

MIDDLE TENNESSEE STATE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

POLICY NO.: I:02:01

DATE: September 19, 2003

SUPERSEDES POLICY NO.: I:02:01

DATED: December 16, 2002

SUBJECT: General Personnel Policy

APPROVED: Sidney A. McPhee, President \_\_\_\_\_

The following General Personnel Policy defines authority and delegation of authority for appointment, change in status, compensation, and termination of all categories of employees at Middle Tennessee State University. This policy is in accordance with TBR Policy No. 5:01:00:00.

**A. Scope of Delegation**

1. Presidents

The appointments and terminations which require the prior approval of the President and the Chancellor include:

- (1) All Vice Presidents (academic, business, student affairs, etc.) including all interim appointments;
- (2) Academic deans, academic department and/or division heads, Directors of the Centers of Emphasis and Excellence, (including those officers, who with varying titles, have line responsibility for administration of academic faculty or staff at the academic disciplinary unit level);
- (3) Appointments, promotions, and/or transfers to positions with salaries in excess of \$75,000; and/or transfers to positions with salaries in excess of \$75,000; and
- (4) Any other positions which may be designated by the Chancellor.

2. The President is authorized to appoint, determine the compensation and change of status of, and terminate all other employees at the institution or center subject to the provisions of this and other relevant Board policies and procedures and the Board approved Compensation Plan Guideline.

3. The Chancellor has approved the following delegation of authority made by the President at MTSU:

The Vice Presidents shall have the authority to appoint, change the status of, and compensate employees within their divisions. Further, the Vice President of Academic Affairs has designated the Assistant to the Vice President for Academic Resources as the authority for the appointment, change of status, and compensation of Graduate Assistants within the division of Academic Affairs.

## **B. Appointments**

1. The President is authorized to appoint and employ personnel within the scope of delegation provided in Section A for positions 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.
2. 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.
3. New administrative positions shall not be established in the institution's administrative organization, and no major change in the administrative organization of an institution shall be made, unless approved by the Chancellor.
4. 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. 5:02:02:00, which is incorporated herein by reference. All part-time or temporary faculty must be appointed according to the provisions of Board Policy.
5. The minimum qualifications for the appointment of all personnel other than faculty shall be determined by the President, 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.

## **C. Nature of Appointments**

1. Faculty shall be employed pursuant to the types of appointments specified in Board Policy No. 5:02:02:00 and MTSU Policy number II:01:05, which are incorporated herein by reference.
2. Personnel other than faculty shall be appointed to serve at the pleasure of the President.
3. All full-time personnel, including faculty, shall be required to devote a minimum of 37.5 hours per week to the institution, and shall maintain appropriate office hours as determined

by the President (or his or her designee). Calculation of the 37.5-hour week shall follow such guidelines as promulgated by the Chancellor.

4. 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 hour or the equivalent per term). All equivalent teaching load activities shall be subject to prior review and approval by the President (or his or her designee).
5. In addition to the requirement of Section C-3 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.
6. 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.

The President has designated the date of the General Faculty Meeting in the fall as the beginning of the duty period for faculty and the date of spring convocation as the ending of the duty period each year.

#### **D. Compensation**

1. 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.
2. 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.
3. Part-time instructional personnel shall be paid on the basis of the credit or non-credit hours taught, pursuant to such guidelines and/or schedules as may be established by the Board.
4. The President or director shall insure 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: (a) market factors, (b) a merit or evaluation system, (c) length of service, or (d) 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.

5. Overtime payments and compensatory time are available to clerical and support employees only. The Chancellor is authorized to issue guidelines relative to the use of compensatory time and payment of overtime and the rates pertinent to each.
6. 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, e.g. as opposed to the situation when a faculty member is hired into a permanent administrative position such as a deanship which requires a twelve-month contract. 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.

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 out 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.

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.

The following illustrates the procedure defined above. A faculty member making \$20,000 on an academic contract is converted to a fiscal year contract at a salary of \$25,000. 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. At the time the faculty member serving as administrator returns to a faculty position on an academic year basis, the administrative stipend will end. 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.

## **E. Changes of Status and Terminations**

1. 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. The President may establish procedures for accomplishing promotions, demotions, and transfers between institutions/centers 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 central office's Affirmative Action Plan, and must be reviewed and certified by the institutional Affirmative Action Officer.

Inter-institutional promotions, demotions, and transfers must be discussed and approved by the appointing authorities of the two institutions/centers concerned prior to any discussion with the candidate. Any candidate promoted must meet all established minimum qualifications as determined by the appointing authority.

For purposes of this policy, the following definitions apply:

A 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.

A 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.

A reclassification occurs when an employee's duties and responsibilities evolved to the extent that another classification is more appropriate.

A lateral transfer is defined as the assumption of duties of another position at the same level.

2. Promotion of Faculty - The promotion of faculty shall be subject to Board Policy No. 5:02:02:00 and MTSU Policy No. II:01:05.
3. Promotion of personnel other than faculty shall be subject to MTSU Policy No. II:01:05.
4. 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. 5:02:03:00 and MTSU Policy No. II:01:05.
5. Termination for Gross Misconduct - Gross misconduct may include, but is not necessarily limited to: any act or omission which may seriously disrupt or disturb the normal operation of the institution/center/Central Office; any work-related conduct which would subject the

employee to criminal conviction; theft or dishonesty; gross insubordination; destruction of institution/center/Central Office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and/or such other similar acts involving intolerable behavior by the employee. 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 paragraph.

In the case of gross misconduct, immediate disciplinary action up to and including termination should be taken. An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed. Any exceptions to this requirement must be made by the institution's President or Center's Director after consultation with the Vice Chancellor for Business and Finance. 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.

Refer to Annual Leave Policy IV:07:04, Section III and Sick Leave Policy IV:07:04, Section IV regarding the loss of unused leave if termination of employment is due to gross misconduct.

6. 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.

## **F. Non-Discrimination Requirements**

The President shall insure that all appointments, changes of status, compensation, and terminations are all in compliance with Board Policy No. 5:01:02:00 (EEO Affirmative Action) and MTSU Policy number IV:07:06 which are incorporated herein by reference and that no person is discriminated against on the basis of race, sex, religion, age, color, or national origin in any area of employment.

## **G. Employment Practice Complaints**

1. 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. The President shall forthwith initiate an investigation of the charge, and shall report to the General Counsel the results of the investigation. The Office of the General Counsel will coordinate and approve all responses to the appropriate agency. The President shall transmit to the General Counsel copies of all correspondence from or to the state or

federal agency involved. All interactions with the state or federal agency shall be coordinated through the Office of the General Counsel.

2. Internal complaints, charges, or claims concerning matters related to discrimination in employment practices shall be referred to the University Affirmative Action Officer. Internal complaints, charges, or claims concerning employment practice or working conditions of Classified Employees or Administrative Employees not related to discrimination shall be handled through the university grievance procedures established in MTSU Policy IV:07:11. Such complaints for faculty shall be handled through the procedures established in MTSU Policy II:01:06, Faculty Grievance and Appeals Procedure. 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.

## **H. Records and Reporting Requirements**

The President or director shall maintain full and complete records on all personnel, including all appointments, compensation, change of status, and termination for at least seven (7) years following separation of employees. After seven (7) years, hard copy may be destroyed when microfilmed and verified. Microfilm is to be maintained for seventy-five (75) years.

## **I. Exceptions**

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 when necessary to ensure proper compliance with Board policies, guidelines, and procedures.