



**SUMMARY OF ITEM FOR ACTION,  
INFORMATION OR DISCUSSION**

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**TOPIC:** Changes to BOR Bylaws and Policy II-1.00 – Approval of Tenure for Presidents and Chancellor

**COMMITTEE:** Organization and Compensation Committee

**DATE OF COMMITTEE MEETING:** May 4, 2016

**SUMMARY:** The faculty at USM institutions may review and recommend a president or Chancellor for tenure as a member of the faculty in accordance with the institution's tenure review policies and procedures. However, once tenure is recommended, the BOR bylaws and policies do not specify a process for granting final tenure approval. The attached amendments to the BOR Bylaws, Article IV, Section 5 and BOR Policy II-1.00 provides a process for the Chancellor to grant final tenure approval for presidents and the Board of Regents to grant final tenure approval for the Chancellor.

**ALTERNATIVES(S):** The Committee can decide not to approve the recommended changes.

**FISCAL IMPACT:** Negligible

**CHANCELLOR'S RECOMMENDATION:** The Organization and Compensation Committee recommend that the Board of Regents approve the recommended changes to provide a specific process for the approval of tenure for presidents and Chancellor once the faculty recommend that tenure be granted.

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COMMITTEE RECOMMENDATION: Recommend approval.      DATE: May 4, 2016

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BOARD ACTION:      DATE:

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SUBMITTED BY: Janice Doyle, (301) 445-1906, jdoyle@usmd.edu

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BYLAWS OF THE BOARD OF REGENTS  
OF THE UNIVERSITY SYSTEM OF MARYLAND

(Adopted by the Board of Regents, April 5, 1989; Amended, September 27, 1990; Amended February 27, 1991; Amended June 9, 1995; Amended August 25, 1995; Amended December 1, 1995; Amended April 12, 1996; Amended April 4, 1997, Amended December 8, 2000, Amended August 23, 2002; Amended September 12, 2003; Amended December 12, 2003, Amended October 21, 2005, Amended September, 2008, Amended April 15, 2011, Amended December 7, 2012, Amended April 11, 2014; Amended \_\_\_\_\_)

ARTICLE IV  
THE CHIEF EXECUTIVE OFFICER OF THE UNIVERSITY SYSTEM OF MARYLAND  
AND CHIEF OF STAFF TO THE BOARD OF REGENTS

Section 1. After a thorough search, the Board of Regents shall appoint a qualified person as Chancellor of the University System of Maryland.

Section 2. The Chancellor is the Chief Executive Officer of the University System of Maryland and the Chief of Staff for the Board.

Section 3. The Chancellor serves at the pleasure of the Board and is entitled to the compensation established by the Board.

Section 4. The Chancellor shall advise the Board of Regents on System-wide policy; conduct System-wide planning; coordinate and arbitrate among the institutions and centers of the University; assist the institutions in achieving performance goals in accordance with their adopted performance accountability plans; provide technical assistance to institutions and centers such as legal and financial services; perform the duties the Board of Regents assigns and that are required by Title 12 of the Education Article, Maryland Annotated Code; and see that the policies of the Board of Regents are carried out.

Section 5. The Chancellor, in carrying out the duties assigned, shall be the Chief Executive Officer of the System Office. Subject to the authority and applicable regulations and policies of the Board, the Chancellor shall appoint, promote, fix salaries, grant tenure, assign duties and terminate personnel in the System Office and other components not included in constituent institutions. Upon written confirmation by a constituent institution that the president has been reviewed and is recommended for tenure as a member of the faculty in accordance with the institution's tenure review policies and procedures, the Chancellor may grant final tenure approval.

## USM Bylaws, Policies and Procedures of the Board of Regents

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### II - 1.00 UNIVERSITY SYSTEM POLICY ON APPOINTMENT, RANK, AND TENURE OF FACULTY

(Approved by the Board of Regents, April 5, 1989; Amended November 12, 1993; Amended October 6, 1995; Amended April 4, 1997; Amended July 11, 1997; Amended July 10, 1998; Amended December 4, 1998; Amended April 7, 2000; Amended October 27, 2000; Amended December 8, 2000; Technical Amendment September, 2002; Amended February 21, 2003; Amended October 22, 2004; Amended June 22, 2005 {1st Paragraph Page 17 added}, Amended June 20, 2008; Amended April 13, 2012; Amended \_\_\_\_\_)

This policy describes the general criteria and procedures related to faculty personnel actions, which shall apply to all constituent institutions of the University of Maryland System. The specific criteria for the appointment, promotion, and granting of tenure to faculty by constituent institutions are dependent upon institutional mission. Final authority for the appointment, promotion, and granting of tenure of faculty resides in the chief executive officer of the institution, except that the Chancellor has final authority for granting tenure to a president, and the Board of Regents has final authority for granting tenure to a Chancellor.

#### I. APPOINTMENT OF FACULTY

##### A. SEARCH PROCESS FOR FULL-TIME FACULTY

1. Each constituent institution and the System Office shall have written procedures to describe the search process for full-time faculty members. These procedures shall anticipate and describe the manner in which all new faculty members will be recruited, including special arrangements for inter-institutional appointments, interdepartmental appointments, and appointments in new academic units. A copy of these procedures shall be filed in the office of the Chancellor.
2. Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances shall a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purposes of consideration for tenure.
3. Search procedures shall reflect the commitment of the institution and the System to equal opportunity and affirmative action, and shall be widely publicized within the institution.
4. Faculty review committees are a part of the review and recommendation process for new full-time faculty appointments. In principle, the procedures which lead to faculty appointments should hold to standards at least as rigorous as those that pertain to promotions to the same academic ranks.

##### B. OFFERS OF APPOINTMENT

1. A final offer of appointment can be made only with the approval of the chief executive officer of the institution, or designee.
2. All faculty appointments shall be made to a designated rank and shall be effective on a specific date. Each institution shall develop a standard contract or letter of appointment for each rank and tenure status, which shall be approved by the Office of the Attorney General for form and legal sufficiency. Each institution shall also develop a faculty handbook, which shall include system-wide policies and procedures approved by the Board of Regents and

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institutional policies and procedures approved by the chief executive officer of the institution that set forth faculty rights and responsibilities. The contract or letter of appointment shall constitute a contractually binding agreement between the institution and the appointee.

### C. PROVISIONS RELATED TO APPOINTMENTS, PROMOTION, TENURE, AND PERMANENT STATUS

1. Tenure status as a member of the faculty of a constituent institution, held concurrently by the chief executive officer of the University is separate and distinct from the administrative office, and such tenure status is governed by the tenure policies of the relevant constituent institution, except that the final written approval is granted by the Chancellor. Those tenure policies have no bearing upon and do not govern the administrative appointment.
2. Tenure status as a member of the faculty of a constituent institution, held concurrently by the Chancellor of the University System of Maryland is separate and distinct from the administrative office, and such tenure status is governed by the tenure policies of the relevant constituent institution, except that the final written approval is granted by the Board of Regents. Those tenure policies have no bearing upon and do not govern the administrative appointment.

The following provisions are to be furnished to all new faculty at time of initial appointment.

1. Adjustments in salary or advancement in rank may be made under these policies, and, except where a definite termination date is a condition of appointment, the conditions pertaining to the rank as modified shall become effective as of the date of the modification. For tenure-track appointments, the year in which the appointee is entitled to tenure review under this policy ("mandatory tenure-review year") shall be specified in the original and subsequent contracts/letters of appointment. Tenure review shall occur in that year unless otherwise agreed in writing by the institution and the appointee. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.
2. Appointments and reappointments to the rank of full-time Instructor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time Instructor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of nonrenewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of Instructor may be terminated at any time in accordance with paragraphs I.C.6 through I.C.11.

Tenure in the rank of Instructor can be awarded only by an affirmative decision based upon a formal review. An Instructor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service commencing on or after July 1, 1990, shall receive no later than during that sixth year a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place.