

July 1987

## Report of the Special Senate Committee on the Use of the Academic Professional Classification

### Introduction

The committee was formed by the Faculty Consultative Committee in January, 1987, in accordance with a resolution adopted by the Faculty Senate in June, 1984, in the course of its deliberations over the new tenure code. That resolution directed the establishment of a special committee to evaluate the academic professional classification with attention to the following four issues: (a) any actual consequences for academic freedom for any segment of the academic professional classification; (b) effects of the classification scheme on the caliber of those hired under the academic professional classification and of those hired with faculty status; (c) fairness and appropriateness of the standards of evaluation and the new tenure code developed for those holding appointments within the academic professional classification; (d) appropriateness of coverage of various groups under the academic professional classification.

In forming the committee, Professor Ellen Berscheid, Chair of the Faculty Consultative Committee, asked it to determine whether or not problems have developed with the academic professional classification serious enough to warrant further investigation. She asked the committee to attempt to determine in particular whether any staff members had been pressured to change to an academic professional status, whether any had been disadvantaged by the change, and whether any had suffered infringement of their academic freedom.

The committee has taken its charge to require no more than a preliminary investigation of the use of the academic professional classification to determine whether there is evidence of problems which warrant more thorough investigation. Thus, while it has examined a good bit of documentary evidence relating to the use of the classification, gathered some data, and surveyed some of the staff members most likely to have been disadvantaged in one way or another by the new classification, it has not conducted an investigation that would justify conclusive answers to the various questions raised in the initial Senate resolution. What basis it has for its particular recommendations will become clear in the course of this report.

### Background

The academic professional classification falls within the Academic Staff Professional and Administrative personnel category adopted by the Board of Regents in December, 1980. That personnel category is distinct from and parallel to the Faculty and Civil Service personnel categories. Academic Staff Professional and Administrative appointments are governed by the Academic Professional and Administrative Staff Policies and Procedures, set forth in a manual last revised in 1986. Academic Staff appointments, both professional and administrative, are supposed to be characterized by the peer relationships with the academic community of faculty members which their duties require and their qualifications facilitate. They are also supposed to possess the same safeguards of academic freedom as are provided for faculty. Academic Staff

appointments are of four types: annual (K), fixed term (J), probationary (H), and continuous (G). Probationary and continuous appointments are parallel to tenure-track and indefinite tenure appointments available to faculty. In 1987, 3,008 staff members held Academic Staff Professional and Administrative appointments, 1,695 with full-time appointments. 2,427 of the 3,008 P & A appointees were without faculty rank, and 1,196 of the 1,695 full-time appointees were without faculty rank. Of the full-time appointees without faculty rank, 40 held continuous appointments (G), and 73 held probationary appointments (H).

### General Observations

The Academic Staff Professional and Administrative category is an extremely broad and diverse category of appointees, including staff members with little or no community of interest. While there are academic professionals clustered in units like the University Libraries, the Minnesota Extension Service and Continuing Education and Extension, a great many academic professionals are scattered throughout the University, performing relatively unique functions with few or no colleagues holding academic professional appointments. Most academic professionals hold annual or fixed term appointments. Senate discussions of the Academic Professional and Administrative category tend to proceed on the assumption that the distribution of appointments in the category is closely parallel to that of faculty appointments, with the preponderant number of professionals holding probationary or continuous appointments. In actual fact, in the years since the introduction of those appointment categories no more than 9.6% of regular P&A appointees in a given year have held probationary or continuous appointments, and no more than 24.1% of full-time regular academic professionals have held probationary or continuous appointments, with the latter percentage decreasing each year since 1983. In some parts of the University it is deliberate policy to avoid making probationary or continuous appointments with the long-term commitments those appointments tend to imply. Consequently, any discussion of the academic freedom protections and other protections afforded academic professionals must take into account the actual patterns of use of academic professional appointments, and not simply the protections ideally available to those with probationary or continuous appointments.

### Specific Issues

1. Academic Freedom: Concern over academic freedom protections were prominent in Senate discussions of the use of the P&A category, and in subsequent discussions. A petition was filed by eleven University staff members in 1983 claiming, among other things, that the use of the academic professional classification threatens the academic freedom of those academics appointed under the classification. In its deliberations the committee has been guided by the statement on academic freedom contained in the appendix to the Tenure Code. While the committee recognizes that the probationary and continuous appointments available to academic professionals in the P&A category serve a variety of purposes, it has assumed that protection of the the academic freedom of professionals in question is a primary purpose of the provision of appointment categories analogous to tenure-track and tenured appointments available to faculty.

The committee has surveyed collegiate and university-wide grievance officers to determine whether grievances pertaining to academic freedom have been filed by staff members within the academic professional classification. At the collegiate level most units report that no grievances have been filed by people within the academic professional classification; between one and four grievances have been filed yearly with the Academic Staff Advisory Committee, several of those grievances alleging some violation of academic freedom. No grievances pertaining to academic freedom have been filed by academic professionals with the University Appeals Committee on Academic Freedom and Responsibility in the period since 1982.

On the supposition that appointees holding fixed-term, yearly, or part-time appointments were most likely to have suffered some restriction of their academic freedom, the committee wrote to all such appointees serving as lecturers or teaching specialists, asking them to express any concerns they might have about the academic freedom protections available to them, or about the use of limited-term contracts to avoid the awarding of faculty status. 920 appointees were contacted, and 12 responded, several with concerns with some implications for academic freedom. Most of the concerns expressed had to do with their status relative to faculty members performing comparable service, and with their rate of pay. While the rate of response to this survey is some indication that staff members serving on term appointments tend not to perceive their academic freedoms as jeopardized by the arrangement, the committee has some concern that the widespread use of yearly and fixed-term appointments, coupled with the relative isolation of many of the appointees in units in which they do not have colleagues with comparable appointments, is a potential threat to their academic freedom. Correlatively, the relatively restricted use of probationary and continuous appointments with protections comparable to those available to faculty appointees is cause for some concern.

2. The Use of the Academic Professional Classification: The committee has given some attention to the question whether the general classification has been appropriately applied, but it must be said that because of the probably inevitable broad and diverse use of the classification that is a very difficult question to address. In the specification of Policies and Procedures it is offered as a general criterion that academic professionals are not engaged in full-time teaching and scholarly work, as are faculty, but rather are assigned to duties enhancing the research, teaching, and service functions of the University. In response to its surveys, the committee has heard from appointees who cannot distinguish their work from that of faculty on that basis, but, again, the numbers are small and possibly insignificant. An adequate answer to the question would require a detailed consideration of the job descriptions and the actual functions of a wide variety of academic professionals in comparison with those faculty with whom they work most closely.

A related and more manageable question is the question whether probationary and continuous appointments have been used where appropriate, and, correlatively, whether fixed term and annual appointments have been used more frequently than would be appropriate. In the specification of Procedures and Policies it is said that fixed term appointments shall be made when funding for the position is not recurring, when the program is not intended to be ongoing, or when the individual is not expected to continue beyond a specified period. It is obvious from an examination of the pattern of annual and fixed-

term appointments that these criteria have not been closely followed. There are individuals in ongoing programs who are expected to continue indefinitely, and there are units which make it a policy not to grant probationary or continuous appointments regardless of the funding or the likely continuation of the program in question. A detailed study of the application of the criteria in a range of specific cases would be essential for a conclusive judgement of the appropriateness of the use of fixed-term and annual appointments, but the committee did not consider such a study as within its charge.

The committee did consider the question whether appointees who were switched from probationary or continuous appointments to annual or fixed term appointments did so willingly or under duress, and whether those changes have resulted in problems of one sort or another. Since the introduction of the classification, the appointments of 30 people have been switched. The committee surveyed those 30 people and received 11 responses. While there were suggestions of perceived pressure in several cases, and some resulting problems, the responses tend to indicate that the individuals in question do not tend to perceive the changes as a source of continuing difficulty.

The committee gave some attention to the question whether introduction of the classification has had an effect on the caliber of those hired under the classification. It examined lists showing the highest degree achieved by individuals in both faculty and academic professional categories in units with a significant number of academic professional appointees, and in the case of the University Libraries made a somewhat more detailed study. Recognizing that the highest degree achieved is not a very telling measure of caliber in a competitive market, it does appear that the caliber of appointments in that unit has not declined, and may even be somewhat higher. The comparative figures are included in an appendix to this report.

3. Procedural protections: Procedural protections available to academic professional are specified in the Administrative Professional and Administrative Staff Policies and Procedures Manual. Like the Regulations Concerning Faculty Tenure, the Policies and Procedures Manual specifies the conditions of appointment for the various categories of appointment in question, the procedures to be followed, and the appeals processes available to appointees. It must be said that while the tenure document was written by faculty with the interests and concerns of faculty prominently in mind, the Policies and Procedures Manual appears to be written more from the perspective of the administration, specifying administrative procedures to be followed under various contingencies. It should also be noted that while the tenure document has been developed over a long period of time, its terms relatively familiar to most of the thousands of faculty members to which it applies, the Manual applies to relatively few employees and is almost certainly much less familiar to those to whom it applies. A detailed comparison of the two documents is appended to this report.

#### Recommendations:

The committee was asked to determine whether problems have developed which warrant further investigation. In the view of the committee there are sufficiently important problems with the classification to warrant further investigation. Those investigations would be more likely to be fruitful, how-

ever, if they were not carried out until there has been more experience with the use of the Academic Staff Professional and Administrative classification. 1987-88 will be the first year in which probationary appointees will have reached their terminal year under the classification. It would seem appropriate to wait until the reviews due in 1987 and 1988 have been completed before undertaking a full and thorough investigation of the use of the classifications. It should also be said that in response to the petition under the Rajender Agreement the University has agreed to conduct an independent investigation of the effect of the use of the Academic Professional and Administrative classification on female staff members. A further study by a committee of the Senate would seem more likely to be successful if it could take into account the results of that independent investigation.

The committee wishes to list the following areas of concern as matters for investigation:

1. There is serious question whether policy is well-served by conjoining academic professionals and administrators in a single employment classification. The conditions of employment and expectations of performance are sufficiently different to make it extremely difficult to formulate and carry out sound general policies and practices applying to appointees in both categories. The problem is compounded by the fact that within the category of administrators are included both administrators with faculty rank and those without faculty rank. While career administrators without faculty rank doubtless have some community of interest with academic professionals without faculty rank, their appointments are restricted to term appointments. They are thus treated in a very different way from both academic professionals eligible for probationary and continuous appointments and from those presumably occasional administrators who continue to hold faculty rank while they serve in administrative posts. For these and comparable reasons the committee believes that some attention should be given to the feasibility of developing a more adequate employment classification.

2. At the present time there does not appear to be any systematic monitoring of the use of J and K appointments. As a consequence, a J or a K appointee might be carried indefinitely on a J or a K appointment. This is contrary to the practice with temporary faculty appointments which must, after a certain period of time, be reported to and approved by the Tenure Committee. If G and H appointments are to serve a purpose comparable to tenure and tenure-track appointments there should be systematic monitoring of the use of J and K appointments.

3. There are units which make it a practice to appoint most academic professionals to J or K appointments, reserving G and H appointments to a very few positions. There should be a review of those appointing practices, with an eye to establishing a general policy determining the sorts of cases in which J and K appointments are appropriate.

4. More generally, the ratio of G or H appointments to J or K appointments has decreased regularly during the years the P and A system has been in place. Some attention should be given to the question whether J and K appointments are used to avoid granting probationary and continuous appointments.

5. There appears to be a disproportionate number of women in P and A appointments. Some consideration should be given to the question whether that reflects a pattern of discrimination.

6. There appears in some instances to be a lack of understanding on the part of H appointees of the criteria they must satisfy to be granted a G appointment. There is an apparent need for some more systematic way of making sure both that the duties assigned to H appointees allow them to satisfy the criteria for a G appointment, and that they are made aware of what will be expected of them if they are to be granted a G appointment. It must be said that the relatively small number and diversity of H appointees, and their relative isolation, are bound to make it extremely difficult to develop an adequate system of peer review, and, correlatively, are almost certain to allow a degree of administrative initiative in review that would be unacceptable for faculty reviews.

7. The committee has heard complaints from a number of appointees to the effect that their salaries were not comparable with those of faculty appointees doing the same work. Some attention should be given to the question whether such complaints reflect a more general disparity.

8. The Manual of Academic Professional and Administrative Staff Policies and Procedures should be reviewed and revised. In the process of review there should be some attempt to consult the community of P&A appointees in a manner comparable to the consultation of the Faculty Senate in the development of the Tenure Code.

Respectfully submitted,

H. E. Mason, Chair  
F. P. Akehurst  
Marilyn McClaskey  
Larry Miller  
Clarice Olien  
Barbara Warren  
Betty Robinett, ex officio

The committee wishes to thank Ann Bailly and Gary Ogren of Academic Affairs for their generous help.

## Appendices

Appendix I: Counts of P&A Appointees, 1982-87, as of April for each year

Appendix II: Counts of P&A appointees by type, 1982-87

Appendix III: Percentage of probationary and continuous appointments, 1982-87

Appendix IV: P&A counts by type for the years 1982-1987. These are counts of appointees without faculty rank, and the counts do not include appointees on the miscellaneous payroll. They are useful in showing the range of P&A appointments across the University and trends in various departments.

Appendix V: Lists of full-time P&A appointees without faculty rank for 1987 for five units with large concentrations of P&A appointees, CLA, CEE, IT, the Medical School, and the Minnesota Extension Service. The lists show years in type for each of the appointees.

Appendix VI: Lists and summaries of appointees who have shifted from one employment type to another during the period from 1982 until 1987.

A. Summary showing the present appointment types of all those appointees to H type appointments during the period from 1982-1987

B. List of P&A appointees who have shifted from P&A ranks to faculty rank.

C. List by department of Civil Service appointees who have shifted to P&A appointments.

D. List of appointees holding faculty rank who have shifted to P&A appointments during the period from 1982 until 1987.

E. List of probationary professionals showing, in cases of change, earlier and subsequent appointment types.

Appendix VII: List of appointees in three units with large numbers of P&A staff, Minnesota Extension Service, CEE and the Twin Cities Libraries, showing degrees earned. Individuals who hold both a professional and an administrative title, or both a faculty and an administrative title are listed under the former in each case. Those who hold only an administrative title are also included under that administrative title.

Appendix VIII: Analysis of the possible effect of the institution of the P&A classification on the caliber of appointments in the Twin Cities Libraries.

Appendix IX: Comparison of the protections offered P&A appointees under the Academic Professional and Administrative Staff Policies and Procedures Manual with those given to faculty under the Regulations Concerning Faculty Tenure.



UNIVERSITY OF MINNESOTA

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June 22, 1987

TO: Academic Professional and Administrative Personnel

FROM: Roger Benjamin, Provost and Vice President for Academic Affairs

RE: Revisions of (1) Nonreappointment Notice Dates for Probationary Academic Professional Staff and (2) Guidelines for Implementing Grievance Appeals

I would like to bring to your attention revisions in two documents that pertain to individuals in the academic professional and administrative personnel classes (93XX, 96XX, and 97xx series). The first involves the nonreappointment notice dates applicable to those academic professional staff members who hold probationary (H) appointments.

The present matrix of nonreappointment notice dates was drawn up in 1983 in consultation with and upon the recommendation of the Academic Staff Advisory Committee. The nonreappointment notice schedule established at that time for academic professionals holding probationary appointments was based upon the notice dates then in effect for probationary faculty. For academic professionals in their second through sixth year of service, this meant that notice of nonreappointment was required on or before April 15 with an effective date at the end of the following contract year. For academic professionals in their first year of probationary service, notice of nonreappointment was required on or before March 15 with an effective date at the end of the current contract year. With the adoption of the current Tenure Regulations in 1985, nonreappointment notice dates for probationary faculty were modified with the result that the April 15 notice date was changed to May 15 and the March 15 date to March 1. The terminal period of service remains the same in both instances -- the end of the current contract year for persons in their first probationary year and the end of the following contract year for individuals in their second through sixth year of probationary service.

In view of the existing parallelism between significant aspects of probationary academic professional appointments and probationary faculty appointments, the Academic Staff Advisory Committee has recently reviewed the schedule of nonreappointment notice dates for probationary academic professionals and has recommended that those dates be revised to conform to the applicable dates for probationary faculty under the present Tenure Regulations. I concur with that recommendation.

Academic Professional and Administrative Personnel  
June 22, 1987  
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A revised schedule of nonreappointment notice dates is appended. The effective date for implementation is July 1, 1987. Please note that these revisions affect only the nonreappointment notice dates applicable to academic professional members holding probationary appointments. For individuals in their first year of probationary service, therefore, the notice requirement will be March 1 rather than March 15. The effective date remains the same, the end of the current contract year. For individuals in their second through sixth year of probationary service, the new notice requirement will be May 15 rather than April 15. The effective date remains unchanged, the end of the following contract year.

I would also like to take this opportunity to inform you that upon the recommendation of the Academic Staff Advisory Committee, certain additions and clarifications have been made in the guidelines for implementing grievance procedures for academic professional and administrative staff effective as of July 1, 1987. A revised document is enclosed for your information. The primary differences between the revised statement and earlier versions include a specific provision for "Notification to Respondent," page two; clarifications in the section on "Jurisdiction," page two; and the insertion of the first paragraph under Guideline 1 regarding referral to the appropriate department/collegiate or other grievance channel prior to commencing an employment-related grievance appeal through the Academic Staff Advisory Committee Grievance Panel.

RB:ep

Enclosures: Academic Professional and Administrative Staff Non-reappointment Dates, August 1983, Amended June 1987  
University of Minnesota Academic Professional and Administrative Personnel Rules of Procedure for Grievance Appeals, July 1987

**ACADEMIC PROFESSIONAL AND ADMINISTRATIVE STAFF**  
**NON-REAPPOINTMENT NOTICE DATES**

**Continuous (G)** -- Notice given only by Provost and Vice President for Academic Affairs

**Probationary (H)** -- Notice given only by Provost and Vice President for Academic Affairs

First Year - On or before March 1, effective at the end of the current contract year.

Second through Sixth Years - On or before May 15, effective at the end of the following contract year.

**Fixed Term (J)** -- Notice given by appropriate academic administrator

Notice provision should be included in each contract document with length of service to be considered as in the Annual (K) category.

**Annual (K)\*** -- Notice given by appropriate academic administrator

First Year - One month notice required.

Second through Fifth Years - Three months' notice required.

Sixth through Tenth Years - Six months' notice required.

Eleventh Year On - Twelve months' notice required.

\*For County Agents in the 96XX series, only six months' notice is required from the sixth year on.

August 1983  
Amended June 1987

**UNIVERSITY OF MINNESOTA**

**ACADEMIC PROFESSIONAL AND ADMINISTRATIVE PERSONNEL**

**Rules of Procedure**

**for**

**Grievance Appeals**

**July, 1987**

**GUIDELINES FOR IMPLEMENTING GRIEVANCE APPEALS  
OF UNIVERSITY OF MINNESOTA ACADEMIC PROFESSIONAL  
AND ADMINISTRATIVE PERSONNEL**

**POLICIES AND PROCEDURES**

**BACKGROUND**

The Academic Professional and Administrative (PA) personnel category was approved by the Board of Regents at its December 12, 1980 meeting. Their action included provision for an Academic Staff Advisory Committee (hereinafter, "ASAC") comprised of PA's who would advise on the development and administration of policies and procedures for this category.

The ASAC was given the specific charge of considering grievance appeals, and of developing policies and procedures, including standards to be used to provide for just, fair and expeditious hearings. The policies contained in this document were created in response to that charge. They are based on the December, 1980, proposal, and are intended to be in accord with current policy. The procedures that follow were adapted from the description of "Model Rules of Procedure for Collegiate Level Academic Freedom and Responsibility Grievance Committee" in the September, 1978 Report of the Ad Hoc Committee on Grievances (pp. 22-30). A flowchart that outlines procedures to be followed is attached.

**HEARING PANELS: THEIR APPOINTMENT, COMPOSITION, AND SCOPE**

The Chairperson (hereinafter, "Chair") elected by the ASAC will appoint a panel (hereinafter, "Panel") to handle cases that are within the jurisdiction of the ASAC. The Panel shall consist of three members and a minimum of two alternates to be drawn from ASAC membership when possible, but in any case, the majority of the Panel members must be members of the ASAC. The Chair will designate one of the three as chairperson of the Panel (hereinafter, "Panel Chair").

Two types of grievances are heard by the Panel:

1. Appointment-related
  - a. Non-renewal (Probationary)
  - b. Dismissal for cause (Continuous, Probationary, Fixed Term, or Annual)
  - c. Termination for budget/program reasons (Fixed Term, Annual, Probationary or Continuous)
2. Employment-related

Notification to Respondent. The Chair of the ASAC will notify a respondent when a written grievance is received.

Jurisdiction. Within twenty calendar days of receipt of a written grievance, the Chair of the ASAC, in consultation with two other members who will form the Jurisdiction Committee, shall make the initial determination of whether a grievance is within the jurisdiction of the ASAC. This determination may be challenged by the parties and appealed to the ASAC. Final determination of jurisdiction shall be made by the ASAC, which may consult as appropriate with the University Grievance Review Officer.

Challenge to Membership of Panel. After the Jurisdiction Committee determines it has jurisdiction, the Chair of the ASAC shall notify both parties of the identities of the Panel members assigned to the grievance. Either party may challenge any member of the Panel for cause by delivering to the Chair a written challenge within ten calendar days after receipt of the letter from the Chair notifying the parties of the Panel membership. Thereafter, a member of the Panel may be removed by challenge only for a ground which was not reasonably discoverable before the expiration of that ten-day period. Initial challenges shall be ruled on by the Chair of the ASAC within seven calendar days. Contested rulings must be brought to the Provost and Vice President for Academic Affairs within seven calendar days. The Provost and Vice President for Academic Affairs must rule upon the contested ruling within seven calendar days.

## **GUIDELINE I**

Prior to commencing an employment-related grievance appeal through the Provost and Vice President for Academic Affairs to the ASAC Grievance Panel, the grievant must have pursued the appropriate department/collegiate or other grievance channel. Appeals to the Panel, therefore, would be made within 30 days of the final action of the prior (department or collegiate) grievance mechanism.

### **Commencement of a Grievance**

A grievance proceeding is commenced under these procedures by the grievant filing two copies of his or her written complaint with the Provost and Vice President for Academic Affairs, or with the ASAC Chair, as appropriate. The written complaint must contain, as a minimum, the following information:

- (a) The name, address, and telephone number of the grievant and respondent. The term "respondent" means the person or body who
  - (i) is alleged to have committed a violation of one's employment or appointment rights (hereinafter, "violation") or a breach of responsibility (hereinafter, "breach") as established in the policy, or
  - (ii) appears, from a reading of the complaint, to have a substantial interest in the outcome of the grievance and whose actions appear to be challenged as a violation or breach;
- (b) A statement in plain and simple language of the specific action, including the date when such action, alleged to constitute a violation or breach, occurred;
- (c) A verbatim quotation of that part of the policy alleged to be violated or breached by the alleged action;
- (d) The steps previously taken to formally or informally resolve the matter; and
- (e) A statement of the relief requested.

The Panel may not be convened to hear the grievance unless the complaint is filed within the appropriate calendar days after the occurrence of the action alleged to constitute a violation or breach.

## **GUIDELINE 2**

### **Prehearing Conference**

Within ten calendar days after determination of jurisdiction, the Chair of the ASAC must notify, in writing, the grievant and respondent of the names of the members of the Panel which will hear the grievance.

The Chair of the Panel will notify the grievant and respondent of:

- (a) the date, time, and place of the prehearing conference, and
- (b) the obligation of the grievant and respondent to exchange between them prior to the prehearing conference, a written list containing the names of the witnesses and copies of all exhibits each intends to present at the hearing, and
- (c) the consequence of failing to fully comply with Guideline 2(b).

Failure to fully comply with Guideline 2(b) shall be grounds for exclusion of the testimony of such omitted witness or the introduction of such omitted exhibit unless, for good cause shown which is not attributable to the lack of due diligence of the proponent of such omitted witness or exhibit, the Panel elects to hear such testimony or accept said exhibit.

At the prehearing conference the Panel Chair should: obtain, if possible, an agreement of the grievant and respondent concerning facts, evidentiary foundation for witnesses and exhibits, and the issues remaining (both factual and otherwise) to be determined by the Panel; attempt to have the grievant and respondent settle the grievance without the necessity of a hearing; establish a date, time, and place for the hearing; and consider such other matters that may be necessary or advisable. All of the foregoing should be summarized in writing by the Panel Chair. The written summary should be distributed to the grievant and respondent and become a part of the record.

### GUIDELINE 3

#### Conduct of the Hearing

- (a) Governing Principles. The hearing shall be conducted in such a manner as will ensure fairness to all parties, proceed expeditiously, and tend to elicit the evidence in the most accurate and reliable form possible.
- (b) Panel Chair's Role. The Panel Chair shall preside at the hearing and shall rule on questions of evidence and procedure, which rulings are appealable to the Panel.
- (c) Panel's Role.
  - (1) The Panel shall hear the evidence and, based solely thereon, shall render its written:
    - (i) findings of fact,
    - (ii) conclusions concerning whether the facts, as found, constitute a violation or breach, and
    - (iii) recommendation for remedial action.
  - (2) The Panel shall rule, by majority vote, upon appeals made by timely motion of the Panel Chair's ruling on matters concerning evidence and procedure.
  - (3) The Panel may question witnesses, may require parties to recall witnesses previously called, and may require parties to call witnesses or submit evidence not previously called or submitted.
- (d) Rights of Parties. All parties shall have the right to:
  - (1) be represented by an advisor and/or attorney;
  - (2) be afforded a reasonable opportunity to present their case by oral testimony and written evidence;
  - (3) present witnesses on their own behalf, call other parties as witnesses, and be witnesses themselves;
  - (4) confront and question witnesses called by other parties and otherwise to rebut the evidence produced by other parties;
  - (5) present argument.

(e) Written Statement in Lieu of Testimony

Written statements of witnesses who are not present to testify shall be admitted only by written agreement of the grievant and respondent and if there are compelling reasons why the witness is necessary and cannot be available to personally testify.

(f) Rules of Evidence.

- (1) Evidence to be considered. In order to be considered by the Panel, all evidence, except that which it admits through notice, must be offered and accepted at the hearing and must be made a part of the record. No other factual information or evidence shall be considered by the Panel.
- (2) Notice. The Panel may take notice of facts and University policy which are not offered and accepted as evidence at the hearing if such facts or policy are matters of common knowledge to the University community.
- (3) Admissibility. The rules of evidence applicable in courts do not apply to the Panel hearings. The Panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence upon which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is irrelevant, immaterial, or repetitious shall be excluded. The term "irrelevant evidence" means evidence which does not tend to prove or disprove the issue to be determined by the Panel. The term "immaterial evidence" means evidence which, while relevant, is nevertheless of no substantial consequence in aiding the Panel to arrive at its determination of the issue. The Panel Chair shall, upon objection by a party or upon his or her motion, rule upon all questions of admissibility or exclusion of evidence, which ruling is appealable to the Panel in accordance with Guideline 3(c) (2).

(4) Burden of Proof.

a. The party bearing the Burden of Proof will vary according to the type of grievance:

- (1) Non-renewal - The non-renewed appointee must show that the review was unfair or inappropriate;
- (2) Dismissal for cause - Existence of just cause must be established by the University Administration or its representatives;
- (3) Termination for budget/program reasons - The University must show that a bona fide budget or program reason existed in making the decision to terminate.

b. The standard to be used, in (1) and (3) above, in determining whether a party has carried out its burden of proof shall be a preponderance of the evidence--i.e., all the evidence bearing on the issue leads the Panel to believe it is more likely a claim is true than not true. In (2) above, the standard to be used shall be clear and convincing evidence.

(g) Order of Hearing, Presentation of Evidence and Argument. The

hearing shall be conducted in substantially the following order:

- (1) Call to order by the Panel Chair;
- (2) Argument and determination of motions, if any, on jurisdiction or failure to state a violation or breach; in making said determination, the Panel must assume the facts alleged in the complaint are true;
- (3) Opening statement by grievant and respondent;
- (4) Presentation of grievant's case; with respect to each witness, the grievant shall question first, the respondent second, and the Panel last;

- (5) Presentation of respondent's case; with respect to each witness, the respondent shall question first, the grievant second, and the Panel last;
  - (6) Closing statements by grievant and respondent;
  - (7) Close hearing and go into executive session.
- (h) The Record. The ASAC Chairperson shall maintain a record of the grievance proceeding, which record shall include:
- (1) The complaint and answer;
  - (2) Agreement of successful mediation and notification of unsuccessful mediation;
  - (3) Prehearing conference summary;
  - (4) All exhibits, offered at the hearing;
  - (5) A tape recording of the hearing;
  - (6) All pre-hearing and post-hearing briefs submitted;
  - (7) Written motions made subsequent to hearing or recommendation;
  - (8) The recommendation of the Panel.
- (i) Report. Reporting procedures should be as follows:
- (1) Non-Renewal, Probationary - the Panel shall present within 30 days, a written report including the issues, findings of fact and advisory recommendation to the parties involved and to the President for final disposition.
  - (2) Dismissal for cause - same procedure as in (1) above.
  - (3) Termination for Budget/Program, Fixed Term, Annual - same procedure as in (1) above.
  - (4) Termination for Budget/Program, Continuous Appointment - same procedure as in (1) above.
  - (5) Employment related - written report must be made within 30 days, including the issues, the findings of fact and the advisory recommendations to the parties involved and to the Provost and Vice President for Academic Affairs for final disposition.

(j) Disposition.

- (1) Non-Renewal, dismissal for cause, termination for budget/program reasons - final disposition is with the President.
- (2) Employment related grievance - final disposition is with the Provost and Vice President for Academic Affairs.

**GUIDELINE 4**

**Modification of Rules of Procedure**

The procedures set forth herein may be modified when necessity arises and good cause is shown.

Fall 1981  
Amended Spetember 1982  
Amended November 1984  
Amended April 1985  
Amended April 1986  
Amended April 1987

**GUIDELINES FOR IMPLEMENTING GRIEVANCE APPEALS FOR ACADEMIC PROFESSIONAL AND ADMINISTRATIVE PERSONNEL**

	Appointment-related Grievance				Employment Related Grievance	
	Non Renewal: PROBATIONARY	Dismissal for Cause	Termination for Budget/Program			
			FIXED TERM/ ANNUAL (if prior to completion of contract)	PROBATIONARY (if prior to notice of terminal period)		CONTINUOUS
<b>PRIOR PROCEEDINGS</b>	Review; written notice	Appointing Officer VP, Acad Aff; informal investigation; written notice of dismissal	Concurrence of VP Acad Aff. Written notice by appointing officer with VP approval.			Supervisor, appointing authority, appropriate dept/collegiate or other grievance channel
<b>APPEAL How:</b>	Written				Written	
<b>Time:*</b>	Within 30 days of receipt of written notice of action on which complaint is based				Within 30 days of action on which complaint is based	
<b>To Whom:</b>	Chair, Academic Staff Advisory Committee				VP Acad Aff—forwarded to Chair, ASAC	
<b>When Held:*</b>	Within 30 days				Expediently, if Panel determines hearing should be held	
<b>Burden of Proof:</b>	On non-renewed appointee	On University	On University to show bona fide budget/program reason			On employee
<b>By Whom Heard:</b>	Hearing Panel				Hearing Panel	
<b>REPORT</b>	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition. Board of Regents can be appealed to.	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition			Written report within 30 days covering issues, findings of fact, recommendations, presented to VP Acad Aff for final disposition.

\*Day equals calendar day

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University of Minnesota  
**Academic Professional and  
Administrative Staff  
Policies and Procedures**

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Office of the Vice President  
for Academic Affairs

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Revised  
September 1985

University of Minnesota  
Academic Professional and Administrative Staff  
Policies and Procedures

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**The terms of this manual cannot be changed by oral or written representations of your supervisor or any other University employee except by written agreement of the Vice President for Academic Affairs.**

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, religion, color, sex, national origin, handicap, age or veteran status. In adhering to this policy, the University abides by the requirements of Title IX of the Education Amendments of 1972, by Sections 503 and 504 of the Rehabilitation Act of 1973, by Executive Order 11246, as amended; 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended; and by other applicable statutes and regulations relating to equality of opportunity.

Inquiries regarding compliance may be directed to Patricia A. Mullen, Director, Office of Equal Opportunity and Affirmative Action, 419 Morrill Hall, 100 Church Street S.E., University of Minnesota, Minneapolis, Minnesota 55455, (612) 373-7969, or to the Director of the Office of Civil Rights, Department of Education, Washington, D.C. 20202, or the Director of the Office of Federal Contract Compliance Programs, Department of Labor, Washington, D.C. 20210.

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## University of Minnesota

### Academic Professional and Administrative Staff

### Policies and Procedures

## I. Academic Staff Appointments

### A. Definitions

Academic Staff appointments are for professional and administrative personnel other than faculty, student and professional training positions, and civil service.

Academic Staff *professional* personnel generally parallel disciplinary faculty in having the requisite preparation and specialized knowledge in an academic discipline or field on which practice is based and in exercising independent professional judgment. These individuals are not engaged in full-time teaching and scholarly work, as are faculty, but rather are assigned to duties enhancing the research, teaching, and service functions of the University.

Academic Staff *administrative* personnel are involved in policy development or execution or in directing, coordinating, or supervising activities in the University. They are expected to have a thorough working knowledge of academic administration and to exercise independent judgment.

Academic Staff professional and administrative appointments are characterized by the substantive peer relationships with the academic community of faculty members which their assigned duties require and their specialized qualifications enable them to fulfill. They also possess the same safeguards of academic freedom as are provided for faculty.

### B. Types of Appointments

Academic Staff appointments shall be *annual*, *fixed term*, *probationary*, and *continuous*. One additional type of appointment, *acting*, is used from time to time throughout the academic administrative personnel system. A special category of *limited* appointments, to which many of the Academic Staff provisions do not apply, is described in Section X.

Probationary and continuous appointments shall be authorized in advance by the Vice President for Academic Affairs and may be made only in the professional personnel category.

1. *Annual appointments* are used throughout the academic personnel system and do not extend beyond the fiscal year.

2. *Fixed term appointments* shall be made for a stipulated period of time set forth in the letter of appointment or contract and are renewable solely at the option of the University; they carry no expectation of employment beyond the stated term. Typically, fixed term appointments shall be made when funding for the position is not recurring, when the program is not intended to be ongoing, or when the individual is not expected to continue beyond a specified period. Usually, a fixed term appointment extends beyond the fiscal year. The initial fixed term appointment may provide an evaluation period of up to one-fourth of the initial appointment period during which the appointee may be terminated without appeal of dismissal at the discretion of the appointing officer. If such a period is used, the letter of appointment must so state.

3. *Probationary appointments* are those that lead to review and decision on a continuous appointment. The probationary period shall not be longer than seven years for full-time service or longer than ten years for part-time\* service, with decisions mandatory in the sixth and ninth years respectively.

The calendar for review and for notice of non-reappointment is given in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." Unless otherwise specified, probationary appointments shall be extended for a period of one year at a time. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period if service during a given year falls below two-thirds time overall. A continuous appointment is not acquired solely because of years of service. A review must be done and an affirmative recommendation for continuous appointment must be approved finally by the Vice President for Academic Affairs.

4. *Continuous appointments* are granted for indefinite terms by the Vice President for Academic Affairs to eligible members of the Academic Staff (probationary appointees or new appointees). Such appointments may be granted to an individual who holds or will receive an appointment of two-thirds time to full-time. The proportion of time provided for in the initial continuous appointment may not be changed without the mutual consent of the Academic Staff member and an authorized official unless the appointment is terminated for cause, or decreased or terminated for reasons of budget or program resource decline. A continuous appointment is terminable only for cause or for reasons of budget or program reduction. Academic Staff members may be granted continuous appointment prior to the end of their probationary period when the performance record is especially strong.

\*To be eligible for probationary appointment, part-time service shall be at two-thirds time or more for appointment terms of nine months or longer.

5. *Acting appointments* are used throughout the academic administrative personnel system. They specify that the appointment is for one serving in an acting capacity and is for a stipulated period of time or until the position is filled through an Academic Affairs search (often while a search is being conducted to fill the position on a regular basis).

6. Concurrent or joint appointments may be held by members of the faculty who accept appointments in the Academic Staff series, including limited appointments. Such appointees do not lose existing faculty rights under the *Regulations Concerning Faculty Tenure*. Concurrent or joint appointments may be held also by Academic Staff persons who may hold fixed, probationary, or continuous appointments and who accept limited appointments or who accept adjunct faculty appointments.

## II. Personnel Recruitment and Hiring, Evaluation and Records

It is understood that all aspects of the personnel systems in Academic Affairs at the University include appropriate attention to issues of special concern to women, minorities, and other protected classes at the University. This includes not only attention to equal employment opportunity and affirmative action in recruitment and hiring, promotion and tenure or continuous appointment, but also consideration of attention to women, minorities, and other protected classes where appropriate in job descriptions, performance reviews, and goal setting, and in the performance reviews of administrators.

### A. Recruitment and Hiring

University equal employment opportunity policies and procedures, including the filing and posting of position vacancies, and affirmative action procedures shall apply to Academic Staff appointments.

### B. Letters of Initial Appointment or Reappointment

Letters of initial appointment shall be signed by an authorized appointing official\* and shall include the following information:

1. Title and type of appointment
2. Duration of appointment
3. Salary

\*For purposes of this document *authorized appointing official* means the person who normally sends such letters of appointment in a specific unit; this could be a department head, unit director, dean, chancellor, or vice president.

4. General position responsibilities and performance expectations
5. Length of probation (if appropriate)
6. Statement of need of approval of appointment for appointment to become effective
7. Enclosure of relevant Academic Staff and other University policies and procedures

### C. Performance Review

The Vice President for Academic Affairs or a designee in consultation with the Academic Staff Advisory Committee (See Section IX.A.) shall be responsible for policies guiding the development and implementation of a program to evaluate Academic Staff appointees. The purpose of the evaluation is to review the individual's effectiveness in fulfilling identified responsibilities as well as his or her own growth and development. The format and conduct of the individual reviews of professional appointees shall be tailored to meet the particular situation in which individual Academic Staff professional personnel work within the University.

Minimally, these elements must be present in performance reviews of Academic Staff *professional* personnel:

1. An evaluation of each staff member must take place annually to assess the extent to which designated responsibilities have been carried out effectively, and professional growth and development have taken place.
2. A discussion between the staff member and the supervisor shall be part of each evaluation.
3. A brief written summary of the evaluation shall be provided within thirty days to the staff member evaluated. If the staff member chooses, he or she may provide a written response. Both the evaluation summary and the staff member's response will be filed in the individual's departmental unit personnel file and a copy of the summary and response is to be forwarded to the Vice President for Academic Affairs for each probationary appointee.

Specific guidelines to be followed in the performance review of Academic Staff *administrative* personnel are to be found in Appendix A, "Guidelines for the Performance Review of Administrators."

### D. Personnel Records

In addition to the personnel record which shall be maintained at the department or unit level, as appropriate, a central record containing all official appointment, salary, performance evaluation,

and other forms shall be kept in the Academic Personnel System Office.

In the making and maintaining of records, provisions of state statutes will be observed.

## III. Renewal of Appointments and Granting of Continuous Appointments

### A. Renewal of Appointments

Probationary and fixed term appointments may be renewed upon the affirmative recommendation of the authorized appointing official after a review of the individual's performance has been made. This recommendation shall be transmitted through administrative channels, as appropriate, to the Vice President for Academic Affairs and subsequently to the Board of Regents for action. The schedule for this review process will parallel that of the nonrenewal schedule (see Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates").

### B. Notice of Nonrenewal and Appeal Provisions

1. Written notice of nonrenewal of fixed term or annual appointments is required, and the calendar for giving notice, depending upon years of service, may be found in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." There is no provision for appeal of nonrenewal of a fixed term or an annual appointment when the appointment expires at the end of the stated term or the end of the fiscal year, respectively, and when the required notice is given. If proper notice is not given in a timely way, the appointment shall be extended so that the required notice is given.

2. Written notice of nonrenewal of probationary Academic Staff appointments is also required; the calendar to be followed in giving notice is that set forth in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." If proper notice is not given in a timely way, the appointment shall be extended so that at least the required notice is given. Nonrenewal is not a dismissal for cause. Nonrenewal shall be based on any reasons which do not violate the legal or constitutional rights of the Academic Staff member. Notice of nonrenewal must be preceded by a full, fair, and appropriate review.

In the event of a nonrenewal recommendation of a probationary Academic Staff appointee with which there is concurrence, the Vice President for Academic Affairs shall inform the individual in writing of such a decision. Included in the nonrenewal notice shall be a statement of the individual's right to appeal.

A probationary Academic Staff member may appeal notice of nonrenewal if, within thirty days\* of receipt of written notice, he or she requests in writing to the Chairperson of the Academic Staff Advisory Committee that a hearing panel be established to review his or her appeal. Failure to meet the thirty-day time limit for appeal shall constitute waiver of the right to appeal.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

### C. Granting of Continuous Appointment

1. In accordance with Section I.B.2., decisions concerning continuous appointments must be made no later than April 15 of the sixth year of probationary service for full-time staff members and no later than April 15 of the ninth year for part-time staff members. At least thirty days in advance of the review conference in which the granting of continuous appointment will be considered, the authorized appointing official shall notify the probationary appointee of the conference in writing. The Academic Staff member may review all documents and material being presented, may add additional relevant written material, and may make a personal presentation at the unit review conference. (Interim procedures and minimum documentation to accompany recommendations for continuous appointments for academic professional staff may be found in Appendix D.)

2. The review committee shall be appointed by the authorized appointing official and shall consist of at least three members (two of whom must be Academic Staff members on continuous appointments): the chairperson and at least two other individuals. Tenured faculty members who are knowledgeable about the candidate's area of work and his/her assignment may be appointed as one of the three members. The candidate may suggest individuals for the review committee, but the ultimate decision rests with the appointing official. The immediate supervisor, who will not be a member of the committee, will present a written report to the committee and may make a personal presentation at the review conference. The review committee will present a report, including findings of fact and recommendations, to the appointing official, who in turn will convey that recommendation with his/her own (through the appropriate vice president, where applicable) to the Vice President for Academic Affairs, within thirty days of the review conference. A copy of the review committee's report will be

provided to the candidate at the time that the committee presents it to the appointing official. The Vice President will notify the appointing official of his or her concurrence or disagreement with the recommendation.

## IV. Dismissal for Cause

An Academic Staff member who holds continuous appointment, a probationary appointment, a fixed term appointment, or an annual appointment may be dismissed for just cause.

### A. Responsibility for Dismissals

1. Allegations concerning the conduct of an Academic Staff member which would suggest grounds for dismissal if verified should be brought to the attention of his/her appointing officer (e.g., dean, director, appropriate vice president) and the Vice President for Academic Affairs.

2. Upon receipt of the allegations, the Vice President for Academic Affairs may direct the appointing authority to conduct an informal investigation. The affected staff member shall be informed of the allegations immediately, and every effort shall be made to resolve the issues, if appropriate. During this period of informal investigation, no suspension of salary should be made and duties should not be changed unless continuation represents substantial harm to the individual and/or to the unit as determined by the appointing authority.

3. If informal investigation does not resolve the matter and the allegations are supported by substantial evidence, the appointing authority shall notify the staff member immediately in writing of the specific charges, the impending dismissal, and the date of dismissal. If within thirty days the staff member does not request in writing a hearing on the matter, the dismissal will become effective upon the dismissal date set by the appointing officer. Failure of the Academic Staff member to meet the thirty-day limit on request to appeal shall constitute waiver of the appeal right. If the staff member elects to appeal the dismissal and does so in a timely way, the dismissal shall not become effective until the hearing process has been completed or otherwise terminated.

4. Upon the discretion of the appointing authority and with prior approval of the Vice President for Academic Affairs, duties and responsibilities of the staff member may be suspended concurrent with the service of the dismissal notice.

\*For purposes of this document, day is defined as a day of instruction during the regular academic year.

## **B. Dismissal for Cause Hearing**

1. If requested in a timely way, the individual's request for a hearing shall be honored. The hearing of a dismissal for cause must start no later than thirty days after the staff member has made a written request for review.
2. The Procedures to be followed are those described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **V. Termination of Academic Staff for Reasons of Budget or Program**

Academic Staff appointments may be terminated before the termination date of the appointment when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection. Proposals for such termination would usually be requested only when a severe financial exigency exists. A proposed termination action based on budget or program must have the concurrence of the Vice President for Academic Affairs before notice is given to the staff member.

Non-renewal of annual and fixed term appointments does not require the prior approval of the Vice President for Academic Affairs.

Unit policies on consultation appropriate to such circumstances shall be established and followed in all cases. Decisions regarding individuals shall be communicated to the affected persons by the appointing officer after approval of the action by the Vice President for Academic Affairs.

When a reduction in Academic Staff of a particular operational unit is required, terminations of Academic Staff members would follow seniority within appointment categories, continuous appointments being retained the longest, except where program needs within the operational unit for expertise dictate other more appropriate considerations or where funding sources dictate considerations which cannot be set aside. The specified notice periods should be observed unless there are compelling reasons to the contrary. Continuous appointees shall have twelve months' notice of termination or comparable severance when terminated for reasons of budget or program unless there are compelling reasons to the contrary.

The procedures to be followed for appeals from termination for reasons of budget or program are described in Appendix C,

"Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **A. Fixed Term and Annual Appointments**

As specified in Section III.B.1., there is no provision for appeal of nonrenewal of a fixed term or an annual appointment when the appointment expires at the end of the stated term or the end of the fiscal year, respectively, and when the required notice is given. However, if financial reasons (e.g., almost immediate cutoff of funds from an external source) compel termination before the end date of the fixed term or the end of the fiscal year (for an annual appointment), a speedy appeal process shall be provided if, within thirty days of the notification of nonrenewal, he or she requests in writing to the Chairperson of the Academic Staff Advisory Committee that a hearing panel be established to review the appeal. Failure to meet the thirty-day limit for appeal shall constitute a waiver of the appeal right.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **B. Probationary Appointments**

Termination of a probationary appointment before the end of a probationary appointment year or nonrenewal of a probationary appointment for reasons of budget or program may be appealed by the staff member following provisions in Section III.B.2.

## **C. Continuous Appointments**

An Academic Staff member holding a continuous appointment whose position is to be eliminated shall be notified in writing of the decision and the reasons for the determination. If, within thirty days after receipt of this statement, the Academic Staff member submits a written appeal for review of the decision to the Chairperson of the Academic Staff Advisory Committee, he or she shall be granted a hearing. The requests for hearing shall specify the grounds to be used in establishing the impropriety of the decision.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **D. Reappointment Rights of Continuous Appointees**

If an Academic Staff member holding continuous appointment is terminated for reasons of budget or program, no person may be

employed in that operational unit within three years to perform closely comparable duties to those of the staff member who has been terminated without first offering the position to the staff member with a reasonable time within which the offer may be accepted or declined. However, the provision does not apply if the terminated staff member fails to notify the appointing authority by December 1 of each year of his or her address, employment status, and desire to pursue reappointment rights. Further, this right is relinquished if the individual accepts an alternative continuous appointment in the institution.

## **VI. Employment Related Grievance Procedures**

### **A. Definition**

A grievance is a personnel problem involving an Academic Staff member's allegation of a violation of or breaching of state or federal law, constitutional rights, the appointment contract, or a University policy which acts to produce a substantially adverse effect upon the member's employment.

### **B. Informal Procedures**

1. The Academic Staff member shall attempt to resolve any grievance through informal consultation with his or her immediate supervisor immediately upon awareness of the action, condition, or problem.
2. If informal attempts to resolve the situation with the immediate supervisor are not successful, the grievant may appeal to the appointing authority for further informal attention to the grievance.
3. If the grievant remains dissatisfied with the lack of resolution, he or she shall make a written appeal for relief to the Vice President for Academic Affairs within thirty days of the action upon which the complaint is based.

### **C. Formal Procedures**

1. The written complaint must state the specific nature of the grievance, a summary of the informal measures taken, and the relief sought.
2. The Vice President for Academic Affairs will transmit the written appeal to the Academic Staff Advisory Committee which shall hear the appeal following procedures outlined in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **VII. Academic Staff Salaries and Benefits**

### **A. Salaries**

Salaries of Academic Staff personnel will vary with the scope of responsibility of the position, academic credentials required, experience, and performance competence of the appointee. It is suggested, however, that a salary floor for administrative and professional positions in the Academic Staff category be set, particularly for the lower level professional position in a ladder series and in the lowest level administrative positions. Once such a floor is set, no one in the professional or administrative Academic Staff category should be paid below the salary so specified as a minimum.

### **B. Economic Benefits**

Academic Staff personnel shall be eligible for the same economic employee benefits which are provided to the faculty subject to the respective terms and conditions of the plans. These include, but are not limited to, the following:

1. Faculty Group Life Insurance\*
2. Faculty Group Income Disability\*
3. Faculty Retirement Plan\*
4. State Plan (Health, Dental, and Life Insurance)
5. Social Security
6. Tax-Deferred Annuity Plan (Mills II)
7. Worldwide Travel Accident Insurance

Appendix E, "Insurance and Retirement Benefits," contains some general information about benefits. For additional information concerning insurance and retirement benefits for Academic Staff personnel, please contact the Employee Benefits Department.

### **C. Vacations and Leaves**

1. Vacation policy for Academic Staff members shall be the same as that established for faculty. Those on B appointments (nine months) accrue no paid vacation; those on A appointments (twelve months) at 100 percent time accrue 22 vacation days a year.

\*Required waiting periods shall be determined on the basis of title, salary level, percent time, and length of appointment (lecturers, teaching specialists, research specialists, clinical preceptors, and academic advisory specialists are not eligible for faculty retirement or Group Life and Income Disability).

2. Selected leaves of absence with prior permission of the immediate supervisor shall be available to the Academic Staff on the same basis as for the faculty, including the following:

- a. Appearance in court
- b. Attendance at professional meetings
- c. Military service
- d. Maternity leave (Paternity) and Adoption; Family Leave
- e. Sick leave

For information on specific leave policies, see Appendix F, "Academic Staff Policies: A. Sick Leave and Disability Leave; B. Maternity and Adoption Leave; C. Family and Personal Leaves Without Pay."

#### **D. Professional Benefits**

1. Academic Staff members and members of their immediate families shall be eligible for payment of resident fees in all colleges in accordance with provisions established for the faculty.

2. Provision for professional development leave with salary shall be made in each unit, or in unit clusters reporting to a vice president, to encourage and enable career Academic Staff members to enhance their professional or administrative performance, to conduct special studies, or in some other way undertake planned activities related in a substantial manner to the staff member's role or potential role in the University.

Funding of professional development leaves shall be the budgetary responsibility of the unit or unit clusters involved. No central monies are available for designation as replacement costs.

Of necessity, the professional development leave plans must be flexible and may vary from unit to unit. These principles, minimally, shall be incorporated into the leave policies.

- a. Eligibility rules should be established; no entitlements to these leaves shall exist.
- b. No obligation of University (internal) funds shall be committed to staff members supported on external funds.
- c. Leave applications shall include detailed written plans for activities to be undertaken and anticipated benefits to be obtained.
- d. Procedures and criteria for review of leave proposals shall be developed.
- e. The staff member shall be expected to submit a report of activities in writing following the leave. Reports of leaves will be submitted to the Vice President for Academic Affairs upon request for review in conjunction with evaluation of the professional development leave provision.

### **VIII. Consulting, External Professional Activities, Outside Service, and Political Activity**

University policies for the faculty on consulting, external professional activities, outside service, and political activity shall apply in full to the Academic Staff. These policies appear in Appendix G, "Policy on Outside Consulting, Service Activities, and other Outside Work."

### **IX. Governance**

#### **A. Academic Staff Advisory Committee**

The Academic Staff Advisory Committee, consisting of at least nine members, shall be appointed by the President on a University-wide basis to advise on the development and administration of policies and procedures for Academic Staff. Members of the Committee shall be Academic Staff personnel appointed for three-year staggered terms. Nominees for this committee shall be designated by collegiate/campus units. There shall be an *ex officio* member of the committee representing the University Committee on Tenure. In addition, no more than two *ex officio* members of the Committee, who do not have to be Academic Staff personnel, may be appointed by the President. The Committee chairperson shall be elected by Committee members. Purposes and functions of the Committee include:

1. Continuing consultation with the President or designee on the evolving structure and administration of the Academic Staff personnel system.
2. Advising the President or designee on employment-related affairs, such as recruitment and hiring procedures, personnel reviews, terms and conditions of employment, employee benefits, grievance procedures, and other matters affecting staff welfare and morale.
3. Consideration of appeals from Academic Staff members and the appointment of hearing panels.
4. Further development of the Committee's structure, functions, and organization to facilitate its operation.
5. Attention to fostering and furthering representation and participation of the Academic Staff in University governance; development of relationships with the Civil Service Committee, the Senate Committee on Faculty Affairs, and the University Committee on Tenure.

## **B. Participation in the University Senate Structure**

By action of the University Senate on May 5, 1983, representation of academic professional staff in the Senate structure was provided subject to the following conditions:

1. Academic professional representation would be limited to academic professionals holding continuous, probationary, or fixed terms of two years' or more length.
2. Academic professionals eligible to serve in the University Senate would be eligible to vote for senators in their unit. Such academic professionals would count in the allocation of seats to the respective units.
3. Academic professionals eligible to vote may serve on committees of the University Senate. For purposes of committee membership quotas, academic professionals will count as faculty members.
4. Academic professionals will not serve on the Faculty Senate or on committees that report to the Faculty Senate. A faculty alternate may replace the academic professional on the Faculty Senate.
5. In the event that the faculty of one or more of the units eligible to elect senators votes to unionize, the academic professionals meeting University Senate membership requirements but not included in the union contract will become members of a single academic professional unit and be entitled to representation using the usual allocation rules.

## **X. Limited Appointments**

### **A. Definition**

*Limited* appointments are a special category of administrative appointments to which many of the Academic Staff provisions do not apply. Limited appointments are made at the discretion of the Board of Regents, the President, or the senior Vice Presidents. With few exceptions, limited appointments are made for persons who serve as the major administrative officers at the all-University or campus level. They carry responsibility for the origination, formulation, interpretation and monitoring of policies, program directions, and budget at the highest levels in the University.

### **B. Positions/Titles**

The following positions shall be designated limited appointments:

- President
- Vice President

- Associate Vice President
- Assistant Vice President
- Chancellor
- Associate Chancellor
- Assistant Chancellor
- Vice Chancellor
- Secretary to the Board of Regents
- Associate to (the above positions)
- Assistant to (the above positions)

Other administrative positions in the 93xx administrative class series may be designated as limited by the Board of Regents, the President, the Vice Presidents, the Chancellors, and the Deans at the time of appointment.

### **C. Appointment Process and Conditions**

1. Limited appointees serve solely at the discretion of the appointing authority.
2. Limited appointments carry no probationary or tenure implications.
3. The recruitment and selection procedures for filling limited positions will be fully consonant with University equal employment opportunity policies and procedures.
4. An individual who holds a regular faculty, Academic Staff, or civil service position shall not lose rights achieved in that position upon accepting a limited appointment.
5. An individual whose initial appointment is to a limited position may concurrently receive a regular faculty, civil service, or other Academic Staff appointment by following the regular appointment procedure for such an appointment. Following conclusion of the limited appointment, he or she may transfer to the respective personnel system for reassignment.
6. An individual whose initial appointment is to a limited appointment may concurrently receive a faculty appointment which is clinical or adjunct and which relates to teaching or professional practice. In this case, no transfer rights to a faculty appointment following the conclusion of a limited appointment are provided.
7. Salaries for limited appointments are negotiable. Further, they may be separate and distinct from the salary rates of pre-existing or concurrent positions under 4, 5, and 6 above; but return to such a position does not require continuance of the salary level provided for the limited appointment.

8. The appointment period for a limited appointee shall be specified initially and on renewal in writing but shall be subject to review and discontinuance at the discretion of the appointing authority or at the initiation of the appointee.

9. Termination or nonrenewal of a limited appointment is not formally appealable. Whenever possible, three months' notice of termination should be given if the appointee does not hold concurrently another University appointment.

## **XI. Academic Staff Titles**

### **A. Academic Administrative Titles**

Administrative titles occur in the 93XX series. A list of current administrative titles may be found in Appendix H, "Academic Class Titles and Numbers and Appointment Type Symbols." Agricultural Extension Service administrative titles are found in the 96XX series.

1. The Academic Staff administrative group includes positions that are held by persons with the requisite professional qualifications and experience who are engaged in policy development or execution or in directing, organizing, or supervising activities in the University administration or unit thereof. Individuals appointed to these positions are expected to have a thorough working knowledge of academic and/or University administration, to use independent professional judgment, and to exercise discretion in policy matters.

2. For the most part, promotion for individuals in these titles involves application and transfer to another position in the series rather than an increase in rank.

### **B. Academic Professional Titles**

Professional titles occur in the 97XX series. A list of current professional titles may be found in Appendix H, "Academic Class Titles and Numbers and Appointment Type Symbols." Agricultural Extension Service professional titles are found in the 96XX series.

This group shall include those Academic Staff positions which extend and support the teaching, research, and service missions of the University. This work is of a highly specialized nature and requires the appropriate professional or advanced degree for the field as well as demonstrated competence in performance. Units will develop titles as needed in their disciplines. Promotion will follow the typical kinds of peer review found in faculty promotion

procedures; therefore, titles should allow for possible promotion in rank.

For each professional series, appropriate criteria for appointment, retention, promotion, and merit increases shall be developed. The criteria for retention and promotion must focus primarily upon the quality of professional performance and competence in effectively fulfilling identified responsibilities. Particularly with regard to promotion, attention must be given to growth and development within the scope of these responsibilities. Other considerations such as professional contributions to the University, to the profession, and to the public may be considered. The review for promotional consideration and for continuous appointments shall be consonant with the provisions in Sections II.C. and III.C.

Development of specific criteria for appointment, retention, promotion, and merit increases shall be done in consultation among the units involved, the Academic Staff Advisory Committee, other vice presidents as appropriate, and the Vice President for Academic Affairs or designee.

Individuals who hold probationary or continuous appointments in the Academic Staff professional category and who assume administrative positions do not lose the rights acquired under the professional appointment by serving as administrators.

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# Appendices

## Appendix A

### Guidelines for the Performance Review of Administrators

#### Introduction

These guidelines have been prepared for use by individuals and committees having responsibility for the performance review of administrators. The guidelines should be used for persons in the academic administrative category (93XX series) who hold positions for which other formal or regularized evaluation procedures have not been established. The guidelines do not supersede any existing documents or regulations that have been approved by the Board of Regents.

It is understood that all aspects of the personnel systems in Academic Affairs at the University include appropriate attention to issues of special attention to women, minorities, and other protected classes at the University. This includes not only attention to equal employment opportunity and affirmative action in recruitment and hiring, promotion and tenure or continuous appointment, but also consideration of attention to women, minorities, and other protected classes, where appropriate in job descriptions, performance reviews, and goal setting, and in the performance reviews of administrators.

#### Background Preparation

Preparation for performance review of an administrator should begin at the time of the search to fill the position. A complete job description should be available to and reviewed by the candidate chosen, and the initial appointment should be made with understandings reached on the basis of a non-abbreviated job description. Care should be taken that any description of the duties of the position be in conformity with other documents on file, such as collegiate or departmental constitutions.

At the time of hiring, the appointing official should put in writing a statement for the administrator's permanent personnel file that outlines the following:

- (a) any further clarification or amplification of the expectations for performance of the person in the position;
- (b) the exact term of office;
- (c) the nature and timing of annual and reappointment reviews:
  - (1) individual responsible for performance reviews;
  - (2) probable sources of evaluation for performance reviews;
  - (3) materials required for performance reviews;
  - (4) how recommendations and conclusions would be used.

#### The Annual Review

Administrators should be reviewed annually by the official to whom they report. Annual reviews can be relatively informal, but should be

based on the job description and on other written expectations that have been previously determined and agreed upon. Conclusions or recommendations resulting from the review should be discussed in private meetings with the person being reviewed and become part of the individual's personnel file kept by the reviewing administrator.

The annual review should be carried out by the individual who appointed the administrator or to whom the administrator reports. The reviewing individual should seek whatever evaluations are necessary to complete a fair and thorough review. Such evaluations might be sought from colleagues, from others with whom the administrator interacts or for whom the administrator performs a service, from other administrators at both higher and lower levels, and from faculty and students when appropriate. The individual being reviewed may submit information for the file to supplement or refute the evaluation of the reviewing administrator.

### **The Reappointment Review**

To the extent that they do not conflict with applicable collegiate or departmental constitutions, reappointment reviews are only required with respect to appointments of Deans or of Directors appointed for a fixed term of greater than two years. At the discretion of the appointing authority, a reappointment review may be utilized for other administrative appointments in the 93XX class but are not required.

The reappointment review should be scheduled to provide the necessary information for a timely decision on reappointment (see Appendix B for notification dates for non-reappointment of Academic Staff). In contrast to the more informal annual review, the reappointment review should be more formal and extensive.

While all-inclusive guidelines are difficult, it is suggested that the appointing official select another knowledgeable individual or a committee to conduct the reappointment review. If a committee is selected, it is further suggested that at least one member be from outside the administrator's department. Composition of the review committee should be discussed with the administrator being reviewed, but the final decision rests with the appointing official.

The review committee (or individual) should receive a clear charge, a job description, written statement of other expectations, and copies of prior annual reviews. The reappointment review process itself should adhere to the "Procedural Guidelines for Collection and Use of Information in a Performance Review of an Administrator for Purposes of Possible Reappointment" (see below).

The nature of the review process should be carefully tailored to the specific administrative post. The review committee should gather appropriate performance data and evaluations. The sources of such evaluations might be similar to those discussed in the previous section, "The Annual Review." Evaluations might be particularly helpful if the

review committee requests responses to specific questions relating to the administrator's performance.

On the basis of the performance data gathered, the review committee should prepare a report of its findings. The report should clearly assess the strengths and weaknesses of the administrator, but usually should not include a specific recommendation as to reappointment or non-reappointment. The report should be submitted to the appointing official, who would make a decision regarding reappointment or non-reappointment.

### *Procedural Guidelines for Collection and Use of Information in a Performance Review of an Administrator for Purposes of Possible Reappointment*

These procedural guidelines have been prepared to make the performance review of administrators more uniform across the University and to assure that appropriate procedures are used so that matters of confidentiality and privacy are dealt with properly.

### **Review Committee Meetings**

The review committee may hold closed meetings to the extent that it would be dealing with personnel information classified as private under state law.

### **Written Materials**

Written materials assembled by the committee in the course of its deliberation should be handled in two ways:

- (1) An *official committee file* should be established and contain review committee minutes, letters of evaluation, and any other materials providing information on the person being reviewed. This file will be open for inspection by the person being reviewed who may submit information for the file to supplement or refute materials contained in the official committee file. At the end of the work of the committee, this file will be turned over to the official who requested the review. This file must be kept indefinitely.
- (2) Files of *personal working notes* may be maintained by any member of the review committee. Such notes will record an individual committee member's observations, thoughts, etc. rather than official activity of the committee. Except for the possibility of subpoena, personal working notes are not subject to access by the person under review, nor may they be the basis for official statements of the committee. Personal working notes may be destroyed when they are no longer of use to their owner.

### **Methods of Evaluation**

The review committee may wish to collect information by requesting letters of evaluation, responses to specific questions, or by use of a sur-

vey or evaluation instrument. Additionally, the review committee may wish to provide opportunity for evaluators to speak directly with the committee, either in lieu of or in addition to providing a written evaluation. Notes of such conversations would be made by the committee and included in the *official committee file* (and persons giving oral evaluations should be so informed in advance).

#### **Attribution of Evaluations**

Persons from whom evaluations are solicited should be informed that in conformance with the state's data practices law, all evaluations will be accessible to the person being reviewed. Furthermore, individuals making oral statements should be informed that the evaluation and notes of the conversation will be available to the individual being reviewed. However, an example of a permissible exception to this guideline would be survey instruments sent to the immediate subordinates of the person being reviewed, in which case a summary of the unsigned responses would become a part of the *official committee file* and available for inspection and comment by the person being reviewed.

August 1983

Amended February 1984

Amended August 1985

## **Appendix B**

### **Academic Professional and Administrative Staff Non-Reappointment Notice Dates**

*Continuous (G)*—Notice given only by Vice President for Academic Affairs

*Probationary (H)*—Notice given only by Vice President for Academic Affairs

*First Year*—On or before March 15, effective at the end of the current contract year

*Second through Sixth Years*—On or before April 15, effective at the end of the following contract year

*Fixed Term (J)*—Notice given by appropriate academic administrator  
Notice provision should be included in each contract document with length of service to be considered as in the Annual (K) category.

*Annual (K)\**—Notice given by appropriate academic administrator

*First Year*—One month notice required.

*Second through Fifth Years*—Three months' notice required.

*Sixth through Tenth Years*—Six months' notice required.

*Eleventh Year On*—Twelve months' notice required.

August 1983

\*For County Agents in the 96XX series, only six months' notice is required from the sixth year on.

## Appendix C

### Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel Policies and Procedures

#### Background

The Academic Professional and Administrative (PA) personnel category was approved by the Board of Regents at its December 12, 1980 meeting. Their action included provision for an Academic Staff Advisory Committee (hereinafter, "Committee") comprised of PA's who would advise on the development and administration of policies and procedures for this category.

The Committee was given the specific charge of considering grievance appeals, and of developing policies and procedures, including standards to be used to provide for just, fair, and expeditious hearings. The policies contained in this document were created in response to that charge. They are based on the December, 1980, proposal, and are intended to be in accord with current policy. The procedures that follow were adapted from the description of "Model Rules of Procedure for Collegiate Level Academic Freedom and Responsibility Grievance Committee" in the September, 1978, *Report of the Ad Hoc Committee on Grievances* (pp. 22-30). A flowchart that outlines procedures to be followed is attached.

#### *Hearing Panels: Their Appointment, Composition, and Scope*

The Chairperson (hereinafter, "Chair") elected by the Committee will appoint an *ad hoc* panel (hereinafter, "Panel") to handle cases that are within the jurisdiction of the Committee. The Panel shall consist of three members to be drawn from Committee membership when possible, but in any case, the majority of the Panel members must be members of the Committee. The Chair will designate one of the three as chairman of the Panel (hereinafter "Panel Chair").

Two types of grievances are heard by the Panel:

1. Appointment-related
  - a. Non-renewal (Probationary)
  - b. Dismissal for cause (Continuous, Probationary, Fixed Term, or Annual)
  - c. Termination for budget/program reasons (Fixed Term, Annual, Probationary, or Continuous)
2. Employment-related

*Jurisdiction.* The Chair of the Advisory Committee shall make the initial determination of whether a grievance is within the jurisdiction of the

Academic Staff Advisory Committee. This determination may be challenged by the parties and appealed to the Grievance Panel. Final determination of jurisdiction shall be made by the Grievance Panel, which may consult as appropriate with the Chair of the Advisory Committee and/or the University Grievance Review Officer.

*Challenge to Membership of Panel.* The Chair of the Academic Staff Advisory Committee shall notify both parties of the identities of the hearing officer and panel members as soon as they are appointed. Either party may challenge any member of the panel for cause by delivering to the Chair a written challenge to the appointment within ten calendar days after receipt of the letter from the Chair notifying the parties of the panel appointment. Thereafter, a member of the panel may be removed by challenge only for a ground which was not reasonably discoverable before the expiration of that ten-day period. Initial challenges shall be ruled on by the Chair of the Academic Staff Advisory Committee within seven calendar days. Contested rulings must be brought to the Vice President for Academic Affairs within seven calendar days. The Vice President for Academic Affairs must rule upon the contested ruling within seven calendar days.

### GUIDELINE 1

#### Commencement of a Grievance

A grievance proceeding is commenced under these procedures by the grievant filing two copies of his or her written complaint with the Vice President for Academic Affairs, or with the Committee Chair, as appropriate. The written complaint must contain, as a minimum, the following information:

- (a) The name, address, and telephone number of the grievant and respondent. The term "respondent" means the person or body who (i) is alleged to have committed a violation of one's employment or appointment rights (hereinafter, "violation") or a breach of responsibility (hereinafter, "breach") as established in the policy, or (ii) appears, from a reading of the complaint, to have a substantial interest in the outcome of the grievance and whose actions appear to be challenged as a violation or breach;
- (b) A statement in plain and simple language of the specific action, including the date when such action, alleged to constitute a violation or breach, occurred;
- (c) A verbatim quotation of that part of the policy alleged to be violated or breached by the alleged action;
- (d) The steps previously taken to informally resolve the matter; and
- (e) A statement of the relief requested.

The Panel may not be convened to hear the grievance unless the complaint is filed within the appropriate calendar days after the occurrence of the action alleged to constitute a violation or breach.

## GUIDELINE 2

### Prehearing Conference

Within ten calendar days after receipt of the written appeal, or after receipt of the grievance file from the Vice President for Academic Affairs if appropriate, the Chair of the Committee must notify, in writing, the grievant and respondent of:

- (a) the names of the members of the Panel which will hear the grievance,
- (b) the date, time and place of the prehearing conference, and
- (c) the obligation of the grievant and respondent to exchange between them prior to the prehearing conference, a written list containing the names of the witnesses and copies of all exhibits each intends to present at the hearing, and
- (d) the consequence of failing to fully comply with Guideline 2(c).

Failure to fully comply with Guideline 2(c) shall be grounds for exclusion of the testimony of such omitted witness or the introduction of such omitted exhibit unless, for good cause shown which is not attributable to the lack of due diligence of the proponent of such omitted witness or exhibit, the Panel elects to hear such testimony or accept said exhibit.

At the prehearing conference the Panel Chair should: obtain, if possible, an agreement of the grievant and respondent concerning facts, evidentiary foundation for witnesses and exhibits, and the issues remaining (both factual and otherwise) to be determined by the Panel; attempt to have the grievant and respondent settle the grievance without the necessity of a hearing; establish a date, time, and place for the hearing; and consider such other matters that may be necessary or advisable. All of the foregoing should be summarized in writing by the Panel Chair. The written summary should be distributed to the grievant and respondent and become a part of the record.

## GUIDELINE 3

### Conduct of the Hearing

- (a) *Governing Principles.* The hearing shall be conducted in such a manner as will ensure fairness to all parties, proceed expeditiously, and tend to elicit the evidence in the most accurate and reliable form possible.
- (b) *Panel Chair's Role.* The Panel Chair shall preside at the hearing and shall rule on questions of evidence and procedure, which rulings are appealable to the Panel.
- (c) *Panel's Role.*
  - (1) The Panel shall hear the evidence and, based solely thereon, shall render its written:

- (i) findings of fact,
    - (ii) conclusions concerning whether the facts, as found, constitute a violation or breach, and
    - (iii) recommendation for remedial action.
  - (2) The Panel shall rule, by majority vote, upon appeals made by timely motion of the Panel Chair's ruling on matters concerning evidence and procedure.
  - (3) The Panel may question witnesses, may require parties to recall witnesses previously called, and may require parties to call witnesses or submit evidence not previously called or submitted.
- (d) *Rights of Parties.* All parties shall have the right to:
- (1) be represented by an advisor and/or attorney;
  - (2) be afforded a reasonable opportunity to present their case by oral testimony and written evidence;
  - (3) present witnesses on their own behalf, call other parties as witnesses, and be witnesses themselves;
  - (4) confront and question witnesses called by other parties and otherwise to rebut the evidence produced by other parties;
  - (5) present argument.
- (e) *Written Statement in Lieu of Testimony.* Written statements of witnesses who are not present to testify shall be admitted only by written agreement of the grievant and respondent and if there are compelling reasons why the witness is necessary and cannot be available to personally testify.
- (f) *Rules of Evidence.*
- (1) *Evidence to be considered.* In order to be considered by the Panel, all evidence, except that which it admits through notice, must be offered and accepted at the hearing and must be made a part of the record. No other factual information or evidence shall be considered by the Panel.
  - (2) *Notice.* The Panel may take notice of facts and University policy which are not offered and accepted as evidence at the hearing if such facts or policy are matters of common knowledge to the University community.
  - (3) *Admissibility.* The rules of evidence applicable in courts do not apply to the Panel hearings. The Panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence upon which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is irrelevant, immaterial, or repetitious shall be excluded. The term "irrelevant evidence" means evidence which does not tend to prove or disprove the issue to be determined by the Panel. The term "immaterial evidence" means evidence which, while relevant, is nevertheless of no substantial consequence in aiding the Panel to arrive at its determination of the issue. The

Panel Chair shall, upon objection by a party or upon his or her motion, rule upon all questions of admissibility or exclusion of evidence, which ruling is appealable to the Panel in accordance with Guideline 3(c)(2).

- (4) *Burden of Proof.*
- a. The party bearing the Burden of Proof will vary according to the type of grievance:
- (1) *Non-renewal*—The non-renewed appointee must show that the review was unfair or inappropriate;
  - (2) *Dismissal for cause*—Existence of just cause must be established by the University Administration or its representatives;
  - (3) *Termination for budget/program reasons*—The University must show that a bona fide budget or program reason existed in making the decision to terminate.
- b. The standard to be used, in (1) and (3) above, in determining whether a party has carried out its burden of proof shall be a preponderance of the evidence—i.e., all the evidence bearing on the issue leads the Panel to believe it is more likely a claim is true than not true. In (2) above, the standard to be used shall be clear and convincing evidence.
- (g) *Order of Hearing, Presentation of Evidence and Argument.* The hearing shall be conducted in substantially the following order:
- (1) Call to order by the Panel Chair;
  - (2) Argument and determination of motions, if any, on jurisdiction or failure to state a violation or breach; in making said determination, the Panel must assume the facts alleged in the complaint are true;
  - (3) Opening statement by grievant and respondent;
  - (4) Presentation of grievant's case; with respect to each witness, the grievant shall question first, the respondent second, and the Panel last;
  - (5) Presentation of respondent's case; with respect to each witness, the respondent shall question first, the grievant second and the Panel last;
  - (6) Closing statements by grievant and respondent;
  - (7) Close hearing and go into executive session.
- (h) *The Record.* The Academic Staff Advisory Committee Chairperson shall maintain a record of the grievance proceeding, which record shall include:
- (1) The complaint and answer;
  - (2) Agreement of successful mediation and notification of unsuccessful mediation;

- (3) Prehearing conference summary;
  - (4) All exhibits, offered at the hearing;
  - (5) A tape recording of the hearing;
  - (6) All pre-hearing and post-hearing briefs submitted;
  - (7) Written motions made subsequent to hearing or recommendation;
  - (8) The recommendation of the Panel.
- (i) *Report.* Reporting procedures should be as follows:
- (1) *Non-Renewal, Probationary*—the Panel shall present, within 30 days, a written report including the issues, findings of fact and advisory recommendations to the parties involved and to the President for final disposition.
  - (2) *Dismissal for cause*—same procedure as in (1) above.
  - (3) *Termination for Budget/Program, Fixed Term, Annual*—same procedure as in (1) above.
  - (4) *Termination for Budget/Program, Continuous Appointment*—same procedure as in (1) above.
  - (5) *Employment related*—written report must be made within 30 days, including the issues, the findings of fact and the advisory recommendations to the parties involved and to the Vice President for Academic Affairs for final disposition.
- (j) *Disposition.*
- (1) *Non-Renewal, dismissal for cause, termination for budget/program reasons*—final disposition is with the President.
  - (2) *Employment related grievance*—final disposition is with the Vice President for Academic Affairs.

#### GUIDELINE 4

##### Modification of Rules of Procedure

The procedures set forth herein may be modified when necessity arises and good cause is shown.

Fall 1981

Amended September 1982

Amended November 1984

Amended April 1985

**GUIDELINES FOR IMPLEMENTING GRIEVANCE APPEALS FOR ACADEMIC PROFESSIONAL AND ADMINISTRATIVE PERSONNEL**

	Appointment-related Grievance				Employment Related Grievance
	Non-Renewal: PROBATIONARY	Dismissal for Cause	Termination for Budget/Program		
			FIXED TERM/TEMPORARY (if prior to completion of contract)	PROBATIONARY (if prior to notice of terminal period)	
PRIOR PROCEEDINGS	Review; written notice	Appointing Officer VP, Acad Aff; informal investigation; written notice of dismissal	Concurrence of VP Acad Aff. Written notice by appointing officer with VP approval.		Informal—supervisor, appointing authority
APPEAL How:		Written			Written
Time:*		Within 30 days of receipt of written notice of action on which complaint is based			Within 30 days of action on which complaint is based
To Whom:		Chair, Academic Staff Advisory Committee			VP Acad Aff—forwarded to Chair, ASAC
When Held:*		Within 30 days			Expediently, if Panel determines hearing should be held
Burden of Proof:	On non-renewed appointee	On University		On University to show bona fide budget/program reason	On employee
By Whom Heard:					
REPORT	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition. Board of Regents can be appealed to.			Hearing Panel
					Written report within 30 days covering issues, findings of fact, recommendations, presented to VP Acad Aff for final disposition.

\*Day equals calendar day

## Appendix D

### A. Composition of Review Committees for Academic Professional Staff Proposed for Continuous Appointment

As we proceed with implementation of the Academic Staff professional and administrative personnel classification, a question has arisen concerning the composition of review committees for academic professional staff proposed for continuous appointment. The *Academic Staff Policies and Procedures* document specifies the following concerning review for the purpose of the granting of continuous appointment:

III.C.2. The review committee shall be appointed by the authorized appointing official and shall consist of at least three members (two of whom must be Academic Staff members on continuing appointments); the chairperson and at least two other individuals. Tenured faculty members who are knowledgeable about the candidate's area of work and his/her assignment may be appointed as one of the three members. The candidate may suggest individuals for the review committee, but the ultimate decision rests with the appointing official . . .

As you are aware, there is not presently an existing pool of academic professional staff on continuous appointment to serve on such review committees. In considering alternative arrangements which would be appropriate during this period of transition, the Academic Staff Advisory Committee proposed the following interim measure which is still in use:

. . . while the composition of continuous appointment review committees during this first year of operation should follow as closely as possible the model specified in *Academic Staff Policies and Procedures*, variations in the composition will be permissible as an interim measure for 1981-82 provided that both the appointing official and the individual being reviewed agree upon the composition of the committee.

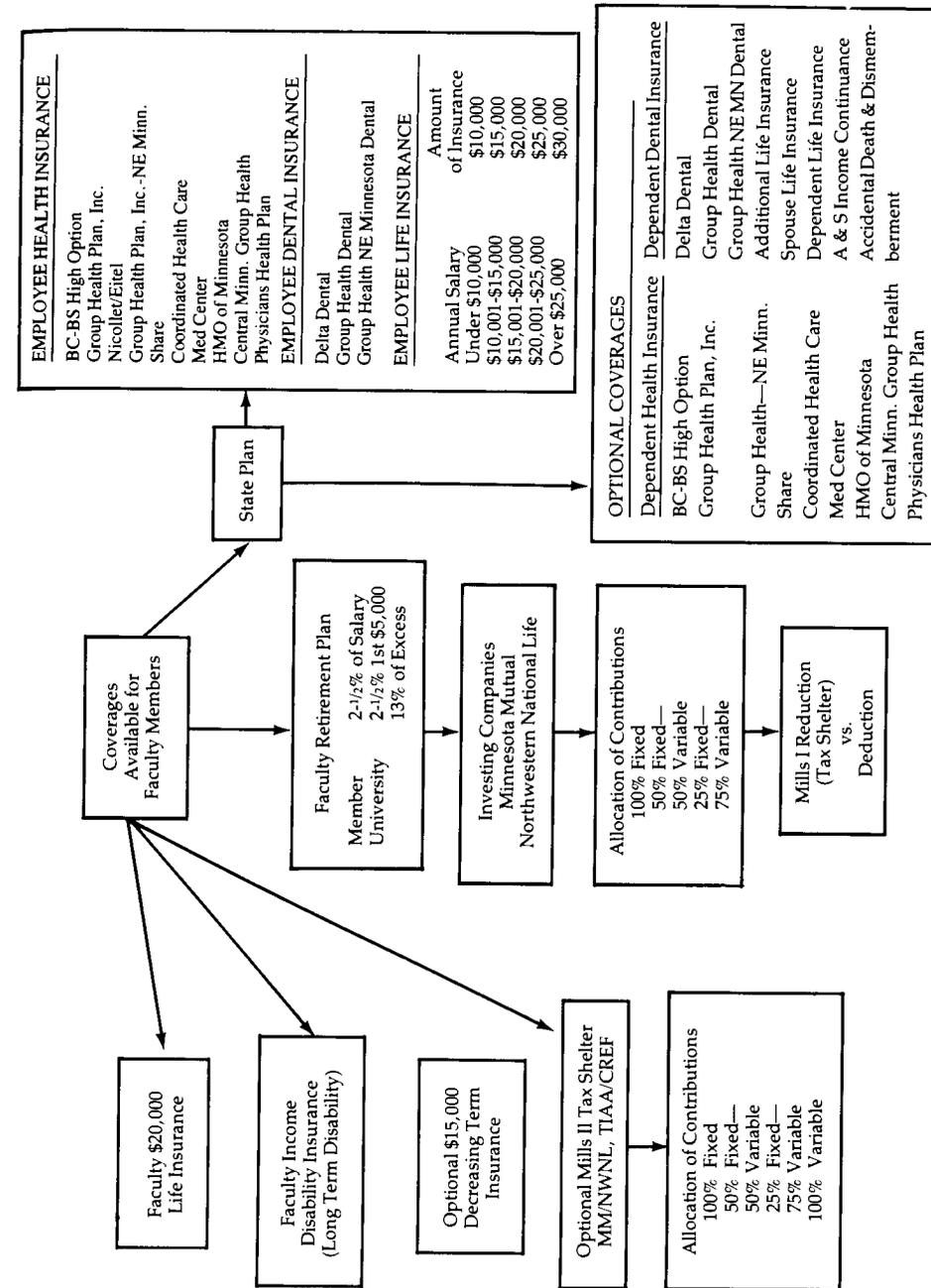
In suggesting the interim procedure for the composition of review committees, the Advisory Committee cited as one possibility a combined membership of probationary academic professional staff from outside the candidate's unit and tenured faculty members from within and outside the candidate's unit. In another instance a unit, with concurrence of academic staff in the unit, has received our approval to establish a single review committee for 1981-82, composed of all directors within the unit, to review all the proposals for continuous appointment within the unit. The single review committee is contingent in each individual case upon acceptance by the candidate.

**B. Suggested Documentation to Accompany Recommendations for Continuous Appointment for Academic Professional Staff**

1. Letters of Transmittal
  - a. Letters of transmittal from vice presidents, chancellors, deans, or directors, as applicable, expressing concurrence or disagreement with the recommendation of the review committee(s) with an explanation of their views.
  - b. A statement from the appointing official summarizing the accomplishments of the candidate and a statement as to whether he or she concurs with the recommendation of the review committee and the basis for concurrence or disagreement.
2. Information from review committee(s) relevant to the voting procedures to include: (a) number of majority votes, minority votes, abstentions, and eligible persons not voting due to absence; (b) review committee(s) recommendation based upon the majority view with a statement of the grounds upon which the recommendation rests; and (c) a statement of any minority view that has substantial support and the basis for such a position.
3. A complete and current *curriculum vitae* to include: (a) undergraduate, graduate or professional, and, if applicable, postdoctoral education and experiences with respective institutions, locations, dates, and degrees awarded; (b) former and present employment with years and dates of service at the University and present personnel status; (c) professional distinction including research and scholarly activities, participation in professional organizations, and awards, citations, and other recognitions; (d) professionally related services within the University, the community, the State, and elsewhere; and (e) special contributions to departmental, collegiate, and University functions.
4. Evaluations from distinguished individuals in the profession outside the University regarding the candidate's professional activities.
5. Evaluations from peers within the University regarding the candidate's professional activities.
6. Where applicable, evaluations from the users of the services performed by the candidate.

November 1981

**Appendix E  
Insurance and Retirement Benefits**



## Appendix F

### Academic Staff Policies

- A. Sick Leave and Disability Leave
- B. Maternity and Adoption Leave
- C. Family and Personal Leaves Without Pay

#### A. Sick Leave and Disability Leave

*Eligibility.* This policy applies to all full-time (100%) academic employees appointed for nine months or longer, including those who have received an approved partial leave without pay, e.g., persons on sabbatical leave. This policy does not apply to those in the Student or Professional Training category.

An academic employee who is sick or otherwise disabled may be absent with pay for up to two weeks by informally notifying his or her department head or appropriate academic administrator. If the individual is sick or disabled beyond this two-week period, he or she should submit a health provider's certificate to the department head. The department head should prepare a leave of absence request, attach a copy of the health care provider's certificate and forward through the Dean to the Vice President for Academic Affairs for review and action. If the academic employee adequately documents inability to work, he or she should be entitled to leave with pay for the period of disability as described in the following tables:

#### A (12-month) Appointments

Period of Service	First 0-3 months	Next 3 months	Next 6 months	Next 12 months	More than 24 months
Less than 2 years	Full Salary	FGID only →			
Between 2 & 10 yrs.	Full Salary	<sup>2</sup> / <sub>3</sub> Salary	FGID only →		
More than 10 years	Full Salary	<sup>2</sup> / <sub>3</sub> Salary	FGID only		

#### B (9-month) Appointments

Period of Service	During Summer Periods	During Academic Year Only				
		First 0-3 months	Next 3 months	Next 3 months	Next 9 months	More than 18 months
Less than 2 years	FGID only	Full Salary	FGID only →			
Between 2 & 10 years	FGID only	Full Salary	<sup>2</sup> / <sub>3</sub> Salary	FGID only →		
More than 10 years	FGID only	Full Salary	<sup>2</sup> / <sub>3</sub> Salary	FGID only →		

Notes: FGID = Faculty Group Income Disability  
Full Salary = Base Salary

The first payments from the FGID Insurance Plan are received at the end of the fourth month of disability. The disability payments are figured on the base salary in effect at the time when disability payments begin. For eligible persons who become disabled while on partial leave of absence without pay, the monthly sick leave salary payment during the period of that partial leave will be limited to the larger of (1) the reduced monthly salary payment or (2) the disability payments through the disability insurance plan.

These leave periods begin on the business day that the employee is first unable to fulfill his/her normal University duties and they include the two-week informal leave.

An academic employee who takes a leave of two weeks or less shall make reasonable efforts to ensure that classes are taught by others or made up later. In cases of longer leaves, the department or college is responsible for making other arrangements to make up classes and to cover other duties.

Academic employees with long-term disabilities must apply as soon as they are eligible for benefits under the Faculty Group Income Disability Insurance Plan, under Social Security, and under other specified disability programs whose benefits are deducted under the Disability Insurance Plan. Salary paid under this policy will be reduced by the amount of the benefits paid under those programs. The periodic payments from these programs will be prorated over the various University pay periods. If the individual fails to apply for these other disability benefits, payments under this policy will be reduced by the benefits that would have been received with proper application.

For academic employees who are on sick or disability leave for more than three months and who have at least two years' service, beginning

with the fourth month the Central Administration will pay half the cost of that portion of the leave with pay which is not covered by insurance and to which the individual is entitled under this policy. The department or college will provide the remaining portion.

The time limits in this policy are maximums for each separate disability. An academic employee will be entitled to more than one period of paid leave only upon proof that the sickness or disability which requires a subsequent leave is separate from and not a continuation of an earlier sickness or disability for which the academic employee took a paid leave. The Vice President for Academic Affairs may determine in the interest of fairness that the person who suffers a recurring disability after returning to work should be allowed a subsequent paid leave.

## **B. Maternity and Adoption Leave**

*Eligibility.* This policy applies to all academic employees appointed for nine months or longer, except those in the Student or Professional Training category. (Note: Those female employees not eligible for maternity leave shall be entitled to a two-week leave with pay.)

The intent of this policy is to be supportive and accommodating as regards the special circumstances surrounding maternity and pregnancy.

A female academic employee is entitled upon request for six weeks' maternity leave with pay and need not prove actual disability during this six-week period. The six weeks shall be counted from the delivery date. The informal two-week leave may be accessed before delivery. The paid maternity leave must fall within the term of appointment.

Disabilities associated with pregnancy and childbirth will be treated like any other disability under this policy. The informal two-week period and the six-week maternity leave shall be included in the time limits described in tables in the Sick Leave and Disability Leave section.

A male employee is entitled to a two-week informal leave with pay during the term of appointment following the birth or adoption of a child. A female employee is entitled to a two-week informal leave with pay during the term of appointment following adoption of a child. Both male and female employees are entitled to an additional two-week informal leave without pay following the adoption of a child. Such a leave shall begin before, or at the time of, the child's placement in the adoptive parent's home, and shall be for the purpose of arranging the child's placement or caring for the child after placement.

## **C. Family and Personal Leaves Without Pay**

*Eligibility.* This policy applies to all academic employees appointed for nine months or longer, except those in the Student and Professional Training category, and those on date-specific appointments, i.e., annual or fixed term appointments. However, this policy shall apply to

those on date-specific appointments who have been employed in the same position at the University for at least seven years.

An academic employee is entitled upon request to leave of absence without pay for up to twelve months following birth or adoption of a child or in the case of a child or spouse with a serious health problem. An academic employee is entitled under the same circumstances to an additional unpaid leave of up to twelve months unless the Vice President for Academic Affairs determines after consultation with the employee, the department head, and the dean that the leave will create substantial and exceptional hardships for students and other faculty. With the exception of unforeseen situations, wherever possible an individual requesting leave under this policy should file the request with the department head at least four months prior to the expected beginning date of the leave. This leave may start immediately following a disability leave related to childbirth or at the end of the six-week maternity leave.

If a family or personal leave ends during an academic term, a faculty member must adjust the leave end to coincide with the beginning of a quarter or semester. A department head and the individual may agree to shorten or lengthen the duration of the leave or make such a leave part-time.

Approved by the Board of Regents June 10, 1983

Amended May 1985

## Appendix G

### Policy on Outside Consulting, Service Activities, and Other Outside Work

#### Preamble

The primary missions of the University that define the professional activities of the faculty<sup>1</sup> are teaching and learning, scholarship (including research and artistic creation), and service to the University and to the wider community. While these missions are usually complementary, they sometimes generate conflicting demands on faculty time. Faculty responsibilities for teaching, scholarship, and administration, for example, must frequently be met off campus, at odd hours, and often exact commitments of evenings and weekends. Similarly, as faculty members respond to the needs of the wider community, they may be required to spend some time on "outside activities" during the "ordinary" working week.

Since outside demands for the talents and expertise of its faculty may on occasion affect University service, guidelines are needed to regulate the proper degree of response to these demands. In general, it seems proper to restrict service activities if they may: 1) interfere with a faculty member's ability to carry out contractual responsibilities; or 2) make use of University resources or facilities.

The University encourages non-University service so long as University responsibilities are fully met. A faculty member may have a talent or be able to provide a service that can be found nowhere else in the community, and employment by the University should not prevent making these talents or services available to a community that seeks them. Indeed, the provision of this talent or service may enhance the faculty member's capacity or reputation as a teacher or scholar and thus directly contribute to the University's primary missions.

The intent of this policy is to: 1) identify professional contributions and services rendered by the University to the outside community; 2) establish mechanisms for assuring the accountability of the University and its faculty with respect to outside activities; and 3) provide rules which attempt to reconcile, as equitably as possible, conflicts between outside demands on faculty members' time and their varied University responsibilities. This document synthesizes, revises, and extends policies which have grown by accretion since the initial Regents' action of 1914.

<sup>1</sup>"Faculty" includes academic administrative and professional staff.

## SECTION I. GENERAL POLICY

### A. *Application of Policy*

This policy statement applies to individuals holding appointments at the faculty rank of instructor and above, and academic administrative and professional staff, for the term of appointment. The term of appointment for a B appointee is nine months—16 September to 15 June; for an A appointee, the term is effectively eleven months, since one month is officially recognized as vacation. For those on less than 100 percent time, or on any other lettered appointment, the policy shall be applied in a manner consistent with the individual's University commitment.

### B. *Definition of Outside Activity and Outside Professional Activity*

"Outside activity" means work for any non-University entity, whether or not performed on the University campus.

"Outside professional activity" is outside activity of a nature requiring the special training, expertise and/or certification that qualifies the faculty member for the particular University appointment.

For certain faculty members, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. Faculty members may judge the nature of their community activities and if they deem them to be citizen-related rather than professional activities, such activities may be exempt from the prior approval and reporting requirements of this policy.

For purposes of this policy, work supported by grant or contract funds awarded to the University and accepted by the Board of Regents does not constitute outside activity. Similarly, teaching Extension courses does not constitute outside activity for the purposes of this policy. For some units, community contract and outreach are part of their University responsibilities and, therefore, are not considered an outside activity under the terms of this policy. All such activities will be governed by departmental, collegiate, and other University policies.

### C. *Conditions Under Which Outside Professional Activities are Permitted*

Faculty members may engage in outside professional consulting or service activity which 1) does not interfere with the discharge of their teaching, research, service, and administrative responsibilities to the University; and 2) does not exceed the time limitation on outside commitments specified in Section E below.

### D. *Prior Approval and Reporting of Outside Professional Activities*

This paragraph specifies those activities for which prior approval and/or annual reporting are necessary. The faculty member shall obtain prior approval, when required, in the manner outlined in

Section II. A. below. The faculty member shall report in the manner outlined in Section II.B. below.

1. *Prior Approval*

The faculty member shall obtain prior approval for each outside professional activity that is engaged in for more than an average of one day per month in any single term of University appointment.

2. *Reporting*

The faculty member shall report each outside professional activity that is engaged in for more than three days in any single term of University appointment.

3. *Activities Excluded from the Prior Approval Requirement*

Under the terms of this policy, the following activities do not require prior approval, as they represent normal forms of professional activity:

- a. holding office in a scholarly or professional organization;
- b. editorial office or duties for a learned journal.

These activities, however, must be reported if they are engaged in for more than three days in any single term and, in any case, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities.

4. *Activities Excluded from the Prior Approval and Reporting Requirements*

Under the terms of this policy certain outside activities are expected of faculty members as part of their normal scholarly activities and are therefore exempted from the requirements of prior approval and reporting, and from the time limitations of Section I, Subsection E below.

Among such exempted outside activities are the following:

- a. attendance at professional meetings;
- b. the writing of books or articles or the creation of works of art;
- c. the giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings;
- d. *ad hoc* refereeing of manuscripts.

These activities, however, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities. Such activities will be governed by collegiate or academic unit policies.

E. *Time Limitation on Outside Professional Activities*

The outside professional activities of the full-time faculty mem-

ber shall not exceed an average of one day per seven-day week for the term of the appointment.<sup>2</sup>

The activities listed in Section I.D.4. above are excluded from this limitation as they are from the approval and reporting requirements.

The way in which all outside professional activities are scheduled, including the activities listed in Section I.D.4. above, shall, in the judgment of the unit administrator, be compatible with the faculty member's obligations to the University. The arrangements may, if judged necessary by the unit administrator, include provisions for a special contract or reduction in University compensation.

F. *Appearance Before Public Bodies*

Any member of the faculty who testifies either in person or by way of a written communication, before any public body or public official, regarding any issue or matter up for consideration, discussion, or action, and who is identified as a faculty member, shall make known clearly, completely, and candidly whether he or she is, or is not, speaking on the matter as a representative of the University. Where the individual is not speaking for the University, the individual shall either indicate that he or she is speaking for himself or herself, or shall identify the sponsoring individual, corporation, or organization which is supporting or has supported the studies relevant to the testimony, or under whose auspices the individual is appearing or sending the communication. The individual shall also explain the conditions of the association with the sponsor.

G. *Use of the University Name*

No member of the faculty shall use the University name for advertising purposes. A member of the faculty engaging in outside activity may identify his or her association with the University, but shall take care that the name of the University is not used in any way that implies endorsement or approval of the activity.

H. *Use of the Official Stationery or of the University Address*

No member of the faculty shall use the official stationery of the University, or give as a business address any building or unit of the institution in connection with: 1) outside non-professional activities, or 2) outside professional activities engaged in primarily for private purposes.

<sup>2</sup>For those with academic year appointments, this amounts to a maximum of 39 days in the term of appointment; for those with "A" appointments, this amounts to a maximum of 48 days in the eleven months of active service. Faculty members who engage in activities less than a day shall report the fraction of the day devoted to those activities.

### I. *Use of University Facilities*

No member of the faculty shall use University equipment or services for activities not relevant to one's University responsibilities in a way that significantly depletes University resources without first obtaining approval<sup>3</sup> for and arranging for payment of a reasonable fee for such services with the University Administration. Use of certain University equipment or services may not require prior approval when it is understood that such equipment or services are generally available to the University faculty for the payment of a reasonable fee.

### J. *Holding Public Office*

1. Faculty members share with their fellow citizens the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any faculty member contemplating candidacy for elective political office or appointment to public office where the duties of a campaign or the holding of the office would seriously interfere with the fulfillment of University responsibilities, consult in advance with the appropriate collegiate and administrative units of the University. Consultation should focus on the question of whether or not temporary suspension of some portion of the faculty member's responsibilities can be accommodated without serious impairment of the function of the department or unit involved.
2. When a faculty member is appointed to or elected to public office, e.g., to the State Legislature, requiring absence from University duties for continuous periods of time of one year or less, it is anticipated that normal leave of absence procedures, or other appropriate arrangements such as a special contract or a reduced teaching load with a commensurate adjustment in salary, for the year or portions thereof will be invoked. The faculty member shall provide to the unit administrator as much notice as possible to insure that ample time will be provided the unit to replace or otherwise arrange to meet the absent faculty member's responsibilities. Prior approval by the Board of Regents continues to be required for any full or partial leave of absence.
3. When a faculty member is appointed to or elected to public office requiring continuous full-time service for a specified period of more than two years, it is expected that the individual will resign from the University faculty position after such election or appointment.

When a faculty member's re-election or reappointment to public office causes continuous absence to exceed two years,

<sup>3</sup>B. A. Form 39, Request for Permit for Outside Work.

it is expected that the individual will resign from the University faculty position after such reelection or reappointment.

In the case of appointments for an indeterminate period of time, full or partial leaves of absence may be negotiated annually, or if requests for leave extend beyond reasonable limits, resignation may be expected. The purpose of this section of the policy is to balance public service of University faculty with the University's primary obligations to maintain its teaching programs and foster research and creativity. At the same time, it seeks to encourage public service, including the holding of public office and, in any case, not to interfere with the faculty's right freely to participate in the political process. It is, of course, understood that the faculty member's association with the University should not be misused in campaign activities or campaign literature.

### K. *Special Requests for Exemption*

It is recognized that special circumstances arise from time to time in the personal lives of faculty members or in the nature of their University commitments. Because of such circumstances, faculty members may seek exemption from any of the specific provisions of this policy. Such a request shall be made in writing to the unit administrator. The request will be reviewed by the unit administrator, dean, and Academic Vice President in the same manner as for routine requests for prior approval (Section II. A. below). Any activity approved under this provision shall be reported (Section II. B. below).

## SECTION II. PROCEDURES FOR APPROVAL, REPORTING, AND MONITORING OF OUTSIDE ACTIVITIES

### A. *Prior Approval*

1. Prior approval of the appropriate unit administrator (department, unit, or division chairman) must be secured for those activities specified in Section I as requiring such approval. The faculty member contemplating such activity shall initiate the request for approval. Approval forms may be obtained from the appropriate unit administrator and shall be submitted to that office.
2. The request form for approval shall include the following information: name of faculty member; name of client; type of outside activity involved; period of time during which such activity is to be performed; estimated amount and distribution of time, in days or fractions thereof, to be spent on the activity; whether or not this activity will be compensated;<sup>4</sup> and signature and date.

<sup>4</sup>A "compensated" activity is one for which honoraria, fees, or other benefits over and above expenses are received; reimbursement for expenses is not to be construed as compensation.

3. The request shall be approved or denied by the appropriate unit administrator, within a reasonable time, normally not to exceed two weeks. Failure of the unit administrator to respond within two weeks shall be construed as approval. The request shall then be reviewed by the collegiate dean or campus administrator for academic affairs, and by the Academic Vice President for consistency with the Regents' policy and may be approved or denied at these levels. The faculty member may proceed on the basis of approval by the unit administrator, but shall cease the activity approved by the unit administrator if a denial has occurred at the higher level unless permitted to continue pending appeal. If denied at any administrative level, the reasons shall be stated in writing. In case of denial, the faculty member may request review at the next higher administrative level, up to the office of the Vice President for Academic Affairs. If the faculty member is not satisfied with the action ultimately taken, he or she may invoke the procedures for resolution of disputes between faculty members and the University. In such a case, the Vice President for Academic Affairs shall have the burden of demonstrating that the proposed activity violates this policy.

B. *Procedures for Reporting*

All faculty members shall report to their appropriate unit administrator on an annual basis those activities specified in Section I as requiring such reporting.

1. Forms for annual reporting of these activities shall include: name of faculty member; project description; number of days or fractions thereof spent on the project; dates of initiation and termination of the activity; and signature and date. Copies of these reports shall be filed with the unit administrator and kept for at least five years.
2. These annual reports submitted to the appropriate unit administrator shall be forwarded to the dean or academic vice chancellor. The unit administrator shall also include a statement of the number of denials occurring at that administrative level and the reasons therefore; the statement may identify activities by individual.
3. The dean or academic vice chancellor shall submit these annual reports and statements about denials to the Academic Vice President. The dean or academic vice chancellor shall also include a statement of the number of denials occurring at the administrative level and the reasons therefore.
4. The Academic Vice President shall maintain these records and shall make this information public in manners consistent with University procedures, giving proper attention to right of privacy of individual faculty members.

5. The Academic Vice President shall present to the Board of Regents monthly and quarterly aggregate summaries of noncampus service requests, with the certification that all requests have been examined and conform to Regents' and appropriate administrative policies relating to noncampus service, professional, and consulting activities.

C. *Procedures for Monitoring*

The Academic Vice President, in cooperation with the appropriate dean, shall periodically review a random selection of individual and unit reports in order to evaluate the approval and reporting systems, and shall make recommendations regarding the effectiveness of this policy to the President.

SECTION III  
DISSEMINATION OF POLICY STATEMENT

- A. The Academic Vice President shall annually advise all faculty members of this policy.
- B. All candidates interviewed for faculty positions shall be informed of the University's policy.
- C. Copies of the current policy shall be available in the Academic Vice President's office for distribution in response to requests for information about the University's policy.

SECTION IV. VIOLATION OF POLICY

- A. Students, faculty, and staff may report alleged violations of this policy to the appropriate unit administrator. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the complainant and to the faculty member. If the complainant is not satisfied with the action, the complainant may appeal to the appropriate University grievance committee. The grievance committee shall report its findings in writing to the unit administrator, the faculty member involved, and the complainant. The unit administrator shall take action in accordance with established policies and procedures and shall report the action in writing to the faculty member involved and to the complainant.

- B. Persons who are not members of the University community may report possible violations of this policy to the office of the President.
1. The President shall transmit the complaint to the unit administrator through proper channels.
  2. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures, but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.
  3. If the President concurs, the President shall report the action taken to the complainant. If the President does not concur, the President shall return the complaint through the same channels to the unit administrator requesting consideration by the unit administrator in consultation with the faculty of the unit or an appropriate faculty committee. After such reconsideration the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.
- C. A faculty member affected by a finding of violation of this policy and/or by an action taken by the administration may appeal the action through the procedures established for the resolution of disputes between faculty members and the University. In such an appeal, the administrator shall have the responsibility of demonstrating the fact of violation and the appropriateness of the action.

Approved by the Board of Regents—July 9, 1982  
Amended February 11, 1983

## Appendix H

### Academic Class Titles and Numbers and Appointment Type Symbols

**Groups:**

- 93XX Academic Administrative
- 94XX Faculty Ranks
- 95XX Student/Professional Training
- 96XX Agricultural Extension Service
- 97XX Professional

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**93XX Academic Administrative: appointment types**

**J—Fixed term beyond one year; date specific**

**K—Annual, renewable; date specific**

**L—Limited; restricted to designated administrative staff**

**M—Acting**

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**9301-9399 Academic Administrative Titles**

- 9301 President
- 9302 Vice President
- 9303 Associate Vice President
- 9304 Assistant Vice President
- 9305 Chancellor
- 9306 Associate Chancellor
- 9307 Assistant Chancellor
- 9308 Vice Chancellor
- 9309 Associate Vice Chancellor
- 9310 Assistant Vice Chancellor
- 9311 Dean
- 9312 Associate Dean
- 9313 Assistant Dean
- 9314 University Librarian
- 9315 Secretary to the Board of Regents
- 9317 University Attorney
- 9330 Director (University-wide)
- 9331 Associate Director (University-wide)
- 9333 Assistant Director (University-wide)
- 9334 Director (Campus/College level)
- 9335 Associate Director (Campus/College level)
- 9336 Assistant Director (Campus/College level)
- 9337 Departmental Director
- 9338 Associate Departmental Director
- 9339 Assistant Departmental Director
- 9340 Program Director
- 9341 Associate Program Director

9342 Assistant Program Director  
9343 Superintendent, Experiment Station  
9350 Special Assistant  
9351 Administrative Assistant  
9352 Associate to  
9353 Assistant to  
9354 Coordinator  
9360 Chair (with faculty rank)  
9361 Head (with faculty rank)  
9362 Director (with faculty rank)  
9363 Library Division Head  
9364 Waseca Division Director

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**94XX Faculty: appointment types**

**P— Indefinite tenure; regular appointment**  
**N— Probationary (tenure track); regular appointment**  
**C— Special probationary contract calling for a decision concerning tenure; regular appointment**  
**F— Fixed term contract written for more than one fiscal year; non-regular appointment**  
**T— Temporary, cannot extend beyond the fiscal year; renewable, non-regular appointment**  
**A— Adjunct prefix; non-regular appointment**  
**U— Clinical prefix; non-regular appointment**  
**V— Visiting prefix; non-regular appointment**  
**R— Retired**

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**9401-9499 Faculty Ranks**

9401 Professor  
9402 Associate Professor  
9403 Assistant Professor  
9404 Instructor  
\*9406 Research Associate  
\*9407 Research Fellow  
9410 Regents' Professor

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**95XX Student/Professional Training: appointment type**  
**T— Temporary, renewable; non-regular appointment; date specific**

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**9511-9563 Student/Professional Training Titles**

9511 Teaching Assistant  
9512 Undergraduate Teaching Assistant I  
9513 Undergraduate Teaching Assistant II  
9521 Research Assistant  
9522 Undergraduate Research Assistant I  
9523 Undergraduate Research Assistant II  
9531 Administrative Fellow  
9538 Legal Project Assistant I  
9539 Legal Project Assistant II  
9544 Pharm D. Associate  
9545 Pre-doctoral Assistant  
9546 Post-doctoral Associate  
9547 Extension Summer Assistant  
9548 Veterinary Medical Assistant  
9549 Veterinary Medical Associate  
9550 Pre-doctoral Fellow  
9551 Post-doctoral Fellow  
9553 Dental Fellow  
9554 Medical Fellow  
9556 Medical Fellow Specialist  
9558 Psychology Fellow Specialist  
9559 Dietetic Intern  
9560 National Research Service Fellow  
9563 Dental Fellow Specialist

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**96XX Agricultural Extension Service: appointment types**

**G— Continuous; professional staff only**  
**H— Probationary; professional staff only**  
**J— Fixed terms beyond one year; date specific**  
**K— Annual, renewable; date specific**  
**M— Acting; administrative staff only**

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**9601-9699 Agricultural Extension Service Titles**

{ 9621 Extension Educator and Professor  
9622 Extension Educator and Associate Professor  
9623 Extension Educator and Assistant Professor  
9624 Extension Educator and Instructor

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\*Must be appointed prior to 7/1/85

9625 Extension Educator  
9626 Extension Fellow  
9631 District Director  
9632 District Program Leader  
9633 County Extension Director  
9640 Head

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**97XX Academic Professional: appointment types**

**G—Continuous; professional staff only**

**H—Probationary; professional staff only**

**J— Fixed terms beyond one year, date specific**

**K—Annual, renewable, date specific**

9701-9794 *Academic Professional Titles* (brackets identify promotional sequence)

{ 9701 Senior Research Associate  
{ 9702 Research Associate  
9703 Research Fellow  
{ 9704 Senior Counselor  
{ 9705 Counselor  
9706 Assistant Counselor  
{ 9707 Senior Academic Advisor  
{ 9708 Associate Academic Advisor  
{ 9709 Assistant Academic Advisor  
9710 Hormel Fellow  
{ 9713 Librarian  
{ 9714 Associate Librarian  
{ 9715 Assistant Librarian  
{ 9716 Senior Development Officer  
{ 9717 Development Officer  
{ 9718 Associate Development Officer  
{ 9720 Senior Physician  
{ 9721 Physician  
9722 Dentist  
{ 9723 Senior Psychologist  
{ 9724 Psychologist  
{ 9725 Senior Psychiatric Social Worker  
{ 9726 Psychiatric Social Worker  
{ 9727 Senior Public Health Specialist  
{ 9728 Public Health Specialist  
{ 9729 Continuing Education Specialist  
{ 9730 Associate Continuing Education Specialist  
{ 9731 Assistant Continuing Education Specialist  
{ 9732 Clinical Specialist  
{ 9733 Associate Clinical Specialist  
{ 9734 Assistant Clinical Specialist

{ 9735 Senior Attorney  
{ 9736 Attorney  
9737 Legal Assistant  
9738 Professional Director  
{ 9739 Curator  
{ 9740 Associate Curator  
{ 9741 Assistant Curator  
{ 9742 Senior Counselor/Advocate  
{ 9743 Counselor/Advocate  
9744 Early Childhood Specialist  
{ 9745 Education Specialist  
{ 9746 Associate Education Specialist  
{ 9747 Assistant Education Specialist  
{ 9748 Associate University Attorney  
{ 9749 Assistant University Attorney  
  
9750 University Fellow\*  
9751 Senior Fellow\*  
9752 Fellow\*  
9753 Lecturer\*  
9754 Teaching Specialist\*  
9755 Research Specialist\*  
9756 Clinical Preceptor\*  
9757 Academic Advising Specialist\*  
9758 Technical College Laboratory Teacher  
  
9760 Senior Editor  
  
9791 Head Coach  
9792 Coach  
9793 Assistant Coach  
9794 Athletic Trainer

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***Miscellaneous Appointments***

**Z—Miscellaneous; non-regular appointment**

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July 1985

\*Persons may not hold probationary/continuous appointment in these titles.

Note: These titles are updated periodically. Contact the Office of the Vice President for Academic Affairs for the most recent listing.

## Appendix I

### Economic Fringe Benefits for Academic Employees

Benefits are determined by class number, percent time, and duration of appointment. Percentages refer to minimum salaried employment time for eligibility.

Class Numbers corresponding to class titles:	State Plan Ins. (Health, Dental, Life) 75%, 3 months	Faculty Ins. (Life, Disability) 100%, 9 months	Faculty Retirement 100%, 9 months	Social Security 100%
93XX Administrative	X	X	X <sup>a</sup>	X
94XX Faculty Ranks	X	X	X <sup>b</sup>	X
95XX Student/Training Titles				
9501 through 9549 <sup>c</sup>	X	O	O	O
9550 through 9599	O	O	O	O
96XX Agricultural Extension Service	O	O <sup>d</sup> Federal	O Federal	O <sup>e</sup>
97XX Professional Titles <sup>f</sup>	X	X	X <sup>a</sup>	X

#### Footnotes:

- <sup>a.</sup> Faculty Retirement Plan waiting periods for Administrative and Professional classes are determined by salary. Qualifying salary levels are adjusted for each fiscal year.
- <sup>b.</sup> Faculty Retirement Plan waiting period is based on rank. Entry dates are between October 1 and April 1.
- |                     |            |
|---------------------|------------|
| Professor           | 0-6 months |
| Associate Professor | 0-6 months |
| Assistant Professor | 2 years    |
| Instructor          | 3 years    |
- Tenured faculty at 67%-99% time for the academic year qualify for Insurance and prorated Retirement benefits.
- Faculty ranks with Visiting, Clinical, and Adjunct prefixes are ineligible for Insurance and Retirement benefits.
- <sup>c.</sup> Undergraduate student positions (currently 9512, 9513; 9522, 9523; 9547) are not eligible.
- <sup>d.</sup> 100% time University-payrolled federal appointees receive Disability Insurance benefits only.
- <sup>e.</sup> Social Security coverage was extended to Federal appointments hired as of 1/1/84. The employee/employer contribution rates are set differently. For more information, contact the Agricultural Extension Personnel office.
- <sup>f.</sup> The following academic professional titles are not eligible for Faculty Insurance and Retirement benefits:
- 9753 Lecturer
  - 9754 Teaching Specialist
  - 9755 Research Specialist
  - 9756 Clinical Preceptor
  - 9757 Academic Advising Specialist

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University of Minnesota  
**Academic Professional and  
Administrative Staff  
Policies and Procedures**

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Office of the Provost and Vice President  
for Academic Affairs

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Revised  
November 1986

University of Minnesota  
Academic Professional and Administrative Staff  
Policies and Procedures

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The terms of this manual cannot be changed by oral or written representations of your supervisor or any other University employee except by written agreement of the Provost and Vice President for Academic Affairs.

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, religion, color, sex, national origin, handicap, age, veteran status, or sexual orientation. In adhering to this policy, the University abides by the requirements of Title IX of the Education Amendments of 1972, by Sections 503 and 504 of the Rehabilitation Act of 1973, by Executive Order 11246, as amended; 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended; and by other applicable statutes and regulations relating to equality of opportunity.

Inquiries regarding compliance may be directed to Patricia A. Mullen, Director, Office of Equal Opportunity and Affirmative Action, 419 Morrill Hall, 100 Church Street S.E., University of Minnesota, Minneapolis, Minnesota 55455, (612) 624-9547, or to the Director of the Office of Civil Rights, Department of Education, Washington, D.C. 20202, or the Director of the Office of Federal Contract Compliance Programs, Department of Labor, Washington, D.C. 20210.

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## University of Minnesota

### Academic Professional and Administrative Staff Policies and Procedures

#### I. Academic Staff Appointments

##### A. Definitions

Academic Staff appointments are for professional and administrative personnel other than faculty, student and professional training positions, and civil service.

Academic Staff *professional* personnel generally parallel disciplinary faculty in having the requisite preparation and specialized knowledge in an academic discipline or field on which practice is based and in exercising independent professional judgment. These individuals are not engaged in full-time teaching and scholarly work, as are faculty, but rather are assigned to duties enhancing the research, teaching, and service functions of the University.

Academic Staff *administrative* personnel are involved in policy development or execution or in directing, coordinating, or supervising activities in the University. They are expected to have a thorough working knowledge of academic administration and to exercise independent judgment.

Academic Staff professional and administrative appointments are characterized by the substantive peer relationships with the academic community of faculty members which their assigned duties require and their specialized qualifications enable them to fulfill. They also possess the same safeguards of academic freedom as are provided for faculty.

##### B. Types of Appointments

Academic Staff appointments shall be *annual*, *fixed term*, *probationary*, and *continuous*. One additional type of appointment, *acting*, is used from time to time throughout the academic administrative personnel system. A special category of *limited* appointments, to which many of the Academic Staff provisions do not apply, is described in Section X.

Probationary and continuous appointments shall be authorized in advance by the Vice President for Academic Affairs and may be made only in the professional personnel category.

1. *Annual appointments* are used throughout the academic personnel system and do not extend beyond the fiscal year.

2. *Fixed term appointments* shall be made for a stipulated period of time set forth in the letter of appointment or contract and are renewable solely at the option of the University; they carry no expectation of employment beyond the stated term. Typically, fixed term appointments shall be made when funding for the position is not recurring, when the program is not intended to be ongoing, or when the individual is not expected to continue beyond a specified period. Usually, a fixed term appointment extends beyond the fiscal year. The initial fixed term appointment may provide an evaluation period of up to one-fourth of the initial appointment period during which the appointee may be terminated without appeal of dismissal at the discretion of the appointing officer. If such a period is used, the letter of appointment must so state.

3. *Probationary appointments* are those that lead to review and decision on a continuous appointment. The probationary period shall not be longer than seven years for full-time service or longer than ten years for part-time\* service, with decisions mandatory in the sixth and ninth years respectively.

The calendar for review and for notice of non-reappointment is given in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." Unless otherwise specified, probationary appointments shall be extended for a period of one year at a time. A leave of absence shall not constitute a break in continuous service, nor shall it be included in the probationary period if service during a given year falls below two-thirds time overall. A continuous appointment is not acquired solely because of years of service. A review must be done and an affirmative recommendation for continuous appointment must be approved finally by the Vice President for Academic Affairs.

4. *Continuous appointments* are granted for indefinite terms by the Vice President for Academic Affairs to eligible members of the Academic Staff (probationary appointees or new appointees). Such appointments may be granted to an individual who holds or will receive an appointment of two-thirds time to full-time. The proportion of time provided for in the initial continuous appointment may not be changed without the mutual consent of the Academic Staff member and an authorized official unless the appointment is terminated for cause, or decreased or terminated for reasons of budget or program resource decline. A continuous appointment is terminable only for cause or for reasons of budget or program reduction. Academic Staff members may be granted continuous appointment prior to the end of their probationary period when the performance record is especially strong.

\*To be eligible for probationary appointment, part-time service shall be at two-thirds time or more for appointment terms of nine months or longer.

5. *Acting appointments* are used throughout the academic administrative personnel system. They specify that the appointment is for one serving in an acting capacity and is for a stipulated period of time or until the position is filled through an Academic Affairs search (often while a search is being conducted to fill the position on a regular basis).

6. Concurrent or joint appointments may be held by members of the faculty who accept appointments in the Academic Staff series, including limited appointments. Such appointees do not lose existing faculty rights under the *Regulations Concerning Faculty Tenure*. Concurrent or joint appointments may be held also by Academic Staff persons who may hold fixed, probationary, or continuous appointments and who accept limited appointments or who accept adjunct faculty appointments.

## II. Personnel Recruitment and Hiring, Evaluation and Records

It is understood that all aspects of the personnel systems in Academic Affairs at the University include appropriate attention to issues of special concern to women, minorities, and other protected classes at the University. This includes not only attention to equal employment opportunity and affirmative action in recruitment and hiring, promotion and tenure or continuous appointment, but also consideration of attention to women, minorities, and other protected classes where appropriate in job descriptions, performance reviews, and goal setting, and in the performance reviews of administrators.

### A. Recruitment and Hiring

University equal employment opportunity policies and procedures, including the filing and posting of position vacancies, and affirmative action procedures shall apply to Academic Staff appointments.

### B. Letters of Initial Appointment or Reappointment

Letters of initial appointment shall be signed by an authorized appointing official\* and shall include the following information:

1. Title and type of appointment
2. Duration of appointment
3. Salary

\*For purposes of this document *authorized appointing official* means the person who normally sends such letters of appointment in a specific unit; this could be a department head, unit director, dean, chancellor, or vice president.

4. General position responsibilities and performance expectations
5. Length of probation (if appropriate)
6. Statement of need of approval of appointment for appointment to become effective
7. Enclosure of relevant Academic Staff and other University policies and procedures

### C. Performance Review

The Vice President for Academic Affairs or a designee in consultation with the Academic Staff Advisory Committee (See Section IX.A.) shall be responsible for policies guiding the development and implementation of a program to evaluate Academic Staff appointees. The purpose of the evaluation is to review the individual's effectiveness in fulfilling identified responsibilities as well as his or her own growth and development. The format and conduct of the individual reviews of professional appointees shall be tailored to meet the particular situation in which individual Academic Staff professional personnel work within the University.

Minimally, these elements must be present in performance reviews of Academic Staff *professional* personnel:

1. An evaluation of each staff member must take place annually to assess the extent to which designated responsibilities have been carried out effectively, and professional growth and development have taken place.
2. A discussion between the staff member and the supervisor shall be part of each evaluation.
3. A brief written summary of the evaluation shall be provided within thirty days to the staff member evaluated. If the staff member chooses, he or she may provide a written response. Both the evaluation summary and the staff member's response will be filed in the individual's departmental unit personnel file and a copy of the summary and response is to be forwarded to the Vice President for Academic Affairs for each probationary appointee.

Specific guidelines to be followed in the performance review of Academic Staff *administrative* personnel are to be found in Appendix A, "Guidelines for the Performance Review of Administrators."

### D. Personnel Records

In addition to the personnel record which shall be maintained at the department or unit level, as appropriate, a central record containing all official appointment, salary, performance evaluation,

and other forms shall be kept in the Academic Personnel System Office.

In the making and maintaining of records, provisions of state statutes will be observed.

## III. Renewal of Appointments and Granting of Continuous Appointments

### A. Renewal of Appointments

Probationary and fixed term appointments may be renewed upon the affirmative recommendation of the authorized appointing official after a review of the individual's performance has been made. This recommendation shall be transmitted through administrative channels, as appropriate, to the Vice President for Academic Affairs and subsequently to the Board of Regents for action. The schedule for this review process will parallel that of the nonrenewal schedule (see Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates").

### B. Notice of Nonrenewal and Appeal Provisions

1. Written notice of nonrenewal of fixed term or annual appointments is required, and the calendar for giving notice, depending upon years of service, may be found in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." There is no provision for appeal of nonrenewal of a fixed term or an annual appointment when the appointment expires at the end of the stated term or the end of the fiscal year, respectively, and when the required notice is given. If proper notice is not given in a timely way, the appointment shall be extended so that the required notice is given.

2. Written notice of nonrenewal of probationary Academic Staff appointments is also required; the calendar to be followed in giving notice is that set forth in Appendix B, "Academic Professional and Administrative Staff Non-Reappointment Notice Dates." If proper notice is not given in a timely way, the appointment shall be extended so that at least the required notice is given. Nonrenewal is not a dismissal for cause. Nonrenewal shall be based on any reasons which do not violate the legal or constitutional rights of the Academic Staff member. Notice of nonrenewal must be preceded by a full, fair, and appropriate review.

In the event of a nonrenewal recommendation of a probationary Academic Staff appointee with which there is concurrence, the Vice President for Academic Affairs shall inform the individual in writing of such a decision. Included in the nonrenewal notice shall be a statement of the individual's right to appeal.

A probationary Academic Staff member may appeal notice of nonrenewal if, within thirty days\* of receipt of written notice, he or she requests in writing to the Chairperson of the Academic Staff Advisory Committee that a hearing panel be established to review his or her appeal. Failure to meet the thirty-day time limit for appeal shall constitute waiver of the right to appeal.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

### C. Granting of Continuous Appointment

1. In accordance with Section I.B.2., decisions concerning continuous appointments must be made no later than April 15 of the sixth year of probationary service for full-time staff members and no later than April 15 of the ninth year for part-time staff members. At least thirty days in advance of the review conference in which the granting of continuous appointment will be considered, the authorized appointing official shall notify the probationary appointee of the conference in writing. The Academic Staff member may review all documents and material being presented, may add additional relevant written material, and may make a personal presentation at the unit review conference. (Interim procedures and minimum documentation to accompany recommendations for continuous appointments for academic professional staff may be found in Appendix D.)

2. The review committee shall be appointed by the authorized appointing official and shall consist of at least three members (two of whom must be Academic Staff members on continuous appointments): the chairperson and at least two other individuals. Tenured faculty members who are knowledgeable about the candidate's area of work and his/her assignment may be appointed as one of the three members. The candidate may suggest individuals for the review committee, but the ultimate decision rests with the appointing official. The immediate supervisor, who will not be a member of the committee, will present a written report to the committee and may make a personal presentation at the review conference. The review committee will present a report, including findings of fact and recommendations, to the appointing official, who in turn will convey that recommendation with his/her own (through the appropriate vice president, where applicable) to the Vice President for Academic Affairs, within thirty days of the review conference. A copy of the review committee's report will be

provided to the candidate at the time that the committee presents it to the appointing official. The Vice President will notify the appointing official of his or her concurrence or disagreement with the recommendation.

## IV. Dismissal for Cause

An Academic Staff member who holds continuous appointment, a probationary appointment, a fixed term appointment, or an annual appointment may be dismissed for just cause.

### A. Responsibility for Dismissals

1. Allegations concerning the conduct of an Academic Staff member which would suggest grounds for dismissal if verified should be brought to the attention of his/her appointing officer (e.g., dean, director, appropriate vice president) and the Vice President for Academic Affairs.

2. Upon receipt of the allegations, the Vice President for Academic Affairs may direct the appointing authority to conduct an informal investigation. The affected staff member shall be informed of the allegations immediately, and every effort shall be made to resolve the issues, if appropriate. During this period of informal investigation, no suspension of salary should be made and duties should not be changed unless continuation represents substantial harm to the individual and/or to the unit as determined by the appointing authority.

3. If informal investigation does not resolve the matter and the allegations are supported by substantial evidence, the appointing authority shall notify the staff member immediately in writing of the specific charges, the impending dismissal, and the date of dismissal. If within thirty days the staff member does not request in writing a hearing on the matter, the dismissal will become effective upon the dismissal date set by the appointing officer. Failure of the Academic Staff member to meet the thirty-day limit on request to appeal shall constitute waiver of the appeal right. If the staff member elects to appeal the dismissal and does so in a timely way, the dismissal shall not become effective until the hearing process has been completed or otherwise terminated.

4. Upon the discretion of the appointing authority and with prior approval of the Vice President for Academic Affairs, duties and responsibilities of the staff member may be suspended concurrent with the service of the dismissal notice.

\*For purposes of this document, day is defined as a day of instruction during the regular academic year.

## **B. Dismissal for Cause Hearing**

1. If requested in a timely way, the individual's request for a hearing shall be honored. The hearing of a dismissal for cause must start no later than thirty days after the staff member has made a written request for review.
2. The Procedures to be followed are those described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **V. Termination of Academic Staff for Reasons of Budget or Program**

Academic Staff appointments may be terminated before the termination date of the appointment when such action is deemed necessary due to budget or program decision requiring program discontinuance, curtailment, modification, or redirection. Proposals for such termination would usually be requested only when a severe financial exigency exists. A proposed termination action based on budget or program must have the concurrence of the Vice President for Academic Affairs before notice is given to the staff member.

Non-renewal of annual and fixed term appointments does not require the prior approval of the Vice President for Academic Affairs.

Unit policies on consultation appropriate to such circumstances shall be established and followed in all cases. Decisions regarding individuals shall be communicated to the affected persons by the appointing officer after approval of the action by the Vice President for Academic Affairs.

When a reduction in Academic Staff of a particular operational unit is required, terminations of Academic Staff members would follow seniority within appointment categories, continuous appointments being retained the longest, except where program needs within the operational unit for expertise dictate other more appropriate considerations or where funding sources dictate considerations which cannot be set aside. The specified notice periods should be observed unless there are compelling reasons to the contrary. Continuous appointees shall have twelve months' notice of termination or comparable severance when terminated for reasons of budget or program unless there are compelling reasons to the contrary.

The procedures to be followed for appeals from termination for reasons of budget or program are described in Appendix C,

"Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **A. Fixed Term and Annual Appointments**

As specified in Section III.B.1., there is no provision for appeal of nonrenewal of a fixed term or an annual appointment when the appointment expires at the end of the stated term or the end of the fiscal year, respectively, and when the required notice is given. However, if financial reasons (e.g., almost immediate cutoff of funds from an external source) compel termination before the end date of the fixed term or the end of the fiscal year (for an annual appointment), a speedy appeal process shall be provided if, within thirty days of the notification of nonrenewal, he or she requests in writing to the Chairperson of the Academic Staff Advisory Committee that a hearing panel be established to review the appeal. Failure to meet the thirty-day limit for appeal shall constitute a waiver of the appeal right.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **B. Probationary Appointments**

Termination of a probationary appointment before the end of a probationary appointment year or nonrenewal of a probationary appointment for reasons of budget or program may be appealed by the staff member following provisions in Section III.B.2.

## **C. Continuous Appointments**

An Academic Staff member holding a continuous appointment whose position is to be eliminated shall be notified in writing of the decision and the reasons for the determination. If, within thirty days after receipt of this statement, the Academic Staff member submits a written appeal for review of the decision to the Chairperson of the Academic Staff Advisory Committee, he or she shall be granted a hearing. The requests for hearing shall specify the grounds to be used in establishing the impropriety of the decision.

The procedures to be followed for such appeals are described in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## **D. Reappointment Rights of Continuous Appointees**

If an Academic Staff member holding continuous appointment is terminated for reasons of budget or program, no person may be

employed in that operational unit within three years to perform closely comparable duties to those of the staff member who has been terminated without first offering the position to the staff member with a reasonable time within which the offer may be accepted or declined. However, the provision does not apply if the terminated staff member fails to notify the appointing authority by December 1 of each year of his or her address, employment status, and desire to pursue reappointment rights. Further, this right is relinquished if the individual accepts an alternative continuous appointment in the institution.

## VI. Employment Related Grievance Procedures

### A. Definition

A grievance is a personnel problem involving an Academic Staff member's allegation of a violation of or breaching of state or federal law, constitutional rights, the appointment contract, or a University policy which acts to produce a substantially adverse effect upon the member's employment.

### B. Informal Procedures

1. The Academic Staff member shall attempt to resolve any grievance through informal consultation with his or her immediate supervisor immediately upon awareness of the action, condition, or problem.
2. If informal attempts to resolve the situation with the immediate supervisor are not successful, the grievant may appeal to the appointing authority for further informal attention to the grievance.
3. If the grievant remains dissatisfied with the lack of resolution, he or she shall make a written appeal for relief to the Vice President for Academic Affairs within thirty days of the action upon which the complaint is based.

### C. Formal Procedures

1. The written complaint must state the specific nature of the grievance, a summary of the informal measures taken, and the relief sought.
2. The Vice President for Academic Affairs will transmit the written appeal to the Academic Staff Advisory Committee which shall hear the appeal following procedures outlined in Appendix C, "Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel."

## VII. Academic Staff Salaries and Benefits

### A. Salaries

Salaries of Academic Staff personnel will vary with the scope of responsibility of the position, academic credentials required, experience, and performance competence of the appointee. It is suggested, however, that a salary floor for administrative and professional positions in the Academic Staff category be set, particularly for the lower level professional position in a ladder series and in the lowest level administrative positions. Once such a floor is set, no one in the professional or administrative Academic Staff category should be paid below the salary so specified as a minimum.

### B. Economic Benefits

Academic Staff personnel shall be eligible for the same economic employee benefits which are provided to the faculty subject to the respective terms and conditions of the plans. These include, but are not limited to, the following:

1. Faculty Group Life Insurance\*
2. Faculty Group Income Disability\*
3. Faculty Retirement Plan\*
4. State Plan (Health, Dental, and Life Insurance)
5. Social Security
6. Tax-Deferred Annuity Plan (Mills II)
7. Worldwide Travel Accident Insurance

Appendix E, "Insurance and Retirement Benefits," contains some general information about benefits. For additional information concerning insurance and retirement benefits for Academic Staff personnel, please contact the Employee Benefits Department.

### C. Vacations and Leaves

1. Vacation policy for Academic Staff members shall be the same as that established for faculty. Those on B appointments (nine months) accrue no paid vacation; those on A appointments (twelve months) at 100 percent time accrue 22 vacation days a year.

\*Required waiting periods shall be determined on the basis of title, salary level, percent time, and length of appointment (lecturers, teaching specialists, research specialists, clinical preceptors, and academic advisory specialists are not eligible for faculty retirement or Group Life and Income Disability).

2. Selected leaves of absence with prior permission of the immediate supervisor shall be available to the Academic Staff on the same basis as for the faculty, including the following:

- a. Appearance in court
- b. Attendance at professional meetings
- c. Military service
- d. Maternity leave (Paternity) and Adoption; Family Leave
- e. Sick leave

For information on specific leave policies, see Appendix F, "Academic Staff Policies: A. Sick Leave and Disability Leave; B. Maternity and Adoption Leave; C. Family and Personal Leaves Without Pay."

#### **D. Professional Benefits**

1. Academic Staff members and members of their immediate families shall be eligible for payment of resident fees in all colleges in accordance with provisions established for the faculty.

2. Provision for professional development leave with salary shall be made in each unit, or in unit clusters reporting to a vice president, to encourage and enable career Academic Staff members to enhance their professional or administrative performance, to conduct special studies, or in some other way undertake planned activities related in a substantial manner to the staff member's role or potential role in the University.

Funding of professional development leaves shall be the budgetary responsibility of the unit or unit clusters involved. No central monies are available for designation as replacement costs.

Of necessity, the professional development leave plans must be flexible and may vary from unit to unit. These principles, minimally, shall be incorporated into the leave policies.

- a. Eligibility rules should be established; no entitlements to these leaves shall exist.
- b. No obligation of University (internal) funds shall be committed to staff members supported on external funds.
- c. Leave applications shall include detailed written plans for activities to be undertaken and anticipated benefits to be obtained.
- d. Procedures and criteria for review of leave proposals shall be developed.
- e. The staff member shall be expected to submit a report of activities in writing following the leave. Reports of leaves will be submitted to the Vice President for Academic Affairs upon request for review in conjunction with evaluation of the professional development leave provision.

### **VIII. Consulting, External Professional Activities, Outside Service, and Political Activity**

University policies for the faculty on consulting, external professional activities, outside service, and political activity shall apply in full to the Academic Staff. These policies appear in Appendix G, "Policy on Outside Consulting, Service Activities, and other Outside Work."

### **IX. Governance**

#### **A. Academic Staff Advisory Committee**

The Academic Staff Advisory Committee, consisting of at least nine members, shall be appointed by the President on a University-wide basis to advise on the development and administration of policies and procedures for Academic Staff. Members of the Committee shall be Academic Staff personnel appointed for three-year staggered terms. Nominees for this committee shall be designated by collegiate/campus units. There shall be an *ex officio* member of the committee representing the University Committee on Tenure. In addition, no more than two *ex officio* members of the Committee, who do not have to be Academic Staff personnel, may be appointed by the President. The Committee chairperson shall be elected by Committee members. Purposes and functions of the Committee include:

1. Continuing consultation with the President or designee on the evolving structure and administration of the Academic Staff personnel system.
2. Advising the President or designee on employment-related affairs, such as recruitment and hiring procedures, personnel reviews, terms and conditions of employment, employee benefits, grievance procedures, and other matters affecting staff welfare and morale.
3. Consideration of appeals from Academic Staff members and the appointment of hearing panels.
4. Further development of the Committee's structure, functions, and organization to facilitate its operation.
5. Attention to fostering and furthering representation and participation of the Academic Staff in University governance; development of relationships with the Civil Service Committee, the Senate Committee on Faculty Affairs, and the University Committee on Tenure.

## **B. Participation in the University Senate Structure**

By action of the University Senate on May 5, 1983, representation of academic professional staff in the Senate structure was provided subject to the following conditions:

1. Academic professional representation would be limited to academic professionals holding continuous, probationary, or fixed terms of two years' or more length.
2. Academic professionals eligible to serve in the University Senate would be eligible to vote for senators in their unit. Such academic professionals would count in the allocation of seats to the respective units.
3. Academic professionals eligible to vote may serve on committees of the University Senate. For purposes of committee membership quotas, academic professionals will count as faculty members.
4. Academic professionals will not serve on the Faculty Senate or on committees that report to the Faculty Senate. A faculty alternate may replace the academic professional on the Faculty Senate.
5. In the event that the faculty of one or more of the units eligible to elect senators votes to unionize, the academic professionals meeting University Senate membership requirements but not included in the union contract will become members of a single academic professional unit and be entitled to representation using the usual allocation rules.

## **X. Limited Appointments**

### **A. Definition**

*Limited* appointments are a special category of administrative appointments to which many of the Academic Staff provisions do not apply. Limited appointments are made at the discretion of the Board of Regents, the President, or the senior Vice Presidents. With few exceptions, limited appointments are made for persons who serve as the major administrative officers at the all-University or campus level. They carry responsibility for the origination, formulation, interpretation and monitoring of policies, program directions, and budget at the highest levels in the University.

### **B. Positions/Titles**

The following positions shall be designated limited appointments:

- President
- Vice President

- Associate Vice President
- Assistant Vice President
- Chancellor
- Associate Chancellor
- Assistant Chancellor
- Vice Chancellor
- Secretary to the Board of Regents
- Associate to (the above positions)
- Assistant to (the above positions)

Other administrative positions in the 93xx administrative class series may be designated as limited by the Board of Regents, the President, the Vice Presidents, the Chancellors, and the Deans at the time of appointment.

### **C. Appointment Process and Conditions**

1. Limited appointees serve solely at the discretion of the appointing authority.
2. Limited appointments carry no probationary or tenure implications.
3. The recruitment and selection procedures for filling limited positions will be fully consonant with University equal employment opportunity policies and procedures.
4. An individual who holds a regular faculty, Academic Staff, or civil service position shall not lose rights achieved in that position upon accepting a limited appointment.
5. An individual whose initial appointment is to a limited position may concurrently receive a regular faculty, civil service, or other Academic Staff appointment by following the regular appointment procedure for such an appointment. Following conclusion of the limited appointment, he or she may transfer to the respective personnel system for reassignment.
6. An individual whose initial appointment is to a limited appointment may concurrently receive a faculty appointment which is clinical or adjunct and which relates to teaching or professional practice. In this case, no transfer rights to a faculty appointment following the conclusion of a limited appointment are provided.
7. Salaries for limited appointments are negotiable. Further, they may be separate and distinct from the salary rates of pre-existing or concurrent positions under 4, 5, and 6 above; but return to such a position does not require continuance of the salary level provided for the limited appointment.

8. The appointment period for a limited appointee shall be specified initially and on renewal in writing but shall be subject to review and discontinuance at the discretion of the appointing authority or at the initiation of the appointee.

9. Termination or nonrenewal of a limited appointment is not formally appealable. Whenever possible, three months' notice of termination should be given if the appointee does not hold concurrently another University appointment.

## **XI. Academic Staff Titles**

### **A. Academic Administrative Titles**

Administrative titles occur in the 93XX series. A list of current administrative titles may be found in Appendix H, "Academic Class Titles and Numbers and Appointment Type Symbols." Agricultural Extension Service administrative titles are found in the 96XX series.

1. The Academic Staff administrative group includes positions that are held by persons with the requisite professional qualifications and experience who are engaged in policy development or execution or in directing, organizing, or supervising activities in the University administration or unit thereof. Individuals appointed to these positions are expected to have a thorough working knowledge of academic and/or University administration, to use independent professional judgment, and to exercise discretion in policy matters.

2. For the most part, promotion for individuals in these titles involves application and transfer to another position in the series rather than an increase in rank.

### **B. Academic Professional Titles**

Professional titles occur in the 97XX series. A list of current professional titles may be found in Appendix H, "Academic Class Titles and Numbers and Appointment Type Symbols." Agricultural Extension Service professional titles are found in the 96XX series.

This group shall include those Academic Staff positions which extend and support the teaching, research, and service missions of the University. This work is of a highly specialized nature and requires the appropriate professional or advanced degree for the field as well as demonstrated competence in performance. Units will develop titles as needed in their disciplines. Promotion will follow the typical kinds of peer review found in faculty promotion

procedures; therefore, titles should allow for possible promotion in rank.

For each professional series, appropriate criteria for appointment, retention, promotion, and merit increases shall be developed. The criteria for retention and promotion must focus primarily upon the quality of professional performance and competence in effectively fulfilling identified responsibilities. Particularly with regard to promotion, attention must be given to growth and development within the scope of these responsibilities. Other considerations such as professional contributions to the University, to the profession, and to the public may be considered. The review for promotional consideration and for continuous appointments shall be consonant with the provisions in Sections II.C. and III.C.

Development of specific criteria for appointment, retention, promotion, and merit increases shall be done in consultation among the units involved, the Academic Staff Advisory Committee, other vice presidents as appropriate, and the Vice President for Academic Affairs or designee.

Individuals who hold probationary or continuous appointments in the Academic Staff professional category and who assume administrative positions do not lose the rights acquired under the professional appointment by serving as administrators.

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# Appendices

## Appendix A

### Guidelines for the Performance Review of Administrators

#### Introduction

These guidelines have been prepared for use by individuals and committees having responsibility for the performance review of administrators. The guidelines should be used for persons in the academic administrative category (93XX series) who hold positions for which other formal or regularized evaluation procedures have not been established. The guidelines do not supersede any existing documents or regulations that have been approved by the Board of Regents.

It is understood that all aspects of the personnel systems in Academic Affairs at the University include appropriate attention to issues of special attention to women, minorities, and other protected classes at the University. This includes not only attention to equal employment opportunity and affirmative action in recruitment and hiring, promotion and tenure or continuous appointment, but also consideration of attention to women, minorities, and other protected classes, where appropriate in job descriptions, performance reviews, and goal setting, and in the performance reviews of administrators.

#### Background Preparation

Preparation for performance review of an administrator should begin at the time of the search to fill the position. A complete job description should be available to and reviewed by the candidate chosen, and the initial appointment should be made with understandings reached on the basis of a non-abbreviated job description. Care should be taken that any description of the duties of the position be in conformity with other documents on file, such as collegiate or departmental constitutions.

At the time of hiring, the appointing official should put in writing a statement for the administrator's permanent personnel file that outlines the following:

- (a) any further clarification or amplification of the expectations for performance of the person in the position;
- (b) the exact term of office;
- (c) the nature and timing of annual and reappointment reviews:
  - (1) individual responsible for performance reviews;
  - (2) probable sources of evaluation for performance reviews;
  - (3) materials required for performance reviews;
  - (4) how recommendations and conclusions would be used.

#### The Annual Review

Administrators should be reviewed annually by the official to whom they report. Annual reviews can be relatively informal, but should be

based on the job description and on other written expectations that have been previously determined and agreed upon. Conclusions or recommendations resulting from the review should be discussed in private meetings with the person being reviewed and become part of the individual's personnel file kept by the reviewing administrator.

The annual review should be carried out by the individual who appointed the administrator or to whom the administrator reports. The reviewing individual should seek whatever evaluations are necessary to complete a fair and thorough review. Such evaluations might be sought from colleagues, from others with whom the administrator interacts or for whom the administrator performs a service, from other administrators at both higher and lower levels, and from faculty and students when appropriate. The individual being reviewed may submit information for the file to supplement or refute the evaluation of the reviewing administrator.

### **The Reappointment Review**

To the extent that they do not conflict with applicable collegiate or departmental constitutions, reappointment reviews are only required with respect to appointments of Deans or of Directors appointed for a fixed term of greater than two years. At the discretion of the appointing authority, a reappointment review may be utilized for other administrative appointments in the 93XX class but are not required.

The reappointment review should be scheduled to provide the necessary information for a timely decision on reappointment (see Appendix B for notification dates for non-reappointment of Academic Staff). In contrast to the more informal annual review, the reappointment review should be more formal and extensive.

While all-inclusive guidelines are difficult, it is suggested that the appointing official select another knowledgeable individual or a committee to conduct the reappointment review. If a committee is selected, it is further suggested that at least one member be from outside the administrator's department. Composition of the review committee should be discussed with the administrator being reviewed, but the final decision rests with the appointing official.

The review committee (or individual) should receive a clear charge, a job description, written statement of other expectations, and copies of prior annual reviews. The reappointment review process itself should adhere to the "Procedural Guidelines for Collection and Use of Information in a Performance Review of an Administrator for Purposes of Possible Reappointment" (see below).

The nature of the review process should be carefully tailored to the specific administrative post. The review committee should gather appropriate performance data and evaluations. The sources of such evaluations might be similar to those discussed in the previous section, "The Annual Review." Evaluations might be particularly helpful if the

review committee requests responses to specific questions relating to the administrator's performance.

On the basis of the performance data gathered, the review committee should prepare a report of its findings. The report should clearly assess the strengths and weaknesses of the administrator, but usually should not include a specific recommendation as to reappointment or non-reappointment. The report should be submitted to the appointing official, who would make a decision regarding reappointment or non-reappointment.

### *Procedural Guidelines for Collection and Use of Information in a Performance Review of an Administrator for Purposes of Possible Reappointment*

These procedural guidelines have been prepared to make the performance review of administrators more uniform across the University and to assure that appropriate procedures are used so that matters of confidentiality and privacy are dealt with properly.

### **Review Committee Meetings**

The review committee may hold closed meetings to the extent that it would be dealing with personnel information classified as private under state law.

### **Written Materials**

Written materials assembled by the committee in the course of its deliberation should be handled in two ways:

- (1) An *official committee file* should be established and contain review committee minutes, letters of evaluation, and any other materials providing information on the person being reviewed. This file will be open for inspection by the person being reviewed who may submit information for the file to supplement or refute materials contained in the official committee file. At the end of the work of the committee, this file will be turned over to the official who requested the review. This file must be kept indefinitely.
- (2) Files of *personal working notes* may be maintained by any member of the review committee. Such notes will record an individual committee member's observations, thoughts, etc. rather than official activity of the committee. Except for the possibility of subpoena, personal working notes are not subject to access by the person under review, nor may they be the basis for official statements of the committee. Personal working notes may be destroyed when they are no longer of use to their owner.

### **Methods of Evaluation**

The review committee may wish to collect information by requesting letters of evaluation, responses to specific questions, or by use of a sur-

vey or evaluation instrument. Additionally, the review committee may wish to provide opportunity for evaluators to speak directly with the committee, either in lieu of or in addition to providing a written evaluation. Notes of such conversations would be made by the committee and included in the *official committee file* (and persons giving oral evaluations should be so informed in advance).

#### **Attribution of Evaluations**

Persons from whom evaluations are solicited should be informed that in conformance with the state's data practices law, all evaluations will be accessible to the person being reviewed. Furthermore, individuals making oral statements should be informed that the evaluation and notes of the conversation will be available to the individual being reviewed. However, an example of a permissible exception to this guideline would be survey instruments sent to the immediate subordinates of the person being reviewed, in which case a summary of the unsigned responses would become a part of the *official committee file* and available for inspection and comment by the person being reviewed.

August 1983

Amended February 1984

Amended August 1985

## **Appendix B**

### **Academic Professional and Administrative Staff Non-Reappointment Notice Dates**

*Continuous (G)*—Notice given only by Vice President for Academic Affairs

*Probationary (H)*—Notice given only by Vice President for Academic Affairs

*First Year*—On or before March 15, effective at the end of the current contract year

*Second through Sixth Years*—On or before April 15, effective at the end of the following contract year

*Fixed Term (J)*—Notice given by appropriate academic administrator  
Notice provision should be included in each contract document with length of service to be considered as in the Annual (K) category.

*Annual (K)\**—Notice given by appropriate academic administrator

*First Year*—One month notice required.

*Second through Fifth Years*—Three months' notice required.

*Sixth through Tenth Years*—Six months' notice required.

*Eleventh Year On*—Twelve months' notice required.

August 1983

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\*For County Agents in the 96XX series, only six months' notice is required from the sixth year on.

## Appendix C

### Guidelines for Implementing Grievance Appeals of University of Minnesota Academic Professional and Administrative Personnel Policies and Procedures

#### Background

The Academic Professional and Administrative (PA) personnel category was approved by the Board of Regents at its December 12, 1980 meeting. Their action included provision for an Academic Staff Advisory Committee (hereinafter, "Committee") comprised of PA's who would advise on the development and administration of policies and procedures for this category.

The Committee was given the specific charge of considering grievance appeals, and of developing policies and procedures, including standards to be used to provide for just, fair, and expeditious hearings. The policies contained in this document were created in response to that charge. They are based on the December, 1980, proposal, and are intended to be in accord with current policy. The procedures that follow were adapted from the description of "Model Rules of Procedure for Collegiate Level Academic Freedom and Responsibility Grievance Committee" in the September, 1978, *Report of the Ad Hoc Committee on Grievances* (pp. 22-30). A flowchart that outlines procedures to be followed is attached.

#### *Hearing Panels: Their Appointment, Composition, and Scope*

The Chairperson (hereinafter, "Chair") elected by the Committee will appoint an *ad hoc* panel (hereinafter, "Panel") to handle cases that are within the jurisdiction of the Committee. The Panel shall consist of three members to be drawn from Committee membership when possible, but in any case, the majority of the Panel members must be members of the Committee. The Chair will designate one of the three as chairman of the Panel (hereinafter "Panel Chair").

Two types of grievances are heard by the Panel:

1. Appointment-related
  - a. Non-renewal (Probationary)
  - b. Dismissal for cause (Continuous, Probationary, Fixed Term, or Annual)
  - c. Termination for budget/program reasons (Fixed Term, Annual, Probationary, or Continuous)
2. Employment-related

*Jurisdiction.* The Chair of the Advisory Committee shall make the initial determination of whether a grievance is within the jurisdiction of the Academic Staff Advisory Committee. This determination may be chal-

lenged by the parties and appealed to the Academic Staff Advisory Committee. Final determination of jurisdiction shall be made by the Academic Staff Advisory Committee, which may consult as appropriate with the Chair of the Advisory Committee and/or the University Grievance Review Officer.

*Challenge to Membership of Panel.* The Chair of the Academic Staff Advisory Committee shall notify both parties of the identities of the hearing officer and panel members as soon as they are appointed. Either party may challenge any member of the panel for cause by delivering to the Chair a written challenge to the appointment within ten calendar days after receipt of the letter from the Chair notifying the parties of the panel appointment. Thereafter, a member of the panel may be removed by challenge only for a ground which was not reasonably discoverable before the expiration of that ten-day period. Initial challenges shall be ruled on by the Chair of the Academic Staff Advisory Committee within seven calendar days. Contested rulings must be brought to the Vice President for Academic Affairs within seven calendar days. The Vice President for Academic Affairs must rule upon the contested ruling within seven calendar days.

#### GUIDELINE 1

##### Commencement of a Grievance

A grievance proceeding is commenced under these procedures by the grievant filing two copies of his or her written complaint with the Vice President for Academic Affairs, or with the Committee Chair, as appropriate. The written complaint must contain, as a minimum, the following information:

- (a) The name, address, and telephone number of the grievant and respondent. The term "respondent" means the person or body who (i) is alleged to have committed a violation of one's employment or appointment rights (hereinafter, "violation") or a breach of responsibility (hereinafter, "breach") as established in the policy, or (ii) appears, from a reading of the complaint, to have a substantial interest in the outcome of the grievance and whose actions appear to be challenged as a violation or breach;
- (b) A statement in plain and simple language of the specific action, including the date when such action, alleged to constitute a violation or breach, occurred;
- (c) A verbatim quotation of that part of the policy alleged to be violated or breached by the alleged action;
- (d) The steps previously taken to informally resolve the matter; and
- (e) A statement of the relief requested.

The Panel may not be convened to hear the grievance unless the complaint is filed within the appropriate calendar days after the occurrence of the action alleged to constitute a violation or breach.

## GUIDELINE 2

### Prehearing Conference

Within ten calendar days after receipt of the written appeal, or after receipt of the grievance file from the Vice President for Academic Affairs if appropriate, the Chair of the Committee must notify, in writing, the grievant and respondent of:

- (a) the names of the members of the Panel which will hear the grievance,
- (b) the date, time and place of the prehearing conference, and
- (c) the obligation of the grievant and respondent to exchange between them prior to the prehearing conference, a written list containing the names of the witnesses and copies of all exhibits each intends to present at the hearing, and
- (d) the consequence of failing to fully comply with Guideline 2(c).

Failure to fully comply with Guideline 2(c) shall be grounds for exclusion of the testimony of such omitted witness or the introduction of such omitted exhibit unless, for good cause shown which is not attributable to the lack of due diligence of the proponent of such omitted witness or exhibit, the Panel elects to hear such testimony or accept said exhibit.

At the prehearing conference the Panel Chair should: obtain, if possible, an agreement of the grievant and respondent concerning facts, evidentiary foundation for witnesses and exhibits, and the issues remaining (both factual and otherwise) to be determined by the Panel; attempt to have the grievant and respondent settle the grievance without the necessity of a hearing; establish a date, time, and place for the hearing; and consider such other matters that may be necessary or advisable. All of the foregoing should be summarized in writing by the Panel Chair. The written summary should be distributed to the grievant and respondent and become a part of the record.

## GUIDELINE 3

### Conduct of the Hearing

- (a) *Governing Principles.* The hearing shall be conducted in such a manner as will ensure fairness to all parties, proceed expeditiously, and tend to elicit the evidence in the most accurate and reliable form possible.
- (b) *Panel Chair's Role.* The Panel Chair shall preside at the hearing and shall rule on questions of evidence and procedure, which rulings are appealable to the Panel.
- (c) *Panel's Role.*
  - (1) The Panel shall hear the evidence and, based solely thereon, shall render its written:

- (i) findings of fact,
    - (ii) conclusions concerning whether the facts, as found, constitute a violation or breach, and
    - (iii) recommendation for remedial action.
  - (2) The Panel shall rule, by majority vote, upon appeals made by timely motion of the Panel Chair's ruling on matters concerning evidence and procedure.
  - (3) The Panel may question witnesses, may require parties to recall witnesses previously called, and may require parties to call witnesses or submit evidence not previously called or submitted.
- (d) *Rights of Parties.* All parties shall have the right to:
- (1) be represented by an advisor and/or attorney;
  - (2) be afforded a reasonable opportunity to present their case by oral testimony and written evidence;
  - (3) present witnesses on their own behalf, call other parties as witnesses, and be witnesses themselves;
  - (4) confront and question witnesses called by other parties and otherwise to rebut the evidence produced by other parties;
  - (5) present argument.
- (e) *Written Statement in Lieu of Testimony.* Written statements of witnesses who are not present to testify shall be admitted only by written agreement of the grievant and respondent and if there are compelling reasons why the witness is necessary and cannot be available to personally testify.
- (f) *Rules of Evidence.*
- (1) *Evidence to be considered.* In order to be considered by the Panel, all evidence, except that which it admits through notice, must be offered and accepted at the hearing and must be made a part of the record. No other factual information or evidence shall be considered by the Panel.
  - (2) *Notice.* The Panel may take notice of facts and University policy which are not offered and accepted as evidence at the hearing if such facts or policy are matters of common knowledge to the University community.
  - (3) *Admissibility.* The rules of evidence applicable in courts do not apply to the Panel hearings. The Panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence upon which prudent persons are accustomed to rely in the conduct of their serious affairs. Evidence which is irrelevant, immaterial, or repetitious shall be excluded. The term "irrelevant evidence" means evidence which does not tend to prove or disprove the issue to be determined by the Panel. The term "immaterial evidence" means evidence which, while relevant, is nevertheless of no substantial consequence in aiding the Panel to arrive at its determination of the issue. The

Panel Chair shall, upon objection by a party or upon his or her motion, rule upon all questions of admissibility or exclusion of evidence, which ruling is appealable to the Panel in accordance with Guideline 3(c)(2).

- (4) *Burden of Proof.*
- a. The party bearing the Burden of Proof will vary according to the type of grievance:
- (1) *Non-renewal*—The non-renewed appointee must show that the review was unfair or inappropriate;
  - (2) *Dismissal for cause*—Existence of just cause must be established by the University Administration or its representatives;
  - (3) *Termination for budget/program reasons*—The University must show that a bona fide budget or program reason existed in making the decision to terminate.
- b. The standard to be used, in (1) and (3) above, in determining whether a party has carried out its burden of proof shall be a preponderance of the evidence—i.e., all the evidence bearing on the issue leads the Panel to believe it is more likely a claim is true than not true. In (2) above, the standard to be used shall be clear and convincing evidence.
- (g) *Order of Hearing, Presentation of Evidence and Argument.* The hearing shall be conducted in substantially the following order:
- (1) Call to order by the Panel Chair;
  - (2) Argument and determination of motions, if any, on jurisdiction or failure to state a violation or breach; in making said determination, the Panel must assume the facts alleged in the complaint are true;
  - (3) Opening statement by grievant and respondent;
  - (4) Presentation of grievant's case; with respect to each witness, the grievant shall question first, the respondent second, and the Panel last;
  - (5) Presentation of respondent's case; with respect to each witness, the respondent shall question first, the grievant second and the Panel last;
  - (6) Closing statements by grievant and respondent;
  - (7) Close hearing and go into executive session.
- (h) *The Record.* The Academic Staff Advisory Committee Chairperson shall maintain a record of the grievance proceeding, which record shall include:
- (1) The complaint and answer;
  - (2) Agreement of successful mediation and notification of unsuccessful mediation;

- (3) Prehearing conference summary;
  - (4) All exhibits, offered at the hearing;
  - (5) A tape recording of the hearing;
  - (6) All pre-hearing and post-hearing briefs submitted;
  - (7) Written motions made subsequent to hearing or recommendation;
  - (8) The recommendation of the Panel.
- (i) *Report.* Reporting procedures should be as follows:
- (1) *Non-Renewal, Probationary*—the Panel shall present, within 30 days, a written report including the issues, findings of fact and advisory recommendations to the parties involved and to the President for final disposition.
  - (2) *Dismissal for cause*—same procedure as in (1) above.
  - (3) *Termination for Budget/Program, Fixed Term, Annual*—same procedure as in (1) above.
  - (4) *Termination for Budget/Program, Continuous Appointment*—same procedure as in (1) above.
  - (5) *Employment related*—written report must be made within 30 days, including the issues, the findings of fact and the advisory recommendations to the parties involved and to the Vice President for Academic Affairs for final disposition.
- (j) *Disposition.*
- (1) *Non-Renewal, dismissal for cause, termination for budget/program reasons*—final disposition is with the President.
  - (2) *Employment related grievance*—final disposition is with the Vice President for Academic Affairs.

#### GUIDELINE 4

##### Modification of Rules of Procedure

The procedures set forth herein may be modified when necessity arises and good cause is shown.

Fall 1981  
Amended September 1982  
Amended November 1984  
Amended April 1985

GUIDELINES FOR IMPLEMENTING GRIEVANCE APPEALS FOR ACADEMIC PROFESSIONAL AND ADMINISTRATIVE PERSONNEL

	Appointment-related Grievance		Employment Related Grievance	
	Dismissal for Cause	Termination for Budget/Program		
	Non-Renewal: PROBATIONARY	FIXED TERM/TEMPORARY (if prior to completion of contract)	PROBATIONARY (if prior to notice of terminal period)	CONTINUOUS
PRIOR PROCEEDINGS	Review; written notice	Appointing Officer VP, Acad Aff; informal investigation; written notice of dismissal	Concurrence of VP Acad Aff; Written notice by appointing officer with VP approval.	Informal—supervisor, appointing authority
APPEAL How:	Written			Written
Time:*	Within 30 days of receipt of written notice of action on which complaint is based			Within 30 days of action on which complaint is based
To Whom:	Chair, Academic Staff Advisory Committee			VP Acad Aff—forwarded to Chair, ASAC
When Held:*	Within 30 days			Expediently, if Panel determines hearing should be held
Burden of Proof:	On non-renewed appointee	On University	On University to show bona fide budget/program reason	On employee
By Whom Heard:	Hearing Panel			Hearing Panel
REPORT	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition. Board of Regents can be appealed to.	Written report within 30 days covering issues, findings of fact, recommendations, presented to President for final disposition	Written report within 30 days covering issues, findings of fact, recommendations, presented to VP Acad Aff for final disposition.

\*Day equals calendar day

Appendix D

A. Composition of Review Committees for Academic Professional Staff Proposed for Continuous Appointment

As we proceed with implementation of the Academic Staff professional and administrative personnel classification, a question has arisen concerning the composition of review committees for academic professional staff proposed for continuous appointment. The *Academic Staff Policies and Procedures* document specifies the following concerning review for the purpose of the granting of continuous appointment:

III.C.2. The review committee shall be appointed by the authorized appointing official and shall consist of at least three members (two of whom must be Academic Staff members on continuing appointments): the chairperson and at least two other individuals. Tenured faculty members who are knowledgeable about the candidate's area of work and his/her assignment may be appointed as one of the three members. The candidate may suggest individuals for the review committee, but the ultimate decision rests with the appointing official . . .

As you are aware, there is not presently an existing pool of academic professional staff on continuous appointment to serve on such review committees. In considering alternative arrangements which would be appropriate during this period of transition, the Academic Staff Advisory Committee proposed the following interim measure which is still in use:

. . . while the composition of continuous appointment review committees during this first year of operation should follow as closely as possible the model specified in *Academic Staff Policies and Procedures*, variations in the composition will be permissible as an interim measure for 1981-82 provided that both the appointing official and the individual being reviewed agree upon the composition of the committee.

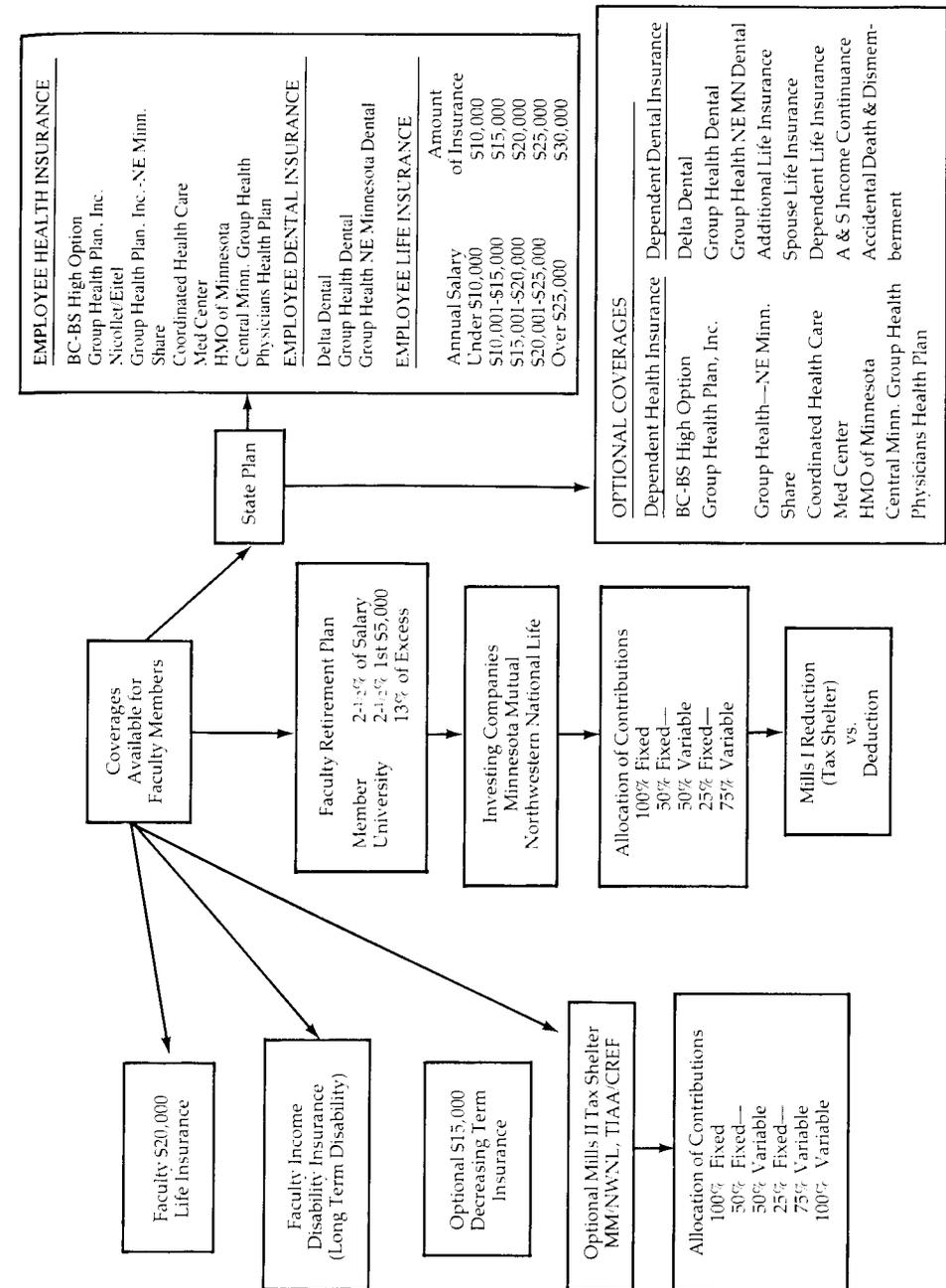
In suggesting the interim procedure for the composition of review committees, the Advisory Committee cited as one possibility a combined membership of probationary academic professional staff from outside the candidate's unit and tenured faculty members from within and outside the candidate's unit. In another instance a unit, with concurrence of academic staff in the unit, has received our approval to establish a single review committee for 1981-82, composed of all directors within the unit, to review all the proposals for continuous appointment within the unit. The single review committee is contingent in each individual case upon acceptance by the candidate.

**B. Suggested Documentation to Accompany Recommendations for Continuous Appointment for Academic Professional Staff**

1. Letters of Transmittal
  - a. Letters of transmittal from vice presidents, chancellors, deans, or directors, as applicable, expressing concurrence or disagreement with the recommendation of the review committee(s) with an explanation of their views.
  - b. A statement from the appointing official summarizing the accomplishments of the candidate and a statement as to whether he or she concurs with the recommendation of the review committee and the basis for concurrence or disagreement.
2. Information from review committee(s) relevant to the voting procedures to include: (a) number of majority votes, minority votes, abstentions, and eligible persons not voting due to absence; (b) review committee(s) recommendation based upon the majority view with a statement of the grounds upon which the recommendation rests; and (c) a statement of any minority view that has substantial support and the basis for such a position.
3. A complete and current *curriculum vitae* to include: (a) undergraduate, graduate or professional, and, if applicable, postdoctoral education and experiences with respective institutions, locations, dates, and degrees awarded; (b) former and present employment with years and dates of service at the University and present personnel status; (c) professional distinction including research and scholarly activities, participation in professional organizations, and awards, citations, and other recognitions; (d) professionally related services within the University, the community, the State, and elsewhere; and (e) special contributions to departmental, collegiate, and University functions.
4. Evaluations from distinguished individuals in the profession outside the University regarding the candidate's professional activities.
5. Evaluations from peers within the University regarding the candidate's professional activities.
6. Where applicable, evaluations from the users of the services performed by the candidate.

November 1981

**Appendix E  
Insurance and Retirement Benefits**



## Appendix F

### Academic Staff Policies

- A. Sick Leave and Disability Leave
- B. Maternity and Adoption Leave
- C. Family and Personal Leaves Without Pay

#### A. Sick Leave and Disability Leave

*Eligibility.* This policy applies to all full-time (100%) academic employees appointed for nine months or longer, including those who have received an approved partial leave without pay, e.g., persons on sabbatical leave. This policy does not apply to those in the Student or Professional Training category.

An academic employee who is sick or otherwise disabled may be absent with pay for up to two weeks by informally notifying his or her department head or appropriate academic administrator. If the individual is sick or disabled beyond this two-week period, he or she should submit a health provider's certificate to the department head. The department head should prepare a leave of absence request, attach a copy of the health care provider's certificate and forward through the Dean to the Vice President for Academic Affairs for review and action. If the academic employee adequately documents inability to work, he or she should be entitled to leave with pay for the period of disability as described in the following tables:

#### A (12-month) Appointments

Period of Service	First 0-3 months	Next 3 months	Next 6 months	Next 12 months	More than 24 months
Less than 2 years	Full Salary	FGID only →			
Between 2 & 10 yrs.	Full Salary		<sup>2</sup> / <sub>3</sub> Salary	FGID only →	
More than 10 years	Full Salary			<sup>2</sup> / <sub>3</sub> Salary	FGID only

### B (9-month) Appointments

Period of Service	During Summer Periods	During Academic Year Only				
		First 0-3 months	Next 3 months	Next 3 months	Next 9 months	More than 18 months
Less than 2 years	FGID only	Full Salary	FGID only →			
Between 2 & 10 years	FGID only	Full Salary		<sup>2</sup> / <sub>3</sub> Salary	FGID only →	
More than 10 years	FGID only	Full Salary			<sup>2</sup> / <sub>3</sub> Salary	FGID only →

Notes: FGID = Faculty Group Income Disability  
Full Salary = Base Salary

The first payments from the FGID Insurance Plan are received at the end of the fourth month of disability. The disability payments are figured on the base salary in effect at the time when disability payments begin. For eligible persons who become disabled while on partial leave of absence without pay, the monthly sick leave salary payment during the period of that partial leave will be limited to the larger of (1) the reduced monthly salary payment or (2) the disability payments through the disability insurance plan.

These leave periods begin on the business day that the employee is first unable to fulfill his/her normal University duties and they include the two-week informal leave.

An academic employee who takes a leave of two weeks or less shall make reasonable efforts to ensure that classes are taught by others or made up later. In cases of longer leaves, the department or college is responsible for making other arrangements to make up classes and to cover other duties.

Academic employees with long-term disabilities must apply as soon as they are eligible for benefits under the Faculty Group Income Disability Insurance Plan, under Social Security, and under other specified disability programs whose benefits are deducted under the Disability Insurance Plan. Salary paid under this policy will be reduced by the amount of the benefits paid under those programs. The periodic payments from these programs will be prorated over the various University pay periods. If the individual fails to apply for these other disability benefits, payments under this policy will be reduced by the benefits that would have been received with proper application.

For academic employees who are on sick or disability leave for more than three months and who have at least two years' service, beginning

with the fourth month the Central Administration will pay half the cost of that portion of the leave with pay which is not covered by insurance and to which the individual is entitled under this policy. The department or college will provide the remaining portion.

The time limits in this policy are maximums for each separate disability. An academic employee will be entitled to more than one period of paid leave only upon proof that the sickness or disability which requires a subsequent leave is separate from and not a continuation of an earlier sickness or disability for which the academic employee took a paid leave. The Vice President for Academic Affairs may determine in the interest of fairness that the person who suffers a recurring disability after returning to work should be allowed a subsequent paid leave.

## **B. Maternity and Adoption Leave**

*Eligibility.* This policy applies to all academic employees appointed for nine months or longer, except those in the Student or Professional Training category. (Note: Those female employees not eligible for maternity leave shall be entitled to a two-week leave with pay.)

The intent of this policy is to be supportive and accommodating as regards the special circumstances surrounding maternity and pregnancy.

A female academic employee is entitled upon request for six weeks' maternity leave with pay and need not prove actual disability during this six-week period. The six weeks shall be counted from the delivery date. The informal two-week leave may be accessed before delivery. The paid maternity leave must fall within the term of appointment.

Disabilities associated with pregnancy and childbirth will be treated like any other disability under this policy. The informal two-week period and the six-week maternity leave shall be included in the time limits described in tables in the Sick Leave and Disability Leave section.

A male employee is entitled to a two-week informal leave with pay during the term of appointment following the birth or adoption of a child. A female employee is entitled to a two-week informal leave with pay during the term of appointment following adoption of a child. Both male and female employees are entitled to an additional two-week informal leave without pay following the adoption of a child. Such a leave shall begin before, or at the time of, the child's placement in the adoptive parent's home, and shall be for the purpose of arranging the child's placement or caring for the child after placement.

## **C. Family and Personal Leaves Without Pay**

*Eligibility.* This policy applies to all academic employees appointed for nine months or longer, except those in the Student and Professional Training category, and those on date-specific appointments, i.e., annual or fixed term appointments. However, this policy shall apply to

those on date-specific appointments who have been employed in the same position at the University for at least seven years.

An academic employee is entitled upon request to leave of absence without pay for up to twelve months following birth or adoption of a child or in the case of a child or spouse with a serious health problem. An academic employee is entitled under the same circumstances to an additional unpaid leave of up to twelve months unless the Vice President for Academic Affairs determines after consultation with the employee, the department head, and the dean that the leave will create substantial and exceptional hardships for students and other faculty. With the exception of unforeseen situations, wherever possible an individual requesting leave under this policy should file the request with the department head at least four months prior to the expected beginning date of the leave. This leave may start immediately following a disability leave related to childbirth or at the end of the six-week maternity leave.

If a family or personal leave ends during an academic term, a faculty member must adjust the leave end to coincide with the beginning of a quarter or semester. A department head and the individual may agree to shorten or lengthen the duration of the leave or make such a leave part-time.

Approved by the Board of Regents June 10, 1983

Amended May 1985

## Appendix G

### Policy on Outside Consulting, Service Activities, and Other Outside Work

#### Preamble

The primary missions of the University that define the professional activities of the faculty<sup>1</sup> are teaching and learning, scholarship (including research and artistic creation), and service to the University and to the wider community. While these missions are usually complementary, they sometimes generate conflicting demands on faculty time. Faculty responsibilities for teaching, scholarship, and administration, for example, must frequently be met off campus, at odd hours, and often exact commitments of evenings and weekends. Similarly, as faculty members respond to the needs of the wider community, they may be required to spend some time on "outside activities" during the "ordinary" working week.

Since outside demands for the talents and expertise of its faculty may on occasion affect University service, guidelines are needed to regulate the proper degree of response to these demands. In general, it seems proper to restrict service activities if they may: 1) interfere with a faculty member's ability to carry out contractual responsibilities; or 2) make use of University resources or facilities.

The University encourages non-University service so long as University responsibilities are fully met. A faculty member may have a talent or be able to provide a service that can be found nowhere else in the community, and employment by the University should not prevent making these talents or services available to a community that seeks them. Indeed, the provision of this talent or service may enhance the faculty member's capacity or reputation as a teacher or scholar and thus directly contribute to the University's primary missions.

The intent of this policy is to: 1) identify professional contributions and services rendered by the University to the outside community; 2) establish mechanisms for assuring the accountability of the University and its faculty with respect to outside activities; and 3) provide rules which attempt to reconcile, as equitably as possible, conflicts between outside demands on faculty members' time and their varied University responsibilities. This document synthesizes, revises, and extends policies which have grown by accretion since the initial Regents' action of 1914.

<sup>1</sup>"Faculty" includes academic administrative and professional staff.

## SECTION I. GENERAL POLICY

### A. *Application of Policy*

This policy statement applies to individuals holding appointments at the faculty rank of instructor and above, and academic administrative and professional staff, for the term of appointment. The term of appointment for a B appointee is nine months—16 September to 15 June; for an A appointee, the term is effectively eleven months, since one month is officially recognized as vacation. For those on less than 100 percent time, or on any other lettered appointment, the policy shall be applied in a manner consistent with the individual's University commitment.

### B. *Definition of Outside Activity and Outside Professional Activity*

"Outside activity" means work for any non-University entity, whether or not performed on the University campus.

"Outside professional activity" is outside activity of a nature requiring the special training, expertise and/or certification that qualifies the faculty member for the particular University appointment.

For certain faculty members, the distinction between involvement in community activities as a citizen and involvement in such activities as a professional is difficult to determine. Faculty members may judge the nature of their community activities and if they deem them to be citizen-related rather than professional activities, such activities may be exempt from the prior approval and reporting requirements of this policy.

For purposes of this policy, work supported by grant or contract funds awarded to the University and accepted by the Board of Regents does not constitute outside activity. Similarly, teaching Extension courses does not constitute outside activity for the purposes of this policy. For some units, community contract and outreach are part of their University responsibilities and, therefore, are not considered an outside activity under the terms of this policy. All such activities will be governed by departmental, collegiate, and other University policies.

### C. *Conditions Under Which Outside Professional Activities are Permitted*

Faculty members may engage in outside professional consulting or service activity which 1) does not interfere with the discharge of their teaching, research, service, and administrative responsibilities to the University; and 2) does not exceed the time limitation on outside commitments specified in Section E below.

### D. *Prior Approval and Reporting of Outside Professional Activities*

This paragraph specifies those activities for which prior approval and/or annual reporting are necessary. The faculty member shall obtain prior approval, when required, in the manner outlined in

Section II. A. below. The faculty member shall report in the manner outlined in Section II. B. below.

1. *Prior Approval*

The faculty member shall obtain prior approval for each outside professional activity that is engaged in for more than an average of one day per month in any single term of University appointment.

2. *Reporting*

The faculty member shall report each outside professional activity that is engaged in for more than three days in any single term of University appointment.

3. *Activities Excluded from the Prior Approval Requirement*

Under the terms of this policy, the following activities do not require prior approval, as they represent normal forms of professional activity:

- a. holding office in a scholarly or professional organization;
- b. editorial office or duties for a learned journal.

These activities, however, must be reported if they are engaged in for more than three days in any single term and, in any case, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities.

4. *Activities Excluded from the Prior Approval and Reporting Requirements*

Under the terms of this policy certain outside activities are expected of faculty members as part of their normal scholarly activities and are therefore exempted from the requirements of prior approval and reporting, and from the time limitations of Section I, Subsection E below.

Among such exempted outside activities are the following:

- a. attendance at professional meetings;
- b. the writing of books or articles or the creation of works of art;
- c. the giving of occasional lectures and speeches, participation in colloquia, symposia, site visits, study sections, and similar gatherings;
- d. *ad hoc* refereeing of manuscripts.

These activities, however, shall not interfere with the discharge of faculty members' other teaching, service, research, or administrative responsibilities. Such activities will be governed by collegiate or academic unit policies.

E. *Time Limitation on Outside Professional Activities*

The outside professional activities of the full-time faculty mem-

ber shall not exceed an average of one day per seven-day week for the term of the appointment.<sup>2</sup>

The activities listed in Section I.D.4. above are excluded from this limitation as they are from the approval and reporting requirements.

The way in which all outside professional activities are scheduled, including the activities listed in Section I.D.4. above, shall, in the judgment of the unit administrator, be compatible with the faculty member's obligations to the University. The arrangements may, if judged necessary by the unit administrator, include provisions for a special contract or reduction in University compensation.

F. *Appearance Before Public Bodies*

Any member of the faculty who testifies either in person or by way of a written communication, before any public body or public official, regarding any issue or matter up for consideration, discussion, or action, and who is identified as a faculty member, shall make known clearly, completely, and candidly whether he or she is, or is not, speaking on the matter as a representative of the University. Where the individual is not speaking for the University, the individual shall either indicate that he or she is speaking for himself or herself, or shall identify the sponsoring individual, corporation, or organization which is supporting or has supported the studies relevant to the testimony, or under whose auspices the individual is appearing or sending the communication. The individual shall also explain the conditions of the association with the sponsor.

G. *Use of the University Name*

No member of the faculty shall use the University name for advertising purposes. A member of the faculty engaging in outside activity may identify his or her association with the University, but shall take care that the name of the University is not used in any way that implies endorsement or approval of the activity.

H. *Use of the Official Stationery or of the University Address*

No member of the faculty shall use the official stationery of the University, or give as a business address any building or unit of the institution in connection with: 1) outside non-professional activities, or 2) outside professional activities engaged in primarily for private purposes.

<sup>2</sup>For those with academic year appointments, this amounts to a maximum of 39 days in the term of appointment; for those with "A" appointments, this amounts to a maximum of 48 days in the eleven months of active service. Faculty members who engage in activities less than a day shall report the fraction of the day devoted to those activities.

I. *Use of University Facilities*

No member of the faculty shall use University equipment or services for activities not relevant to one's University responsibilities in a way that significantly depletes University resources without first obtaining approval<sup>3</sup> for and arranging for payment of a reasonable fee for such services with the University Administration. Use of certain University equipment or services may not require prior approval when it is understood that such equipment or services are generally available to the University faculty for the payment of a reasonable fee.

J. *Holding Public Office*

1. Faculty members share with their fellow citizens the right to campaign for and to hold public office without their employer's prior approval. It is desirable, however, that any faculty member contemplating candidacy for elective political office or appointment to public office where the duties of a campaign or the holding of the office would seriously interfere with the fulfillment of University responsibilities, consult in advance with the appropriate collegiate and administrative units of the University. Consultation should focus on the question of whether or not temporary suspension of some portion of the faculty member's responsibilities can be accommodated without serious impairment of the function of the department or unit involved.
2. When a faculty member is appointed to or elected to public office, e.g., to the State Legislature, requiring absence from University duties for continuous periods of time of one year or less, it is anticipated that normal leave of absence procedures, or other appropriate arrangements such as a special contract or a reduced teaching load with a commensurate adjustment in salary, for the year or portions thereof will be invoked. The faculty member shall provide to the unit administrator as much notice as possible to insure that ample time will be provided the unit to replace or otherwise arrange to meet the absent faculty member's responsibilities. Prior approval by the Board of Regents continues to be required for any full or partial leave of absence.
3. When a faculty member is appointed to or elected to public office requiring continuous full-time service for a specified period of more than two years, it is expected that the individual will resign from the University faculty position after such election or appointment.

When a faculty member's re-election or reappointment to public office causes continuous absence to exceed two years,

<sup>3</sup>B.A. Form 39, Request for Permit for Outside Work.

it is expected that the individual will resign from the University faculty position after such reelection or reappointment.

In the case of appointments for an indeterminate period of time, full or partial leaves of absence may be negotiated annually, or if requests for leave extend beyond reasonable limits, resignation may be expected. The purpose of this section of the policy is to balance public service of University faculty with the University's primary obligations to maintain its teaching programs and foster research and creativity. At the same time, it seeks to encourage public service, including the holding of public office and, in any case, not to interfere with the faculty's right freely to participate in the political process. It is, of course, understood that the faculty member's association with the University should not be misused in campaign activities or campaign literature.

K. *Special Requests for Exemption*

It is recognized that special circumstances arise from time to time in the personal lives of faculty members or in the nature of their University commitments. Because of such circumstances, faculty members may seek exemption from any of the specific provisions of this policy. Such a request shall be made in writing to the unit administrator. The request will be reviewed by the unit administrator, dean, and Academic Vice President in the same manner as for routine requests for prior approval (Section II. A. below). Any activity approved under this provision shall be reported (Section II. B. below).

SECTION II. PROCEDURES FOR APPROVAL, REPORTING, AND MONITORING OF OUTSIDE ACTIVITIES

A. *Prior Approval*

1. Prior approval of the appropriate unit administrator (department, unit, or division chairman) must be secured for those activities specified in Section I as requiring such approval. The faculty member contemplating such activity shall initiate the request for approval. Approval forms may be obtained from the appropriate unit administrator and shall be submitted to that office.
2. The request form for approval shall include the following information: name of faculty member; name of client; type of outside activity involved; period of time during which such activity is to be performed; estimated amount and distribution of time, in days or fractions thereof, to be spent on the activity; whether or not this activity will be compensated,<sup>4</sup> and signature and date.

<sup>4</sup>A "compensated" activity is one for which honoraria, fees, or other benefits over and above expenses are received; reimbursement for expenses is not to be construed as compensation.

3. The request shall be approved or denied by the appropriate unit administrator, within a reasonable time, normally not to exceed two weeks. Failure of the unit administrator to respond within two weeks shall be construed as approval. The request shall then be reviewed by the collegiate dean or campus administrator for academic affairs, and by the Academic Vice President for consistency with the Regents' policy and may be approved or denied at these levels. The faculty member may proceed on the basis of approval by the unit administrator, but shall cease the activity approved by the unit administrator if a denial has occurred at the higher level unless permitted to continue pending appeal. If denied at any administrative level, the reasons shall be stated in writing. In case of denial, the faculty member may request review at the next higher administrative level, up to the office of the Vice President for Academic Affairs. If the faculty member is not satisfied with the action ultimately taken, he or she may invoke the procedures for resolution of disputes between faculty members and the University. In such a case, the Vice President for Academic Affairs shall have the burden of demonstrating that the proposed activity violates this policy.

*B. Procedures for Reporting*

All faculty members shall report to their appropriate unit administrator on an annual basis those activities specified in Section I as requiring such reporting.

1. Forms for annual reporting of these activities shall include: name of faculty member; project description; number of days or fractions thereof spent on the project; dates of initiation and termination of the activity; and signature and date. Copies of these reports shall be filed with the unit administrator and kept for at least five years.
2. These annual reports submitted to the appropriate unit administrator shall be forwarded to the dean or academic vice chancellor. The unit administrator shall also include a statement of the number of denials occurring at that administrative level and the reasons therefore; the statement may identify activities by individual.
3. The dean or academic vice chancellor shall submit these annual reports and statements about denials to the Academic Vice President. The dean or academic vice chancellor shall also include a statement of the number of denials occurring at the administrative level and the reasons therefore.
4. The Academic Vice President shall maintain these records and shall make this information public in manners consistent with University procedures, giving proper attention to right of privacy of individual faculty members.

5. The Academic Vice President shall present to the Board of Regents monthly and quarterly aggregate summaries of noncampus service requests, with the certification that all requests have been examined and conform to Regents' and appropriate administrative policies relating to noncampus service, professional, and consulting activities.

*C. Procedures for Monitoring*

The Academic Vice President, in cooperation with the appropriate dean, shall periodically review a random selection of individual and unit reports in order to evaluate the approval and reporting systems, and shall make recommendations regarding the effectiveness of this policy to the President.

SECTION III  
DISSEMINATION OF POLICY STATEMENT

- A. The Academic Vice President shall annually advise all faculty members of this policy.
- B. All candidates interviewed for faculty positions shall be informed of the University's policy.
- C. Copies of the current policy shall be available in the Academic Vice President's office for distribution in response to requests for information about the University's policy.

SECTION IV. VIOLATION OF POLICY

- A. Students, faculty, and staff may report alleged violations of this policy to the appropriate unit administrator. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the complainant and to the faculty member. If the complainant is not satisfied with the action, the complainant may appeal to the appropriate University grievance committee. The grievance committee shall report its findings in writing to the unit administrator, the faculty member involved, and the complainant. The unit administrator shall take action in accordance with established policies and procedures and shall report the action in writing to the faculty member involved and to the complainant.

- B. Persons who are not members of the University community may report possible violations of this policy to the office of the President.
1. The President shall transmit the complaint to the unit administrator through proper channels.
  2. The unit administrator, after consultation with the faculty member involved, shall investigate the complaint. If the unit administrator finds cause to proceed further, the unit administrator shall take action in accordance with established policies and procedures, but only after consulting with the faculty of the unit. In any event, the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.
  3. If the President concurs, the President shall report the action taken to the complainant. If the President does not concur, the President shall return the complaint through the same channels to the unit administrator requesting consideration by the unit administrator in consultation with the faculty of the unit or an appropriate faculty committee. After such reconsideration the unit administrator shall report the findings and the action taken in writing to the President through the same channels and to the faculty member.
- C. A faculty member affected by a finding of violation of this policy and/or by an action taken by the administration may appeal the action through the procedures established for the resolution of disputes between faculty members and the University. In such an appeal, the administrator shall have the responsibility of demonstrating the fact of violation and the appropriateness of the action.

Approved by the Board of Regents—July 9, 1982  
Amended February 11, 1983

## Appendix H

### Academic Class Titles and Numbers and Appointment Type Symbols

**Groups:**

- 93XX Academic Administrative
- 94XX Faculty Ranks
- 95XX Student/Professional Training
- 96XX Agricultural Extension Service
- 97XX Professional

- 
- 93XX Academic Administrative: appointment types**  
**J—Fixed term beyond one year; date specific**  
**K—Annual, renewable; date specific**  
**L—Limited; restricted to designated administrative staff**  
**M—Acting**
- 

*9301-9399 Academic Administrative Titles*

- 9301 President
- 9302 Vice President
- 9303 Associate Vice President
- 9304 Assistant Vice President
- 9305 Chancellor
- 9306 Associate Chancellor
- 9307 Assistant Chancellor
- 9308 Vice Chancellor
- 9309 Associate Vice Chancellor
- 9310 Assistant Vice Chancellor
- 9311 Dean
- 9312 Associate Dean
- 9313 Assistant Dean
- 9314 University Librarian
- 9315 Secretary to the Board of Regents
- 9317 University Attorney
- 9319 Provost and Vice President for Academic Affairs
- 9320 Vice Provost and Associate Vice President for Academic Affairs
- 9330 Director (University-wide)
- 9331 Associate Director (University-wide)
- 9333 Assistant Director (University-wide)
- 9334 Director (Campus/College level)
- 9335 Associate Director (Campus/College level)
- 9336 Assistant Director (Campus/College level)
- 9337 Departmental Director
- 9338 Associate Departmental Director

9339 Assistant Departmental Director  
9340 Program Director  
9341 Associate Program Director  
9342 Assistant Program Director  
9343 Superintendent, Experiment Station  
9350 Special Assistant  
9351 Administrative Assistant  
9352 Associate to  
9353 Assistant to  
9354 Coordinator  
9360 Chair (with faculty rank)  
9361 Head (with faculty rank)  
9362 Director (with faculty rank)  
9363 Library Division Head  
9364 Waseca Division Director

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**94XX Faculty: appointment types**

**P— Indefinite tenure; regular appointment**  
**N— Probationary (tenure track); regular appointment**  
**C— Special probationary contract calling for a decision concerning tenure; regular appointment**  
**F— Fixed term contract written for more than one fiscal year; non-regular appointment**  
**T— Temporary, cannot extend beyond the fiscal year; renewable, non-regular appointment**  
**A— Adjunct prefix; non-regular appointment**  
**U— Clinical prefix; non-regular appointment**  
**V— Visiting prefix; non-regular appointment**  
**R— Retired**

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**9401-9499 Faculty Ranks**

9401 Professor  
9402 Associate Professor  
9403 Assistant Professor  
9404 Instructor  
\*9406 Research Associate  
\*9407 Research Fellow  
9410 Regents' Professor

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**95XX Student/Professional Training: appointment type**

**T— Temporary, renewable; non-regular appointment; date specific**

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**9511-9563 Student/Professional Training Titles**

9511 Teaching Assistant  
9512 Undergraduate Teaching Assistant I  
9513 Undergraduate Teaching Assistant II  
9514 Professional School Program Assistant I  
9515 Professional School Program Assistant II  
  
9521 Research Assistant  
9522 Undergraduate Research Assistant I  
9523 Undergraduate Research Assistant II  
  
9531 Administrative Fellow  
9538 Legal Project Assistant I  
9539 Legal Project Assistant II  
9544 Pharm D. Associate  
  
9545 Pre-doctoral Assistant  
9546 Post-doctoral Associate  
9547 Extension Summer Assistant  
9548 Veterinary Medical Assistant  
9549 Veterinary Medical Associate  
  
9550 Pre-doctoral Fellow  
9551 Post-doctoral Fellow  
9553 Dental Fellow  
9554 Medical Fellow  
9556 Medical Fellow Specialist  
9557 Psychology Fellow  
9558 Psychology Fellow Specialist  
9559 Dietetic Intern  
  
9560 National Research Service Fellow  
9563 Dental Fellow Specialist

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**96XX Agricultural Extension Service: appointment types**

**G— Continuous; professional staff only**  
**H— Probationary; professional staff only**  
**J— Fixed terms beyond one year; date specific**  
**K— Annual, renewable; date specific**  
**M— Acting; administrative staff only**

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\*Must be appointed prior to 7/1/85

9601-9699 *Agricultural Extension Service Titles*

- { 9621 Extension Educator and Professor
- { 9622 Extension Educator and Associate Professor
- { 9623 Extension Educator and Assistant Professor
- { 9624 Extension Educator and Instructor
- 9625 Extension Educator
- 9626 Extension Fellow
  
- 9631 District Director
- 9632 District Program Leader
- 9633 County Extension Director
  
- 9640 Head

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97XX *Academic Professional: appointment types*

- G—Continuous; professional staff only**
- H—Probationary; professional staff only**
- J— Fixed terms beyond one year, date specific**
- K—Annual, renewable, date specific**

9701-9794 *Academic Professional Titles* (brackets identify promotional sequence)

- { 9701 Senior Research Associate
- { 9702 Research Associate
- 9703 Research Fellow
- { 9704 Senior Counselor
- { 9705 Counselor
- 9706 Assistant Counselor
- { 9707 Senior Academic Advisor
- { 9708 Associate Academic Advisor
- { 9709 Assistant Academic Advisor
- 9710 Hormel Fellow
- { 9713 Librarian
- { 9714 Associate Librarian
- { 9715 Assistant Librarian
- { 9716 Senior Development Officer
- { 9717 Development Officer
- { 9718 Associate Development Officer
- { 9720 Senior Physician
- { 9721 Physician
- 9722 Dentist
- { 9723 Senior Psychologist
- { 9724 Psychologist
- { 9725 Senior Psychiatric Social Worker
- { 9726 Psychiatric Social Worker
- { 9727 Senior Public Health Specialist
- { 9728 Public Health Specialist

- { 9729 Continuing Education Specialist
- { 9730 Associate Continuing Education Specialist
- { 9731 Assistant Continuing Education Specialist
- { 9732 Clinical Specialist
- { 9733 Associate Clinical Specialist
- { 9734 Assistant Clinical Specialist
- { 9735 Senior Attorney
- { 9736 Attorney
- 9737 Legal Assistant
- 9738 Professional Director
- { 9739 Curator
- { 9740 Associate Curator
- { 9741 Assistant Curator
- { 9742 Senior Counselor/Advocate
- { 9743 Counselor/Advocate
- 9744 Early Childhood Specialist
- { 9745 Education Specialist
- { 9746 Associate Education Specialist
- { 9747 Assistant Education Specialist
- { 9748 Associate University Attorney
- { 9749 Assistant University Attorney
  
- 9750 University Fellow\*
- 9751 Senior Fellow\*
- 9752 Fellow\*
- 9753 Lecturer\*
- 9754 Teaching Specialist\*
- 9755 Research Specialist\*
- 9756 Clinical Preceptor\*
- 9758 Technical College Laboratory Teacher
  
- 9791 Head Coach
- 9792 Coach
- 9793 Assistant Coach
- 9794 Athletic Trainer

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*Miscellaneous Appointments*

**Z—Miscellaneous; non-regular appointment**

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July 1985

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\*Persons may not hold probationary/continuous appointment in these titles.

Note: These titles are updated periodically. Contact the Office of the Vice President for Academic Affairs for the most recent listing.

# Appendix I

## Economic Fringe Benefits for Academic Employees

Benefits are determined by class number, percent time, and duration of appointment. Percentages refer to minimum salaried employment time for eligibility.

Class Numbers corresponding to class titles:	State Plan Ins. (Health, Dental, Life)	Faculty Ins. (Life, Disability)	Faculty Retirement	Social Security
	75%, 3 months	100%, 9 months	100%, 9 months	100%
93XX Administrative	X	X	X <sup>a</sup>	X
94XX Faculty Ranks	X	X	X <sup>b</sup>	X
95XX Student/Training Titles				
9501 through 9549 <sup>c</sup>	X	O	O	O
9550 through 9599	O	O	O	O
96XX Agricultural Extension Service	O	O <sup>d</sup> Federal	O Federal	O <sup>e</sup>
97XX Professional Titles <sup>f</sup>	X	X	X <sup>a</sup>	X

### Footnotes:

- <sup>a</sup> Faculty Retirement Plan waiting periods for Administrative and Professional classes are determined by salary. Qualifying salary levels are adjusted for each fiscal year.
- <sup>b</sup> Faculty Retirement Plan waiting period is based on rank.
- |                     |            |
|---------------------|------------|
| Professor           | No waiting |
| Associate Professor | No waiting |
| Assistant Professor | 2 years    |
| Instructor          | 3 years    |
- Tenured faculty at 67%-99% time for the academic year qualify for Insurance and prorated Retirement benefits.
- Faculty ranks with Visiting, Clinical, and Adjunct prefixes are ineligible for Insurance and Retirement benefits.
- <sup>c</sup> Undergraduate student positions (currently 9512, 9513, 9514; 9522, 9523; 9547) are not eligible.
- <sup>d</sup> 100% time University-payrolled federal appointees receive Disability Insurance benefits only.
- <sup>e</sup> Social Security coverage was extended to Federal appointments hired as of 1/1/84. The employee/employer contribution rates are set differently. For more information, contact the Minnesota Extension Personnel office.
- <sup>f</sup> The following academic professional titles are not eligible for Faculty Insurance and Retirement benefits:
- 9753 Lecturer
  - 9754 Teaching Specialist
  - 9755 Research Specialist
  - 9756 Clinical Preceptor
  - 9757 Academic Advising Specialist