

# General Personnel Policy : 5.01.00.00

Policy/Guideline Area

Personnel Policies

Applicable Divisions

System Office

## **Purpose**

The following General Personnel Policy of the Tennessee Board of Regents is hereby adopted to delegate to the presidents and Chancellor, the authority and responsibility hereinafter specified concerning personnel, which the Board finds to be necessary and appropriate for the efficient administration of the institutions, and to establish standards, guidelines, and reporting requirements for the exercise of the delegated authority.

## **Policy/Guideline**

### **Scope of Delegation**

#### **1. Presidents**

- a. The appointments and terminations which require the prior approval of the president and the Chancellor include:
  - i. All Vice Presidents or other executives reporting directly to the President (academic, business, student affairs, etc.), including all interim appointments;
  - ii. Any other positions which may be designated by the Chancellor.
- b. No offer of employment can be made for positions requiring the Chancellor's approval until the on-line appointment form has been signed by the Chancellor or designee.
- c. The president has the authority to establish institutional policy or practice for appointments and terminations not requiring the Chancellor's approval. Such practices or polices shall not be inconsistent with TBR guidelines and policies.

#### **2. Nature of Appointments**

- a. Faculty, including part-time and temporary faculty, at community colleges shall be employed pursuant to the types of appointments specified in Board Policy No. 5.02.02.30.
- b. Faculty, including part-time and temporary faculty, at Tennessee Colleges of Applied Technology shall be employed pursuant to the types of appointment specified in Board Policy No. 5.02.02.10.
- c. Employees other than faculty, i.e., staff, are employed on an at-will basis. This means that staff are free to terminate/resign from their employment at any time, either with or without a reason and with or without notice. TBR and TBR institutions also have the right to terminate staff at any time, with or without a reason and with or without notice, provided that the basis for termination is not because of; participation in protected activities, unlawful discrimination, or other considerations prohibited under federal/state law. Supervisors shall consult with Human Resources and/or TBR Office of

General Counsel prior to terminating the employment of any staff employee. Although TBR and TBR institutions may choose to terminate a staff employee for cause and/or gross misconduct, neither cause nor gross misconduct is required.

- i. Only the Board and Chancellor have the authority to enter into staff employment contracts for a specified period of time, or to make any agreement contrary to this at-will arrangement. Any such agreement must be in writing and signed by an appropriate Board Member or by the Chancellor.
  - ii. Any staff employment contract in effect at the time of this policy revision (June 30, 2021) shall terminate upon its expiration, and the institution shall not renew it.
  - iii. Appointment letters for staff shall be substantially consistent with Exhibit 11 within TBR Guideline P-010. Any variations to the existing template provided, must be reviewed and approved by the Office of General Counsel.
- d. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to their duties and shall maintain appropriate office hours as determined by the president.
- i. Presidents are authorized to use flexibility as appropriate in determining the structure of the work week for faculty to recognize variations from traditional instructional formats such as afforded by online instruction, distance education, or other methods of instructional delivery.
  - ii. Implementation of the 37.5-hour work week is governed by Procedure P-020.
- e. Within the requirement of a minimum of 37.5 hours per week, faculty at community colleges shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses, two hundred and twenty-five (225) non-credit contact hour or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president or designee. Within the requirement of a minimum of 37.5 hours per week, faculty at Tennessee Colleges of Applied Technology shall normally be required to carry thirty (30) contact hours per week of teaching.
- f. Personnel at community colleges who are appointed on an academic year basis shall be on duty for not less than nine months, which shall commence from the time designated by the president prior to the institution's first day of class for the fall term of each year through the time designated by the president at the end of the spring term and shall be subject to call for duty during that period regardless of whether classes are in session.

### **3. Compensation**

- a. The president is responsible for compliance with all federal and state laws and regulations, and all Board policies and directives, concerning compensation for employees. Compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.
- b. All regular full-time personnel, whether on an academic or fiscal year appointment, shall be paid twelve (12) monthly installments each year, provided that exceptions may be made upon termination, or as approved by the Chancellor.

- c. All full-time and part-time employees are required to participate in the automatic deposit program for the direct deposit of their salaries or wages. Each campus has the option to require student workers to participate in the direct deposit program unless prohibited by Federal Work Study Guidelines. Institutions shall not charge employees or students for direct deposit.
- d. Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught at community colleges and on the basis of clock hours taught at TCATs, pursuant to the rates set forth in exhibit 1 which shall be considered maximum rates for compensation of part-time faculty.
- e. Exceptions to the schedule may be approved by presidents based on bona fide market conditions.
- f. Each institution shall develop policies and procedures for the administration of the compensation system at the institution subject to the Compensation Plan Guideline promulgated by the Board. This includes reclassifications and degree changes.
- g. Temporary Administrative Duties For Faculty
  - i. Faculty members may be asked to temporarily assume administrative responsibilities which entail moving from an academic year to a fiscal year appointment with the assignment of additional duties. This temporary appointment may be on a long-term or short-term basis but is still considered a temporary appointment subject to this policy. Temporary appointments are distinct from permanent at will administrative positions.
  - ii. Temporary administrative responsibilities may justify an administrative stipend in addition to regular salary. The stipend amount or any other understanding concerning compensation must be set out in a new appointment letter. The appointment letter:
    - 1. Should include a statement that the stipend is awarded as compensation for the additional administrative responsibilities and will be removed at the time the administrative responsibilities end; or
    - 2. Should otherwise address how compensation will be affected at the end of an administrative appointment.
  - iii. If the appointment letter does not identify the means for calculating a salary upon the end of the administrative appointment, the stipend shall be removed, and the employee shall receive a salary of 80% of the annual salary, if returning to an academic year appointment. The institution may choose to exceed the 80% number on the basis of comparable faculty salaries, including rank, merit, length of service, experience, degrees and yearly percentage increase in salary. Unless the Chancellor approves an exception, an employee returning or moving to a 9-month faculty position shall not receive a salary greater than the highest paid 9-month faculty member in the department.
    - 1. The awarding of an administrative stipend is an issue separate from that of conversion from an academic year to a fiscal year basis. When the conversion from an academic year to a fiscal year takes place, the institution should convert the salary from the academic year contract by

adding 33% and then adding any administrative stipend amount determined necessary.

2. The following illustrates the procedure defined above.
  - a. A faculty member making \$60,000 on an academic contract is converted to a fiscal year contract at a salary of \$79,800.
  - b. In addition, a \$4,500 administrative stipend is added and so indicated because of additional duties. The total amount of salary is then \$84,300.
  - c. At the time the faculty member serving as administrator returns to a faculty position on an academic year basis, the administrative stipend will end.
  - d. Then the base faculty salary is reduced to an academic year contract at a rate of 80% of the fiscal year salary.
- h. Faculty Appointed to Regular 12-month Administrative Position and Return to Faculty Assignment (non-Temporary)
  - i. When a faculty member appointed on a regular 12-month administrative position returns to regular faculty, unless otherwise agreed to in writing, the manner for determining the 9-month faculty salary shall take into account the following considerations: faculty salary at time of moving into administrative position, rank, merit, length of service, experience, performance, degrees and any across the board increase in salary awarded to faculty while the individual serviced as an administrator.
    1. Unless the Chancellor approves an exception, an administrator returning or moving to a 9-month faculty position shall not receive a salary greater than the highest-paid 9-month faculty member in the department.
    2. For individuals transitioning from a twelve (12) month administrative position or salary basis to a 9-month faculty position, or for new faculty hires that begin service after the start of an academic year or an academic term, institutions should apply the following process to establish the employee's monthly salary for the remainder of the fiscal year:
      - a. Divide the previously determined academic year (9- month) salary by the number of workdays in the academic year to get the daily rate.
      - b. Multiply the daily rate by the number of workdays that have passed in the academic year without the faculty member working in the 9-month position.
      - c. Subtract that amount from the annual salary.
      - d. Pay the remainder of the total academic year salary amount in equal monthly installments over the remaining fiscal year period.
      - e. Example:

- i. \$54,000 academic year salary/166 days in academic year = \$325/day
- ii. 50 days elapsed in the academic year prior to faculty assignment
- iii.  $\$325 \times 50$  days into academic year = \$16,250
- iv.  $\$54,000 - \$16,250 = \$37,750$  owed to faculty in equal monthly installments over remainder of the fiscal year.

#### 4. Changes of Status and Terminations

- a. The president is authorized to approve changes of status (i.e., transfers, promotions, demotions, or other changes in duties or responsibilities) of personnel within the scope of the delegation provided for in Section I, provided that when a change of status would cause the employee to be within the scope of positions subject to approval of the Chancellor, the change of status will be subject to the Chancellor's approval.
- b. Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions concerned prior to making an offer to the candidate. An employee promoted must meet all established minimum qualifications as determined by the appointing authority.
- c. Promotion of Faculty - The promotion of faculty shall be subject to Board Policy No. 5.02.02.30 for community colleges, and Board Policy No. 5.02.02.10 for Tennessee Colleges of Applied Technology.
- d. Promotion of Staff- Promotions of staff should be made pursuant to any established and written criteria developed by the institution. Promotions and transfers are an acceptable means of filling vacancies. However, such promotions and transfers must be achieved within the parameters of applicable policies and institutional affirmative action plans. In addition, any vacant position created by that promotion, if filled, must be filled within the provisions of applicable policies and applicable guidelines.
- e. Terminations and Transfers - The president is authorized to terminate and transfer all personnel within the scope of the delegation of authority provided for in Section I, provided that terminations of faculty shall be pursuant to the provisions of Board Policy No. 5.02.03.70 for community colleges, or Board Policy No. 5.02.03.10 for Colleges of Applied Technology. Terminations of staff and other non-faculty shall be pursuant to the provisions of Board Policy –Employee Discipline 5.01.00.02.
- f. Absence from Duty - An employee who is absent from duty for three (3) consecutive business days without giving notice to the appropriate manager concerning the reason for such absence and without securing permission to be on leave is considered as having resigned not in good standing effective at the end of the third business day.
- g. Budget Reduction Actions -- Reductions in Force (RIF) and Furloughs (Applicable to employees other than tenured faculty)
  - i. In the event of a budget shortfall, state impoundment, substantial revenue reduction, or other need to reduce personnel costs, an institution shall consult with the Chancellor and the Office of General Counsel prior to beginning the planning process for significant personnel-related budget reduction measures (e.g., across-the-board compensation reductions, furloughs, reductions in

- time worked by employees, and reductions in force). The Chancellor must approve of any such actions.
- ii. A reduction in force (RIF) is a layoff for an indefinite period of time, generally with no expectation of recall, of one or more employees resulting from the elimination of one or more positions due to lack of funding, reorganization, restructuring or other reason.
  - iii. A furlough is a temporary reduction of hours, days, or weeks, resulting in a proportional reduction in pay, generally for a finite period of time and with retention of benefits.
  - iv. After consultation with the Office of General Counsel, an institution must provide a written rationale for a RIF or furlough. The written rationale should explain the basis for the decision and identify the functional area(s) affected, review the budgetary implications, and include specific written criteria to identify the duties that will be reassigned and/or eliminated. The rationale must include the reasons why the positions proposed for RIF or furlough were selected.
  - v. The factors used in determining which positions to furlough and/or eliminate and which employees to furlough and/or lay off include, but are not limited to:
    - 1. The department or area that is being affected;
    - 2. Length of service in the position and/or length of service at the institution or college;
    - 3. Past written performance appraisals and disciplinary action;
    - 4. Functions that will be eliminated and functional needs of the unit; and
    - 5. Qualifications and skills needed to perform remaining duties of the affected units.
  - vi. Written notification to the affected employees must be given as far in advance of the effective date as possible.
  - vii. Employees affected by a RIF must receive notification when vacancies occur for like positions at their former campuses within 12 months of the RIF.
  - h. Nothing in this policy should be construed to preclude the use of other budget reduction tools, including, but not limited to, reductions in hours worked and reductions in compensation. Colleges should consult the Office of General Counsel when considering use of such tools.

## **5. Non-Discrimination Requirements**

- a. All appointments, changes of status, compensation, and terminations must be made in compliance with Board Policy No. 5.01.02.00 (EEO Affirmative Action) .No person shall be discriminated against on the basis of race, sex, religion, creed, age (as applicable), disability, sexual orientation, gender identity/expression, status as a covered veteran, genetic information, color, ethnic or national origin, and any other category protected by federal or state rights law in any area of employment.

## **6. Employment Practice Complaints**

- a. Upon receipt of any charge or claim alleging violations of state or federal laws or regulations in any area of employment by any state or federal agency, or by any attorney, a copy of the notice of the charge or claim shall immediately be transmitted to the Office of General Counsel.
- b. The institution shall transmit to the Office of General Counsel copies of all correspondence from or to the state or federal agency involved.
- c. All responses to and interactions with the state or federal agency shall be coordinated through the Office of General Counsel.
- d. Internal complaints, charges, or claims concerning matters of employment shall be handled through the established procedures at the institution, subject to approval by the president.

#### **7. Academic Credentials to comply with T.C.A § 49-7-133**

- a. It is a Class A misdemeanor to misrepresent academic credentials. A person commits the offense of misrepresentation of academic credentials who, knowing that the statement is false and with the intent to secure employment at or admission to an institution of higher education in Tennessee, represents, orally or in writing that such person:
  - i. Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas from an accredited institution of higher education;
    1. Has successfully completed the required course work for and has been awarded one (1) or more degrees for diplomas from a particular institution of higher education; or
    2. Has successfully completed the required course work for and has been awarded one (1) or more degrees or diplomas in a particular field or specialty from an accredited institution of higher education.

#### **8. Records and Reporting Requirements**

- a. The institution shall maintain full and complete records on all personnel, including all appointments, compensation, change of status, and termination as specified in Policy 1.12.01.00, Records Retention and Disposal of Records.

#### **9. Exceptions**

- a. The Chancellor is authorized to approve exceptions to the provisions of this policy or to suspend the provisions of this policy.

#### **Exhibits**

- [Exhibit 1 - Faculty Compensation Rates](#)(docx /13.7 KB)

#### **Sources**

#### **Authority**

T.C.A. §§ 49-8-203, 49-7-133; T.C.A. §§ 8-35-124, 8-50-807

## History

10. TBR Meetings: June 25, 1976; March 4, 1977; June 26, 1981; September 18, 1981; September 30, 1983; September 16, 1988; March 17, 1989; September 21, 1990; December 7, 1990; March 19, 1993; September 20, 1996; December 6, 1996; June 20, 1997; June 29, 2001; March 15, 2002; December 5, 2003; September 24, 2004; March 30, 2007; September 26, 2008; June 19, 2009 to take effect July 1, 2009; June 24, 2010; Revised September 20, 2013; Revised at Board Meeting June 20, 2019; Revised at Board Meeting June 18, 2021; Ministerial Changes May 15, 2023.

### Related Policies

- [Annual Leave](#)
- [Sick Leave](#)
- [Equal Employment Opportunity and Affirmative Action](#)