

BOARD OF REGENTS  
BRIEFING PAPER

**1. AGENDA ITEM TITLE: Handbook Revision, Eligibility for Tenure for Academic Faculty Paid with Short Term Nonstate Funds**

**2. MEETING DATE:** September 7-8, 2017

**2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

Existing Board policy provides that academic faculty whose initial appointments are in positions paid with more than .5 FTE “short term, nonstate” funds are not eligible for such appointment with, nor shall have, tenure under any circumstances (Title 2, Chapter 3, Section 3.2.2 of the Code). Under this policy, institutions are not able to offer tenure to academic faculty whose initial appointments are paid through endowments, for example, or grants or other similar funding, even if the endowment, grants or other such funding may be awarded for multiple years and/or are ongoing. Frequently with endowments, institutions may wish to offer tenure in order to retain a faculty member who is paid with the endowment funds, but are not currently able to do so under this policy.

Further, there is uncertainty with regard to the definition of “short term, nonstate” funds, but these funds are generally understood by the institutions to encompass grants, gifts, endowments, clinical, contract, sponsored project and self-supporting funds. The NSHE Academic Affairs Council recommends a revision Board policy to remove the phrase “short term, nonstate funds” and clarify that the funds referenced under this policy are “grant, endowment, gift, clinical, contract, sponsored project, or self-supporting funds.” In addition, the NSHE Academic Affairs Council recommends clarifying that tenure is permissible if the funds are long-term or ongoing, as determined by the institution.

**3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Amend Title 2, Chapter 3, Section 3.2.2 of the Code to delete “short term, nonstate” and clarify that the funds referenced are “grant, endowment, gift, clinical, contract, sponsored project and self-supporting funds.” In addition, clarify that tenure is permissible if the funds are long-term or ongoing, as determined by the institution.

This Code revision was presented for information only at the June 8-9, 2017, Board of Regents Meeting, and is now presented for approval.

**4. IMPETUS (WHY NOW?):**

This policy revision is recommended by the NSHE Academic Affairs Council.

**5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

- The revision will provide clarity with regard to the type of funds referenced under the policy.
- The revision will allow institutional flexibility in offering tenure to academic faculty who are in positions paid with long-term or ongoing grant, endowment, and similar-type of funding. Such a revision will help institutions attract and retain valued academic faculty.

**6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

None have been presented.

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

None have been presented.

**8. COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title # \_\_\_\_\_ Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Amends Current Board Policy: Title 2, Chapter 3, Section 3.2.2 of the Code
- Amends Current Procedures & Guidelines Manual: Chapter # \_\_\_\_\_ Section # \_\_\_\_\_
- Other: \_\_\_\_\_
- Fiscal Impact: Yes \_\_\_\_\_ No  \_\_\_\_\_
- Explain: \_\_\_\_\_

**POLICY PROPOSAL**  
**TITLE 2, CHAPTER 3, SECTION 3.2.2**  
Academic Faculty Paid with Short Term, Nonstate Funds

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

**3.2.2 Academic Faculty Paid with [~~Short Term, Nonstate~~] *Grant, Endowment, Gift, Clinical, Contract, Sponsored Project or Self-Supporting Funds.***

- (a) Except as provided in paragraph (c) herein, academic faculty whose [~~initial~~] appointments are in positions paid with more than .5 FTE [~~short term, nonstate~~] ***grant, endowment, gift, clinical, contract, sponsored project, or self-supporting*** funds are not eligible for such appointment with, nor shall have, tenure ***unless such funds are long-term or ongoing, as determined by the institution.*** [~~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 this 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~~] ***with more than .5 FTE grant, endowment, gift, contract, clinical, sponsored project, or self-supporting*** 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 academic 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.