

**To:** All faculty-hiring units

**From:** Dr. Jay Akridge, Provost and Executive Vice President for Academic Affairs and Diversity

**Date:** November 15, 2022

**Re:** Conditional Tenure Procedure

Regular tenure cannot be awarded to a faculty member if the faculty member's U.S. visa status does not permit immigrant intent allowing for indefinite, permanent employment in the U.S. As a result of Purdue's efforts over many years to create a diverse faculty and University community, many candidates for tenure track faculty positions are not permanent U.S. residents or U.S. citizens. The conditional tenure procedure originally was put in place following an Executive Memorandum issued by then Executive Vice President for Academic Affairs, Robert L. Ringel, on April 28, 1992. The procedure made effective by the Ringel Memo allows tenure applicants who have approved H-1 visa statuses and for whom Purdue plans to pursue permanent residency status, and also tenure applicants with an adjustment application status of "adjustment applicant: employment authorized" as a result of being the spouse of a U.S. citizen, to be promoted to tenure under a "conditional tenure" status. This procedure was revised in 2017, and this memo provides a further update.

A review of updated immigration guidance has resulted in Purdue's ability to extend conditional tenure eligibility to individuals whose class of admission to, or lawful presence in, the U.S. does not prohibit immigrant intent, provided the individual at all times maintains authorization for employment at Purdue.

Effective as of the date of this Memorandum, the following procedures shall apply to the hiring and promotion of faculty that are not permanent U.S. residents or U.S. citizens:

- Candidates for tenure track faculty positions whose class of admission to, or lawful presence in, the U.S. does not prohibit immigrant intent may be hired, appointed or promoted to positions with tenure eligibility rights and full benefits packages. Examples include but are not limited to O-1 and H-1 visa status holders, as well as employment-authorized applicants for I-485 adjustment of status where the underlying eligibility for permanent residence is based on (i) being the spouse of a U.S. Citizen, (ii) an *approved* Form I-140 Immigrant Worker petition relating to employment *outside* Purdue, or (iii) a Form I-140 Immigrant Worker petition (approved or pending) relating to employment *at* Purdue.
- These appointments will follow the normal hiring policies and procedures established by each department and/or school.
- A Candidate's title as full professor, assistant professor, associate professor, dean, department head, etc. will be the same as that called for under the normal hiring policies and procedures established by the department and/or school.
- Any award of tenure or any appointment to a position with tenure already credited prior to such individual's approval for permanent resident status will be "conditional tenure" allowing for

revocation of tenure if for any reason the individual's (1) required to depart the U.S. without immediate ability reenter under a dual intent work authorized status, (2) authorization to work at Purdue ends, or (3) permanent resident status is denied.

- Candidates must pursue permanent residence generally, and adjustment of status in specific, promptly upon becoming eligible for the same, to ensure timely issuance of lawful permanent resident status. Candidates sponsored by Purdue must be responsive to, and participate meaningfully in, efforts by Purdue's International Students and Scholars Office to monitor, extend and/or maintain nonimmigrant (temporary) or permanent resident status or lawful presence in the U.S.
- As previously outlined, conditional tenure will automatically convert to regular tenure upon approval of lawful permanent resident status, provided that the individual has maintained continuous service (excluding approved leaves of absence) to Purdue following receipt of conditional tenure.
- Candidates whose class of admission to, or lawful presence in, the U.S. directly prohibits immigrant intent, such as J, F, TN or E-3 status holders, may not be appointed to tenure track positions and should instead be designated as "visiting", with fringe benefits applicable to a visiting appointment.

**\*\*Please note** that a change of employer during the I-485 application process may affect eligibility for permanent resident status if the application is based on an employer petition. Individual applicants are responsible for securing their own legal advice with respect to maintaining I-485 eligibility.