

GUIDELINES AND PROCEDURES FOR NOTICE
OF NONREAPPOINTMENT FOR ACADEMIC
PROFESSIONAL EMPLOYEES
and
OTHER MEMBERS OF THE ACADEMIC STAFF

OFFICE OF THE PROVOST
COMMUNICATION NO. 11

Overview

For Academic Professional Employees: A formal process in which the Board of Trustees issues a “Notice of Nonreappointment” is required for the termination of full-time, non-visiting academic professional staff. The policy governing these Notices is found in the University of Illinois *Statutes*, Article IX, Section 11 (a)-(f).

There are three exceptions to this requirement:

1. the *Statutes* specifically exempt certain administrative titles from these notice requirements. These are: the President of the university; the Chancellors and vice chancellors; the officers of the Board of Trustees (BOT) who are university employees; other general officers of the university; the deans, directors, heads and chairs of academic units;
2. any academic employee with an administrative appointment who is also tenured or on a tenure-track faculty appointment; and
3. any academic employee with a part-time appointment.

For individuals in these categories, the administrative title/responsibilities may be removed without advance notice upon the recommendation of the officer(s) who originally recommended appointment to the position.

Please note that the procedures in this document do not apply to any part-time academic professionals or any academic professional whose title includes the terms “visiting,” “acting” or “interim.” For individuals in these categories, a simple letter that the contract will not be renewed is sufficient. A template is available see Attachment 1.

Two factors—the length of time the employee has served the university in full-time, continuous, non-visiting academic professional positions *and* the type of funds from which the employee is paid—determine the minimum length of time required for the Notice of Nonreappointment. This varies from two to twelve months.

For the Director of Intercollegiate Athletics and for coaches of intercollegiate athletic teams, the required notice period is determined **ONLY** by the length of service, not the type of funds from which the employee is paid. See the quick reference chart on page 8.

Academic professional employees who have been issued a notice of nonreappointment based on performance shortcomings should not receive an annual salary increase.

However, it is recommended that employees on a notice of nonreappointment issued for either programmatic or budgetary reasons be considered for an annual salary increase.

Please also note the special procedures detailed in Attachment 1 that must be followed for long-term academic professional employees with ten or more years of eligible service.

For Other Non-Faculty Members of the Academic Staff: Members of the academic staff who are not academic professional employees or faculty members may have rights to notice of nonreappointment under the University's *Statutes*. These individuals carry the titles of Research Associate, Teaching Associate, Post-Doctoral Research Associate, or hold a position as research faculty. Notice of Nonreappointment requirements for these individuals are also discussed in this Communication. Note that formal notice by the Board of Trustees is never required for Lecturers or Instructors, or for any title that is modified with "visiting," "adjunct," and/or "clinical."

Special notice about this procedure: This procedure does not create rights beyond those conferred by the University's *Statutes*, which govern the nonreappointment process. The calendar of events and all dates listed in this document for notification by any university level other than the Board are approximate. The dates provided below are intended to assure that all internal recommendations occur in an orderly manner and are completed in time for the formal notice provided by the Board of Trustees to be issued by the dates required by the *Statutes*. Units are encouraged to meet these dates and to follow these procedures as carefully as possible. For questions about particular cases, please work with the Office of Academic Human Resources. The official, governing version of this document is found on the web page of the Office of the Provost, which is subject to modification from time to time.

Calendar of Events

For Academic Professional Employees: A Notice of Nonreappointment may be issued at any time during the appointment year. Except for the early termination of an appointment arising out of the loss of soft funds as set forth below, the current contract in effect at the time of the Notice of Nonreappointment is not altered by the Notice of Nonreappointment, which has prospective effect only. That is, the employee's status with the university does not change within the existing contract period; the current contract must be honored. If the required notice period is shorter than or the same as the remaining time on the employee's contract, the employee's service will terminate at the end of the current contract. However, if the notice period required by the *Statutes* extends beyond the time remaining on the employee's current contract, a new contract will be issued from the end of the current contract to the date required to provide the notice period. This date need not coincide with the university's normal contract cycle.

If an employee's Notification of Appointment indicates (through the appearance of an asterisk (*) symbol following the "Dollars" box) that his or her appointment is made "subject to the receipt of funds" (such as those from grants or contracts), the university may terminate that appointment prior to the end of the current contract period if the grant or other source of funding becomes unavailable. To employees who hold notice rights under the *Statutes*, the university will provide notice of the earlier termination of the contract and the new end date of the appointment in accordance with the notice periods set forth in Article IX (11) (b) (2) of the *Statutes*. For instance, if an employee is entitled to two months notice of nonreappointment, the employee must be given at least two months notice of an earlier termination of his or her appointment due to the loss of soft funding. If an asterisk symbol does not appear next to the Dollars box on the employee's Notification of Appointment, the appointment is not subject to receipt of funds or earlier termination based on the loss of such funding. If an employee's appointment is subject to receipt of soft funds but the employee is not entitled to notice rights under the *Statutes* (for example, because part-time, visiting, adjunct, etc), the employee's appointment may still be terminated earlier due to the loss of soft funding. For employees who are not entitled to formal notice of non-reappointment, units should provide a reasonable period of time before the appointment truncation is effective. The appropriate amount of courtesy notice will be determined based upon the circumstances, through consultation with the campus (central) HR office. Further guidelines are available, see http://www.vpaa.uillinois.edu/resources-library/documents/policies-and-procedures/NOA_Soft_Money_Truncation.pdf.

EXAMPLES:

1. A unit initiates the process for terminating an employee entitled to 12-months' notice in late February. The Board of Trustees (BOT) will extend the employee's current contract to the following March to fulfill the notice requirement. (Dates of notice period could be March 16 of current year through March 15 of following year.)
2. An employee is to be provided with 6 months' notice. The unit provides a letter of notification to the employee with copy to the Office of Academic Human Resources (AHR) on April 1. The BOT will offer the employee an extension of his or her current appointment from August 15 to October 15, and the total period of the terminal contract could be from April 16 through October 15.
3. For employees with contracts ending August 15 (the most common situation), if the notice by the unit is provided by the following dates, the BOT should be able to issue the appropriate notice of nonreappointment:

January 30* For a staff member due 6 months' notice, the unit should inform the staff member in writing that the BOT is being requested to issue a Notice of Nonreappointment. Units shall consult with AHR regarding the notice, then forward a copy of the letter to the employee and also submit it to AHR.

July 1* For a staff member due 12 months' notice, the unit should inform the

staff member in writing that the BOT is being requested to issue a Notice of Nonreappointment. Units shall consult with AHR regarding the notice, then forward a copy of the letters to the employee and also submit it to AHR. The notice period would be from the upcoming August 16th through the following August 15th.

*NOTE: These dates are recommended to allow sufficient time for the BOT to issue the appropriate notice and may vary from year to year. For appointments ending other than August 15, the same procedure as above is to be followed except the dates will vary. Consult AHR.

4. An academic professional with an appointment that is subject to the receipt of funds (as indicated on the Notification of Appointment), who is entitled to two months of notice as set forth in Art.IX (11) (b) (2) (i.e., has less than 4 years of service credit relevant to the calculation of length of notice required), is notified of the early termination of his or her appointment due to the loss of soft funds on April 1. The employee's appointment may not be terminated earlier than May 31.
5. An employee with an appointment that is subject to the receipt of funds (as indicated on the Notice of Appointment), who is NOT entitled to notice rights under the *Statutes*, is notified of the early termination of his or her appointment due to the loss of soft funds on April 1. The employee is not entitled to any specific amount of notice regarding this early termination. The appropriate amount of courtesy notice will be determined based upon the circumstances, through consultation with the campus (central) HR office.

OTHER POINTS:

Units may offer an academic professional staff member a longer notice period than that which this policy requires if circumstances allow. Please note that the period of notice from the BOT will not be retroactive. That is, the Notice period will not begin prior to the date on which the Office of the Board of Trustees mails the Notice of Nonreappointment to the employee.

Thus, units should submit the names of those employees to receive Notice of Nonreappointment and all required documentation to AHR at least 12 days prior to the proposed beginning date of the Notice.

For Other Non-Tenured Members of the Academic Staff: There are no advance formal notice of nonreappointment requirements for lecturers or instructors, who are appointed on a year-to-year basis, nor for (a) teaching or (b) research associates (including postdocs), or (c) research faculty paid from "soft" funds or for those who have a part-time appointment.

For full-time (a) teaching associates and (b) research associates (including post-doctoral research associates), and (c) research faculty paid totally from "hard" funds, notice must be given according to the requirements of Article X, Section 1(a)(7) of the University's *Statutes*:

March 1 Notice given by the BOT by this date will be effective at the end of the current academic year service basis contract.

If notice is issued by the BOT after March 1st, it will be accompanied by a terminal contract for one final year of service.

For those full-time teaching and research associates on “hard” funds whose service basis is other than an academic year service basis, if notice is issued by the BOT at least six months prior to the end of the current contract, employment will end at the conclusion of the current contract. If notice is used by the BOT later than six months prior to the end of the current contract, notice shall be accompanied by a terminal contract for one final year of service. Consult AHR for assistance.

Guidelines for Nonreappointment of Academic Professional Employees

Once a decision has been made to recommend that an academic professional employee’s service with the university be terminated, the process described in this document must be carefully followed. The length of the required notice period is determined by two factors: (1) the length of time the employee has served the university in eligible positions; and (2) the source of funds from which the employee is paid (“hard” vs. “soft” funds). Please note that for the Director of Intercollegiate Athletics and for coaches of intercollegiate athletic teams, **only the length of service**, not the source of funds, determines the length of notice.

DEFINITION OF ELIGIBLE SERVICE AND COMPUTATION OF LENGTH OF SERVICE

To be counted in the length of service for purposes of computing the required notice period, an academic professional employee must have a continuous, full-time and non-visiting appointment.

“Continuous employment” is defined as employment in campus academic administrative and professional positions (or similar service at the university level for employees of the university administration) that is interrupted by a lapse of no more than 30 days. Any break in service of more than 30 calendar days through resignation, termination, etc., starts the clock anew, but service with no break in a full-time, non-visiting academic professional position always transfers to another full-time academic professional position. (On a case-by-case basis, credit may be given for all or part of relevant experience in other University of Illinois positions.)

Full-time service is a 100% appointment. The type or basis of service may be an academic year, 10-months’ service paid over twelve months service basis, but the services rendered must be 100% (full-time).

No notice of nonreappointment is required for any academic professional (full or part-time) whose titles include the terms “visiting,” “acting” or “interim.”

Except for the narrowly defined circumstances set forth below, length of service is computed on the basis of full-time, non-visiting, continuous employment in eligible University of Illinois academic professional positions, counting from the first date of such employment to the date the notice is given by the BOT. Even if most of the eligible service credit was earned in another unit(s) of the university, the unit employing the academic professional employee at the time of the notice is responsible for providing a notice period based on the entire eligible service time.

In determining eligible service and length of notice:

1. Periods of time during which the employee is on leave without pay (full or partial) will not count toward the total service credit in determining the minimum required notice, but leave without pay will not constitute a break in continuous employment. Similarly, for purposes of calculation of length of notice required, a break in employment of under 30 days is not considered to be a break in continuous employment; however, the period of the break in employment is not included as service credit.
2. While service credit toward length of Notice of Nonreappointment is normally computed on academic professional service, it may also be given for related faculty service, but not for student appointments. Also, on a case-by-case basis, credit may be given for all or part of the relevant full-time non-visiting experience in other University of Illinois positions. This decision is made by the Unit Executive Officer, in consultation with appropriate offices. *This prior service credit should be clarified at the time the academic professional position begins.*
3. Service credit toward length of Notice of Nonreappointment is to be given to an academic professional staff member for previous employment in which several concurrent part-time, non-visiting, related academic appointments add up to full-time academic employment. For example, if a related faculty appointment was held in conjunction with an academic professional appointment in the same department, the period spent in such employment, so long as it totals 100%, shall be counted as service credit. *This prior service credit should be clarified when the academic professional position begins.*
4. Service credit toward length of Notice of Nonreappointment is given for previous employment as a full-time, non-visiting academic professional, regardless of whether the position was hard- or soft-funded. Thus, positions funded by hard or soft sources will count equally in establishing service credit toward length of notice for academic professionals.
5. Also, service credit shall be given for all or part of the relevant full-time, non-visiting experience in other University of Illinois positions, including civil service. Academic Human Resources will confirm the prior service credit to the unit executive officer and the employee at the time the academic professional position begins.
6. Service credit toward length of Notice of Nonreappointment may be provided for previous employment as a Visiting Academic Professional. Specifically in accordance

with Article 21 of Visiting Academic Professional collective bargaining agreement (see <http://www.ahr.illinois.edu/forms/vap.pdf>) credit for employment in visiting positions may be provided.

DEFINITIONS OF SOURCE OF FUNDS

The second factor determining the length of Notice of Nonreappointment due an academic professional is the type of funds from which the employee is paid. In general, academic professionals paid on “hard” funds are entitled to longer minimum notice period than academic professionals paid from “soft” funds. The employee’s contract (Notification of Appointment) indicates the type of funds. (Please contact Sandy Jones, AHR with questions on whether a specific account is designated as hard or soft funds on a specific Notification of Appointment.) Below are general descriptions of the two fund types.

Hard Funds. Academic professionals paid from state, ICR, most self-supporting, and certain other endowment or gift accounts are considered to be paid from “hard” funds.

Soft Funds. Academic professionals paid from grants, and certain other accounts specifically defined by the BOT as “soft” funds, are considered to be paid from “soft” funds. Such employees will have Notifications of Appointment (e.g., contracts) that specify that the employee’s salary is “contingent upon receipt of funds for the project on which you are assigned.” The following Fund Types could be affected by the “subject to the receipt of funds” message: grants and contracts, gifts and endowments, medical service plan and federal appropriations – special agreements.

Units may not change the source of funds from “hard” to “soft” in order to shorten the notice period due the employee. In other words, adequate length of Notice of Nonreappointment is a function not only of the source of funds from which an employee is paid at the time he/she receives notice but also of the context of departmental intent, chronology of events, and recent history of funding source. For example, an academic professional whose source of funds is changed from hard to soft for the purpose of releasing the hard funds for use in other areas and is then given notice is still entitled to the notice that would be due a staff member paid from hard funds. In such a case, the employee is to be considered as being supported by hard dollars.

For full-time staff members paid partially from hard funds and partially from soft funds, the staff member’s entire employment history should be reviewed in an effort to determine what constitutes equitable notice. Such considerations as percentages of appointment on hard and soft funds, both currently and in the past, must be taken into account.

LENGTH OF NOTICE OF NONREAPPOINTMENT

Computing length of service and source of funds results in the following required periods of notice for academic professional employees who are due notice:

Source of Funds	Years of Eligible Service	Months of Required Notice
Hard	Less than 4	6
Hard	4 or more	12
Soft	Less than 4	2
Soft	4	6
Soft	5	7
Soft	6	8
Soft	7	9
Soft	8	10
Soft	9	11
Soft	10	12

For the Director of Intercollegiate Athletics and coaches of intercollegiate athletic teams, the length of required notice is determined only by length of service:

Years of Eligible Service	Months of Required Notice
Less than 4	3
4 or more	6
10 or more	6

Procedures for Issuing Notice of Nonreappointment for Academic Professional Employees

Once a decision has been made to recommend that an academic professional employee’s service with the university be terminated:

1. **Contact AHR.** This office determines the employee’s total eligible years of service to the university. If you are considering a notice of nonreappointment for an academic professional for performance reasons, please forward the employee’s performance evaluations from the past two years to AHR. Wait for approval to proceed with a letter to the employee. It has been the long-standing policy and practice of the campus to review a supervisor’s recommendation not to continue the appointment of an academic professional employee with 10 or more years of service, paid from any funding source. With respect to these long-term employees, the unit must follow the procedures described in Attachment 2 for review of the recommended nonreappointment before proceeding with the next steps. The procedures in Attachment 2 are intended to provide information for an administrative “check” of the recommendation to terminate the employee and are not intended to grant additional substantive or procedural rights to the employee regarding continued employment.

2. After those steps have been followed, or if they are not required, then the unit:
3. Sends a letter (provided by AHR) to the staff member indicating that the unit is recommending that the BOT issue the employee a Notice of Nonreappointment **with a copy to AHR**. (If this copy is not provided, the effectiveness of the notice may be compromised.) See Attachment 3 for a sample letter for a long-term (at least 10-years of service) academic professional. See Attachment 4 for a sample letter for a non-long-term academic professional or for a member of the other academic staff.

Academic professionals who are terminated for budgetary or programmatic reasons only may be eligible for the Relocation Plan if they have been employed as full-time, non-visiting academic professionals on a continuous basis for at least one year. See Relocation Plan (view at: <http://www.fs.uiuc.edu/CAM/CAM/ix/ix-c/ix-c-26.html>) Those terminated for other reasons are not eligible for participation in this plan. Call AHR (333-6747) for assistance.

APPEAL RIGHTS

The University's *Statutes* provides that academic professionals may present grievances to the Council of Academic Professionals. For information about the Council, consult the *Academic Staff Handbook*, or consult their web site at: <http://cap.illinois.edu/>.

Guidelines and Procedures for Termination of Other Members of the Academic Staff (Teaching Associate, Research Associate, Post-Doctoral Research Associate, Instructor, Lecturer, Research Assistant Professor, Research Associate Professor, Research Professor)

Notice rights for individuals carrying these titles depend upon title, source of funds and percent time of appointment. No formal notice of nonreappointment from the BOT is required for those on part-time appointments. However, departments are asked to notify employees as soon as they know service will end with the current contract, see Attachment 1.

A. TEACHING AND RESEARCH ASSOCIATES, INCLUDING POST-DOCTORAL RESEARCH ASSOCIATES, AND FACULTY RANKS INCLUDING THE RESEARCH MODIFIER

Full-time Employees on Hard Funds. For full-time employees in this category whose positions are fully supported by "hard" funds, a letter regarding Notice of Nonreappointment should be given by the department to the employee in writing prior to January 16 to be effective August 15 of the same year. These procedures must be followed for Notice of Nonreappointment. A copy of the letter notifying the employee of the requested Notice of Nonreappointment should be sent to AHR no later than January 16 in order that the BOT may notify these staff members of nonreappointment according to statutory policy.

For those full-time teaching and research associates on "hard" funds whose service basis is other than an academic year service basis, if notice is issued by the BOT at least six months prior to the end of the current contract, employment will end at the conclusion of the current

contract. If notice is issued by the BOT later than six months prior to the end of the current contract, notice shall be accompanied by a terminal contract for one final year of service. Consult AHR for assistance at least one month in advance of the date the notice must begin.

Less than Full-Time Employees and all those on Contracts Subject to Availability of Funds.

These employees do not require formal Notice of Nonreappointment from the BOT. However, departments are asked to notify employees as soon as they know service will end with the current contract, see Attachment 1

B. INSTRUCTORS AND LECTURERS

These appointments are made on a year-to-year basis and no formal, advance notice of nonreappointment is required by the *Statutes*. In cases where formal notice is not required, departments are nonetheless asked to notify the employee in writing as a matter of courtesy, see Attachment 1.

Assistance

Questions should be directed to AHR (333-6747).

Staff members in that office also offer resources that may be helpful to employees who are not reappointed, including job information, counseling and relocation assistance.

Attachments

- 1 – Sample Letter - Courtesy Communication for Academic Staff Who Are Benefits-Eligible
- 2 – Procedures Concerning Termination of Long-Term Academic Professional Employees
- 3 – Sample letter to long-term professional employee regarding notice of nonreappointment
- 4 – Sample letter to academic professional (non-long-term) or other academic employee regarding notice of nonreappointment