

MEMO

TO: Barbara Phipps, Ben Eggleston[✓], and Lisa Wolf Wendel

FROM: Rex Buchanan, Chair, Unclassified Academic Staff Task Force and ^{RB}
Interim Director, Kansas Geological Survey

DATE: 13 September 2010

About a year ago, the Provost's Office and University Governance created a task force to draft language for the unclassified academic staff section of the KU Handbook for Faculty and Unclassified Staff, and to address other questions related to unclassified academic staff. That task force met a number of times, developed draft language for the Handbook, and identified administrative issues that remain to be resolved, but are beyond the purview of the task force.

While the task force had generally completed its work by the end of the spring semester, we used the summer to solicit comments on the draft from unclassified academic staff, via a website designed for that purpose and in an open meeting. We incorporated those comments in the draft, which is attached, along with a list of the remaining issues we identified. I would be glad to provide this electronically, if that would be helpful.

As schedules allow, members of the task force would be glad to be present during any University governance discussion of these materials. We are also forwarding copies of these materials to Mary Lee Hummert, Ola Faucher, and Angie Loving. We met with them to discuss an earlier draft of our work, and to discuss issues related to unclassified academic staff. We are requesting a final meeting with them to discuss the administrative issues that remain to be resolved.

One issue that is not called out in these materials is the possibility of tenure for unclassified academic staff. We have defined job security (the academic staff's version of tenure) in the draft of the handbook language. But we will recommend that the provost's office appoint a committee to study the possibility of tenure for academic staff.

I appreciate your patience as we work through this process. Given the complexity of the handbook language and the issues we identified, I think the task force has done an admirable job, and its members deserve your appreciation. Please let us know if you have questions about our work, or would like any members of the task force present during further conversations about this.

cc: Task Force members

Enclosure

**Unclassified Academic Staff Task Force
Proposed New Policy or Recommended Policy Changes**

September 8, 2010

General Recommendations

- Create a brochure to share with new unclassified academic staff that describes the primary differences/similarities for this type of employee as compared to their faculty equivalents; link to this brochure from the handbook
- Initiate some outreach efforts when new unclassified academic staff are hired that provide some context for them about their position (at a minimum, share the new brochure, and a link to the handbook section and supporting policies)
- Try to collect and track various issues that come up in the future with regard to unclassified academic staff, no matter the topic; perhaps these issues would demonstrate trends that need to be investigated/addressed further.
- Current practices and policies need to be investigated and clarified regarding whether or not unclassified academic staff may chair and serve on university committees or appear in ceremonial graduation functions for students whom they've sponsored/funded. Also, whether they may be nominated for and receive university-wide teaching and research awards.
 - Are there existing policies that address this issue?
 - If not, are there common operating practices that influence this issue?
 - Recommend that this issue be remedied because
 - it isn't consistent
 - units which prohibit unclassified academic staff from chairing committees or appearing in ceremonial functions are not acknowledging the faculty equivalency of these staff, and furthermore may have a detrimental impact to the student who in many cases has worked most closely with the unclassified academic staff member throughout their course of study
- As the "unclassified" language was originally needed to distinguish staff (statutorily) from the support staff (part of the civil service system), but between 5 and 10 years ago, the support staff left the civil service entirely. Is the classified and unclassified distinction still necessary? Recommend elimination of references that include "unclassified" as part of the academic staff descriptor.
- Address representation of unclassified academic staff on governance groups
- Individual departments/schools should be strongly encouraged to review their individual policies re: unclassified academic staff and to create or revise guidelines for evaluation, promotion, and other benefits. Especially in instances in which unclassified academic staff are performing duties very similar to those of their tenure-track and tenured colleagues, existing policies should be reviewed to determine whether those policies remain fair and appropriate.

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Title and Rank

- Recommend relabeling the Clinical Faculty Titles document to reflect that it is all-inclusive of ALL unclassified academic staff, not just clinical.
- Update the Clinical Faculty Titles document to correct the inaccurate responsibilities listed for "research professor"

- Update the Clinical Faculty Titles document to reflect the corrections made in the handbook text above
- Recommend we eliminate “junior” wherever it may still be used.
- Clarify that unclassified staff who have dual appointments may use the appropriate titles for their position and rank (e.g., associate research professor and associate scientist; clinical professor and senior scientist).
- Clarify that some tenure track faculty also have unclassified academic staff positions and may list their titles accordingly (e.g., professor and senior scientist).
- Update the rest of the handbook (not just the Unclassified Academic Staff section) to correctly use the term “unclassified academic staff” throughout.
- Recommend that promotion to “full” has an expectation of national OR international reputation (rather than currently AND in some places)
 - Will need to change in FSRR Article VI, Clinical Titles, and elsewhere

Appointment

- Current policy on Spoken English Competency appears to apply to faculty and GTAs only. Terminology needs revision in order to explicitly include unclassified academic staff who have teaching responsibilities.
- Recommend updating the “Modified Instructional Duties” policy to apply to unclassified academic staff who have teaching responsibilities.
- Need to update University Policy on Appointments to reflect the provisions distinguishing between academic year and fiscal year appointments and their impact on benefits, etc.
- Recommend either a section in Joint Appointments policy or a separate policy on non-reappointment/termination for academic staff
 - i.e., What happens when you terminate part/not all for academic staff members?

Evaluation

- Recommend that we have an overall policy at the University that says annual evaluation should happen for all employees (faculty, staff, otherwise).
- Recommend that a statement be inserted in the handbook in a general place for all faculty and staff that unclassified academic staff should have the opportunity to have an annual evaluation (as all university faculty and staff should...)
- Recommend that unclassified academic staff should also have their own freestanding policy, as do faculty & unclassified right now. Recommend we model after the Faculty Evaluation Policy.
- Rewrite the applicability statement of the Faculty Code to include the fact that the shorthand term “faculty” also includes all unclassified academic staff
- Update p. 23 of the handbook (light-green tab) to include “unclassified academic staff” in the phrasing

Job Security, Promotion, and Sabbatical Leave

- A culture of encouraging promotion and sabbatical needs to be established for unclassified academic staff.
 - Revise headers of emails so they appear to include unclassified academic staff, too.
 - Have a brown bag to address the issue
 - Sabbatical leave for unclassified academic staff needs to be encouraged by administrators. The opportunity of sabbatical is available to them, but is often discouraged directly or indirectly.

- Let people know this is an option; create a network of unclassified academic staff and once a year let them know this is available to them.
- Recommend each unit be required to put in place standards/procedure for promotion for unclassified academic staff.
- Recommend that promotions be accompanied by salary increases.
- Clarify sabbatical leave policy by using the phrase “unclassified academic staff” throughout.
- Clarify 9-month vs. 1.0 FTE stipulation and % funding.
- Some of this language could go in the new non-reappointment and/or dismissal policy OR revise the Clinical Titles policy to address
- Recommend a shorter-term sabbatical (one or two months duration) be suggested as an alternative sabbatical for unclassified academic staff without teaching responsibilities. While state-funded full-time unclassified academic staff are eligible for regular [faculty] sabbaticals, their duties and fiscal-year appointments sometimes make it difficult for them to get approval from their units to take sabbaticals. They could still apply through the regular channels for a regular semester-long sabbatical. This might make it easier for unclassified academic staff to have a concentrated period of research for one or two months, without the disruption of taking an entire semester. This alternate sabbatical for unclassified academic staff could only be reviewed and decided upon by a committee of unclassified academic staff members.

Non-reappointment and Dismissal for Cause

- Recommend inserting an item into existing policy regarding specific representation of unclassified academic staff serving on appeals committees (currently appears to be addressed only in the 1986 version of the handbook (bottom of p. 4 of the 2nd tab of your notebook).

Resignation and Retirement

- Recommend adding to handbook text that these benefits are “equivalent to those provided to faculty” if they in fact are equivalent.
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Proposed Content for the Unclassified Academic Staff section of the Handbook for Faculty and Other Unclassified Staff

May 25, 2010

D. *Unclassified Academic Staff*

The unclassified academic staff supports the mission of the University through scholarship, service, teaching, and other professional duties. Unclassified academic staff perform duties that are similar to those of faculty, but may include other elements. Some unclassified academic staff teach, while others do not; some conduct research and service, while others do not; some perform other professional duties, while others do not. Members of the unclassified academic staff have education, degrees, and experience comparable to tenured and tenure-track faculty, they are represented through the Faculty Senate, and they are subject to many of the same policies and procedures that apply to tenured or tenure-track faculty, including the Faculty Code of Rights, Responsibilities, and Conduct. This section of the *Handbook* focuses on the distinctive policies and procedures applicable to unclassified academic staff.

1. *Title and Rank* –

SUGGESTED TEXT:

The titles for unclassified academic staff are comparative to those used for faculty. Unclassified academic staff will be designated at the rank which is most nearly equivalent in academic preparation or experience of assistant professor, associate professor, or professor. These titles facilitate common application of University regulations and policies concerning eligibility for employment and procedures for recruitment, retention, promotion, job security, and retirement. To distinguish state funded employees from those contingent on funding, two separate sets of titles are normally used. For those unclassified academic staff supported by State funds the titles are scientist, curator, instructor, or specialist, with a rank of assistant, associate, or senior. For unclassified academic staff funded from grants and contracts, the titles are assistant research professor, associate research professor, or research professor. Those unclassified academic staff members who have funding from both the state and grants and contracts hold more than one title commensurate with their positions (e.g., senior scientist and professor; research associate professor and associate scientist).

For unclassified academic staff in designated academic programs whose responsibilities to the University require direct clinical practice, and clinical education and scholarship, the titles are clinical instructor, assistant clinical professor, associate clinical professor, or clinical professor. These titles will be used for full-time unclassified academic staff in designated academic degree programs (a) whose accrediting bodies require clinical faculty appointments and/or are joint clinical programs with the Medical Center, and (b) which have a University of Kansas clinical unit.

At the time of appointment to an unclassified academic staff position, the staff member's supervisor shall recommend to the appropriate dean or vice provost a rank. Recommendations shall be documented with relevant supporting data. The Provost and Chancellor make final approval of the recommended rank.

A person with a permanent position at another institution who accepts a position at the University of Kansas while on leave from his or her place of permanent employment will have the prefix "Visiting" added to his or her title while at the University of Kansas. Such appointments are for a specified time period on a limited term basis.

RELATED EXISTING POLICIES:

- Clinical Faculty Titles and Related Administrative Practices
- LINK TO "Conditions of Employment" draft (waiting for Ola Faucher)

2. Appointment

SUGGESTED TEXT:

Appointment as unclassified academic staff, including title, rank, and specification of academic year or fiscal year appointment, is made by the Provost based on the recommendation of the academic or administrative unit (and any intermediate unit) in which the unclassified academic staff member will serve. Certain members of the unclassified academic staff serve in an administrative position at the pleasure of the administrator to whom they report. Appointments that have been designated as being “at the pleasure of . . .” are not subject to notice or to grievance procedures available to staff with other unclassified academic staff appointments. Specific procedures for conducting searches and making hiring decisions are established by units within the parameters set by University policy. Consistent with Board of Regents policy, University policy requires that prospective unclassified academic staff with teaching responsibilities whose first language is not English, with few exceptions, have their spoken English competency assessed before employment. Those who do not meet the competency levels set shall have remediation conditions attached to their appointment (see Policy on Spoken English Competency). Units should review all applicable policies, procedures, deadlines, etc., before and during the search process.

Unclassified academic staff appointments are renewed annually except in the case of those dismissed or non-reappointed through proper actions and procedures.

Unclassified academic staff may be appointed on an academic year or fiscal year basis, and provisions and benefits vary based on the type of appointment.

Unclassified academic staff members may hold joint appointments in more than one unit. Special policies and procedures apply to joint appointments.

RELATED EXISTING POLICIES:

- [University Policy on Appointments](#)
- [University Policy on Joint Appointments](#)
- [Policy on Spoken English Competency](#)
- LINK TO “Modified Instructional Duties” once updated (see recommendation below)

3. Evaluation

SUGGESTED TEXT:

Annual Evaluation – Unclassified academic staff members should receive feedback about their performance and professional conduct through a formal annual evaluation process conducted through their academic or research unit. Staff evaluations are conducted for the purpose of providing regular input about job performance. The criteria for evaluation include teaching, scholarship, service, and professional performance, depending upon the expectations for the specific position. Evaluation should relate directly to expectations articulated in the written position description and to activities performed throughout the year. Annual evaluation of unclassified academic staff is conducted pursuant to unit level procedures. Merit increases for unclassified academic staff shall be based in part on the annual evaluation of the performance related to the mission of the institution, college/school, and department. Unclassified academic staff whose positions are state-funded are eligible for a midpoint evaluation analogous to a review of progress toward tenure.

The conduct of annual evaluations protects academic freedom and shields staff from discriminatory, unfair, or arbitrary dismissal, but evaluations are not designed to shield staff from the consequences of inadequate performance, unprofessional conduct, or non-performance of their duties. Sustained failure of an unclassified academic staff person to carry out his or her responsibilities, despite the opportunities for development or other appropriate interventions, constitutes grounds for dismissal pursuant to established procedures. Unclassified academic staff may contest an evaluation and appeal the evaluation through appropriate administrative channels for their respective unit.

RELATED EXISTING POLICIES:

- Board of Regents Policy on Faculty Evaluation (Regents Policy Manual, II.F.12.)
- Progress Toward Tenure Review
- Faculty Evaluation Policy
- Faculty Code of Conduct
- Sexual Harassment

4. *Job Security, Promotion, and Sabbatical Leave*

SUGGESTED TEXT:

The University seeks to attract, retain, and reward high quality and effective unclassified academic staff members. Job security, promotion of unclassified academic staff, and the opportunity for sabbatical leave are important means of achieving these goals.

Job Security

Under Board of Regents Policy (Regents Policy Manual 11.F.7), all appointments of unclassified academic staff are made annually. Full-time appointments to unclassified academic staff positions paid from state appropriated funds are automatically renewed unless prior notice of non-reappointment is provided. Although unclassified academic staff members do not receive tenure, they acquire job security after the appropriate time in rank (generally six years from an initial appointment at the assistant level, three years after appointment at the associate level). The time prior to achieving job security is considered a probationary period. Unclassified academic staff with job security may be dismissed only for cause. Unclassified academic staff with job security may only undergo non-reappointment for budgetary constraints, financial exigency, and program discontinuance or reorganization. In all cases, the burden is on the University to establish grounds for dismissal or non-reappointment.

Job security is not generally available to unclassified academic staff whose appointments are contingent on funding. Job security for individuals with joint appointments, or with appointments that involve a mix of state and external funding, should be negotiated at the time of appointment.

An unclassified academic staff member whose notice of termination has been produced by conditions that constitute a violation of established procedures of the University or unit, and who has not succeeded in obtaining a favorable reassessment through administrative channels, is entitled to appeal. The Faculty Rights Board (FRB) has exclusive jurisdiction over such an appeal. FRB procedures include special provisions for representation of unclassified academic staff on FRB when hearing such appeals.

Promotion

Each unit must make available the opportunity for promotion to all unclassified academic staff. Promotion in rank for unclassified academic staff is made on the basis of meritorious performance and follows the same procedures as promotion of faculty members, including review by the University Committee on Promotion and Tenure. The criteria for promotion include teaching, scholarship, service, and professional performance, depending upon the expectations for the specific position. Promotion should relate directly to expectations articulated in the written position description. Unclassified academic staff whose positions are state-funded are eligible for a midpoint evaluation analogous to a review of progress toward tenure.

Sabbatical Leave

Unclassified academic staff who are on full-time appointments fully funded by the state for a period of six years or longer may apply for a sabbatical leave (unless otherwise stipulated by their appointment). Self-nominations for sabbatical leave are accepted, but must be supported by the department. Such leave is designed to provide staff the opportunity of "pursuing advanced research studies, or securing appropriate industrial or professional experience."

RELATED EXISTING POLICIES:

- **Board of Regents Policy on Annual and Multiyear Appointment (Regents Policy Manual, II.F.7.)**
- **University Standards and Procedures for Promotion and Tenure (FSRR Article VI)**
- **Provost's Guidance Documents for the Compilation of the Promotion and Tenure Record**
- **Governance Guidance Documents for the Development of Unit Criteria and Procedures**
- **Faculty Rights Board Procedures for Appeal of Denial of Promotion and Tenure**
- **Definition of cause in Faculty Code of Conduct**
<https://documents.ku.edu/policies/provost/FacultyCode.htm#V>
- **Sabbatical Leave Policies and Procedures:**
<https://documents.ku.edu/policies/provost/SabbaticalLeave.htm>

5. *Non-reappointment and Dismissal for Cause*

SUGGESTED TEXT:

Non-reappointment and Dismissal for Cause

The grounds and procedures for dismissal or termination of employment of unclassified academic staff members differ depending upon the nature of the action taken and whether the staff member has probationary status. Probationary status is defined as the time prior to achieving job security, and it is generally six years from an initial appointment at the assistant level and three years from appointment at the associate level.

Non-reappointment

Full-time appointments to unclassified academic staff positions are automatically renewed unless prior notice of non-reappointment is provided. The Provost (or his/her designated representative) sends notice of non-reappointment upon the recommendation of the head of the unit. Notice usually will be provided at least three months in advance of the termination date of the first year of appointment; at least six months in advance of the termination date of the second year of appointment; and thereafter at least one year in advance of the termination date of the appointment.

Unclassified academic staff members whose positions are contingent on funding may be terminated without the usual notice described above when the funding or support for their position is terminated. When an unclassified academic staff member's position is funded in part by the state and in part by externally supported grants and contracts, the usual notice procedures will apply to the state-funded portion of the position.

Non-reappointment of positions that are based on joint appointments follow the procedures applicable to that portion of the joint appointment that is not being renewed.

Unclassified academic staff with job security may undergo non-reappointment only for budgetary constraints, financial exigency, or program discontinuance or reorganization.

Dismissal for Cause

Unclassified academic staff members who are no longer on probationary status have job security. Unclassified academic staff with job security may be dismissed only for cause.

For unclassified academic staff members whose positions are contingent on funding, termination of this external support is considered adequate cause for termination of that portion of the position so funded.

Post-termination Resources and Appeal to FRB

An unclassified academic staff member who is not reappointed or who is dismissed for cause will be informed in writing of the reasons for the action taken.

In the event non-reappointment is due to budgetary constraints or program discontinuance or reorganization, HR/EO will assist the affected staff member in seeking other employment opportunities within the University of Kansas, State agencies, or in other employment.

An unclassified academic staff member who asserts that a decision to give notice of non-reappointment or to dismiss for cause has been produced by conditions that constitute a violation of established procedures of the University or the unit, and who has not succeeded in obtaining a favorable reassessment through administrative channels, is entitled to appeal to the Faculty Rights Board (FRB). FRB procedures include special provisions for representation of unclassified academic staff when hearing their appeals.

RELATED EXISTING POLICIES:

- Faculty Rights Board Composition and Jurisdiction (University Senate Code, Article XV, section 3)
- Faculty Rights Board Procedures for Non-Reappointment and Dismissal [Link when available]
- Program Discontinuance (USRR Article VIII)
- Financial Exigency (USRR Article VII)
- Faculty Responsibilities and Proscribed Conduct (Faculty Code of Rights, Responsibilities, and Conduct)

6. Resignation and Retirement

SUGGESTED TEXT:

Resignation of Unclassified Academic Staff

Resignations from unclassified academic staff should be submitted in writing to the head of the unit, who forwards them through administrative channels to the Provost who acknowledges and accepts the resignation on behalf of the University. Unless an earlier date is specified, the effective date of a resignation is the termination date of the unclassified academic staff member's current appointment. If a resigning unclassified academic staff member holds research grants or contracts from outside agencies, KUCR should be consulted to make proper arrangements for the liquidation or transfer of the grant and the disposition of any equipment secured under the grant or contract.

To minimize disruption, unclassified academic staff members with teaching responsibilities should keep the appropriate administrative officials within the University informed of negotiations, provide prompt notice of acceptance of an appointment at another institution, and should not, absent agreement by the University, leave or be solicited to leave their positions during an academic year for which they hold an appointment.

Unclassified academic staff members who are granted sabbatical leave agree to serve their institution for a period of at least one year immediately following the expiration of the period of leave. An unclassified academic staff member who resigns his or her position before completing one full year of school service (academic or fiscal year, depending on the annual term of employment) following the conclusion of the sabbatical leave must refund a portion of the leave salary proportional to the time not served.

Retirement of Unclassified Academic Staff

Unclassified academic staff are eligible for phased retirement, emeritus status, and other benefits similar to those for faculty. Members of the unclassified academic staff who are contemplating retirement should consult Benefits in Human Resources and Equal Opportunity to discuss such matters as eligibility for retirement, retirement benefits, continuation of health insurance, payment of unused sick leave, conversion of life insurance, the Board of Regents voluntary phased retirement program, etc.

An unclassified academic staff member who has decided to retire should provide written notice, including the proposed date of retirement, to the head of the unit, who is responsible for forwarding the information through channels to the Provost or other appropriate administrator. To aid in institutional planning, unclassified academic staff who have selected a retirement date are encouraged to notify the University at the earliest possible date.

Upon retirement, emeritus status may be awarded as an honorary title for extended meritorious service under University criteria established pursuant to Board of Regents policy. No salary or emolument is attached to the status other than such privileges as the institution may wish to extend.

The University encourages retired unclassified academic staff members to continue their research activities, and they may apply through ordinary channels for externally sponsored research grants and contracts. However, because of the need to establish a bona fide separation from service at the time of retirement, the Retiree Rehire Policy should be consulted.

Retired unclassified academic staff may also be rehired for limited service. Further information is available from the Benefits Office, the Office of the Provost, or from the Retirees Handbook.

RELATED EXISTING POLICIES:

- Board of Regents Policy on Voluntary Phased Retirement (Regents Policy Manual, II.F.17b.)
- Board of Regents Policy Regarding Emeritus Status (Regents Policy Manual, II.F.5.)
- Sabbatical Leave, Requirement for Return or Repayment (Regents Policy Manual, II.F.13.a)
- Retirees Handbook
- HR/EO Benefits
- Phased Retirement
- Limited Retirement Health Care Bridge Policy
- University Policy on Emeritus Status
- Retiree Rehire Policy

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