

## CHAPTER 2 ACADEMIC STAFF APPOINTMENTS

### 2.01 Types of Appointment

Academic staff appointments are fixed term, probationary, or indefinite. Rights associated with an appointment are limited to the operational area specified in the letter of appointment.

A. *Fixed-Term Appointments.* Fixed-term appointments are renewable, rolling horizon, or terminal. An initial period of evaluation is required (2.04), during which an appointment may be ended without the right of appeal. Once the evaluation period has been successfully completed, the employment of an academic staff member holding a fixed-term renewable or fixed-term rolling-horizon appointment may be ended only for reasons of (1) funding loss, (2) a budget or program decision that requires a program to be discontinued, curtailed, modified or redirected, (3) unsatisfactory performance, or (4) misconduct, according to the procedures outlined in ASPP 3, 5 and 6. (See Note at end of chapter.)

1. *Fixed-Term Renewable Appointment.* The fixed-term renewable appointment is the most common appointment given to academic staff. This appointment is for the initial term specified in the letter of appointment and is renewable so long as the appointee renders satisfactory service, funds are available, and the directions or needs of the program do not change.

Appointments for terms up to and including one year renew for the same term unless the academic staff member receives a written notice to the contrary. A letter of reappointment is not required. If the term of appointment is increased, a letter of reappointment is required.

Appointments for terms of longer than one year, including multiple-year appointments, do not require a letter of reappointment during the original term. To renew the appointment for more than one year requires a reappointment letter. If a reappointment letter or nonrenewal notice is not issued before the end of the original term, then the appointment becomes a one-year fixed-term renewable appointment.

2. *Fixed-Term Rolling-Horizon Appointment.* A rolling-horizon appointment extends daily for the term specified in the letter of appointment or other document. The term may be for one or more years. For example, a three-year rolling-horizon appointment automatically renews every day and entitles the employee to a full three years' notice of nonrenewal.

The term of a rolling-horizon appointment may be increased or decreased at any time. If the term is increased, the new term shall take effect upon written notification. If the term is reduced, written notification is required and shall include the reasons for the change, i.e., funding loss, budget or program decision, unsatisfactory performance, or misconduct. The appointment will cease rolling until the period by which the appointment is being reduced

has elapsed. For example, if a three-year rolling-horizon appointment is reduced to a two-year rolling-horizon appointment, the appointment will cease rolling until one year has elapsed, then resume as a two-year rolling-horizon appointment.

A rolling-horizon appointment may be changed to a fixed-term renewable appointment upon written notice to the employee with copies to the dean or director and the Academic Personnel Office. The notice shall include the reasons for the change, i.e., funding loss, budget or program decision, unsatisfactory performance, or misconduct. The initial length of the new fixed-term renewable appointment shall equal the term of the former rolling-horizon appointment.

A decrease in the term of a rolling-horizon appointment or a change to a fixed-term renewable appointment may be grieved in accordance with ASPP 7 when the employee believes the action to be arbitrary, capricious, for reasons prohibited by law, or in violation of ASPP.

3. *Fixed-Term Terminal Appointment.* Fixed-term terminal appointments are made when there is no expectation of continuing employment. The appointment letter will specify the appointment termination date. Fixed-term terminal appointments shall not be used repeatedly to avoid granting the increased job security provided by fixed-term renewable and fixed-term rolling-horizon appointments.

There are three types of fixed-term terminal appointment:

- a. *Finite.* This type of appointment is used when the appointment is for a clearly limited period of two years or less with no anticipation of renewal. Fixed-term terminal appointments may be extended, but the total period of appointment may not exceed two years. Continuation of the position beyond two years shall be as a fixed-term renewable appointment unless the chancellor's designee determines that good cause exists to continue it as a fixed-term terminal appointment.
  - b. *Instructional.* This type of fixed-term terminal appointment is limited to instructional academic staff and can be offered repeatedly except as follows. When an instructional academic staff member has held an appointment in a given department for either or both semesters in each of the last three successive academic years, reappointment shall be as a fixed-term renewable appointment on a similar basis, e.g., one-semester or two-semester appointment. In exceptional circumstances, however, reappointment to a fixed-term terminal instructional position beyond this period may be made with the approval of the chancellor's designee.
  - c. *Emeritus.* This type of fixed-term terminal appointment is limited to unclassified staff who have retired; it may be renewed at the option of the employer without limitation.
- B. *Indefinite Appointment.* An indefinite appointment is an academic staff appointment with permanent status and for an unlimited term in a specified operational area. Indefinite appointments confer the greatest job security of any academic staff appointment.

An indefinite appointment is granted only upon the recommendation of the department or its functional equivalent, review by an academic staff area review committee, and approval by the appropriate dean or director and the chancellor pursuant to the procedures described in 2.07.

The rights conferred by an indefinite appointment are limited to the operational area in which the appointment is made. However, if an individual's operational area moves to another unit, the indefinite appointment shall be retained. An individual who is selected for an academic staff position in a different operational area may negotiate a continuance of indefinite appointment status with the new employer. Continuance of an indefinite appointment is granted at the discretion of the new employer and does not require review by an area review committee.

An indefinite appointee can only be dismissed for cause under ASPP 6 or laid off for reasons of budget or program under ASPP 5; nonrenewal does not apply to indefinite appointees. The percentage of appointment provided for in the indefinite appointment cannot be changed without the mutual consent of the academic staff member and the institution unless the appointment is reduced by partial layoff under ASPP 5.

- C. *Probationary Appointment.* A probationary appointment is an appointment with a probationary period of up to seven years leading to a review and decision on granting an indefinite appointment. Probationary academic staff not granted an indefinite appointment by the end of probation may not be reappointed to a fixed-term appointment within the same operational area. However, exceptions may be made by the chancellor or designee after seeking advice from the appropriate academic staff area review committee and the dean or director.

Neither probationary nor indefinite appointments are appropriate for positions whose duties approximate a faculty appointment; these may not be used to circumvent or evade normal tenure policies and procedures.

A probationary appointment shall be made in an operational area only when it is anticipated that the position will continue indefinitely. Probationary appointments within an academic department must be approved in advance by the executive committee of the department. In addition, all probationary appointments require the advance approval of the appropriate dean or director. For appointments in an administrative or service unit, approval must be received both from the immediate unit director and from the college-level dean or director, or from the chancellor's office if the appointee reports directly to the chancellor's office.

## **2.02 Letters of Appointment**

Each employee shall receive a letter of appointment signed by the individual making the appointment. Such a letter is required at the time of the initial appointment and whenever there is a change in the terms or conditions of the appointment. The initial appointment letter shall include at a minimum the following:

1. Official university title of the position and working title, if appropriate.

2. Type of appointment: fixed-term renewable, fixed-term rolling-horizon, fixed-term terminal, probationary, or indefinite.
3. The operational area of the appointment.
4. Title and name of the person to whom the employee is immediately responsible.
5. A statement of initial salary level and pay basis, starting date, and date of next salary review.
6. Percentage of full-time employment.
7. Initial evaluation period, if applicable, and the unit's procedure for performance review (see ASPP 10).
8. Responsibilities including any special requirements of the position, e.g., unusual hours, on-call expectations, flexible hours, or extensive travel.
9. Additional information required for specific types of appointment:
  - a. Fixed-term renewable appointment letters shall specify the length of the initial term of the appointment.
  - b. Fixed-term rolling-horizon appointment letters shall specify the length of the rolling term.
  - c. Fixed-term terminal appointment letters shall specify the ending date for the appointment.
  - d. Probationary appointment letters shall specify:
    - i. the amount of prior service to be counted toward the probationary period.
    - ii. the maximum probationary period for the appointment.
    - iii. the criteria for recommendation for indefinite status.
    - iv. the appropriate area review committee for consideration of indefinite status.

Upon initial appointment, each academic staff member shall be provided a printed copy of and/or the Web address for *University of Wisconsin-Madison Academic Staff Policies and Procedures* and the *Rules of the Board of Regents of the University of Wisconsin System, s. UWS 8-13, 15, 18, 19, and 21, Wisconsin Administrative Code*.

### **2.03 Annual Salary Notification Letters**

Each academic staff member shall be notified annually of his or her salary for the next fiscal year.

### **2.04 Periods of Evaluation**

Initial fixed-term appointments in an operational area shall include a period of evaluation of at least six months, but not more than 12 months (see exception in 2.04.3). During the period of evaluation, the appointee may be dismissed with the approval of the dean, director, or designee; there is no right of appeal. The duration of the period of evaluation shall be specified in the appointment letter. If the appointment letter does not specify the period of evaluation, the evaluation shall be for a period of six months.

- A. *Extension of Six-Month Evaluation Period.* The evaluation period may be extended beyond six months, but the total evaluation period may not exceed 12 months (see exception in 2.04.3). If the evaluation period is to be extended, a written statement of the duration of and the reason for the extension shall be provided to the employee prior to the end of the original evaluation period. A written performance evaluation must be provided to the employee at the same time. An evaluation period of 12 months cannot be extended; however, it may be suspended under certain circumstances (see 2.04.3).
- B. *Evaluation Period of More than Six Months.* When the period of evaluation specified in the appointment letter is longer than six months, a written performance evaluation is strongly recommended at the midpoint of the evaluation period.
- C. *Suspension of the Evaluation Period.* An evaluation period shall be suspended during periods of leave without pay, use of sick leave, or use of other leave for family and medical leave purposes when the leave exceeds 20 working days. The period of suspension shall be equal to the length of time the employee is absent. The employee shall receive written notice that the period of evaluation has been suspended. After an initial suspension is granted, a subsequent suspension will be granted only if an additional leave of 20 or more days has been taken. No more than two suspensions will be granted during an evaluation period.
- D. *Completion of the Evaluation Period.* The employee shall be notified in writing of the successful completion of the evaluation period. If the evaluation period lapses without such notification, the employee shall be considered to have completed the evaluation period successfully.
- E. *Early Completion of the Evaluation Period.* The evaluation period may be concluded whenever the individual making the appointment determines that the employee's performance is satisfactory. The employee shall be notified in writing of the successful completion of the

evaluation period.

- F. *Termination During the Evaluation Period.* During the evaluation period, the appointment may be terminated by the employing unit at any time. Before issuing a termination notice, the employing unit shall obtain the approval of the dean, director, or designee. If employment is terminated, the academic staff member shall be informed in a letter that includes the reasons for termination. There is no right of appeal. No notice period prior to termination is necessary, as long as the period of evaluation is specified in the appointment letter; however, if the appointment letter does not specify the period of evaluation, the employee shall be given at least 10 working days' notice. An employee who is given written notice of termination during the evaluation period shall be considered to have been dismissed during the evaluation period even if the last day of employment falls after the end of the evaluation period. Termination during an evaluation period is neither a nonrenewal nor a dismissal for cause and is not subject to the provisions of ASPP 3 or 6, or UWS 11.

## **2.05 Review of Appointment Status**

All academic staff members not holding terminal appointments shall be eligible for consideration for increased job security in the form of multiple-year or rolling-horizon or indefinite appointments at any time during their appointment. No minimum period of appointment at UW-Madison is required.

Consideration of an academic staff member's appointment status can be initiated with a request by the academic staff member or by his or her unit at any time. Academic staff members of a unit shall have the right to participate in establishing or changing the procedures and criteria by which academic staff of the unit are considered for additional job security.

Employing units shall annually review academic staff members who have five or more years of academic staff service at UW-Madison to determine whether a new or increased multiple-year appointment or rolling-horizon appointment or indefinite appointment shall be proposed. Individuals who currently hold rolling-horizon appointments shall be reviewed and a determination made about their eligibility for an indefinite appointment.

Academic staff members who are supported by grant funding and who have at least five years of service at UW-Madison shall be reviewed annually to determine whether a multiple-year appointment with a term equal to the duration of the grant shall be proposed.

Following review by employing units, deans and directors shall review the academic staff members for whom longer-term appointments have been proposed to identify individuals to be granted increased job security. Increased job security shall be granted to academic staff members when the following criteria are met: 1) the quality of their performance warrants increased job security, 2) their role is an integral part of their department's or unit's continuing mission, and 3) a funding source can be identified that can permit multiple-year, rolling-horizon, or indefinite appointments.

No presumption is made that individuals must have five years of service before being considered for multiple-year or rolling-horizon appointments. Academic staff with five years or more of service at UW-Madison who do not receive a new or increased multiple-year or rolling-horizon appointment or an indefinite appointment as a result of this review shall be given written reasons upon request.

## **2.06 Continuance of Employment Rights and Privileges**

Members of the academic staff who hold the employment rights and privileges provided by a rolling-horizon, multiple-year, or indefinite appointment may negotiate continuance of these rights and privileges when accepting another academic staff position or appointment. Such appointments, however, are granted at the discretion of the new employer. If continuance of an indefinite appointment is negotiated, review by an Area Review Committee is not required.

## **2.07 Indefinite Appointment**

- A. *Procedure.* Each department or its functional equivalent, with the participation of its academic staff, shall develop appropriate procedures for initiating the review process.
1. *Eligibility.* Indefinite appointments are available to all academic staff title series and positions. Academic staff are eligible for recommendation for an indefinite appointment when 1) they have shown evidence of consistent excellence in performance and professional growth, 2) they are of significant continuing value to the mission of their department or program, and 3) fiscal resources are available to make the commitment. An indefinite appointment is not acquired solely because of years of service.

An indefinite appointment, although normally made to an individual holding a fixed-term or probationary appointment at the University of Wisconsin-Madison, may be granted to a person not currently so employed. Such an appointment may be granted to a member of the academic staff who holds or will hold a half-time or greater appointment.

2. *Initial Review.* The review process can be initiated with a request by the academic staff member or a recommendation by his or her unit. Recommendations for review must be considered by the departmental executive committee or its equivalent. If no such equivalent exists, recommendations must go to the unit head or equivalent. The unit is encouraged to consult with the appropriate dean or director regarding continuing program need and availability of fiscal resources to support the recommendation.

The academic staff member to be reviewed shall be notified in writing at least 20 working days prior to the review. The employee may review his or her supporting documents, may supplement the nomination with additional written material, and may make a personal presentation prior to or during the review process.

When a meeting is held to decide whether to recommend an employee for an indefinite appointment, the employee may make a personal presentation, but shall be excused prior to committee deliberations. This meeting shall be closed unless an open meeting is requested in writing by the academic staff member. Upon affirmative review the recommendation shall be forwarded to the appropriate dean or director. The academic staff member shall be notified in writing of the recommendation within one week.

3. *Transmittal by the Dean or Director.* The dean or director must confirm that program need and available fiscal resources will support an indefinite appointment. Following that confirmation, the dean or director shall request the advice of the area review committee.

A dean or director who forwards an indefinite appointment nomination for review is prepared to make an ongoing commitment of funds for two years beyond the date of any loss of funding for the position. Such a commitment can be abrogated only where a state of financial emergency, as defined in UWS 5.02, is declared.

4. *Action by the Area Review Committee.* The appropriate area review committee to review employees for an indefinite appointment normally is identified by joint agreement of the employee and employer and shall be the committee appropriate to the area of employment. When an agreement cannot be reached, the Academic Staff Executive Committee, in consultation with the dean or director and the Academic Personnel Office, shall specify the appropriate area review committee.

Each area review committee shall convene to review nominations for indefinite appointment status within its respective area. The committee shall seek any additional information or expertise it needs to reach a decision. All members of each committee have the right to vote on all candidates. The recommendation of the area review committee is advisory to the dean or director.

5. *Action by the Dean or Director.* When the dean or director recommends an indefinite appointment, the recommendation, including a copy of the area review committee report, shall be forwarded to the chancellor. If the dean or director does not recommend an indefinite appointment, he or she shall notify the department and candidate. When the dean's or director's recommendation differs from that of the area review committee, the committee shall be informed of the reasons in writing.
6. *Action by the Chancellor.* When the chancellor makes a decision to affirm or deny a recommendation for indefinite status, the chancellor shall notify the candidate of the decision.
7. *Disapproval of Recommendation to Indefinite Appointment.* When an indefinite appointment is not granted to a fixed-term employee, he or she has the right to continue as a fixed-term employee.

#### B. *Area Review Committees.*

1. *Composition.* There shall be four academic staff area review committees: Humanities/Social Sciences, Biological/Medical Sciences, Physical Sciences/Engineering, and Administrative/Student Services/Library. Each committee shall consist of nine members. Insofar as possible, each committee shall consist of academic staff members having indefinite status and whose employment-related activities represent the diversity of academic staff.

The members of the Administrative/Student Services/Library Area Review Committee shall include at least two from separate administrative areas, two from separate student services areas and two from separate library areas. The other three committees shall have academic staff members appointed to reflect the instructional, doctoral, and other backgrounds appropriate to academic staff within the area of review.

The committee members shall be appointed by the chancellor or designee in consultation with the Academic Staff Executive Committee. Members will serve three-year terms with one-third of the committee appointed annually; members may be reappointed. Terms extend from July through June. Vacancies will be filled by appointment by the Academic Staff Executive Committee. The appointed committee members will serve the unexpired portion of that term.
2. *Operating Procedures.* Each committee's operating procedures are subject to the approval of the Personnel Policies and Procedures Committee (PPPC) of the Academic Staff Assembly. Modifications shall be part of the annual report specified below.
3. *Annual Report.* At the end of each fiscal year, each area review committee shall submit a report to the PPPC detailing the number of nominees reviewed, the committee's recommendations, and the number of indefinite appointments awarded as well as evaluating the effects of the *Academic Staff Policies and Procedures* and making appropriate policy recommendations.

## **2.08 Probationary Appointment**

When a probationary appointment is made, the employee shall receive a letter of appointment stating the terms and conditions of the appointment, including the criteria for recommendation to an indefinite appointment. A copy shall be placed in the personnel file. Changes in the criteria shall be made only by mutual consent of the appointing authority and appointee or in accordance with the letter of appointment.

- A. *Probationary Period.* The probationary period shall be for not more than seven years except as prescribed in 2.08.2 below. Appointments with shortened probationary periods are permitted. The dean or director or designee may agree to count all or part of appropriate service at other institutions and the University of Wisconsin-Madison as part of the probationary period, and any agreement to this effect shall be specified in the initial letter of appointment. This letter must clearly specify the maximum probationary period.

- B. *Absences During the Probationary Period.* An academic staff member may request a break in the probationary period because of special circumstances. Such circumstances include, but are not limited to, leaves of absence, professional improvement assignments, responsibilities with respect to childbirth or adoption, significant responsibilities with respect to elder or dependent care, disability or chronic illness, or circumstances beyond the control of the academic staff member, when those circumstances significantly impede the academic staff member's progress toward achieving indefinite status. Such a request must be initiated by the academic staff member concerned, must be supported by credible justification, and must be made before an indefinite status review commences under 2.07. The request must be reviewed by the supervisor and dean or director and forwarded to the Academic Staff Executive Committee for recommendation to the chancellor. Requests made under this section because of responsibilities with respect to childbirth and adoption shall be approved in accordance with applicable laws and university policies. A denial of a request must be based upon clear and convincing reasons that address the circumstances cited in the request. More than one request may be granted, but the aggregate length of time, except for a request because of responsibilities with respect to childbirth or adoption, ordinarily shall be no more than one year. Any academic staff member who has been in probationary status for more than seven years for one of the above reasons shall be evaluated as if he or she had been on probationary status for seven years.
- C. *Area Review Committee.* The appropriate area review committee to review probationary employees for an indefinite appointment normally is identified by joint agreement of the employee and employer and shall be the committee appropriate to the area of employment. When an agreement cannot be reached, the Academic Staff Executive Committee, in consultation with the dean or director and the Academic Personnel Office, shall specify the appropriate area review committee.
- D. *Procedural Steps for Recommending an Indefinite Appointment for a Probationary Appointee.* When a probationary appointment is made, the criteria for indefinite appointment will have been included in the terms and conditions of the appointment. During annual performance reviews, the supervisor shall note and document strengths, weaknesses, and contributions. Performance in areas previously listed as weaknesses are to be specifically commented upon during the reviews.

The person or body in the employing unit authorized to recommend an indefinite appointment shall conduct a review that will be the basis for a decision as to whether or not the appointee will be put forward for an indefinite appointment. The appointee shall be given 20 working days' notice that this review will take place. Before the review the appointee may examine any supporting documentation and add to it any material he or she believes is relevant to a proper review of past and potential performance. Upon request, the appointee is entitled to appear personally at the review, with or without an advocate. The purpose of such an appearance is to provide an opportunity for the appointee to explain anything that he or she believes should be known before the decision regarding the recommendation for an indefinite appointment is made.

A recommendation for an indefinite appointment shall be sent to the dean or director who shall

forward it with a letter to the appropriate area review committee for review and recommendation to indefinite status (see 2.07).

A decision not to recommend an indefinite appointment shall be accompanied by an item-by-item evaluation of the appointee's performance with respect to the criteria for indefinite appointment established in the letter of appointment. The reasons shall be given to the employee in writing if requested. The decision may be appealed using ASPP 4.

## **2.09 Academic Staff with Limited Appointments**

A limited appointment is a special appointment to a designated administrative position and is not an academic staff appointment. A limited appointee serves at the pleasure of the authorized official who made the appointment (UWS 15.01). An academic staff member who accepts a limited appointment shall hold a concurrent academic staff appointment. Rehired annuitants are excluded from this provision.

An academic staff member who accepts a limited appointment *in another operational area* may either resign the current position or negotiate a leave of absence. If the leave of absence is granted, the academic staff member shall retain the current academic staff appointment in the unit granting the leave for the duration of the leave. If the academic staff member resigns the current position, or if the leave of absence is not granted, is terminated, or is not renewed, the academic staff member shall be provided the concurrent academic staff appointment by the unit making the limited appointment. The appointee may negotiate currently held employment rights and privileges such as an indefinite appointment or an extended notice period for the concurrent academic staff appointment with the unit granting the limited appointment.

An academic staff member who accepts a limited appointment *in the same operational area* may either resign the current position or negotiate a leave of absence. If the leave of absence is granted, the academic staff member shall retain the current academic staff appointment for the duration of the leave. If the academic staff member resigns the current position, or if the leave of absence is not granted, is terminated, or is not renewed, the unit shall provide the academic staff member with the concurrent academic staff appointment, to which currently held employment rights and privileges such as an indefinite appointment or an extended notice period shall be attached.

If the limited appointment is terminated or if the academic staff member resigns from the limited appointment, the concurrent academic staff appointment shall remain in effect. Assignment shall be to a position commensurate with the staff member's skills and experience and at a salary level not lower than the staff member might reasonably have expected if the previous academic staff position, if any, had continued without interruption.