

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: PERSONNEL

Policy 706.1 – Faculty Tenure

Effective: November 18, 1999; Issued: December 10, 1999

Revised: May 29, 2009; Issued: June 2, 2009

Board policy:

A. Introduction

1. A tenurable appointment is an appointment to a teaching, research, or other faculty position that may lead to a tenured status as provided for in this section. Tenurable appointments shall be made at the rank of instructor, assistant professor, associate professor, or professor. The tenurable appointment is that of probationary status. The appointee remains in probationary status until the appointment is terminated or tenured status is awarded. Tenurable appointees who are not included in a certified bargaining unit, shall be provided with a written agreement specifying rank, salary, academic unit in which the tenurable appointment is made, and other terms and conditions of employment at the time of appointment and reappointment. The campus will normally notify tenurable faculty members of the terms and conditions of their renewals for the coming academic year by May 1 in non-legislative years, or within 60 days after the appropriation bill is signed by the governor in years the legislature meets.
2. Unless an individual contract expressly provides to the contrary, the contract term for all tenurable appointees shall be the academic year. Regardless of the term of any individual contract, no such person has, or shall acquire, a right to reappointment for a term in excess of the academic year.

B. Probationary appointments

The total time period of full-time service prior to the acquisition of continuous tenure shall normally not exceed seven academic years, which may include up to three years of full-time service in tenurable ranks at accredited, United States four-year institutions of higher education. Up to three years of credit for service at foreign four-year institutions of higher education at the rank of instructor or higher may be granted toward acquiring continuous tenure status by agreement among the faculty member, the academic unit chairperson, the dean and the president. Probationary credit for prior service must be agreed to in writing between the faculty member and the president or chancellor prior to the initial appointment at the institution. The campus shall normally require four academic years of full-time service at the campus before making an award of continuous tenure. Exceptionally meritorious cases may be brought earlier to the board if supported by the campus's promotion and tenure process and recommended by the chief academic officer and president. Time spent on authorized leave of absence from the campus will not count as probationary period service, unless the faculty member and the president or chancellor of the campus agree to the contrary, in writing, at the time leave is granted.

C. Reappointment and non-reappointment or probationary personnel

1. A tenurable appointee with probationary status (hereinafter referred to as a probationary appointee) has the right to serve the specified term of the appointment and may not be discharged without cause during that term.
2. Reappointment of probationary appointees shall be at the discretion of the employer. Written notice of non-renewal of a probationary appointee shall be mailed or given by the president or chancellor or his designee by March 1 of the first year of service, by December 15 of the second year of service, and by June 30 prior to the final year of appointment in the third or later years of service.

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3. Failure to provide a probationary appointee with the required notice period shall not result in automatic reappointment or create any right for an additional term. The employer shall have the option of providing employment or severance pay in lieu of any portion or all of the notice to which the employee is entitled, so long as the extension of employment or severance pay is commensurate with the notice to which the employee is otherwise entitled.

D. The award of tenure

1. Tenure is the right to reappointment from appointment term to appointment term until such time as the faculty member resigns, retires, is discharged for adequate cause or is terminated for reasons of financial exigency or program reduction, curtailment or discontinuance. Such reappointment shall be subject to the terms and conditions of employment which exists at the commencement of each contract term. Those terms and conditions of employ are as expressly set forth in the policies adopted or authorized by the board of regents, and the terms and provisions of any applicable collective bargaining agreement. Tenure is with the campus and resides within a specific academic unit in which the faculty member is employed and not with the Montana university system (MUS). Tenure is awarded by the board of regents, following peer review and recommendation by the president or chancellor and the commissioner in accordance with board of regents policies and procedures established by each campus.
2. The review prior to granting tenure and the subsequent recommendation to the board of regents will normally be made in the sixth year of employment. While normally the eighth contract of full-time employment carries continuous tenure status, tenure will not be awarded without appropriate review and recommendation by peers and supervisors. Tenure is awarded for quality of current professional performance and promise for such future performance, not merely for completing a certain length of service. It is equally incumbent on the faculty member and the administration to insure that a tenure review occurs at the proper time. In no event shall the failure to give any notice constitute an award of continuous tenure by default. This section does not diminish any substantive rights for the acquisition of tenure which the faculty member may have acquired prior to the adoption of this policy.

E. Administrative positions

1. Deans, assistant deans, directors, heads of departments, chairpersons, and any other persons performing administrative functions serve in those capacities at the discretion of the president or chancellor and may be removed at any time. Any such individual may be reassigned to other duties for the balance of the individual contract term or terminated for cause. In cases of the non-renewal of an administrator's employment contract, the notice provisions of board policy 711.1 shall apply. However, if an individual is discharged from an administrative position for cause those notice provisions shall not apply.
2. Faculty who are appointed to administrative positions do not have tenured status with respect to those positions, the salary of the position, the term (AY/FY) of contract, or any other provisions of perquisites of that administrative position. In the event any of the foregoing individuals have tenured status in an academic position, and are removed or resign from an administrative position, but wish to remain employed at the campus, they will be employed under the same conditions and

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contractual terms as other tenured faculty. Their initial salary as a faculty member shall be set at an amount determined by negotiations between the faculty member and the president or his designee.

In the event agreement cannot be reached, the salary shall not be less than the average salary for faculty members of like rank and qualifications in the same academic unit in which the individual holds tenure.

3. Persons hired into administrative positions from outside the MUS may be granted faculty tenure status in accordance with the terms of this policy.

History:

University Act 1902, April 25, 1921; Board minutes, April 3, 1922; Item 14101, February 7, 1952; Board minutes, March 5, 1952; Item 204-003, Tenure policy, September 11, 1967; Item 4-014-R0574, Resolution Regarding Faculty Contract of Employment, May 20, 1974; Item 12-008-R0676, Policy Authorizing the Granting of Credit Toward the Acquisition of Continuous Tenure for Service at Foreign Institutions, June 7, 1976; Item 26-021-R0380, Faculty Receiving Board of Regents' Contracts; Probation and Tenure, Montana University System, March 10, 1980, as revised October 31, 1980, June 26, 1981, July 29, 1983, March 21, 1986, and November 18, 1999 (Item 104-103-R0999). Item 143-103-R0509 approved by the BOR May 29, 2009, changes this policy to provide a greater level of flexibility to campuses in the awarding of tenure to faculty and administrators.