March 27, 2015

MEMORANDUM

TO: Randolph G. Moore
    Chair, Board of Regents

VIA: David Lassner
    President

FROM: Jan Gouveia
      Vice President for Administration

SUBJECT: RECOMMENDATION TO AMEND REGENTS POLICY (RP) 9.212, EXECUTIVE AND MANAGERIAL PERSONNEL POLICIES

SPECIFIC ACTION REQUESTED:

The Board of Regents (BOR) is requested to approve the amendment to RP 9.212, Executive and Managerial Personnel Policies, to clarify policy intent for a termination of an executive or managerial appointment.

RECOMMENDED EFFECTIVE DATE:

Upon Board of Regents approval.

ADDITIONAL COST:

No additional costs associated with this request.

PURPOSE:

The proposed amendment will clarify that termination of appointment for cause shall be effective immediately with no obligation of prior notice on the part of the University, and that the decision shall be considered final.
BACKGROUND:

The BOR Committee on Personnel Affairs was provided information on this matter on January 7, 2015. After review of RP 9.212, it was determined that the Board’s policy regarding termination of appointment shall be clarified.

RP 9.212, Executive and Managerial Personnel Policies, set forth policy on recruitment, appointment, reappointment, reassignment, compensation and conditions of service for executive and managerial employees. In addition, RP 9.212 states that the non-reappointment of individuals to executive and managerial positions is not considered a termination for cause, but an exercise of the University’s prerogative to select personnel to direct and manage University affairs. RP 9.212 outlines notice periods for personnel who have return rights to another University position and those who do not have return rights to another University position when a termination without cause has occurred. In a situation of a termination for cause, the University’s practice is to terminate immediately with no obligation of prior notice.

As such, the recommendation is to clarify in RP 9.212 that a termination for cause is effective immediately with no obligation of prior notice on the part of the University. In addition, for a termination for cause, the employment relationship with the University shall cease upon termination with no further employment rights or obligations, and the decision is considered final. For termination without cause, the notice periods outlined in RP 9.212 will remain unchanged.

The amendment to this policy clarifies Board policy intent and purpose. Subsequently, the University administration will develop an executive policy to outline the process in effectuating a termination without cause and for cause to further implement RP 9.212 and ensure continued, consistent application.

ACTION RECOMMENDED:

This request recommends that the BOR approve the amendment to RP 9.212, Executive and Managerial Personnel Policies, to clarify policy intent for a termination of an executive or managerial appointment.

Attachment

c: Executive Administrator and Secretary of the Board Quinn
3. Appointments.
   
   b. Reappointments, reassignments, and non-renewal of appointments

   (1) Reappointments shall be based on the needs of the university.

   (2) Executive and managerial personnel without return rights normally may have term
       appointments for periods of up to three (3) years.

   (3) Reassignment of executive and managerial personnel to any other executive or
       managerial position, as provided in Section 3 above is considered to be a continuation
       of employment and is not an initial appointment.

   (4) The non-renewal appointment of individuals to executive and managerial positions is
       not considered a termination for cause, but is an exercise of the university’s prerogative
       to select executive and managerial personnel to direct and manage the affairs of the university.

   (a) Personnel appointed to executive and managerial positions who have return
       rights to another university position may be re-assigned at any time during the appointment
       period to such former position upon being given at least thirty (30) calendar days written notice
       by the appropriate administrator. See Section D.2, Return Rights, Part IV, 2.

   (b) Executive and managerial personnel who do not have return rights to
       another position and whose appointments are being terminated without cause, shall be provided
       prior written notice of termination of appointment. During the first two (2) years of employment,
       three (3) months notice shall be given prior to the effective date of the termination action without
       cause. After two (2) or more years of service, six (6) months notice shall be given prior to the
       effective date of the termination action without cause. Notice of termination may be given at any
       time during the appointment period.

   (c) Executive and managerial personnel serving in an acting or interim capacity
       have temporary appointments which may be terminated without cause with appropriate notice.
       Such personnel with return rights to another position may be terminated without cause upon
       thirty (30) calendar days notice. Such personnel who do not have return rights to another
       position should be given as much notice as possible, but in no event less than 90 calendar
       days.

   (5) Termination of appointments for cause shall be effective immediately, with no
       obligation of prior notice on the part of the University. For termination of appointments for
cause, the employment relationship with the University shall cease upon termination with no further employment rights or obligations, and the decision shall be considered final.