

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: June 19, 2008

REGULATION TITLE(S) AND NUMBER(S): 6C-5.940 Tenure and Permanent Status

SUMMARY: The Board of Governors has delegated authority to the board of trustees to develop university personnel programs. Therefore, the obsolete Board of Regents rule regarding tenure and permanent status needs to be repealed.

FULL TEXT OF THE REGULATION: The full text of the regulation proposed for repeal is posted on Board of Governor's Web site at www.flbog.org. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

AUTHORITY TO REPEAL REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION(S): Vikki Shirley, General Counsel.

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

Vikki R. Shirley, General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.org.

5.940 Tenure and Permanent Status.

(1) Faculty tenure shall be administered consistent with the following provisions.

(a) The award of tenure shall provide annual reappointment until voluntary resignation, retirement, removal for just cause, or layoff.

(b) Tenure is awarded upon demonstration of highly competent performance. Tenure criteria shall address the areas of teaching; research and other scholarly activities; and service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status. These criteria shall take into account the mission and needs of the institution and shall place appropriate emphasis upon teaching and teaching related scholarship. In this regard, the institution shall ensure that teaching performance is prominently considered in the award of tenure.

(c) Tenure shall be held as ranked faculty in an academic department/unit and shall not extend to administrative appointments.

(d) Appointments to the ranks of assistant professor, associate professor, and professor are tenure-earning when they do not include the appointment modifier of acting, adjunct, joint, provisional, visiting, research, clinical, courtesy, honorary or affiliate. Appointments which include the appointment modifier of multi-year, joint, provisional, visiting, research, clinical or affiliate are ordinary nontenured-earning, however, employees with these appointment modifiers may earn time toward tenure as determined by the Chief Administrative Officer at the time of appointment. If an employee is initially appointed to the rank of instructor or to a nontenure-earning rank and is subsequently appointed to a tenure-earning position, all or a portion of the prior service in such nontenure-earning position may be counted toward tenure, provided the Chief Administrative Officer agrees to credit such service.

(e) The decision to recommend an employee for tenure shall be made no later than the sixth year of continuous full-time service or equivalent part-time service in a tenure-earning position. Tenure-earning employees not recommended for tenure by the end of six years of continuous full-time, or equivalent part-time service, shall be given notice that further employment will not be offered. Full-time service for the purpose of tenure eligibility shall mean employment at 1.0 FTE during at least 39 weeks of any twelve month or nine month contract. Part-time service shall mean employment during at least one semester of any twelve month period.

(f) At the time of employment, the Chief Administrative Officer may credit an employee with tenure-earning service from another institution of higher education, however, such credit shall be limited to not more than two years of tenure-earning service for an assistant professor, not more than three years for an associate professor, and not more than four years for a professor. All prior SUS tenure-earning service shall be credited toward tenure unless otherwise agreed at the time of employment.

(g) Time spent on a joint appointment or approved personnel exchange program of the university, or a special assignment which benefits the university shall be counted toward tenure eligibility. Time spent away from the University for other purposes shall not be counted toward tenure eligibility.

(h) Time spent on paid leave shall be tenure-earning unless otherwise agreed at the time of such leave. Time spent on unpaid leave shall not be credited as tenure-earning except as approved by the Chief Administrative Officer.

(i) The recommendation of an employee for tenure shall signify that the Chief Administrative Officer is satisfied the employee will continue to make significant professional contributions to the University and the academic community.

Upon recommendation by the Chief Administrative Officer and approval by the Board, tenure shall be awarded.

~~_____ (j) _____ With sufficient justification, tenure may also be recommended by the Chief Administrative Officer and approved by the Board at the time on initial appointment or prior to the sixth year of tenure-earning service.~~

~~_____ (k) _____ Transfer of tenure shall be at the discretion of the University to which the employee is transferring.~~

~~_____ (2) _____ Permanent status for USPS employees shall be administered consistent with the following provisions.~~

~~_____ (a) _____ An employee earns permanent status in the class after successful completion of the designated probationary period and has rights to remain in the class or to contest adverse action taken against the employee while serving in the class.~~

~~_____ (b) _____ An employee with permanent status filling a time-limited position shall not have retention rights or other rights provided under layoff and recall provisions.~~

~~_____ (c) _____ An employee without permanent status in any class may be terminated at any time without the right to appeal such action.~~

Authority: Section 7(d), Art. IX, Fla. Const., History—~~New 1-24-96, 1-30-97, 8-17-99.~~