



Category
ACADEMIC FREEDOM, RESPONSIBILITY AND TENURE – 5:02:03:00
Approval
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Responsible Party: Vice President for Academic Affairs

I. INTRODUCTION

The following policy of Motlow State Community College on academic freedom, responsibility, and tenure is in compliance with the Tennessee Board of Regents Policy on Academic Freedom, Responsibility, and Tenure (TBR Policies 5:02:03:30 and 5:02:03:70) and embodies all provisions, definitions, and stipulations of the Board policy.

II. ACADEMIC FREEDOM AND RESPONSIBILITY

Motlow State Community College recognizes the principle of academic freedom pursuant to which:

- A. The faculty member is entitled to freedom in the classroom in discussing his/her subject, being careful not to introduce into the teaching controversial matter which has no relation to the subject;
- B. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties; but research for pecuniary gain must be based upon an understanding with the authorities of the institution; which is documented, reduced to writing and signed by the faculty member and the appropriate academic officer(s).
- C. The faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but his/her special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he or she should remember that the public may judge the profession and the institution by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he or she does not speak for the institution.

- D. The principles of academic freedom and responsibility here defined are applicable both to faculty as defined in SECTION II of this policy and to non-tenure track full-time, part-time, or adjunct faculty.

Academic freedom is essential to fulfill the ultimate objectives of an educational institution--the free search for and exposition of truth—and applies to both teaching and research. Freedom in research is fundamental to the advancement of trust, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct--these and other grounds as set forth in SECTION VII may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members.

The right to academic freedom imposes upon the faculty the responsibility to carry out his/her duties in a professional, ethical, and collegial manner that enhances the purpose of Motlow State Community College. Further, the right to academic freedom imposes an equal obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in college policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.

III. POLICY ON ACADEMIC TENURE

A. Definitions

The following are general definitions of words and terms used in this policy which are not hereinafter specifically defined; however, the words and terms are subject to further qualifications and definition in the subsequent sections of this policy.

1. Academic Tenure - a personnel status in an academic department of the college pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at the college until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
2. 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 VII.F of this policy.
3. Financial Exigency - the formal declaration by the Tennessee Board of Regents that Motlow State Community College faces an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or un-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 which include the termination of existing and continuing academic and non-academic appointments.
4. Faculty Member - a full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor, and for purposes of this policy, who meets the minimum requirements for eligibility for tenure in SECTION III.C of this policy, and whose responsibilities primarily include instruction, research, and public service.
5. Probationary Employment - a period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he or she does not have tenure and in which he or she is evaluated by the institution for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure.

6. Temporary Appointment, Tenure-track Appointment, Tenure Appointment, Term Appointment, Clinical Track Appointment, and Clinical Practice/Research Appointment - these six types of faculty appointments are defined in SECTION III.D of this policy.
7. The Promotion and Tenure Committee is composed of tenured, full-time faculty. Its purpose is to evaluate applications for promotion and tenure and make recommendations to the Vice President for Academic Affairs. One member shall be from each academic department (recommended by the Vice President for Academic Affairs, and appointed by the President). The remaining committee member shall be a full-time tenured faculty member elected by the Faculty Council and must be reported in the minutes of the next regularly scheduled Faculty Council meeting.

B. Academic Tenure

1. Tenure is a status pursuant to which faculty appointments for the academic year in an academic department of the college are continued until retirement for age or physical or mental disability, subject to dismissal for adequate cause or an unavoidable termination on account of financial exigency or curricular reasons.
2. Tenure is awarded only by positive action by the Board of Regents, pursuant to the requirements and procedures of this policy, at this institution. The awarding of tenure is cognition of the merit of a faculty member and of the assumption that he or she would meet the long-term staffing needs of the department and the institution. It is only awarded 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.
3. The Tennessee Board of Regents does not award tenure in non-faculty positions. Notwithstanding the above, this section shall not be interpreted as diminishing the rights of non-faculty employees previously awarded tenure in positions at the state technical institutions or area vocational-technical schools by the Board of Education, whose rights are governed by TBR Policy on Tenure in Non-Faculty Positions (5:02:03:20).

C. Minimum Eligibility Requirements for Consideration for Academic Tenure

The following are minimum eligibility requirements for consideration for academic tenure at Motlow State Community College. See SECTION IV of this policy for criteria to be considered in tenure recommendations.

1. Academic tenure may only be awarded to full-time faculty members who: (a) hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum criteria for the rank held under Motlow State Community College Policy 5:02:02:30 (Faculty Promotion) and TBR Policy No. 5:02:03:70; (b) have been employed pursuant to tenure-track appointments and have completed not less than the minimum probationary period of service; and (c) have been determined by Motlow College to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy on academic freedom, responsibility, and tenure.
2. Faculty holding temporary appointments or term appointments are not eligible for tenure.
3. Faculty members supported in whole or in part by funds available to the institution on a short-term basis, such as grants, contracts, or foundation sponsored projects, shall not be eligible for tenure unless continuing support for such members can be clearly identified in the regular Motlow State Community College budget upon the recommendation of tenure to the Board.
4. No faculty member shall be eligible for tenure in a non-faculty position; provided that where a faculty member with tenure is appointed to an administrative position, he or she will retain tenure in a former faculty position only; and provided further that 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. Notwithstanding the above, an individual previously awarded administrative tenure by the Board of Education will retain such tenure if the individual has continuously been employed by the institution since award of such tenure.

5. Motlow State Community College may establish additional reasonable requirements for the eligibility of faculty consideration for tenure. These may include but are not limited to the completion of the doctorate or other specified degree in the faculty member's discipline, a minimum rank of assistant professor or above, and prescribed research and publication achievements.

D. Types of Appointments

There are six types of faculty appointments: temporary appointments, tenure-track appointments, tenure appointments, term appointments, clinical research appointments, and clinical practice/research appointments.

1. Temporary appointments are appointments for a specific purpose for a time appropriate to that purpose or for an unspecified period, which appointments may be terminated according to the terms of the appointments. Temporary appointments ordinarily should be used for lecturers, adjunct or part-time faculty, faculty employed to replace regular faculty on leave of absence, and faculty employed pursuant to grants or for projects funded in whole or in part by non-appropriated funds. In addition, temporary appointments may be used for faculty employed on the basis of state appropriated funds in departments, or other academic units where the permanent and continued need for the position has not been established, provided that such appointments normally should not be in excess of three years. Appointments of faculty members supported by more than 50% grant funding, or other soft money sources, may be approved by the President for periods of greater than three years. Other extensions of temporary appointments for period of greater than three years will require approval of the Chancellor.
2. Tenure-track appointments are appointments for regular full-time faculty with academic rank, and may be for the academic or fiscal year. Tenure-track appointments are for faculty who are employed in a probationary period of employment preliminary to consideration for tenure. Tenure-track appointments shall not include any right to permanent or continuous employment, shall not create any manner of legal right, interest or expectancy of renewal or any other type of appointment, and shall be subject to annual renewal by Motlow State Community College.
3. Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board pursuant to the provisions of this policy. Tenure appointments include the assurance of continued employment for the academic year for an indefinite period, subject to expiration, relinquishment or termination of tenure as hereinafter provided. Such appointments do not include assurance of continued employment at any specified salary or position or employment during summer sessions or inter- sessions.
4. Term appointments are provided only for faculty at community colleges. They are non-tenurable appointments in a traditional rank (e.g., instructor, assistant professor, etc.) for a fixed period of no more than one (1) year and may be renewed with no presumed maximum number of re-appointments. Faculty should be placed on term appointments only when one or more of the following conditions pertains to the employment: (a) as a means for addressing staffing needs in technical programs when the projected need is more than temporary but less than long term, (b) as a means for staffing programs projected to phase out in a fixed period, or (c) when the size of a staffing cohort is projected to extend beyond the normal period for a temporary appointment but is not of sufficient length to warrant a tenure-track or tenured appointment. Term appointments shall not be used as a means for continuing employment of tenure-track faculty appointments when a negative tenure decision has been made or is projected.
5. Clinical-track appointments in the medical, nursing, health science, and law programs
 - a. are full-time faculty appointments,
 - b. are non-tenurable appointments for a fixed term,
 - c. are renewable, and
 - d. permit promotion of faculty who participate in the academic programs by providing patient care and legal services, by exposing students to their professional expertise, and by

directing students' educational experiences in clinical/professional settings where the faculty members practice. Clinical-track appointments may be supported, in whole or in part, by appropriated funds or funding from grants or contracts, from clinical practice or clinical/professional facilities, or from other sources.

6. Clinical practice/research appointments are appointments of faculty who serve as clinical educators and basic researchers in the medical school. Clinical Practice/Research appointments are
 - a. full-time, non-tenurable appointments for which applicants must meet tenure-track eligibility,
 - b. are non-tenurable appointments for a fixed term of three years,
 - c. are renewable,
 - d. permit promotion in rank, and
 - e. permit conversion of the appointment to tenure track at any time prior to but no later than the expiration of the first three-year term, depending on funding availability and faculty performance. In instances where the appointment is converted to tenure-track, the three years served in the Clinical Practice/ Research appointment shall be credited toward the individual's probationary status.

E. Probationary Employment

1. Probationary faculty may be employed on annual tenure-track appointments for a maximum probationary period which may not exceed six years. Faculty must complete five full years before applying for tenure in the sixth year. A recommendation for tenure of a faculty member following a probationary period of not less than five years may be made by the President provided that exception to the minimum probationary period may be made under special circumstances upon recommendation by the President and the Chancellor and approval by the Board.
2. 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, pursuant to SECTION III.G.1 of this policy.
3. Employment during summer terms, in part-time positions, or during periods of leaves of absence (except in the circumstances described in 4 below) shall not be credited toward satisfying the probationary period.
4. Only full-time continuous service at Motlow State Community College will be included in determining completion of the probationary period, except where a break in service was pursuant to an approved leave of absence. The period of approved leave of absence shall be excluded from the requisite period for completion of the probationary period unless the President specified in writing prior to the leave of absence that it shall be included in the probationary period. In no case may more than one year of approved absence be included in determining completion of the probationary period.
5. Where a faculty member is appointed to an administrative position prior to being awarded tenure at Motlow State Community College, if he/she maintains a significant involvement in academic pursuits such as teaching and scholarship, the time or a prorated portion of the time spent in the administrative position may be credited toward completion of the probationary period, provided that the department in which the faculty member would otherwise be employed recommends the faculty member for tenure.
6. Where a faculty member is serving a probationary period in an academic department and is subsequently transferred to another department, the faculty member may - with the approval of the President - elect to begin a new probationary period with the transfer. If he/she does not so elect (and confirm in writing to the President), time spent in the first appointment shall count toward establishing the minimum and maximum probationary periods (see SECTION III.E.1 of this policy).
7. 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.

F. Non-renewal of Non-tenured Faculty

1. When tenure-track appointments of faculty shall not be renewed for further service, the faculty member shall receive notice of his/her non-retention for the ensuing academic year as follows:
 - a. not later than April 1 of the first academic year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least two months in advance of its termination;
 - b. not later than January 1 of the second year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least five months in advance of its termination; or
 - c. not later than the close of the academic year preceding the third or subsequent year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least twelve months in advance of its termination.
2. Notice of non-renewal shall be effective upon personal 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 home address of record at Motlow State Community College. Dates for notice by non-renewal are in no way affected by any credit for prior service which may be awarded pursuant to SECTION III.G.1 of this policy.
3. When a faculty member on a tenure-track appointment completes the sixth year of the probationary period, the faculty member will either be recommended for tenure by the President, or will be given notice of non-renewal of the appointment following the seventh year of service. Such notice of non-renewal should be given not later than the final day of the sixth academic year. The faculty member's right in an instance where timely notice is not given is described in SECTION IV.E.1 of this policy.
4. Faculty members on tenure-track appointments shall not be terminated during the annual specified term of the appointment except for reasons which would be sufficient for the termination of tenured faculty.
5. 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.
6. A faculty member whose tenure-track appointment is not renewed shall be given an oral statement of the reason or reasons for the non-renewal by the President or his/her designated representative(s). When the minimum probationary period is not extended and the faculty member is not recommended for a tenure appointment, the same provisions for an oral statement of reason(s) for the action will be observed by the President or his/her designated representative.
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 which are not appealable to the Chancellor include:
 - a. non-renewal of a tenure-track faculty appointment during the first four years of the probationary period and
 - b. denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period.

Opportunity for the non-renewed (and non-tenured, when applicable) faculty member to discuss his/her case is provided through the following process. The faculty member may appeal the non-renewal to the President. This appeal must be submitted, in writing, to the President within the ten working days following the faculty member's receipt of written notification of the non-renewal decision. A copy of this appeal will also be placed in the

faculty member's personnel file(s). If review and discussion of the case affirms the non-renewal or non-reappointment (and non-tenure, when applicable) decision, the faculty member may refer to TBR Policy on Appeals (1:02:11:00) to determine if further appropriate appeals are available.

Credit for Prior Service

1. Credit toward completion of the probationary period may, in 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 Motlow's State Community College needs and criteria. Any credit for prior service which is recognized and agreed to must be confirmed in writing at the time of the initial appointment.
2. Credit toward completion of the probationary period may, in the discretion of the President, be given for a maximum of three years of previous full-time service in a temporary faculty appointment or term appointment at Motlow State Community College (see SECTION III.D. of this policy), or in an earlier tenure-track appointment at this institution which has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at Motlow State Community College or in an earlier tenure-track appointment at Motlow State Community College which has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.

IV. PROMOTION AND TENURE CRITERIA

All teaching faculty at Motlow State Community College are expected to possess effective teaching skills. However, candidates from the teaching faculty recommended for promotion and tenure will also be judged on the basis of their contributions to the College in service/outreach, and scholarship/creative activities/research.

- A. Teaching - Teaching applies to any manner in which information is imparted so that others may learn, and may include, but is not limited to, a variety of techniques including instruction, development of course materials and courseware, and development of innovative approaches to teaching. (For purposes of promotion and tenure, this component will be weighted at 70%)
The procedure for evaluating the faculty at Motlow State Community College is specified in SECTION IV.D. Criteria relevant to assessing the merit of the probationary candidate:
 1. Teaching effectiveness; 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 and 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:

- f. Open-ended or other student input;
- g. Student products,
- h. Teaching recognitions/awards
- i. Evidence of professional development in teaching.
- j. Evidence of disciplinary or interdisciplinary program or curricular development,
- k. Alumni surveys,
- l. Student exit interviews,
- m. Evidence of supervision of student projects and other forms of student mentorships, and
- n. Other evidence of excellence in teaching or mentoring, or both.
 - i. service to the institution, the community, and the State;

- ii. professional degrees, awards, and achievements;
- iii. professional activities, memberships, and leadership in professional organizations;
- iv. scholarship, research, and public service activities;
- v. participation in organizations and activities of the institution;
- vi. demonstrated potential professional development;
- vii. ability to achieve the objectives of the faculty member, the department, and institution;
- viii. working relationship with colleagues.

- B. Service Outreach - Service applies to service within the community as defined by the college's role and mission; service to the college, as in student advising and/or mentoring; and service within the bounds of the applicant's academic department and budgeted assignment. (For purposes of promotion and tenure, this component will be weighted in increments of 5 from 5% to 20%.) Evaluation of the service component will be based on performance in three areas:
1. Public service to the community as defined by role and mission of the institution
 2. Service to the institution
 3. Service within the bounds of the applicant's academic discipline and budgeted assignment

Evaluation will be based on all three areas, although it is recognized that differences in emphases may exist. The institution accepts the responsibility for determining the emphasis as well as the responsibility for determining specific criteria based on the individual's aspect of work. These criteria will include:

1. Community service programs
2. Applied research activities
3. Public service consultation
4. Committee and administration responsibilities
5. Active contributions to professional associations

In each case, documentation of the evaluation process and criteria will be as complete as possible.

- 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/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. (For purposes of promotion and tenure, this component will be weighted in increments of 5 from 5% to 20%) Activities in this area include:
1. Scholarly pursuits in support of the discipline or the teaching profession, which should include typical professional development activities such as taking classes.
 2. Implementation and use of cutting-edge teaching approaches, such as instructional technologies and learning theories.
 3. Performances, compositions, and other artistic creations that are 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/state meetings.
 5. Publication of research or scholarly works such as books, journal articles, and other scholarly papers.

For purposes of promotion and tenure the total of the three components of evaluation, to include teaching, service/outreach, and activities/research must equal 100%. Each faculty member applying for promotion and tenure must submit documentation as evidence of completion for each of the above components. This documentation will be available for review by the appropriate

Dean, Promotion and Tenure Committee, and Vice President for Academic Affairs prior to recommendation for promotion and tenure.

- D. Criteria relevant to assessing the long-term staffing needs of the department and the institution will be considered throughout the hiring and tenure process. These considerations will include the following:
1. current staffing level of the department and the institution;
 2. previous student enrollment patterns;
 3. projected student enrollment demands;
 4. productivity of faculty characterized by student-teacher ratio, equated hour loads, and student credit hours generated;
 5. stability and availability of position funding.
- E. Faculty Evaluation
1. The nature and relative importance of the criteria to be considered in assessing faculty merit reflect an institutional commitment to quality instruction provided by a professionally active faculty involved in college and community service.
 2. Administration of the comprehensive faculty evaluation system at Motlow State Community College, with annual participation by all full-time faculty, measures individual faculty achievement of the goals represented by the identified criteria; and as a result, the evaluation system plays a significant role in assessing the merit of the probationary candidate. The Comprehensive Faculty Evaluation System has two components:
 - a. Evaluation of faculty by students
 - b. Evaluation of faculty by the department head to which the faculty member is assigned.
 3. The first evaluation period for a first-year, full-time faculty member closes on January 31 of the first academic year. The second evaluation period is retroactive to November 1 of the first academic year and continues through the following October 31. After these two evaluation periods, the evaluation year for a returning faculty member begins each November 1 and continues through October 31 of the following year.
 4. The instrument used for the student evaluation component is the Motlow State Community College Student Evaluation of Faculty, and will permit student response in six component parts. All full-time faculty whose appointments meet all conditions previously stated in "faculty definition" will select four class sections (excluding topics) per evaluation year with at least one class section per term. All sections evaluated will be included in the institutional summary results. Selections of sections to be evaluated will be made no later than one week prior to the beginning of midterm examinations for a given term. Specific section choices should be made in a manner which assures that all courses regularly taught by the faculty member are evaluated.
 5. All non-tenured faculty will have a formal evaluation by their appropriate Dean annually. This may include both a written evaluation and an evaluation conference. Tenured faculty will have a formal evaluation once every three years. In the two off years, the appropriate Dean will prepare a brief written evaluation to which the faculty member may add comments. Both the department head and the faculty member will sign this. If for any reason either the faculty member or the department head feels the need or desire to have a formal evaluation in the off years, the formal evaluation process will be used.
 6. Additionally, the current procedure and frequency of conducting student evaluations will be maintained, and all returning faculty will continue to submit to the appropriate Dean on an annual basis at least two personal professional objectives for the academic year and steps to achieve them.
 7. Faculty recommendations concerning evaluation may be expressed through the Faculty Council. Students may voice opinions concerning faculty evaluation practices and make recommendations through the Student Government Association.
 8. The President will acknowledge faculty and student concerns as they occur or if changes are to be made in the evaluation system.

F. Tenure Appointments

1. No faculty member shall be entitled to or acquire any interest in a tenure appointment at Motlow State Community College without a recommendation for tenure by the President and an affirmative award of tenure by the Board of Regents. No other person shall have any authority to make any representation concerning tenure to any faculty member, and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at Motlow State Community College.
2. Recommendations for or against tenure-eligible faculty will originate from the department in which the faculty member is assigned and will include appropriate participation in the recommendation by tenured faculty in the department. In the event only one tenured faculty member is eligible to vote, two others from a related discipline will be recommended by the appropriate Dean. The Promotion and Tenure Committee procedures shall insure that its members have qualified privilege of academic confidentiality against disclosure of individual tenure votes unless there is evidence that casts doubt upon the integrity of the committee. The recommendation for tenure must be made by the President to the Chancellor and by the Chancellor to the Board. The President shall furnish to the faculty member written notification of TBR action.
3. A candidate for tenure 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 who will act as chair of the committee, one tenured faculty from outside the academic department, and the appropriate Dean where tenure will be granted.

V. GENERAL PROCESS

- A. The general process for recommending the promotion or tenure of a faculty member takes the following course:
 1. Vice President for Academic Affairs notifies faculty eligible to apply for promotion or tenure
 2. Faculty member submits application for promotion or tenure with documentary evidence attached
 3. Consideration and vote by tenured faculty within the academic department; results submitted to the appropriate Dean.
 4. Recommendation of faculty member by the appropriate Dean
 5. Evaluation by Promotion and Tenure Committee
 6. Recommendation to the Vice President for Academic Affairs
 7. Recommendation to the President of Motlow State Community College
 8. Recommendation to the Chancellor of Tennessee Board of Regents
 9. Recommendation to the committee on Personnel
 10. Recommendation to Tennessee Board of Regents
- B. The specific process at Motlow State Community College is described in the following items:
 1. Vice President for Academic Affairs notifies faculty eligible to apply for promotion or tenure.
 2. The appropriate Dean conducts annual evaluations of faculty and will advise them as to whether or not he/she will be recommended for promotion or tenure. Deficiencies will be explained.
 3. The tenured faculty within the academic department consider and vote for faculty eligible for promotion and/or tenure within the department and submit the results to the appropriate Dean.

In the event only one tenured faculty member is eligible to vote, two others from a related discipline will be recommended by the appropriate Dean.

4. The appropriate Dean will submit recommendations to the Vice President for Academic Affairs accompanied by complete and careful documentation of the candidate's teaching performance and public service contributions.
 5. After full consideration, including the recommendations of the Promotion and Tenure Committee, the department head and other administrative officers, the Vice President for Academic Affairs makes a formal recommendation to the President accompanied by documented facts supporting the recommendation.
 6. If the President approves the recommendations, he/she will submit them to the Chancellor of the Tennessee Board of Regents for final action as outlined below in the "General Process at the Board Level." Only those recommendations approved by the President are submitted to the Chancellor.
 7. Upon submission of the recommendations to the Chancellor, the President shall inform each faculty member of his/her recommendations. Once recommendations are acted upon by the Chancellor and the TBR, the President shall inform each faculty member concerning the results of the recommendations.
- C. The specific process at the Tennessee Board of Regents level is as follows:
1. A letter of recommendation from the President of Motlow State Community College with the promotion and tenure recommendations will be forwarded to the Chancellor for his/her review.
 2. The Chancellor's recommendation will be forwarded to the Committee on Personnel and their recommendation forwarded to the Board.

VI. REVIEW AND COMMITTEE PROCESS

- A. By November 1 of each academic year, the Vice President for Academic Affairs shall notify probationary faculty who meet minimum eligibility requirements for tenure and promotion in writing, of the minimum eligibility requirements, the criteria, and the procedures for applying for tenure.
- B. Faculty members meeting minimum eligibility requirements seeking tenure shall make formal application, in memorandum, by December 1. This memorandum, directed to the appropriate Dean, shall include documentation from the applicant which addresses minimum eligibility requirements and criteria to be considered in tenure recommendations, in SECTION II of this policy.
- C. The appropriate Dean will summarize annual evaluation results for each candidate for tenure. The summary will include results for each component of the evaluation system for each year of the probationary period of the applicant. This summary will include results of student evaluations completed annually.
- D. By February 1, the Deans will forward to the Vice President for Academic Affairs:
 1. all applications with documentation,
 2. summaries of annual evaluation results, and,
 3. the appropriate Dean's recommendation concerning the tenure request for each applicant.
- E. The Promotion and Tenure Committee shall hold its organizational meeting by February 15. During this meeting, the following shall be accomplished:
 1. election of a chair;
 2. election of a recorder;
 3. identification of all applications for tenure to be received from the Vice President for Academic Affairs;

4. identification of documents necessary to make recommendations (e.g., applicant documentation, results of faculty evaluation, and other information related to criteria to be considered); and
 5. determination of committee procedures.
- F. The committee will notify the Vice President for Academic Affairs, in writing, of its recommendation on each application by March 15.
- G. The Vice President for Academic Affairs shall formulate his/her recommendation using the recommendations of the Dean and the committee, applicant documentation, results of the faculty evaluation system, and other information related to criteria to be considered in tenure recommendations. He/she shall forward the recommendation on each applicant for tenure and promotion with the recommendations of the Deans and the committee and other relevant information to the President by April 1 for consideration.
- H. After receipt of the materials from the Vice President for Academic Affairs, the President shall notify, in writing, each applicant of his/her intention to recommend or not recommend the individual for tenure. Should the applicant wish to appeal the President's intention, the procedures contained in Motlow State Community College Policy 5:02:03:25, Appeal Process for Tenure or Promotion Denial should be followed.

VII. CHANGES IN TENURE & TENURE-TRACK STATUS

- A. Expiration of Tenure - Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire upon 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.
- B. Relinquishment of Tenure - A faculty member shall relinquish or waive his/her right to tenure upon resignation from Motlow State Community 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. Where a tenured faculty member is transferred or reclassified to another department by the institution, the transfer or reassignment shall be with tenure. Tenure shall not be relinquished during periods of approved leaves of absence or during periods of service in an administration position at Motlow State Community College.
- C. Termination of Tenure for Reasons of Financial Exigency - A tenured faculty member may be terminated as a result of financial exigency at Motlow State Community College subject to Board declaration that such financial conditions exist. Personnel decisions (including those pertaining to tenured faculty) that result from a declaration of financial exigency at Motlow State Community College will comply with the TBR Policy on Financial Exigency (5:02:06:00).
- D. Termination of Tenure for Curricular Reasons - The employment of a tenured faculty member may be terminated:
1. because a program is deleted from the curriculum or
 2. because of substantial and continued reduction of student enrollment in a field.
 - a. Before declaring that curricular reasons exist, the President will ensure meaningful participation by Motlow State Community College Faculty Council in identifying the specific curricular reasons, evaluating the long-term effect on the institution's curriculum and its strategic planning goals, and the advisability of initiating further action.
 - b. Prior to initiating the process described, the President will present - either verbally or in writing - a description of curricular reasons that may warrant the termination of tenured faculty member(s). The President will meet with the Faculty Council for discussion of the

- curricular reasons identified and the long- term effect on the institution's curriculum and its strategic planning goals.
- c. The Faculty Council will be requested to respond in writing to the President within thirty (30) days of his/her meeting with them, addressing those areas identified by the President.
 - d. No action to initiate termination of a tenured faculty member will be taken prior to the President's receiving the Council's written response, and all provisions of items 1 through 5 of this section will be assured.
 - e. 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 to handle changing enrollment patterns (see SECTION V11.D.7 of this section).
3. Upon determining that termination of one or more tenured faculty member(s) is required for one or more of the two reasons cited above, the President shall furnish each faculty member 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 of which faculty member(s) were to be terminated was reached. 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.
 4. If the faculty member(s) to be terminated indicate(s) objections to the President's written statement(s) and request(s) a review, the President will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the Faculty Council; that 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 in writing the faculty member(s) proposed for termination either that the decision for termination stands or that it has been altered.
 5. The President's decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the Chancellor and the Board as provided in the TBR Policy on Appeals (1:02:11:00).
 6. When a tenured faculty member 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 and salary (with the addition of an appropriate increase which, in the opinion of the President, would constitute the raise that would have been awarded during the period that he or she was not employed).
 7. Upon determining that termination of one or more tenured faculty members is warranted for curricular reasons, the President shall base his/her decision about which faculty member(s) should be terminated upon his/her assessment as to what action would least seriously compromise the educational programs in a department. Termination for curricular reasons presumes a staffing pattern in a department which cannot be warranted either by comparison with general load practices within the institution or by comparison with faculty loads in comparable departments at similar institutions. In that light, the President shall also, in his/her discretion, base the decision on a careful assessment of the impact of the curricular reason on staffing requirements in the department as compared to overall patterns in the institution and to comparable departments which, in his/her judgment, are in institutions similar enough to warrant assessment.
 8. Unless the President demonstrates (preferably by means of past performance evaluations) that an exception should be made to reduce qualitative compromise of an educational program, the following considerations should guide - but not be construed as mandatory - the President in determining the order of faculty reductions in a department where termination of tenured faculty is proposed for curricular reasons:
 - a. part-time faculty should not be renewed before tenured faculty are terminated,

- b. temporary faculty or tenure-track faculty in the probationary period should not be renewed before tenured faculty are terminated,
 - c. among tenured faculty those with higher rank should have priority over those with lower,
 - d. among tenured faculty with comparable rank, those with appropriate higher academic degree(s) should have priority over those with lower degrees, and
 - 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.
9. Definitions:
- a. "Program is deleted from the curriculum" means that TBR takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization.
 - b. "Substantive and continued reduction of student enrollment in a field" means that over a period of at least three (3) years student enrollment in a field has decreased at a rate in considerable excess of that of the institution 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 institution or by comparisons with faculty loads in comparable departments at similar institutions which the President would deem to be appropriate for comparison.
10. When a tenured faculty member 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 or she is qualified. In instances where (in the opinion of the President) relocation within Motlow State Community College is a viable alternative, Motlow State Community College will accept 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.
- E. Transfer of Tenure - Where a faculty member is tenured in a department and is subsequently transferred to another department, the transfer is with tenure. In no instance may the faculty member be compelled to relinquish tenure (see SECTION VII.B of this policy) as a condition for affecting the transfer.
- F. Termination for Adequate Cause - A faculty member with tenure or faculty member on a tenure-track appointment prior to the end of the term appointment may be terminated for adequate causes, which include 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, the institution, 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 institutional duties and responsibilities;
 5. Capricious disregard of accepted standards of professional conduct;
 6. Falsification of information on an employee 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 at Motlow State Community College.
- G. Procedures for Termination for Adequate Cause - Termination of a faculty member with a tenure appointment, or with a tenure-track or temporary appointment prior to the annual specified term of the appointment, shall be subject to the following procedure:
1. No termination shall be effective until steps 4 through 10 below have been completed.
 2. Suspensions pending termination shall be governed by the following procedure:

- a. A faculty member may not be suspended pending completion of steps 4 through 10 unless it is determined by Motlow State Community 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 institution. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
 - b. In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible at which time the faculty member may cross-examine his/her accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
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.
4. Upon recommendation by the chief academic officer of Motlow State Community 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 4, 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:
 - a. The faculty member shall be provided with a written statement of the specific charges alleged by the institution which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statements and notice must be provided at least twenty (20) days prior to the date of 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 consist of five members, three to be appointed by the President and two by the Faculty Council. The committee may not include any member of the faculty committee referred to in 5 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 President who shall notify all parties of the communication.
7. The hearing committee shall elect a chairperson who directs the proceedings and rules 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 extension.

8. The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties which 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:
 - a. Notification as to procedure for conduct of the hearing.
 - b. Exchange of witness lists, documentary evidence, and affidavits.
 - c. Define and clarify issues.
 - d. Effect stipulations of fact.A written memorandum of the pre-hearing conference should be prepared and provided to each party.
9. 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 typewritten 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 institution 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 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 seven (7) days after delivery of the affidavit or if the committee chairperson determines that the admission of the affidavit is necessary to insure a just and fair decision.
 - f. In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the institution or other institutions 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.
10. 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 on Appeals (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, in the discretion of the President, the case may be returned to the hearing committee for further proceedings.

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

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