

McLennan Community College

POLICIES AND PROCEDURES

Reference:	F-III-a	Effective Date:	06/02/2020
Subject:	Academic Freedom Responsibility and Tenure		
Source:	Board of Trustees		
Approval Authority:	Board of Trustees	Approval Date:	06/02/2020
History:	Replaces previous policy dated March 30, 2020		
Remarks:	President signed for Board of Trustees due to Resolution Approved March 19, 2020		

I. ACADEMIC FREEDOM

Institutions of higher education are conducted for the common good, which depends upon an uninhibited search for truth and its open expression. Essential to this goal is the freedom of each faculty member to pursue scholarly inquiry without undue restriction and to voice and publish individual conclusions concerning the significance of evidence the faculty member considers relevant. Each faculty member must be free from the corrosive fear that others, inside or outside the community of higher education, because their vision may differ, may threaten the faculty member's professional career or the material benefits accruing from it.

Each faculty member is entitled to full freedom in the classroom in discussing the subject taught, but is expected to be judicious in introducing into teaching controversial matters which have little relation to the classroom subject. Each faculty member is a citizen of the nation, state and community; when speaking, writing, or acting as such, the faculty member must be free from institutional censorship or discipline.

II. ACADEMIC RESPONSIBILITY

The concept of academic freedom for faculty must be accompanied by an equally demanding concept of academic responsibility of faculty. A faculty member has a responsibility to the institution, profession, students, and society at large. The rights and privileges of faculty members extended by society and protected by governing boards through written policies and procedures on academic freedom and tenure, and further protected by the courts, require reciprocally the assumption of certain responsibilities by faculty members.

POLICIES AND PROCEDURES

- A. The fundamental responsibilities of a faculty member as a teacher and scholar include maintenance of competence in the field of specialization and the exhibition of competence in the classroom, studio, or laboratory by such activities as discussions, lectures, consultations, publications, and participation in professional organizations.
- B. The exercise of professional integrity by a faculty member includes recognition that the public will judge the profession and Institution by public statements. Therefore, the faculty member should strive for accuracy and appropriate restraint, respecting different opinions, and making it clear that he/she does not speak or act for the Institution by public statements. Therefore, the faculty member should strive for accuracy and appropriate restraint, respecting different opinions, and making it clear that he/she does not speak or act for the Institution when speaking or acting as a private person.
- C. The constitutionally protected right of the faculty member to freedom of expression must be balanced with the Institution's interest of promoting the efficiency of its educational services. A faculty member's comments are protected even though erroneous or highly critical in tone or content, but are not protected free speech if they substantially impede the faculty member's performance of daily duties, or materially interfere with the regular operation of the Institution.
- D. The protection of free speech does not extend to a continuing pattern of expression such as to destroy the regular operation of a division or department. Statements made in knowing disregard of the truth are not entitled to protection, and public statements may be so without foundation as to interfere with the faculty member's competence to perform professional duties.
- E. A faculty member should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject area.
- F. A faculty member should be professional in conduct in the classroom and in relationship with students, maintaining respect for the student and for the student's posture as a learner. The faculty member should be appropriately available to the student for consultation on course work.
- G. A faculty member commits to maintain the highest ethical standards through adherence to the College Ethics Policy as adopted by the McLennan Community College Board of Trustees and to adhere to the Code of

POLICIES AND PROCEDURES

Professional Ethics as adopted by the Texas Community Colleges Teachers Association.

H. A faculty member has the responsibility of providing timely and adequate notice of intention to interrupt or terminate employment.

III. TENURE DEFINITIONS

All faculty positions that are employed by an annual contract fall into three categories:

1. "Tenure-eligible faculty" are those faculty who receive a yearly contract but who have not been placed on the tenure track. They must be appointed on a full-time basis.
2. "Tenure-track faculty" are those whose appointments lead to consideration for tenure. They must be appointed on a full-time basis.
3. "Tenure" means the entitlement of a faculty member to continue in his or her academic position unless good cause for dismissal is demonstrated in a fair hearing following the procedures of due process included in this policy. The Vice President of Instruction & Student Engagement will make a recommendation to the President, who will then make a recommendation to the Board of Trustees.

IV. TENURE APPOINTMENT PROCESS – "Tenure Eligible" to "Tenure Track"

Beginning with spring 2008 semester, faculty employed as "non-tenure track" and all new faculties will be hired under one year, tenure-eligible, renewable contracts, which may convert to the tenure track. New faculty must complete the fall and spring semesters of their year of hire before being eligible for conversion to the tenure track. During usual evaluative conferences in the spring of the first year, the faculty member will discuss with the supervisor the tenure process and determine by the next fall semester whether he/she would like to be considered for candidacy for the tenure track.

The Deans, Program Directors, and Division Chairs shall use the Evaluation Chart in evaluating a faculty member's progress using the following areas:

- A. Student evaluations
- B. Retention and/or completion rate
- C. Grade distribution

POLICIES AND PROCEDURES

- D. Collegiality as demonstrated by involvement in college activities, such as committees, student organizations, etc.
- E. PDP accomplishments
- F. Portfolio
- G. Classroom/online observation

The Evaluation Chart will be used in the process of evaluating “tenure eligible” to “tenure track” status, and will serve as a summary document for each of the years the “tenure track” person is being evaluated.

This chart will be shown and discussed with faculty members so that they will always know how they are being evaluated toward their goal of “tenure”.

After deciding to apply for tenure conversion, the applicant should submit the following items to the appropriate division chair/program director in the fall of the second year of employment or a subsequent fall semester:

- A. Letter of Application
- B. A narrative on their strengths and weaknesses based on the Evaluation Chart.
- C. Portfolio

After reviewing the candidate’s application, the division chair/program director will forward the application to the dean, accompanied by the following items:

- A. A recommendation letter for the candidate to the dean.
- B. An evaluation of the candidate using the Evaluation Chart.
- C. Commentary to supplement the Evaluation Chart, elaborating on the reason(s) for various rankings.

Upon receipt of these materials from the division chair/program director, the dean will review the proposal, including supporting materials. After approving the request, the dean will add a letter of recommendation. If the dean fails to approve the request, the process is halted for that faculty member for that year. Notification of approval or disapproval will be made in writing by the dean to the faculty member by November 1 with a copy to the division chair/program director. At the conclusion of the approval process, the dean will disseminate a list of

POLICIES AND PROCEDURES

faculty seeking tenure conversion and will solicit peer feedback from interested parties.

Tenure Conversion Committee will consist of three (3) tenured faculty from Workforce, three (3) tenured faculty from Arts and Sciences, and one (1) person from a non-instructional area of the college. The members will be nominated by the Faculty Council and approved by the Vice President of Instruction & Student Engagement, with membership rotating through the different areas/programs in the divisions. For the sake of continuity, two (2) members from Workforce and one (1) member from Arts and Sciences will be nominated in even years and one (1) member from Workforce and two (2) members from Arts and Sciences will be nominated in odd years. The person from the non-instructional area will serve a one-year term.

The committee will evaluate proposals for converting faculty to tenure track using criteria which are currently part of the faculty evaluation process. An Evaluation Chart has been created to facilitate the process and to emphasize areas of particular importance. The committee may request that a dean or division chair/program director appear before them to address questions regarding a recommendation. The committee will make recommendations to the Vice President of Instruction & Student Engagement for faculty to be considered for the tenure track; there must be no more than one "No" vote for the faculty member to be recommended.

The Tenure Conversion Committee would do most of its work during November to January and make recommendations to the Vice President of Instruction & Student Engagement by February 1 so that the full approval process might be completed prior to contracts being issued for the subsequent year. The Vice President of Instruction & Student Engagement must approve each request for conversion to the tenure track, no later than February 15. Failure to receive this approval will halt the process for that faculty member for that academic year. Notification of approval or disapproval will be made in writing to the faculty member with copies to the dean and division chair by February 15. The "tenure track" would begin in fall of the third year of employment at the earliest. Once the decision has been made to place a faculty member on the tenure track, the requirements of the tenure-appointment process, as follows, will become effective during the ensuing five years following approval by the President and the Board of Trustees.

During the period the faculty member is being evaluated for recommendation for tenure, an evaluation process to validate the tenure recommendation will be implemented. The evaluation process will be designed to ensure the faculty member functions competently and meets the required duties. The immediate

POLICIES AND PROCEDURES

supervisor (program director or division chair) is charged with the responsibility for the yearly evaluation of the faculty member. At the point the supervisor becomes concerned about the faculty member's performance, the dean will become involved in the evaluation process. If the faculty member's performance becomes questionable, the faculty member or the supervisor may seek intervention from the next level supervisor.

A. Evaluation Conference Process - A variety of evaluation instruments performed by students, supervisors, and the faculty member will be implemented to evaluate performance. Results of these instruments will be discussed in an evaluation conference between the supervisor and the faculty member. In addition, the faculty member will be expected to adhere to the Academic Responsibility section of this policy. Specific evaluation tools include, but are not limited to, the following:

1. Student Evaluations — Student evaluations will occur for all sections (including Internet and hybrid) taught every semester (including summer terms and minimesters).
2. Classroom Observation — In the case of Tenure Eligible and Tenure Track faculty, the division chair/program director shall conduct yearly classroom observations for the first five years and discuss the observation during the Evaluation Conference. The division chair/program director shall have the discretion of observing online and/or in traditional face-to-face classrooms. Tenured faculty shall be observed once every three years and the observation shall be discussed with their division chair/program director.
3. Professional Development Plan — The faculty member will develop an annual professional development plan on how they will maintain their competence in the field of specialization and competence in the classroom, studio, or laboratory.
4. Portfolio — The faculty member will prepare a portfolio on an on-going basis and submit to the supervisor prior to the Evaluation Conference. (A description of the portfolio is contained in the *Personnel Handbook*. Required components of the portfolio may be revised on a periodic basis.)
5. Evaluation Conference — The supervisor will meet with the faculty member on an annual basis to discuss grade distribution data/retention data, collegiality, professional development plan status report, portfolio review, and any other aspects of the evaluation of the faculty member

POLICIES AND PROCEDURES

which will lead to appointment to tenure.

B. Enhancement of Collegiality as Part of Tenure Recommendation - In addition to the Evaluation Conference, the faculty member will be evaluated based upon the enhancement of collegiality as a part of the tenure recommendation. First and foremost, collegiality refers to the faculty member's ability to function as a cooperative member within the department and the college. The following list suggests other indicators of collegiality:

1. Committee Work – The faculty member must demonstrate a willingness to serve on committees for the college and/or for the department or student organizations.
2. Volunteer to represent the college – The faculty member must demonstrate involvement in college activities such as participating with college clubs, working at the fair, assisting with career days, or involvement in community or non-profit organizations.
3. Adhere to college procedures as designated in the *Personnel Handbook* – The faculty member must adhere to college policies and procedures as outlined in the *Personnel Handbook*.

V. TENURE APPOINTMENT PROCESS – “Tenure Track” to “Tenure”

At the end of year six of the process, the applicants will receive a letter from Vice President of Instruction & Student Engagement no later than September 1 with one of the following:

- A. A letter inviting them to apply for “Final Tenure Review” the following fall semester.
- B. A letter of Non-Tenure Reappointment. The person is not eligible for tenure, but may remain eligible to teach at MCC as a full-time temporary instructor depending upon the needs of the institution.
- C. A letter of Non-Tenure Dismissal. The person is not eligible for tenure or reappointment after year 5 of 5 on tenure track.

If the person is invited to apply for “Final Tenure Review” and they agree, the following will be submitted to their Division Chair/Program Director by October 1:
Letter of Application

POLICIES AND PROCEDURES

The Division/Program Chair will forward onto the Dean the applicants materials along with their recommendation by November 1.

The tenured faculty in the division/department will also be asked to submit their evaluations concerning the applicant to the Dean by December 1. A minimum of five (5) tenured faculty members will be needed, and if there are not enough tenured members in the division/department, then additional tenured faculty from other divisions will be asked by the Dean for their evaluations. The Dean will thus have two sources of information about the applicant: (1) from the Division Chair/Program Director; (2) from the tenured faculty in the division.

The Dean will forward onto the Vice President of Instruction & Student Engagement no later than July 15, the applicant's materials, along with the evaluations from tenured faculty and recommendations from the Division Chair/Program Director and Dean.

The Vice President of Instruction & Student Engagement will make a recommendation to the President no later than August 1, who will then make a recommendation to the Board of Trustees.

The faculty members will be informed of their "Tenure" status approval no later than August 31.

If there is a dispute over the decision for non-reappointment during any year of the "tenure-track" process, a "petition for review for alleging inadequate consideration" can be filed with the Vice President of Instruction & Student Engagement and assigned to another Dean.

Recommendation for faculty hired as "Non-Tenure Track" positions prior to 2008 which were converted to "Tenure Eligible" positions (this is a one-time option - Fall 2011):

Credit may be given for years of service to McLennan Community College at a ratio of three to one. For every three years they have worked at MCC, they are given one year credit for "Tenure Track" process. Instead of the seven years from "Tenure Eligible" to "Tenure" status, they would have the number of years reduced by the three to one ratio.

VI. POST-TENURE EVALUATION PROCESS

During the post-tenure process, an evaluation process is implemented to ensure the faculty member functions competently and meets the required duties. The

POLICIES AND PROCEDURES

immediate supervisor (program director or division chair) is charged with the responsibility for evaluation of the faculty member. At the point the supervisor becomes concerned about the faculty member's performance, the dean will become involved in the evaluation process. If the faculty member's performance becomes questionable, the faculty member or the supervisor may seek intervention from the next level supervisor.

- A. Evaluation Conference Process - A variety of evaluation instruments performed by students, supervisors, and the faculty member will be implemented to evaluate performance. Results of these instruments will be discussed in an evaluation conference with the supervisor. In addition, the faculty member will be expected to adhere to the Academic Responsibility section of this policy. Specific evaluation tools include the following:
1. Student evaluations – Student evaluations will occur for all sections taught every semester.
 2. Classroom Observation – The supervisor will observe the faculty member once every three years and discuss the observation during the Evaluation Conference.
 3. Professional Development Plan – The faculty member will develop an annual professional development plan on how they will maintain their competence in the field of specialization and competence in the classroom, studio, or laboratory.
 4. Portfolio – The faculty member will prepare a portfolio on an on-going basis and submit to the supervisor prior to the Evaluation Conference. (A description of the portfolio is contained in the *Personnel Handbook*. Required components of the portfolio may be revised on a periodic basis.)
 5. Evaluation Conference – The supervisor will meet with the faculty member on an annual basis to discuss student evaluations, grade distribution data/retention data, collegiality, professional development plan status report, and portfolio review.
- B. Enhancement of Collegiality - During the Evaluation Conference the tenured faculty member's enhancement of collegiality will be discussed.

POLICIES AND PROCEDURES

First and foremost, collegiality refers to the faculty member's ability to function as a cooperative member within the department and the college. The following list suggests other indicators of collegiality:

1. Committee Work – The faculty member must serve on committees for the college and/or for the department.
2. Volunteer to represent the college – The faculty member should demonstrate involvement in college activities such as participating with college clubs, working at the fair, assisting with career days, etc.
3. Professional Development Plan – The faculty member must maintain current professional development plan.
4. Adhere to college procedures as designated in the *Personnel Handbook* – The faculty member must adhere to college policies and procedures. Part of this responsibility is to complete and verify certified rolls, grade rolls, attendance guidelines, classroom responsibilities and to observe office hours.

VII. FAILURE TO COMPLY WITH EVALUATION PROCESS

If the faculty member fails to comply with faculty evaluation requirements, he/she is subject to disciplinary action. The disciplinary action will include, but is not limited to, withholding the annual salary schedule credit (i.e., board approved increases) and any step credit increases based on experience. Such penalties will remain in effect until such time as the faculty member has satisfied the evaluation requirements. Failure to satisfy the evaluation requirements within one year from the time of notification of lack of compliance will lead to dismissal in accordance with relevant personnel policies. There will be no retroactive credit for steps lost during the time the faculty member is out of compliance with the policy.

VIII. FACULTY DISMISSALS

The Institution is not required to give a tenure eligible faculty member or a tenure track faculty member a reason for a decision not to make a reappointment for another contract term. If there is a dispute over the decision for non-reappointment during any year of the "tenure-track" progress, a "petition for review for alleging inadequate consideration" can be filed with the Vice President of Instruction & Student Engagement and assigned to another Dean. Each faculty member is entitled to see all of his or her personnel files and to obtain a copy of the information in these files at the expense of the person requesting it.

POLICIES AND PROCEDURES

Notice of non-reappointment, or of intention not to reappoint a faculty member, shall be given in writing in accordance with the following schedule:

- A. For tenure track faculty in each of their first four years of probationary service and tenure eligible faculty, notice of non-reappointment will be given typically no later than April 1 of each year.
- B. For tenure track faculty in their fifth year of probationary service and for tenured faculty, notice of non-reappointment will be given no later than August 15 of the year preceding the non-reappointment.

Tenured faculty members may be dismissed only for good cause. Good cause for dismissal of a faculty member with tenure may include any of the following:

- A. Professional incompetence adversely affecting the performance of duties or the meeting of responsibilities to the Institution, students or associates.
- B. Continuing or repeated substantial neglect of professional responsibilities adversely affecting the performance of duties or the meeting of responsibilities to the Institution, students or associates.
- C. Moral turpitude adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the Institution, students or associates.
- D. Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the Institution, students or associates subject to federal law.
- E. Unprofessional conduct, as defined by the Texas Community College Teachers Association's Code of Professional Ethics (See Appendix), adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the Institution, students or associates.
- F. Downsizing due to bona fide financial exigency or the phasing out of institutional programs requiring reduction of faculty.

IX. DOWNSIZING OF FACULTY

In accordance with Policy F-V-u, situations requiring the downsizing of the College's faculty within a department or division may become necessary in the event of:

POLICIES AND PROCEDURES

1. Financial exigency
2. Program change or elimination
3. Reorganization or restructuring
4. Legislative directives
5. Declining enrollment
6. Other circumstances affecting efficient operation

These situations may result in exceptions to tenure policies. When faculty dismissals or load reductions are anticipated, there should be careful, and meaningful sharing of information and views with the appropriate administrators, and with department, division, or program chairmen or directors of the area(s) affected. Any decision will be made without regard to the faculty's race, creed, color, national origin, citizenship status, age, disability, pregnancy, religion, gender, sexual orientation, gender identity, genetic information, marital status, or veteran status. Additionally, no downsizing of faculty decision shall be based on an employee's exercise of rights guaranteed by the Constitution or rights conferred by statute, including, but not limited to, the Family Medical Leave Act, Uniformed Services Employment and Reemployment Rights Act, and the Texas Whistleblower Act.

Tenured faculty members involving actions resulting in the reduction of faculty should be given opportunities for appointment in related areas, provided they are qualified professionally to teach in such areas and such positions are available. In cases where a tenured faculty member is dismissed, that faculty member shall be furnished with a written statement of basis for the decision to dismiss. Such statement shall represent a courtesy to which the faculty member is entitled, not a legal justification of the dismissal.

Any faculty member who can present prima facie evidence of discriminatory treatment or infringement of academic freedom in such emergencies has the right to a fair hearing before an elected faculty committee. In such cases, the burden of proof is on the faculty member.

The decision regarding the particular faculty member(s) to be retained in the reduction of faculty shall be based upon the following criteria:

- A. Competence - The highest priority in determining which instructor(s) should be retained should be given to the most competent and qualified teacher(s). Competence shall be determined by these criteria in the following order of priority:
 1. Student, peer (department chairmen, etc.), and administrative evaluation

POLICIES AND PROCEDURES

2. Teaching and/or professional/vocational experience
 3. Academic background
- B. Versatility - The second highest priority should be given to the instructor(s) who can make the greatest variety of contributions to the instructional program. Versatility shall be determined by these criteria in the following order of priority:
1. The ability, qualifications, and experience of the instructor in teaching in non-traditional venues such as evening, weekend, dual credit, and/or online courses without assistance.
 2. The number of preparations that are being taught or have been taught by the instructor.
- C. Extraordinary Contributions - The third highest priority should be given to the instructor(s) who has been consistently willing to contribute to the success of the instructional program beyond the normal expectations of employment. Extraordinary contributions shall include the following in the order of priority:
1. Professional recognition and activities
 2. Non-classroom activities at the Institution
 3. Community related activities

Whenever the decision to terminate involves a tenured faculty member and a tenure eligible faculty member, the tenured faculty member should be given preference unless, based upon the above criteria, the tenure eligible faculty member is demonstrably the better teacher.

Whenever the decision to terminate involves one or more tenured faculty members, the tenured member with seniority should be given preference unless the tenured faculty member with less seniority, based upon the above criteria, is demonstrably the better teacher.

Eligibility for Rehire

- A. A former faculty who is dismissed due to a Downsizing of Faculty may apply for available positions for which he or she is qualified. A former faculty shall be

POLICIES AND PROCEDURES

responsible for reviewing posted vacancies and complying with College procedures to be considered for a particular vacancy.

- B. If rehired, the faculty will be compensated according to the current salary schedule established for the position in which the faculty is being employed.

Effect of Downsizing the Faculty on Compensation and Benefits

- A. Credited service and other benefits such as sick leave and vacation do not accrue during a period of downsizing. If re-employed, a faculty dismissed under this policy will have sick leave and credited service restored if the faculty returns to a benefits eligible position within six (6) months of the dismissal.
- B. Life and disability insurance coverage ends as per the plan document.
- C. Medical and dental insurance may continue under the provisions of COBRA if the faculty pays the full monthly premium. Otherwise, medical and dental insurance coverage ends on the last day of the month during which the RIF occurs.

X. DUE PROCESS PROCEEDINGS

Due process as set forth in this statement embodies a course of professional proceedings in line with rules and principles generally recognized in the academic community. Proper dismissal procedures, established in anticipation of their being needed, are essential to an effective tenure system.

Any allegation related to discrimination claims shall be administered using the Discrimination Resolution Process (Policy F-V-s).

In this Institution, these procedures include the following components:

- A. These dismissal procedures apply to a faculty member who has tenure, or whose term appointment has not expired, or who alleges a prima facie case of violation of academic freedom in the non-renewal of his or her contract. If the faculty member has tenure or an unexpired appointment extending beyond the period of the proposed dismissal, the burden of proof is upon the College to show good cause why he or she should be dismissed. If the faculty member does not have tenure, but contends that the non-renewal of his or her contract constitutes a violation of his or her academic freedom, the burden of proof is upon the faculty member.
- B. Due process carries with it the right of a tenured faculty member, or a faculty member with an unexpired term contract, or a faculty member who alleges

POLICIES AND PROCEDURES

a prima facie case of a violation of academic freedom in the non-renewal of his contract to a fair hearing before an elected committee of his peers. The following procedure shall be observed in this Institution:

Personal Conference: When a reason arises to question the fitness of a faculty member, the appropriate administrative officers should discuss the matter with him or her in a personal conference. The matter may be terminated by mutual consent at this point; but, if an adjustment does not result, the matter should be taken up by the Advisory Committee, if the faculty member makes such a request.

Advisory Committee: The Advisory Committee shall be a standing committee of three members. The members shall be appointed by the President of the College from a panel of six elected by the faculty. Of the three persons initially appointed, one shall serve three years, one shall serve two years, and one shall serve one year.

Thereafter, one member shall be appointed annually by the President of the College from a panel of three elected by the faculty, and shall serve for three years. Should a place on the committee become vacant prior to the expiration of a normal term, a replacement shall be appointed by the President of the College from a panel of three elected by the faculty and shall serve for the remainder of the unexpired term. The Advisory Committee proceedings may be informal and flexible. The Committee shall make such inquiries as it deems necessary, offer confidential advice to the faculty member and the administration, and the committee may recommend to the President a hearing by the Hearing Committee. If a hearing is to be held, the President shall formulate a reasonably detailed statement of the grounds for dismissal, giving due regard to the Advisory Committee's report.

Hearing Committee: The Hearing Committee shall be an ad hoc committee of five members. These five members shall be chosen by lot from a panel of eight elected by the faculty. The Hearing Committee shall not include members of the Tenure Advisory Committee. In cases involving tenured faculty, the Hearing Committee shall include only faculty members of tenured status. Each member shall be subject to challenge for cause.

If a hearing is recommended, the President of the College shall send a letter to the faculty member informing him/her of the grounds for dismissal proceedings, and informing him/her that, should he/she so request, a hearing to determine whether he/she should be removed from his/her faculty position will be conducted by the Hearing Committee at a specified time and place. The President's letter shall inform the faculty member of

POLICIES AND PROCEDURES

the procedural rights which will be accorded to him/her in the hearing. These shall include an advisor of his/her own choosing to act as counsel; a full stenographic record of proceedings; a transcript, which is to be made available to him/her and to the President; the right to question witnesses; the opportunity to be confronted by all witnesses adverse to him/her; and, if a witness cannot appear, the right to the name and statement of the witness.

If the faculty member desires a hearing, he/she must notify the President of the College by registered mail or telegram within two weeks after receiving the President's statement of grounds of dismissal.

Suspension of a faculty member from his/her usual duties during the proceedings involving his/her dismissal is justified only if his/her welfare or that of the Institution or its students is threatened by his/her continuance. Any such suspension should be with pay and with provisions for appropriate duties whenever possible. The President of the College is the official with authority to suspend with pay.

In deliberating, the Committee shall allow oral arguments or written briefs by the President of the College or his/her representative, and by the faculty member or his/her representative. The hearing shall be closed unless the affected faculty member requests it to be open. The Committee shall make explicit findings with respect to each of the grounds for removal presented and shall recommend whether or not there is good cause for dismissal. The Committee's recommendation shall be conveyed in writing to the President of the College and to the faculty member.

Governing Board: If the faculty member's appointment is proposed to be terminated by the President, he or she should transmit the full report of the Hearing Committee and his or her recommendation to the Board of Trustees. If the recommendation of the President for termination conflicts with the recommendation of the Hearing Committee, at the request of the faculty member, the Board of Trustees should review the case based on the record of the hearing, with opportunity for argument by the principals or their representatives. If the recommendations of the President and the Hearing Committee are in accord, the Board may choose to limit such review as it may make to a review of the record of the hearing. The decision of the Hearing Committee should either be sustained or the proceedings be returned to the President and to the Committee with objection specified. In the latter case, the Committee should promptly reconsider, taking into account the stated objections and receiving new evidence if directed to do so by the Board. It should frame its reconsidered recommendation and

POLICIES AND PROCEDURES

communicate it in the same manner as before. After review of the Hearing Committee's reconsideration, the Board of Trustees should render its own final written decision with a copy provided to each of the principals.

XI. WRITTEN TERMS OF EMPLOYMENT

The Institution shall provide each faculty member with a statement in writing of the terms of his or her employment. These terms shall include but not be limited to special conditions, duties, and any special prerequisites. The document shall also include, but not exclusively, such items as rank, salary, tenure provisions; whether the position is full-time, part-time, or temporary; and the inclusive dates of the term of service.

XII. PROFESSIONAL DEVELOPMENT

As previously stated under Academic Responsibility #1, the fundamental responsibilities of a faculty member as a teacher and scholar include maintenance of competence in the field of specialization and the exhibition of competence in the classroom, studio, or laboratory through discussions, lectures, consultations, publications, and/or active participation in professional organizations. Thus, the institution requires that all full-time faculty members must list their proposed professional development activities each year in their Professional Development Plan (PDP) including attendance at the bi-annual Professional Development Day and an additional number of hours of professional development to equal a minimum of 12 hours a year. Appropriate activities for professional development include:

- A. College level courses and continuing education units in a faculty member's teaching field, related fields, or teaching/learning theory.
- B. MCC professional development (ZPOD) courses which cover topics such as policy, profession, instruction, and technology. Should not include wellness courses.
- C. Conferences, clinics, seminars, symposia, workshops, and similar activities.
- D. Specialized training and/or skill development, professional performances, and creative work.
- E. Travel related to a faculty member's teaching field, related fields, or teaching/learning theory.

POLICIES AND PROCEDURES

F. Activities that meet requirements for a necessary license (i.e., Health Professions, Mental Health, etc.).

G. Activities defined by the department or division.

Each activity proposed will be evaluated by the faculty member's supervisor primarily on the basis of its potential to improve instruction or otherwise benefit the college. Faculty members may appeal to their dean if their supervisor or division director denies professional development credit for any particular submitted activity.

Faculty will review completion of their professional development work and submit the next year's plan with their supervisors at their yearly evaluation as stated in Policy B-XII. Completion of professional development hours will be entered into Colleague by the Division office. This will support and build relationships between faculty and their direct supervisors.

Note that professional development credit and step-credit are two different things. Activities approved for step-credit shall count for PD credit in the year in which they are completed, but step credit approval must come at the deans' level.

To allow time for accurate and definitive salary calculations for the new academic year, all documentation relating to satisfaction of this policy must be received in the appropriate dean's office by July 1. Failure to provide documentation by this date will result in the denial of credit for the following academic year.

XIII. FAILURE TO COMPLY WITH PROFESSIONAL DEVELOPMENT

If the faculty member fails to comply with the professional development requirement, the faculty member is subject to disciplinary action. The disciplinary action for consistent non-compliance will include, but is not limited to, failure to move from tenure-eligible to tenure track, failure to achieve tenure or withholding the annual salary schedule credit (i.e., board-approved increases), and salary increment for teaching experience. These penalties will remain in effect until such time as the faculty member has satisfied their annual professional development requirement. Change in the faculty member's salary status shall be effective only at the beginning of the following academic year commencing September 1. Failure to satisfy the professional development requirement within two years from the time of notification of lack of compliance may lead to dismissal in accordance with relevant personnel policies.

McLennan Community College

POLICIES AND PROCEDURES

CODE OF PROFESSIONAL ETHICS (Revised February 20, 1997)

The McLennan Community College Board of Trustees endorses the Code of Professional Ethics adopted by the Texas Community College Teachers Association as described below:

- The Professional Educator shall treat all persons with respect, dignity, and justice discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.
- The Professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.
- The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues* and students, supporting free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.
- The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.
- The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.
- The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.
- The Professional Educator shall make the most judicious and effective use of the college's time and resources.
- The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.

McLennan Community College

POLICIES AND PROCEDURES

- The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the college.
- The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the college's policy on sexual conduct.
- The Professional Educator shall observe the policies and procedures of the college, reserving the right to seek revision in a judicious and appropriate manner.
- The Professional Educator shall participate in the governance of the college by accepting a fair share of committee and institutional responsibilities.
- The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague's innocence may reasonably be maintained.
- The Professional Educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.
- The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

**In this Code the term "colleague" refers to all persons employed by colleges in the educational enterprise.*

ACADEMIC FREEDOM ENDORSEMENT

Institutions of higher education have long maintained a tradition of support for academic freedom and opposition to censorship. From the beginning, McLennan Community College's Board of Trustees and administration have strongly supported these concepts essential to a viable and credible institution. The faculty supports this tradition and recognizes the responsibility of communicating these basic principles to the institution's multicultural student body in a holistic and objective manner. McLennan Community College must provide the academic atmosphere whereby new and diverse ideas can be expressed.

(Adopted by the Faculty Council, January 22, 1992.)