3510 Contract Policies: Contract Status

I. In General

Full-time faculty contracts (see Appendix C) shall be designated as:

- Probationary Contract,
- Fixed-term Contract,
- Terminal Contract, or
- Tenure.

II. Definition of Probationary Contract Status

Probationary contracts are for a term of one academic year. A probationary contract is not a continuing offer of employment. The College may renew a probationary contract on a year-by-year basis, but probationary contract status does not give to or vest in the full-time faculty member any right beyond the term of this contract, nor any right to the renewal of the contract, except at the sole discretion of the College in accordance with the procedures specified by the Faculty Employment Policies.

The College shall grant probationary contracts to those full-time faculty who, eventually, become eligible for consideration for tenure status.

The College evaluates faculty members holding probationary appointments for reappointment or non-reappointment on an annual basis. The maximum probationary period shall not normally exceed five years, and the College shall normally make the decision on whether to issue a terminal contract or to award tenure status by April 5 of the fifth year of service. This probationary period gives the faculty member time to demonstrate his or her worth and ability, and it also gives the College time to observe and evaluate faculty performance.

Appendix F provides an illustrative chart of the timetable for letters of reappointment or non-reappointment deadline dates.

III. Faculty Nonresident Alien Hiring

A. H-1B Visa

The College may, at the discretion of the President, sponsor employees in good standing who qualify for an H-1B. Any H-1B renewal or extension shall be at the employee's expense.

B. Permanent Residency

The College may also sponsor eligible non-citizen faculty hires for permanent residence. However, the College shall not start the permanent residence process until after the faculty member has had a positive Interim Review letter in his or her file during their third year of employment. The Department of Labor regulations require the employer to pay for the legal fees and other costs of the labor certification case, without reimbursement by the employee. The employee shall pay for the other petitions that are filed for permanent residency, but cannot pay for the costs of the labor certification case. The first step of the permanent residence process, the special handling labor certification, must be completed before the faculty-file closing deadline of the tenure-decision year. If the special handling labor certification is not successfully completed before February 1 of the tenure-decision year, then the tenure-decision year shall automatically be postponed for one year. Any additional delay in the tenure-decision year shall only be granted upon approval of a written request made to the President. The response to the request shall be made in consultation with the Vice President for Academic Affairs and the Human Resources Director.

The special handling labor certification process requires that the College implement a national search for the position held by a faculty member going through the permanent resident process. Relevant faculty shall be alerted that this

national search process could result in the hiring of a more qualified candidate if one applies as a result of this federally required search process. If a more qualified candidate is selected for the position, then the current faculty employee would be notified of termination at the end of her or his current contract period.

IV. Definition of Fixed-term Contract Status

Fixed-term contract status shall apply and be granted only to the following:

- Faculty with an athletic coach assignment (those hired to coach prior to the 2007-2008 academic year);
- Visiting Instructors;
- Visiting Assistant Professors;
- Visiting Associate Professors;
- Visiting Professors; or
- Director of Nursing.

Fixed-term contracts for athletic coaches shall not exceed three academic years. Typically, for each of their first three years at the College, faculty coaches receive one-year fixed-term contracts; longer contracts of up to three years may be offered after that time. Fixed-term contracts for Visiting Instructors, Visiting Assistant Professors, Visiting Associate Professors, Visiting Professors, and the Director of Nursing (applicable for new hires after July 1, 2001) shall also not exceed three academic year(s).

Fixed-term contracts are not a continuing offer of employment beyond the fixed term of the contract; however, the College, at its discretion may grant additional fixed-term appointments. The College shall issue notice for non-reappointment to fixed-term contracts by March 1 (see policy 3530 "Policies and Procedures Relating to Severance/Termination"). A series of fixed-term contracts does not lead to tenure status; however, if the College later grants a probationary appointment to a faculty member with fixed-term status, the College may, at its discretion, count up to three years of service accumulated on fixed-term status toward the probationary period.

The decision to define a position as "fixed-term" shall be made as part of the regular position-building process. Fixed-term contracts shall be used in special circumstances to address program-specific or other specified needs. Multiple-year, fixed-term faculty contracts shall be issued infrequently and with the consensual support of the appropriate Division Chair, Vice President for Academic Affairs, Administrative Staff, and President of the College.

V. Definition of Fixed-term Contract Status for Professional Staff Athletic Coaches

Any athletic coach who is hired to initially coach in the 2007-2008 academic year and beyond shall be classified as professional staff.

VI. Definition of Terminal Contract Status

Terminal contracts are an offer of a final year of employment to a probationary faculty member beyond his or her fifth year of service. Terminal contract status serves as notice that termination of employment shall occur at the conclusion of the terminal contract period. The terminal contract provides time for the faculty member to seek a position elsewhere. Receipt of a terminal contract by a probationary faculty member shall not deprive that individual of faculty status.

VII. Definition of Tenure Status

The College grants tenure status to those full-time faculty members who have completed a prescribed probationary period. Tenure status establishes the right to expect an employment contract to be offered each year, and the College explicitly

guarantees faculty with tenured status the continuance of their full-time employment until retirement unless there exists

- resignation (see policy 3530);
- proof of adequate cause for dismissal (see policy 3530);
- prolonged mental or physical illness (see policy 3530);
- financial exigency (see policy 3530);
- reduction in force (see policy 3530) or
- discontinuation of an educational program (see policy 3530).

Revised & Adopted 04/10/2017
Revised & Adopted 01/13/2025