

Rule 9-003, Endowed Chairs and Other Named Positions- Establishment of Positions, Appointments to Positions, and Periodic Reviews of Employees Holding Such Positions

Effective Date: July 1, 2010

I. Purpose

To implement University Policy 9-003 (POLICY ON ENDOWED CHAIRS AND OTHER NAMED POSITIONS) by further defining the positions and titles to which the Policy applies, by prescribing procedures for establishing named positions and appointing individuals to such positions, and by prescribing procedures for periodic review of individuals holding such positions.

II. Definitions

A. University Policy 9-003 defines terms as follows:

Named position: a position awarded to an employee that bears a special title honoring a named person or organization. Named positions normally are established with special sources of funding, which may include funding gifted to the university in the form of an endowment. Such special funding may be used to increase the amount of compensation paid to or support available for the employee holding a named position.

Named positions with “regulated titles” constitute a subset of named positions, distinguished because they bear certain especially prestigious titles and/or may be subject to minimum funding level requirements. Such titles include those bearing the words presidential, chair, professor, or director, and any other titles identified as regulated titles in a University Rule implementing this Policy.

B. This Rule elaborates upon and clarifies the preceding definitions as follows:

1. All named positions are subject to some requirements under Policy 9-003 and this Rule, but not all are subject to the greater requirements applicable for “regulated titles,” as described further here. “Regulated titles” are subject not only to the requirements applicable for other named positions, but also to greater requirements under Policy 9-003 and this Rule (often including minimum funding levels for establishment of positions).
2. Regulated titles with minimum funding requirements currently include the titles of Presidential Endowed Chair, Endowed Chair, Endowed Directorship, Endowed Professorship, and Endowed Associate or Assistant Professorship. Because of the potential for confusion with positions requiring a minimum funding level, any named position of Chair, Professor, or Director (or another regulated title designated in the future) is subject to the requirements applicable for the category of regulated titles, regardless of the absence of “endowed” from the title or the addition of other modifiers such as Research, Distinguished, Assistant, etc.

Current examples of titles that would be named positions but not regulated titles include “scholar,” “fellow,” “lecturer” and “artist in residence.”

3. From time to time, the President, with assistance from the Development Office, may identify other titles to be included as named positions generally, or more particularly as positions with regulated titles, and subjected to the requirements of Policy 9-003 and this Rule. Administrators should consult with the Vice President for Institutional Advancement for a current list of covered titles and other information when considering the establishment of a faculty or staff position with any special title.
4. There are certain special titles and positions currently used at the University which are not considered named positions for purposes of Policy 9-003 and this Rule (and therefore are not subject to the special requirements described

here). These include the titles of “Presidential Professor,” “Distinguished Professor,” and “University Professor.” As more fully described in University Policy [6-300] those are faculty *ranks* that are conferred upon meritorious individual faculty members, independent from establishment of any funding sources, and their conferral requires special procedures (such as approval from the existing Presidential or Distinguished Professors in the case of those two ranks).

III. Rule

- A. Requirements for *establishment* of new named positions (including minimum funding requirements for positions with regulated titles).
 - 1. Procedures and criteria for establishing all new named positions (including positions with regulated titles).
 - a. Approval. Establishment of any faculty or staff position using a title defined as a “named position” for purposes of Policy 9-003 and this Rule requires the following approvals:
 - i. approval of the dean of the college for a position established within any college (including any department or program within a college), or
 - ii. approval of the cognizant administrator (such as Associate Vice-President or Director) for a position established within any administrative unit that is not part of an academic college, and
 - iii. approval of the Vice President for Institutional Advancement or designee.
 - b. Criteria.
 - i. Positions shall be named only for individuals, groups, or organizations with whom it is in the University's interest to be affiliated.

- ii. Approvals shall not be given unless establishment of the position conforms to the terms of any gift agreement from which funding to support the position will be derived.
 - iii. If the eventual appointees to the new named position shall be faculty members, the faculty of the relevant unit shall be consulted about the nature of the named position.
2. Additional procedures and criteria for *establishing* named positions *with regulated titles*.
- a. Approval. For establishment of any named position carrying a “regulated title” for purposes of Policy 9-003 and this Rule, in addition to the approvals required for all named positions, the approval of the President (or designated vice president) is required. Requests for such approval may be submitted upon the recommendation of the cognizant dean or director, cognizant vice president, and the Vice President for Institutional Advancement.
 - b. Criteria. The primary additional criterion for approval to establish a named position bearing a regulated title shall be the assurance of adequate funding to support the position at the appropriate level. The Development Office, with the President's approval, shall maintain and make available to deans (and other appropriate administrators) current information regarding appropriate funding level and form (e.g., permanent endowments or annual gifts) for each class of positions with regulated titles. The Development Office may change these requirements from time to time.
 - i. The normally acceptable form of assured adequate funding is a permanent endowment associated with the particular named position. Other forms which may be acceptable include the following.
 - ii. Named positions with similar titles (e.g., chair, professorship, directorship) but without associated endowments, may be created with

funding in the form of annual gifts, subject to these limitations. A.) The amount of the annual gift must equal the yield that would be produced by the minimum endowment associated with a position of the same title. B.) The word “endowed” may not be used in the title of positions funded with annual gifts (or other non-endowed funds). C.) As shall be made clear to the holder of the position in any appointment letter, the position will no longer carry the regulated title or any associated additional compensation or support if the gifts cease. (This distinguishes such positions from those established with permanent endowments, for which a decline in the revenue received from endowed funds does not similarly end a named position.)

- iii. Large, multi-purpose endowments may also be used to create named positions using regulated titles so long as the annual amount allocated to the position is at least 50% of the yield that would be produced by the minimum designated endowment level associated with a position of the same class of title.

B. Procedures for *appointments of individuals* to existing or newly established named positions.

1. Procedures for appointment to *all named positions* (including positions with regulated titles).
 - a. The dean or director, in consultation with the other administrators to whom the position reports within a specific unit, and in consultation with departmental faculty for any faculty appointment, or in consultation with Human Resources for any staff appointment, will determine appropriate procedures for identifying candidates and selecting appointees to fill the newly established position or a vacancy in an existing position.

Such procedures shall comply with all pertinent University Regulations generally applicable for recruitment and completion of appointments of similar faculty or staff positions.¹

- b. Notice of each appointment to any named position shall be given to the cognizant vice president (and if the appointment is to a newly established named position, such notice shall include a brief description of the newly established named position). Prompt notice to the Vice President for Institutional Advancement is also required for appointments of any length to ensure consideration of donor stewardship and recognition appropriate to the importance of the appointment.
2. Additional procedures for appointment of individuals to named positions *with regulated titles*.
- a. Appointments of individuals to positions with regulated titles must comply with the requirements applicable for all appointments to named positions, described above, and with the following additional requirements.
 - b. For any position which includes the special term “Presidential” as part of its title, *search procedures* for filling that position must be approved in advance by the cognizant vice president.
 - c. For any such appointment which (i) is for a term of more than three years or (ii) has the term “Presidential” in its title, the appointment of an individual to the named position shall be submitted for the approval of the cognizant vice president and the President. Such appointments are completed only upon the presentation of a formal offer letter signed by the President (or designee).
 - d. An appointment to a position with a regulated title which is for a term of three years or less and does not include the term “Presidential” in its title may generally be made by the dean or director, and notice subsequently given to the cognizant vice president.

3. Notice to Academic Senate and/or Board of Trustees.

For any individual appointment or any category of appointments to named positions, cognizant administrators may request that notice of appointment should be provided for the information of the Academic Senate and/or the Board of Trustees.

C. Special criteria and procedures for exceptional appointments to *unfunded* named positions, typically those with regulated titles.

1. Circumstances may arise making it appropriate to allow appointment of an individual to a proposed named position with a regulated title prior to the University's receipt of the complete funding necessary for the establishment of that position. For example, it may be appropriate to honor a donor who is experiencing serious health problems with recognition of an intended gift in his/her lifetime. An appointment, in such appropriate circumstances, may be made only upon satisfaction of the following requirements and subject to the following limitations.
 - a. The proposed gift must be in a form that is irrevocable, with the University as named remainder beneficiary or equivalent provision.
 - b. The present value of the intended gift must be equal to or greater than the funding level ordinarily required to fund such a position.
 - c. Appointment of an individual to such a position prior to the University's receipt of funding for the position, if allowed, will be ceremonial and in name only, without any increased compensation or support for the individual at the time of the appointment. Even upon subsequent receipt by the University of full funding for the position, there may be some delay before investment earnings from the gifted funds permit any increased compensation or support being provided for the position.

- d. The President, in his/her discretion will make the final decision whether to make such a ceremonial appointment to a position with a regulated title prior to receipt of full funding for the position.
 - e. Individuals appointed to a position under these circumstances (and any successors) will be subject to University Regulations otherwise applicable for funded named positions with regulated titles. In particular, individuals holding such appointments are subject to the ordinary periodic review requirements described below, regardless of whether the position has been funded.
- D. Terms of appointments-*for all appointments to named positions.*
1. Any new appointment or reappointment to a named position, initiated after the effective date of this Rule, will be for a specific term not to exceed five years.
 2. The appointment period will begin on July 1 of the initial year and end on June 30 of the final year of the appointment unless otherwise specified.
- E. Periodic review of individuals holding named positions.
1. All persons holding any named position are to undergo a careful review of performance no less frequently than every five years. Individuals will be reviewed during the final year of the appointment period, if it is proposed that the appointment be renewed.[2](#)
 2. For appointees to *any named position* who hold a faculty appointment.
 - a. The scheduling of a review conducted for purposes of the named position shall be coordinated to the extent practicable with the scheduling of reviews conducted of that individual based on their status as a regular faculty member either in the pre-tenure probationary status (see [Policy 6-303](#)), or in the post-tenure status (see Policy 2-005), or their status as a long-term auxiliary faculty member in a position closely associated with the work they perform in the named position (see [Policy 6-310](#)). Because

of their financial implications, reviews of individuals holding named positions need to be completed before the beginning of the fiscal year.

- b. Regarding methodology and contents of the review, in addition to those matters addressed as part of any coordinated pre-tenure, post-tenure, or auxiliary faculty review process, the review for purposes of the named position shall directly address the issues of past performance in the named position and suitability for continuation in the named position. The final review documents shall be submitted to the cognizant dean or director for consideration in making the *determination* to continue the appointment to the named position (or if a position with a regulated title and a term of greater than three years is involved, for consideration in making a *recommendation* to the vice president as described below).
- c. If the named position is a position with a *regulated title*, the following additional requirements and steps shall apply.
 - i. The file assembled for purposes of the review shall give special emphasis to those achievements during the current period under review that pertain to the position with the regulated title, and to the expectations for continuing accomplishments befitting such a position.
 - ii. If the appointment term is three years or less and the individual was appointed under the terms of III.B.2.d.above, the chair and dean or director shall consider the results of any prior review conducted under E.2. a., and b., add their own reading of the record, and determine if the appointment shall be renewed.
 - iii. If the appointment term is more than three years, the chair and dean or director shall consider the results of any prior review conducted under E.2. a., and b., add their own reading of the record, and make recommendations to the cognizant vice president.

- iv. At the conclusion of the review, the cognizant vice president will recommend to the president that the appointment to the position with the regulated title and a term of longer than three years be renewed for another specified term, or that the appointment not be renewed. If the recommendation is not to renew, then that recommendation shall be in writing and the individual shall have the right to respond in writing to the President, but no other appeal is provided.
 - v. The President, or President's designee, in his or her sole discretion will renew the appointment or initiate the process to make a new appointment.
- 3. For named positions that are not associated with a faculty appointment, procedures for review shall be developed in consultation with the Chief Human Resources Officer (or designee).
 - a. If the term of the appointment is greater than three years, the procedures developed shall include a provision for submitting review materials to the cognizant vice president, and for submitting to the President a recommendation regarding reappointment.
 - b. For such reviews, if the recommendation submitted to the President is not to renew, then that recommendation shall be in writing and the individual shall have the right to respond in writing to the President, but no other appeal is provided.
 - c. The President in his or her sole discretion will renew the appointment or initiate the process to make a new appointment.
- F. Revocation of an appointment between periodic reviews.
 - 1. A named position may not be revoked between periodic reviews except for cause.
 - 2. Cause includes, but is not limited to:

- a. Personal or professional misconduct detrimental to the University; or
 - b. Failure to uphold high standards for scholarly work, creative activity, teaching, administration, or service.
3. Responsibility for determining whether or not there is sufficient evidence to recommend revocation of a named position rests with the cognizant vice president for positions with regulated titles and with the cognizant dean or director for other named positions.
 4. A faculty incumbent may appeal a recommendation for a revocation between periodic reviews to the Consolidated Hearing Committee (see Policy 6-002). Appeal procedures for a staff incumbent shall be developed by the Chief Human Resources Officer (or designee).
 5. The final decision to revoke a named position from an incumbent rests with the President of the University.

Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.

IV. Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies

[Policy 9-003](#)

B. Procedures (Reserved)

C. Guidelines (Reserved)

D. Forms (Reserved)

E. Other related resource materials

V. References (Reserved)

VI. Contacts (Reserved)

Policy Owners(primary contact person for questions and advice):

Associate Vice President - Faculty, 801-581-8763

Associate Vice President - Health Sciences, 801-585-9602

Director of Development Services, 801-585-0745

Policy Officers:

Sr. Vice President for Academic Affairs, 801-581-5057

Sr. Vice President for Health Science, 801-581-7480

Vice President for Institutional Advancement, 801-581-4088

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University [Rule 1-001](#):

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the

President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining which reference materials are helpful in understanding the meaning and requirements of particular Policies... ." University Rule 1-001-III-B & E

VII. History

Current version:

University Rule 9-003, Revision # 0

Approved by the Academic Senate January 11, 2010, with the designated effective date of July 1, 2010

[Background information](#) on Revision 0.

- A. In particular, if the individual being considered for appointment to the position does not already hold an equivalent level faculty or staff appointment at the University, the procedures followed for the appointment shall comply with those ordinarily applicable for a faculty or staff appointment of similar level, as well as satisfying requirements for appointment to the named position. For example, if a candidate for a named position which includes a regular faculty appointment is expected to be appointed with tenure, the ordinary procedures for a faculty appointment and for granting of tenure at time of appointment shall be followed (see [Policy 6-302](#) and [6-303](#)), in addition to those specific procedures implemented for completing appointment to the named position.**
- B. For any named position created before the passage of Policy 9-003 and this Rule, for which the appointment period of the incumbent is unspecified in the agreements that established the position, the appointment will be**

subject to review every five years to retain the position, as described below.