

**HIGHER EDUCATION TENURE**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

Senate Sponsor: \_\_\_\_\_

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**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

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*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;

41 (viii) Salt Lake Community College; and

42 (ix) the Utah College of Applied Technology.

43 (c) "Tenure-track position" means a teaching or research position at an institution of  
44 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 if  
48 the individual began employment in a tenure-track position before July 1, 2011; and

49 (c) may not offer academic tenure to an individual who was not in a tenure-track  
50 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; or

53 (b) the rights of an individual who accepts a tenure-track position before July 1, 2011.

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.