

## UNIVERSITY REGULATIONS - Chapter IV APPOINTMENTS, ANNUITIES, AND RETIREMENT

### SECTION 1. FACULTY AND LIBRARY APPOINTMENTS

ALL APPOINTMENTS TO THE UNIVERSITY FACULTY AND TO THE ACADEMIC LIBRARY STAFF SHALL BE MADE BY THE PRESIDENT, WITH THE APPROVAL OF THE INSTITUTIONAL COUNCIL, AS HEREINAFTER PROVIDED. EVERY APPOINTMENT SHALL BE MADE SOLELY ON THE BASIS OF THE INDIVIDUAL'S MERIT IN TERMS OF THE POSITION CONCERNED.

THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 MAKES IT MANDATORY THAT EACH NEW HIRE IN ANY EMPLOYMENT CATEGORY COMPLETES A FORM I-9. THIS FORM MUST BE COMPLETED WITHIN THE FIRST THREE WORKING DAYS AFTER HIRE. ALL UNIVERSITY EMPLOYMENT IS CONTINGENT UPON COMPLETION OF THE FORM I-9. FOR FORM I-9 INFORMATION CALL PERSONNEL ADMINISTRATION AT EXTENSION 6787.

### SECTION 2. TERM OF APPOINTMENTS

#### A. TENURED POSITIONS

THE APPOINTMENT OF A UNIVERSITY FACULTY MEMBER IN A POSITION WITH TENURE SHALL BE DEEMED TO BE CONTINUOUS IN NATURE, EXCEPT THAT THE APPOINTMENT SHALL BE SUBJECT TO TERMINATION IN ACCORDANCE WITH ESTABLISHED POLICIES, PRACTICES, AND PROCEDURES OF THE UNIVERSITY WITH RESPECT TO TENURE.

#### B. NONTENURED POSITIONS THAT ARE TENURE-GENERATING

THE APPOINTMENT OF A UNIVERSITY FACULTY MEMBER WITHOUT TENURE IN A POSITION THAT IS TENURE-GENERATING SHALL BE DEEMED TO BE CONTINUOUS IN NATURE, EXCEPT THAT THE APPOINTMENT SHALL BE SUBJECT TO REVIEW, NONRETENTION, AND TERMINATION UNDER ESTABLISHED POLICIES, PRACTICES, AND PROCEDURES OF THE UNIVERSITY WITH RESPECT TO NONTENURED FACULTY.

#### C. POSITIONS THAT ARE NOT TENURE-GENERATING

UNLESS OTHERWISE SPECIFIED AT THE TIME OF APPOINTMENT, THE APPOINTMENT OF A FACULTY MEMBER IN A POSITION THAT IS NOT TENURE-GENERATING SHALL TERMINATE UPON JUNE 30 FOLLOWING THE DATE OF APPOINTMENT, SUBJECT TO RENEWAL EXCEPT AS OTHERWISE PROVIDED IN APPLICABLE UNIVERSITY POLICIES AND REGULATIONS. (SEE SECTION 7, BELOW, RELATING TO RETIREMENT.)

#### D. ACADEMIC LIBRARIAN APPOINTMENTS

THE APPOINTMENT OF AN ACADEMIC LIBRARIAN SHALL BE DEEMED TO BE CONTINUOUS IN NATURE, UNLESS THE APPOINTMENT IS MADE UNDER SPECIAL CONDITIONS; HOWEVER, DURING A SPECIFIED PROBATIONARY PERIOD IT SHALL BE SUBJECT TO ANNUAL REVIEW, NONRETENTION, AND TERMINATION UNDER THE POLICIES AND PROCEDURES ESTABLISHED WITH SPECIAL REFERENCE TO ACADEMIC LIBRARIANS.

### **SECTION 3. REQUIRED DISCLOSURE OF CRIMINAL RECORDS**

NO PERSON SHALL BE APPOINTED TO ANY POSITION AT THE UNIVERSITY WHO HAS BEEN CONVICTED OF A CRIME, OTHER THAN THOSE TRAFFIC OFFENSES WHICH ARE NOT FELONIES OR WHO, AT THE TIME OF THE APPOINTMENT, IS UNDER INDICTMENT OR CHARGED WITH SUCH A CRIME, UNLESS THE APPOINTMENT IS APPROVED BY THE VICE PRESIDENT TO WHOM THE EMPLOYING DEPARTMENT OR COLLEGE REPORTS; PROVIDED, HOWEVER, NO PERSON SHALL BE APPOINTED TO A UNIVERSITY POSITION WHO, AT THE TIME OF APPOINTMENT, IS CHARGED WITH A FELONY. NO APPOINTMENT COVERED BY THIS POLICY SHALL BE EFFECTIVE UNTIL AT LEAST SIXTY DAYS AFTER A REPORT OF THE CIRCUMSTANCES INVOLVED IN SUCH EMPLOYMENT HAS BEEN MADE TO THE INSTITUTIONAL COUNCIL BY THE VICE PRESIDENT APPROVING THE APPOINTMENT AND THE INSTITUTIONAL COUNCIL HAS NOT TAKEN ACTION WITHIN THAT TIME TO DISAPPROVE THE APPOINTMENT.

THE REPORT SHOULD SET FORTH THE NATURE OF THE CRIME COMMITTED OR ALLEGED TO HAVE BEEN COMMITTED, THE NATURE OF THE EMPLOYMENT FUNCTION TO BE PERFORMED BY THE INDIVIDUAL CONCERNED AND AN EVALUATION BY THE DEPARTMENT SEEKING THE APPOINTMENT AND THE VICE PRESIDENT CONCERNED OF THE RELATIONSHIP OF THE CRIME COMMITTED OR ALLEGED TO HAVE BEEN COMMITTED TO THE EFFECTIVE PERFORMANCE BY THE PROPOSED APPOINTEE OF THE DUTIES AND ROLE CONTEMPLATED AT THE UNIVERSITY.

### **SECTION 4. PERIOD OF RESPONSIBILITY FOR UNIVERSITY SERVICE**

UNLESS A LEAVE OF ABSENCE OR OTHER SPECIAL ARRANGEMENTS HAVE BEEN MADE BY AGREEMENT, (1) A FACULTY MEMBER ON A NINE-MONTH APPOINTMENT HAS THE RESPONSIBILITY TO PROVIDE THREE QUARTERS (OR TWO SEMESTERS) OF REGULAR UNIVERSITY SERVICE DURING EACH ACADEMIC YEAR; AND (2) A FACULTY MEMBER HOLDING AN APPOINTMENT FOR A PERIOD OTHER THAN NINE MONTHS HAS THE RESPONSIBILITY TO PROVIDE REGULAR UNIVERSITY SERVICE FOR A PERIOD OF TIME CONSISTENT WITH THE LENGTH OF THE APPOINTMENT. DEPARTMENT CHAIRPERSON, AFTER APPROPRIATE CONSULTATIONS, SHALL SCHEDULE THE QUARTERS, OR OTHER PERIODS DURING WHICH FACULTY MEMBERS ARE EXPECTED TO DISCHARGE THEIR SERVICE RESPONSIBILITIES UNDER THIS SECTION IN ORDER TO MEET DEPARTMENT INSTRUCTIONAL AND RESEARCH NEEDS.

### **SECTION 5. OFF-QUARTER COMPENSATION FOR FACULTY WITH NINE-MONTH APPOINTMENTS**

FACULTY MEMBERS WITH NINE-MONTH APPOINTMENTS MAY BE COMPENSATED FOR OFF-QUARTER EMPLOYMENT AT THE UNIVERSITY. NORMALLY, THE RATE OF OFF-QUARTER COMPENSATION WILL NOT EXCEED ONE-NINTH OF AN INDIVIDUAL'S REGULAR NINE-MONTH SALARY FOR EACH MONTH OF OFF-QUARTER EMPLOYMENT.

### **SECTION 6. ANNUITY PROGRAMS**

UNIVERSITY POLICIES WITH RESPECT TO RETIREMENT AND ANNUITY PROGRAMS FOR FACULTY MEMBERS AND OTHER UNIVERSITY EMPLOYEES ARE GOVERNED BY [POLICY AND PROCEDURE No. 2-10](#) (RETIREMENT) AND [POLICY AND PROCEDURE No. 2-42](#) (RETIREMENT PROGRAMS). INFORMATION REGARDING RETIREMENT AND ANNUITY PROGRAMS IS AVAILABLE UPON REQUEST FROM THE BENEFITS SECTION OF PERSONNEL ADMINISTRATION.

THE PRESIDENT AND INSTITUTIONAL COUNCIL RESERVE THE RIGHT TO AMEND AND REPEAL THE RULES AND REGULATIONS GOVERNING RETIREMENT AND ANNUITIES.

## SECTION 7. RETIREMENT OF FACULTY MEMBERS

THE INSTITUTIONAL COUNCIL REGARDS THE ESTABLISHMENT OF A BASIC AGE OF RETIREMENT, THE IMPARTIAL ADMINISTRATION OF A RETIREMENT PLAN, AND THE PROVISION OF ANNUITIES AFTER RETIREMENT AS MATTERS CONDUCIVE TO THE PROGRESS AND EFFICIENCY OF THE UNIVERSITY AND OF INTEREST TO THE MEMBERS OF THE FACULTY.

ON TERMS MUTUALLY AGREED TO BY FACULTY MEMBERS AND THEIR DEPARTMENT CHAIRPERSONS AND COLLEGE DEANS, FACULTY MEMBERS MAY PARTICIPATE IN THE UNIVERSITY'S PHASED RETIREMENT PROGRAM. AT THE TIME OF THEIR FINAL RETIREMENT, FACULTY MEMBERS MAY BE RECOMMENDED BY THEIR DEPARTMENT CHAIRPERSONS AND COLLEGE DEANS FOR EMERITUS FACULTY APPOINTMENTS.

## SECTION 8. PAYMENT OF COMPENSATION

### A. BIWEEKLY INSTALLMENT POLICY

SALARIES FOR FACULTY MEMBERS WILL ORDINARILY BE PAID IN BIWEEKLY INSTALLMENTS THROUGH THE FISCAL YEAR, EXCEPT AS OTHERWISE AGREED OR REQUIRED IN SPECIAL CIRCUMSTANCES, AND EXCEPT AS AUTHORIZED UNDER UNIVERSITY POLICIES GOVERNING SUMMER TEACHING AND ADDITIONAL COMPENSATION. (SEE SECTION 5, ABOVE, AND POLICY AND PROCEDURES MANUAL, NOS. [2-26](#), [2-67](#).)

### B. PREPAID COMPENSATION POLICY

COMPENSATION OF FACULTY MEMBERS IS DEEMED TO BE EARNED ONLY DURING THE QUARTERS, SEMESTERS, OR OTHER PERIODS IN WHICH UNIVERSITY SERVICE IS ACTUALLY PERFORMED. ACCORDINGLY, COMPENSATION PAID AFTER JULY 1 OF ANY FISCAL YEAR, BUT PRIOR TO THE COMPLETION OF PERFORMANCE OF SERVICE OBLIGATIONS DURING THAT FISCAL YEAR, IS DEEMED TO BE A PREPAYMENT OF COMPENSATION. TO THE EXTENT THAT ALL OR ANY PART OF PREPAID COMPENSATION IS NOT SUBSEQUENTLY EARNED BY REASON OF THE FACT THAT THE FACULTY MEMBER'S EQUIVALENT SERVICE OBLIGATIONS ARE NOT IN FACT COMPLETED (E.G., BECAUSE OF TERMINATION OR RESIGNATION OF THE FACULTY MEMBER BEFORE THE COMPLETION OF SERVICE), THE UNEARNED PORTION OF PREPAID COMPENSATION SHALL BE REPAID TO THE UNIVERSITY BY THE FACULTY MEMBER UPON DEMAND. WHERE THE ENFORCEMENT OF THIS OBLIGATION WOULD BE INEQUITABLE OR WOULD RESULT IN SEVERE HARDSHIP, THE PRESIDENT MAY WAIVE REPAYMENT IN WHOLE OR IN PART.

FOR THE PURPOSE OF THIS PARAGRAPH, "COMPENSATION" INCLUDES SALARY PLUS PAYMENTS BY THE UNIVERSITY FOR BENEFITS.

APPROVED: ACADEMIC SENATE 2/1/99

THIS POLICY REFLECTS CHANGES MADE TO COMPLY WITH [PPM 9-2](#) AS APPROVED BY THE BOARD OF TRUSTEES ON 3/8/99