

UWEX ACADEMIC STAFF POLICIES AND PROCEDURES

Chapter UWEX 10

ACADEMIC STAFF APPOINTMENTS

- 10.01 Types of appointments.** Appointments may be fixed term, probationary, or indefinite. Several probationary appointments may precede the granting of an indefinite appointment. An appointment shall be limited to an operational area specified at the time of appointment and shall not carry rights beyond that limitation. The type of academic staff appointment, based upon anticipated functions of the position and criteria of the operational area, will be recommended by the operational area to the appointing authority who shall establish the type of position.
- 10.02 Recruitment and letter of appointment.**
- (1) Recruitment shall follow appropriate federal and state law and University rules and policies relating to non-discrimination and affirmative action.
 - (2) Letters of initial appointment shall be signed by an authorized official and shall include such detailed terms and conditions of appointment as title and type of appointment, operational area, duration of appointment, salary, and position description. Copies of academic staff appointment rules and policies and procedures shall accompany each letter of appointment.
 - (3) Reappointment or renewal letters shall contain title and type of appointment, notice of reappointment or non-renewal, duration of appointment, and salary, if known. Identification of operational area and position description need be included only if they are changed from the previous appointment.
- 10.03 Appointment policies.**
- (1) Fixed term appointments. Fixed term appointments shall be for a definite period of time specified in the letter of appointment, with reappointment solely at the option of the appointing authority, and shall carry no expectation of reemployment beyond the stated term regardless of how many times renewed except that notice periods described in 10.07 must be met. The initial fixed term appointment may include a period of up to six months during which the appointee may be dismissed without appeal at the discretion of the authorized official. If such a period of evaluation is used, the letter of appointment must so state. A dismissal during this period is not subject to the provisions of UWEX 11.
 - (a) An initial fixed term appointment may not exceed 18 months.
 - (b) Following the initial appointment and a positive performance review [see UWEX 10.04], an academic staff member may be given a multi-year appointment.
 - (c) A rolling horizon fixed term appointment is an appointment to a position with continuing stability of funding and for which there is a long-term institutional need. Academic staff employed in such

positions will be considered by the appointing authority for terms of two or three years at a time with annual extensions possible to keep the appointment for the stated term of two or three years. Academic staff with seven years or more of service in the operational area whose appointments do not provide at least two year terms shall be given the reasons in writing upon request. Academic staff with ten years or more of service in the operational area whose appointments do not provide at least three year terms shall be given the reasons in writing upon request.

Consideration for a rolling horizon contract shall include:

- (i) Continuing need for the position such as:
 - a. The position is an essential core position.
 - b. A certain number of this type of position are required to conduct a minimally acceptable level of activity.
 - c. The position is important to high priority program initiatives.
 - d. The position has an impact on partnership arrangements.
 - (ii) Stability of funding source.
 - (iii) The individual's job performance and breadth of skills.
 - (iv) Gender and racial balance of the work force.
- (2) Indefinite and probationary academic staff appointments.
- (a) An indefinite appointment is an appointment for an unlimited term, granted by the Chancellor to a member of the academic staff in a UWEX operational area. Such an appointment may be granted to a member of the academic staff who holds or will hold an appointment of one-half time or more. The proportion of full time provided for in the initial indefinite appointment may not be decreased or increased without the mutual consent of the academic staff member and the appointing authority, unless the appointment is terminated or decreased under UWEX 11 or UWEX 12. Academic staff members may be granted indefinite appointments prior to the end of their probationary period.
 - (b) A probationary academic staff appointment is one leading to review and a decision on indefinite appointment. A probationary academic staff appointment will normally be for one year at a time. The probationary period shall not be greater than seven years for either full or part-time appointments.
 - (c) A leave of absence shall not constitute a break in continuous service, nor shall it be included in the 7-year probationary period. In addition to leaves of absence, circumstances that do not constitute a break in continuous service and that shall not be included in the 7-year period include responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care obligations, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward

achieving indefinite status. A request for additional time because of circumstances under this section shall be initiated in writing by the academic staff member concerned and shall be submitted to the head of the operational area, who shall forward a recommendation to the dean who shall be authorized to grant a request following consultation with the academic staff member's supervisor and who shall specify the length of time for which the request is granted. It shall be presumed that a request made under this section because of responsibilities with respect to childbirth and adoption shall be approved. A request shall be made before an indefinite status review commences. A denial of a request shall be in writing and shall be based upon clear and convincing reasons. More than one request may be granted to a probationary academic staff member but the total, aggregate length of time of all requests, except for a request because of responsibilities with respect to childbirth or adoption, granted to one probationary academic staff member ordinarily shall be no more than one year. If any academic staff member has been in probationary status for more than seven years because of one or more of the reasons set forth in this section, the academic staff member shall be evaluated as if he or she had only 7 years to work towards achieving indefinite status. An indefinite appointment is not acquired solely because of years of service.

- (d) An affirmative review appropriate to the academic staff position will be conducted by the operational area which will recommend an indefinite appointment, non-renewal of the probationary appointment, or appointment to a fixed term academic staff contract to the dean. General areas to be covered in an affirmative review should be established at the beginning of a probationary appointment and should include the competence level and performance of the individual, continuing need for the position and stability of funding source. When, in the judgment of the dean, an operational area does not have sufficient numbers of qualified personnel to conduct an affirmative review, the dean may, in consultation with the affected academic staff member and the Chancellor, appoint an ad hoc review body which may consist of UWEX academic staff members, faculty, personnel from other institutions, students, or persons outside the academic community. Academic staff members shall be notified in writing at least thirty days before an affirmative review session at which the granting of an indefinite appointment will be considered. The academic staff member may review all documents and materials being presented and may make a personal presentation and submit additional written material. The evidence portion of the meeting will be closed unless an open meeting is requested by the academic staff member. The deliberations and preparation of findings and recommendations will be closed. The reports and recommendations will be advisory to the dean and the Chancellor.

- (3) A member of the academic staff who accepts a limited appointment in UWEX does not lose existing rights under an indefinite, probationary, or fixed term academic staff appointment. A concurrent fixed term,

probationary, or, following appropriate affirmative review procedures, indefinite academic staff appointment may be granted to persons appointed to limited appointments in UWEX.

10.04 Performance review.

- (1) The performance of every academic staff member shall be reviewed at least annually during a face-to-face conference prior to salary determination for the coming year. If the person conducting the conference is not the immediate supervisor, then the immediate supervisor must have equal opportunity to contribute to the review process. Any committee conducting a review must have adequate familiarity with the academic staff member's responsibilities.
- (2) Each UWEX department and administrative unit shall establish, in conjunction with representative academic staff members, comparable guidelines and criteria for use in performance reviews of comparable academic staff positions within the department/administrative unit.
- (3) The format and conduct of performance reviews shall be flexible and tailored to meet the goals of individual supervisors, employees, and departments/ administrative units.
- (4) The review presents the opportunity to address the performance, work situation, and career development of the employee. The assignment of annual merit increments should take cognizance of this and any other performance reviews.
- (5) The review should be based upon, but not limited to, performance relative to the following:
 - (a) Plan of work/annual goals and objectives.
 - (b) Accomplishments since the last performance review, including successes, failures, changes in work approach, additional duties, etc.
 - (c) Position description which outlines employee's current responsibilities.
 - (d) Letter of appointment.
 - (e) Any other written evidence submitted by the employee.
- (6) The evaluation conference shall include the opportunity for the employee to discuss the performance of his/her supervisor in the role of supervisor.
- (7) The supervisor shall prepare a written summary based on the conference and give it to the employee within fourteen days after the conference. The employee may respond in writing within fourteen days after receipt of the summary. Both documents shall be signed by the employee and the immediate supervisor. One copy shall be given to the employee; the other copy shall be placed in the employee's personnel file.

10.05 Personnel file.

UWEX maintains personnel files for each academic staff member. These files may be located at one or more of the following locations:

- UWEX Payroll Office;
- UWEX Divisional offices; and
- UWEX Administrative unit offices.

10.06 Non-renewal of academic staff appointments.

(1) Fixed term academic staff.

A fixed term academic staff member may be non-renewed upon the decision of the authorized appointing official. That official shall inform the staff member in writing of such decision in accordance with the notice provisions in UWEX 10.07. If requested, reasons for that decision shall be furnished in writing. The non-renewal notice shall also indicate the offices to be contacted for information about the continuation of fringe benefits, unemployment compensation, and job placement counseling.

Reconsideration: The academic staff member may have an informal conference on non-renewal by submitting a written request to the authorized appointing official within 20 days of receipt of the statement of reasons. The academic staff member shall receive at least three days' notice of the conference and may be accompanied by not more than two persons of her/his choice and may present pertinent information. The informal conference is not a formal hearing or appeal. The authorized appointment official shall confirm the results of the informal conference within five working days of its close.

(2) Probationary academic staff.

A probationary academic staff member may be non-renewed upon the decision of the authorized appointing official. That official shall inform the staff member in writing of such decision in accordance with the notice provisions in UWEX 10.07. If requested, reasons for that decision shall be furnished in writing [UWS 10.04]. The non-renewal notice shall also indicate the offices to be contacted for information about the continuation of fringe benefits, unemployment compensation, and job placement counseling. Included in the non-renewal notice shall be the academic staff member's rights to reconsideration and review.

(a) Reconsideration.

The academic staff member may have an informal conference on non-renewal by submitting a written request to the authorized appointing official within 20 days of receipt of the statement of reasons. The academic staff member shall receive at least three days' notice of the

conference and may be accompanied by not more than two persons of her/his choice and may present pertinent information. The informal conference is not a formal hearing or appeal. The authorized appointment official shall confirm the results of the informal conference within five working days of its close.

(b) Hearing.

A non-renewed probationary academic staff member seeking a formal review must make written request for a hearing to the Secretary of the Academic Staff within 20 days of notice of non-renewal or confirmation of the results of an informal conference (25 days if notice is by first class mail and publication). Failure of the academic staff member to meet these time limitations shall constitute waiver of the right involved.

(c) Not later than 20 days following receipt of a request for a hearing a hearing shall be held following procedures described in UWEX 13.03 & 13.04. This time limit may be extended by mutual consent of the parties or by order of the Hearings Committee. The burden of persuasion in such a hearing shall be on the non-renewed appointee and the scope of the hearing shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual:

- (i) Conduct, expressions, or beliefs which are constitutionally protected, or actions which are consistent with an appropriate professional code of ethics;
- (ii) Employment practices proscribed by applicable state or federal law; or
- (iii) Improper consideration of qualifications for reappointment or renewal. For purposes of this section, "improper consideration" shall be deemed to have been given to the qualifications of a staff member in question if material prejudice resulted because of any of the following:
 - a. The procedures required by the Chancellor or board were not followed; or
 - b. Available data bearing materially on the quality of performance were not considered; or
 - c. Unfounded, arbitrary, or irrelevant assumptions of fact were made about work or conduct.
 - d. Findings as to the validity of the appeal shall be reported to the official making the non-renewal decision and to the academic staff member involved, the appropriate dean, and the Chancellor.
 - e. Such report may include remedies which may, without limitation because of enumeration, take the form of a reconsideration by the decision maker, a reconsideration by the decision maker under instructions from the hearing

examiner, or a recommendation to the next higher administrative level. Cases shall be remanded for reconsideration by the decision maker in all instances unless the Hearings Committee specifically finds that such a remand would serve no useful purpose. The Hearings Committee shall retain jurisdiction during the pendency of any reconsideration.

10.07 Notice of Non-renewal or Change in Percent-of-Time.

(1) Notice periods. Written notice shall be given to the probationary/fixed term appointee in advance of the expiration of the appointment when the appointment is not being renewed or is being renewed with a change in percent-of-time. Written notice shall be given as follows:

(a) Fixed term appointments: For fixed term academic staff who began service before January 1, 1995, written notice shall be given as follows:

<u>Years of UW System Service*</u>	<u>Notice Period</u>
less than two years	3 months
two to six years	6 months
six full years to twelve	12 months
twelve full years or more	24 months

For fixed term academic staff who began service after January 1, 1995, written notice shall be given as follows:

<u>Years of Service *</u>	<u>Notice Period</u>
less than 2	3 months
at least 2, less than 7	6 months
at least 7, less than 10	9 months
10 or more	12 months

* "Years of Service" means FTE years of UW System Service in a classified or unclassified appointment.

A leave of absence or professional improvement assignment shall not constitute a break in service, but will not be counted in calculating years of service. When the letter of offer for a fixed term appointment states that renewal is not intended, no further notice of non-renewal is required.

(b) Probationary appointments: In the first year, appointees shall be entitled to at least 3 months' notice before the end of the appointment; 6 months' notice before the end of the appointment in the second year; and 12 months' notice thereafter.

(2) Extension in the absence of proper notification. If proper notice of non-reappointment, non-renewal or change in percent-of-time is not given in accordance with UWEX 10.08(1), the appointment shall be extended so that at least the required notice is given.

(3) Backup appointment and maximum salary reduction for limited appointments. When an appointing authority cancels a limited appointment and invokes a backup academic staff appointment, the affected academic staff member's salary should not be reduced below 85% of the limited

appointment's salary. If this is not possible within the range of the backup academic staff title, the maximum allowable salary within that range should be assigned.