

Article XXI
Employment Security Status Procedures

A. Definition

Employment security status (ESS) is a contractual status granted by the University to members of the academic staff who have qualified through the Academic-Staff Employment Security System. When a member of the Academic Staff receives employment security status, the terminal date of the Academic-Staff member's appointment is eliminated.

B. Eligibility

Academic staff in the employment security system who have four years of full-time service on the ESS clock, including credited prior service, must, upon application, be considered as candidates for ESS. Written application requesting ESS shall be made to the director/chair/dean at least six months, but no more than twelve months, prior to the individual's fifth anniversary of employment on the ESS clock. Written application instructions including a list of materials shall be provided by the director/chair/dean within ten days of receipt of the written request for ESS.

Persons in the payroll classification of athletic trainer or athletic coach, persons who are academic staff (renewal contract), and persons whose appointments are conditioned on subsidy may not hold employment security status.

In exceptional circumstances and upon the recommendation of the dean/director/vice-president and with the approval of the President or his/her designee, an Academic-Staff member may be granted employment security status in fewer than five years. The failure to recommend or grant such approval is grievable only if the failure to recommend or grant was based substantially on the Academic-Staff member's exercise of his/her constitutional rights or rights guaranteed under Article VIII.

C. Basis for ESS

The parties agree that the interests of the University are best served by a system of stable employment for academic staff. The employment security system encourages long-term commitment of individuals to the University, and of the University to its employees, and maximizes opportunities for the acquisition of this experience, to the benefit of all individuals associated with the University.

Employment security status shall be made on the basis of excellence in job performance; excellence in professional achievement is also required, but is given secondary weight. Excellence in scholarly achievement and/or service, at the option of the Academic-Staff member, will be considered but is not required.

D. Procedures for ESS Recommendations

1. ESS Factors

Each unit (i.e., college, school, or division) that has academic staff in the employment security system shall delineate, as far as is practical and in a manner reflecting the particular mission and diverse characteristics of the school/college/division, those factors that will be considered in the evaluation of the candidate's qualifications with respect to the criteria in Section C of this article. The unit factors statement shall distinguish among job performance and professional achievement. In units with three or fewer Academic-Staff members, specific and detailed job descriptions may stand in lieu of a unit factors statement. However, such factors and job descriptions are not to be interpreted as standards.

Within a unit, members belonging to the same classification may choose to develop factors that are more specific to their classification while consistent with the unit factors statement. The minimum number of academic staff for a classification factors statement is three. After the Academic-Staff members in the unit and/or classification write the factors statements, the unit and classification factors statements must receive the approval of the dean/vice-president of the school/college/division prior to implementation. The dean/vice-president shall provide his/her written approval or rationale for non-approval within forty-five days of receipt of the factors.

Applicants may submit evidence of job performance, professional achievement, scholarly achievement, and service that has not been specifically listed among the factors. Similarly, the appropriate committees and administrators may also consider evidence of job performance, professional achievement, scholarly achievement (at the option of the applicant), and service that has not been specifically listed under the factors.

No later than February 15 of a given year the President or his/her designee may request that a unit review its factors statement, and by no later than March 31 of that year the unit shall either reaffirm its current factors statement or submit a revised factors statement. The reaffirmed or revised statement written by the Academic-Staff members in the unit and/or classification must receive the approval of the dean/vice-president of the school/college/division prior to implementation.

If the dean/vice-president and the unit are unable to agree upon a unit factors statement, the President or his/her designee shall appoint a committee of bargaining-unit members, using the procedures described in Article XXX, which shall advise the dean/vice-president on the matter by September 15. The dean/vice-president shall then develop the unit factors statement by September 30. Such a unit factors statement shall be in effect for the following academic year. The previous unit factors statement shall remain in effect prior to formal implementation of newly developed unit factors. If, for whatever reason, a unit factors statement has not yet been implemented, ESS applications from that unit shall be considered under the ESS criteria as specified in Section C of this Article without reference to specific unit factors. Factors used in a given case shall have been issued at least twelve months prior to their use and shall have been distributed to each Academic-Staff member in the unit.

In those units that do not have Academic-Staff ESS committees and in the event that an Academic-Staff member does not concur with the factors delineated by the dean/vice-president, the individual may request a review by a University-wide Academic-Staff Review Committee. This request must be made within thirty days of the issuance and publication of the new factors. This committee shall be constituted as an ad hoc committee to be convened by the President or his/her designee as the need arises. Membership on the committee shall consist of six Academic-Staff bargaining-unit members selected in accord with Article XXX.

2. ESS Review

a. Chair/Director and Peer Reviews

The chair, director, or equivalent administrator shall evaluate candidates for ESS on the basis of the unit and classification factors statements for ESS. Prior to making a positive or negative recommendation, the administrator shall hold a meeting to consult with the elected peer-group committee consisting of at least three bargaining-unit Academic-Staff members who hold ESS or tenure. In peer groups with fewer than three Academic-Staff members holding ESS or tenure, the administrator shall schedule a meeting to consult with those members. The elected peer-group committee or Academic-Staff members holding ESS or tenure shall review the candidate's application packet. The recommendation of the chair or equivalent administrator shall be forwarded to the school/college/division committee below. The candidate shall be notified of the recommendation.

b. Unit Committee Review

In each unit (i.e., school, college, or division) that has academic staff in the employment security system or on the tenure track, the academic staff shall elect a committee of at least three bargaining-unit members holding ESS or tenure. This ESS committee shall be responsible for evaluating candidates and for making employment security status recommendations. A two-thirds affirmative vote of the membership of the committee shall be required for a recommendation for the granting of employment security status. The dean/vice-president or his/her designee shall chair the committee without vote.

The application will go to the dean/vice-president together with the written assessments, supporting documents, and recommendations from each level of review.

c. Dean/Vice-President Review

Upon receipt of the recommendations of the chair/director and the unit ESS committee, the dean/vice-president or his/her designee shall make his/her recommendations. If the dean/vice-president approves employment security status, the candidate will be granted employment security status. If the dean/vice-president does not approve ESS for an Academic-Staff member, and it is the Academic-Staff member's fourth or fifth year of full-time service, the Academic-Staff member shall be so notified in writing by the dean/vice-president.

In a unit with fewer than three represented Academic-Staff members holding ESS or tenure, the dean/vice-president shall possess the authority and functions of the unit ESS committee. In such units the dean/vice-president shall schedule a meeting to consult with the Academic-Staff members holding ESS or tenure when a candidate is being considered for employment security status prior to arriving at a positive or negative decision.

3. Time Schedule

Each year the President or his/her designee shall establish a time schedule for the submission of employment security status recommendations to the Provost or his/her designee.

E. ESS Appeal Procedure

1. Initiation of Appeal Procedure

Only an Academic-Staff member who has completed four years of full-time service, including credited prior service, may initiate the appeal procedure described below. A candidate for employment security status may appeal one time only.

2. Appeal of ESS Decision

a. If the dean/vice-president does not recommend employment security status, the candidate may, within 15 days after written notice of the decision, request, in writing, reconsideration by the unit ESS committee and/or the dean/vice-president. The candidate may, at his/her option, appear before the unit ESS committee. The candidate may bring with him/her a member of his/her unit holding tenure or employment security status.

b. In those schools/colleges/divisions without Academic-Staff unit ESS committees and where there is no recommendation for employment security status, the candidate may, within fifteen days after written notice of the decision, request reconsideration by the dean/vice-president and may, at his/her option, meet with the dean/vice-president. The candidate may bring with him/her a member of the academic staff holding tenure or employment security status.

- c. If after reconsideration the dean/vice-president approves employment security status, the Academic-Staff member receives employment security status. If after reconsideration both the committee and the dean/vice-president do not recommend employment security status, the candidate does not receive employment security status. If after reconsideration the committee recommends employment security status by at least a two-thirds affirmative vote of the membership of the committee and the dean/vice-president reaffirms his/her negative recommendation, the candidate may, within fifteen days, forward his/her application, along with supporting documents, to the Provost or his/her designee.
3. Review by the Provost

The Provost or his/her designee will review only those cases referred to his/her office because of substantial disagreement at the level of the dean/vice-president after the appeal procedure described above. Prior to arriving at a decision, the Provost will consult with the Association. If the Provost approves employment security status, the Academic-Staff member receives employment security status. If the Provost does not approve employment security status, the status is denied and the Academic-Staff member's term appointment will not be renewed beyond the fifth year. The Provost's decision is final.

F. Preservation of Existing Tenure and Employment Security Status Statute

Except where modified by this Article the University's existing employment security status statute shall remain in full force and effect.

G. Grievance Limitation

Except as specified in this Article, all matters related to employment security status are not subject to the Grievance Procedure (Article XVII).