

1 Amendment to Previously Adopted
2 Faculty Senate Bill 324, As Amended

Introduced by Faculty Academic
Standards, Rights and Responsibilities Committee

3
4
5
6
7 **A BILL TO REVISE UW REGULATIONS**
8 **5-1 "ACADEMIC PERSONNEL,"**
9 **5-808 "POST-TENURE REVIEW POLICY,"**
10 **1-44 "VIOLENCE IN THE WORKPLACE,"**
11 **5-35 "FACULTY DISPUTE RESOLUTION," 5-35 "APPENDIX A AND APPENDIX B," AND**
12 **5-408 "GUIDELINES FOR ESTABLISHING ACADEMIC PROFESSIONALS"**
13

14
15 **WHEREAS**, the Faculty Academic Standards, Rights and Responsibilities Committee,
16 in coordination with the University Reappointment, Tenure and Promotion Committee, the
17 UW Office of General Counsel and the Office of Academic Affairs has reviewed and developed
18 proposed changes to UW Regulations 5-1, 5-808, 1-44, 5-35, 5-408 and 7-570 for updates and
19 consistency with other and recently approved UW Regulations; therefore,

20
21 **BE IT ENACTED** by the Faculty Senate of the University of Wyoming to amend UW
22 Regulations 5-1, 5-808, 1-44, 5-35, 5-408 and 7-570 as presented in the attached addenda.

AUTHENTICATION: *The foregoing Faculty Senate Bill 324, as amended, duly adopted by the Faculty Senate of the University of Wyoming under date of April 29, 2013, is hereby transmitted to the President of the University of Wyoming for review in accordance with UW Regulations.*

/s/
Tucker Readdy
Secretary of the Faculty Senate

AUTHENTICATION: *The foregoing Amendment to Previously Adopted Faculty Senate Bill 324, as amended, duly adopted by the Faculty Senate of the University of Wyoming under date of September 30, 2013, is hereby transmitted to the President of the University of Wyoming for review in accordance with UW Regulations.*

/s/
Jennifer Petrie
Secretary of the Faculty Senate

**UW REGULATION 5-1
Academic Personnel**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

A. ACADEMIC FREEDOM

The faculty and academic professionals are the educational body of the University and in recognition of the fact that true education may flourish only when they are both free and responsible, the Trustees subscribe to the following statement on academic freedom and their responsibilities as adopted in 1990 by the American Association of University Professors:

Academic freedom....applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the students to freedom in learning. It carries with it duties correlative with rights.

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject....

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

1 **B. FACULTY**

2
3 **1. DESIGNATION**

4
5 Faculty status shall be granted at the appropriate professorial rank to those
6 individuals engaged in teaching or research in the colleges of the University and to
7 such other groups or individuals as the Trustees may designate. The general
8 qualifications for the various faculty ranks shall be as follows:

9
10 a. Instructors normally shall have a master's degree and preferably at least one
11 year of additional study or professional experience in the field in which the
12 instructorship is granted.

13
14 b. Assistant professors shall normally hold the terminal qualification in their
15 discipline (e.g., Ph.D., Ed.D., MFA, etc.)~~have the doctor's degree in~~
16 ~~course~~, and shall have demonstrated ability, through appropriate experience,
17 to perform the functions of the position they are to hold.

18
19 c. Associate professors shall normally hold the terminal qualification in their
20 discipline (e.g., Ph.D., Ed.D., MFA, etc.)~~have the doctor's degree in~~
21 ~~course~~, shall have established a reputation in scholarship, teaching, artistic
22 creation, or other productive activity in the field in which they are to serve.

23
24 d. Professors, in addition to having the qualifications of associate professors,
25 have demonstrated superior performance overall, being highly successful in
26 the following areas where appropriate:
27 1.) direction of graduate and undergraduate work and research,
28 2.) scholarship or other creative work,
29 3.) teaching,
30 4.) extension,
31 5.) service to the university as well as other communities and professional
32 organizations, which may include administrative leadership.

33
34 ~~Professors, in addition to having the qualifications of associate professors,~~
35 ~~shall have demonstrated superior capacity for direction of graduate work and~~
36 ~~research where appropriate, have attained wide recognition in their~~
37 ~~professional fields for scholarship or other creative work, and shall have~~
38 ~~gained recognition as teachers and as consistent contributors to the fields in~~
39 ~~which they are to render University service. It is not anticipated that each~~
40 ~~faculty member will attain the rank of full professor.~~

41
42 e. Research professor shall be the title granted to persons who have
43 demonstrated superior capacity for research contributions and are

1 employed fully on external research funding; in addition, these individuals
2 must hold the terminal qualification in their discipline (e.g., Ph.D., Ed.D.,
3 MFA, etc.). Such appointments shall be only at the professorial rank and
4 for not more than one year in duration; however, one may be reappointed
5 annually by the Trustees subject to a satisfactory annual performance
6 evaluation and the availability of external funding from contracts and
7 grants. Service as a research professor does not entitle one to tenure and
8 its privileges.
9

10 f. Clinical professor shall be the title granted to those employed to teach in
11 health care related programs offered by the University; the college dean and
12 other appropriate academic officers will determine the appropriate academic
13 qualifications and professional experience for these faculty. Such
14 appointments shall be for not more than one year in duration; however, one
15 may be reappointed annually subject to a satisfactory annual performance
16 evaluation and available funding. Service as a clinical professor does not
17 entitle one to tenure and its privileges.
18

19 The general qualifications for faculty designation defined above may be waived or
20 modified at the discretion of the President and the Trustees.
21

22 **C. FACULTY APPOINTMENT**

23
24 **1. FULL-TIME FACULTY APPOINTMENTS**
25

26 Faculty members shall be appointed by the Trustees. Recommendations for such
27 appointments shall be initiated by the head of the unit in which the appointment
28 occurs, after full consultation with members of the unit. The recommendations shall
29 then be forwarded through the appropriate academic officers, who shall add their
30 recommendations; the President of the University will then forward his/her
31 recommendation to the Trustees. No appointment shall be binding upon the
32 University unless accepted in writing by the faculty member within the time
33 specified for response, following action by the Trustees. Appointments shall be for
34 a specified period at the appropriate professorial rank as described in this regulation
35 to be classified as follows:
36

37 **a. Tenure-Track Appointments**
38

39 Probationary appointments of tenure-track faculty filling a budgeted vacancy
40 normally will be for one academic year; individuals so appointed will be
41 considered for reappointment annually for the term of the probationary period
42 specified in **section D.**

1 However, in appropriate circumstances, appointments may be for up to three
2 years; continuation during the initial multi-year term will be contingent upon
3 satisfactory annual performance evaluations. If one is reappointed at the
4 termination of the full probationary period, s/he will be granted tenure. Credit
5 for prior experience must be specified in the letter of offer and approved by the
6 Vice President for Academic Affairs. In rare circumstances, tenure and
7 tenure-track appointments may be less than full-time positions.

8
9 b. Temporary Appointments

10
11 Temporary appointments with faculty rank may be made to address specific
12 instructional or research needs. Such appointments shall not be for more
13 than one year in duration; however, temporary faculty may be reappointed
14 annually subject to a satisfactory performance evaluation. Service as a
15 temporary professor does not entitle one to tenure and its privileges.

16
17 c. Visiting Faculty Appointments

18
19 Visiting faculty appointments to address specific University instructional needs
20 may be extended to faculty members from other institutions or professional
21 persons who possess special expertise. Such appointments may be with
22 professorial rank but shall not be for more than one year in duration; however, a
23 visiting faculty member may be reappointed subject to a satisfactory
24 performance evaluation. Service as a visiting professor does not entitle one to
25 consideration for tenure and its privileges.

26
27 **2. PART-TIME FACULTY APPOINTMENTS**

28
29 The appointment of part-time faculty members during the academic year and for
30 Summer Session will be made by the President of the University upon the
31 recommendation of the appropriate academic officers.

32
33 **3. EMERITUS APPOINTMENTS**

34
35 Emeritus status may be awarded to those tenured faculty members and extended-
36 term academic professionals who retire after long and distinguished service to the
37 University. Nominations for emeriti status shall be initiated by the department head
38 and/or dean; the nomination shall then be forwarded through the appropriate
39 academic officers, who shall add their recommendations; the President of the
40 University will then forward his/her recommendation to the Trustees.

1 **4. ADJUNCT FACULTY APPOINTMENTS**
2

3 Adjunct appointments may be made when deemed appropriate to make available to
4 the University, on a limited or part-time basis, the services of persons who have
5 attained recognition in their professional fields of scholarship, creativity, or other
6 distinguished accomplishments relevant to University programs. Such
7 appointments may be with faculty rank or clinical faculty status. Adjunct faculty
8 may include academic personnel in other University departments or colleges as well
9 as those employed outside the institution. Each letter of appointment shall set forth
10 the terms and conditions under which services to the University are to be performed
11 by the appointee. Such appointments provide no financial remuneration.
12

13 Adjunct appointments will be made by the Trustees of the University, upon the
14 recommendation of the appropriate academic officers, for a period of not more than
15 three years; however, an individual may be reappointed. Service as an adjunct
16 professor does not entitle one to consideration for tenure and its privileges.
17

18 **D. FACULTY REAPPOINTMENT, TENURE AND PROMOTION**
19

20 To hold a position with tenure means that the faculty appointment is not subject to
21 termination or substantial reduction in status without adequate justification as outlined in
22 **section E. DISMISSAL OF FACULTY** below.
23

24 Therefore, the reappointment procedures are integrally related to the tenure and promotion
25 decisions of those faculty serving probationary appointments. Only those tenure-track
26 faculty who successfully complete this period and are approved by the Trustees, will receive
27 tenure. An individual who is not offered tenure at the end of the probationary period shall
28 not be retained as a faculty member.
29

30 The main criteria for reappointment, tenure and promotion decisions are creative
31 development, advancement of knowledge, and dissemination of knowledge. These criteria
32 may be demonstrated in the University's functions of teaching, research, creative
33 contributions, extension, service to the state of Wyoming, professional service, and other
34 University-related activities and services.
35

36 Candidates for reappointment, tenure and promotion are evaluated on the academic
37 functions they are expected to perform and the evaluations will appropriately recognize the
38 proportion of time allocated and expected for the particular functions by the candidates at
39 each professorial rank. In addition, the programmatic needs and directions of the University
40 will also be considered in reappointment and tenure cases.

1 Procedures concerning the review and reappointment of probationary faculty, as well as
2 tenure and promotion of all faculty, shall be initiated as specified in UW Regulations.
3 These decisions are to occur annually and successively, as specified by the Vice President
4 for Academic Affairs, at the department, college, and University levels; at each
5 administrative level the cognizant University officer will make a recommendation after
6 having been advised by an appropriate faculty committee or group.

7
8 The probationary period for tenure decisions is normally based on rank at the time of initial
9 appointment to the University of Wyoming as set forth below:

- 10 1. For instructors, the tenure decision will be made no later than the sixth year.
- 11 12
- 13 2. For untenured assistant professors, the tenure decision will be made no later than the
14 sixth year.
- 15
- 16 3. For untenured associate professors, the tenure decision will be made no later than the
17 fourth year.
- 18
- 19 4. For untenured professors, the tenure decision will be made no later than the third
20 year. Tenure decisions will be considered "early" if the candidate has served fewer years
21 than specified above.
- 22

23 In exceptional cases, a faculty member may request in writing that his/her probationary
24 period for tenure be modified. This request will be forwarded to the Vice President for
25 Academic Affairs after review and recommendation by the department chair and college
26 dean. The Vice President for Academic Affairs will render a decision on the request to
27 modify the probationary period.

28
29 The procedures and consequences of mandatory and optional reviews for probationary
30 faculty are specified in UW Regulations.

31
32 When an individual on probationary appointment is not recommended for reappointment,
33 the President shall advise the faculty member in writing of this decision at least three
34 months prior to the end of the contract year for those in their first year of service, at least six
35 (6) months for those in their second year of service and at least twelve (12) months for those
36 who have served more than two years at the University. Academic year contracts terminate
37 one week following Spring commencement.

38
39 The promotion of faculty shall also be initiated in accordance with the procedures specified
40 in UW Regulations. Promotion decisions for assistant professors being considered for
41 associate rank will normally occur during the sixth year of service; decisions prior to the
42 sixth year will be considered "early." Promotion decisions for associate professors being

1 considered for professor rank is not tied to years of service; however, decisions will be
 2 considered "early" if one has served fewer than five years in the associate rank.

3
 4 A faculty member who has been offered tenure, and who has refused to accept tenure, can
 5 be reappointed annually at the discretion of the department in which this individual holds an
 6 appointment; in addition, any such person shall have all rights and responsibilities of
 7 tenured faculty members except permanent appointment.

8
 9 As noted in paragraph B.1., not all faculty members are eligible for tenure. Faculty
 10 employed as lecturers in intercollegiate athletics, research professors, clinical professors,
 11 temporary, visiting or adjunct faculty, those serving with archivist or library faculty status
 12 and officers in the Divisions of Military Science and Aerospace Studies are among those
 13 excluded.

14
 15 Administrative and academic officers do not have tenure in their administrative positions
 16 and shall serve in such capacity at the pleasure of the President and/or the Trustees. If they
 17 hold concurrent faculty appointments, they may be granted tenure in the faculty position at
 18 the discretion of the Trustees. However, no one shall forfeit tenure by reason of
 19 appointment to an administrative position.

20
 21 Reappointment, tenure and promotion evaluations and recommendations shall be
 22 communicated to the individual in writing by the dean, or equivalent academic officer, prior
 23 to forwarding the information to the Vice President for Academic Affairs Office.

24
 25 If the faculty member desires to comment upon the recommendation or evaluation, he/she
 26 may do so by forwarding written comments to the appropriate University officers. This
 27 information will become part of the candidate's tenure and promotion packet.

28
 29 **E. DISMISSAL OF FACULTY**

30
 31 Tenured or extended term faculty members may be dismissed (1) for cause, (2) because of
 32 bona fide financial exigencies of the University as described in UW Regulation 6-41, or
 33 (3) because of program elimination as described in UW regulation 6-43. "Cause" is
 34 defined to include physical or mental incapacity (as delimited by federal and state
 35 disability law) and any conduct which seriously impairs the ability of the University of
 36 Wyoming to carry out its functions. Such conduct includes neglect of duty, falsification,
 37 fabrication, or plagiarism, and behavior that leads to a conviction of a felony. Such
 38 conduct also includes discrimination as defined by UW Regulation 1-5 and sexual
 39 misconduct pursuant to UW Regulation 8-256 and any other related documents and
 40 applicable UW Regulations. Proposed dismissals of faculty members for cause must
 41 follow the procedures set forth in UW Regulation 5-801. *The procedures set forth in UW*
 42 *Regulation 5-801 do not apply to dismissals of faculty members because of bona fide*
 43 *financial exigencies or because of program elimination (see Appendix B to UW*

Regulation 5-35, which provides a process for hearing the appeal of any faculty member whose appointment is terminated pursuant to UW Regulation 6-41 or UW Regulation 6-43).

During the probationary period, the President of the University may dismiss a faculty member for cause prior to the expiration of the contract period after consultation with the appropriate administrative and/or academic officers. The President, prior to acting may, if he/she determines it to be necessary or desirable, cause an investigation to be made and may order a hearing by the appropriate faculty committee. *The procedures set forth in UW Regulation 5-801 do not apply to dismissals of faculty members for cause during the probationary period.*

These provisions shall not be interpreted as to constitute interference with academic freedom.

~~"Cause" is defined to include any conduct which seriously impairs the ability of the University of Wyoming to carry out its functions, including physical or mental incapacity, incompetency, neglect of duty, dishonesty, immorality or conviction of a felony. This provision shall not be interpreted as to constitute interference with academic freedom.~~

~~Faculty members on tenure may be dismissed only for cause or because of bona fide financial exigencies of the University. A recommendation for the dismissal for cause of a faculty member with tenure shall be made in writing by the appropriate dean or comparable administrative officer to the President of the University. If the President finds substantial basis for dismissal for cause, the President shall appoint the appropriate dean or comparable administrative officer to act as charging authority for the preparation of a statement of charges and presentation of the case to a Hearing Committee, if the faculty member desires a hearing, under procedures established by University Regulation.~~

~~During the probationary period, the President of the University may dismiss a faculty member for cause prior to the expiration of the contract period after consultation with the appropriate administrative and/or academic officers. The President, prior to acting may, if he/she determines it to be necessary or desirable, cause an investigation to be made and may order a hearing by the appropriate faculty committee.~~

F. ACADEMIC PROFESSIONALS

1. DESIGNATION OF ACADEMIC PROFESSIONALS

Academic professionals hold academic appointments based upon specialized qualifications and specific job descriptions which enable them to fulfill assigned academic duties within the academic community. These personnel engage in activities which extend and support the teaching, research, extension and service missions of the University.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

The Trustees shall approve each category of employees (i.e., extension educators, lecturers, research scientists, etc.) who shall be classified as academic professionals. Rank, academic qualifications, and conditions of employment for these groups are outlined in UW Regulations. Academic professionals with extended-term appointments may be awarded emeritus status upon retirement, following the same process as defined for faculty.

2. APPOINTMENT OF ACADEMIC PROFESSIONALS

Academic professionals shall be on either extended-term or temporary appointments; the appointment may be full-time or part-time depending upon the academic unit's needs and resources. Appointment and reappointment of academic professionals shall be made as set forth in UW Regulations.

a. Approval of Extended-Term Appointments

All extended-term appointments, whether full- or part-time involving either probationary or extended-term status, shall be approved by the Trustees.

Recommendations for such full-time appointments shall be initiated by the head of the unit in which the appointment is to occur, after consultation with members of the unit. Recommendations shall then be forwarded through the appropriate academic officers, who shall add their recommendations; the President will make his/her recommendation to the Trustees.

b. Approval of Temporary Appointments

All temporary appointments, whether full- or part-time, shall be made by the President of the University upon the recommendation of the appropriate academic officers.

No appointment shall be binding upon the University unless accepted in writing by the academic professional appointee within the time specified for response following action by the Trustees or the President.

3. EXTENDED-TERM APPOINTMENTS OF ACADEMIC PROFESSIONALS

Extended-term appointments may be full-time or part-time, depending upon the needs and resources of the academic unit. An academic professional hired on an extended-term track will be required to complete a probationary period before receiving an extended-term appointment. The length of the probation -- ranging up to six (6) years -- will be based on duties and responsibilities of the position, proposed rank, prior service and accepted practices in the professional field. Credit

1 for prior experience must be specified in the initial letter of offer and approved by
2 the Vice President for Academic Affairs.

3
4 Following a successful performance review at the end of the probationary period
5 and Trustee approval, an academic professional will receive an extended-term, six-
6 year (6) appointment. Extended-term appointees shall undergo the full
7 reappointment review procedure during the fifth (5) year of their extended term.

8 **4. RANK AND PROMOTION OF ACADEMIC PROFESSIONALS**

9
10 The academic professional rank structure, as specified for each group, provides for
11 the appointment of individuals at levels commensurate with their education and
12 experience upon initial appointment and subsequently provides promotion ladders
13 which recognize and reward professional performance.

14
15 At the time of appointment, the appointing authority (Dean/Director) will
16 recommend the appropriate rank commensurate with the duties and responsibilities
17 of the position and the qualifications of the individual.

18
19 Upon satisfying the criteria for promotion as set forth in the appendix appropriate to
20 this appointment, the individual candidate is responsible for initiating the promotion
21 review process as outlined in UW Regulations.

22
23 **5. DISMISSAL OF ACADEMIC PROFESSIONALS**

24
25 Academic professionals, whether on a probationary, extended-term or temporary
26 appointment, may be dismissed (1) for cause, (2) because of bona fide financial
27 exigencies of the University as described in UW Regulation 6-41, or (3) because of
28 program elimination as described in UW regulation 6-43. "Cause" is defined to
29 include physical or mental incapacity (as delimited by federal and state disability
30 law) and any conduct which seriously impairs the ability of the University of
31 Wyoming to carry out its functions. Such conduct includes neglect of duty,
32 falsification, fabrication, or plagiarism; and behavior that leads to a conviction of a
33 felony. Such conduct also includes discrimination as defined by UW Regulation
34 1-5; and sexual misconduct pursuant to UW Regulation 8-256 and any other
35 related documents and applicable UW Regulations. Proposed dismissals of
36 extended-term academic professionals for cause must follow the procedures set
37 forth in UW Regulation 5-801.

38
39 During the probationary period, the President of the University may dismiss an
40 academic professional employee for cause prior to the expiration of the contract
41 period after consultation with the appropriate administrative and/or academic
42 officers. The President, prior to acting may, if he/she determines it to be necessary

1 | or desirable, cause an investigation to be made and may order a hearing by the
2 | appropriate faculty committee. *The procedures set forth in UW Regulation 5-801*
3 | *do not apply to dismissals of academic professional employees for cause during the*
4 | *probationary period or those on temporary appointment.*
5 |

6 | These provisions shall not be interpreted as to constitute interference with
7 | academic freedom.

8 | ~~Academic professionals, whether on a probationary, extended term or temporary~~
9 | ~~appointment, can be dismissed for cause, because of program~~
10 | ~~modification/reduction or for financial exigency.~~

11 | ~~"Cause" is defined as any conduct by the academic professional, including but not~~
12 | ~~limited to physical or mental capacity, incompetency, neglect of duty, dishonesty,~~
13 | ~~immorality or conviction of a felony, which seriously impairs the individual's ability~~
14 | ~~to carry out his or her University responsibilities or the ability of the University to~~
15 | ~~carry out its functions. This provision shall not be interpreted as constituting~~
16 | ~~interference with academic freedom.~~

17 | ~~During the probationary period, the President of the University may dismiss an~~
18 | ~~academic professional employee for cause prior to the expiration of the contract~~
19 | ~~period after consultation with the appropriate administrative and/or academic~~
20 | ~~officers. The President, prior to acting may, if he/she determines it to be necessary~~
21 | ~~or desirable, cause an investigation to be made and may order a hearing by the~~
22 | ~~appropriate faculty committee.~~

23 | ~~For educational reasons, it may be in the University's best interests to discontinue or~~
24 | ~~significantly reduce an academic unit or program. This decision shall be based upon~~
25 | ~~an evaluation that the long range mission of the University — teaching, research,~~
26 | ~~outreach and service — will be strengthened by the reduction. If such action is~~
27 | ~~deemed necessary, the University shall give notice of termination to academic~~
28 | ~~professional personnel as soon as possible and shall make reasonable effort to notify~~
29 | ~~persons twelve (12) months prior to the effective date of termination.~~

30 | ~~In the event the University of Wyoming is confronted by a deficiency in financial~~
31 | ~~resources which is so serious as to justify the reduction or elimination of programs~~
32 | ~~or services and the discharge of University personnel including academic~~
33 | ~~professionals, the University shall respond fairly and rationally, and in a manner~~
34 | ~~consistent with the continued attainment of the mission of the University. The~~
35 | ~~regulations specifying dismissal under such conditions are incorporated in UW~~
36 | ~~Regulations.~~

1 **G. VACATION AND LEAVE FOR FACULTY, ACADEMIC PROFESSIONALS, AND**
2 **UNIVERSITY OFFICERS**

3
4 **1. VACATION LEAVE**

5
6 Full-time faculty, academic professionals (excluding post-doctoral personnel) and
7 University officers on a fiscal year contract are entitled to twenty-two (22) working
8 days of Vacation Leave annually accrued at the rate of 1.834 working days per
9 month. Vacation Leave credits may not accrue beyond the maximum amount which
10 may be earned over two (2) years.

11
12 Part-time faculty, academic professionals and University officers on a fiscal year
13 contract shall accrue Vacation Leave based upon a pro rata basis in accordance with
14 the percentage of appointment up to a maximum of 100 percent. Thus, for example,
15 one working three-fourths time earns Leave at 75 percent of the rate of full-time
16 personnel.

17
18 Faculty, academic professionals and University officers whose working term is
19 less than twelve (12) months, regardless of the fact that their salaries may be
20 paid in twelve (12) monthly installments, are not entitled to Vacation Leave with
21 pay.

22
23 Academic personnel converting from fiscal to academic year appointments will
24 utilize their Vacation Leave prior to assuming their academic year appointments in
25 lieu of a lump-sum payment.

26
27 Employees terminating for all reasons other than disciplinary may elect a lump
28 sum payment and/or Terminal Vacation Leave; an employee released for
29 disciplinary reasons must take the accrued Vacation Leave in a lump sum
30 payment. No other type of Leave may be used during Terminal Vacation Leave
31 except Holiday Leave. Dates for Vacation Leave shall be approved by the
32 appropriate administrative supervisor.

33
34 **2. LEAVES OF ABSENCE**

35
36 a. Emergency or Short-term Leave With Pay

37
38 When one finds it necessary to be absent from regular duties at the University for a
39 period not exceeding two (2) weeks, she/he shall secure approval from the immediate
40 supervisor for the absence. A temporary Leave for more than two (2) weeks, but
41 not to exceed four (4) weeks, may be granted for good cause upon written
42 recommendation of the appropriate administrative superior and with the approval of
43 the President.

1
2 An individual making application for such Leave should submit a statement
3 suggesting a plan for carrying on his/her work during the absence. Any Leave in
4 excess of four (4) weeks, except for illness, shall require approval by the Trustees.

5 b. Leave Without Pay

6
7 Upon recommendation of the appropriate administrative and/or academic officers
8 and with the approval of the President of the University, Leaves of Absence Without
9 Pay may be granted to academic personnel by the Trustees for a period normally not
10 in excess of one (1) contract year. Arrangements for continuance of insurance
11 coverage should be made with the Office of Human Resources.
12

13 c. Faculty Sabbatical Leave

14
15 Sabbatical Leave may be granted to any tenured member of the University faculty
16 for the purpose of increasing the recipient's professional competence and usefulness
17 to the University. Sabbatical Leave time may be used for enhancement of teaching,
18 research, writing, and/or study at a place of the recipient's choosing. University
19 personnel holding faculty rank whose duties are primarily administrative in nature
20 shall also be eligible for Sabbatical Leave.
21

22 A minimum of six (6) years of academic service at the University must precede each
23 period of Sabbatical Leave although no right accrues automatically through lapse of
24 time. The granting of such Leave is, in each case, within the discretion of the
25 Trustees upon the recommendation of the President. Sabbatical Leaves shall
26 ordinarily not be available for the purpose of seeking an advanced degree.
27 Individuals initiate their request for Sabbatical Leave during the Fall semester
28 preceding the academic year for which the Leave is requested. The request, which
29 shall contain a statement concerning the purpose for which the Leave is requested,
30 shall be forwarded to the President of the University through the appropriate
31 administrative and/or academic officers, with a recommendation from each
32 attached.
33

34 Sabbatical Leaves will normally be granted for either a full or half contract year.
35 Leave for a full contract year shall be compensated at a rate equal to sixty (60)
36 percent of the faculty member's annual salary; Leave for a half contract year shall be
37 compensated at the annual rate for the limited period. No faculty member shall
38 receive supplemental salary from the University during the sabbatical period.
39

1 While on a full contract year Sabbatical Leave -- whether an academic or fiscal year
2 -- outside compensation in the form of grants, contracts and other forms of funding
3 may be accepted. However, in the event that a faculty member receives more than
4 40 percent of his/her salary from outside sources, the University will reduce its
5 compensation so that salary monies received from University and external sources
6 will total no more than 100 percent of base salary during the period of Leave.

7 If allowances for travel and other expenses directly related to the Leave are included
8 in the outside grant or contract, the amount of these allowances may be disregarded
9 in computing the contribution to be made by the University.

10
11 A faculty member who fails to return to the University for at least one academic year
12 immediately following his or her sabbatical leave shall owe to the University an
13 amount equal to their net salary applicable to the term of the sabbatical leave. For this
14 purpose, net salary is defined as gross salary minus tax withholdings and pre-tax
15 deductions for UW's basic health, life, and retirement benefits.

16
17 ~~A faculty member who fails to return to the University for at least one academic year~~
18 ~~immediately following Sabbatical Leave shall be obligated to repay the amount of~~
19 ~~compensation received from the University during the period of his/her Leave.~~

20
21 d. Academic Professional Development Leave

22
23 Academic professionals on extended-term appointments who have completed a
24 minimum of six (6) years of academic service at the University shall be eligible for
25 Professional Development Leave. The purpose of Professional Development Leave
26 will be to enhance performance, to conduct special studies, or in some other way to
27 undertake planned activities related in a substantial manner to the individual's role at
28 the University. Procedures for applying for such Leave, funding requirements and
29 approval processes are outlined in UW Regulations.

30
31 **3. SICK LEAVE**

32
33 Full-time academic personnel, appointed either on a continuing or temporary basis, are
34 eligible to accrue Sick Leave at a rate of eight (8) hours per paid month of service.
35 Paid Sick Leave may be used for absences from duties due to illness, injury,
36 pregnancy and/or childbirth, death in family or medical care of family.

37
38 Part-time academic personnel appointed either to a continuing or temporary position
39 shall accrue Sick Leave based upon a pro rata basis in accordance with the percentage
40 of appointment up to a maximum of 100 percent. Thus, for example, one working
41 half-time earns Leave at 50 percent of the rate of full-time employees.
42

1 An employee may also use up to six weeks of accrued or donated Sick Leave for the
2 birth of a child and first year care of a child as well as for an adopted or state-placed
3 foster child's care within the first year of placement.

4 Faculty, academic professionals or University officers are not eligible for Sick
5 Leave until s/he has been in the employ of the University for one (1) month.
6 Faculty, academic professionals and University officers are entitled to accrue an
7 unlimited amount of Sick Leave.

8
9 University policy permits benefited employees to donate Sick Leave to assist
10 another experiencing a long-term illness. If one is in an active pay status, and has
11 accrued a minimum of eighty (80) hours of Sick Leave, he or she may donate up to
12 sixteen (16) hours of Sick Leave per calendar year to any benefited University
13 employee; the recipient must have an immediate and reasonable need for such
14 assistance, have exhausted his/her available Sick and Vacation Leave and, finally, have a
15 minimum of six (6) months of current continuous benefited service to the University.
16 The Office of Human Resources will provide information on procedures for
17 donating Sick Leave.

18
19 **4. FAMILY AND MEDICAL LEAVE**

20
21 After twelve (12) months of service, benefited employees are eligible for twelve
22 (12) weeks of unpaid Family and Medical Leave in any twelve (12) month period of
23 service. All other non-benefited employees are eligible for twelve (12) weeks of
24 unpaid Family and Medical Leave in any twelve (12) month period if the employee has
25 worked for at least twelve (12) months and for at least 1,250 hours during that time
26 before the Leave request.

27
28 Family Leave may be taken because of the birth or placement of a child with the
29 employee. Medical Leave may be taken to care for a spouse, child, or parent if they
30 have a serious health condition or because of a serious health condition that makes the
31 employee unable to perform his/her job functions.

32
33 Any questions concerning what is considered a serious health condition should be
34 directed to the Office of Human Resources.

35
36 Employees accruing University Vacation and Sick Leave may elect to substitute any part
37 of their accrued Vacation Leave for any part of their twelve (12) weeks of unpaid
38 Family or Medical Leave. However, they will be required to use their Sick Leave, and
39 any donated Sick Leave, when the Leave is for a serious health condition or to care for a
40 sick family member; any remaining portion of the twelve (12) weeks can be taken as
41 Leave Without Pay.
42

1 Leave Without Pay taken under unpaid Family or Medical Leave does not require an
2 employee to utilize Vacation Leave prior to Leave Without Pay. When Family
3 Leave is taken, employees may not substitute paid Sick Leave for unpaid Family Leave.

4 The right to Family Leave usually expires twelve (12) months after the birth or
5 placement of a child with the employee. Family Leave should be taken consecutively
6 unless other arrangements are approved by the employee's appointing authority.

7 The Human Resources Director, or the employee's appointing authority, shall
8 require certification issued by a health care provider to support an employee's request
9 for Medical Leave. Certification shall include a statement of:

- 10
- 11 a. The date the condition began;
- 12 b. Expected date when medical treatment will begin;
- 13 c. Probable duration of the condition;
- 14 d. Appropriate medical facts;
- 15 e. An assertion that the employee is needed to care for a sick family member for a
16 specified time; and
- 17 f. A schedule of the Medical Leave to be taken.
- 18

19 Employees are expected to give their immediate supervisor at least thirty (30) days
20 advance notice of the intent to take Family or Medical Leave, unless such notice is not
21 practical. Employees should try to schedule planned medical treatment so as to create a
22 minimum disruption for their unit or department. They are also encouraged to report to
23 their supervisor on a monthly basis about their progress and intent to return to work at
24 the end of the Leave.

25
26 Employees returning from unpaid Family and Medical Leave, in accordance with the
27 federal act, have the right to be returned to their former job position or they may be
28 placed in an equivalent position with equivalent benefits, pay, and other terms and
29 conditions of employment.

30
31 State health insurance contributions will be made for all eligible employees who have
32 elected coverage. Employees retain all accrued benefits while on Leave. Employees
33 should direct benefit questions to the Human Resources Department.

34
35 Employees who do not return to work after their unpaid Family or Medical Leave
36 entitlement has expired will be required to reimburse the University for any health
37 insurance premium paid by the University during the period that the employee was on
38 Family or Medical Leave if the failure to return to work is not due to the continuation,
39 recurrence, or onset of a serious health condition entitling the employee to Leave or
40 other circumstances beyond the employee's control. In the event that an employee is

1 unable to return to work for health care reasons, s/he will provide the Human
2 Resources Director with certification from the appropriate health care provider.

3 **5. BEREAVEMENT LEAVE**

4
5 Employees shall be granted up to three (3) days of Bereavement Leave upon the
6 death of a family member or spouse's family member. (This includes and is limited to
7 parent, spouse, child, sibling, grandparent, grandchild, son-in-law, daughter-
8 in-law, or another member of your immediate household.) This Leave shall be used
9 before the use of any other Leave authorized for this purpose. Arrangement for this
10 Leave shall be made with the employee's immediate supervisor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

**Excerpted from
UW REGULATION 5-35
Faculty Dispute Resolution**

2. LIMITATIONS ON SCOPE:

With respect to matters involving reappointment, evaluation, promotion and the granting of tenure, the dispute shall be restricted to a claimed failure to follow those procedures contained in UW Regulation 5-803, "Tenure and Promotion Procedures for University Faculty."

a. Faculty Member: A person appointed to and serving in a faculty position as defined in UW Regulation ~~5-1-1(C)(1)~~.

**Excerpted from
APPENDIX A TO UW REG 5-35**

3. JURISDICTION. The Hearing Committee shall decide whether to accept jurisdiction within fifteen (15) days after being convened by the Hearing Officer. If the Hearing Committee concludes that it does not have jurisdiction over the dispute, it shall notify all parties, in writing, of the reasons for that conclusion. The Hearing Committee's determination that it does not have jurisdiction over the dispute shall be submitted to the President and subject to action by the President pursuant to the procedures set forth in Section 87.E. of UW Reg 5-35, in the same manner as findings and recommendations prepared pursuant to Section 87.C. of UW Reg 5-35.

**Excerpted from
APPENDIX B TO UW REG 5-35**

1. PURPOSE. To supplement UW Regulation 5-35 to provide a timely process for hearing the appeal of any faculty member whose appointment is terminated pursuant to UW Regulation 6-41, Financial Exigency and UW Regulation 6-43, Academic Program Elimination.

2. RIGHT TO REVIEW AND HEARING. Any tenured faculty member whose employment is terminated pursuant to a Financial Crisis Plan adopted by the Board of Trustees pursuant to UW Regulation 6-41 or whose employment is terminated pursuant to UW Regulation 6-43 shall have the right to a hearing before an independent Hearing Officer.

The rights of staff employees whose employment is terminated pursuant to a Financial Crisis Plan adopted by the Board of Trustees or whose employment is terminated pursuant to program elimination are governed by UW Regulation 4-174.

3. NOTICE OF REQUEST FOR HEARING. A person who has a right under this Regulation to appeal termination of employment pursuant to a Financial Crisis Plan or termination of employment pursuant to program elimination may appeal by delivering a written notice of request for hearing to the Office of the Vice President for Academic Affairs within ten (10) days of receiving notice of termination of employment.

The notice shall state with particularity the grounds to be relied upon by the appellant.

Filing a notice of request for hearing shall not act to delay the termination of employment.

4. GROUNDS FOR APPEAL. Grounds for appeal shall be limited to whether the decision to terminate employment was based upon some improper factor or criterion, including:

A. Conduct, expressions or beliefs by the appellant which are protected constitutionally or by the principles of academic freedom;

B. Factors proscribed by applicable state or federal law regarding fair employment practices;

C. Improper selection of the individual to be terminated, as a result of any of the following which had a substantial impact upon the decision to terminate:

1. Failure to follow procedures or criteria required by UW Regulation 6-41 or UW Regulation 6-43;
2. Failure to consider available data relevant to the role of the appellant in the University;
3. Reliance upon unfounded or arbitrary assumptions of fact;
4. Reliance upon other immaterial or improper factors.

5. PARTIES TO APPEAL. The parties to appeal shall be:

A. Appellant – the tenured faculty member who has received notice of termination of employment pursuant to a Financial Crisis Plan or pursuant to program elimination.

B. Respondent – the Vice President for Academic Affairs of the University.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

6. REVIEW BY THE BOARD OF TRUSTEES. If a faculty member whose employment is recommended for termination does not request a hearing, that termination shall be deemed proper and shall be acted upon by the Board of Trustees upon recommendation of the President of the University. The case of any faculty member who receives a hearing pursuant to this University Regulation shall be acted upon by the Board of Trustees as follows:

A. The Board of Trustees shall review the findings of fact and recommendation submitted by the Hearing Officer and within twenty (20) days after receipt, issue a written order to either terminate the faculty member or to retain the faculty member. If the Board terminates the faculty member’s employment over a recommendation by the Hearing Officer for retention, the written order of the Board shall include a conclusion together with reasons supported by the record. A copy of the order shall be provided to the faculty member and a copy shall be entered into the University records pertaining to the faculty member. Any action by the Board pursuant to this subsection shall be approved by the majority of the members of the Board of Trustees.

~~B. Appeals may be taken from the order of the Board of Trustees to the District Court. An electronic recording of the hearing proceedings may serve as the official transcript, but upon appeal the District Court may request a written transcript of the proceedings. The cost of transcribing the record shall be borne equally by the faculty member and the University.~~

7. EFFECT OF RESCISSION OF DECISION TO TERMINATE EMPLOYMENT. Rescission of a decision made under UW Regulation 6-41 or UW Regulation 6-43 to terminate the employment of a tenured faculty member shall not prevent further proceedings pursuant to these regulations ~~pursuant to a Financial Crisis Plan~~ which may affect continuation of the employment of the tenured faculty member.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

**Excerpted from
UW REGULATION 5-408
Guidelines for Establishing Academic Professionals**

5-408 2.III.A.1 (last paragraph):

Within the contract period (the academic or fiscal year, as appropriate), probationary appointments are terminable only for cause, as defined in ~~Trustees'~~ ^{Trustees'} UW Regulation ~~5-1(E)~~, or for reasons of **budget bona fide financial exigencies** or program ~~modification or reduction~~ **elimination**. Officers of the University shall not employ this provision in a manner that interferes with academic freedom. **[Updates reference to Trustees' Regulation V]**

5-408 2.III.A.4:

An extended-term-track Academic Professional seeking to resolve disputes regarding conditions of employment, working conditions, assignments, and other concerns must do so initially through dialogue with his or her immediate supervisor. The paragraph below governs the resolution of disagreements regarding reappointment, promotion, extended-term appointments and renewals, and professional development leaves. ~~UniReg 5~~ **UW Regulation 1-5** governs complaints involving discrimination and harassment. The procedures for resolving disputes and disciplinary matters are those prescribed in ~~UniReg 35~~ **UW Regulation 5-35**. **[Updates outdated UW Regulation citations]**

A candidate who has received from the Vice President for Academic Affairs a negative decision for reappointment, promotion, or extended-term appointment or renewal has the right to appeal the decision to the President of the University. The President may appoint a committee of Academic Professionals to make recommendations on the case. The President shall inform the candidate, in writing, of the President's decision.

Any termination of an extended-term-track Academic Professional for cause must follow the procedures established in UW Regulation 5-801 for dismissal of faculty. In these procedures, elements that apply to nontenured faculty shall apply to probationary Academic Professionals, and elements that apply to tenured faculty shall apply to extended-term Academic Professionals. **The procedures set forth in UW Regulation 5-801 do not apply to dismissals of probationary Academic Professionals or on temporary appointment.** **[NOTE: this paragraph appears to align APL dismissal for cause with faculty dismissal as provided for in Reg 5-801, which the FASRR Committee deems appropriate]**