



September 5, 2019

MEMORANDUM

TO: Mānoa Deans and Directors
Personnel/Administrative Officers

FROM: Beverly A. McCreary
Assistant Vice Chancellor
for Academic Personnel

A handwritten signature in blue ink, appearing to read 'Beverly A. McCreary'.

SUBJECT: Contract Renewal or Non-Renewal and Limited-Term Appointment or Non-Reappointment – **2019-2020 Time Lines for Notifying Faculty**

This is the annual reminder of important dates related to the referenced subject. Timely performance assessment of and notification to faculty regarding their contract renewal, reappointment, or non-renewal or non-reappointment is good management practice. Notification requirements vary according to the type of faculty appointment, and, for probationary faculty, the year of service. The *2017-2021 UHPA/BOR-UH Agreement* (is available at <http://www.uhpa.org/contracts/2017-2021-ta-pdf/>) provides for multi-year contracts for probationary faculty and specifies critical deadlines for notification (see Article XII.E). Please note a change in the *2017-2021 Agreement*; the date for notifying faculty who are not renewed is January 30th.

The following provides definitions of the types of faculty appointments and the varying requirements for performance assessment and notification, particularly in cases where contracts will not be renewed.

I. PROBATIONARY FACULTY

“Probationary faculty” includes all eligible faculty¹ during the probationary period (see Article XII.A and C).

- A. ***Performance Assessment and Recommendation.*** Performance assessments and recommendations must be conducted during the

¹Eligible faculty do not include temporary appointees in General funded tenure-track positions. See “limited-term appointments.”

probationary period in accordance with Article XII.E and the Department or Division Procedures. A form for written assessments and recommendations is provided in Attachment A. A pdf file may be downloaded from http://manoa.hawaii.edu/ovcaa/faculty/tenure_promotion_contract_renewal/pdf/contract_renewal.pdf.

It is extremely important to carefully evaluate faculty in the years prior to their application for tenure. If it is determined that the faculty member is failing to meet expectations according to your department and college expectations, non-renewal should be recommended. Though such decisions are difficult, it is ultimately in the best interest of the department, college/school/unit, and university to not renew a faculty member at this stage rather than wait until the full tenure application process. Additionally, while probationary faculty in ranks 2 and 3 do not undergo a contract renewal in Year 3, the department may elect to conduct a review in Year 3 to provide the probationary faculty member with additional feedback, particularly if concerns were raised in the evaluation at Year 2. No recommendation for renewal, however should be made at this time. As a reminder: “A positive assessment does not necessarily assure renewal of appointment” (per Article XII.E).

- B. ***Notice to Faculty Relating to Non-Renewal of Probation.*** Article XII of the 2017-2021 UHPA/BOR-UH Agreement provides specific deadlines for written notification of intent to not renew contracts of probationary faculty. Deans and Directors are responsible for making the final decision and for issuing the letter of non-renewal.

When the intent is to not renew the contract, timely notification requirements must be followed. Probationary faculty in Year 2 are not entitled to a terminal year contract if the intent is to not renew them at the end of the contract period AND they are notified by **January 30** in accordance with Article XII. Please be aware that if they are notified of their non-renewal *after* the deadlines stated in Article XII, they are entitled to a terminal year contract. Probationary faculty in Years 4-7 whose contracts are not renewed are entitled to a terminal year contract.

- C. ***Time Line for Review.*** The period under review should include the time period since the last review. **All faculty members should be notified of the period under review.**

II. FACULTY MEMBERS ON LIMITED-TERM APPOINTMENTS

Faculty on “limited-term appointments,” whether paid from General funds or not, are appointed to positions for a specific time period.

A faculty performance should be assessed to determine whether to reappoint, utilizing the form provided in Attachment B. A pdf file may be downloaded from http://manoa.hawaii.edu/ovcaa/faculty/tenure_promotion_contract_renewal/pdf/reappointment_form.pdf.

Good professional practice dictates that “early notification” of non-reappointment be given when it is the intent of the Employer not to appoint faculty in the following year. We suggest that such faculty who will not be appointed in Academic Year 2020-2021 be notified in writing by the Dean or Director as early as possible.

Faculty members who are officially designated as “visiting” and who are tenured at another institution to which they are planning to return, do not need to receive termination letters from UH Mānoa. In general, however, if there is any doubt about the understanding with a “visitor,” it is better to send a letter of non-reappointment. Experience has shown that there are rarely true “visitors” at Rank 3 (since such individuals probably do not have tenure at another institution to which they can return). Several past grievances could have been avoided if deans and directors had been alert to these situations and had sent timely termination letters.

If you have any questions, please contact me at 956-4571 or at bmccrear@hawaii.edu.

Attachments

c: President Lassner
Provost Bruno
Executive Director Hanselman