

## V 01 01 GENERAL PERSONNEL POLICY

### Purpose

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

### Definitions

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- Promotion - is defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification, or assuming duties which warrant a reclassification of present position to one at a higher level.
- Demotion - is defined as a decrease in position or rank brought about by means of assuming the duties of a vacant position of lower classification, the realignment of duties presently performed which warrant a reclassification of present position to one at a lower level, or the assignment of a position at a lower classification subsequent to the disciplinary procedure or disqualification from present duties as a result of mental or physical incapacity to perform the required work.
- Reclassification - when an employee's duties and responsibilities change and may include an appropriate salary adjustment.
- Lateral Transfer - is defined as the assumption of duties of another position at the same level.
- Immediate family - is defined as any of the following named members of the employee's household at the time he/she reports for duty at his/her new official station: spouse, children (including step-children, adopted children, or foster children) unmarried and under 21 years of age or physically or mentally incapable of supporting themselves regardless of age, or dependent parents of the employee and the employee's spouse.

### Policy

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#### I. Scope of Delegation

##### A. Presidents

1. The appointments and terminations which require the prior approval of the president and the Chancellor include:
  - a. All Vice Presidents or other executives reporting directly to the President (academic, business, student affairs, etc.) including all interim appointments;
  - b. Directors and chairs of the Centers of Emphasis and Excellence, including interim appointments;

- c. Any other positions which may be designated by the Chancellor.
- B. The President is authorized to appoint, determine the compensation and change of status of, and terminate all other employees at the institution subject to the provisions of this and other relevant board and institution policies and procedures and the Board approved Compensation Plan Guideline.
  - 1. The President may delegate the foregoing authority to a designated person or persons at the institution provided that all appointments and compensation of faculty and administrative personnel shall be subject to the approval of the president.
  - 2. Subsequent references to the president of an institution include the president or his or her appropriate designee.
- C. Notwithstanding any other policy or agreement, in the event of a severe state budget shortfall or state impoundment, the Chancellor may give specific written authorization to presidents upon their request to reduce compensation across the board for the remainder of the fiscal year, to mandate furloughs without pay and/or to reduce the amount of time to be worked, on an institution by institution basis.
  - 1. Any request submitted by the president shall include a description of the campus constituent groups represented on the president's committee advising on the budget reduction process. (See also Section V. H below regarding reductions in force).

## II. Appointments

- A. The president is authorized to appoint and employ personnel within the scope of delegation provided in Section A for positions at the institution which have been approved by the Board in an operating budget (work program) at a level of compensation which does not exceed the amount specified in the operating budget; provided that new appointments to approved positions may be made at a level of compensation in excess of the amount specified where funds are available, subject to confirmation of the transfer of budgeted funds by the Chancellor.
- B. No employment agreement, or contract, or letter of agreement shall be used in the appointment or employment of personnel unless the form of agreement, contract, or letter has been approved by the Chancellor.
- C. New administrative positions shall not be established in an institution's administrative organization, and no major change in the administrative organization of an institution shall be made, unless approved by the Chancellor.
- D. The minimum qualifications for the appointment of faculty shall be the Minimum Rank Criteria for Professional Personnel in Instruction, Public Service, and Research set forth in Board Policy No. 5:02:02:20 and 5:02:02:30, which is incorporated herein by reference
  - 1. All part-time or temporary faculty must be appointed according to the provisions of Board Policy.

- E. The minimum qualifications for the appointment of all personnel other than faculty shall be determined by the president or designee, based upon the duties and responsibilities of the position, and shall be recorded and maintained by the institution, subject to any minimum qualifications for personnel positions which may be established by the Board.

### III. Nature of Appointments

- A. Faculty at community colleges shall be employed pursuant to the types of appointments specified in Board Policy No. 5:02:02:30, which is incorporated herein by reference.
- B. Personnel other than faculty shall be appointed to serve at the pleasure of the president.
- C. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the college, and shall maintain appropriate office hours as determined by the president (or his or her designee).
  - 1. President is 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 unique methods of instructional delivery.
  - 2. Calculation of the 37.5-hour week shall follow such guidelines as promulgated by the Chancellor.
- D. Within the requirement of a minimum of 37.5 hours per week, faculty shall be required to carry a full teaching load, which shall be fifteen (15) credit hours or the equivalent per term for undergraduate courses, twelve (12) credit hours or the equivalent per term for graduate courses, two hundred and twenty-five (225) non-credit contact hours or the equivalent per term. All equivalent teaching load activities shall be subject to prior review and approval by the president (or designee).
- E. In addition to the requirement of Section III C. above, full-time administrative personnel shall be required to devote sufficient time to complete their assigned duties and responsibilities. When administrative personnel are appointed on an academic year basis, such personnel shall be required to devote sufficient time to fully perform the administrative responsibilities for the academic year, including periods preceding or following the academic year.
- F. Personnel 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 registration 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.

### IV. 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, and

compensation for employees shall be subject to limitations imposed by the Board or the General Assembly.

- B. All regular full-time salaried 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. Each campus has the option to require student workers to participate in the direct deposit program as long as there is no charge to the student unless exempted by Federal Work Study Guidelines.
- 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 below which shall be considered maximum rates for compensation of part-time faculty.

1. Community Colleges

a. Level Rate per Semester Credit Hour

(1)	\$700
(2)	\$750
(3)	\$800
(4)	\$850

2. Colleges of Applied Technology

a. Level Rate per Semester Clock Hour

(1)	\$30
(2)	\$32
(3)	\$35
(4)	\$40

- E. Each institution will develop criteria for assigning part-time faculty to the four levels. The criteria may include such factors as educational qualifications market differentials, and professional experience.

1. Exceptions to the schedule may be approved by presidents based on bona fide market conditions.

F. The president shall ensure that all employees shall be paid equal wages or salaries for equal work in positions the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, except where pay differentials are based upon:

1. market factors,
2. a merit or evaluation system,
3. length of service, or
4. any other proper, non-discriminatory basis.

When any of the foregoing bases are relied upon to justify pay differentials for employees in similar positions as described above, the basis and the attendant circumstances shall be substantiated in writing and maintained by the institution.

G. Overtime payments and compensatory time are available to employees not exempt from the FLSA. The Chancellor is authorized to issue guidelines relative to the use of compensatory time and payment of overtime and the rates pertinent to each.

H. Each institution shall develop policies and procedures for the administration of the compensation system at the institution subject to the approval of the Chancellor, and subject to the Compensation Plan Guideline promulgated by the Board. This includes reclassifications and degree changes.

I. Faculty members may be asked to temporarily assume administrative responsibilities which entail moving from an academic year to a fiscal year contract 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. This does not apply when a faculty member is hired into a permanent administrative position such as a deanship which requires a twelve-month contract.

J. Temporary administrative responsibilities may necessitate the awarding of an administrative stipend in addition to the previously established salary. The stipend amount or any other understanding concerning compensation must be set in a newly-executed contract. The contract;

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 would be affected at the end of an administrative appointment.

J. 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 is to take place, the institution should just convert the salary from the academic year contract by adding 25% and then adding any stipend amount determined necessary

1. The following illustrates the procedure defined above.
  - a. A faculty member making \$20,000 on an academic contract is converted to a fiscal year contract at a salary of \$25,000.
  - b. In addition, a \$1,500 administrative stipend is added and so indicated because of additional duties. The total amount of salary is then \$26,500.
  - 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 no less than 80% of the fiscal year contract. 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.

#### V. 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 A, 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. The president of Volunteer State Community College may establish procedures for accomplishing promotions, demotions, and transfers between institutions within the Tennessee Board of Regents System, in such manner as to ensure fair and equitable treatment to all personnel, and in accordance with established TBR policies. Any such action must be taken within the parameters of the institution's or system office's Affirmative Action Plan, and must be reviewed and certified by the institutional Affirmative Action Officer.
- C. Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions concerned prior to any discussion with the candidate. Any candidate promoted must meet all established minimum qualifications as determined by the appointing authority.
- D. Promotion of Faculty - The promotion of faculty shall be subject to Board Policy No. 5:02:02:30 and Volunteer State Community College Policy No. II:01:01.
- E. Promotion of Non-faculty - Promotions of personnel other than faculty should be made pursuant to 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 institutional affirmative action plans. In addition, any vacant position created by that promotion must be filled within the provisions of this Policy and applicable guidelines.
- F. 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 A,

provided that terminations of faculty shall be pursuant to the provisions of Board Policy No. 5:02:03:70.

G. Termination for Gross Misconduct

1. Gross misconduct may include, but is not necessarily limited to:
  - a. Any act or omission which may seriously disrupt or disturb the normal operation of the Volunteer State Community College;
  - b. Any work-related conduct which would subject the employee to criminal conviction;
  - c. Theft or dishonesty;
  - d. Gross insubordination;
  - e. Destruction of Volunteer State Community College property;
  - f. Falsification of records;
  - g. Acts of moral turpitude;
  - h. Reporting for duty under the influence of intoxicants;
  - i. The illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol;
  - j. Disorderly conduct;
  - k. Provoking a fight;
  - l. And/or such other similar acts involving intolerable behavior by the employee.
2. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this section.
3. In the case of gross misconduct, immediate disciplinary action up to and including termination should be taken.
4. An employee suspected of theft of Volunteer State Community College property may not resign as an alternative to discharge after the investigation has been completed.
5. Any exceptions to this requirement must be made by Volunteer State Community College after consultation with the Vice Chancellor for Business and Finance.
6. If the employee resigns during the investigation, the employment records must reflect the situation at the date of resignation and the outcome of the investigation.

7. Refer to Annual Leave Policy 5:01:01:01 and Sick Leave Policy 5:01:01:07 regarding the loss of unused leave if termination of employment is due to gross misconduct. Refer to T.C.A. §§ 8-35-124 and 8-50-807d for the loss of retirement benefits related to gross misconduct termination.

#### H. Reduction in Force

1. Volunteer State Community College shall develop a consistent and equitable method of notifying and terminating faculty and non-faculty employees in the event that a reduction in force, reorganization or elimination of any occupational classification within a unit becomes necessary.
2. The method should include a written rationale to the reduction, review of Volunteer State Community College's operations, identification of the functional area(s) affected, a review of the budgetary implications involved, and development of the specific written criteria to be used in identifying the duties that will be reassigned and/or eliminated in the event of a reduction.
3. Only after specified functions/duties have been identified by unit heads and approved by the president does the review of individual personnel begin.
4. Unit heads in consultation with human resources' staff will assess the specified areas and the employees in those areas in order to make recommendations to the President relative to the specific personnel changes to be made.
5. In making personnel recommendations to the President, the factors used in reaching the recommended decisions may include, but are not limited to:
  - a. Length of service in the position and/or length of service at the institution or college;
  - b. Past written performance appraisals;
  - c. Functional needs of the unit; and
  - d. Qualifications needed to perform remaining duties of the affected units.
6. Prior to a final decision by the president and notification to the employees and in consultation with the staff of General Counsel, the impact of the recommendations shall be considered in light of non-discriminatory requirements listed in Section F of this policy.
7. In the event of one of the above actions, it is permissible to transfer qualified individuals to vacancies at other departments/divisions, or institutions within the System.
8. Written notification to the affected employees must be given as far in advance of the effective date as possible.

9. Employees affected by a RIF must receive notification when vacancies occur for like positions at their former campuses within 12 months of the RIF.

- I. Absence from Duty - An employee who is absent from duty for more than three (3) consecutive business days without giving notice to the appointing authority or appropriate manager concerning the reason for such absence and without securing permission to be on leave or who fails to report for duty or to the immediate supervisor or the appointing authority within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances causing the employee's absence or preventing the employee's return, is considered as having resigned not in good standing.

## VI. Non-Discrimination Requirements

- A. The president shall ensure that all appointments, changes of status, compensation, and terminations are all in compliance with Board Policy No. 5:01:02:00 (EEO Affirmative Action) which is incorporated herein by reference and that no person is 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.
- B. An annual compliance audit will be conducted by the System Affirmative Action Officer.

### Employment Practice Complaints

- A. Upon receipt by an institution 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, a copy of the notice of the charge or claim shall immediately be transmitted to the Office of the General Counsel.
- B. The president shall forthwith initiate an investigation of the charge, and shall report to the General Counsel the results of the investigation.
- C. The Office of the General Counsel will coordinate and approve all responses to the appropriate agency.
- D. The president shall transmit to the General Counsel copies of all correspondence from or to the state or federal agency involved.
- E. All interactions with the state or federal agency shall be coordinated through the Office of the General Counsel.
- F. 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.
- G. In any case where the president makes a decision which is adverse to the charge or claim of the person, the president shall advise the person of any right of appeal provided by Board policy.

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

- A. It is a Class A misdemeanor to misrepresent academic credentials.
  - 1. 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:
    - a. 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;
    - b. 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
    - c. 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.

IX. Records and Reporting Requirements

- A. The president 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.

X. Exceptions

- A. The Chancellor is authorized to approve exceptions to the provisions of this policy, or to suspend the provisions of this policy as to any or all institutions or colleges when necessary to ensure proper compliance with Board policies, guidelines, and procedures

Sources

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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 29, 2007; June 29, 2007; September 25, 2008; Special Called Meeting January 14, 2009; June 19, 2009 to take effect July 1, 2009; June 24, 2010; September 23, 2011; Revised September 20, 2013; Revised at Board Meeting June 20, 2019.

VSCC Source: II:01:01; July 5, 1989, President; December 15, 1993; President; July 21, 1999, President; June 1, 2004, President; October 20, 2008, President's Cabinet (received TBR Approval, 10/28/08). V:01:01; November 4, 1988, November 3, 1998, President; January 8, 2009, President's Cabinet; January 7, 2019, President's Cabinet; September 9, 2019

