



Ohio Administrative Code

Rule 3335-6-03 Probationary service, and duration of appointments for tenure-track faculty.

Effective: November 9, 2020

(A) Probationary periods are established for tenure-track faculty members. During a probationary period a faculty member does not have tenure and is considered for reappointment annually.

(B) Length of probationary period.

(1) An appointment as professor or associate professor will generally entail tenure. However, a probationary period not to exceed four years may be granted by the office of academic affairs upon petition of the tenure initiating unit and college. For the petition to be approved, a compelling rationale must be provided regarding why appointment at a senior rank is appropriate but tenure is not. All appointments to the rank of associate professor or professor require prior approval of the executive vice president and provost.

An appointment to the rank of instructor is always probationary and may not exceed three years. An instructor must be approved for promotion to assistant professor by the beginning of the third year of appointment or the appointment will not be renewed beyond the end of the third year. When an instructor is promoted to the rank of assistant professor, prior service credit may be granted for time spent as an instructor if the faculty member requests such credit in writing at the time of the promotion. This request must be approved by the tenure-initiating units eligible faculty, the tenure-initiating unit head, the dean of the college, and the office of academic affairs.

An appointment to the rank of assistant professor is always probationary and may not exceed six years, including prior service credit. An assistant professor is reviewed for promotion and tenure no later than the sixth year of appointment as an assistant professor and informed by the end of the sixth year as to whether promotion and tenure will be granted at the beginning of the seventh year.

(2) Promotion and tenure may be granted at any time during the probationary period when the faculty member's record of achievement merits tenure and promotion. Similarly, a probationary appointment may be terminated at any time subject to the notice provisions of rule 3335-6-08 of the



Administrative Code and the provisions of paragraphs (G), (H), and (I) of this rule.

(3) Probationary tenure-track faculty members will be informed no later than the end of the year in which their mandatory review for tenure takes place as to whether tenure will be granted by the beginning of the following year. If tenure is not granted, a one year terminal year of employment is offered.

(C) Annual review of probationary tenure-track faculty members.

(1) At the time of appointment, probationary tenure-track faculty members shall be provided with all pertinent documents detailing tenure initiating unit, college, and university promotion and tenure policies and criteria. If these documents are revised during the probationary period, probationary tenure-track faculty members shall be provided with copies of the revised documents.

(2) During a probationary period a tenure-track faculty member shall be reviewed annually in accordance with this rule and with policies of the tenure initiating unit, college and university. The annual review should encompass the faculty member's performance in teaching, in scholarship, and in service; as well as evidence of continuing development. The involvement of tenure initiating unit faculty in annual reviews is strongly encouraged. External evaluations of the faculty member's work, required for tenure and promotion reviews, may be obtained for any annual review if judged appropriate by the faculty review body or tenure initiating unit chair. The tenure initiating unit chair shall inform probationary faculty members at the time of initial appointment, and in a timely fashion each year thereafter, when the annual review will take place and provide a copy of the office of academic affairs dossier outline to be completed by the faculty member in reporting accomplishments to date. At the completion of the review the tenure initiating unit chair shall provide the faculty member and the dean of the college with a written assessment of the faculty member's performance and professional development. The assessment should include both strengths and weaknesses, as appropriate. If the chair's recommendation is to reappoint the faculty member to another probationary year of service, that recommendation shall be final. A recommendation from the chair to not reappoint the faculty member to another probationary year requires a review that follows fourth year review procedures (see paragraph (G) of this rule) and the dean shall make the final decision in the matter. All annual review letters to date shall become a part of a faculty member's dossier for subsequent annual reviews during the probationary period, including the review



for promotion and tenure.

(3) When probationary tenure-track faculty receive their annual review, the tenure initiating unit chair shall inform them of their right to review their primary personnel file maintained by their tenure initiating unit and to place in that file a response to any evaluation, comment or other material contained in the file (see rule 3335-3-35 of the Administrative Code).

(4) The fourth year review of probationary tenure-track faculty shall follow the same process as the review for tenure and promotion at the tenure initiating unit and college levels with two exceptions: Solicitation of external letters of evaluation may or may not be required by the tenure initiating unit and review by the college promotion and tenure committee shall be optional in all cases where both the tenure initiating unit and the dean approve the renewal of the appointment. Renewal of the appointment of a probationary assistant professor for the fifth year requires the approval of the dean of the college. Before reaching a negative decision or a decision contrary to the tenure initiating unit's recommendation, the dean must consult with the college promotion and tenure committee.

(D) Exclusion of time from probationary periods.

(1) There are three circumstances under which probationary tenure-track faculty may obtain an exclusion of time from probationary periods, also known as extending the tenure clock. These exclusions recognize factors that impact the ability to meet the criteria for tenure within the probationary period outlined in paragraph (B) of this rule. A request to exclude time from the probationary period for any of the reasons listed in paragraphs (D)(1)(a) to (D)(1)(c) of this rule must be made prior to April first of the year in which the mandatory review for tenure is scheduled.

(a) A probationary tenure-track faculty member will have one year excluded from the probationary period for the birth or the adoption of a child. The maximum time that can be excluded per birth or adoption is one year. This exclusion is guaranteed provided the faculty member informs the TIU head in writing within one year of the birth or adoption unless the exclusion is prohibited in paragraph (D)(3) of this rule. It is the responsibility of the TIU head to inform the college dean and office of academic affairs of the birth or adoption. The probationary faculty member may decline the one-year exclusion by informing the TIU head in writing before April first of the original mandatory review year.



(b) A probationary tenure-track faculty member may apply to exclude time from the probationary period in increments of one year because of personal illness, care of a seriously ill or injured person, an unpaid leave of absence, or factors beyond the faculty member's control that hinder the performance of the duties associated with being a successful faculty member, i.e., teaching, scholarship, and service. For faculty members requesting an exclusion due to personal illness or care of a seriously ill or injured person, requests shall be made in writing to human resources which will work with the TIU head to determine the necessary documentation. Requests to exclude time from the probationary period due to unpaid leave or factors beyond the faculty members control must be submitted in writing to the TIU head within one year of the unpaid leave or the extenuating factors. Such requests shall be reviewed by the TIU promotion and tenure committee which will advise the TIU head on the appropriateness of the request. In units that do not have a promotion and tenure committee, the eligible faculty shall review the request. All requests require approval by the TIU head dean, and executive vice president and provost. The extent to which the event leading to the request was beyond the faculty member's control and the extent to which it interfered with the faculty member's ability to be productive will be considered in granting or denying the request.

(c) Probationary tenure-track faculty members on less than full-time service for part or all of their probationary period may request an exclusion of time. Such requests require approval of the TIU head, dean, and executive vice president and provost. The exclusion shall be for an integer number of years based on the principle that the usual probationary period represents full-time service. The maximum exclusion of a probationary period for less than full-time service is one year for a probationary instructor, three years for a probationary assistant professor and two years for a probationary associate professor or professor.

(2) A request to exclude time from the probationary period for any reason will not be granted after a nonrenewal notice has been issued nor will previously approved requests to exclude time from the probationary period in any way limit the university's right not to renew a probationary appointment

(3) Except in extraordinary circumstances, a maximum of three years can be excluded from the probationary period for tenure track faculty for any reason or combination of reasons covered in the provisions in paragraphs (D)(1)(a) and (D)(1)(b) of this rule. For probationary faculty who are on appointments of less than full time, the maximum is four years for an instructor, six years for an



assistant professor, and five years for an associate professor or professor for any reason or combination of reasons covered in the provisions in paragraphs (D)(1)(a), (D)(1)(b), and (D)(1)(c) of this rule. Exceptions require the approval of the tenure initiating unit chair, dean, and executive vice president and provost.

(4) Tenure-track faculty members will be reviewed annually during their probationary periods regardless of whether time is excluded from that period for any of the above reasons unless their absence from campus during an excluded period makes conduct of such a review impractical.

(5) For purposes of performance reviews of probationary faculty, the length of the probationary period is the actual number of years of employment at this university less any years of service excluded from the probationary period under the terms of this rule. Expectations for productivity during the probationary period cannot be increased as a consequence of exclusions of time granted under the terms of this rule. Probationary faculty who are on part-time appointments should be reviewed in the context of their reduced duties.

(6) The exclusion of time granted under for reasons specified in this rule in no way limits the award of promotion and tenure prior to the mandatory review year.

(E) Service credit of up to three years may be granted for prior work experience at the time of the initial appointment and requires the approval of the tenure initiating unit chair, dean, and executive vice president and provost. Prior service credit shortens a probationary period by the amount of the credit and once granted cannot be revoked except through an approved request to exclude time from the probationary period.

(F) Probationary appointments may be terminated during any probationary year because of inadequate performance or inadequate professional development. At any time other than the fourth year review or mandatory review for tenure, a nonrenewal decision must be based on the results of a formal performance review conducted in accord with fourth year review procedures as set forth in paragraph (C)(3) of this rule. Notification of nonrenewal must be consistent with the standards of notice set forth in rule 3335-6-08 of the Administrative Code.

(G) Probationary appointments may be terminated for fiscal or programmatic reasons. When



nonrenewal is based on fiscal or programmatic reasons, the faculty member should be advised that such nonrenewal is a possibility and formal notice of nonrenewal should be provided as soon as possible after the need for nonrenewal is established. Nonrenewal of a probationary appointment for fiscal or programmatic reasons does not entail a performance review and requires the prior approval of the executive vice president and provost. Because hiring decisions should be based on informed assumptions regarding the future availability of resources and of programmatic needs, approval of such nonrenewals will be based on the extent to which convincing evidence is provided that the fiscal or programmatic reasons for the nonrenewal could not be anticipated when the appointment was made and are expected to be long lasting.

(H) Decisions affecting the nonrenewal of a probationary appointment may not be arbitrary or capricious or carried out in violation of a faculty member's right to academic freedom. Faculty rule 3335-5-05 of the Administrative Code provides a procedural mechanism under which an aggrieved probationary faculty member can challenge a nonrenewal decision believed to have been improper. In that instance, however, the burden of proof is on the probationary faculty member to establish that the nonrenewal decision was improper (see rule 3335-6-05 of the Administrative Code).