

11.3. Only the accuracy or relevance of any fact contained in a report or document related to the evaluation shall be subject to the grievance procedure.

ARTICLE XII.

APPOINTMENT AND REAPPOINTMENT

12.1. TYPES OF APPOINTMENT

12.1.1. Special Appointment

A "Special Appointment" is an appointment issued by the Board or its Designee in order to meet the temporary needs of the System or to signify an explicitly temporary assignment. Special appointments are for a fixed term of up to one year, renewable for up to one additional year, with no legitimate expectation of renewal of appointment thereafter. Special appointments are not tenure track appointments.

A bargaining unit member shall not be employed on a special appointment for more than two (2) years, except by agreement of the parties. An exception to this two-year limitation shall be special appointments which are funded with grant monies or through public sector or private sector contracts.

12.1.2. Regular Appointment

A "Regular Appointment" is an appointment which creates an expectation of full-time or part-time employment for a period of one academic year. Notwithstanding the definition of "Board" contained in Article 2, the authority to offer regular appointments rests solely with the Board of Trustees itself, and no agent, designee, or representative of the Board, nor any member of the Administration may expressly or by implication offer a regular appointment. Regular appointments may be made on a full-time tenure track or part-time tenure track basis.

12.1.3. Tenured Appointment

A "Tenured Appointment" shall be a continuing appointment which creates an interest in full-time employment without limit of time, subject to mandatory retirement, dismissal for just cause, termination for special reasons, and/or as provided for in Article 15 of this Agreement. Notwithstanding the definition of "Board" contained in Article 2, the authority to offer tenured appointments rests solely with the Board of Trustees itself, and no agent, designee,

or representative of the Board, nor any member of the Administration may expressly or by implication offer a tenured appointment.

12.1.4. Terminal Appointment

Services terminate at the conclusion of the appointment. Terminal appointments as such are not issued to Faculty with tenure. Terminal appointments may be issued by the Board only upon the denial of tenure or upon the decision not to reappoint a non-tenured Faculty Member.

12.2. AWARD OF TENURE

Faculty members requesting the Board's consideration for tenure must apply, on forms which the Board will make available, by January 1 of the year they seek tenure. Faculty members may submit data to support their application for tenure. Such application shall be in writing and addressed to the college President.

12.2.1 For Faculty Members appointed prior to July 1, 1992, a tenured appointment normally will not be offered until the Faculty Member has completed three (3) years of full-time, tenure track employment with the Board. Tenure may be offered by the Board only to Faculty Members on a full-time regular appointment, provided that service on a special appointment may, in the Board's discretion, be counted toward the three (3) year requirement if such service has been continuous with service on a regular appointment. There shall be no express or implied right to the award of tenure.

A tenured appointment normally will not be offered until the Faculty Member has completed six (6) years of full-time, tenure track employment with the Board. Tenure may be offered by the Board only to Faculty Members on a full-time regular appointment, provided that service on a special appointment may, in the Board's discretion, be counted toward the six (6) year requirement if such service has been continuous with service on a regular appointment. There shall be no express or implied right to the award of tenure.

12.2.2 The following procedures shall govern the consideration of bargaining unit members for tenured appointments:

a. A college-wide Tenure Committee shall be formed at each college, consisting of four tenured Faculty Members, elected by the Faculty, and two members of the Administration selected by the President. The Tenure Committee may recommend to the President that a tenured appointment be granted, that a tenured appointment not be granted and a regular appointment be issued, or that a tenured appointment not be granted and a terminal appointment be issued.

b. The President shall make recommendations for award of tenure to the Board. The President shall consider the recommendations of the Tenure Committee. If the President's recommendation for the award of tenure does not agree with the recommendation of the Tenure Committee, the President shall notify the Faculty Member involved and the Union President, in writing, and shall provide said Faculty Member, in writing, with the reason(s) for such action.

c. In cases where the Tenure Committee and the President recommended that no tenure be granted to a Faculty Member, the President shall so notify the Faculty Member and no further action shall be taken. A recommendation of no tenure and a regular appointment by the committee and the President is not transmitted to the Board.

d. Tenure is granted by the Board after consideration of the recommendation of the President and is continuous, provided that the Board may accept the recommendation of the President or reach such other decision as may be in the best interests of the Community College System. Should tenure be denied by the Board, the Faculty Member affected shall be so advised in writing and shall have the option to appear before the Board or a Committee thereof, with representation, to appeal the Board's decision. The decision of the Board on the appeal shall be final.

12.2.3 Current Non-tenured Faculty

All members of the bargaining unit who did not have a tenured appointment prior to September 1, 1979 shall hold their appointments pursuant to the practice in existence prior to September 1, 1979.

12.3. NOTICE OF NONREAPPOINTMENT

12.3.1. Special Appointment

Notice of nonreappointment is not required.

12.3.2. Regular Appointment

Written notice not to renew a regular appointment shall be provided by the Board on or before March 1. A terminal appointment may be issued by the Board after March 1 which terminates the individual's appointment at the date stated in the appointment but no sooner than the end of the coming academic year. Failure to so provide shall constitute appointment for the following