

CURRENT LANGUAGE with TRACK CHANGES for PROPOSED CHANGES

P04.04.047. Termination of Faculty Appointment.

- A. Termination is the severance of the employment relationship of a faculty member which is based on a decision to discontinue an existing employment relationship. Faculty may be terminated under any of the conditions set out in this section.
- B. Non-retention. Non-retention follows a decision not to continue the employment of a non-tenured faculty member in a tenure track position or of a faculty member holding special academic rank and a continuing appointment. The chancellor or the chancellor's designee will notify the faculty member of this decision in writing not less than:
 - 1. three months prior to the end of an appointment expiring at the end of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August;
 - 2. six months prior to the end of an appointment expiring after the completion of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August;
 - 3. twelve months prior to the expiration of an appointment after two or more years of uninterrupted service within the university system.
- C. Failure to receive tenure. Following a decision not to award tenure in the mandatory year for tenure review, the faculty member will receive notice at least twelve months prior to the end of the academic or fiscal year of final service.
- D. Retirement. Retirement eligibility is determined by the Teachers Retirement System, the Public Employees Retirement System of the State of Alaska, or the University of Alaska Optional Retirement Plan. Faculty planning to retire shall notify their supervisor as soon as possible prior to the anticipated retirement date.
- E. Resignation. A faculty member intending to resign from employment with the university system shall file with the appointing authority a written resignation stating the effective date. A faculty member is expected to provide notice adequate to allow for his or her orderly replacement.
- F. Discontinuance of program. When a decision is made to discontinue a program following program review as specified in R10.06.010, a good faith effort must be made to place tenured faculty in another program where appropriate. The chancellor or the chancellor's designee will notify each faculty member of the decision to terminate employment in writing not less than:
 - 1. Three months prior to the end of the academic or fiscal year of a faculty member's first year of uninterrupted service within the university system, but not later than

March 1 for appointments ending in May, June, July or August.

2. Six months prior to the end of the academic or fiscal year after the completion by a faculty member of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August.
3. Twelve months prior to the end of the academic or fiscal year after two or more years of uninterrupted service within the university system.
4. Should the program be reactivated within two years, a tenured faculty member shall be invited to return to the program faculty. The faculty member must notify the university of the decision to decline or accept within 30 days of receipt of this invitation.
5. Notwithstanding the foregoing, faculty on term contracts, including regular term faculty and adjuncts, may be terminated pursuant to the terms of their appointment letter or this provision, but in no event will any required notice exceed the duration of the project, grant, contract or specific end date in the appointment letter.

G. Reduction in program. When a decision is made to reduce a program following program review under R10.06.010 a good faith effort must be made to retain tenured faculty in preference to non-tenured faculty, or to place tenured faculty in another program where appropriate. The chancellor or chancellor's designee will notify each faculty member of the decision to terminate employment in writing not less than:

1. Three months prior to the end of the academic or fiscal year of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August.
2. Six months prior to the end of the academic or fiscal year after the completion by a faculty member of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August.
3. Twelve months prior to the end of the academic or fiscal year after two or more years of uninterrupted service within the university system.
4. Should the program be expanded within two years, tenured faculty members shall be invited to return to the program faculty. The faculty member must notify the university of the decision to decline or accept within 30 days of receipt of this invitation.
5. Notwithstanding the foregoing, faculty on term contracts, including regular term faculty and adjuncts, may be terminated pursuant to the terms of their

appointment letter or this provision, but in no event will any required notice exceed the duration of the project, grant, contract or specific end date in the appointment letter.

- H. Financial exigency. Following a declaration of financial exigency under P04.09 and related university regulation, faculty members are entitled to a minimum of 60 calendar days notice in advance of the cessation of their employment. **Notwithstanding the foregoing, faculty on term contracts, including regular term faculty and adjuncts, may be terminated pursuant to the terms of their appointment letter or this provision, but in no event will any required notice exceed the duration of the project, grant, contract or specific end date in the appointment letter.**
- I. Cause. Faculty may be dismissed immediately for cause. In this section, “cause” means some substantial shortcoming that renders continuance in employment detrimental to appropriate discipline and efficiency of service including incompetency, neglect of duty, unprofessional conduct, or other conduct that interferes substantially with the continued performance of duties. “Cause” may also include physical or mental incapacity, **subject to the requirements of applicable state and federal law.**

(04-15-04)

PROPOSED FINAL LANGUAGE

P04.04.047. Termination of Faculty Appointment.

- A. Termination is the severance of the employment relationship of a faculty member which is based on a decision to discontinue an existing employment relationship. Faculty may be terminated under any of the conditions set out in this section.
- B. Non-retention. Non-retention follows a decision not to continue the employment of a non-tenured faculty member in a tenure track position or of a faculty member holding special academic rank and a continuing appointment. The chancellor or the chancellor’s designee will notify the faculty member of this decision in writing not less than:
1. three months prior to the end of an appointment expiring at the end of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August;
 2. six months prior to the end of an appointment expiring after the completion of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August;
 3. twelve months prior to the expiration of an appointment after two or more years of uninterrupted service within the university system.
- C. Failure to receive tenure. Following a decision not to award tenure in the mandatory year for tenure review, the faculty member will receive notice at least twelve months prior to

the end of the academic or fiscal year of final service.

- D. Retirement. Retirement eligibility is determined by the Teachers Retirement System, the Public Employees Retirement System of the State of Alaska, or the University of Alaska Optional Retirement Plan. Faculty planning to retire shall notify their supervisor as soon as possible prior to the anticipated retirement date.
- E. Resignation. A faculty member intending to resign from employment with the university system shall file with the appointing authority a written resignation stating the effective date. A faculty member is expected to provide notice adequate to allow for his or her orderly replacement.
- F. Discontinuance of program. When a decision is made to discontinue a program following program review as specified in R10.06.010, a good faith effort must be made to place tenured faculty in another program where appropriate. The chancellor or the chancellor's designee will notify each faculty member of the decision to terminate employment in writing not less than:
 - 1. Three months prior to the end of the academic or fiscal year of a faculty member's first year of uninterrupted service within the university system, but not later than March 1 for appointments ending in May, June, July or August.
 - 2. Six months prior to the end of the academic or fiscal year after the completion by a faculty member of one, but not more than two, years of service within the university system, but not later than December 15 for appointments ending in May, June, July or August.
 - 3. Twelve months prior to the end of the academic or fiscal year after two or more years of uninterrupted service within the university system.
 - 4. Should the program be reactivated within two years, a tenured faculty member shall be invited to return to the program faculty. The faculty member must notify the university of the decision to decline or accept within 30 days of receipt of this invitation.
 - 5. Notwithstanding the foregoing, faculty on term contracts, including regular term faculty and adjuncts, may be terminated pursuant to the terms of their appointment letter or this provision, but in no event will any required notice exceed the duration of the project, grant, contract or specific end date in the appointment letter.
- G. Reduction in program. When a decision is made to reduce a program following program review under R10.06.010 a good faith effort must be made to retain tenured faculty in preference to non-tenured faculty, or to place tenured faculty in another program where appropriate. The chancellor or chancellor's designee will notify each faculty member of the decision to terminate employment in writing not less than:

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