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April 9, 1964

University of North Dakota

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MINUTES OF THE UNIVERSITY SENATE MEETING

April 9, 1964

(NOT TO BE MADE AVAILABLE TO NON-FACULTY MEMBERS)

1.

A meeting of the University Senate was held at 4:00 p.m. on Thursday, April 9, 1964, in Room 415 of Twamley Hall with Mr. Sprinkle presiding.

2.

The following members of the Senate were present:

Bjork, Alton J.	Heyse, Margaret	Pedersen, Ilaine
Boehle, William R.	Holland, F. D., Jr.	Robertson, Donald J.
Bullard, Charles W.	Koenker, William E.	Robinson, Elwyn B.
Cash, William L., Jr.	Kolstoe, Ralph H.	St. Clair, F. Y.
Clifford, Thomas J.	Koth, Arthur W.	Sprinkle, R. Leo
Cooley, Albert M.	Laird, Wilson M.	Thomforde, Clifford J.
Curry, Myron M.	MacKichan, Ruth	Tomasek, Henry J.
Cushman, M. L.	Marwin, Richard M.	Wheeler, George C.
Dixon, John D.	McKenzie, Ruby M.	Wills, Bernt L.
Ford, Donald H.	Naismith, D. P.	
Henderson, J. Donald	Pearce, Donald J.	

The following members were absent:

Starcher, George W.	Hamre, Christopher J.	Reiten, Palmer J.
Caldwell, Robert A.	Harwood, Theodore H.	Severson, Roland G.
Crabb, John H.	Jackson, Ronald E.	Walden, Jerrold
Facey, Vera	Kannowski, Paul B.	White, James P.
Gillmor, Don	Penn, John S.	Witmer, Robert B.
Hamerlik, Gerald	Reeves, Mary E.	

3.

The proposal on pre-registration appearing in the agenda was withdrawn by Mr. St. Clair, the proposer, prior to its consideration by the Senate.

4.

Mr. Koenker moved the adoption of the Policy Statement on Tenure on pages 141-143 of the minutes. The motion was seconded, voted upon, and carried.

5.

The meeting adjourned at 4:35 p.m.

R. M. McKenzie
Secretary

It is the belief of the North Dakota State Board of Higher Education that the state-supported institutions of higher education in North Dakota should operate under a general uniform policy on tenure. The Board also believes that each institution should establish its own constitution and by-laws within the authority and general policy of the Board.

Section 15-1017 of the North Dakota Century Code provides that the State Board of Higher Education has the power to employ and remove all employees of the several institutions under its control and to fix salaries and terms of office and prescribe the duties thereof, and adopt rules, regulations and by-laws for the government of each institution and the departments and branches thereof. The State Board of Higher Education holds firmly to its conviction that academic freedom and economic security are indispensable to the success of an educational institution in fulfilling its obligations to its students and to society.

1.

Tenure is defined to mean the permanent or continuous appointment of teaching faculty members and professional staff excluding presidents and deans. Tenure shall be granted to all eligible persons, including professors, associate and assistant professors, and instructors, upon satisfactory completion of six academic years of service to the institution except that at the two universities instructors shall be appointed for one year and may be reappointed for additional years up to a maximum of six years. At the end of six years, if not before, an instructor shall either be promoted to a higher rank or his service shall be terminated automatically except that in the case of special instructors, part-time instructors and lecturers, the dean and president may consider other action and so recommend to the North Dakota State Board of Higher Education. Individuals with previous professional experience at other institutions may, at the discretion of the dean and president, be given certain credit for this experience not to exceed five years. Persons with two years of previous professional experience at other institutions shall be granted a minimum of one year of credit. Persons with three or more years of previous professional experience at other institutions shall be granted a minimum of two years of credit.

2.

The services of a person with tenure shall be terminated only for adequate cause. The specific reason for the proposed termination of the appointment of a person with tenure shall be made by notice in writing by the president and presented to the person involved and to the State Board of Higher Education. The date of termination shall be twelve months from the date of final approval of the dismissal action by the State Board of Higher Education.

If the faculty member's continued presence in the classroom is shown to be clearly harmful to the institution, suspension by the president may take place immediately subject to the State Board of Higher Education.

When approval of a decision to dismiss except in a case involving moral turpitude is given by the State Board of Higher Education in accordance with the provisions and procedure delineated in Section 3, the faculty member's annual salary, as stated in his last previous salary notice, will be paid to him within the year following the date of final approval by the State Board.

In the event a reduction in staff becomes necessary because of financial stress, legislative action, loss in enrollment, consolidation of departments, or dropping of courses, the termination of the appointment of a person with tenure shall be bona fide; consideration shall be given to departmental seniority in the retention of faculty members. The position shall not be filled for at least two years unless the person dropped from the position has been given an opportunity to return to it.

Notice of termination of services of faculty members, including those holding probationary appointments shall be according to the following schedule:

- (1) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- (2) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- (3) At least twelve months before the expiration of an appointment after two or more years in the institution.

3.

A person with tenure who has been recommended for dismissal shall, if he desires, be granted a hearing by the Tenure Committee upon written request to the president. His request must be made within fifteen (15) days after receipt of the notice of intent of termination of appointment from the president. A person who has been recommended for dismissal may appear with counsel and witnesses before the Tenure Committee.

The Tenure Committee shall consist of five members with tenure status elected for a five year period by members of the faculty holding tenure. The Tenure Committee will elect its own chairman from within its membership.

The person against whom charges are made shall be informed in writing of the charges against him at least fifteen (15) days before the hearing.

At the hearing, the person against whom charges have been made will be given the opportunity to present evidence and witnesses in support of his position. He may be assisted by counsel and shall also be given the opportunity to cross-examine witnesses or any persons submitting evidence against him. Hearings may be public at the discretion of the Tenure Committee.

The person against whom charges have been made shall have the right to be present or represented at all hearings and appellate procedures where evidence is offered or where argument is heard relating to his case.

After the completion of the hearing the Committee shall submit in writing to the person being discharged, the president of the institution, and the Board a careful evaluation of the evidence and the Committee's recommendation, together with a complete record of the hearing.

In the event that the Board does not concur with the recommendation of the Tenure Committee, a joint meeting of the Tenure Committee, the Board, and any others deemed advisable by the Board shall be held before final action is taken by the Board.

4.

The president shall notify in writing all persons of their tenure status upon appointment or upon any change of status, and each action shall be so certified to the North Dakota State Board of Higher Education.

NOTE: The period of six (6) years of satisfactory service to the institution necessary to acquire tenure, as set forth in Section 1, shall not apply to those persons who commenced their service or were employed at the institution prior to adoption of this policy by the State Board of Higher Education. The three year service requirement of the tenure policy, dated July 1959, shall apply to these persons.

--Approved by State Board of Higher
Education, March 24, 1964