

Report of the Committee to Consider a More Flexible Tenure Probationary Period

Associate Provost Janet A. Weiss and Dean Terrence J. McDonald
Committee Co-Chairs

June 30, 2005

Contents

I. Work of the Committee

- A. Charge
- B. Summary of Recommendations
- C. Background
- D. Why Flexibility Matters

II. Policy Recommendations

- A. Create more flexibility in the tenure probationary period
- B. Policies on excluding years of service from tenure probationary periods
- C. Part time tenure track appointments

III. What next?

Committee Membership

Appendix I: Charge to the Committee

Appendix II: A Partial Summary of Historical Activity at the University of Michigan Related to the Tenure Probationary Period

Appendix III: Institutions With More Flexible Tenure Probationary Period Policies Than the University of Michigan

Appendix IV: A Brief Summary of the Committee's Work

Appendix V: Next Steps

Report of the Committee to Consider a More Flexible Tenure Probationary Period

I. Work of the Committee

A. Charge.

In the fall of 2004, the Provost and Executive Vice President of Academic Affairs convened the Committee to Consider a More Flexible Tenure Probationary Period to explore the range of issues associated with changes in the rules governing time to tenure. The Committee was invited to formulate and submit a set of recommendations to the Provost, including a proposal for making any necessary revisions to Regents' Bylaw 5.09 *Procedures in Cases of Dismissal, Demotion, or Terminal Appointment* and Standard Practice Guide 201.13 *Rules concerning acquiring the protection of Regents' Bylaw 5.09 by accumulating years of service*. The full charge is reproduced in Appendix I.

B. Summary of Recommendations.

To ensure its continued excellence, the University of Michigan must attract outstanding faculty and provide them with an environment in which they can thrive. This goal has become more difficult to achieve, as the university must cope with intense competition from peer universities, the changing nature of scholarship and publication, and a more diverse set of experiences and backgrounds among the faculty themselves. Our existing tenure process, which dates to the early 1940's, is too rigid to accommodate these pressures. While the Committee strongly supports the institution of faculty tenure, we believe that reform of our policies on tenure will benefit both the University and individual faculty members.

The Committee recommends that the University adopt policies that create more flexibility in the tenure probationary period. Our central recommendation is that each school and college identify a presumptive time of tenure review and then create fair and consistent policies that may accelerate or postpone the tenure review for faculty members depending on their situations. To permit such policies to develop in the schools and colleges, two crucial changes need to be made in University policy: 1) revising Regents' Bylaw 5.09 to extend the maximum probationary period from the current eight years to ten years, so that schools and colleges have the freedom to provide longer tenure probationary periods when that is justified by their policies; 2) oversight of school and college policies by the Provost or Chancellor to ensure that school and college policies define fair and clear criteria for decisions about accelerating or postponing the timing of the tenure review. We also recommend a new policy to make it possible for faculty members to work part time and remain on the tenure track, accruing years of service on a prorated basis. These recommendations are intended to adapt the institution of tenure to the realities of contemporary scholarship and faculty life.

C. Background

Creating more flexibility in tenure-track careers has received national attention for many reasons. For example "An Agenda for Excellence: Creating Flexibility in Tenure Track Faculty Careers," was released in preliminary form in the fall of 2004, with a final report in the spring of 2005 by the American Council on Education (ACE). This report is part of an Alfred P. Sloan Foundation

funded project, “Creating Options: Models for Flexible Tenure-Track Faculty Career Pathways.” University of Michigan President Mary Sue Coleman is a member of the project’s National Panel of Presidents and Chancellors. The report says:

“As they shape long-term fiscal and strategic plans for their institutions, college and university leaders need to evaluate and act on all aspects of faculty career cycles. They need to do so to attract and retain those who are most talented in order to maintain excellence in teaching and cutting-edge, innovative research and to provide incentives for older faculty to retire with satisfaction and financial security, thereby accommodating the next generation of scholars and teachers. Central to meeting this challenge is finding ways to create more flexible career paths for the tenure-track professoriate to enter, thrive in, and retire from academia.”

(from the report’s executive summary, available at <http://www.acenet.edu/bookstore/pubInfo.cfm?pubID=330>)

Another starting point for our deliberations was a report in March 2004 from the Gender in Science and Engineering (GSE) Subcommittee on Faculty Evaluation and Development. The subcommittee recommended that the University should adopt a more flexible tenure probationary period for untenured faculty on the tenure track, while maintaining a uniform standard of performance.

Our Committee reviewed the history of rules governing tenure at the University of Michigan. See Appendix II for a brief chronology of important developments in our tenure policy. We discussed at length a number of arguments for and against more flexibility in the tenure process. We also discussed various ways in which the University could create more or less flexibility in the tenure review process. See Appendix IV for a description of the materials we reviewed.

Our deliberations began with a shared commitment to a tenure process that produces excellence and is of finite duration. Although all the schools, colleges, and regional campuses are governed by a common framework of University policies, the various schools and colleges and the regional campuses do have some flexibility within existing policies. The flexibility in our current system is an important feature of the University’s functioning. We recognized that any changes we recommend must acknowledge that different schools and colleges carry out their tenure reviews in ways that have evolved to meet their needs. As a committee, we discovered that there is more variability of current practice than most of us had realized. For example, the Regents’ Bylaw 5.09 and SPG language specify that the maximum length of time that a faculty member may remain in a tenure track position is eight years. Given that a faculty member who is denied tenure is entitled to notice of non-reappointment and a terminal year of appointment, that means that the tenure review must be concluded no later than the faculty member’s seventh year of service on the tenure clock. Some of the schools and colleges do conduct their tenure review in the seventh year; however, most conduct their tenure review in the sixth year; another in the fifth year. This variability across schools and colleges is partly a function of historical practice, and partly a response to norms in different academic fields of endeavor and practices by peer institutions. In our recommendations, we continue to support the need of schools, colleges, and regional campuses to develop policies that work in their respective contexts.

Our deliberations led us to agree with the ACE report's conclusion that flexible career paths are highly desirable. Flexibility is important not only across schools or departments, but within schools, colleges, and departments to accommodate the situations of individual faculty members. Flexibility in the timing of the tenure review is one of the crucial ways in which flexibility becomes meaningful to faculty in early and mid-career. Our basic conclusion is the same as that of the GSE subcommittee. The University of Michigan will be well served by increased flexibility in the length of the tenure probationary period, while maintaining a uniform standard of performance. In section III we discuss in detail the policy mechanisms that we recommend to accomplish this.

It is important to emphasize that flexibility means the capacity to move both more quickly and more slowly. Faculty members who achieve a tenurable record quickly should be reviewed and awarded tenure more quickly than the designated number of years for tenure review. Faculty members who achieve a tenurable record more slowly for reasons that their school or college deems justifiable should have the opportunity to be awarded tenure at a later date.

It is also important to emphasize that the Committee's recommendations are not intended to erode in any way the rights and responsibilities connected with faculty tenure. The members of the committee endorse the belief that tenure is an essential part of the guarantee of academic freedom and key to the recruitment and retention of an excellent faculty. By recommending changes in our tenure practices, we do not intend that fewer faculty will be promoted to tenured positions on the University faculty (nor do we expect that more faculty will be promoted to tenured positions). Instead, we propose changes because we believe that the University's existing tenure practices (and the practices of nearly all of our peer institutions) have become too rigid and poorly adapted to the demands of contemporary scholarship. Although the University has been well served in the past by our current policies, excellence in the future may require adapting our policies and practices to changing realities.

D. Why Flexibility Matters

We note three important factors that call for more flexibility:

1. Changes in academic fields, funding and scholarly publication
2. Differences among individual experiences that lead to differing rates of accomplishment
3. Intense competition to recruit and retain excellent faculty

1. Changes in academic fields, funding, and scholarly publication

Joint appointments. The University of Michigan derives considerable advantage from its wide use of joint appointments and interdisciplinary research. When untenured faculty members hold joint appointments, they experience more than the usual pressure to meet the academic expectations of two (or more) groups of colleagues and students. Trying to meet these multiple demands often makes for a challenging tenure probationary period. Some schools and colleges discourage joint appointments before tenure, in order to protect assistant professors from these amplified expectations. However, it may make

sense to permit (or even encourage) joint appointments where those make sense for a faculty member's academic interests and trajectory, and to provide more time for the faculty member to meet those multiple demands.

Publication challenges. For both technical and economic reasons, outlets for scholarly publication have changed dramatically over the last generation. University presses that publish scholarly monographs have diminished in number, and have become far more focused and limited in their publication lists. This has placed tremendous pressure on assistant professors in disciplines that have historically required publication of a monograph to clear the tenure hurdle. For reasons that may be unrelated to the quality of their scholarship, they may simply not be able to publish a book in a fixed period of time, given the economics of book publishers. Similarly, journal publication is changing in the face of the sea change in information technology and the plethora of channels for disseminating research. While in some fields, journal publication is increasingly shifting to electronic forms, many journals that publish in hard copy experience increasing delays between submission and publication of research articles. When these delays extend to several years, as they do for the premier journals in some disciplines, assistant professors who need national reputations for research excellence are severely disadvantaged. When untenured faculty respond to these delays by pursuing publication in less rigorous or prestigious outlets, simply to speed up the process, that serves neither the faculty nor the discipline well.

Funding limitations. Funding for research in the sciences, biomedical sciences and engineering is increasingly directed to larger, multi-investigator projects. As junior faculty attempt to compete for such funding, it may take more time to establish the collaborations that enable untenured faculty to compete successfully for funding. In medical schools in particular, the challenges of funded research have led to faculty positions that combine instruction, research, and clinical service. When faculty members are carrying significant loads in all three domains, it is especially challenging to develop a demonstrable record of accomplishment in a limited time frame. In recognition of this challenge around the country, medical schools have been the most likely to build more time into the tenure probationary period than the standard seven years (see Appendix III for more information).

All of these considerations may make it more challenging than it has been in earlier years to put together a record of accomplishment that will earn tenure for an assistant professor at the University of Michigan in a fixed period of time. For reasons that have little to do with the talent or effort of the faculty member, the conditions of scholarly and creative work have changed. Our tenure review process should acknowledge these changes. One implication is to make it possible to extend the time of the probationary period for faculty members, so that the forces mentioned here do not torpedo the careers of highly promising scholars, researchers, and artists.

2. Differences among individuals that lead to different rates of productivity

Career paths. Faculty members may begin their careers as assistant professors immediately after earning a PhD (or indeed slightly before earning a PhD) at a comparable institution. However in many fields, new PhD recipients begin their careers as postdoctoral fellows (or in similar positions), and many of these fellows may spend two or three years, or even longer, in non-teaching positions designed to launch their careers as independent researchers and scholars. When these faculty members begin their time on the tenure track, they already have several years of experience and publication, and in many cases have access to funding to continue and build their research. Although they hold the same title as assistant professors who have not served as postdoctoral fellows, they do not have the same situation. In other cases, assistant professors have begun their careers in other institutions, with extensive experience in teaching or research in another location. When these individuals begin their time at the University of Michigan as assistant professors, they are able to draw on their teaching and research experience elsewhere to build their careers here. Whether because of postdoctoral research or teaching experience, these assistant professors have a considerable running start on their careers here. It is not clear that it makes sense to keep them on the same schedule as other faculty members who begin their careers directly after graduate school.

Mentoring. For many reasons, some assistant professors receive excellent mentoring and advice from their senior colleagues, while others receive little or none. These differences are often attributable to whether individual assistant professors find close colleagues with similar research, scholarly or creative interests. But the differences may also be attributable to differences in school, college, or departmental norms and practices. The sizable variations in level and quality of advising may contribute to differing rates of success of untenured faculty members in meeting the expectations of their senior colleagues.

Family circumstances. The lives of untenured professors vary in the personal and family demands that they experience. Faculty with major care-giving responsibilities for young children, or partners or parents who are seriously ill, or dependents with significant disabilities find it very challenging to be as productive professionally as those with fewer responsibilities or demands. Faculty who experience major health or personal emergencies are similarly prevented from devoting the time and energy to work as those who are spared these challenges during the tenure probationary period. The University of Michigan has adopted policies that permit some faculty members to exclude time from their probationary period (usually one year) in light of the demands of child birth, dependent care, health problems and other personal emergencies. Many eligible faculty members who could benefit from such accommodations have taken advantage of this flexibility. During the period when some of these policies were restricted to women, faculty members who might have benefited from the policies did not take advantage of them.¹ Sometimes this was because of lack of knowledge about the policies. But sometimes it was because the faculty members feared discrimination in future promotion and tenure decisions. The recommended policies are intended to mitigate that fear, and

¹ “Tenure Clock, Modified Duties, and Sick Leave Policies”, Center for the Education of Women, University of Michigan, 2004.

to provide help to all faculty who have substantial responsibilities for care-giving, dependents, or serious personal emergencies to manage. While there is considerable evidence that women faculty are particularly burdened in this way, many men need and can benefit from policies that recognize, and make adjustments for, the demands of family life. Because individual circumstances and experiences vary in ways that influence rate of progress and productivity for individual faculty members, it may make sense for tenure policies to vary as well. Such flexibility may make it more likely that the University becomes a place where faculty members can establish thriving careers.

3. Competition to recruit and retain excellent faculty

To attract and retain excellent faculty members, we need attractive working conditions. The University of Michigan must be able to recruit faculty who have the opportunity to go to our peers, and to retain the outstanding faculty who begin their careers at the University. More flexibility to accommodate variations in circumstances and experience may help us to achieve this. Several factors need to be considered as we contemplate changes in these policies that will maintain our ability to compete for faculty.

Supporting ambition and risk taking. Scientists, artists, and other scholars may respond to an inflexible tenure clock by strategic choices of projects to pursue that are manageable within a fixed time period. These choices may artificially limit the choice of methods, access to data or artifacts that are difficult and time-consuming to obtain, or complex collaborations that might enrich the quality of the work. With a more flexible clock junior faculty may be willing and able to take more risks and try more ambitious projects. If they do not pan out, there would still be time to recoup and pursue more traditional academic pursuits. This flexibility may attract some faculty who are seeking opportunity for work at the frontiers of their disciplines, and encourage others to pursue more ambitious lines of scholarship and creative work.

Fairness and Equity. With a one-size-fits-all policy, the University can maintain that its policies are consistent and in that sense fair. With customized policies that accommodate to differences in circumstances, the University can respond in a more tailored and nuanced way to individual faculty issues. Treating people differently in ways that correspond to their circumstances is, in that sense, fairer.

Nimble response to competition. Those faculty whose performance is outstanding from the outset of their careers are often highly desirable to our peer institutions, and the University of Michigan may have to compete with outside interest. With more flexible tenure policies we may find it easier to review such faculty for tenure to preempt other offers.

Building the diversity of the faculty. More flexibility may make the University more attractive to faculty members who have career trajectories that do not fit the normal mode. Whether the variations occur at the beginning of one's tenure-track career, or in the midst of the tenure track, the University should be a place where people who have taken differing paths can find room to thrive.

II. Policy Recommendations

In this section we describe policies that can move the University and its schools, colleges, and regional campuses toward more flexibility in the tenure probationary period.

A. Create more flexibility in the tenure probationary period

Our key recommendations here are to create policies in each school and college that specify a presumptive time of tenure review (which will usually be exactly the same as it is now – year six of the probationary period in most schools and colleges, year five or seven in others), and then to create policies that permit deviations from that presumptive time, either to accelerate the tenure review or to postpone it. In order to permit such policies to develop in the schools and colleges, a few crucial changes need to be made in University policy.

University policies

These changes need to be implemented at the University level.

- Recommend change in Regents' Bylaw 5.09 to extend the maximum probationary period from eight to ten years. This change creates more freedom for schools and colleges to provide longer tenure probationary periods for some of their faculty members when this is justified by school and college policies [see below].
- Changes in school/college promotion and tenure policies (as described below) must continue to be reviewed for consistency with University policy and for fair treatment of faculty members, and approved by the Provost and Executive Vice President for Academic Affairs on the Ann Arbor campus and by the Chancellors on the Flint and Dearborn campuses. Although some differences across schools and colleges are expected and desirable, each campus will want to ensure some consistency of practice and will want to ensure that adequate oversight mechanisms are in place to prevent arbitrary or discriminatory treatment of faculty members.

School/College policies

These changes need to be implemented by every school and college.

- Each school/college will determine its presumptive time for tenure review (which may be exactly what it is right now, although some schools/colleges may wish to change the presumptive timing of the tenure review)
- Each school/college will create guidelines to determine when cases may be brought forward for early review (one or more years before the presumptive time for tenure review). The standard of achievement in scholarship or creative work for early tenure review will not be higher than the standard for review at the presumptive time. A decision to review earlier than the presumptive time requires the agreement of the faculty member.

- Each school/college will create guidelines to determine when cases may be brought up for later review (one or more years after the presumptive time for tenure review). The standard of achievement in scholarship or creative work for later tenure review will not be higher than the standard for review at the presumptive time. A decision to review later than the presumptive time requires the agreement of the faculty member.
- Each school/college will develop an internal process for notifying tenure track faculty of their expected date of tenure review, both at the time of initial appointment, again at the time of third year review, and again in the year preceding the planned tenure review.
- If any school/college changes the presumptive time for tenure review from its current time to year 8 or 9, that school/college may wish to make more frequent use of the rank of Associate Professor without tenure. In that case, the school/college will need to adopt guidelines and criteria for promotion from Assistant Professor to Associate Professor without tenure. Note that promotions to untenured Associate Professor will continue to require provostial and Regental approval.

This policy framework creates opportunities for flexibility in schools and colleges, but requires no change in any school or college whose faculty does not choose to become more flexible. Each school or college would have the option to continue to review everyone at the same point in the probationary period, and to limit deviations from the presumptive time of tenure review. However the framework makes it possible for schools and colleges to either accelerate or postpone the tenure review, provided that they do so consistently according to clearly articulated criteria.

This approach to a more flexible tenure clock puts an increased burden on the departments, schools and colleges to insure clear and effective communication with each faculty member about school and college policies and practices. This will also create challenges for jointly appointed faculty members, who will have to navigate the processes of more than one school or college.

One important question is what happens when a faculty member is reviewed for tenure early or at the presumptive time and the decision is negative. In current practice, some schools and colleges permit a second review in a subsequent year if the first tenure decision is negative. Other schools and colleges do not permit a second review; negative reviews in these places are followed by immediate notice of non-reappointment. One possibility is to continue to permit differences among the schools and colleges in their handling of this matter. Many committee members believe that the University should establish a common policy on whether second reviews are permissible, and if so under what circumstances. We recommend further conversations about this practice.

The Committee also discussed the implications of these recommended changes for sabbatical policy. If some faculty members remain in untenured positions for more than seven years, those faculty members would be entitled to sabbaticals before earning tenure under our current rules. We recommend further conversations about whether sabbaticals should be granted on the basis

of years of service, without regard to the tenure clock, or whether only faculty members who receive tenure should be eligible for sabbatical leave.

B. Policies on excluding years of service from tenure probationary periods

The University currently has policies that exclude time from the accumulation of years of service on the tenure clock. These policies exclude time from the clock for childbirth, demands of dependent care, health crises and other personal emergencies. These policies are widely regarded as family-friendly and are an important reason that the University is attractive as a prospective employer, especially for women faculty. We recommend retaining these policies, which demonstrate our continued commitment to flexibility for work/life balance.

University policies

- Preserve existing policies that exclude one year of service from the tenure clock for childbirth or dependent care.
- Permit more than one year of exclusion for multiple births or dependents.
- Eliminate the current policy that excludes years of countable service for appointment fractions less than 80% (if the recommendations on part time appointments are adopted; see #3 below).
- Preserve the possibility of excluding year(s) of service for medical or personal emergencies, but make these decisions at the level of the school/college unless the school or college wishes to extend service beyond 10 years (at which time they would require provost's or chancellor's approval).

School/college policies

- Each school/college will have the flexibility to postpone the tenure review when appropriate under its own guidelines to accommodate individual circumstances that are not covered by University exclusions. These guidelines must be applied consistently and fairly to prevent grievances and lawsuits.

C. Part time tenure track appointments

In current University policy, years of service either count on the tenure clock or they are excluded entirely. Another mechanism for increasing flexibility is to introduce part time tenure appointments in which years of service would be counted proportionately to the appointment fraction of the faculty member. Thus a full-time faculty member on the tenure track could shift to a part time appointment and remain on the tenure track, accumulating years of service toward a tenure review. This would provide a way for faculty members to slow down their time to a tenure review, while remaining contributing members of the faculty. It would also eliminate the situation in which faculty members with ongoing part time appointments never qualify for a tenure review. Faculty members may choose this part time option in order to balance work and family demands, or to balance the demands of academic work and other personal or professional commitments.

University policies

Recommend a policy that establishes part time tenure track and tenured appointments, which addresses the matters listed below:

- Faculty members who hold part time appointments accrue years of service on the tenure clock at a rate equal to the appointment fraction. Thus, for example, one year of service at 50% counts as one half year on the tenure clock.
- Faculty members are entitled to move from a 100% fraction to a reduced appointment fraction upon request for a specified period of time. If a faculty member requests a part time appointment for a period longer than two years, the approval of the Dean is required. At the end of the specified period of reduced appointment, the faculty member is entitled to return to a 100% appointment.
- Any total appointment fraction of less than 100% is considered part time. Definitions of appointment fraction apply to the total appointment fraction, including part time assistant professor appointments combined with part time research, clinical or administrative appointments. Faculty appointments combined with other appointments accrue years of service equivalent to the total appointment fraction.
- Appointment fractions of 50% start the tenure clock, and must continue at 50% or higher for the faculty member to stay on the tenure track. This means that current faculty members in some schools with appointment fractions between 50 and 79% will begin to accrue years of service on the tenure clock.
- Timing of mandatory tenure review and notice of non-reappointment will be calculated based on the accumulated years of service, rounded to the nearest integer.
- As stated in current University policy, faculty members who are hired into tenure track titles at less than 100% fractions are not guaranteed to have the option of increasing their appointment fractions to 100% at some later time (Standard Practice Guide 201.39-1 *Principles and Practices Governing Tenure for Faculty Members With Partial or Divided Appointments*).
- Regents' Bylaw 5.09 would be revised to permit a faculty member with four or more years of part time service to have 13 years in their tenure probationary period (while for all other faculty the limit would be 10 years). This would require a tenure review no later than the faculty member's 12th year of service in a tenure track position. This provision would permit faculty members who choose a sustained period of part time work to have a longer period of time in which to accrue years of countable service.

School/college policies

- Schools and colleges will need to compute the accumulated years of service, and develop consistent policies for handling partial years of service in calculating when faculty members will come up for tenure review.
- Duties for faculty members will be assigned commensurate with appointment fraction.

Comparisons with other Universities

The cumulative effect of these policy changes in flexible timing of the tenure review, part time tenure track and tenured appointments, and exclusions from the tenure clock will be to place the University of Michigan at the forefront of our peer institutions with respect to faculty appointments. Since our ability to compete for excellent faculty is a crucial driver of this initiative, we need to consider how these policies will compare to other universities. We have searched for research and data about policies at other Universities. Our findings are described in Appendix III. This initiative would make the University of Michigan a national leader, recognizing and responding to the changes in faculty work.

III. What next?

The Committee recommends a series of conversations about these recommendations and the tenure probationary period, described in Appendix V.

The Provost and Executive Vice President for Academic Affairs on the Ann Arbor campus, and the Provosts on the Flint and Dearborn campus will ultimately make final recommendations to the President and Chancellors, and to the Regents.

The committee hopes that the proposed University policy changes will be adopted by the end of the next academic year (2005-2006), so that the schools and colleges may begin consideration of changes in their policies in the academic year 2006-2007.

Committee to Consider a More Flexible Tenure Probationary Period Membership

Co-Chairs:

Terrence J. McDonald, Ph.D.

Dean, College of Literature, Science & the Arts, and Professor of History

Janet A. Weiss, Ph.D.

Associate Provost for Academic Affairs

Mary C. Bromage Collegiate Professor of Organizational Behavior and Public Policy, Ross
School of Business and Ford School of Public Policy

Committee Members:

Kenneth M. Adams, Ph.D.

Professor of Psychology in Psychiatry, Department of Psychiatry, Medical School

Stephen W. Director, Ph.D.

Robert J. Vlasic Dean of Engineering, College of Engineering, and
Professor of Electrical Engineering and Computer Science

Richard A. Gull, Ph.D.

Professor of Philosophy and Adjunct Lecturer in Extension and Continuing Education,
College of Arts and Sciences, University of Michigan – Flint

Margaret R. Gyetko, M.D.

Associate Professor of Internal Medicine and Associate Chair, Department of Internal
Medicine, Medical School

James S. Jackson, Ph.D.

Director, Center for Afroamerican and African Studies,
College of Literature, Science & the Arts

Daniel Katz Distinguished University Professor of Psychology, Department of Psychology,
College of Literature, Science & the Arts

Director and Research Professor, Center for Group Dynamics, Institute for Social Research
Professor of Health Behavior & Health Education, School of Public Health

John L. King, Ph.D.

Dean and Professor of Information, School of Information

Patricia M. King, Ph.D.

Director, Center for the Study of Higher and Postsecondary Education, and
Professor, School of Education

Tresa M. Pollock, Ph.D.

Professor of Materials Science and Engineering, College of Engineering

Abigail J. Stewart, Ph.D.

Agnes Inglis Collegiate Professor of Psychology, Department of Psychology, and
Professor of Women's Studies, College of Literature, Science & the Arts

Jacqueline Vansant, Ph.D.

Professor of German, Department of Humanities, College of Arts, Sciences and Letters,
University of Michigan – Dearborn

Christina L. Whitman, J.D.

Francis A. Allen Collegiate Professor of Law, Law School
Professor of Women's Studies, College of Literature, Science & Arts

Staff to the Committee:

Glenda L. Haskell

Assistant Provost for Academic and Faculty Affairs

Appendix I: Charge to the Committee

Committee on a More Flexible Tenure Probationary Period

Office of the Provost and Executive Vice President for Academic Affairs

September 22, 2004

Background

In March 2004, the Subcommittee on Faculty Evaluation and Development, a subcommittee of the Gender in Science and Engineering initiative, issued a report recommending that the University should adopt a more flexible tenure probationary period for untenured faculty on the tenure track, while maintaining a uniform standard of performance.

Specifically, the subcommittee recommended that:

- The criteria for accomplishments in the area of scholarship, teaching and service should be set based on the assumption of a tenure review in the same appointment year in which such reviews are conducted now (which varies somewhat by school/college but is not later than the seventh year of countable service).
- In the third year of an initial appointment, all untenured faculty members would be reviewed for a second contract (which would typically but not necessarily be a second three-year contract).
- If the faculty member's contract is renewed, in the year prior to his or her tenure review (typically but not necessarily in the fifth year) he or she would have a second internal review, during which the department would propose:
 - A tenure review in the following year (the same appointment year in which reviews are conducted now) OR
 - A one-time postponement up to the ninth year based on the professional and personal demands the faculty member is balancing.
- The tenure review could be conducted at any time up to the ninth year, using the criteria and standards described here.

Charge to the Committee

The Provost and Executive Vice President of Academic Affairs charges the members of the committee to...

- Identify the key questions the Provost should take into account before deciding whether to implement a more flexible tenure clock. These questions may include:

- The stated intention of the GSE subcommittee's proposal is not to extend the tenure clock for all faculty members but only for faculty members who have a defensible rationale for needing more time before the tenure review. What general guidelines or criteria will the schools and colleges use when they decide whether to approve a delay in the tenure review?
- The subcommittee has recommended a University wide system of two faculty reviews prior to the tenure review. What might be the anticipated challenges or barriers to implementing this system?
- Among the University's peer institutions (public and private), what is the current range of practices with regard to a more flexible tenure clock? If the Provost's Office adopts a more flexible tenure clock, what impact might this change have on our standing in the academy with respect to faculty recruitment and retention and on peer review? In general, what impact might this decision have on our community of peer institutions with regard to their tenure policies?
- Decide what additional information, if any, the Committee needs to fully understand the issues related to a more flexible tenure clock.
- Collect the additional information (weighing the need for the information against the costs of securing it).
- Consult with academic administrators and individual faculty members (inside and outside the institution), as appropriate.
- By the end of the winter term 2005, formulate and submit a set of recommendations to the Provost, including a proposal for making any necessary revisions to Regents' Bylaw 5.09 *Procedures in Cases of Dismissal, Demotion, or Terminal Appointment* and Standard Practice Guide 201.13 *Rules concerning acquiring the protection of Regents' Bylaw 5.09 by accumulating years of service*.

Rationale for the Recommendations (from the GSE Subcommittee report)

The American Association of University Professors (AAUP) was formed in 1915 and shortly thereafter a probationary period of ten years was instituted for untenured faculty members. Over the next two decades there was a significant amount of discussion about this length of probationary time before a faculty member is reviewed for tenure. Professional organizations such as the American Council on Education (ACE) still wanted a long probationary period (9 – 10 years). However, other national associations wanted a shorter period of probationary time (5 – 6 years). Seven years was chosen as the normal time period for one to achieve tenure among the various interested parties through negotiations and compromise. This history points to the arbitrariness of the current tenure probationary period, despite its persistence.

Currently several factors may lead individual untenured faculty to have more than the canonical six years in rank: they may have already served in an assistant professor position at another institution for up to six years; they may have taken postdoctoral training or research positions after receiving their doctorate; they may have delayed the tenure review as a result of childrearing or catastrophic personal or family circumstances that resulted in a delay. Thus, the tenure probationary period is rigid in its application to individuals, but it does not in fact provide for a standard length of time for individual faculty to complete the work that is reviewed.

Moreover, there have been dramatic changes in the academic context since AAUP adopted the seven-year tenure clock. For instance, in the natural and some social sciences, many research problems now require the development of an interdisciplinary research program or establishment of a complex laboratory. In the humanities and some social science fields, complexities associated with changes in publishing practices and norms, particularly surrounding monographs, have greatly extended the timeframe needed for publication of books and, in some fields, even refereed journal articles.

The many schools and colleges at the University of Michigan do an outstanding job of recruiting high-caliber faculty members who will become leaders in their respective fields. Allowing them time to establish a strong research portfolio in a timeframe that is flexible rather than rigid benefits the university in numerous ways. The initial institutional investment in untenured faculty appointed here is substantial. It is our view that there is a greater risk of making the wrong decision not to tenure a faculty member based on a rigid timeframe than there is risk of retaining untenured faculty a little longer in order to make a more certain judgment.

In addition, there are sometimes pernicious effects on faculty research programs due to the short and rigid tenure clock. Providing a more flexible tenure clock would permit untenured faculty members to make choices and decisions about their research programs that are not dictated by their “tenure clock.” For example, an untenured faculty member may be able to take time to obtain resources and build a more sophisticated experimental program or conduct longitudinal studies that would not normally be possible within the current time frame.

This recommendation for providing a more flexible tenure clock does not imply that standards for achieving tenure will be raised or lowered. Rather, standards should remain the same based on the norm of six years.

The subcommittee has used the word “flexible” in this recommendation for a distinct purpose. We are not recommending that all untenured faculty members must wait until their ninth year at the University to be reviewed for tenure. Rather, the expectation would be for most faculty members to be reviewed during their sixth year. However, any faculty member would have the right to request more time if he or she felt a longer timeframe would provide a more appropriate context for evaluation.

Finally, this committee notes that the recommended tenure review process rests on two early reviews: the third-year review and a second review in the fifth year that permits departments and candidates to plan for the tenure review. The fifth year review will provide more feedback to the faculty member and maintain accountability to the tenure probationary system.

Appendix II: A Partial Summary of Historical Activity at the University of Michigan Related to the Tenure Probationary Period

1921 President Marion L. Burton recommended that promotion of faculty members to professorial ranks should require Regental approval.

1923 A revision of Regents' Bylaws Section 6 (a) said that all professors and associate professors are appointed on "indeterminate tenure."

1925 Regents adopted appointment standards for junior instructors and assistant professors.

1926 Regents recognized "professional ability" as a qualification for faculty appointment and promotion.

1940 (December 13) Regents approved Bylaw 5.09 on the appointment and tenure of members of the teaching staff.

1941 (July) Regents adopted a resolution recommended by the President and Senate Advisory Board for a six-year tenure probationary period. The key reasons for the six-year period were to avoid retarding the progress of "fitted teachers" and at the same time to allow those faculty who were not "fitted" to seek promising careers elsewhere.

1941 (July) Faculty Senate Advisory Committee and the President recommended to the Regents a procedure the University must follow before demoting or dismissing a faculty member.

1941 (October 1) In a special issue of the University Record, the Advisory Board on University Policies published, "The Problem of the Instructorship." The report, which recommended a six-year limit on the tenure probationary period for instructors, was a response to the American Association of College's recommendation for a seven-year tenure probationary period for instructors.

1942 (May 7) The UM Advisory Board on University Policies (established by the Regents in April 1940) produced, "A Report on A Study of the Associate Professorship and the Assistant Professorship," which recommended an eight-year limit on the probationary period for assistant professors.

1944 (January, Regents meeting) Regents approved revisions to Bylaw 5.091(which is now 5.09) to revise the tenure probationary period to eight years.

With thanks to Brian A. Williams, Associate Archivist at the Bentley Historical Library.

Appendix III: Institutions with More Flexible Tenure Probationary Period Policies Than the University of Michigan

To inform its work, the Committee to Consider a More Flexible Tenure Probationary Period searched for institutions that have policies in place more flexible than the University of Michigan’s current institutional policies. The Committee discovered that very few studies have been conducted that could help to provide this information. Through a general web search and with some guidance from the sources mentioned at the end of this appendix, the list of institutions below was compiled, identified by the three areas into which the Committee has grouped its recommendations: more flexibility in the tenure probationary period, more flexibility in excluding years of service from the tenure probationary period, and policies on part time tenure.

	More flexibility in tenure probationary period	More flexibility in excluding years of service from the tenure probationary period	Policies on part time tenure
PUBLIC UNIVERSITIES			
University of California system	Up to eight years in Assistant Professor title. President may approve appt. beyond the eight years for no more than two additional years . Individual campuses may be more restrictive.	Combined total of periods of leave unrelated to academic duties and time off the tenure clock may not exceed two years .	
University of Iowa			In the UI Operations Manual, Chapter 10 <i>Tenure</i> includes a section describing the rules that apply to part time faculty, including definition, mutual obligations, requirements and qualifications, time periods, tenure status, percentage of full-time service, adjusting part time service, reducing full-time appointment, and rights and responsibilities. http://www.uiowa.edu/~our/opmanual/iii/10.htm

	More flexibility in tenure probationary period	More flexibility in excluding years of service from the tenure probationary period	Policies on part time tenure
University of Pittsburgh			UP <i>Policies</i> , Section 02 Academic Affairs Policies, on the subject of General Appointment and Tenure, states, “A tenured or tenure-stream faculty member may request to diminish his or her University responsibilities to no less than half-time and be permitted to retain membership in the University Faculty and continue as tenured, or in the tenure stream at a proportionately reduced salary and fringe benefits.” Such requests are approved by the Provost, upon recommendation of the relevant dean, regional campus president, and, in a school of the Health Sciences, the Senior Vice President for the Health Sciences. Pittsburgh’s Board of Trustees first adopted a policy on Part-time Tenured or Tenure-Stream Faculty in 1969. http://www.pitt.edu/HOME/PP/procedures/02/02-02-10.html
University of Wisconsin-Madison			UW – Madison’s <i>Faculty Policies and Procedures</i> , Chapter 7 Faculty Appointments, Section 7.04 The Maximum Probationary Period states, “Each year of service at the rate of at least one-half time but not more than three-quarters time shall count as half of a year, and service at a rate greater than three quarters time shall be counted as a full year. In no case shall the probationary service exceed twelve calendar years.” http://www.secfac.wisc.edu/governance/FPP/Chapter_7.htm#704
PRIVATE INSTITUTIONS			
Carnegie Mellon University	Tenure decision deadline is the 30 June at which the sum of the number of years of previous service plus the adjusted number of years of current service is nine .		

	More flexibility in tenure probationary period	More flexibility in excluding years of service from the tenure probationary period	Policies on part time tenure
Columbia University	Normally up to eight years (including terminal year, if faculty member does not receive tenure) but up to nine years by exception and with the approval of the Provost. Includes service in a visiting capacity. When an exception is granted, the ninth year is the terminal year.		
Cornell University			Cornell University has a written Part-Time Appointment Policy, adopted in 1975, that covers definition, rationale, general provisions, original appointment, change of appointment, and application. http://web.cornell.edu/UniversityFaculty/
Stanford University			Stanford University's <i>Faculty Handbook</i> , Chapter 2, Appointments And Promotions, Section 1 Statement of Policy on Appointment and Tenure states, "In the calculation of years of service toward tenure, any part-time appointment shall be prorated on the basis of the fraction of a full-time appointment represented, but any such appointment which extends total service at these ranks beyond ten years shall confer tenure. Such periods of service need not be continuous." http://facultyhandbook.stanford.edu/ch2.html#statementofpolicyonappointmentandtenure
Yale University	Up to ten years in the ranks of assistant and associate professor. <i>Exceptions:</i> Certain tracks in Medicine and Nursing, where the ten-year maximum includes yrs of appt. in ladder ranks at Yale & up to three yrs of full-time teaching at other institutions.	Possible extensions of no more than three years in non-tenure track. Allowable extensions are leaves of absence for public service, approved Child Rearing Leaves or Caregiver's leaves, or extended child-bearing leaves.	

Policies at U.S. Medical Schools

In “Faculty Appointment and Tenure Policies in Medical Schools: A 1997 Status Report,” Robert F. Jones and Jennifer S. Gold reported that 39 (or 34%) of the medical schools that responded to a survey of 125 U.S. medical schools had probationary periods of eight years or more. Twenty-nine (or 25%) of the medical schools had probationary periods of nine years or more, eleven of which had indefinite probationary periods.

In March 2004, an article appeared in *Academic Medicine* that reported the results of a similar survey conducted in 2002. Although this article did not provide the same detailed information about the length of probationary periods, it reported that according to the 2002 survey responses, 44 (or 37%) of the medical schools that responded to the survey had probationary periods of eight years or more, a slight increase over the 1997 survey results (but with a slightly higher number of institutions responding to the survey than in 1997).

Tenure Probationary Periods, U.S. Medical Schools

Probationary period length	Basic Sciences Faculty (1997)		Clinical Sciences Faculty		All Faculty (2002)	
	# Schools	%	# Schools	%	# Schools	%
7 yrs or less	77	66%	65	59%	76	63%
8 years or more	39	34%	46	41%	44	37%
TOTAL	116	100%	111	100%	120	100%

Sources:

Liu, Mandy and William T. Mallon. “Tenure in Transition: Trends in Basic Science Faculty Appointment Policies at U.S. Medical Schools.” *Academic Medicine*, 79, No. 3 (2004), 205-213.

Jones, Robert F. and Jennifer S. Gold. Faculty Appointment and Tenure Policies in Medical Schools: A 1997 Status Report. *Academic Medicine*, 73, No. 2 (1998), 212-219.

Trower, Cathy A., ed. *Policies on Faculty Appointment: Standard Practices and Unusual Arrangements*. Bolton, Massachusetts, Anker Publishing Company, 2000.

With thanks to:

Ann E. Austin, Professor of Higher, Adult, and Lifelong Education at Michigan State University

Geraldine (Geri) Fox, Professor of Clinical Psychology and the Director of the Graduate Medical Education Program at the University of Illinois at Chicago, for a compilation of university policies with pro-rated probationary periods for part time faculty.

Gloria Thomas, Project Coordinator for “An Agenda for Excellence: Creating Flexibility in Tenure-Track Faculty Careers,” a project funded by the Alfred P. Sloan Foundation and conducted by the Office of Women in Higher Education at the American Council on Education.

Appendix IV: A Brief Summary of the Committee's Work

The Committee to Consider a More Flexible Tenure Probationary Period met four times during the 2004-05 academic year. To inform the committee's work, a significant amount of information was gathered, the most relevant of which was distributed to the committee. Meeting agendas and a list of information sources are provided below.

Meeting Agendas

Agenda for the meeting of December 2, 2004

1. Introductions
2. Charge to the Committee
3. Current UM policies and practices
 - Regents' Bylaw 5.09 Procedures in Cases of Dismissal, Demotion, or Terminal Appointment
 - Standard Practice Guide 201.13 Rules concerning acquiring the protections of Regents' Bylaw 5.09 by accumulating years of service
 - Standard Practice Guide 201.50 Guidelines Related to Tenure Reviews and Reappointment Reviews
 - Provost's Office (tenure clock guidelines—being developed)
 - School and college bylaws
4. Practices at other universities
5. Issues for discussion
6. Timeline for Committee's work

Agenda for the meeting of January 19, 2005

1. Recap major themes from the December meeting
2. Follow up on issues:
 - a. Regents' Bylaw 5.09 revision to ten years
 - b. What happens to our policies on exclusions of countable years of service?
 - c. Who must approve any exclusions?
 - d. Consequences of separating promotion and tenure
 - e. Criteria for early tenure review
3. Part time tenure and pro-rated counting of years of service (See attachment--key language in part time tenure policies at the University of Iowa and the University of Wisconsin – Madison)
4. Next steps and agenda items for meeting on March 14

Agenda for the meeting of March 14, 2005

1. Create more flexibility in the tenure probationary period—review of recommendations for school/college and University policies
2. Policies on excluding years of service from tenure probationary periods-- review of recommendations for school/college and University policies

3. Part time tenure track appointments-- review of recommendations for school/college and University policies
4. Other universities that have adopted policies and practices similar to the policies and practices specified in the agenda items above

Agenda for the meeting of April 14, 2005

1. Discussion of draft final report
2. Next steps

Material Reviewed

University of Michigan policies, procedures, and other relevant documents

- Regents' Bylaw 5.08 Appointment, Tenure, Promotion and Resignation of the Staff
- Regents' Bylaw 5.09 Procedures in Cases of Dismissal, Demotion, or Terminal Appointment
- Standard Practice Guide 201.13 Rules concerning acquiring the protections of Regents' Bylaw 5.09 by accumulating years of service
- Standard Practice Guide 201.50 Guidelines Related to Tenure Reviews and Reappointment Reviews
- Draft "Guidelines Regarding University of Michigan Policies that Govern Time to Tenure Review ("The Tenure Clock") (Ann Arbor Campus)"
- Report of the Gender in Science and Engineering project's Subcommittee on Faculty Evaluation and Development
- Faculty Development Policy, Ross School of Business
- University of Michigan Medical School Overview of the Faculty Tracks
- University of Michigan at Dearborn Faculty Handbook
- University of Michigan at Dearborn College of Arts, Sciences, and Letters' "Guidelines for Tenure-Track Faculty Appointments, Awarding of Tenure, and Promotion Standards and Procedures"

Articles, books, and reports

- "An Agenda for Excellence: Creating Flexibility in Tenure-Track Faculty Careers," a project funded by the Alfred P. Sloan Foundation and conducted by the Office of Women in Higher Education at the American Council on Education Chait, Richard P. (Ed.). (2002). *The Questions of Tenure*. Cambridge: Harvard University Press
- Liu, Mandy and William T. Mallon. (2004). "Tenure in Transition: Trends in Basic Science Faculty Appointment Policies at U.S. Medical Schools." *Academic Medicine*, 79, No. 3, 205-213.
- Jones, Robert F. and Jennifer S. Gold. (1998) "Faculty Appointment and Tenure Policies in Medical Schools: A 1997 Status Report." *Academic Medicine*, 73, No. 2, 212-219.
- Trower, Cathy A. (Ed.) (2000). *Policies on Faculty Appointment: Standard Practices and Unusual Arrangements*. Bolton, Massachusetts, Anker Publishing Company.

Online resources

- Academic Senate Task Force White Paper on Tenure Clock Issues at the University of Southern California
http://www.usc.edu/academe/acsen/documents/whitepapers/wp99_tenureclock.html
- American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure, <http://www.aaup.org/Com-a/index.htm>
- Emory University School of Medicine Proposal for Extending the Tenure Clock (August, 2004) <http://www.med.emory.edu/DEAN/facultyaffairs.html>
- Fogg, Piper. (2004). "Hello...I Must Be Going." Chronicle of Higher Education, 18 June. <http://chronicle.com/free/v50/i41/41a01001.htm>
- Report of the Task Force on Tenure Clock Policy at the University of Southern California, http://www.usc.edu/academe/acsen/documents_resolutions.shtml see Resolution 99/00-05
- Williams, Joan. (2004). "Part-Timers on the Tenure Track." Chronicle of Higher Education, 14 October. <http://chronicle.com/jobs/2004/10/2004101401c.htm>
- Part-time tenure policy at the University of Iowa
<http://www.uiowa.edu/~our/opmanual/iii/10.htm>
- Part-time tenure policy at the University of Wisconsin (Madison)
http://www.secfac.wisc.edu/governance/FPP/Chapter_7.htm#704
- Standing Order 103.9 Tenure (Regents of the University of California), available at <http://www.universityofcalifornia.edu/regents/bylaws/so1039.html>

Institutional websites searched for policy comparisons: Duke University, University of Illinois at Urbana-Champaign, University of Virginia, University of Wisconsin System

People who were contacted or who developed information that was helpful to the Committee:

Ann E. Austin, Professor of Higher, Adult, and Lifelong Education at Michigan State University
Geraldine (Geri) Fox, Professor of Clinical Psychology and the Director of the Graduate Medical Education Program at the University of Illinois at Chicago, for a compilation of university policies with pro-rated probationary periods for part time faculty.

Gloria Thomas, Project Coordinator for "An Agenda for Excellence: Creating Flexibility in Tenure-Track Faculty Careers," a project funded by the Alfred P. Sloan Foundation and conducted by the Office of Women in Higher Education at the American Council on Education.

Appendix V: Next Steps

The Committee recognizes that changes of the tenure process should occur only after broad consultation and involvement by faculty, administrators, and the Regents of the University. The Committee co-chairs and members are ready to engage in discussion with all of these groups. The following steps are recommended:

1. Discussion of the report with the deans and provosts on all three campuses.
2. Every dean will be asked to discuss the report with the executive committee, promotion and tenure committees, associate deans, department chairs, and in school and college faculty meetings. Upon request, committee members may visit faculty meetings to facilitate these discussions. Each dean will provide questions, comments, and suggestions from these faculty deliberations to the provosts' offices. Executive committees or other appropriate faculty groups may endorse or respond to proposed changes in University policy.
3. Discussion of the recommendations with the members of the Senate Advisory Committee on University Affairs (SACUA), who will be encouraged to discuss the report with the Academic Affairs Advisory Committee and with the Senate Assembly. The Senate Assembly may wish to invite public comment from all faculty members. Suggestions, feedback, and comment from these bodies will be shared with the Provost's office.
4. Discussion of the recommendations with the executive officers and the President.
5. Discussion of the recommendations with the Gender in Science and Engineering committee.
6. Discussion with the Board of Regents, especially related to recommendations dealing with Regents' Bylaws.
7. Publication of committee recommendations in the *University Record* to provide an opportunity for public comment. Publication of committee recommendations on the Provost's web site to provide further opportunity for public comment.

Feedback from these discussions will be collected by the Provost's Office, and delivered to the Committee. The Committee will reconvene no later than March 1, 2006, to review the feedback, summarize the issues, and make further recommendations to the provosts.

After the Committee's recommendations, the Provost and Executive Vice President for Academic Affairs on the Ann Arbor campus, and the provosts on the Flint and Dearborn campuses will make final recommendations to the chancellors and President about appropriate changes in University policies.

The Provost and President will make final recommendations to the Regents about appropriate changes in Regents' Bylaws. The University policy changes should be effective no later than the

summer of 2006, so that schools and colleges may begin consideration of their policies in the academic year 2006-2007.