

## HOUSE BILL No. 2348

By Committee on Judiciary

Requested by Representative Howe on behalf of Steven Lovett

2-7

1 AN ACT concerning higher education; providing that tenure at  
2 postsecondary educational institutions shall not be defined, awarded or  
3 recognized as an entitlement, right or property interest in a faculty  
4 member's current, ongoing or future employment by an institution.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) An award of tenure may confer certain benefits,  
8 processes or preferences, but tenure shall be discretionary and conditional  
9 and shall not, nor shall it be interpreted to, create any entitlement, right or  
10 property interest in a faculty member's current, ongoing or future  
11 employment by an institution.

12 (b) The board of regents and any institution shall not define, award or  
13 otherwise recognize tenure as an entitlement, right or property interest in a  
14 faculty member's current, ongoing or future employment by an institution.

15 (c) No award of tenure by the board of regents or any institution in  
16 existence on the effective date of this act shall be considered or deemed an  
17 entitlement, right or property interest in a faculty member's current,  
18 ongoing, or future employment by an institution.

19 (d) Any special benefits, processes or preferences conferred on a  
20 faculty member by an institution's award of tenure can be at any time  
21 revoked, limited, altered or otherwise modified by the awarding institution  
22 or by the state board of regents.

23 (e) Nothing in this section shall be interpreted or used to infringe or  
24 abrogate a faculty member's otherwise constitutionally protected rights or  
25 interests.

26 (f) As used in this section:

27 (1) "Faculty" means any unclassified employee of any institution  
28 whose primary duties include teaching or research, regardless of rank or  
29 title, except employees who are employed under an employment contract;

30 (2) "institution" means any postsecondary educational institution as  
31 defined in K.S.A. 74-3201b, and amendments thereto;

32 (3) "state board of regents" means the same as defined in K.S.A. 76-  
33 711, and amendments thereto; and

34 (4) "tenure" means a feature of employment that:

35 (A) Shall be affirmatively granted by an institution at its discretion in

1 recognition of meritorious performance and thereafter conditioned on  
2 future meritorious performance; and

3 (B) may conditionally confer special benefits, processes or  
4 preferences.

5 Sec. 2. This act shall take effect and be in force from and after its  
6 publication in the Kansas register.