

### **2.0.1.1 Employment Status Categories**

An employment status category is designated for each employee. When a search process is initiated, the college president/chief executive officer shall determine the employment status in accordance with KCTCS Board Policy 2.0-*KCTCS Employment*, based on funding and the needs of the college.

#### **2.0.1.1.1 Faculty Tenured Employment Status**

Full-time tenure-related faculty appointments shall be of two kinds: (1) tenure-track appointments and (2) tenured appointments. Faculty who have completed the tenure review period and are awarded tenure have tenured employment status.

Only regular full-time faculty, as defined in KCTCS administrative policies and procedures regarding time worked categories, are eligible to be tenured. The terms and conditions governing each appointment shall be stated in writing on the official KCTCS appointment record, a faculty tenure contract, which is continuous. Faculty members employed under a tenure contract shall continue to be subject to the terms and conditions of employment until separated from employment.

Although tenure is granted in KCTCS and not in a college, tenured faculty have as the location of their appointment the academic unit of the college as stated in their contracts. A dual appointment to a different college and/or different academic unit may be granted to a faculty member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one (1) college and academic unit as the faculty member's primary college and academic unit for the purpose of this policy (e.g., governance, evaluation, promotion, separation).

Tenured faculty are eligible for full-time employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.2 Faculty Tenure-Track Employment Status**

Faculty employed in a tenure-track position have tenure-track employment status unless and until they earn tenured employment status. The terms and conditions governing each appointment shall be stated in writing on the official KCTCS faculty tenure-track contract.

Only regular full-time faculty, as defined in KCTCS administrative policies and procedure regarding time worked categories, shall have tenure-track employment status.

Tenure-track faculty have as the location of their appointment the academic unit of the college as stated in their contracts. A dual appointment to a different college and/or different academic unit may be granted to a faculty member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one (1) college and academic unit as the faculty member's primary college and academic unit for the purpose of this policy; e.g., governance, evaluation, promotion, separation.

Regular full-time tenure-track faculty are eligible for full-time employee benefits as described in benefits policies, procedures, and regulations.

**Faculty Tenure-Track Review Period**

Tenure-track faculty appointments shall be for one (1) year unless otherwise stated, subject to renewal, but the total tenure-track or probationary period shall not exceed seven (7) years, including recognized previous full-time service with the rank of instructor or librarian IV or higher in other institutions of higher learning. There is one exception: when a faculty member with more than three (3) years in the academic profession is called from another institution and appointed at the rank of associate professor or librarian II or below. That faculty member may be required to serve in a tenure-track status for a period not to exceed four (4) years, even though the total tenure-track period in the academic profession may be extended beyond seven (7) years.

In any case where a period of prior service of a faculty member involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the -tenure-track period at the Kentucky Community and Technical College System.

The applicability of prior service to the tenure-track period of a faculty member shall be reviewed initially by the prospective faculty member, the appropriate division chairperson, the chief academic officer, and the college president/ceo. This review shall occur either before and/or during the interview of the applicant and prior to the appointment of the applicant as a faculty member. A request that all or part of the prior service be eliminated from consideration in determining the probationary period may be initiated by the prospective faculty member, the division chairperson, or the college president/ceo. After seeking the advice of the College Advisory Committee on Promotion, the college president/ceo shall forward the request with the college president/ceo's recommendation to the KCTCS Chancellor who shall approve or disapprove the request. The following questions shall serve as guidelines in making and considering requests for waiver or elimination of prior service:

1. Did the institution of prior service have similar expectations regarding formal criteria for awarding tenure?
2. Were the measurable achievements of the faculty member at the institution of prior service such that they would be counted as part of the

achievements to be evaluated by the KCTCS in consideration for promotion and tenure?

3. Did the faculty member use the same knowledge and skills and have the same career goals at the institution of prior service that the faculty member shall be using at the KCTCS? and
4. Does employment in the KCTCS involve a change of career and, therefore, a change in the expectations that shall be placed upon measurable achievements within a particular period of time?

Time spent on leave of absence shall count as tenure-track service unless the college granting the leave and the faculty member accepting it agree in writing to the contrary.

Faculty members initially appointed at the rank of full professor or librarian I may be given tenure-track status for a period not to exceed one (1) year. Following appropriate review periods not exceeding in duration those described above, all persons of associate professor or higher rank shall be given tenure or shall not have their appointments renewed; all persons of assistant professor rank shall be promoted to associate professor with tenure or shall not have their appointments renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

A tenured associate professor who has not received a recommendation for promotion for six (6) years shall be considered for promotion, and a recommendation by the college president, either affirmative or negative, shall be made to the KCTCS Chancellor during the seventh (7th) year. If the recommendation of the college president is negative, the college president/ceo shall advise the faculty member of the decision not to recommend promotion and shall give the faculty member an opportunity to submit a promotion file to the KCTCS Senate Advisory Committee on Promotion for evaluation. The faculty member shall reply in writing to the college president/ceo either accepting or declining this opportunity for an evaluation of the faculty member's file by the KCTCS Senate Advisory Committee on Promotion. In the case of acceptance, the KCTCS Senate Advisory Committee on Promotion shall review and evaluate the file and recommend to the KCTCS Chancellor in the usual manner. In case of declination, the provision of another opportunity for consideration of the faculty member's promotion by the KCTCS Senate Advisory Committee on Promotion shall not be mandatory until six (6) more years have passed.

#### **Procedure for Promotion and Granting of Tenure**

The college president:

1. Initiates the proposal;

2. Supervises the gathering of vitae with the required and supporting material including the written opinions of the tenured faculty of the appropriate division;
3. Secures the advice of the division chairperson;
4. Secures the advice of the College Advisory Committee on Promotion;
5. Approves or disapproves the proposal at the level of Instructor to Assistant Professor. Notifies the faculty member and the division chairperson; and
6. Forwards to the KCTCS Chancellor recommendations for promotions at the levels of Assistant Professor to Associate Professor and of Associate Professor to Professor.
7. Notifies the faculty member and the division chair if the proposal is approved or disapproved after the proposal goes through all of the steps and a decision is made.

The KCTCS Chancellor:

1. Reviews proposal for completeness;
2. Secures the advice of the KCTCS Senate Advisory Committee on Promotion;
3. Forwards recommendations for approval to the KCTCS President; and
4. Notifies the college president once the proposal is approved or disapproved.

The President of the Kentucky Community and Technical College System:

1. Reviews the proposals;
2. Submits recommendations for approval to the Board of Regents for final action;
3. Notifies the KCTCS Chancellor if the proposal is disapproved.

The Board of Regents:

1. Takes final action.

### **2.0.1.1.3 Term Contract Employment Status**

Regular contract faculty who are in a non-tenure-track faculty position have term contract status. Regular staff in a contract position shall have term contract status.

The terms and conditions governing each appointment shall be stated in writing on an official KCTCS appointment record (faculty term contract or staff term contract). Term employment contract faculty and staff shall not earn continued employment status. Term contracts shall have a maximum contract term of up to but no more than four years.

Term contract faculty and staff shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Regular full-time contract faculty are expected to participate in KCTCS governance and committee work as deemed appropriate and in keeping with their annual performance planning document. Term contract faculty and staff are subject to all performance appraisal and other human resources policies during the terms of their contracts. If a faculty or staff member violates policy, the faculty or staff member is subject to disciplinary action, up to and including termination prior to the expiration of the term and/or the established non-renewal notification timeline.

Contract faculty and staff have as the location of their appointment the academic unit of the college stated in their contract. A dual appointment to a different college and/or academic unit may be granted a faculty or staff member. In such a case, the college president/ceo, in consultation with the faculty member and chief academic officer, shall select one academic unit as the faculty member's primary academic unit for purposes of this policy (e.g., governance, evaluation, promotion, separation).

Term contract faculty and staff are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.4 Continued Employment Status**

Faculty and staff who have satisfactorily completed the KCTCS Introductory Period have continued employment status. In addition, former UKCCS and Lexington Community College non-contract staff who exercise the one-time option into the KCTCS personnel system are granted continued employment status. For newly hired employees on or after July 1, 2004, only regular full-time staff shall be eligible to earn continued employment status.

Faculty and staff with continued employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Regular status faculty who were employed on a non-contract basis and previously earned continued employment status retain their continued employment status while they remain in a non-contract position. Employees with continued employment status shall only be discharged from employment for just cause.

Faculty and staff with continued employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.5 Continuing Employment Status**

Former 151B faculty and staff who earned continuing employment status under KRS Chapter 151B retain continuing employment status following their transfer to KCTCS under KRS 164.5805. Those faculty and staff who exercise the one-time option into the KCTCS personnel system retain continuing employment status, which is equivalent to continued employment status in the KCTCS personnel system.

Faculty and staff with continuing employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Faculty and staff with continuing employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.6 “Status” Employment Status**

Former 18A staff who earned “status” employment status under KRS Chapter 18A retain “status” employment status following their transfer to KCTCS under KRS 164.5805. Those faculty and staff who exercise the one-time option into the KCTCS personnel system retain “status” employment status, which is equivalent to continued employment status in the KCTCS personnel system.

Staff with “status” employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative policies and procedure regarding time worked categories.

Staff with “status” are eligible for employee benefits as described in benefits policies, procedures, and regulations.

#### **2.0.1.1.7 “At Will” Employment Status**

Temporary faculty and staff (contract and non-contract) shall have “at will” employment status. “At will” employment is defined as a legal doctrine that states that an employment relationship may be terminated by an employee or the employer at any time and for any or no reason. Regular status, less than full-time, faculty and staff who are hired on or after July 1, 2004, shall have “at will” employment status. Former UKCCS (including former Lexington Community College) non-contract staff retain their employment “at will” status following their transfer to KCTCS under KRS 164.5807. Employees under the KCTCS personnel system who are subject to the Introductory Period have “at will” employment status during the course of the Introductory Period.

Regular faculty and staff with “at will” employment status shall be classified as regular full-time or regular part time (less than full-time) as defined in KCTCS administrative

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policies and procedure regarding time worked categories. Temporary faculty and staff shall be classified as temporary full-time or temporary part-time (less than full-time) as defined in KCTCS administrative policies and procedures regarding time worked categories.

Faculty and staff with “at will” employment status are eligible for employee benefits as described in benefits policies, procedures, and regulations.

**Introductory Period**

The first 6 months of employment is the Introductory Period for employees. During the Introductory Period, employees have “at will” employment status, with their work performance being monitored and assessed. During the Introductory Period an employee may be terminated from employment at any time with or without cause. This Introductory Period and its terms and conditions may be extended by the Vice President primarily responsible for Human Resources at the request of the respective college or cabinet member. Employees who satisfactorily complete the Introductory Period are granted “continued employment status” in accordance with KCTCS Board policies and administrative policies and procedures regarding continued employment status.

An employee may access the KCTCS independent third party appeal process during her/his Introductory Period only in cases involving allegations of statutorily prohibited discrimination.

Faculty and staff employed under a tenure contract, tenure-track contract, or term contract do not have a formal Introductory Period and are not eligible to earn continued employment status; they are governed under the terms of their employment contract (see KCTCS policies and procedures regarding contracts).

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| Date Approved by<br>President, KCTCS | Date(s)of Last Review                  | Date(s) of Last Revision<br><i>(Include all dates in<br/>chronological order)</i> |         |
| (SIGNED)                             | 9-22-14                                | (SIGNED)  | 9-22-14 |
| Recommended by                       | Date                                   | President, KCTCS  | Date    |