

UWM Chapter 104 ACADEMIC STAFF APPOINTMENTS

104.01 Types of Appointments

Pursuant to UWS 10.01, academic staff appointments may be fixed-term, probationary, or indefinite upon appropriate approval by the Chancellor. The type of appointment shall be determined in part by the type of program and by the likelihood of continued funding; the funding source alone will not automatically determine the type of appointment. Appointments of less than 50% time or appointments intended to fill a need of predetermined duration specified in the employment contract shall be fixed-term. Appointments at 50% time or greater for which there is reasonable expectation of continuing need shall be probationary or indefinite.

104.02 Fixed-term Appointments

Fixed-term appointments should not be used for positions that have been probationary. Fixed-term appointments shall be for a definite period of time specified in the employment contract, are renewable solely at the option of the University of Wisconsin-Milwaukee, and carry no expectation of reappointment beyond the stated term.

Academic staff may be appointed without limitation as fixed-term appointments in the following situations:

- (1) when no budgeted position is available,
- (2) for appointments on grant, contract, or short-term funding,
- (3) for teaching appointments for which there is no reasonable expectation of continuing need,
- (4) for coaches in the Department of Athletics, and
- (5) for concurrent appointments for limited title appointees who are in Range 8 or above in the UWS Academic Staff Title and Compensation Plan, or positions based on Regent-approved fixed-term contracts, provided that no conflict with UWS 15 occurs.

Fixed-term appointments may be made for more than one year as either multiple year or rolling horizon appointments.

If an academic staff member on a fixed-term appointment of at least 50% time, and not falling in any of the categories listed in subparagraphs (1) through (5) above, is re-appointed for more than three years in the same position in the same school, college or division, the appointment shall be made probationary and years of service during the original fixed-term appointment may be applied to the seven year probationary period pursuant to Section 104.03 below. For fixed-term academic staff who are not made probationary because they fall into one of the categories listed in subparagraphs (1) through (5) above, the appointing authority shall make substantial efforts to offer multiple-year or rolling horizon contracts, where possible. The “same position” is one that is within the same title code/series without regard to prefix.

Those with service of three or more years at 50% time or greater who are not given at least a two-year appointment shall be given written reasons upon request. Those with service of seven or more years at 50% time or greater who are not given at least a three-year appointment shall be given written reasons upon request.

An initial fixed-term appointment may include a period of up to two months during which the appointee may be dismissed without appeal at the discretion of the appointing authority. If such a period of evaluation is used the employment contract must so state. A dismissal during this period is not subject to the provisions of UWS 11.

104.03 Probationary Appointments

A probationary academic staff appointment is one leading either to review and a decision on indefinite appointment or to non-renewal of the appointment.

- (a) **Length of Probationary Period.** The probationary period shall be not less than one year nor greater than seven years.
- (b) **Minimum Percent of Probationary Appointment.** Any period in which the probationary appointment is less than 50% time is excluded in calculating the probationary period.
- (c) **Prior Service.** Prior service may be granted at the time of the probationary appointment and shall be clearly stated in the initial probationary contract. Prior service may be granted for time spent in full-time service in the employee's position or appointment immediately prior to the initial or new probationary appointment.
 - 1. Up to three years of prior service credit may be granted if the staff member was either a classified employee or was employed outside of the University of Wisconsin-Milwaukee immediately prior to the probationary appointment.
 - 2. Up to four years of prior service credit may be granted if the staff member was in a fixed-term or probationary appointment immediately prior to the new probationary appointment.

Prior service shall be included in calculating the length of the employee's probationary appointment and in determining the notice requirements set forth in Chapter 108.

(AS Doc. 66, 9/11)

- (d) **Extension of the Probationary Period.** Certain circumstances may impede an academic staff member's progress toward achieving indefinite status including responsibilities with respect to childbirth and adoption, significant responsibilities with respect to elder/dependent care, disability/chronic illness, or circumstances

beyond the control of the academic staff member. Written requests for extensions of the probationary period should be made in a timely manner, proximate to the events or circumstances which occasion the request, and include appropriate documentation.

A request for extension of the probationary period with respect to childbirth and adoption and responsibilities carries with it the presumption of approval. More than one request may be granted but the total time granted for extensions does not ordinarily exceed one year. Multiple extension requests granted for childbirth/adoption may exceed one year.

Pursuant to UWS 10.03, Wis. Admin. Code, the procedures for requesting an extension are:

1. The academic staff member provides a written request to the supervisor/executive committee, which forwards the request with its recommendation to the Dean/Division Head.
2. Requests in cases of childbirth/adoption and those related to disability or chronic illness shall be approved by the Dean/Division Head after consultation with the Academic Staff Committee. Requests in other circumstances shall be approved or denied after consultation with the Academic Staff Committee.
3. A written decision on the request shall be provided to the Academic Staff member and the supervisor and shall be based upon clear and convincing reasons.
4. An academic staff member who believes that a request has been denied unfairly may file an appeal with the Academic Staff Committee for referral to Academic Staff Hearing and Appeals Committee.
5. If any academic staff member has been in probationary status for more than seven (7) years because of a leave of absence or because of those reasons described in the introductory paragraph above, the academic staff member shall be evaluated as if he or she had been on probationary status for seven years.

(AS Doc 33, 5/08)

- (e) **Other Appointments.** A probationary academic staff member may subsequently accept a fixed-term appointment. If such a change occurs, previous probationary service shall not be lost and shall continue if he/she returns to a probationary appointment in the same position.

104.04 Indefinite Appointments

An indefinite appointment is an appointment of 50% or more with permanent status and for an unlimited term, granted by the Chancellor to a member of the academic staff

pursuant to procedures of Chapter 107 of the Policies and Procedures. Such an appointment is terminable only for cause under UWS 11 or for reasons of budget or program under UWS 12. The proportion of time provided for in the initial indefinite appointment may not be decreased or increased without the mutual consent of the academic staff member and the institution unless the appointment is terminated. Academic staff members may be granted indefinite appointment prior to the end of the sixth year of probationary service, but in no case before one year of probationary service is completed. A person with indefinite status who remains in the same position or who is involuntarily moved to another position shall not lose his or her indefinite status.

104.05 Operational Area

The operational area of fixed-term and probationary appointments is the college, school, operating division (or its functional equivalent), or program indicated in the employment contract; the appointment does not carry rights beyond that operational area. An indefinite appointment carries rights beyond the initial operational area and, as such, is transferable from one operational area to another. If an employee with an indefinite appointment voluntarily seeks appointment in a different operational area in a position with substantially different duties, the employee may be granted, but is not entitled to, indefinite appointment in the new position.

In the event that an employee is involuntarily moved from one operational area to another due to restructuring, re-organization, etc., the academic staff member shall retain the appointment status (probationary/indefinite) associated with the original position.

An academic staff member with indefinite appointment shall retain that status if he/she accepts a limited title appointment as provided in UWS 15.01.

104.06 Employment Contracts

The terms and conditions of the appointment shall be specified in a written employment contract or employment letter signed by the appropriate dean or division head. The employment contract or letter shall contain details as to the terms and conditions of the appointment, including but not limited to the following:

- (1) Title and name of the person in immediate supervision of the employee. In the case of Category B Instructional staff who are supervised by the departmental executive committee for the purposes specified in these Policies and Procedures, it shall be so specified in the written employment contract or employment letter.
- (2) Type and percent of appointment whether fixed-term, or probationary.
- (3) The operational and functional areas of the appointment.
- (4) Placement within the UWS Academic Staff Title and Compensation Plan or the State Executive Salary Plan and the current salary range of that level.

- (5) A statement of salary and the duration of appointment, including starting and ending date.
- (6) Initial evaluation period of section 104.02 of these Policies and Procedures if used.
- (7) Amount of prior service counted, if applicable, toward the probationary period.
- (8) Maximum length of probationary period, if applicable.
- (9) General position responsibilities.
- (10) Approval of the appointment by the Chancellor.

Accompanying this contract or letter shall be a reference to the Wisconsin Administrative Code, Chapters UWS 8-13 and the University of Wisconsin - Milwaukee Academic Staff Personnel Policies and Procedures. Employment contracts shall be sent to fixed-term and probationary academic staff members by the dean or division head annually and shall include any changes in points 1-10 above. If a significant change in the existing conditions of the appointment occurs during the appointment period these conditions should be specified in writing at least 10 working days prior to the change.

Academic staff with indefinite appointment shall receive a salary letter in lieu of an annual or academic year contract.

104.07 Official Personnel File

The office of the dean or division head shall maintain the official personnel file for each academic staff member in his/her school, college or operating division. The contents and uses of such official personnel files are governed by the Selected Administrative and Academic Policy S-42, UWM Personnel File Policy.

104.08 Recruitment

Each dean and division head is responsible for recruitment of academic staff consistent with UW System and campus policies and state and federal laws with respect to equal employment opportunities.