

Academic Staff Policies & Procedures

UWPA 5

NON-RENEWAL OF PROBATIONARY/INDEFINITE APPOINTMENTS

5.01 NON-RENEWAL NOT DISMISSAL FOR CAUSE. Non-renewal of probationary/indefinite appointments is not dismissal under UWS 11 and UWPA 8.11.

5.02 NOTICE PERIODS. Written notice that a probationary academic staff appointment will not be renewed shall be given accordingly: at least three months before the end of the appointment in the first two years; at least six months for service of at least two years but less than seven years; at least nine months for service of at least seven years but less than 10 years; and at least 12 months for staff who have served 10 years or more. Academic staff employed 50% time or more must receive written notice of non-reappointment separate from the appointment letter and at the appropriate required time. Academic staff paid from soft monies need not receive separate non-reappointment notice.

5.03 RECOMMENDATION FOR NON-RENEWAL. In forwarding a recommendation of non-renewal to the appropriate hiring authority, the supervisor shall include written reasons for the decision.

5.04 SENIOR ADMINISTRATOR ACTION ON RECOMMENDATION OF NON-RENEWAL. Within 10 working days of the receipt of a recommendation from a supervisor for non-renewal, the appropriate hiring authority shall inform the academic staff member in writing of his/her rights to written reasons and appeals under UWS 10.04 and UWPA 5.05. Likewise, if the appropriate hiring authority rejects a recommendation for renewal from a supervisor, the academic staff member shall be notified in writing of his/her rights described above.

5.05 REVIEWS OF NON-RENEWAL DECISIONS. The Academic Staff Committee shall be the hearing body established in UWS 10.04 (1). Reviews of non-renewal decisions as outlined in UWS 10.04 may be brought to the Academic Staff Committee within 20 working days after the date of written notification of non-renewal to the academic staff member (25 working days if notice is by first class mail or publication). A hearing on the appeal shall be held not later than 20 working days after the request, except that this time limit may be extended by mutual written consent of the parties or by written order of the Academic Staff Committee. Parties to the hearing shall be given at least five working days notice of the scheduled time and place of the hearing. The scope and procedures of the hearing on the appeal shall be limited under UWS 10.04. The burden of persuasion in such review shall be on the academic staff member. At the hearing, the academic staff member may have counsel present as a non-participating advisor, present witnesses, and will be provided with a tape recording of the proceedings. If counsel will be present, the academic staff member should so notify the Academic Staff Committee at least 24 hours prior to the hearing. The hearing shall be closed unless the academic staff member requests an open meeting. A written report shall be forwarded, as prescribed in UWS 10.04, by the Academic Staff Committee to the appropriate hiring authority, with a copy to the academic staff member as soon as possible after the conclusion of the hearing. The appropriate hiring authority may accept, reject, or modify the report and shall so

notify the academic staff member and the chancellor within 10 working days of the receipt of the report. Unless the chancellor directs otherwise within 10 working days of the receipt of the appropriate hiring authority's notification, the decision of the appropriate hiring authority is final with no further appeal.

5.06 RECONSIDERATION OF NON-RENEWAL. If the Academic Staff Committee directs in its report a reconsideration of the non-renewal decision, a reconsideration meeting shall be held within 15 working days of the receipt of the report. The academic staff member shall be notified a minimum of three working days prior to the meeting. The time limits may be extended by mutual written consent of the parties. The reconsideration meeting shall be closed unless the academic staff member requests an open meeting. Upon the request of either party an impartial observer may be present. The impartial observer will be selected by consent of the two parties from a panel of three chosen by the Academic Staff Committee. The impartial observer shall be a member of the university community, but not a member of the operational area employing the academic staff member under reconsideration. At the meeting for reconsideration the academic staff member is entitled to present witnesses, to have counsel present as a non-participating advisor, and to be provided with a tape recording of the proceedings. If counsel will be present, the academic staff member should so notify the appropriate senior administrator at least 24 hours prior to the hearing.

The reconsideration is not a hearing, not an appeal, and shall be non-adversarial in nature. Its only purpose is to allow the academic staff member an opportunity to persuade the institutional representative responsible for holding the reconsideration meeting to change the non-renewal decision. The burden of persuasion is on the person who is being reconsidered. If the supervisor is the institutional representative responsible for holding the reconsideration meeting, he/she shall forward a recommendation and reasons in writing to the appropriate hiring authority with a copy to the academic staff member within 10 working days of the reconsideration meeting. In cases where the senior administrator is the institutional representative responsible for holding the reconsideration meeting, a summary of the senior administrator's findings shall be placed in the official personnel file with a copy sent to the academic staff member, the Academic Staff Committee, and the chancellor. Unless the chancellor directs otherwise within 10 working days of the receipt of these findings, the decision of the senior administrator is final.

5.07 WAIVER OF RIGHTS. Failure by the academic staff member to meet the deadlines in the above sections shall be considered a waiver of those procedures and the procedures will continue as outlined except where the deadlines have been extended by mutual written consent.

Approved by the Academic Staff Committee, October 12, 1982, and Revised June 9, 1986, March 7, 1991, December 3, 1998, April 1, 1999, November 8, 1999, June 12, 2007, January 7, 2009.