Policy 183 Version 2 01/26/2018

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | Policy Number and Name 183 NonRenewal and Dismissal of Nonbanded, Nonacademic Staff |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
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| * Is this a federal or state mandate? [ ]  Yes [ ]  xxxNo
* Describe change: NDUS Policy 608.2 has been changed, so NDSU’s 183 policy is being revised and submitted to concur.
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
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| * Office/Department/Name and the date submitted: Human Resources and Payroll/Colette Erickson/04/11/2017
* Email address of the person who should be contacted with revisions colette.erickson@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**SECTION 183
NONRENEWAL AND DISMISSAL OF NONBANDED, NONACADEMIC STAFF**

SOURCE: SBHE Policy Manual, Section 608.2

1. This policy applies to all employees excluded from the broadbanding system who are not members of the academic staff, and, with respect to their positions as administrators or other non-academic positions, to employees with appointments to the academic staff.

This policy does not apply to:

* 1. Chancellor and institution presidents.
	2. Coaches.
	3. Faculty – Employees with academic appointments are governed by SBHE Policy Sections 605.1, 605.2, 605.3, and 605.4.
	4. Student residence hall assistants, work-study students and other students employed on a part-time basis for a limited term. The terms and conditions of employment for student resident hall assistants shall be stated in a written contract.

2. An employee may be dismissed, without cause, pursuant to written notice of termination in accordance with the following schedule:

a, At least three months, if written notice is given during the first year of service;b. At least six months, if written notice is given during the second year of service or thereafter;

As used in this section 2, “service” means employment at the same institution or agency.

3. An employee may be dismissed based upon financial exigency as determined by the Board, loss of appropriations, loss of institutional or program enrollment, consolidation of organizational units or program areas or elimination of courses, in which cases the notice requirements of the preceding section shall not apply. If a dismissal is implemented pursuant to this section 3, no less than 90 days notice shall be given the employee.

4. An employee may be dismissed for just cause. Just cause means just cause for dismissal of staff employees as defined in the North Dakota University System Human Resource Policy Manual. (See NDSU 220.2) Notice of intent to dismiss for cause, stating the reasons for the proposed action, shall be given by a department head or other designated official unless the employee is an institution officer who reports directly to the institution’s chief executive, in which case the chief executive shall give notice. The notice shall be given at least five calendar days prior to the date of dismissal and the employee has the right, within that time, to respond in writing and request a pre-termination review. Following notice of intent to dismiss and, if requested by the employee, the pre-termination review, the department head or other designated individual, if the notice of intent to dismiss was not given by the chief executive, shall forward a recommendation to the institution's chief executive. The chief executive shall make a final decision and give written notice of that decision.

5. An employee who is dismissed for just cause pursuant to this policy may, within 20 days of dismissal, appeal the decision by filing a notice of appeal, accompanied by a specification of the reasons or grounds upon which the appeal is based, with the institution's chief executive. The chief executive shall appoint a hearing officer to conduct an evidentiary hearing and submit recommended findings, conclusions and a recommended decision. The hearing officer shall conduct the hearing according to appeal procedures governing hearings conducted by a staff personnel board that are set forth in Section 27 of the North Dakota University System Human Resource Policy Manual *(Policy 231 of the NDSU Policy Manual).* The chief executive shall make a final decision and provide written notice of that decision to the hearing officer and the employee within 20 calendar days of receiving the hearing officer's recommendation.

6. An employee who voluntarily or involuntarily leaves his or her non-academic position under this policy but holds a tenured faculty appointment may return to that appointment with all the rights and responsibilities of tenured faculty in the home department, unless a proceeding results in the discharge or demotion of the employee from the faculty position. Should the employee decide to return to the faculty appointment, his or her salary will be adjusted from a 12-month salary for the non-academic duties to a 9-month to 12-month faculty salary that is commensurate with the salaries of comparable tenured faculty members, unless a faculty salary was previously set in his or her contract at the time they assumed the non-academic position. Setting the return-to-faculty salary at the time a person with a tenured faculty appointment assumes a non-academic position is the preferred option. *7. Dismissal actions of* ***regular staff employees*** *are governed by the NDSU Policies 220 and 231.*

*8. Dismissal actions of* ***temporary staff employees*** *may occur at any time with or without cause (NDUS Human Resource Policy Manual, Section 2).*

*9. Dismissal or non-renewal actions for* ***faculty*** *are governed by NDSU Policy 350.1-350.4 and 352.*

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HISTORY:

New June 1994

Amended May 1996

Amended February 1998

Amended July 1999

Amended December 1999

Amended January 2000

Amended January 3, 2013

Housekeeping August 26, 2013

Amended September 18, 2013

Amended December 4, 2015

Amended April 28, 2016

Housekeeping June 27, 2016