

LEGISLATIVE HISTORY OF R.S.18A:60-6
(State and County College Tenure Act)

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Previous Bills:

- 1968 - S645 - No statement.
- 1969 - S459 - No statement - Identical to S645 of 1968.
- 1970 - A1089 ACS - No statement. Copy enclosed of original bill and the Assembly Committee Substitute. Lost in Assembly.

- L.1973 - Chap.163 - A328.
 Prefiled for introduction by Ewing.
 April 12 - Passed in Assembly, amended.
 April 26 - Passed in Senate.
 June 7 - Approved, chapter 163, 1973.
 No statement.
 Amended (copy enclosed).

Hearings and reports

974.90 New Jersey. Legislature. Assembly.
 C697 Committee on Education.
 1970g Hearing held October 19, 1970

974.90 New Jersey "Committee to Implement A328
 C697 Final report
 1973m

Newspaper clippings: A few from the file (N.J. Education-Tenure) are listed and copies enclosed. Many more are in this file and are available at the State Library.

Witherspoon, Roger "College Tenure: Assembly passes 5-year teacher probation" Newark Star Ledger, April 13, 1973.

"Assembly votes tenure bill for Jersey colleges" Bergen Record, April 13, 1973.

"College tenure measure approved" Newark Star Ledger, April 27, 1973

Olick, Alice "Tenure alternative studied by Assenbly" Bergen Record, May 10, 1973.

Comments also enclosed from the Legislative Bill file maintained by the State Library.

JH/EH
Encl.

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[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 328

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Assemblyman EWING

AN ACT concerning tenure for certain State and county college faculty members and supplementing chapter 60 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as “The **State and*
2 *County** College Tenure Act.”

1 2. As used in this act, the following words and phrases shall
2 have the following meaning:

3 a. “Academic rank” means instructor, assistant professor, asso-
4 ciate professor and professor.

5 b. “Faculty member” means any full-time member of the **[pro-*
6 *fessional]* *teaching** staff appointed with academic rank **[*more
7 than 50% of whose professional responsibilities are directly related
8 to instruction in a classroom, laboratory or a position which re-
9 quires similar training, experience and responsibility and shall not
10 include any administrative officer *]* *Pursuant to rules promulgated*
11 *by the State Board of Higher Education, other full-time profes-*
12 *sional persons shall be considered faculty members if they con-*
13 *currently hold academic rank*.*

1 3. Faculty members shall be under tenure **in their academic*
2 *rank, but not in any administrative position,** during good behavior,
3 efficiency and satisfactory professional performance, as evidenced
4 by **[a]** formal evaluation **[conducted pursuant to section 5 of*
5 *this act,]** and shall not be dismissed or reduced in compensation
6 except for inefficiency, unsatisfactory professional performance,
7 incapacity **[*conduct unbecoming a faculty member *]** or other just
8 cause and then only in the manner prescribed by subarticle B of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

9 article 2 of chapter 6 of Title 18A of the New Jersey Statutes, after
9A employment in such college or by such board of trustees for

10 a. 5 consecutive calendar years; or

11 b. 5 consecutive academic years, together with employment at
12 the beginning of the next academic year; or

13 c. the equivalent of more than 5 academic years within a period
14 of any 6 consecutive academic years.

15 *~~Any~~ faculty member having tenure who is appointed to an ad-
16 ministrative position shall retain his tenure as a faculty member;
17 provided, further, in the event employment in the new position is
18 terminated, the faculty member shall be returned to his former
19 position at the salary he would have received had the appointment
20 not occurred together with any increase to which he would have
21 been entitled during the period of such appointment.]*

1 4. Notwithstanding the provisions of section 3 of this act a board
2 of trustees may, *as an exceptional action and* upon the recorded
3 *two-thirds* majority roll call vote of all its members and upon the
4 recommendation of the president, grant tenure to an individual
5 faculty member after employment in such college or by such board
6 of trustees for 2 consecutive academic years. The provisions of
7 this section shall not be negotiable as a term and condition of em-
8 ployment under the "New Jersey Employer-Employee Relations
9 Act," P. L. 1968, c. 303.

1 5. Under guidelines established by the State Board of Higher
2 Education it shall be the responsibility of the board of trustees
3 and the president of each State and county college*, *in conjunction*
4 *with their faculty** to establish a formal procedure for the ~~evalua-~~
5 ~~tion~~* *career development** of all members of the professional
6 staff ~~based on good behavior, efficiency and satisfactory pro-~~
7 ~~fessional performance; provided, however, that each faculty~~
8 ~~member shall be evaluated at least twice in each academic year to~~
9 ~~be followed by a conference between the faculty member and his~~
10 ~~superior or superiors~~* *including, but not limited to, a systematic*
11 *and regular evaluation** for the purpose of identifying any defi-
12 ciencies, extending assistance for their correction and improving
13 instruction.

1 6. The provisions of section 3 of this act shall not apply to any
2 faculty member who shall have acquired tenure prior to the second
3 day of the ~~1972-73~~* *1973-74** school year.

1 7. Any nontenured faculty member presently employed by a
2 State or county college or who begins employment in the ~~1972-~~
3 ~~73~~* *1973-74** school year may elect to be included under the pro-

4 visions of N. J. S. 18A:60-1 or the provisions of section 3 of this act.
 5 On or before November 1, ***[1972]*** **1975**, or within 60 days of em-
 6 ployment each nontenured faculty member at a State or county
 7 college shall notify the college president in writing of his intention
 8 to be governed under the provisions of N. J. S. 18A:60-1 or the
 9 provisions of section 3 of this act. Any faculty member not filing a
 10 written notice in the prescribed manner shall be governed under the
 11 provisions of section 3 of this act.

1 8. The provisions of section 3 of this act shall apply to all faculty
 2 members beginning their employment after the ***[1972-73]*** **1973-*
 3 *74** school year.

1 9. ***[Any full-time professional employee may be employed under**
 2 **a contract, by the board of trustees, for a term or terms not to**
 3 **exceed 5 years.]*** **Members of the professional staff not holding*
 4 *faculty rank may be appointed by a board of trustees for 1-year*
 5 *terms; provided, however, that after employment in a college for 5*
 6 *consecutive academic years, such employees may be offered con-*
 7 *tracts of no more than 5 years in length. During the period of such*
 8 *contracts, such employees shall be subject to dismissal only in the*
 9 *manner prescribed by subarticle B of article 2 of chapter 6 of Title*
 10 *18A of the New Jersey Statutes, and must be notified by the presi-*
 11 *dent not later than 1 year prior to the expiration of such contracts*
 12 *of the renewal or nonrenewal of the contract.**

1 10. This act shall apply to full-time faculty members employed
 2 in any State or county college notwithstanding the provisions of
 3 N. J. S. **18A:60-1,** 18A:64-21 and 18A:64A-13.

1 11. This act shall take effect on July 1 next following its
 2 enactment.

ASSEMBLY, No. 328

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Assemblyman EWING

AN ACT concerning tenure for certain State and county college faculty members and supplementing chapter 60 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The College
2 Tenure Act."

1 2. As used in this act, the following words and phrases shall
2 have the following meaning:

3 a. "Academic rank" means instructor, assistant professor, asso-
4 ciate professor and professor.

5 b. "Faculty member" means any full-time member of the pro-
6 fessional staff appointed with academic rank, more than 50% of
7 whose professional responsibilities are directly related to instruc-
8 tion in a classroom, laboratory or a position which requires similar
9 training, experience and responsibility and shall not include any
10 administrative officer.

1 3. Faculty members shall be under tenure during good behavior,
2 efficiency and satisfactory professional performance, as evidenced
3 by a formal evaluation conducted pursuant to section 5 of this act,
4 and shall not be dismissed or reduced in compensation except for
5 inefficiency, unsatisfactory professional performance, incapacity,
6 conduct unbecoming a faculty member or other just cause and then
7 only in the manner prescribed by subarticle B of article 2 of chapter
8 6 of Title 18A of the New Jersey Statutes, after employment in
9 such college or by such board of trustees for

10 a. 5 consecutive calendar years; or

11 b. 5 consecutive academic years, together with employment at
12 the beginning of the next academic year; or

13 c. the equivalent of more than 5 academic years within a period
14 of any 6 consecutive academic years.

15 Any faculty member having tenure who is appointed to an ad-
16 ministrative position shall retain his tenure as a faculty member;
17 provided, further, in the event employment in the new position is
18 terminated, the faculty member shall be returned to his former
19 position at the salary he would have received had the appointment
20 not occurred together with any increase to which he would have
21 been entitled during the period of such appointment.

1 4. Notwithstanding the provisions of section 3 of this act a board
2 of trustees may, upon the recorded majority roll call vote of all
3 its members and upon the recommendation of the president, grant
4 tenure to an individual faculty member after employment in such
5 college or by such board of trustees for 2 consecutive academic
6 years. The provisions of this section shall not be negotiable as a
7 term and condition of employment under the "New Jersey Em-
8 ployer-Employee Relations Act," P. L. 1968, c. 303.

1 5. Under guidelines established by the State Board of Higher
2 Education it shall be the responsibility of the board of trustees
3 and the president of each State and county college to establish a
4 formal procedure for the evaluation of all members of the pro-
5 fessional staff based on good behavior, efficiency and satisfactory
6 professional performance; provided, however, that each faculty
7 member shall be evaluated at least twice in each academic year to
8 be followed by a conference between the faculty member and his
9 superior or superiors for the purpose of identifying any deficiencies,
10 extending assistance for their correction and improving instruction.

1 6. The provisions of section 3 of this act shall not apply to any
2 faculty member who shall have acquired tenure prior to the second
3 day of the 1972-73 school year.

1 7. Any nontenured faculty member presently employed by a
2 State or county college or who begins employment in the 1972-73
3 school year may elect to be included under the provisions of N. J. S.
4 18A:60-1 or the provisions of section 3 of this act. On or before
5 November 1, 1972, or within 60 days of employment each nontenured
6 faculty member at a State or county college shall notify the college
7 president in writing of his intention to be governed under the pro-
8 visions of N. J. S. 18A:60-1 or the provisions of section 3 of this
9 act. Any faculty member not filing a written notice in the prescribed
10 manner shall be governed under the provisions of section 3 of
11 this act.

1 8. The provisions of section 3 of this act shall apply to all faculty
2 members beginning their employment after the 1972-73 school year.

1 9. Any full-time professional employee may be employed under

2 a contract, by the board of trustees, for a term or terms not to
3 exceed 5 years.

1 10. This act shall apply to full-time faculty members employed
2 in any State or county college notwithstanding the provisions of
3 N. J. S. 18A:64-21 and 18A:64A-13.

1 11. This act shall take effect on July 1 next following its
2 enactment.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 328

STATE OF NEW JERSEY

ADOPTED MARCH 19, 1973

Amend page 1, section 1, line 1, after "The", insert "State and County".

Amend page 1, section 2, lines 5-6, omit "professional", insert "teaching".

Amend page 1, section 2, lines 6-10, after "rank", omit remainder of sentence, and insert "."; add an additional sentence as follows: "Pursuant to rules promulgated by the State Board of Higher Education, other full-time professional persons shall be considered faculty members if they concurrently hold academic rank."

Amend page 1, section 3, line 1, after "tenure", insert "in their academic rank, but not in any administrative position,".

Amended page 1, section 3, line 3, after "by", omit "a"; omit "conducted pursuant to section 5 of this act,".

Amend page 1, section 3, lines 5-6, omit ", conduct unbecoming a faculty member".

Amend page 2, section 3, lines 15-21, omit entire paragraph.

Amend page 2, section 4, line 2, after "may," insert "as an exceptional action and"; after "recorded", insert "two-thirds".

Amend page 2, section 5, line 3, after "college", insert ", in conjunction with their faculty".

Amend page 2, section 5, line 4, omit "evaluation", insert "career development".

Amend page 2, section 5, lines 5-9, omit "based on good behavior, efficiency and satisfactory professional performance; provided, however, that each faculty member shall be evaluated at least twice in each academic year to be followed by a conference between the faculty member and his superior or superiors", insert "including, but not limited to, a systematic and regular evaluation".

Amend page 2, section 6, line 3, omit "1972-73", insert "1973-74".

Amend page 2, section 7, line 2, omit "1972-73", insert "1973-74".

Amend page 2, section 7, line 5, omit "1972", insert "1973".

Amend page 2, section 8, line 2, omit "1972-73", insert "1973-74".

Amend pages 2-3, section 9, lines 1-3, omit entire sentence, and insert the following paragraph:

"Members of the professional staff not holding faculty rank may be appointed by a board of trustees for 1-year terms; provided, however, that after employment in a college for 5 consecutive academic years, such employees may be offered contracts of no more than 5 years in length. During the period of such contracts, such employees shall be subject to dismissal only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes, and must be notified by the president not later than 1 year prior to the expiration of such contracts of the renewal or nonrenewal of the contract."

Amend page 3, section 10, line 3, after "N. J. S.", insert "18A:60-1,".

ASSEMBLY, No. 1089

STATE OF NEW JERSEY

INTRODUCED MAY 11, 1970

By Assemblymen EWING, COSTA, Assemblywoman FENWICK,
Assemblyman KEAN

Referred to Committee on Education

AN ACT providing tenure for certain State and county college faculty members and supplementing chapter 60 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known as "The College Tenure Act of 1970."

1 2. Definitions. a. "Academic rank" means instructor, assistant
2 professor, associate professor and professor.

3 b. "Academic year" means the period between the time the
4 college opens after the general summer vacation until the next
5 succeeding summer vacation.

6 c. "Faculty member" means any member of the professional
7 staff who possesses the professional qualifications to hold and is
8 appointed with academic rank.

1 3. The services of all full-time faculty members employed in
2 any State college or county college shall be under tenure during
3-4 good behavior and satisfactory professional performance once
5 tenure has been granted by the college board of trustees. The board
6 of trustees must grant tenure to a full-time faculty member follow-
7 ing a probationary period not to exceed 7 years of employment or
8 notify the faculty member of non-reappointment.

1 4. Any full-time professional employee who is not given academic
2 rank and hence is not eligible for tenure as a faculty member may
3 be given an employment contract of longer than 1 year for purposes
4 of job security.

1 5. This act will have no effect on any faculty member having
2 tenure prior to the second day of the 1970-71 academic year.

1 6. Any faculty member presently employed by a State college
2 or county college who has not achieved tenure prior to the second

3 day of the 1970-71 academic year shall have the right to elect under
4 which tenure law he will proceed. Within 1 month of the beginning
5 of the 1970-71 academic year, all nontenured faculty members shall
6 file, with the college president, a written notice of intent to pursue
7 tenure under New Jersey Statutes 18A :60-1 or under the provisions
8 of this act. In the event that such written notice is not filed in the
9 prescribed manner, it shall be conclusively presumed that the
10 faculty member elects to be governed by the standards of this act.
11 All full-time faculty members starting employment on the first day
12 of the 1970-71 academic year shall also have this right of election.

1 7. The tenure provision of this act shall apply to all faculty
2 members starting their employment after the beginning of the
3 1970-71 academic year.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1089

STATE OF NEW JERSEY

ADOPTED APRIL 19, 1971

AN ACT concerning tenure for certain State and county college faculty members and supplementing chapter 60 of Title 18A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "The College
2 Tenure Act."

1 2. As used in this act, the following words and phrases shall
2 have the following meaning:

3 a. "Academic rank" means instructor, assistant professor, asso-
4 ciate professor and professor.

5 b. "Faculty member" means any full-time member of the pro-
6 fessional staff appointed with academic rank, more than 50% of
7 whose professional responsibilities are directly related to instruc-
8 tion in a classroom, laboratory or a position which requires similar
9 training, experience and responsibility and shall not include any
10 administrative officer.

1 3. Faculty members shall be under tenure during good behavior,
2 efficiency and satisfactory professional performance, as evidenced
3 by a formal evaluation conducted pursuant to section 5 of this act,
4 and shall not be dismissed or reduced in compensation except for
5 inefficiency, unsatisfactory professional performance, incapacity,
6 conduct unbecoming a faculty member or other just cause and then
7 only in the manner prescribed by subarticle B of article 2 of chapter
8 6 of Title 18A of the New Jersey Statutes, after employment in
9 such college or by such board of trustees for

10 (a) 5 consecutive calendar years; or

11 (b) 5 consecutive academic years, together with employment at
12 the beginning of the next academic year; or

13 (c) the equivalent of more than 5 academic years within a period
14 of any 6 consecutive academic years.

15 Any faculty member having tenure who is appointed to an ad-
16 ministrative position shall retain his tenure as a faculty member;
17 provided, further, in the event employment in the new position is
18 terminated, the faculty member shall be returned to his former
19 position at the salary he would have received had the appointment
20 not occurred together with any increase to which he would have
21 been entitled during the period of such appointment.

1 4. Notwithstanding the provisions of section 3 of this act a board
2 of trustees may, upon the recorded majority roll call vote of all
3 its members and upon the recommendation of the president, grant
4 tenure to an individual faculty member after employment in such
5 college or by such board of trustees for 2 consecutive academic
6 years. The provisions of this section shall not be negotiable as a
7 term and condition of employment under the "New Jersey Em-
8 ployer-Employee Relations Act," P. L. 1968, c. 303.

1 5. Under guidelines established by the State Board of Higher
2 Education it shall be the responsibility of the board of trustees
3 and the president of each State and county college to establish a
4 formal procedure for the evaluation of all members of the pro-
5 fessional staff based on good behavior, efficiency and satisfactory
6 professional performance; provided, however, that each faculty
7 member shall be evaluated at least twice in each academic year to
8 be followed by a conference between the faculty member and his
9 superior or superiors for the purpose of identifying any deficiencies,
10 extending assistance for their correction and improving instruction.

1 6. The provisions of section 3 of this act shall not apply to any
2 faculty member who shall have acquired tenure prior to the second
3 day of the 1971-72 school year.

1 7. Any nontenured faculty member presently employed by a
2 State or county college or who begins employment in the 1971-72
3 school year may elect to be included under the provisions of N. J. S.
4 18A:60-1 or the provisions of section 3 of this act. On or before
5 November 1, 1971, or within 60 days of employment each nontenured
6 faculty member at a State or county college shall notify the college
7 president in writing of his intention to be governed under the pro-
8 visions of N. J. S. 18A:60-1 or the provisions of section 3 of this
9 act. Any faculty member not filing a written notice in the prescribed
10 manner shall be governed under the provisions of section 3 of
11 this act.

1 8. The provisions of section 3 of this act shall apply to all faculty
2 members beginning their employment after the 1971-72 school year.

1 9. Any full-time professional employee may be employed under
2 a contract, by the board of trustees, for a term or terms not to
3 exceed 5 years.

1 10. This act shall apply to full-time faculty members employed
2 in any State or county college notwithstanding the provisions of
3 N. J. S. 18A:64-21 and 18A:64A-13.

1 11. This act shall take effect on July 1, 1971.