

Responsibility: Executive Vice President - Provost
Responsible Executive Officer: Executive Vice President - Provost

Source/Reference: [TBR Policy 5:02:03:70](#)
[TBR Policy 5:02:07:00](#)
[TBR Policy 5:02:06:00](#)
[TBR Policy 1:02:11:00](#)
Columbia State Policy 05:14:00

PURPOSE

To define faculty appointments and establish conditions and procedures for the non-renewal of non-tenured faculty contracts, transfer of tenure, and the termination of tenured faculty contracts.

POLICY

- I. Types of faculty appointments in the Tennessee Board of Regents' community colleges as defined in [TBR Policy 5:02:07:00](#) are temporary appointments, term appointments, tenure-track appointments, and tenure appointments. These appointments and non-renewal or termination of the appointments are subject to all the conditions and terms of employment described in that policy.

<http://www.tbr.edu/policies/default.aspx?id=1494>

- II. Conditions for the non-renewal or termination of the various appointments are as follows:
 - A. Temporary appointments are non-tenurable appointments for a specific purpose and a time period appropriate to that purpose. These appointments are terminated according to the terms of the appointment and do not hold the expectation of continued employment beyond the specified time period. Faculty in temporary appointments are appointed in rank, but are not eligible for promotion in rank.
 - B. Term appointments are non-tenurable appointments in a traditional rank (i.e., instructor, professor) for a fixed period of no more than one (1) year and are terminated at the end of that period, but may be renewed based upon the needs of the College. Term appointments are not to be used to meet long-term staffing needs, and a faculty member should not remain in a term appointment for more than six years. Faculty in term appointments are eligible for promotion.
 - C. Tenure-track appointments are appointments for full-time faculty with academic rank and may be for the academic or fiscal year. Tenure-track appointments are for faculty employed in a probationary period of employment prior to consideration for

tenure. These appointments do not include any right to permanent or continuous employment and are subject to annual renewal by the College.

A tenure-track appointment may not be converted to a term appointment as a means for continuing employment of tenure-track faculty when a negative decision has been made.

- D. Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board of Regents pursuant to the provisions of [TBR Policy 5:02:03:70](#). Tenure appointments include the assurance of continued employment for the academic year or fiscal year for an indefinite period, subject to expiration, relinquishment, or termination of tenure as provided in [TBR Policy 5:02:03:70](#). Such appointments do not include assurance of continued employment at any special salary or position or employment during summer sessions or inter-sessions.
- E. Temporary appointments may not be converted to a tenure-track appointment.
- F. The conversion of a term appointment to a tenure-track appointment is allowed pursuant to TBR Guideline P-010. The holder of the term appointment converted to a tenure-track appointment may be awarded up to three years credit for prior service in residence. Criteria considered in a decision to convert from a term to a tenure track appoint include the following:
 - 1. Critical need of the position including enrollment trends and potential sustainability of the program
 - 2. Minimum of three years service in term contract before first review
 - 3. Demonstrated professional growth and excellence in teaching as documented in performance review
 - 4. Exceptional service to the institution and to student development

PROCEDURES

- I. Definitions of words and terms used in this policy are set forth in [TBR Policy 5:02:03:70](#). All procedures are subject to the conditions set forth in the TBR policy.
- II. Temporary and term appointments are considered terminated at the end of the time period specified in the appointment contract. No further notification of termination is required. These appointments can be terminated prior to the end of the appointment for adequate cause, as defined in Section V.E. of this policy.
- III. Non-renewal of Probationary Tenure-Track Faculty
 - A. A faculty member on a tenure-track appointment may be terminated during the annual specified term of appointment for reasons that would be sufficient for the termination of tenured faculty, as defined in Section V.E. of this policy.

- B. When a probationary period tenure-track appointment will not be renewed, the faculty member shall receive notice of his/her non-retention for the ensuing academic year as follows:
1. 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.
 2. 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.
 3. Not later than the close of the academic year proceeding the third or subsequent year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least twelve months prior to its termination.
 4. 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 College president or will be given notice of non-renewal of the appointment following the seventh year of service by no later than the final day of the sixth academic year. The faculty member's right when timely notice is not given is described in [TBR Policy 5:02:03:70](#).
- C. Applicable dates for notice of non-renewal are based on actual years of service at Columbia State and are in no way affected by any credit for prior service that may be awarded by the College at the time of the initial tenure-track appointment.
- D. 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 address of record at the institution.
- E. The non-renewal or non re-appointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his or her work or conduct has been unsatisfactory.
- F. Unless there is a violation of state or federal law under the limitations described in [TBR Policy 1:02:11:00](#), decisions which are not subject to appeal to the Chancellor include (a) non-renewal of a tenure-track faculty appointment during the first five years of the probationary period and (b) denial of tenure unaccompanied by notice of termination in the sixth year of the probationary period.

IV. Transfer of Tenure

- A. Where a faculty member is tenured in an academic program, he or she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.
- B. When a faculty member with tenure is appointed to an administrative position, he or she will retain tenure in the former faculty position only; and, a faculty member otherwise eligible for tenure who also holds a non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of Columbia State Policy 05:14:00, Tenure.

V. Termination of Tenure Appointments

- A. Tenure status shall expire upon retirement of the faculty member. Tenure status 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 or her assigned duties.
- B. A faculty member shall relinquish or waive his or her right to tenure upon resignation from the college or upon failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the president, the faculty member has shown good cause for such failure to report. Tenure is not relinquished due to transfer or reclassification to another department or during administrative assignments at the college.
- C. Tenured faculty members may be terminated as a result of financial exigency at the college subject to TBR declaration that such financial conditions exist. These termination decisions shall comply with [TBR Policy 5:02:06:00](#) on Financial Exigency.
- D. Tenured faculty members may be terminated for curricular reasons if (1) a program is deleted from the curriculum or (2) if there is substantial and continued reduction of student enrollment in a field or discipline. Such terminations shall use the definitions and follow the process set forth in [TBR Policy 5:02:03:70](#) for the termination of tenure for curricular reasons.
- E. Tenured faculty members may be terminated for adequate cause as defined in and following the procedures outlined in [TBR Policy 5:02:03:70](#). Reasons for adequate cause 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 of Regents, 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 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 division of the institution.

Such terminations shall follow the procedures set forth in [TBR Policy 5:02:03:70](#) for termination for adequate cause.

January 1989; Revised: September 26, 1997 (titles updated only); October 1, 2001 (name of policy changed and policy expanded to address the five types of faculty appointments; new policy format); September 9, 2002 (deleted the wording "and an opportunity to discuss his/her case with the vice president for academic services "under Procedures III.E. to bring policy in compliance with TBR policy); July 28, 2004 (to bring policy in compliance with TBR policy); March 28, 2011 (revised to bring policy into compliance with revised TBR policy); September 21, 2011 (new policy format, updated titles and addition of criteria for transfer from term to tenure track.)