

Legislative History Materials
for the Spring 2007 revisions of University Policies on parental leave for faculty
(and related topics).

Revision 1 of PPM 8-8.1, (*renumbered in 2008 as U-Policy 6-315*),
and Revision 15 of PPM 8-6 (*renumbered in 2008 as U-Policy 6-311*).

Contents:

1. Memorandum with proposal for revisions.
- 2 & 3. Contents of the revision proposals, as proposed to and approved by the Academic Senate March 5, 2007, and the Board of Trustees March 12, 2007.

1. Memorandum:

*[Senate Exec Committee 2007-02-20
Senate 2007-03-05*

Faculty parental leave policy revisions 2007 (except School of Medicine).

Contents:

*Background and summary memorandum
PPM 8-8.1 proposed revisions
PPM 8-6 proposed revisions]*

Memorandum

TO: Senior Vice Presidents David W. Pershing and A. Lorris Betz
FROM: Associate Vice Presidents Susan M. Olson and Richard J. Sperry
DATE: February 12, 2007
SUBJECT: Revisions to main campus Faculty Parental Leave policy (PPM 8-8.1), and related revisions to policy on disability-based extensions to the pre-tenure probationary period (PPM 8-6).

This describes a proposal for revising the policy on faculty parental leave benefits, and revising a related policy on disability-based extensions to the pre-tenure probationary period.

The current Faculty Parental Leave policy, for all colleges other than the School of Medicine (PPM 8-8.1), was enacted in May of 2006. Certain questions arose at the time of its adoption by the Academic Senate, which prompted the proponents to make a commitment to the Senate that some aspects of the new policy would be reviewed and needed changes would be brought back for consideration within the 2006-2007 year. An ad hoc committee made up Liz Tashjian, current chair of the President's Commission on the Status of Women; Robert Flores, 2005-06 Academic Senate president; Susan Olson, Associate Vice President for Faculty; and Phyllis Vetter, Office of General Counsel, met and developed these recommendations.

The revised version will continue the basic features, guaranteeing a paid semester of release from duties and/or an elective extension of RPT review periods for regular faculty and library faculty who become parents by birth or adoption.

A primary objective of the revisions is to clarify that benefits of the policy may be based on one of two premises depending on circumstances: either that the faculty member is serving as primary caregiver of a child (care-giving leave), or is the birth mother and therefore qualifies for benefits based on the well-established federal law premise of a disabling condition (disability leave). On advice of the office of general counsel, a clear elaboration of that premise for benefits for birth mothers will help demonstrate that the policy is in compliance with federal law regarding gender discrimination. To further that primary objective, the proposal also includes a clarification of another existing policy regarding the availability of a similar RPT review period extension benefit for faculty with other disabling conditions, in PPM 8-6. As revised, 8-6 will parallel the birth-mother disability policy, by allowing for an extension to the pre-tenure probationary period for a faculty member who has a “serious health condition” (defined by federal legal standards) requiring at least six weeks of continuous leave, as certified by a health care provider. Also, as long as policy 8-6 is being opened for revisions, we have also identified a few other minor changes to consider.

Another primary objective of the 8-8.1 *parental leave* revisions is to ensure that the RPT review period extension benefit is available to faculty on nine-month appointments whose ability to perform research obligations is affected by a birth or adoption occurring early in a summer period, even though the faculty member is able to and chooses to return to full time teaching duties and research work by the beginning of the subsequent fall semester.

A third objective of the revisions is to provide an explanation for setting the length of leave periods. The University prefers to make faculty leave periods coincide with the scheduling of teaching assignments. For most faculty (on typical 9-month appointments) teaching assignments are set in semester-length periods. The revisions also clarify that academic librarians are included as eligible faculty, and because librarians typically have twelve-month rather than nine-month appointments, as do a few other faculty members outside the School of Medicine, the revisions provide for use of a pro-rated leave formula for those faculty with twelve-month appointments.

Several other changes are made for greater clarification regarding eligibility, and to give eligible faculty and administrators more detailed guidance on procedures to be followed in applying for the leave and/or the RPT review period extension benefits available under the policy.

Dates for eligibility and for application procedures are set differently for leave-taking and review timetable extensions, and for leave-taking the dates are set differently for leave based on care-giving and leave based on the birth mother’s disabling condition. On its face this elaboration of different criteria lengthens the policy and makes it appear more complex than was true of the earlier simpler version---but in practice having the criteria more carefully attuned to each type of situation should better balance the administrative convenience of departments and the legitimate needs of faculty parents.

For care-giving leave, eligibility is based on being the primary provider (“majority of child contact hours”) during regular “academic working hours” for at least 15 weeks within the semester for which leave is taken.

For disability leave, the birth must occur within the semester for which leave is taken, or no more than four weeks prior to the beginning of that semester. This is based on an application of the established federal law presumption that birth-associated disability persists for six weeks. While many birth mothers are able to return to full health in fewer than six weeks (and some require more than six weeks), using the established legal presumption of six weeks in setting this criteria for eligibility will allow simple administration of the policy without requiring detailed examination of the circumstances of each birth. Applying this presumption, a mother who gives birth no fewer than four weeks before the semester start date would be legally qualified for disabled status for at least the first two weeks of classes.

For either type of leave, the applicant is to notify the department “as soon as possible and no fewer than three months prior to the expected arrival.” This is intended to give department chairs adequate time to make appropriate course-staffing arrangements. We recognize that this standard may have to be interpreted very leniently for adoptive parents, who sometimes have little prior notice of their child’s arrival.

For review timetable extensions, eligibility based on being a primary caregiver requires providing the majority of care during hours one “would normally spend on productive scholarly pursuits,” for at least 15 weeks. Eligibility based on birth mother disability is again based on the established presumption of six weeks of disability. For either basis, a June cutoff date is applied, so the care-giving must begin or the birth must occur by June 30 of the year in which the review would otherwise have occurred. This date is set to allow eligibility for an extension only when the constraints of care-giving or the disability has had a significant effect on a faculty member’s ability to perform work ordinarily done in preparing for a scheduled review in the months preceding the closing of the file for the review.

For either basis of eligibility, the application for extension of the review timetable must be made within three months after arrival of the child and before action is taken to begin a formal review process. This requirement is set to ensure that administrators are given sufficient notice to avoid burdening outside evaluators and departmental faculty with preparations for a review that will subsequently be delayed. Additional language is added to make clear how extensions operate, including that an extension applied early in a faculty member’s pre-tenure probationary period will lead to extension of all subsequent reviews.

To ease understanding of the operation of the revised policy, a set of examples is being provided, and may be expanded from time to time based on experience.

Finally, 8-8.1 is being revised to remove a statement making it presumptively applicable to the School of Medicine in July 2007. As was anticipated, a separate and significantly different policy applicable to the School of Medicine has now been developed and is expected to take effect on that date. As a final step, we anticipate that modifications will be made to each of the separate policies to resolve any inappropriate inconsistencies, and to include in each some language to explain how the policies are to be integrated, as for example in cases in which both of a child’s parents are faculty members, one in Medicine and one in another department.

As a reminder of the reasoning that led to adoption of the original version of the policy, we also attach here a copy of the memorandum circulated with that original version in 2006.



Excerpts from the 2006 memo, explaining the original version of the parental leave policy.

Memorandum

TO: Senior Vice Presidents David W. Pershing and A. Lorris Betz

FROM: Associate Vice Presidents Susan M. Olson and Richard J. Sperry

DATE: February 16, 2006

SUBJECT: Faculty parental leave

We recommend ... the attached proposed policy draft for Faculty Parental Leaves of Absence. The policy would guarantee one semester of release from duties and an elective extension of the probationary period for regular faculty who give birth ... or provide ... the primary care of a child . . .

This policy rests on a report issued by the President's Commission on the Status of Women (PCSW) in January 2005 after extensive research on parental leave policies at other universities and a survey of women faculty about their experiences bearing or adopting children while employed at the University of Utah. The full report is posted at <http://www.sa.utah.edu/presidential/report.html>. In short, the report found that most of the peer institutions studied provide more support for faculty having children than we currently do. Our university policy currently provides only the minimum required by the federal Family and Medical Leave Act, which is for up to 12 weeks of unpaid leave. Employees taking this leave are paid to the extent they have accrued sick leave (one day per month during the 9- or 12-month appointment period). Because they have often deferred children while completing advanced degrees and other professional preparation, however, faculty members are most likely to be starting families when they have very little sick leave accrued. For this reason and because 12 weeks is an awkward length in the academic calendar, formal FMLA leave is rarely taken.

A small number of departments or colleges on campus (e.g., School of Business and Department of Chemistry) have developed their own written policies providing some paid parental leave time. Most units, however, handle these situations on an ad hoc basis, resulting in very uneven practices across campus and sometimes even within the same unit as chairs and deans change over time. The PCSW survey of women on our campus showed a wide range of experiences, but most were less than satisfactory.

Extensions of the tenure clock are now guaranteed if one takes a formal leave, which few people do, and are available with the support of chair and dean in other circumstances. Such extensions are usually but not always supported.

The proposed policy spreads the cost of the parental leaves. The faculty member would contribute five percent of her or his annual base salary for that semester to help with replacement costs. For the 2006-07 fiscal year, the Senior Vice President for Academic Affairs has offered to contribute \$3,000 for each such leave to departments under his jurisdiction and plans to continue to do so in future years. The Senior Vice President for Health Sciences has agreed to do the same for faculty in the colleges of Health, Nursing, and Pharmacy. The School of Medicine has asked for another year in which to develop a funding mechanism since it has such a small percentage of state funding and depends so heavily on clinical revenues. Thus, the policy delays the effective date for the School of Medicine until July 1, 2007.

We recognize that this policy provides a more generous parental leave plan for regular faculty than for other categories of university employees or for other types of situations in one's personal life that complicate professional life. Nothing in the policy prohibits its discretionary extension to other employees, of course, or more generous benefits than those guaranteed, if a unit chose to provide them. In fact, the School of Medicine intends to cover some categories of auxiliary faculty as it develops its funding mechanism. Moreover, we recommend that the university move ahead with addressing more systematically issues of work-life balance for all its employees. The need to begin with this policy at this time, however, is based on several assumptions.

- Young tenure-track faculty are uniquely burdened by a clash between the tenure clock and family-building.
- Women faculty members and, increasingly, young male faculty members take parental leave policies into account as they choose academic jobs. In a competitive market for the best young faculty, we need such a policy.
- The work of the majority of regular faculty is so tied to semester calendars that any shorter period of leave is infeasible because of problems of institutional scheduling.

--end--

2. Proposed revisions of PPM 8-8.1, as approved and adopted to become Revision 1. (Note that this Policy was in 2008 renumbered as U-Policy 6-315).

{ PPM 8-8.1 (Parental Leave, non-SOM) Draft # 2007-02-22. }

Policy: 8-8.1 Rev: 1
Date: _____ 2007

Subject: **Faculty Parental Leaves of Absence**

I. PURPOSES

To outline the university's policy for parental leaves of absence and extensions of the review timetable for the birth or adoption of children by regular faculty and academic librarians. To maintain the university's general preference of providing leaves for faculty, except for brief absences, in increments of an academic term or semester, consistent with the length of most teaching assignments. Any questions regarding this policy should be referred to the Office of the Senior Vice President for Academic Affairs or the Office of the Senior Vice President for Health Sciences.

II. SCOPE AND EFFECTIVE DATE

~~The effective date of this~~This policy ~~for~~applies for academic librarians and regular faculty in all colleges except the School of Medicine ~~shall be July 1, 2006. For regular faculty in the School of Medicine, the effective date of either this policy or a different policy on this subject adopted specifically for the School of Medicine shall be July 1, 2007. Until that time current policy on FLMA in PPM 2-21 and on probationary period extensions in PPM 8-6 will remain in effect in the School of Medicine.~~. The effective date of this policy is July 1, 2006.

III. REFERENCES

PPM 2-21, Leaves of Absence (Health-Related)

PPM 2-22, Leaves of Absence (Non Health-Related)

PPM 8-6, Faculty Retention and Tenure of Regular Faculty (extension of pre-tenure probationary period for disability)

PPM 8-8S, Leaves of Absence

PPM 8-8.2, School of Medicine (SOM) Faculty Parental Leaves of Absence

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

IV. DEFINITIONS

A. "Academic year" is defined for purposes of this policy as August 16 to May 15 for faculty on nine-month appointments and July 1 to June 30 for faculty on twelve-month appointments.

B. "Adopted child" refers to a child under six years of age or a special needs child placed for adoption. "Special needs child" means a child under the age of 18 who is incapable of self-care on a daily basis because of a mental or physical disability that substantially limits one or more major life activities.

C. "Annual base salary" means the total compensation approved in advance as the amount payable to a faculty member for normal and expected working time and effort, not in excess of 100% of full-time, for all services to be performed under all assignments during the appointment period. This term does not include compensation for separate assignments during nonworking intervals, approved overload assignments in the Division of Continuing Education, additional compensation for occasional services or payments made pursuant to authorized consulting or professional service contracts. (See [PPM 2-67], Additional Compensation and Overload Policy.)

D. "Eligible faculty" is defined as library faculty or regular faculty with appointments that began before the expected arrival of a child.

E. "Library faculty" is defined as academic librarians with continuing appointment or eligible for continuing appointment under [PPM 9-2].

F. "Parental leave benefits" refers to parental leaves of absence with modified duties (including disability leaves for birth mothers and care-giving leaves for all eligible parents) and/or extensions of the review timetable for the birth or adoption of children.

G. "Partner" refers to a spouse or, in the case of unmarried faculty, to an adult who is certified as an eligible partner through Human Resources procedures.

E. "Primary caregiver" H. "Primary caregiver" for purposes of an extension of the review timetable means a faculty member who provides the majority of child contact hours during time that the faculty member would normally spend on productive scholarly pursuits for a period of at least 15 weeks. "Primary caregiver" for purposes of a care-giving leave means a faculty member who provides the majority of child contact hours during the faculty member's regular academic working hours for a period of at least 15 weeks.

FI. "Regular faculty" is defined as tenured or tenure-eligible faculty under [PPM 9-2]. {++See also [PPM 2-0.]}

V. FACULTY PARENTAL LEAVE: ELIGIBILITY, NOTIFICATION, BENEFITS

A. Eligibility

1. Review timetable extensions under this policy are available to an eligible faculty member who either i) is due to and/or does give birth to a child no later than June 30 of the year in which the review to be extended is scheduled, or ii) is planning to and/or begins to serve as the primary caregiver of her or his own newborn child or a partner's newborn child or of a newly adopted child no later than June 30 of the year in which the review to be extended is scheduled.
 2. Disability leave benefits and the resulting modified duties under this policy are available to an eligible faculty member who gives birth to a child within the semester for which leave is sought or within four weeks before the beginning of that semester.
 3. Care-giving leave benefits and the resulting modified duties under this policy are available to an eligible faculty member who serves as the primary caregiver of her or his own newborn child or a partner's newborn child or of a newly adopted child within the semester for which leave is sought.
 4. ~~Benefits under this policy are available to a regular faculty member who either a) gives birth to a child within the academic year or within six weeks before the beginning of the academic year, or b) serves as the primary caregiver of her or his own newborn child or a partner's newborn child or of a newly adopted child within the period for which leave is sought.~~ This policy does not apply to birth mothers who do not anticipate becoming the legal parent of the child following birth. In such cases, the faculty member **will may** be covered by sick leave and FMLA policies.
 5. ~~Leave~~Disability or care-giving leave under this policy shall begin no more than three months prior to the birth/placement of a child and shall be completed no more than 12 months following the birth/placement. ~~Exceptions must be approved by the cognizant senior vice president.~~
 6. Only one University of Utah faculty member is guaranteed to qualify for **this parental** leave **benefits** for a given instance of childbirth or adoption. {*Note-- An explanation of coordinating this policy with the School of Medicine policy will be added here, once the SOM policy is in final form.*}
- The qualifying faculty member is only guaranteed one semester of leave with modified duties for a given instance of childbirth or adoption.
7. A faculty member will automatically receive parental leave benefits no more than twice. Any subsequent requests for benefits in conjunction with additional instances of birth or adoption will be subject to the approval of the cognizant senior vice president.

8. Exceptions to these eligibility criteria must be approved by the cognizant senior vice president.

B. Notification

~~The~~An eligible faculty member should notify her or his department chair of a request for a **parental leave of absence with** modification of duties as soon as possible and ~~normally~~ no fewer than three months prior to the **expected** arrival of the child. ~~The~~ A request for **an a review timetable** extension ~~to the pre-tenure probationary period or post-tenure review process~~ may be made at the same time and must be made within three months ~~of~~ **after** the arrival of the child and before **a review begins external reviewers are solicited or other action is taken to begin a formal review, whichever is earlier.** An application form is available [<http://www.admin.utah.edu/facdev/forms/parental-leave.pdf>]. **A previously submitted request for a timetable extension may be revoked by written notice from the faculty member, submitted before the date on which action would ordinarily be taken to begin a formal review in that year's review cycle.**

C. **Parental Leaves of Absence, with Modified Duties (Disability Leave, Care-giving Leave)**

Upon request, an eligible faculty member will be granted **a parental leave of absence with** modified duties for one semester for faculty on nine-month appointments or an equivalent period for faculty on twelve-month appointments. The faculty member **will be released from professional duties during this period, but** may choose to continue some professional activities (e.g., meeting students, doing research, participating in hiring or RPT decisions) **during this semester**. The faculty member will receive pay at the rate of 95% of her or his annual base salary during that semester. If a portion of the compensation is received from grants or contracts, that portion of compensation must be based on actual effort performed for the award, **and all** ~~All~~ award requirements must be met. ~~A faculty member will automatically receive modified duties no more than twice. Any subsequent requests will be subject to the approval of the cognizant senior vice president.~~ For teaching loads that are unbalanced across the academic year, arrangements should be coordinated wherever possible such that **a leave with** modified duties would coincide with the semester with fewer teaching duties.

Parental leaves **of absence with modified duties** under this policy **is are** substituted for unpaid leave under the Family and Medical Leave Act (FMLA). Eligible faculty members may in addition qualify for unpaid leave under the FMLA during the same twelve (12) month period, but only in connection with a serious health condition. Such FMLA leave is normally unpaid except that accrued sick leave must be used. See [PPM 2-21] for more information.

~~Other leave that has been taken or is scheduled to be taken by an eligible faculty member shall not preclude parental leave under this policy. Correspondingly,~~

parental leave taken or scheduled under this policy shall have no bearing on decisions regarding other leave for an eligible faculty member.

~~D. Adjustments to Tenured or Tenure-Eligible Appointments~~

D. Extension to Review Timetables

Upon **making a timely** request, an eligible faculty member will automatically receive a one-year extension on her or his **overall** timetable for **RPT retention, promotion and tenure (RPT)** or post-tenure reviews. **For an RPT review, an extension applies both to the next scheduled review, and the overall timetable for subsequent reviews. An extension taken at any time in a pre-tenure probationary period will extend the date for the final tenure review, as well as any intervening formal review.** Faculty members should not be expected to maintain normal scholarly productivity during an extension granted under this policy. ~~A faculty member will automatically receive this extension no more than twice. Any subsequent requests will be subject to the approval of the cognizant vice president.~~

E. Unanticipated Events

Not all events surrounding pregnancy, childbirth, adoption, and the health of a young child can be fully anticipated **by for purposes of** this policy. Requests for exceptions to this policy should be directed to the cognizant senior vice president.

F. Obligation to Return

The obligation to return to university service following the leave, applicable to other leaves under PPM 8-8S, Sec. 9, B., applies to **disability and caregiving leaves under** this policy as well.

VI. EXAMPLES OF POLICY APPLICATION

Examples of the application of this policy are available [sample link name: <http://www.admin.utah.edu/facdev/parentalleaveexamples/parental-leave.pdf>]. Examples are provided for illustrative purposes only. They do not constitute any part of this policy.

VII. RELATIONSHIP TO OTHER POLICIES

A. Nothing in this policy precludes academic units from providing similar benefits to faculty ~~in addition to regular~~ **other than** faculty **eligible under this policy** or providing to any faculty members **or academic librarians** more extensive benefits for parental or other family responsibilities or personal disability.

B. Other leave that has been taken or is scheduled to be taken by a faculty member shall not preclude eligibility for parental leave benefits under this policy.

Correspondingly, parental leave taken or scheduled under this policy shall have no bearing on decisions regarding other leave for a faculty member, except to the extent that a faculty member with a twelve-month appointment is subject to a department policy regarding proration of sick leave, vacation leave or professional development leave.

C. If any other University policy is inconsistent with the provisions herein, this policy shall govern.

VIIII. POLICY REVIEW

The implementation and the fiscal impact of ~~the~~ this parental leave policy will be reviewed in three years from the original date of passage which was May 2006. The report will be given to the Academic Senate. Concerns should be reported to the cognizant Associate Vice President for Faculty or for Health Sciences.

Approved: Academic Senate, ~~May 1, 2006~~ _____, 2007

Approved: Board of Trustees, ~~May 8, 2006~~ _____, 2007

Examples of application of PPM 8-8.1, Faculty Parental Leaves of Absence, for all colleges other than the School of Medicine. Examples are provided for illustrative purposes only. They do not constitute any part of the University's Parental Leave Policy.

Example 1

Consider a regular faculty member who expects to and does give birth to a child September 15 of the year in which she will undergo her fifth year retention review. Her department has a seven-year probationary period.

- The woman is eligible to receive modified duties at 95% pay in the fall semester of that year as disability leave due a birth mother who delivers during the academic year.
- Her fifth year retention review will take place as scheduled, as the child was both due and born after June 30.
- The woman is eligible to extend the review timetable by one year under the parental leave policy, thereby extending the date of her tenure review by one year.
- In this case, the woman should notify her department chair if she intends to seek modified duties in the fall semester as soon as possible, but no later than June 15, three months prior to the expected birth of the child. She may request an extension to her review timetable at the same time, or at any time up to December 15, three months after the arrival of her child.

Example 2

Consider a regular faculty member with whom an infant is placed for adoption on June 15 of the year in which he will undergo his fifth year review. He plans to serve as the primary caregiver of the child until the end of the fall semester. His department has a seven-year probationary period. This is his first application for parental leave.

- The man is eligible to receive modified duties at 95% pay in the fall semester of that year as the primary caregiver of a newly placed child under the age of six.
- In this case, the man should notify his department chair that he intends to seek modified duties in the fall semester as soon as possible, but no later than March 15, three months prior to the expected birth of the child. (This may not be possible in the case of adoption, where adoptive parents may not receive three months' notice.) He may request an extension to his review timetable at the same time, or at any time up to September 15, three months after the arrival of his child.
- He is eligible to extend the review timetable by one year under the parental leave policy, as the child was placed with him for adoption before June 30.
 - ▶ If he makes the request to extend the review timetable before external reviewers are solicited, he may postpone his fifth year review by one year, as the child was expected to and/or did arrive before June 30. The tenure review will take place two years after the date of his fifth year review.
 - ▶ If he makes the request to extend the review table after external reviewers are solicited or other action is taken to begin a formal review, his fifth year review will occur at the scheduled time, but his tenure review will be extended by one year.

2. Proposed revisions of PPM 8-6, as approved and adopted to become Revision 15. (Note that this Policy was in 2008 renumbered as U-Policy 6-311).

{ PPM 8-6 (extension of pre-tenure probationary period for disability) Draft # 2007-02-22.
Proposed for revision as part of the project of revising the faculty parental leave policy 8-8.1 }

Policy 8-6 Rev-13-14
~~August 9, 2004~~ ____, 2007

**Subject: UNIVERSITY REGULATIONS - Chapter VI
FACULTY RETENTION AND TENURE OF REGULAR FACULTY**

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) ([PPM 9-2, Sec. 2-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, 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.¹ 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.

SECTION 2. REFERENCES

PPM 2-2.2 , Procedures for Joint Appointments to Faculty Positions

PPM 2-21, Leaves of Absence (Health-Related)

PPM 2-22, Leaves of Absence (Non Health-Related)

PPM 8-8S, Leaves of Absence

PPM 8-8.1, Faculty Parental Leaves of Absence (all colleges except School of Medicine)

PPM 8-8.2, Faculty Parental Leaves of Absence (School of Medicine)

PPM 9-2, Tenured and Tenure-Eligible Faculty

PPM 9-5.1, Retention, Promotion, Tenure

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

SECTION 3. 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 [PPM 9-5.1 Sec K], and also discussed in [PPM 9-4, Sec 2 B.1 and 9-5].

SECTION 3.4. 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 [PPM 9-5.1].

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, Chapter II, Section 2, paragraph D (**PPM 9-2**)]. 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 [PPM 2-2.2] 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 ~~for academic affairs~~ before the starting date of the leave that the academic year not be counted;

ii. has a serious health condition as defined in [PPM 2-21 (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 [PPM 2-21];

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);

~~iii-~~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 ~~for academic affairs~~ 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 senior 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 ~~RPT 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 [PPM 8-6 Sec 3.B]. Copies of this memorandum shall be given to the faculty member, to the cognizant senior vice president ~~for academic affairs~~, 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.

SECTION ~~4.4.~~4.5. 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 [\[PPM 8-7\]](#)~~Chapter VII, Section 3, infra~~, or to any other individuals serving in auxiliary (research, clinical, lecturer, adjunct, and visiting), or administrative positions.

SECTION ~~5.6~~ 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 ~~6.7~~ 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 [\[sections 1 and 3 of this policy, and PPM 9-5.1\]](#), ~~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 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 Consolidated Hearing Committee.

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

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