

To: UFC

From: Alex Tanford, Chair of Policy Review Committee

Date: April 2, 2020

Re: ACA-52, Permanent Separations for Academic Appointees

A. The UFC Policy Review Committee has reviewed ACA-52, Permanent Separations for Academic Appointees, and finds:

1. The policy dates from 1969 and is in need of updating.
2. It contains some sections that reflect administrative practices but were never approved by the UFC.
3. Section D was enacted by the Trustees and cannot be changed.
4. In some situations, the policy did not address separations by non-tenure-track appointees, especially those on long-term contracts.
5. In some situations, the policy was inconsistent with current laws against age discrimination

B. The policy update proposal has been circulated for comment.

The updated policy proposal has been developed in consultation with the university chief policy officer, circulated to campus academic affairs officers, UFC co-chairs, campus council presidents, and the university counsel's office.

C. The Committee moves that the UFC amend ACA-52 to read as follows.:

ACA-52, Permanent Separations for Academic Appointees

Scope

All academic appointees.

Policy Statement

A. Resignation.

An academic appointee shall give reasonable advance notice of resignation to the chief administrator of the academic unit so that the instructional programs of the unit are not adversely affected. When a resignation will become effective at the end of an academic year, notice should be given prior to May 15

B. Retirement

1. Indiana University has no mandatory retirement age for academic appointees.
2. An appointee who intends to retire shall give reasonable advance notice to the chief

administrator of the academic unit so that the instructional programs of the unit are not adversely affected. In most cases, notice should be given a year in advance so the unit has time to recruit qualified candidates to fill the appointee's position.

3. Each campus should arrange s an occasion in the spring of each academic year to honor academic appointees who are retiring, along with those already retired..

4. The faculty governance organization of departments, schools and campuses may extend local privileges to retired appointees in addition to those given to retirees generally by the university.

5. Academic appointees who have retired under the 18-20 plan are not eligible for re-hiring by the University while receiving payments under the plan. All other retired academic appointees may be re-hired at the discretion of the university on an adjunct or visiting basis.

C. Non-reappointment.

1. The non-reappointment of tenure-track faculty during the probationary period is covered under ACA-22, Reappointment and Non-Reappointment During Probationary Period.

2. For non-tenure-track faculty on year-to-year full-time appointments, notice of non-reappointment shall be given in writing in accordance with the following standards:

a. Not later than February 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

b. Not later than November 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

c. At least twelve months before the expiration of an appointment after two or more years in the institution.

3. For non-tenure-track faculty with multi-year appointments, notice of non-reappointment shall be given in writing at least twelve months before the expiration of the term of the appointment. The notice does not reduce the time remaining in the appointee's current term and separation does not occur until the end of that term.

D. Involuntary Dismissal of tenured academic appointees

1. Involuntary dismissal of tenured academic appointees refers to the termination of employment prior to retirement or resignation. Dismissal is thus to be distinguished from the non-reappointment during the probationary period.

2. On July 27, 1969, the Board of Trustees enacted the following policy: Dismissal shall occur only for reason of (a) incompetence, (b) serious personal or professional misconduct or (c) extraordinary financial exigencies of the University. No academic appointee shall be dismissed unless reasonable efforts have been made in private conferences between the appointee and the appropriate administrative officers to resolve questions of fitness or of the specified financial exigency. If no resolution is attained, the appointee to be dismissed shall be notified of dismissal in writing by the Chancellor or Provost or President one year before the date the dismissal is to become effective except that an appointee deemed guilty of serious personal misconduct may be dismissed upon shorter notice, but not on less than ten days' notice. Upon receipt of the dismissal notification, an academic appointee must be accorded the opportunity for a hearing. A statement with reasonable particularity of the ground proposed for the dismissal shall be available in accordance with the provisions in the Faculty Constitution. An appointee shall be suspended during the pendency of dismissal proceedings only if immediate harm to the appointee or others is threatened by continuance. Any such suspension shall be with pay.
3. The hearing required by paragraph 2 shall be held by a campus faculty board of review.
4. In any case in which the position of an academic appointee with tenure has been eliminated, the university will make every reasonable effort to place the appointee in a comparable position elsewhere in the university or at another institution.

E. Involuntary dismissal of non-tenured academic appointees

1. Involuntary dismissal refers to termination of employment of a non-tenured appointee prior to the expiration of the term of appointment.
2. Involuntary dismissal shall occur only for reason of (a) incompetence, (b) serious personal or professional misconduct, or (c) extraordinary financial exigencies of the University.
3. No appointee shall be dismissed for incompetence unless all reasonable efforts have been made in private conferences between the appointee and the appropriate administrative officers to resolve the question of fitness.
4. No academic appointee shall be dismissed for extraordinary financial exigency unless all reasonable efforts have been made by appropriate administrative officers to resolve the financial issue or appoint the individual to a comparable position elsewhere in the university.
5. An academic appointee notified of involuntary dismissal must be accorded the opportunity for a hearing before a faculty board of review.
6. An academic appointee may be suspended during the pendency of dismissal proceedings by the Provost/Chancellor only if immediate harm to the appointee or others is threatened by continuance. Any such suspension shall be with pay.

REASON FOR POLICY

The end of an academic career is as important as the beginning. The mutual rights and

responsibilities of academic appointees and university administrators must be spelled out to make the process transparent. In 1969, the Trustees enacted a policy governing the dismissal of a tenured faculty member, which serves as the model for this policy.

DEFINITION

Personal or professional misconduct: Conduct that has been determined to violate a misconduct policy of the university or a campus which has been enacted or approved by a faculty governance organization, including UA-03, Sexual Misconduct; ACA-30, Research Misconduct, ACA-33, Code of Academic Ethics, and campus policies on personal misconduct.