

**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). ~~The m~~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 generally appointed under limited contracts, generally for one year or shorter periods, which have a beginning date, but do not generally include a specific end date. 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, only if applicable, the length or end date of appointment.
- (C) Separation from employment without cause ~~Nonreappointments~~. The procedure to be followed in ~~nonreappointment~~ the separation from employment of contract professionals without cause shall be as follows:
- (1) If a contract professional, other than contract professionals in the department of athletics classified as "Coach," is to be separated from employment without cause, 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 date of separation ~~expiration of~~

~~the contract term during the contract professional's initial two years of continuous employment contract professional's first and second contract term~~ with the university of Akron, or

- (b) Six months prior to the date of separation ~~expiration of the contract term in the event the contract professional has served more than two years of continuous employment 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	July 1 to June 30	March 31
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~~ believes that the separation from employment without cause constitutes a deprivation of a “liberty interest” or a “property interest” protected by the due process clause of the United States Constitution, the contract professional shall be afforded a hearing. In the event the contract professional believes the separation from employment without cause constitutes a deprivation of a “liberty interest,” the contract professional shall be provided a name-clearing hearing before the board of trustees. In the event the contract professional believes the separation from employment without cause constitutes a deprivation of a “property interest,” the contract professional shall be provided a hearing before the president of the university, provided the contract professional shall submit to the president a request for a hearing in writing within ten days after the contract professional’s notification of separation. Upon the president’s receipt of such request, the contract professional shall be notified of the date, time, and procedures for the hearing. — 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 to initiate the name-clearing hearing must be in accordance with the contract professional grievance procedure.

- (D) Termination of appointment for cause. 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.

Prior to the president's recommendation to the board of trustees, tThe contract professional shall be advised by the immediate supervisor or appropriate administrative officer in writing of the supervisor's (or administrative officer's) decision to recommend to the president the contract professional's 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 termination dismissal before the president, provided the contract professional shall submit to the president a request for a hearing in writing within ten days after the contract professional's notification of termination. Upon the president's receipt of such request, the contract professional shall be notified of the date, time, and procedures for the hearing.

In the case of conduct involving moral turpitude or public safety, the contract professional shall be immediately placed on administrative leave with pay, pending the president's recommendation and action by the board of trustees.

Whether or not the president upholds or denies the recommendation of the immediate supervisor or appropriate administrative officer to recommend termination, the contract professional shall be afforded the right to a name-clearing hearing. Any action by the contract professional to initiate the name-clearing hearing shall be in accordance with the contract professional grievance procedure.

For purposes of this rule, "days" shall include only regular business days, Monday through Friday, during which the university is open for business, and shall not include holidays.

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.

Effective: December 26, 2010

Certification: \_\_\_\_\_  
Ted A. Mallo  
Secretary  
Board of Trustees

Prom. Under: R.C. 111.15

Rule Amp: R.C. 3359.01

Stat. Authority: R.C. 3359.01

Prior Effective Dates: 12/22/89, 7/20/90, 5/13/98, 12/21/01, 12/28/01, 5/28/05