

HIGHER EDUCATION TENURE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 53B, Chapter 2, Institutions of Higher Education, by ending academic tenure at public universities in Utah.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an institution of higher education from offering an individual a tenure-track position on or after July 1, 2011; and
- ▶ prohibits an institution of higher education from offering academic tenure to an individual who is not already in a tenure-track position on July 1, 2011.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2011.

Utah Code Sections Affected:

ENACTS:

53B-2-106.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-2-106.5** is enacted to read:



28 **53B-2-106.5. Academic tenure in higher education.**29 (1) As used in this section:30 (a) "Academic tenure" means a teaching or research position at an institution of higher
31 education that is permanent until retirement and can only be revoked for cause after due
32 process.33 (b) "Institution of higher education" means:34 (i) the University of Utah;35 (ii) Utah State University;36 (iii) Weber State University;37 (iv) Southern Utah University;38 (v) Snow College;39 (vi) Dixie State College of Utah;40 (vii) Utah Valley University; ~~H~~→ or ←~~H~~41 (viii) Salt Lake Community College ~~H~~→ [~~;~~and] .42 ~~[(ix) the Utah College of Applied Technology.]~~42a (c) **"Research institution" means:**42b (i) **the University of Utah; or**42c (ii) **Utah State University.**43 ~~[(c)]~~ (d) ~~←H~~ **"Tenure-track position" means a teaching or research position**43a at an institution of44 higher education that is intended to lead to academic tenure.45 (2) An institution of higher education:46 (a) may not offer a professor, researcher, or other instructor a tenure-track position;47 (b) may offer a professor, researcher, or other instructor an academic-tenure position if48 the individual began employment in a tenure-track position before July 1, 2011; and49 (c) may not offer academic tenure to an individual who was not in a tenure-track50 position at the institution before July 1, 2011.51 (3) The provisions of this section do not affect:52 (a) the rights of an individual who already has academic tenure; or53 (b) the rights of an individual who accepts a tenure-track position before July 1, 2011.53a ~~H~~→ (4) **This section does not prohibit a research institution from:**53b (a) **offering a teaching or research contract to an individual if the contract term does**
53c **not exceed ten years; or**53d (b) **renewing a teaching or research contract, if the contract renewal term does**
53e **not exceed ten years.** ←~~H~~54 Section 2. **Effective date.**55 This bill takes effect on July 1, 2011.

Legislative Review Note
as of 2-9-11 12:54 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 485

SHORT TITLE: **Higher Education Tenure**

SPONSOR: **Herrod, C.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.