

**UNIVERSITY OF MINNESOTA**

**BOARD OF REGENTS**

**Faculty, Staff and Student Affairs Committee**

**Thursday, June 9, 2011**

**1:30 – 3:30 p.m.**

**600 McNamara Alumni Center, West Committee Room**

**Committee Members**

Dean Johnson, Chair  
Laura Brod  
Linda Cohen  
David Larson  
David McMillan  
Maureen Ramirez

**Student Representatives**

**A G E N D A**

1. Board of Regents Policy: Faculty Tenure - Action - T. Sullivan/A. Carney (pp. 2-38)
2. Annual UPlan Health Insurance Update - D. Chapman (pp. 39)
3. Resolution: Faculty Retirement Plan Contribution Changes for New Employees - Review - R. Jones (pp. 40-42)
4. Leadership Development for Faculty - T. Sullivan/A. Carney (pp. 43-55)
5. Consent Report - Review/Action - R. Jones (pp. 56-95)
6. Information Items - R. Jones (pp. 96-102)



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Board of Regents Policy: Faculty Tenure

review       review/action       action       discussion

**Presenters:** Senior Vice President/Provost Thomas Sullivan  
Vice Provost Arlene Carney

**Purpose:**

policy       background/context       oversight       strategic positioning

To review the proposed revisions to the Board of Regents Policy: *Faculty Tenure*. The *Faculty Tenure* policy was last revised in June, 2007 as a result of strategic positioning and its focus on recruiting, retaining, and rewarding excellent faculty. At that time, the Faculty Senate unanimously approved changes that increased the rigor of the University-wide standards for tenure and for promotion to the rank of professor, that clarified departmental requirements for tenure and promotion, that added conditions for extensions to the maximum period of probationary service, and that addressed more directly the breadth of work in research, teaching, and service that is done at the University including areas of interdisciplinarity, technology transfer, public engagement, and attention to questions of diversity. The proposed revisions to the *Faculty Tenure* policy in 2011 provide for: clarity of process and consistency of language throughout the policy, addition of language describing academic freedom and responsibility, changes to the conditions for extending the maximum period of probationary service, and changes to the process of voting for tenure and promotion.

**Outline of Key Points/Policy Issues:**

The Academic Freedom and Tenure Committee of the Faculty Senate drafted revisions to the *Faculty Tenure* policy [also referred to as the tenure regulations] in 2010-2011 to improve the clarity and consistency of processes and language throughout the policy, following the implementation of major revisions to increase the rigor of standards for tenure and for promotion to professor in 2007. In the intervening four years, there were several areas of the policy that continued to raise questions as departments, colleges, and campuses evaluated faculty for tenure and for promotion. These included sections that addressed: the conditions and time periods for receiving extensions of probationary periods to continue to increase the family friendliness of the regulations, the types and ranks of probationary faculty appointments, and the process of voting for tenure and promotion. Language describing academic freedom and responsibility is made consistent with the Regents Policy: *Academic*

*Freedom and Responsibility.* In addition, there were changes to the footnotes and interpretations to the tenure regulations that improved their usefulness and consistency.

These changes that were made by the Academic Freedom and Tenure Committee were reviewed throughout the spring 2011 by the Faculty Consultative Committee of the Faculty Senate and by the Senior Vice President for Academic Affairs and Provost with feedback provided to the originating committee.

The proposed revisions were sent to all faculty for comment, were presented to an open meeting of faculty for discussion, and were brought to the Faculty Senate for vote on February 24, 2011. They were approved unanimously with a recommendation that the Senior Vice President for Academic Affairs and Provost present the revised policy to the Board of Regents.

Attached is the revised policy on *Faculty Tenure*. Sections to be deleted are struck through. Sections and wording to be added are underlined.

### **Background Information:**

The proposed revised policy would supersede the following policy Board of Regents Policy: *Faculty Tenure*, last revised in 2007.

### **President's Recommendation for Action:**

The President recommends approval of the proposed revisions to the Board of Regents Policy: *Faculty Tenure*.

## FACULTY TENURE

Adopted: February 9, 1945

Amended: November 22, 1963; April 10, 1964; January 13, 1967; December 8, 1972; March 13, 1981; February 8, 1985; September 13, 1991; March 12, 1993; November 10, 1994; October 10, 1995; November 7, 1996; December 13, 1996; June 13, 1997; September 12, 1997; June 9, 2000; March 9, 2001; June 8, 2007; Month, Day, Year.

### PREAMBLE

The Board of Regents adopts these regulations with the conviction that a well-defined statement of rules is essential to the protection of academic freedom and to the promotion of excellence at the University of Minnesota. A well-designed promotion and tenure system ensures that considerations of academic quality will be the basis for academic personnel decisions, and thus provides the foundation for academic excellence.

Tenure is the keystone for academic freedom; it is essential for safeguarding the right of free expression and for encouraging risk-taking inquiry at the frontiers of knowledge. Both tenure and academic freedom are part of an implicit social compact which recognizes that tenure serves important public purposes and benefits society. The people of Minnesota are best served when faculty are free to teach, conduct research, and provide service without fear of reprisal and to pursue those activities with regard for long term benefits to society rather than short term rewards. In return, faculty have the responsibility of furthering the institution's programs of research, teaching, and service, and are accountable for their performance of these responsibilities. Additionally, a well-designed tenure system attracts capable and highly qualified individuals as faculty members, strengthens institutional stability by enhancing faculty members' institutional loyalty, and encourages academic excellence by retaining and rewarding the most able people. Tenure and promotion imply selectivity and choice; they are awarded for academic and professional merit, not for seniority. The length and intensity of the review leading to the grant of tenure ensures the retention only of well-qualified faculty committed to the University's mission.

The ideal attributes of the collective faculty of any unit are scholarly creativity, professional competence and leadership, intellectual diversity, the ability and desire to teach effectively and the willingness to cooperate with other units in promoting the work and welfare of the University as a whole. The administration and faculty should ensure, within each unit, not only a proper balance among these activities but also the maintenance of each at the highest level, together with accountability and suitable recognition of individual achievement and service.

---

The *Faculty Tenure* regulations contain both footnotes and interpretations. Footnotes are numbered and are indicated in the text with the abbreviation [FN#]. Footnotes are shown at the bottom of each page on which footnote markers appear in the text; these add information about specific terms or phrases in the regulations. Interpretations are numbered and are indicated in the text with the abbreviation [INTERP#]. Interpretations appear at the end of the regulations; these are added to clarify or modify the meaning of a section or subsection.

The tenure regulations provide a comprehensive set of policies dealing with the relationship between the University and its faculty. The regulations classify the faculty as tenured, probationary and term. They provide for annual performance reviews of all faculty, as well as especially thorough reviews before the granting of tenure, on promotion in rank, and when the performance of a tenured faculty member is alleged to be substandard. They provide for the reassignment of faculty in case of the reorganization of the University or changes in its scholarly direction, and for discipline when a faculty member fails to meet prescribed standards of conduct.

## DEFINITIONS

For the purposes of this policy, the terms defined in this section have the meanings given them.

\* (a) an "academic unit" is a department or similar unit. A school, college or division that is not further subdivided is also an academic unit.

\* (b) "faculty member" means every faculty member employed by the University of Minnesota System.

\* (c) the "head" of an academic unit is the academic administrator immediately responsible for it, such as a chair, head or director.

\* (d) a "collegiate unit" or "college" is a major academic entity of the University. It may be a college, school, ~~institute~~ or campus.

\* (e) the "dean" of a collegiate unit is the academic administrator immediately responsible for it, such as a dean or director or (on a campus that is not subdivided into colleges) a vice-chancellor.

\* (f) a "senior academic administrator" is an officer who has final administrative review authority on academic personnel decisions, and who reports directly to the president and regents, such as a vice president, chancellor, or provost. The president will designate one or more senior academic administrators and define their respective jurisdictions.

\* (g) the "senior vice president for academic affairs and provost" is the officer (of whatever title) holding primary responsibility for the development of University-wide academic policy. This officer may also serve as senior academic administrator for some or all of the University, if so designated by the president.

\* (h) "tenured faculty" are those faculty who hold indefinite tenure.

## FACULTY TENURE

### **Section 1. Academic Freedom.**

**1.1 Principles.** Every member of the faculty is entitled to due process and academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota and as amplified by

resolutions of the Board of Regents. The Board of Regents hereby reaffirms its commitment to academic freedom and tenure as reflected in its resolution of January 28, 1938, ~~and in the statement of December 14, 1963, which are set forth in the appendix to these regulations~~ in these Faculty Tenure regulations, and in its policy on Academic Freedom and Responsibility; ~~The policies of the Board of Regents regarding academic freedom are currently stated in the board's statement of September 8, 1995, which provides:~~

The Regents of the University of Minnesota reaffirm the principles of academic freedom and responsibility. These are rooted in the belief that the mind is ennobled by the pursuit of understanding and the search for truth and the state well served when instruction is available to all at an institution dedicated to the advancement of learning. These principles are also refreshed by the recollection that there is *commune vinculum omnibus artibus* -- a common bond through all the arts.

Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression and to speak or write ~~as a public citizen without institutional discipline or restraint~~ on matters of public concern as well as on matters related to professional duties and the functioning of the University.

Academic responsibility implies the faithful performance of ~~academic~~ professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that, ~~the individual is not~~ when one is speaking on matters of public interest, one is not speaking for the institution in matters of public interest.

**1.2 Protection Of Faculty.** Denial of faculty appointment or reappointment or removal or suspension from office or censure or other penalty must not be based upon any belief, expression or conduct protected by law or by the principles of academic freedom. Cases of alleged violation of academic freedom may be brought directly to the Judicial Committee in accordance with Section 15.

## **Section 2. Applicability Of Regulations And Continuity Of Appointments To Employment Contracts.**

~~**2.1 Employment Contracts.**~~ These regulations govern the relationship between the Board of Regents and faculty members, except as inconsistent with the provisions of collective bargaining agreements. These regulations are part of the contract between the Board of Regents and faculty members.

~~**2.2 Continuation Of Existing Appointments.**~~ On the effective date of these regulations, every person holding a faculty appointment governed by the 1945 regulations concerning faculty tenure as amended, will hold the same kind of appointment under these regulations, whether or not their appointments are appropriate for such status under these regulations.

## **Section 3. Faculty Ranks And Types Of Appointments.**

**3.1 In General.** The faculty ranks are professor, associate professor, assistant professor, and instructor. Faculty appointment is appropriate only if the ~~individual person~~ is engaged in teaching or research as defined in ~~subsection section~~ 7.11. Appointments at these ranks are either regular tenured or tenure-track appointments or term appointments. An appointment must be designated as a regular or a term appointment when it is made.

**3.2 Regular Appointments.** A regular appointment is either is with indefinite tenure or is probationary, leading to a decision concerning indefinite tenure within a specified period of time. ~~A faculty member with indefinite tenure is entitled to retain that position until retirement in accordance with University regulations or until the appointment is terminated pursuant to the provisions of sections 10 or 11.~~ A regular appointment may be held only in an academic unit of a degree-granting college or similar unit. A regular appointment must be for at least two-thirds time of the faculty member's contract year [i.e. either an academic year or twelve months].

A faculty member on probationary appointment ~~is; entitled to consideration for indefinite tenure in accordance with section 7 and to timely notice of termination in accordance with section 6.~~

- ~~1. is entitled to consideration for indefinite tenure; and~~
- ~~2. is entitled to timely notice of termination in accordance with Section 6.~~

~~A regular appointment may only be held in an academic unit of a degree-granting college, or similar unit. A regular appointment must be for two thirds time or more over the academic year.~~

A faculty member with indefinite tenure is entitled to retain that position until retirement in accordance with University regulations or until the appointment is terminated pursuant to the provisions of sections 10 or 11.

**3.3 Term Appointments.** A term appointment is date-specific; that is, the appointment terminates at the end of a period specified in the appointment without further notice to the appointee. The senior academic administrator for the campus or area must give every person appointed to a term faculty position a statement in writing setting forth the conditions of the appointment, including the fact that it terminates without further notice.

No number of renewals of a term appointment creates a right to further renewals or to a decision concerning tenure. Every renewal of a term appointment for the seventh or succeeding year must be reported to the Tenure Committee with a justification of the reasons for the continuation of term status.

**3.4 Appropriate uses of term appointments.** Term appointments are appropriate and may be used provided one or more of the following conditions is met:

\* (1 a) the duration, the percentage of time, or both require less than service for two-thirds time for the academic year;

\* (2 b) the appointment is designated a Visiting appointment because the faculty member is from another educational institution or is a qualified professional from a government or private agency on a leave of absence to accept a temporary appointment at this University;

\* (3 c) the appointment is designated a clinical appointment because the faculty member is a clinician in the community who gives service to the University part-time;

\* (4 d) the appointment concerns a faculty member who principally is engaged in and primarily is supported by clinical activities or by discipline-related service. [FN1]

\* (5 e) the appointment is designated an adjunct appointment because the faculty member's primary employment is outside the University or is in another unit of the University;

\* (6 f) the appointment extends courtesy faculty rank without salary;

\* (7 g) the position is subject to the joint control of the University and another institution;

\* (8 h) the specific funding for the position is subject to the discretion of another agency;

\* (9 i) the funding for the position is for a limited time;

\* (10 j) the appointment is in a unit or program that is experimental or otherwise restricted in duration; and

\* (11 k) the person is enrolled in a University of Minnesota degree program. A regular faculty member on a probationary appointment may transfer to term status during enrollment in such a program if the faculty member and the senior academic administrator agree. This transfer suspends the running of the maximum period of probationary service, but the faculty member retains other rights of regular appointment, including annual review, the right to timely notice and a terminal appointment period as provided in ~~Section~~ section 6.

**3.5 Administrators' Appointments.** Academic administrators may hold regular or term faculty appointments. Administrative titles and duties are distinct and severable from such individuals' faculty appointments. Removal from an administrative position does not impair any rights the individual holds as a faculty member. Upon leaving an administrative position, the individual returns to faculty status, with salary and term of appointment reduced by the amount of the administrative augmentation, if any.

**3.6 Special Contracts.** These regulations do not bar a faculty appointment pursuant to a special contract specifying terms or conditions of employment which are different from those prescribed in these regulations. All other provisions of these regulations apply to such appointments. Every special contract must be in writing and must state that it is a special contract entered into pursuant to this subsection. It must be signed by the faculty member concerned, by the dean of the collegiate unit in which the faculty member will be employed and by the senior academic administrator and must be authorized by the Board of Regents or its expressly authorized delegate. In addition, the senior academic administrator will annually report to the Tenure Committee the terms of all special contracts and the reasons for their use.



[FN 1] "Service" means performance within the faculty member's expertise, other than teaching and research as defined in ~~section~~ subsection 7.11.

A special contract may be used to reduce the minimum time of a regular appointment to one-half time in order to permit a faculty member to devote more time to family responsibilities. Such a contract must provide for the mutual responsibilities of the faculty member and the academic unit, including the type and percent time of the appointment, if any, to which the faculty member is entitled at the expiration of the special contract. In the case of a probationary faculty member, the contract will regulate the length of the probationary period, but the total probationary period may be extended by no more than a total of ~~two~~ three years pursuant to this ~~Section~~ subsection and subsection 5.5.

#### **Section 4. Terms Of Faculty Employment.**

**4.1 Written Notice Of Appointment.** Each faculty appointment or change of status is specified in a written notice of appointment issued by or on behalf of the Board of Regents. The notice must include the following:

- ~~1-~~ (a) Whether the appointment is regular or term;
- ~~2-~~ (b) Whether it is full or part-time and the percentage of time involved;
- ~~3-~~ (c) If for a fixed term, its expiration date;
- ~~4-~~ (d) If regular, whether it is probationary or with indefinite tenure;
- ~~5-~~ (e) Whether it is on a twelve-month, academic year or other specified annual basis;
- ~~6-~~ (f) The rank of appointment;
- ~~7-~~ (g) The academic unit or units to which the individual is being appointed;
- ~~8-~~ (h) The recurring salary; and
- ~~9-~~ (i) Additional salary as described in ~~Section~~ subsection 4.4.

The notice is only evidence of the appointment; clerical or computer errors in a notice of appointment do not affect the terms of the appointment unless the faculty member reasonably relied upon the mistake and suffered an injustice because of that reliance. Notices required by this section should be delivered before the effective date of the appointment or change of status, or as soon thereafter as is administratively feasible. A probationary appointee must also be given notice of the applicable maximum probationary period.

**4.2 Action By The Board Of Regents.** Faculty appointments and renewals or changes of status become effective when approved by the Board of Regents or its authorized delegate.

#### **4.3 Changes In Terms Of Appointment Other Than Faculty Compensation.**

Except for raises in rank and except for action expressly authorized by these regulations, no changes of (~~1~~ a) through (~~7~~ g) items listed in subsection 4.1 may be made during the term of an appointment except with the agreement of the faculty member and the Board of Regents or its authorized delegate.

**4.4 Faculty Salaries.** [INTERP 1] Each faculty member shall receive a recurring salary, and may also receive an additional salary which may be for special awards or for activities in addition to regular faculty responsibilities such as clinical practice, administrative service, overload duties, summer school teaching and summer research support and similar activities.

Recurring salary will not be decreased except by action expressly authorized in this section or in ~~Sections~~ sections 7a, 10, 11, or 14 of these regulations or with the agreement of the faculty member. If a faculty member's recurring salary is decreased, the amount of the decrease and the reason therefore shall be set forth in a written notice and provided to the faculty member. No decrease in recurring salary shall occur in violation of the academic freedom of the faculty member.

At the time an appointment is made, the offer and written notice of appointment shall separately state the recurring salary and any additional salary, as described above, that the faculty member will receive. In each subsequent year, the faculty member shall be provided with a written notice separately stating any changes in recurring salary and any changes in additional salary for the following academic year. A faculty member's recurring salary shall consist of the initial recurring salary adjusted by any subsequent increase or decrease in recurring salary provided for in a subsequent written notice. Increases will be presumed to be in recurring salary unless otherwise identified. For a faculty member employed when this section takes effect, the initial recurring salary will be the faculty member's recurring salary at the time this section takes effect, exclusive of any additional salary designated as special awards or designated as being for activities in addition to regular faculty responsibilities such as clinical practice, administrative service, overload duties, summer school teaching, summer research support and similar activities.

A faculty member whose recurring salary has been decreased may petition for review of that action under ~~Section~~ section 15 of these regulations.

**4.5 Reduction Or Postponement Of Compensation.** If the University or a collegiate unit is faced with financial stringency that does not amount to a fiscal emergency, the president may propose a temporary reduction or postponement in compensation to be allocated to faculty in accordance with a mathematical formula or similar device. If approved by the Faculty Senate or the appropriate collegiate assembly, respectively, and the Board of Regents, the recurring salary of all faculty members in the University or in the designated collegiate units shall be reduced temporarily in accordance with the formula or device. The reduction may not continue for longer than two years, unless renewed by the same procedure. [INTERP 2]

## **Section 5. Maximum Period Of Probationary Service.**

**5.1 General Rule.** To give the University ample opportunity to determine the qualifications of those faculty members whom it is considering for regular appointments with indefinite tenure, the maximum period of probationary service of a faculty member is normally six academic years, whether consecutive or not. The faculty assembly of a collegiate unit may propose to alter the maximum probationary period for all of that college, or for certain units within it, to no more than nine years. The tenured faculty of a college, by simple majority vote taken by secret ballot, may adopt such a change, with the approval of the dean and of the senior academic administrator. Any such change in the maximum probationary period applies to all probationary faculty hired in that college (or those units) after the decision, but any incumbent probationary faculty member may choose to be considered under the new rule. At the end of this probationary period, the faculty member must either be given a regular appointment with indefinite tenure or a one-year terminal appointment.

**5.2 Early Decisions Permitted.** These regulations do not prevent the granting of indefinite tenure prior to the expiration of the maximum period of probationary service and do not prevent a decision to terminate an appointee's probation prior to the end of the appointee's maximum probationary service, if timely notice is given.

**5.3 Crediting Of Academic Year.** A faculty member is considered to have served an academic year if the ~~appointee~~ faculty member serves at least two-thirds time during the faculty member's contract year [i.e. either an academic year appointment or twelve months].

Unless otherwise agreed in writing, periods during which a faculty member is on a single-semester or other paid professional-development leave or is on leave to teach or conduct research at another academic institution, count as probationary service. ~~but periods~~ Periods in which the faculty member is on sick or disability leave, or is on leave in some non-faculty capacity, do not count as probationary service.

If a faculty member transfers to a position outside of the regular faculty, the time spent in the other position does not count as probationary service for the purpose of ~~this~~ section 5.

#### **5.4 Prior Service.**

**5.41 In This University.** Every academic year during which a faculty member has previously served at least two-thirds time under a regular appointment at this University reduces the maximum period of probationary service by one year.

**5.42 Elsewhere.** If a faculty member has previously served in regular faculty positions, as defined in these regulations, in one or more accredited universities or colleges, every academic year of such service (not exceeding three) reduces the maximum period of probationary service by one year.

**5.43 Exceptions Permitted.** If the prior service was in a different discipline, was in an academic unit or institution with teaching or research goals not comparable to those of the present appointment, or was too long ago to provide good evidence of the appointee's current professional development, the Board of Regents or its expressly authorized delegate may make an exception in writing at or near the beginning of the probationary period.

#### **5.5 ~~Exception~~ Extension Of Maximum Probationary Period For New Parent Or Caregiver, Or For Personal Medical Reasons.**

Upon the written request of a probationary faculty member, The the maximum period of that faculty member's probationary service will be extended by one year at a time for each request; at the request of a probationary faculty member:

~~1-~~ (a) On the occasion of the birth of ~~that~~ the faculty member's child or placement of an adoptive/foster placement of a child with ~~that~~ the faculty member. Such a request for extension will be granted automatically if the faculty member notifies the unit head, dean, and senior vice president for academic affairs and provost in writing that the faculty member is eligible for an extension under subsection 5.5 because of the birth or adoption/foster placement; or

~~2. (b) When~~ If the faculty member is a major caregiver for a family member [2] who has with an extended serious illness, injury, or debilitating condition, and the senior vice president for academic affairs and provost determines that the circumstances have had or are likely to have a substantial negative impact on the faculty member's ability to work over an extended period of time; A faculty member may use this provision no more than two times; or

~~3. (c) When~~ If the faculty member has an extended serious illness, injury, or debilitating condition, and the senior vice president for academic affairs and provost determines that the circumstances have had or are likely to have a substantial negative impact on the faculty member's ability to work over an extended period of time. If the faculty member's illness, injury, or debilitating condition reduces the faculty member's ability to work to less than two-thirds time during the faculty member's contract year [i.e., the academic year or twelve months], the probationary period is automatically extended by one year in accordance with subsection 5.3.

"Family member" means a faculty member's spouse or domestic partner, child, or other relative. "Child" includes a biological child, an adopted or foster child, and the child of a spouse or domestic partner.

The probationary period may be extended for no more than three years total, except that the extension may be for no more than one year total for (1) an instructor with a probationary appointment under subsection 6.22 or (2) an associate professor or professor with a three-year probationary appointment under subsection 6.21.

The notification of birth or adoption/foster placement for provision (a) and the request for extension for provisions (b) and (c) in this subsection must be made in writing within one year of the events giving rise to the claim and no later than June 30 preceding the year a final decision would otherwise be made on an appointment with indefinite tenure for that faculty member.

A request for an extension under provision (b) or (c) will not be denied without first providing the faculty member making the request with an opportunity to discuss the request in a meeting with an administrator designated by the senior vice president for academic affairs and provost. A claim that a request for an extension under provision (b) or (c) was improperly denied may be considered in any subsequent review by the Senate Judicial Committee of a termination under subsection 7.7.

## **Section 6. Tenure And Promotion For Of Probationary Faculty Members On Regular Probationary Appointments.**

**6.1 In General.** A regular probationary appointee is a candidate for indefinite tenure. A probationary appointment continues until it is superseded by an appointment with indefinite tenure or until terminated by timely notice or by resignation. Regular probationary appointments are ~~generally~~ normally made at the rank of assistant professor, but may be made at ~~any rank~~ the rank of instructor, associate professor, or professor.

**6.2 Requirements For Notice Requirements of Termination.** Except as provided below, a probationary appointment may be terminated at the end of any academic year by giving the faculty member notice of termination (in the form provided in ~~Section~~ section 17) not later than May 15 of the preceding

academic year. The notice must inform the faculty member of the right to request a hearing before the Judicial Committee and must advise the faculty member of the applicable time limit for making such a request.

**6.21 Associate Professors And Professors On Probationary Appointments.**

An initial probationary appointment at the rank of associate professor or professor may specify in writing that it is for a minimum period of three years. In ~~that~~ such a case, the probationary period is three years and the appointment may not be terminated before the end of the third year except as otherwise provided in these regulations; notice for such a termination must be given to the faculty member not later than the earliest time at which notice of termination can be given is before May 15 of the second year of service, to take effect at the end of the third year of service.

**6.22 Instructors On Probationary Appointments.** An initial probationary appointment at the rank of instructor may be made only if the candidate has not yet received the terminal degree necessary for appointment as an assistant professor in the unit.

~~A probationary appointment at the rank of instructor may be for no more than two years. A one-year appointment specify in writing that it is only for a minimum period of one year. The appointment may be terminated at the end of the first year by notice given not later than March 1 of that year. or A two-year appointment may be terminated at the end of the second year by notice given not later than December 15 of that year. In all other respects such appointments are governed by the notice provisions specified in subsection 6.2. A promotion of an instructor to the rank of Assistant Professor without a grant of tenure does not affect the operation of this subsection.~~

The duration of the appointment as an instructor with probationary status counts toward the appointee's maximum period of probationary service under subsection 5.1. At the end of the probationary period as an instructor, the faculty member must be promoted to the rank of assistant professor or receive notice of termination.

**6.3 Relation Between Tenure And Promotions.** ~~The promotion of a probationary appointee to the rank of associate professor or professor must be accompanied with an appointment with indefinite tenure. A promotion to assistant professor does not affect the faculty member's tenure status.~~

Only regular faculty members at the ranks of associate professor and professor may hold indefinite tenure. [INTERP 7]

The granting of indefinite tenure to an assistant professor on a probationary appointment must be accompanied by promotion to associate professor. The promotion of an assistant professor on a probationary appointment to the rank of associate professor must be accompanied by an appointment with indefinite tenure. The choice whether to award tenure and to promote is presented as a single question for faculty vote.

An associate professor with a probationary appointment may be granted indefinite tenure without a promotion in rank.

The promotion of an associate professor on a probationary appointment to the rank of professor must be accompanied by an appointment with indefinite tenure.

Promotion of an instructor to the rank of assistant professor is not accompanied by an appointment with indefinite tenure.

~~**6.4 Rank Of Appointees With Indefinite Tenure.** The grant of tenure to an instructor must be accompanied with a promotion to assistant professor. Since the standards for granting tenure are ordinarily at least as rigorous as those for promotion to associate professor, the granting of tenure to an assistant professor will ordinarily be accompanied by a promotion to associate professor. Otherwise, a grant of indefinite tenure need not be accompanied with a promotion in rank.~~

~~6.5~~ **6.4 Effect Of Failure To Comply With This Section Procedural Errors.** A probationary faculty member is not No one is entitled to an appointment with indefinite tenure merely because the University failed to give timely written notice of termination of an appointment or because the appointment was extended for any reason comply with this section. If an individual is given an extension of appointment beyond the maximum probationary period, or is not given timely written notice, In such a case, the University may either in its sole discretion:

- ~~1-~~ (a) Grant an appointment with indefinite tenure;
- ~~2-~~ (b) Grant a further probationary appointment, if this would not exceed the maximum probationary period; or
- ~~3-~~ (c) Grant a terminal appointment ending at the end of the first full academic year which follows the May 15th after proper notice is given.

## **Section 7. Personnel Decisions Concerning Probationary Faculty.**

### **7.1 Criteria For Decisions.**

**7.11 General Criteria.** What the University of Minnesota seeks above all in its faculty members is intellectual distinction and academic integrity. The basis for awarding indefinite tenure to the candidates possessing these qualities is the determination that each has established and is likely to continue to develop a distinguished record of academic achievement that is the foundation for a national or international reputation or both [FN2 3]. This determination is reached through a qualitative evaluation of the candidate's record of scholarly research or other creative work, teaching, and service [FN3 4].

---

[FN 2] "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.

[FN 3] The persons responsible and the process for making this determination are described in subsections 7.3 through 7.6.

"Scholarly research" must include significant publications and, as appropriate, the development and dissemination by other means of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas of significance and value to society.

"Other creative work" refers to all forms of creative production across a wide range of disciplines, including, but not limited to, visual and performing arts, design, architecture of structures and environments, writing, media, and other modes of expression.

"Teaching is not limited to classroom instruction. It includes extension and outreach education, and other forms of communicating knowledge to both registered University students and persons in the extended community, as well as supervising, mentoring, and advising students.

"Service" may be professional or institutional. Professional service, based on one's academic expertise, is that provided to the profession, to the University, or to the local, state, national, or international community. Institutional service may be administrative, committee, and related contributions to one's department or college, or the University. All faculty members are expected to engage in service activities, but only modest institutional service should be expected of probationary faculty.

The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision [FN4 5]. Demonstrated scholarly or other creative achievement and teaching effectiveness must be given primary emphasis; service alone cannot qualify the candidate for tenure.

Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, and other special kinds of professional activity by the candidate should be considered when applicable. The awarding of indefinite tenure presupposes that the candidate's record shows strong promise of his or her achieving promotion to professor.

**7.12 Departmental Statement.** [FN5 6] Each department or equivalent academic unit must have a document that specifies (1) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 7.11 ("General Criteria" for the awarding of indefinite tenure); ~~and~~ (2) the indices and standards that will be used to determine whether candidates meet the threshold criteria of subsection 9.2 ("Criteria for Promotion to Professor"); ~~and~~ (3) the goals and expectations to be used in evaluating faculty members' performance under subsection 7a ("Review of the Performance of Faculty Members"). The document must contain ~~as an appendix~~ the text and footnotes of subsections 7.11 and 9.2, and must be consistent with the criteria given there but may exceed them. Each departmental statement must be approved by a faculty vote (including both tenured and probationary members), the dean, and other appropriate academic administrators, including the senior vice president for academic affairs and provost. The chair or head of each academic unit must provide each probationary faculty member with a copy of the Departmental Statement at the beginning of the probationary service. [INTERP 3]

**7.2 Annual Review.** The tenured faculty [FN6 7] of each academic unit annually reviews the progress of each probationary faculty member toward satisfaction of the criteria for receiving tenure. The head of the unit prepares a written summary of that review and discusses the candidate's progress with the candidate, giving a copy of the report to the candidate.

**7.3 Formal Action By The Faculty.** The tenured faculty of the academic unit may recommend that a probationary faculty member be granted indefinite tenure or that the appointment be terminated. If it does neither, it is presumed to recommend a renewal of the appointment. In the final probationary year, if the tenured faculty does not recommend an appointment with indefinite tenure, it must recommend termination of the appointment. The recommendation is made by a vote of the regular faculty with indefinite tenure in the unit. The presiding officer is not disqualified from voting merely because of office.

---

[FN 4] Indefinite tenure may be granted at any time the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if the appointee is not making satisfactory progress within that period toward meeting the criteria.

[FN 5] "Departmental" refers to an academic department or its equivalent, such as division, institute, or unit.



[FN 6] As used in this policy, “tenured faculty” means those members of the faculty who hold indefinite tenure.

**7.4 Procedures For Taking Formal Action.** The academic unit must observe University procedures established as provided in subsection 16.3. These procedures will provide the following:

\* (a) A good faith effort is made to gather all relevant information necessary to the decision. The academic units have the primary obligation to assemble the file, but the faculty member also has the right to add any material the faculty member considers relevant.

\* (b) The decision is made by vote, by written unsigned secret ballot, at a meeting of the regular faculty who have indefinite tenure in the academic unit. The rules may provide for absentee ballots by informed absent faculty members.

\* (c) Persons who have or have had a family or similar relationship to the candidate do not participate in the decision. The procedures may establish methods for raising and ruling on such questions in advance of the decision.

\* (d) Action is to be taken by majority vote. An academic unit may adopt a uniformly applicable rule that a motion to recommend tenure must achieve a specified exceptional majority in order to constitute an affirmative recommendation of that unit. In such case a motion which achieves a majority, but not the required exceptional majority, must be sent forward for review by the appropriate review process despite the absence of the unit's affirmative recommendation.

\* (e) The unit shall report the vote of the faculty, together with the reasons for the action taken. This statement of reasons must take the form of a summary of both majority and minority views which have substantial support which were expressed in the course of formal consideration of the action. All statements must be made without personal attribution. A preliminary draft is open to members of the faculty eligible to vote so they may comment and suggest changes. The final draft is sent to the affected faculty member and is open to the faculty eligible to vote.

\* (f) Before submitting a formal recommendation for an appointment with indefinite tenure or for termination of a probationary appointment, the head of the academic unit informs the appointee of the recommendation and gives the appointee a copy of the final report. The appointee may submit any comments upon the report to the academic administrator who will review the report, with a copy to the head of the academic unit.

**7.5 Nondisclosure Of Grounds For Recommendation Of Termination.** The reasons for a recommendation to terminate a probationary appointment may not be disclosed, except as part of the review process, unless the faculty member requests such disclosure or makes a public statement concerning the reasons for termination.

**7.6 Review Of Recommendations.** Recommendations of academic units to grant indefinite tenure or to terminate probationary appointments are reviewed at the collegiate and university levels.

**7.61 Procedures.** The review must be conducted according to University procedures, established as provided in subsection 16.3. These procedures must provide for review and recommendations by the head of the academic unit, by the dean of the collegiate unit, by faculty committees at the collegiate or University level, and, when appropriate, by other academic administrators. The review must be conducted on the basis of the standards and criteria established by subsections 7.11 and 7.12 and the applicable rules and procedures. The rules may permit an administrator to refer the matter back to the unit for reconsideration, but if the administrator and the unit do not agree after such reconsideration, both the recommendation and the administrator's comments must be sent forward for final administrative action. A copy of each review or recommendation must be supplied to the faculty member. The faculty member may comment thereon in writing to those who will review the matter further.

**7.62 Conflict Of Interest.** No one may participate both in an initial recommendation by an academic unit and in a subsequent review of that recommendation, except that the head of the academic unit may make the initial administrative review. No one who has participated in a recommendation or review may thereafter serve as a member of the Judicial Committee in further consideration of that case.

Members of the Judicial Committee may not serve on collegiate or University review committees. Members of the Judicial Committee may participate in initial recommendations by their own academic units, but are disqualified from thereafter participating in Judicial Committee consideration of those decisions.

**7.63 Final Administrative Action.** The University may not act contrary to the recommendation of the academic unit which made the initial recommendation except for substantive reasons which must be stated in writing by the senior academic administrator to the faculty member, to the members of the academic unit which made the recommendation, and to the president. The fact that participants in the review process have recommended against the unit's initial recommendation is not, by itself, a substantive reason.

The senior academic administrator takes the steps necessary to make the necessary appointment or to give notice of termination.

**7.7 Improper Termination Of Probationary Appointments.** A person holding a regular probationary appointment who has been given notice of termination may petition the Judicial Committee to review that action. The Judicial Committee will not base its ruling on the merits of the decision itself, but will review allegations that the decision was based in significant degree upon any of the following:

~~1-~~ (a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota;

~~2-~~ (b) Factors proscribed by applicable federal or state law regarding fair employment practices;

- ~~3. (c)~~ Substantial and prejudicial deviation from the procedures prescribed in subsections 7.4 and 7.6 and the procedural rules promulgated pursuant to those subsections;
- 4. (d) Failure to consider data available at the time of decision bearing materially on the faculty member's performance;
- ~~5. (e)~~ Demonstrable material prejudicial mistakes of fact concerning the faculty member's work or conduct;
- ~~6. (f)~~ Other immaterial or improper factors causing substantial prejudice; or
- ~~7. (g)~~ Other violation of University policies or regulations.

Such proceedings are governed by Section 15.

### **Section 7a. Review Of Faculty Performance**

**7a.1. Goals And Expectations.** The faculty of each academic unit must establish goals and expectations for all faculty members, including goals and expectations regarding teaching, scholarly productivity, and contributions to the service and outreach functions of the unit. The factors to be considered will parallel those used by the unit in the granting of tenure, but will take into account the different stages of professional development of faculty. The goals and expectations will be established in accordance with standards established by the University Senate. They can provide for flexibility, so that some faculty members can contribute more heavily to the accomplishment of one mission of the unit and others to the accomplishment of other missions. The goals and expectations shall not violate the individual faculty member's academic freedom in instruction or in the selection of topics or methods for research. They shall include reasonable indices of acceptable performance in each of the areas (e.g., teaching contributions and evaluations, scholarly productivity, service, governance and outreach activities). The dean reviews the goals and expectations of each unit and may request changes to meet the standards of the University and of the collegiate unit.

**7a.2. Annual Review.** Each academic unit, through its merit review process (established in accordance with the standards adopted by the senate), annually reviews with each faculty member the performance of that faculty member in light of the goals and expectations of the academic unit established under ~~section~~ subsection 7a.1. This review is used for salary adjustment and faculty development. The faculty member will be advised of the evaluation and, if appropriate, of any steps that should be taken to improve performance and will be provided assistance in that effort. If the head of the unit and a peer merit review committee elected for annual merit review within that unit both find a faculty member's performance to be substantially below the goals and expectations adopted by that unit, they shall advise the faculty member in writing, including suggestions for improving performance, and establish a time period (of at least one year) within which improvement should be demonstrated.

**7a.3. Special Peer Review In Cases Of Alleged Substandard Performance By Tenured Faculty.** If, at the end of the time period for improvement described in the previous paragraph, a tenured faculty member's performance continues to be substantially below the goals and expectations of the unit and there has not been a sufficient improvement of performance, the head of the academic unit

and the elected peer merit review committee may jointly request the dean to initiate a special peer review of that faculty member. Before doing so, the dean shall independently review the file to determine that special peer review is warranted. (in the case of an academic unit that is also a collegiate unit, the request shall be made to and the review conducted by the responsible senior academic administrator.) The special peer review shall be conducted by a panel of five tenured faculty members of equal or higher rank, selected to review that individual. The faculty member under review shall have the option to appoint one member. The remaining members shall be elected by secret ballot by the tenured faculty of the unit. The members of the special review panel need not be members of the academic unit. The special review panel shall provide adequate opportunity for the faculty member to participate in the review process and shall consider alternative measures that would assist the faculty member to improve performance. The tenure subcommittee may adopt rules and procedures regulating the conduct of such reviews. The special review panel shall prepare a report on the teaching, scholarship, service, governance, and (when appropriate) outreach performance of the faculty member. It will also identify any supporting service or accommodation that the University should provide to enable the faculty member to improve performance. Depending on its findings, the panel may recommend:

\* (a) that the performance is adequate to meet standards and that the review be concluded;

\* (b) that the allocation of the faculty member's expected effort among the teaching, research, service and governance functions of the unit be altered in light of the faculty member's strengths and interests so as to maximize the faculty member's contribution to the mission of the University;

\* (c) that the faculty member undertake specified steps to improve performance, subject only to future regular annual reviews as provided in ~~Section subsection~~ 7a.2;

\* (d) that the faculty member undertake specified steps to improve performance subject to a subsequent special review under ~~Section subsection~~ 7a.3, to be conducted at a specified future time;

\* (e) that the faculty member's performance is so inadequate as to justify limited reductions of salary, as provided in ~~Section subsection~~ 7a.4;

\* (f) that the faculty member's performance is so inadequate that the dean should commence formal proceedings for termination or involuntary leave of absence as provided in ~~Sections sections~~ 10 and 14; or

\* (g) some combination of these measures.

The panel will send its report to the dean, the head of the academic unit, and the faculty member. Within 30 work days of receiving the report, the faculty member may appeal to the Judicial Committee, which shall review the report in a manner analogous to the review of tenure decisions (see ~~Section subsection~~ 7.7).

**7a.4. Salary Reductions.** If the special review panel recommends that the faculty member's performance is so inadequate as to justify limited reductions of recurring salary, the head of the academic unit, with the approval of the dean,

may reduce the faculty member's recurring pay, subject to the following limitations:

\* (a) the amount of the decrease will not exceed 10% of the faculty member's recurring salary on the basis of any one special review;

\* (b) recurring salary may not be reduced by more than 25% from the highest level of recurring pay ever held by the faculty member;

\* (c) at least six months' notice of the decrease must be given;

\* (d) any decrease in recurring salary may be restored by the annual review process provided in ~~Section~~ subsection 7a.2.

Within 30 work days of notice of the decrease, the faculty member may appeal this action to the Judicial Committee, which shall review the action and the recommendation leading to it in a manner analogous to the review of tenure decisions (see ~~Section~~ subsection 7.7). This review may not reconsider matters already decided by the Judicial Committee under ~~Section~~ subsection 7a.3. Any decrease in recurring pay beyond the limits specified in this subsection can only be imposed pursuant to ~~Sections~~ sections 4.5, 10, 11, and 14.

**7a.5. Peer Review Option.** Upon application to it by the dean and faculty (or the elected faculty assembly) of a collegiate unit, the Faculty Senate may adopt a system of peer review of performance of faculty of that unit different from the system set forth in Sections 7a.1 through 7a.4 if in the Faculty Senate's judgment so proceeding is in the University's interest.

### **Section 8. Improper Refusal Of A New Appointment To A Term Faculty Member.**

A person holding a term faculty appointment who has been refused a renewal of that appointment or has applied for and been refused a regular or a different term faculty appointment within six months of the end of that appointment may petition the Judicial Committee to review the refusal, but only on the ground that the decision was based in significant degree upon one or more of the following:

~~1-~~ (a) Personal beliefs, expressions or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the constitutions and laws of the United States and the state of Minnesota;

~~2-~~ (b) Factors proscribed by applicable federal or state law regarding fair employment practices;

~~3-~~ (c) Essential and substantial written misrepresentation of the nature of the original appointment; or

~~4-~~ (d) Other violation of University policies or regulations.

Such proceedings are governed by Section 15.

### **Section 9. Personnel Decisions for Associate Professors and Professors.**

**9.1 Appointment of Associate Professors and Professors With Indefinite Tenure.** Initial appointments with indefinite tenure may only be made at the rank of associate professor or professor. Such appointments may be made only after receiving the recommendation of the regular faculty holding indefinite tenure in the academic unit concerned.

**9.2 Criteria for Promotion to Professor.** The basis for promotion to the rank of professor is the determination that each candidate has (1) demonstrated the intellectual distinction and academic integrity expected of all faculty members, (2) added substantially to an already distinguished record of academic achievement, and (3) established the national or international reputation (or both) ordinarily resulting from such distinction and achievement [FN 7 &]. This determination is reached through a qualitative evaluation of the candidate's record of scholarly research or other creative work, teaching, and service [FN 8 & 9]. The relative importance of these criteria may vary in different academic units, but each of the criteria must be considered in every decision. Interdisciplinary work, public engagement, international activities and initiatives, attention to questions of diversity, technology transfer, and other special kinds of professional activity by the candidate should be considered when applicable. But the primary emphasis must be on demonstrated scholarly or other creative achievement and on teaching effectiveness, and service alone cannot qualify the candidate for promotion.

## **Section 10. Unrequested Leave Of Absence For Disability And Disciplinary Action**

**10.1 Unrequested Leave Of Absence For Disability.** A faculty member who is physically or mentally unable to perform reasonably assigned duties may be placed on unrequested leave of absence. The faculty member is entitled to sick pay and disability insurance payments in accordance with University policy. The faculty member has a right to return to the faculty upon termination of the disability or upon cessation of disability payments.

**10.2 Disciplinary Action.** [INTERP 4]

**10.21. Termination Or Suspension Of A Faculty Appointment Before Its Expiration.** A faculty appointment may be terminated or suspended (~~except under Section 10.22~~) before its ordinary expiration only for one or more of the following causes:

- \* (a) sustained refusal or failure to perform reasonably assigned duties adequately;
- \* (b) unprofessional conduct which severely impairs a faculty member's fitness in a professional capacity;

---

[FN 7] "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus. Not being promoted to the rank of professor will not in itself result in special post-tenure review of a tenured associate professor.

[FN 8] The persons responsible for this determination are the full professors in the unit who are eligible to vote. The outcome of the vote is either promotion to the rank of professor or continuation in rank as an associate professor. The procedures for voting are identical to those outlined in Section subsection 7.4 for the granting of indefinite tenure, the nondisclosure of grounds for the decision (Section subsection 7.5), and the review of recommendations (Section subsection 7.6). In addition, a

petition to the Judicial Committee for review of a recommendation of continuation in rank as an associate professor follows the procedures specified in ~~Section~~ subsection 7.7 for decisions about promotion to associate professor and conferral of indefinite tenure.

See the definitions of "scholarly research," "other creative work," "teaching," and "service" in footnote [4-3]. A greater contribution in the area of institutional service is expected of candidates for the rank of professor than was expected for the award of tenure.

\* (c) egregious or repeated misuse of the powers of a professional position to solicit personal benefits or favors;

\* (d) sexual harassment or any other egregious or repeated unreasonable conduct destructive of the human rights or academic freedom of other members of the academic community; or

\* (e) other grave misconduct manifestly inconsistent with continued faculty appointment.

**10.22 Procedure For Minor Disciplinary Actions.** Minor sanctions, such as a letter of reprimand in the faculty member's file, or the like, may be imposed for significant acts of unprofessional conduct. For minor sanctions, the dean may impose the sanction after providing the faculty member notice of the proposed action and of the reason that it has been proposed and giving the faculty member an opportunity to respond. If the faculty member files a grievance under the University grievance policy to challenge a minor disciplinary matter, the sanction shall be held in abeyance until the conclusion of the proceeding. The grievance panel shall have jurisdiction to consider all claims raised by the faculty member, and if the case goes to arbitration, the arbitrator shall be an individual with experience in academic matters.

**10.3 Procedures.** A faculty member may be placed on unrequested leave of absence or a faculty appointment may be terminated or suspended for these the reasons specified in subsection 10.21 only in accordance with the procedures set forth in Section 14.

## **Section 11. Fiscal Emergency.**

**11.1 Faculty Rights.** The Board of Regents, if faced with the necessity of drastic reduction in the University budget, has the power to suspend or abolish positions, or even entire departments, divisions, or other administrative units. If confronted with such adverse contingency, the board will consult with and secure the advice of faculty representatives, as provided in this section. Faculty members have the right to full access to information about the situation and the alternatives being considered. In effecting retrenchment because of financial necessity, the regents will make reductions in faculty positions only to the extent that, in their judgment, is necessary after exploring various alternative methods of achieving savings. The regents fully intend that the tenure system as a whole and the tenure rights of each individual faculty member be protected in every feasible manner during periods of such retrenchment.

**11.2 General Principles Of Priority.** The following general principles of priority apply in any financial crisis.

\* (a) first, the University must fully utilize all means consistent with its continued existence as an institution of high academic quality to reduce expenses or to increase income which do not involve the termination of faculty positions or the impairment of faculty rights.

\* (b) second, the University may consider alternatives which involve only the temporary reduction or postponement of faculty compensation or the reduction of fringe benefits.

\* (c) only thereafter may the University suspend or terminate faculty positions in accordance with the section.

**11.3 First Stage: Alternative Approaches.** If there has been a serious reduction in the University's income, the president will report the matter to the Senate Consultative Committee. The president will identify the magnitude of the shortfall, the measures which might be taken to alleviate it (which must not involve impairment of faculty rights), and alternative measures which have been rejected. The president will give the committee full access to all available information and will respond specifically to additional proposals suggested by the committee. At this stage, the University will consider reductions in other expenses. It will also consider increases in tuition, sales of assets, and borrowing. These steps will be implemented by the president or the Board of Regents as is appropriate.

**11.4 Second Stage: Reduction Or Postponement Of Compensation.** If the University has implemented all of the measures which are required to be considered in the first stage, which are consistent with its continued operation as an institution of high academic quality, and they are inadequate to meet the shortfall, the president may, after consultation with the Faculty Consultative Committee, propose the temporary reduction or postponement of faculty compensation for a predetermined period not to exceed one year, according to a mathematic formula or similar device. The Faculty Consultative Committee will report on the adequacy of the steps taken in the first stage and make its recommendations on the proposal. If the Faculty Senate approves the proposed action (or any modification of it) by an absolute majority of its membership or by a two-thirds vote of the members present and voting (a quorum being present), the Board of Regents may take that action (or any less stringent action) and, to that extent, modify the terms of the appointments of all faculty members. The Board of Regents may rescind the action at any time thereafter. Such action may be repeated by the same procedures.

**11.5 Third Stage: Fiscal Emergency.** If there has been a reduction of the University's income which is so drastic as to threaten its survival, and this threat cannot be alleviated by the measures specified above, the Board of Regents may declare a fiscal emergency. During such an emergency, the Board of Regents may terminate or suspend faculty appointments as provided in this section.

**11.51 Preliminary Procedures.** Before recommending to the Board of Regents that it declare a fiscal emergency, the president must meet with the Senate Consultative Committee to examine alternatives to and consequences of such a declaration. The president must provide the committee access to all available information. The president must provide a written report identifying the dollar amount to be saved by reducing faculty positions. This report must also identify the dollar amount proposed to be saved by any other measures to be taken, including the level of any concurrent reductions in non-faculty staff during the emergency. The Faculty Consultative Committee will prepare a written report on the president's proposal, to which the Senate Consultative Committee may add additional comments. The Faculty Senate will first consider and act on the



proposal and reports. Thereafter, the University Senate may consider them. The president must attend both senate meetings to explain the proposal and to answer questions.

After receiving the president's recommendation and the resolutions of the senates, the Board of Regents may declare a state of fiscal emergency. Before action contrary to the recommendation of the University Senate is subsequently taken, the president must report in writing and in person the reasons for this action to the Senate Consultative Committee. The Board of Regents' resolution states the maximum amount to be realized from termination or suspension of faculty appointments.

**11.52 Duration.** A fiscal emergency lasts no longer than 12 months unless renewed by the same procedure. A fiscal emergency may be rescinded at any time by the Board of Regents.

**11.53 Allocation Of Shortfall.** After consultation with the Faculty Consultative Committee and the Senate Consultative Committee, the president proposes an initial allocation of the shortfall to the various collegiate units, which need not be prorated. The committee must obtain the views of the faculty in the affected units and must hold an open meeting at which anyone may comment upon the proposed action. It may also request the assistance of other University or Senate committees in studying all or particular aspects of the educational policies and priorities involved in the action. The colleges and campuses then allocate the shortfall to the various academic units after similar consultation with the representative bodies and academic units in the colleges and similar open meetings. The plans must reflect the principles and priorities established in subsection 11.6. The colleges and campuses return their plans to the senior vice president for academic affairs and provost, who prepares a comprehensive plan for the University, including a list of the persons whose appointments will be suspended or terminated. This plan is submitted to the University Senate and the Faculty Senate for their recommendation. The recommendations of the senate and the senior vice president for academic affairs and provost's plan will be presented to the president and the Board of Regents for action.

## **11.6 Principles Governing Termination Or Suspension.**

### **11.61 General Principles.**

\* (a) Savings achieved through resignations, retirements, renegotiations of contracts, inloading or other measures must be credited to the assigned shortfall before terminating or suspending faculty appointments.

\* (b) A good faith effort should be made to use temporary suspensions or voluntary furloughs rather than terminations. In this third stage, the Board of Regents may impose the temporary or permanent reduction of faculty compensation or the reduction of fringe benefits, in excess of those approved in the second stage. Suspensions without pay for no more than one-third of the annual appointment in any year may be ordered in accordance with objective criteria, provided that faculty members are given at least six months notice.

\* (c) Terminations may not be used in case of a short-term financial crisis, but only if the circumstances are such that the shortfall is reasonably expected to continue over a substantial number of years.

\* (d) A good faith effort must be made to cover as much of the shortfall as possible by allowing non-regular appointments to lapse and by giving notice to probationary faculty in accordance with the terms of their appointments.

\* (e) A good faith effort must be made to cover as much of the shortfall as possible by transferring faculty members to other positions for which they are qualified or by offering them retraining for available positions.

\* (f) The selection of faculty members within an academic unit for termination must be made on objective criteria. It may not involve a comparative evaluation of the relative merits of individuals or a repetition of the tenure-granting process.

### **11.62 Priorities.**

(a) Unless the unit can demonstrate that essential functions could not otherwise be performed:

1. all non-regular faculty within an academic unit must be suspended or terminated before any regular faculty may be suspended or terminated in that unit; and

2. all probationary faculty within an academic unit must be suspended or terminated before any tenured faculty may be suspended or terminated in that unit.

(b) Care must be taken to protect the employment of women and minorities entitled to affirmative action. The senior vice president for academic affairs and provost must insure that for the University as a whole the plan which is submitted does not reduce the proportion of appointments with indefinite tenure held by women or minorities entitled to affirmative action, and does not reduce the proportion of non-regular appointments held by women or minorities entitled to affirmative action.

**11.63 Notice And Severance Pay.** A faculty member whose appointment is to be terminated or suspended is entitled to a minimum of one full academic year's notice or to one year's salary as severance pay in lieu of notice, unless the appointments would otherwise expire earlier.

**11.64 Reemployment Rights.** The University will not fill any faculty position for which a faculty member with indefinite tenure who has been terminated is qualified for five years after notice of termination, unless it first offers the position to each such faculty member and gives a reasonable time for the faculty member to accept or reject it.

**11.7 Judicial Committee Report.** A faculty member whose appointment is terminated or suspended may make a written request for review by the Judicial Committee. The review will be conducted in accordance with Section 15. The Judicial Committee will not reexamine the determination that a fiscal emergency exists, nor will it reexamine the educational policies and priorities pursued unless it finds a substantial failure to follow the procedures established in this section. It will only examine whether the action was taken in accordance with the procedures and standards set forth in this section, whether the action was based on a violation of academic freedom or constitutional or legal rights, or was

substantially based on immaterial or improper factors. It may consolidate cases involving common issues for a single hearing.

## **Section 12. Programmatic Change.**

**12.1 Programmatic Change.** The University and faculty recognize that changes in academic programs are an essential part of the development and growth of the institution. These changes should be based on academic considerations and on long-term policy and planning, and may be undertaken only after consultation with the faculty, including the appropriate governance structure.

**12.2 Faculty Rights And Duties.** In the event that programmatic change leads to discontinuation of a program in which a member of the faculty is employed, the University recognizes its obligation to continue the employment of regular faculty in accordance with the terms of their employment, and to continue the employment of non-regular faculty for the term of appointment. In case of fiscal emergency, the provisions of Section 11 apply.

Regular faculty members who are so retained have the responsibility to accept teaching or other assignments for which they are qualified, and to accept training to qualify them for assignment in other fields. The University has the responsibility to assign such faculty members to responsibilities as closely related to their original field of tenure as is practicable, to allow them time in which to continue scholarship in their original field if they wish, and to recognize scholarly contributions in that field as valuable in assessing their contribution to the University for pay, promotion and other purposes.

In addition to the steps mentioned above, the University has the right to offer inducements to faculty members voluntarily to change fields of study, to seek employment elsewhere, or to accept early retirement.

**12.3 Reassignments.** In cases of programmatic change, an officer designated by the president will make the reassignment or offer of training. The officer will consult with the faculty member and the receiving unit and will seek a mutually satisfactory assignment. If agreement cannot be reached, the University officer will assign new responsibilities after consultation with the individual.

The University may give the faculty member other assignments only if assignments to teaching in the faculty member's discipline are not feasible. For example, faculty might be assigned

- \* to teach in another field in which the individual is qualified
- \* to perform professional or administrative duties, including professional practice in a field in which the individual is qualified.
- \* to transfer effort, by assignment in a suitable professional capacity, at another educational institution or similar entity, while retaining University tenure, compensation, and benefits.

A faculty member must accept any reasonable reassignment or offer of retraining. Following the assignment, any dispute about the reasonableness of reassignment may be taken to the Judicial Committee, as provided in Section 15. The faculty member shall perform the reassignment pending resolution of the dispute, unless the president on the recommendation of the chair of the Judicial Committee determines that provisional measures are appropriate.

**12.4 Termination Of Appointment.** A faculty member who chooses not to accept a reasonable reassignment or retraining opportunity shall receive:

- ~~1.~~ (a) Assistance in locating other employment;
- ~~2.~~ (b) A minimum of one full academic year's notice or one year's salary as severance pay in lieu of notice, unless the appointment would otherwise expire earlier.
- ~~3.~~ (c) Continuation of the University's contribution to health benefits for one year after the date of the termination of the appointment.

In place of the severance payment provided by this section, a faculty member may select another severance program for which the faculty member is otherwise eligible at the time the appointment is terminated.

### **Section 13. Judicial Committee.**

**13.1 Membership.** The Judicial Committee is composed of at least nine members of the regular faculty. The number of members and manner of appointment is governed by the Faculty Senate bylaws.

**13.2 Procedures.** The Judicial Committee applies and interprets this tenure code in complaints that come before it. The Judicial Committee has its own Rules of Procedure and may adopt additional rules with the approval of the Tenure Committee, as provided in Section 16.3.

In every case before the Judicial Committee the senior academic administrator may designate the academic administrator who will represent the University as respondent. If the case involves two or more campuses or areas, the president or the senior vice president for academic affairs and provost may designate the respondent.

**13.3 Duty To Testify.** Faculty members and administrators have an obligation to appear before the Judicial Committee if asked to give testimony in matters pending before it.

**13.4 Panels.** The Judicial Committee may sit in panels to hear individual cases. In cases under Sections 10 and 14, the panel must consist of at least five members. In all other cases, the panel must consist of at least three members. The rules of the Judicial Committee will establish the respective functions of the committee as a whole and of the individual panels.

**13.5 Legal Officer.** The Judicial Committee shall have its own legal officer, appointed by the Judicial Committee with the approval of the president. The Judicial Committee also may, with the approval of the president, appoint a deputy legal officer, or a substitute legal officer for a particular case, as necessary. At the direction of the committee, the legal officer may preside at hearings of Judicial Committee panels or regulate the procedure in Judicial Committee cases. The legal officer may be present and participate in the deliberation of a panel, but shall have no vote.

### **Section 14. Procedures In Cases Of Unrequested Leave Of Absence Or Termination Or Suspension Of A Faculty Appointment For Cause. [INTERP 5]**

**14.1 Preliminary Proceedings.** Only a dean or an academic administrator specially designated by the senior vice president for academic affairs and provost or by the senior academic administrator may initiate preliminary proceedings under this section leading to unrequested leave of absence or to suspension or removal or to temporary or permanent reduction in rank. The dean [FN9 ~~10~~] must first attempt to discuss and resolve the matter with the faculty member involved.

The dean must then submit the matter to the tenured faculty of the academic unit involved for their recommendation.

If the senior vice president for academic affairs and provost and the Faculty Senate have expressly approved the submission of allegations of the violation of a specified policy to another body for preliminary recommendation, in place of submission to the tenured faculty of the academic unit, the dean must submit the matter to that body for its recommendation.

Both the dean and the faculty member may submit their views, in person or in writing, to the body making the recommendation, but neither of them may participate in the deliberation or vote. The body making the recommendation does so by secret ballot and makes a written report to the dean within 40 work days of submission of the issue to it, indicating the number of votes for and against the proposed action and the reasons articulated. A copy of the report shall be sent to the senior academic administrator and to the faculty member.

**14.2 Formal Action.** Within 40 work days after receiving the recommendation of the tenured faculty or other body, the dean must decide whether to proceed with formal action. Before taking formal action, the dean must consult with the senior academic administrator. If the dean does not proceed within 40 work days, the charges are dropped and the faculty member and the academic unit are so notified in writing. If the dean decides to proceed with formal action, the dean must give written notice to the faculty member. The notice must specify the action proposed, identify the specific ground upon which it has been taken, and summarize the evidence in support. It must inform the faculty member of the right to request a hearing before the Judicial Committee and advise the faculty member of the applicable time limit for making such a request.

If the faculty member does not request a hearing within 30 work days, the president may take the action proposed in the dean's notice, without further right to a hearing.

**14.3 Judicial Committee Hearing.** The faculty member may request a hearing before the Judicial Committee by written request to the chair of the committee, filed within 30 work days of the notice. The Judicial Committee may extend the 30 day period for good cause. The dean will be responsible for presenting the case. The dean has the burden of proving the case for the proposed action by clear and convincing evidence and also has the burden of demonstrating the appropriateness of the proposed action, rather than some lesser measure.

---

[FN 9] Throughout this section the word "dean" means the dean of the collegiate unit or other equivalent officer or an academic administrator specifically designated for this purpose by the senior academic administrator or by the senior vice president for academic affairs and provost.

The Judicial Committee makes written findings of fact, conclusions, and a recommendation for the disposition of the case. If the committee finds that action is warranted, it may recommend action that is less severe than that requested in the written notice, including but not limited to, permanent or temporary reduction in salary or rank. It may not recommend more severe measures than those proposed in the dean's notice.

The Judicial Committee sends its report to the president with copies to the faculty member, the dean and the senior administrator.

**14.4 Action By The President.** The president shall give the faculty member and the dean the opportunity to submit written comments on the report. In determining what action to take, the president may consult privately with any administrators, including attorneys, who have had no previous responsibility for the decision at issue in the case and have not participated in the presentation of the matter to the Judicial Committee. The president may not discuss the case with any administrator who was responsible for the decision at issue in the case or who participated in the presentation of the matter to the senate Judicial Committee. Such administrators may communicate with the president in writing, but only if the full text of the communication is given to the faculty member and the faculty member is given a reasonable opportunity to respond to it.

The president shall not take action materially different from that recommended by the panel unless, prior to the action, the president has consulted with the committee. Parties and their representatives shall not be present at any meeting between the president and the committee nor shall their consent be required for such meeting.

In addition, the president may request the Judicial Committee to make further findings of fact, to clarify its recommendation or to reconsider its recommendation. The reconsideration will be made by those who have heard of all of the evidence in the case, but the full Judicial Committee may consult with them on questions of general policy.

The president may impose the action recommended by the committee, or any action more favorable to the faculty member. The president may impose action less favorable to the faculty member only for important substantive reasons, which must be stated in writing, with specific detailed reference to the report of the Judicial Committee, the evidence presented, and the policies involved. The president's written statement must be given to the parties and to the Judicial Committee. If the Judicial Committee decides that the president has imposed an action that is less favorable to the faculty member than it had recommended, it shall inform the faculty by publication of the president's action in the docket of the Faculty Senate. If the faculty member waives rights to confidentiality, the full text of the statement will be published. Otherwise a summary of the statement will be published without identification of the faculty member or information that may indirectly identify the faculty member.

**14.5 Appeal To The Board Of Regents.** If the action involves removal or if the action involves a sanction more severe than that recommended by the Judicial Committee, the faculty member may appeal to the Board of Regents. In cases in which the president imposes a sanction more severe than that recommended by

the Judicial Committee, the faculty member and the president may present to the board evidence with respect to issues on which the president differs from the recommendation of the Judicial Committee. The request for a hearing must be made to the secretary of the board within ten work days of the president's action.

**14.6 Temporary Suspension During Proceedings.** The dean may temporarily suspend a faculty member during the proceedings, but only if there is clear evidence that the faculty member is likely to cause serious harm or injury or is not available for work. The suspension will be with full pay, unless the faculty member is not available for work. Before ordering such suspension, the dean must present the evidence to a special panel of the Faculty Consultative Committee and receive their written report. The faculty member must be given the opportunity to contest the suspension before the panel.

If no final decision has been rendered one year after the commencement of formal proceedings, the faculty member shall be temporarily suspended without pay, unless the parties agree otherwise, or unless the hearing panel of the Judicial Committee extends the time period because of undue delays in the procedure attributable to the action of the University. This provision applies only in a case in which the majority of the tenured faculty of the academic unit concurred in the recommendation to terminate the appointment. If the faculty member is reinstated or if the president determines that the temporary suspension without pay was not warranted, then the president shall order the repayment of back pay to the faculty member with interest thereon from the date it would originally have been paid.

In case of any suspension under this section, the faculty member shall continue to receive full medical insurance and disability benefits without regard to the suspension.

**14.7 Resignation During Proceedings.** A faculty member may submit a written notice of resignation to the president at any time during Judicial Committee proceedings pursuant to this section. Upon the effective date of such resignation, the proceedings will be discontinued unless the faculty member concurrently files a written request with the Judicial Committee that they be carried to completion.

**Section 15. Appeals To The Judicial Committee.** [INTERP 6]

**15.1 Right To Review.** Any faculty member who claims that ~~his or her~~ the faculty member's rights or status under these regulations have been adversely affected without ~~his or her~~ the faculty member's consent may seek review before the Judicial Committee. Cases arising under Sections 1, 4, 7, 7a, 8, 10, 11 or 12 must be brought directly to the Judicial Committee. In these cases, that is, the Judicial Committee has original jurisdiction. In other cases, the faculty member must exhaust all other available University remedies before bringing the case to the Judicial Committee; the Judicial Committee will not proceed with such a case until the appropriate University body has either decided it or has refused to consider it. In such cases, the Judicial Committee has appellate jurisdiction.

**15.2 Procedure For Securing Review.** A written request for review must be filed with the chair of the Judicial Committee within 30 work days of written notice of the action challenged. The request must specify the action complained of and the remedial action the individual seeks. Within 30 work days of filing,

the chair of the Judicial Committee must send copies of the request to the head of the academic unit concerned and to the senior academic administrator.

The Judicial Committee, however, may extend the time for filing for review for reasons that seem compelling to the committee, such as mental or physical illness, or serious personal or family problems, or doubt concerning when final action was taken.

**15.3 Hearings Before The Judicial Committee.** The person seeking review has the burden of proving by the preponderance of the evidence that the action complained of was improper unless the Judicial Committee, for good cause, otherwise directs.

The Judicial Committee does not itself decide whether the faculty member is professionally worthy of a faculty position, but only determines whether the action was based in significant degree upon any of the factors specified in subsection 7.7 or ~~Section~~ section 8.

In cases involving ~~Section~~ sections 7, 8, or 11, the Judicial Committee hears the merits of the case, as provided in those sections. In other cases, if there is an appropriate University body to review the matter, the Judicial Committee will only determine whether that body has given the faculty member due process and whether, on the basis of the facts found by that body, there has been a violation of these regulations or of the faculty member's academic freedom. If there is no appropriate University body to hear such a case, or if the Judicial Committee finds that the body which heard the case did not provide due process, the Judicial Committee may hear the merits or may appoint an ad hoc tribunal to hear them.

**15.4 Action By The Judicial Committee.** The Judicial Committee makes written findings of fact, conclusions, and a recommendation for the disposition of the case.

If the Judicial Committee finds that the action complained of was improper, it also specifies the respects in which it finds the action to have been improper and recommends appropriate remedial action.

If it recommends reconsideration, it may specify the manner in which reconsideration will be undertaken to avoid the influence of improper factors. If a probationary faculty member has reached the maximum probationary period, the committee may recommend a non-regular appointment for an additional academic year to provide for reconsideration.

The Judicial Committee sends its report to the president with copies to the faculty member and the administrator who appeared as respondent.

**15.5 Action By The President.** The president must give the faculty member and the administrator the opportunity to submit written comments on the report. In determining what action to take, the president may consult privately with any administrators, including attorneys, who have had no previous responsibility for the decision at issue in the case and have not participated in the presentation of the matter to the Judicial Committee. The president may not discuss the case with any administrator who was responsible for the decision at issue in the case or who participated in the presentation of the matter to the senate Judicial Committee. Such administrators may communicate with the president in writing, but only if the full text of the communications is given to



the faculty member and the faculty member is given a reasonable opportunity to respond to it.

The president shall not take action materially different from that recommended by the panel unless, prior to the action, the president has consulted with the committee. The parties and their representatives shall not be present at any meeting between the president and the committee nor shall their consent be required for such meeting.

In addition, the president may request the Judicial Committee to make further findings of fact, to clarify its recommendation or to reconsider its recommendation. The reconsideration will be made by those who have heard all of the evidence in the case, but the full Judicial Committee may consult with them on questions of general policy.

The president may impose the action recommended by the committee or any action more favorable to the faculty member. The president may impose action less favorable to the faculty member only for important substantive reasons, which must be stated in writing, with specific detailed reference to the report of the Judicial Committee, the evidence presented, and the policies involved. The president's written statement must be given to the parties and to the Judicial Committee. If the Judicial Committee decides that the president has imposed an action that is less favorable to the faculty member than it had recommended, it shall inform the faculty by publication of the president's action in the docket of the Faculty Senate. If the faculty member waives rights to confidentiality, the full text of the statement will be published. Otherwise a summary of the statement will be published without identification of the faculty member or information that may indirectly identify the faculty member. The president's written statement must be given to the parties and to the Judicial Committee.

**15.6 Actions Requiring Reconsideration.** If the Judicial Committee recommends reconsideration of an action, that reconsideration will be undertaken under the supervision of the senior academic administrator, unless otherwise specified. The Judicial Committee may retain provisional jurisdiction of the matter to review allegations that the reconsideration itself was improper, and may make supplementary findings, conclusions, and recommendations in this regard.

**15.7 Recommendations For Changes In University Policies And Procedures.** As a result of Judicial Committee proceedings, the Judicial Committee, the Tenure Committee or the senior vice president for academic affairs and provost may initiate steps to clarify or improve University rules or policies involved. The changes will not affect the outcome of the case before the committee.

## **Section 16. Academic Freedom and Tenure Committee.**

**16.1 Membership.** The Academic Freedom and Tenure Committee (referred to elsewhere in these regulations as the Tenure Committee) is composed of at least seven members of the faculty and such other persons as the Faculty Senate bylaws shall provide. The manner of appointment is governed by the Faculty Senate bylaws.

**16.2 Interpretations.** The senior vice president for academic affairs and provost and the Tenure Committee may propose formal interpretations of these regulations, consistent with their terms. Such interpretations must be reported

to the Faculty Senate and the Board of Regents. If adopted by the Board of Regents, such interpretations will be binding in all cases subsequently arising.

**16.3 Procedures.** The senior vice president for academic affairs and provost and the Tenure Committee may jointly adopt the procedures provided by subsections 7.4 and 7.61, and jointly approve the procedures proposed by the Judicial Committee under ~~Section~~ subsection 13.2. Such procedures must be reported to the Faculty Senate and the Board of Regents before they go into effect.

**16.4 Additional Functions.** The Tenure Committee also advises the University and makes recommendations concerning the interpretation and amendment of these regulations.

### **Section 17. Written Notice.**

Notices of termination of a probationary appointment, of suspension or termination of an appointment, or of placement on unrequested leave of absence for disability, must be sent by registered or certified mail to the last known residence address of the faculty member concerned and also by campus mail to the faculty member's campus address, if any. The written notice satisfies the applicable time requirement if it is postmarked at or before midnight of the applicable date.

Failure to comply fully with this section is immaterial if, in fact, the faculty member was not prejudiced by such failure.

### **Section 18. Publication.**

These regulations, and the interpretations referred to in Section section 16, will be published and made available to all faculty members. Every faculty member who holds a regular or non-regular appointment, except for courtesy faculty appointments without salary, must be given a copy of the current regulations and copies of subsequent amendments or published interpretations.

### **Section 19. Amendment.**

These regulations are subject to amendment by the Board of Regents. Proposed amendments from any source will be submitted to the Faculty Senate for its advice and recommendation before final action by the Board of Regents. The Faculty Senate will solicit the recommendations of the Faculty Affairs Committee, the Judicial Committee, and the Tenure Committee, before giving its advice and recommendation.

### **FOOTNOTES**

~~{1} "Service" means performance within the faculty member's expertise, other than teaching and research as defined in section subsection 7.11.~~

~~{2} The term "family member" is meant to include a spouse or domestic partner, an adopted or foster child, or other relative.~~

~~{3} "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus.~~

~~[4] The persons responsible and the process for making this determination are described in subsections 7.3 through 7.6.~~

~~"Scholarly research" must include significant publications and, as appropriate, the development and dissemination by other means of new knowledge, technology, or scientific procedures resulting in innovative products, practices, and ideas of significance and value to society.~~

~~"Other creative work" refers to all forms of creative production across a wide range of disciplines, including, but not limited to, visual and performing arts, design, architecture of structures and environments, writing, media, and other modes of expression.~~

~~"Teaching is not limited to classroom instruction. It includes extension and outreach education, and other forms of communicating knowledge to both registered University students and persons in the extended community, as well as supervising, mentoring, and advising students.~~

~~"Service" may be professional or institutional. Professional service, based on one's academic expertise, is that provided to the profession, to the University, or to the local, state, national, or international community. Institutional service may be administrative, committee, and related contributions to one's department or college, or the University. All faculty members are expected to engage in service activities, but only modest institutional service should be expected of probationary faculty.~~

~~[5] Indefinite tenure may be granted at any time the candidate has satisfied the requirements. A probationary appointment must be terminated when the appointee fails to satisfy the criteria in the last year of probationary service and may be terminated earlier if the appointee is not making satisfactory progress within that period toward meeting the criteria.~~

~~[6] "Departmental" refers to an academic department or its equivalent, such as division, institute, or unit.~~

~~[7] As used in this policy, "tenured faculty" means those members of the faculty who hold indefinite tenure.~~

~~[8] "Academic achievement" includes teaching as well as scholarly research and other creative work. The definition and relative weight of the factors may vary with the mission of the individual campus. Not being promoted to the rank of professor will not in itself result in special post tenure review of a tenured associate professor.~~

~~[9] The persons responsible for this determination are the full professors in the unit who are eligible to vote. The outcome of the vote is either promotion to the rank of professor or continuation in rank as an associate professor. The procedures for voting are identical to those outlined in Section subsection 7.4 for the granting of indefinite tenure, the nondisclosure of grounds for the decision (Section subsection 7.5), and the review of recommendations (Section subsection 7.6). In addition, a petition to the Judicial Committee for review of a recommendation of continuation in rank as an associate professor follows the procedures specified in Section subsection 7.7 for decisions about promotion to associate professor and conferral of indefinite tenure.~~

~~See the definitions of "scholarly research," "other creative work," "teaching," and "service" in footnote [4]. A greater contribution in the area of institutional service is expected of candidates for the rank of professor than was expected for the award of tenure.~~

~~[10] Throughout this section the word "dean" means the dean of the collegiate unit or other equivalent officer or an academic administrator specifically designated for this purpose by the senior academic administrator or by the senior vice president for academic affairs and provost.~~

## **INTERPRETATIONS**

~~Dated April 12, 1985; September 8, 1988; March 12, 1993 and October 13, 1985; June 9, 2000; XX, 2011.~~

### **~~1. Interpretation of Sections 3-9 Promotion and Tenure Decisions Permitted by Provosts and Chancellors during 1995-96.~~**

~~Expired.~~

### **~~2. 1. Interpretation of Section Subsection 4.4: Definition of Of Recurring Salaries.~~**

~~It is expected that any salary increases normally will be added to recurring salary if recurring funds are available for that purpose. Section Subsection 4.4 does not give any specific faculty member a legal entitlement or right to an increase in recurring salary.~~

### **~~3. 2. Interpretation of Section Subsection 4.5: Financial Stringency.~~**

~~Financial stringency in section subsection 4.5 is understood to mean financial difficulties that are unusual in extent and require extraordinary rather than ordinary responses. Section 11 may be invoked if the regents are "faced with the necessity of drastic reduction in the University budget," reductions so severe that they may "threaten [the] survival" of the University. It is understood that the financial difficulty that would permit the president to propose temporary reductions or postponements in compensation under section subsection 4.5 is less severe than the "fiscal emergency" outlined in section 11, but it is also understood that "financial stringency" should not be invoked to respond to foreseeable fluctuations in the University's budget and finances.~~

### **~~4. Interpretation of Subsection 5.5: Retroactive Application.~~**

~~— A probationary faculty member may elect to extend the probationary period by one year if~~

~~(1) the member became a parent, by birth or by adoptive/foster placement, within five years before the effective date of subsection 5.5; and~~

~~(2) has not been given notice of termination.~~

### **~~5. Interpretation of Subsection 5.5: Major Caregiver Responsibilities.~~**

~~A request for extension of the maximum probationary period for major caregiver responsibilities should be made only if those responsibilities are very substantial and continue over an extended period of time. The probationary faculty member must submit a written application to the head of the academic unit, who will~~

~~forward it for action and approval through the appropriate University channels. If an administrator does not approve the request, the faculty member may file a grievance under applicable University policies.~~

**~~6. 3. Interpretation of Subsection 7.11 7.12: Consideration of Factors Other than Primary Tenure Criteria. Review of Departmental Statements.~~**

~~The use of any factor other than teaching, research, and service in making the decision about a probationary faculty member must be specifically stated and justified at the time of the decision. This rule applies both when that factor is a criterion for judging the candidate's progress and when it is an element in establishing or modifying the standard which the faculty member should achieve.~~

The faculty of an academic unit are expected to periodically review their criteria for awarding indefinite tenure and for promotion in rank and reflect any new criteria in a revision of their Subsection 7.12 Statement. The new criteria and Subsection 7.12 Statement must be adopted in accordance the established procedures of the University, after consultation as required by those procedures. Current probationary faculty in the unit may elect to be evaluated on the criteria for tenure and promotion in the previous Subsection 7.12 Statement or on the new criteria. This option is also available to current tenured faculty in their evaluation for promotion to the next level. Probationary or tenured faculty must make this decision within one year of the date of administrative approval of the new criteria.

**~~7. Interpretation of Subsection 7.11: Discipline-Related Service.~~**

~~Discipline related service, as one of the primary criteria for tenure evaluation, is limited to those endeavors specifically related to the individual's academic expertise and faculty appointment in accordance with the academic unit's Mission Statement. This service must be defined in the Mission Statement as central and necessary to the operation of the academic unit. An equivalent term might be "unit mission related service" — for example, clinical service in a teaching hospital situation that does not involve students directly.~~

**~~8. 4. Interpretation of Amendment to Subsection 10.2: Faculty Assignments.~~**

Faculty members are free to choose topics for research or outreach and to discuss all relevant matters in the classroom, in accordance with the principles of academic freedom and responsibility. The head of the academic unit will assign individual faculty members to teach specific courses in accordance with the academic workload statement and other policies adopted by the faculty of that unit. A faculty member may challenge an assignment by showing that it is unreasonable. An assignment is unreasonable if: (a) taken as a whole, it exceeds the workload expected in the workload statement of that unit, (b) the faculty member lacks the basic qualifications to teach the course, or (c) the assignment was made in violation of the faculty member's academic freedom or in violation of another specific university policy. The faculty member should carry out the teaching assignment pending resolution of any grievance, unless the responsible grievance or hearing officer or panel indicates that provisional measures are appropriate.

**~~9. Interpretation of Sections 14 and 15: Working Days.~~**

The word "days" is interpreted to imply working days, not calendar days.

**10. 5. Interpretation of Amendments to Subsections 14.1 and 14.2: Timely Responses in Cases of Unrequested Leave of Absence, Termination, or Suspension.**

The timelines for responses by either the involved faculty member or administrator may be extended by agreement of the parties to the proceeding or for extraordinary circumstances. An agreement of the parties to extend the time limit shall be in writing, signed by both parties or their representatives. If the parties do not agree, either party may apply to the chair of the Senate Judicial Committee for an extension of the time in which to take the steps required in this section. If the faculty member has failed to act within the time limits prescribed in these sections, the responsible administrator may request the chair of the Senate Judicial Committee to set a specific date by which the faculty member must take action; if the faculty member fails to do so, the petition for review will be dismissed without further proceedings and the requested disciplinary action (or any lesser sanction) may be taken. If the responsible administrator has failed to act within the time limits prescribed in these sections, the faculty member may request the chair of the Senate Judicial Committee to set a specific date by which the administrator must take action; if the administrator fails to do so, the proceedings shall be dismissed and further action can be taken only by reinitiating the entire proceedings.

**11. 6. Interpretation of Section 15: Judicial Committee Review of Decisions on Promotions.**

As stated in the Preamble, the tenure regulations "provide a comprehensive set of policies dealing with the relationship between the University and its faculty," including decisions regarding promotions in rank that may or may not involve questions of tenure. When a faculty member's request for promotion is not approved, the Judicial Committee shall conduct a review in a manner analogous to the review of tenure decisions (see ~~Section~~ subsection 7.7). Such cases may be brought directly to the Judicial Committee without a requirement that the faculty member exhaust all other available University remedies before bringing the case to the Judicial Committee.

**7. Interpretation of Subsection 6.3: Relation Between Tenure and Promotion.**

Regular faculty with appointments as assistant professors with indefinite tenure at the time of the adoption of this interpretation in 2011 will continue to hold these appointments until they retire, subject to the review provisions of subsection 7a and as otherwise provided in these regulations.



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Annual UPlan Health Insurance Update

review       review/action       action       discussion

**Presenters:** Senior Vice President Robert Jones  
Dann Chapman, Director, Employee Benefits

**Purpose:**

policy       background/context       oversight       strategic positioning

An update on the employee health care benefits program, known as the UPlan.

**Outline of Key Points/Policy Issues:**

- Overview
- History and Projection of Costs
- Benchmarking
- Changes for 2012

**Background Information:**

The last update on the UPlan was presented to the Board on June 10, 2010.



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Resolution: Faculty Retirement Plan Contribution Changes for New Employees

review       review/action       action       discussion

**Presenters:** Senior Vice President Robert Jones  
Jackie Singer, Director of Retirement Programs

**Purpose:**

policy       background/context       oversight       strategic positioning

Pursuant to Article 1, Section XI, Subd 3 of the Board of Regents Policy: *Reservation and Delegation of Authority*, the Board reserves to itself the authority to approve amendments to plans sponsored by the University and governed by formal plan documents, where those amendments cause a cost impact of more than \$250,000.

**Outline of Key Points/Policy Issues:**

The University has maintained the current contribution levels in the Faculty Retirement Plan since July 1, 1992. Faculty and Academic Staff contribute 2.5% and the University contributes 13% of salary on a biweekly basis to the plan. After much consultation and discussion, we recommend changing to a 5.5% faculty and academic staff contribution and a 10% University contribution for eligible new hires on or after January 2, 2012.

This change positions the University for a cost avoidance ranging from an estimated \$3 million in the first twelve months of implementation to over \$10 million by the fourth year, depending upon turnover.

**Background Information:**

A review of the retirement plans of our peer research institutions reveals that while our overall contribution level of 15.5% is competitive, the University's contribution of 13% is somewhat higher than those of our peer institutions, ranking the second highest of eleven institutions. While we acknowledge the importance of retirement plan contributions in the



overall compensation package provided to our academic employees, reducing University contributions for new employees provides colleges and units the opportunity to recalibrate the balance between cash salary and nontaxable benefits on an ongoing basis.



**REGENTS OF THE UNIVERSITY OF MINNESOTA**

**RESOLUTION RELATED TO**

**AMENDMENT OF FACULTY RETIREMENT PLAN CONTRIBUTION RATES**

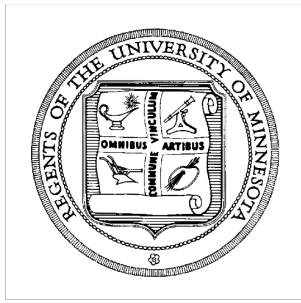
**WHEREAS**, the University of Minnesota adopted the University of Minnesota Faculty Retirement Plan (the “Plan”), established July 1, 1989, which Plan was most recently amended and restated effective January 1, 2008; and

**WHEREAS**, through the Board of Regents policy: *Reservation and Delegation of Authority*, the Board has reserved to itself the authority to approve amendments to plans sponsored by the university and governed by formal plan documents which have a cost impact in excess of \$250,000; and

**WHEREAS**, a change to the Plan’s contribution rates has a cost impact in excess of \$250,000.

**NOW, THEREFORE, BE IT RESOLVED**, that on recommendation of the President, the Board of Regents approves the amendment of the University of Minnesota Faculty Retirement Plan to change the Plan’s contribution rate from a 2.5% employee contribution and a 13% University contribution to a 5.5% employee contribution and a 10% University contribution for all new academic employees hired or rehired on or after January 2, 2012, and authorizes the President or delegate to amend plan documents accordingly.

**FURTHER RESOLVED**, that the University contribution described above shall be “picked up” within the meaning of Internal Revenue Code § 414(h)(2).



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Leadership Development for Faculty

review       review/action       action       discussion

**Presenters:** Senior Vice President/Provost Thomas Sullivan  
Vice Provost Arlene Carney

**Purpose:**

policy       background/context       oversight       strategic positioning

To provide an overview of the programs available for leadership development among faculty.

**Outline of Key Points/Policy Issues:**

Faculty are not trained typically for careers in academic administration. This is particularly true for areas above the department level. The presentation focuses on internal and external programs to develop academic leadership at the University of Minnesota.

**Background Information:**

There are three programs for academic leadership development for faculty currently available at the University of Minnesota: 1) an internal program for the development of chairs and heads at the University of Minnesota; 2) an external program for chairs and heads from the Committee on Institutional Cooperation (CIC) called the Departmental Executive Officer program; and 3) an external program for the development of academic leaders at all stages called the CIC Academic Leadership Program. These provide faculty with opportunities for understanding more about higher education, administration, and self-evaluation.

## **Executive Summary**

Faculty leadership development is one of the important areas of responsibility of the Office of the Vice Provost for Faculty and Academic Affairs. Each year, faculty are asked to expand their roles as researchers or creative artists, teachers, and department citizens to assume important positions as department chairs or heads, center directors, assistant or associate deans, deans, or assistant, associate or vice provosts. Faculty have had many opportunities to become prepared for their professorial roles as graduate students, postdoctoral fellows, and young faculty in apprenticeship models. However, few faculty have been given explicit preparation for administrative roles in higher education. They are chosen for these positions initially because of their own outstanding records of scholarship/creative work, teaching, and service to the department, college, University, and/or their discipline. Faculty may have had only limited experience with handling complex personnel issues, mentoring faculty, managing budgets outside of grants for those who have grants, addressing compliance with regulations, fostering a healthy work climate, and a host of other activities. They may also have limited experience outside their own department or field and may not fully comprehend collegiate or central administration. The University of Minnesota is committed to the preparation of leaders among the faculty at all levels and on all the campuses of the University.

This presentation will focus on two key areas: 1) the development of chairs and heads both at the University of Minnesota and in a program of the Committee on Institutional Cooperation (CIC) – the Department Executive Officer Program; and 2) the development of academic leaders for all levels from the department or center through the college and central administration level in a separate CIC program – the Academic Leadership Program.

### ***Development of Chairs and Heads***

Each year, the Office of the Vice Provost for Faculty and Academic Affairs (VPFAA) and the Office of Human Resources partner to design and host the Provost's Department Chairs/Heads Leadership Program. The co-hosting of the program began in 2006-2007. Prior to that time, the program was run only by the Office of Human Resources and had a strong focus on management with less emphasis on leadership. It had always been a successful program and was well attended. In 2006, the decision was made to expand the program further and to include more discussion about academic leadership without losing any of the important information about management. The program also introduced participants to the wide range of services available to them to assist with personnel, academic, and student issues.

Each spring, the VPFAA office invites each college to send the names of its new chairs and heads to us. The list typically varies between 15 and 25 new chairs, heads, and center directors. All of these individuals are invited to attend the program, which lasts from August through March and ends with a dinner with the Provost to discuss the impact of the program. The program from 2010-2011 is provided in Table 1. Sample programs from individual months are provided in Tables 2, 3, 4, and 5. The program drew on the expertise of over 22 presenters in 2010-2011. Another important feature of the program is the ability of chairs to network with each other across collegiate boundaries and to learn about the different cultures that exist at the University of Minnesota.

There is an assessment of the program each year and improvements and changes are made based on comments.

A second program for chairs and heads is the Department Executive Officer program that is part of the Committee on Institutional Cooperation (CIC). Each institution in the CIC has a liaison; for the University of Minnesota, it is the Vice Provost for Faculty and Academic Affairs. Each year, the Vice Provost selects five fellows, recommended by deans, who attend a weekend seminar in Chicago with fellows from the other CIC institutions. The focus is on improving one's skills and development as a chair or head. The University of Minnesota program focuses on both local and policy issues, whereas the CIC program focuses on self-development in chairs and heads. There are two key speakers – one who discusses time and stress management for chairs and the other who addresses survival skills with many case studies. The remainder of the program involves problem solving with an exercise called Critical Friends in which participants work in small groups from the other universities. They learn to summarize a problem in their unit in five minutes, answer questions from the group, listen without participating to the group discussion, and finally give the group feedback about how they were helped by the discussion. Each participant gets to present a problem and give feedback to others six times. There is an assessment of the program each year and improvements are made based on comments. Since 1997-98, we have had 58 participants in the program. Of these, there was an equal participation of men and women; 19% came from the coordinate campuses.

### ***Academic Leadership Programs***

Another CIC program is modeled after the Harvard University programs for academic leadership called the Academic Leadership Program (ALP). This was developed by the CIC to use its own resources to make the program available to a wider number of faculty at a lower cost. The Vice Provost for Faculty and Academic Affairs serves as the CIC liaison for this program as well. The ALP has two components: an external program in which participants travel to three different CIC institutions for weekend seminars and an internal program in which participants meet with university administrators of all types for a discussion about their development as an academic leader and their advice to the group about pursuing an academic career. CIC institutions take turns hosting the seminars. One was held at the University of Minnesota in February, 2011. The program for that seminar is included as Table 6.

Each year five fellows are selected for the year-long program. They are nominated by their deans or by past fellows; some faculty inquire themselves about participating. They are selected across colleges. The program particularly targets women and persons of color. Most participants are faculty although a number have been staff members who receive additional development opportunities. Since 1995-96, there have been 70 ALP fellows from the University of Minnesota. Of these, 47% have been men and 53% have been women; 25% have been persons of color and 11% have been from the coordinate campuses. Many of the Minnesota fellows began as center directors or faculty who held departmental leadership positions. They have gone on to serve as deans (4), vice provosts (2), senior vice presidents (1), and department heads.

The CIC liaisons meet annually to prepare the program for the following year and to plan for future years. Each seminar includes presentations by its president or chancellor and provost,

tours of the campus, entertainment by student groups, and a variety of presentations and group exercises. Networking with others is a key component of the program. Seminar I focuses on overarching issues in higher education such as the history of higher education; diversity; sustainability; global issues in higher education; and student affairs. Seminar II focuses more on people and issues such as faculty, students, staff, dealing with difficult situations, research, and relationships between the university and the community. Seminar III addresses strategic planning at the university, college, and department levels; budget models and management; development and philanthropy; space management; and athletics.

There is an assessment of the program each year and improvements are made based on comments.

The internal program at Minnesota has included: an annual meeting with the provost; meetings with the Vice Provost for Faculty and Academic Affairs; meetings with the Vice President for Human Resources; the Associate Vice President for Global Affairs; the Associate Vice President for Public Engagement; the Vice Presidents for Research and University Services; the Vice Provost and Dean of Undergraduate Education; and a variety of deans. We have an annual reception for all past ALP fellows. The fellows are used as a source of individuals for consultation and an experienced pool to draw from for important committee membership.

### ***Internal Leadership Programs***

The Vice Provost for Faculty and Academic Affairs has had a series of workshops around leadership development with panels composed of deans and associate deans, vice provosts and vice presidents, and department heads and chairs to discuss paths to leadership. These have been well attended with approximately 40 to 50 participants in each one.

**Table 1**

**Provost's Department Chairs/Heads Leadership Program**

*Sponsored by the Office of the Vice Provost for Faculty and Academic Affairs in the Office of the Senior Vice President for Academic Affairs and Provost and by the Office of the Vice President for Human Resources*

**Program Schedule and Topics  
2010-2011**

All Thursdays

<b>August 19</b>	Fall Kick-Off retreat (9 am – 4 pm) McNamara Alumni Center Guest: Provost Tom Sullivan (9:00-9:30 am)	Becoming and Being a Department Chair
<b>September 16</b>	Dinner Discussion I (5-8:30 pm) McNamara Alumni Center	Leading an Academic Department
<b>October 7</b>	Dinner Discussion II (5-8:30 pm) McNamara Alumni Center	Dealing with Faculty Life-Course Issues (bullying, disability, medical leaves, retirement)
<b>November 18</b>	Dinner Discussion III (5-8:30 pm) McNamara Alumni Center	Planning and Managing Finances
<b>January 13</b>	Mid-Winter Retreat (9 am – 4 pm) McNamara Alumni Center	Fostering a Supportive, Productive Department
<b>February 10</b>	Dinner Discussion IV McNamara Alumni Center	Annual Performance Reviews, Post-Tenure Reviews
<b>March 10</b>	Dinner Discussion V McNamara Alumni Center	Compliance and Legal Issues in Higher Education; Dealing with Difficult Issues
<b>May 19</b>	Year-End Dinner Celebration with the Provost	

## Table 2

### *Provost's Department Chairs/Heads Leadership Program*

Sponsored by the Offices of the Senior Vice President for Academic Affairs and Provost and Vice President for Human Resources

### **AGENDA August 19, 2010**

Fall Kick-Off Retreat (8:45 a.m. - 4 p.m.)  
Heritage Gallery, McNamara Alumni Center

#### *Being a Department Chair or Head*

8:45 – 9 a.m.	Registration and continental breakfast
9 a.m.	Introduction of Provost Sullivan Arlene Carney, Vice Provost for Faculty and Academic Affairs
9:00-9:30 a.m.	Opening Remarks Tom Sullivan, Senior Vice President for Academic Affairs and Provost
9:30-10:00 a.m.	Welcome and introductions of participants (Arlene Carney)
10:00-10:45 a.m.	In-Basket Exercise What does a chair or head do all day?
10:45 – 11:00 a.m.	Break
11:00-12:00 p.m.	Discussion – The Multiple Roles and Challenges of the Department Chair/Head (Arlene Carney)
12:00-1:00 p.m.	Lunch
1:00-1:30 p.m.	Relocation and the Higher Education Recruitment Consortium Mary Everley, Office of Human Resources
1:30-2:00 p.m.	Personal Tools for Reflection for Chairs and Heads Mel Mitchell, Director of Organizational Effectiveness
2:00-2:15 p.m.	Break
2:15-4:00 p.m.	The Role of the Department Chair in Promotion and Tenure Case Studies (Arlene Carney)



**Table 3**  
***Provost's Department Chairs and Heads Leadership Program***  
Sponsored by the Offices of the Senior Vice President for Academic Affairs and Provost and  
Vice President for Human Resources

**AGENDA**  
**September 16, 2010**

Dinner Meeting  
Ski-U-Mah Room, McNamara Alumni Center

***Leading an Academic Department***

4:50 p.m.	Registration
5:00 – 5:30 p.m.	Mentoring for Success: The Role of the New Department Chair Becky Yust, Professor and Head, Department of Design, Housing, and Apparel, College of Design
5:30 – 6:15 p.m.	Panel of Chairs and Heads: What I Learned and What I Advise Brian Buhr, Professor and Head, Department of Applied Economics, CFANS Rick McCormick, Professor and Chair, Department of German, Scandinavian, and Dutch, CLA Kate VandenBosch, Professor and Head, Department of Plant Biology, CBS
6:15 – 7:15 p.m.	Dinner Gateway Room
7:15 – 8:30 p.m.	Leadership Discussion Mel Mitchell, Director of Organizational Effectiveness, Office of Human Resources

**Table 4**

***Provost's Department Chairs Leadership Program***

Sponsored by the Offices of the Senior Vice President for Academic Affairs and Provost and Vice President for Human Resources

**AGENDA**

**November 18, 2010**

***Planning and Managing Finances***

*Ski-U-Mah*

5:00-6:00 p.m.	University Budget Julie Tonneson, Budget Director Office of Budget and Finance
6:00-6:45 p.m.	University Accounting & Financial Management Andrea Backes, Director of Finance, College of Biological Sciences
6:45-7:30 p.m.	Dinner <i>Minnesota Room</i>
7:30-8:15 p.m.	University Development Mark Baumgartner, Vice President of Development University of Minnesota Foundation

**Table 5**

***Provost's Department Chairs Leadership Program***

Sponsored by the Offices of the Senior Vice President for Academic Affairs and Provost and Vice President for Human Resources

**AGENDA**

*January 13, 2011*

*Mid-Winter Retreat (9 a.m.-3:30 p.m.)*

***Fostering a Supportive, Productive Department***

*McNamara Alumni Center*

- 9:00-9:15 a.m. Welcome and Overview
- 9:15-10:30 a.m. Louis Mendoza  
Associate Vice Provost, Office of Equity and Diversity  
*Harnessing Human Resources: An Integrative Approach to Equity and Diversity*
- 10:30-10:45 a.m. Break
- 10:45 a.m.-12 noon David Langley  
Director, Center for Teaching and Learning  
*College Teaching at its Best: Recognizing Good Practice and Supporting Your Faculty*
- 12:00-1:00 p.m. Lunch  
*Minnesota Room*
- 1:00-1:30 p.m. Mel Mitchell  
Director of Organizational Effectiveness, Office of Human Resources  
*Matching Style and Preferences for Chairs and Staff*
- 1:30-3:30 p.m. Human Resources Panel  
*Fostering a Supportive and Productive Work Environment*

Panelists:

Fred Owusu, HR Director, AHC  
Linda Bjornberg, HR Director, University Services  
Linda Debeau-Melting, HR Director, University Libraries  
Francine Morgan, HR Consultant, OHR

Moderator – Mel Mitchell, Director, Organizational Effectiveness

## Table 6

### CIC ACADEMIC LEADERSHIP PROGRAM Seminar II: People and Relationships

*University of Minnesota  
February 17-19, 2011*

#### AGENDA

Accommodations will be at the Radisson University Hotel, which is connected underground to the McNamara Alumni Center. All seminar sessions are held in the McNamara Alumni Center.

---

#### Thursday, February 17, 2011

*Program sessions on Thursday February 17 will be held on the 5<sup>th</sup> floor of McNamara Alumni Center in the University of Minnesota Foundation Board Room.*

- |                  |   |
|------------------|---|
| 1:00 – 2:00 p.m. | <b>Registration</b> (5 <sup>th</sup> floor McNamara Center; University of Minnesota Foundation Board Room)<br>Box lunches available in the Board Room   |
| 2:00 – 2:15 p.m. | <b>Welcome and Overview of Seminar II</b><br>(5 <sup>th</sup> floor McNamara Center; University of Minnesota Foundation Board Room)<br><i>Arlene Carney, Host Liaison, Vice Provost for Faculty and Academic Affairs, University of Minnesota</i>   |
|                  | <b>Introduction of President Robert Bruininks</b><br><i>Arlene Carney</i>   |
| 2:15 – 3:15 p.m. | <b>Remarks from and Discussion with the President</b><br><i>Robert Bruininks, President of the University of Minnesota</i>  |
| 3:15 – 3:30 p.m. | <b>Break</b>  |
| 3:30 – 5:00 p.m. | <b>External Pressures and the University of Minnesota</b><br>Building the Light Rail through the University of Minnesota: Partnership with the Cities of Minneapolis and St. Paul and the State of Minnesota<br><i>Kathleen O'Brien, Vice President for University Services<br/>University of Minnesota</i> |
| 5:00 – 5:45 p.m. | Free Time   |
| 5:45 – 5:50 p.m. | Walk to the University of Minnesota Stadium<br>(across University Avenue from the McNamara Center)  |
| 5:50 – 6:30 p.m. | <b>Tours of the Stadium</b>   |

- 6:15 – 7:15 p.m.      **Reception**  
Indoor Club (University of Minnesota Stadium)
- 7:15 – 8:30 p.m.      **Dinner and Entertainment**  
Indoor Club (University of Minnesota Stadium)  
Student string quartet
- 8:30 p.m.              Return to the Radisson  
After-Dinner Drinks and Conversation in the Radisson Lounge

**Friday, February 18, 2011**

*Program sessions on Friday February 18 and Saturday February 19 will be held in the Johnson Great Room on the 1st floor of the McNamara Alumni Center.*

- 7:00 – 8:00 a.m.      **Buffet Breakfast** (1<sup>st</sup> floor of McNamara Center, Maroon and Gold Room)  
Breakfast meeting for ALP Liaisons in Gateway Room, 1<sup>st</sup> floor  
McNamara Center)
- 8:15 – 9:30 a.m.      **Research Within and Across the Disciplines: Inside and Outside the University**  
*R. Timothy Mulcahy, Vice President for Research  
University of Minnesota*
- 9:30 – 9:45 a.m.      Break
- 9:45 – 11:00 a.m.      **Undergraduate Education: the Stakes and the Stakeholders**  
*Aaron Brower, Vice Provost for Teaching and Learning, University of Wisconsin*  
*Sonya Stephens, Vice Provost for Undergraduate Education, Indiana University*
- 11:00-11:15 a.m.      Break
- 11:15 a.m. – 12:30 p.m. **Academy under Stress: Impact on Staff**  
*Adedayo Adeniyi, Assistant Director for Training and Development,  
Purdue University*  
*Charlyce Patterson, Administrative Assistant to the Associate Provost,  
Purdue University*
- 12:30 – 1:30 p.m.      **Lunch Buffet**  
(Maroon and Gold Room)  
(Lunch meeting for ALP Liaisons in the Gateway Room)
- 1:30 – 2:40 p.m.      **Case Studies: Faculty Today and Tomorrow**  
*Group activity for fellows: Four case studies on major contemporary  
problems and situations in faculty life. Fellows will work in eight groups  
at tables.*
- 2:40 – 2:55 p.m.      Break

- 2:55 – 3:50 p.m.      **Key Opportunities in Graduate Education**  
 The goal of this exercise is for fellows to share with each other (1) the types of interesting questions that are being explored on your campuses about graduate education and (2) innovative or creative approaches in graduate education that other fellows may be interested in. In addition, we ask that you consider a third question: What role might deans, the chief academic officer, or other faculty leaders play in promoting dialog about innovation and creative thinking in graduate education?  
*Group activity at the same tables as the case studies above.*
- 4:00 – 4:15 p.m.      Transportation to the tour (bus outside the west side entrance of the Radisson)
- 4:15 – 5:15 p.m.      **Optional tours**  
*Science Teaching and Student Service Building – active learning demonstrations*  
*Super Computer Institute – Walter Library*  
*Ricci Map Viewing – Wilson Library*
- 5:15 – 5:30 p.m.      transportation back to the Radisson
- 5:50 – 6:00 p.m.      transportation to the Coffman Union (bus outside the west side entrance of the Radisson)
- 6:00 – 7:00 p.m.      **Reception at the Campus Club**  
 (4<sup>th</sup> floor – Coffman Union)
- 7:00 – 8:30 p.m.      **Dinner and Entertainment**  
 Campus Club  
 Doctoral student in voice and piano accompanist
- 8:30 – 8:45 p.m.      transportation to the Radisson
- 8:45 – 11:00 p.m.      After-Dinner Drinks and Conversation in the Radisson Lounge

**Saturday, February 19, 2011**

*Program sessions on Saturday February 19 will be held in the Johnson Great Room on the 1st floor of the McNamara Alumni Center.*

- 7:30 – 8:30 a.m.      **Buffet Breakfast** (Maroon and Gold Room at McNamara Center)
- 8:30 – 9:45 a.m.      **Handling Difficult Conversations**  
*Elyne Cole, Associate Provost for Human Resources, University of Illinois, Urbana-Champaign*  
*Gary Anderson, Head of the School of Social Work, Michigan State University*
- 9:45 – 10:00 a.m.      Break

10:00 – 11:15 a.m.      **Conversation with the Provost**  
*E. Thomas Sullivan, Senior Vice President for Academic Affairs  
and Provost, University of Minnesota*

11:15 – 11:30 a.m.      **Seminar III Preparation**  
*Susan Williams, Vice Provost for Faculty and Academic Affairs  
The Ohio State University*

11:30 – 11:35 a.m.      **Closing Remarks**  
Arlene Carney, University of Minnesota

Boxed Lunches will be available starting at 11:15 a.m. outside the A.I.  
Johnson Room.



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Consent Report

review       review/action       action       discussion

**Presenters:** Senior Vice President Jones

**Purpose:**

policy       background/context       oversight       strategic positioning

As required by Board of Regents Policy: *Reservation and Delegation of Authority*, the administration seeks approval for the following:

- Appointment of dean of Humphrey School of Public Affairs
- Appointments to Minnesota Landscape Arboretum Foundation Board of Trustees
- University Senate Constitution Amendments
- Civil Service Rule Amendments

**Outline of Key Points/Policy Issues:**

- Appointment of Eric P. Schwartz as dean of the Humphrey School of Public Affairs
- Appointment of Gary Petrucci and Sally Hauser to the Minnesota Landscape Arboretum Foundation Board of Trustees.
- To amend Articles III, VII and IX of the Senate Constitution to recognize the change in title from the "Civil Service Committee" to the "Civil Service Senate."
- To amend the Civil Service Rules 1, 3, 7, and 11 to recognize the change in title from the "Civil Service Committee" to the "Civil Service Senate," to further clarify examples of serious job misconduct, and to update language regarding sick leave usage for immediate family members for consistency with treatment of other employee groups.

**Background Information:**

Board of Regents Policy: *Reservation and Delegation of Authority* calls for items, such as proposed changes to retirement provisions, senior administrative appointments, bargaining unit contract approvals, tuition and fees policies, and appointments of certain trustees and board members, to be brought before the Faculty, Staff, and Student Affairs Committee for action.



**President's Recommendation for Action:**

The President recommends approval of the Consent Report.

## **Faculty, Staff, and Student Affairs Committee Consent Report**

**June 9, 2011**

Pending approval by the Board of Regents, Eric P. Schwartz will be appointed to the position of dean of Humphrey School of Public Affairs. Eric Schwartz is Assistant Secretary of State for Population, Refugees and Migration in the U.S. Department of State, Washington, D.C. Currently, he manages a bureau budget of \$1.85 billion and Washington and overseas staff, with a focus on overseas humanitarian assistance to refugees and displaced persons, refugee resettlement in the United States and assistance to vulnerable migrants around the world.

Eric Schwartz has 25 years of senior public service leadership positions at the United Nations, the National Security Council, the Department of State and the U.S. Congress, as well as experience in the foundation and NGO communities. He was appointed as the first Practitioner-in-Residence and has served for many years as a Visiting Lecturer of Public and International Affairs at Princeton University. While at Princeton he taught graduate and undergraduate seminars and workshops dealing with United Nations, democracy promotion, peace operations, international humanitarian assistance, and recovery and reconstruction after disasters. In addition, he worked for the Council on Foreign Relations, the Woodrow Wilson International Center for Scholars, and the U.S. Institute of Peace. He holds a J.D. from New York University School of Law, and a Master of Public and International Affairs from Princeton University (Woodrow Wilson School of Public and International Affairs). He earned a Bachelor of Arts (with honors) at Binghamton University (of the State University of New York).

Both President Bob Bruininks and President-Designate Eric Kaler joined in the consultative process and support enthusiastically the selection of Eric Schwartz as dean. Eric Schwartz will begin his service as dean on October 1, 2011.

**BOARD OF REGENTS  
FACULTY, STAFF AND STUDENT AFFAIRS COMMITTEE  
June 9, 2011**

**Academic Personnel Actions**

<u>Name</u>	<u>Rank</u>	<u>Unit</u>	<u>Effective Date</u>
Eric P. Schwartz	Dean	Humphrey School of Public Affairs	October 11, 2011

Eric P. Schwartz's appointment is a 100% time, 12 month, "L" type, and the annual salary for this appointment is set at \$300,000.

**Faculty, Staff, and Student Affairs Committee Consent Report**

**June 9, 2011**

**Appointment of Minnesota Landscape Arboretum Foundation Board of Trustees**

Pursuant to the Minnesota Landscape Arboretum Bylaws, one-quarter of the Foundation Board of Trustees will be designated as "Regents Trustees." In compliance with Board of Regents Policy: *Appointments to Organizations and Boards*, the president seeks Board of Regents endorsement of the following individuals to serve as Regent Trustees (to replace Gary Alkire and John Pohlad whose terms are expiring this year), effective immediately:

**For election:**

**Gary Petrucci** (term expires 2014) is Senior Vice President and financial consultant at RBC Wealth Management. He has served on many boards including Cardiovascular Systems, Inc., National Urology Board, Reliant Technologies Inc., America's Back, Cypher Metrics, Inc., Lettierie's, and St. Cloud State University Foundation. Gary is a graduate of St. Cloud State University and did graduate work in finance at the University of Minnesota. He is the owner of Applecrest Farms. In addition to horticulture, Gary's interests include golf, tennis, karate, hunting, and fishing. Mr. Petrucci and his wife, Maureen, live in Long Lake.

**Sally Hauser** (term expires 2017) has served on the Board of The Minnetonka Center for the Arts. She has a B.S. in Education. In addition to gardening, her interests include ceramics, interior decorating, ornithology, and golf. Ms. Hauser and her husband, Dr. Robert Hauser, live in Long Lake.

With Board of Regents endorsement of these individuals as Regents Trustees, there will continue to be 9 Regents Trustees of the 34 Trustees on the MN Landscape Arboretum Foundation Board of Trustees.

*submitted by:*

*Robert H. Bruininks*

*President*

*June 9, 2011*

To amend the University Senate Constitution as follows (new language is underlined; language to be deleted is ~~struck out~~).

...

### **ARTICLE III. THE UNIVERSITY SENATE (Changes to this article are subject to vote only by the University Senate)**

#### **1. Powers**

a. The University Senate shall have general legislative authority over administrative matters concerning more than one campus or the University as a whole, but not over the internal affairs of a single campus, institute, college, or school, except where these materially affect the interests of the University as a whole or the interests of other campuses, institutes, colleges, or schools. It may also offer advice to the President on budget, educational policy, and research issues.

b. The University Senate shall have the power to recognize campus assemblies as official campus legislative and policy-making bodies and, upon so doing, such organizations shall have all powers permitted the campus assembly in this Constitution and Bylaws.

c. The University Senate may delegate authority and responsibility to campus assemblies in administrative matters concerning only one campus of the University. Each campus shall determine its own assembly and shall adopt its own constitution and bylaws, consistent with the constitution and bylaws of the University Senate.

d. Nothing in this constitution bars the Senate Consultative Committee, the Faculty Consultative Committee, the Student Consultative Committee, the P&A Consultative Committee, or the Civil Service Consultative Committee from discussing and expressing views on any matter they deem appropriate, without regard to any view expressed by any of the other bodies.

e. In case of disagreement between or among the Senate Consultative Committee, Faculty Consultative Committee, the Student Consultative Committee, the P&A Consultative Committee, or the Civil Service Consultative Committee on a matter, each body may present its own views to the president.

f. Nothing in this constitution bars the University Senate, the Faculty Senate, the Student Senate, the P&A Consultative Committee, or the Civil Service Consultative Committee from discussing and expressing views on any matter it deems appropriate, without regard to any view expressed by any of the other bodies.

g. In case of disagreement between or among the University Senate, Faculty Senate, the Student Senate, the P&A Senate, or the Civil Service Senate ~~Committee~~ on a matter, each body may present its own views to the president.

#### **2. Membership**

a. The University Senate shall be composed of the following voting members:

(1) the president of the University;

(2) the vice chair of the University Senate;

(3) the 10 elected faculty members of the Faculty Consultative Committee, the 10 elected student members of the Student Consultative Committee, the 2 P&A Consultative Committee members of the Senate Consultative Committee, the 2 Civil Service Consultative Committee members of

the Senate Consultative Committee, and the past chair of the Faculty Consultative Committee, who shall serve as ex officio voting members;

(4) the 155 members of the Faculty Senate;

(5) the 50 members of the Student Senate;

(6) 23 elected academic professional and administrative staff members; and

(7) 23 elected civil service staff members.

Qualified academic staff members elected to the Faculty Senate will not be counted as part of the 23 academic staff to be elected to the University Senate.

b. Each member of the University Senate shall represent the University as a whole. The deans, vice presidents, chancellors, provosts, the University Librarian, and the General Counsel shall serve as ex officio nonvoting members. Student body presidents of the Twin Cities, Duluth, Morris, and Crookston student bodies shall, if not otherwise elected, serve as ex officio nonvoting members.

...

**ARTICLE VII. THE CIVIL SERVICE ~~COMMITTEE~~ SENATE (Changes to this article are subject to vote only by the Civil Service ~~Committee~~ Senate)**

**1. Power**

a. The responsibility of the Civil Service ~~Committee~~ Senate shall include but not be limited to matters relating to the employment conditions of the civil service staff; including duties as assigned within the Office of Human Resources Civil Service Employment Rules.

b. The Civil Service ~~Committee~~ Senate may delegate to campus organizations responsibility for matters concerning only one campus of the University.

**2. Membership**

~~a. All civil service staff covered by the Civil Service Rules who have held temporary or continuing appointments of at least 50% time or more for at least two calendar years are eligible to run for the University Senate.~~

a. The Civil Service Senate shall be composed of the following voting members:

(1) the chair of the Civil Service Senate;

(2) the chair-elect of the Civil Service Senate;

(3) the elected Civil Service senators; and

(4) the elected members of the Civil Service Consultative Committee if not already elected or appointed to the Civil Service Senate.

b. The Civil Service Senate members elected to the University Senate whose terms on the Civil Service Senate have expired, the past chair of the Civil Service Consultative Committee, and civil service staff serving on Civil Service, Faculty, P&A, Student, and University Senate

committees who are not already members of the Civil Service Senate shall serve as ex officio non-voting members.

c. For the purposes of this constitution, the bylaws, and the rules, and to be eligible to be elected to the Civil Service Senate, the term "civil service staff" shall mean individuals covered by the Civil Service Rules who have held temporary or continuing appointments of at least 50% time or more for at least two calendar years are eligible to run for the Civil Service Senate.

e. The manner in which Civil Service are elected to the Civil Service Senate shall be prescribed in the bylaws.

### **3. Civil Service Senate Officers**

The officers of the Civil Service Senate shall be the chair and the chair-elect. The selection and duties of the officers shall be set forth in the bylaws.

### **4. Civil Service Senate Meetings – Call – Quorum**

a. The Civil Service Senate shall hold regular meetings, at least once in each quarter of the fiscal year, at a time and place determined by the Civil Service Consultative Committee.

b. Special meetings of the Civil Service Senate may be held upon the call of the chair, three members of the Civil Service Consultative Committee, or upon written request of ten members of the Civil Service Senate. Senators shall be given notice of any special session by the Senate staff at the earliest possible date and not less than two days before the meeting. Only subjects specifically listed on the proposed agenda for any special session may be considered at that meeting.

c. At any regular or special meeting of the Civil Service Senate, a majority of its membership (not including vacant seats) shall constitute a quorum.

d. Only elected Civil Service Senate members (or their designated alternates), Civil Service Consultative Committee members, and, in the case of a tie, the presiding officer, shall be entitled to vote. All civil service staff may be present at Civil Service Senate meetings and shall be entitled to speak and to offer motions for Civil Service Senate action.

### **5. Civil Service Senate Agenda and Minutes**

a. The agenda and minutes of each Civil Service Senate meeting shall be distributed in the manner specified in the Rules. Matters under Civil Service Senate jurisdiction, including proposed amendments to this Constitution or Bylaws, may be submitted by any committee of the Civil Service Senate or any Civil Service Senate member.

b. Committees and Civil Service Senators shall submit items for action to the Civil Service Consultative Committee at least one week before the Civil Service Senate meeting.

### **6. Twin Cities Civil Service Delegation**

The Twin Cities Civil Service members of the Civil Service Senate shall constitute the Twin Cities Civil Service Delegation. The Civil Service Senate shall refer to the Twin Cities Civil Service Delegation any matters which pertain only to the Twin Cities campus. Committees which deal only with matters that pertain to the Twin Cities campus shall report to the Twin Cities Civil Service Delegation. The Twin Cities Civil Service Delegation shall meet as needed to conduct business at the call of the chair, three members of the Civil Service Consultative Committee, or upon written request of ten members of the Twin Cities Civil Service Delegation.

The officers of the Civil Service Senate shall serve as the officers of the Twin Cities Civil Service Delegation and all procedures and rules established in the constitution, bylaws, and rules for the Civil Service Senate shall apply to the Twin Cities Civil Service Delegation as appropriate. When questions arise, the Civil Service Consultative Committee shall determine the application of the constitution, bylaws, and rules to the Twin Cities Civil Service Delegation.

## **7. Committees of the Civil Service Senate**

The Civil Service Senate may establish standing committees and may also create special committees. Membership on Civil Service Senate committees and procedures for electing or appointing members are described in the Bylaws. Committees may appoint subcommittees.

...

## **ARTICLE IX. JURISDICTIONAL QUESTIONS**

### **1. Intercollege Controversies (Changes to this section are subject to vote only by the Faculty Senate)**

Controversies arising between institutes, colleges, and/or schools of collegiate rank may be presented, after mutual conference, to a special committee appointed by the president and confirmed by the University Senate. If the special committee is unable to arrange a mutually agreeable solution to the problem in question, the matter shall be placed on the agenda of the next regular or special meeting of the University Senate for decision. The Senate's decision may be appealed to the president.

### **2. Controversies Between a Senate and Institutes, Colleges, and Schools (Changes to this section are subject to vote only by the Faculty, P&A, Civil Service, and Student Senates)**

Controversies arising between the University, Faculty, P&A, Civil Service, or Student Senate or any of their committees and a campus, institute, college, or school government or other division of the University shall be resolved by the president, after conference with representatives of the appropriate Senate and of the units in question.

#### **COMMENT:**

Changes to these Articles reflect the change in transition of the Civil Service Committee to a Civil Service Senate.



## **RULE 1 History, Purpose, Amendment of Rules**

### **1.1 History and Purpose of the Rules**

1.1.1 These rules, through June 30, 2011 prepared and recommended by the Vice President for the Office of Human Resources (~~The words Vice President as used in these Rules shall refer to the administrative head or designee of the Office of Human Resources~~) and the duly appointed Civil Service Committee in accordance with the authority vested in them by the Basic Law for Civil Service of the University of Minnesota, as approved by the Board of Regents on November 24, 1945, ~~shall be~~ were until the adoption of the Civil Service Senate Constitution known as the Civil Service Rules, or Rules. ~~They shall govern the operation of the University of Minnesota Civil Service personnel system.~~

1.1.2 Henceforth prepared and recommended by the Vice President for the Office of Human Resources and the Civil Service Consultative Committee under the authority vested in them by the Board of Regents and the Civil Service Senate Constitution, they shall be known as the Civil Service Employment Rules, or Rules, and shall govern the operation of the University of Minnesota Civil Service personnel system from July 1, 2011 onward.

1.1.3 The words "Vice President" as used in these Rules shall refer to the administrative head or designee of the Office of Human Resources. The words "the President" shall refer to the President of the University of Minnesota. The words "Consultative Committee" or "the Committee" as used in these Rules shall refer to the Civil Service Consultative Committee, with powers and duties designated by the governing documents of the Civil Service Senate and by these Rules.

### **1.2 Application of the Rules**

~~The Civil Service Rules and "Definitions" shall cover all full time, part time, continuing, probationary, and temporary employees paid from University administered funds except those holding academic appointments, student appointments, those covered under collective bargaining agreements, and temporary no post and non public employees (see "Definitions").~~

The Civil Service Employment Rules cover all University employees in job classifications included in the Civil Service Employee group (see "Definitions") except that temporary no-post and non-public employees (also see "Definitions") are specifically excluded from coverage.

### **1.3 Amendment of the Rules**

1.3.1 Any University civil service employee may propose an amendment to the Civil Service Consultative Committee at any time. The Committee will solicit and review additional proposals, conduct public hearings, and recommend amendments to the President as deemed appropriate. A complete Rules review will be conducted ~~once every two to~~ at an interval no greater than every three years.

1.3.2 Public hearings are required before Rules amendments are proposed to the President. Notice of intention to amend the Rules specifying the date, hour, and place of the hearings shall be published in campus publications not less than 14 days before said hearing

1.3.3 Proposed revisions will be made available at least seven days before the public hearings on the Office of Human Resources worldwide web home page currently at <http://www.umn.edu/ohr/> or through the Office of Human Resources.

1.3.4 The Vice President and Civil Service Consultative Committee shall recommend to the President all proposed amendments. After consultation with the Vice President and the Civil Service Consultative Committee, the President shall make recommendations to the Board of Regents for their consideration. The members of the Board of Regents shall be provided with copies of the proposed amendments.

1.3.5 Amendments shall become effective upon adoption by the Board of Regents except as otherwise specifically provided. The Vice President shall promptly transmit notification to administrators and shall make the Rules and amendments available to employees.

1.3.6 New or amended Rules shall not retroactively affect personnel actions that were completed before the new Rules went into effect.

1.3.7 Before issuing the Civil Service Employment Rules, the Vice President or designee may correct

spelling and/or grammatical errors.

1.3.8 Electronic links to external documents are subject to administrative change; such changes are not considered amendments.

#### **1.4 Distribution of the Rules**

All employees shall have access to the Rules at: <http://www.umn.edu/csc/> or from the Office of Human Resources, <http://www.umn.edu/ohr/>.

## **RULE 2 Code of Conduct, Discrimination, Harassment, Nepotism and Political Activity**

<http://www.eoaffact.umn.edu/services/reporting.html>

<http://www.ureport.umn.edu>

### **2.1 Discrimination**

2.1.1 Discrimination and harassment on the basis of race, color, creed, religion, sex, marital status, sexual orientation, public assistance status, disability, age, national origin, or veteran status are forbidden by the University of Minnesota. Additionally, discrimination on the basis of political opinions or affiliation with any union or other organization representing the interest of public employees is forbidden by the University of Minnesota.

2.1.2 It is unlawful for any person in the University of Minnesota service, on the basis of prohibited discrimination, to (1) refuse to hire an individual; (2) maintain a system of employment that unreasonably excludes an individual from employment; (3) discharge an individual; or (4) discriminate against an individual with respect to hire, employment terms, promotion, or privileges of employment. A person in the University of Minnesota service may not encourage or compel, or attempt to encourage or compel, any action covered by this section.

### **2.2 Political Activity**

No employee of the University Civil Service shall be required to pay or be allowed to solicit or receive any assessment, contribution, or subscription for political purposes whatsoever during work hours. No officer or employee of the University shall directly or indirectly use the officer's or employee's authority or official influence to compel any officer or employee in University Civil Service to apply for membership in or become a member of any political organization; or to pay or promise to pay any assessment, subscription, or contribution; or to take part in any political activity.

### **2.3 Employee Rights and Responsibilities**

Employees shall be granted all rights, benefits, and considerations under the policies and procedures referenced in these Civil Service Rules and exercise all rights not denied them or otherwise prohibited by these Rules or other applicable policies and procedures.

### **2.4 Regents' Code of Conduct**

Employees must not engage in, nor permit harassment and are entitled to a respectful and safe work environment consistent with the Regents' Code of Conduct. Current policy can be accessed at <http://www.umn.edu/regents/polindex.html> or from the Office of Human Resources <http://www.umn.edu/ohr/>.

### **2.5 Nepotism**

The Regents' policy on nepotism covers all University employees. Current policy can be accessed at <http://www1.umn.edu/regents/polindex.html> or from the Office of Human Resources.

## **RULE 3 Civil Service Consultative Committee, Human Resources, University Administration**

### **3.1 ~~Structure and Governance of the~~ Civil Service Governance**

~~3.1.1 In accordance with the governing documents of the Civil Service Senate, there shall be a Civil Service Consultative Committee, having specific powers and duties with respect to these Rules, of fifteen members and a minimum of three alternates appointed by the President with the approval of the Board of Regents. Members shall be appointed to represent all areas, campuses, and central administration to include a representative balance from all civil service classifications. A current list of Civil Service Committee members is available on the worldwide web at <http://www.umn.edu/csc/> or through the Office of Human Resources.~~

~~3.1.2 Terms of appointment shall be staggered to ensure that less than half of the terms expire in any calendar year. All appointments shall be for three year terms unless a longer or shorter term is necessary to preserve the staggered term schedule.~~

~~3.1.3 The President will appoint a search committee to solicit nominations from the University community to fill Committee vacancies. The civil service search committee will solicit, interview and refer a slate of candidates to the President to appoint Committee members and alternates on an annual basis. The President will fill mid-year vacancies on the Committee from the pool of alternates in consultation with the search committee.~~

~~3.1.4 Members appointed to the Civil Service Committee shall be persons who have an understanding of University policies and personnel administration, and who are able to adjust their schedules to devote adequate time to Committee work. All Committee members must be Civil Service employees covered under these Rules. Full committee members may serve for a maximum of six consecutive years, except for under extenuating circumstances.~~

~~3.1.5 Vacancies created by resignation, leave of absence for more than three months, termination of University civil service employment, or failure to attend three consecutive regular meetings unless on approved leave shall be filled by an alternate appointed by the President for the unexpired portion of the term.~~

~~3.1.6 The alternates will be appointed to serve one year terms. Alternates will serve without vote except as a member of an appeals panel and when attending a meeting of the Committee in place of a Committee member as their designee.~~

~~3.1.7 A quorum shall consist of a simple majority (one half plus one) of the Committee membership. Appeals shall be handled by three member panels.~~

~~3.1.8 Aspects of Committee structure and governance not addressed by these Rules shall be covered by the Committee's Bylaws, or by the current revision of Robert's Rules of Order.~~

~~3.1.9 Secretarial services and funds for Committee use (including, but not limited to meeting expenses, travel, publication of Rules or amendments, photocopying, and postage) shall be supplied as necessary by the President's Office.~~

### **3.2 Powers and Duties of the Civil Service Consultative Committee with respect to these Rules**

The Civil Service Consultative Committee shall:

3.2.1 review, conduct public hearings, and present recommendations to the President regarding Civil Service Rules, in accordance with Rule 1.3;

3.2.2 act as an appeals board in all cases involving supervisors or employees appealing decisions made by the Vice President in accordance with Rules 4, Position Classification Plan; and 5, Compensation System; Appeals shall be handled by panels consisting of at least three Consultative Committee members and/or alternates.

3.2.3 make investigations at the request of the Board of Regents, the President, the Vice President, Civil Service staff, or on its own initiative concerning personnel administration in University Civil Service;

3.2.4 interpret the intent or meaning of the Rules in cases of questions or dispute;

- 3.2.5 act as consultants to the Vice President in developing performance appraisal plans (Rule ~~9, Section 19.1~~);
- 3.2.6 review the creation of new and elimination of obsolete job classifications (Rule ~~4, Section 44.4~~);
- 3.2.7 review and approve proposed changes to the compensation plan (Rule ~~5, Section 15.1~~); (~~Rule 5, Section 2~~);
- 3.2.8 review ~~any~~ proposed changes in any salary range that are requested by the Vice President (Rule 5.2);
- 3.2.9 appoint civil service representatives to ~~the University Grievance Board and~~ the Conflict Resolution Advisory Committee, and nominate civil service employees for selection to serve on the Hearing Officers ~~Panel Officer Roster and the Panelist Roster~~ (Rule 14);
- 3.2.10 appoint civil service representatives to other University committees and task forces as requested by the President;
- ~~3.2.11 coordinate the membership and election of Civil Service members to the University Senate including eligibility requirements, areas of representation, slate of candidates, and the filling of vacancies as per the Civil Service Committee Bylaws; and~~ 3.2.11 perform such other duties as may be assigned to it by the President or these Rules.

### **3.3 Role of the Vice President for Human Resources with respect to these Rules**

~~No administrative action affecting the status, rate of pay, or classification of an employee or position in University Civil Service shall become final until approved by the Vice President or designee as being in conformance with these Rules.~~

The Vice President or designee shall:

- 3.3.1 consult with the President on proposed rule amendments (Rule 1.3.6);
- 3.3.2 maintain the civil service job classification system (Rules 4.4.1 and 4.4.2);
- 3.3.3 prepare, consult with the Consultative Committee, and obtain approval of the President for a compensation plan (Rule 5.1);
- 3.3.4 determine salary range changes (Rule 5.2.1);
- 3.3.5 establish compensation policies (Rule 5.3);
- 3.3.6 determine the forms and manner for applications for civil service positions (Rule 6.4);
- 3.3.7 prescribe and maintain the application system for civil service positions (Rule 6.5);
- 3.3.8 approve certain probationary period requirements (Rule 7.2.2) and determine and publish probationary periods for job classifications (Rule 7.2.3); and
- 3.3.9 develop and administer a performance appraisal plan (Rule 9.1).

### **3.4 Powers and Duties of Responsible University Administrators and Supervisors with respect to these Rules**

Responsible administrators and supervisors (see “Definitions”) shall administer the policies and procedures referenced in these Civil Service Rules and exercise all rights (unless denied them or otherwise prohibited by these Rules) inherent in the management process with respect to the supervision of employees.

## **RULE 4 Position Classification Plan**

### **4.1 Preparation of the Position Classification Plan**

The Vice President shall classify all positions in the University Civil Service System according to the nature and difficulties of duties and responsibilities assigned to and performed by the employees appointed to such positions and shall assign to each a classification title, number, and salary range.

## 4.2 Job Evaluation Questionnaires

<http://www1.umn.edu/csc/csdocuments/Final-JEQ-JRQ-Appeal-Proc.pdf>

4.2.1 Employees may submit, through supervisory and administrative channels, properly completed job evaluation questionnaires when changes in the tasks, duties, and responsibilities of their position have occurred due to reorganization of work, staffing requirements, or technology, or when they believe their positions are inappropriately classified.

4.2.2 A reclassification of any position can result in a promotion, demotion, or change to a different classification which does not constitute a promotion, or demotion (see definitions); or no change in classification. No probation is required after a reclassification unless requested by the supervisor and approved by the Vice President.

4.2.3 The reclassification of any position shall be made effective on the first day of the payroll period after the employee submits a signed and dated JRQ/JEQ to their immediate supervisor

4.2.4 Reclassifications resulting in a demotion and reduction in salary will be made effective the first payroll period following notification of the decision by the Office of Human Resources.

4.2.5 The questionnaire shall be forwarded for review and signature within periods of no more than five work days to each designated administrative level starting with the immediate supervisor and ending with the appropriate human resources office. Copies of the completed questionnaire will be sent to the employee and the responsible administrator when a final version of the questionnaire has been determined.

4.2.6 A supervisor cannot change or require the employee to change the employee's responses on the questionnaire.

4.2.7 The appropriate human resources office shall rule on the requested reclassification within 25 workdays after receiving the questionnaire and shall convey the decision in writing to the employee and the responsible administrator who is expected to comply with the ruling.

4.2.8 The appropriate human resources office's decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Civil Service Consultative Committee. Please refer to the classification appeal process found on the Civil Service website.

## 4.3 Periodic Surveys

4.3.1 An administrator or supervisor initiates a review of a Civil Service position within a unit by completing a Periodic Survey. Reclassifications resulting from the Periodic Survey will become effective on the first day of the pay period mutually agreed to by the appropriate human resources office and the administrative unit, and specified in writing.

4.3.2 The decision of the appropriate human resources office may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the Civil Service Consultative Committee.

4.4.1 The creation of new job classifications, the elimination of obsolete ones, and changes in titles or pay ranges of existing classifications shall be recommended by the Vice President for review by the Civil Service Consultative Committee and approved by the University administration.

4.4.2 In cases of emergency, the Vice President may establish a job classification on a provisional basis, assign it to an appropriate salary range, and approve the appointment of individuals to positions in the classification until the classification and salary range can be reviewed by the Civil Service Consultative Committee and approved by the University administration.

## **RULE 5 Compensation System**

### **5.1 Preparation of Compensation Plan**

The Vice President shall prepare a compensation plan that includes provisions for any salary increases. The policy of equal pay for equal work, the University's ability to pay, labor market competitiveness, and internal pay equity will be the major considerations in formulating the compensation plan. The Vice President shall obtain approval of the ~~Civil Service~~ Consultative Committee and the Board of Regents. The current compensation plan can be viewed on the worldwide web at <http://www1.umn.edu/ohr/toolkit/compensation/payplans/index.html> or be obtained from the responsible administrator.

### **5.2 Salary Range Changes**

5.2.1 The Vice President shall consider all written requests for changes in salary ranges from employees, supervisors, and responsible administrators. The Vice President shall notify all affected parties of the decision for or against a change. The ~~Civil Service~~ Consultative Committee shall review and the Vice President shall approve any proposed recommendations regarding salary range changes. Salary increases commensurate with the amount of the range adjustment shall be given to employees in job classifications that are affected, except where documented performance or documented funding considerations warrant withholding part or all of the increase or where such range adjustments are made for administrative purposes to improve the salary structure

5.2.2 The Vice President's decision may be appealed by the employee within 45 calendar days after receiving the decision. Appeals must be made in writing to the ~~Civil Service~~ Consultative Committee.

### **5.3 Compensation Policies**

5.3.1 The Vice President shall establish compensation policies for the regulation of salary increases, hiring rates, on-call rates, augmentation rates, in-range adjustments, outstanding achievement awards, and salary changes in cases of promotion, demotion, transfer, reinstatement, shift differential, and return from leaves of absence. Administrative units have full managerial discretion within the framework of the policies except for the following:

5.3.2 No one can be hired above or below a salary range, except that trainees must be hired below the salary range (Rule 6.6).

5.3.3 Promoted employees (see "Definitions" and Rule 4) must receive a minimum salary increase of four percent unless that increase would

- a) place the salary below the minimum salary or
- b) place the salary over the maximum of the range of the higher level classification.

5.3.3.1 If the minimum increase of four percent does not bring the salary to the minimum salary of the higher classification, then the employee must receive whatever percent increase is necessary to reach the new base.

5.3.3.2 If the four percent increase places the salary over the maximum, then the employee's salary shall be set at the maximum of the range of the higher level classification.

5.3.4 Employees who have been demoted and who have

- 1) not experienced reductions in salary as a result of the demotions, and
- 2) who are subsequently promoted to classifications at or below their former salary ranges (but not below the minimum salary of the classifications in which they have been promoted),

shall not receive a promotional salary increase without the approval of the Vice President.

5.3.4.1 If, however, the employees' salaries are below the minimum salary of the classifications to which the employees have been promoted, the employees must receive the minimum salary of the higher classification. (see "Definitions" and Rule 4)

5.3.5 An employee who is demoted (see "Definitions" and Rule 4) shall be paid at or below the maximum of the salary ranges for the job classification into which the employee is being demoted. Depending upon administrative unit discretion, the salaries within the range after demotion should reflect the employee's experience and performance. The salary may not, however, exceed the employee's salary before the demotion.

5.3.6 Employees who transfer (see "Definitions") may receive an increase in salary over their former salary. If the beginning rate for the new position is higher than the rate the employee was at in the former position, the employee's salary shall move to the beginning rate for the new classification. Conversely, if the employee's salary in the former position exceeds the maximum of the range for the new position, the employee's salary must be decreased to the maximum of the range for the new position.

5.3.7 Employees returning from unpaid leaves of absence shall be compensated at the same rate of pay they received when the leaves commenced plus any non-discretionary increases which became effective during the time of the leaves. For increases requiring a specific length of service in order to be eligible for consideration, the period of the leave of absence is not counted toward eligibility. However, if employees gain additional experience or education that is relevant to their work during the leaves of absence, the time of the leaves may, at the administrative unit's discretion, be counted toward eligibility for discretionary increases.

5.3.8 Employees shall receive on-call (see definition) and augmentation pay, as provided for by University policy (see OHR web site and refer to Civil Service pay plan). Employees shall also be provided with off-cycle checks under the circumstances specified by University policy.

5.3.9 An employee who performs work in a higher classification for longer than five consecutive workdays shall receive a temporary salary augmentation during the remainder of the time the employee works out-of-class. The augmentation must be a minimum of four percent of the employee's current hourly rate, or the percent of the employee's current hourly rate necessary to reach the minimum rate of the higher classification, whichever is greater. Any overtime shall include the augmentation. If the responsibilities of the higher classification become permanent duties of the employee, that employee has the right to submit a job a JEQ/JRQ questionnaire.

#### **5.4 Total Remuneration**

5.4.1 Employees shall not receive perquisites, which may include but not be limited to residence, board, room, laundry, commutation, or any combination thereof, as a part of the employee's regular compensation unless these perquisites are required for the satisfactory performance of assigned duties.

5.4.2 Whenever employees are required to wear uniforms as a condition of employment, the employer shall, according to administrative policies, either provide employees with uniforms or provide funding to the employees for purchasing uniforms. Laundering of lab coats when employee works in hazardous environments shall be the responsibility of the lab per the guidelines when working in hazardous environments: ([http://www.dehs.umn.edu/ressafety\\_hsr\\_epc.htm](http://www.dehs.umn.edu/ressafety_hsr_epc.htm), [http://www.dehs.umn.edu/ressafety\\_rsp\\_aep.htm](http://www.dehs.umn.edu/ressafety_rsp_aep.htm))

5.4.3 Likewise, whenever badges, ID Cards, keys, electronic access or communication devices (e.g. internet connections, pagers, cell phone) are required as a condition of employment, the employer shall provide them or provide funding for their purchase. Employees may be assessed reasonable refundable deposits including interest, or charged reasonable replacement fees for items that are lost or negligently damaged.

## **RULE 6 Recruitment and Employment**

### **6.1 Request to Establish Position to Fill Vacancy**

When a newly created position or a vacancy in an existing position is to be filled, the responsible administrator shall submit a personnel requisition to the appropriate human resources office. Upon receipt of the requisition, human resources personnel will review the position to approve the requested classification or reclassify it after consulting with the hiring authority before posting.

### **6.2 Announcement of Employment Opportunities**

6.2.1 Announcements of all vacancies shall be publicly posted and available through the Office of Human Resources on the worldwide web. Information on the benefits and rights attached to temporary positions, as well as those not attached to temporary positions, shall be available through the Office of Human Resources home page at <http://www.umn.edu/ohr> on the worldwide web.

6.2.2 A minimum of seven calendar days (excluding holidays) shall elapse between the initial posting of an announcement concerning a vacancy in a continuing or temporary posted position and the date of hire by a responsible administrator (Rule 6.3), except when a laid-off or injured worker is re-employed.

### **6.3 Hiring and Certification**

6.3.1 Applicants who have been certified by the Office of Human Resources as meeting the qualifications of a vacancy shall be considered and interviewed for employment in the following order:

1. Former employees whose names appear on the layoff list, with layoff rights to the posted vacancy according to the provisions of Rule 12.3.
2. Former employees on the job transfer list because of eligibility under state or federal disability laws, in accordance with Rule 12.3. <http://www.umn.edu/ohr/toolkit/hiring/reasonable/index.html>
3. Former employees on the job transfer list because of an on-the-job injury, in accordance with Rule 12.3.

6.3.2 Should no individual be eligible and/or hired from the above listed groups, additional applicants may be considered in the following order:

1. Individuals whose names appear on the layoff lists and who do not have layoff rights to the posted vacancy and current University Civil Service employees, whether their current positions are posted temporary or permanent.
2. Other applicants may then be considered.

The order of preference may be changed under special circumstances by the University Equal Opportunity Officer in accordance with affirmative action policies of the Board of Regents.

### **6.4 Employment Procedure and Files**

6.4.1 Applications for all Civil Service employment shall be made on the appropriate forms and in such manner as prescribed by the Vice President and, upon submission to the Office of Human Resources, become the property of the Board of Regents of the University of Minnesota.

6.4.2 The only individual official employee personnel file is the one maintained by the Office of Human Resources except that official employee personnel files are maintained on the coordinate campuses. Employees shall have a right to see their own personnel files upon request, in the Office of Human Resources, in the presence of an appropriate Human Resources staff member.

6.4.3 The University policy concerning file access conforms to applicable State and Federal laws. Contact the Office of Human Resources for more information.

6.4.4 Employees have the right to include or update information in their files that may be pertinent to their performance of job duties.



## **6.5 Types of Appointment**

6.5.1 No appointment shall be authorized by a responsible administrator or immediate supervisor without prior certification by the appropriate human resources office that the candidate is qualified. All appointments shall be subject to the ratification of the Vice President and the Equal Opportunity and Affirmative Action Office, under provisions of Rule 6, Section 3.

6.5.2 Trainee appointments may be made when the Vice President approves trainee programs to qualify persons for a particular work classification. An employee hired as a trainee shall be hired at a rate, as established by the Vice President in consultation with the responsible administrator, below the salary range for the class, and may be granted incentive increases as the employee progresses through an organized training program.

6.5.3 After successfully completing the program, the employee will reach the minimum salary of the range for the class. The employee shall then be required to successfully complete the probationary period assigned to the class before receiving a continuing appointment.

6.5.4 Continuing appointments shall be made to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature and when the employee has successfully completed the probationary period for the class of work.

6.5.5 Temporary appointments may be made to any position and must have a beginning and ending date. Temporary appointments may be part-time or full-time and employees shall not serve a probationary period during the period of the temporary appointment. See "Definitions" for different types of temporary appointments.

6.5.6 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same classification within the same administrative unit in conformance with Rule 6:

6.5.6.1. Classification seniority and rights to the layoff list shall be granted after more than one calendar year of service. Classification seniority will be retroactive to the date of entry into the classification in the administrative unit.

6.5.6.2. Grievance rights for termination for just cause shall be granted after more than one calendar year of service, within the same administrative unit within the same classification.

6.5.7 The following rights accrue to employees on temporary appointments of 50 percent time or more, within the same position including reclassifications of that position, within the same administrative unit in conformance with Rule 6:

6.5.7.1. A temporary appointment will become a continuing appointment with all rights and benefits after more than two consecutive calendar years of service and a probationary period will be considered to be completed.

6.5.7.2. An employee with continuing status who promotes or transfers to a temporary position forfeits all rights and benefits given to a continuing position and shall be governed by the rules for temporary employees.

6.5.7.3. A former employee with continuing status, whether on the layoff list or not, who is re-employed in a temporary position, assumes the status of a temporary employee, and classification and unit seniority credits cannot be reinstated.

6.5.7.4. An employee with continuing status who is laid off and bumps an employee in a temporary position retains the status of a continuing employee.

6.5.8 At the time of the initial interview, individuals being considered for temporary positions shall be informed of the temporary nature of these positions and the consequences of accepting temporary positions.

6.5.9 Individuals who accept temporary positions must be notified in writing of the temporary nature of their appointments. This written notification shall also include the beginning and ending dates of the position and the benefits and rights inherent to and denied a temporary appointment. This temporary letter shall be given to the employee within five workdays after the initial hire or, if this is not possible, within five workdays after the employee completes administrative unit orientation meetings, and must be signed

by the employee. The original of the temporary letter shall be forwarded to the Office of Human Resources. <http://www1.umn.edu/ohr/toolkit/letters/>

6.5.10 Part-time appointments may be made to any position in which the assigned work time is less than 100 percent time. Such an appointment may be temporary or continuing.

## **RULE 7 Probationary Period and Orientation**

### **7.1 Intent of Probation**

The probationary period shall be an integral part of the selection process for appointment to any position in which the assigned work time is at least 50 percent of full-time and of a continuing nature. The supervisor shall use the probationary period to inform employees of their job responsibilities and duties and of the administrative unit's expectations; to evaluate the employee's work performance; and to inform employees of their work performance.

### **7.2 Application of Probationary Period**

7.2.1 A probationary period of employment shall be designated for each class of work, shall be served by every employee hired in any continuing position to work 50 percent time or more regardless of whether such employment occurs as an original appointment, promotion, transfer, or demotion and shall be successfully completed before the employee can be given a continuing appointment to the position.

7.2.2 Unless probation is requested in writing by the responsible administrator and approved by the Vice President, no probationary period shall be required of an employee who bumps back into any position in a classification in which the employee has previously passed probation (Rule 12.3 ); who is an incumbent in a reclassified position; who is assigned to a different position in the same job class in the same administrative unit or who is recalled in the same class and administrative unit following layoff or reinstatement after resignation. Employees affected by this request to serve probation shall be notified in writing that a probationary period must be served.

7.2.3 The Vice President shall determine and publish the length of the probationary period for each class of positions in the University Civil Service. This period may not be less than three months nor more than one year. Related and comparable classes shall have probationary periods of the same length. All employees working less than full time (but at least 50 percent time) shall work the same number of calendar months as full-time employees to complete their probationary periods.

7.2.4 Any absences without pay shall automatically extend the probationary period.

### **7.3 Orientation**

Employees shall be provided with University orientation information and shall be allowed to attend orientation sessions when offered by the Office of Human Resources.

<http://www1.umn.edu/ohr/newemployee/index.html>

### **7.4 Probationary Rating**

All probationary employees will have at least one written performance appraisal during their probationary period, except where immediate removal from the position is warranted; such as serious job misconduct -- for example, falsification of records or misappropriation of University resources -- or workplace actions that endanger the health or safety of the employee or others. Supervisors must use either the standardized University evaluation form or other Human Resources approved evaluation form, pursuant to Rule 9.1. The Vice President may, at any other time during the probationary period, ask the responsible administrator for additional oral and/or written statements regarding the employee's work performance. If a written performance appraisal is not given before the actual expiration date of an employee's probationary period, the employee will pass probation.

## **7.5 Rights of Probationary Employees**

Probationary employees are entitled to all rights under these Rules, including the right to grieve any alleged Rules violations unless specifically denied by these Rules.

## **7.6 Termination of Employment During Probationary Period**

7.6.1 If the responsible administrator or immediate supervisor determines, after complying with Rule 7.4, during the probationary period, that the employee's appointment will not continue, the employee's appointment shall not be continued. Just cause is not required for termination of a probationary appointment and it is not grievable except under the discrimination clause of Rule 2.

7.6.2 The responsible administrator or immediate supervisor shall give an employee who fails to pass the probationary period at least 10 workdays written notice before termination. These 10 workdays may be given as a leave of absence with pay. <http://www1.umn.edu/ohr/toolkit/letters/index.html>

7.6.3 An employee who is being terminated during the probationary period (Rule 12.3) but held a prior position shall have the right to return to the prior position within 10 workdays after notifying the responsible administrator in charge of the prior position, provided the employee:

7.6.3.1 has successfully completed the probationary period for the prior position; and

7.6.3.2 was promoted or transferred from the prior position; and

7.6.3.3 notifies the prior responsible administrator by the termination date of the currently held probationary position of the intent to return to the prior position.

7.6.4 The prior position referred to in this Rule is the position an employee last held before being promoted or transferred to the position requiring the probationary period.

7.6.5 If an employee's prior position no longer exists (has been abolished or reclassified) or if the employee does not choose to return to a prior position (Rule 12.3), the employee may notify the prior responsible administrator by the termination date of the probationary position, of intent to be placed on the layoff list.

7.6.6 If the prior position was a temporary position the employee held for one year or less, there will be no right of return or right of placement on the layoff list.

7.6.7 If the prior position was a temporary position the employee held for more than one year, but not more than three years, there will be right of placement on the layoff list provided the employee notifies the prior responsible administrator by the termination date of the probationary position of intent to be placed on the layoff list, but there will be no right of return.

7.6.8 If the prior position was a temporary position the employee held for more than three years, there will be right of return; but if the prior position is now on temporary status, the employee will lose his or her continuing status upon return to that position. The employee shall notify the responsible administrator in charge of the prior position of intent to return to the prior position by the termination date of the currently held probationary position, and return to the prior position shall be within 10 workdays after notification. If the employee does not choose to return to the prior position under these circumstances, there will be right of placement on the layoff list provided the employee notifies the prior appropriate human resources office by the termination date of the probationary position of intent to be placed on the layoff list.

7.6.9 A probationary employee who is discharged from the University for disciplinary reasons shall forfeit all rights to return to any prior position or to the layoff list.

## **7.7 Academic Conversions to Civil Service Positions**

If an academic employee accepts a Civil Service appointment, the employee will be required to serve the designated period of probation in the Civil Service classification. If an academic employee's position is converted to a Civil Service classification with no change in job duties, no probationary period will be required.

## **7.8 Civil Service Conversions to Academic Positions**

Per the Board of Regents resolution passed December 12, 1980, no individual currently in another personnel category (faculty or civil service) shall be moved to the Academic Staff category unless the individual requests to do so and the request is approved by all concerned.

## **RULE 8 Continuing Education and Required Courses**

### **8.1 Continuing Education**

Employees shall be allowed the opportunity, within the limits of these Rules, to improve their performance, continue their education, and expand their promotional possibilities by taking courses. (Rule 11.9). The University encourages employees to participate in professional development activities (refer to Rule 3.4, Regents' Code of Conduct).

### **8.2 Required Courses**

If an employee is required to take coursework as a condition of continuing employment, the course shall be treated as paid work time with travel time computed in accordance with the Fair Labor Standards Act. Supervisors shall allow employees to attend at least 8 hours per year of continuing education in the form of seminars, workshops, and professional development activities during scheduled work hours as paid work time.

## **RULE 9 Performance Appraisal**

### **9.1 Plan**

The Vice President shall be responsible for developing and administering a performance appraisal plan. The plan shall be implemented after consultation with and input from the Civil Service Consultative Committee and other appropriate University personnel. Use of alternate plans must be approved by the Vice President after consultation with and input from the Civil Service Consultative Committee (refer also to Rule 7.4 Probationary Appraisal).

### **9.2 Frequency of Appraisals**

9.2.1 Performance appraisals for all Civil Service employees shall be submitted at least once each year. Within this framework, the Vice President shall establish the frequency with which appraisals shall be submitted.

9.2.2 Employees shall be evaluated by their supervisors. Reviews by employee's peers and/or subordinates may be combined with the supervisory review if it is done in accordance with an approved performance appraisal plan in use by the employee's administrative unit.

9.2.3 The original performance appraisal shall be placed in the employee's official personnel file. Employees have the right to review their official personnel files upon request (Rule 65).

### **9.3 Employee Review of Appraisals**

9.3.1 Supervisors are to provide to each employee an annual written assessment of performance. The review is to include performance strengths and key areas for improvement. Supervisors are expected to support employees in efforts to improve.

9.3.2 Each employee has the right to add written comments regarding their review on the performance appraisal form, at the time of the initial review and when any changes are made to the form. The employee's signature on the performance appraisal form signifies that the performance appraisal has been reviewed with the employee, but does not signify that the employee agrees with the appraisal.

9.3.3 Each employee shall have the right to see any changes, deletions, or additions to the performance appraisal made by their supervisor, or other appropriate responsible administrator. Such changes shall be discussed with the employee.

## **RULE 10 Hours of Work, Overtime, Holidays, Reporting and Callback**

### **10.1 Standard Hours of Work**

10.1.1 The full-time workweek for all work classifications in the University Civil Service shall be 40 hours per seven-day workweek.

10.1.2 Whenever possible the 40 hours shall be consecutive workdays with two or more consecutive days off; however, administrators and supervisors may reschedule work time as necessary.

10.1.3 Scheduled unpaid meal periods interrupting a work shift shall be not less than 30 minutes nor more than one hour in length. If a shift is extended to more than eight hours of work, additional or longer meal periods should be implemented, if warranted.

10.1.4 Employees are entitled to and shall be granted two 15 minutes paid break periods during eight hours of work. The scheduling of paid break periods is at the sole discretion of the supervisor. Paid break periods are not cumulative from one day to the next. Break periods for employees working other than eight-hour workdays shall be proportionally calculated.

10.1.5 Split shifts (see "Definitions") shall be avoided whenever possible. No split shift shall extend the working hours of an employee to more than 12 hours in any 24-hour period, except that in agricultural operations, working hours may extend to 14 hours in a 24-hour period.

10.1.6 In emergency situations two eight-hour shifts may occasionally be scheduled in a 24-hour period.

10.1.7 Shift differential shall be paid to employees whose scheduled work shift begins before 6:00 a.m. or begins/ends after 7:00 p.m. Scheduled shifts must be at least six hours in duration. For shift differential rate, please see the Civil Service pay plan at: <http://www1.umn.edu/ohr/toolkit/compensation>

### **10.2 Overtime**

10.2.1 As a condition of employment, employees may be required to work overtime. Overtime is the work time (see "Definitions") in excess of 40 hours per workweek on one or more University jobs. All overtime must be approved by the appropriate responsible administrator prior to being worked. Failure to obtain approval may result in disciplinary action.

10.2.2 All employees, except those whose jobs are designated as V-class (Rule 11.2), shall be paid overtime or given compensatory time off, at the discretion of the employee, at the rate of time and one-half for work in excess of 40 hours per workweek on one or more University jobs. (see "Definitions" for what is included as work time).

10.2.3 An employee may use compensatory time within a reasonable period after a request to do so unless the use would unduly disrupt the operation of the administrative unit.

10.2.4 Administrative units have full discretion to reasonably restrict the amount of compensatory time off that can be accumulated and the length of time a compensatory time-off balance can be carried forward, except that maximum limits imposed by the Fair Labor Standards Act (currently 240 hours) will be strictly followed.

### **10.3 Holidays**

10.3.1 There shall be a total of eleven paid holidays, including observed holidays, each fiscal year for employees appointed at a designated percentage of time.

10.3.2 The observed holidays are New Year's Day, Martin Luther King's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day

10.3.3 Four of the eleven holidays shall be floating Holidays, scheduled annually upon recommendation to the President. One of the floating holidays shall be a personal holiday to be taken at the employee's discretion with the supervisor's approval and in accordance with the Vice President's guidelines on the use of personal holidays. This paragraph does not apply to the coordinate campuses, which establish their own policies.

10.3.4 Observed holidays that fall on Saturday shall be observed on the preceding Friday. Observed holidays that fall on Sunday shall be observed on the following Monday.

10.3.5 An employee appointed at a designated percentage of time who is required to work on a holiday shall receive regular pay for the day plus additional pay or time off at the rate of time and one-half for the hours worked. Employees may choose between time off or pay for the additional hours. For example, a full-time employee who works eight hours on a holiday shall be paid at the normal rate for the eight hours plus  $1.5 \times 8$  for a total of 20 hours. An employee who is not appointed at a designated percentage of time and is required to work on any day recognized as a holiday shall be paid at the rate of time and one-half for the hours worked.

10.3.6 Employees in administrative units operating seven days per week shall receive the same number of holidays off or pay in lieu thereof as employees who work in administrative units operating five days per week.

10.3.7 When a holiday falls on an employee's day off, the employee shall receive an additional day off or proportionate time off (based on the percentage time of appointment) as agreed upon between the employee and the supervisor.

10.3.8 To qualify for holiday pay, an employee must either work or be on an approved paid leave (such as vacation) on the employee's regularly scheduled workday before or following the holiday.

#### **10.4 Reporting to Work**

A full-time employee who is required to report to work for full-time service (eight hours) shall be given a minimum of four hours of work on the day of reporting. In the absence of at least four hours of work, the employee shall receive four hours of pay at the employee's regular straight-time hourly rate or overtime, whichever is applicable. However, an employee who reports for work, and who because of illness or physical disability cannot be employed for the protection of either the employee's own well-being or that of others, shall receive pay only for actual hours worked.

#### **10.5 Non-Standard Work Hours**

##### **10.5.1 Callback**

10.5.1.1 An employee who is called in because of an emergency shall receive a minimum of two hours of pay at time and one-half or compensatory time off (at the employee's option) provided the employee:

- a) has completed a regular workday and left the workplace for at least 30 minutes; or
- b) is called in on a non-workday; or
- c) is called in early but will not work a continuous shift.

10.5.1.2 If compensatory time off is chosen, the dates selected must be pre-approved by the supervisor.

10.5.1.3 This rule shall not apply to part-time employees (regardless of hourly or percentage of time status, unless otherwise specified in these Rules); employees living on the premises; or those positions that require frequent on-call duty as described in the job specifications.

10.5.1.4 Reporting and callback procedures could be affected by the University's Emergency Closing Policies and Procedures or by administrative unit closing policies. Please consult either for further information.

##### **10.5.2 On-Call**

1) An employee who has been instructed by their supervisor, in writing, to remain available to work during an off-duty status shall be considered in an on-call status. On-call work shall follow the practice and procedures as established by the Vice President of Human Resources (see Rule 5.3.1) and indicated in the Civil Service pay plan: <http://www1.umn.edu/ohr/toolkit/compensation>. Expectations at time of hire of any on-call time shall be included in the written job description and given to the employee.

2) An employee who is called in to work from an on-call status shall receive the designated premium pay. This rule does not apply to those whose jobs are designated as V-class or otherwise exempt. (See also Definitions for Return to Work)

### **10.5.3 Other Work Arrangements**

Types of flexible work arrangements can include flextime, compressed work weeks, job sharing, telecommuting, or reduced-time/part-time arrangements. (see "Definitions"). Please refer to the telecommuting agreement in your department or unit. (Guidelines and more explanation for flexible work arrangements can be found at: <http://www1.umn.edu/ohr/toolkit/flexwork/index.html>).

## **RULE 11 Absences**

### **11.1 Absence Without Authorization**

When an employee is absent from work without authorization such absence shall be grounds for disciplinary action (Rule 13). An employee absent for three consecutive workdays without authorization shall be considered as having resigned. However, a person may subsequently apply for a retroactive leave of absence without pay to cover the unauthorized time off, and such a request may be considered and granted by the responsible administrator or immediate supervisor (Rule 11.6 and .7)

### **11.2 General Regulations Governing Authorized Absences**

Leaves of absence, which may be granted at the discretion of responsible administrator and/or immediate supervisor, include, but are not limited to: vacation, sick leave, and professional meetings. Non-discretionary leaves of absence include, but may not be limited to: jury duty, military duty, and official court appearances (when job-related).

11.2.1 Leaves of absence may be granted only when employees submit requests to their supervisor or responsible administrator within a reasonable time before the desired leave. In the case of sick leave or emergencies, the request should be made as soon as possible after the illness, death, or emergency arises.

11.2.3 Use of vacation leave, sick leave, and accumulated overtime or holiday leave shall be charged in units of one-tenth hour rounded to the nearest tenth hour.

11.2.4 When eligible, an employee shall earn vacation and sick leave during a paid leave of absence.

11.2.5 Employees have the right to receive from their administrative unit a report of their vacation and sick leave accumulations.

### **11.3 Vacation**

General Provisions for Vacation Leave

11.3.1 Full- and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall earn vacation with pay at the following rates:

- a) 3.00 minutes of vacation leave accumulation for each straight-time paid work hour during the first 10,400 hours of continuous service (equivalent to five years of full-time employment);
- b) 3.75 minutes of vacation leave accumulation for each straight-time paid work hour from 10,401 through 16,640 hours of continuous service (equivalent to six through eight years of full-time employment);

- c) 5.25 minutes of vacation leave accumulation for each straight-time paid work hour from 16,641 through 24,960 hours of continuous service (equivalent to nine through twelve years of full-time employment);
- d) 5.65 minutes of vacation leave accumulation for each straight-time paid work hour from 24,961 through 41,600 hours of continuous service (equivalent to 13 through 20 years of full-time employment);
- e) 6.00 minutes of vacation leave accumulation for each straight-time paid work hour from 41, 601 through 52,000 hours of continuous service (equivalent to 21 through 25 years of full-time employment);
- f) 6.375 minutes of vacation leave accumulation for each straight-time paid work hour from 52,001 through 62,400 hours of continuous service (equivalent to 26 through 30 years of full-time employment); and
- g) 6.75 minutes of vacation leave accumulation for each straight-time paid work hour for more than 62,401 hours of continuous service (equivalent to 31 years of full-time employment).

11.3.2 A year of continuous service shall consist of 2,080 straight-time paid work hours.

11.3.3 Vacation leave accumulated for any one pay period becomes available for use during the same pay period.

11.3.4 When eligibility for a higher vacation accumulation rate occurs within a pay period, the extra vacation allowance starts the following pay period.

11.3.5 Employees who at the University's request regularly work a five and one-half or six-day week shall earn an extra .75 minutes per straight-time paid work hour of employment.

11.3.6 Each year of continuous employment shall be extended by adding to such periods the number of workdays the employee has been absent without pay.

11.3.7 Employees may request vacation time subject to the convenience of the administrative unit concerned. Within an administrative unit, choice of available vacation time shall be determined by unit seniority.

11.3.8 If an employee must be called in to work while on approved vacation leave, the employee must be paid one and one-half times that employee's regular rate for the hours worked.

11.3.9 Full-time employees in those supervisory and professional classes of work designated by V after the job classification number shall accumulate an additional 1.385 minutes of vacation time (in lieu of overtime) for each straight-time paid hour of service.

11.3.10 Part time employees in V-classifications will be paid straight time hours for all hours worked above their percent appointment up to a maximum of 40 hours per week. If the employee works more than 40 hours per week, they will be compensated in pay or compensatory time at time and one-half pay for all hours worked over 40.

11.3.11 The maximum amount of accumulated vacation time may not exceed the amount of vacation time that may be earned within two work years.

#### **11.4 Pay for Vacation Leave**

11.4.1 Any employee with vacation available for use who leaves University employment shall have their unused vacation accrual paid directly into a post-employment health care savings plan, except as otherwise specified by the documents governing the implementation of the plan. Until such a plan is fully implemented or in the event such a plan is rescinded, the employee shall be entitled to be paid for any unused portion of vacation leave.

11.4.2 Any employee with vacation available for use who changes to a work schedule of less than 50 percent time shall be entitled to be paid for any unused portion of vacation leave



11.4.3 Any employee who is about to lose vacation because he/she has been denied a vacation request made in accordance with an administrative unit's leave policy and will reach the maximum accumulation, shall be entitled to take up to one week of vacation to prevent loss of vacation earned upon advance notice of seven (7) calendar days to their supervisor, or shall be allowed to cash out up to (1) one week of vacation earnings based upon percent time of appointment.

11.4.4 In addition, any employee may request to cash out one week of their accumulated vacation time each fiscal year at the unit's discretion.

### **11.5 General Provisions for Sick Leave**

11.5.1 Full-time and part-time Civil Service employees on continuing or temporary appointments who are employed in one administrative unit on a prearranged and assigned schedule of 50 percent time or more shall accumulate sick leave with pay. Sick leave will accumulate at the rate of 3 minutes per basic straight-time paid work hour.

11.5.2 Sick leave accumulated for any one pay period becomes available for use during that pay period. An employee with sick leave available for use who leaves University employment or who changes to a work schedule of less than 50 percent time shall lose unused sick leave. When a sick-leave accumulation of 400 hours has been reached, one-quarter of any sick leave accumulated thereafter (.75 minute per hour) may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 400 or more hours. Three-quarters of such sick leave accumulated thereafter may be credited to sick leave.

11.5.3 When a sick-leave accumulation of 800 hours has been reached, one-half of any sick leave accumulated (1.5 minutes per hour) thereafter may be credited to the employee's vacation accumulation if the employee's sick-leave accumulation is maintained at 800 or more hours, and one-half of such sick leave accumulated thereafter may be credited to sick leave.

11.5.4 Employees must request and receive approval for use of sick leave from the supervisor or responsible administrator as soon as possible after the onset of illness. Supervisors or responsible administrators may require a statement from a physician or dentist before approving use of accumulated sick leave. Any documents regarding a University employee's disability, injury, or prolonged illness must be centralized at Disability Services (<http://ds.umn.edu>) rather than in the Office of Human Resources or any other location on campus. In the case of extended or chronic illness, the supervisor or responsible administrator may require proof of illness, including statements from a physician or dentist, before granting further sick leave or before allowing the employee to return to work. Abuse of sick leave shall be one form of just cause for disciplinary action.

11.5.5 A supervisor may require an employee to return home or to see a physician, or both, if the employee is unable to perform in an up-to-standard manner because of what appears to be a health condition. Such time shall be charged against sick leave if available.

11.5.6 Accumulated sick leave may be used to supplement Worker's Compensation benefits during periods of lost work time due to on-the-job accidents.

11.5.7 If sick leave is exhausted, an employee may use vacation leave, overtime accruals, or holiday leave subject to the conditions of Rule 11.2 and .4, and Rule 10.3.

11.5.8 Approved sick leave allowance may be used by an employee who is unable to perform duties because of illness or injury; or who would expose other employees or the public to contagious or infectious diseases; or who must keep medical or dental care appointments.

11.5.9 Approved sick leave may be used when a woman is unable to perform the duties of her job due to pregnancy. If no sick leave is available, an employee may be required to use accumulated vacation leave in accordance with Rule 11.2, and University policy, federal, and state law.

11.5.10 Approved sick leave may be used to care for or arrange care for an employee's child, including medical and dental appointments. Approved sick leave to care for an employee's sick child is not limited. Employee's child as used in this portion includes adoptive, biological, step-child, or foster child of the employee or of the employee's registered same sex domestic partner.

11.5.11 Up to ~~five days per incident~~ 10 days per fiscal year may also be used by an employee to care for or make arrangements for the care of an ill member of the employee's immediate family. Immediate family as used in this portion of the Rule shall mean spouse, registered same sex domestic partner; and siblings, parents, grandchildren and wards of the employee, spouse, or registered same sex domestic partner.

11.5.142 Accumulated sick leave of up to 16 hours per year can be used by an employee to participate in a personal health maintenance program (e.g., weight control, stress management, stop smoking). An acceptable program is one which is sponsored by, offered by, or accepted by health, medical and fitness/wellness professionals as a health maintenance program. Supervisory approval is needed to schedule sick leave for such purposes.

11.5.123 Sick leave may be used with appropriate notification when a death occurs in the employee's family. Employee's family in this instance shall mean spouse, registered same sex domestic partner; and the parents, grandparents, guardian, siblings, children, wards or grandchildren of the employee, spouse or registered same sex domestic partner. The time shall be limited to what is reasonably necessary to make funeral arrangements and/or to attend funeral services.

11.5.134 In addition, with the approval of the supervisor or responsible administrator, employees may use sick leave to serve as pallbearers or attend funerals of other individuals not identified above.

11.5.145 If an employee becomes ill while on vacation leave and presents satisfactory proof of illness or injury, the supervisor or responsible administrator may approve the use of sick leave in lieu of vacation leave.

## **11.6 Vacation Donation Program**

Employees may have the option of donating vacation for use by qualified employees. Information about the program is available on the worldwide web or through the Office of Human Resources.

<http://www.umn.edu/ohr/policies/leaves/vacdonation/index.html>

## **11.7 Parental Leave**

### **11.7.1 Eligibility for Parental Leave**

11.7.1.1 Employees must have completed nine (9) consecutive months of employment at an average of 20 hours or more paid work time per week. This policy applies regardless of the percentage time of appointment and the two (2) year requirement for certain other benefits that are provided in these Rules.

11.7.1.2 The employee must give notice of intent to use parental leave and other leaves used in conjunction with parental leave to their supervisor at least four (4) weeks in advance, except under unusual circumstances.

### **11.7.2 Paid and Unpaid Leaves**

11.7.2.1 A civil service employee, on the occasion of the birth or adoption of the employee's child may, upon request, take up to a ~~10-workday~~ two week paid parental leave of absence. The definition of employee child in this portion includes the adoptive or biological child of the employee or of the employee's registered same sex domestic partner. This parental leave shall not be charged against the employee's accumulated vacation or sick leave. The parental leave shall begin at a time requested by the employee, although the leave may not begin more than six weeks after the birth or adoption. In the case where the child must remain in the hospital longer than the birth mother, the leave must begin no later than six (6) weeks after the child leaves the hospital. This leave must be consecutive and without interruption and must be taken during the term of appointment.

11.7.2.2 A birth mother may use the ~~10-workdays~~ two weeks of parental leave and up to ~~20-workdays~~ four weeks of accumulated sick leave immediately following the parental leave, which must commence no sooner than two weeks prior to the anticipated delivery date and no later than six (6) weeks after delivery. The birth mother may use accumulated vacation leave immediately following the sick leave. These leaves must be consecutive and without interruption and must be taken during the term of appointment. An unpaid

leave of absence for maternity shall be granted to an employee for a period of up to six months, when requested in conjunction with the birth of the employee's child. This leave of absence without pay may be extended up to an additional six months upon the employee's request and with responsible administrator approval.

11.7.2.3 A birth father or adoptive parent may use the ~~10 workdays~~ two weeks of parental leave, immediately followed by accumulated vacation which must commence no sooner than two weeks prior to the anticipated delivery date and no later than six (6) weeks after the birth or adoption. These leaves must be consecutive and without interruption and must be taken during the term of appointment. An unpaid leave of absence shall be granted to an employee for a period of up to six months, when requested in conjunction with the birth or adoption of the employee's child. This leave of absence without pay may be extended up to an additional six months upon the employee's request and with responsible administrator approval.

### **11.8 Sick Leave Without Pay**

11.8.1 Upon application, a leave of absence without pay may be granted by the appropriate responsible administrator or supervisor for the entire period of temporary disability due to sickness or injury. The duration of such leave shall be subject to the recommendation of this administrator, governed by applicable University policy and federal and state law.

11.8.2 During this leave, the responsible administrator or the Vice President or appropriate human resources personnel may periodically require that the employee submit a certificate from the attending physician or from a designated physician. Any documents regarding a University employee's disability, injury, or prolonged illness must be centralized at Disability Services (<http://ds.umn.edu>) rather than in the Office of Human Resources or any other location on campus. Supervisors should contact and work with Disability Services for additional information regarding requesting physician certification. In the event of failure or refusal to supply such certificate, or if the certificate does not clearly show sufficient disability to prevent the employee from performing assigned duties, the responsible administrator, with the approval of the appropriate human resources personnel may cancel such leave and require the employee to report for duty on a specified date.

11.8.3 Sick leave without pay may be granted to an employee who is considered permanently and totally disabled according to any disability insurance program in which the University participates. Should employees on such leave recover to the point that they are employable, they shall be treated as though they were laid off and will be eligible to compete for vacancies in accordance with the policies and regulations covering laid-off employees. An employee on this type of leave will not be allowed to replace or bump an incumbent from the employee's most recently held position, unless approved by the hiring authority. If an employee who is receiving workers compensation benefits chooses to take a position outside the University instead of accepting a suitable position (as defined by workers compensation law) at the University of Minnesota, the employee will be considered to have resigned and their administrative unit may terminate them.

### **11.9 Other Leaves Without Pay**

11.9.1 An employee may request a leave of absence without pay. This leave must be approved in advance by the responsible administrator or immediate supervisor. Seniority and vacation and sick leave are not earned during unpaid leaves.

11.9.2 Employees who are drafted or volunteer for military service during times of war or declared emergencies shall be entitled to military leaves of absence without pay, not to exceed four years, for service in the armed forces of the United States or of the state of Minnesota. Employees shall accumulate seniority during these periods of military service.

11.9.3 For determining vacation accumulation rates, military leave without pay shall be counted the same as normal straight-time hours that would have been worked. Vacation leave is accumulated during a military leave of absence without pay for all military service (reserve or regular armed services component) in time of war or declared emergencies, or when an employee is drafted. Additionally, vacation is accumulated during a reservist's initial period of active duty for training of three or more consecutive months and during all active and inactive duty for training in the military forces. The complete policy on

military leaves may be viewed on the worldwide web at or may be obtained from the Office of Human Resources.

### **11.10 Leaves of Absence With Pay**

11.10.1 Upon request an employee shall be granted a leave of absence with pay for:

11.10.1.1 service on a jury provided the employee is regularly employed at a designated percentage of time of 50 percent or more. An employee serving on a jury is expected to report for work during any work hours when the jury is recessed. The employee may be requested to render some additional services to the administrative unit in order to minimize the interruption of service caused by this absence.

11.10.1.2 voting in any state-wide general or state-wide primary election, or in an election to fill a vacancy in the office of U.S. Senator or U.S. Representative during the election day.

11.10.1.3 court attendance in connection with an employee's official duty. Such attendance shall include transportation to and from the employee's headquarters to court. Any absence, as an individual rather than as an officer or an employee of the University, whether voluntary or in response to a legal order to appear and testify in private litigation, shall be taken as vacation leave, leave of absence without pay, or as deduction from authorized accumulated overtime.

11.10.1.4 tour of duty in the reserve military forces of the United States or National Guard, not to exceed 15 workdays in any calendar year.

11.10.2 The responsible administrator has the discretion to determine whether a leave of absence with pay will be granted for:

11.10.2.1 a reasonable amount of time in University service, collegiate, campus or University committees, governance bodies, etc.;

11.10.2.2 appearance before a court, legislative committee, for other judicial or quasi-judicial body as a witness in action involving the federal government, the state of Minnesota, or a political subdivision thereof, or the University, in response to subpoena or other direction by proper authority;

11.10.2.3 attendance at professional and scientific meetings and other approved educational activities; (Regents Policy, Employee Development, Education and Training, Section VI, VII)

11.10.2.4 educational leave for not more than four hours per week (or more if make-up schedule for additional time is approved by supervisor) to be used for such purposes as attending class on a Regents' Scholarship; (Regents Policy, Employee Development, Education and Training, Section V)

[http://www1.umn.edu/regents/policies/humanresources/Employee\\_Develop\\_Educ\\_Training.pdf](http://www1.umn.edu/regents/policies/humanresources/Employee_Develop_Educ_Training.pdf)

11.10.2.5 the time required to complete an investigation and decide whether disciplinary action is warranted; and

11.10.2.6 the time period between an employee's receiving a notice of termination of employment and the effective date of termination (Rule 7.6; Rule 13.2).

11.10.3 Compensation for hours not worked or for extra hours worked due to University-wide or individual campus closings for weather or other emergencies is covered in an emergency closing policy and procedure document. The current emergency closing policy may be viewed on the worldwide web at [http://www.policy.umn.edu/groups/ppd/documents/policy/Emergency\\_Closing.cfm](http://www.policy.umn.edu/groups/ppd/documents/policy/Emergency_Closing.cfm) or a copy may be requested from the Office of Human Resources.

### **11.11 Reinstatement From Leave of Absence**

11.11.1 Except as otherwise provided by these Rules, an employee granted a leave of absence must return to employment in the same classification and administrative unit at the expiration of the leave. This employee may return to employment before the leave expires upon approval of the responsible administrator.

11.11.2 An employee who is laid off before the leave expires because that individual's position has been abolished shall be entitled to re-employment consideration in accordance with these Rules (Rule 12.,3).

## **RULE 12 Seniority, Layoff, and Resignation**

This rule refers only to employees moving from a civil service job to a civil service job unless otherwise indicated.

### **12.1 Seniority Unit**

12.1.1 Seniority unit (see "Definitions") is determined at the college or appropriate senior administrative level, with the approval of the appropriate human resources office. Employees must be informed of the seniority unit in which they have rights at the time they become eligible to earn seniority, usually after they have passed probation. (See Rule 12.2 for other examples of eligibility to earn seniority.)

12.1.2 Prior to an individual employee's change in assigned seniority unit, the employee must be notified of:

- a) the current seniority unit in which the employee has rights;
- b) the seniority unit the employee will have rights in during a transition period;
- c) the seniority unit the employee will have rights in after the organizational change in the unit is complete; and
- d) the dates these changes become effective.

### **12.2 Unit and Classification Seniority**

12.2.1 Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a seniority unit by an employee; an employee accumulates and retains unit seniority in each of the seniority units in which the employee has worked. Unit seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the seniority unit.

12.2.2 Classification seniority shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification.

12.2.3 Temporary employees do not accumulate classification seniority until they have completed more than one calendar year of service of 50 percent time or more within the same classification, within the same administrative unit. Classification seniority shall be retroactive to the date of entry into the classification in the administrative unit. Employees moving from continuing to temporary positions forfeit all rights and benefits given to a continuing position and will be governed by the rules for temporary employees.

12.2.4 Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classifications in which the employee has worked.

12.2.5 Temporary employees who have become continuing employees in accordance with Rule 6, Section 6, shall be granted unit seniority. Unit seniority shall begin on the first day after the two-consecutive-calendar-year anniversary and is not retroactive to the date of entry into the classification in the administrative unit. When an employee holds a particular classification within an administrative unit and has passed probation, and a vacancy exists on another shift in that classification and administrative unit that employee, if qualified, shall be granted a change between work shifts in order of classification seniority if the employee has applied for such change in writing.

12.2.6 When overtime is required, the employee who usually performs the work shall be given first opportunity to work the overtime (including holidays). If the employee chooses not to accept overtime, other employees who are able to perform the work and wish to work overtime shall be permitted to work such overtime in classification seniority order with the most senior employee in that classification being

given first consideration. If all employees decline to work such overtime, the person with the least amount of classification seniority shall be required to work the overtime (Rule 10.2.)

12.2.7 Unit and Classification seniority credits accrued up to the time of transfer from a unit shall be reinstated upon an employee's re-employment in that original unit (regardless of administrative or collegiate unit), provided the employee has not terminated employment with the University during the interim or had that appointment reduced below 50 percent time for a period of four consecutive calendar months.

12.2.8 Unit and Classification seniority credits of a former employee who is re-employed shall begin on the date of re-employment unless seniority is reinstated under Section 4 of this rule. When the former employee is re-employed to a temporary position, classification and unit seniority credits cannot be reinstated.

### **12.3 Layoff, Bumping, and Job Transfer**

#### **12.3.1 Layoffs**

12.3.1.1 A responsible administrator may lay off an employee because of abolition of position; shortage of work or funds; reorganization of the administrative, collegiate, departmental unit; or other reasons beyond the employee's control that do not reflect discredit on the employee's services.

12.3.1.2 When two or more persons have equal unit seniority in the unit in which the layoff is to be made, the order of layoff shall be determined by the classification seniority of the individuals involved. If the unit and classification seniorities of the affected persons are equal, the responsible administrator shall decide the order of layoff.

12.3.1.3 At least twenty-eight (28) days before the effective date of an employee's layoff from a continuing position, the responsible administrator shall give written notice to the employee, with a copy to the appropriate human resources office. This written notice shall include an explanation of the employee's bumping rights and, in case bumping rights are not exercised, regulations concerning unemployment benefits.

12.3.1.4 Instead of layoff an employee may choose transfer or demotion into a position for which the employee is qualified within the unit where the layoff occurs if a vacancy exists.

#### **12.3.2 Bumping Rights**

12.3.2.1 In accordance with the above, employees whose jobs have been eliminated, or whose appointment(s) are involuntarily reduced to below 75 percent, or employees on 50 to 74 percent appointments whose appointments are involuntarily reduced to below 50 percent, shall be allowed to the following, in the order listed:

1) bump the least senior (based on unit seniority) or probationary employee who is performing essentially the same duties within the same unit and classification.

12.3.2.2 If this is not possible, an employee may

2) bump into the position identified by the following criteria:

- a) The position is in the same classification and unit;
- b) The duties are not essentially the same;
- c) The bumping employee is qualified for the position;
- d) The employee to be bumped is less senior (based on unit seniority) than the bumping employee.

If more than one position meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee in that set of positions.

12.3.2.3 If this is not possible, an employee may

3) bump into the position identified by the following criteria:

- a) the position is in a previously held classification in which the bumping employee passed probation in the same unit;
- b) the position is in the same unit;
- c) the bumping employee is qualified for the position;
- d) the employee to be bumped is less senior (based on unit seniority) than the bumping employee.

12.3.2.4 If the bumping employee is eligible to bump to more than one previously held classification, this bumping option shall be applied to those classifications in the inverse order in which they were held. If more than one position in a particular classification meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee.

12.3.2.5 If none of the above options are possible in the order listed, the employee may

- 2) exercise the right to any posted vacancy within the system as identified by the following criteria, and shall be hired in classification seniority order:
  - a) the position is in a previously held classification in which the employee passed probation;
  - b) the employee is qualified for the position.

12.3.2.6 Rate-arranged employees follow the same criteria for bumping as other employees; however, they are only eligible to bump into the same classification in the same established salary range.

### **12.3.3 Layoff List**

12.3.3.1 Employees who have successfully completed probation and who cannot or do not exercise their bumping rights and are laid off shall be placed on a University layoff list provided the employee submits a written request to be placed on the layoff list. These employees shall be rehired (if qualified to perform the work), in classification seniority order ahead of all other applicants (except for recalled employees), for vacancies within a previously held classification for which they apply.

12.3.3.2 An employee who is being terminated during the probationary period may choose not to exercise the option to bump another employee from a previously held continuing (non-temporary) position. The employee being terminated may then be placed on the layoff list, in accordance with Rule 7.5.

12.3.3.3 An employee on the layoff list must be recalled when a vacancy occurs in the unit and classification from which the layoff occurred, provided the employee is qualified to perform the work.

12.3.3.4 After receipt of recall notice, the employee shall have seven workdays during which to indicate intent to return and at least 22 additional workdays to report to work. Failure to accept recall shall constitute a resignation that includes removal from the layoff list.

12.3.3.5 Employees on the layoff list may apply for any vacancy, but are not entitled to hiring preference as laid-off employees except where the vacancy occurs in a previously held classification.

12.3.3.6 Rate-arranged employees follow the same protocol for access to the lay-off list as other employees but may only exercise layoff list rights in the same classification in the same established salary range.

### **12.3.4 Job Transfer List**

12.3.4.1 An employee who has passed probation and is determined by the University to be eligible for job transfer under state or federal disability laws shall be placed on the job transfer list.

<http://www1.umn.edu/ohr/toolkit/hiring/csbu/>

12.3.4.2 An employee who has passed probation but whose on-the-job injury now prevents the employee's performance of the essential functions of the position shall be placed on the job transfer list.

12.3.4.3 An employee who has been notified of failure to pass probation or dismissal and who is subsequently injured on the job or asserts a disability for the first time shall not be eligible for placement on the job transfer list.

12.3.4.4 An employee on the job transfer list shall be hired for vacant positions for which the employee is qualified to perform the essential functions at the same or lower pay range as the employee's last position, ahead of all other applicants except eligible employees on the layoff list.

### **12.3.5 Re-employment**

12.3.5.1 Classification and unit seniorities of an employee who is re-employed from a layoff list shall begin on the date of re-employment, except when re-employment is in a temporary position. If re-employment occurs in the previous administrative unit of employment, the classification and unit seniorities at the time of termination shall be restored, except when re-employment is in a temporary position.

12.3.5.2 When an employee is re-employed from the layoff or job transfer lists, unused sick leave and time accumulated toward eligibility for vacation allowance shall be restored, effective on the date of re-employment.

12.3.5.3 An employee's name shall remain on the layoff or job transfer lists for a period not to exceed two years or until the employee has returned to work at the University within that time. An employee has the right to refuse re-employment to the first position of equivalent classification, same campus or experiment station location, and reasonably close salary offered, but must accept the second position or be removed from the layoff list. An employee on the job transfer list has the right to refuse re-employment to the first position at the same or lower pay range as the employee's last position and reasonably close salary offered, but the employee must accept the second position or be removed from the job transfer list.

12.3.5.4 An employee who has exhausted rights on the layoff list shall be considered as having resigned in good standing.

### **12.3.6 Layoffs and broadbanded classifications**

12.3.6.1 For civil service positions which are broadbanded, both the classification and the level within the classification will be considered for purposes of bumping rights and placement on the layoff list. When a layoff occurs, the administrative unit will have the responsibility to identify the current level of work of the affected employee.

12.3.6.2 The employee can bump the least senior employee performing essentially the same work and at their same level (if qualified); can bump the least senior employee performing different work at their same level (if qualified); and can bump the least senior employee at a lower level (if qualified) even if the employee never was classified at the lower level. The employee cannot bump to a higher level, even if qualified.

12.3.6.3 The employee will be placed on the layoff list for the class and the level from which they were laid off, all lower levels within the same broadbanded classification, and all other classifications for which they have passed probation. The employee will be referred and has hiring rights for those classifications and levels for which they meet the required qualifications on the posted job requisition.

## **12.4 Resignation and Reinstatement**

12.4.1 An employee may resign by presenting a resignation in writing to the responsible administrator. To resign in good standing, an employee must give the responsible administrator or immediate supervisor at least 10 work days prior notice. An employee may request withdrawal of the resignation if at least 10 workdays notice was given and the employee requests withdrawal of the resignation in writing before the actual termination date. The decision to accept the request for withdrawal is at the discretion of the responsible administrator.



12.4.2 As long as the University has a record on file, a former employee who was employed on a prearranged and assigned schedule of at least 50 percent time and who is re-employed in a position of at least 50 percent time shall have any or all of these items reinstated: unused sick leave, classification and unit seniority credit (if applicable under Rule 12.2, and except when re-employed to a temporary position), vacation leave accumulation rate and eligibility, and waiver of probationary period within a formerly held classification (if applicable under Rule 7.2). Reinstatement is not possible for former employees who have negotiated a settlement agreement with the University.

## **RULE 13 Discipline, Dismissal, and Protection from Retaliation**

[https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=9167](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=9167)

### **13.1 Discipline**

13.1.1 Supervisors may discipline employees only for just cause (see “Definitions”). Disciplinary action may take the form of oral warning, written warning, suspension without pay, reduction in pay, and dismissal. Discipline shall be commensurate with the severity of the infraction and shall take into consideration factors such as, but not limited to, the employee's length of service, job history, and nature of the problems. A supervisor may require an employee to take a leave of absence with pay in order for the supervisor to conduct an investigation that may result in disciplinary action.

13.1.2 Supervisors must make a record of disciplinary action except for oral warnings, with a copy to the official personnel file and a copy to the employee. Disciplinary actions entered into an employee's Human Resources file shall be removed from departmental files after one calendar year, if no further disciplinary actions have been taken during that year. Records of suspension shall be retained in the official personnel file for eighteen (18) months, with the exception of suspensions for issues related to sexual or racial harassment, which shall be retained in the employee's official personnel file for five (5) years; and physical abuse or violence which shall remain in the employee's official personnel file with the totality of the circumstances retained.

13.1.3 Disciplinary action shall become effective when the supervisor communicates the action to the employee. An employee may appeal any disciplinary action in accordance with Rule 14.

### **13.2 Dismissal**

13.2.1 Employees who have passed probation, and temporary employees who have completed more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit (see Rule 6.6), may be dismissed from a position for just cause (see definitions). Just cause is not required for dismissal of any other employee.

13.2.2 A written notification of reasons for dismissal shall be handed to the employee by the supervisor or responsible administrator or sent by registered mail to the employee's last known address with return receipt requested. A copy of this notification shall be placed in the employee's official personnel file. The statement shall allow 10 workdays prior to the effective date of dismissal. These 10 days may be given as a leave of absence with pay. In cases of alleged misconduct the employee shall be placed on leave without pay during this period.

13.2.3 The employee may appeal a dismissal during the six-week period in accordance with Rule 14. The appeal shall not affect the effective date of the dismissal.

13.2.4 An employee who willfully practices or has attempted to practice any deception or fraud concerning the employee's eligibility for appointment may, upon discovery and proof thereof, be dismissed or otherwise appropriately disciplined. Charges alleging such deception or fraud may be initiated by the responsible administrator under which the employee is working at the time, or by the Vice President, in conformity with the provisions of those rules relating to notice of dismissal and hearing.

13.2.5 Absence for three consecutive workdays without authorization shall be considered a resignation, in accordance with Rule 10.5.

### **13.3 Protection from Retaliation**

13.3.1 Supervisors may not take disciplinary action against an employee who, in good faith, reports a violation of any federal or state law or regulation to the employer, a governmental body or law enforcement official. Disciplinary action may not be taken against an employee who is requested by a public agency to participate in an investigation, hearing, or inquiry as well as an employee who refuses to participate in any activity that the employee has an objective basis in fact to believe violates state or federal law and the employee informs the employer that the refusal is based on that reason.

13.3.2 University Policy “Reporting and Addressing Misconduct” outlines the procedure to report concerns without fear of retaliation. This policy can be accessed on the world wide web at [http://www.policy.umn.edu/groups/ppd/documents/Policy/Reporting\\_Violations.cfm](http://www.policy.umn.edu/groups/ppd/documents/Policy/Reporting_Violations.cfm) or a copy may be requested from the Office of Human Resources.

13.3.3 Supervisors may not take disciplinary action against an employee who refuses to perform non-work-related tasks on paid work time.

### **RULE 14 University Conflict Resolution**

14.1 This policy applies to all University of Minnesota employees not represented by a union, but all Civil Service Rules, including Rule 14, cover only employees specified in Rule 1, Section 2 of these rules. For the most current policy, refer to the worldwide web at [www.umn.edu/ocr](http://www.umn.edu/ocr) or contact the Office for Conflict Resolution.

14.2 ~~The Office for Conflict Resolution should consult with the Civil Service Committee for interpretation of Civil Service Rules for grievances filed by civil service employees (Rule 3.1).~~ The Office for Conflict Resolution will consult with the Consultative Committee periodically regarding Rules interpretation issues that have arisen in matters brought to that office, and report the Rules that have been cited in petitions filed by Civil Service employees (Rule 3.2.4).

### **RULE 15 Health and Safety and MERTKA**

[http://www.instcomp.umn.edu/clearinghouse\\_healthsafety.html](http://www.instcomp.umn.edu/clearinghouse_healthsafety.html)

15.1 At the time of hire or re-employment, employees shall be informed by their supervisors of the Minnesota Employees Right-To-Know Act (MERTKA), regarding potentially hazardous substances or situations encountered in the workplace.

15.2 Administrative units are responsible for providing and maintaining work areas that meet the health and safety standards required by State and Federal law. Each administrative unit should have a designated safety coordinator to be the unit liaison with the University's Department of Environmental Health and Safety. Supervisors shall take steps for the safety of employees within the work area.

15.3 Employees shall report health and safety concerns and problems to their supervisors. Supervisors must respond promptly to the concerns and/or problems until such time as the problem is resolved. Supervisors should consult with their unit safety coordinator to determine if there is a need to make use of the services of the Department of Environmental Health and Safety Services. These services include such items as fire safety evaluations, measurement of noise and radiation levels, and analysis of biological, chemical, and all other hazards.

15.4 Employees shall immediately report on-the-job accidents and injuries to their supervisors. The supervisor shall take appropriate steps to insure that the employee's injury is not further aggravated and to enable the employee to obtain care for the injury. This may include the provision of first aid services, medical services, ambulance services, or transportation to a hospital or it may require taking or sending the employee home. The supervisor shall report these incidents, whether or not injury resulted, to the administrative unit and submit an accident report (First Report of Injury) to the Workers Compensation Office.

15.5 Additional information and policies regarding health and safety are available from the Office of Human Resources and other appropriate University administrative units.

#### 15.6 Insurance and Workers Compensation

The University of Minnesota shall offer insurance coverage that includes, but is not limited to: group life, health, medical, workers compensation, and dental benefits. Contact Employee Benefits <http://www1.umn.edu/ohr/benefits/index.html> for additional information

## DEFINITIONS

The following words and terms, wherever used in these Rules, shall have the meaning indicated below. Definitions are to be considered as part of the Rules for the purpose of grievance.

**Administrative unit.** Any administrative, department, collegiate, campus, or central unit.

**Administrative authority.** Official University authorization to manage the business and/or fiscal activities of an administrative unit

**Appointing authority.** Any administrator, department head, or supervisor who has been delegated authority to appoint and terminate employees.

**Appropriate Human Resources Office/Personnel.** Describes the collegiate, campus, or central administrative human resources office responsible for area in which employee works.

**Appropriate Senior Administrator.** Describes the most senior administrator for the collegiate, campus, or central administration human resources office responsible for area in which employee works.

**Bumping.** Seniority-based process by which one employee may take the job of another in order to avoid layoff. A Civil Service employee may bump only within his/her own seniority unit.

**Calendar week.** 12:01 a.m. Sunday to midnight Saturday. (Should not be confused with the workweek, which may be different.)

**Callback.** The act of requiring an employee to report to work in an emergency outside the employee's regular work hours, as covered in Rule 10.4.2.

**Civil Service Employee.** The University of Minnesota civil service staff does professional and/or supervisory, non-academic work and is not currently represented by a union. Job classification numbers begin with 0, 3, 7 or 8. (see also Temp or casual appointment definitions)

**Classification.** Descriptive title given to a position or a group of positions with similar duties and responsibilities.

**Classification Seniority.** Classification seniority shall mean length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classes in which the employee has worked. Classification seniority for continuing appointments shall be acquired only after the completion of the probationary period in each classification, but shall begin at the date of entry into each classification. Classification seniority for temporary appointments shall be acquired only after the completion of more than one calendar year of service in a 50 percent time or more appointment within the same classification, within the same administrative unit but shall begin at the date of entry into the classification.

**Committee.** Civil Service Consultative Committee of the University of Minnesota.

**Compensatory time.** Time off allowed for time worked in excess of forty (40) hours in a work week. Non-exempt employees shall be compensated at time and one-half. (also see overtime definition)

**Continuing position.** A position within a classification of the University Civil Service that is considered by an administrative unit to be a regular, ongoing non-temporary position. Employees must serve a probationary period. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than three calendar years of service in a temporary appointment of 50 percent

time or more within the same classification, within the same administrative unit including reclassification of the position. In these cases, a probationary period will be considered to be completed.

**Demotion.** An employee's change from a position in one classification to a position in another classification assigned to a lower pay range in the same schedule, or, an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is lower than the midpoint of the old classification's range by 4 percent or more.

**Discharge, Dismissal.** Involuntary termination.

**Discretionary increase.** Wage and salary increases (incremental, percentage, or lump sum) that may vary in amount from employee to employee (within limits prescribed in the compensation plan) based on performance appraisals.

**Employee's child.** Includes adoptive, biological, step-child, or foster child of the employee or of the employee's registered same sex domestic partner. This is referenced in Rule 11.4 and .6.

**Employee's family.** Spouse or registered same-sex domestic partner, parents of spouse or registered same-sex domestic partner, and the employee's parents, grandparents, guardian, siblings, children or wards, and the children or wards of the employee, spouse, or registered same sex domestic partner. This is referenced in Rule 11.4.

**Employee's immediate family.** Spouse or registered same-sex domestic partner, siblings or parents of the employee, parents of spouse or the registered same sex domestic partner and wards of the employee, the employee's spouse or of the employee's registered same sex domestic partner. This is referenced in Rule 11.4.

**Exempt.** Classification of work not regulated under the Fair Labor Standards Act. For further information, call the Office of Human Resources.

**Flex-time.** Work arrangement in which employees choose their own work hours within the limits established by the area manager. Core hours are established and employees are allowed to determine their stop and start times. Flexitime does not alter the total number of hours worked in a week.

**Full-time appointment.** One hundred percent time for the period of appointment.

**Illness.** Includes both mental and physical illness.

**Job transfer list.** A record of former employees who have passed probation and whose University on-the-job injuries prevent performance of the essential functions of their positions, or who are determined by the Office of Human Resources to be eligible for job transfer under state or federal disability laws, without delinquency or misconduct on their part.

**Just cause.** A standard or test often applied to determine the appropriateness of disciplinary action. The factors that may be considered in determining just cause include but are not limited to: (1) Forewarning; (2) Reasonableness of the rule or standard that was violated; (3) The presence of a supervisory or other type of investigation to verify employee culpability and the circumstances of the violation; (4) Establishment of proof at a level consistent with the disciplinary action being taken; (5) Prior consistent enforcement of the rule or standard that has been violated; (6) Disciplinary action proportional to the offense.

**Layoff list.** A record of former employees who have been laid off due to lack of work or funds within the past 24 months, without delinquency or misconduct on their part.

**Nondiscretionary increase.** Wage and salary increases (incremental, percentage, or lump sum) that are granted to all employees or to specific groups of employees (e.g., all those on a particular schedule or in a particular classification) across the board, without regard to the employee's job performance.

**Nonexempt.** Classification of work regulated by the provisions of the Fair Labor Standards Act. For further information, call the Office of Human Resources.

**Non-public employee.** Refer to the Minnesota Public Employee Labor Relations Act 179A. Contact the Office of Human Resources for additional information . These are appointments <36%.

**Official employee personnel file.** The official employee personnel file is the file maintained by the Office of Human Resources or maintained by the coordinate campuses. All disciplinary, performance appraisal, payroll, and similar documents must be filed in this file to be used in any action related to an employee's appointment.

**On-call:** Employees, at times outside of their scheduled work hours, who are required to be available to respond to telephone calls or return to work (see "return to work" definition) if necessary. On-call work shall follow the practice and procedures as established by the Vice President for Human Resources.

**Overtime.** Overtime is the work time in excess of 40 hours worked or paid time off per workweek on one or more University jobs. (also see work time definition). Full-time V-classifications are not eligible for compensated overtime. Part-time V-classifications are eligible for compensated overtime for hours worked beyond 40 hours per workweek. Exempt employees (non-V) are eligible for compensated overtime for hours worked beyond 40 hours per workweek

**Part-time appointment.** An appointment at less than one hundred percent time for the period of the appointment. These are appointments >36%. <http://www.revisor.leg.state.mn.us/stats/179A/03.html>

**Performance appraisal plan.** A plan shall include the following elements: goals of the performance program, appraisal forms, and rating standards and factors.

**Position.** A group of current duties assigned or delegated by responsible authority, requiring the full-time or part-time employment of one person.

**Position classification plan.** The schedule of classifications and revisions adopted by the Board of Regents on September 22, 1945, together with the subsequent amendments and revisions adopted by the Board of Regents.

**Probationary period.** Part of the selection process during which an employee new to a position is required to demonstrate fitness for the position by actual performance of the position's duties.

**Promotion.** An employee's change from a position in one classification to a position in another classification that is assigned to a higher pay range on the same schedule, or an employee's change from a position in one classification to a position in another classification on a different schedule where the midpoint of the new classification's range is higher than the midpoint of the old classification's range by 4 percent or more. Probation is required.

**Qualifications:** Criteria for a specific job for which an employee is hired. Qualifications include required and preferred qualifications. Required qualifications are what you have to have in order to perform the job duties. Preferred qualifications are what would be helpful to have, but which an employee can receive training for if they do not possess them at the time of hire.

**Qualified:** Possesses the required qualifications for a particular position.

**Recall.** When a vacancy occurs in an administrative unit and in a classification from which an employee was laid off and the employee is qualified to perform the work, the employee must be notified of their right to return to work.

**Reclassification.** A change in classification of an individual position by raising it to a higher classification, reducing it to a lower classification, or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty, or responsibility of the work performed. No probation is required unless requested by the supervisor and approved by the Vice President.

**Regularly scheduled.** Working hours scheduled in a recurring pattern on a continuing basis.

**Registered same sex domestic partner.** The term domestic partner refers to two persons of the same gender, 18 or older, who are unrelated by blood closer than permitted by the state of Minnesota marriage laws. The persons declare that they are each other's sole domestic partner and that they are responsible for each other's welfare. This definition is intended to cover same-sex relationships people who are partners and not roommates. Domestic partnership is defined as two individuals of the same gender who are in a committed relationship of an indefinite duration, support each other, and resembles a mutually exclusive partnership as that of marriage. Another commonly used term to refer to domestic partner is spousal equivalent.

This is to clarify the implementation of the Board of Regents' Resolution of 1992 in which the Regents approved benefits for registered same-sex domestic partners of employees and students. Contact your Human Resources consultant for assistance if you have questions or refer to the web site at:

<http://www1.umn.edu/ohr/benefits/eligibility/index.html#spousesdp> or <http://glbta.umn.edu/uofm/>

**Responsible administrator.** The administrator who has administrative authority for the unit, department, college, campus, or central administration for which the employee works.

**Return to work.** Reporting back to work after a lay-off or leave of absence.

**Return to work (from on-call status).** An employee who is working in an on-call status and must return to the work place.

**Seniority credit.** Credit given in personnel processes to the length of service of an employee in a particular kind of work in a specific seniority unit, determined and granted in the manner established by these Rules.

**Seniority unit.** The unit in which employees earn seniority. This can be a department, a group of departments, an administrative unit, a college, or an entire campus. Seniority units are determined at the collegiate or vice presidential level, with the approval of the Vice President.

**Sexual harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

**Shift differential.** Base salary supplements that compensate employees for the inconvenience of working certain hours other than the traditional business hours of 8:00am – 5:00pm **Straight time pay.** Base hourly rate of pay for an employee.

**Supervisor.** A person who exercises major supervisory functions over another employee or employees. These functions are hiring, evaluating, assigning work, disciplining, and dismissing.

**Telecommuting.** A work arrangement in which an employee carries out all or some of the duties of the job at home or another alternate work location. The toolkit for implementing this work arrangement can be found at: <http://www1.umn.edu/ohr/toolkit/flexwork/index.html>

**Temporary appointment.** Appointment to a posted position that has a specified beginning and ending date. It may be part-time or full-time (<2 years, > 36%). A temporary employee does not serve a probationary period and does not have the rights that accrue to an employee on a continuing appointment (>2 years, > 36%), except as defined in these Rules. Employees on a temporary appointment shall be notified, in writing, of the temporary nature of their appointment. Temporary appointments will become continuing appointments with all rights and benefits thereof after more than two (2) calendar years of service in a temporary appointment of 50 percent time or more within the same position, including reclassifications of that position, within the same administrative unit. In these cases, a probationary period will be considered to be completed. (See Rule 6.5.6).

**Temporary or Casual Appointments** (0001, 0007, 0011) appointments are not covered under the rules.

- <http://www1.umn.edu/ohr/policies/hiring/temporary>
- Technical Consultant Appointments
- <http://www1.umn.edu/ohr/policies/hiring/technical.html>

**Temporary no-post.** A temporary position of 12 (twelve) months or less that has not been posted and is filled by an applicant not referred by the appropriate human resources office. Temporary no-post positions are not covered by Civil Service Rules (Rule 1.2).

**Termination.** Discontinuance of University employment.

**Transfer.** An employee's change from a position in one administrative unit to a position in the same schedule and pay range in another administrative unit, a change of classification within the same



administrative unit when the new position is assigned to the same schedule and pay range as the former position; or an employee's change from a position in one classification to a position in another classification on a different schedule where the difference in the midpoints of the two ranges is less than 4 percent. Probation is required.

**Unit seniority.** Unit seniority shall mean cumulative length of service (total paid straight-time work hours) in all classifications held within a unit by an employee; an employee retains unit seniority in each of the units in which the employee has worked. For an employee who is hired into a continuing appointment, seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the unit. For an employee who is hired into a temporary appointment, unit seniority shall be acquired only after the completion of three calendar years of service in a 50 percent time or more appointment, within the same position, including reclassifications of that position, within the same administrative unit (see Rule 6.6). Unit seniority shall begin on the first day after the three-year anniversary and is not retroactive to the date of entry into the class.

**V-class.** A designation given to some supervisory and professional classifications that allows full-time employees in those classifications to accrue an extra one-half day of vacation per month in lieu of being paid for overtime. V-class part-time employees shall be paid or receive compensatory time off at the straight-time rate for all hours worked in excess of their appointment percentage up to the total number of hours that would constitute full-time employment. (See Rule 11.2.) In order to be eligible for this designation, the classification must be exempt from the United States Fair Labor Standards Act.

**Vacancy.** A position opening that exists when a new position is created or when an existing position opens up due to the termination (dismissal, resignation, promotion, etc.) of an employee. A position is not vacant for purposes of permanent shift selection when the incumbent is on approved leave. Adjusting the work shift or the responsibilities of an incumbent's individual position does not create a vacancy.

**Vice President.** The Vice President for the Office of Human Resources of the University of Minnesota or a designated representative.

**Work shift.** This term means both a period of work that has a predetermined starting and ending time and the regularly scheduled configuration or pattern of work periods and days off. This configuration may repeat itself on a weekly, biweekly, or longer-term basis.

**Work time.** Time scheduled for employees to be on work duty; and time spent on authorized paid leaves of absence such as vacation leave, sick leave, compensatory time off, paid military leave, and so forth.

**Workweek.** A fixed and regularly recurring period of 168 hours; seven consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any hour of the day. The beginning of the workweek shall be established by the responsible administrator and, once established, it remains fixed. However, it may be changed by the responsible administrator if the change is justifiable for business reasons. Different workweeks may be established for different employees or groups of employees.

**Work year.** One year at 100 percent time = 2,080 straight-time paid work hours; one year at 75 percent time = 1,560 straight-time paid work hours; one year at 50 percent time = 1,040 straight-time paid work hours.

</payplans/index.html>



**UNIVERSITY OF MINNESOTA  
BOARD OF REGENTS**

**Faculty, Staff, and Student Affairs Committee**

**June 9, 2011**

**Agenda Item:** Information Items

review       review/action       action       discussion

**Presenters:** Senior Vice President Robert Jones

**Purpose:**

policy       background/context       oversight       strategic positioning

To inform committee members of noteworthy items, administrative actions, and local, regional, and national policy-related issues affecting University units and departments.

**Outline of Key Points/Policy Issues:**

- Personnel highlights
- University highlights
- Faculty and staff activities and awards
- Student activities and awards

**Background Information:**

This report appears as a regular item on the Faculty, Staff, and Student Affairs Committee agenda.



# UNIVERSITY OF MINNESOTA BOARD OF REGENTS

June 9, 2011

## Faculty, Staff, and Student Affairs Committee Information Report

*This report does not capture and record a complete listing of the significant awards and activities of the University community, but instead makes note of unit reported items in these areas. It also highlights reports and activities at the local, regional, and national level in the area of faculty, staff, and student affairs.*

### **Personnel**

Ann Hill Duin assumed leadership responsibility for Office of Information Technology as interim vice president and CIO effective June 1. She replaced Steve Cawley, who took a position as vice president for information technology and CIO for the University of Florida.

Sri Zaheer, associate dean for faculty and research in the Carlson School, has been named interim dean of the school. Former dean Alison Davis-Blake was recently named dean of the University of Michigan's business school.

### **Highlights**

Renovation of the Akerman Hall hangar won a preservation award from Preserve Minneapolis, the Minneapolis Heritage Preservation Commission, and the Minneapolis chapter of the American Institute of Architects. The project was cited as a "meritorious example of an adaptively reused historic building, transformed and reinvented to incorporate both new and old elements in a way that that is respectful of, but different from, the form of the past."

The University of Minnesota, Crookston has been named to the 2010 President's Higher Education Community Service Honor Roll by the Corporation for National and Community Service. The honor recognizes a college or university for its commitment to volunteering, service-learning, and civic engagement. In 2010, UMC students tallied over 8,400 service-learning hours and nearly 9,500 hours of community service

The University of Minnesota, Morris was second in the nation among public institutions in *Consumers Digest's* ranking of 100 "top values" for U.S. institutions offering four-year degrees.

The University of Minnesota Medical School received a Top Ten Award from the American Academy of Family Physicians for graduating a high percentage of students who choose first-year family medicine residency positions. The University of North Dakota School of Medicine and Health Sciences is the top medical school in the country for producing family medicine physicians, with 19.6 percent of its graduates. The U of M Medical School's rate is 15.6 percent.

## **Faculty and Staff Activities and Awards**

Jasjit Ahluwalia, medicine, has joined the editorial board of the *Journal of General Internal Medicine*, a top-tier international journal, for a three-year term.

“Water for Mulobere,” a documentary produced by Beth Anderson, institute on the environment, won the 2011 Engineers Without Borders-USA Film Contest Best in Show award and also was chosen for screening at the Awareness Film Festival in Los Angeles. The film depicts the activities of a team of U of students who designed, built and installed a solar-powered water supply system for a community in Mulobere, Uganda in 2009.

David Anderson, neurology, received the A. B. Baker Award for Lifetime Achievement in Neurologic Education from the American Academy of Neurology.

Melissa Avery, nursing, was named one of University of Kentucky College of Nursing’s 50 Outstanding Alumni. She was recognized for leadership and innovations in midwifery and distance education nationally and internationally.

Subhash Basak, natural resources research institute, has joined the honorary editorial board of *Reports in Theoretical Chemistry*, an international, peer-reviewed, open access journal.

Charles Baxter, English, received the Pushcart Prize for “The Cousins,” which also appeared in *Best American Short Stories 2010*.

In a recent study by Texas A&M University, U of M educational psychology faculty Matthew Burns and Ted Christ were ranked first and fifth, respectively, among the most frequently published researchers in school psychology journals over the past five years.

Matthew Canepa, art history, received the James Henry Breasted Prize from the American Historical Association for the best book in English in any field in history prior to 1000 C.E.

Giancarlo Casale, history, received McGill University’s Cundill Recognition of Excellence finalist’s prize for *The Ottoman Age of Exploration*.

Mary Chesney, nursing, received a Best Dissertation Award from the Family Health Section of Midwest Nursing Research Society.

Gary Cohen, history, has been named a corresponding member of the *Oesterreichische Akademie der Wissenschaften*, the Austrian Academy of Sciences, Historical-Philosophical Section.

The *Minneapolis/St. Paul Business Journal* named School of Nursing Dean Connie Delaney as one of 25 Women Industry Leaders in the Twin Cities. She was selected because of her professional achievements, leadership qualities, and drive, as well as being at the forefront of the nursing profession. Delaney was recently reelected to the Board of Directors of the American Association of Colleges of Nursing and was also elected to a three year term on the board of

directors of Stratis Health, a nonprofit organization that leads collaboration and innovation in health care quality and safety.

James Dillon, music, has been honored by The Royal Philharmonic Society (RPS) with the Large-Scale Composition Award for “Nine Rivers,” making him the most-celebrated winner in RPS musical award history, according to the organization’s web site. The jury said Dillon’s four-hour work was significant for the “sheer ambition and the consistency of creative thought sustaining it.”

Raymond Duvall, political science, received the American Political Science Association’s Grain of Sand Award for contributions that are longstanding and merit special recognition.

R. Lawrence Edwards, geology and geophysics, was elected to the National Academy of Sciences, one of the highest honors given to a scientist or engineer in the United States. Edwards is known worldwide for his development of extremely precise methods for measuring the ages of rocks and how that relates to climate change.

Carl Flink, theatre arts and dance, choreographed Jungle Theater’s *Mary’s Wedding*, which won a Twin Cities Theater Ivey Award.

Lee Galda, curriculum and instruction, received the International Reading Association’s Arbuthnot Award for outstanding university teaching of children’s and young adults’ literature.

Carolyn García, epidemiology, was elected to a three-year term on the editorial board of the *Journal of Public Health Nursing*.

Two UMM coaches have taken top honors from the Upper Midwest Athletic Conference. Jeremy Karger Gatzow was named Outdoor Men’s Track and Field Coach of the Year and Heather Pennie was named Softball Coach of the Year.

Joseph Gaugler, nursing, was named editor of the *Journal of Applied Gerontology*.

Four U of M faculty have been named fellows of the American Geophysical Union (AGU): Marc Hirschmann, geology and geophysics; Thomas Johnson, large lakes observatory at UMD; Robert Lysak, physics and astronomy; and William Seyfried, geology and geophysics. AGU is the largest geoscience association in the world, and fellows are limited to 0.1% of the membership.

Gary Jahn, Slavic languages and literatures, was named 2010 Post-secondary Teacher of the Year by the American Association of Teachers of Slavic and East European Languages.

Lisa Johnston, University libraries, is the recipient of the first annual Academic Innovators Award, given by the Academic and Research Libraries Division of the Minnesota Library Association. The award recognizes outstanding contributions to advance the mission of an academic library in Minnesota through an innovative project, program, or service. Johnston’s project was a data management program that helps researchers meet the National Science Foundation’s recent requirement that all grant proposals include a data-management plan.

Merrie Kaas, nursing, was inducted as a fellow into the Gerontological Society of America.

Linda Olson Keller, nursing, was named one of St. Olaf College's 2010 Distinguished Alumni in recognition of her contributions to public health.

Professors Joe Konstan and John Riedl and Ph.D. student Shyong (Tony) K. Lam, all from computer science and engineering, received the 2010 Software System Award from the Association for Computing Machinery for their GroupLens Collaborative Filtering Recommender Systems project. The award recognizes a software system that has had a lasting influence, reflected in contributions to concepts, in commercial acceptance, or both.

Gordon Legge, psychology, received a biennial award from the Association for Education and Rehabilitation of the Blind and Visually Impaired and also received the Envision Excellence Award in Low-Vision Research from the Association for Research in Vision and Ophthalmology.

Bernard Levinson, classical and near eastern studies, was named a fellow of the American Academy of Jewish Research.

Linda Lindeke, nursing, was inducted as a fellow into the American Academy of Nursing. She was selected for her contributions in promoting the health of children through research, education, and advocacy.

Wojciech Lipinski, mechanical engineering, has been appointed associate editor in solar chemistry for the *ASME Journal of Solar Energy Engineering*.

Jim Litsheim, capital planning and project management, received the Steve Murray award from Preserve Minneapolis, the Minneapolis Chapter of the American Institute of Architects, and the Minneapolis Heritage Preservation Commission. The award is considered the top individual honor for preservation in Minneapolis..

John Loegering, agriculture and natural resources at UMC, has been chosen president-elect of the North Central Section of The Wildlife Society.

Chad Marsolek, psychology, received 2010 *NeuroImage* Editors' Choice Award for his article on neural repetition effect. Ph.D. candidate Vaughn Steele was one of the co-authors.

Joanne Miller and Dara Strolovitch, political science, received the Best Paper Award from the American Political Science Association's Political Organizations and Parties Section for "Networking the Parties: A Comparative Study of Democratic and Republican National Convention Delegates in 2008."

*Science for the Empire: Scientific Nationalism in Modern Japan* by Hiromi Mizuno, history, was named Outstanding Academic Title for 2009 by the American Library Association's journal *CHOICE*.

Karen Monsen, nursing, received the Junior Investigator Award from the Public Health Nursing Section of the American Public Health Association.

Kola Okuyemi, family medicine and community health, was named the Minnesota Academy of Family Physicians' 2011 Researcher of the Year.

Ted Pedersen, UMD computer science, has been appointed to the advisory board of the Association for Computing Machinery Special Interest Group on Health Informatics.

Riv-Ellen Prell, American studies, has been selected by the Association for the Social Scientific Study of Jewry for the 2011 Marshall Sklare Memorial Award, which recognizes a distinguished senior scholar in the field.

Peter Reich, forest resources, has been named a fellow of the American Academy of Arts and Sciences. Election as a fellow is an honor bestowed upon academy members by their peers. Reich's current research focuses on how global environmental change affects terrestrial ecosystems.

Karen Salmela, UMD accounting, received the Women of Distinction Award from the Girl Scouts of Minnesota and Wisconsin Lakes and Pines Council for her work in the community supporting women and girls.

Jeffrey Simon, genetics, cell biology and development, has been tapped by the National Institutes of Health for a four-year term with the Molecular Genetics C Study Section, Center for Scientific Review. Members are selected on the basis of demonstrated competence and achievement in their discipline.

Diane Treat-Jacobson, nursing, was inducted as a fellow into the American Academy of Nursing. She was selected for her work related to Peripheral Arterial Disease. She was also selected to serve a four-year term on the Clinical and Integrative Cardiovascular Sciences Study Section of the Center for Scientific Review.

Shawn Treier, political science, received the Gregory Luebbert Article Award from the American Political Science Association for "Democracy as a Latent Variable."

### **Student Activities and Awards**

Three undergraduate students in the Chinese language program were winners at the Chinese Speech and Performance Contest of the Midwest Area in April. Peter Wagner won first place in level one and Anthony Dodge and Heather Kaus took first place in level two.

Graduate student Jennifer Olker and co-author Lucinda Johnson, natural resources research institute, received a Best Student Poster award at the joint meeting of Midwest Chapter of the Society of Environmental Toxicology and Chemistry and Chicago Regional Chapter of the Society for Risk Analysis.

Nursing student Sonia Pond received a second place award in the Midwest Nursing Research Society Undergraduate Poster competition for her work on exercise training and diabetes.

UMC sophomore Dustin Smith was elected as the new State Sentinel for Future Farmers of America. Smith is a triple major in agricultural business, business management, and agronomy.

UMM student Naomi Wentz has been honored by Campus Compact as a Newman Civic Fellow. The award recognizes college student leaders who have demonstrated an investment in finding solutions for challenges facing communities throughout the country. Campus Compact is a national coalition of more than 1,100 college and university presidents.

The Cougar men's track and field team won the 2011 Upper Midwest Athletic Conference Outdoor Track & Field Championships, their second straight title.

A team of students from the College of Science and Engineering took home a first-place trophy in the 2011 Formula Sun Grand Prix at the famous "Brickyard" track at the Indianapolis Motor Speedway. The team's solar-powered car, Centaurus II, outlasted the runner up by 39 laps. Ten solar car teams from across the country participated in the event.

UMD civil engineering students were awarded second place in strength, third place in prediction, and an overall "Outstanding University" title in the American Concrete Institute international competition.

The University of Minnesota, Crookston Students in Free Enterprise (SIFE) team were named 2011 Regional Champions for a 12<sup>th</sup> consecutive time, competing against teams from Wisconsin, North Dakota, Colorado, Wyoming, and Minnesota. The team also received a 4.0 Club award, which recognizes quality educational programs, success in SIFE, and long-term sustainability to improve the quality of life and standard of living for others, and a Club 44 award, recognizing a SIFE club with 44 or more active members.