MEMORANDUM

TO: Mānoa Deans and Directors
Personnel/Administrative Officers

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

SUBJECT: Contract Renewal or Non-Renewal and Limited-Term Appointment or Non-Reappointment – 2013-2014 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 2009-2015 UHPA/BOR-UH Agreement (is available at http://www.uhpa.org/uhma-mu-ua-umakahoe-100129-2009-2015-agreement-for-website.pdf/view) provides for multi-year contracts for probationary faculty and specifies critical deadlines for notification (see Article XII.E).

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 faculty\(^1\) during the probationary period (see Article XII.A and C).

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

\(^1\)Eligible faculty do not include temporary appointees in General funded tenure-track positions. See "limited-term appointments."
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 2009-2015 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 1 (Rank 5 only) or 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 15 in accordance with Article XII (see Table of Notification Deadlines in this memorandum). 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 3-7 whose contracts are not renewed are entitled to a terminal year contract.

C. Time Lines for Contract Non-Renewal. The following timetable has been adapted to working days during the 2013-2014 academic year (see Article XII.E). The dates in the fourth column are the dates that probationary faculty should be notified of non-renewal of contract.
### 2013-2014 Table of Notification Deadlines
**Ranks 2, 3 and 4**

<table>
<thead>
<tr>
<th>Faculty in Probationary Year #:</th>
<th>If Intent is to Not Renew at the End of Year#:</th>
<th>Dept. Assessments/Recommendation to Dean/Director by:</th>
<th>Dean/Director Notifies Probationary Faculty in writing <em>no later than:</em></th>
<th>Faculty Member's Last Day Will Be:</th>
</tr>
</thead>
</table>

**If Faculty Member requested and received an extension of Probationary Period**

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<th>Dept. Assessments/Recommendation to Dean/Director by:</th>
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*One-year extension of probationary period only.
The period under review should include the time period since the last review. All faculty members should be notified of the period under review.*

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Mānoa Deans and Directors  
August 7, 2013  
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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 should be completed. 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 2014-2015 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 Assistant Vice Chancellor Beverly McCreary at 956-4571 or bmccrear@hawaii.edu.

Attachments

c: President Greenwood
    Chancellor Apple
    Executive Director Musto
Probationary Faculty:  
Annual Evaluation/Contract Renewal Recommendation  
University of Hawai‘i at Mānoa

Name ___________________________________________  

Department/Division/Program

Classification/Rank ____________________________  

College/Institute %FTE

Date of initial UHM appointment ____________________________  

Secondary Department/Division/Program (Joint appl)

Date of beginning of probationary period ____________________________  

Secondary College/Institute %FTE

Current year of probationary period ____________________________  

Period covered by this evaluation: From: ____________________________  

to: ____________________________ (current date)  

(date of last review)

This evaluation should assess each faculty member's performance in accordance with Article XII, E. of the 2009-2015 UHPA-BOR/UH Agreement as follows: "...the Faculty Member's performance has been assessed for strengths and weaknesses and has been rated as satisfactory, that there is a continuing need for the Faculty Member's services at the University, and that the Faculty Member has made the professional improvement or has demonstrated the professional and personal qualities needed by the department..."

Please attach brief written narrative assessments of this faculty member's teaching, research and service (for Instructional faculty, Research, Specialist, Librarian, and Agent Faculty should be evaluated in appropriate categories). This narrative will be used solely for determining contract renewal and is not part of the tenure and/or promotion process. If your evaluation identifies concerns, it is suggested that you include specific comments to help this faculty member improve in the areas of weakness(es). In addition, please comment on the future need for the position each time the applicant is renewed (see the 2009-2015 UHPA-BOR/UH Agreement Memorandum of Understanding regarding "Future Need").

The Department Chair/Program Director must show the Annual Evaluations and Contract Renewal Recommendations document to the faculty member in person before it is forwarded to the Dean/Director. The Department Chair/Program Director should ensure that the faculty member acknowledges receipt by signing page 2. If this is not possible, please attach an explanation as to how these assessments were delivered to the faculty member.

Assessment by Department Personnel Committee

A. Written narrative by appropriate categories (please attach)

B. Overall rating: ☐ Satisfactory ☐ Unsatisfactory

C. There is a future need for this position: ☐ Yes ☐ No

D. Recommendation for annual renewal of contract:  

☐ Renewal ☐ Non-renewal ☐ N/A*  

(*annual evaluation only)

Name of Department Personnel Committee Chair

Signature of Department Personnel Committee Chair Date

Assessment by Department Chair/Program Director

A. Written narrative by appropriate categories (please attach)

B. Overall rating: ☐ Satisfactory ☐ Unsatisfactory

C. There is a future need for this position: ☐ Yes ☐ No

D. Recommendation for annual renewal of contract:  

☐ Renewal ☐ Non-renewal ☐ N/A*  

(*annual evaluation only)

Name of Department Chair

Signature of Department Chair Date
Probationary Faculty Member's Receipt of Annual Assessments

The following portions of the 2009-2015 UHPA-BOR/UH Agreement are provided for your information and understanding.

Renewal of Contracts During Probationary Period

Article XII Section E.1.: Recommendations for renewal shall require that the Faculty Member's performance has been assessed for strengths and weaknesses and has been rated as satisfactory, that there is a continuing need for the Faculty Member's services at the University, and that the Faculty Member has made the professional improvement or has demonstrated the professional and personal qualities needed by the department, or similar considerations. A positive assessment does not necessarily assure renewal of appointment.

Probationary Period and Service

Article XII Section C.1.b.: The probationary period ends by the granting of tenure, the refusal of tenure by the Employer, or the non-renewal of appointment. During this period, probationers do not have a claim to their position and the Employer, through its officers, may exercise its prerogative of non-appointment without a statement of reasons, except as provided in Paragraph 1. of this Article.

Non-reappointment, Statement of Reasons

Article XII Section E.3.: In a case in which the Employer has exercised its prerogative of non-reappointment, the Faculty Member may within twenty (20) calendar days of receipt of the written notification request a meeting with the Provost, Dean or other appropriate official.

Upon request, the Faculty Member will be advised orally of the reasons for the non-reappointment. Upon written request of the Faculty Member within ten (10) calendar days of the meeting, the reasons will be confirmed in writing.

Faculty Member's Acknowledgment:

I acknowledge reviewing all pages of this annual evaluation and the attached narrative assessments done by my Department Personnel Committee and my Department Chair. I realize that these are solely for determining contract renewal and are not part of the tenure and/or promotion process. I recognize that these are recommendations and that the final decision about the renewal of my contract will be made by my Dean/Director.

___________________________________________________________
Signature of Faculty Member

___________________________________________________________
Date

Dean's/Director's Decision (not applicable if for annual evaluation only)

A. There is a future need for this position (see 2009-2015 UHPA/UH Agreement)  □Yes □ No

B. Decision for annual renewal of contract:

Based on my review of the dossier and the recommendations from the Department Personnel Committee and Department Chair, the following is my decision for annual renewal of contract:

□ Renewal  □ Non-renewal

___________________________________________________________
Name of Dean/Director

___________________________________________________________
Signature of Dean/Director

___________________________________________________________
Date
Faculty on Limited-Term Appointments:
Evaluation and Recommendations
University of Hawai'i at Mānoa

Name ____________________________________________

Department/Division/Program ________________________________________

Classification/Rank _______

College/Institute __________________ %FTE

Secondary Department/Division/Program (Joint appt)

Secondary College/Institute ______ %FTE

Appointment Period:  From: _______  To: ________________

General Instructions for Assessments by Department Personnel Committee (Optional) and Department Chair

Please provide brief written narrative assessments of this faculty member's performance (areas of strengths and weaknesses) during the specified appointment period. Categories should reflect the major duties assigned to this faculty member on a limited-term contract. For example, if this is an Instructional (I) faculty member who is expected to do exclusively full time teaching, it is probably not appropriate to evaluate research efforts. (Research, Specialist, Librarian, and Agent faculty on limited-term appointments should be evaluated in appropriate categories). Please try to include comments that will help this faculty member improve professionally.

1. Areas of Strength
   a. Teaching
   b. Other, if appropriate

2. Areas of Weakness/Where Improvement is Needed
   a. Teaching
   b. Other, if appropriate

Assessment by Department Personnel Committee
A. Written narrative by appropriate categories (please attach)

B. Overall rating (with respect to assigned duties):
   __Satisfactory  __Unsatisfactory

C. Recommend re-appointment:
   __Yes  __No

Name of Department Personnel Committee Chair ____________________________

Signature of Department Personnel Committee Chair ____________________________ Date

Assessment by Department Chair/Program Director
A. Written narrative by appropriate categories (please attach)

B. Overall rating (with respect to assigned duties):
   __Satisfactory  __Unsatisfactory

C. Recommend re-appointment:
   __Yes  __No

Name of Department Chair _____________________________________________

Signature of Department Chair ____________________________ Date
Faculty Member's Acknowledgment:

I acknowledge reviewing all pages of this annual evaluation and the attached narrative assessments done by my Department Personnel Committee and my Department Chair. I realize that these are recommendations and that the final decision regarding reappointment will be made by my Dean/Director.

__________________________________________  ________________________
Signature of Faculty Member                  Date

Dean's/Director's Decision

Based on your performance during the appointment period and availability of funding, you are:

   Appointed for the period _____________ to ________________

   Not appointed    ________

Name of Dean/Director ________________________________

__________________________________________  ________________________
Signature of Dean/Director  Date