

ASPP Changes 2.01, 8.04, 9.04, 10.07

Chapter 2 changes were postponed until the next meeting.

ASPP Chapter 2.

2.01 A.3.c *Fixed-Term Terminal Appointment.*

3. *Fixed-Term Terminal Appointment.* Fixed-term terminal appointments are made when there is no expectation of continuing employment. The appointment letter will specify the appointment termination date. Fixed-term terminal appointments shall not be used repeatedly to avoid granting the increased job security provided by fixed-term renewable and fixed-term rolling-horizon appointments.

There are three types of fixed-term terminal appointment:

- a. *Finite.* This type of appointment is used when the appointment is for a clearly limited period of two years or less with no anticipation of renewal. Fixed-term terminal appointments may be extended, but the total period of appointment may not exceed two years. Continuation of the position beyond two years shall be as a fixed-term renewable appointment unless the chancellor's designee determines that good cause exists to continue it as a fixed-term terminal appointment.
- b. *Instructional.* This type of fixed-term terminal appointment is limited to instructional academic staff and can be offered repeatedly except as follows. When an instructional academic staff member has held an appointment in a given department for either or both semesters in each of the last three successive academic years, reappointment shall be as a fixed-term renewable appointment on a similar basis, e.g., one-semester or two-semester appointment. In exceptional circumstances, however, reappointment to a fixed-term terminal instructional position beyond this period may be made with the approval of the chancellor's designee.
- c. ~~*Emeritus.* This type of fixed-term terminal appointment is limited to unclassified staff who have retired; it may be renewed at the option of the employer without limitation.~~
Post-retirement. Fixed-term terminal positions held by retired academic staff are not subject to the maximum and may be reappointed annually at the discretion of the employer, do not require a probationary period, and can be ended at any time without right to file a grievance (i.e., at-will).

Note that this is the language currently used by Classified/University Staff

ASPP Chapter 8.

8.04 Right of Appeal

The academic staff member may appeal the decision using the grievance procedure outlined in ASPP 7.02, except for discipline or dismissal (ASPP 6), nonretention (ASPP 4), or nonrenewal (ASPP 3), where the specified ~~grievance~~ process is followed.

ASPP Chapter 9.

9.04 Conduct of Hearings

The Academic Staff Appeals Committee shall conduct hearings for appeals of layoffs (ASPP 5), dismissals for cause (ASPP 6) and grievances involving discipline resulting in a loss of pay (ASPP 7). The hearings shall be fair, impartial, and timely. The Committee shall apply the required burden as described in ASPP 5, 6, and 7 and provide the procedural guarantees described in 9.05. The hearing body shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony and shall give effect to recognized legal privileges. The Committee shall seek any additional information it needs to reach a decision.

As a preliminary step, the Committee shall review all documentation provided by the parties and determine its relevance to the appeal. ~~If~~^{When} the Committee determines that everything the employee alleges, even if true, is irrelevant to the disciplinary action or termination, the Committee shall render a decision without considering the matter further.

ASPP Chapter 10.

10.07 Relationship to Annual Merit

Salary considerations are not the principal purpose of performance review, but the ~~assignment of an academic staff member's annual merit increment shall take cognizance of the results of performance reviews.~~ **results of performance reviews shall be considered when determining the academic staff member's annual merit increment.**