F I S C A L   I M P A C T   R E P O R T

	ORIGINAL DATE 02/07/13	
SPONSOR HEC	**LAST UPDATED** 02/14/13	**HB** 23/HECS
SHORT TITLE Higher Ed Faculty Tenure Conditions		**SB**

ANALYST Roberts

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	**FY14**	**FY15**	**3 Year Total Cost**	**Recurring or Nonrecurring**	**Fund Affected**
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION
LFC Files

Responses Received From
Higher Education Department (HED)
Western New Mexico University (WNMU)
New Mexico State University (NMSU)
Department of Finance and Administration (DFA)

No Responses Received From
Eastern New Mexico University (ENMU)
New Mexico Institute of Mining and Technology (NMIMT)
New Mexico Highlands University (NMHU)
University of New Mexico (UNM)

SUMMARY

Synopsis of Bill

House Bill 23 amends requirements currently in statute for granting faculty tenure at higher education institutions. The bill changes Section 21-1-7.3 NMSA 1978, "shall" to "may," adds in "and promotion" after granting tenure, and also eliminates "solely" which allows institutions to grant tenure under four requirements: 1) teaching ability, 2) scholarships, 3) community service, and 4) entrepreneurial or commercialization activities.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

The HED notes that the Boards of Regents at all state baccalaureate degree-granting educational institutions would be required to study the options, advantages and disadvantages of developing a procedure for granting tenure based on the four stated criteria. Tenure awarded to faculty of members at institutions of higher education, nationally, have traditionally been based on three measures; teaching, scholarship (measured primarily by the number and quality of publications), and service (membership on institutional committees). The expansion in this amendment to community-based service varies from the traditional definition of service as expressed above. The addition of entrepreneurial or commercialization activities would impact faculty in different ways. For instance, a faculty member in the fields of science or technology may more easily satisfy this criterion than a member in the humanities.

A review of tenure awarding criteria at a number of New Mexico universities highlights:
- NMHU: teaching, research and publications, and public service (including service to the institution)
- NMIMT: teaching (40%), research (40%), and service (20%)

The NMSU notes that the bill's expanded areas of evaluation for tenure more closely resemble actual practices. Current law specifies that teaching is the only element to evaluate for tenure. This has never been the case for research institutions. Scholarly and commercialization or entrepreneurial activities are already considered under our system. Some of the research activities can often lead to economic/entrepreneurial opportunities for the state and the nation.

The WNMU cites that institutions may need to amend tenure policies to reflect current best practice in higher education which includes all of the above areas in determining faculty members' performance.

ADMINISTRATIVE IMPLICATIONS

The Board of Regents at all New Mexico baccalaureate degree-granting educational institutions would be required to implement the procedure for granting tenure based on the four stated criteria: 1) teaching ability, 2) scholarships, 3) community service, and 4) entrepreneurial or commercialization activities.

MIR/blm