Faculty Non-reappointment FAQs

The following information applies to Faculty appointments.

Where can I find policies regarding non-reappointment or other appointment ending information?
Information regarding all types of separation for Faculty can be found in the Faculty Manual in the following sections:

For Faculty on appointment without a terminal date and without tenure:
Section III.F:

Nonreappointment

A faculty member on appointment without terminal date and without tenure has no presumption of reappointment, including reappointment with tenure. Such faculty may be terminated at any time consistent with their employment contracts and this section, with or without cause. A nonreappointed faculty member will be advised in writing by the department chair as soon as it has been decided that the appointment is not to be renewed. This decision shall be made by the department Chair in consultation with the Dean and tenured members of the department involved. This notification will be given to the faculty member as follows: (a) at least three months in advance of the termination of services if in the first year of employment; (b) at least six months in advance of the termination of services if in the second year of employment; (c) at least twelve months in advance of the termination of services if in the employment of the University for two years or longer. At the request of the faculty member, a written statement of the reason for nonreappointment shall be provided.

These notice provisions shall not apply in situations involving extraordinary circumstances, such as financial exigencies or elimination of function. (copied 9/29/10)

Resignation

A member of the faculty with teaching responsibilities is expected to complete the academic year unless the appointment is for a shorter term. Any member of the faculty with teaching responsibilities who has decided to terminate services with the University is expected to notify his or her Dean in writing at the earliest possible opportunity, but not later than March 15. A faculty member without teaching responsibilities is expected to give at least two months notice, and principal administrative officers are expected to give at least four months notice. The faculty member may properly request a waiver of this requirement of notice in case of hardship or in a situation where he or she would otherwise be denied substantial professional advancement or other opportunity.

Unless otherwise mutually agreed, a faculty member who terminates service without giving due notice or who fails to complete an academic year or other term for which he or she may have been employed, except under extraordinary
circumstances, is regarded as having broken the terms of the contract of employment with the University.

Breach of contract may place the University in a position of hardship in meeting its responsibilities to its students and services to the state. Such action is regarded also as a breach of professional ethics. A complete account of any irregular resignation may be written into the permanent record of the person concerned. (copied 9/29/10)

For a Faculty member with an appointment carrying a terminal date:

Section V.J:

Nonreappointment

For a faculty member with an appointment carrying a terminal date, the appointment ends on the specified terminal date, unless positive action is taken to reappoint that faculty member. In cases where a temporary appointment to the same position has been extended previously, without a break in service, the University must remind the temporary faculty member in writing of nonreappointment at least sixty days prior to the end of the current appointment. If the employee has been in the same temporary position continuously for five years or more, he or she must be afforded a written reminder of nonreappointment six months prior to the end of the current appointment. Contingency appointments always end on the designated terminal date unless the specified contingencies are satisfied. (copied 9/29/10)

Resignations

Resignations should be submitted as early as possible and must be submitted in writing at least sixty days prior to the separation date. Temporary faculty may properly request a waiver of the notice requirement in case of hardship or in a situation where they would otherwise be denied substantial professional advancement or other opportunity. (copied 9/29/10)

Under Extraordinary Circumstances

Termination of a temporary faculty appointment before the end of the period of appointment may be based on financial exigency or discontinuance of a program or department of instruction, research or service. Under the circumstances described in section V.J.1 of this Manual, notification to the employee(s) involved must be delivered in writing sixty days prior to the terminal date; or in cases where the terminal date of the current appointment necessitates an interval of less than sixty days, termination will be concurrent with the effective terminal date of the current appointment. If a decision to discontinue a program is rendered during the summer months and a verbal expectation of employment has been given to a temporary faculty member, notice will be delivered in writing as far in advance as possible that employment will not be available for the coming school year. (copied 9/29/10)
For Cause: Unsatisfactory Performance

Temporary research faculty compensated by extramural grant funding may be terminated if their performance is deemed unsatisfactory by the principal investigator of the research grant or contract to which their salary is charged. Temporary faculty have access to advice from the Center for Human Rights, the University Ombudsman, and the Faculty Status Committee. (copied 9/29/10)

Financial Exigency or discontinuance of a program or department of instruction, research or service:

Section III.F.3:

Under Extraordinary Circumstances

Termination of a tenured appointment or any other appointment before the end of the period of appointment may be based on financial exigency or the discontinuance of a program or department of instruction, research, or service.

A financial exigency exists when the President or designee, after consultation with the principal administrative officers and with the Faculty Senate Steering Committee, Faculty Senate Budget Committee, and Faculty Affairs Committee, has determined and declared that a budgetary crisis, legislative mandate, and/or other causes constitute the exigency, and that determination has the concurrence of the Board of Regents. The President will recommend one or more groups of faculty members to review proposed terminations, and the Faculty Senate Steering Committee and Faculty Affairs Committee will approve the appointments to the committee. Criteria for judgments determining where termination of appointments may occur will be developed and distributed to the faculty. The criteria will include considerations of institutional needs and educational policy, including affirmative action, as well as faculty status and length of service.

Decisions on the discontinuance of a program or department of instruction, research, or service that result in the termination must be reviewed by the Faculty Senate Steering Committee and Faculty Affairs Committee or their designees and comments sent to the Provost and Executive Vice President. The criterion will be long-range institutional considerations. Before an appointment is terminated because of discontinuance of a program of instruction, research, or service, the institution will make reasonable and good faith efforts to transfer the affected faculty member to a suitable position for which he or she is qualified.

If an appointment is terminated before the end of the period of appointment because of financial exigency or because of discontinuance of a program of instruction, the released faculty member's appointed position will not be filled by a replacement within a period of three years, unless the released faculty member is offered suitable reappointment and a reasonable time within which to accept or decline the reappointment.
Termination may be effective for all faculty, including those on academic-year appointments, on any day of the calendar year. Tenured faculty members holding annual (twelve-month) appointments shall be entitled to receive at least twelve calendar months' notice in advance of termination for reasons of financial exigency or elimination of function. Tenured faculty members holding academic-year (nine-month) appointments shall be entitled to at least nine calendar months' notice in advance of termination for reasons of financial exigency or elimination of function, provided that the three summer months, not part of the usual academic year (May 16 to August 15 under the current academic calendar) shall not be included when computing notice requirements. Nontenured faculty members shall be entitled to minimum advance notice of termination of services for reasons of financial exigency or elimination of function in accordance with the following:

<table>
<thead>
<tr>
<th>Type of Appointment</th>
<th>Year of Employment</th>
<th>Minimum Advance Notice in Calendar Months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual (twelve-month)</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Annual (twelve-month)</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Annual (twelve-month)</td>
<td>3 or more</td>
<td>12</td>
</tr>
<tr>
<td>Academic (nine-month)</td>
<td>1</td>
<td>3*</td>
</tr>
<tr>
<td>Academic (nine-month)</td>
<td>2</td>
<td>6*</td>
</tr>
<tr>
<td>Academic (nine-month)</td>
<td>3 or more</td>
<td>9*</td>
</tr>
</tbody>
</table>

*Excluding three summer months

Where less than the required notice is given prior to termination, the faculty member shall be entitled to receive at the time of termination one-twelfth of his or her current annual salary, on an annual appointment, or the faculty on an academic year appointment shall be entitled to one-ninth his or her current annual salary for each month less the required notice. The University may, at its option, make regular monthly severance pay payments from the date of termination until the expiration of the appropriate notice period, commencing the date notice of termination is given, unless there is an agreed settlement on or before the termination date of the total amount of severance pay to be paid to the faculty member.

In the event that a faculty member who has received notice of termination for reasons of financial exigency or elimination of function secures new employment prior to the effective date of the termination, he or she shall provide the University with immediate notice, including the effective date of new employment. In these cases, the University shall waive the requirements for resignation notice that would otherwise apply.

This termination under extraordinary circumstances is not a dismissal, but a faculty member shall have the right to have these issues reviewed by the Faculty Status Committee where he or she believes that bona fide financial exigency or elimination of function is in question if the faculty member requests such review within thirty days after receipt of notice of termination. If a review by the Faculty
Status Committee is requested, the Committee shall determine its own procedures for hearing the matter, in a manner consistent with state and federal law, shall conduct its review as expeditiously as possible, and shall report its findings to the President, or designee, and to each faculty member requesting Faculty Status Committee review within ninety calendar days after the request is made. The Committee may elect to count only days of the academic year in the ninety day period. The President shall notify each faculty member requesting the review of the President's decision within thirty days after receiving the report of findings. (copied 9/29/10)

What if I previously held status in Civil Service?

In accordance with RCW 41.06.070, a Faculty employee who held permanent status as a Civil Service employee and subsequently accepted a Faculty appointment without a break in service has return rights back to Civil Service.

What if I held permanent status as a civil service employee and my discontinuation notice does not include the information regarding my return rights?
Contact HRS.

What will happen to my benefits and retirement?
HRS has detailed information regarding benefits and retirement for faculty whose appointments are ending due to our website. Visit the Separating Employee Information page. You may also contact HRS at 509-335-4521 or benefits@wsu.edu.

Am I eligible for unemployment compensation?
An employee separating from WSU may qualify for unemployment benefits.