

**SUBPART 6-1
EMPLOYMENT POLICY**

Sec. 6-101. Statement of Principles. Article VIII, Section 6, of the Michigan Constitution of 1963 provides that the Board shall have general supervision of the University and control and direction of all expenditures of the University's funds, and that the President shall be the principal executive officer of the University. In order for the Board to exercise its powers fully and responsibly, it must have a clearly defined policy for engaging individuals for personal services.

Cross Reference:

Subpart 2-1. The University and the Board of Trustees Under the Michigan Constitution and Related Law

Sec. 6-102. Equal Employment Opportunity. All recruiting and hiring of University personnel shall be in compliance with applicable law and shall follow the Equal Employment Opportunity Policy and the University's Affirmative Action Plan and commitment to Equal Employment Opportunity. In accordance with this commitment, the University will make all decisions regarding recruitment, hiring, promotion, and all other terms and conditions of employment based on employment-related criteria and qualifications in a manner that does not discriminate with respect to an employee or applicant in any way which violates the University's Policy on Non-Discrimination or applicable State or Federal laws. This Section applies to all employment with the University.

Cross Reference:

Subpart 7-1. Equal Employment Opportunity Policy.

Subpart 7-3. Policy on Non-Discrimination.

Human Resources Policies and Procedures, *Equal Employment Opportunity*

Prior Board Action:

October 11, 1996.

February 13, 1999.

October 19, 2001.

Sec. 6-103. Authority Retained by the Board. Except as otherwise provided in this subpart, the Board retains the authority, after consultation with the President, to employ or terminate the employment of those classes of personnel as to which authority is not specifically delegated to the President.

Prior Board Action:

October 11, 1996.

February 13, 1999.

Sec. 6-104. Authority to Hire Employees. The Board delegates to the President and his or her authorized designees, the authority to hire employees and to execute individual written employment contracts within the provisions of applicable Board policy. Any delegation of this authority by the President must be in writing.

Prior Board Action:

October 11, 1996.

February 13, 1999.

(1) Appointment. Employees shall receive appointments as follows:

- a) An administrative employee, other than a Provost, Vice President -, the Chief Diversity Officer, an Academic Dean or an Academic Department Head will be hired initially for a one (1) year period.
- b) A Provost, a Vice President, the Chief Diversity Officer, an Academic Dean or an Academic Department Head will be hired for a three (3) year appointment (“appointment period”). At the end of the first year of the appointment period, and at the end of each year thereafter, the President is delegated the authority to extend the appointment period by one (1) or more years; provided that the appointment period shall at no time exceed a total of three (3) years in duration. The President shall notify the Board of Trustees prior to extending the duration of an appointment under the authority granted in this Sec. 6-109(1)(b), and prior to notifying the affected administrative employee or making any public announcement with regard thereto.
- c) A support employee’s initial appointment shall be for a period of six (6) months, during which time the employee will be considered a probationary employee. Probationary employees are given no assurance of continued employment and their employment may be terminated at any time, with or without notice, and with or without cause. Probationary periods may be extended, with notice to the employee, because of performance, conduct or administrative issues.
- d) All other employees shall be appointed for an undefined period on an at will basis, except some temporary employees who may be appointed for a specified period of time on an at will basis.

Cross Reference:

Presidential delegation.

Human Resources Policies and Procedures, *Hiring*

Human Resources Policies and Procedures, *Probationary Periods for Non-Bargaining Employees*

Prior Board Action:

May 1, 2007.

July 6, 2007.

November 7, 2008.

Sec. 6-105. Requirement That There Be a Sufficient Unencumbered Balance. The President, or his/her authorized designee, shall not employ any individual without first determining that there is a sufficient unencumbered balance in the hiring department's budget or fund balance to fund the amount to be expended. A Provost and the Vice Presidents shall have the authority to transfer positions within a division.

Prior Board Action:

October 11, 1996.

February 13, 1999.

November 7, 2008.

Sec. 6-106. Reporting Requirement regarding University Staffing Levels. The President must provide to the Board of Trustees, on not less than a semi-annual basis, a report on University staffing levels containing full-time and full-time temporary position FTE data for all campuses.

Prior Board Action:

October 11, 1996.

February 13, 1999.

November 11, 2005.

Sec. 6-107. Prior Notification to Board Regarding Nominees for Provost and Vice Presidential Appointments. The President shall notify the Board in advance of the names of people to be recommended for Provost and Vice Presidential appointments, and of the proposed terms of their appointments, prior to seeking Board approval and prior to any public announcement with regard thereto.

Prior Board Action:

October 11, 1996.

February 13, 1999.

November 7, 2008.

Sec. 6-108. Authority to Take Corrective Action with Employees. The Board delegates to the President and his or her authorized designees the authority to take corrective action with employees, up to and including decision-making leave, with or without pay. Any delegation of this authority by the President must be in writing.

(1) Any corrective action or discipline of employees must be in accordance with the applicable collective bargaining agreement provisions, if any.

(2) If the employee is not satisfied with the decision of the President or of the President's designee, the employee may file a grievance under a grievance procedure to be adopted by the President. Employees covered by a collective bargaining agreement must follow the provisions of that agreement if they wish to contest any corrective action (referred to as "discipline" in collective bargaining agreements) or discharge decisions.

Cross Reference:

Presidential delegation.

Human Resources Policies and Procedures, *Corrective Action Guidelines*

Prior Board Action:

October 11, 1996.

February 13, 1999.

Sec. 6-109. Authority to Terminate Employment. The Board delegates to the President the authority to terminate the employment of all employees, to give notices required by this part, and to make determinations with respect to payment in lieu of notice and/or reassignment, all in accordance with this part. Any delegation of this authority by the President must be in writing. The President may not delegate the authority to terminate an administrative employee. The President must notify the Board, in advance of any action he/she intends to take under this section with respect to a Provost or Vice President.

Cross Reference:

Presidential delegation.

Sec. 6-001. Definitions.

Human Resources Policies and Procedures, *Termination of Employment*

Prior Board Action:

October 11, 1996.

February 13, 1999.

November 7, 2008.

Sec. 6-110. Policy in Regard to Non-Continuance of Employment

(1) At Will. All administrative employees and other employees who are not designated as “just cause” under Sec. 6-110(2) of Board policy or collective bargaining agreements are employed with the University on an “at will” basis.

Cross Reference:

Sec. 6-001(7). Definition of “At Will.”

Sec. 6-001(8). Definition of “Just Cause.”

(2) Support Employees and Just Cause. Support employees who have successfully completed probation, may only be terminated for just cause, or for business or economic reasons. A current support employee who seeks and obtains a different position within the University shall be considered probationary in the new position for sixty (60) calendar days. If during such period a decision is made not to continue the employee in the position, the University may elect to return the employee to his or her former position or to terminate the employment (in which case the termination will be deemed to be for business or economic reasons if not specified to be for just cause).

Cross Reference:

Sec. 6-001(5). Definition of “Support Employees.”

Sec. 6-001(8). Definition of “Just Cause.”

Human Resources Policies and Procedures, *Probationary Periods for Non-Bargaining Employees*

Human Resources Policies and Procedures, *Termination of Employment*

(3) Notice of Non-Continuation. Employees shall (subject to the University’s right to provide pay in lieu of notice) receive notice of non-continuation of employment as follows:

- a) Administrative employee. If a decision is made prior to the completion of the first year of employment to not continue the employment of an administrative employee, other than a Provost, a Vice President, the Chief Diversity Officer, an Academic Dean an Academic Department Head, a Coach, or a Hall Director, the University shall notify the administrative employee at least ninety (90) calendar days before the effective date of such non-continuation. If a decision is made after the completion of one year of employment to not continue the employment of such an administrative employee, the University shall notify the administrative employee at least one (1) year before the effective date of such non-continuation.

Cross Reference:

Sec. 6-001(4). Definition of “Administrative Employee.”

Sec. 6-001(7). Definition of “At Will.”

- b) Provost, Vice President, Chief Diversity Officer, Academic Dean, and Academic Department Head. If a decision is made during the appointment period not to continue the appointment of a Provost, a Vice President, the Chief Diversity Officer, an Academic Dean or an Academic Department Head, the University shall so notify the Provost, the Vice President, the Academic Dean or the Academic Department Head at least ninety (90) days (or, in the case of a Provost, a Vice President, Academic Dean or Academic Department Head with more than one (1) year remaining on his or her appointment period, at least one (1) year) before (i) the effective date of such non-continuation, or (ii) the end of the appointment period, whichever is later.
- c) Coaches and Hall Directors. If a decision is made prior to the completion of the first year of employment not to continue the appointment of a Coach or Hall Director, the University will notify the employee at least 90 calendar days before the expiration of the first year of employment of such non-continuation. If a decision is made not to continue the employment after the Coach’s or Hall Director’s first full year of employment, the University shall notify the employee at least 180 calendar days before the effective date of such non-continuation.
- d) Support Employees. If after the successful completion of the probationary period, a decision is made not to continue the employment of a support employee for business or economic reasons, the University will notify the employee at least sixty (60) calendar days before the effective date of such non-continuation.

Cross Reference:

Sec. 6-001(5). Definition of “Support Employee.”

Sec. 6-001(9). Definition of “Business or Economic Reasons.”

(4) Pay or Reassignment in Lieu of Notice. The University may elect to provide an employee with payment in lieu of notice, and may elect to reassign a Provost, a Vice President, the Chief Diversity Officer, an Academic Dean or an Academic Department Head to other duties in lieu of notice, payment, or both, as follows:

- a) The University may elect to provide an employee with pay in lieu of notice in an amount equal to the base compensation which the employee would have received during the specified notice period.
- b) Where a Provost, a Vice President, the Chief Diversity Officer, an Academic Dean or an Academic Department Head has more than one (1) year remaining on his or her appointment period, the University may elect to reassign the Provost, Vice President, Chief Diversity Officer, an Academic Dean or an Academic Department Head for the remainder of the appointment period, in lieu of notice, payment, or both. Any such reassignment shall be made at the same rate of base compensation that the Provost, Vice President, Chief Diversity Officer, Academic Dean or Academic Department Head was receiving immediately prior to the time of the reassignment.

(5) Exception to Requirements for Notice Period or Payment In Lieu of Notice in Cases of Just Cause Termination. No notice period, or payment in lieu of notice and/or reassignment, shall be required if an employee is terminated for just cause (but such terminations are subject to the Termination Appeal Procedure or the grievance procedure of any applicable collective bargaining agreement).

Cross Reference:

Sec. 6-001(8). Definition of “Just Cause.”

Sec. 6-111. Summary of the Termination Appeal Procedure.

Human Resources Policies and Procedures, *Termination Appeal Procedure*

(6) Challenges to Terminations for Business or Economic Reasons. Challenges to termination of employment for business or economic reasons are limited to the issue of whether the University’s selection of specific employees for such termination is in violation of applicable procedures and criteria. All such challenges are subject to the termination appeal process or the grievance procedure of any applicable collective bargaining agreement. If a support employee’s employment is terminated for business or economic reasons and the employee wishes to challenge his or her selection for termination, he or she must use the Termination Appeal Procedure.

Cross Reference:

Sec. 6-001(9). Definition of “Business or Economic Reasons.”

Sec. 6-111. Summary of the Termination Appeal Procedure.

Human Resources Policies and Procedures, *Termination Appeal Procedure*

Prior Board Action (for entire Sec. 6-110):

February 13, 1999.

May 5, 2000.

October 11, 2002.

May 1, 2007.

November 7, 2008.

Sec. 6-111. Summary of the Termination Appeal Procedure.

(1) A termination appeal procedure has been established as a means to resolve certain complaints regarding termination of employment.

The termination appeal procedure provides a method by which a covered employee can have his or her termination from employment reviewed by a neutral person not involved in the decision-making process.

Cross Reference:

Human Resources Policies and Procedures, *Termination Appeal Procedure*

Prior Board Action:

October 11, 2002.

Sec. 6-112. Requirement of Board Approval for Collective Bargaining Agreements or Individual Employment Contracts. No collective bargaining agreement covering employees of the University shall become effective without the express approval of the Board. Additionally, the President may not enter into an individual written employment contract that has provisions for terms or conditions of employment that are different from the terms or conditions defined by Board policy unless reviewed by the University General Counsel or Board Counsel and approved by the Board.

Prior Board Action:

October 11, 1996.

February 13, 1999.

May 5, 2000.

October 11, 2002.

Entire Subpart 6-1 included in October 19, 2001 Codification, Phase I.

Entire Subpart 6-1 included in October 22, 2004 Codification, Phase II.