

### **3359-22-01 Contract professional information.**

- (A) Contract professionals. Contract professionals are full-time or part-time non-teaching professional personnel of the university to whom the board of trustees, on the recommendation of the administration, grants recognition and benefits. Contract professionals may be appointed as instructional professional staff if their responsibilities involve instructional or academic support functions or administrative professional staff if their responsibilities are business/administrative in nature. Any contract professional originally appointed to this category prior to July 1, 1986 shall be designated as a member of the general faculty as long as the person continues in such positions. Contract professionals do not hold regular faculty rank (e.g., instructor, assistant professor, associate professor, professor). Minimum requirement for this employment category is a baccalaureate degree.
- (B) Appointments and reappointments.
  - (1) The president recommends to the board all contract professional appointments and reappointments. Contract professionals are appointed under limited contracts, generally for one year or shorter periods. Contract professionals are not eligible for indefinite tenure.
  - (2) Upon appointment or reappointment, each contract professional receives from the secretary of the board a certificate or letter of appointment, stating the annual salary or periodic salary if part-time, and length of appointment.
- (C) Nonreappointments. The procedure to be followed in nonreappointment of contract professionals shall be as follows:
  - (1) If a contract professional, other than contract professionals in the department of athletics classified as “Coach”, is not to be reappointed at the end of a contract term, the immediate supervisor shall notify said contract professional in writing not later than:
    - (a) Three months prior to the expiration of the contract term during the contract professional's first and second contract term with the university of Akron, or
    - (b) Six months prior to the expiration of the contract term during the contract professional's third contract term with the university of Akron and thereafter.
    - (c) Effective with certificates of appointment issued on or after July 1, 2002, and thereafter, contract professionals in the department of athletics, classified as “coach”, shall be issued contract terms that (1) shall not be in excess of one calendar year and (2) shall end three months following the end of their respective regular season

of coaching responsibility. In the event a coach is not to be reappointed at the end of the contract term, the immediate supervisor shall notify the coach in writing not later than three months prior to the expiration of the coach's contract.

Beginning July 1, 2002, the specific "ending" dates of coach's contract terms shall be less than one year, and phased in as follows, unless otherwise noted on individual certificates of appointment:

Season/sport	Contract Term	Non-renewal Notice By
Fall: Cross country Football Soccer Volleyball	March 1 to February 28	November 30
Winter: Basketball Rifle Swimming	<del>June 1 to May 31</del> <u>July 1 to June 30</u>	<del>February 28</del> <u>March 31</u>
Spring: Baseball Golf Softball Tennis Track	September 1 to August 31	May 31

Following the initial "phase-in" period for current coaches, and for all coaches hired after the effective date of this rule, the contract term shall be for a 12-month period according to the above table.

- (d) Contract professionals, including coaches, who have individual employment agreements are not affected by these provisions.
  - (e) Currently employed coaches affected by these provisions shall be notified no later than December 31, 2001, that effective July 1, 2002, they shall receive certificates of appointment consistent with the provisions outlined above in 3359-22-01[C][1][c].
- (2) If the contract professional feels that the nonreappointment is an arbitrary, capricious, or discriminatory action which violates procedural or substantive rights, and therefore opposes nonreappointment, such exception and the contract professional's reasons therefore should be discussed with the immediate supervisor or designee and submitted in writing to the supervisor within five days from the date of notification of nonreappointment. Any further action by the contract professional must be in accordance with the contract professional grievance procedure.
- (D) Termination of appointment. The appointment of a contract professional may be terminated for cause at any time upon the recommendation of the president and

approval by the board of trustees. The contract professional shall be advised by the immediate supervisor or appropriate administrative officer in writing of the decision to recommend dismissal for cause not less than thirty days prior to the effective date of such dismissal, except in case of conduct involving moral turpitude or public safety. The contract professional may have a hearing on the reason for dismissal before the president. The university may also terminate appointments in case of retrenchment necessitated by financial exigency. Termination of long-term appointments because of financial exigencies, however, has been sought in the past only as a last resort, after every effort has been made to meet the need in other ways.

- (E) Resignation. A contract professional who proposes to resign from the university of Akron should give sufficient notice to obviate serious embarrassment and difficulty to the university in filling the position. The length of time may vary with the circumstances of the particular situation, but a contract professional should give at least four months notice.
- (F) Vacation. Contract professionals on annual appointment are entitled to twenty-two working days of vacation at a time approved by the president or the president's designee (see rule 3359-11-03 of the Administrative Code).
- (G) Leave of absence. Leaves of absence without compensation may be granted by the board upon recommendation of the president. Leaves of absence without compensation for the purpose of career development will be considered on an individual basis, considering the value of the experience to the individual and to the institution and the capabilities of the individual's department to manage the individual's responsibilities during the absence.
- (H) Retirement.
  - (1) Contract professionals shall not be involuntarily retired from the university based on age except in the following cases:
    - (a) Those employees who qualify as executive or high policy-making employees, as defined by law, shall continue to be involuntarily retired at age sixty-five.
    - (b) Law enforcement officers and fire fighters shall be involuntarily retired not later than age sixty-five or at an earlier date, in the event an individual's physical and mental fitness contraindicates the ability and competency to perform the requirements of the job.
  - (2) Any contract professional who proposes to retire from the university of Akron should give notice early enough to avoid serious interruption to the university operation, the length of time necessarily varying from the circumstances of the contract professional's particular case, but the minimum time should be four months before termination of employment.