

Guidelines Regarding University of Michigan Policies that Govern Time to Tenure Review ("The Tenure Clock") and Related Matters

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Introduction

Several University policies govern the timing of the tenure review. These guidelines clarify 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 who holds a regular instructional appointment (Instructor, Assistant Professor, Associate Professor or Professor) and to whom the Regents have not yet awarded tenure. The Standard Practice Guides (SPGs) mentioned in this document are available online at <http://spg.umich.edu>.

I. The Pre-tenure Probationary Period ("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 being granted tenure or, if tenure is denied, completing his or her terminal year of appointment (see SPG 201-13 Rules Concerning Regents' Bylaw 5.09, Tenure, Tenure Review, and Joint or Partial Tenure Appointments). The University has a number of policies governing the length of the tenure clock and when it starts and stops. Some of these policies are University wide; others are specific to schools and colleges. To understand the tenure clock for any individual, one must understand how both University-wide and school or college policies apply to the individual case.

When a tenure track faculty member joins the University, two clocks begin to run. One is 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 Cases of Dismissal, Demotion, or Terminal Appointment](#) establishes the maximum length of time a tenure track faculty member may hold a full-time tenure track appointment without 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 who has held a University appointment at the level of instructor or higher for a total of ten years or more is entitled to the procedures of [Bylaw 5.09](#) before the University can make a recommendation to the Board of Regents for dismissal or demotion of the faculty member. Thus, the University views the ten years as a deadline within which the University must either grant tenure to, or terminate, a tenure track faculty member. Except in extraordinary cases, a school or college must make the decision about tenure for a faculty member no later than the end of the faculty member's ninth year on the University-wide tenure clock. (See section II below.)
- **Excluding One or More Years of Service from the University-Wide Tenure Clock.** Under some circumstances, a dean may recommend and the Provost and Executive Vice President for Academic Affairs may approve excluding one or more years of countable service towards the ten years of service provided for in [Regents Bylaw 5.09](#). The University and the faculty member should confirm in writing that they have agreed to exclude one or more years of service from the years that the University will count toward the ten year total. This exclusion has the practical effect of extending the time to a mandatory tenure review.
- **School or College Tenure Clock.** When a school or college creates a set of policies for tenure review, one of the key choices it makes is to determine when the tenure review will normally occur. This decision by the schools and colleges, with the appropriate endorsement of the faculty, may align with the University-wide tenure clock (in which the tenure review must be conducted no later than the ninth year). However, for most of the schools and colleges, it is shorter than the University-wide tenure clock. In practice, many of the University's schools and colleges conduct tenure reviews in the sixth year of the tenure track faculty member's career, and sometimes even earlier. 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 tenure review. A school or college may decide to design fair and consistent policies that enable the dean to postpone a tenure review, so long as the school or college review takes place before the end of the ninth year of the University-wide tenure clock. For example, a faculty member's research laboratory may have been damaged by a massive water leak, which significantly hampered her research. The school or college would typically conduct 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 defer the tenure decision for one year, postponing the tenure review to accommodate the need for repairs to the laboratory. This deferral would not alter the faculty member's 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 years of service in a tenure track position:

[SPG 201.13](#): Rules concerning Regents' [Bylaw 5.09](#), Tenure, Tenure Review, and Joint or Partial Tenure Appointments is the official policy for determination of time on the University-wide tenure clock.

[SPG 201.92](#): Tenure Probationary Period: Effects on Tenure Clock of Childbearing and Dependent Care Responsibilities

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

Schools and colleges differ in when they start the school or college tenure clock (for countable years of service) for tenure track faculty members whose appointments begin at times other than the summer or early fall. In this situation, some schools and colleges do not begin the 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. So long as the school or college uses a consistent practice and the faculty members involved understand their own situations, either option is acceptable. In all cases, the University-wide 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 track, each year is counted on the University-wide tenure clock, unless countable years of service 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 will, upon written request from a tenure track faculty member who has given birth, exclude a year from the faculty member's countable years of service. This is intended to stop both the school/college and the University-wide tenure clock. An additional year for a second childbirth can be approved by the dean. Under this policy only one year is permitted for each childbirth, to a maximum of two years even if the faculty member has more than two childbirths. The policy may not be used to exclude the year of the scheduled tenure review from the school/college tenure clock and the University-wide tenure clock (i.e., if the tenure review process is scheduled to begin in the summer of 2015, and the faculty member gives birth in the summer of 2015, the 2015-16 year of service may not be excluded). Note that this exclusion is guaranteed so long as the faculty member meets all the eligibility criteria. Notice to the provost is required, but permission of the provost is not necessary.
- **Dependent Care.** In accordance with the [SPG 201.92](#), the dean may, on written request from a tenure track faculty member, exclude up to two years from the faculty member's countable years of service to recognize the demands of dependent care. Under this policy, only one year is permitted for each dependent care event. Dependent care includes children, parents, spouses or partners, and other dependents. Faculty members who have adopted a child are eligible for this exclusion. Again, this policy is intended to exclude up to two years of service from the school/college and the University-wide tenure clock.

Faculty members may be eligible for a maximum of two years total of exclusion from countable service under the childbirth and dependent care policies. (So, for example, a faculty member who excludes one year for childbirth and one year for dependent care has reached the maximum.) Notice to the provost is required, but permission of the provost is not necessary.

The following exclusions from the University tenure clock require recommendation by the dean and approval by the provost:

- **Health, Personal Emergencies, and Other Extenuating Circumstances.** To recognize health, personal emergencies, or other extenuating circumstances in accordance with [SPG 201.13](#) (section II.B,) the faculty member may make a written request to the dean to exclude one or more years of service on the University-wide

tenure clock. If the dean recommends approval, he or she must submit the request to the provost for review and 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 drops below eighty percent (80%) for the academic year, the year may be excluded from countable years of service if recommended by the dean and approved in advance and in writing by the provost. Without advance approval in writing by the provost, a decrease in appointment fraction to below 80% does not stop the University-wide tenure clock. NOTE: Paid or unpaid leaves of absence are included in the ten years of service provided for in Regents' Bylaw 5.09 unless, in advance of the leave, the faculty member and the dean sign a written agreement that the time will be excluded from countable years of service and the provost approves, also in writing and in advance of the leave, excluding this time from countable years of service.

When the dean requests from the Provost's Office an exclusion of years of countable service from the University-wide tenure clock, such requests should be addressed to the vice provost with responsibility for faculty affairs, with a copy to the director of Academic Human Resources. The written request should include the date of hire for the faculty member, process used to decide to request extension (such as executive committee approval or department chair recommendation), rationale to exclude years of countable service, other facts or documentation relevant to the case, and the date by which the faculty member will be reviewed for tenure if the extension is approved. Any exclusions of countable years of service from the school/college tenure clock or the University-wide tenure clock to accommodate childbirth, dependent care, illness or other personal emergencies do not alter the criteria by which schools and colleges will review faculty members for tenure. Deans are responsible for ensuring that executive committees, promotion and tenure committees, ad hoc committees, and outside letter writers are informed that the criteria for tenure do not change when one or more years of service have been excluded from a faculty member's probationary period.

Any exclusions of countable years of service from the school/college tenure clock or the University-wide tenure clock to accommodate childbirth, dependent care, illness or other personal emergencies do not alter the criteria by which schools and colleges will review faculty members for tenure. Deans are responsible for ensuring that executive committees, promotion and tenure committees, ad hoc committees, and outside letter writers are informed that 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 clock, the dean should explain such exclusions in the materials provided to the Provost's Office for the recommendation for or against granting of tenure.

The tables below provide two examples.

Table 1 shows the effect of a year of time being 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 Service From the School/College and University-wide Tenure Clocks

Academic Year	Years of Employment	School/College tenure clock	University-wide tenure clock
2011-12	1	1	1
2012-13	2	2	2
2013-14	3	Excluded for childbirth or dependent care	Excluded for childbirth or dependent care
2014-15	4	3	3
2015-16	5	4	4
2016-17	6	5	5
2017-18	7	6 (tenure decision)	6
2018-19	8	7 (terminal year)	7
2019-20	9		8
2020-21	10		9 (mandatory tenure decision)
2021-22	11		10 (terminal year would require a limited waiver of 5.09 rights)

NOTE: Table 1 above illustrates the effect of a faculty member asking the dean to exclude one year of his countable years of service from his tenure clock (as specified in [SPG 201.92, Tenure Probationary Period: Effects on Tenure Clock of Childbearing and Dependent Care Responsibilities](#)) due to the demands of caring for a newly- adopted child. As a consequence of this exclusion, the school or college would review him for tenure in his sixth year of countable service (his seventh year of employment). If the school or college were to make a negative tenure recommendation, he would perform his final (terminal) year of service in 2018-19 (his eighth year of employment). The table also shows that the school or college would be required, under the policies governing the University-wide tenure clock, to review him for tenure no later than the 2020-21 academic year (his ninth year on his University-wide tenure clock and his tenth year of employment), allowing room, if needed, for him to hold an appointment in his terminal year of service in 2021-22 (his tenth year of countable service on his University-wide tenure clock and his eleventh year of employment).

Table 2

Example of the Effect of Excluding One Year of Countable Service Only From the School/College Tenure Clock

Academic Year	Years of Employment	School/College tenure clock	University-wide tenure clock
2011-12	1	1	1
2012-13	2	2	2
2013-14	3	Excluded by dean for exceptional circumstances	3
2014-15	4	3	4
2015-16	5	4	5
2016-17	6	5	6
2017-18	7	6 (tenure decision)	7
2018-19	8	7 (terminal year)	8
2019-20	9		9 (mandatory tenure decision)
2020-21	10		10 (terminal year)

NOTE: Table 2 above illustrates the effect of a faculty member asking the dean to exclude one year of her countable years of service from her school/college tenure clock due to a set of exceptional circumstances that fall within the school or college policy for exclusions. In this example, the faculty member's laboratory was damaged by a building leak. As a consequence of this exclusion, the school or college would review her for tenure in her sixth year of countable service (her seventh year of employment). Since the exclusion would be the result of a school/college decision, there is no exclusion from the University-wide tenure clock. The tenure decision and terminal year of service, if applicable, would still occur within the limits of the University-wide tenure clock.

III. Record Keeping

The dean's office in each school or college is responsible for maintaining up-to-date records on 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 who will not receive tenure to a terminal year of service. The terminal year appointment must fall within the ten-year University-wide tenure clock. [SPG 201.88 Notice of Non-reappointment](#) requires 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 nine months 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 school/college tenure clock (for countable years of service) for tenure track faculty members whose appointments begin at times other than September 1. However, each school and college must have a consistent written policy for how years of service are to be counted. All the schools and colleges must calculate the date by which they will provide advance notice of non-reappointment 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](#).

Table 3

Effect of Hire Date at Time Other than September

Example: Hire date of January 1, 2012

Academic Year	School/College Tenure Clock Option 1*	School/College Tenure Clock Option 2**	University-wide Tenure Clock
2011-12	0	1	.5
2012-13	1	2	1.5
2013-14	2	3	2.5
2014-15	3	4	3.5
2015-16	4	5	4.5
2016-17	5	6 (tenure decision)	5.5
2017-18	6 (tenure decision)	7 (terminal year)	6.5
2018-19	7 (terminal year)		7.5

* school or college gives faculty member an extra six months in tenure probationary period.

** school or college gives faculty member six months less in tenure probationary period.

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

V. 5.09 Rights in the Absence of Tenure

If the University fails to notify the faculty member of non-reappointment on the schedule described in [SPG 201.88](#), the faculty member may be entitled to receive an instructional appointment after his or her tenth year of service. Such an appointment would entitle the faculty member to the protections of Regents' without having received tenure.

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 that derives 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](#).

VI. Grievances

If a school or college does not follow its own tenure review procedures and the procedures specified in University policy, the faculty member may subsequently file a grievance. In that case, the school or college's actions (or inaction) may become grounds for questioning the process used to reach a tenure decision, where that is consistent with the grievance procedure adopted by the school or college.

VII. The Timing of the Tenure Review

If a school or college has not notified the faculty member of non-reappointment, it must initiate a tenure review not later than the first semester in the faculty member's ninth year of countable years of service on the University-wide tenure clock. See [SPG 201.33](#) *Rules Concerning Regents' Bylaw 5.09, Tenure, Tenure Review, and Joint or Partial Tenure Appointments*. (Note that if any period of a faculty member's appointment has been excluded from countable years of service on the University-wide tenure clock, the timing of the mandatory tenure review needs to be adjusted accordingly.)

The chair or dean or duly authorized faculty committee may initiate a tenure review at a time before or after the unit's presumptive tenure review year. A review that departs from the unit's presumptive clock requires the specific

concurrence of the faculty member, unless standard unit procedure expressly provides for an earlier or later review under the circumstances.

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

Some schools and colleges have policies that provide for only one tenure review. Other schools and colleges permit a second review, if the first review in the school or college is negative or deferred. So long as 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 [SPG 201.33](#) Rules Concerning Regents' Bylaw 5.09, Tenure, Tenure Review, and Joint or Partial Tenure Appointments are the key source documents for joint appointments.

A key principle for conducting tenure reviews of faculty with joint academic appointments is described in the 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 double jeopardy 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 overall 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 or faculty member to know what each school or college is doing."

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

IX. Communication With Faculty Members

Because the policies about the tenure clock are complex and subject to multiple interpretations, the dean's office should notify faculty members in writing when actions are taken that affect the faculty member's school/college tenure clock or University-wide tenure clock, or the timing of the faculty member's tenure review. The expected year of tenure review should be communicated in writing at the time of hiring and made easily available thereafter.

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April 20, 2005: These guidelines were written by Associate Provost Janet A. Weiss and Assistant Provost Glenda Haskell, with consultation, helpful advice and feedback from Meigan Aronson, College of LSA; David Bloom, Medical School; Izak Duenyas, Ross School of Business; Jeffery Frumkin, Provost's Office and Academic Human Resources; Susan Gelman, College of LSA; Siri Jayaratne, School of Social Work; Dennis Lopatin, School of Dentistry; Shelly Martinez, Provost's Office; Michael Schoenfeldt, College of LSA; Daniel Sharporn, Office of the General Counsel; Catherine Shaw, Provost's Office; Abby Stewart, College of LSA; and other participants in the Associate Provosts and Associate Deans Group (APADG).