

Summary of Proposed Action State Board of Higher Education Meeting Meeting – February 23, 2017

1. **Issue:** State Board of Higher Education Policy [605.3](#) requires twelve-month notice to terminate the appointment of a tenured faculty member due to loss of legislative appropriations, financial exigency, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses. This timeline means that the process of eliminating the position of a tenured-faculty member is generally too lengthy to produce cost-savings within a biennium.
2. **Proposed actions:** The issue could be resolved by changing the notification period as indicated in SBHE 605.3 § 6 from “at least twelve months” to “at least ninety days”, as shown in the attached revision.
3. **Background information:** As points of comparison:
 - Probationary faculty can be terminated under similar situations as tenured faculty with at least 90 days’ notice (SBHE Policy 605.3 § 2).
 - A non-tenure track faculty member (special appointment) is terminated at the end of his or her contract term (SBHE Policy 605.3 § 3).
 - NDUS employees can be terminated due to organizational or procedural change, diminished workload, lack of funds, or other exigency, with at least two weeks written notice (NDUS Human Resource Policy Manual 24).
 - NDUS employees excluded from the broadbanding system who are not members of the academic staff, can be terminated under similar situations as tenured faculty with at least 90 days’ notice (SBHE Policy 608.2 § 3).
4. **Financial implications:** The revision of SBHE 605.3 will provide additional avenues for institutions to respond to financial or budgetary losses.
5. **Legal/policy issues:** Only the termination notice period is to be changed, and there are no additional legal or policy issues.
6. **Academic issues:** Reduction of tenured faculty positions can have substantial direct and indirect impacts to the ability to deliver quality academic programs.
7. **Coordination:** The proposed policy revision will be reviewed ten times, by six different groups.
 - Chancellor's Cabinet, First Reading, 10 January 2017;
 - SBHE Budget and Finance Committee, First Reading, 17 January 2017;
 - SBHE Academic and Student Affairs Committee, First Reading, 18 January 2017;
 - SBHE, First Reading, 26 January 2017;
 - Administrative Affairs Council, 31 January 2017;
 - Academic Affairs Council, 1 February 2017;
 - Chancellor's Cabinet, Second Reading, 8 February 2017;
 - SBHE Budget and Finance Committee, Second Reading, 14 February 2017;
 - SBHE Academic and Student Affairs Council, Second Reading, 15 February 2017; and,
 - SBHE, Second Reading, 23 February 2017.
8. **Attachments:** Revision of SBHE 605.3

9. Contact information: Tammy Dolan

10. Chancellor's Cabinet recommendation: Approved.