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SBHE Policies

SUBJECT: PERSONNEL

EFFECTIVE: March 19, 2009

Section: 605.1 Academic Freedom and Tenure; Academic Appointments

1. General Principles

- a. A college or university is a forum for ideas, and it cannot fulfill its purpose of transmitting, evaluating, and extending knowledge if it requires conformity with any orthodoxy of content and method. Academic freedom and tenure are both important in guaranteeing the existence of such a forum. This policy is intended to enable institutions under the authority of the Board to protect academic freedom.
- b. The purpose of tenure is to assure academic freedom. Academic freedom applies to all scholarly pursuits. Freedom in scholarship is fundamental to the advancement of knowledge and for the protection of the rights of the faculty members and students. It carries with it duties and responsibilities correlative with rights. These duties and rights are set forth in policy 401.1, relating to Academic Freedom, and the **1940 Statement of Principles on Academic Freedom and Tenure** (Rev. 1990), adopted by the American Association of University Professors and the Association of American Colleges. These policies apply to all institution faculty unless otherwise indicated.
- c. Tenure is awarded by the Board upon recommendation of the Chancellor, following review and recommendations made pursuant to the procedures established at the institution and a recommendation by the institution's president to the Chancellor. A favorable recommendation means that the applicant meets all of the prerequisites and criteria and the award of tenure is consistent with the sound fiscal management and academic priorities of the institution and the system of education under the control of the Board. Tenure recommendations submitted to the Board shall include a brief summary of the candidate's qualifications and reasons for the recommendation. Tenure is not an entitlement, and the granting of tenure requires an affirmative act by the Board. Tenure is limited to the academic unit or program area in the institution in which tenure is granted and shall not extend to an administrative or coaching position.

2. Definitions of terms used in sections 605.1, 605.2, 605.3 and 605.4:

- a. "Academic Year" means the period, approximately nine months in duration, starting with the beginning of the Fall semester and ending following completion of the Spring semester.
- b. "Board" means the North Dakota State Board of Higher Education.
- c. "Faculty" means all members of the academic staff, excluding only coaches and administrators in their capacities as coaches or administrators.

- d. "Receipt" means either actual or constructive receipt. Constructive receipt means the sending party has taken all reasonable steps to ensure that the receiving party has received actual notice.

3. General Procedures

- a. Because of the variety of scope and organizational structure of the institutions under the control of the Board, the faculty governance structure at each institution, in accordance with section 305.1 of these policies, shall recommend procedural regulations to the president to implement policies 605.1, 605.2, 605.3 and 605.4, including:
 - i. procedures for continuing evaluation of both probationary and tenured faculty members; and
 - ii. criteria and procedures by which faculty members are evaluated and recommended for tenure.
- b. The criteria for tenure evaluation and continuing evaluation of probationary and tenured faculty shall include scholarship in teaching, contribution to a discipline or profession through research, other scholarly or professional activities, and service to the institution and society. Institutions may adopt additional criteria. The regulations defining these criteria shall be consistent with the nature and mission of the institution.
 - i. Institutions shall establish various tenure "plans" appropriate to the diverse missions of individual institutions, designed to encourage emphasis on research, scholarship in teaching (including, for example, utilization of technology in teaching and innovative teaching methods), service (including, for example, technology transfer and economic development) and other areas of emphasis. Institution regulations shall include guidelines for determining weight to be given each of the criteria for tenure evaluation and continuing evaluation. The guidelines shall provide for varying emphases on the enumerated criteria based upon the faculty member's plan, the needs of the institution and the background, abilities and interests of the faculty member.
 - ii. Tenured and probationary faculty contracts shall identify the faculty member's tenure plan and describe the faculty member's duties and goals. The contracts shall specify the weight to be given the criteria for evaluating performance. The contract provisions shall be reviewed and, when appropriate, revised as a part of the faculty member's periodic evaluations.
- c. Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution, during which the faculty member is evaluated at least annually according to an evaluation process designed to foster continuous improvement. The term may be extended beyond six years or the continuous service requirement may be waived in exceptional circumstances. Institutions shall establish procedures for granting extensions or waivers of the continuous service requirement in exceptional circumstances, which must include maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including, for example, family emergencies or extended illness.

- d. An institution may, subject to procedural requirements stated in this policy and sections 605.2, 605.3, and 605.4, decline to renew the contract of a probationary faculty without cause at any time during the probationary period.
4. Faculty appointments shall be probationary, tenured or special.
- a. PROBATIONARY APPOINTMENTS are renewable annually and yield credit toward tenure. The probationary term is limited to six years of continuous academic service, excluding extensions to the term or exceptions to the continuous service requirement granted in exceptional circumstances.
 - i. An individual with previous professional experience may, at the discretion of the institution, be given tenure credit not to exceed three years for this experience, with such credit to be regarded as academic service to the institution for the purpose of these regulations. The faculty member shall be informed in writing of this policy and the institution's decision prior to or at the time of appointment.
 - ii. Time spent on leave of absence or developmental leave may be counted, up to a maximum of two years, as academic service for the purposes of these regulations. The amount shall be determined, and the faculty member informed in writing, including any applicable conditions, prior to authorization of the leave.
 - b. TENURED APPOINTMENTS recognize a right, subject to Board policy, to continuous academic year employment in an academic unit or program area as defined by an institution and stated on the contract. A faculty member shall qualify to be recommended for a tenured appointment by satisfying the criteria for tenure developed in accordance with subsection 3 of this policy.
 - i. The following persons are not eligible for tenured appointment:
 - A. Faculty members with a part-time or temporary appointment. However, faculty members who have been awarded part-time tenure as established by previous Board policy and those who accept a part-time appointment after being awarded tenure in a full-time position shall continue to have such tenure recognized.
 - B. An institution's president.
 - ii. The Board may, following review and recommendations made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to an institution's chief academic officer or to any other person appointed to the faculty who has not met the eligibility requirement of subdivision 3(c) of this policy, provided that the person, at the time tenure is granted, has:
 - A. held a tenured appointment at another institution, or
 - B. been a faculty member at the institution for at least one prior academic year.
 - iii. The Board may, following review and recommendation made pursuant to the procedures established at an institution award

tenure in exceptional circumstances, defined by the institution's procedures, to any person appointed to the faculty who has not met the eligibility requirements of subdivisions 3(b) and 3(c) of this policy, provided that the person has a documented record of outstanding achievement and consistent excellence in a discipline or profession gained through research, scholarly or professional activities, or service.

- c. SPECIAL APPOINTMENTS do not involve either tenure credit or status. Special appointments are all appointments except tenured or probationary appointments, including:
 - i. Courtesy adjunct appointments awarded in accordance with Board policy to professional people who contribute to the academic or research program of the institution;
 - ii. Visiting appointments for people holding academic rank at another institution of higher education;
 - iii. Appointments of retired faculty members on special conditions;
 - iv. Initial appointments supported wholly or partially by other than state appropriated funds;
 - v. Appointments clearly limited to a brief association with the institution, as defined by the institution;
 - vi. Terminal appointments given with notice of nonrenewal to faculty members who were previously on probationary appointment. A terminal appointment with notice of nonrenewal must be given to a faculty member no later than the end of the sixth year of probationary appointment if the decision is made to deny tenure;
 - vii. Part-time faculty;
 - viii. Lectureship appointments, which shall be for performance of specifically assigned academic duties only, without general faculty responsibilities;
 - ix. Graduate teaching assistant appointments;
 - x. Postdoctoral fellowships and clinical appointments; and
 - xi. Other faculty appointments, not probationary or tenured, that are designed to help fulfill the institution's mission or meet long-term needs. The appointments shall be subject to an agreement describing the faculty member's duties and goals, criteria and weight assigned each criteria for evaluation. The term of an appointment and agreement, or renewal thereof, may not exceed three years. The faculty member's performance and achievement of goals shall be evaluated during the final year of an appointment. An appointment may be renewed only if the evaluation demonstrates satisfactory performance.
- 5. The general terms and conditions of appointment shall be provided the appointee in a written contract. The contract shall state whether the appointment is probationary, tenured or special. The term of a contract, except contracts made pursuant to paragraph 4(c)(xi), shall generally not exceed one year. A multiple-year contract must be subject to termination upon discontinuance of the program in which the faculty member is

employed, non-appropriation or loss of funds, or other financial exigency. For faculty on nine- or ten-month contracts covering the traditional academic year (generally, August to May), institutions shall provide notice of renewal contract terms not later than June 1 each year. Faculty must sign and return a contract or other document indicating acceptance of contract terms not later than July 2. Institutions shall establish procedures providing that failure to return a signed contract or other document indicating acceptance of contract terms by July 2 constitutes a resignation resulting in termination of employment, effective July 2, except for good cause shown by the faculty member or unless the institution has granted an extension.

6. The institutional process for evaluation of faculty, the criteria and minimum expectations for promotion and for tenure, and provisions concerning required notices, shall be made known to the appointee at the time of appointment. This disclosure may be accomplished by a published description of the process, criteria, and expectations in a faculty handbook or similar document. Such provisions are subject to change according to processes established for adoption or amendment of Board and institutional policies. Institution procedures shall provide for annual evaluation of all full-time faculty. The procedures shall include provisions requiring that evaluations are completed in a timely and appropriate fashion and that the institution takes appropriate remedial action in response to unsatisfactory evaluations. Evaluation criteria shall relate to a faculty member's duties and goals and be appropriately weighted in accordance with the terms of the faculty member's contract. Evaluations of all teaching faculty must include significant student input.

Reference: NDUS Procedure 605.1

HISTORY: Replaces portions of Policy 605, SBHE Minutes April 25, 1995, page 6554.
Amendment SBHE Minutes, September 19, 1996, page 6681.
Amendment SBHE Minutes, February 17-18, 2000.
Amendment SBHE Minutes, May 30, 2001.
Amendment SBHE Minutes, November 16, 2001.
Amendment SBHE Minutes, March 19, 2009.

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NDUS Procedures

SUBJECT: PERSONNEL

EFFECTIVE: May 06, 2009

Procedure: 605.1 Tenure Recommendation Format

CANDIDATE RECOMMENDATION

INSTITUTION: _____
TENURE UNIT: _____
TENURE CANDIDATE (NAME:) _____
CURRENT RANK: _____

NUMBER OF YEARS OF TENURE CREDIT EARNED AT CURRENT INSTITUTION
(INCLUDING CURRENT YEAR): _____

NUMBER OF YEARS OF TENURE CREDIT AWARDED FOR PREVIOUS
PROFESSIONAL

EXPERIENCE: _____

Policy 605.1 - Provide substantiation for the tenure recommendation and indicate the paragraph being referenced. Use additional sheets if necessary. (Check one)

3. "The criteria for tenure evaluation shall include teaching, contribution to a discipline or profession through scholarships, research or professional activities, and service to the institution and society. . . Eligibility for tenure requires a probationary period of six years of continuous academic service to the institution." Use of paragraph 3 requires only a brief substantiation.

4. "The Board may, following review and recommendations made pursuant to the procedures established at an institution award tenure in exceptional circumstances, defined by the institution's procedures, to any person appointed to the faculty who has not met the eligibility requirements of subdivisions 3(b) and 3(c) of this policy, provided that the person has a documented record of outstanding achievement and consistent excellence in a discipline or profession gained through research, scholarly or professional activities, or service." Use of paragraph 4 requires a reference to specific institutional policy requirements and a description as to how the candidate satisfies the institution criteria.

If the recommendation of the institution's chief executive differs from the consensus of the campus review, the chief executive is to explain the basis for her/his recommendation.

REFERENCE: SBHE Policy 605.1

HISTORY: Chancellor's Cabinet Meeting, June 2001
Chancellor's Cabinet Meeting, May 6, 2009

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SBHE Policies

SUBJECT: PERSONNEL

EFFECTIVE: November 19, 1999

Section: 602.2 Report on Faculty Appointments

Each institution shall annually report to the University System office current numbers of full-time tenured, probationary and other faculty appointments at the institution, including numbers in each college or department.

Reference: [NDUS Procedure 602.2.1](#), [NDUS Procedure 602.2.2](#)

HISTORY: New Policy. SBHE Minutes, September. 19, 1996, page 6681.
Amendment SBHE Minutes, November 18-19, 1999.

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NDUS Procedures

SUBJECT: PERSONNEL

EFFECTIVE: April 18, 2007

Procedure: 602.2.1 Procedure and Timeline for Faculty Appointment Report

The purpose of these reports are two-fold:

1. The reports are needed to meet policy 602.2 in order to keep the Board informed. Policy 602.2: Each institution shall annually report to the University System office current numbers of tenured, probationary and other faculty appointments at the institution, including numbers in each college or department.
2. The report keeps campuses up-to-date on their faculty appointments.

Time Frame: AAC determined it made sense to have this information reported to the Board at the same time that tenure requests go to the Board, typically in the spring.

With this in mind the following procedures were developed:

1. **In late January** of each year, the campuses run the query necessary to review the faculty appointment data for their campus. These data are obtained by running the query, NDU_HR_Faculty_Appoint.:
 - a. campus staff can run this query with appropriate security
 - b. or, campuses may call their production control people (computer center) and request they run the query.
2. **Responsibility for editing data:** It is the responsibility of the campus to correct the data on the faculty member's payroll/personnel record on HECN if an error is found.
3. **By March 1** a campus report along with a summary of the Faculty Appointment Record will be submitted to the System Office on a Faculty Appointment DATA SHEET along with recommendations for tenure. This DATA SHEET should reconcile with the HECN Faculty Appointment Query NDU_HR_Faculty_Appoint.
 - a. The Faculty Appointment Data Sheet is a template that is provided for this report.
4. The System Office will present the Faculty Appointment Report at the SBHE March/April meeting.

REFERENCE: SBHE Policy 602.2

HISTORY: Chancellor's Cabinet Meeting, June 2001
Chancellor's Cabinet Meeting, April 18, 2007

Faculty Appointments Data Sheet 19 Kb

To view the file referenced above, Adobe Acrobat Reader software is needed on your computer. [Follow this link to download Adobe Acrobat Reader.](#)

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North Dakota University System
Annual Report on Faculty Appointments
SBHE Policy 602.2
Academic Year 2009-2010

		All Instructional Staff										
		Ranked Faculty ¹						Non-Ranked Instructional Staff				
Institution	Tenure Cand. ²	Tenured ³		Tenure Track ⁴		Non-tenure Track ⁵		Ranked Faculty Total	Other Benefited Instructional Staff ⁶	Temp. Non-Benefited Instructional Staff ⁷	Total Non- Ranked Instructional Staff	Total Instructional Staff
		Number	Percent	Number	Percent	Number	Percent					
Bismarck State College	7	58	48%	40	33%	23	19%	121	0	204	204	325
Dakota College at Bottineau	0	9	36%	1	4%	15	60%	25	11	54	65	90
Dickinson State University	5	43	44%	38	39%	17	17%	98	8	189	197	295
Lake Region State College	0	12	29%	6	15%	23	56%	41	0	116	116	157
Mayville State University	2	22	55%	11	28%	7	18%	40	16	15	31	71
Minot State University	6	103	59%	39	22%	34	19%	176	0	122	122	298
ND State College of Science	4	67	54%	36	29%	20	16%	123	3	116	119	242
North Dakota State University	21	296	51%	236	40%	51	9%	583	78	121	199	782
University of North Dakota	28	325	46%	167	24%	218	31%	710	82	80	162	872
Valley City State University	2	36	58%	23	37%	3	5%	62	0	46	46	108
Williston State College	0	13	38%	11	32%	10	29%	34	0	52	52	86
NDUS Total	75	984	49%	608	30%	421	21%	2013	198	1115	1313	3,326

1. Ranked faculty includes instructors, assistant professors, associate professors, and professors.

2. This is the number of faculty currently being recommended for tenure.

3. This includes all faculty with tenure.

4. This number includes tenure track faculty who are currently being recommended for tenure.

5. This number includes faculty who are not on a tenure track but who have faculty rank, i.e., instructors, (not lecturers) assistant professors, associate professors or professors.

6. "Other benefited instructional staff" primarily includes lecturers whose appointments warrant fringe benefits.

7. "Temporary instructional staff" are part-time: usually teaching one or two courses a year.

Beginning with 2007, based on changes related to the implementation of ConnectND, this report on faculty headcount now classifies and includes all faculty and staff who have instructional functions.

Due to rounding of decimals, not all percentage totals will equal 100%

University System Notes

Proceedings of the North Dakota State Board of Higher Education, June 20-21, 1996

MAJOR ACTIONS

Tenure Committee Report

In June 1995, the SBHE directed that a committee be formed to study the System's policy on tenure and report back concerning three issues:

- X Define what information the Board requires for granting tenure;
- X Review policy provisions concerning post-tenure evaluation; and
- X Review board action regarding emphasis on teaching and what institutions should be doing to support that objective.

The Tenure Committee was composed of Board members, faculty, institution CEOs, and System office staff. The Committee heard many reports from faculty over the course of a year and held two open forums to solicit comments from faculty and institution officials.

The Board accepted the Committee report and adopted on introduction and first reading the following policy amendments:

- X Re-emphasize that the purpose of tenure is to protect academic freedom. Delete current language stating that tenure provides economic security.
- X Require institutions to establish various tenure "plans" to permit emphasis on teaching, technology transfer or other areas of emphasis.
- X Allow institutions to hire some faculty pursuant to multiple-year contracts (not to exceed three years) in lieu of tenured or tenure-track appointments.
- X Provide faculty members with contracts that specifically identify the criteria by which performance will be evaluated and the weight or emphasis placed on each of the criteria. Evaluations are to be linked to the duties and goals summarized in each contract.
- X Retain the six-year probationary term for tenure-track faculty as the general rule, with a provision that institutions adopt procedures for granting extensions of the probationary period or exceptions to the six-year continuous service requirement. These circumstances must include maternal or parental leave and accommodations for individual disability at a minimum.
- X Not grant tenure to institution presidents.
- X Clarify policies governing award of "early tenure" to exceptional candidates be clarified.
- X More clearly specify that dismissal for cause includes failure to complete duties.

Final action will be taken by the Board at its September meeting. Chancellor Isaak emphasized that few, if any, other states have engaged in a complete review of tenure to this extent.