6-303 Conditions of Service for Service Professionals

Revision Dates

10/1/2026, 12/7/2012 (adopted)

A. Appointment Procedures

1. Subject to Section A(3) below, all employees covered by this policy shall be offered each year an appointment for an academic year or for a fiscal year or a portion thereof. Appointments and reappointments shall not be for more than one fiscal year. No oral or written communication made prior to or after the execution of a notice of appointment that is inconsistent or in conflict with the Conditions of this policy shall become a part of the conditions of employment.

2. The length of appointment for a service professional will be determined by the President or the President's designee and shall be indicated on the notice of appointment by use of the designation "academic year," "fiscal year," or "limited appointment."

3. The President or the President's designee shall have the authority to grant limited exceptions to Sections A(1) and A(2) above for service professionals under this Policy to be offered multiple-year appointments for no longer than three (3) years. The length of a multiple-year appointment will be determined by the President or the President's designee and shall be indicated on the Notice of Appointment or Letter of Offer by use of the designation "multiple-year appointment."

4. Appointments which are dependent on continuation of funding from a specific source other than state appropriations shall so state in the notice of appointment and may terminate when the funding is no longer available.

5. "Service Professional" shall mean an employee whom the university president designates as a Service Professional.

B. Types of Service Professional Appointment:

1. Service Professionals may receive an academic year appointment, a fiscal year appointment, a limited appointment, or a multiple year appointment.

2. Service Professionals shall have no expectation of employment beyond the end of the current appointment period and are not subject to review for

continuing status. There is no limit to the number of appointment contract period to which a person may be appointed.

C. Compensation

1. The President may set individual salaries within the limitations of available funding. Salary rates for reappointments will depend upon available funding.

2. Certain fringe benefits are made available to university and system office employees and are subject to change by the Legislature, the Board, the university, or the System Office.

3. Policies governing outside activities and supplementary compensation are administered by each university and the System Office.

D. Employment-related Board Policies

1. All employees are bound by Board Policies, which are considered to be part of their conditions of employment, including but not limited to, the Intellectual Property Policy. Changes to existing policies may be made by the Board and such changes will normally become effective at the beginning of the first appointment period, or beginning of the next fiscal year for multiple-year appointments, following the period in which a change is adopted. Additional policies may be added to be effective as determined by the Board.

2. A President may adopt other university or System Office employment related policies and procedures as the President determines necessary.

3. Regardless of the period or type of appointment a service professional employee may be placed on furlough under a furlough plan approved pursuant to ABOR Policy 6-810.

E. Duties and Responsibilities

1. Duties and responsibilities of a service professional employee shall consist of those assigned by the appropriate administrator, department head, or his or her designee. All duties and responsibilities shall be carried out under the direction of the President or an appropriate administrator, department head, or his or her designee. Duties and responsibilities shall be related to the expertise and competence of the service professional employee.

2. Performance of assigned duties by service professional employees shall be subject to evaluation by an appropriate administrator, department

head, or his or her designee, and performance shall be considered in decisions relating to compensation, retention, advancement/promotion, termination, or a decision not to reappoint.

F. Leave with Pay

A Service Professional may be placed on leave with pay only if it is determined by the president that the employee's continued presence on the university campus is likely to constitute a substantial interference with the orderly functioning of the university or a department or unit thereof. The period of leave may extend no longer than the duration of an investigation to determine if there is just cause for dismissal or suspension without pay, except that if the investigation leads to a recommendation for dismissal or suspension without pay, then the period of leave may extend through the final resolution of the hearing procedures. Placement on leave with pay status shall not be considered a disciplinary sanction. The employee is not entitled to a hearing or review process before being placed on Leave with Pay.

G. Non-renewal

1. Decisions relating to non-renewal shall be made in accordance with university policies and procedures. No justification is required for a non-renewal.

2. The President may decide to not renew the appointment of any service professional employee. In such cases, the employee is not entitled to a hearing either prior to or subsequent to the President’s decision. A service professional employee who is not renewed shall not be entitled to a statement of reasons for that action.

3. Service professional employees will be given at least a 90 days notification of non-renewal prior to the end of the appointment period. Failure to provide a service professional employee with a 90 day notification of non-renewal shall not constitute an automatic renewal or appointment. If notice of non-renewal is given fewer than 90 days prior to the end of a service professional employee’s appointment period, the employee shall be entitled to continuation of salary for 90 days from the date of notification.

H. Release of Service Professional Employees

1. In addition to other bases for termination specified in this document, termination of service professional employees prior to the end of an appointment period, may occur because of a financial emergency or because of reorganization. Such a termination of appointment shall be designated a "release".

2. Release Due to Financial Emergency

    a. Release of a service professional employee may occur when deemed necessary due to a financial emergency as declared by the President, following notice to the Board Chair and General Counsel to the Board. Such release shall become effective upon date of written notification to the service professional employee. Such a release shall be designated in the employee's personnel records as a "release due to financial emergency."

    b. A service professional employee released due to financial emergency shall be accorded the following rights and privileges:

        (1) The individual shall be notified in writing of his or her release. This notice will be provided as far in advance of the release date as the President deems appropriate.

        (2) Each university shall make a reasonable effort to secure alternative appointments within the university in open positions for which the affected individual is qualified. Each university employee shall make a reasonable effort to ensure that the individual is made aware of openings at other Arizona universities and opportunities for retraining or further professional growth.

3. Release Due to Reorganization

    a. Release of service professional employees may occur when a reorganization is deemed necessary by the President, following notice to the Board Chair and General Counsel to the Board, due to a budget or program decision requiring program discontinuance, curtailment, modification or redirection. Such a release shall be designated in the employee's personnel records as a "release due to reorganization."

    b. A service professional employee released for reorganization shall be accorded the following:

        (1) The individual shall be notified in writing of the proposed course of action that will result in his or her release. Such notice shall be provided as far in advance of the release date as the President deems appropriate.

        (2) Each university shall make a reasonable effort to secure alternative appointments within the university in open

positions for which the affected individual is qualified under existing criteria and to provide to the employee information concerning other employment opportunities that may be available.

I. Dismissal for Just Cause: The Board Designates to the Presidents the ability to modify the requirements of this section, provided the University process substantially complies with the following process, or otherwise adheres to the tenets of procedural due process, including notice, a full and fair exchange of information supporting the decision, and an opportunity to be heard by a neutral fact-finder prior to final determination.

1. Service professional employees may be terminated prior to the end of an appointment period for just cause.

2. Just cause shall include, but not be limited to, any of the following:

   a. Demonstrated incompetence or dishonesty in professional activities related to the fulfillment of assigned duties and responsibilities associated with the position;

   b. Substantial neglect of properly assigned duties;

   c. Personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities;

   d. Substantial incapacity (physical or mental) to perform properly assigned duties, but due consideration shall be given to the nature and duration of the incapacity;

   e. A violation of the Code of Conduct of a serious nature or willful, malicious, or serious disregard of ABOR, university, or System Office Policies or rules.

3. Dismissal shall not occur until the service professional employee has been given an opportunity for a pre-dismissal meeting in accordance with this Policy and university, or System Office for System Office employees, Policies and procedures.

4. Each university will adopt pre-dismissal meeting policies and procedures applicable only to dismissal for just cause as provided in this Policy consistent with the following:

a. An employee will be given a written notice of the charges upon which the university or System Office is relying. The notice of charges shall include:

(1) The specific basis for the dismissal, including university, System Office for System Office employees, and/or ABOR Policies that have been violated.

(2) A short and plain statement of the relevant facts, including if known, the time, date, and places of the alleged incident(s) giving rise to the dismissal; and

(3) A time and place in which a meeting will be held to allow the employee an opportunity to present the employee's position and statements with regard to the notice of charges before the appropriate administrator, department head, or his or her designee, as specified by the respective university or system office policies and procedures. A recommendation is subsequently made to the appropriate Vice President or Provost, or his or her designee.

b. After the pre-dismissal meeting, the appropriate Vice President or Provost, or his or her designee will approve, disapprove, or modify the recommendation, and will render a determination.

c. If moving forward with dismissal for just cause, the appropriate Vice President or Provost will issue a statement to the employee which contains at least the following:

(1) If approved, a copy of the notice of charges. If charges are modified, a new notice of charges including another opportunity for a predismissal meeting.

(2) A statement to the employee that they have 10 days from receipt of the dismissal notification to provide the President a written objection, setting forth the grounds for the objection to the dismissal.

(3) A statement that provides the date the dismissal is effective and notification that pay and benefits will cease as of that date.

5. Upon receipt of the written objection, if the employee requests that the matter be referred for a dismissal hearing, such hearing will be conducted in accordance with university or System Office Policy.

6. These policies and procedures do not apply to medical residents and fellows, as they are subject to due process procedures promulgated by the colleges of medicine as required by the accreditation council for graduate medical education.

J. Dismissal for Just Cause Hearing

Each university, and System Office for System Office employees, will adopt dismissal hearing policies and procedures consistent with the following:

1. Formal rules of evidence are not applicable. Deviation from procedures shall not invalidate a decision or proceeding unless they cause significant prejudice to the respondent or the university of System Office.

2. The person conducting the hearing shall have the authority to issue subpoenas for the attendance of witnesses, and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths. The subpoena shall be in writing and shall be served upon the witness in person. Members of the university community and the System Office are required to comply with subpoenas issued pursuant to this procedure unless compliance would result in unavoidable personal hardship or participation beyond the terms of the contract.

3. The person or persons who conduct the hearing shall be determined by the university, or the System Office for System Office employees, and the person who will conduct the hearing shall give written notice to the parties at least 20 days prior to the date set for the hearing, which shall include at least the following:

   a. A statement of the time, place, and nature of the hearing.

   b. A copy of the notice of charges describing the basis for the dismissal for just cause.

   c. The name and address of the hearing official or person to whom all correspondence or other matters should be directed.

   d. A requirement that parties exchange exhibits and lists of witnesses at least 5 days prior to the date set for hearing.

4. The procedures shall provide for the specific manner in which the hearing is conducted. However, at least the following shall be afforded:

   a. The right to be heard in person and to present witnesses and submit evidence including documentary evidence.

b. The right to confront and cross-examine adverse witnesses.

c. The right to a hearing before an impartial body.

d. At the respondent's own election and cost, to be represented by counsel or accompanied by an advisor. An advisor may consult with and advise the party but shall not otherwise participate.

e. The right to a written statement setting forth recommendations, reasons for reaching such recommendations, and the facts relied upon in reaching such recommendations. The written statement shall be forwarded to the respondent along with the final decision of the President on the matter.

f. The procedures shall also provide as follows:

(1) The failure of the respondent to appear at a scheduled hearing shall be treated as consent to the charges pending. Each university, or the System Office for System Office employees, may provide for withdrawal of such consent under appropriate circumstances if it so chooses.

(2) The hearing and deliberations shall be closed to the public except for the immediate members of the respondent's family and for the respondent's advisor. An open hearing will be held if requested by the respondent.

(3) Mechanical or stenographic record of the hearing shall be made, a transcript of which may be obtained by any party at that party's own cost.

(4) A finding of just cause dismissal must be based on a preponderance of the evidence.

g. A written recommendation prepared by the hearing officer shall be forwarded to the President who shall approve, disapprove, amend, or otherwise issue a final decision in writing within 90 days of receiving the hearing official's recommendation. The President shall not be bound by the recommendations of the hearing official. A copy of the President's final decision, along with a copy of the hearing official's recommendation shall be mailed to the respondent and the date of mailing shall be the effective date of the decision. The President's decision shall include a statement that an appeal to the Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35 days

from the date when a copy of the decision sought to be reviewed is served.

h. The respondent may request reconsideration of the President's decision by filing a written request setting forth a ground for reconsideration with specificity within 15 days of receipt of the decision. If no request for reconsideration is made, the President's decision is effective at the expiration of the period in which to request reconsideration. The grounds for reconsideration are:

(1) Irregularities in the proceedings including but not limited to any abuse of discretion or misconduct by the hearing official which has deprived the employee of a fair and impartial process,

(2) Accident or surprise that could not have been prevented by ordinary prudence,

(3) Newly discovered material evidence which could not have been available for the presentation,

(4) Excessive or insufficient result,

(5) The decision is not justified by the evidence or is contrary to law.

i. If the respondent requests reconsideration, the President shall issue a decision on reconsideration within 20 days of receiving a request for reconsideration. The President's decision on reconsideration shall include a statement that an appeal to Superior Court pursuant to the Administrative Review Act, A.R.S. §12-901, et seq., if desired, must be filed within 35 days from the date on which the decision on reconsideration is served.

J. Implementation

The President shall establish such additional policies and procedures consistent with this Policy as may be needed to carry out the Conditions of Service Professionals.

K. Severability

If any section, paragraph, subdivision, clause, sentence, or phrase of this policy shall for any reason be held illegal or unenforceable, such decision shall not affect the validity of the remaining portions of the policy. If any provision of this

Policy contains an ambiguity, which may be construed as either valid or invalid, the valid construction shall prevail.

Policy History

12/7/2012 Approved by the Board on second reading.

10/1/2026 Policy revision approved by the Board on second reading.

Related Information

6-303 was originally the number of the Voluntary Release of Right to Continued Employment policy. In 2012, Chapter VI was revised, which included the renumbering of that policy to 6-305 and the adoption of this policy as 6-303.