

# Academic Tenure

## I. Purpose

The purpose of this policy is to establish the criteria and process regarding academic tenure at Dyersburg State Community College.

## II. Scope

This policy applies to all faculty members who are hired on a tenure-track contract or who have undergone the tenure process. This policy complies with TBR Policy 05:02:03:70.

## III. Policy

### I. Introduction

- a. Tenure is awarded at DSCC only by positive action by the Tennessee Board of Regents (TBR), pursuant to the requirements and procedures of TBR policy on Academic Tenure (5:02:03:70). TBR policy on tenure includes minimum provisions and should be implemented in a manner appropriate to the mission, traditions, and needs of DSCC. DSCC is compliant with TBR Policy on Academic Tenure.
- b. 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 institutions of higher education to continue to provide educational programs in accordance with the College's mission, institutional goals, and changing needs of the institution.
- c. 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.
- d. The quality of DSCC faculty is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at DSCC 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.
- e. DSCC and TBR does not award tenure in non-faculty positions.

### II. Consideration for Tenure-

#### Tenure Process

- a. Probationary faculty may be employed on annual tenure-track appointments for a 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 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. DSCC may request tenure upon appointment for candidates with extraordinary credentials. The exception shall be requested when the faculty member is employed.

- b. Tenure-track faculty members will be guided through the tenure process through the assignment of a mentor upon hire, through the annual evaluation process, and through a meeting with the President, Vice President of Academic Affairs and Student Success, and Division Deans in which the tenure process and timeline are reviewed.
- c. Candidates for tenure will prepare a portfolio exemplifying their involvement in teaching and service to the College, including their annual reviews by their supervisor and their student evaluations. This portfolio will be available for review by the tenured faculty. The Division Dean will arrange a secret ballot vote for tenured faculty, with a record of those casting votes.
- d. The procedure for reviewing candidates' portfolios begins with the Division Dean, who provides feedback about the materials included in the portfolio. Once any required changes have been made to the portfolio, tenured faculty members are asked to review it and to cast their votes. Once the voting period is over, the portfolio is reviewed by the Vice President of Academic Affairs and Student Success, and, finally, by the President.
- e. Probationary faculty members undergo an annual evaluation that includes a narrative of their activities in the areas of instruction, college service, professional development, and community service.

### **Tenure Appointments**

- a. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned based upon review by the tenured faculty and the Division Dean.
- b. The recommendation for tenure will be made by the President to the Chancellor and by the Chancellor to the Board of Regents. In the event that the tenure is awarded by TBR, the President shall furnish to the faculty member written confirmation of the award. The locus of tenure is awarded as appropriate in the department or division of the faculty member. No other person shall have any authority to make any representation concerning tenure to any faculty member. 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 the College, 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.

**Minimum Eligibility Requirements: Employment Status.** Tenure may be awarded only to: Regular Full-time faculty members who:

- a. Hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria.
- b. Have been employed in a tenure-track appointment and have completed the minimum probationary period of service as stated in the College's policy and/or as agreed upon in writing and signed by the President or his/her designee.
- c. Have been determined by the College to meet the criteria for tenure and have been so recommended.

### **Special Contract Faculty.**

- a. 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.

**Length of Probationary Employment:** Probationary faculty may be employed on annual tenure-track appointments for a 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 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.

**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.

- a. *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 the institution'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 or previous full-time service in a temporary faculty appointment or term appointment at the same institution or in an earlier tenure-track appointment at the same institution that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at the same institution or in an earlier tenure-track appointment (at the same institution) 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.
- b. *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 of the College in writing prior to the leave of absence. Exceptions may include: Crediting the leave periods to the probationary period and/or Granting more than two, non-consecutive one-year increments. Exception (b), per TBR policy, requires approval of the TBR Chancellor.
- c. *"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.
- d. *Administrative Appointment.* A faculty member appointed to an administrative position may remain eligible for tenure consideration. The faculty member must: 1) qualify for tenure under the College's guidelines, and 2) 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.
  - e. *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 department or unit, 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 confirms this in writing to the President), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

### III. Criteria to be considered in Tenure Recommendations

The criteria for a recommendation of tenure depend upon the nature, mission, and goals of the department and 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 the institution and the common goals of both the institution and of the academic organizational unit. Moreover, criteria for tenure relate to the College's three traditional and often inter-related missions: teaching, service/outreach, and scholarship/creative activities/research.

1. **Teaching.** Effective teaching is an essential qualification for tenure, and tenure should 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 teaching portfolio.
  - a. Evidence of ability to organize and present subject matter in a logical meaningful way,
  - b. Evidence of ability to motivate and stimulate creativity in students,
  - c. Statement of teaching philosophy,
  - d. Course materials (i.e., course syllabi, handouts, exams/evaluation instruments, instructional materials), and
  - e. Results of student evaluations for every course evaluated during the probationary period.Additional types of documentation may also include:
  - a. Open-ended or other student input,
  - b. Student products
  - c. Teaching recognitions/awards
  - d. Evidence of professional development in teaching.
  - e. Evidence of disciplinary or interdisciplinary program or curricular development,
  - f. Alumni surveys,
  - g. Student exit interviews,
  - h. Evidence of supervision of student projects and other forms of student mentorships, and
  - i. Other evidence of excellence in teaching or mentoring, or both.
2. **Service/Outreach.**
  - a. College Service and/or outreach encompass 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. College service refers to activities other than teaching and scholarship performed at the department or college level.

It is expected of every faculty member; indeed, DSCC could hardly function without conscientious faculty who perform committee work and other administrative responsibilities. 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.

b. The outreach or public service function is DSCC'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.

c. 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.

3. **Scholarship/Creative Activities/Research.** 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.

a. 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.

b. 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.

c. Publications in journals or media of similar quality are considered indicators of professional and/or scholarly activity.

d. Publications that are reviewed by peers are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

#### **IV. 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.

#### **V. Changes in Tenure and Tenure-track Status.**

##### **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:

1. No 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.
2. No 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.
3. No 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.
4. The above stated dates are the latest dates for notice of non-renewal of faculty on tenure-track appointments. Each college may adopt annual dates that provide for longer notice of non-renewal. 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 a particular college and are in no way affected by any credit for prior service that may be awarded.
5. 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.
6. 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.
  - d. 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.
7. 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.

### **Transfer of Tenure**

1. 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.
2. 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.

### **Expiration of Tenure.**

1. 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.

### **Relinquishment of Tenure.**

1. 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.
2. 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 a college subject to TBR declaration that such financial conditions exist. See TBR Policy on Financial Exigency (5:02:06:00).
3. 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.
4. Before declaring that curricular reasons exist, the President will ensure meaningful participation by the College's representative faculty body in identifying the specific curricular reasons, evaluating the long-term effect on the DSCC's curriculum and its strategic planning goals, and judging the advisability of initiating further action.
5. 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. This presentation will be made to a representative faculty body, and that body will have the opportunity to respond in writing to the President before action described below is initiated.
6. 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.

### **Process for Termination of Tenure**

1. 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.
2. 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 representative faculty body. 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.
3. 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(s) that would have been awarded during the period that he/she was not employed).

4. 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 reason 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.
5. 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:
  6. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.
  7. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.
  8. Among tenured faculty, those with higher rank should have priority over those with lower rank.
  9. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.
  10. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.
11. 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.

### **Termination for Adequate Cause**

1. Reasons for Termination. 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:
  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 Board of Regents, DSCC, or the department; or to carry out specific assignments, when such 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 the faculty member's fulfillment of his/her departmental and College duties and responsibilities.
  5. Capricious disregard of accepted standards of professional conduct.
  6. Falsification of information on an employment application 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 academic program unit of the College.
2. Procedures for Termination. 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 4 through 10 below have been completed.
  1. A faculty member may not be suspended pending completion of steps 4 through 10 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.
  2. 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.
  3. 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.
  4. Upon a recommendation by the Vice President for 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.

5. If a mutual resolution is not reached under II. 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.
6. If no mutually acceptable resolution is reached through II. 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.
  - A. 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.
  - B. 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 officially recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the college. 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.
  - C. 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.
  - D. 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.
- E. A written memorandum of the pre-hearing conference should be prepared and provided to each party.
1. 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.
2. 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. 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.

#### **IV. Compliance**

All faculty members, Division Deans, the Vice President of Academic Affairs and Student Success, and the President will comply with this policy.

#### **V. Definitions**

**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 a community college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.

**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 may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in Section V. G herein.

**Financial Exigency** – the formal declaration by TBR that one or more of its community colleges faces an imminent financial crisis, that there is a current or projected lack of sufficient funds (appropriated or no appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill 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.

**Faculty Member** – a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. Further definition can be found in Section 05:02:01:00 of TBR policy.

**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.

**“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.

**“Substantive and continued reduction of student enrollment in a field”** means that over a period of at least three (3) 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.

**Note:** Faculty appointments are defined in a separate TBR policy.

## **VI. Revision History**

Policy written May 2005. Policy revised October 2012; approved by Administrative Council on 12.14.12. Revised October 2016; approved by the Administrative Council on October 28, 2016; approved by Administrative Council on April 27, 2023