

POLICY 8-6 REV 10

DATE MARCH 8, 1999

**SUBJECT: UNIVERSITY REGULATIONS - Chapter VI
FACULTY RETENTION AND TENURE**

SECTION 1. DEFINITIONS AND QUALIFICATIONS

TO HOLD A POSITION WITH TENURE MEANS THAT APPOINTMENT TO SUCH A POSITION IS CONSIDERED PERMANENT AND IS NOT SUBJECT TO TERMINATION OR SUBSTANTIAL REDUCTION IN STATUS WITHOUT ADEQUATE CAUSE, PROVIDED THAT IN ALL CASES THE SERVICES OF THE INDIVIDUAL CONTINUE TO BE NEEDED AND THAT FUNDS ARE AVAILABLE TO PAY FOR THEM. ONLY THE REGULAR FACULTY RANKS OF PROFESSOR, ASSOCIATE PROFESSOR, AND ASSISTANT PROFESSOR ARE TENURE RANKS. SERVICE IN ANY REGULAR FACULTY RANK, INCLUDING THE RANK OF INSTRUCTOR, EXCEPT AS OTHERWISE PROVIDED IN FACULTY REGULATIONS, CHAPTER II, SECTION 2, PARAGRAPH (D), SHALL BE COUNTED AS PART OF THE PRETENURE PROBATIONARY PERIOD. TENURE, OR THE RIGHT TO ACHIEVE TENURE, CANNOT BE WAIVED. APPOINTMENTS TO ALL AUXILIARY FACULTY POSITIONS (RESEARCH, CLINICAL, LECTURER, ADJUNCT, AND VISITING POSITIONS), AND TO ALL ADMINISTRATIVE POSITIONS, INCLUDING THE OFFICES OF VICE PRESIDENT, DEAN, DIRECTOR, CHAIRPERSON OF DIVISIONS, AND CHAIRPERSON OF DEPARTMENT, ARE WITHOUT SIGNIFICANCE FOR THE HOLDING OR ACHIEVING OF TENURE. TENURE IS ESTABLISHED ONLY IN AN ACADEMIC SUBDIVISION, SUCH AS A DEPARTMENT OR A SCHOOL OR COLLEGE, IF SUCH SCHOOL OR COLLEGE IS NOT DIVIDED INTO DEPARTMENTS. IN OTHER UNIVERSITY SUBDIVISIONS NOT DESIGNATED AS ACADEMIC DEPARTMENTS, SCHOOLS, OR COLLEGES, APPOINTMENTS TO REGULAR FACULTY RANKS ARE NOT MADE AND TENURE IS NOT GRANTED. INDIVIDUALS IN ADMINISTRATIVE POSITIONS MAY HOLD A FACULTY POSITION WITH TENURE IN AN ACADEMIC SUBDIVISION. A FACULTY MEMBER WHO TRANSFERS FROM ONE ACADEMIC SUBDIVISION TO ANOTHER LOSES TENURE STATUS IN THE FORMER DEPARTMENT. THE ACADEMIC SUBDIVISION TO WHICH THE FACULTY MEMBER TRANSFERS MAY REQUIRE SERVICE FOR THE FULL PROBATIONARY PERIOD APPROPRIATE TO THE PERSON'S ACADEMIC RANK OR MAY ACCEPT ANY OR ALL OF THE YEARS OF SATISFACTORY SERVICE COMPLETED IN THE FORMER DEPARTMENT TOWARD TENURE. AN INDIVIDUAL HOLDING REGULAR FACULTY APPOINTMENTS IN TWO OR MORE ACADEMIC SUBDIVISIONS MUST BE CONSIDERED SEPARATELY FOR RETENTION AND TENURE IN EACH OF THEM ACCORDING TO THE CRITERIA OF EACH DEPARTMENT.

SECTION 2. ACHIEVEMENT OF TENURE

A. GENERAL STANDARDS

A FACULTY MEMBER ACHIEVES TENURE UPON (1) THE EFFECTIVE DATE OF AN AWARD OF TENURE, OR (2) COMPLETION OF A PROBATIONARY PERIOD OF SPECIFIED YEARS OF SERVICE, UNLESS WRITTEN NOTICE OF TERMINATION OR REDUCTION IN STATUS, OR WRITTEN NOTICE OF EXTENSION OF PROBATIONARY STATUS AS PRESCRIBED IN THE FOLLOWING SECTION, IS GIVEN TO THE FACULTY MEMBER ON OR BEFORE THE THIRTIETH DAY OF JUNE IN THE FINAL PROBATIONARY YEAR OF SERVICE.

B. PRETENURE PROBATIONARY PERIOD

(1) NORMAL PERIOD. THE NORMAL PRETENURE PROBATIONARY PERIOD SHALL BE SEVEN YEARS FOR A PERSON WHOSE INITIAL REGULAR FACULTY APPOINTMENT AT THE UNIVERSITY OF UTAH IS IN THE RANK OF INSTRUCTOR OR ASSISTANT PROFESSOR, EXCEPT AS OTHERWISE PROVIDED IN FACULTY REGULATIONS, CHAPTER II, SECTION 2, PARAGRAPH D, AND SHALL BE FIVE YEARS FOR A PERSON WHOSE INITIAL REGULAR FACULTY APPOINTMENT AT THE UNIVERSITY OF UTAH IS IN THE RANK OF ASSOCIATE PROFESSOR OR PROFESSOR. WHEN THE EFFECTIVE DATE OF A REGULAR FACULTY APPOINTMENT IS WITHIN THE PERIOD FROM JULY 1 THROUGH DECEMBER 31, THE ACADEMIC YEAR IN WHICH THE APPOINTMENT BECOMES EFFECTIVE SHALL BE THE FIRST YEAR OF THE PRETENURE PROBATIONARY PERIOD. WHEN THE EFFECTIVE DATE OF A REGULAR FACULTY APPOINTMENT IS WITHIN THE PERIOD FROM JANUARY 1 THROUGH JUNE 30, THE FOLLOWING ACADEMIC YEAR SHALL BE THE FIRST YEAR OF THE PRETENURE PROBATIONARY PERIOD.

(2) CREDIT FOR PRIOR SERVICE. AFTER AN INDIVIDUAL HAS SERVED IN A REGULAR FACULTY APPOINTMENT AT THE UNIVERSITY OF UTAH FOR A MINIMUM OF TWO ACADEMIC YEAR, THE DEPARTMENT OR COLLEGE IN WHICH THE INDIVIDUAL HAS SERVED MAY RECOMMEND ACCEPTANCE OF UP TO THREE YEARS OF PRIOR EQUIVALENT PROFESSIONAL SERVICE TOWARD COMPLETION OF THE INDIVIDUAL'S PRETENURE PROBATIONARY PERIOD. WHEN SUCH A RECOMMENDATION IS MADE, IT SHALL BE REVIEWED BY THE UNIVERSITY PROMOTION AND TENURE ADVISORY COMMITTEE BEFORE A DECISION ON THE RECOMMENDATION IS MADE BY THE PRESIDENT. THE RESPONSIBILITY FOR PROVIDING VERIFICATION AND EVALUATION OF THE INDIVIDUAL'S PRIOR SERVICE RESTS WITH THE DEPARTMENT OR COLLEGE MAKING THE RECOMMENDATION.

(3) WAIVER OF PROBATIONARY SERVICE. WHEN SUBSTANTIAL JUSTIFICATION IS PROVIDED BY A DEPARTMENT CHAIRPERSON OR OTHER ACADEMIC OFFICER OF THE UNIVERSITY, THE PRESIDENT, AFTER CONSIDERING THE VIEWS OF THE UNIVERSITY PROMOTION AND TENURE ADVISORY COMMITTEE, MAY ELIMINATE OR REDUCE THE PRETENURE PROBATIONARY PERIOD AND GRANT TENURE TO A FACULTY MEMBER AT ANY TIME.

(4) EXTENSION OF FIVE-YEAR PRETENURE PROBATIONARY PERIOD. BY ACTION OF THE UNIVERSITY PROMOTION AND TENURE ADVISORY COMMITTEE, THE FIVE-YEAR PRETENURE PROBATIONARY PERIOD FOR AN INDIVIDUAL WHOSE INITIAL REGULAR FACULTY APPOINTMENT WAS IN THE RANK OF ASSOCIATE PROFESSOR OR PROFESSOR MAY BE EXTENDED FOR ONE OR TWO YEARS WHENEVER IN ITS JUDGMENT, THE FIVE-YEAR PRETENURE PROBATIONARY PERIOD HAS NOT PROVIDED SUFFICIENT TIME TO EVALUATE FAIRLY THE CANDIDATE'S QUALIFICATIONS FOR TENURE.

(5) EFFECT OF LEAVE OF ABSENCE. THE PRETENURE PROBATIONARY PERIOD MAY BE EXTENDED BY ONE YEAR WHEN, IN ONE ACADEMIC YEAR, A NONTENURED REGULAR FACULTY MEMBER:

I. TAKES A MEDICAL LEAVE OF ABSENCE FOR ONE OR MORE TERMS OR TAKES FAMILY LEAVE (EITHER AS FULL OR PARTIAL LEAVE) AMOUNTING TO AT LEAST HALF A YEAR AND ELECTS IN A WRITTEN COMMUNICATION TO THE DEPARTMENT, DEAN, AND VICE PRESIDENT FOR ACADEMIC AFFAIRS BEFORE THE STARTING DATE OF THE LEAVE THAT THE ACADEMIC YEAR NOT BE COUNTED;

II. TAKES FAMILY LEAVE AMOUNTING TO AT LEAST A TERMS BUT LESS THAN HALF A YEAR OR HAS THEIR PRODUCTIVITY SUBSTANTIALLY AFFECTED BY A MEDICAL OR FAMILY CONDITION FOR WHICH A DISABILITY OR FAMILY LEAVE COULD HAVE BEEN TAKEN, BUT WAS NOT, AND SUCCESSFULLY PETITIONS THE DEPARTMENT AND DEAN IN A TIMELY FASHION TO HAVE THE ACADEMIC YEAR IN WHICH IT OCCURRED NOT COUNTED (PETITIONS SHOULD BE MADE AT THE TIME OF LEAVE OR DISABILITY, BUT IN ANY EVENT NOT LATER THAN THE END OF THE FIRST TERM OF SPRING SEMESTER OF THE YEAR FOLLOWING THE ACADEMIC YEAR REQUESTED NOT TO BE COUNTED AND PRIOR TO THE NEXT REGULARLY SCHEDULED FORMAL REVIEW);

III. TAKES ANOTHER TYPE OF LEAVE FOR ONE OR MORE SEMESTERS, AND THE FACULTY MEMBER'S DEPARTMENT CHAIR OR COLLEGE DEAN, BEFORE THE STARTING DATE OF THE LEAVE, SPECIFIES IN A WRITTEN COMMUNICATION TO THE FACULTY MEMBER AND THE VICE PRESIDENT FOR ACADEMIC AFFAIRS THAT THE ACADEMIC YEAR IN WHICH THE LEAVE IS TAKEN WILL NOT BE COUNTED.

(6) EFFECT OF ADMINISTRATIVE ASSIGNMENTS. SUBJECT TO THE APPROVAL OF THE VICE PRESIDENT FOR ACADEMIC AFFAIRS, BEFORE A NONTENURED REGULAR FACULTY MEMBER ACCEPTS AN ADMINISTRATIVE ASSIGNMENT WHICH IS EXPECTED TO REQUIRE A SIGNIFICANT COMMITMENT OF TIME AND EFFORT, THE FACULTY MEMBER'S COLLEGE DEAN, AFTER CONSULTATION AS APPROPRIATE WITH THE FACULTY MEMBER, THE DEPARTMENT TENURE ADVISORY COMMITTEE, AND THE DEPARTMENT CHAIRPERSON, SHALL PREPARE A WRITTEN MEMORANDUM SPECIFYING THE BASIS FOR CALCULATING THE DURATION OF THE FACULTY MEMBER'S PRETENURE PROBATIONARY PERIOD. IN NO CASE MAY THE PERIOD OF PRETENURE SERVICE BE EXTENDED FOR MORE THAN THREE YEARS BEYOND THE MAXIMUM PERIOD OTHERWISE PERMITTED BY THIS SECTION 2.B. COPIES OF THIS MEMORANDUM SHALL BE GIVEN TO THE FACULTY MEMBER, TO THE VICE PRESIDENT FOR ACADEMIC AFFAIRS, AND TO COMMITTEES PARTICIPATING IN THE RETENTION/TENURE REVIEW OF THE FACULTY MEMBER.

SECTION 3. ADVANCE NOTICE OF TERMINATION OR REDUCTION IN STATUS

ANY REGULAR FACULTY MEMBER HOLDING AN APPOINTMENT WITHOUT TENURE WHOSE APPOINTMENT THE ADMINISTRATION WISHES NOT TO CONTINUE OR WISHES TO CONTINUE WITH SUBSTANTIALLY REDUCED

STATUS, SHALL BE GIVEN ADVANCE NOTICE IN WRITING BY THE PRESIDENT, EXCEPT AS HEREINAFTER PROVIDED. IF THE APPOINTEE IS IN THE FIRST YEAR OF SERVICE, SUCH NOTICE SHALL BE GIVEN AT LEAST THREE MONTHS PRIOR TO THE TERMINATION OF THE EXISTING APPOINTMENT. IF THE APPOINTEE IS IN THE SECOND OR ANY SUBSEQUENT YEAR OF SERVICE, THE INTENDED TERMINATION OF EMPLOYMENT OR REDUCTION IN STATUS SHALL NOT BECOME EFFECTIVE UNTIL TWELVE MONTHS AFTER THE DATE UPON WHICH NOTICE IS SERVED. IN THIS CASE THE TERMINAL APPOINTMENT SHALL CLEARLY STIPULATE SUCH INTENTION, AND SHOULD THE ACHIEVING OF TENURE BE AT ISSUE, THE PROBATIONARY PERIOD AUTOMATICALLY ENDS ON THE DATE UPON WHICH SUCH NOTICE IS SERVED. ANY AUXILIARY INSTRUCTIONAL FACULTY MEMBER (LECTURER OR CLINICAL) WHO HAS SERVED AS A FACULTY MEMBER ON A FULL-TIME BASIS CONTINUOUSLY FOR THREE OR MORE YEARS SHALL BE GIVEN AT LEAST THREE MONTHS NOTICE OF NON-RENEWAL OF APPOINTMENT UNLESS PARTICULAR CONTRACTUAL PROVISIONS OTHERWISE GOVERN. THE RIGHT OF ADVANCE NOTICE SHALL NOT APPLY TO OTHER FACULTY MEMBERS SERVING UNDER APPOINTMENTS FOR ONE YEAR OR APPOINTMENTS STIPULATING THAT THEY WILL NOT BE RENEWED, TO FACULTY MEMBERS WHOSE APPOINTMENTS ARE TO BE TERMINATED OR MODIFIED FOR ADEQUATE CAUSE AS PROVIDED IN CHAPTER VII, SECTION 3, INFRA, OR TO ANY OTHER INDIVIDUALS SERVING IN AUXILIARY (RESEARCH, CLINICAL, LECTURER, ADJUNCT, AND VISITING), OR ADMINISTRATIVE POSITIONS.

SECTION 4. RETENTION AND TENURE STATUS FOR FACULTY MEMBERS SERVING AS ADMINISTRATORS

IF A PERSON HOLDING A REGULAR FACULTY POSITION IS APPOINTED TO AN ADMINISTRATIVE POSITION WHICH WILL REQUIRE LESS THAN FULL-TIME SERVICE IN AN ACADEMIC DEPARTMENT, A WRITTEN MEMORANDUM SIGNED BY THE ADMINISTRATIVE APPOINTING AUTHORITY MUST ACCOMPANY THE FORMAL ADMINISTRATIVE APPOINTMENT RECOMMENDATION AND BE INCLUDED IN THE INDIVIDUAL'S PERSONNEL FILE. THE MEMORANDUM SHALL INDICATE THE NATURE, SCOPE, AND ANTICIPATED DURATION OF THE ADMINISTRATIVE ASSIGNMENT, THE INDIVIDUAL'S TEACHING LOAD AND OTHER DEPARTMENTAL RESPONSIBILITIES, AND THE DEPARTMENT'S SALARY OBLIGATIONS DURING THE PERIOD OF THE ADMINISTRATIVE APPOINTMENT. THE DEPARTMENT SHALL CONDUCT REGULAR REVIEW OF THE INDIVIDUAL AS MAY BE APPROPRIATE FOR PURPOSES OF RETENTION, TENURE, OR PROMOTION IN THE SAME MANNER AND SUBJECT TO THE SAME STANDARDS AS FOR OTHER PERSONS HOLDING ACADEMIC APPOINTMENTS IN THE DEPARTMENT. WHILE A FACULTY MEMBER IS SERVING IN AN ADMINISTRATIVE POSITION, THE POSITION WILL REMAIN AVAILABLE TO THE DEPARTMENT AND MAY NOT BE FILLED EXCEPT ON A NONPERMANENT BASIS DURING THE PERIOD OF ADMINISTRATIVE ASSIGNMENT.

SECTION 5. UNIVERSITY MANAGEMENT POLICY FOR TENURED POSITIONS

A. POLICY

IN RECOGNITION OF THE IMPORTANT AND MUTUALLY INTERDEPENDENT RELATIONSHIPS BETWEEN FACULTY MEMBERS AND THE UNIVERSITY THAT ARE ASSOCIATED WITH THE STATUS OF TENURE (SEE UNIVERSITY REGULATIONS, CHAPTER VI, SECTION 1 AND 2; FACULTY REGULATIONS, CHAPTER V, SECTION 2), THE FACULTY HAS AN AFFIRMATIVE OBLIGATION TO MANAGE ITS TENURED FACULTY POSITIONS IN A MANNER CLEARLY CONDUCTIVE TO THE ACHIEVEMENT OF EXCELLENCE IN THE DISCHARGE OF ITS ACADEMIC MISSION. THE POLICY OF THE UNIVERSITY IS TO VEST PRIMARY RESPONSIBILITY FOR TENURE MANAGEMENT IN THE UNIVERSITY FACULTY AND ITS DULY CONSTITUTED AGENCIES, SUBJECT TO THE ADMINISTRATIVE

AUTHORITY OF DEPARTMENT CHAIRPERSONS, DEANS, THE VICE PRESIDENT FOR ACADEMIC AFFAIRS, AND THE PRESIDENT. THIS POLICY STATEMENT IS INTENDED TO PROVIDE GUIDELINES TO ASSIST IN THE ADVANCE PLANNING AND EFFECTIVE EXERCISE OF THAT RESPONSIBILITY AND AUTHORITY.

B. TENURE MANAGEMENT GUIDELINES

UNIVERSITY FACULTY MEMBERS AND ADMINISTRATIVE PERSONNEL EXERCISING RESPONSIBILITIES THAT MAY AFFECT FACULTY TENURE DECISIONS OR POLICIES ARE EXPECTED TO BE GUIDED BY THE FOLLOWING CONSIDERATIONS:

(1) ADMINISTRATIVE APPOINTMENTS. IN THE SELECTION OF DEPARTMENT CHAIRPERSONS, CONSIDERATION SHOULD BE GIVEN TO DEMONSTRATED ABILITY OF CANDIDATES TO EXERCISE EFFECTIVE LEADERSHIP AND PROVIDE SENSITIVE DIRECTION FOR THE OPTIMUM UTILIZATION OF AVAILABLE FACULTY RESOURCES AND THE RIGOROUS BUT FAIR EVALUATION OF PROGRAMS AND PERSONNEL, WITHIN THE FRAMEWORK OF THE UNIVERSITY'S COMMITMENT TO ACADEMIC FREEDOM, TENURE, AND RESPONSIBILITY.

(2) DURING ANNUAL BUDGET REVIEW PROCEEDINGS, COGNIZANT COMMITTEES AND ADMINISTRATORS SHOULD GIVE SPECIFIC CONSIDERATION TO THE FACULTY MANAGEMENT POLICIES OF EACH COLLEGE AND DEPARTMENT, INCLUDING (2) THE RELATIVE NUMBERS OF TENURED AND NONTENURED POSITIONS IN LIGHT OF THE ACADEMIC NEEDS OF THE COLLEGE OR DEPARTMENT, (B) THE USE PROPOSED TO BE MADE OF EXISTING OR PROSPECTIVE VACANCIES IN FACULTY POSITIONS, (C) AGE DISTRIBUTION OF AND ANTICIPATED TURNOVER RATE FOR TENURED AND NONTENURED FACULTY, AND (D) PRACTICES RELATING TO SUCH MATTERS AS SHORT-TERM APPOINTMENTS, VISITING PROFESSORSHIPS, LEAVES OF ABSENCE, RETIREMENTS, AND INSTRUCTIONAL USE OF PERSONNEL NOT HOLDING REGULAR FACULTY POSITIONS.

(3) DEPARTMENT CHAIRPERSONS AND COLLEGE DEANS SHOULD DEVELOP MUTUALLY ACCEPTABLE PLANS, WITH BOTH SHORT-TERM (I.E., LESS THAN FIVE YEARS) AND LONG-TERM (I.E., FIVE OR MORE YEARS) COMPONENTS, FOR ASSURING THE PERIODIC ENRICHMENT OF FACULTY RANKS THROUGH THE CONTROL AND TIMING OF NEW FACULTY APPOINTMENTS, THE USE OF VISITING OR ROTATING APPOINTMENTS, ENCOURAGEMENT OF INTERDEPARTMENT TRANSFERS AND JOINT APPOINTMENTS WHEN APPROPRIATE, CONSIDERATION OF EARLY RETIREMENT OPTIONS IF AVAILABLE, AND OTHER MANAGEMENT TECHNIQUES.

(4) ADMINISTRATIVE DECISION-MAKING FOR EFFECTIVE MANAGEMENT OF TENURE SHOULD REFLECT, TO AN APPROPRIATE DEGREE, THE EXTENT TO WHICH THE COLLEGES OR DEPARTMENTS HAVE ADOPTED AND ARE EFFECTIVELY CARRYING OUT PROGRAMS FOR PERFORMANCE REVIEW AND CAREER DEVELOPMENT OF TENURED

FACULTY MEMBERS, CONSISTENT WITH UNIVERSITY POLICIES AND RESOURCE ALLOCATIONS.

(5) COLLEGE AND DEPARTMENT COMMITTEES EXERCISING RELEVANT RESPONSIBILITIES SHOULD PERIODICALLY REVIEW EXISTING POLICIES AND PRACTICES TO ASSURE ADEQUACY OF CRITERIA, THOROUGHNESS AND FAIRNESS OF PROCEDURES, AND RELIABILITY OF DECISIONS IN RETENTION, PROMOTION, AND TENURE CASES, IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE UNIVERSITY PROMOTIONS AND TENURE ADVISORY COMMITTEE.

APPROVED: ACADEMIC SENATE 2/1/99

THIS POLICY REFLECTS CHANGES MADE TO COMPLY WITH PPM 9-2 AS APPROVED BY THE BOARD OF TRUSTEES ON 3/8/99

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