

The University of Wisconsin System
UNCLASSIFIED PERSONNEL GUIDELINE #2

SUBJECT: Unclassified Appointments

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(Replaces September 1, 1999 Edition)

2.01 PURPOSE

Chapter 36 of the Wisconsin Statutes identifies four categories of unclassified appointments in the University of Wisconsin System:

- Faculty Appointments (s. 36.13 Wis. Stats.)
- Academic Staff Appointments (s. 36.15 Wis. Stats.)
- Limited Appointments (s. 36.17 Wis. Stats.)
- Other Appointments (s. 36.19 Wis. Stats.)

Pursuant to s. 36.09(1)(e) Wis. Stats., the Board of Regents has the responsibility to appoint the requisite number of limited, faculty, academic staff and other employees and fix their duties and the term of office for each. This guideline describes how the four categories of employment are intended to be used throughout the UW System and how the terms and conditions of employment are expressed through the use of "status modifiers" in systemwide budget and personnel files.

2.02 LIMITED APPOINTMENTS

The Wisconsin Administrative Code Chapter UWS 15 (Code) defines a limited appointment as "a special appointment to a designated administrative position. A person in this type of appointment serves at the pleasure of the authorized official who made the appointment." By law, certain unclassified positions must be designated as limited appointments (s. 36.17(2), Wis. Stats.). In addition, the Code permits limited appointment status to those "other administrative positions as the board, the president, or the chancellor determines at the time of appointment."

Regent Resolution #9091 (adopted November 11, 2005) directed that from and after November 11, 2005, notwithstanding any institutional policies to the contrary, limited appointments shall be permitted only for those positions enumerated in s. 36.17 (2), Wis. Stats., unless an institution demonstrates circumstances justifying the creation of additional limited appointments and the UW System President authorizes, in writing, the addition of such a limited appointment.

s. 36.17(2), Wis. Stats. states that limited appointments apply to the following positions:

- President,
- Provost,
- Vice President,
- Associate Vice President,
- Assistant Vice President,
- Chancellor,
- Vice Chancellor,
- Associate Chancellor,
- Assistant Chancellor,
- Associate Vice Chancellor,

- Assistant Vice Chancellor,
- College Campus Dean,
- Secretary of the Board,
- Associate Secretary of the Board,
- Assistant Secretary of the Board,
- Trust Officer,
- Assistant Trust Officer, and
- such other administrative positions as the board determines at the time of the appointment

On December 2, 2005, the System President approved the use of limited appointments for those administrative positions that require a faculty appointment (see UPG 2.03 for definition of faculty). Positions that require a faculty appointment as defined in UPG #1, attachment #1 are:

- Dean (A20NN)
- Associate Dean (A51NN)
- Assistant Dean (A52NN)
- Academic Program Directors (all levels)
- Department Chairperson

The 1993 Memorandum of Agreement with the Office of State Employment Relations (OSER) stipulated that all Associate Director and Assistant Director titles listed in UPG #7, Attachment 2, section II.A.1. General University Management must be assigned a limited appointment to comply with the service placement designation criteria established in the 1993 Memorandum of Agreement. If an institution wants the position to remain in unclassified service, the use of limited appointment for the position requires written authorization from the UW System President.

The use of limited appointments for positions other than those included in s. 36.17(2) and those requiring a faculty appointment, requires written authorization from the UW System President. The written request should be addressed to the Associate Vice President for Human Resources and must include the justification for using the limited appointment. The System President will evaluate the request based on the following:

- Position has major responsibility for significant functional areas within the UW institutions. It is critical the staff in these positions respond quickly to the changing business needs of the institutions and its students. Therefore it is imperative institutions maintain maximum staffing flexibility in these positions.
- Position has direct management of the day-to-day administrative activities of a school, college or administrative unit and works closely with the senior administrator of school, college or unit. The senior administrator responsible for these areas must be provided the maximum staffing flexibility in order to not only meet the changing needs of the school, college or unit but also to meet the needs of a change in leadership.
- Position serves in a critical role both as an advisor and representative of the President, Chancellor, Provost/Vice Chancellor or other Vice Chancellors. Senior administrators change and working styles vary. Maximum staffing flexibility must be maintained.
- Position is an Associate Director or Assistant Director listed in UPG #7, Attach 2, section II.A.I General University Management. The 1993 Memorandum of

Agreement with Office of State Employment Relations stipulated these positions must be assigned a limited appointment in order to remain in the unclassified service.

- Position is a specifically defined and/or mandated position (e.g., State Geologist)
- Position is particularly unique to those institutions participating in NCAA Division I athletics.

UPG 2 Attachment 2 lists the positions approved for limited appointments. This attachment will be updated as the UW System President approves the use of additional limited appointment.

In order to ensure consistent adherence to Regent Policy #9091 (adopted November 11, 2005), the System Office of Human Resources will conduct a yearly review.

Limited appointments are noted in budget and personnel files by adding a "status modifier" code after the title code itself. Status modifier codes for limited appointment positions are listed in Attachment 1.

2.03 FACULTY APPOINTMENTS

The Wisconsin Administrative Code Chapter UWS 1 defines faculty as "persons who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent in an institution." In addition, s. 36.13(4)(c) Wis. Stats., provides that certain pre-merger unranked faculty "shall be treated as a faculty member with the rank of associate professor for all purposes."

Section 36.13(1) Wis. Stats., specifies two types of faculty appointments; probationary and tenure. The terms and conditions of such appointments are described in Chapter UWS 3, Wis. Adm. Code and institution faculty personnel policies and procedures. Status modifier codes for these two types of faculty appointments are listed in Attachment 1.

2.04 ACADEMIC STAFF APPOINTMENTS

Section 36.05(1) Wis. Stats., defines academic staff as "professional and administrative personnel, other than faculty and classified staff, with duties and types of appointments that are primarily associated with higher education institutions or their administration." (See UPG #7 for further academic staff service assignment guidelines.) These positions are described, in general terms, in the title definitions book attached to UPG#1.

"Administrative appointments" are meant to include persons involved in policy development or execution and those persons involved in directing, organizing or supervising activities. The unclassified title groups of Administrative Directors, Administrative Officers and Program Managers are intended to capture academic staff administrative appointments.

"Professional appointments" are meant to include persons involved in research, instruction or other professional activities associated with higher education. The unclassified title structure title groups of Instructional Academic Staff, Research, Other and Professionals are intended to capture academic staff professional appointments.

Section UWS 10.01, Wis. Adm. Code specifies three types of academic staff appointments; fixed term, probationary and indefinite. The terms and conditions of such appointments are described in Chapter UWS 10, Wis. Adm. Code and institution academic staff personnel policies and

procedures. Status modifier codes for these three types of academic staff appointments are listed in Attachment 1.

2.05 CHANCELLOR APPOINTMENTS

The chancellor is the chief executive of an institution of the University of Wisconsin system.

(1) Appointment and Conditions of Employment:

- (a) The chancellor shall be appointed by the Board of Regents (hereinafter referred to as "Board") upon recommendation by the President of the UW System (hereinafter referred to as System President.)

[Note: See UPG #5, Section 5.03 for provisions regarding searches and selection of chancellors.]

- (b) In accordance with applicable state statutes and the policies and rules adopted by the board, an appointment as chancellor is a limited appointment that may be terminated at the pleasure of the Board and System President under established procedures and policies.
- (c) A person holding a tenured faculty appointment or academic staff appointment shall not lose that appointment by accepting a limited appointment as chancellor. This was reaffirmed by Regent Resolution #9091 (adopted November 11, 2005).
- (d) The initial appointment of a chancellor may include either:
1. a concurrent appointment to the academic rank of full professor with tenure and designation of departmental affiliation within the institution which he/she is to serve as chancellor. An initial or subsequent appointment to faculty rank and tenure requires specific approval by the faculty department in which the affiliation is established; or
 2. per Regent Resolution #9091 (adopted November 11, 2005), can be granted not more than six months notice of termination as permitted under s.UWS 15.01, Wisconsin Administrative Code at the same salary.

(2) Evaluation

Each chancellor shall be subject to continuous evaluation by the System President and the Board. At least once each year the System President shall communicate either in person or in writing, to each chancellor an evaluation of his/her performance. The System President shall report these evaluations to the board.

If the President and the Board of Regents determines that appointment should not continue, the President of the System shall convey this decision to the chancellor. A chancellor so notified may ask for specification of the reasons if he/she chooses. The President of the System and the President of the Board of Regents shall provide such specification in a personal conference.

(3) Chancellor Emeritus/Emerita

The Board of Regents or System President may, in recognition of his/her outstanding contributions to a University of Wisconsin institution, afford a chancellor the designation

"chancellor emeritus/emerita" upon completion of the individual's service as chancellor.

[Note: See UPG #3, Section 3.03 for applicable job security provisions for chancellorships.]

2.06 STAFFING OF A TEACHING POSITION BY APPOINTMENT OF AN INSTRUCTIONAL ACADEMIC STAFF MEMBER

It is not the intent of these guidelines to permit or encourage excessive dependence upon academic staff to perform teaching responsibilities, nor is it the intent that these guidelines be applied retroactively. Indeed, if the duties of a position are those customarily associated with a faculty position, then the appropriate first question is why the position should not be categorized as faculty. In conducting that analysis, one can determine that the staffing of a teaching position by appointment of an instructional academic staff member, rather than a probationary faculty member, may be appropriate but not mandatory if any of the following conditions apply:

- (1) The position is to be filled by someone who lacks the minimal academic credentials for a faculty appointment.
- (2) The position being filled does not include the full range of responsibilities of a faculty appointment, which includes teaching, research, and institutional and public service.
- (3) The need for the instructional services is expected to be short-term. Considerations such as the following are apparent:
 - (a) A member of the faculty who will normally perform these responsibilities is on leave, or is on a retraining leave, but is otherwise expected to be available after a particular date.
 - (b) There is a reasonable possibility that departmental planning within the broadest context of institutional planning will result in phasing out or consolidating of particular courses or sections involved either as an adjustment to projected declining enrollments, or as an outcome of curricular review or changes in curricular structure.
- (4) The funds supporting the position are not expected to be available beyond a given time period. That is, the funds are fixed-term or grant funds, or funds that are not expected to be available on a continuing basis in the institution's base budget.
- (5) The long-range tenure management requirements in the department preclude the possibility of additional probationary faculty appointments.

2.07 OTHER APPOINTMENTS

Section 36.19 Wis. Stats., allows the Board of Regents to make or authorize fixed term appointments for student assistants and employees in training. Policies and procedures for such appointments shall be determined as appropriate by the UW System President and the Chancellor of each institution after consultation with appropriate faculty and with appropriate student assistants and employees in training. Status modifier codes for these three types of academic staff appointments are listed in Attachment 1.