

Key Policy Changes to APSU Tenure and Discipline Policies Pursuant to HB 2194

Structural Changes Across All Policies

- Separated tenure and discipline into distinct policy domains
 - Tenure policy (1:025) now governs only:
 - Adequate cause termination
 - Financial exigency
 - Curricular reasons
 - Discipline policy (5:029) governs:
 - Conduct-based discipline for all employees
- Removed statutory-style due process dependency
 - Prior statutory procedures (e.g., T.C.A. § 49-8-303) are deleted under the law
 - Institutional policy now defines process
- Centralized disciplinary authority in administration
 - Final decision-making authority shifted to:
 - President / Provost / senior administrators
 - Faculty decision-making authority removed at higher levels

Faculty Discipline Policy (2:066) — Key Changes

- Clarified that misconduct is governed by Policy 5:029
 - Misconduct definition now explicitly tied to institutional discipline policy
- Established a clear transition trigger
 - If conduct may warrant suspension or termination:
 - Case immediately moves out of faculty process
 - Referred to administrative process (5:029)
- Limited faculty role to lower-level discipline
 - Faculty participate in Levels 1–4 (informal → reprimand/other sanctions)
 - Faculty do not control:
 - Suspension
 - Termination
- Removed faculty authority over termination decisions
 - Termination decisions no longer governed by faculty committee process
 - Shift to administrative adjudication
- Retained progressive discipline structure
 - Maintains familiar escalation model
 - Allows non-linear escalation based on severity

Discipline Policy (5:029) — Key Changes

- Expanded scope to include both faculty and staff
 - Now a unified discipline framework across the institution
- Defined “adequate cause” by reference (not duplication)
 - Incorporates tenure policy definition rather than redefining it
 - Explicitly distinguishes:
 - Misconduct ≠ adequate cause
- Introduced “performance deficiency” with guardrails
 - Applies broadly to employees
 - For faculty:
 - Explicitly subordinate to tenure/RTP processes
 - Cannot replace academic evaluation

- Established unified progressive discipline model
 - Oral warning → written warning → probation → suspension → termination
- Reinforced administrative control over high-level sanctions
 - Suspension and termination decisions:
 - Made by Provost/President
 - With HR and legal consultation

Tenure Policy (1:025) — Key Changes

- Redefined “adequate cause” as a role-based standard
 - No longer dependent on misconduct
 - Focuses on:
 - Sustained or serious failure of professional responsibilities
- Preserved enumerated examples of adequate cause
 - Retained as illustrative—not exhaustive statutory list
 - (Important: these are not reinsertions of statute; they remain institutional policy language)
- Clarified relationship to discipline policy
 - Added explicit statement:
 - Discipline (non-termination) governed by 5:029
 - Tenure policy governs only termination-level decisions
- Distinguished suspension types
 - Disciplinary suspension → governed by 5:029
 - Suspension pending termination → governed by tenure policy
- Maintained formal hearing structure for adequate cause termination
 - Committee + evidentiary standard + record-based review
 - Retained as institutional due process (not statutory requirement)

The New Structure Under the New Law

The redline shows that the law:

- Deletes the statutory list of “adequate cause”
 - That list is no longer controlling law
 - Institutions now define adequate cause through policy
- Deletes statutory due process requirements
 - No longer mandated:
 - Clear and convincing evidence
 - Hearing structure
 - Cross-examination rights
- Affirms separation of tenure and discipline
 - Explicitly requires institutions to distinguish:
 - Tenure decisions
 - Disciplinary actions
- Transfers disciplinary authority to administrators
 - Prohibits:
 - Faculty votes or recommendations in suspension/termination decisions
 - Requires:
 - CEO/CAO authority over discipline

How The Policies Implement That Law

1. Clear Functional Separation

Function	Governing Policy	Decision Authority
Tenure	1:025	Board / President
Discipline (Levels 1–4)	2:066 + 5:029	Faculty + Admin
Suspension/Termination	5:029 / 1:025	Admin only

2. Two Distinct Standards

- Misconduct
 - Policy violation
 - Conduct-based
 - Governed by discipline policy
- Adequate Cause
 - Role-based failure
 - Threshold for termination
 - Governed by tenure policy

3. Tiered Governance Model

- Faculty role preserved (but narrowed)
 - Lower-level discipline
 - Advisory and participatory
- Administrative authority centralized
 - Suspension
 - Termination
 - Final decisions

4. Policy-Based Due Process (Not Statutory)

- Due process still exists
- But now:
 - Defined by institutional policy
 - Not dictated by statute