

University of Baltimore

Tenure-Clock Extension Policy

*Approved by University Faculty Senate 1/13/10, 12/3/14 *Revised to include Library Faculty*
Approved by AG's Office 11/10/14
Approved by President 4/12/10, 2/27/15

The following policy supplements the University System Policy on Appointment, Rank, and Tenure of faculty, approved by the Board of Regents of the University System of Maryland, and the promotion and tenure policies and procedures for the University of Baltimore (UB), which include specific standards, policies, and procedures for promotion and tenure for the College of Arts and Sciences, College of Public Affairs, the Robert G. Merrick School of Business the School of Law, Langsdale Library, and the Law Library.

I. Statement of Intent

The University of Baltimore, in recognition of the importance of a healthy balance between work and life, is committed to creating a supportive environment for all faculty, particularly those who may be facing work-life challenges. This policy is a reflection of the University's commitment to recruit and retain the best faculty by providing adequate career flexibility while continuing to reward productivity and excellence in all areas of teaching, research and service to the UB community. To provide such career flexibility, under specific circumstances indicated herein, a tenure-track faculty member may be reviewed for tenure beyond the normally prescribed timeline.

Nothing in this policy supersedes USM Policy II-1.00 (C) providing that an appointee's tenure clock may be extended by mutual agreement of the institution and the appointee.

II. Definitions¹

- A. Tenure Clock – The time elapsed between the initial employment of a faculty member in the tenure track and the time when said employee's record of teaching, service and scholarship is submitted for review in order to make a tenure determination.²
- B. Domestic Partner – The person, other than a spouse, regardless of gender, who is at least 18 years of age, not related by blood to the faculty member, nor married or in a civil union or domestic partnership with another individual, with whom the faculty member has a committed relationship of mutual interdependence for at least six months.³
- C. Care – “to take care of” or “to care for.” The term care is intended to read broadly to include both physical and psychological care. The language applies to the period of inpatient care and home care as well.

¹ The following definitions are taken verbatim from the USM policy on family and medical leave for faculty {USM BOR 37.0 11-2.31}, approved by the Board of Regents on October 6, 1995, to implement the Family and Medical Leave Act of 1993 (FMLA), P.L. 103-3, unless otherwise noted. A complete text of this policy can be found at http://www.usmd.edu/regents/bylaws/Section_11/11231.html.

² This definition does not appear in FMLA.

³ Within the meaning of § 6-101, Health-General Article, Annotated Code of Maryland ([http://mlis.state.md.us/google_docs\\$/Google Statutes/Statutes Sept 09/ghg/6-101.pdf](http://mlis.state.md.us/google_docs$/Google%20Statutes/Statutes%20Sept%2009/ghg/6-101.pdf)).

- D. Child – A person who is the son or daughter of a faculty member and who is under eighteen (18) years of age; or, eighteen (18) years of age or older and incapable of self-care because of mental or physical disability during the period of the serious illness. The son(s) and/or daughter(s) may be biological, adopted, step or foster child(ren) of the faculty member. A child is also someone who is the legal ward of the faculty member or someone for whom the faculty member has provided sufficient, notarized affidavit(s) and proof of financial dependence that he/she is standing *in loco parentis*.
- E. Faculty member – An employee who is covered under the provisions of USM BOR Policy II - 1.00 on appointment, rank, and tenure of faculty.
- F. In loco parentis – “In the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties and responsibilities." Any eligible faculty member claiming an in loco parentis relationship with a child, or any eligible faculty member claiming to be the child of an in loco parentis relationship may be requested to provide documentation of such relationship.
- G. Parent – Is the faculty member's biological, adoptive, step or foster mother or father, or someone who stood in loco parent is to the faculty member when the faculty member was a child.
- H. Restoration – As used within the FMLA and used within this policy, restoration is an institutional guarantee that at the conclusion of the F&M leave the faculty member will be returned either to the same position from which he/she took leave, or to an equivalent faculty position.
- I. Serious health condition – As an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or home care, or continuing treatment by a health care provider. A serious health condition is also intended to cover conditions or illnesses that affect the faculty member's health or the health of the faculty member's immediate family to the extent that the family member is in the hospital or other health care facility or at home and unable to care for his/her own basic hygienic or nutritional needs or safety such that the faculty member must be absent from work on a regular and recurring basis for more than a few days for treatment and recovery. With respect to the faculty member, a serious health condition means that the faculty member must be incapacitated from performing the essential functions of his/her position.
- J. Spouse – The person to whom the faculty member is legally married.

III. Life Circumstances that merit automatic approval

Faculty members who experience the following life events are eligible for an automatic extension of the tenure clock for one year per event (two years maximum for more than one event). Documentation will be completed in accordance with established University procedures.

- A. Childbirth or adoption
- B. Serious health condition (physical or mental) of the faculty member⁴
- C. Care of a child, spouse, domestic partner, parent, or other individual with whom an "in loco parentis" relationship is claimed, during a serious health condition
- D. Death of a parent, child, spouse or domestic partner
- E. Military service⁵

IV. Other life circumstances that merit consideration for an extension

Faculty members who experience the following events may request an extension of the tenure clock for one year per event (two years maximum for more than one event) in accordance with established University procedures:

- A. Significantly increased administrative duties (Assignment of such increased duties require advance consultation with the dean.)
- B. Approved period of modified duties, including reduced workload from full time to part time work with a corresponding reduction in pay
- C. Extended foster care placement, beyond emergency placement⁶
- D. Legal concerns (including visa status preventing tenure, settling of estates, divorce, custody disputes, civil suits and/or the defense of felony criminal charges)

An extension in these instances will be considered. The faculty member shall provide sufficient evidence that this event prevents him/her from fulfilling his/her tenure requirements in the time allotted. The Provost has decision authority in these instances.

V. Timeframe and Limits of this policy

- A. The faculty member must provide evidence⁷ of the event to his or her department/division chair, library director, or dean to be eligible for an extension within 30 days of the life event or medical diagnosis, except for childbirth or adoption, for which documentation is expected prior to the event.
- B. Faculty members who submit documentation for an automatic extension of the tenure clock and find they do not need the additional time to prepare for tenure review may revoke their extension. Notice of such revocation shall be submitted according to established University procedures no less than 120 calendar days prior to the start of the applicable tenure review process.
- C. Faculty members are eligible for an extension of the tenure clock for one year per any of the life events listed in sections III or IV above. Faculty members are not entitled to more than two years' extension pursuant to this policy.
- D. Requests for extensions of the tenure clock pursuant to paragraph IV above must be made more than 120 calendar days prior to the date the faculty member should submit their packet or dossier for tenure review.

⁴ Diagnosis would be considered a triggering event.

⁵ If the length of the period of active duty is greater than one year, additional time may be granted pursuant to section V, up to a maximum of two years total.

⁶ For the applicable standard of evidence to be provided, please see section X of USM BOR 37.0 II-2.31 (<http://www.usmd.edu/regents/bylaws/SectionII/II231.html>).

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- E. No extensions shall be granted after the school's/college's deadline for submission of the faculty member's dossier.

VI. Extension for interim review

This policy governing extensions of the tenure clock also applies to extensions of the three-year interim review, should the life event occur prior to the interim review.

VII. Instructions to chairs, library directors, and deans

- A. Chairs, library directors, and deans are responsible for instructing promotion and tenure committees to use the same standard of review for all candidates, as outlined by each school's P&T policy, regardless of any tenure clock extensions.
- B. Chairs and library directors must assure faculty that any tenure clock extension granted under this policy will not negatively affect a later tenure decision.
- C. Expectations for meeting tenure criteria shall be the same for all faculty, regardless of whether the faculty member has received or applied for a tenure clock extension under this policy. Tenure candidates who receive the tenure clock extension will be evaluated with the same tenure criteria as candidates who have not received the tenure clock extension. There shall be no penalty for extra time taken to arrive at tenure review.
- D. During tenure review, the department chair or library director shall inform internal and external evaluators that any candidate who receives a tenure clock extension under this policy must be evaluated with the same tenure criteria as candidates who have received no tenure clock extension and with the same expectations for accomplishments as would be applied to candidates who received no tenure clock extension.
- E. Chairs, library directors, and deans are encouraged to make every effort to incorporate faculty members returning after a period of extended leave into the faculty ranks in a meaningful way, particularly if restoration occurs after the beginning of the academic calendar.
- F. Any request for extension and the rationale for the request shall be treated confidentially. Only the granting of an extension shall be made public.

VIII. Appeals

In case of an adverse determination by the provost, the faculty member has the right to appeal under this policy. A written appeal request must be submitted to the University president within 10 business days of the provost's decision. Upon receipt of an appeal request, the president will request from the provost all available documentation and independent recommendations provided by the chair or library director and dean. All appeal requests will be handled expeditiously. The president will notify the faculty member, department/division chair or library director, dean, and provost of his decision within 15 business days of receiving the appeal. The president's decision shall be final.

University of Baltimore

**Tenure-Clock Extension Procedures
to Accompany the Policy**

These procedures serve to implement the University of Baltimore Tenure-Clock Extension Policy.

For purposes of initial implementation, a faculty member who, as of the date of final approval of the Tenure-Clock Extension Policy is still within his/her tenure-track contract period and had a past life event as defined below that occurred after the date that the faculty member was hired by the University as pre-tenure faculty, may retroactively request an extension of the tenure clock.

The submission timelines shall be waived in those instances, with one exception: No extensions shall be granted after the school's/college's deadline for submission of the faculty member's dossier.

I. Purpose

This document is intended to provide additional guidance regarding the procedures faculty members must follow to request an extension of the tenure clock, pursuant to the University of Baltimore Tenure-Clock Extension Policy. Should the life event occur prior to the three-year interim review, the extension will also apply to that review.

II. Processing and Documentation Requirements

- A. Life circumstances that merit automatic approval – for life circumstances described in Section III of the Tenure-Clock Extension Policy:
1. Written notification shall be submitted to the department/division chair, library director (or the dean in the case of the School of Law) within 30 calendar days of the life event or medical diagnosis.
 2. Notification for childbirth or adoption is expected prior to the event, whenever possible.
 3. The written notification shall include the reason for the extension and documentation of the life event.³
 4. The written notification shall not include highly personal information, to the extent that it is not relevant to determine the need for the extension or the applicability of this section of the policy.
 5. The chair or library director must forward the notification and documentation to the dean and provost within 10 business days of the receipt of the notification.
 6. In the case of the School of Law, the dean must forward the notification and documentation to the provost.
 7. The provost will acknowledge receipt and notify the faculty member, the chair or library director, and the dean of the revised tenure timeline within 10 business days of the receipt of the notification.

8. The provost office will notify the Office of Human Resources to update the tenure review year in the faculty database. The provost office will also prepare the appropriate contract to adjust the tenure review year.
9. If the Family and Medical Leave Act (FMLA) is applicable, the faculty member must contact the Office of Human Resources directly for appropriate paperwork.
10. The chair or library director and the dean will notify the applicable Promotion and Tenure Committee(s) of the revised tenure review year.
11. No extensions shall be granted after the school's/college's deadline for submission of the faculty member's dossier.
12. Any notification of automatic extension and the rationale for the extension shall be treated confidentially. Only the granting of an extension shall be made public.

B. Life circumstances that merit consideration for an extension – for life circumstances described in Section IV of the Tenure-Clock Extension Policy:

1. A written request shall be submitted to the department/division chair, library director (or the dean in the case of the School of Law) within 30 calendar days of the life event and no less than 120 days prior to the date the faculty member should submit their packet or dossier for tenure review.
2. The request shall include the reason for the extension and documentation of the life event.
3. The request should not include highly personal information but must provide enough information to make a persuasive argument that an extension is warranted.
4. The faculty member shall provide sufficient evidence that this event prevents him/her from fulfilling his/her tenure requirements in the time allotted.
5. The chair or library director must forward the faculty member's request and documentation to the dean with his/her recommendation within 10 business days of the receipt of the extension request.
6. The dean shall forward the faculty member's request and documentation, the recommendation of the chair or library director, and his/her own independent recommendation within ten (10) days of the receipt of the extension request.
7. The provost has decision authority in these instances and will notify the faculty member in writing of the extension decision within ten (10) business days of the receipt of the extension request.
8. The provost will also send copies of his decision to the chair or library director and dean.
9. The provost office will notify the Office of Human Resources to update the tenure review year in the faculty database. The provost office will also prepare the appropriate contract to adjust the tenure review year.
10. If the Family and Medical Leave (FMLA) is applicable, the faculty member must contact the Office of Human Resources directly for appropriate paperwork.
11. If an extension is granted, the chair or library director and the dean will notify the applicable Promotion and Tenure Committee(s) of the revised tenure review year.
12. No extensions shall be granted after the school's/college's deadline for submission of the faculty member's dossier.
13. Any request for an extension and the rationale for the request shall be treated confidentially. Only the granting of an extension shall be made public.

III. Revocation/Opting Out

As outlined in Section V. of the Tenure-Clock Extension Policy, a faculty member who submits documentation for an automatic extension of the tenure clock and finds he/she does not need the additional time to prepare for tenure review may revoke his/her extension.

- A. Notice of such revocation shall be submitted to the appropriate Tenure and Promotion committee no less than 120 calendar days prior to the start of the applicable tenure review process, when the faculty member is expected to submit his/her application and dossier for tenure review.
- B. The notice shall be in writing with copies sent to the chair or library director, dean, and provost.
- C. The faculty member will then undergo review during his/her originally-scheduled tenure review year.
- D. The review described in Section III.C. will not be considered as being an early decision on tenure.

IV. Appeals

In case of an adverse determination by the provost, the faculty member has the right to appeal under this policy.

- A. An appeal shall be submitted in writing to the University President within 10 business days of the provost's decision.
- B. Upon receipt of an appeal, the president will request from the provost all available documentation and independent recommendations provided by the chair or library director and dean.
- C. All appeals will be handled expeditiously. The president will notify the faculty member of his/her decision within 15 business days of receipt of the appeal.
- D. The president's decision shall be final.

V. Other Implementation Guidelines

- A. This policy and procedures apply only to the extension of time for tenure review per the clock for tenure and promotion.
- B. As noted in the policy Section VI, a faculty member who is granted an extension for the tenure clock, may request an extension for the three-year review should the life event occur prior to the interim review.
- C. This policy does not apply to other personnel decisions, including but not limited to merit and salary increases, annual evaluations, and annual progress toward tenure reviews.
- D. The provost's office in conjunction with the dean's office will prepare the attached contract, should the request for a tenure clock extension be granted.

UNIVERSITY OF BALTIMORE
FACULTY MEMBER'S CONTRACT EXTENSION
Tenure-Track Position

By this Agreement, the University of Baltimore (“the University”), an institution of the University System of Maryland, which is an agency of the State of Maryland, and [Name of Appointee] (“the Appointee”) agree as follows:

In accordance with the Tenure-Clock Extension Policy under which the Appointee has received authorization for a one-year tenure review delay, attached hereto as Exhibit A, the Appointee’s faculty contract is hereby extended for one year. As applicable, this may also delay the third (3rd) year review.

[The revised third year review year is AY_____.] *If applicable.*

The revised tenure review year is AY_____.

All other terms in the original faculty contract, dated _____, shall remain in effect.

This Agreement may not be modified except by means of a written amendment to this Agreement signed by the Appointee and an authorized official of the University.

This Agreement shall be construed according to the laws of the State of Maryland.

This offer of appointment expires if a signed original is not returned to the University by [Date].

, Provost
and Senior Vice President for Academic Affairs

Date

ACCEPTED:

[Appointee]

Date