in the context of ongoing work, the period of performance subject to Post-tenure Review is the five most recent Annual Performance Review cycles.

Post-tenure Review will be initiated by the provost according to Annual Performance metrics defined in the Faculty Handbook. Post-tenure review will follow procedures defined in the Faculty Handbook.

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#### **4. PROBATIONARY PERIOD**

A tenure-track faculty member must serve a probationary period prior to being considered for tenure. Except as otherwise stated in the Faculty Handbook, the probationary period will be six years.

Before beginning the sixth (or final) probationary year, a faculty member with the rank of assistant professor or higher must make application for tenure. Absent an approved exception, application and all supporting documentation for tenure should be submitted before the sixth or final probationary year in accordance with the tenure and promotion calendar maintained by the provost. Candidates for tenure must meet eligibility requirements for promotion to associate professor or have already attained that rank. A tenure-track assistant professor recommended for tenure must also be recommended for promotion.

Tenure applications receive one of two responses: tenure may be granted; or tenure may be denied. Re-application for tenure is not possible and the seventh year, or other final year following application for tenure, will be terminal if tenure is denied.

##### **A. TENURE UPON APPOINTMENT**

No faculty member shall be granted tenure upon initial appointment except by positive action of the Board of Trustees upon the recommendation of the president. In exceptional cases, a distinguished faculty member, dean, provost, or president may be awarded tenure upon her or his initial appointment in accordance with the procedures described in the Faculty Handbook.

The Board of Trustees will only grant tenure upon initial appointment if the proposed appointee (1) holds tenure at another higher education institution and the Board determines that the president has documented that the proposed appointee cannot be successfully recruited to the university without being granted tenure upon initial appointment, and (2) will be appointed as an associate or full professor.

##### **B. CREDIT FOR PRIOR SERVICE**

Credit toward completion of the probationary period may be permitted for previous full-time service at other universities provided that the prior service is relevant to the needs and criteria of the university. All credit for prior service shall be approved by the provost upon the recommendations of the department chair and dean. Any credit for prior service that is approved must be confirmed in writing at the time of the initial appointment.

##### **C. CREDIT FOR TRANSFER**

If a faculty member serving a probationary period is transferred to another academic unit or department, time spent in the first appointment will count toward the probationary period unless a request from the faculty member to begin a new probationary period is approved in writing by the president.

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## **5 CRITERIA FOR TENURE**

Full-time, tenure-track faculty appointments at the academic rank of assistant professor, associate professor, or professor are eligible for tenure consideration. A faculty member appointed to an administrative position must attain or retain tenure in a particular unit, department, or approved center/institute. Faculty holding temporary appointments are not eligible for tenure.

Tenure is awarded after a thorough review, which culminates in the university acknowledging a reasonable presumption of the faculty member's professional excellence and the likelihood that this excellence will continue to contribute to the mission and anticipated needs of the academic unit in which tenure is granted.

Professional excellence is reflected in the faculty member's

- teaching (which includes advising and mentoring),
- research/scholarship/creative work (according to the terms of the candidate's appointment),
- service, and,
- professional comportment consistent with the Faculty Code of Conduct.

It is the responsibility of departments and academic units to define professional excellence in terms of their respective disciplines. Criteria for tenure and/or promotion shall be established by each department. These criteria may be more restrictive than the criteria of the academic unit and the university, but they must be consistent with those criteria. Criteria for tenure and/or promotion shall be established by the academic unit. These criteria may be more restrictive than the criteria of the university, but they must be consistent with those criteria. Criteria for the tenure and/or promotion shall be established by the university. Academic unit criteria for tenure and/or promotion shall become effective upon approval by the provost. Departmental criteria for tenure and/or promotion shall become effective upon approval by the dean and the provost.

In addition to the criteria for tenure and/or promotion stated in university, academic unit, and department guidelines, administrative criteria such as enrollment patterns and trends, curricular changes, program development, financial consideration, and rank distribution, are considered in tenure and/or promotion decisions. Therefore, a decision to deny tenure or deny promotion does not necessarily mean that a faculty member's work or conduct has been unsatisfactory.

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## **6 CONDITIONS PRECEDENT TO THE AWARD OF TENURE BY THE BOARD OF TRUSTEES**

All candidates applying for tenure and/or promotion are required to submit a dossier unless an exception is granted as specified in the Faculty Handbook Tenure Upon Appointment.

The dossier should reflect the faculty member's cumulative performance in satisfying the requirements for the award of tenure regarding teaching, research / scholarship / creative activity, and service. The

dossier contents are described in the Faculty Handbook. The dossier will be reviewed as described in the Faculty Handbook. Appeals of a negative tenure recommendation are described in the Faculty Handbook.

**REVIEW AND RECOMMENDATION BY THE PRESIDENT:**

After receiving recommendations from the provost and the Faculty Appeals Committee (if there was an appeal), the president makes final recommendations to the Board of Trustees and notifies the candidate, provost, dean, and department chair of this recommendation. In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision. The recommendation made by the president on tenure and/or promotion is not subject to an appeal.

**ACTION BY THE BOARD OF TRUSTEES:**

Only the Board of Trustees is authorized to grant tenure and/or promotion. The president will present a list of the positive recommendations for tenure and/or promotion for board approval. The board will notify the president of its decision and the president will provide the faculty member, provost, dean, and department chair written notice of the board's decision. For positive action by the Board of Trustees to grant tenure and/or promotion, the president shall give the faculty member written notice of the effective date of tenure and/or promotion.

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## **7 TERMINATION OF TENURE**

### Grounds for Termination

**A. RELINQUISHMENT OR FORFEITURE OF TENURE:**

A tenured faculty member relinquishes tenure upon resignation or retirement from the university.

**B. EXTRAORDINARY CIRCUMSTANCES:**

Extraordinary circumstances warranting termination of tenure may involve financial exigency or program discontinuance.

1. In the case of financial exigency, tenured faculty may be terminated because of financial exigency at the university if the Board of Trustees declares such a condition. Personnel decisions (including those related to tenured faculty) resulting from a declaration of financial exigency at the university must comply with the procedures in this handbook and Board of Trustees policy.
2. In the case of program discontinuance, tenured faculty may be terminated if:

- a. A program, such as degree major, concentration, and/or other curricular component, is discontinued by formal action of the Board of Trustees.
- b. Student enrollment in a program has decreased over a period of at least three years at a rate which is considerably higher than that of the institution as a whole and/or in comparison with similar institutions as determined by the president.
- c. An approved center/institute with tenured faculty lines is dissolved by action of the president.

Procedures for termination due to extraordinary circumstances will follow procedures defined in the Faculty Handbook.

**C. ADEQUATE CAUSE:**

Adequate cause for terminating a tenured faculty member defined by Tennessee Code Annotated §49-8-302, means the following:

1. Incompetence or dishonesty in teaching or research
2. Willful failure to perform the duties and responsibilities for which the faculty member was employed; or refusal or continued failure to comply with the policies of the university, academic unit, or department; or to carry out specific assignments, when these policies or assignments are reasonable and nondiscriminatory
3. Conviction of a felony or a crime involving moral turpitude
4. Improper use of narcotics or intoxicants which substantially impairs fulfillment of departmental or institutional duties and responsibilities.
5. Capricious disregard of accepted standards of professional conduct.
6. Falsification of information on an employment application, curriculum vitae, or other information concerning qualifications for a position.
7. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or division of the university.

Procedures for termination due to adequate cause will follow procedures defined in the Faculty Handbook.