

BOARD OF REGENTS
BRIEFING PAPER
Handbook Revision, Expedited Tenure Decisions

BACKGROUND & POLICY CONTEXT OF ISSUE:

Under current Board policy a President of an institution may grant tenure upon hire to an academic faculty member who at the time of hire holds tenure at another institution. No Board of Regents approval is required. The President must seek appropriate faculty input and annually report to the Board those individuals who have been granted tenure under that provision. Under current policy, that is the only condition in which a President may award tenure without Board approval.

At the request of the Board of Regents, staff prepared this amended proposal for consideration that would allow for a similar process for tenure on hire for “super star” faculty who do not have tenure at another institution, but who have an exemplary record that indicates extraordinary achievement in the discipline. This process for granting exceptionally outstanding academic faculty tenure in a manner similar to that defined above for faculty with tenure at other institutions protects the principles established in the award of tenure and the important role of faculty in the award of tenure. Annual reports to the Board with the list of the accomplishments that justify tenure on hire would be required, just as annual reports are required for tenure on hire under current policy.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Amend *Title 2, Chapter 3, Sections 3.3.1 and 3.4.1 (universities); Title 2, Chapter 4, Sections 4.3.1 and 4.4.1 (community colleges); and Title 4, Chapter 7, Sections 7.3.1 and 7.4.1 (state college)*, to authorize tenure on hire for faculty with extraordinary records of achievement but who have not been granted tenure at another institution after consultation with faculty. (See the attached Policy Proposals.)

IMPETUS (WHY NOW?):

This is brought forward at the request of the Board and after discussion at the June and September 2011 Board meetings.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

As now proposed, the policy extends the President’s ability to award tenure on hire for a faculty member hired from another higher education institution who has already gained the award of tenure at that institution to include such tenure on hire for a faculty member with an extraordinary record of achievement in the field. This will assist in the recruitment of “super star” faculty. Protected is the process that calls for faculty in the appropriate discipline to be consulted before such award of tenure on hire is granted. This addition to the tenure on hire policy would change current practice in which the President brings to the Board for approval tenure for a newly hired faculty member who has served no probationary period at another institution but has an exemplary record.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

The Board will no longer approve tenure on hire for faculty with exemplary records with no prior tenure.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Maintain the current policy whereby tenure upon hire when a faculty member has tenure at another institution may be awarded without Board approval and continue allowing Board consideration of approval for tenure upon hire when a faculty member does not have tenure at another institution but has an exemplary record of achievement.

COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title 2, Chapter 3, Sections 3.3.1 and 3.4.1 (universities); Title 2, Chapter 4, Sections 4.3.1 and 4.4.1 (community colleges); and Title 4, Chapter 7, Sections 7.3.1 and 7.4.1 (state college)
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No
Explain: _____

POLICY PROPOSAL
TITLE 2, CHAPTER 3, SECTION 3.3.1
Tenure Decisions for University Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

3.3.1 Probationary Period

- (a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 3.2.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.
- (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, [~~and~~] 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 periods of leave, paid or unpaid, may be excluded from service toward the seven-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 seven 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 seven year probationary period shall be based upon the sole discretion of the President. The decision of the President is final. The request for an extension of the seven-year period of probation must state the reasons for such extension.

POLICY PROPOSAL
TITLE 2, CHAPTER 3, SECTION 3.4.1
Appointment with Tenure for University Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 3.4 **Appointment with Tenure**

3.4.1 **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 appointment with tenure shall be made by the president to the Board of Regents. [~~The~~] *Except as otherwise provided for tenure upon hire in Section 3.3, 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.

POLICY PROPOSAL
TITLE 2, CHAPTER 4, SECTION 4.3.1
Tenure Decisions for Community College Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

4.3.1 Probationary Period.

- (a) Academic faculty eligible for appointment with tenure must serve in 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 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, [~~and~~] 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.

POLICY PROPOSAL
TITLE 2, CHAPTER 4, SECTION 4.4.1
Appointment with Tenure for Community College Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

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. [The] *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.

POLICY PROPOSAL
TITLE 2, CHAPTER 7, SECTION 7.3.1
Tenure Decisions for State College Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

7.3.1 Probationary Period

- (a) Academic faculty eligible for appointment with tenure must serve in a probationary period in a member institution identified in Subsection 7.1.1 before receiving such an appointment. Except as provided herein, the total probationary period for all academic faculty eligible for such appointment shall not exceed seven years of uninterrupted full-time employment in Ranks I through IV.
- (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 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, [~~and~~] 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 periods of leave, paid or unpaid, may be excluded from service toward the seven-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 seven 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 seven-year probationary period shall be based upon the sole discretion of the president. The decision of the president is final. The request for an extension of the seven-year period of probation must state the reasons for such an extension.

POLICY PROPOSAL
TITLE 2, CHAPTER 7, SECTION 7.4.1
Appointment with Tenure for State College Faculty

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 7.4 Appointment with Tenure

7.4.1 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 appointment with tenure shall be made by the president to the Board of Regents. [The] *Except as otherwise provided for tenure upon hire in Section 7.3, 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.