

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 president or the president's designee(s), on the recommendation of the administration, grants recognition and benefits. Any contract professional originally appointed 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 minimum requirement for this employment category is a baccalaureate degree.
- (B) Appointments.
- (1) Contract professionals' appointments generally do not include a specific end date. Contract professionals are not eligible for indefinite tenure.
 - (2) Upon appointment, each contract professional receives 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 other than for a reduction in workforce. The procedure to be followed in the separation from employment of contract professionals without cause, other than for a reduction in workforce as outlined in paragraph (D) of this rule, 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, the immediate supervisor shall notify said contract professional in writing not later than:
 - (a) Three months prior to the date of separation during the contract professional's initial two years of continuous employment with the university of Akron, or
 - (b) Six months prior to the date of separation in the event the contract professional has served more than two years of continuous employment with the university of Akron.
 - (c) If a contract professional in the department of athletics classified as "coach" is to be separated from employment without cause, the immediate supervisor shall notify said contract professional in writing not later than three months prior to the date of separation. For the purposes of this rule, "coach" will include those contract professionals classified as a coach and contract professionals' positions that are directly related to an athletic team as determined by the director of athletics. For coaches who are currently employed pursuant to a one-year

contract, this rule will not apply until their current contract term expires.

- (d) Contract professionals, including coaches, who have individual employment agreements are not affected by these provisions.

(D) Reduction in workforce. Conditions may arise that necessitate the reduction of the university work force. Reduction of two or more contract professional positions, including coaches, in this manner may occur for a variety of reasons including but not limited to, budgetary constraints, changing priorities, lack of work, reasons of economy, efficiency improvements, reorganization, or due to extraordinary or catastrophic circumstances or events beyond the university's control.

(1) Employees with less than five years of continuous employment with the university of Akron will be provided with at least thirty calendar days' written notice prior to the effective date of termination.

(2) Employees with five years or more of continuous employment with the university of Akron will be provided with at least forty-five calendar days' written notice prior to the effective date of termination.

(3) Employees shall be entitled to paid leave at their current rate of pay with benefits during the first thirty days of the notice period, subject to the following conditions:

(a) The paid leave will start on a date to be determined by the employee's supervisor in consultation with human resources and may be immediate, or may be delayed, but will begin no later than fourteen calendar days after notice of the reduction in force is given.

(b) Employees with five or more years of continuous employment at the university of Akron may choose to utilize their accrued vacation leave to be paid for any days past the first thirty days of the notice period. Otherwise, this time shall be considered a leave of absence without pay.

(c) If an employee obtains a full-time position with the university or any other employer before the completion of the applicable notice period, the paid leave shall terminate on the date of the new employment.

~~(D)~~ (E) Termination of appointment for cause. The appointment of a contract professional may be terminated for cause at any time upon the recommendation of the appropriate vice president and approval by the president or the president's designee(s).

Prior to the vice president's recommendation to the president or the president's designee(s), the 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 vice president the contract professional's dismissal for cause not less than thirty calendar days prior to the effective date of such

dismissal, except in case of conduct involving moral turpitude or public safety. Prior to the decision to recommend such dismissal, and during the thirty-day period, the ~~The~~ contract professional ~~may~~ shall have a hearing on the reason for termination before the president or the president's designee(s), ~~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. "Days" for request for a hearing shall include only regular business days, Monday through Friday, during which the university is open for business, and shall not include holidays. Upon the president's receipt of such request,~~ the ~~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 or without pay, pending the vice president's recommendation and action by the president or the president's designee(s).

~~Whether or not the vice 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.~~

~~(E)~~ (F) Deprivation of a "liberty" or "property" interest. If, in cases other than a reduction in workforce, the contract professional believes that the separation from employment without cause constitutes a deprivation of a "property interest" or "liberty interest," protected by the due process clause of the United States Constitution, the contract professional ~~shall~~ may be afforded a hearing upon request before the president or the president's designee. ~~In the event the contract professional believes the separation from employment with or without cause constitutes a deprivation of a "liberty interest," the contract professional shall be provided a name-clearing hearing before the board of trustees. For purposes of requesting a hearing, "days" shall include only regular business days, Monday through Friday, during which the university is open for business, and shall not include holidays.~~

(1) Hearing procedure ~~for "property interest" with separation from employment without cause.~~ The contract professional shall ~~submit to the president a request for a~~ the hearing on the alleged deprivation, in writing within ten calendar days ~~after~~ following the date of contract professional's notification of separation and shall provide the specific reasons why. ~~Upon the president's receipt of such request,~~ the contract professional believes termination was a violation of either their "liberty" or

"property" interest. Upon request of such hearing, the president or president's designee shall decide whether a hearing is necessary. If it is determined that a hearing is necessary, the contract professional shall be notified of the date, time and procedures for the hearing.

(2) The contract professional shall have the right to be assisted by an advisor or attorney at his or her own cost, but such advisor or attorney shall not actively participate in the hearing, other than to privately counsel and advise the contract professional.

~~(2) Hearing procedure for contract professional who believes that the separation from employment either with or without cause constitutes a deprivation of a "liberty interest," seeking a name-clearing hearing in connection with separation from employment.~~

~~(a) In the event a contract professional believes that his or her separation from employment without cause, or his or her termination from employment for cause, constitutes a deprivation of a "liberty interest" protected by the due process clause of the United States Constitution, the contract professional shall be notified of the date, time and procedures for the hearing.~~

~~(b) A contract professional requesting a hearing under paragraph (E)(2) of this rule shall initiate the request in writing to the secretary of the board of trustees within ten days following the date of notification of separation without cause or termination for cause.~~

~~(c) The secretary of the board of trustees shall notify the contract professional regarding the procedures for the conduct of the hearing, and set the date and time for the hearing, which shall be at the next available board meeting. The contract professional shall have the right to be assisted by an advisor or attorney at his or her own cost, but such advisor or attorney shall not actively participate in the hearing, other than to privately counsel and advise the contract professional.~~

~~(F)~~ (G) 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. Once a resignation has been submitted and accepted by the employee's immediate supervisor, it may not be withdrawn without the specific approval of the immediate supervisor and the chief human resources officer.

~~(G)~~ (H) Vacation. Contract professionals on annual appointment are entitled to one hundred seventy-six hours of vacation at a time approved by the president or the president's designee (see rule 3359-11-03 of the Administrative Code).

~~(H)~~ (I) Leave of absence. Leaves of absence without compensation may be granted by the president or the president's designee(s) upon recommendation of the appropriate vice

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.

(J) Furloughs. Contract professionals shall be subject to furloughs as provided in rule 3359-11-02.1 of the Administrative Code (Furloughs for non-bargaining unit employees).

~~(H)~~ (K) 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: ~~12/15/2018~~

Certification:

M. Celeste Cook
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Dates: 12/22/1989, 07/20/1990, 05/13/1998, 12/21/2001,
12/28/2001, 05/28/2005, 12/26/2010, 10/01/2012,
05/09/2014, 02/01/2015, 08/24/2015, 12/15/2018