

## **SOUTHWEST TENNESSEE COMMUNITY COLLEGE**

**SUBJECT:** Academic Tenure

**EFFECTIVE DATE:** October 1, 2003/ Revised: November 1, 2004, April 29, 2020

### **1. 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 a specific college. 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, 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 any community college is maintained primarily through the appraisal, by faculty and administrative officers, of each candidate for tenure. Tenure at Southwest Tennessee Community College (Southwest) 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. Southwest does not award tenure in non-faculty positions.

## 2. 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 a community college 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, 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.

**C. 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.

**D. 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 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.

**E. 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 05:02:01:00 (Definition of Faculty).

**F. 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.

### 3. CONSIDERATION FOR TENURE

#### Southwest Tennessee Community College *PROMOTION AND TENURE TIMELINE*

*The guidelines that follow describe the schedule of activities required for faculty to be considered for promotion to a higher rank or for tenure. Both promotion and tenure processes follow the same schedule.*

To be eligible to apply for promotion, faculty:

- Assistant Professor- must be in rank as Instructor for two full academic years.
- Associate Professor- must be in rank as Assistant professor for three full academic years.
- Professor- must be in rank as Associate Professor for five full academic years

#### Fall Semester

<u>Due Dates</u>	<u>Activity</u>
<i>October</i>	Vice President of Academic Affairs <b>announces</b> promotion and tenure application process to all full-time faculty.
<i>October</i>	Given the TBR mandated time constraints of this promotion/tenure timeline, faculty who know they meet eligibility requirements should begin compiling their dossiers. Candidates request letters of recommendation from tenured faculty within the department and external to the department, but <b>within the institution</b> (maximum of three internal letters and three external letters). ( <i>Dossiers are due in January</i> )
<i>October</i>	Each department chair submits to the President of the Faculty Senate the names of <u>three</u> tenured faculty members to serve in the pool for the selection of the <i>College Promotion and Tenure Committee</i> and the <i>Promotion and Tenure Appeals Committee</i> . (These tenured persons should be elected by the department and cannot be department chairs, deans, candidates, or relatives of candidates for promotion and/or tenure during this year.)
<i>October</i>	Applicant sends their letter of intent to apply for promotion or tenure to the Vice President of Academic Affairs with copies to the Department Chair and Dean. <b><i>It is the sole responsibility of the faculty member to initiate the promotion or tenure application process by sending the letter.</i></b>
<i>November</i>	Department Chairs and Deans will verify dates of service and years in rank with Human Resources. The Department Chairs and Deans will then collaborate with the Director of Academic Administrative Services to ensure academic credentials are in compliance with policy. The approved list(s) should then be sent to the Vice President of Academic Affairs. ( <b>Applicants meet with Division Dean</b> )
<i>November</i>	Department Chairs post and distribute eligibility lists to applicants and departmental faculty.
<i>November</i>	The Faculty Senate President randomly selects from the elected departmental pool the names of seven faculty and three alternates for the <i>College Promotion and Tenure Committee</i> and seven faculty and three alternates for the <i>College Promotion and Tenure Appeals Committee</i> . The selected names are sent to the Vice President of Academic Affairs for certification and notification of membership on the committees. The President of the College may add committee members from the overall faculty to achieve balance, (academic representation by discipline) on the committees.
<i>November</i>	

Any faculty member who submitted a letter of intent, who is not verified as eligible, and who wants to appeal, must do so in writing to the Vice President of Academic Affairs within five (5) working days of the distribution date of the eligibility list.

***December*** Appeal decisions on eligibility will be completed by the *Promotion and Tenure Appeals Committee* and conveyed to the individual and the Vice President of Academic Affairs by the first week of December

## Spring Semester

<u>Due Dates</u>	<u>Activity</u>
<i>January</i>	<p><b>Individual faculty who are eligible must submit a formal letter of application and complete a digital dossier.</b> The candidate should prepare the dossier according to the required format. Each candidate is responsible for providing the required documentation. The eligible faculty member will place the letters of recommendation in the dossier. <b>The dossier will be made available to the departmental members for review.</b></p> <p><b>Any request for “Stopping the Tenure Clock” must be received by the department chair by this date. Please review Southwest Policy No. 5:02:03;01/38, III E. 3. For specific information.</b></p> <p><b>Applicant access to digital dossier will be removed at end of business day. Department Members access to be granted in View only mode</b></p>
<i>January</i>	<p>The department chair convenes the Departmental Promotion and Tenure Committee (consisting of all tenured department members) and requests of them in writing the committee's recommendation of the candidate in the form of a vote to recommend or not to recommend the candidate. <b>The committee will review the dossiers and vote by secret ballot.</b></p> <p><b>Department Members access to be removed by end of day Department Chairs access to be granted in contribute mode</b></p>
<i>January</i>	<p><b>The department chair completes the following items in the dossier:</b></p> <ol style="list-style-type: none"><li>1.1 Recommendation Signature Page – Department portion</li><li>2.1 Departmental Vote and Comments</li><li>2.2 Chair Recommendation Letter</li></ol> <p><b>Department Chairs access will be removed at end of business day Division Dean access to be granted in contribute mode</b></p>
<i>January</i>	<p><b>The Division Dean completes the following items in the dossier:</b></p> <ol style="list-style-type: none"><li>1.1 Recommendation Signature Page – Dean portion</li><li>2.3 Dean Recommendation Letter</li></ol> <p><b>Division Dean access will be removed at end of business day College Promotion and Tenure Committee Chair access to be granted in contribute mode College Promotion and Tenure Committee Members access to be granted in view only mode</b></p>
<i>February</i>	<p><b>The College Promotion and Tenure Committee votes</b> to recommend or not recommend each applicant by secret ballot</p> <p><b>The College Promotion and Tenure Committee Chair completes the following items in the dossier:</b></p> <ol style="list-style-type: none"><li>1.1 Recommendation Signature Page – College P/T portion</li></ol> <p><b>College Promotion and Tenure Committee Chair access will be removed by end of business day College Promotion and Tenure Committee Members access will be removed by end of business day</b></p>
<i>February</i>	<p>The Vice President of Academic Affairs reviews the dossier of each candidate and the recommendations of the Departmental Promotion and Tenure Committee, department chair, dean, and the <i>College Promotion and Tenure Committee</i>. The Vice President of Academic Affairs makes a recommendation to the President of the College on each candidate for promotion or tenure considering qualifications, recommendations, existing needs. <b>The Vice President of Academic Affairs will notify in writing all candidates, those recommended and those not recommended.</b></p>
<i>February</i>	<p>Applicants can review their dossiers, including <b>all</b> correspondence. <b>This process is for <u>review only</u>. No modification will be allowed to the faculty dossier.</b></p>

**Applicant access to be granted in view only mode for the day.**

- March** Any **candidate who wishes to appeal** the Vice President of Academic Affairs' recommendation **must do so in writing to the President within five (5) working days** of the notification of the recommendation.
- March** If there are appeals, the **President will notify the *Promotion and Tenure Appeals Committee in writing***, no later than one week after the President receives a written appeal.
- Promotion and Tenure Appeals Committee Members access to be granted in View only mode***
- March** **The *Promotion and Tenure Appeals Committee* reviews contested case(s) and submits recommendations** regarding appeals **to the President**. The Appeals Committee may obtain clarification on issues from candidates or persons providing recommendations.
- Promotion and Tenure Appeals Committee Members access to be removed by end of business day***
- March** The **President** reviews the dossier and recommendations for each candidate, reviews any appellate action, and ***submits to the Chancellor a listing of all persons being recommended for promotion and/or tenure.***
- April** The President informs the applicants and appropriate supervisors of the college's recommendation.
- July** Upon notification of action taken by TBR, the President will notify the candidate within two (2) weeks of TBR action. A copy of the letter will be sent to the Vice President of Academic Affairs, Dean, Department Chair and Director of Human Resources.
- August** Each dossier will be available to the faculty member in edit mode at the completion of the promotion and tenure process.

## **A. Dossier Format and Ballot Form**

### **Dossier Format**

All dossiers are submitted in a digital format on the Faculty Dossier Sharepoint site. The dossier is format into sections as listed below:

- 1.0 Cover Page
- 1.1 Recommendation Signature Page
- 1.2 Letter of Intent
- 1.3 Letter of Application
- 1.4 Recommendation Letters - Departmental
- 1.5 Recommendation Letters - External
- 1.6 Annual Evaluation
- 2.1 Chair Recommendation Letter
- 2.2 Dean Recommendation Letter
- 3.1 Teaching Summary Page
- 3.2 Teaching Philosophy
- 3.3 SET Summary form and comments
- 3.4 Course Curriculum Development
- 3.5 Other - Teaching
- 4.1 Service Summary Page
- 4.2 Service -College
- 4.3 Service - Public
- 4.4 Service - Profession

- 5.1 Professional Development Summary Page
- 5.2 Scholarship
- 5.3 Creative Activities and Research

**Departmental Promotion and Tenure Ballot Format**

In order to provide college-wide consistency, the departmental promotion and tenure committee ballots will follow the format below. The ballot will name the department and division at the top center of the ballot. The ballot will then list the name of each candidate for promotion and/or tenure along with what academic status that candidate is applying for. Just below the candidate information will be an area for faculty to indicate their “Yes,” “No,” or “Abstain” votes. Directly below that will be a space for comments to be written about the candidate. A sample ballot for two candidates is included below.

<p>Southwest Tennessee Community College Promotion and Tenure Ballot</p>
<p>Division: Department:</p>
<p><u>Faculty Name</u>, Application for Promotion to Rank of _____ Reviewer’s Vote: _____ Yes _____ No _____ Abstain</p> <p>Comments: _____</p>
<p><u>Faculty Name</u>, Application for Tenure Reviewer’s Vote: _____ Yes _____ No _____ Abstain Comments: _____</p> <p>*If voting no provide comments on job performance. If abstaining, you must explain why.</p>

**Reporting of Departmental Votes**

After the departmental Promotion and Tenure Committee has voted on candidates for promotion or tenure as stated in the timeline, department chairs will input votes and comments in Recommendation Signature Page in the dossier on SharePoint.

Peer committees have confidentiality of individual tenure votes unless there is evidence that casts doubt upon the integrity of the peer committee. This policy shall be interpreted in a manner consistent with the Tennessee Public Records Act, codified in Tennessee Code Annotated, §§ 10-7-503 and 504.

## **B. Tenure Appointments**

Academic departments may request tenure upon appointment for candidates with extraordinary credentials. The exception must be requested when the faculty member is initially employed.

Annual evaluations conducted by the candidate's department chair, or other appropriate head of an academic program unit, are an important aspect of the criteria for tenure at Southwest; therefore, all consideration of faculty members for tenure status must include serious review of annual performance evaluations. Southwest's criteria and guidelines for evaluating faculty are in policy 5:01:00:03/34 (Faculty Development and Evaluation). This policy as well as policy 5:02:02:01/37 (Faculty Promotions), policy 5:02:03:01/38 (Academic Tenure), and policy 5:02:03:02/39 (Academic Freedom and Responsibility) should be distributed to all new faculty members and should be easily available to all faculty at all times, including via the Web. Whenever the guidelines are revised, the faculty will be notified of the availability of the revised guidelines. Candidates for promotion must provide **documented** evidence that the criteria have been met.

1. Recommendations for or against tenure shall originate from the department or academic program unit in which the faculty member is assigned.
  - a. Review committees shall include appropriate participation in the recommendation by tenured faculty in the department or academic program unit.
  - b. Although it can be difficult to establish evidence of teaching excellence, each department must ensure that information relative to candidates' teaching is available at the time they are considered for tenure.
2. The recommendation for tenure must be made by the President to the Chancellor and by the Chancellor to the Board of Regents. The President shall furnish to the faculty member written confirmation of the decision made by the TBR. The locus of tenure will be awarded in the department or division of the faculty member as appropriate to the organizational structure of the college.

Only the President has the authority to make representation concerning tenure to faculty members. 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.



## C. Minimum Eligibility Requirements

**Employment Status.** Tenure may be awarded only to:

3. 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 Southwest policy.
- b. Have been employed in a tenure-track appointment and have completed the minimum probationary period of service as stated in the Southwest policy, and/or as agreed upon in writing and signed by the appropriate academic officer.
- c. Have been determined to meet the criteria for tenure as stated in this policy and have been so recommended.

4. 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.

## D. Length of Probationary Employment

Faculty may be employed on annual tenure-track appointments for a maximum probationary period not to exceed six years. To be eligible for tenure, a faculty member must have completed a minimum of five years in residence in a Tenure-track appointment prior to submitting, in the fall semester, a letter of intent to apply for consideration for tenure. Accordingly, unless an exception is sought to the five-year probationary period, the application for tenure will be made during the sixth-year of employment. To apply for tenure, a faculty member must have completed the requisite number of full academic years in rank prior to making application in the Fall semester (of the next academic year). Accordingly, faculty initially employed during the Spring or Summer terms of an academic year will have completed more months of service, than the required minimum number of academic years, at the time of their application.

Candidates for tenure should make application only after having developed an exceptional record and after consultation with the candidate's chair and dean. Formal application for tenure is made at the time of submission of the letter of application included in the dossier.

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.

Probationary candidates may be provided a tenured faculty mentor who can conscientiously address deficiencies in the candidate's progress towards tenure and provide feedback to the candidate. In addition the candidate, in consultation with his/her faculty mentor, may request a preliminary review by an *ad hoc* tenure review committee prior to application for tenure as a mechanism to assess the progress of the candidate for tenure. This committee shall be composed of the faculty mentor, from within the candidate's academic unit, and the chair or dean of the academic unit where tenure will be granted.

**Faculty members will be permitted only one opportunity to apply for tenure.**

### **E. Calculating the Probationary Period**

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

- 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:
  - i. 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.
  - ii. 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 (reference TBR policy 5:02:07:00 Faculty Appointments in Community Colleges) 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. Leaves of absence will be approved by the Chief Academic Officer. Exceptions may be granted by the President of the college 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.

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, or similar circumstances. Upon recommendations from the Chair and Dean, the Chief Academic Officer may approve such requests.

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. 2) Maintain a significant involvement in academic pursuits including teaching, service/outreach, and scholarship/creative activities/research. 3) The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period upon approval by the Chief Academic Officer.

e. *Transfer to another Department or Unit.* When a faculty member is serving a probationary period 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.

f. The probationary period is terminated when a faculty member makes application for tenure.

#### 4. CRITERIA TO BE CONSIDERED IN TENURE RECOMMENDATIONS

Recommendations for tenure depend upon the nature, mission, and goals of the college and department in which the faculty member is employed and will be tenured. The performance and effectiveness of the faculty member during the probationary period will be assessed together with the long-term staffing needs of the college and of the faculty member's assigned department/division. 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 the department/division. Tenure decisions are also based upon performance in the following three areas, teaching, service/outreach, and scholarship/creative activities/research. The weight and magnitude of importance of each of the three areas will be directed by Southwest's policies and guidelines. At Southwest, effective teaching is of paramount importance. Evaluation of these three criteria will be conducted by one or more of the following (as stated in Southwest Policy 5:01:00:03/34): department chair, peers, students, and self.

**A. Teaching.** Effective teaching is an essential qualification for tenure, and tenure is 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 annual faculty evaluation dossier. The evaluation of teaching shall be based on the following criteria (evidence of each should be submitted):

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.
6. Curriculum and/or program development.
7. Development and application of effective instructional techniques including development of online and computer assisted course development.
8. Documentation of effective teaching methodologies.
9. Documentation of staying current in his/her discipline/specialization.

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 mentorships.
9. Other evidence of excellence in teaching or mentoring, or both.

**B. Service/Outreach.** Service applies to service within the community as defined by the college's role and mission; service to the college, and service within the bounds of the applicant's academic discipline and budgeted assignment. Evaluation should be based on all three areas although it is realized that differences in emphases may exist. The college has the responsibility for determining the emphases as well as the responsibility for determining specific criteria based on the individual's aspect of work. These criteria should include: college committee and administrative responsibilities, community service programs, public service consultations, and active contributions to professional associations. The following three guidelines should be utilized in evaluating faculty performance and effectiveness in Service/Outreach.

- Faculty performance should be examined, in relation to assigned and budgeted duties (as described in the candidate's position description which includes a statement of the mission or purpose of the position and of the objective(s) of the nominee's service unit, as well as the specific assigned tasks and responsibilities of the nominee).
- The candidate's effectiveness, as judged by his/her impact on the institution, individuals, groups, or organizations served. This should include documenting the success of his/her internal and external service, in terms of improvement of communities, programs, operating agencies, production processes, or management practices. It should also include indications of satisfaction with the service provided by the nominee, and of the magnitude and complexity of his/her work (as opposed to perfunctory activity that does not lead to useful results).
- Service/outreach work is sometimes not publishable. The results may be in the form of direct consultations, planning reports, or instructional time directed largely to the recipients of college service programs. But certain aspects of service work are suitable for publication in professional journals. For example, unique techniques developed to motivate students or others or new approaches to the transfer and application of knowledge, would be of interest to peers in other public service programs.

Evidence of performance and effectiveness in the three areas listed below must be documented.

- **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, colleges 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, and participating in college activities and on college committees. More extensive citizenship functions, such as a leadership role in the Faculty Council/Senate, membership on a specially appointed task force, advisor to a college-wide student organization, and membership on a college search committee should be taken into account in consideration for tenure.

- 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.
- **Professional service** refers to the work done for organizations related to one's discipline or to the teaching profession generally. Service to the profession includes activities such as presentation at a professional meeting, association leadership, service on statewide or TBR committees, journal editorships, article and grant proposal review, guest lecturing on other campuses, and other appropriate activities. While it is difficult to define the exact nature of significant professional service, clearly more is required than organizational membership and attendance.

**C. Scholarship/Creative Activities/Research.** Research applies to the studious inquiry, examination, or discovery that contributes to disciplinary and interdisciplinary bodies of knowledge. Scholarship/creative activities/research may include, but is not limited to, typical professional growth and development activities, disciplinary and interdisciplinary activities that focus on the boundaries of knowledge, community-based scholarship, creative activities (e.g., performances or other artistic creations), and the development of cutting-edge teaching approaches.

Candidates for tenure must present documented evidence of their scholarship, creative activities, and/or research. The following examples illustrate but do not limit appropriate activities for this criterion:

1. Scholarly pursuits in support of the discipline or the teaching profession (This should include typical professional development activities such as taking classes, presentations at a professional meeting, journal editorship, article and grant proposal review, etc.)
2. The scholarship of teaching is a valid measure of research capability. 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. Implementation and use of cutting-edge teaching approaches including instructional technologies and learning theories
3. Performances, compositions, and other artistic creations. (Evaluated by written

reviews and by qualified peers, either in person or aided by other forms of reports, or both).

4. Professional or scholarly papers presented at international, national, or regional meetings
5. Publication of research or scholarly works, such as books, journal articles, and other scholarly papers, or media of similar quality. 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. 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 the non-renewal for the ensuing academic year as follows:
  - a. In the first academic year of service:
    - For appointments expiring at the end of the academic year, notice must be given no later than April 1 of that academic year.
    - For appointments expiring at the end of the current calendar year, notice must be given no later than November 1 of that year.
    - For appointments expiring during an academic year, notice must be given at least sixty (60) days prior to the expiration date.
  - b. In the second academic year of service:
    - For appointments expiring at the end of the current academic year, notice must be given no later than January 1 of that academic year.
    - For appointments expiring at the end of the current calendar year, notice must no later than August 1 of that year.
    - For appointments expiring during academic year, notice must be given at least one hundred fifty (150) days prior to its termination.
  - c. In the third or subsequent academic year of service:
    - For appointments expiring at the end of the academic year, notice must be given no later than the last day of the preceding academic year.
    - For appointments expiring at the end of a calendar year, notice of non-renewal must be given no later than December 31 of the preceding year.
    - For appointments that terminate during an academic year, notice of non-renewal must be given at least three hundred and sixty-five (365) days prior to the date of termination. 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.
2. Notice of non-renewal shall be effective upon hand delivery of the notice to the faculty member, or upon the date the notice is mailed, certified mail, return receipt requested, postage prepaid, to the faculty member at his/her current home address of record with the college.
3. Applicable time periods for notice of non-renewal are based upon actual years of service at the college at which the faculty member is currently employed and are in no way affected by any credit for prior service that may have been awarded
4. In computing time for notice of non-renewal, exclude the day the notice is served; count every day thereafter, including intermediate Saturdays, Sundays, and legal

holidays; and include the last day, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday or legal holiday.

5. A faculty member in a tenure track appointment may be in probationary status for a maximum of six years. If a faculty member is not awarded tenure by the end of his/her sixth year contract, the college will notify the faculty member of non-renewal of the appointment during the Spring term following application for tenure but no later than the final day of the academic year and that he/she will be issued a terminal contract for a seventh year. **A faculty member may apply for tenure only once**; if the faculty member does not receive tenure, regardless of the number of years of previous probationary contracts, he/she will receive their terminal contract for the year following notification of the denial of tenure. It is possible to apply for tenure, without completing a minimum of five years of service in a tenure track appointment at the college, by means of recognized prior service upon appointment or by means of an exception approved by the President and Chancellor. Accordingly, a faculty member will receive a terminal appointment upon being denied tenure, regardless of the number of probationary years served.
6. Faculty members on tenure-track appointments may have their employment terminated for any reason that would justify termination of a non-tenure-track faculty. The tenure-track faculty is entitled to the same process regarding termination that would be applicable to a non-tenure-track employee.
7. 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.
8. Neither non-renewal of a tenure-track faculty appointment during the first five years of the probationary period nor denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period are appealable to the Chancellor, unless there has been a violation of state or federal law.

#### **B. Transfer of Tenure**

Faculty members tenured in one academic program unit 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.

Faculty members with tenure who are appointed to administrative positions will retain tenure in former faculty positions only. 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 expires upon retirement of the faculty member. Tenure also expires 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 will 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 will 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 a 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**

1. The employment of a tenured faculty member may be terminated because:
  - A. An academic program is deleted from the curriculum; or
  - B. Because of substantial and continued reduction of student enrollment in a field or discipline.
2. 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 college's curriculum and its strategic planning goals, and judging the advisability of initiating further action.
3. 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.
4. Each college policy will describe procedures whereby 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.
5. 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).

#### **G. 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.
  - a. 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.

- b. 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.
  - a. The committee shall conduct a hearing on the proposed termination(s).
  - b. 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).
4. 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).
5. 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.
6. 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.
7. 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:
  - a. Part-time faculty appointments should not be renewed if tenured faculty positions are terminated.

- b. Temporary faculty or tenure-track faculty appointments in the probationary period should not be renewed if tenured faculty positions are terminated.
- c. Among tenured faculty, those with higher rank should have priority over those with lower rank.
- d. Among tenured faculty with comparable rank, those with appropriate higher academic degrees should have priority over those with lower degrees.
- e. Among tenured faculty with comparable rank and comparable degrees, those with greater seniority in rank should normally have priority over those with less seniority.
- 8. The President of each college 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.
- 9. 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.

## **H. Definitions**

- 1. "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.
- 2. "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.

## **I. Termination for Adequate Cause**

- 1. Reasons for Termination
  - a. 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, the college, or the department; or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
  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
- a. 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.
  - b. 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 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.
5. 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.
6. If no mutually acceptable resolution is reached through step (5) 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.
  - 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.
  - 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.

- 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.
- 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. A written memorandum of the pre-hearing conference should be prepared and provided to each party. The purpose of the pre-hearing conference should include but is not limited to one or more of the following:
  - Notification as to procedure for conduct of the hearing.
  - Exchange of witness lists, documentary evidence, and affidavits.
  - Define and clarify issues.
  - Effect stipulations of fact.

7. 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.

- a. 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.
- b. 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.
- c. 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.
- d. 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.

- e. 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.
- f. 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.
- g. 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.
- h. The findings of fact and the report will be based solely on the hearing record.
- i. 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. 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.

8. 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:

This policy was revised due to the April 2, 2004 comprehensive revision of former TBR Policy 5:02:03:00, Academic Freedom, Responsibility and Tenure. It was replaced by TBR Policy 5:02:03:70, Policy on Academic Tenure for the Tennessee Board of Regents Community Colleges. 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. Further, this policy was revised to align with changes to Policy 5:02:03:70 that became effective September 19 & 20, 2019.