

The University of Wisconsin System

UNCLASSIFIED PERSONNEL GUIDELINE #3

SUBJECT: Unclassified Job Security

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3.01 PURPOSE

Section 36.09(1)(e) Wis. Stats., directs the Board of Regents to fix the "term of office" for officers, faculty, academic staff and other employees of the UW System. The Rules of the Board of Regents, set forth in Chapters UWS 3, 10, 15 and 16 of the Wisconsin Administrative Code, specify applicable job protection for faculty, academic staff, limited and other employees. Regent Resolution 9091 (adopted November 11, 2005) also sets forth certain directives of job security. The purpose of this guideline is to provide a general reference for job security provisions found in the statutes, rules and Regent policies and to codify job security policies promulgated by the System President. Academic personnel officers and employees are urged to consult the Wisconsin Administrative Code for specific rights, duties and obligations.

3.02 LIMITED APPOINTMENTS

By definition, an employee with limited appointment status serves, for an unspecified term, at the pleasure of the authorized official who made the appointment. Termination of a limited appointment is not considered a "dismissal" and is not otherwise appealable. [UWS 15.01(1)]

Regent Resolution #9091 (adopted November 11, 2005) directs limited appointees entering UW System employment from other institutions and either (a) holding a tenured faculty position elsewhere or (b) having been recruited to a position with a requirement or expectation of tenurability, and who have been recommended for tenure by the appropriate UW department may be granted a concurrent tenure appointment as part of the employment contract process.

Regent Resolution #9091 (adopted November 11, 2005) further directs limited appointees entering UW System from other institution who do not hold tenure elsewhere and were not recruited with a tenurability requirement shall not be granted concurrent appointments; however, at the discretion of the appointing authority, such employees may be granted not more than six months notice of termination as permitted under s. UWS 15.01, Wisconsin Administrative Code, at the same salary, and with possible reassignment to other duties during this period.

Should a limited appointee with a faculty or academic staff concurrent appointment be terminated from the limited position, the appointee has no minimum notice rights. However, the appointee has the right to assume the concurrent appointment without a separation in service.

Regent Resolution #9091 (adopted November 11, 2005) directs that the status or length of the term of a concurrent appointment held by a limited appointee may not be altered while the individual is serving in the limited appointment. For clarification purposes, the intent of the regent resolution is to not improve the status of or increase the term of the concurrent appointment.

[NOTE: A limited appointee with an academic year pay basis concurrent faculty appointment, is not considered "separated" from the institution if the limited appointment is terminated between

academic years, provided the faculty appointment is resumed at the start of the forthcoming academic year.]

Regent Resolution #9091 (adopted November 11, 2005) affirms a member of the academic staff does not lose existing rights to an academic staff appointment upon acceptance of a limited appointment at the same institution (see note below). Similarly, a member of the faculty granted a limited appointment at the same institution (see note below) does not lose existing rights to a faculty appointment. As noted above, the return to a faculty or academic staff appointment upon termination of the limited appointment must be accomplished without a separation in service.

NOTE: *Under s. 36.13(6), Wisconsin Statutes, tenure and probationary faculty appointments are at a particular institution and do not carry rights beyond that institution. Similarly, under UWS 10.01, Wisconsin Administrative Code, academic staff appointments are limited to operational areas in an institution specified at the time of appointment. Accordingly, the protection of 36.17, Wisconsin Statutes, as affirmed by Regent Resolution #9091, applies only to the acceptance of a limited appointment at the faculty or academic staff member's own institution. If a faculty or academic staff member accepts a limited appointment at a different UW System institution, he or she would not retain existing rights in the former faculty or academic staff position. In such a situation, however, a concurrent faculty appointment at the new institution could be granted if the other requirements of Regent Resolution #9091 are satisfied. Alternatively, the original institution could grant the faculty or academic staff member a leave of absence, in accordance with Regent Policy 89-8, Leave of Absence Policy and Policy for Unclassified Employees Seeking or Accepting Political Office or Appointments.*

Regent Resolution #9058 (adopted September 9, 2005) directs that all UW institutions shall require employees who are returning to the faculty from an administrative position, and who are being offered transition time to prepare to teach, shall provide the equivalent of a sabbatical proposal and subsequent report of work accomplished during the transition. The transition period should be no longer than one academic semester unless the person has served in a limited position for five or more years, whereby two academic semesters may be allowed. UW System Administration approval of the transition plan is not required. However, the transition plan and the subsequent report of work accomplished should be maintained in the institution's files and be available if there should be an audit of compliance with this policy.

[NOTE: See UPG #4, Section 4.04 (5) and (6) for the policies that govern salary levels upon return to faculty and academic staff positions from limited appointments.]

A limited appointee may resign the limited appointment and ask to be returned to a faculty or academic staff appointment. Such requests should be honored as soon as possible by the authorized official. However, in the event a position is not readily available, the limited appointee may remain in the limited position until a suitable position is available, or with the agreement of the limited appointee the authorized official may place the limited appointee on unpaid leave of absence until a vacancy becomes available.

3.03 CHANCELLOR APPOINTMENTS

A chancellor's appointment may be terminated at any time upon reasonable written notice of resignation by the chancellor to the System President.

An appointment as chancellor may be terminated by the Board at any time when, in the judgment of the System President and the Board, such action is deemed to be in the best interests of the chancellor's institution and of the UW System. A chancellor, upon relief from his/her duties, may

be transferred to reassignment status for a period of up to six months without loss of salary, unless the person terminated as chancellor elects to relocate.

There shall be no maximum on the number of years which may be served by a chancellor.

[Note: See UPG #2, Section 2.05 for additional terms and conditions of chancellor appointments.]

3.04 FACULTY APPOINTMENTS

Chapter UWS 3 Wis. Adm. Code requires the faculty of each institution, after consultation with appropriate students and with the approval of the chancellor, to develop rules relating to faculty probationary and tenure appointments.

Occasionally, the institution finds it useful and necessary to ask a faculty member to serve in an administrative capacity. Such appointments are most often to limited positions, in which case the faculty member does not lose existing rights to a faculty appointment. However, a faculty member may serve for a fixed period of time in an administrative capacity that would normally be described as an academic staff appointment. Acceptance of an academic staff appointment will not cause the faculty member to lose existing rights to a faculty appointment.

3.05 ACADEMIC STAFF APPOINTMENTS

Chapter UWS 10 Wis. Adm. Code directs each institution to develop guidelines for designating academic staff positions as fixed term, probationary or indefinite appointments.

As a result of study and consultation with chancellors and the academic staff governance units of each institution, the System President issued the following academic staff job security provisions effective September 1, 1989. Institutional policies which outline job security provisions should be consistent with these provisions and should consider distinctions based on: instructional versus non-instructional staff, source of funding, and percent of appointment. With regard to UPG 3.05, employees with less than half-time appointments are normally not eligible for the benefits of those staff with appointments of 50% or more.

- (1) Institutional policies shall provide to academic staff with fixed term appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first two years; at least 6 months for service of at least two years but less than seven years; at least 9 months for service of at least seven years but less than ten years; and, at least 12 months for staff who have served ten years or more. Institutional policies shall provide to academic staff on probationary appointments, non-renewal notice periods of at least 3 months before the end of the appointment in the first year; 6 months before the end of the appointment in the second year; and, 12 months thereafter.
- (2) Institutional policies shall also specify due process protection in case of non-renewal of staff who have served for at least seven years.

[NOTE: This provision is intended to provide a uniform definition of the "substantial period of time" clause specified in s. UWS 10.03(1), Wis. Adm. Code.]

- (3) Each institution shall review annually the type of contract and terms of any academic staff member who has served more than seven years in consecutive appointments of 50% or more to determine the feasibility of moving such individuals to indefinite or multiple year appointments with increased job security. In making such a determination, the institution shall consider the continuing need for the position, funding source, and quality of employee's performance. Academic staff with seven years in consecutive appointments of 50% or more of service whose appointments do not provide at least two year terms shall be given the reasons upon request. Academic staff with ten years or more of service whose appointments do not provide at least three-year terms shall be given the reasons upon request.
- (4) Every two years, UW System Administration shall audit a sample of academic staff appointments for compliance with existing policies governing appointment types, notice periods for non-renewal, and related conditions of job security.

3.06 OTHER APPOINTMENTS

State statutes permit the Board to make or authorize fixed term appointments for student assistants and employees in training. In general, such appointments are intended to allow a person to acquire additional training or experience in his/her field of specialization. As such, these appointments are not career choices per se. Instead, such appointments are provided to enhance the career options in other positions.