

II:01:00 ACADEMIC TENURE

I. INTRODUCTION

Tenure is awarded only by positive action by the Tennessee Board of Regents (TBR), pursuant to the requirements and procedures of this policy at Volunteer State Community College (VSCC). The award of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or academic program unit and the College. The continued professional growth and development of faculty is necessary for Volunteer State Community College to continue to provide educational programs in accordance with the College's mission, goals, and changing needs of the institution. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure.

The quality of the faculty of Volunteer State is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at VSCC provides eligible full-time faculty with the assurance of continued employment during the academic year until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein. TBR does not award tenure in non-faculty positions.

The following Volunteer State Community College policy on academic tenure specifically acknowledges compliance with TBR Policy 5:02:03:70 on Academic Tenure.

II DEFINITIONS

The following are general definitions of terms used in this policy. They are further defined in the subsequent sections of this policy.

- A. **Academic Tenure** — a personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at VSCC until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.

- B. **Adequate Cause** — a basis upon which a faculty member, either with academic tenure or on a tenure-track, term, or temporary appointment prior to the end of the specified term of the appointment, maybe dismissed or terminated. The specific grounds which constitute adequate cause are set forth herein.

- C. **Financial Exigency** — the formal declaration by TBR that Volunteer State Community College faces an imminent financial crisis, that there is a current or projected lack of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that the budget can only be balanced by extraordinary means that include termination of existing and continuing academic and non-academic appointments.
- D. **Faculty Member** — a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. Further definition can be found in TBR Policy 5:02:01:00 and VSCC Policy V:01:03.
- E. **Probationary Employment** — period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he/she does not have tenure and in which he/she is evaluated by the College for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure. Probationary employment provides an opportunity for the individual to assess his/her own commitment to the College and for the College to determine whether the individual meets its perception of quality and projected need.

Note: Faculty appointments are defined in TBR and VSCC policy.

III. CONSIDERATION FOR TENURE

A. Tenure Appointments

1. No faculty member shall be entitled to or acquire any interest in a tenure appointment at Volunteer State without a recommendation for tenure by the President of the College and an affirmative award of tenure by the Board of Regents. No other person shall have any authority to make any representation concerning tenure to any faculty member, and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment but shall result in the right of the faculty member to another year of service at Volunteer State provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process
2. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned and shall include appropriate participation in the recommendation by tenured faculty members in the division. Recommendations for tenure made by a division shall be submitted to a faculty tenure committee which shall be composed of tenured faculty members and shall be appointed by the chief academic officer. This committee shall exercise qualified privilege of academic confidentiality against disclosure of individual tenure votes unless there is evidence that casts doubt upon the integrity of the faculty tenure

committee. This policy shall be interpreted in a manner consistent with the Tennessee Public Records Act, as codified in TCA 10-7-503 and 504. The faculty tenure committee shall recommend to the chief academic officer only those faculty members who meet all of the criteria contained in this policy and only those who merit this recommendation. The chief academic officer shall review the recommendation of the faculty tenure committee and recommend to the President only those faculty who meet the criteria listed in this policy and who merit this recommendation. Recommendations for tenure shall be made by the President to the Chancellor and by the Chancellor to the Board of Regents. In the event tenure is awarded by TBR, the President shall furnish to the faculty member written confirmation of the award.

3. The President may request tenure upon appointment for candidates with extraordinary credentials. The exception shall be requested to the Chancellor when the faculty member is employed.

4. Each year the chief academic officer will establish a Promotion/Tenure Calendar which outlines all activities and response/due dates of specific activities relating to the promotion/tenure process. An example of this calendar is attached as Attachment A to this policy.

B. Minimum Eligibility Requirements

Academic tenure may be awarded only to the following:

1. Regular full-time faculty members who:

- a. hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria as specified in TBR policy, and
- b. have been employed in a tenure-track appointment and have completed not less than the minimum probationary period of service as stated in this policy and/or as agreed upon in writing and signed by the president or his/her designee, and
- c. have been determined by the College to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy.

2. Special Contract Faculty:

Faculty members supported in whole or in part by funds available to the College on a short-term basis, such as grants, contracts, or foundation-sponsored projects, may be eligible for tenure if continuing support for such members can be clearly identified in the regular budget of the College.

Volunteer State Community College may establish additional reasonable requirements for the eligibility of faculty for consideration of tenure.

C. Length of Probationary Employment

Probationary faculty may be employed on annual tenure-track appointments for a maximum probationary period which may not exceed six (6) years. The faculty member may apply for tenure following a probationary period of not less than five years, provided that exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the President of VSCC and approval by the Chancellor. Upon approval of such an exception by the Chancellor, the faculty member's recommendation for tenure will go forward to the Board as meeting the requirements for the probationary period.

D. Calculating the Probationary Period

Only full-time continuous service at a college will be included in determining completion of the probationary period, unless a break in service is approved. Employment during summer terms and in part-time positions shall not be credited toward satisfying the probationary period.

1. Credit for Prior Service

The minimum probationary period of five years may include credit for prior service when agreed to by the President, and subject to the maximum permissible credit for prior service as noted below:

- a. Credit toward completion of the probationary period may at the discretion of the President be given for a maximum of three years of previous full-time service at other colleges, universities, or institutes provided that the prior service is relevant to Volunteer State's own needs and criteria. Any credit for prior service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment.
- b. Credit toward completion of the probation period may, at the discretion of the President, be given for a maximum of three years of previous full-time service in a temporary faculty appointment or term appointment at Volunteer State or in an earlier tenure-track appointment at Volunteer State that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at Volunteer State or in an earlier tenure-track appointment at Volunteer State that has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position

2. Leave of Absence. The period of approved leave of absence shall be excluded from the required probationary period. A faculty member may apply for a maximum of two, non-consecutive one-year leave increments. Exceptions may be granted by the President in writing prior to the leave of absence. Exceptions may include: (a)

crediting the leave periods to the probationary period and/or (b) granting more than two, non-consecutive one-year increments. Exception (b), per TBR policy, requires approval of the Chancellor of TBR

3. "Stopping the Tenure Clock." A faculty member may request to "stop the tenure clock" during his/her probationary period when circumstances exist that interrupt the faculty member's normal progress toward qualifying for tenure. In such cases, the faculty member may request to "stop the tenure clock" for one-year if he/she demonstrates that circumstances reasonably warrant the interruption. Reasons will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development. Examples may include childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, military deployment, or similar circumstances.
4. Administrative Appointment. A faculty member appointed to an administrative position may remain eligible for tenure consideration. The faculty member must: (a) qualify for tenure under the College's guidelines, and (b) maintain a significant involvement in academic pursuits including teaching, service/outreach, and scholarship/creative activities/research.

The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period.

5. Transfer to Another Department or Unit. When a faculty member is serving a probationary period in a department or academic program unit and is subsequently transferred to another academic unit or program, the faculty member may – with the approval of the President – elect to begin a new probationary period on the date the transfer occurs. If he/she does not so elect (and confirm this in writing to the President), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

IV. CRITERIA TO BE CONSIDERED IN TENURE RECOMMENDATIONS

The criteria for the recommendation for tenure depend upon the nature, mission, and goals of Volunteer State Community College in which tenure may be awarded and of the department or academic program unit in which a faculty member is employed. The faculty member must demonstrate willingness and ability to work effectively with colleagues and in a professional manner to support the mission of Volunteer State and the common goals of both the College and the academic organizational unit. Criteria for tenure relate to the College's three traditional and often inter-related missions: teaching, service/outreach, and scholarship/creative activities/research. In the community college setting, effective teaching is of paramount importance. Additional criteria that must be used in consideration of the recommendation for

tenure at Volunteer State, even though a faculty member may satisfactorily meet all of the previously stated criteria, include the following:

- a. teaching effectiveness as measured by the evaluation process of the College;
- b. scholarship, research, and public service activity evaluation;
- c. professional degrees, awards, and achievements;
- d. participation in organizations and activities of the College;
- e. service to the College, the community, and the State;
- f. professional activities and membership and leadership in professional organizations;
- g. staffing needs of the department, division, and the College;
- h. demonstrated potential for continuous professional growth; and
- i. the demonstrated ability to achieve the objectives of the faculty member, the department, the division, and the College.

Evaluation is an important part of measuring criteria relevant to assessing the merit of the candidate; therefore, faculty members must undergo evaluation of performance. The candidate shall be evaluated by students, by peers, and by supervisors in accordance with the evaluation procedures of the College. The evaluation of the faculty member by students shall be conducted each semester of the academic year and a minimum of five years prior to a tenure consideration shall be a part of the basis for a recommendation.

The faculty member will develop a packet that includes the above stated evaluations along with supporting documentation. This packet will comprise the major input and documentation for tenure consideration. It will be reviewed and assessed by all levels involved in the decision-making process as outlined in policy.

A. **Teaching** (60%). Effective teaching is an essential qualification for tenure, and tenure will be granted only with clear and documented evidence of a candidate's teaching ability and potential for continued development.

Each of the items listed below must be submitted as evidence of effective teaching and be included in the candidate's packet.

1. Evidence of ability to organize and present subject matter in a logical and meaningful way.
2. Evidence of ability to motivate and stimulate creativity in students.
3. Statement of teaching philosophy
4. Course materials (i. e., course syllabi, handouts, exams/evaluation instruments, instructional materials).
5. Results of student evaluations for every course evaluated during the probationary period.

Additional types of documentation may also include:

1. Open-ended or other student input.
2. Student products.
3. Teaching recognitions/awards.
4. Evidence of professional development in teaching.
5. Evidence of disciplinary or interdisciplinary program or curricular development,
6. Alumni surveys.
7. Student exit interviews.
8. Evidence of supervision of student projects and other forms of student mentorship.
9. Other evidence of excellence in teaching or mentoring, or both.

B. Service/Outreach (30%). Service and/or outreach encompasses a faculty member's activities in College service, outreach or public service, and professional service. Evidence of performance in one or more of the following activities should be submitted.

1. College service refers to activities other than teaching and scholarship performed at the department or college level. It is expected of every faculty member. College service includes, but is not limited to, serving on departmental committees, advising students, and participating in College activities and on College committees. More extensive citizenship functions such as membership on a specially appointed task force, serving as advisor to a College-wide student organization, and membership on a College search committee should be taken into account in consideration for tenure.
2. The outreach or public service function is the College's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Outreach primarily involves sharing professional expertise and should directly support the goals and mission of the College. A vital component of the College's mission, public service must be performed at the same high levels of quality that characterize the teaching and research programs.
3. Professional service refers to the work done for organizations related to the faculty member's discipline or to the teaching profession generally. Service to the profession includes activities such as service on Statewide or TBR committees, guest lecturing on other campuses, and other appropriate activities.

C. Scholarship/Creative Activities/Research (10%). Candidates for tenure must present documented evidence of their scholarship, creative activities, and/or research.

Such evidence should cite typical professional development activities such as presentations at a professional meeting, journal editorship, article and grant proposal review, performances, exhibitions, creative activities, as well as completing books, journal articles or monographs, and other appropriate activities.

1. The scholarship of teaching is a valid measure of research capability. It goes beyond doing a good job in the classroom; creative teachers should organize, record, and document their efforts in such a way that their colleagues may share their contributions to the art of teaching. Authoring appropriate textbooks or chapters within a book, writing educational articles, making presentations, and using innovative contributions to teaching, constitute scholarship of teaching.
2. Performances, compositions, and other artistic creations are examples of appropriate creative activities. Documentation of such activities might include written reviews and evaluations by qualified peers.
3. Publications in journals or media of similar quality are considered indicators of professional and/or scholarly activity.
4. Publications that are reviewed by peers are more significant than those that are not subjected to such rigorous examination. Quality is more important than quantity.

V. EXCEPTIONS TO MINIMUM RANK QUALIFICATIONS

The minimum rank qualifications should be met in every recommendation regarding appointment to academic rank and for promotion in academic rank.

VI. CHANGES IN TENURE AND TENURE-TRACK STATUS

A. Non-renewal of Probationary, Tenure-track Faculty.

1. When tenure-track appointments of faculty are not to be renewed, the faculty member shall receive notice of his/her non-retention for the ensuing academic year as follows:
 - a. Not later than April 1 of the first academic year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least two months prior to its termination.
 - b. Not later than January 1 of the second year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least five months prior to its termination.
 - c. Not later than the close of the academic year preceding the third or subsequent year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least twelve months prior to its termination.

Notice of non-renewal shall be effective upon delivery of the notice to the faculty member, or upon the date the notice is mailed, postage prepaid, to the faculty member at his/her current address of record at the College.

Applicable dates for notice of non-renewal are based upon actual years of service at Volunteer State and are in no way affected by any credit for prior service that may be awarded.

2. When a faculty member in a tenure-track appointment completes his/her probationary period, the faculty member will be given notice of non-renewal of the appointment during the spring term following application for such status. Such notice of non-renewal should be given not later than the final day of the academic year. The faculty member's right in an instance where timely notice is not given is described in TBR policy.
3. Faculty members on tenure-track appointments shall not be terminated during the term of the annual appointment as stated in the employment contract except for reasons that would be sufficient for the termination of tenured faculty.
4. The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her work or conduct has been unsatisfactory.
5. Unless there is a violation of state or federal law under the limitations described in the TBR Policy on Appeals (1:02:11:00), decisions that are not subject to appeal to the Chancellor include (a) non-renewal of a tenure-track faculty appointment during the first five years of the probationary period, and (b) denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period.

B. Transfer of Tenure

Where a faculty member is tenured in an academic program unit he/she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure; moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.

When a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in the former faculty position only; and a faculty member otherwise eligible for tenure who also holds a non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

C. Expiration of Tenure

Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire in the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform his/her assigned duties.

D. Relinquishment of Tenure

A faculty member shall relinquish or waive his/her right to tenure upon resignation from the College or upon failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the President, the faculty member has shown good cause for such failure to report.

E. Termination of Tenure for Reason of Financial Exigency

The employment of a tenured faculty member may be terminated as a result of financial exigency at the College subject to TBR declaration that such financial conditions exist. See TBR Policy on Financial Exigency (5:02:06:00).

F. Termination of Tenure for Curricular Reasons

The employment of a tenured faculty member may be terminated because (1) an academic program is deleted from the curriculum or (2) because of substantial and continued reduction of student enrollment in a field or discipline.

Before declaring that curricular reasons exist, the President will ensure meaningful participation by the College's Faculty Council (representative faculty body) in identifying the specific curricular reasons, evaluating the long-term effect on the College's curriculum and its strategic planning goals, and judging the advisability of initiating further action.

Prior to initiating the process described below, the President will present—either verbally or in writing—a description of curricular reasons that may warrant the termination of a tenured faculty member's employment to the Faculty Council. Each of these reasons for termination of tenure for curricular reasons must denote shifts in staffing needs that warrant greater reductions than those which are accommodated annually in light of shifting positions from one department to another or among colleges to handle changing enrollment patterns (see Definitions, below).

The Faculty Council will have the opportunity to respond in writing within two weeks to the President prior to the action described below being initiated.

1. Process for Termination of Tenure for Curricular Reasons

- a. Upon determining that termination of employment of one or more tenured faculty members is required for one or more of the two reasons cited above, the President shall furnish each faculty member whose employment is to be terminated a written statement of the reasons for the termination. Those reasons shall address

fully the curricular circumstances that warranted the termination and shall indicate the manner and the information upon which the decision was reached regarding which faculty members' employment would be terminated. The President's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.

- b. If the faculty member(s) whose employment is to be terminated indicate(s) objections to the President's written statement(s) and request(s) a review, the President will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the Faculty Assembly. The committee shall conduct a hearing on the proposed termination(s). The committee shall report its findings and recommendations to the President, who shall in a reasonable time, inform the faculty member(s) whose employment is proposed for termination in writing either that the decision for termination stands or that it has been altered.
- c. The President's decision to terminate a tenured faculty member's employment for curricular reasons is subject to appeal to the Chancellor and TBR as provided in TBR Policy 1:02:11:00.

When a tenured faculty member's employment is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank, tenure, and salary (with the addition of an appropriate increase which, in the opinion of the President, would constitute the raise that would have been awarded during the period that he/she was not employed).

Upon determining that termination of employment of one or more tenured faculty members is warranted for curricular reasons, the President shall base his/her decision about which faculty member(s) employment should be terminated upon his/her assessment as to what action would least seriously compromise the educational programs in a department or division.

Termination for curricular reasons presumes a staffing pattern in a department or academic program unit that cannot be warranted either by comparison with general load practices within the College or by comparison with faculty loads in comparable departments or academic program units at similar colleges. In that light, the President shall also, at his/her discretion, base his/her decision on a careful assessment of the impact of the curricular reasons on staffing requirements in the department or academic program unit as compared to overall patterns in the College and to comparable departments or academic program units.

Unless the President demonstrates that an exception should be made to minimize qualitative compromise of an educational program, the following considerations should guide the President in determining the order of faculty reductions in a department or academic program unit where termination of tenured faculty is proposed for curricular reasons. These considerations should not be construed as being mandatory:

1. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.
2. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.
3. Among tenured faculty, those with higher rank should have priority over those with lower rank.
4. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.
5. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.

The President will have the discretion to deviate from this policy if he/she can demonstrate that the quality of the College's programs will be negatively impacted by strict adherence to this seniority preference.

When a tenured faculty member's employment is to be terminated for curricular reasons, the President will make every possible effort to relocate the tenured faculty member in another existing vacant position for which he/she is qualified. In instances where, in the opinion of the President, relocation within the College is a viable alternative, the College has an obligation to make significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the discretion of the President.

2. Definitions

- a. "Program is deleted from the curriculum" means that TBR takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization.
- b. "Substantive and continued reduction of student enrollment in a field" means that over a period of at least three years, student enrollment in a field has decreased at a rate in considerable excess of that of the College as a whole and that such

reduction has resulted in faculty-student ratios that, in the **opinion of the President**, cannot be warranted either by comparison with equivalent faculty **load** practices within the College or by comparisons with faculty loads in comparable departments or academic program units at similar colleges which the President would deem to be appropriate for comparison.

G. Termination for Adequate Cause

1. Reasons for Termination for Adequate Cause

A faculty member with tenure or a faculty member on a tenure-track appointment or temporary appointment prior to the end of the term of appointment may be terminated for adequate cause, which includes the following:

- a. Incompetence or dishonesty in teaching or research.
- b. 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 Board of Regents, the College, or the department; or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
- c. Conviction of a felony or a crime involving moral turpitude.
- d. Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and College duties and responsibilities.
- e. Capricious disregard of accepted standards of professional conduct.
- f. Falsification of information on an employment application or other information concerning qualifications for a position.
- g. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the College.

2. Procedures for Termination for Adequate Cause

Termination of a faculty member with a tenure appointment, or with a tenure-track or temporary appointment prior to the annual specified term of the appointment, shall be subject to the following procedures. No termination shall be effective until steps d. through j. below have been completed.

- a. A faculty member may not be suspended pending completion of steps d. through j. unless it is determined by the College that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the College. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
- b. In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible, at which time the faculty member may cross-examine his/her accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
- c. Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Regents.
- d. Upon a recommendation by the chief academic officer of the College to the President or upon a decision by the President that these procedures should be undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purposes of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.
- e. If a mutual resolution is not reached under step d. the President shall appoint a faculty committee consisting of tenured faculty members, whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and seek a mutually acceptable resolution. Should no such resolution be reached, the committee shall recommend to the President whether in its opinion further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing and shall be accompanied by reasons for the recommendation. The committee's recommendation shall not be binding on the President.
- f. If no mutually acceptable resolution is reached through step e. and/or if after consideration of the faculty committee's recommendation the President determines that further proceedings are warranted to consider termination, the following steps shall be taken:

- (1) The faculty member shall be provided with a written statement of the specific charges alleged by the College which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.
 - (2) A committee consisting of members of faculty or faculty and administration shall be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure hereinafter described. The committee shall be appointed by the President and the Faculty Council with each appointing four members. The committee may not include any member of the faculty committee referred to in e above. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any *ex parte* communication pertaining to the hearing to the committee chairman, who shall notify all parties of the communication.
- g. The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
- h. The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties that may be held in person or by a conference telephone call. The purpose of the pre-hearing conference should include but is not limited to one or more of the following:
- (1) Notification as to procedure for conduct of the hearing.
 - (2) Exchange of witness lists, documentary evidence, and affidavits.
 - (3) Define and clarify issues.
 - (4) Effect stipulations of fact.
- A written memorandum of the pre-hearing conference should be prepared and provided to each party.
- i. A hearing shall be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.

- (1) During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her choice.
- (2) A verbatim record of the hearing will be taken and a copy will be made available to the faculty member, upon request, at the faculty member's expense.
- (3) The burden of proof that adequate cause exists rests with the College and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- (4) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in securing witnesses and making available documentary and other evidence.
- (5) The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within (7) seven days after delivery of the affidavit, or if the committee chairperson determines that the admission of the affidavit is necessary to ensure a just and fair decision.
- (6) In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the College or other universities of higher education.
- (7) The hearing committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- (8) The findings of fact and the report will be based solely on the hearing record.

- (9) The President and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered.
- j. After consideration of the committee's report and the record, the President may in his/her discretion consult with the faculty member prior to reaching a final decision regarding termination. Following his/her review, the President shall notify the faculty member of his/her decision, which, if contrary to the committee's recommendation shall be accompanied by a statement of the reasons. If the faculty member is terminated or suspended as a result of the President's decision, the faculty member may appeal the President's action to the Chancellor pursuant to TBR Policy 1:02:11:00.
- k. Review of the appeal shall be based upon the record of hearing. If upon review of the record, the Chancellor notes objections regarding the termination and/or its proceedings, the matter will be returned to the President for reconsideration, taking into account the stated objections, and, at the discretion of the President, the case may be returned to the hearing committee for further proceedings.

(NOTE: The following information is a part of TBR policy and will remain a part of VSCC policy as it provides a historical outline of the TBR policy on tenure from its inception in 1976.)

NOTE: This policy became effective on July 1, 1976, as to all faculty then or thereafter employed in the Tennessee Board of Regents' System. The minimum qualifications and requirements for eligibility for an award of tenure applied to all faculty who had not previously been expressly awarded tenure by the Board, and the previous probationary period for such faculty was extended to a maximum of seven years. Faculty who had previously been awarded tenure retained their tenured status under this policy, subject to its terms and conditions.

The definition of academic tenure (see p. 2 of 20) shall become effective January 1, 1984. That definition shall only apply to faculty tenured subsequent to the effective date. For faculty members tenured previous to January 1, 1984, the applicable definition of tenure shall be: "a status pursuant to which the academic year appointments of full-time faculty who have been awarded tenure are continued at a college until the expiration or relinquishment of that status, subject to termination for adequate cause for financial exigency or curricular reasons (see policy adopted June 25, 1976)."

TBR Source: April 2, 2004 TBR Meeting

This policy is a result of a comprehensive revision of former TBR Policy 5:02:03:00, Academic Freedom, Responsibility and Tenure. The former policy included provisions related to academic freedom and responsibility and tenure in both universities and community colleges. The revision, approved by the Tennessee Board of Regents on April 2, 2004, created a separate policy on academic freedom and responsibility pertinent to both universities and community colleges, established separate policies relative to tenure for universities and community colleges, and instituted separate policies on faculty appointments for universities and community colleges. Faculty members appointed prior to July 1, 2004, may elect to be considered for tenure under the provisions of Policy 5:02:03:00 or under the revised policy for a four-year phase-in period. The revised policy will be applicable to all tenure action taken on or subsequent to July 1, 2008, for faculty whose employment began prior to July 1, 2004.

VSCC Source: July 5, 1989, President; April 7, 1994, President; March 10, 2000, President; June 1, 2004, President

**Attachment A
(Example Calendar)**

PROMOTION/TENURE CALENDAR 2004-2005

<u>ACTIVITY</u>	DATE
Notification of faculty meeting minimum criteria	October 29
Faculty submission of materials to their Division Committee	January 26
Division Committee's recommendation to their Division Dean	February 11
Division Dean's Recommendation to College Promotion/Tenure Committee	February 25
College Promotion/Tenure Committee's Recommendation to Vice President	March 24
Faculty notification of College Promotion/Tenure Committee action	March 31
Faculty member appeals to Vice President	April 7
Vice President's notification of appellate action/recommendation to President	April 12
Faculty appeal of Vice President's decision to President	April 15
President's notification to faculty member of appellate action	April 20
President's recommendation to Chancellor	April 27
TBR staff review and recommendations	June 3
TBR review and approval	June Board Mtg.
Chancellor's notification of tenure and promotion decisions	June 30
Vice President's notification to faculty of tenure and promotion	July 15
Effective date of promotion/tenure decisions	August 2005