

North Dakota State Board of Higher Education

August 9, 2023, Post-Tenure Ad Hoc Committee Meeting Minutes

The State Board of Higher Education Post-Tenure Ad Hoc Committee met Wednesday, August 9th at 3:30 p.m. CT, via Teams.

Dr. Ryan called the meeting to order at 3:30 p.m. CT.

SBHE Members participating:

Dr. Casey Ryan
Mr. Tim Mihalick
Dr. Lisa Montplaisir (Faculty Advisor)

NDUSO Participating:

Ms. Lisa Johnson, NDUS
Mr. Darin King, CTS
Ms. Terry Meyer, NDUS
Ms. Claire Gunwall, NDUS
Mr. Jerry Rostad, NDUS
Mr. Chris Pieske, NDUS

Institution Representatives Present:

President Shirley, MiSU
President Hirning, WSC
Vice President for Strategic Initiatives John Carroll, BSC
Dean Simone, DCB
President, Van Horn, MaSU
President Easton J.D., DSU
President Flanigan, NDSCS

Committee Chair Ryan stated that Dr. Lisa Montplaisir is the SBHE Faculty Advisor, however, she will be a voting member of the Post-Tenure Ad Hoc Committee.

1. Agenda

Mihalick moved, seconded by Montplaisir, to approve the agenda as presented.

Mihalick, Montplaisir, and Ryan voted yes.

2. Meeting Minutes

Montplaisir moved, Mihalick seconded, to approve the June 14 and July 12, 2023, meeting minutes.
Mihalick, Montplaisir. and Ryan voted yes.

3. Template to Collect Campus-Specific Tenure/Post-Tenure Information

a. Reference: NDUS Tenure [Data](#) from 2018 to Present

Vice Chancellor Johnson stated that the committee requested campus specific information and a draft template was proposed at the last meeting. The current template incorporates the questions the committee members recommended during the previous meeting. She indicated that the institutional research staff may have the ability to run some of the data which would reduce the workload for campuses, specifically questions four, five, and six. If approved, the template/survey would be distributed to the Presidents of each institution to complete. The Presidents do have the option to have specific areas completed by faculty/staff, but ultimately the Presidents will be submitting it on behalf of their respective institution.

The committee discussed the electronic survey questions; they clarified language in question seven to distinguish post tenure review/evaluation process from an annual evaluation process. Chair Ryan inquired if any of the Presidents participating in the meeting had any concerns or input; there was no opposition and/or concerns. The committee agreed to move forward with the survey questions, as discussed.

Mihalick moved, Montplaisir seconded, to approve the survey as discussed and distribute to the Presidents to complete.

Mihalick, Montplaisir. and Ryan voted yes.

Ms. Johnson reviewed the data the following data, agenda items four and five:

4. **NDUS Data: Faculty No Longer in NDUS 2010-2021**
5. **NDUS Data: Faculty Resignations 2010-2021**

She explained that President Jensen brought the data up at the last committee meeting, it was information that was provided to a study group that Chancellor Hagerott has assigned President Jensen to lead. The information is regarding faculty turnover and at what levels is the highest faculty turnover. The Human Resource staff assisted in compiling data on faculty that provided reasons why they left their positions. The committee discussed the number of resignations; however, noted that there is no indicator whether it was due to positive or negative circumstances. The data indicates that over fifty percent of those who are no longer with the system were due to resignations and many of those resignations were at the assistant professor level, which is the level prior to being awarded tenure. Assistant Professor level is not tenured, they are individuals on a tenure track, full professors are all tenured. The committee further discussed that there are several factors in which individuals resign but can't all be attributed to positive or negative departures.

The committee acknowledged that they have not yet addressed post-tenure reviews/evaluations; but noted that the data provided during their last couple meetings has helped to clarify and understand the various levels and components of tenured faculty. Once the survey from Presidents is complete and the data the system gathers from HR records, such as, years of service and credit hour productions, will start the discussion regarding campus processes and practices.

6. **CCF Feedback**

Dr. Montplaisir stated that their first meeting will occur when the faculty and staff have returned for the start of the Fall semester, late August/early September. Dr. Ryan inquired if Dr. Montplaisir felt that CCF council members would be comfortable with the survey and questions within the survey. Dr. Montplaisir indicated it will be beneficial for Presidents to work with their CCF Council members to assist in

gathering some of the data in specific areas at the varying institutions and then this committee have discussions.

7. Next Steps and Next Scheduled Meeting Date

The next meeting will occur on September 13th; Dr. Ryan confirmed that the Presidents are comfortable with the discussions, survey questions, data that has been provided thus far, and moving forward with the timeline provided for them to respond to the survey; the Presidents had no opposition. The Chancellor's Cabinet has also discussed the committee's progress and proposed next steps and no significant concerns were raised.

The meeting adjourned at 4:15 p.m. CT.

Institution Tenure & Post-Tenure Information

Deadline: To Be Determined by Ad Hoc Committee



* Required

* This form will record your name, please fill your name.

1. Institution. *

- ☐ Bismarck State College
- ☐ Dakota College at Bottineau
- ☐ Dickinson State University
- ☐ Lake Region State College
- ☐ Minot State University
- ☐ Mayville State University
- ☐ North Dakota State College of Science
- ☐ North Dakota State University
- ☐ University of North Dakota
- ☐ Valley City State University
- ☐ Williston State College

Tenure

2. What is the purpose of tenure at your institution? *

3. How does tenure support the mission and vision of your institution? *

4. What is the average credit hour production of tenured faculty at your institution?

- a. Faculty with less than 10 years of service:
- b. Faculty with 10-19 years of service:
- c. Faculty with 20-29 years of service:
- d. Faculty with 30 or more years of service: *

Reference: NDUS Faculty Appointment Report - Tenured (Column C)

5. What is the average credit hour production of tenure-track faculty at your institution?

- a. Faculty with less than 10 years of service:
- b. Faculty with 10-19 years of service:
- c. Faculty with 20-29 years of service:
- d. Faculty with 30 or more years of service: *

Reference: NDUS Faculty Appointment Report - Tenure Track (Column E)

6. What is the average credit hour production of non-tenure track faculty at your institution? *

Reference: NDUS Faculty Appointment Report - Non-Tenure Track (Column G)

Post-tenure

7. Does your institution have a post-tenure review/evaluation process? *

☐ Yes

☐ No

8. When is a post-tenure review conducted for tenured faculty? *

☐ Annually

☐ Every other year

☐ Every five years

☐ More than five years

☐ Other

9. How does the post-tenure review of tenured faculty differ from annual evaluations of tenure-track and non-tenured faculty? *

10. What is the role of the institution president/campus dean in the post-tenure review process? *

11. Briefly summarize what metrics are examined at the institutional level in the post-tenure review process. *

12. Briefly summarize what metrics are examined at the departmental level in the post-tenure review process. *

13. For research universities, what metrics of research productivity are included in your post-tenure review? *

e.g. patents, IP revenue generated, doctoral advisees, doctoral committees, grants received

14. For research universities, how does faculty research productivity vary based on years of service?
- a. Faculty with less than 10 years of service:
 - b. Faculty with 10-19 years of service:
 - c. Faculty with 20-29 years of service:
 - d. Faculty with 30 or more years of service:

Policy/Procedure/Suggestions

15. Please provide institution-level policies and/or procedures that detail your tenure and post-tenure review processes.

↑ Upload file

File number limit: 10 Single file size limit: 10MB Allowed file types: Word, PDF

16. Please provide department-level policies and/or procedures that detail your tenure and post-tenure review process, if applicable.

↑ Upload file

File number limit: 10 Single file size limit: 10MB Allowed file types: Word, PDF

17. What suggestions do you have to improve the tenure/post-tenure process your institution? *

18. What suggested edits do you recommend to SBHE Policy and NDUS Procedure related to tenure? *

SBHE Policies 305.1, 602.2, 605.1, 605.2, 605.3 <https://ndus.edu/sbhe-overview/sbhe-policies/600-heading-policies/>

NDUS Procedures 602.2.1, 605.1 <https://ndus.edu/sbhe-overview/ndus-procedures/600-heading-procedures/>

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Microsoft Forms

Faculty Appointment Report 5 Year Summary

Academic Year	Tenure Candidates ¹	Ranked Faculty							Non-Ranked Faculty		
		Tenured ²	%	Tenure Track ³	%	Non- Tenure Track ⁴	%	Total Ranked Faculty	Other Benefited Instructional ⁵	Temp Non- Benefited Instructional ⁶	Total Non- Ranked Instructional
2022-2023	38	994	51%	374	19%	574	30%	1,942	163	1,312	1,475
2021-2022	55	1027	52%	382	19%	555	28%	1,964	147	1,211	1,358
2020-2021	62	1,027	52%	418	21%	517	26%	1,962	165	1,162	1,327
2019-2020	66	1,044	53%	422	21%	512	26%	1,978	159	1,100	1,259
2018-2019	55	973	58%	363	22%	337	20%	1,673	175	841	1,016

¹ Faculty currently being recommended for tenure

² All faculty with tenure

³ Tenure track faculty currently being recommended for tenure

⁴ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors or professors

⁵ Lecturers whose appointments warrant fringe benefits

⁶ Temporary and very part-time, usually teaching 1-2 courses/year

Total Ranked & Non-Ranked
3,417
3,322
3,289
3,237
2,689

3 professors,

Faculty Appointment Report

Academic Year 2022-2023

Institution	Tenure Candidates ¹	Ranked Faculty							Non-Ranked Faculty			Total Ranked & Non-Ranked
		Tenured ²	%	Tenure Track ³	%	Non- Tenure Track ⁴	%	Total Ranked Faculty	Other Benefited Instructional ⁵	Temp Non- Benefited Instructional ⁶	Total Non- Ranked Instructional	
Bismarck State College	1	67	66%	23	23%	12	12%	102	0	263	263	365
Dakota College at Bottineau	0	6	19%	3	10%	22	71%	31	8	55	63	94
Dickinson State University	1	35	54%	10	15%	20	31%	65	2	75	77	142
Lake Region State College	0	16	41%	8	21%	15	38%	39	4	66	70	109
Mayville State University	0	19	43%	8	18%	17	39%	44	12	19	31	75
Minot State University	10	66	45%	62	42%	18	12%	146	23	79	102	248
ND State College of Science	2	68	63%	37	34%	3	3%	108	11	160	171	279
North Dakota State University	17	369	61%	128	21%	107	18%	604	67	124	191	795
University of North Dakota	5	295	43%	65	9%	330	48%	690	33	344	377	1,067
Valley City State University	2	35	43%	25	31%	21	26%	81	1	67	68	149
Williston State College	0	18	56%	5	16%	9	28%	32	2	60	62	94
Totals	38	994	51%	374	19%	574	30%	1,942	163	1,312	1,475	3,417

¹ Faculty currently being recommended for tenure

² All faculty with tenure

³ Tenure track faculty currently being recommended for tenure

⁴ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

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⁶ Temporary and very part-time, usually teaching 1-2 courses/year



Faculty Appointment Report

Academic Year 2022-2023

Institution: Bismarck State College

For each tenure unit for which there is a tenure candidate, provide the information below.

Tenure Unit	Number of Faculty					
	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Associate Degree Nursing (ADN) Program	3	1	1			
Agriculture	4	1	1		2	1
Air Conditioning	1					
Art	2		1			
Auto Collision Technology		1				
Automotive Technology	2				1	
Biological Sciences	5				16	
Business Administration	1				12	
Carpentry		1				
Chemistry	3				5	
Computer Information Systems (CIS)	3		1		3	
Computers & Office Technology	2				18	
Cybersecurity & Computer Networks			1		4	
Diagnostic Medical Sonography			1		1	
Drama	1					
Electronics/Telecommunications Technology	1	1			3	
EMT-Paramedic Technology			2		2	
Engineering	2				6	
English	7	2			22	
Farm Management Education			2			
Fine Arts & Humanities	1	1			14	
Foreign Language	1				4	
Geographic Information Systems	1				4	
Graphic Design & Communication	2				1	
Instrumentation & Control Technology	1		2		3	
Lineworker	1	1			1	
Management	1	1			2	
Mathematics	6	1			25	
Mechanical Maintenance Technology	1				1	
Medical Laboratory Technician		1			1	
Music	2	1			7	
National Energy Center of Excellence (NECE)	7	5			51	
Physical Science	1				7	
Social Sciences, Business & Education	3	1			41	
Speech	1	1			6	
Surgical Technology	1	1				
Welding		2				
Totals	67	23	12	0	263	1

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure



Faculty Appointment Report

Academic Year 2022-2023

Institution: **Dakota College at Bottineau**

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Dakota College at Bottineau	6	3	22	8	55	
Totals	6	3	22	8	55	0

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

Faculty Appointment Report

Academic Year 2022-2023

Institution: Dickinson State University

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Dept of Agriculture & Technical Studies	3			1	12	
Dept of Arts & Letters	7	1	2		14	
School of Business & Entrepreneurship	7		3	1	13	
School of Education	1	3	3		6	1
School of Kinesiology	3		4		5	
Dept of Mathematics & Computer Science	5	1	1		3	
Dept of Natural Sciences		1	5		5	
Dept of Nursing	3	3	1		5	
Dept of Social Sciences	6	1			11	
Theodore Roosevelt Honors Leadership Program			1		1	
Totals	35	10	20	2	75	1

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

Faculty Appointment Report

Academic Year 2022-2023

Institution: Lake Region State College

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Academic	8	5	1	4	44	
Career and Technical Education	8	3	14		22	
Totals	16	8	15	4	66	0

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

⁶ Faculty currently being recommended for tenure



Faculty Appointment Report

Academic Year 2022-2023

Institution: **Minot State University**

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Accounting / Finance	2	5				
Addiction/SW/Psych	1	9			10	2
Communications	5	2	1	2	7	
Biology	2	3	2		3	
Business Administration (BADM)	2	2	2	1	5	1
(BIT)	3	2	1		4	
Disorders	5	5	2		2	3
Criminal Justice	3	2	1			
Honors			1			
Studies	3	3	2	1	7	
Math & Computer Science	3	6	1	1	5	
Performing Arts (Mus/Thea)	6	3			4	1
Nursing	7	9			5	1
Science	8	1	1		3	
Social Science	7	3			4	1
Special Education (SPED)	3	1	3	5	15	1
Teacher Education & Kinesiology (TEK)	6	6	1	13	5	
Totals	66	62	18	23	79	10

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

Faculty Appointment Report

Academic Year 2022-2023

Institution: ND State College of Science

For each tenure unit for which there is a tenure candidate, provide the information below.

Tenure Unit	Number of Faculty					
	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Academic Services	4	2			1	1
Agriculture	2	2	2		1	
Allied Dental Education	3	2			7	
Architectural Modeling & Design	2	1			1	
Auto Body	1	1		1		
Automotive Technology		2				
Building Const Tech	1	1			1	
Business Adm & Management	4			9		
Culinary Arts	2					
Diesel Technology	6	7			2	
Division of Workforce Training					6	
Electrical Tech	4	1			1	
English & Humanities	4				10	
Health Information		2			6	
Health, Phy Ed & Rec				1	9	
HVAC/R Technology	1	1			2	
Info & Comm. Tech	3				9	
Land Surveying/Civil Eng	2				1	
Manufacturing Tech	3				3	
Math & Science	5	2			38	1
Nursing	3	9			17	
Occupational Therapy Asst	2		1		3	
Paramedic Technician					8	
Performing Arts	3				3	
Pharmacy Tech	1				1	
Plumbing		1				
Powersports Technology	2					
Robotics, Automation & Mechatronics Technology	2					
Social & Behav Science	3	3			22	
Student Success/Career Srv					7	
Unmanned Aircraft Systems (UAS)					1	
Welding Technology	5					
Totals	68	37	3	11	160	2

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure



Faculty Appointment Report

Academic Year 2022-2023

Institution: North Dakota State University

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Systems, and Natural Resources	96	33	17	9	10	3
Social Sciences	74	18	6	21	38	2
College of Business	30	8	5	6	3	2
College of Engineering	39	27	8	5	19	5
College of Health Professions	17	11	50	9	17	2
Education	38	17	11	9	19	2
Mathematics	75	14	10	8	17	1
No College Affiliation					1	
Totals	369	128	107	67	124	17

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

Faculty Appointment Report

Academic Year 2022-2023

Institution: University of North Dakota

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Law	11	6	3		11	
VPAA			2		39	
JDOSAS	27	7	27	26	16	2
A&S	113	15	65	1	53	
BPA	32	3	12		14	
EHD	29	9	24		72	2
ENG	40	7	23	6	10	
NURS	9	2	51		49	
SMHS	34	16	123		80	1
Totals	295	65	330	33	344	5

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

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⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure



VALLEY CITY
STATE UNIVERSITY

Faculty Appointment Report

Academic Year 2022-2023

Institution: Valley City State University

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Business and Information Technology	1	4	1		1	1
Computer Systems and Software Engineering	1	3				
Communication Arts	4				4	
Language and Literature	4	2	1		10	
Social Science	5	2	1		5	
Music		3	4		5	1
Art		3			3	
Science	7	1	1		9	
Math	1	2			7	
Kinesiology and Human Performance	2	1	3		6	
SEGS (Education)	7	1	10	1	13	
Technology	3	3			4	
Totals	35	25	21	1	67	2

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure



Faculty Appointment Report

Academic Year 2022-2023

Institution: Williston State College

For each tenure unit for which there is a tenure candidate, provide the information below.

Number of Faculty						
Tenure Unit	Tenured ¹	Tenure Track ²	Non-Tenure Track ³	Other Benefited Instructional ⁴	Temp Non-Benefited Instructional ⁵	Tenure Candidates ⁶
Business	1	1			4	
Agriculture			1			
Health, Phy Ed, Recreation	1				9	
Nursing	2	1	2	1	4	
Massage Therapy	1					
Information Technology	1					
Humanities	7	2			24	
Science and Mathematics	5		3	1	19	
Diesel Technology			1			
Sports & Rec Management		1				
Welding			1			
Petroleum Production			1			
Totals	18	5	9	2	60	0

¹ All faculty with tenure

² Tenure track faculty currently being recommended for tenure

³ Faculty not on a tenure track but have faculty rank, i.e., instructors (not lecturers), assistant professors, associate professors, or professors

⁴ Lecturers whose appointments warrant fringe benefits

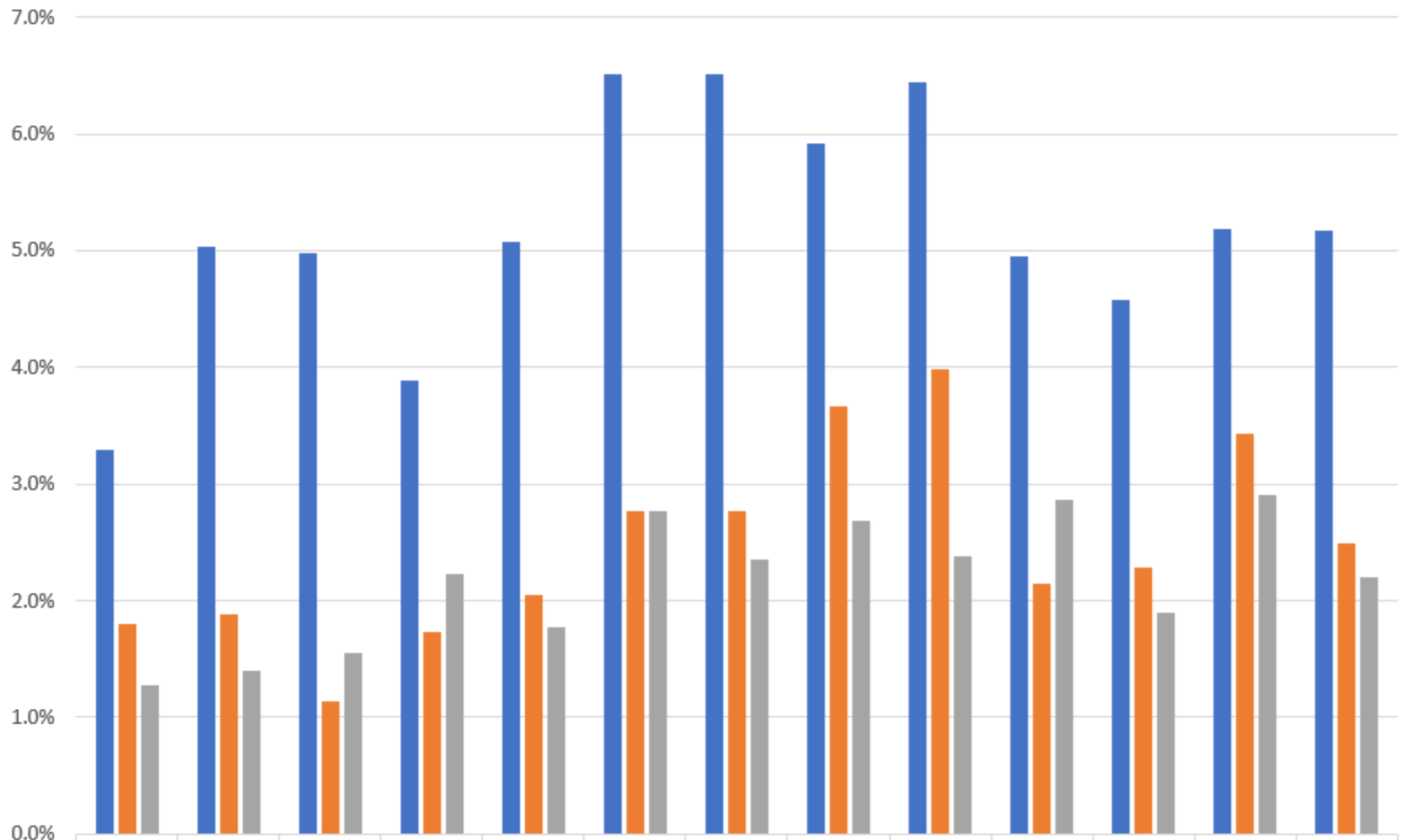
⁵ Temporary and very part-time, usually teaching 1-2 courses/year

⁶ Faculty currently being recommended for tenure

Faculty No Longer in NDUS (All Institutions) 2010-2021

Row Labels	Column Labels						Total Count	Total %
	Assistant Professor		Associate Professor		Professor			
	Count	%	Count	%	Count	%		
Become Self-Employed	1	0.14%		0.00%		0.00%	1	0.06%
Death	5	0.68%	10	2.22%	25	5.11%	40	2.39%
Disability Retirement	1	0.14%		0.00%		0.00%	1	0.06%
Discharge	16	2.17%	1	0.22%	2	0.41%	19	1.13%
Early Retirement	2	0.27%	14	3.11%	4	0.82%	20	1.19%
Elimination of Position	21	2.85%	5	1.11%	8	1.64%	34	2.03%
End of Fixed-Term Contract	71	9.62%	14	3.11%	8	1.64%	93	5.55%
End Temporary Employment	32	4.34%	2	0.44%	2	0.41%	36	2.15%
Failure to Return from Leave		0.00%	1	0.22%		0.00%	1	0.06%
Health Reasons		0.00%	1	0.22%	1	0.20%	2	0.12%
Mass Update	4	0.54%	3	0.67%	2	0.41%	9	0.54%
Normal Retirement	18	2.44%	37	8.22%	57	11.66%	112	6.68%
Relocation	4	0.54%	2	0.44%		0.00%	6	0.36%
Resignation	502	68.02%	221	49.11%	148	30.27%	871	51.94%
Retirement	54	7.32%	134	29.78%	225	46.01%	413	24.63%
Retirement with Pay/Benefits	2	0.27%	4	0.89%	6	1.23%	12	0.72%
Terminated With Benefits		0.00%	1	0.22%		0.00%	1	0.06%
Transfer to New Agency	5	0.68%		0.00%	1	0.20%	6	0.36%
Grand Total	738	100.00%	450	100.00%	489	100.00%	1677	100.00%

Faculty Resignation Rates by Job Family 2010 to 2021



	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Grand Total
Assistant Professor	3.3%	5.0%	5.0%	3.9%	5.1%	6.5%	6.5%	5.9%	6.5%	5.0%	4.6%	5.2%	5.2%
Associate Professor	1.8%	1.9%	1.1%	1.7%	2.0%	2.8%	2.8%	3.7%	4.0%	2.2%	2.3%	3.4%	2.5%
Professor	1.3%	1.4%	1.5%	2.2%	1.8%	2.8%	2.4%	2.7%	2.4%	2.9%	1.9%	2.9%	2.2%

Assistant Professor Associate Professor Professor

**NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual**

Policy: 305.1 Institution President Authority and Responsibilities; Contract Terms

Effective: May 30, 2019

1. The SBHE delegates to the president of each institution full authority and responsibility to administer the affairs of the institution in accordance with SBHE policies, plans, budgets, and standards, including the management and expenditure of all institutional funds, within budgetary and other limitations imposed by law or by the SBHE.
2. The president is the chief executive officer of the institution and a member of the Chancellor's executive staff. The president reports and is responsible to the Chancellor for all matters concerning the institution and is an advisor to the Chancellor in matters of inter-institutional policy and administration.
3. Presidents have the authority to work with the Chancellor to develop, shape, and sustain the vision and mission of their institution within the context of the overall NDUS and to manage their institution on a day-to-day operational basis. Presidents shall consult with the Chancellor on decisions of mutual interest before those decisions are made or announced. Subject to SBHE policies, NDUS procedures, and SBHE and Chancellor directives, presidents:
 - a. Are responsible for carrying out approved policies, guidelines, and regulations governing the management of academic, business, and student affairs, delegating execution to administrative aids and heads of appropriate functional areas;
 - b. Have primary responsibility for the internal organization of the institution's administration, including academic, administrative, and student affairs, and the development and management of the physical plant and auxiliary services;
 - c. Ensure the assets of the institution are continually directed toward maintaining and sustaining the quality of teaching, research, and service that comprise the mission and goals of the institution;
 - d. Are responsible for consensus building; facilitation of quality scholarship; careful management of resources; recruitment and retention of outstanding faculty, staff, and students; problem solving; and promoting the intellectual, physical, and fiscal health of the institution
 - e. Provide the necessary leadership and management skills, including planning and policy development, for the institution to achieve its mission and goals;

- f. Ensure excellence in the institution's teaching, research, and service missions while maintaining the strength of the institution's academic and co-curricular programs and furthering the recruitment and retention of outstanding teachers, scholars, staff, and students;
 - g. Maintain a productive relationship with faculty, students, staff, and alumni;
 - h. Ensure a fair and appropriate distribution of resources to support and sustain the institution's academic, research, and service assets;
 - i. Develop and maintain effective and productive relationships with the institution's adjoining communities, business, and government agencies by building strong town-gown partnerships;
 - j. Articulate to the institution community the SBHE and Chancellor's goals and assigned mission of the institution;
 - k. Secure grants, gifts, and contracts from private, state, and federal sources that further the mission and goals of the institution;
 - l. Appoint academic and non-academic employees within the limitation of powers delegated by the SBHE and Chancellor;
 - m. Assume primary responsibility for fund-raising and alumni relations; and
 - n. Shall have an annual performance review by the Chancellor based upon a statement of goals for the year of evaluation which were previously formulated by the president and approved by the Chancellor.
4. Each president shall:
- a. Ensure effective and broad-based participation in the decision-making process from faculty, staff, students, and others in those areas in which their interests are affected;
 - b. Develop and approve or recommend to the Chancellor and the SBHE, in consultation with appropriate committees or members of the institution, such policies, plans, budgets, programs, and standards affecting the institution as deemed necessary, advisable or as required by the SBHE;
 - c. Make recommendations to the Chancellor concerning all requests for tenure;
 - d. Approve all personnel actions, except the award or change in tenure status, involving all faculty members and other institution employees;
 - e. Notify the Chancellor of any dismissal or termination of senior staff;
 - f. Review and evaluate all recommendations transmitted from the institution to the

Chancellor or the SBHE;

- g. Define the scope of authority of faculties, councils, committees and administrative officers of the institution;
- h. Establish a process for adoption and implementation of institution policies and procedures that includes:
 - i. The president's approval before a policy takes effect; and
 - ii. Authority for the president to adopt interim policies and procedures concerning matters for which legislative authority is delegated to an institution's legislative bodies. Adoption of an interim policy or procedure must include notice to the faculty senate or other legislative body before or when the policy or procedure takes effect. Not later than six months of its effective date, the president shall present the interim policy or procedure to the appropriate legislative body for review and its decision, subject to the president's approval or veto, concerning whether the policy or procedure should be adopted, revised, or discontinued;
- i. Comply with the rules of the athletic association(s) to which the institution belongs.
- j. Assume responsibility for the establishment of guidelines for student conduct which set forth prohibited conduct and provide for appropriate disciplinary procedures and sanctions for violation of institutional rules, consistent with standards of procedural fairness;
- k. Maintain positive relations and effective communication with the Chancellor and Chancellor's staff, the SBHE, and other North Dakota institutions of higher education and cooperate with other NDUS institutions to improve academic offerings, expand access to higher education, promote faculty development, improve support services, reduce unnecessary duplication, and enhance efficiency;
- l. Inform and advise the Chancellor and SBHE regarding significant issues at the institution;
- m. Maintain positive relations with the public by:
 - i. Developing sound relationships between the institution and the community and region in which it is located and the public it serves;
 - ii. Establishing and administering a development program with alumni and other institutional supporters;
 - iii. Interpreting the institution and its mission to the public; and
 - iv. Developing positive relationships with legislators and with other public policy makers in coordination with the Chancellor;
- n. Be accountable for all funds, equipment, property, including the security of information systems and data, as well as and other facilities assigned or provided to the institution.

- i. Prepare an annual report to the Chancellor that details efforts that the institution has undertaken to comply with information technology policies found in major section SBHE Policy 1200s as well as related procedures and standards;
 - o. Consistently support and adhere to, and require responsible institution officers and employees to support and adhere to, SBHE beliefs and core values set forth in SBHE Policy 100.5, SBHE policies and NDUS procedures, and SBHE and Chancellor directives and guidelines; and
 - p. Exercise such other authority and perform such other responsibilities as may be assigned by the Chancellor or the SBHE.
- 5. A president may delegate duties and responsibilities as necessary or appropriate.
- 6. In exercising this authority and carrying out these responsibilities, a president shall strive to conform to and advocate the SBHE beliefs and core values.
- 7. Presidents are hired at the pleasure of the SBHE. Each president shall have a written contract. The Chancellor shall annually evaluate a president's performance and report on the evaluation to the SBHE.
 - a. Presidents shall have an initial appointment of three years and may receive subsequent appointments between one and three years in duration.
 - b. If the SBHE terminates a president's appointment without cause, the president will receive an amount equal to twelve months' salary and benefits based on the president's salary and benefits at the time of the termination. Alternatively, a president of a four-year institution who has a tenured faculty appointment may exercise retreat rights instead of receiving an amount equal to twelve months' salary and benefits. Retreat rights allow the president to revert to a tenured faculty position in the department in which tenure was previously awarded.
- 8. In consultation with the SBHE, the Chancellor may initiate dismissal of a president for just cause during the contract term and shall provide a written notice of intent to do so and an opportunity for a hearing conducted by the Chancellor. The Chancellor shall provide not less than five days for a response by the president following delivery of notice of intent, before a dismissal decision. The Chancellor may suspend a president with pay and benefits or reassign a president to other duties pending a decision. The Chancellor may limit the hearing to Chancellor review of the president's written response to the notice and opportunity to submit additional information or may include an opportunity for an informal meeting with the Chancellor. Following the hearing conducted by the Chancellor, the Chancellor may recommend dismissal or other appropriate action by the SBHE. Following a dismissal decision or imposition of other discipline by the SBHE, a president may, within ten days of notice of the SBHE decision, file with the SBHE secretary or legal counsel a written appeal and request for evidentiary hearing, which must be accompanied by a specification of reasons for the request. The Board shall then conduct or arrange for a hearing. The SBHE may

appoint a hearing officer or administrative law judge to conduct the hearing and make findings of fact, conclusions of law, and a recommendation to the SBHE, which shall then make a final decision based on the hearing record.

9. A tenured faculty member at a NDUS institution who is appointed president shall retain that status during the term as president.

Reference(s): SBHE Policy 100.5; NDUS Procedure 301.

**NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual**

Policy: 602.2 Report on Faculty Appointments
Effective: November 19, 1999

Each institution shall annually report to the NDUS 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

**NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual**

Policy: 605.1 Academic Freedom and Tenure; Academic Appointments

Effective: March 31, 2022

** no reference to post-tenure review*

1. An institution 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 SBHE to protect academic freedom.
2. 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 SBHE Policy 401.1, relating to academic freedom, and the 1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments, adopted by the American Association of University Professors and the Association of American Colleges. These policies apply to all institution faculty unless otherwise indicated.
3. Tenure is awarded by the SBHE 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 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 SBHE. Tenure recommendations submitted to the SBHE 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 SBHE. 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.
4. For purposes of SBHE Policies 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. "SBHE" means the North Dakota state board of higher education.
 - c. "Faculty" means all members of the academic staff, excluding 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.
5. Because of the variety of scope and organizational structure of the institutions under the control of the SBHE, the faculty governance structure at each institution shall recommend procedural regulations to the president to implement SBHE Policies 605.1, 605.2, 605.3 and 605.4, in accordance with SBHE Policy 305.1:
- a. Institution procedural regulations must include:
 - 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, service, and other areas of emphasis. Scholarship in teaching may include the use of technology or other innovative teaching methods. Service may include technology transfer and economic development. Institution regulations shall include guidelines for determining the proper weight distribution 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 distribution of the criteria used 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, including maternity or parental leave and appropriate accommodations for faculty members with disabilities. Institution procedures may define additional exceptional circumstances including family emergencies or extended illness.

- d. An institution may decline to renew the contract of a probationary faculty member without cause at any time during the probationary period, subject to procedural requirements in SBHE Policies 605.1, 605.2, 605.3, and 605.4.

6. 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 before 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, before authorization of the leave.
- b. Tenured appointments recognize a right, subject to SBHE 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 SBHE Policy 605.1(5).
 - i. The following persons are not eligible for tenured appointment:
 - 1. Faculty members with a part-time or temporary appointment.
However, faculty members who have been awarded part-time tenure as established by previous SBHE 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.
 - 2. An institution's president, except under subdivision 6(b)(ii).
 - 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 5(c) of this policy, provided that the person, at the time tenure is granted, has:

1. held a tenured appointment at another institution, or,
 2. been a faculty member at the institution for at least one prior academic year.
- iii. The SBHE may award tenure to an institution's current chief executive officer if they have held a tenured appointment at another institution. If a chief executive officer granted tenure under this subdivision resigns their position or is terminated, that individual may request appointment as a tenured faculty member. If such a request is received, the SBHE shall determine whether to offer that individual a tenured faculty position at their former institution. The compensation for such a tenured faculty position shall be commensurate with similar positions in the department, and such compensation shall be paid from the institution's general funds, rather than a departmental budget.
- iv. The SBHE may award tenure to any individual appointed to the faculty who has not met the eligibility requirements of subdivisions 5(b) and 5(c) of this policy in exceptional circumstances, defined by the institution's procedures, following review and recommendation made pursuant to the procedures established at an institution. The individual shall possess 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 SBHE 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 distribution for evaluation criteria. 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.
7. 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 subdivision 6(c)(xi), shall generally not exceed one year. A multiple-year contract is 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, institutions shall issue contracts no later than June thirtieth each year, provide notice of renewal terms and an agreement or appointment letter to be signed by both parties. Absent good cause or agreement extending or establishing a different deadline, faculty shall sign and return a contract or other document indicating acceptance of contract terms not later than July twentieth. Any contract issued with a deadline prior to July twentieth must provide faculty a minimum of two weeks from the date in which the contract was issued for review. Institutions shall establish procedures providing that failure to return a signed contract or other document indicating acceptance of contract terms the date stipulated on the contract constitutes a resignation resulting in termination of employment, except for good cause shown by the faculty member or unless the institution has granted an extension. All nine- or ten-month contracts must be returned no later than July twentieth. Before the end of the spring semester each year, institutions shall provide notice to faculty summarizing the process and deadlines for contract renewal, including information on

extending deadlines to accommodate faculty who may be traveling or not able to readily receive and respond to communications during summer months.

8. 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 Amended of SBHE 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.

References: SBHE Policies 305.1, 401.1, 605.1 through 605.4; NDUS Procedure 605.1

**NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
Policy Manual**

Policy: 605.2 Standing Committee on Faculty Rights

Effective: February 23, 2022

1. Each institution shall have a standing committee on faculty rights consisting of three, five, or seven tenured faculty members elected for staggered terms by the faculty governance structure. The committee shall elect its own presiding officer annually and shall hold formal hearings in accordance with the procedures described in SBHE Policy 605.4 on all matters referred to it under these policies. The committee shall judge any allegation of bias or conflict of interest. If an individual member is judged by the committee to be biased or to have a conflict of interest in a specific case, the committee shall replace the member with a substitute member for that case.
2. Each institution shall adopt procedures concerning mediation implementing SBHE Policy 605.5. Institutions shall pay all mediation costs.
3. Proceedings before a standing committee on faculty rights shall be closed to the public, unless the faculty member requests that the proceedings be open, in which case the proceedings shall be open.

References: SBHE Policies 605.4, 605.5

**NORTH DAKOTA
STATE BOARD OF HIGHER EDUCATION
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Policy: 605.3 Nonrenewal, Termination or Dismissal of Faculty

Effective: April 29, 2021

1. A probationary appointment may be terminated, without cause, with notice to the faculty member that the appointment will not be renewed.
 - a. Notice shall be given:
 - i. At least 90 days prior to termination during the first year of probationary employment at the institution.
 - ii. At least 180 days prior to termination during the second year of probationary employment at the institution.
 - iii. At least one year prior to termination after two or more years of probationary employment at the institution.
 - b. A department chair, dean or other person authorized under institution policies to give such notice shall provide written notice of the decision, including a reference to the policy section pursuant to which the action is taken. The faculty member may within ten calendar days after receipt of the notice request a reconsideration by the deciding body or individual. The faculty member may incorporate a request for mediation in the request for reconsideration. The institution shall respond in writing to the faculty member within ten calendar days after receipt of the request.
2. An institution may terminate a probationary appointment effective at the end of any contract term, with no less than 90-day notice of nonrenewal based upon a determination by the Board that a financial exigency exists which requires such action at an institution or institutions, or upon determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses. The notice of nonrenewal shall include a reference to the policy section pursuant to which the action is taken. When a probationary appointment is terminated pursuant to this subsection, the provisions of subsection 1 do not apply.
3. A special appointment terminates at the end of the term stated on the contract and may be renewed at the discretion of the institution.
4. The following individuals may request review of the below decisions and a hearing by the Standing Committee on Faculty Rights:
 - a. A faculty member on a probationary appointment which is not renewed; or
 - b. A faculty member whose special appointment that is terminated.

The request for review and a hearing must be made within twenty calendar days after receipt of notice of the proposed action or, if the faculty member requests reconsideration or the parties agree to mediation pursuant to this Policy, within twenty calendar days of receipt of the results of the reconsideration or conclusion of mediation. Such request shall be filed in writing with the deciding body or individual and the chair or the senior member of the Standing Committee on Faculty Rights. The request for review may be based on allegations that the institution failed to comply with applicable policies or gave the decision inadequate consideration, or that the nonrenewal decision violated (a) academic freedom, (b) rights guaranteed by the United States Constitution, or (c) terms of the employment contract or other written agreement. The allegation must be supported by a specification of the reasons why the decision violated these rights and a summary of the evidence supporting the allegation(s). The institution shall, within twenty calendar days of receipt of the written notice and specifications, provide a written response to the faculty member and the chair of the Standing Committee on Faculty Rights.

5. A faculty member may terminate an appointment by giving notice in writing. Faculty are encouraged to give notice well in advance of the date of termination of employment at the end of a contract term. For the purpose of determining eligibility for participation in the state uniform group insurance program during summer months only, the effective date of termination of a faculty member with a nine- or ten-month contract covering the regular academic year (generally, August to May) who gives notice of resignation prior to the end of the contract term but completes the contract term, or who completes the contract term and then gives notice of resignation before the beginning of the next regular contract term or does not return to work for the next regular term, is July 2. This provision does not apply if a faculty member's spouse is employed by the state and eligible for participation in the state uniform group insurance program during the summer months. Also, this provision does not apply if employment is terminated and a faculty member does not complete the contract term or if a faculty member provides notice of other health plan coverage during the summer months. If a faculty member with a nine- or ten-month contract also has a contract for the summer term and resigns but completes the term, the effective date of termination is July 2 or the ending date of the summer term contract, whichever is later.
6. A tenured faculty member terminated pursuant to Board declared financial exigency shall be given written notice of termination at least 90 days prior to the date of termination. A tenured faculty member terminated pursuant to loss of legislative appropriations shall be given written notice of termination at least 12 months prior to the date of termination. A tenured faculty member terminated pursuant to loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses shall be given written notice of termination at least 12 months prior to the date of termination. In such cases as described in this subsection, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area, curriculum requirements, professional achievements, breadth of competence, and equal employment opportunity. Each institution shall establish procedures for implementing this policy.

- a. A tenured faculty member given notice of termination under this section may request that the institution circulate his or her vita to other academic units or program areas within the institutions of the NDUS system. In addition, the institutions shall ensure that fair consideration is given to the faculty member, during the period of the terminal appointment, for vacant academic positions in the employing institutions for which the faculty member is qualified. The faculty within any academic unit or program area shall have the major responsibility in determining qualifications for appointment therein. If a tenured faculty member accepts an appointment in a different academic unit or program area, the faculty member shall retain his or her tenure status, subject to approval of the Board.
 - b. A position terminated under this section shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within which to accept or decline it.
 - c. The provisions of section 605.4 do not apply when a tenured faculty member is terminated under this subsection. The faculty member may, however, within twenty calendar days of receipt of notice of termination, file a request for review under processes established at the institution for that purpose.
7. In accordance with principles of shared governance, the faculty governance structure at each institution shall adopt procedures by which faculty participation is solicited before notice of termination is given any tenured faculty member pursuant to section 6. Faculty participation shall be solicited concerning:
 - a. The extent to which there are grounds for termination of tenured appointments;
 - b. Judgments determining where within the overall academic program termination of appointments may occur; and
 - c. The procedure and criteria for identifying the individuals whose appointments are to be terminated.
8. A faculty member may be dismissed at any time for adequate cause. Adequate cause means: (a) demonstrated incompetence or dishonesty in teaching, research, or other professional activity related to institutional responsibilities, (b) continued or repeated unsatisfactory performance evaluations and failure to respond in a satisfactory manner to a recommended plan for improvement; (c) substantial and manifest neglect of duty, (d) conduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities or the institutional responsibilities of others, (e) a physical or mental inability to perform assigned duties, provided that such action is consistent with laws prohibiting discrimination based upon disability, or (f) significant or continued violations of Board policy or institutional policy, provided that for violations of institutional policy the institution must notify the faculty member in advance in writing that violation would constitute grounds for dismissal, or the institutional policy must provide specifically for dismissal as a sanction.

- a. An authorized institution officer shall give written notice of intent to dismiss and specify the reasons for the action. The officer may, in the officer's discretion, also schedule a meeting with the faculty member to discuss the action. The notice shall state that the officer will forward to the institution president a recommendation to dismiss unless the faculty member, within twenty calendar days of receipt of the notice, requests a hearing before the Standing Committee on Faculty Rights. If the faculty member does not make a timely request for a hearing, the president, upon receipt of a recommendation to dismiss, shall make a decision and provide written notice and reasons for the action to the faculty member within ten business days of receipt of the recommendation.
 - b. A faculty member may, within twenty calendar days of receipt of notice of intent to forward to the institution president a recommendation to dismiss, request a formal hearing before the Standing Committee on Faculty Rights, pursuant to section 605.4.
 - c. Pending a final decision on dismissal for adequate cause, the faculty member may be suspended by the institution's president or assigned to other duties in lieu of suspension, if it is reasonably determined that it is in the best interests of the faculty member or the institution to do so. The decision to suspend a faculty member or to assign a faculty member to other duties under this paragraph shall not be subject to grievance under Policy 612, except to the extent that the assigned duties are not within the scope of a faculty position. The faculty member's salary and fringe benefits shall continue during a period of suspension. Salary and benefits shall be terminated upon a final decision by the institution president to dismiss the faculty member following conclusion of proceedings at the institution.
 - d. This section shall not apply to conduct by a faculty member which is alleged to constitute sexual harassment under Title IX of the Education Amendments of 1972, which is governed by Policy 520.
9. If the administration determines that the conduct of a faculty member, although not constituting ground for termination or dismissal, provides reasonable cause for imposition of a sanction, the administration shall inform the faculty member in writing of the sanction and the reasons for the sanction. A sanction means demotion, suspension (but not including suspension pending a dismissal or termination decision), salary reduction or loss of salary, or restriction or loss of privileges imposed as a formal disciplinary measure. A sanction does not include implementation of an improvement plan or performance action plan or negative comments in a performance review, letter of reprimand or other document placed in a personnel file; rights to respond to a performance review or to a letter of reprimand or other document placed in a personnel file are set forth in N.D.C.C. § 54-06-21 and institution grievance procedures adopted under SBHE Policy 612. If the sanction is imposed following a hearing by the Standing Committee on Faculty Rights and based on the hearing record, there is no further review. If the sanction is imposed without a hearing, the faculty member may request review upon filing with the institution's president and chair or senior member of the Standing Committee on Faculty Rights a request for review and specifications of reasons

within twenty calendar days of receipt of notice of imposition of a sanction. The institution shall have twenty calendar days following receipt of the request for review to file a response. The Standing Committee on Faculty Rights shall review the matter according to procedures established at the institution for that purpose and issue a written report within twenty calendar days of receipt of the institution's response and may make a recommendation to resolve the dispute, stating its reasons. The institution shall make its final decision upon reconsideration and provide written notice of that decision to the faculty member within ten days of receipt of the report and recommendation of the Standing Committee on Faculty Rights. Upon filing of a request for review pursuant to this subsection, imposition of the sanction shall be suspended pending a final decision of the institution's president following conclusion of those proceedings.

References: N.D.C.C. § 54-06-21, SBHE Policies 520, 605.4, 612

NORTH DAKOTA UNIVERSITY SYSTEM Procedures Manual

Procedure: 602.2.1 Procedure and Timeline for Faculty Appointment Report

Effective: April 18, 2007

1. **The purpose** of these reports are two-fold:
 - a. 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.*
 - b. The report keeps campuses up-to-date on their faculty appointments.
2. **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:

- a. **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.:
 - i. campus staff can run this query with appropriate security
 - ii. or, campuses may call their production control people (computer center) and request they run the query.
- b. **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.
- c. **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.
 - i. The Faculty Appointment Data Sheet is a template that is provided for this report.
- d. The System Office will present the Faculty Appointment Report at the SBHE March/April meeting.

Reference: SBHE Policy 602.2