TITLE 2 - Nevada System of Higher Education CODE

CHAPTER 4

TENURE FOR COMMUNITY COLLEGE FACULTY

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Section 4.1 Declaration of Policy

4.1.1 **Limited to Community Colleges**. Except as may be provided otherwise in this chapter, the provisions of this chapter are applicable to the faculty of the community colleges of the System only.

4.1.2 **Conditions on Tenure.** The major objectives of tenure are to provide a faculty committed to excellence and to provide a substantial degree of security to those persons who have exhibited excellent abilities, sufficient to convince the University of Nevada community that their expected services and performances in the future justify the privileges provided by tenure.

Section 4.2 Eligibility for Tenure

4.2.1 **Applicable Faculty Positions.**

(a) Except as provided in this chapter, full-time academic faculty at the College of Southern Nevada, the Great Basin College, the Truckee Meadows Community College and the Western Nevada College shall be eligible for appointment with tenure.

(b) Administrative faculty who has already been appointed with tenure as administrators prior to July 1, 1990 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code. Administrative faculty who has been employed in tenure track positions as of April 5, 1991 will continue to be eligible for tenure until the completion of their probationary periods.

4.2.2 **Faculty Paid with Short Term, Nonstate Funds.**

(a) Except as provided in paragraph (c) herein, academic faculty whose initial appointments are in positions paid in whole or in major part with short term, nonstate funds are not eligible for appointment with, nor shall have, tenure under any circumstances.

(b) Faculty whose salaries are paid in whole or in major part with short term, nonstate funds and who have already been appointed with tenure prior to July 1, 1983 shall continue to be employed with tenure subject to the provisions of the Nevada System of Higher Education Code.

(c) In the event that a member of the academic faculty whose initial appointment was in a position paid in whole or in major part with short term, nonstate funds is subsequently appointed to a position which confers eligibility for tenure, up to three years of uninterrupted full-time employment in the former position may be counted, upon the request of the faculty member and the approval of the president, as part of the

probationary period for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

4.2.3 Range O.

(a) Faculty placed in Range O positions shall not be eligible for appointment with, nor shall have, tenure under any circumstances. A faculty member must agree to placement in a Range O position.

(b) Upon the request of the academic faculty member and the approval of the president, up to three years of uninterrupted full-time employment in a Range O position may be counted towards completion of a probationary period for tenure in the event an academic faculty member employed in a Range O position is subsequently appointed to a range capable of conferring eligibility for appointment with tenure. Such decision must be made at the time of the subsequent appointment.

4.2.4 Employment by Multiple System Institutions.

(a) Full-time academic faculty who are partly employed by more than one of the member institutions identified in Subsections 3.2.1 and 4.2.1 of the NSHE Code and who are employed in positions which otherwise confer eligibility for appointment with tenure shall be eligible for such appointment in the institution having the largest portion of the qualified FTE. In the event that FTE is equally shared between such member institutions, the Chancellor shall determine the member institution in which eligibility for appointment with tenure shall exist.

(B/R 4/99)

Section 4.3 Probation

4.3.1 Probationary Period.

(a) Academic faculty eligible for appointment with tenure must serve a probationary period in a member institution identified in Subsection 4.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed five years of uninterrupted full-time employment.

(b1) At the discretion of the Board of Regents, an academic faculty member may be exempt from the requirement of serving a probationary period, and tenure shall be awarded on a case-by-case basis in negotiation with the president or the president's designee. Prior to recommending such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member may be exempt from the requirement of serving a probationary period under procedures set forth in the member institution's bylaws.

(b2) The president of the institution, without seeking Board of Regents' approval, may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution or has an exemplary record that indicates extraordinary achievement in the field. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired, whether the faculty of such department voted to approve such tenure upon hire, and for individuals granted tenure on the basis of an exemplary record, not prior tenure, a list of accomplishments. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year.

(c) Authorized period of leave, paid or unpaid, may be excluded from service toward the five year probationary period upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exclude periods of leave shall be based upon the sole discretion of the president. The president's decision is final. The request for leave must state if the leave is to be excluded from service toward the probationary period.

(d) The period of probation may exceed five years upon written request of the faculty member and approval of the president. The decision of whether to grant the faculty member's request to exceed the five-year probationary period shall be based upon the sole discretion of the president. The president's decision is final. The request for an extension of the five-year period of probation must state the reasons for such extension.

4.3.2 **Consideration for Tenure During Probation.** Upon the request of the academic faculty member and the approval of the president, academic faculty eligible for appointment with tenure may be considered for such appointment at the appropriate time during each year of employment during the probationary period. Member institutions shall make no provisions requiring members of the eligible academic faculty to be considered for appointment with tenure at any time prior to the next to the last year of the probationary period.

4.3.3 **Full-Time Service at Other Institutions.** Upon the request of the academic faculty member and the approval of the president, up to three years full-time employment at other accredited institutions of postsecondary education, including such institutions in the System, in positions equivalent to positions providing eligibility for appointment with tenure may be included in the probationary period. Such decision must be made at the time of initial employment.

4.3.4 Completion of Probationary Period. After completion of a probationary period, an academic faculty member eligible for appointment with tenure shall not be employed at any range unless such appointment is made with tenure.

(B/R 12/11)

Section 4.4 Appointment with Tenure

4.4.1 Recommendations and Appointment. At the expiration of a probationary period or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for such appointment shall be made by the president to the Board of Regents. Except as otherwise provided for tenure upon hire in Section 4.3, the Board has final authority in making an appointment with tenure and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the Board, a quorum being present.

4.4.2 Standards for Recommending Appointment with Tenure.

(a) The consideration of a recommendation for appointment of an academic faculty member with tenure shall include the application of the two standards and the ratings contained in this subsection, which shall be applied in consideration of the conditions for appointment with tenure stated in Subsection 4.1.2 of the Nevada System of Higher Education Code. The burden of demonstrating that these standards have been met lies with the applicant for appointment with tenure.

1. Standard One: Teaching/Performance of Assigned Duties

An academic faculty member being recommended for appointment with tenure must receive an “excellent” rating in one of the following areas, whichever is applicable.

(A) If employed primarily as an instructor, a record of effectiveness as a teacher including, but not limited to, demonstrated teaching competence and efficiency in a classroom, laboratory, and/or clinical setting, the ability to communicate effectively with students and demonstrated skill in handling classroom and other duties related to teaching. Such a record may include, for example, a showing of the ability to impart knowledge, to excite students' interest in the subject matter and to evoke response in students.

(B) If employed primarily as a member of the academic faculty whose role does not include instruction, a record of effectiveness, efficiency and ability to perform assigned duties.

2. Standard Two: Service

In addition to standard one, an academic faculty member being recommended for appointment with tenure must receive a "satisfactory" rating or better in the area of service, which may include, but not be limited to:

(A) Interest and ability in advising students;

(B) Membership and participation in professional organizations;

(C) Ability to work with the faculty and students of the member institution in the best interests of the academic community and the people it serves, and to the extent that the job performance of the academic faculty member's administrative unit may not be otherwise adversely affected;

(D) Service on college or System committees;

(E) Recognition among colleagues for possessing integrity and the capacity for further significant intellectual and professional achievement; and

(F) Recognition and respect outside the System community for participation in activities that use the faculty member's knowledge and expertise or further the mission of the institution, or that provide an opportunity for professional growth through interaction with industry, business, government, and other institutions of our society, within the state, the nation or the world.

(b) In rating applicants for appointment with tenure under the standards set forth in this subsection, the applicable member institutions and their respective administrative units shall rate applicants as (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." No other rating terminology shall be used in evaluating the applicant for appointment with tenure.

(c) The standards and the ratings set forth in this subsection are the standards that must be used by the applicable member institutions and their respective administrative units in recommending academic faculty for appointment with tenure. However, the applicable member institutions and their respective administrative units may provide in their respective bylaws for criteria within the ratings set forth in this subsection for recommending academic faculty for such appointment. Such criteria must be consistent with the provisions of the Nevada System of Higher Education Code and must not be less stringent than the standards provided in this subsection of the Nevada System of Higher Education Code.

Any such criteria that are not published in adopted bylaws of the applicable member institutions and their respective administrative units, are void and of no effect whatever.

4.4.3 **Recommendations for Tenure**. The president shall seek a recommendation concerning appointment with tenure for an academic faculty member under procedures which shall be established in the member institution's bylaws. The procedures shall include a review of the faculty member's annual evaluations and any rejoinders to those evaluations and/or peer evaluations.

4.4.4 **Notice of Tenure.** When a member of the academic faculty has been granted appointment with tenure, the academic faculty member shall be informed immediately by the president in writing. Any defect in the notice or misstatement of the Board of Regents' actions shall not create any enforceable legal obligations against, or on the part of, the University of Nevada.

4.4.5 **Reasons for and Reconsideration of Denial of Appointment with Tenure.** An eligible academic faculty member who has been denied appointment with tenure after being specifically considered for such appointment shall be entitled to reasons for, and the reconsideration of, such denial as provided in Subsections 5.2.3 and 5.2.4 of the Nevada System of Higher Education Code.

4.4.6 **Tenure for Faculty Occupying Administrative Positions.** An administrator who is not otherwise ineligible for appointment with tenure qualifies for appointment with tenure but only in the capacity of academic faculty. Employment in a particular administrative position is a separate and distinct concept from employment with tenure. An administrator serves in an administrative position at the pleasure of the appointing authority. An administrator who also holds an appointment with tenure, whether granted during or before employment in the administrative position, may be removed from the administrative position without cause, reasons or right of reconsideration of the action, but shall be reassigned in an appropriate capacity within the member institution in which an appointment with tenure was made.

4.4.7 **Relinquishment of Tenure.**

(a) An appointment with tenure shall be made within a specific member institution identified in Subsection 4.2.1 of the Nevada System of Higher Education Code.

(b) Except as otherwise provided in the Nevada System of Higher Education Code, in the event a tenured faculty member transfers from the member institution granting an appointment with tenure to another System institution, the tenured faculty member shall be deemed to have relinquished appointment with tenure in the former entity and shall not carry over such appointment to the latter entity. This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983, who transfer employment to another System institution after July 1, 1983.

(c) Notwithstanding the above provisions, a tenured faculty member may transfer employment with tenure to another System institution under the following conditions:

1. The president of a member institution identified in Subsections 3.2.1, 4.2.1, and 7.1.1 of the Nevada System of Higher Education Code to which the tenured faculty member transfers approves appointment with tenure. Prior to making such an appointment, the president shall seek a recommendation from the appropriate faculty on whether an academic faculty member should be appointed with tenure. The president of each institution shall submit an annual report to the Board of Regents which shall include the name of any individual to whom tenure upon hire was granted, the department within which the individual was hired and whether the faculty of such department voted to approve such tenure upon hire. This report shall be presented to the Board of Regents at the first meeting of the Board after the beginning of each fiscal year; or

2. An administrative unit in which a tenured faculty member is employed is transferred to another System institution. Regardless of whether or not the System institution to which the administrative unit is transferred is authorized to make appointments with tenure, a tenured faculty member will continue to hold tenure under the same rights and obligations provided by the Nevada System of Higher Education Code for such appointment.

This provision is also applicable to faculty members who have been employed with tenure in special units prior to July 1, 1983.

4.4.8 Transfer to the Chancellor's Office. A tenured faculty member who elects to transfer employment to the Chancellor's Office retains such appointment for up to three years in the member institution from which the tenured faculty member transferred, unless such period is extended by the Chancellor after consultation with the president of the institution in which the faculty member has tenure. In the case of the Chancellor, approval for an extension rests with the Board of Regents upon the affirmative recommendation of the Board Chair. Such faculty member cannot transfer appointment with tenure to the Chancellor's Office under any circumstances. If such faculty member's employment at the Chancellor's Office is terminated within the aforesaid three year period or such period as extended, such faculty member shall be reassigned to the member institution in which such faculty member was previously employed with tenure.

4.4.9 Resignation or Termination. A tenured faculty member relinquishes appointment with tenure upon resignation or termination of employment from the System.

(B/R 12/11)