

**UNIVERSITY OF ILLINOIS**  
**CHICAGO SENATE**  
(Action, First Reading)

Proposed revisions to the *Statutes*, Article X, Sections 1b(1) and 1b(3), to provide an option for academic units to defer the promotion and tenure decision for a maximum of three years.

**BACKGROUND**

The UIC Senate, in response to a changing environment in academe and faculty concerns, undertook an extensive review of tenure decisions at UIC. This document suggests tenure reform that is consistent with national trends, addresses the varied and expanding professional demands on probationary faculty working in diverse academic disciplines, meets the changing external responsibilities of probationary faculty, provides necessary flexibility, ensures standards of excellence, and protects the University's investment in faculty recruitment.

The change we advocate is a simple one, which does not significantly perturb the existing tenure processes and procedures. The proposed revision creates a third option in the sixth year of the probationary period, which would extend the probationary period for a maximum of three additional years upon the recommendation of promotion and tenure review committees and appropriate administrators. The addition of this option does not alter the choices that currently exist in the sixth year of the probationary period, appointment for an indefinite term (the awarding of tenure) or notice of non-reappointment (the awarding of a terminal-year contract). We fully expect that most tenure decisions would continue to choose among the two. However, our third option does provide the safeguard of flexibility, which, if judiciously applied, can be in the best interests of both the faculty and the University.

The addition of a third option for the critical decision in the sixth year of the probationary period is not an attempt to make the tenure process either more or less rigorous, nor is it an attempt to make achieving tenure either easier or more difficult. Rather, it is an attempt to allow the flexibility necessary to 1) account for effects of the many new demands on faculty created by events external to the academy over which they have little or no control (e.g., prolonged external funding decisions, increasing difficulty of finding academic publishers to publish treatises and monographs without commercial import, raising children and meeting family responsibilities), 2) maintain competitiveness in the national recruiting market, and 3) be consistent with emerging national trends for flexibility in the tenure process.

The American Council on Education (ACE) is a strong advocate for creating flexibility in tenure-track faculty careers. In their publication, *An Agenda for Excellence: Creating Flexibility in Tenure-Track Faculty Careers*, ACE and a national panel of presidents and chancellors outline an ambitious agenda to reform and enhance the academic career path for tenured and tenure-track faculty. David Ward, president of ACE states,

“Colleges and universities face a compelling need for change in the current rigid structure of the traditional academic career path. In order for American higher education to sustain its leading role in a diverse and changing environment, we need to create greater flexibility in the tenure-track career path. Flexibility is central to recruiting and retaining the most talented scholars and critical to preserving excellence in teaching and innovative research.”

The American Association of University Professors (AAUP) in their *Statement of Principles on Family Responsibilities and Academic Work* states,

“The resolution of pretenure family-work conflicts is critical to ensuring that academic opportunities are truly equitable. Such conflicts often occur just when the research and publication demands of the tenure process are most onerous, and when many faculty members have responsibilities for infants and young children. Institutions should adopt policies that do not create conflicts between having children and establishing an optimal research record on the basis of which the tenure decision is to be made.

Tenure remains a fundamental requirement for protecting academic freedom. The administration and the faculty of an institution must determine the specific academic standards governing the tenure decision at their institution. Academic standards, however, can and, in this instance, should be distinguished from the amount of time in which an institution’s academic standards can be met. Specifically, institutions should allow flexibility in the time period for achieving tenure to enable faculty members to care for newborn or newly adopted children.

A probationary period of seven or fewer years allows faculty members to establish their record for tenure. Historically, this probationary period was based on the assumption that the scholar was male and that his work would not be interrupted by domestic responsibilities, such as raising children. When the tenure system was created, the male model was presumed to be universal. It was assumed that untenured faculty—whether men or women—were not the sole, primary, or even coequal caretakers of newborn or newly adopted children. An inflexible time factor should not be used to preclude women or men who choose to care for children from pursuing tenure within a reasonable period of years. One study found that 80 percent of ‘leadership campuses’ enable faculty members to exclude a certain amount of probationary time for specific reasons, such as the birth or adoption of a child.”

Currently, the University of Illinois *Statutes* provide for up to two one-year interruptions of the probationary period or “rollbacks,” which may be requested by a faculty member prior to the year in which the tenure decision will be made. Generally, such “rollbacks” are reserved for circumstances, such as childbirth, adoption or serious medical problems, which have resulted in a faculty member being removed from the ability to pursue their academic duties for significant periods of time. In contrast, the proposed option for deferment of the promotion and tenure decision, discussed here, will be available to the promotion and tenure committees only during their promotion and tenure deliberations and will likely deal with more complex influences that may have significantly interfered with a faculty member’s ability to achieve academic milestones.

We intend for the deferment of the promotion and tenure decision to be one mutually agreed upon by the faculty member and the institution. A decision to defer could be reached by two basic pathways. The first pathway would begin with the faculty member requesting, in writing, that the departmental promotion and tenure committee defer the promotion and tenure decision. Such a request would provide the rationale for such action and would be submitted along with the fully completed promotion and tenure materials. This will allow the promotion and tenure committee to make an informed decision. The second pathway would begin with the departmental promotion and tenure committee choosing the option to defer the promotion and tenure decision based on their evaluation of fully completed promotion and tenure materials. The faculty member would then have the option of refusing deferment of the promotion and tenure decision, at which time the promotion and tenure committee would be forced to choose between appointment for an indefinite term (the awarding of tenure) or notice of non-reappointment (the awarding of a terminal-year contract).

In these rapidly changing times, there are a growing number of tenure-track faculty who are hired at less than 100% time. The *Statutes* require that an assistant professor hold a greater than 50% of full-time appointment during the probationary period to be considered for tenure. Under our current tenure processes, there is no additional time provided during the probationary period for such faculty to achieve the academic criteria necessary for tenure. We believe that the proposed revisions will provide the flexibility necessary to provide a fair opportunity for such tenure-track faculty to achieve tenure, and provide the following example to illustrate that point.

A department, in a college that has long recognized the positive possibilities that arise from hiring tenure-track faculty who may require less than 100% time appointments, is in negotiation with one such potential recruit. The department head explains that there is now a third option at the time of tenure decision that could provide additional time to achieve the departmental norms for promotion and tenure. The recruit finds this possibility to be attractive. The resulting hiring, at 75% time, is clearly one that could benefit from the flexibility of the option of a deferred promotion and tenure decision. The resulting hiring agreement contains language describing mutually agreed upon minimum milestones that must be achieved to allow the promotion and tenure committee to recommend deferring the decision at year six. The progress of the assistant professor is monitored, evaluated and communicated to the faculty member by the department head through annual reviews and in writing at the third-year review. With documented progress towards the agreed upon milestones, the departmental promotion and tenure committee, through its regular sixth year decision process, is able to grant the faculty member's request to defer the promotion and tenure decision for two years. Higher-level tenure review committees are able to ascertain that the faculty member has progressed according to the previously agreed upon milestones and can support the decision.

The strengths of the proposed statutory revisions, as illustrated by this example, reside in 1) providing flexibility in the promotion and tenure process for faculty with non-traditional circumstances, 2) creating mutually agreed upon criteria, milestones, and expectations, and 3) maintaining high promotion and tenure standards, while retaining the right of decision for the University.

It has not escaped our notice that any proposed revision of our tenure processes and procedures is fraught with danger and will almost certainly engender concern and opposition among stakeholders. The judicious application of the flexibility we propose requires wisdom and restraint. Adoption of the proposed revisions would mandate that the campuses and colleges create guidelines and criteria for the appropriate use of this new option, in much the same way they currently create promotion guidelines and criteria that may be specific to their disciplines and needs. This proposal further assumes continuing appraisal, oversight, and participation by department and college administrators to ensure that both the spirit of these revisions and the letter of the promotion guidelines and criteria are adhered to.

We believe that the proposed revisions will provide the appropriate degree of flexibility by limiting the probationary period to a maximum of ten years, which should be sufficient to discern the scholarly achievements of faculty in various situations. This will also allow the institution to protect what is often a significant investment in faculty recruitment without indenturing faculty by prolonging the tenure decision indefinitely. That being said, we fully expect that in most promotion and tenure decisions the option to defer the decision will not be deemed necessary and will, therefore, not be utilized.

**RECOMMENDATIONS**

Text to be deleted is in [square brackets] and text to be added is underscored.

1 **ARTICLE X. ACADEMIC FREEDOM AND TENURE**

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3 **Section 1. Tenure of Academic Staff**

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5 **b.** Upon the completion of a probationary period as hereafter defined, any  
6 reappointment shall be for an indefinite term, subject to the following:

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8 (1) An appointee receiving a first contract for more than fifty percent (50%) of  
9 full-time service at this University as assistant professor enters a probationary period not to  
10 exceed [seven] ten academic years of service except when, by special written agreement between  
11 the appointee, the unit administrator and the campus chancellor, the appointee is granted a one-  
12 year interruption of the probationary period before the year in which a decision on the  
13 appointment to indefinite tenure is expected to be made. Ordinarily no more than two such  
14 interruptions will be granted. Prior academic service at other academic (or equivalent)  
15 institutions may be counted up to a maximum of three years toward the fulfillment of the  
16 probationary period. The amount of any such service counted may be negotiated as may other  
17 terms of the appointment and shall be stated in the first appointment contract, as provided for all  
18 contracts for definite terms in subparagraph 1b(5) below. An initial appointment that begins after  
19 the eighth week of the academic year ordinarily does not count toward the probationary period of  
20 a faculty member on definite tenure nor does it ordinarily count as service in establishing  
21 eligibility for a sabbatical leave with pay, unless recommended and agreed upon in advance.

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23 (2) No appointment at the rank of assistant professor shall be for an indefinite  
24 term.

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26 (3) An appointee for a definite term shall be given in the sixth year of the  
27 probationary period either written notice offering appointment for an indefinite term, [or] written  
28 notice of nonreappointment, or written notice deferring the decision for a maximum of three years  
29 no later than August 15 at all three campuses.

On behalf of the Senate Executive Committee  
Elliot Kaufman, Chair