

University of Arkansas at Pine Bluff

Faculty/Staff Handbook

Policy: **TERMINATION OF EMPLOYMENT**

Policy #: **13.2**

The following provisions apply to all campuses of the University of Arkansas and its programs and activities.

1. Administrative Employees

The President of the University shall serve at the pleasure of the Board of Trustees, unless otherwise provided by contract. The vice presidents, members of the System staff, and the Chancellors or chief executive officers of each campus, division or unit shall serve at the pleasure of the President, unless otherwise provided by contract. Vice chancellors, associate vice chancellors, and assistant vice chancellors shall serve at the pleasure of their appropriate Chancellors or chief executive officer, unless otherwise provided by contract. Similarly, associate vice presidents, assistant vice presidents, and department heads shall serve at the pleasure of the Vice President for Agriculture, unless otherwise provided by contract. Persons in such positions are "at-will" employees and may have their employment terminated by the university for convenience at any time or may be dismissed immediately for cause.¹ Although a dismissal for cause may be effective immediately, an administrator may seek review of a for-cause dismissal in accordance with the policies of the campus, division or unit. If no review policy applies, the administrator shall have the opportunity to seek, within five (5) working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make final decision on the for-cause termination.

2. Faculty Employees

- (A) Faculty members who have been awarded tenure have a right to continuous employment except for a disciplinary suspension, dismissal for cause (according to the procedures in Section IV., C. of Board Policy No. 405.1) or for termination in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation or job abandonment.
- (B) Faculty members in tenure-track positions² who have not been awarded tenure, may be terminated at the end of the appointment period by a written notice, given in advance, according to the following schedule of time:

¹ When a tenured faculty member is serving in an administrative position as contemplated by this section, only the tenured faculty member's administrative position is "at-will".

² See definition in Board Policy 405.1.

For the first year of service, not later than March 1, if the appointment expires at the end of that academic year; or at least three months in advance of its termination if the appointment expires at some other time during the year.

For the second year of service, not later than December 15, if the appointment expires at the end of that academic year; or at least six months in advance of its termination if an appointment expires at some other time during the year.

After the second year of service, at least twelve months before the expiration of the terminal appointment. The terminal appointment will be for the academic or fiscal year, according to the appointment last held by the individual.

These termination notice periods are those specified under IV.B., "Non-Reappointment", in Board Policy 405.1. In addition to termination as outlined here, these employees may be dismissed for cause, or terminated in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation, or job abandonment pursuant to Board Policy 405.1.

- (C) Clinical or other non-tenure track faculty who have received a multi-year term appointment under merit-based campus procedures approved by the President, may be terminated upon the expiration of their appointment or under campus procedures for such purpose, or they may be dismissed for cause by written notice of the chief academic officer of the campus, division, or unit, following verbal or written notice and opportunity to respond. Although the dismissal for cause may be effective immediately, the faculty member may, within five (5) working days of dismissal, appeal such termination directly to the Chancellor or chief executive officer of the campus, division or unit, with such decision to be final, or appeal in accordance with the grievance policies of the campus, division or unit. Further, such faculty may be terminated in the event of demonstrably bona fide financial exigency, reduction or elimination of programs, retirement, resignation or job abandonment. Terminations for bona fide financial exigency, reduction or elimination of programs, retirement, and resignation or job abandonment are not appealable or grievable events.
- (D) Other faculty members and other academic employees in positions for which tenure may not be awarded (part-time faculty in the ranks of assistant professor, associate professor, professor, University professor, and distinguished professor; clinical, research, teaching adjunct, or visiting faculty; research associates or research assistants; instructors, advanced instructors, senior instructor, master lecturers and lecturers; executive in residence; professor of practice and faculty in clinical attending positions at the University of Arkansas for Medical Sciences notwithstanding that such faculty may be designated as assistant professor, associate professor or professor) are considered "at will" employees and may be terminated for convenience at any time, or dismissed for cause by written notice by the chief academic officer or other senior designee of the campus, division or unit, following verbal or written notice and opportunity to respond. Although a dismissal for cause may be effective immediately, employees under this section may seek review of a for-cause dismissal in accordance with the review policies of the campus, division or unit. If no review policy applies, these employees

shall have the opportunity to seek, within five (5) working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination. For appointments through June 30, 2018, termination for convenience is effected by giving written notice at least sixty (60) days in advance of the date the employment is to cease. Thereafter, termination for convenience is effected by giving written notice at least thirty (30) days in advance of the date the employment is to cease.

3. Staff Employees-Appointed or Regular Positions

All classified and non-classified staff employees of the university, whether full-time or part-time, who are appointed or hold regular positions, are "at-will" employees and may have their employment terminated by the university for convenience at any time or may be dismissed immediately for cause. In the case of grant termination or loss of appropriated funds, termination may be immediate. Although a dismissal for cause may be effective immediately, a staff member may seek review of a for-cause dismissal in accordance with the review policies of the campus, division or unit. If no review policy applies, the staff member shall have the opportunity to seek, within five (5) working days of dismissal, review of the matter to the chief executive of the campus, division, or unit, or a designee selected by the chief executive, who shall make a final decision on the for-cause termination.

4. All Other Employees and Student Workers (excluding Graduate Assistants)

All other employees (for example, temporary and hourly employees who do not hold an appointed or regular position) and student workers (excluding Graduate Assistants, who are addressed in Board of Trustees Policy 500.1) may be terminated at any time without advance written notice. While advance written notice is not required, termination should be communicated to the employees and documented.

5. Procedure

Each campus, division or unit of the University may establish procedures, which are consistent with any applicable Board Policies, University of Arkansas Systemwide Policies and Procedures, and laws, for processing personnel actions and similar employment-related information for all employees, and for communicating this information to employees.

Resource(s): Board Policy 405.4

Approved by:

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Custodian: Human Resources