

October 28, 2005

**To:** R. Zemetra, Chair, Faculty Council  
D. Adams, Faculty Secretary

**From:** G. Möller, Chair, Faculty Affairs Committee

**Subject:** Seconded Motion from Faculty Affairs Committee for amendment of  
FSH 3520 G-9 Compassionate extension of the tenure probationary period

The Faculty Affairs Committee (FAC) is forwarding the attached amendment as a seconded motion for consideration by Faculty Council.

FAC has reviewed needs in this area and analyzed a variety of policies adopted by other institutions. This issue of accommodating the life challenges of junior faculty has come into increasing analysis nationally. The challenges are diverse as are the policies that seek to address them. Current UI and State Board policy for the tenure probationary period states, "*A faculty member will usually be evaluated for the acquisition of tenure after at least four (4) full years of service and in no case later than during the faculty member's sixth (6th) full academic year of employment at the institution*" (RGP IIG6). UI Office of General Counsel (UIOGC) and the Provost suggest that Board approval will be needed to adopt this amendment into UI policy. Currently only one other Idaho institution, Boise State University, has a compassionate extension policy and UIOCG has suggested that this policy may be in violation of RGP IIG6. FAC has chosen to craft a policy based on the existing BSU policy since Board approval may come easier with similar policies.

This process of compassionate extension is not business as usual, and the inclusiveness we typically seek by committee review may only raise the bar, such that the individuals who really need to avail themselves of "institutional compassion" may shy away. We do not get a sense of policy abuse when reading the reports of other institutions' implementation of this type of policy. Rather, what we do see is a general reluctance by junior faculty to take advantage of available extensions for cause. Many of the situations that may open up a candidate for a compassionate extension consideration may be intensely private, sensitive and/or embarrassing. Many of us have daily contact with a department chair whereas contact with the provost is rare and the "confessional" aspect of a request for compassionate extension that only goes to the provost has an inherent privacy. The individual is already in a compromised situation; more eyes may mean more reluctance.

Departmental offices and college offices are not as good at managing sensitive information. Academic environments are notoriously bad at keeping secrets. Many requests for compassionate extension could fall under the HHS HIPAA privacy rules and the liability management for each level of the institution involved could become onerous. The current policy proposal enables the provost to seek additional input at his/her discretion and this may be where faculty, department chairs and deans need to trust this person to perform due diligence in the decision making process. According to Provost Baker, he would call up the chair and dean to get general background input on the candidate at a minimum, in addition to many cases where in-depth

discussion would take place. "Need-to-know" of this sort of sensitive information is best managed unilaterally by trustworthy people, appropriately tasked and trained, and not by policy dictate that is insensitive to case-by-case peculiarities. In the policy amendment we forward, childbirth and adoption carry the "presumption" of approval. The sensitivity of many of the situations that could be considered may require great discretion and it is better to err on the side of exclusionary rather than forcing inclusion of other eyes via policy directive. The current version of the proposed policy balances the need for robust oversight with empathy towards those in need.

Please contact me if you require supporting information in your discussions of this proposal.

(Attachment)

3520

FACULTY TENURE

G. TIME REQUIREMENTS FOR TENURE ELIGIBILITY.

G-1. Probationary or term appointments may be for one year, or for other stated periods not exceeding one year, and are subject to renewal. [See [3900.](#)] Prior to the award of tenure, employment beyond the annual term of appointment may not be legally presumed. ([RGP IIG6](#)). Ordinarily a faculty member is not considered for tenure until the fourth full year of probationary service, and consideration is mandatory no later than the sixth full year of service. ([RGP IIG6](#)). Credit for prior service may be given in accordance with the provisions in G-4. Faculty members initially employed as full professors can be appointed with tenure when this action is supported by a majority of the tenured faculty in the department or equivalent unit and by the university administration; otherwise, professors are considered for tenure during the fourth full year of service. In this context, unless otherwise specified, the term “year” means the appointment year, whether that is an academic, calendar, or fiscal year. A faculty member who is not awarded tenure may be given written notice of non-reappointment, or be offered a one-year terminal appointment, or be granted an additional short-term probationary appointment for not more than a twelve-month period by mutual agreement between UI and the faculty member. The decision to offer employment following a denial of tenure is in the sole discretion of the president ([RGP IIG6j](#)). [See [3900.](#)] [rev. 7-98, 7-02, 7-05]

G-2. Tenure evaluation procedures must be started in sufficient time to permit completion by the end of the time periods indicated in G-1. When authorized by the president or his or her designee, the year in which the tenure decision is made may be the terminal year of employment if the decision is to deny tenure. ([RGP IIG6k](#)). [rev. 7-02]

G-3. Satisfactory service in any professorial rank may be used to fulfill the probationary periods required for awarding tenure. A maximum of two years of satisfactory service in the rank of instructor at UI may be recognized in partial fulfillment of the time requirement in the professorial ranks. For the purposes of tenure eligibility only, the rank of senior instructor is considered as a professorial rank.

G-4. In cases involving prior equivalent service, tenure may be granted following less than the usual period of service. In particular, new faculty members from other institutions--educational, governmental, and others--with comparable service in instructional, research, or service positions may be granted credit for such service up to a maximum of four years and may be considered for tenure after a minimum of one full year of service at UI. [ed. 7-98]

G-5. In the event that a nontenured faculty member's period of service at UI has been discontinuous, prior years in the same or a similar position may be counted toward tenure eligibility, subject to the conditions that:

- a. Not more than three years have passed since the person left UI.
- b. Applicability of the prior service toward tenure must be stated in writing before reappointment.
- c. At least one additional year is to be served before tenure is recommended.

G-6. When a nontenured faculty member holding academic rank moves from one department to another within UI, the faculty member must be informed in writing by the provost, after consultation with the new department, as to the extent to which prior service will count toward tenure eligibility. ([RGP IIG6l](#)) [rev. 7-02].

G-7. If a tenured faculty member leaves UI and later returns to the same or a similar position after not more than three years, the appointment may be with tenure, or he or she may be required to serve an additional year before a tenure decision is made. Notification of probationary or tenure status is to be given in writing before reappointment.

G-8. When a tenured faculty member moves from one position to another within UI, or accepts a change from full-time to part-time appointment, his or her tenure status does not change. While a tenured faculty member is serving as a departmental administrator, college dean, or in some other administrative or service capacity, he or she retains membership, academic rank, and tenure in his or her academic department. Should the administrative or service responsibilities end, the faculty member would take up duties in his or her academic discipline.

G-9. A compassionate extension of the tenure probationary period may be granted under certain circumstances which may impede a faculty member's progress toward achieving tenure, including responsibilities with respect to childbirth/adoption, significant responsibilities with respect to elder/dependent care obligations, disability/chronic illness, or circumstances beyond the control of the faculty member.

a. The procedures for requesting a compassionate extension are:

1. The faculty member provides a written request to the Provost.
2. Requests for extension of the probationary period with respect to childbirth or adoption must be made within one year of the birth or adoption. Other requests should be made in a timely manner, proximate to the events or circumstances which occasion the request. All requests should include appropriate documentation.
3. A request for extension of the probationary period with respect to childbirth and adoption responsibilities carries with it the presumption of approval for a one-year extension. Except to obtain necessary consultative assistance on medical or legal issues, only the Provost will have access to documentation pertaining to a request related to disability or chronic illness. For request other than childbirth and adoption, elder/dependent care obligations, and disability or chronic illness, the provost will, at his or her discretion, determine if consultation with the dean and/or department is appropriate. The provost shall notify the faculty member, department chair, and dean of the action taken.
4. Multiple extension requests may be granted. All requests for probationary period extensions shall be made prior to commencing with a tenure or contract renewal review.
5. If a probationary period extension is approved, a reduction in scholarly productivity during the period of time addressed in the request should not prejudice a subsequent contract renewal decision. Any faculty member in probationary status more than the ordinary probation period specified in 3520 G-1 because of extensions shall be evaluated as if the faculty member had been on probationary status for the ordinary probation period.