

# FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



## NOTICE OF PROPOSED NEW REGULATION

**DATE:** June 8, 2023

**REGULATION CHAPTER NO.:** Chapter 10

**REGULATION CHAPTER TITLE:** Personnel

**REGULATION TITLE AND NUMBER:** Faculty Tenure (10.204)

**SUMMARY OF REGULATION:** This amended Regulation incorporates the post tenure review mandate prescribed in the Board of Governor's Regulation 10.003 and directs the University to establish policies and procedures to ensure accurate, timely, and consistent implementation of this provision.

**AUTHORITY FOR REGULATION:** Section 7, Article IX, Florida Constitution and Board of Governors Regulations 1.001 and 10.003.

**UNIVERSITY OFFICIAL INITIATING THIS REGULATION:** Dr. Allyson Watson, Provost and Vice President for Academic Affairs.

**PROCEDURE FOR COMMENTS:** Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** Dr. Allyson Watson, Provost and Vice President for Academic Affairs, 300 Lee Hall, Tallahassee, Florida 32307-3100, (850) 599-3276 (phone), [allyson.watson@famuedu](mailto:allyson.watson@famuedu) or Shira Thomas, Deputy General Counsel, Office of the General Counsel, 1700 Lee Hall Drive, Suite 304 FHAC, Tallahassee, Florida 32307-3100, (850) 599-3591 (phone), (850) 561-2862 (fax), [shira.thomas@famuedu](mailto:shira.thomas@famuedu).

**FULL TEXT OF THE PROPOSED REGULATION:** The full text of this amended regulation follows:



## Florida A&M University Regulation

### 10.204 Faculty Tenure.

(1) Tenure may be granted to faculty employees as herein provided. This regulation is supplemented by the Board of Trustees/United Faculty of Florida (BOT/UFF) Collective Bargaining Agreement for those employees who are members of the faculty collective bargaining unit.

#### (2) Definition of Tenure.

(a) Preamble – Institutions of higher education are conducted for the common good. The common good depends upon the unfettered search for truth and its free exposition. Academic freedom and tenure exist in order that society may have the benefit of honest judgment and independent criticism. The meaning of tenure in the academic community in the United States is simply a guarantee of annual reappointment for faculty employees until voluntary resignation, retirement, removal for just cause, or layoff in accordance with standards specified by University Regulation 10.113 and the BOT/UFF Collective Bargaining Agreement, and standards as outlined in this chapter. Tenure assures the faculty employee security of employment and immunity from reprisals or threats due to an intellectual position or belief which may be unpopular. Tenure shall be in an academic department/unit.

(b) Criteria for Tenure – The criteria for faculty tenure shall require evidence of highly competent teaching and research and other scholarly activities, services, and contributions to the University and to society. Faculty employees considered for tenure normally shall hold the terminal degree, the President and Vice President for Academic Affairs may consider the following factors: (1) professional experiences; (2) work experiences; (3) demonstrated contributions to the teaching discipline; (4) technical and performance competencies; (5) records of publications; (6) certifications; and (7) exceptional scholarly or creative activities. The term “appropriate academic field” as used in this regulation means the faculty employee’s

teaching discipline or a closely related discipline. Additional criteria shall be established by the college/school. Nomination of a faculty employee for tenure shall signify that the President is satisfied the candidate will continue to make significant professional contributions to the university and to society.

(c) Tenure in the State University System – A faculty employee who has been granted tenure by the BOT shall have the status of permanent member of the faculty and be in the continuing employment of the University until he or she:

1. Resigns;
2. Retires;
3. Is dismissed for just cause under the provision of University regulations or the BOT/UFF Collective Bargaining Agreement;
4. Is discontinued pursuant to the layoff provisions in Regulation 10.113 and BOT/UFF Collective Bargaining Agreement; or
5. Dies

(3) Tenure-earning Appointments.

(a) Faculty appointments to the ranks of assistant professor, associate professor, and professor, which appointments do not include the appointment status modifiers of joint, acting, adjunct, provisional, visiting, research, clinical, courtesy, honorary affiliate or phased retirement are tenure-earning. Appointments which include the appointment status modifiers multi-year, joint, provisional, visiting, research, clinical or affiliate may or may not earn time toward tenure, as determined by the President or President's designee at the time of appointment. Employees with appointment status modifiers of joint, provisional, visiting, research, clinical or affiliate will be notified in writing at time of appointment of the tenure-earning status of the position. In the event, the position is not designated as a tenure earning position, the time in the non-tenure earning position may be counted toward tenure-earning eligibility upon being appointed to a tenure-earning position.

(b) If a Faculty employee is initially appointed to the rank of instructor or to a position including an appointment status modifier determined by the University not to be tenure-earning, and is subsequently appointed to a tenure-earning position, all or a portion of the Faculty employee's prior service in such a non-tenure-earning

position may be counted toward time required for tenure, provided the President or President's designee specifically agrees in writing to credit such service.

(4) Eligibility for Tenure Nomination.

(a) Only those Faculty employees serving in tenure-earning positions as described in paragraph (3)(a), above, are eligible to be recommended for tenure at the University.

(b) Except for Faculty employees who by virtue of prior service credited at the time of their appointment, are eligible for consideration earlier, a decision whether to nominate a Faculty employee for tenure shall normally be made during the sixth year of continuous full-time service, or equivalent part-time service, in a tenure-earning position. The word "normally" as used in this regulation takes cognizance of the fact that an employee may satisfy the requirements for tenure in his/her department or equivalent unit after 4 or 5 years of continuous full-time service, or equivalent part-time service. It also implies that an employee's tenure earning eligibility may be deferred for a certain period. An employee's written request for early tenure consideration is subject to the University's written agreement. Continuous employment for the purpose of tenure-earning eligibility consideration for full-time service shall mean employment during at least 39 weeks of any 12-month period. Continuous employment for the purpose of tenure-earning eligibility consideration for part-time service shall mean employment during at least one semester of any 12-month period. Part-time service of an employed at least one full semester in any 12-month period shall be accumulated. For example, two semesters of half-time service shall be considered one-half year of service for purposes of tenure eligibility.

(c) The number of years of previous tenure-earning service at other institutions of higher education which the President or President's designee may agree to approve as credit toward a Faculty employee's eligibility time for tenure shall be agreed upon in writing at the time of employment, subject to the following restrictions for service at other than SUS institutions: the President or President's designee may approve credit for not more than two years of tenure-earning service for a Faculty

employee hired as an assistant professor, not more than three years for a Faculty employee hired as an associate professor, and not more than four years for a Faculty employee hired as a professor. All prior SUS tenure-earning service shall be credited toward the time required for tenure unless otherwise agreed at the time of employment.

(d) Time spent by a Faculty employee under joint appointment or exchange within or without the SUS on a duly established personnel exchange program of the University or on a special assignment for the benefit of the University or for the SUS shall be counted toward the time for fulfillment of eligibility for tenure. In all such cases, the faculty employee shall be so informed in writing at the time leave is granted.

(e) Time spent on uncompensated leave shall not be credited as time earned toward tenure, except by agreement of the Faculty employee and the President or President's designee. In deciding whether to credit uncompensated leave toward tenure eligibility, the President or President's designee shall consider the relevance of the employee's activity while on such leave to the employee's professional development and to the employee's field of employment, the benefits, if any, accrue to the University by virtue of placing the employee on such leave, and other appropriate factors. Time spent on compensated leave shall be credited as time earned toward tenure, unless the Faculty employee and the President or President's designee agree in writing that such leave is not to be credited.

#### (5) Granting of Tenure.

(a) By the end of six years of continuous full-time, or equivalent part-time service in a tenure-earning position in the University, a Faculty employee shall be nominated for tenure or given notice that further employment will not be offered, in the affected position with reason(s) why the employee was not nominated for tenure.

(b) Upon nomination by the President, and approval by the BOT, tenure shall be granted. The effective date of tenure shall be acted upon with careful consideration being given to the qualifications of the faculty employee, including evaluation by colleagues and the immediate supervisor. In making judgments pertaining to the decision to award tenure, evaluation of research and other creative activities by

qualified scholars in pertinent disciplines both within and outside the University should be sought. When one of the duties of the faculty employee being nominated is teaching, the quality of the faculty employee's teaching shall be gauged by the standards outlined in this regulation, the BOT/UFF Collective Bargaining Agreement, as well as Regulation 10.119 which governs faculty evaluation and the approved criteria of the appropriate academic department/unit.

(c) With sufficient justification, an employee may be nominated by the President, and approved by the BOT for tenure at the time of initial appointment or prior to the fifth year of tenure earning service. The President or President's designee shall consider the recommendation of the department or equivalent unit prior to making his/her tenure nomination.

(6) Transfer of Tenure-Transfer of tenure of faculty serving in bargaining unit positions is governed by the BOT/UFF Collectively Bargaining Agreement. Tenure is not automatically transferable within the University; however, the tenure of a faculty employee may be transferred in accordance with University regulations upon the nomination by the President and approval by the BOT.

(7) Standards for Maintaining Tenure of Faculty Employees. An employee with tenure who is appointed to an Administrative and Professional position shall retain tenure in the academic position and in the academic department/unit where granted and not in the position.

(8) Duration of Tenure – A tenured faculty member retains this status as long as he/she is employed in any appropriate academic unit of the University.

(9) Post-Tenure Review— Each tenured faculty member at the University shall undergo comprehensive post-tenure review that is conducted in accordance with the criteria and requirements set forth in Florida Board of Governors' Regulation 10.003 Post-Tenure Faculty Review, which is incorporated herein by this reference in the entirety and made a part hereof, as now existing, amended, or hereafter promulgated. The President, or his designee, shall establish policies and procedures to ensure accurate, timely, and consistent implementation of this provision.

*Specific Authority: Article IX, Section 7(c), Florida Constitution, BOG Regulations 1.001 and 10.003, FS; 120.53(1)(a) FS; and relevant collective bargaining agreements. History—New 1; Formerly Rule 6C3-10.136; Technical Amendment 2/28/22 (formatting); Amended 7/xx/23.*