

5.01.00.03 Faculty Disciplinary Action



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Policy/Guideline Area

Personnel Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

To uphold the principles of academic freedom and responsibility, freedom of speech and expression, and tenure; to ensure accountability, integrity, and appropriate professional conduct within the faculty; to provide a fair disciplinary process for faculty members, regardless of the type of appointment, rank, or tenure status.

Definitions

“**Cause**” for terminating a faculty member’s employment means Unsatisfactory Performance and/or Misconduct.

- A. **Unsatisfactory Performance** includes the following and similar types of performance:
1. Continued failure to demonstrate professional competence in teaching, scholarship/creative activities/research, or service;
 2. Continued failure to perform satisfactorily the duties and responsibilities of the faculty member’s position;
 3. Failure to complete satisfactorily a performance improvement plan;
 4. Inability to perform an essential function of the faculty position after being given reasonable accommodation, if requested;
 5. Loss or suspension of professional licensure if required for the performance of the faculty member’s duties;

6. Loss of employment with an affiliated entity or loss of the ability to participate in clinical or other experiential teaching activities; and/or
7. Prolonged or frequent absence without appropriate approval and not covered by an authorized leave.

B. **Misconduct** includes the following and similar types of behavior:

1. Continued refusal or continued failure to comply with college or TBR policies, procedures, rules, or other regulations. Provided, however, a single violation of a sufficiently serious nature, including but not limited to violation of college or TBR policies against discrimination or harassment, can constitute Misconduct;
2. Refusal or continued failure to comply with a lawful directive of a supervisor with respect to the faculty member's duties or responsibilities;
3. Falsification of a college record, including but not limited to information concerning the faculty member's qualification for a position or promotion;
4. Theft or misappropriation of funds, property, services, or other resources;
5. Improper use of narcotics or intoxicants that substantially impairs the faculty member's fulfillment of departmental and institutional duties and responsibilities;
6. Substantial disruption of college activities;
7. Unethical or dangerous conduct directed at students, employees, or visitors;
8. Violation of one or more laws substantially related to the performance of a faculty member's duties;
9. Admission of guilt or conviction of: (i) a felony; or (ii) a non-felony directly related to the fitness to serve as a faculty member;
10. Dishonesty, including but not limited to academic dishonesty, or other serious violation of professional ethics or responsibility in teaching, research, or service;
11. Being found responsible for Sexual Misconduct in accordance with [TBR Policy 6.03.00.00 Sexual Misconduct](#);
12. Serious violation of professional responsibility in relations with students, employees, or members of the community; and/or

13. Any unprofessional conduct or other misconduct materially affecting the faculty member's fitness to serve.

Disciplinary Action includes oral and written reprimands or warnings, performance improvement plans, probation, suspension either with or without pay, and other measures designed to correct or to improve performance, as well as termination of employment. The following actions are not subject to the procedures in this policy: the decision not to renew a faculty member's contract or appointment, termination of a faculty member's contract or appointment in accordance with the terms of the contract or appointment, termination of employment due to financial exigency, termination due to curricular reasons, the expiration of tenure, the relinquishment of tenure, placing a faculty member on paid leave for the remainder of an appointment for a specific term, and the termination of a faculty member who does not have a contract or appointment for a specific term. See [TBR Policy 5.02.03.70 Academic Tenure for Community Colleges](#) and [TBR Policy 5.02.03.10 Academic Freedom, Responsibility and Tenure at Tennessee Colleges of Applied Technology](#) for discussion about non-disciplinary actions affecting employment and tenure.

Faculty or **Faculty Member** means an individual holding a position with instructional responsibilities for classes that earn credit as defined in [TBR Policy 5.02.01.00 Definition of Faculty](#). If an individual holds both an administrative appointment and a faculty appointment, disciplinary action related to the administrative appointment, including termination of the administrative appointment, is not subject to this policy, but disciplinary action with respect to the individual's faculty appointment is subject to this policy, unless the college and individual have agreed otherwise.

Policy/Guideline

- I. General
 - A. The Board affirms its commitment to tenure, which serves an important safeguard for academic freedom as set forth in in [TBR Policy 5.02.03.30 Academic Freedom and Responsibility](#), the advancement of knowledge, and the

protection of intellectual independence. The Board further affirms its commitment to free speech and the First Amendment as set out in [TBR Policy 1.03.02.60 Freedom of Speech and Expression](#). Nothing in this policy shall be construed to conflict with the freedom of speech and other freedoms guaranteed by the First Amendment, the due process protections of the Fourteenth Amendment, or any other rights provided by the Tennessee Constitution or the United States Constitution.

- B. A faculty member should maintain a high level of personal integrity and professional competence. In addition to the normal responsibilities of a citizen, faculty members should conduct themselves professionally with colleagues.
 - C. When, as citizens, faculty members speak outside the classroom or write for publication, they should be free, as citizens, to express their opinions. Faculty should conduct themselves professionally, should be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make clear that they are speaking for themselves, and not for the college.
 - D. The Board, while recognizing the importance of academic freedom, freedom of speech, and tenure, also recognizes the need to ensure accountability, integrity, and appropriate professional conduct within the faculty.
 - E. Any college policy, or portion thereof, relating to the discipline, suspension, or termination of a tenured faculty member is repealed effective July 1, 2026. A college may rely on this policy or may create a college policy in accordance with [TBR Policy 1.11.00.00 Development and Approval of Policies and Procedures](#). Any college policy relating to or affecting faculty discipline must be reviewed and approved by the Vice Chancellor for Academic Affairs prior to it becoming effective.
- II. Procedures for Unsatisfactory Performance
- A. The following procedures apply to the termination of employment of a tenured faculty member, a tenure-track faculty member before the expiration of the

annual term, or another member of the faculty before the expiration of the stated term for Unsatisfactory Performance.

- B. The president may suspend a faculty member with pay or change the faculty member's assignment or duties pending completion of termination proceedings. The president may combine this action with any other procedures in this policy.
- C. Disciplinary or corrective action relating to performance should generally begin in the academic unit and should be taken with care to assure fairness. Reasonable efforts should be made to secure acceptable performance. As a general rule, corrective and/or disciplinary action should begin with an oral or written warning and may be followed by additional oral or written warnings. Written warnings and performance improvement plans should be presented to the faculty member and should describe the Unsatisfactory Performance and the action necessary to correct the performance. Should a faculty member fail to attain a satisfactory level of performance, additional disciplinary action up to and including termination of employment may be taken.
- D. Chief Academic Officer
 - 1. When the Chief Academic Officer ("CAO"), or other person designated by the President, determines Unsatisfactory Performance may be Cause for termination of employment, the CAO shall provide the faculty member with written notice and explanation of the reasons potentially supporting termination of employment, including an explanation of the evidence justifying the action. Prior to making any determination of Unsatisfactory Performance, the CAO is expected to consult with the dean or equivalent and is permitted, but not required, to consult with the departmental faculty.
 - 2. As part of the review process, the CAO shall set a date to meet with the faculty member and provide the faculty member with a chance to respond to the concerns, orally and/or in writing, and to provide supporting documents and other information the faculty member believes relevant.

The CAO may include the dean or other administrator(s) in the meeting. The CAO shall provide at least ten (10) calendar days notice of the opportunity to meet. If the faculty member chooses not to attend the meeting or to provide written information, the CAO may rely on any evidence deemed relevant.

3. Advisors
 - a. The faculty member will be permitted to have an advisor of their choosing present during any meeting with the CAO. The faculty member must identify and notify the CAO of an advisor at least forty-eight business hours prior to the scheduled meeting.
 - b. The advisor may accompany and confer privately with a faculty member, but the advisor may not interrupt, speak on behalf of the faculty member, or otherwise actively participate in the meeting.
 - c. An advisor's failure to comply may result in the termination of the meeting or the advisor no longer being permitted to be present.
4. Following review of the information, including any information the faculty member may provide, the CAO shall prepare a written recommendation to the president that:
 - a. Cause exists, and the faculty member's employment should be terminated for Unsatisfactory Performance;
 - b. Disciplinary action less severe than termination should be implemented; or
 - c. The process should conclude without taking further disciplinary action.
5. If the CAO's written recommendation is that Cause exists and the faculty member's employment should be terminated for Unsatisfactory Performance, one or more appropriate administrators shall meet privately with the faculty member for purposes of attempting to reach a mutually

acceptable resolution of the matter. If a mutually acceptable resolution is not reached, the CAO's written recommendation shall be forwarded to the president for further proceedings.

6. Nothing in this policy limits the CAO's ability to be involved at any stage of the evaluation or corrective action or disciplinary process.
7. If the faculty member and administrator(s) agree, the hearing can be conducted via videoconference.

E. Review by President

1. The president may accept, reject in whole or in part, or modify, the recommendations in the CAO's report. The president is permitted, but not required, to consult with the dean or equivalent and/or members of the departmental faculty. The president shall provide written notice of the decision to the faculty member.
2. If the president believes that Cause exists to terminate employment on the basis of Unsatisfactory Performance, the president shall take the following actions:
 - a. provide written notice to the faculty member specifying the basis for the proposed termination, including an explanation of the evidence justifying the action,
 - b. unless college policy provides for a different means of selecting a faculty committee, appoint a faculty committee consisting of tenured faculty members whose appointments should be, but are not required to be, agreed to by the faculty member. The faculty committee shall conduct an informal inquiry of the facts giving rise to the proposed termination and recommend to the president whether, in the faculty committee's opinion, further proceedings should be taken in pursuit of the termination. The recommendation shall be in writing, be accompanied by reasons for the recommendation, and be

provided to both the faculty member and the president. The committee's recommendation shall not be binding on the president.

3. After receiving and considering the faculty committee's recommendation, if the president believes Cause exists and termination of employment is appropriate, the president shall provide the faculty member with an opportunity to respond and to meet with the president. The president shall provide at least fourteen (14) calendar days notice of the opportunity to meet. The president may include the CAO or other administrator(s) in the meeting. The faculty member may choose to respond in writing instead of, or in addition to, meeting with the president. Any written response must be submitted to the president within ten (10) calendar days of delivery of the written statement of the potential grounds for termination. The president may decide to extend the time in which to hold the meeting if the president believes good reason to do so exists.
4. Advisors
 - a. The faculty member will be permitted to have an advisor of their choosing present during any meeting with a faculty committee or with the president. The faculty member must identify and notify the president of an advisor at least forty-eight business hours prior to any scheduled meeting with the faculty committee or with the president.
 - b. The advisor may accompany and confer privately with a faculty member, but the advisor may not interrupt, speak on behalf of the faculty member, or otherwise actively participate in the meeting.
 - c. An advisor's failure to comply may result in the termination of the meeting or the advisor no longer being permitted to be present.
5. If, after considering any information provided by the faculty member, the president concludes that the faculty member's employment should be

terminated for Unsatisfactory Performance, the college shall provide written notice of termination to the faculty member providing a statement of the grounds for termination, framed with reasonable particularity, the date on which the termination will become effective, and the faculty member's ability to contest the termination.

6. The president may choose to extend the time frames set forth in this policy.
- F. The college and faculty member may agree on a negotiated resolution at any time.

III. Procedures for Misconduct

- A. The following procedures apply to the termination of employment of a tenured faculty member, a tenure-track faculty member before the expiration of the annual term, or another member of the faculty before the expiration of the stated term for Misconduct.
- B. Suspension Pending Termination
 1. The president may suspend a faculty member with pay or change the faculty member's assignment or duties pending completion of termination proceedings. The president may combine this action with any other procedures in this policy.
 2. The president may suspend a faculty member without pay pending completion of termination proceedings. A faculty member who is suspended without pay shall be offered a contested case hearing under the Uniform Administrative Procedures Act ("UAPA"). Suspension without pay may be imposed only for the following types of alleged misconduct:
 - a. Alleged misconduct involving: (a) acts or credible threats of harm to a person or college property; or (b) theft or misappropriation of college or student funds, property, services, or other resources; or

- b. Indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for (i) a felony; or (ii) a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration.

C. Termination

1. When the president believes that a faculty member's employment should be terminated for Misconduct, the college shall give the faculty written notice, including a statement of the grounds for the proposed termination, framed with reasonable particularity. The college shall also provide the faculty member with the opportunity to have an informal meeting with the president and/or the CAO, at the college's election. The faculty member may choose to respond in writing instead of, or in addition to, attending a meeting. Any written response must be submitted to the president within seven (7) calendar days of delivery of the written statement of the grounds for termination. The meeting shall be held within fourteen (14) calendar days of the date the written notice of proposed termination is issued. The president may decide to extend the time in which to hold the meeting if the president believes good reason to do so exists. If the president and faculty member agree, the hearing can be conducted via videoconference.
2. If, after considering any information provided by the faculty member, the president concludes that the faculty member's employment should be terminated for Misconduct, the college shall provide written notice of termination to the faculty member providing a statement of the grounds for termination, framed with reasonable particularity, the date on which the termination will become effective, and the faculty member's ability to contest the termination.

3. If the Misconduct also meets the definition of Gross Misconduct in [TBR Policy 5.01.00.02 Employee Disciplinary Action](#), then the president may terminate the Faculty Member for Gross Misconduct.
 - a. A faculty member suspected of theft of college property may not resign as an alternative to discharge unless the Vice Chancellor for Business and Finance approves in advance.
 - b. A faculty member terminated for Gross Misconduct, who resigns to avoid dismissal for Gross Misconduct, or who commits Gross Misconduct while employed in the TBR System will not receive payment for accrued unused annual leave. A faculty member terminated for Gross Misconduct is not eligible for Consolidated Omnibus Benefits Rights Act (“COBRA”) benefits. The Department of Treasury determines eligibility for state retirement benefits if an employee is discharged for Gross Misconduct.
4. If, after considering any information provided by the faculty member, the president concludes that Cause exists but that disciplinary action other than termination should be imposed, the college may impose the lesser disciplinary action. If a faculty member is suspended without pay, the college must offer a contested case hearing pursuant to the UAPA.
5. The college and faculty member may agree on a negotiated resolution at any time.
6. The procedures in this section shall apply if the Cause for termination includes both Unsatisfactory Performance and Misconduct.

IV. Contesting Termination and Suspension Without Pay

A. Options to Contest Termination

1. UAPA. A faculty member who is terminated and/or suspended without pay pursuant to this policy shall receive fifteen (15) calendar days in which to request a contested case proceeding pursuant to [TBR Policy 1.06.00.05](#)

[Contested Cases Subject to the Uniform Administrative Procedures Act.](#) If

the final determination after a contested case proceeding is favorable to the faculty member and concludes that the faculty member's employment should not be terminated for Cause and/or that the faculty member should not have been suspended without pay, then the college shall provide lost salary and benefits and restore the faculty member's employment position including tenure, if applicable.

2. Informal Administrative Hearing. A faculty member who is terminated and/or suspended without pay pursuant to this policy may waive the right to a UAPA hearing and select an informal administrative hearing in front of the Vice Chancellor for Academic Affairs (VCAA) or designee.
 - a. Termination or suspension is stayed pending completion of the informal administrative hearing process.
 - b. The VCAA shall give the faculty member written notice of a hearing date at least 30 calendar days in advance. The faculty member may waive the right to a live hearing and rely on written evidence and argument. If the VCAA and faculty member agree, the hearing can be conducted via videoconference.
 - c. The goal of an informal administrative hearing is to allow the faculty member to provide relevant facts and information about why termination of employment was not appropriate. The faculty member shall be permitted to provide documents, affidavits, and other written or electronic evidence, and shall also be permitted to explain the faculty member's position. The VCAA may ask questions of, or engage in discussion with, the faculty member.
 - d. The VCAA may require that the college provide one or more administrators at the hearing to answer questions. The VCAA may

adjourn the meeting if the VCAA deems necessary to obtain additional information.

- e. A faculty member may choose to bring an advisor to the meeting in accordance with the standards set forth in Section II.E.3. of this policy.
 - f. No live witnesses are permitted at the hearing, other than the faculty member and college representative(s) designated to answer questions. The faculty member and college representative(s) are not permitted to cross-examine each other.
 - g. The VCAA shall not be bound by the rules of civil procedure or evidence, but shall make reasonable efforts to conduct a fair process and to base the decision on the most reliable evidence.
 - h. Following the hearing, the VCAA shall issue a written decision either upholding, reversing, or modifying the decision within fifteen (15) working days, unless extended for good cause.
3. Neither a UAPA hearing nor an informal administrative hearing is available for a faculty member found responsible for Sexual Misconduct pursuant to [TBR Policy 6.03.00.00 Sexual Misconduct](#).
4. A faculty member who does not request a contested case hearing within fifteen (15) calendar days waives the right to a contested case hearing. A waiver can also be written.
- B. The college and faculty member may agree on a negotiated resolution at any time.

V. Effective Date

- A. This policy becomes effective on July 1, 2026, and applies to any termination or suspension, or other disciplinary action, occurring on or after the effective date, regardless of when the conduct leading to the disciplinary action occurred.

Sources

Authority

T.C.A. §§ 49-8-203; 49-8-301 and 302.

History

New Policy Board approved June 12, 2026 (effective July 1, 2026).

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