

Motion to Approve Revisions for 2023 Faculty Handbook

Originator: Faculty Policies Committee

Whereas, the Faculty Policies Committee submitted a Committee Report to the Faculty Senate on March 28th, 2023 containing proposed revisions for 2023 Faculty Handbook.

Whereas, the Faculty Policies Committee is submitting an amendment, which is presented herein, to the proposed revisions for 2023 Faculty Handbook submitted in the March 28th, 2023 Committee Report specifically in the Section titled “Revision of Faculty Handbook 4.9.3A Tenure by Upon Appointment”.

Be it resolved that,

The Faculty Senate approves of the attached revisions to the 2023 Faculty Handbook and recommends approval and adoption by the Provost.

Recipients:

Faculty Senate

Dr. Abby Parrill-Baker, Interim Provost

Helen Johnson, Office of the Provost

Melanie Murray, Office of Legal Counsel

Colton Cockrum, Assistant Vice Provost

Proposed Revisions for 2023 Faculty Handbook

Revision of Section 1.4

~~The University of Memphis is accredited by the Commission of Colleges of the Southern Association of Colleges and Schools (SACSCOC) to award bachelor's, first professional, master's, educational specialist, and doctoral degrees. Individual programs that are accredited can be found on the university accreditation website.~~

The University of Memphis is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award bachelor's, first professional, master's, educational specialist, doctoral degrees, and graduate certificates. Questions about the accreditation of the University of Memphis may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website (www.sacscoc.org).

Revision of Section 1.8

Faculty with administrative duties in academic units and/or departments/centers/institutes may only be appointed with administrative titles that are described herein. Guidelines for salary adjustments and retreat salaries for faculty holding administrative appointments are detailed in university policy [which can be found on the university website](#).

Revision of Handbook Section 3.1.11 Professional Development Assignments

~~The Professional Development Assignment program encourages tenured and tenure-track faculty members to continue their professional growth develop as teachers, scholars, and researchers. The period of an award may be for one semester, at full pay, or for one academic year at half pay. All tenured faculty are eligible for Professional Development Assignments with a minimum of seven (7) years of full-time service. A faculty member may apply after only five years from the approval of a prior award, provided that he or she proposes to spend a full year on the assignment, at half pay. Exceptions may be granted by the provost. Professional Development Assignments approved by the university may be credited toward completion of the probationary period. Each academic unit shall post guidelines and procedures for the application and selection processes for Professional Development Assignments.~~

Professional Development Assignments (PDA) allow faculty members to develop proficiencies as teachers, scholars, and researchers. The period of an award may be for a half year at full pay, or for one academic year at half pay. PDA approved by the university may be credited toward completion of the probationary period.

All full-time faculty are eligible for PDAs on a competitive basis.

- Half year PDA: Faculty are eligible for a half year PDA with minimum of seven (7) years full-time service since appointment or any previously granted professional leave.
- One year PDA: Faculty members are eligible for a one-year PDA with a minimum of five (5) years full-time service since appointment or any previously granted professional leave.

In rare instances, the provost may grant exceptions. The university policy on PDAs can be found on the [university website](#).

Revision of Faculty Handbook 4.9.3A Tenure ~~by~~ 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, an outstanding distinguished senior faculty member, dean, provost, or president may be awarded tenure upon her or his initial appointment. In those cases, the candidate's application file may take the place of the traditional dossier which is described in Section 4.9.7B.~~ A faculty member hired to serve as president can be granted tenure upon initial appointment by positive action of the Board of Trustees. In exceptional cases, an outstanding distinguished faculty member, dean, or provost may be awarded tenure upon her or his initial appointment. In these cases, an expedited tenure review will be conducted prior to awarding tenure upon appointment. In the case of a distinguished faculty member appointment, the provost will make a request to the president based on the recommendation of the dean for expedited tenure review after the dean has received a request and recommendation from the department chair/director. In the case of a dean appointment, the provost will first make a request to the president for expedited tenure review and will notify the affected academic unit and/or the department/center/institute that will serve as the locus for tenure of her or his request to the president. The president will notify the provost, the dean, and the department chair/director of the affected academic unit and/or the department/center/institute that will serve as the locus for tenure of his or her decision on whether to proceed with an expedited tenure review. In the case of a provost appointment, the president will notify the affected academic unit and/or the department/center/institute that will serve as the locus for tenure and the provost of his or her intention to recommend that the faculty appointee be awarded tenure upon initial appointment to the Board of Trustees. In all cases, the candidate's application file will take the place of the traditional dossier which is described in Section 4.9.7B. External peer reviews described in Section 4.9.7C(2) are not required for the expedited tenure review. The affected academic unit and/or the department/center/institute will have 5 business days from the date

of notification from the president to complete an expedited tenure review following the procedures in Sections 4.9.7C(4-6), Sections 4.9.7D(1-3). For a distinguished faculty member or dean appointment, the expedited tenure review process will be managed by the provost. For a provost appointment, the expedited tenure review process will be managed by the president. After reviewing the recommendations of the department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and dean, the provost will review the candidate's application and make a recommendation to the president except in the case of a provost appointment. After receiving recommendations from the provost (except in the case of a provost appointment), department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and dean, the president will make the final recommendation on tenure upon appointment to the Board of Trustees. If, after 5 business days, the president does not receive a complete set of recommendations from the provost, department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and/or dean, the president will review the recommendations he or she has received and make the final recommendation on tenure upon appointment to the Board of Trustees. If the president decides that she or he is recommending that the faculty appointee be awarded tenure upon initial appointment to the Board of Trustees, the president will notify the dean of the affected academic unit and/or the department chair/director of his or her decision.

The Board of Trustees will **only** grant tenure upon initial appointment ~~only~~ if the proposed faculty 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.

Revision of Handbook Section 4.4 Special Faculty Titles

Chair of Excellence, **Endowed Chair, and Eminent Scholar**

Outstanding faculty are appointed to fill endowed ~~Chairs of Excellence~~ **Chair of Excellence, Endowed Chair, and Eminent Scholar positions**. Faculty holding an appointment as ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** are considered to be academic leaders, and as such, often will be consulted by the provost and their deans regarding development and implementation of academic policy. Although ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** reports to the chair of their home department regarding departmental matters, they often interact directly with the deans and the provost in

many matters concerning academic governance. A faculty member appointed to a Chair of Excellence, **Endowed Chair, or Eminent Scholar position** will also hold a tenured or tenure-track appointment in the faculty member's department or academic unit. Faculty members holding an appointment as a Chair of Excellence, **Endowed Chair, or Eminent Scholar** remain subject to the same rules and conditions applicable to all tenure-track and tenured appointments.

Faculty holding an appointment as ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** are expected to perform at levels exceeding those for the professor rank within their units, to mentor and graduate doctoral students, and to lead within their faculty, may receive salary supplements and various forms of fiscal and staff support accordingly. Faculty holding ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** position are expected to continue to perform at the same level of research and/or scholarly excellence that led to their appointment as a Chair of Excellence, **Endowed Chair, or Eminent Scholar**. In STEM areas, ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** is expected to support research students, labs, and post-docs, and to lead colleagues in programmatic developments at federal levels.

Faculty members holding ~~Chairs of Excellence~~ **a Chair of Excellence, Endowed Chair, or Eminent Scholar** position will be evaluated annually by their department chair or the dean. In addition to the annual review, the provost will form a committee to conduct a more comprehensive review of the work of a Chair of Excellence, **Endowed Chair, or Eminent Scholar** every seven (7) years. The committee will include the provost, Executive Vice President of Research & Innovation, dean, ~~and department chair,~~ **and two faculty members holding a Chair of Excellence, Endowed Chair, or Eminent Scholar position.** Documents submitted for review of a Chair of Excellence, **Endowed Chair, or Eminent Scholar** should include the original contract, copies of annual performance evaluations, an updated curriculum vitae, and a brief status report. This report should summarize the professional work of the Chair of Excellence, **Endowed Chair, or Eminent Scholar** over the previous seven (7) years with respect to the expectations stipulated in their appointment as a Chair of Excellence, **Endowed Chair, or Eminent Scholar**, including any revisions which had been made in those plans over the intervening years. The report should also include the direction(s) a Chair of Excellence, **Endowed Chair, or Eminent Scholar** plans to take over the upcoming years in his or her professional work.

Each member of the committee should review the documents submitted by the Chair of Excellence, **Endowed Chair, or Eminent Scholar** individually and **then submit written feedback to the provost. The provost will meet with the Chair of Excellence, Endowed Chair, or Eminent Scholar to discuss the planning and review feedback.** ~~then meet as a group with the Chair of Excellence, Endowed Chair, or Eminent Scholar to conduct the planning and review process. Once the review is completed,~~ The provost will have responsibility for making the final assessment of the prior performance and future plans of the Chair of Excellence, **Endowed Chair, or Eminent Scholar** based upon his/her consultation with the other committee members. Failure to continue to perform at a high level of research and scholarly excellence could lead to

removal from a Chair of Excellence, **Endowed Chair, or Eminent Scholar**, and the loss of the associated benefits accruing to the faculty member in his or her status as the holder of a Chair of Excellence, **Endowed Chair, or Eminent Scholar**.

Revision of Handbook Section 4.9.6 Criteria for Tenure

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),
- ~~and~~ service, and
- ~~service or other creative work in the discipline,~~
- **professional comportment consistent with the Faculty Code of Conduct.**
- ~~willingness to contribute to the common life of the university, and~~
- ~~effective work with colleagues and students, including the faculty member's ability to interact appropriately with colleagues and students.~~

Revision of Handbook Section 4.9.7E(1) Review and Recommendation by the Provost

The provost will review the dossier and ~~prepare a letter providing~~ **formulate** an independent recommendation ~~regarding award of tenure and/or promotion and a summary explanation of that recommendation~~ based on his or her review and evaluation of the materials in the dossier. The provost will review the dossier from an even broader perspective than that used in the academic unit. In addition to and exclusive of individual qualifications and performance, consideration must be given to such matters as department imbalance in rank distribution, potential for continued staff additions, prospective retirements and resignations, enrollment patterns, program changes, and other significant institutional considerations.

The provost will notify the candidate of the recommendation that he or she will make to the president regarding the candidate's application **no later than February 1st or the first regular business day after if February 1st does not fall on a regular business day.** ~~even (7) days after the beginning of the spring academic term.~~ In the case of a negative recommendation, the provost will provide written reason(s) for the recommendation. ~~The provost's letter becomes which shall be included in dossier.~~

Revision of Handbook Section 4.9.7E(2) Appeals of a Negative Tenure and/or Promotion Decision

The faculty member may appeal a negative recommendation for tenure and/or promotion under the tenure and promotion appeals procedures described in **Appendix B.2**. ~~If, after the provost's tenure and/or promotion recommendations are announced, a faculty member wishes to appeal a negative recommendation, the written request for an appeal must be submitted to the chair of the Faculty Appeals Committee no later than February 15th or the first regular business day after if February 15th does not fall on a regular business day. for tenure and promotion appeals through the Faculty Appeals Committee are described in **Appendix F.2**.~~

~~At the conclusion of the tenure and promotion appeals process, the Faculty Appeals Committee committee will provide its recommendations in writing in accordance with the procedures described in **Appendix B.2** to the faculty member, the provost, and the president. The committee may review information related to the appeal to whatever extent it wishes and then make its recommendations to the president.~~ For tenure and/or promotion appeals, the recommendation of the Faculty Appeals Committee is advisory to the president.

Revision of Handbook Section 4.10.2A(2)

The provost will notify the faculty member, the president, the dean, and the department chair in writing of his or her decision to begin ~~termination proceedings~~ **the process to determine whether Adequate Cause exists for termination** for Unsatisfactory Performance and any decision related to temporary disciplinary action. The provost will provide all documentation collected during the Post-tenure Review process and provide a timeline for the termination proceedings to the department chair. The department chair will transmit the documentation and timeline to the department tenure and promotion committee. For academic units without departments, the provost will provide all documentation to the dean who will transmit the documentation and timeline to the academic unit tenure and promotion committee.

Revision of Handbook Section 4.10.2A(7)

- c. **Termination for Adequate Cause:** Before deciding that the faculty member's appointment should be terminated for Adequate Cause, the provost shall give the faculty member written notice, including a statement of the grounds for termination, framed with reasonable specificity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the provost. Any written response must be submitted to the provost within 10 calendar days of delivery of the written statement of the grounds for termination. **All meetings between the faculty member and provost must be concluded within 10 calendar days of**

delivery of the written statement of the grounds for termination. If, after considering any information provided by the faculty member and after consulting with the president, the provost concludes that the faculty member's appointment should be terminated for Adequate Cause, the provost shall provide written notice of termination to the faculty member by:

- a. **Briefly citing the** ~~providing a statement of the~~ grounds for termination, **as described in 4.10.1.C(1), 4.10.1.C(7), and/or Appendix C,** ~~and the date on which the termination will become effective unless the faculty member elects to contest the termination as described in Section 4.10.2A(9) of this handbook;~~
- b. providing notice of the faculty member's right ~~to contest~~ **to elect** the proposed ~~termination in~~ a pre-termination hearing before a tribunal, **as described in Appendix G,** or ~~in~~ a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act **as described in Appendix H;** and
- c. providing notice that the faculty member has 15 calendar days after receipt of the written notice to elect ~~in writing to contest the termination and to elect in writing the form of hearing.~~

Selection of one type of hearing waives the opportunity to contest the termination through the other type of hearing. **If the faculty member does not make the required hearing election within 15 calendar days after receipt of the written notice described in Section 4.10.2A(7)(c), then the provost will make the election on the type of hearing.** The provost shall send a copy of the written notice to the president of the Faculty Senate and university president at the same time as it is sent to the faculty member. **Any rights described in Section 4.10.2A(7) are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president.**

Deletion of Handbook Section 4.10.2A(8)

~~8. Failure to Contest Termination~~

~~If the faculty member does not contest the charge(s) in writing and make the required hearing election within 15 calendar days after receipt of the written notice described in Section 4.10.2A(7)(c) above, the faculty member shall be terminated, and no appeal of the matter will be heard within the university.~~

Deletion of Handbook Section 4.10.2A(9)

~~9. Options to Contest Termination~~

~~The rights provided in this paragraph are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president. A faculty member may contest the proposed termination in a pre-termination hearing before a tribunal in accordance with the procedures described in [Appendix G](#) or in a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act in accordance with the procedure described in [Appendix H](#).~~

Revision of Handbook Section 4.10.2B(2)

The provost will notify the faculty member, the president, the dean, and the department chair in writing of his or her decision to begin ~~termination~~ **the process to determine whether proceedings for Adequate Cause exists for termination** for Misconduct and any decision related to temporary disciplinary action. The provost will provide all documentation relevant to the case and a timeline for the termination proceedings to the department chair. For academic units without departments, the provost will provide all documentation to the dean.

Revision of Handbook Section 4.10.2B(5)

- c. **Termination for Adequate Cause:** Before deciding that the faculty member's appointment should be terminated for Adequate Cause, the provost shall give the faculty member written notice, including a statement of the grounds for termination, framed with reasonable specificity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the provost. Any written response must be submitted to the provost within 10 calendar days of delivery of the written statement of the grounds for termination. **All meetings between the faculty member and the provost must be concluded within 10 calendar days of delivery of the written statement of the grounds for termination.** If, after considering any information provided by the faculty member and after consulting with the president, the provost concludes that the faculty member's appointment should be terminated for Adequate Cause, the provost shall provide written notice of termination to the faculty member

- a. ~~providing a statement of~~ **Briefly citing** the grounds for termination, **as described in 4.10.1C(1), 4.10.1C(2 - 6) and/or Appendix C**, and the date on which the termination will become effective unless the faculty member elects to contest the termination as described in **Section 4.10.2B(7)** of this handbook;
- b. providing notice of the faculty member's right ~~to contest~~ **to elect** the proposed ~~termination in~~ a pre-termination hearing before a tribunal, **as described in Appendix G**, or ~~in~~ a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act **as described in Appendix H**; and
- c. providing notice that the faculty member has 15 calendar days after receipt of the written notice to elect ~~in writing to contest the termination and to elect in writing~~ the form of hearing.

Selection of one type of hearing waives the opportunity to contest the termination through the other type of hearing. **If the faculty member does not make the required hearing election within 15 calendar days after receipt of the written notice described in Section 4.10.2B(5)(c), then the provost will make the election on the type of hearing.** The provost shall send a copy of the written notice to the president of the Faculty Senate at the same time it is sent to the faculty member. **Any rights described in Section 4.10.2B(5) are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president.**

Deletion of Handbook Section 4.10.2B(6)

~~6. Failure to Contest Termination~~

~~If the faculty member does not contest the charge(s) in writing and make the required hearing election within 15 calendar days after receipt of the written notice described in Section 4.10.2B(5)(c) above, the faculty member shall be terminated, and no appeal of the matter will be heard within the university.~~

Deletion of Handbook Section 4.10.2B(7)

~~7. Options to Contest Termination~~

~~The rights provided in this paragraph are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president. A faculty member may contest the proposed termination in a pre-termination hearing before a tribunal in accordance with the procedures~~

described in **Appendix G** or in a post-termination hearing conducted under the provisions of the Uniform Administrative Procedures Act in accordance with the procedure described in **Appendix H**.

Revision of Handbook Appendix B.2.A Process for Tenure & Promotion Appeals

1. Formal Initiation of Appeal:

- If a candidate decides to appeal a negative decision for tenure and/or promotion, he or she must submit a initiate the appeal by providing a **written notice of intent to written request for an appeal the provost's tenure and promotion recommendation** to the Faculty Senate President, the chair of the Faculty Appeals Committee, and the provost **within thirty (30) days of the beginning of the spring academic term no later than February 15th or the first regular business day after, if February 15th does not fall on a regular business day**. After filing the notice of intent to appeal, the candidate must submit the written appeal **to the chair of the Faculty Appeals Committee, and the provost no later than March 1st or the first regular business day after, March 1st does not fall on a regular business day, which must include the following:**
 - ~~In the notice of appeal to the Faculty Appeals Committee chair, the faculty member filing the appeal must identify~~ The ground(s) for the appeal ~~and should pursue only those grounds~~ for which there is credible evidence supporting the appeal.
 - ~~It is the faculty member's responsibility to present~~ Evidence to support each ground that serves as the basis for the appeal. Assertions must be supported by documentary evidence or testimony.

2. Appeals Through the Faculty Appeals Committee:

- ~~The procedures for appeals through the Faculty Appeals Committee are presented in Appendix F.23.~~ After receiving a request for an **the written** appeal, the Faculty Appeals Committee will vote on whether
 - a) to take no action on the grounds that the appeal lacks merit for consideration or
 - b) to conduct a hearing.

If a **simple** majority of the Faculty Appeals Committee determines that the appeal merits consideration, the committee chair will contact the Faculty Senate office to make the arrangements for a hearing. **The hearing will be conducted in accordance with the procedures specified for a Tenure and Promotion Appeals Hearing which are presented in Appendix F.3.**

The chair of the Faculty Appeals Committee must transmit the recommendations resulting from the appeal with the faculty member, department chair, dean, provost, and president no later than April 15th or the first regular business day after if April 15th does not fall on a regular business day. ~~within 40 days from receipt of the notice of appeal.~~

3. Decision by the President:

After receiving recommendations from the provost and the Faculty Appeals Committee, the president makes a recommendation to the Board of Trustees and notifies the candidate of this recommendation.

In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision. The recommendation of the president is not appealable.

Revision of Handbook Appendix G

If the faculty member makes a timely election to contest the charge(s) through a hearing by a university tribunal as described in Sections 4.10.2A(9) or 4.10.2B(7), the faculty member must confirm in writing the decision to waive the right to a hearing under the Uniform Administrative Procedures Act, and the president shall ~~inform~~ **ask** the Faculty Senate ~~President, or a designated committee of the Faculty Senate, to appoint~~ that a tribunal ~~within 15 calendar days and shall notify the faculty member in writing of this action.~~ **will be convened.** The matter shall then proceed in accordance with the tribunal procedures described below with the faculty member's termination stayed pending the conclusion of those procedures.

Revision of Handbook Appendix H

Post-Termination Hearing and Decision under the Uniform Administrative Procedures Act: If the faculty member makes a timely election to contest the charge(s) under the Uniform Administrative Procedures Act (UAPA) in lieu of a Pre-Termination Hearing Before Tribunal under Sections 4.10.2A(9) or 4.10.2B(7), the president shall appoint an administrative judge, the faculty member's employment will be terminated on the date specified in the notice provided under Sections 4.10.2A(7)(c) and 4.10.2B(5)(c) of this handbook, and the matter shall proceed post-termination in accordance with the contested case procedures ~~promulgated by the university under the UAPA. The UAPA contested case procedures are published in the Compiled Rules and Regulations of the State of Tennessee, Tenn. Comp. R. & Regs. § 1720-1-5~~ **pursuant to T.C.A. § 4-5-101, et seq.**