

Senate File 41 - Introduced

SENATE FILE 41

BY ZAUN

A BILL FOR

1 An Act prohibiting tenure systems at public postsecondary
2 educational institutions, and including applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 260C.36, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. This section shall not be construed to
4 authorize the board of directors of the community college to
5 establish a tenure system for any employee of the community
6 college.

7 Sec. 2. Section 262.9, Code 2021, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 39. Prohibit, at each institution of
10 higher learning governed by the state board of regents,
11 the establishment or continuation of a tenure system for
12 any employee of the institution. Acceptable grounds for
13 termination of employment of any member of the faculty
14 shall include but not be limited to just cause, program
15 discontinuance, and financial exigency. Each institution of
16 higher learning governed by the board shall adopt a written
17 statement enumerating employment agreements, annual performance
18 evaluations of all faculty members, minimum standards of good
19 practice, standards for review and discipline of faculty
20 members, and policies with regard to dismissal for cause,
21 program discontinuance, and financial exigency. The dean of
22 a college at an institution governed by the state board of
23 regents and the president of the institution shall employ
24 faculty as necessary to carry out the academic duties and
25 responsibilities of the college.

26 Sec. 3. Section 262.12, Code 2021, is amended to read as
27 follows:

28 **262.12 Committees and administrative offices under board.**

29 The board of regents shall also have and exercise all
30 the powers necessary and convenient for the effective
31 administration of its office and of the institutions under
32 its control, and to this end may create such committees,
33 offices and agencies from its own members or others, and employ
34 persons to staff the same, fix their compensation and ~~tenure~~
35 and delegate thereto, or to the administrative officers and

1 faculty of the institutions under its control, such part of the
2 authority and duties vested by statute in the board, and shall
3 formulate and establish such rules, outline such policies and
4 prescribe such procedures therefor, all as may be desired or
5 determined by the board as recorded in their minutes.

6 Sec. 4. Section 262.82, subsection 2, Code 2021, is amended
7 to read as follows:

8 2. The board of regents shall also establish a program
9 to create faculty opportunities for women educators at the
10 universities under the board's control. The program shall
11 include but is not limited to the creation of faculty positions
12 in targeted shortage areas. The board of regents shall also
13 develop and implement, in consultation with appropriate faculty
14 representatives, ~~tenure~~, ~~promotion~~, and hiring policies that
15 recognize the unique needs of faculty members who are principal
16 caregivers to dependents.

17 Sec. 5. APPLICABILITY. The section of this Act amending
18 section 262.9 does not apply to a faculty member who entered
19 into an employment contract with an institution of higher
20 learning governed by the state board of regents prior to July
21 1, 2021, unless such contract is renewed on or after July 1,
22 2021.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill directs the state board of regents to prohibit
27 the establishment or continuation of a tenure system at the
28 regents universities for any employee of a regents university,
29 and provides that the provision in the Code which authorizes
30 community college administrations to establish quality faculty
31 planning committees shall not be construed to authorize a
32 community college to establish a tenure system for any employee
33 of the community college.

34 The bill provides that acceptable grounds for termination
35 of employment of any member of a regents university's faculty

1 shall include but not be limited to just cause, program
2 discontinuance, and financial exigency. Each university is
3 directed to adopt a written statement enumerating employment
4 agreements, annual performance evaluations of all faculty
5 members, minimum standards of good practice, standards for
6 review and discipline of faculty members, and policies with
7 regard to dismissal for cause, program discontinuance, and
8 financial exigency. The bill provides that each dean of a
9 college at a regents university and the president of the
10 university shall employ faculty as necessary to carry out the
11 academic duties and responsibilities of the college.

12 The provision relating to faculty members employed by
13 regents universities does not apply to a faculty member who
14 entered into an employment contract with a regents university
15 prior to July 1, 2021, unless such contract is renewed on or
16 after July 1, 2021.

17 The bill makes corresponding changes in the Code.