

ALASKA LEGISLATURE COMMITTEE FILES 1903-1900 00/2

4043 SJUD UNIVERSITY OF ALASKA: DISCRIMINATION 979

- a. "Employment goals" will be supplied by the AAO and will identify those groups which are presently underrepresented in the workforce. Special efforts should be made to target recruit applicants from those underrepresented groups.
- b. "Salary and range" must be identified initially by the hiring authority in consultation with the OHRD for "in-house" record keeping. It is recommended but not required that salary be publicized.
- c. "Target recruitment sources" are contacted by the AAO, OHRD and the hiring department. The local OHRD routinely posts all vacancies, contacts local affirmative action recruitment sources, and notifies other University of Alaska OHRDs and AAOs. The AAO may also conduct special recruitment efforts as appropriate. The AAO or OHRD contacts "protected" persons who have applied earlier for similar positions.

Only additional publicity efforts undertaken by the hiring authority and/or the search/screen committee should be listed on the recruitment report, e.g., paid advertising and direct mailing of vacancy announcements to affirmative action recruitment sources. It is expected that each department will make affirmative efforts to contact "protected" persons.

- d. "Recruitment period". The quality of recruitment efforts is always more important than the quantity of time spent recruiting. Recruitment efforts should be sufficient to produce a pool of applicants which reflects the availability of "protected" persons in the particular job category being advertised. If the pool does not reflect labor market availability, the department must continue target recruiting before closing the recruitment period or be able to document that affirmative efforts were made to reach qualified "protected" applicants.
4. Develop a Vacancy Announcement or obtain one from the OHRD (see form at 04.01.15 K.2.). The vacancy announcement must correlate with the job description, include basic elements noted on the vacancy announcement outline (04.01.15 K.2.), and specify criteria which will be used to select applicants. If abbreviated, paid advertisements are used, each applicant for the position must have access to a copy of the vacancy announcement to assure that all

qualifications and job responsibilities have been communicated. Qualifications must be job-related and selection criteria and procedures must be evaluated by the AAO to eliminate any adverse impact on "protected" group applicants.

- a. "Required qualifications" should be truly the minimum needed to perform the job and include only those job-related qualifications which cannot be learned on the job within a reasonable length of time. Each required qualification must be essential to satisfactory job performance. If a person could perform the job without a particular qualification, then that qualification may not be required. Required qualifications once defined are inflexible. An applicant who does not meet the required qualifications cannot be hired.
- b. Knowledge, skills, and abilities must be job-related and well defined. These qualifications will be the focus of the selection process. Thorough identification and accurate definition of all job-related knowledge, skills, and abilities are essential to the systematic selection of qualified applicants who can successfully perform the job responsibilities.
- c. Experience and educational qualifications frequently have a disparate impact on "protected" applicants and should not be listed unless justified as necessary for professional accreditation of the department or program, or essential to job performance. Essential job-related experience may be identified, but the number of years may not be specified. Candidates must be allowed flexibility to demonstrate job knowledge, skills, and abilities whether acquired through formal education work experience, or a wide variety of life experiences.
- d. Each OHRD bulletin board shall contain substantially the following statement:

Applications from all persons are welcomed; women, minorities, disabled persons, and Vietnam era veterans are especially encouraged to apply. The University of Alaska does not discriminate on the basis of race, color, religion, national origin, sex, age, disability or status as a Vietnam era or disabled veteran in employment or in admission to or in the operation of its educational programs and activities as proscribed by Titles VI and VII of the Civil Rights Act of 1964,

Title IX of the Education Amendments of 1972, Executive Order 11246 as amended, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Age Discrimination Acts of 1974-75, and Chapter 18.80.220 of the Alaska Code. Inquiries concerning the application of these regulations to the university may be directed to the University Affirmative Action Director or to the Director, Office of Federal Contract Compliance Programs, Department of Labor.

- e. Advertisements in newspapers, journals, and other sources are generally condensations of vacancy announcements and need only include position title, closing date, contact information, and the statement "An AA/EO employer and educational institution".
5. Establish A "Preliminary" Screening Process: Preliminary screening evaluates only required qualifications that can be objectively assessed in a yes/no judgment. However, if there is any question whether an applicant is minimally qualified, the applicant should be advanced to the "intermediate" phase. The function of preliminary screening is to identify applicants who appear to meet the minimum qualifications for the position.
6. Develop An "Intermediate" Screening Process which will provide documentation that candidates were selected in an equitable manner. "Intermediate" screening evaluates all criteria. Documentation should contain both a quantifiable rating and comments to document the basis for the values used in the rating. Selection criteria may be given weight factors in accordance with job responsibilities. The screening process should be completed systematically and the selection criteria should be applied to each candidate in a uniform manner. If a committee is used, completed screening forms are maintained separate from the applicant materials to prevent bias of subsequent committee members' reviews.
7. Develop An Interview Process: Interviews are optional, but, if conducted, an outline of interview topics and a procedure for documenting the evaluation of applicants during the interview process must be developed. The department may request that finalists appear for an interview at their own expense or be interviewed by telephone. Telephone interviews follow the same process as in-person interviews. A minimum of two (2) interviewers should participate in the telephone interview but it is recommended that as many committee members as

possible participate in the interview. It is always important that screening criteria and procedures are uniformly and consistently applied to all applicants, particularly at the interview stage which is by nature less objective than the evaluation of paper credentials.

8. A Reference Request Form may be developed to send to each referee in order to diminish ambiguity and obtain specific job-related information. Each identified selection criterion should be followed by a quantifiable scale which includes an "unknown" category. Space should also be provided for comments.
 9. Submit the completed Recruitment Report with supporting documents to the AAO for review and approval. OHRD will not process a position for advertisement until it has been approved by the AAO.
- B. Screening Process. In the event that candidates for a position appear to be comparably qualified, preference is to be given to members of "protected" groups which are presently underrepresented in that EEO-6 job category in the university workforce. The hiring authority is responsible for the following steps in selection of the successful candidate:
1. Assure that each mail-in applicant receives an optional form (see form at 04.01.15 K.3.). All completed Optional Forms will be forwarded to the AAO. Sight identifications should be recorded for those applicants who appear in person.
 2. Follow the screening process as outlined on the Recruitment Report and insure that the process is fully documented.
 3. Contact the AAO prior to the final stage of selection in order to review documentation of the selection process, to identify any candidates who are members of "protected" groups, and to discuss appropriate affirmative actions to be taken. The hiring authority must be able to document that reasonable efforts were made to assure that qualified, "protected" applicants in the pool be included among the final or "top" candidates.
 4. Conduct Interviews If Appropriate. Candidates should not be interviewed prior to the closing date unless all applicants are to be interviewed or unless special permission is granted by the AAO. Not all applicants need to be interviewed, but it is advisable to interview the "top" candidates.

5. Complete the Applicant Flow Report, except for the hiring section (see form 04.01.15 K.4.). State specific reasons for eliminating "protected" candidates, and specific reasons for selection of the finalists. The reasons should be objective and relate to the vacancy announcement. The Applicant Flow Report should be detailed and complete so that it will "stand alone" as explanation for the end result of selection.
6. Submit the Applicant Flow Report along with all applicant folders and screening documents to the AAO. Approval from the AAO must be obtained prior to offering the position to any candidate. Affirmative Action approval indicates that to the knowledge of the Affirmative Action Officer, appropriate efforts have been made to assure a balanced pool of applicants and that the selection process permitted the evaluation of all candidates in terms of their qualifications to perform the job in question. If, in reviewing the hiring process, it is determined that proper procedures have not been followed, the AAO will return the documents to the hiring authority unsigned, with an attached memorandum of explanation and recommended solution. In most cases, this action will not be necessary if the hiring authority has communicated sufficiently with the AAO throughout the screening process. The AAO's decision may be appealed to the appropriate executive administrator (community college president, chancellor, president or designees).

C. Hiring Process.

1. Offers of employment shall be made in accordance with procedures established at each major administrative unit.
2. Complete the Hiring Section of the Applicant Flow Report after the candidate has accepted or rejected the offer. The completed Applicant Flow Report, selection documents, and application materials must be retained for a period of three years in accordance with procedures established at each major administrative unit.
3. Unsuccessful candidates should be notified promptly that they have not been selected for the position. Qualified but unsuccessful "protected" candidates should be contacted individually by the AAO or OHRD for future vacancies for which they are qualified and should be encouraged to enter the labor pool for temporary and emergency hires.

D. Employment of Disabled Persons

1. Reasonable Accommodation: If an employee or an otherwise qualified candidate for a position has a disability which might affect job performance reasonable accommodation should be made to assist the person to perform the job properly and safely. In determining what constitutes a reasonable accommodation, consideration should be given to issues of safety, financial considerations and sound business practices. The specific accommodations are to be determined through consultation with the handicapped person.
2. Select Appointment: In cooperation with the State Department of Vocational Rehabilitation, a person certified as severely disabled by the State Director may be appointed directly to a position as a four month provisional hire in accordance with AS35.25.50. If the individual performs satisfactorily, probationary employment may be extended two months by the hiring department to fulfill the six month probationary employment requirements of the university. After satisfactory completion of the six months probation period, permanent status may be granted. Direct appointments may be arranged by contacting the AAO or the OHRD.
3. Unpaid Work Experience: The unpaid work experience allows a Vocational Rehabilitation Counselor to place on the job, at no expense to the employer, a handicapped person for training and diagnostic purposes. The handicapped person does not displace other employees. An unpaid work experience may be arranged by contacting the AAO or the OHRD.

E. Temporary Hiring

1. Recruitment and hiring procedures for the initial hire of a temporary employee are generally the same as for a permanent hire. However, procedural modifications may be made in consultation with the AAO.
2. Full-time or part-time employees working 20 hours or more per week are appointed only for a three month period. Individual three month extensions may be granted based on documented justification and approval by the chancellor or chancellor's designee. Extensions approved beyond a six month total hire period in any seven months require that the employee be provided with basic health care benefits, temporary disability leave, holidays and annual leave or time off for academic employees.

F. Emergency Hire

1. An emergency hire is a matter of business necessity rather than convenience and requires the approval of the AAO. The AAO shall consider approval of emergency hires in such cases as the following:
 - a. To cover an employee on emergency or short-term, temporary leave.
 - b. To appoint a short-term, temporary employee to assist with an unexpected increase in work load.
 - c. To temporarily fill a vacancy only for the duration of the normal recruitment and hiring process.
 - d. To hire an author or principal investigator of a restricted fund or other sole source project.
 - e. To replace a faculty member who unexpectedly fails to return for the beginning of classes or when unexpected increased enrollment warrants additional faculty.
 - f. To meet the unexpected employment demands of an emergency nature.
2. The hiring authority who wishes to make such an appointment must submit an Emergency Hire Report (see form 04.01.15 K.5.) to the AAO for approval prior to an offer of employment. Every effort should be made to contact "protected" candidates. A copy of the Emergency Hire Report shall be maintained by the initiating department and shall accompany the hiring documents.

If the AAO determines that the request for an emergency hire is not warranted, the request will be returned to the initiating department with a complete explanation attached. The hiring authority may then appeal for approval to the appropriate executive administrator (community college president, chancellor, president or designees).

G. Promotion

1. Whenever a position is created or vacated, a potential promotional opportunity exists for current University of Alaska employees. Hiring authorities are encouraged to explore thoroughly the alternative of promotion before deciding to recruit from the general public. With written approval from the AAO and OHRD, the hiring authority may:

- a. Directly promote an employee into the position as part of an official training program or an identified career ladder step.
- b. Announce the position throughout the department, campus/region or University system and include the following statement on the vacancy announcement:

"This position vacancy is announced as an employment opportunity for University of Alaska (or department name) employees only."

2. Approval of the AAO will signify that:
 - a. The university workforce is balanced in that job category (no target recruitment is necessary) or
 - b. That target recruitment is indicated but that a balanced pool of qualified applicants is available within the department, campus or system. The availability of this pool satisfies the requirement to target recruit.
3. If, after in-house advertising, a suitable candidate is not found, the vacancy will be announced to the public. Once a position is open to the general public, university employees will be encouraged to apply and will compete on an equal basis with other applicants.

H. Transfers

An employee may request or a supervisor and/or Director of OHRD may recommend a transfer without promotion to a vacant position in the same salary range in another department or unit. Prior approval of such transfers must be obtained from both departments/units, the AAO and the OHRD.

I. Reappointment of A Seasonal Worker

An employee may be reappointed into a temporary seasonal position if the employee was originally selected and employed in accordance with university hiring regulations.

J. Definition of Terms

1. The term "minorities" refers to members of any one or more of the following groups:
 - a. Black (not of Hispanic origin) - a person having origins in any of the Black racial groups of Africa.

- b. Hispanic - a person of Mexican, Puerto Rican, Cuban, South American, or other Spanish culture origin, regardless of race.
 - c. Asian or Pacific Islander - a person with ancestry in the Indian subcontinent, the region referred to as the Far East, Southeast Asia, or the Pacific Islands, i.e., India, Pakistan, Thailand, China, Japan, Philippines (not the Middle East).
 - d. American Indian or Alaska Native - a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.
2. The term "protected", "protected class" refers to:
- a. Women of all races and national origins who are applicants for positions that are not clerical in nature.
 - b. Minorities as defined above.
 - c. "Handicapped" individuals - those persons who have a record of physical, sensory, or mental disabilities which substantially limit one or more major life activities or who are regarded as having such a disability.
 - d. "Vietnam era veterans" - any veteran of the Vietnam era (August 15, 1964 - May 7, 1975) is considered "protected" for a period of up to four years after the date of his or her discharge.
 - e. "Disabled veterans" - persons entitled to disability compensation under laws administered by the Veterans Administration for disability rated at thirty (30) percent or more or a person whose discharge from active duty was for a disability incurred or aggravated in the line of duty.
 - f. Males who are applicants for positions in which traditionally they have not been employed (e.g., clerical positions, nursing).
3. "Target groups" are those "protected classes" which are presently underrepresented in a particular EEO-6 job category in the university's workforce.

4. "Target recruitment" refers to additional recruitment efforts specifically made to recruit applicants from target groups.
5. "AAO" refers to the unit, regional or statewide Affirmative Action Office, Director, Officer or designated person, whichever reference is applicable.
6. "OHRD" refers to the unit, regional or Statewide Human Resource Development/Personnel Office, director, or designated person, whichever reference is applicable.
7. "Temporary employees" refer to:
 - a. Full-time or part-time employees working 20 hours or more per week who are appointed for a three month period.
 - b. Part-time employees, working less than 20 hours per week or less than 1040 hours per year.
 - c. Part-time instructors who teach less than 7.5 credit hours per semester or who prepare equivalent course work.
 - d. On call employees employed for periodic, discontinuous assignments.
8. "Emergency Hire" refers to the direct appointment of an individual into any position without following the required recruitment procedures because of an emergency need for immediate filling of the position.

UNIVERSITY OF ALASKA REPORT OF RECRUITING

Recruitment approval must be received from the Affirmative Action Officer prior to releasing the announcement of any position vacancy.

Region _____ Department _____ Cost Center _____

Position Title _____ Job Title # _____ EEO-6 Category _____

Recruitment Period: Opening Date _____ Closing Date _____

Availability Statistics _____

Classification: Student _____ Classified _____ Faculty _____ APT _____ Ceta _____

Status: FTP _____ FTT _____ PTP _____ PTT _____ Grade, Step and Salary _____

Selection Committee Members _____

Recruitment effort in addition to Personnel and AA Offices _____

- 1) Attach a copy of the vacancy announcement.
- 2) Attach a copy of the corresponding position description approved by Personnel.
- 3) Attach a copy of the paid position advertisement, if appropriate.
- 4) Describe in detail the selection process and attach copies of all selection forms being used.

Signature _____
Hiring Authority

_____ Date

Approval _____
Affirmative Action Officer

_____ Date

VACANCY ANNOUNCEMENT OUTLINE AND CHECKLIST

- Position Available: (State title, area of specialization, and type of appointment, e.g. academic, fiscal, etc.)
- Starting date, duration of appointment if temporary
- Salary (optional):
- Responsibilities/Duties: (Should include a detailed description of the position and correlate directly with the position description on file.)
- Qualifications:
- Required:
- Knowledge
 - Skills
 - Abilities
 - Education
 - Experience
- (Job related education may be included if essential for job performance, professional certification of the candidate, or professional accreditation of the department or program. Job related experience may be included but number of years may not be specified.)
- Desired:
- Knowledge
 - Skills
 - Abilities
 - Education
 - Experience
- Contact/Application Procedure: (List information to be submitted and to whom.)
- Closing date: (Should include month, day, and year and be followed by the phrase, "May be extended until suitable applicant applies" or "May be extended until filled".)
- Tagline:

OPTIONAL FORM

University of Alaska

It is the policy of the University of Alaska to refrain from employment discrimination and to take affirmative action to realize full and equal employment opportunity for women, minorities, handicapped persons, and veterans of the Vietnam era. If you believe you could benefit from the University's Affirmative Action program and would like to be included, please complete this form. The information you provide will be kept confidential and will in no way adversely affect any employment decision. Refusal to provide the information will in no way affect your application.

NAME: _____ (Last) (First) (Middle)

Present Address: _____

Permanent Address: _____

Date of Application: _____ Position Applied for: _____

- 1. Race/Ethnicity: _____ White/Non-Hispanic _____ Asian American
 _____ Black/Non-Hispanic _____ Hispanic
 _____ American Indian _____ Alaska Native

2. Religion: _____

3. Sex: Male _____ Female _____ 4. Date of Birth: _____

5. If you are a veteran of the Vietnam era (August 15, 1964 - May 7, 1975) please provide your date of discharge.

6. If you have a disability which might affect your performance or create a hazard for yourself or others in connection with the position for which you are applying, and the University can provide any special accommodations to assist you, please state:

a. the accommodation we could make which would enable you to perform the job properly and safely.

b. skills and procedures you use or intend to use in the job to compensate for your disability:

7. How did you learn about this job? _____

UNIVERSITY OF ALASKA APPLICANT FLOW

04.01.15K.4.

Hiring approval must be received from the Affirmative Action Officer prior to offering the position to any applicant.

Region _____ Cost Center _____ Depart. _____

Job Title _____ Job # _____ EEO-6 Cat. _____ Total # Applic. _____

Race/Ethnicity	Total # Applicants		Eliminated Preliminary Stage		Eliminated Intermed. Stage		Eliminated Final Stage or Interview	
	M	F	M	F	M	F	M	F
White/non-Hisp.								
Black/non-Hisp.								
American Indian								
Asian American								
Hispanic								
Alaska Native								

List below all applicants from protected groups who were eliminated. Please include non-citizen minorities and identify with an asterisk. Attach an additional sheet if necessary.

NAME	SEX	RACE ETHN.	HANDICAP	VIET. VET	STAGE ELIM.	APPLIC. DATE	REFERRAL SOURCE

Reasons:

--	--	--	--	--	--	--	--

Reasons:

--	--	--	--	--	--	--	--

Reasons:

--	--	--	--	--	--	--	--

Reasons:

--	--	--	--	--	--	--	--

Reasons:

List below in order of preference all candidates to whom the position may be offered. Indicate specific reasons for the selection of each candidate. Reasons must relate specifically to the vacancy announcement and selection criteria.

04.01.15K.4.

H I R I N G
I N F O R M A T I

	Sex	Race/ Eth.	Handi- cap	Vietnam Veteran	Appl. Date	Referral Source	(Complete after position is accep
1) Reasons:							Date of Offer: _____ Date of Acceptanc _____ Date of Rejection _____
2) Reasons:							Date of Offer: _____ Date of Acceptanc _____ Date of Rejection _____
3) Reasons:							Date of Offer: _____ Date of Acceptanc _____ Date of Rejection _____

I hereby certify that the hiring process was conducted in accordance with the principles of equal opportunity and affirmative action.

Signature (Hiring Authority) (Date)

Signature (Affirmative Action Officer) (Date)

UNIVERSITY OF ALASKA EMERGENCY HIRE

Hiring approval must be received from the Affirmative Action Officer prior to offering the position to any applicant.

Region _____ Dept. _____ Cost Center _____

Job Title _____ Job Title # _____

Availability Statistics _____

Classification: Student _____ Classified _____ Faculty _____ Apt. _____ Ceta _____

Grade, Step & Salary _____

Duration of appointment _____ FT _____ PT _____

Date Personnel Notified _____ EEO-6 Category _____

- 1) Justification for emergency status and waiver of advertising.
- 2) How was successful candidate selected?
- 3) Affirmative Recruitment efforts.

Race/Ethnicity	Total Applicants			Vietnam Veteran
	M	F	Handicap	
White non-Hispanic				
Black non-Hispanic				
American Indian				
Asian American				
Hispanic				
Alaska Native				

4) List below candidate to whom position will be offered:

Name	Sex	Race Ethn.	Handicap	Vietnam Veteran	Referral Source

Reasons:

Signature _____
Hiring Authority

_____ Date

Approval _____
Affirmative Action Officer

_____ Date

REGENTS' POLICY

04.01.01

PART IV

PERSONNEL

Chapter I

EMPLOYMENT

Confidentiality of Personnel Records

04.01.01

Employees' personnel records are treated as confidential to the employee and the institution. Personnel records will be released only to appropriate authorities within the University, except where the employee or others and/or property is in danger and except when required by law. At the time the information is released outside the University, written notification shall be sent to the employee. (05-18-79)

Access to Personnel Files

04.01.02

Individuals shall have the right to examine their own personnel files at any time during normal business hours. The individual shall have the right to a copy of his/her file upon payment of reasonable charges for copying. (05-18-79)

Contents of Personnel Files

04.01.03

- A. Whenever a reprimand, or disciplinary action or any infraction of discipline, or delinquency in professional performance is reduced to writing by a supervisor, the findings and decisions of the supervisor shall be filed, in writing, in the employee's personnel file, and a copy thereof simultaneously given to the employee.
- B. The source of all material shall be identified. Unauthorized or anonymous material (other than official student evaluations) shall be removed by the University on demand of the affected employee or may be removed on University's own motion. At the time unauthorized anonymous material is removed, written notification shall be sent to the employee.
- C. Employees may place in their personnel file a response to adverse information contained therein. (05-18-79)

Nepotism

04.01.04

The University of Alaska and its divisions seek to appoint only the most qualified persons to fill teaching, research, service, administrative, non-exempt and student positions.

Candidates shall not be prohibited from appointment on the basis of their relationship with current employees of the University of Alaska. However, no employee of the University may supervise or participate in employment, grievance, retention, promotion, salary, leave or other personnel decisions concerning members of his or her immediate family.

Persons referred to include an employee's spouse, child or stepchild, parent, sibling or immediate inlaws.

Any exception to this policy requires the prior written approval of the President of the University in advance of any action taken.
(06-26-81)

Employee Discipline

04.01.05

The use, terms and conditions of employee probation, suspension, demotion, termination, loss of privileges, and other disciplinary measures shall be in accord with uniform regulations. (05-18-79)

REGENTS' POLICY

04.01.06

Probationary Status at Time of Hire

04.01.06

All exempt and non-exempt staff, with the exception of executive personnel and faculty, shall be on probation for the first six months of employment. (06-15-84)

Disciplinary Probation

04.01.07

Any employee who fails to meet the performance standards or employment conditions of the supervising authority may, in the discretion of the supervisor, be placed on probation for a period not exceeding six months. Failure to meet the performance standards or employment conditions of the supervising authority at any time during the probationary period shall constitute "just cause" for termination. (05-18-79)

Suspension

04.01.08

Any employee may be placed on suspension for a specified period of up to thirty days as a means of disciplinary action of failure to meet the performance standards or employment conditions of the supervising authority. An employee on suspension does not receive holidays, wages, leave or other benefits based on hours worked, but does continue to be covered by the applicable group insurance program. (05-18-79)

Termination

04.01.09

Any employee may be terminated as an employee for "just cause". (05-18-79)

Employment Procedures

04.01.10

A. Position vacancies shall be advertised only when either there are available budgeted funds for the position, or funds are anticipated and the advertisement states that the position will be filled only if funds become available. No position shall be filled without available budgeted funds for the position. (02-15-79)

B. Recruitment and selection of University employees shall be in accordance with the University's Affirmative Action and Equal Employment Opportunity policies and regulations. (02-15-79)

C. There shall be standardized procedures for completion and approval of employment documents, notification of candidates, and orientation of employees. (02-15-79)

D. The University of Alaska shall recruit, select, and orient employees, and fill positions. (05-18-79)

Hiring of Persons Already Employed by the University 04.01.11

No University employee may be hired into a new or vacant position without the express consent of the Chancellor having cognizance

06-03-79

06-15-84 (revised)

04.01.11

04.01.11

over the current position, unless the employee has fulfilled all obligations of employment in the current position, including the giving of adequate notice. (05-18-79)

Notice of Nonretention of Exempt Employees

04.01.12

A. Effective with the 1979-80 fiscal year, notice of nonretention of an employee classified as exempt must, unless otherwise provided, be given in writing by the University in accordance with the following schedule:

1. Not later than February 15; or
2. Not later than December 15, if by the expiration of the employee's current appointment the employee shall have been employed by the University continuously for at least two full academic years; or
3. At least fifteen months before the expiration of an appointment if by the expiration of the employee's current appointment the employee shall have been employed by the University continuously for at least three full academic years.

B. Employees whose conditions of employment provide to the effect that employment is for a particular purpose and that retention for or beyond the current appointment period is subject to receipt of adequate funding for the purpose, shall be provided only such notice of nonretention as is provided in the employment conditions, or three (3) months, whichever is greater. Employees whose conditions of employment provide to the effect that the employment is for the life of a project, or for a specific term and not beyond, shall not be provided notice of nonretention beyond the life of the project or the specific term.

C. Faculty members who have been denied tenure during the seventh year of service shall not be provided with notice of nonretention.

D. Notice of nonretention for Executive Personnel shall be governed by Policy Manual 01.01.03. Executive Personnel holding a dual assignment or holding faculty rank shall not be entitled to notice of nonretention beyond that provided for Executive Personnel. (05-13-79)

Exempt Employees

04.01.13

Exempt employees are employees classified as "exempt" by the University using the standards set out in the Fair Labor Standards Act and Regulations. (05-13-79)

04.01.13

03-33-79

04.01.13

PART IV
 PERSONNEL
 Chapter I
 EMPLOYMENT

Confidentiality of Personnel Records

04.01.01

In recognition of the privacy rights of employees, the University will seek to avoid unnecessary exposure of the contents of individual personnel files. The contents of an employee's personnel file will be made available under any of the following circumstances:

- A. To representatives of outside agencies in the course of an investigation, where the information requested is specific, the information requested is reasonably related to the issues under investigation, and access to such information is provided for under a valid law. Most information contained in personnel files is potentially available to investigators for federal and state agencies responsible for enforcement of equal employment opportunity laws, and to the Alaska State Ombudsman. Such officers are legally prohibited from making disclosure of personal information they find.
- B. In response to a subpoena or court order.
- C. In situations such that revealing information from personnel files is judged to be reasonably necessary to protect life or property.
- D. To any person or agency with the written consent of the affected employee.
- E. For use internally to the University, to any person having a "need to know" in the course and scope of employment by the University.

Access to Personnel Files

04.01.02 (a)

- A. The official personnel files shall be located at the campus from which the employee is administered.
- B. The employee may examine his/her own personnel file at any time during normal business hours. The individual shall have the right to a copy of his/her file upon payment of reasonable charges for copying. (05-18-79)

Public Disclosure

04.01.02(b)

Consistent with the University's policy on confidentiality of personnel records, the University provides for limited public disclosure of applications for employment. Requests for public disclosure pursuant to this section may be honored, but shall be limited to information pertaining to those applicants who have been selected as finalists for a particular position.

- (a) A distinction is to be made between requests for "public" disclosure and requests for "private" disclosure. Requests for public disclosure shall be defined as those received from the news media, public agencies or other governmental entities. Requests for private disclosure shall be defined as those received from any individual not affiliated with the news media, a public agency or other governmental entity. Only requests for "public" disclosure will be honored by the University.
- (b) A request for public disclosure must be in writing, directed to the chairperson of the search committee or to the President. The person seeking public disclosure must identify which organization he/she represents and provide a brief explanation of the potential use of the information.
- (c) The person receiving the request for public disclosure shall acknowledge the request in writing and immediately forward a copy to the Office of the General Counsel for legal review.
- (d) When a valid request for public disclosure is received, the chairperson of the search committee shall notify the selected finalists, within two (2) business days of their selection, that the University will release their names and pertinent biographical information, unless they withdraw their application within ten (10) business days. Each affected applicant shall be notified, individually, in writing. In appropriate circumstances, the chairperson may supplement the written notification with personal contact by telephone or otherwise.
- (e) The following notice is to be posted in a conspicuous place in each Personnel Office of the University of Alaska:
"NOTICE OF PUBLIC DISCLOSURE: Applications for employment with the University of Alaska may be subject to public disclosure. Should your application be among those in a pool of finalists for which a request of public disclosure has been received, you will be notified and have ten (10) business days, in which to withdraw from consideration. If you do not withdraw your candidacy within the time allotted, your name and pertinent biographical information will be released with the list of finalists for the position in question."

- (f) All Statewide application forms, position vacancy announcements and media advertisement for position announcements shall contain the following statement: "Your application for employment with the University of Alaska may be subject to public disclosure if you are selected as a finalist."
- (g) Information to be disclosed shall be limited to the names of finalists and a brief biographical sketch, which shall include, at a minimum, the finalist's present position and institutional affiliation. (04-29-81)

Contents of Personnel Files

A. Only the official personnel file contents will be considered in making personnel management decisions relevant to the employee. Information not contained in the personnel file may be considered only if a specific identifying reference to the material is contained in the file.

B. The official personnel files shall contain only the following:

1. Information relating to the employee's original hire, such as application, curriculum vitae, transcripts, and hire documents, including benefit enrollment forms;
2. Correspondence relating to the employee's employment;
3. Commendations, official reprimands, and the like, relating to the employee's job performance;
4. Documents showing the history of the employee's work assignments;
5. Official statements summarizing the decision in a grievance by the employee;
6. Evaluations;
7. Notices of unsatisfactory performance; and
8. Employee responses to the above.

C. Removal of material from the official personnel file:

1. Unauthorized or anonymous material will be removed from all official personnel files.
2. Letters of reprimand or disciplinary actions may be removed by the servicing personnel office upon written request and justifications by the party who originally initiated the actions.

D. A unit or department may maintain files containing whatever information is needed for efficient and convenient operation; however, these files are not official personnel files. (05-18-79)

Discipline

04.01.05

A. Purpose of Disciplinary Action. The administration of disciplinary action should seek to accomplish the following objectives:

1. To prevent serious personnel problems, rather than punish employees for misconduct.
2. To assure that:
 - a. Each problem is adequately investigated;
 - b. Any action is primarily corrective rather than punitive, and is appropriate to the offense;
 - c. The dignity of the employee is respected.
3. To allow the supervisor sufficient information to recommend, based upon the circumstances in each case, what, if any, disciplinary action is appropriate;
4. To avoid surprise to the employee;
5. To lead to the correction of problems;
6. To provide the employee with an opportunity to respond at each phase of the disciplinary process.

8. Principles Governing Disciplinary Action. All disciplinary action at the University of Alaska shall be governed by the following:

1. GENERAL. Certain standards of performance and conduct must be maintained in any work group. Generally, these standards are recognized and observed by individual members of the work group without any need for action by the supervisor. When an employee does not observe these standards, counseling or a verbal reminder by a supervisor normally results in his or her doing so in the future. When an employee does not respond to verbal reminders, more formal discipline may be appropriate. In a normal case, the discipline imposed would progress in order of increasing severity from informal action through formal reprimand, disciplinary probation, suspension, and termination. However, in appropriate cases, which the supervisor believes to be justified by the circumstances and by the gravity of the shortcomings in the employee's conduct or performance, the supervisor may choose to skip one or more steps in the normal progression. For example, a supervisor might, in a proper case, be justified in terminating an employee as the initial action in imposing discipline.
2. INFORMAL ACTION. Informal disciplinary action should be in the form of an informal verbal discussion and warning.

The employee must be made aware of the supervisor's dissatisfaction with performance and/or behavior and must be able to respond. (12-02-79)

3. **FORMAL REPRIMAND.** If a problem continues, a more formal discussion should take place. This more formal discussion should be confirmed by letter from the employee's supervisor (with a copy to the Chancellor or President, as appropriate) to the employee which is sufficiently detailed to let him/her know how he/she has failed to meet standards. The letter should also state (if it is the case) that informal warning and discussion have preceded the reprimand. The letter should advise the employee of the possible consequences (in general terms) of continued unacceptable/substandard performance or conduct. (03-24-80)

The reprimanded employee will be required to sign a statement, to be included in the letter, signifying receipt of the letter and participating in the formal discussion that took place. (12-02-79)

A copy of the reprimand should be placed in the employee's personnel file, and the employee should be made aware of that action. An employee will be allowed the opportunity to respond at each phase of any disciplinary action. (12-02-79)

Probationary Status at Time of Hire

04.01.06

All non-exempt and exempt (non-faculty) employees shall be in probationary status for the first six months of employment. The performance of these employees shall be evaluated prior to the end of the probationary period. (06-20-84)

A. If the employee's performance is found to be satisfactory, probationary status shall cease. (06-20-84)

B. If the employee's performance is found to be unsatisfactory, the employee will be terminated. (06-20-84)

C. If the employee's performance is found to be minimally acceptable, the probationary status may, at the discretion of the supervisor, be extended. (06-20-84)

Disciplinary Probation

04.01.07

Any time after the completion of the initial probationary period, and if an employee continues to demonstrate his/her inability or unwillingness to satisfactorily meet acceptable standards or employment conditions, the supervisor shall, after consulting with the servicing personnel officer, so advise the employee in writing, and place the employee in a probationary status not to exceed six months.

During the disciplinary probation, the supervisor will advise the employee of his/her progress in correcting the problem. If the employee fails within a reasonable time to attain adequate standards of performance during the probationary period, the supervisor may give him/her notice of termination, such notice to be given not less than two weeks before the termination date. (12-02-79)

Copies of all relevant correspondence shall be sent promptly to the employee's official personnel file. (12-02-79)

Suspension

04.01.08

Supervisors shall use suspension as the last means of disciplinary action prior to discharge of an employee in an attempt to improve behavior. (12-02-79)

Suspension will be used only in cases in which the supervisor believes that by its use the employee will correct his/her failure to meet acceptable standards, and where discharge appears unwarranted, and only after consulting with the servicing personnel office.

The suspension status will be designated by the supervisor for a specified period of time, not to exceed 30 days. The following procedures must be followed in cases of suspension.

A. The employee shall be informed in writing that he/she is in the status of suspended employment, to include

1. the reason for the suspension,
2. the date and time to return to work, and
3. the action to be taken if he/she does not report for work at the end of the period of suspension.

B. A copy of such notice shall be forwarded to the servicing Personnel Office, the Statewide Personnel Office, and the Payroll Department.

C. In any instance when suspension is the only action taken, the employee is to return to work status in the same job and at the same pay rate as held prior to being suspended.

D. If, by his/her own volition, the employee does not return to work and on-duty status at the end of the period of suspension, or fails to notify the supervisor in the event that he/she is unable to report to work on the specified return date, he or she will be terminated from employment by the supervisor.

Suspension is a non-working status of employment during which an employee is not paid wages, does not accrue annual leave, temporary disability leave, holiday or other benefits which are based on time worked. However, an employee, while placed on suspension status, will not use previously accrued annual or temporary disability leave credits, and will continue coverage in the group insurance program in which he/she was participating prior to suspension. Length of service credit will continue through the suspension.

Termination

04.01.09

A. Termination is the final and most severe step in the disciplinary procedure. The employee may be terminated for "just cause" as the result of failing to meet standards in spite of the imposition of progressive disciplinary action.

12-02-79

04.01.09

An employee may also be terminated from University employment for "just cause" without prior notice for gross misconduct, including dishonesty, insubordination, excessive absence, incompetence, misuse of University property or funds and other valid reasons. The reason for discharge must be given in writing to the employee with a copy to the Statewide Personnel Office. If possible, the Director of Statewide Personnel should be contacted prior to dismissal to assure conformity with policies, regulations and procedures.

B. In case of dismissal, if for any reason the employee believes he/she is wrongfully discharged, he/she may immediately appeal through the established grievance procedure.

C. Resignations

1. Effect of Resignation of Employment. A resignation constitutes just cause for termination.
2. Form of Resignation: Presumptions.
 - a. A resignation is presumed to be a resignation of employment.
 - b. A resignation of employment is conclusively presumed to be a resignation of all University employment unless clearly stated to the contrary.
 - c. A resignation shall be reduced to writing. If not submitted in writing, it shall be reduced to writing and acknowledged by the supervisor in a memorandum to the employee.
 - d. A resignation shall be conclusively presumed to be effective immediately, unless a future date certain is specified in the resignation.
 - e. Conditional resignations are not considered accepted unless accepted in writing.
3. Withdrawal of Resignation. A resignation may be withdrawn only by a written, signed statement by the employee to the supervisor prior to the time the resignation either
 - a. Becomes effective; or
 - b. Is accepted.
4. When Resignation is Effective. A resignation is effective:

- a. When the employee submits a resignation and subsequently fails to report for work; or
 - b. When the employee signs termination papers or requests a change in status in respect to the retirement system; or
 - c. Immediately or if at a future date certain, upon the arrival of that future date.
5. Notice of Intent to Resign. Employees are expected to give "adequate" advance notice of their intention to resign. "Adequate" notice means notice sufficient to permit orderly replacement of the employee, but not more than six months' notice is required. Lack of adequate notice may be waived in the discretion of the supervisor.
6. Effect of Resignation Upon Subsequent Re-employment. Resignation does not place the employee in a position which has any advantage or disadvantage over a member of the public who seeks employment.

A person whose resignation has become effective must comply with the normal hiring processes, including EEO/AA requirements, prior to being re-hired into any position.

Unless inadequate notice was given, the employee who has resigned will suffer no disadvantage as a result. This does not preclude the possibility that negative references may be given or considered in appropriate cases.

Sick leave accruals cannot be reinstated upon rehire after a resignation.

Employment Procedures

04.01.10(c)

A. Applicability. These regulations govern all applications for employment at the University of Alaska.

3. Uniform Personnel System. The Office of Statewide Personnel will have overall responsibility for coordinating and maintaining the University-wide personnel system, and is empowered to conduct post-audits of actions taken, and to countermand actions not permitted by Policy or Regulation.

The personnel system will provide for a standardized position description, grade, and salary range for all positions in the University of Alaska Statewide System.

C. Position Evaluation Process

1. GENERAL. Position evaluation is used to determine specific job requirements for new and/or existing positions (other than faculty positions).
2. POSITION EVALUATION/RE-EVALUATION. When an operating unit determines a need for a new position, or the re-evaluation of an existing position, the operating unit will:
 - a. Establish the need for the new position or reclassification and provide written justification;
 - b. Ascertain the major duties and provide the applicable completed Position Evaluation Questionnaire and Job Description. (These documents may include the proposed grade and step, if the position is non-exempt. If the position is exempt, a tentative salary range may be included.)
 - c. Provide a completed New Position Request Form (Form 13), if applicable, for the budgetary establishment of a new position.
 - d. Submit Job Description, New Position Request Form, and other required information or justification to review by the cognizant Affirmative Action Officer and cognizant Personnel Services Officer. Submit Position Evaluation Questionnaire to cognizant Personnel Services Officer.
3. PERSONNEL SERVICES OFFICER. The Personnel Services Officer will:
 - a. Determine the eligibility of a position to be placed on the APT or other salary system.
 - b. Evaluate and establish a tentative grade and step for a non-exempt position, or the tentative salary range for an exempt position;
 - c. Submit to the cognizant Vice President or Chancellor for approval/disapproval;
 - d. Return to operating unit with indicated action and instructions to hold until either the process for hiring is instituted, or the promotion is effected.
 - e. Transmit a copy of Position Evaluation Questionnaire, Job Description and salary range to the Statewide Personnel Office for appropriate action.

4. STATEWIDE PERSONNEL OFFICE, COMPENSATION AND BENEFITS.

The Statewide Personnel Office will:

- a. Review the materials received from the local Personnel Office and respond to the personnel action within five (5) working days from the date of receipt;
 - b. In instances of non-concurrence with local Personnel Office action, advise them via telephone/computer of corrective actions for resubmission. If the disagreement cannot be resolved by the manager of compensation and benefits and the local personnel officer, it will be submitted to the Office of the President of the University for resolution;
 - c. Maintain the classification and qualification standards by periodic review of the job descriptions including the preparation and distribution of new or revised classification and qualification standards;
 - d. Maintain the Official Job Title Table; and approve and assign all job titles and job title numbers as required;
 - e. Maintain the position classification case files of the Statewide System by job title number (class code) and position number.
5. No position may be filled until the cognizant Administrative Services or Budget Development Office has approved the sufficiency of budget monies available to cover the cost of the proposed position or re-evaluation.

D. Classification and Qualification Standards. The Classification and Qualification Standards are a compilation of all currently approved job classes with the established grade or salary range. They are prepared and maintained by the Statewide Personnel Office.

The updating of these standards will be a continuous process performed by the Statewide Personnel Office with copies located in each Personnel Office.

If there is a need to develop a unique standard not included in the manual, it will be developed by the operating unit and submitted to the local Personnel Office for review and tentative assignment of grade and step. The grade and step assignment will be based on backup information provided by the cognizant Supervisor/Director. The local Personnel Office will provide copies of the unique standard with rationale for the grade and step to the Statewide Personnel Office for concurrence and inclusion in the Classification and Qualification Standards Manual.

If the Manager of Compensation and Benefits and the Local Personnel Office are unable to concur on a standard grade and step assignment the problem will be submitted to the Director of Statewide Personnel for resolution.

E. Appeals from Assigned Classifications, Grade or Range. Any party dissatisfied with an assigned classification, grade and/or range may appeal therefrom to the Chancellor, and from the Chancellor to the President of the University who shall cause a review to be conducted and a final decision in the matter to be rendered.

F. Administrative/Professional/Technical Placement.

1. Eligibility for placement on the Administrative/Professional/Technical Salary Scale shall be as follows:

The job must be predominant^{ly} devoted to one or more of the following described job activities at least 80% of the time:

- a. Supervise other employees. Supervise means some or all of the following job functions: interviewing, selecting, and recommending persons for employment; training employees; assigning work and developing work schedules for employees; setting and adjusting rates of pay and/or hours of work; directing work; maintaining records of employee work; appraising work performance; handling employee complaints; disciplining employees; determining work techniques and methods; controlling the flow and distribution of materials and supplies for performing work; providing for the safety of employees and property in accomplishing work. Furthermore, the department, project, process or activity supervised must be formally established and recognized by the University of Alaska.
- b. Have authority to exercise discretionary powers and independent judgment customarily and regularly in the day-to-day operations of an activity, program, office or in a process of service or production.
- c. Perform work which is highly specialized, technical, or professional, requiring special training, experience or knowledge, and is performed under general direction only.
- d. Perform work of a predominantly intellectual and varied character as opposed to routine mental, manual, mechanical, or physical work or work requiring only

basic skills for accomplishing the assigned objectives of the position.

- e. Perform work which contributes to the origination and creation of products, information, processes, or services rather than as an implementer of existing information, processes or services used in the day-to-day operations of a program, activity, office, or process.

2. Based on these standards, the Personnel Director shall determine the eligibility of a position for the Administrative/Professional/Technical Salary Schedule. The Personnel Director will conduct an audit of the position when appropriate; interview the supervisor of the position; and otherwise collect relevant information and background about the position to assist in determining the eligibility of the position for the APT schedule.

G. Position Advertisement. Position advertisement, as determined by the supervisor and approved by the local AAO and servicing personnel office, shall begin at this point. All media advertisements must be approved by the local Affirmative Action Officer, prior to requisitioning, as being in conformity with the University of Alaska Affirmative Action Plan.

H. Recruitment Process. As inquiries to advertised positions are received, the supervisor of the organizational unit should respond in writing to each inquiry. Prospective applicants who intend to make formal application for the position should submit a University of Alaska Employment Application form. Each applicant will be provided with an optional Affirmative Action information form, to be returned to the Affirmative Action Officer. When the above information is received by the unit, the individual becomes an applicant for the position and is entered upon the Daily Applicant Flow Chart. The supervisor should thoroughly evaluate each applicant entered on the flow chart and eliminate those applicants who do not meet the advertised job-related criteria. The specific lack of qualifications for meeting the criteria should be entered on the flow chart.

If necessary, the supervisor will further eliminate qualified, but relatively less well-qualified candidates, in a manner consistent with EEO/AA guidelines, to arrive at those candidates who will be interviewed.

To complete the recruitment process, the supervisor will conduct applicant interviews with the finalists in person or by phone (all applicants at the same stage of the selection process shall be interviewed in the same manner) and will update the Daily Applicant Flow Chart (including reasons) as applicants are eliminated.

I. Selection and Notification. The supervisor will select the best qualified applicant based on all available information compared to the job-related criteria as advertised and in accordance with EEO/AA guidelines. The reasons for selection will be entered on the Daily Applicant Flow Chart, and the completed Flow Chart, with all applications and relevant attachments, will be forwarded to the appropriate unit EEO/AA office for review.

Hiring will not take place, and notification of the selected applicant will not take place until approval of the procedures used has been received from the Affirmative Action Officer, or an exception has been granted by the President of the University.

If the procedure used is not approved, the Applicant Flow Chart will be returned to the supervisor with the necessary guidelines. If the procedure is approved, the unit EEO/AA will so notify the organizational unit.

For a non-exempt position, the supervisor will contact the selected applicant to determine if he/she will accept the position. If the selected applicant is no longer available and/or interested in the position, the next best qualified applicant shall be selected. If the selected applicant is interested and accepts the offer of employment, the supervisor will instruct the applicant to report to the organizational unit for in-processing. At that time, all other applicants for the position must be notified in writing of their status, and that the position has been filled.

For an exempt position, a formal letter or phone call will be made by the organizational unit supervisor to ascertain if the selected applicant is still interested in the position. If he/she is, a letter of notification of employment and welcome will be sent, with a request for a written response to acceptance within ten (10) days. Brochures on retirement and benefit programs may be sent by the Personnel Office at the request of the organizational unit and/or applicant prior to the employee's scheduled starting date.

When the candidate has accepted the position in writing, the supervisor will advise him/her to report to the organizational unit for in-processing. At that time, all other applicants for the position must be notified in writing of their status, and that the position has been filled.

J. Employee In-Processing.

1. GENERAL. The objective of employee in-processing are:
 - a. To acquaint each new employee with the University of Alaska, its purposes and functions;
 - b. To inform each new employee of the benefits he/she will have available while employed at the University;
 - c. To ensure the standardized completion and processing of required employee payroll and benefit forms and documents, thus facilitating timely receipt of payroll checks and enrollment in benefit programs.

These objectives should be attained through a spirit of welcome, and accommodation of the needs of the individual.

2. EMPLOYEE ORIENTATION. When the employee reports to the organizational unit on his/her first day of work, he/she will be sent to the local Personnel Services Office to receive employee orientation prior to starting work. The orientation should provide the employee with as much information as possible about his/her new environment. Consequently, new employees of the University should be provided with a comprehensive, yet concise, introduction to the University of Alaska. In addition, the orientation should include information regarding the campus, office, or work area at which the employee will be located.

The employee will complete the following documents during the orientation:

- a. Basic employment documents (Personnel Action Form (PAF), Profile, Personal Data Form) as required;
- b. Notification of employment for Public Employees' Retirement System (PERS) or Teachers' Retirement System (TRS), as applicable;
- c. Life Insurance enrollment form; and
- d. State and Federal withholding forms.

The benefits and privileges which University employees are eligible to receive are many and varied. Often the benefit programs and their required procedures are difficult to understand and they may present the new employee with a number of important and unfamiliar decision processes. Therefore, the new employee

orientation should provide an in-depth look at all benefit programs with emphasis placed on answering the employee's questions and providing sufficient information to avoid confusion.

Employees attending an orientation before their initial date of hire will not be on pay status for the hours spent receiving an orientation and completing their employment/payroll documents. Employees who would be affected should be so informed before reporting to orientation.

Employees attending orientation briefing on the same day as their initial date of hire will be on pay status for the hours spent receiving their orientation and employment/payroll documents.

Employee in-processing may be accomplished after the first day of work only with the prior written approval of the cognizant Chancellor/Vice President, and in circumstances amounting to impossibility.

3. IN-PROCESSING CHECKLIST. The employee In-Processing Checklist is completed in order to verify the timeliness and completeness of the orientation of new employees. During the new employee orientation, the form will be completed by the employee to indicate those areas in which the employee was oriented. Blank spaces are provided to allow for local orientation requirements.

Pamphlets and brochures providing detailed information on orientation subjects should be provided to employees prior to or during the orientation.

4. FORM/DOCUMENT PROCESSING. An integral part of the orientation process is the completion of certain required and optional employee payroll documents. Section B of the Employee In-Processing Checklist indicates forms/documents which each employee may need to complete. Blank spaces are provided for additional requirements and local use. During the new employee orientation, the form should be completed to indicate those forms/documents which have been completed by the new employee.

When the Employee In-Processing Checklist has been completed to the satisfaction of the personnel representative and the new employee, both will sign and date the verification statement at the bottom of the form. One copy of the signed checklist will be placed in the employee's official

personnel file, one copy is provided to the individual, and the third copy can be used as a transmittal document to forward required/optional forms to the Statewide Payroll Office.

Layoff, Recall and Release

04.01.10(D)(2)

(a) Definitions

- (1) Layoff: Discontinuation of the active employment relationship which does not reflect discredit on the employee's performance, and which is intended as being of temporary or indefinite duration.
- (2) Non-Retention: A termination of employment which is based on a decision not to renew or continue the employment relationship, and which does not reflect discredit on the employee's performance.
- (3) Resignation: A voluntary separation of an employee from University service (cross reference: Regulation section 04.01.09(c)).
- (4) Termination: The release from employment of an employee prior to completion of his/her term of service or the need of his/her service based upon just cause. Termination may or may not reflect discredit on the employee's performance depending on the circumstances (cross reference: Regulation section 04.01.09(A) for discipline resulting in termination).
- (5) Transfer: The lateral movement of an employee from one position to another position in the same job class or in a parallel job class at the same pay range without any break in service.

(b) Notification of Employees

- (1) Notice of intended curtailment of the work force in a work unit shall be given two (2) calendar weeks prior to its beginning date.
- (2) Two (2) weeks pay may be given in lieu of two weeks notice only with prior approval of the appropriate regional personnel office, the appropriate budget division and the cognizant Chancellor or President of the University, as appropriate.

- (3) All layoff actions will be coordinated through the appropriate regional personnel office prior to notification being issued to any employee.
- (4) Employees who are entitled to a greater amount of notice of nonrenewal than two weeks, as provided by Policy 04.01.12 may not be laid off by this regulation.

(c) Priority Order of Layoffs

- (1) The selection of the individual employees to be retained or laid-off in circumstances other than a declared financial exigency (cross reference: Policy 04.09.04) shall take into consideration the following factors:
 - ((a)) Employee length of service.
 - ((b)) Employee ability to do the work remaining in the department.
 - ((c)) Employee status as temporary, probationary or permanent, with preference being given to the permanent over the others, and preference being given to probationary over temporary.
 - ((d)) Employee past performance.
 - ((e)) Source of, and specific nature of funding.
- (2) The final determination on priority order for layoff shall be made jointly by the department head and the appropriate Personnel Director, subject to review by the Chancellor or President of the University as appropriate.

(d) Alternatives to Layoff

- (1) A potential layoff employee may be transferred, contingent upon ability to perform the work available to other positions determined in the following order of priority:
 - ((a)) To a vacancy in the same classification in the same or another department.
 - ((b)) To a vacancy in another classification in the same pay grade in the same or another department.
 - ((c)) To a vacancy in a classification assigned to the next higher or lower pay grade in the same or another department.
- (2) The appropriate Personnel Office shall be notified as far in advance as possible of the prospective layoff of employees. It shall then endeavor to help the employee find suitable employment within the University system.

(e) Conditions Governing Benefits and Privileges During Layoff

An employee in layoff:

- (1) May maintain all usual insurance benefits, for the first 30 calendar days after layoff by paying, in advance, the full cost of the coverage, including the portion normally paid by the University;
- (2) May not make claims for payments for insurance or other benefits unless the employee is paid up to date for all his/her insurance,
- (3) If participating in the tuition waiver program, may complete those courses in which enrolled at the time of layoff;
- (4) Will not contribute to retirement unless paid for days during the layoff, thus will not accrue retirement service credit;
- (5) Will not accrue annual or temporary disability leave;
- (6) Will receive pay-off of any accrued annual leave on the date of layoff,
- (7) Will not receive holiday pay;
- (8) May not claim temporary disability leave,
- (9) Is eligible to be considered for any other University position, if qualified; however, will receive no special consideration.

(f) Recall

- (1) The priority of recall shall be the reverse order of layoff.
- (2) Recall shall apply only to the identical position to the one which the employee was laid off.
- (3) As the University is able to recall laid off employees, they shall be given the right to first refusal to the jobs from which they were laid off. If they decline, they shall have no further job rights or benefits.
- (4) Recalled employees shall return with the same pay range, appropriate step, and the same accrual rates as those which applied to them prior to layoff.
- (5) Should an employee decline to return, all normal hiring procedures will be observed.

(g) Layoff and Recall Notification

Affected employees will be notified by personal letter explaining their individual situation. The letter will state the need for the action (e.g., lack of funds or reinstatement of funds), specify procedures and refer the employee to the personnel office for appropriate processing and necessary assistance.

The letter of layoff/recall shall be effective when either sent by certified mail, or when actually received by the employee. The employee's acknowledgement of receipt will be placed in his/her official personnel file.

On a recall, the employee must accept/decline the former position within a one week period, and the record of that statement will also be placed in his/her official personnel file.

(h) Reasons for Layoff

The layoff procedure as set out in section 04.01.10(D)(2) may be used only in cases in which there exists within the employing department either:

- (1) A lack of or reduction in available work, or
- (2) A lack of sufficient available funds, or
- (3) Another reason, not reflecting discredit upon the affected employee(s), which has been approved in the particular circumstances by the President of the University.

PART IV
PERSONNEL
CHAPTER I
EMPLOYMENT

Notice of Nonretention

04.01.12

In determining the required period of advance notice as provided in Policy Manual 04.01.12(A), only time in service as a permanent full-time employee is counted.

Written notice of nonretention shall be considered properly and effectively delivered when

- A. Mailed postage prepaid by certified mail to the last known address of the employee to be notified, or
- B. Actually received by the employee to be notified.

Exempt Employees

Exempt employees will be classified as either "Administrative/Professional/Technical" (APT), "Faculty", or "Executive" employees. Non-exempt employees will be classified as "Classified" or "Student."

PART IV
PERSONNEL
Chapter I
Employment

Position Classification and Compensation

04.01.14

A. Employment Status. Employment status shall be designated according to the following definitions:

1. Active employee: An employment status in which an employee is actively employed by the University, either on a permanent or temporary basis. Employees who are between the end of one contract period and the beginning of the next contract period (e.g., nine month faculty) shall be considered as active for the purposes of employee benefit eligibility.
2. Leave Without Pay: An employment status in which an employee is on approved leave for a specified purpose and period of time, during which he/she receives no compensation, and accrues and receives no university paid benefits.
3. Sabbatical, Special Sabbatical or Professional Development/Improvement Leave: An employment status in which an employee is on an approved leave for a specified period of time for professional development during which the employee receives compensation in part or in total from the University.
4. Retirement: A status of no active employment for persons who have formally retired from University service.
5. Termination: A status of no employment in which a prior employee has severed his or her relationship with the University without the expectation or probability of continued or future reemployment.

B. Definitions.

1. Permanent Employee: In order to be considered a permanent employee, individuals must be in active, sabbatical or leave without pay status, and have a continuing appointment which meets the following criteria:
 - (a) For all categories of employment: employment must be in a budgeted position, contract, grant or general fund, which is expected to be continued from year to year.
 - (b) For academic employees (non-bargaining unit): must work for 50% or more full-time assignment in a teaching, librarian, counselor, research, museum, etc., position.

2. Temporary Employee: Employees who do not work in budgeted positions, and who do not meet the criteria for permanent employment as outlined in B above, shall be considered as temporary employees.

For exempt and non-exempt employees (non-academic), work in a temporary position may not exceed 20 hours per week on a continuing basis in excess of six months, (or a maximum of 1040 hours in any one year).

3. Full-time Employee: Full-time employment may be of either a permanent or temporary nature (as described above) and must meet the following criteria:

- (a) Exempt (non-academic) or non-exempt employees must have an appointment expressing an anticipated work week of 40 or more hours on a continuing basis for the entire contract period.
- (b) Exempt employees (academic, non-bargaining unit), must work in a teaching, research, service, librarian, museum, etc position delivering a combination of public service, research and/or instructional activity equivalent to 15 credit hours per week on a semester-to-semester basis. (Research, librarian, counselor, museum, etc., employees must meet the criteria in 3(a) above, or a combination of assigned and public service duties equivalent to that amount.)

4. Part-time Employee: Employees who do not meet the criteria for full-time as described above in B(3) shall be considered as part-time employees. Part-time employment may be either of a permanent or temporary nature (as described above) and means employment expressed as a percentage of full-time.

- (a) To be permanent part-time employees, exempt (non-academic) and non-exempt persons must work 20 or more hours per week on a regular basis during the employment contract period and work in budgeted positions.
- (b) Exempt employees (academic, non-bargaining unit) to be part-time permanent must be delivering no less than 7.5 credit hours per week in a combination of research, public service and/or instructional activity. (Research, service, librarian, museum, etc., employees must meet the criteria in 4(a) above to be considered permanent part-time employees.)
- (c) All other part-time employment not covered by 4(a) and 4(b) shall be considered temporary employment.

C. Pay Type.

1. Exempt Employment: Criteria for exempt employment are defined in the Fair Labor Standards Act, and in the Alaska Wage and Hour Laws. Those definitions are hereby incorporated, by reference, into this regulation.

- (a) Persons who belong to exempt categories shall be compensated by salary, rather than hourly rates of pay, and shall not be eligible for overtime pay.
 - (b) Exempt employees are not required by Federal or State law to submit timesheets for pay purposes; however, they may specifically be required to do so for funding or program requirements, and must also always submit timesheets when using holiday or leave hours during the pay period in question.
 - (c) Typical employees in the exempt group are: administrators, faculty members, academic administrators, librarians, researchers, some executives and other professionals, and certain technical tradespersons and certain students.
2. Non-exempt Employment: Criteria for non-exempt employment are defined in the Fair Labor Standards Act and the Alaska Wage and Hour Laws. Those definitions are incorporated, by reference, into this regulation.
- (a) Persons who belong to non-exempt categories shall be compensated on an hourly basis, rather than salary, and shall be eligible for overtime pay for hours worked in excess of 40 per week, as approved by the employee's immediate supervisor in advance, unless otherwise excepted by the Fair Labor Standards Act and/or the Alaska Wage and Hour Laws (cross-reference Agricultural Workers, 04.01.14C((2.d.2)), and the Bacon-Davis Act and Walsh-Healy Act for maritime employees).
 - (b) Non-exempt employees shall not be eligible for compensatory time-off in lieu of overtime pay. This regulation does not prohibit the arrangement of flexible working schedules for employees which do not exceed forty hours in any work week.
 - (c) Non-exempt employees are required to submit timesheets for all hours worked, without exception.
 - (d) Typical types of non-exempt employees are:
 - (1) Classified Employees: Certain skilled and unskilled craft and clerical support positions which do not meet the requirements for faculty, academic administrative, APT (Administrative, Professional, Technical) classifications, which may be either full-time or part-time, temporary or permanent.
 - (2) Agricultural Workers: Workers whose primary occupation is agricultural, as defined by the Fair Labor Standards Act and the Alaska Wage and Hour Laws. Agricultural workers are exempted from overtime pay, as described in the Act.

(3) Students (general): Student employees (cross-reference Policy and Regulation 09.05.01) who meet the criteria for eligibility for student employment and who fill student-designated positions.

D. Geographic Salary Differentials

The following differentials shall apply at the locations noted, which are not listed in the corresponding Regents' policy 04.01.14:

Adak	130
Aleutians	130
Angoon	105
Barrow	140
Chugiak	100
Copper Center	115
Cordova	115
Delta Junction	120
Dillingham	130
Eagle River	100
Fort Yukon	140
Girdwood	100
Haines	120
Homer	110
McGrath	140
Nenana	120
Petersburg	105
Sand Point	130
Seward	110
Tok	120

PART IV 04.01.16

PERSONNEL

Chapter I

Employment

Faculty Hiring and Promotion 04.01.16A. Minimum degree and Experience Criteria for Faculty Rank 04.01.16(A)

The criteria stated below are the minimums required for promotion from one academic rank to another and for appointment to academic rank. A faculty member who has been hired with academic experience at another accredited institution at the same or higher rank shall be deemed to have met not more than three years of applicable minimum time in rank required for promotion to the next higher rank.

Exceptions to the minimum time in rank, or terminal degree, and/or experience qualifications for rank must be fully justified up through the several levels of promotion or placement review, with final approval by the University President in cases of promotion, and by the appropriate campus Chancellor in cases of initial placement. The basis for exception shall be outstanding academic performance and/or outstanding professional experience.

Instructor

1. Educational background appropriate for the specific position.
2. Master's degree, or equivalent.

Assistant Professor

1. Earned doctorate
OR
Master's degree, if it is the appropriate terminal degree in the candidates field.
AND subsequent to the Master's degree
- 60 semester hours of systematic study beyond that required for the master's degree; OR
- three years of professional experience appropriate to the candidate's field; OR
- an equivalent combination of systematic study and professional experience.
2. Demonstrated teaching, research, and public/university service capability of appropriate quality.

Associate Professor

1. Earned doctorate or master's degree if it is the appropriate terminal degree in the candidate's field.
2. Five (5) years at the rank of assistant professor.
3. Demonstrated teaching, research and public/university service performance of appropriate quality. (01-24-80)

Professor

1. Earned doctorate or master's degree if it is the appropriate terminal degree in the candidate's field.
2. Five (5) years at the rank of associate professor.
3. Demonstrated continued excellence in teaching, research and public/university service. (01-24-80)

B. Performance Standards

04.01.10 (B)

The performance standards stated above, and in the Regulations which accompany this Policy, speak only to the universally accepted indicators of faculty evaluations: teaching, research, and public and university service. It should, nevertheless, be understood that a faculty member has professional responsibilities and obligations that go beyond teaching, research, and public service (such, for example, as continuing professional development); and that those "other" responsibilities and obligations are also subject to comment and evaluation. This policy does not mean that all three areas (teaching, research and public service) must appear in each year of University service. Nor does it require that candidates for promotion be equally proficient in, or equally engaged in, teaching, research, and public service in every year of the University service. (01-24-80)

Employee Performance Evaluation

04.01.17

The University recognizes the need to evaluate the work performance of its employees and to convey to each employee the University's expectations for continuing satisfactory performance.

The University shall establish employee performance review methods appropriate to faculty, executive personnel, exempt and non-exempt staff. Each employee shall be reviewed at least annually and the results of this review shall be communicated to the employee and made a part of the employee's personnel file. (06-15-84)

01-31-80

06-15-84 (revised)

04.01.17

REGULATION

PART IV

PERSONNEL

Chapter X

FACULTY EVALUATION FOR RETENTION, PROMOTION AND TENURE

- A. Purpose: This regulation provides basic guidelines for the periodic evaluation of non-bargaining unit faculty members for retention, promotion and tenure. It also provides guidance to faculty on their expected performance relative to their workload assignment.
- B. Assumptions: Because the future of the University rests on the excellence of its faculty, the University seeks to reward excellence in the performance of individual faculty members by decisions affecting their retention, promotion and tenure. The processes of faculty evaluation shall allow professional recommendations to be formed as close to the discipline as possible; recommendations shall use language that is precise and descriptive of the particular conditions that apply in each academic unit. Uniform standards cannot be applied in all units of the University.
1. Each MAU, college, school, division, institute, department or program must either prepare carefully written statements that detail criteria and performance standards for retention, tenure, and promotion to each rank in conformance with Policy Manual 04.01.16 and 04.06.06 or must state that it simply adopts the guidelines that are outlined in Policy Manual 04.01.16 and 04.06.06.
 2. The statements of special criteria and standards or the statement of adoption of general guidelines as referred to in B.1. above must be approved by the local Senate or Assembly and approved by the Chancellor, and a copy forwarded to the Office of the President.
 3. The Office of the President shall maintain records of evaluation procedures, unit criteria and performance standards, and completed files of individual candidates.

4. Faculty members shall have the right to know of and to respond to recommendations at each level of review.
- C. Schedule: Each Major Administrative Unit will establish its own evaluation timetable for the periodic evaluation of faculty as provided below:
1. At least annually each faculty member will complete an activity summary report and meet with his/her supervisor to evaluate past performance and seek guidance for the future and to reach an agreement of expected workload distribution for the coming year.
 2. Retention: Each non-tenured faculty member shall be reviewed annually as provided by relevant campus procedure.
 3. Promotion: A faculty member who has met the minimum degree and experience criteria as stated in Policy 04.01.16(A) may request to be reviewed for promotion to the next higher rank. Deadlines for application for promotion shall be established by campus procedure.

Deadlines for forwarding promotion files to the Office of the President by the Chancellor shall be April 1. The President's decision shall be announced by May 1. Promotions are effective on July 1.

4. Tenure: At the end of the faculty member's sixth year of eligible service (as defined in Policy 04.06.05), the cognizant Chancellor or his/her representative will notify the faculty member that he/she must prepare for tenure review. Those faculty members who qualify for early tenure review (see Policy Manual 04.06.05) will not be notified but must initiate their application. Deadlines for submitting applications for tenure shall be established by campus procedure.

Note that an eligible faculty member may stand for tenure only once, i.e., the "year of eligibility" as referred to in Policy 04.06.07, shall mean that academic year during which the tenuring process is undertaken.

The Faculty member must demonstrate continuing professional development in ways appropriate to her/his discipline and University assignment. Primary weight is normally given to the quality of the faculty member's performance and promise in the three major functions of the University: teaching, research or other creative scholarship, and public/university service. However, reviewers must judge the relative quality of each candidate's activities in light of the candidate's functional role and agreed upon workload distribution.

- E. The Evaluation Process: Faculty evaluation is normally carried on at a number of levels. Evaluations for promotion and tenure must include review by a campus-wide faculty evaluation committee. Additional peer review may be required by campus procedure.

The primary evidence to be considered in evaluation is contained in the faculty member's file. To it is added professional judgments of the quality of the faculty member's teaching, creative scholarship and public/university service.

It is the right of every faculty member to see and respond to recommendations on retention, promotion, and tenure at each review level. Faculty members must therefore be promptly notified of recommendations at each level of the review process by the recommending person or unit.

Recommendations for retention, promotion and tenure must be supported by an evaluation, which shall include a substantive statement(s) indicating how the faculty member does or does not measure up to the criteria used for evaluation and will provide suggestions to the faculty member that will assist in her or his professional growth and development.

The complete file, together with recommendations for or against the action under consideration and substantive statements of evaluation supporting the recommendations, will be forwarded through each campus unit to the Office of the Chancellor (and to the Office of the President in the cases of promotion and tenure).

The promotion review process is optional. Once this process has been initiated by the faculty member, only the faculty member may elect to remove his/her application (at any step in the process) from further review.

Errors or deviations in procedure shall be corrected in as fair a manner as possible. No error or deviation shall be deemed fatal to the procedure. No person shall ever be deemed to be retained, promoted, or tenured automatically or by default.

Final decisions on retention will be made by the relevant Chancellor. Final decisions on promotion and tenure will be made by the President of the University.

The decision of the Chancellor (in the case of retention) and the President (in the case of promotion and tenure) shall be final. A faculty member having been denied may request reconsideration.

- F. The Faculty Evaluation File: To facilitate the assessment process and to assure that evaluations are made as soundly as possible, a permanent faculty evaluation file shall be established and maintained on each faculty member on each campus in a location designated by the cognizant chancellor. It is the responsibility of the dean or his/her designee in association with the faculty member to create and annually update the evaluation file. The file to be used for retention, promotion and/or tenure review shall contain photo copies of relevant documents from the permanent evaluation file. Items required in this review file shall be established by each campus and shall contain items necessary to document and support all personnel decisions. It is the faculty member's responsibility to initiate the preparation of his/her review file for annual evaluation, promotion and tenure review.

Access to a faculty member's permanent evaluation file shall be governed by Policy 04.01.01.-03.

G. Responsibilities of Each Campus:

1. Timely notice must be provided to each faculty member who is to be reviewed to allow adequate preparation of the candidate's evaluation file.
2. Adequate time must be allowed between evaluative steps in the process to permit review and response by the faculty member who is undergoing review.

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01.16
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3. Adoption of general criteria (Policy Manual 04.01.16 and 04.06.06) or development of specific criteria and performance standards for each campus unit/discipline/subdiscipline as appropriate must be approved by the local campus assembly/senate, and cognizant Chancellor, and be filed in the offices of the Chancellor and the President.
4. A detailed schedule for evaluations must be developed and published at each campus taking into account statewide deadlines, and filed in the Office of the President.

I. Performance Evaluation - Faculty (non-bargaining unit)

- A. The evaluation of faculty performance shall be conducted at least annually in accordance with local campus procedures.
1. The evaluation shall be conducted by the faculty member's supervisor.
 2. Performance for the purpose of these evaluations shall be measured on a five-point scale with "satisfactory" designated as the third of the five points.

II. Performance Evaluation - Exempt (non-faculty) & non-exempt staff

A. The performance of all permanent exempt and non-exempt staff members shall be evaluated at least annually in accordance with guidelines established by the Statewide Office of Human Resource Development.

1. Evaluation by supervisor. The performance evaluation shall be conducted by the employee's immediate supervisor.
2. Employee disagreement. In the event the employee disagrees with the supervisor's evaluation, the employee may, within five (5) working days, attach comments to the evaluation prior to its submission to the reviewer. These comments will be placed in the employee's official personnel file along with the evaluation documents.
3. Change in evaluation by reviewer. If, in response to employee comments, the reviewer wishes to change the evaluation, the reviewer shall provide written notification to both employee and supervisor. The revised evaluation shall be attached to the original evaluation (with attachments) and placed in the employee's official personnel file.

B. Probation

1. A continuing employee, whose performance has been evaluated as unsatisfactory, shall be placed on probation.
2. A continuing employee whose performance has been evaluated as minimally acceptable may, at the discretion of the supervisor, be placed on probation.

3. The probationary period shall not exceed six (6) months.
4. The employee shall be notified in writing if placed on probation.
5. The employee's performance shall be monitored closely during the probationary period and shall be formally evaluated prior to the conclusion of the probationary period.
 - a. If the performance is found to be satisfactory or better, probationary status shall cease.
 - b. If the employee's performance is still found to be less than satisfactory, the employee will be terminated.

PART IV

PERSONNEL

Chapter III

LEAVES

Holidays

04.03.01

A. The following holidays are observed by the University:

1. Friday of Spring Recess (typically late March)
2. Memorial Day
3. Independence Day
4. An additional day before or after 4 July as specified each year by the President
5. Labor Day
6. Thanksgiving Day and the day immediately following
7. An additional day before or after 25 December as specified each year by the President
8. Christmas Day
9. New Year's Day
10. An additional day before or after 1 January as specified each year by the President
11. Personal Holiday (for classified staff only, as selected at any time of the year by the individual and approved in advance by the cognizant supervisor.)

B. Holidays falling on a Saturday will be observed on the preceding Friday, and holidays falling on a Sunday will be observed on the following Monday.

Sabbatical Leave

04.03.02

A. Sabbatical leave is granted to afford opportunity for study and investigation in order to increase the scholarship and professional development of eligible faculty members and thereby enhance their capacity for future service to the University and through it to the State of Alaska and the Nation, in the areas of teaching, research and public service.

B. Any full-time faculty member who has completed four years of service is eligible to apply during the fifth or later year for sabbatical leave to begin during the sixth or later year. Candidacy for tenure and sabbatical leave may not be considered during the same academic year. Leaves or absences of less than three months incurred as part of a faculty member's regular duties are not considered interruptions of services for the purposes of this policy.

C. Final decision on the granting of sabbatical leave rests with the President of the University.

D. Sabbatical leave shall be granted for not more than 12 months, and shall be granted for less than three months only in exceptional cases. (03-20-80)

E. The salary to be received during the sabbatical shall be computed on the basis of the monthly salary the recipient would receive if he/she did not go on leave. The recipient shall receive the equivalent of full salary up to six months of leave, and no additional salary for period beyond. (12-11-80)

F. A faculty member on sabbatical leave remains an employee of the University for purposes of payments into the retirement fund and contributions to the health and life group insurance and similar fringe benefit programs to the extent that the leave recipient participates in them. (The retirement system will not count a sabbatical as part of the three highest paid years in calculating retirement benefits.) (03-20-80)

G. Unless otherwise agreed to in writing, the leave recipient shall return to the position. Sabbatical leave is not a break in University service and the recipient is entitled to full rights and privileges as if he/she were on regular service.

H. Except in unusual, extenuating circumstances which are accepted as sufficient by the President, the recipient is obligated to return to the University for further service of at least one contract period. Failure of the recipient to fulfill this obligation will require the full and immediate repayment to the University of salary and benefits received from the University while on leave.

I. A written report detailing the fulfillment of the purpose for which the leave was granted and specifying the sources and amounts of additional funds secured for this period, shall be submitted to the appropriate chancellor and to the President of the University by the recipient within three months after returning. At least one copy of this report shall be filed with the campus library.

Special Sabbatical Leave

04.03.03

Any full-time exempt employee who has completed four years of uninterrupted service is eligible to apply during the fifth or later year for Special Sabbatical Leave during the sixth or later

year, for which the recipient shall receive a salary of at least one dollar during the period of the leave. In all other respects the Special Sabbatical Leave bears rights and responsibilities identical to the normal Sabbatical Leave.

Special Assignments

04.03.04

A. Exempt employees of the University may be assigned duties that require absence from their units for periods of time.

B. Such special assignments will not be considered breaks in service nor affect the privileges and the status of that person with the University, unless specified otherwise in University regulations.

C. Any special conditions of such special assignments shall be clearly set forth in writing. They shall become binding only after having been signed by the staff member concerned and by the appropriate chancellor or, in appropriate cases, the President.

Temporary Disability Leave

04.03.05

A. Temporary disability leave may be taken for reasons of medical treatment or condition of the employee, emergency care for immediate family members of the employee, for attendance at the funeral of an immediate family member of the employee or for childbirth of the employee or employee's spouse.

B. Permanent full-time employees earn one and one-fourth (1 1/4) working days of temporary disability leave for each month worked.

C. The accrual rate for permanent part-time employees employed 50% or more of full-time shall be prorated according to the proportion of full time.

D. At termination, all disability leave accumulations are lost except that accumulations are reinstated after re-employment for:

Rehire within two (2) years after layoffs resulting from reduction in force.

Return after military leave of absence.

E. Exceptions, conditions, and limitations applicable to eligibility accrual and use of temporary disability leave shall be in accordance with uniform regulations.

Temporary Disability Leave Without Pay

04.03.06

A. A temporary disability leave of absence without pay may be granted when an employee has exhausted all benefits of temporary disability leave with pay and all accumulated annual leave.

B. The granting of temporary disability leave of absence without pay is subject to the same conditions as temporary disability leave with pay, and is granted independently of "leave without pay".

C. Maximum period of Temporary Disability Leave Without Pay: Leave taken for disability may be taken during the greater of the following periods:

1. For the aggregate of accumulated temporary disability leave with pay and accumulated annual leave.
2. For the aggregate of accumulated temporary disability leave with pay, accumulated annual leave, and temporary disability leave of absence without pay for a total period not to exceed twelve (12) months, whichever is greater.

Maternity/Paternity Leave

04.03.07

A. Maternity/paternity leave may qualify as a temporary disability leave with pay (see Policy 04.03.05), a temporary disability leave without pay (see Policy 04.03.06) or a leave of absence (see Policy 04.03.08).

B. Maternity/paternity leave shall be granted in one of the above named categories of leave for the personal care of the employee of his/her newborn infant child, and, in cases of adoption, for the purpose of permitting personal care by the employee of his/her newly adopted minor child.

C. Maternity/paternity leave may be taken during the greater of the following periods:

1. For the aggregate of allowable accumulated temporary disability leave with pay, accumulated annual leave and temporary disability leave without pay; or
2. The aggregate of allowable accumulated temporary disability leave with pay, accumulated annual leave, temporary disability leave without pay, and leave of absence for a total period not to exceed six (6) months.

Leave of Absence

04.03.08

A. Leave of absence must be approved by the Chancellor, or in appropriate cases, the President.

B. Granting leave of absence shall not affect the employee's status except as provided by regulation or as agreed in writing at the time leave is granted.

Annual Leave

04.03.09

Annual Leave is accrued at a rate specified below for all permanent full-time employees except faculty with less than a 12 month contract, and bargaining unit members. Part-time permanent employees will accrue annual leave in accordance with their percent of employment. Accrual is based on a fixed percentage of paid hours not to exceed 40 hours per week.

- 1 1/2 days per month during the first 5 years
- 1 3/4 days per month during 6-10 years
- 2 days per month over 10 years

Annual leave accrued, but not used, shall accrue to a maximum of not more than 240 hours (30 days) on January 1 of any calendar year. Unused leave in excess of the maximum at the close of business on December 31 shall be cancelled.

Annual leave must be mutually agreed to and approved by the immediate supervisor.

The salary equivalent of unused annual leave up to a maximum of 240 hours may be paid upon the retirement or termination of an employee from the University. In the event of death, all accrued annual leave may be paid to beneficiary. (05-07-81)

Time-Off

04.03.10

Faculty members with less than twelve month contracts except bargaining unit members shall receive time-off rather than annual leave, which must be taken during times in the academic year as specified by the cognizant Chancellor. Time-off shall not accrue from one year to the next if not used, and no payment is made for time-off not used when a faculty member terminates employment. (05-07-81)

PART IV

PERSONNEL

CHAPTER III

LEAVES

Holidays

04.03.01

Personal holiday is available to permanent non-exempt personnel only. Personal holiday may be taken only after completion of the six-month probationary period. Personal holidays do not accrue from year to year.

Sabbatical Leave

04.03.02

A local University committee on Sabbatical Leave serving each region shall make recommendations to the president regarding applications for sabbatical. The committee shall be elected by the local Assembly for terms of not more than three years. Terms shall be staggered so that approximately one third of the members of the committee shall be replaced each year. Members shall not normally serve consecutive terms.

If a leave recipient secures additional stipend from non-University sources for activities connected with his/her leave program and the stipend plus the salary exceeds the salary the recipient would have received in the same period had he/she not been on leave, there shall be a corresponding reduction of the amount paid by the University or a corresponding repayment to the University by the recipient. However, justified travel expenses for the leave period shall be exempt from such reduction or repayment.

One wishing to take sabbatical leave shall apply to his immediate administrative superior. He/she shall submit:

- A. Basic information showing his/her professional qualifications and eligibility for leave.
- B. A detailed description and justification of the proposed leave project including the dates of the beginning and the end of the leave and, if applicable, of its major phases.
- C. Adequate proof that the cooperation of other institutions or individuals involved in the leave project has been secured.
- D. Specific information on all applications for non-University funds and on all other incomes related to or derived from activities carried out while on leave.

Application shall be made by October 1 of the academic year preceding the one for which leave is sought.

The application shall be forwarded through normal administrative channels (with recommendations and justifications being added at each level, up to and including the deans) to the chancellor.

All applications together with recommendations and justifications shall be turned over to the local assembly's Sabbatical Leave Committee by November 15. The committee shall review all applications and rank them in order of merit. The committee shall also identify applications it judges to be unacceptable. The applications shall then be returned to the appropriate chancellor who will make his own ranking. If the rank order of the committee differs from that of the chancellor, the committee and the chancellor shall meet and attempt to reconcile their differences. The committee and the chancellor may agree to disagree on any application. The chancellor will forward the applications including all rankings and recommendations to the President of the University.

The committee shall make its recommendations to the President by January 7. By February 1, the President shall notify each applicant in writing of the action taken. Appropriate announcements concerning the recipients of sabbatical leave shall also be made to the University faculty and the public. A copy of the President's notification shall be included in the employee's personnel file.

An application for sabbatical leave may be withdrawn upon written request of the applicant.

Sabbatical leave is granted on the basis of a specific proposal. If substantial changes in the proposed leave project become necessary while the application is being processed, the applicant must submit such changes in writing to all superiors and the chairperson of the Sabbatical Leave Committee. A formal reevaluation of the application may then become necessary. Should such changes occur after leave has been granted, but before the leave is actually begun, the recipient must inform the President through appropriate administrative channels who may then decide whether the leave should still be granted, whether the committee's advice should be sought or whether the faculty member should be asked to resubmit his/her application the following year. Unreported or unjustifiable substantial changes in the sabbatical leave program may require the full and immediate repayment to the University of salary and benefits received from the University while on leave.

No annual leave is earned during a sabbatical leave.

Special Sabbatical

Applications for Special Sabbatical Leave may be initiated at any time. The application, specifying A. qualifications and eligibility for leave, B. a description and justification of proposed project including dates of the beginning and the end of the leave, and C. details of projected funding of the leave, shall be made to the applicant's immediate supervisor. The application shall be forwarded through normal administrative channels (with recommendations and justifications being added at each level, up to and including the dean and the cognizant chancellor) to the President. The President shall notify the applicant in writing of the action taken.

It is the intent of the Policy Manual 04.03.03 that, in cases in which the special sabbatical salary exceeds one dollar, the funding required to produce the additional salary will be secured from sources other than the state appropriation, and will normally be secured through the efforts of the leave recipient. A copy of the leave conditions and notification as provided to the recipient shall be forwarded to the employee's personnel file.

No annual leave is earned during a special sabbatical leave.

Temporary Disability Leave

- A. Temporary disability leave is earned and accumulated within the current pay period. (3-24-80)
- B. Temporary employees and student employees earn no disability leave; however, appropriate temporary disability leave credit is granted retroactively to temporary employees employed on at least a half-time basis whose status changes to permanent without a break in service. (3-24-80)
- C. No temporary disability leave is earned during a suspension, sabbatical leave, or leave without pay, nor as a consequence of an "overload" contract or other temporary assignment. (3-24-80)
- D. Conditions of use of temporary disability leave are:
1. The use of temporary disability leave requires the approval of the employee's immediate supervisor. (3-24-80)
 2. Temporary disability leave may not be used in advance of accrual. (3-24-80)
 3. Temporary disability leave taken which is in excess of the temporary disability leave accumulation is charged against the employee's annual leave accumulation or other available form of leave as appropriate. (3-24-80)
 4. A person is not charged with temporary disability leave during a holiday or a regular day off. (3-24-80)
 5. Temporary disability leave benefits will not be paid during any period for which worker's compensation benefits are paid. Eligible employees will receive worker's compensation benefits, and will continue to receive other regular university employer-paid benefits but will not accrue annual leave, temporary disability leave, or PERS/TRS credits. (The cognizant personnel office must notify the payroll accountant when an employee is placed on temporary disability leave without pay because of work related disability, so that worker's compensation insurance payments for the employee will be continued.) (5-11-80)
 6. Temporary disability leave can be taken in tenths of an hour (six minutes). (3-24-80)
 7. Temporary disability leave may be used by the employee for
 - (a) An illness, disability, injury or other medical condition of the employee. (3-24-80)
 - (b) A professional appointment with or treatment prescribed by a licensed physician, dentist, optometrist, chiropractor, osteopath, or psychologist. (3-24-80)
 - (c) Avoidance of passing on a contagious disease. (3-24-

- (d) Childbirth by the employee. The duration of maternity leave shall be determined by 04.03.05(e)(13) of this Regulation.
 - (e) Adoption of a minor by the employee in cases where the process of adoption requires the employee's absence from work.
8. Temporary disability leave may be used when an emergency temporary disability of a member of the employee's immediate family requires attendance of the employee. The following restrictions apply to such use:
- (a) The immediate family consists of: spouse, child, stepchild, parent, grandparent, or sibling, or the spouse's parent, grandparent, or sibling.
 - (b) The family member's medical appointments are not considered an emergency unless the member does not have the ability to keep the appointment without aid.
 - (c) The maximum number of days of paid temporary disability leave permitted for each occurrence of a family member's emergency disability is five (5), and the maximum number of days permitted per fiscal year shall not exceed twenty (20).
 - (d) During absence for a family member's emergency temporary disability, annual leave or absence without pay is charged until a doctor's certificate is submitted. The supervisor may accept other evidence of the family member's temporary disability in his/her discretion.
 - (e) Temporary disability leave for emergency disability of a member of the immediate family may include leave by an employee to care for the employee's spouse or newborn child in cases of childbirth.
9. Temporary disability leave may be used to administer or attend a funeral. The eligibility rules for such use are as follows:
- (a) The temporary disability leave must be arranged with the employee's department head and/or supervisor.
 - (b) Temporary disability leave used to administer a funeral is limited to the funeral of the employee's immediate family including: spouse, child, stepchild, parent, grandparent, or sibling, or the spouse's parent, grandparent, or sibling.

- (c) The maximum temporary disability leave permitted for a funeral is five (5) consecutive work days.
 - (d) Up to one (1) work day is the limit of temporary disability leave to attend the funeral of a relative not in the immediate family.
 - (e) For the death of an employee, the department head determines the number of persons who may attend. Up to one-half of a day of temporary disability leave is permitted, and the attendance must be reported as disability leave.
10. Temporary disability leave may be taken as terminal leave only in the event the employee meets all requirements for taking as set out herein.
11. Temporary disability leave is paid at the employee's regular rate of pay effective for the time period for which leave is taken.
12. Full payment for accumulated temporary disability leave is made to beneficiaries in case of the death of an employee while employed by the University.
13. Temporary disability leave payments are discontinued immediately:
- (a) Upon employee's return to work status; or
 - (b) Upon determination by the employee's supervisor or department head with professional medical advice that the employee is able to return to work; or
 - (c) Upon refusal or failure by the employee to submit clear evidence of a qualifying disability on request.
 - (d) When the employee is eligible and qualified for disability retirement under the applicable State Retirement System or Social Security; or
 - (e) Upon exhaustion of earned temporary disability leave.
14. Temporary disability leave requests which are not covered in this set of rules and which are requests for special consideration are to be submitted through administrative channels to the cognizant Personnel Office. The Personnel Office, after evaluation, forwards its recommendations to the cognizant Chancellor or Vice President for final determination. Copies of requests, recommendations and final determinations shall be provided to the Office of Human Resource Development.

15. To qualify for temporary disability leave benefits, the employee is required to make proper notification as follows:
- (a) The employee who is absent because of illness must notify or have another notify his/her supervisor or department head within the first half of the normally scheduled work day. Failure to notify will result in denial of temporary disability leave unless the immediate supervisor or department head decides the circumstances justify a waiver.
 - (b) Unless it is known the employee's absence is expected, the employee must continue to notify the supervisor or department head each normal work day of an absence for disability.
 - (c) For disability of more than three (3) consecutive working days, or for shorter periods where leave is claimed frequently or in any case where leave is claimed after denial of such leave by the supervisor, employees are to provide to supervisors or department heads statements or certificates from the employee's physician as proof of need for disability leave. The employee is also to provide a statement or certificate as proof that the employee is capable of returning to work. The supervisor or department head may exercise discretion to accept other evidence in lieu of either or both of these requirements.
 - (d) During periods of extended temporary disability leave with pay, i.e., normally after two bi-weekly pay periods or one month, the employee will provide to supervisors or department heads statements at regular intervals from the employee's physician stating the condition of the employee with regard to availability for return to work status.
 - (e) During disability of any duration, regardless of how long or short, the employee should provide the supervisor or department head with as much advance notice as possible of the anticipated beginning and ending dates of the disability.
16. It is the policy of the University to recognize substance abuse as a treatable disease. Therefore, any employee suffering from alcoholism or other form of substance abuse, will receive the same consideration that is extended to employees having any other disability or disease.

TEMPORARY DISABILITY LEAVE OF ABSENCE WITHOUT PAY

1. Temporary disability leave of absence without pay status may be granted by the supervisor, but only after an eligible employee has exhausted all accrued temporary disability leave with pay and accrued annual leave. Temporary disability leave of absence without pay may be granted for a period no longer than the earlier of (1) 90 calendar days, or (2) until the employee has qualified for medical and life coverage under the disability provisions of the appropriate state retirement system, or (3) the employee has qualified for the University's long-term disability plan.
2. The employee's supervisor shall promptly notify the appropriate University personnel office which, in turn, shall promptly notify the University's central payroll division, when an employee has been granted temporary disability leave of absence without pay status. The payroll division shall be responsible for securing suitable medical and life insurance coverage for the individual concerned.
3. An employee granted temporary disability leave of absence without pay status shall receive the same medical and life insurance benefits which would accrue to that employee if he/she were on temporary disability leave of absence with pay status, with the cost of such insurance coverage being paid by the University for the duration of the approved leave.

Leave of Absence Without Pay

04.03.08(d)

During the leave the employee is entitled to full rights and privileges as if he/she were in regular service except that he/she shall not receive salary and will not accumulate annual or temporary disability leave. The employee may continue the health/life insurance and retirement programs to the extent allowed by law, and shall pay the employee and the University's portions of any cost. Leave of absence without pay will apply to any unpaid leave of absence in excess of ten (10) working days.

Leave of absence may be granted for a variety of purposes. Leave of absence may be granted for up to one year, and may be renewed for up to one additional year. A permanent employee shall be entitled to a leave of absence to serve in the armed forces of the United States and shall be entitled to reemployment benefits as required by Section 9 of the Universal Military Training and Service Act as amended (50 USC 549). The justification and merit of an application for leave of absence shall be assessed in each individual case.

Unless otherwise agreed in writing, the leave recipient shall return to the same position which he/she occupied before leaving, or, if the position no longer exists, to a comparable position.

An employee wishing to take leave of absence shall apply to the immediate supervisor. The application shall be forwarded through normal administrative channels, with recommendations being added at each level, to the appropriate chancellor who shall then notify the applicant in writing of the decision. Notification shall also be sent to the President of the University.

The applicant may withdraw an application for leave of absence prior to the making of a moral or legal commitment by the University or change of position by the University.

ANNUAL LEAVE

The use of annual leave is governed by the following:

1. Anyone transferring from a position that provides annual leave to one which does not shall have his or her accumulated balance, up to a maximum of 240 hours, paid off as of the effective date of the termination of former status. The annual leave accrual rate is determined by the date of hire into a position which provides annual leave, not including years of university employment when an employee is in a status which does not permit the accrual of annual leave.
2. Annual leave does not accrue during sabbatical leave, leave without pay, professional development leave, or terminal leave. "Terminal leave," as used herein is leave at the conclusion of employment by the university when the employee is either paid off for his or her accrued leave or is kept on the payroll to cover the period of time for which the employee has previously accrued annual leave.
3. Annual leave payments will not be continued after the date of termination or retirement.
4. Temporary employees do not accrue annual leave.
5. Faculty on academic-year appointments do not accrue annual leave. However, they receive time-off, as provided in regents' policy 04.03.09.
6. Annual leave may be used as it is accrued at times agreed to by the employee and his or her supervisor.
7. All use of annual leave must be recorded on a University of Alaska time sheet, with the cognizant supervisor's signature affixed.

Jury Duty: In order that University employees may fulfill their civic responsibility as jurors or witnesses, permanent employees are granted leave of absence with pay for these purposes.

- A. Definition: Jury duty or duty as a court witness is that service and time spent away from a University job as a result of a subpoena issued by a court. Service as a volunteer expert witness or other volunteer court duty is not included in the provisions of this leave of absence.
- B. Regulations:
1. Department heads are authorized to grant such leave with pay upon the presentation of a subpoena by the employee. A record of absences for these purposes will be maintained and reported as "jury duty" leave with pay.
 2. It is the responsibility of the employee to keep her or his supervisor or department head informed of the anticipated time to be spent away from the job for this purpose.
 3. The employee's regular university pay will continue to be paid during such leaves of absence.
 4. Any pay received by employees from a court system for service on jury duty or as court witness duty will promptly be returned by the employee to the University to offset part of the cost of such absences.
 5. Temporary employees receive leave without pay from the University for jury duty. That is, they are not paid by the University for such duty and thus they may retain pay they receive from the court system for jury service.

Military Leave

A permanent employee who is a member of a reserve component of the United States Armed Forces is entitled to a leave of absence without loss of pay for all days during which the employee is required to serve in order to keep current his or her status with the National Guard or Reserve Forces. Such leaves of absence with pay may not exceed 16¹/₂ working days in one calendar year.

For other than training periods discussed above, permanent employees of the University are entitled to a military leave or absence without pay to serve in the Armed Forces of the United States and shall be entitled to statutory reemployment benefits provided for by federal law.

REGENTS' POLICY

04.10.01

PART IV
PERSONNEL
CHAPTER X
SEXUAL HARASSMENT

Introduction

04.10.01

Sexual harassment is a form of employee or student misconduct which undermines the integrity of the working and learning environment. All members of the University community should be able to work and learn in an environment free from conduct or behavior of a sexual nature commonly understood by persons of average sensibilities as being inherently harmful or offensive. As a matter of policy, the University of Alaska seeks to prevent sexual harassment of its employees, students and applicants for employment or admission.

It is understood that individuals possess different perceptions and cultural backgrounds which may make it more difficult for some to recognize certain conduct or behavior as being a form of sexual harassment. Similarly, some individuals may be unreasonably sensitive to certain conduct or behavior of a sexual nature which would not be commonly understood by persons of average sensibilities as being inherently harmful or offensive.

Given the substantial possibilities for simple misunderstandings, as well as the potential harm to innocent parties who may be subjected to false or malicious claims of sexual harassment, the University administration shall promulgate appropriate regulations for the investigation and resolution of sexual harassment complaints, including a mandatory requirement that aggrieved parties must participate in informal and confidential resolution efforts before they may resort to the established grievance procedure.

Definition

04.10.02

- A. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

03-09-84

04.10.02

PART IV
PERSONNEL
CHAPTER X
SEXUAL HARASSMENT

A. Policy Restated

04.10.01

Sexual harassment is a form of employee or student misconduct which undermines the integrity of the working and learning environment. Civil rights enforcement agencies also consider sexual harassment to be a special form of sex discrimination in violation of various state and federal civil rights laws. As a matter of policy, the University of Alaska seeks to prevent sexual harassment of its employees, students and applicants for employment or admission.

B. Rights and Responsibilities

In order to preserve the rights of all members of the University community to work, live and learn in an environment free from sexual harassment and, also, to protect the legitimate privacy interests of innocent parties, the University provides a special forum for the informal and confidential resolution of sexual harassment complaints. All parties must exhaust the informal remedies described herein before they resort to the established formal grievance procedure. In addition, the parties have the following special responsibilities:

1. The University administration is responsible for promoting a positive working and learning environment where all persons are free to discuss any problems or questions they may have concerning sexual harassment at the University, without fear of intimidation or reprisal. To that end, the University administration shall widely disseminate these regulations and the policy prohibiting sexual harassment so that all members of the University community are fully informed of their rights and responsibilities.
2. Supervisors are responsible for maintaining a positive working and learning environment, setting a good example for others and promptly investigating all complaints of sexual harassment to determine what, if any, remedial action may be warranted. In resolving sexual harassment complaints, supervisors should seek advice and guidance from the affirmative action officers and cooperate fully with their efforts to resolve any complaints referred to the affirmative action officers by other parties. Supervisors should strive

first and foremost to prevent any recurrence of prohibited activities or retaliation against victims.

3. An aggrieved party should try to tell the aggressor directly that his or her behavior is unwelcome, harmful or offensive to the aggrieved party. (Some offenders may be genuinely oblivious to the effect of their words or conduct on other people and would be willing to change if only they knew they were hurting or offending someone.) In addition, aggrieved parties are strongly encouraged to report the incident to some responsible University official, preferably the affirmative action officer or the offender's supervisor, so as to minimize the risk of repeat incidents or retaliation by the aggressor. Aggrieved parties must make reasonable, good faith efforts to resolve their complaints on an informal basis before they resort to the formal grievance process.
4. The affirmative action officers have the authority and the responsibility to investigate all sexual harassment complaints and should strive to facilitate the informal resolution of any complaints brought to their attention. Upon request, the affirmative action officers will provide counseling and support to victims, supervisors and other interested parties. Affirmative action officers shall also serve as expert advisors to the grievance councils. In this capacity, they shall offer their best professional judgment as to whether certain allegations, if true, would constitute sexual harassment.
5. The grievance council shall first determine whether an aggrieved party has made reasonable, good faith efforts to exhaust the special, informal remedies available to sexual harassment victims under these regulations. If the council determines that the aggrieved party has not made reasonable, good faith efforts to resolve his or her complaint on an informal basis, it shall recommend withdrawal or dismissal of the charges. If the council determines that the aggrieved party has satisfied his or her responsibilities to attempt informal resolution or if the council determines that such efforts would have been futile under the circumstances of a particular case, it shall proceed to consider the merits of the complaint. Absent compelling reasons to the contrary, the grievance councils shall give substantial weight to the expert advice of their affirmative action officers regarding the substance of sexual harassment complaints.

C. Definitions

1. "Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:
 - a.
 - 1.) Submission to said conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
 - 2.) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
 - 3.) Such conduct has the purpose or necessary effect of unreasonably interfering with an individual's work or academic performance or creating a hostile, intimidating or offensive working or learning environment; AND
 - b.
 - 1.) Such conduct or behavior was known by the actor to be unwelcome, harmful or offensive; or
 - 2.) A person of average sensibilities would clearly have understood that the behavior or conduct was unwelcome, harmful or offensive.
2. "Learning environment" is defined as the premises of the University of Alaska Statewide System or any site where educational programs and activities are conducted in the name of the University of Alaska or any unit thereof including, but not limited to, classrooms, libraries, campus grounds and student and employee living quarters.
3. "Working environment" is defined as any place where the business of the University is conducted in the name of the University of Alaska or any unit thereof.

D. Guidelines

The following guidelines are offered to help investigators (i.e., responsible supervisors and affirmative action officers) determine what constitutes sexual harassment and how to deal with related complaints.

1. Persons who commit sexual harassment are a small minority of individuals who are uniquely situated to have pervasive influence over many potential victims. In this regard, it is

said that sexual harassment is a crime committed by the few against the many.

2. Investigators should make every reasonable effort to preserve the confidentiality of their informal investigation and resolution efforts since complaints of sexual harassment can have a devastating effect on all parties.
3. Even though offenders and victims are typically in some sort of superior/subordinate relationship to one another, investigators should be aware that the balance of power can be shifted the other way. For example, a student could gain substantial power over a faculty member by granting sexual favors in exchange for good grades and a promise to keep silent about the affair. In the final analysis, aggrieved parties and offenders can be anyone of the same or opposite gender.
4. Sexual relationships between consenting adults do not constitute sexual harassment. These relationships may give rise to legitimate claims by others of unprofessional conduct or conflict of interest and should be treated accordingly. Similarly, jilted lovers who try to force their affections on others may be guilty of ordinary harassment, even though they frequently view themselves as the "real" victims and not as the aggressors.
5. In determining whether or what disciplinary action may be warranted in any given case, investigators should give due regard for the cultural backgrounds of the alleged offenders and the victims alike. What may be a friendly or polite gesture in one society may constitute solicitation or consent in another.
6. Anonymous complaints shall not be accepted for investigation under these regulations. Since alleged offenders are entitled to know the identity of their accusers whenever formal disciplinary action may be contemplated, investigators cannot guarantee anonymity to complaining parties or witnesses. They should, however, make every reasonable effort to protect the legitimate privacy interests of all concerned parties.
7. All persons have the legal right to oppose and voice complaints about any University practices which they reasonably believe constitute sexual harassment. Therefore, no University official may take disciplinary or other adverse action against any person who genuinely but mistakenly believes him or herself to be aggrieved, even if the

practices complained of do not, in fact, constitute sexual harassment.

8. Complainants cannot expect to gain immunity from normal disciplinary rules and procedures simply by filing sexual harassment complaints against others.

E. Resolution Procedures

1. Any member of the University community or applicant for employment or admission who, in good faith, believes that he or she may be a victim of sexual harassment should (1) immediately ask the alleged offender to stop doing the unwelcome, harmful or offensive conduct AND/OR (2) promptly contact the affirmative action officer or a responsible supervisor for support and guidance. Successful resolution efforts will be greatly facilitated by the timely reporting of complaints. The more time that elapses, the more difficult it will be to ascertain the truth of the matter and take appropriate remedial action.
2. The affirmative action officer or responsible supervisor will promptly investigate the complaint and attempt to mediate an appropriate resolution by conferring with all concerned parties.
3. Should these informal resolution efforts fail to achieve satisfactory results within a reasonable period of time, the aggrieved party may thereafter file a formal grievance pursuant to University Policy and Regulation 04.04.01.
4. The grievance council will promptly investigate the complaint to determine whether the parties have exhausted the informal resolution process described in these regulations. If so, the grievance council shall then solicit the expert advice of the affirmative action officer as to whether the allegations, if true, would constitute sexual harassment.
5. The affirmative action officer will advise the grievance council regarding the substance of the formal charges.

F. Remedial Action

In determining what remedial action may be appropriate, supervisors should consider the extent to which the offender knew or reasonably should have known that his or her conduct was unwelcome, harmful or offensive. Any person who (1) commits sexual harassment, or (2) shirks his or her investigatory or

supervisory responsibilities, or (3) provides false witness against another, shall be subject to appropriate disciplinary action including, but not limited to, referral to professional counseling, oral and written reprimands, probation, suspension or termination. Some coercive behavior, such as threats or promises that academic or employment reprisals or rewards will follow the refusal or granting of sexual favors, constitutes gross misconduct and may provide just cause for immediate termination.

G. Training

The statewide affirmative action officer, through the MAU affirmative action officers, is responsible for providing training to all University employees concerning sexual harassment issues and procedures. The training programs should be designed to:

1. Sensitize employees to the rights and responsibilities of all concerned parties;
2. Provide supervisors and administrators with current information on applicable laws, rules, regulations and procedures; and
3. Demonstrate appropriate techniques for the careful investigation and mediation of sexual harassment allegations.

H. Dissemination

The University administrator shall make every reasonable effort to inform all members of the University community regarding the proper procedures and persons responsible for handling sexual harassment complaints. In particular, this information should be communicated to all new employees as an integral part of their orientation experience.

REGENTS' POLICY

10.01.12

Academic Advising

10.01.12

Every student shall have the opportunity to receive academic advising prior to registration as determined by the appropriate academic unit.

Each academic MAU shall develop policies and procedures for academic advising including appropriate faculty and staff training and timely material updates. These policies and procedures shall be reviewed by the university president's office in order to promote maximum facilitation and coordination of systemwide advising. (3-15-85)

PART X

10.05.01

ACADEMIC POLICY

Chapter V

Recreational and Competitive Athletics

Preamble

10.05.01

The University of Alaska supports the development of opportunities for men and women to participate in recreational and competitive athletics ancillary to academic development throughout its system. The University will provide opportunities for student participation in sports experiences through recreational, intramural, and extramural physical activities, and further will develop selected intercollegiate competitive team programs with which units of the University of Alaska system and their respective communities can identify. (12-11-81)

Student Participation

10.05.02

Each campus encourages the participation of each student in at least one sports activity of life-time value which may be achieved through spontaneous recreational participation, intramural, extramural, and competitive sports programs. (12-11-81)

Physical Activities

10.05.03

A. Recreational Athletics

10.05.03(A)

The University of Alaska will encourage spontaneous recreational activities by providing facility use time. Priority in recreational athletics will be given to student participants with opportunities available to the total campus constituency. These opportunities are inclusive of all casual physical activities and limited only by the mind of the user and the appropriateness of the facilities. The University of Alaska will strive to provide the fiscal and physical support that is necessary to create this opportunity. (12-11-81)

B. Intramural Athletics

10.05.03(B)

The University of Alaska encourages the development of campus intramural sports which allows non-varsity competition among men and women students and faculty-staff groups in a wide variety of athletic activities. Students should play a primary role in the selection and management of the particular intramural activities conducted.

12-17-81

10.05.03(B)

C. Extramural Athletics

10.05.03(C)

Institutions within the University of Alaska system may establish and sponsor teams in organized competitive programs outside of the institution including but not limited to city leagues, church leagues, inter school competition, and organized tournaments. Preference for participation on these teams shall be given to currently enrolled students. Rules of competition shall be established by the sponsoring organization. The University of Alaska system shall be encouraged to sponsor such organized competitive tournaments for participating institutions. University of Alaska facilities may be made available for such programs.

D. Intercollegiate Athletics

10.05.03(D)

Intercollegiate sports provide advanced competitive opportunities for student athletes. The University of Alaska shall promote, through recruiting and funding, competitive sports appropriate to the Alaskan scene.

1. Authorized Sports

10.05.03(D.1)

Sports authorized for intercollegiate competition are:

Basketball
Cross-country Running
Gymnastics
Ice Hockey
Riflery
Skiing - Nordic and Alpine
Swimming
Volleyball

Amendments to this list must be approved by the Board of Regents. (12-11-81)

2. Levels of Competition

10.05.03(D.2)

The intercollegiate teams of the University of Alaska shall compete at a national organizational classification level commensurate with available funding, facilities, and skill levels of the athletes. Requests for membership in a particular organization and change in the approved classification level of competition will originate at the institution, and must be approved by the Board of Regents.

3. Participation by Alaskans

10.05.03(D.3)

Participation by Alaskan athletes will be encouraged through active recruitment of Alaskans who are capable of athletic performance at the designated level of competition.

4. Individual Eligibility 10.05.03(D.4)

In order to participate in intercollegiate athletics, a student must:

- a. meet the standards set by the appropriate national athletic organization; and
- b. meet the academic standards as established by the appropriate major administrative unit.

5. Intercollegiate Tournaments Sponsorship 10.05.03(D.5)

Institutions within the University of Alaska may sponsor intercollegiate athletic tournaments provided funding for such tournaments has been approved in the intercollegiate athletics budget. In any newly established tournaments, the host Alaskan institution of such tournaments shall include the other Alaskan institutions among tournament participants when the teams are participating at the same division classification level.

6. Common Opponents 10.05.03(D.6)

The University endorses a common opponents philosophy within the conference structure and scheduling possibilities.

Funding of Athletics 10.05.04

For the four physical activities programs listed above, specific funds for capital improvements to accommodate increased student participation and for the management and support of the different programs will be identified in the long-range and annual planning and budgeting process at each MAU. The needs of these programs, in addition to the instructional needs of the academic units and programs, will be considered when planning for the development and use of sports facilities. (12-11-81)

Intercollegiate athletics shall not dominate facility use nor funding to the detriment of recreational, extramural or intramural athletic opportunities nor shall one sport exclude the development of other intercollegiate, recreational, intramural, or extramural sports activities. Facilities of the institution may be available for public use as stated in Policy and Regulation 06.02.01.

The support of athletic program expenses by local private sources (such as booster clubs or individuals) or supplementary activities will be channeled through the University accounting system and be subject to University accounting procedures, review and audit.

Equal Opportunity 10.05.05

The University of Alaska affirms its policy of providing equal opportunity for the participation of men and women in all intercollegiate, extramural, intramural, and recreational athletic activities (04.01.15), as well as equivalent institutional services, in compliance with federal and state law and regulation. Each chancellor and campus president is responsible for maintaining equal opportunity for men and women. (12-11-81)

PART IV

PERSONNEL

CHAPTER IV

GRIEVANCE PROCEDURE

Grievance Procedure

04.04.01

A. Purpose of Grievance Procedure

The purpose of this policy is to provide an orderly method of handling and disposing of the complaints and grievances between employees, students and the University of Alaska.

Employees and students are encouraged to resolve grievances informally through the appropriate administrative channels.

B. University Centers Councils

A local Grievance Council shall be established for each University center of the University served by a local Assembly. The local Grievance Council shall consist of five members elected by the appropriate local Assembly and three members appointed by the appropriate Chancellor and be composed of representatives from the faculty, student body, classified employees, and administrative/professional/technical staff.

Employees of the statewide administration shall have their grievances heard by the local Grievance Council nearest to their assigned work location.

C. CCREE Grievance Councils

A grievance Council shall be established by the CCREE Chamber. It shall consist of two members chosen by the Chamber and one member chosen by the Chancellor. This Council shall subsequently appoint and advise five member councils to hear each grievance as it arises. The members shall be composed of representatives, wherever possible, from the faculty, student body, classified employees, and administrative/professional/technical staff.

D. Settlement of Grievances without Hearing

The local Grievance Council shall seek informal resolution of the grievance.