MOTION FOR THE UNIVERSITY SENATE

University Senate Committee: Academic Staff Personnel Committee

Brief History of Issue - why the issue is being considered:
The Academic Staff Personnel committee has received comments from current Instructional Academic Staff (IAS) expressing concern over contract issues.

We were asked to review Chapter 5 of the university handbook. In doing so, we discovered some policies that do not align with UW-System guidelines and some current UWEC policy that is not being followed.

We have an audit approaching from System of the Unclassified Personnel Guidelines, more specifically UPG 3.05(4) which states:

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.

Points Discussed by Committee:
- We should be following guidelines set forth by the UW-System and our handbook to provide appropriate job security for IAS and offer multiple term contracts to those who fit the criteria.
- The appointment issues affect not only job security, but also employee morale.

Pros of Recommendation:
- Aligns UWEC policy with UPGs
- Align IAS policy language with APAS policy language
- Issuing contracts with a longer term when possible reduces the workload for Human Resources and all administrators who must write and sign contracts
- Nurtures the human resource of our instructional academic staff by offering some additional job security and could improve morale for those who are affected.

Cons of Recommendation:
- It will require some advance planning for those writing contracts.
Instructional Academic Staff Appointments

- One person remains employed at the university next year for whom language we propose removing applies. We recommend that language be inserted into that individual personnel file rather than remain in the handbook.

Technology/Human Resource Impact:
The handbook will need to be updated to reflect changes.

Committee Recommendation:
That the following items be changed in the Faculty and Academic Staff Handbook:

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The University Senate Academic Staff Personnel Committee by consensus on April 12, 2010 recommends that the following changes to Chapter 5 in the Academic Staff Handbook be made:

Section UWEC 10.03 (1) Fixed Term Appointments – Instructional or Administrative and/or Professional (Page 42 Item 2):

2. All instructional and/or research academic staff appointments shall be fixed term appointments.

STRIKE THE DISTINCTION BETWEEN A AND B and insert the language in the personnel file of the one person remaining for whom item B applies. a Instructional and/or Research Academic Staff whose initial employment at UW-Eau Claire begins after June 30, 1985 or who are reappointed at UW-Eau Claire not having held an academic staff appointment during the 1984-85 Academic Year.

Probationary faculty appointments are to be made whenever possible to limit excessive dependence upon academic staff to perform teaching responsibilities. Individuals holding instructional and/or research academic staff appointments may apply and be considered for probationary faculty positions. Refer to UPG 2.06 for guidance in choosing whether to hire teaching academic staff or probationary faculty. MOVE HIGHLIGHTED LANGUAGE TO RENEWAL SECTION (10.03(4): If the University decides to appoint an instructional and/or research academic staff member with a current appointment of 50% or more after twelve ten semesters with a minimum 50% or more appointment each of those semesters as an instructional and/or research academic staff member, his or her employment commitment and contribution to the University shall be recognized by offering multiple year or rolling horizon contracts whenever possible in light of the continuing need for the position, funding source, and quality of employee’s performance (See UWEC 10.03 (4) Renewal and 10.05 Notice). However, the contract should state that regardless of how many times the contract is renewed, tenure is not a consideration and that the individual waives any claim to tenure based on years of service. (US 5/05)
The following guidelines (taken from UW System Unclassified Personnel Guideline #1, Attachment #1, 4 - Instructional and/or Research Academic Staff (9/80)) shall be followed determining whether an instructional and/or research academic staff appointment is appropriate: 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 classified as faculty. In conducting that analysis, one can determine that the staffing of a teaching position by appointment of an instructional and/or research 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. The requirements of an instructional and/or research academic staff position may be limited to teaching duties only. Other assigned responsibilities may include such duties as student advising and participating in departmental and institutional governance. Instructional and/or research academic staff members are to be evaluated only on their assigned responsibilities as stated in their contract. Reappointment depends upon the quality of performance in the assigned responsibilities and upon departmental need. Consideration for solid performance and merit salary adjustments depends upon the quality of performance in the assigned responsibilities.

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 a 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.

For these instructional staff there will be three options for subsequent appointments. The option recommended in each individual case should be mutually agreed upon by the Department Personnel Committee, the Department Chair, and the instructional and/or research academic staff member. In the absence of mutual agreement, the Dean of the College shall make the recommendation on the option to be followed. The decision on the option to be followed under this section must be made prior to the initiation of the performance review for the next contract and once made is final. Such decision does not preclude the individual from subsequently applying for, or being granted, a probationary appointment under other sections of the university personnel policy. The three options...
are as follows:

1) The instructional and/or research academic staff member may be offered a probationary faculty appointment. The number of years (0-3) to be credited toward the maximum seven-year probationary faculty appointment.

2) WE WANT TO LEAVE THIS LANGUAGE: The instructional and/or research academic staff member may be offered a fixed term contract which specifies that the responsibilities are more limited than those of a probationary faculty appointment. In addition to teaching, the instructional and/or research academic staff member's assigned responsibilities may include student advising and participation in departmental and institutional governance. The instructional and/or research academic staff member is to be evaluated only on his or her assigned responsibilities. Reappointment depends upon the quality of performance in the assigned responsibilities and upon departmental need. There is no mandatory limit to the number of years an individual can be employed under this option. However, the contract should state that regardless of how many times the contract is renewed, tenure is not a consideration and is not possible under this option, and that the individual waives any claim to tenure based on service under this option.

The academic staff member serving under this option may request and may be offered a leave of absence without jeopardizing his or her subsequent employment at the University. In such a case, prior to the beginning of the leave, the individual will be offered a contract for the academic year following the leave.

2) The instructional and/or research academic staff member may continue to be offered a fixed-term academic staff contract with responsibilities as defined in his or her most recent contract for a maximum six consecutive academic years of employment at UW-Eau Claire. (FS 11/84)

Reappointment

**UWEC 10.03(4) Renewal of Academic Staff Appointments** (bottom of page 49, top of 50)

**Fixed Term—Instructional and/or Research Academic Staff**

A recommendation for reappointment must include an affirmative recommendation from the Departmental Personnel Committee. The recommendation shall proceed through channels from the Department Chair to the Chancellor. The Departmental Personnel Committee and Department Chair will place in priority order, as necessary, the recommendations to reappoint the instructional members of the academic staff.

A recommendation to reappoint or not to reappoint for each instructional and/or research academic staff member must be forwarded by the Department Chair to the appropriate Dean by February 1 in the first two years, by November 1 in the third to sixth years of service, and by May 1 of the preceding year in the seventh or subsequent year of service so that proper notification can be given if the decision is not to reappoint.

**ITEM MOVED FROM APPOINTMENT SECTION:** If the University decides to appoint an instructional and/or research academic staff member with a current appointment of 50% or more after twelve ten semesters with a minimum 50% or more appointment each of those semesters as an instructional and/or research academic staff member, his or her employment commitment and contribution to the University shall be recognized by offering
multiple year or rolling horizon contracts whenever possible in light of the continuing need for the position, funding source, and quality of employee’s performance. However, the contract should state that regardless of how many times the contract is renewed, tenure is not a consideration and that the individual waives any claim to tenure based on years of service.

Fixed term IAS with five 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 in writing. Fixed term IAS with seven or more years of service whose appointments do not provide at least three year terms shall be given the reasons in writing.

The Academic Staff Committee further recommends:

- The handbook changes listed above be adopted to align UWEC policy with UPGs and to eliminate duplication.
- Implement these changes beginning with the contracts for the 2010-11 year.
- Move the guidelines for multiple year appointments into the renewal section of the handbook.
- Change the term of twelve semesters to ten semesters in order to be equitable between the IAS and the APAS.
- Remove the sections for IAS that only pertain to individuals in service prior to 1985 from the handbook and place the language into the personnel file of that remaining individual.
- To follow: UWS 10.05 Notice 1(a) which states: “No Intent to Renew “contracts shall be issued only when a position will clearly not be continued.

Implementation Date: When contracts for 2010-11 academic year are written.

Signed: _________________________________
Chair of the Committee

Send to: University Senate Office