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Guidelines Regarding University of Michigan Govern Time to Tenure Review ("The Tenure Clock") and Related Matters (Ann Arbor Campus)

Office of the Provost and Executive Vice President Academic Affairs

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Introduction

Several University policies govern the timing of the tenure review. These include current University policies in this critical area of tenure review, with a focus on the "tenure clock." In this document, "tenure track faculty member" means a faculty member with a regular instructional appointment (Instructor, Assistant Professor, Associate Professor) and to whom the Regents have not yet awarded tenure. The State Tenure Guidelines (SPGs) mentioned in this document are available online at http://www.umich.edu/~provost/tenure_review/policies.html

I. "The Tenure Clock"

According to common usage among faculty, the term "tenure clock" refers to the number of years a faculty member may serve in a tenure track appointment prior to when tenure is denied, including his or her terminal year of appointment. The University has a number of rules governing the length of the tenure clock and when it begins. Some of these rules are University wide; others are specific to schools and colleges. To understand the tenure clock for any individual, one must understand how the University wide and school or college rules apply to the individual case.

When a tenure track faculty member joins the University, two clocks begin: the relevant school or college tenure clock. The other is the University-wide tenure clock.

- University-wide Tenure Clock. Regents Bylaw 5.09 *Procedures in Connection with Demotion, or Terminal Appointment* establishes the maximum length of time a tenure track faculty member may hold a full time tenure track appointment before being granted tenure or terminated (i.e., the "University-wide tenure clock"). Bylaw 5.09 states (in its relevant part) that any tenure track faculty member with a University appointment at the level of instructor or higher for a total of five years or more is entitled to the procedures of Bylaw 5.09 before the University can terminate the appointment.

recommendation to the Board of Regents for dismissal, demotion, or termination of a faculty member.

Thus, the University views the eight years as a deadline within which a school or college must either grant tenure to, or terminate, a tenure track faculty member. In extraordinary cases, a school or college must make the decision about a tenure track faculty member no later than the end of the faculty member's seventh year of the University-wide tenure clock. (For information about counting years of service, see section II below.)

- Excluding One or More Years of Service from the University-Wide Tenure Clock. In some circumstances, a dean may recommend and the Provost and President for Academic Affairs may approve excluding one or more years of service towards the eight years of service provided for in Regents B. If a school or college and the faculty member should confirm in writing that they agree to exclude one or more years of service from the years that the University counts toward the eight year total. This exclusion has the practical effect of postponing the mandatory tenure review.
- School or College Tenure Clock. When a school or college creates a tenure review, one of the key choices it makes is to determine when the review will normally occur. This decision by the schools and colleges may vary from the University-wide tenure clock (in which the tenure review must be conducted by the end of the seventh year). But it may be shorter than the University-wide tenure clock. In practice, many of the University's schools and colleges conduct tenure reviews at the sixth year of the tenure track faculty member's career, and sometimes at the seventh year.

For those schools and colleges whose own tenure clock is shorter than the University-wide tenure clock, the dean has some flexibility with respect to the timing of the review. A school or college may design fair and consistent policies that allow it to postpone a tenure review, so long as the school or college review is completed by the end of the seventh year of the University-wide tenure clock. For example, if a faculty member's research laboratory may have been damaged by a massive fire, the school or college would typically postpone the tenure review in the faculty member's sixth year. In this situation, the school or college could conduct the tenure review in the seventh year. In other words, the school or college may decide to exclude a year of service from a faculty member's tenure clock for one year, thereby postponing the tenure review to the seventh year. This exclusion does not alter the number of years of countable service on the University-wide tenure clock.

II. Counting of Service Time Towards Tenure

The SPGs listed below establish the framework for determining countable

tenure track position:

SPG 201.13 *Rules concerning acquiring the protection of Regents' by accumulating years of service* is the official policy for determining on the University-wide tenure clock.

SPG 201.92 *Tenure Probationary Period: Effects on Tenure Clock Childbearing and Dependent Care Responsibilities*

Countable years of service in a tenure track position begin to accrue on the tenure clock on the day when a faculty member is first appointed to a tenure appointment of at least eighty percent (80%) of effort.

Schools and colleges differ in when they start the school or college tenure years of service) for tenure track faculty members whose appointments begin before the summer or early fall. In this situation, some schools and colleges countable years of service until September 1 of the academic year following the appointment and some begin the clock retroactively on the September 1 preceding the appointment as the School or College uses a consistent practice and the faculty member understands their own situations, either option is acceptable. In all cases, the tenure clock begins on whatever date the faculty member is first appointed.

From the time a faculty member begins at least an 80% appointment on the tenure clock, one full year is counted on the University-wide tenure clock, unless countable years are excluded under one of the policies described below.

These exclusions are decided at the school or college level and do not require approval by the Provost:

- Childbirth. In accordance with SPG 201.92, the dean of a school or college may, upon written request from a tenure track faculty member who has given at least one year from the faculty member's countable years of service, exclude one year from both the school/college and the University-wide tenure clock. The policy may be used only one year of exclusion, even if the faculty member has more than one year of exclusion. The policy may not be used to exclude the year of the scheduled tenure review process. The policy may not be used to exclude the year of the scheduled tenure review process if the school/college tenure clock and the University-wide tenure clock (if the tenure review process is scheduled to begin in the summer of 2005, and the faculty member gives birth in the summer of 2005, the 2005-06 year of service may be excluded). Note that this exclusion is guaranteed so long as the faculty member meets the tenure eligibility criteria.
- Dependent Care. In accordance with the SPG 201.92, the dean may, upon written request from a tenure track faculty member, exclude up to one year from the countable years of service to recognize the demands of dependent care.

includes children, parents, spouses or partners, and other dependent members who have adopted a child are eligible for this exclusion. A year intended to exclude a year of service from the school/college and the tenure clock. Faculty members may be eligible for one year of exclusion for childbirth or dependent care but not both. Only one year may be excluded from countable service under this policy.

The following exclusions require recommendation by the dean and approval by the Provost:

- Health, Personal Emergencies, and Other Extenuating Circumstances. When a faculty member's health, personal emergencies, or other extenuating circumstances prevent a year of service from being counted, SPG 201.13 (section II.B,) the faculty member may make a written request to the Provost to exclude one or more years of service on the University-wide tenure clock. If the Provost recommends approval, he or she must submit the request to the Dean for prior written approval before any year of service may be excluded from the University-wide tenure clock.
- Reduced appointment. When a faculty member's appointment fraction falls below eighty percent (80%) for the academic year, the year may be excluded from the University-wide tenure clock if recommended by the Dean and approved in advance by the Provost. Without advance approval in writing by the Provost, a reduction of appointment fraction to below 80% does not stop the University-wide tenure clock.

NOTE: Paid or unpaid leaves of absence are included in the eight-year tenure clock unless provided for in Regents Bylaw 5.09 unless the Dean requests and the Provost approves excluding this time from countable years of service (1).

When the Dean requests from the Provost's Office an exclusion of years of service from the University-wide tenure clock, such requests should be addressed to the Provost with responsibility for Faculty Affairs, with a copy to the Director of Human Resources. The written request should include the date of hire for the faculty member, the date used to decide to request extension (such as executive committee approval or chair recommendation), rationale to exclude years of countable service, supporting documentation relevant to the case, and the date by which the faculty member must be on tenure if the extension is approved.

Any exclusions of countable years of service from the school/college tenure clock from the University-wide tenure clock to accommodate childbirth, dependent care, personal emergencies do not alter the criteria by which schools and college members are evaluated for tenure. Deans are responsible for ensuring that executive committee and tenure committees, ad hoc committees, and outside letter writers are consistent. The criteria for tenure do not change when one or more years of service have been excluded from a faculty member's probationary period.

When a faculty member has been granted exclusions from either tenure or explain such exclusions in the materials provided to the Provost's office for recommendation for or against granting of tenure. Explanations of these exclusions are provided to reviewers of the case to calibrate the faculty member's years of service.

The tables below provide two examples. Table 1 shows the effect of a year excluded from the school/college tenure clock and the University-wide tenure clock. Table 2 shows the effect of a year excluded from the school/college tenure clock, but not the University-wide tenure clock.

Table 1: Example of the Effect of Excluding One Year of Countable Years from the School/College and University-wide Tenure Clocks

| YEAR | Years of Employment | School/College tenure clock | University-wide clock |
|-----------|---------------------|---|------------------------------|
| 1998-99 | 1 | 1 | 1 |
| 1999-2000 | 2 | 2 | 2 |
| 2000-01 | 3 | Excluded for childbirth or dependent care | Excluded for child dependent |
| 2001-02 | 4 | 3 | 3 |
| 2002-03 | 5 | 4 | 4 |
| 2003-04 | 6 | 5 | 5 |
| 2004-05 | 7 | 6 (tenure decision) | 6 |
| 2005-06 | 8 | 7 (terminal year) | 7 (mandatory decision) |
| 2006-07 | 9 | | 8 (terminal) |

NOTE: Table 1 above illustrates the effect of a faculty member asking the exclusion of one year of his countable years of service from his tenure clock (as specified in *Probationary Period: Effects on Tenure Clock of Childbearing and Dependent Responsibilities*) due to the demands of caring for a newly-adopted child. Because of this exclusion, the school or college would review him for tenure in his sixth year of service (his seventh year of employment). If the School or College were to grant tenure, he would perform his final (terminal) year of service in 2005-06 (his seventh year of employment). The table also shows that the school or college would follow the rules governing the University-wide tenure clock, to review him for tenure in 2005-06 (his seventh year on his University-wide tenure clock), and to review him for tenure in 2006-07 (his eighth year on his University-wide tenure clock), allowing room, if needed, for him to hold an administrative position in his terminal year of service in 2006-2007 (his eighth year of countable service on his school/college tenure clock and his ninth year of employment).

Table 2: Example of the Effect of Excluding One Year of Countable the School/College Tenure Clock

| YEAR | Years of Employment | School/College tenure clock | University tenure clock |
|-----------|---------------------|--|-------------------------|
| 1998-99 | 1 | 1 | 1 |
| 1999-2000 | 2 | 2 | 2 |
| 2000-01 | 3 | Excluded by dean for exceptional circumstances | 3 |
| 2001-02 | 4 | 3 | 4 |
| 2002-03 | 5 | 4 | 5 |
| 2003-04 | 6 | 5 | 6 |
| 2004-05 | 7 | 6 (tenure decision) | 7 (mandatory decision) |
| 2005-06 | 8 | 7 (terminal year) | 8 (terminal year) |

NOTE: Table 2 above illustrates the effect of a faculty member asking the year of her countable years of service from her school/college tenure clock be excluded for exceptional circumstances that fall within the school or college policy for exclusion. For example, the faculty member's laboratory was damaged by a building leak. If approved for this exclusion, the school or college would review her for tenure in her seventh countable service (her seventh year of employment). Since the exclusion was approved by a school/college decision, there is no exclusion from the University-wide tenure decision and terminal year of service, if applicable, would still occur in the University-wide tenure clock.

III. Record Keeping

The Dean's office in each school or college is responsible for maintaining and updating each tenure track faculty member's status on the University-wide tenure clock and the school or college tenure clock.

IV. Terminal Year Appointments and Notice of Non-Reappointment

The policy of the University is to appoint a tenure track faculty member with a terminal year of service. The terminal year appointment must be made in the terminal year of service.

year University-wide tenure clock. SPG 201.88 Notice of Non-reappointment. The University to notify a tenure track faculty member in a timely way that the University will not extend his or her appointment beyond the terminal year. For tenure track faculty members whose appointments will be terminated at the end of Winter term, the University must provide notice of non-reappointment by September 15 of that academic year. For tenure track faculty members whose appointments will be terminated on a date other than at the end of Winter term, the University must provide notice of non-reappointment at least 60 days before the faculty member's termination date. See SPG 201.88 Notice of Non-reappointment.

As mentioned above, the schools and colleges differ in when they start the tenure clock (for countable years of service) for tenure track faculty members. For schools and colleges where appointments begin at times other than September 1, the schools and colleges must calculate the date by which they will provide advance notice of non-reappointment by counting from the date on which the school or college first appointed the faculty member to the tenure track appointment. See also SPG 201.88 Notice of Non-reappointment.

When special circumstances arise, the dean's office should contact the office of Human Resources for assistance.

V. De facto Tenure

If the University fails to notify the faculty member of non-reappointment as described in SPG 201.88, the faculty member may be entitled to receive an appointment after his or her eighth year of service. Such an appointment entitles the faculty member to the protections of Regents Bylaw 5.09 without having received a tenure decision.

This is the most severe consequence for not properly managing the University-wide tenure clock. This entitlement is sometimes referred to as de facto tenure, a misnomer because from the fact that even though the Board of Regents has not awarded tenure to the faculty member, he or she has the same protections of Bylaw 5.09 that apply to tenured members.

VI. Grievances

If a school or college does not follow its own tenure review procedures and policies as specified in University policy, the faculty member may subsequently file a grievance. If the school or college's actions (or inaction) may become grounds for a grievance, the faculty member should file a grievance before a tenure decision is made.

VII. The Timing of the Tenure Review

If a school or college has not notified the faculty member of non-reappointment, the school or college must initiate a tenure review not later than the first semester in the faculty member's countable years of service on the University-wide tenure clock. See SPG 201.88.

Related to Tenure Reviews and Reappointment Reviews. (Obviously, if a member's appointment has been excluded from countable years of service wide tenure clock, the timing of the mandatory tenure review needs to be accordingly.)

A faculty member may request a tenure review at any time prior to the beginning of the seventh year. The school or college has the discretion to decide whether to

Some schools and colleges have rules that provide for only one tenure review and colleges permit a second review, if the first review is negative or inconclusive. The second review is carried out within the boundaries of the University-wide tenure clock. A second review is permissible.

VIII. Joint Academic Appointments

Guidelines for Joint Academic Appointments at the University of Michigan and *Principles and Practices Governing Tenure for Faculty Members with Dual Appointments* are the key source documents for joint appointments.

A key principle for conducting tenure reviews of faculty with joint appointments is described in "Guidelines for Joint Academic Appointments":

"Whenever possible, the deans' offices should agree on a single joint process for making promotion and tenure decisions about the jointly appointed faculty member.

A unified process for evaluation for promotion and tenure is the clearest and simplest way to ensure that both schools and colleges are represented in the promotion process while reducing the faculty member's sense of discomfort from duplicate processes. When it is not possible for the schools and colleges to agree on a single process, the deans' offices should discuss the timing and key elements of the promotion processes in each academic unit so that the process can be streamlined, synchronized, and shortened. It is critical for each school or college to know what the other is doing and for the candidate to know what each school or college is doing."

Any school or college conducting a tenure review for a faculty member with a joint appointment in another school or college must notify the second school or college of its intentions and work together to ensure that the two review processes are coordinated.

IX. Communication With Faculty Members

Because the rules about the tenure clock are complex and subject to multiple interpretations, the dean's office should notify faculty members in writing when actions are

the faculty Member's school/college tenure clock or University-wide tenuring timing of the faculty member's tenure review.

(1) Note that SPG 201.13 II.A.3.d might be read to imply that time spent on absence for scholarly purposes other than scholarly activity leave might not be countable years of service. However, the University's policy is to be consistent with such leaves as countable years of service unless there is written agreement with the Office of the Provost, as described in SPG 201.13 II.B.

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