

**SOUTHWESTERN ILLINOIS  
COLLEGE  
DISTRICT 522  
BOARD POLICY MANUAL**

**POLICY  
STATEMENT**

**POLICY ISSUE:** Faculty Tenure

**POLICY CODE:** 3019

**DATE ADOPTED:** July 1991

**DATE(S) REVIEWED:** September 1994, October 2010

**DATE(S) AMENDED:** November 1994, November 2010

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It is the policy of Southwestern Illinois College to consider and to award tenure to its full-time faculty in accordance with the provisions of the *Public Community College Act. Article IIIB Tenure* of the Public Community College Act is incorporated here as the policy of Southwestern Illinois College.

**103B-1. Definition**

As used in this Article, the following terms shall have the meanings hereinafter stated:

- **District** means a Community College District.
- **Board** means a Board of a Community College District.
- **Faculty Member** means a full time employee of the District regularly engaged in teaching or academic support services, but excluding supervisors, administrators and clerical employees.
- **School Year** means a regular academic year or its equivalent excluding summer school.
- **Term** means a term within a school year.
- **Notice** means a written notice delivered in person or deposited in the U.S. mail by certified or registered mail, postage prepaid, addressed to the faculty member's last know address.

Added by *P.A. 81-1100, 6 1, eff. Jan. 1, 1980.*

**103B-2. Tenure**

Any faculty member who has been employed in any district for a period of 3 consecutive school years shall enter upon tenure unless dismissed as hereinafter provided. However, a board may at its option extend such period for one additional school year by giving the faculty member notice not later than 60 days before the end of the school year or term during the school year or term immediately preceding the school year or term in which tenure would otherwise be conferred. Such notice must state the corrective actions which the faculty member should take to satisfactorily complete service requirements for tenure. The specific reasons for the one-year extension shall be confidential but shall be issued to the teacher upon request. The foregoing provision for a three-year period and optional one-year extension shall not be construed to interfere with or abrogate local board rules or contracts which now or hereafter may provide for a lesser period of service before entering upon tenure. A tenured faculty member shall have a vested contract right in continued

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employment as a faculty member subject to termination only upon occurrence of one or more of the following:

- a. Just cause for dismissal; or
- b. A reduction in the number of faculty members employed by the Board or a discontinuance of some particular type of teaching service or program.

Added by *P.A. 81-1100, B 1, eff. Jan. 1, 1980.*

**103E-3. Dismissal of non-tenure faculty member**

Every Board shall provide by rule or contract for a procedure to evaluate the performance and qualifications of non-tenure faculty members. If the implementation of such procedure results in a decision to dismiss a non-tenured faculty member for the ensuing school year or term, the Board shall give notice thereof to the faculty member not later than 60 days before the end of the school year or term. The specific reasons for the dismissal shall be confidential but shall be issued to the teacher upon request. If the Board fails to give such notice, within the time period, the faculty member shall be deemed reemployed for the ensuing school year. If the Board fails to give such notice within the time provided during the third year, or during the fourth year in the case of a one year extension, the faculty member shall enter upon tenure during the ensuing school year or term.

Added by *P.A. 81-1100, d 1, eff. Jan. 1, 1980.*

**103B-4. Dismissal of tenured faculty member for cause**

If a dismissal of a tenured faculty member is sought for cause, the board must first approve a motion by a majority vote of all its members. The specific charges for dismissal shall be confidential but shall be issued to the tenured faculty member upon request. The Board decision shall be final unless the tenured faculty member within ~~ten~~10 days requests in writing of the Board that a hearing be scheduled. If the faculty member within 10 days requests in writing that a hearing be scheduled, the Board shall schedule such hearing on those charges before a disinterested hearing officer on a date no less than 45 days, nor more than 70 days after the adoption of the motion. The hearing officer shall be selected from a list of 5 qualified arbitrators provided by a nationally recognized arbitration organization. Within 10 days after the teacher receives the notice of hearing, either the Board and the teacher mutually or the teacher alone shall request the list of qualified hearing officers from the arbitration organization. Within 5 days from receipt of the list, the Board and the teacher, or their legal representatives, shall alternately strike one name from the list until one name remains. The teacher shall make the first strike. Notice of such charges shall be served upon the tenured faculty member at least 21 days before the hearing date. Such notice shall contain a bill of particulars. The hearing shall be public at

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the request of either the tenured faculty member or the Board. The tenured faculty member has the privilege of being present at the hearing with counsel and of cross-examining witnesses and may offer evidence and witnesses and present defenses to the charges. The hearing officer upon request by either party may issue subpoenas requiring the attendance of witnesses and production of documents. All testimony at the hearing shall be taken under oath administered by the hearing officer. The hearing officer shall cause a record of the proceedings to be kept and the Board shall employ a competent reporter to take stenographic or stenotype notes of all testimony. The costs of the reporter's attendance and services at the hearing and all other costs of the hearing shall be borne equally by the Board and the tenured faculty member. Either party desiring a transcript of the hearing shall pay for the cost thereof. If in the opinion of the Board the interests of the district require it the Board, after 20 days notice, may suspend the tenured faculty member pending the hearing, but if acquitted, the tenured faculty member shall not suffer the loss of any salary by reason of the suspension. The hearing officer shall, with reasonable dispatch, make a decision as to whether or not the tenured faculty member shall be dismissed and shall give a copy of the decision to both the tenured faculty member and the Board. The decision of the hearing officer shall be final and binding.

Added by *P.A. 81-1100, 8, eff. Jan. 1, 1980.*

**103B-5. Reduction in number of faculty members**

If a dismissal of a faculty member for the ensuing school year results from the decision by the Board to decrease the number of faculty members employed by the Board or to discontinue some particular type of teaching service or program, notice shall be given the affected faculty member not later than 60 days before the end of the preceding school year, together with a statement of honorable dismissal and the reason therefore; provided that the employment of no tenured faculty member may be terminated under the provisions of this Section while any probationary faculty member, or any other employee with less seniority, is retained to render a service which the tenured employee is competent to render. In the event a tenured faculty member is not given notice within the time herein provided, he shall be deemed reemployed for the ensuing school year. Each board, unless otherwise provided in a collective bargaining agreement, shall each year establish a list, categorized by positions, showing the seniority of each faculty member for each position entailing services such faculty member is competent to render. Copies of the list shall be distributed to the exclusive employee representative on or before February 1, of each year. For the period of 24 months from the beginning of the school year for which the faculty member was dismissed, any faculty member shall have the preferred right to reappointment to a position entailing services he is competent to render prior to the appointment of any new faculty member; provided that no non-tenure faculty member or

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other employee with less seniority shall be employed to render a service which a tenured faculty member is competent to render.

Amended by *P.A. 86-501, 8 1, eff. Jan. 1, 1990.*

**103B-6. Review under Administrative Review Law**

The provisions of the Administrative Review Law, and all amendments and modifications thereof <sup>1</sup> and the rules adopted pursuant thereto, shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of a hearing officer under Section 3B-4 of this Article. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.<sup>2</sup>

Amended by *P.A. 82-783, Art. XI, 8 264, eff. July 13, 1982.*

<sup>1</sup> *Chapter 110, P 3-101 et seq.*

<sup>2</sup> *Chapter 110, P 3-101.*