

3359-22-01 ~~Contract-p~~Professional staff information.

- (A) ~~Contract-p~~Professionals Staff. ~~Contract-p~~Professionals staff 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 staff 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-p~~Professionals staff 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~~an exemption from the fair labor standards act.
- (B) Appointments.
- (1) ~~Contract~~-Regular professionals' staff appointments ~~generally~~ do not include a specific end date. ~~Contract-p~~Professionals staff are not eligible for indefinite tenure.
 - (2) Temporary professional staff have a specific end date at the time of appointment. Temporary professional staff shall have no expectation of employment beyond their end date. However, based on university business needs, the end date for temporary professional staff may be extended. Temporary professional staff may be separated at any time without notice based on university discretion, and paragraphs (C), (D), (E), (F), and (K) do not apply to temporary professional staff.
 - (3) Full-time appointments will be forty (40) hours per week.
 - (4) Part-time appointments will be less than forty (40) hours per week.
- (C) Separation from employment without cause, other than for a reduction in workforce, for professional staff. ~~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~~A ~~contract~~ professional staff member, other than ~~contract~~-professionals staff members in the department of athletics classified as "coach," may ~~is to~~ be separated from employment without cause at any time upon the recommendation of; the immediate supervisor and with approval of the appropriate dean or vice president and of the chief human resources officer ("CHRO.") ~~shall notify said contract professional in writing not later than:~~Notice shall be given:
 - (a) Three (3) months prior to the date of separation during the ~~contract~~-professional's staff's initial two (2) years of continuous employment with the university of Akron, or
 - (b) Six (6) months prior to the date of separation in the event the ~~contract~~-professional staff member has served more than two (2) years of continuous employment with the university of Akron.

- (e)(2) ~~If a~~ A ~~contract~~ professional staff member in the department of athletics classified as "coach" ~~is to~~ may be separated from employment without cause at any time upon the recommendation of, the immediate supervisor and approval of the director of athletics and the CHRO. The immediate supervisor shall notify said ~~contract~~ professional staff member in writing not later than three (3) months prior to the date of separation. For the purposes of this rule, "coach" will include those ~~contract~~ professionals staff members classified as a coach and ~~contract~~ professionals' staff 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)(3) ~~Contract p~~ Professionals, staff, including coaches, who have individual employment agreements are not affected by these provisions and shall be subject to the notice provisions of their individual employment agreement.
- (D) Termination of appointment for cause. The appointment of a professional staff member may be terminated for cause at any time upon the recommendation of the supervisor and the appropriate vice president and with approval by the CHRO. The professional staff member shall be given thirty (30) calendar days' written notice of the date of separation by the CHRO, or the CHRO's designee(s), during which time a hearing on the reason for dismissal will be conducted. The professional staff shall be notified of the date, time, and procedures for the hearing. In the case of conduct involving moral turpitude or public safety, the professional staff member shall be immediately placed on administrative leave with or without pay, pending the vice president's recommendation and action by the CHRO or the CHRO's designee(s).
- (E) Deprivation of a "liberty" or "property" interest. If, in cases other than a reduction in workforce, the professional staff member believes that the separation from employment constitutes a deprivation of a "property interest" or "liberty interest," protected by the due process clause of the United States Constitution, the professional staff may request a hearing before the CHRO or the CHRO's designee.
- (1) Hearing procedure. The professional staff member shall request the hearing on the alleged deprivation in writing to the CHRO or the CHRO's designee within ten (10) calendar days following the date of notification of separation and shall provide the specific reasons why the professional staff member believes termination was a violation of either their "liberty or "property" interest. Upon request for such a hearing, the CHRO or the CHRO's designee shall decide whether a hearing is necessary. If it is determined that a hearing is necessary, the professional staff member shall be notified of the date, time, and procedures for the hearing. In cases of an alleged deprivation of a liberty interest, the procedures for the hearing shall be determined by the university proportionate to any alleged reputational harm.
- (2) The professional staff member shall have the right to be assisted by an advisor or attorney at their own cost, but such advisor or attorney shall not actively participate in

the hearing, other than to privately counsel and advise the professional staff member.

(F) Reduction in workforce. Conditions may arise that necessitate the reduction of the university work-force. Reduction of two (2) or more ~~contract~~ professional staff 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 (5) years of continuous employment with the university of Akron will be provided with at least thirty (30) calendar days' written notice prior to the effective date of termination.
- (2) Employees with five (5) years or more of continuous employment with the university of Akron will be provided with at least forty-five (45) 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 (30) 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 (14) calendar days after notice of the reduction in force is given.
 - (b) Employees with five (5) 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 (30) 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.

~~(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 contract professional shall have a hearing on the reason for termination before the president or the president's designee(s).~~

~~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).~~

~~(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 may be afforded a hearing upon request before the president or the president's designee.~~

~~(1) Hearing procedure. The contract professional shall request the hearing on the alleged deprivation, in writing within ten calendar days following the date of notification of separation and shall provide the specific reasons why 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.~~

(G) Resignation. A ~~contract~~ professional staff member 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 CHRO~~chief human resources officer~~.

(H) More information regarding separation from employment of professional staff is outlined in rules 3359-26-05 of the Administrative Code.

(HI) Vacation. ~~Contract~~Full-time professionals staff with a twelve (12) month ~~on annual~~ appointment are entitled to one hundred seventy-six (176) hours of vacation per year, as further detailed in ~~at a time approved by the president or the president's designee (see rule 3359-11-03 of the Administrative Code).~~

(IJ) Leave of absence. Leaves of absence without compensation may be granted by the CHRO ~~president~~ or the ~~president's~~CHRO'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 employee~~individual~~ and to the institution and the capabilities of the individual~~employee~~'s department to manage the individual~~employee~~'s responsibilities during the absence.

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

(~~K~~L) Retirement. Any ~~contract~~ professional staff member 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 staff member's particular case.

Effective: 04~~5~~/~~29~~03/2023~~+~~

Certification:

M. Celeste Cook
Secretary
Board of Trustees

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