

## Policy 6-311: Faculty Retention and Tenure

### I. 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, Section 2.D, ([Policy 6-300](#)), 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, a free-standing division (not within a department), a school or college. Tenure is established in a school or college only if it is not divided into departments or free-standing divisions.<sup>1</sup> In other university subdivisions not designated as academic departments, free-standing divisions, 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.

## II. References

[Policy 6-319](#) , Procedures for Joint Appointments to Faculty Positions

[Policy 5-200](#), Leaves of Absence (Health-Related)

[Policy 5-201](#), Leaves of Absence (Non Health-Related)

[Policy 6-314](#), Leaves of Absence

[Policy 6-315](#), Faculty Parental Leaves of Absence (all colleges except School of Medicine)

[Policy 8-002](#), Faculty Parental Leaves of Absence (School of Medicine)

[Policy 6-300](#), Tenured and Tenure-Eligible Faculty

[Policy 6-303](#), Retention, Promotion, Tenure

29 Code of Federal Regulations 825.100 et seq., Family and Medical Leave Act Regulations

## III. Achievement of Tenure

### A. Effective Date

A faculty member achieves tenure upon the effective date of an award of tenure, as stated in the letter from the university president.

### B. New Appointments with Tenure

Faculty whose initial appointment is at the level of associate professor or full professor may be granted tenure at the time of their appointment. Granting of such tenure must follow usual departmental and University standards and process although the timeline may be conflated. This process is governed by [Policy 6-303](#), Section K and also discussed in [Policy 6-302](#).

#### IV. Pretenure Probationary Period

All candidates not appointed with tenure at the University of Utah must serve a probationary period to allow for review of their qualifications. This section defines timing of that review process. The procedures are discussed in [Policy 6-303](#).

##### A. Start of Pretenure Probationary Period.

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.

##### B. Normal Duration of Pretenure Probationary 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, Section 2.D [Policy 6-300](#). Departments may establish six year probationary periods for assistant professors by departmental policy. The normal pretenure probationary period 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. For candidates with joint appointments, the pretenure probationary period shall be that of the academic subdivision with the longer period. See [Policy 6-319](#) for other issues.

##### C. Exceptions to Normal Pretenure Probationary periods.

###### 1. Shortening of the probationary periods.

The probationary period may be shortened under those unusual circumstances in which the University determines that it can assess the individual's qualifications in a shorter period of time. Such a situation can

occur in two ways: (1) when the candidate has demonstrated relevant accomplishments through prior service elsewhere or (2) when the candidate demonstrates the required achievements in less time than the normal review period. In either, the burden is on the candidate to demonstrate that these achievements satisfy the pertinent RPT criteria. Candidates shall serve a minimum of one year before being considered for tenure unless granted tenure at the time of appointment.

- a. Credit for prior service. When a candidate has prior relevant experience, in most cases including both research and teaching, such experience may be credited as the equivalent of a specified number of years toward fulfillment of the probationary period. A request for credit for prior service shall be made in writing. Credit for prior service may be assessed once, either at the time of appointment or before a review for tenure commences. The departmental RPT committee (by majority vote), the department chair, and the dean must agree as to the number of years credited for prior service. From one to five years of prior service may be recognized. If a number of years of credit is recognized, candidates may be considered for tenure up to that number of years before the end of the normal period without the advance permission of the chair and RPT chair, as required in the paragraph below. Notwithstanding such recognition of prior service, the candidate may choose to use the normal probationary period, but only prior to the initiation of a tenure review.
- b. Extraordinary progress toward tenure. When a candidate believes he/she can demonstrate achievement of the tenure standards in less than the normal probationary period, that candidate may seek permission for an early tenure review. The candidate must obtain approval from the department chair and the RPT chair to be reviewed earlier than the final year of the normal probationary period. If the candidate has served fewer than five years if appointed initially as an assistant professor, or fewer than three years if appointed initially as an associate professor or

professor, then the candidate must obtain additional approvals from the dean and cognizant senior vice president to begin the review. To support an award of tenure prior to the final year of the probationary period, evidence in the file should demonstrate that the candidate unequivocally meets the tenure standard.

- c. Limit. If a candidate is considered for tenure prior to the final year of the probationary period and tenure is not granted, then the candidate may have only one more department vote on tenure.

2. Extension of the probationary period.

- a. 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 chairperson, dean, and cognizant senior vice president before the starting date of the leave that the academic year not be counted;
  - ii. has a serious health condition as defined in [Policy 5-200](#) (FMLA) that a health care provider certifies requires at least six weeks of continuous leave beginning no later than June 30 of the year in which the review to be extended is scheduled, elects in a written communication to the department chairperson, dean, and cognizant senior vice president before external reviewers are solicited or other action is taken to begin a formal review, whichever is earlier, that the academic year not be counted, and provides to the Human Resources Benefits Office documentation of the serious health condition meeting the standards described in [Policy 5-200](#);
  - iii. takes family leave amounting to at least one term 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 chairperson 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, or as soon as possible thereafter and prior to the next regularly scheduled formal review);

- iv. takes another type of leave for one or more semesters, and the faculty member's department chairperson or college dean, before the starting date of the leave, specifies in a written communication to the faculty member and the cognizant senior vice president, that the academic year in which the leave is taken will not be counted.
  
- b. Effect of administrative assignments. Subject to the approval of the cognizant vice president, 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 RTP 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 policy, Section 3.B. Copies of this memorandum shall be given to the faculty member, to the cognizant vice president, and to committees participating in the retention/tenure review of the faculty member.
  
- c. Extraordinary circumstances. Extensions of maximum pretenure probationary period of one or two years may be granted when extraordinary circumstances beyond the control of the candidate, such as natural disasters or war, have substantially impeded normal progress. The candidate must request such an extension from the department

chairperson in writing. The department chairperson, the dean and the cognizant vice president must concur in granting the extension.

## **V. 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. The probationary period automatically ends on the date upon which notice of termination is served. The final twelve months of employment after such notice is served is considered a terminal appointment, not part of the probationary period. If the intended termination is reversed as a result of a successful appeal, the faculty member's appointment will be reinstated as of the first day of the terminal appointment.

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 [Policy 6-313](#), or to any other individuals serving in auxiliary (research, clinical, lecturer, adjunct, and visiting), or administrative positions.

## **VI. 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.

## **VII. 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 Sections 1 and 3 of this policy, and [Policy 6-303](#)), the faculty has an affirmative obligation to manage its tenured faculty positions in a manner clearly conducive 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 presidents for academic affairs and health sciences, 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 (a) 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 Retention, Promotion, and Tenure Standards Committee.

*Note 1. Exceptions may be allowed for retention of college-level tenure for current faculty when a college without formal subdivisions reorganizes to include such subdivisions.*

## **VIII. Contacts**

Policy Owners:

Questions about this Policy and any related Rules, Procedures and Guidelines should be directed to the Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

### Policy Officers:

Only the Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences or their designees have the authority to grant exceptions to this policy.

## **IX. History**

Renumbering: Renumbered as Policy 6-311 effective 9/15/2008, formerly known as PPM 8-6, and formerly as University Regulations Chapter VI.

Revision History:

Current version: Revision 15. Approved by Academic Senate: March 5, 2007.

Approved by Board of Trustees: March 12, 2007. Effective date of March 12, 2007.

Background information for Revision 15:

[Proposal](#) to amend parental leave and related policies (6-311 & 6-315), spring 2007.

Editorially revised: November 27, 2007.

Earlier revisions:

[Revision 14](#)

[Revision 13](#)

[Revision 12](#)

[Revision 11](#)

[Revision 10](#)