

# Academic Affairs Manual (ACD)

## ACD 504: *Conditions of Administrative Service at ASU*

Effective: 7/1/1984

Revised: 7/1/2013

### Purpose

To set forth the conditions of administrative service

### Sources

*Arizona Board of Regents Policy Manual* - 6–101; 6–102

University policy

### Applicability

Administrative employees with academic appointments. **This policy does not apply to administrative employees hired as university staff.**

### Policy

#### General

##### Policy for Administrative Employees

The *Conditions of Administrative Service* shall constitute the policy under which [administrative employees](#) of the Arizona Board of Regents are employed. Each [notice of appointment](#) for administrative employees shall incorporate this policy by reference and shall provide that acceptance of the notice of appointment constitutes recognition that this policy constitutes the conditions of employment. The board shall not be bound by, nor does it adopt or incorporate herein, the interpretations, policies, or recommendations of other organizations.

#### Authority

The board is charged by law to exercise control and supervision of the state universities and their property. Any authority delegated by the board is always subject to the ultimate authority of the board. The board retains the right of periodic review and modification of all aspects of governance of the universities, and the right to enact such [rules](#), regulations, policies, and orders as it deems proper.

#### Dual Appointments

Individual administrative employees may hold dual appointments, only one of which may be to a position subject to the *Conditions of Administrative Service*.

## **Appointments**

### **Approvals**

The president shall establish procedures for securing recommendations for appointment to administrative positions. Appointments may become effective when approved by the president except when approval or ratification by the board is required.

### **Yearly Appointments**

All administrative employees with academic appointments shall receive each year an appointment for an academic year, or for a fiscal year beginning July 1, 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 Administrative Service* shall become a part of the conditions of employment.

### **Appointments Dependent on Nonstate Funding**

Appointments that are dependent for continuation on 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.

## **Compensation**

### **Salaries**

Salary ranges for administrative positions reporting directly to the president are set by the board. The president may set individual salaries within those ranges or as otherwise approved by the board. Salary rates for reappointments will depend upon available funding. Merit raises may be allocated by the president within the limitation of available funds.

### **Fringe Benefits**

Certain fringe benefits are made available to all state employees and are subject to change by the legislature or the board.

### **Outside Activities and Supplementary Compensation**

Policies governing outside activities and supplementary compensation are administered by the university.

## **Employment-Related Benefits**

The board has provided various benefits, such as the Medical Service Plan, which are a part of the employment relationship. Changes to such policies pertaining to benefits will be made by the board normally to be effective at the start of the succeeding appointment period. Additional benefits may be added to be effective as determined by the board.

## **Duties and Responsibilities**

### **Assignment by the President**

Duties and responsibilities of an administrative employee shall consist of those assigned by the president. All duties and responsibilities shall be carried out under the direction of the president, who may alter or amend assigned duties or change titles at any time.

## **Evaluation by the President**

Performance of assigned duties by administrative employees shall be subject to evaluation by the president, and performance shall be considered in decisions relating to compensation, retention or termination, or a decision not to reappoint.

## **Reappointment**

### **Authority of the President**

Decisions relating to reappointment shall be made in accordance with university rules and procedures developed by the president. The decision of the president not to reappoint is final.

### **Continued Employment**

An administrative employee has no expectation of continued employment and shall not be entitled to a hearing following or prior to a decision of nonreappointment. An administrative employee whose appointment is not renewed shall not be entitled to a statement of reasons for that action. It is strongly recommended that reasons be given orally. If requested by the administrative employee, reasons may be given in writing with the approval of the appropriate vice president and after review by university general counsel.

### **Notification of Nonrenewal**

Administrative employees shall be given a 90-day written notification of nonrenewal within the period of the appointment. If notice of nonrenewal is given within the appointment period, but less than 90 days prior to the end of an administrative employee's appointment period, the employee shall be entitled to continuation of salary for 90 days from the date of notification.

Failure to provide an administrative employee with notice of nonrenewal within the period of appointment will result in automatic renewal of appointment.

During the period between notifying an administrator of nonrenewal and the end of the appointment period, the administrative employee may:

1. continue to work in the current position
2. be assigned to work in another position (any such reassignment must be approved by the responsible vice president)
3. be released from duties with pay

or

4. voluntarily resign in lieu of nonrenewal.

The vice president is to notify orally the president of the university or designee of the action before the effective date of leave with pay. If action must be taken before notification, the vice president should notify orally the president or designee as soon as possible thereafter.

In addition, outplacement services may be made available through the Office of Human Resources to assist the administrator with finding alternative employment. Funding for outplacement is the responsibility of the respective vice president.

## **Termination and Release**

### **Reasons for Termination**

Administrative employees may be removed by the president from their administrative assignment any time, but may not be dismissed during an appointment period without reason, except as set forth in “Release Due to Financial Emergency.”

Reasons for dismissal may include, but are not limited to, incompetence or dishonesty in professional activities, neglect of properly assigned duties, or personal conduct that impairs the individual’s fulfillment of properly assigned duties and responsibilities.

Incapacity (physical or mental) to perform properly assigned duties shall also be considered as reason with due consideration given to the nature and duration of the incapacity.

An administrative employee who is terminated with reason during the appointment period may, within five working days after receipt of notice of termination, submit a written request for a hearing to the president. The president will appoint an ad hoc hearing committee of at least three members, including at least one administrator, to conduct a hearing and to submit a report and recommendation as soon as possible after the hearing is completed. After reviewing the hearing committee’s report, the president will either affirm, rescind, or modify the termination decision and will forward a written decision to the administrator and appropriate vice president, as soon as possible after reviewing the committee’s report and recommendation. Within 15 days after receipt of the president’s decision, the administrative employee may submit a written appeal of the president’s decision to the board. The board’s decision will be final.

The ad hoc hearing committee may follow the procedures set out in [SPP 901](#), “Grievance Process,” except that every effort will be made to complete the entire process (i.e., hearing, hearing report, and president’s final decision) within a 30-day period following receipt of the initial notice of termination by the administrative staff member.

### **Suspension with Pay**

An administrative employee may be suspended with pay if the president, provost of the university, vice provost, or vice provost for administration in their respective areas determines that:

1. the continued presence of the employee on the campus may constitute a substantial interference with the orderly functioning of the university or of a substantial area, unit, college, or department of the university
2. there is a need to initiate and complete an investigation regarding actions by the employee that may lead to discipline (during the appointment period)
- or
3. actions have been directed toward the employee by another person that affect or potentially affect the employee’s well-being and that require resolution.

### **Release Due to Financial Emergency**

Administrative employees may be released before the end of the appointment period, if the board declares a financial emergency.

### **Release for Budget Constraint**

For information about release upon 90 days’ notice upon a determination of severe budget constraint occurring with FY12 and FY13, see the Arizona Board of Regents Resolution dated April 7, 2011.

## **Implementation**

The president shall establish such additional policies and procedures consistent with this policy as may be needed to carry out the *Conditions of Administrative Service*.

## **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 portion 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.

## **Appointment to Administrative Positions**

The president of the university is responsible for the assignment of persons to administrative positions. Assignments to administrative positions shall not be made for a period longer than one year nor extend beyond June 30, and assignments and may be terminated by the president at any time without cause or explanation.

## **Cross-Reference**

See also [ACD 505-05](#), "Faculty and Academic Professional Administrative Appointments."