




December 1, 2016

To: Deans' Council
Academic BSC Directors

From: Leigh Anne Melanson, 
Associate Provost for Finance and Academic Administration

CC: General Counsel's Office
Human Resources

SUBJ: Non-renewal Notice for Faculty and Post-Docs

USNH policy (USY.V.F. 6.3.11.3) stipulates that notice periods for non-renewal of status academic faculty appointments shall be defined in institutional policy, faculty handbooks and/or collective bargaining contracts. The non-renewal notice for tenure-track faculty and lecturers is made explicit in the applicable collective bargaining agreements. However, there is less clarity around non-renewal protocols for faculty who are not covered by those agreements. This memo outlines expectations regarding non-renewals of faculty and post-docs. If a faculty member is non-renewed, salary/stipend and benefits will cease at the end of appointment period (Academic Year or Fiscal Year).

1) Tenure-track faculty: CBA article 14 stipulates:

Appointments of non-tenured bargaining unit members expire at the end of each appointment year (academic or fiscal). Notice of non-reappointment shall be given to faculty based on the faculty member's length of service at the end of the appointment year:

- one (1) year or less; notice by March 1
- greater than one (1) year but less than two (2); notice by December 15
- equal to or greater than two (2) years; notice twelve (12) months prior to the expiration of the appointment. (For purposes of this Article only, academic year appointments are assumed to expire on May 15th. Fiscal year appointments expire on June 30th.)

Late notice shall entitle the non-reappointed faculty member to be reappointment for an additional year or, at the option of the University, severance pay equal to twelve (12) months' salary and benefits that s/he would otherwise have received if reappointed.

December 1, 2016

Page 2

2) Lecturer faculty: CBA Article 15 stipulates:

Appointments of lecturers expire at the stated end of the appointment. Notice of non-reappointment shall be given to lecturers based on the Lecturer's length of service at the end of the appointment year:

- First and second year – by March 1st
- Third year and thereafter – by January 15th

Late notice shall entitle the non-reappointed Lecturer to be reappointed for a semester or compensation in lieu thereof, at the University's discretion.

3) Clinical Faculty:

Since there currently is no applicable CBA and nothing in policy specifies a notice period applicable to clinical faculty, notice of non-reappointment shall be given to Clinical Faculty based on the Clinical faculty member's length of service at the end of the appointment year:

- First and second year – by March 1st
- Third year and thereafter – by January 15th

4) Research Faculty:

Non-renewal of research faculty for lack of continued funding should generally not require any additional notice beyond the funding cessation unless the appointment letters failed to include appropriate language about termination for lack of funding. This situation is addressed in policy USYV.C.9:

A faculty or staff member may be terminated based solely on the lack of continued funding including positions supported from grant funds. When the administration is aware that funding will be terminated, it will notify the employee as soon as possible, but in any case a minimum of 30 days written notice for Operating Staff and 90 days for PATs will be given, or salary in lieu of. The appropriate written notice *will be considered to have been given* [italics added] if the following conditions apply: (USYV.C.9.4)

Term and Grant Appointed Positions: Individuals hired to staff externally-funded projects and/or hired in the "term" appointment category will be advised at the time of appointment that employment continues only as long as the project/grant is funded or until a set date. The faculty/staff member is provided a written description of the anticipated length of employment in the letter of appointment when hired; if a grant is renewed, then a renewal letter must be provided. (USYV.C.9.4.1)

December 1, 2016

Page 3

Federal, State and County Funded Positions: With regard to positions supported from Cooperative Extension funds (appropriations from federal, state and county sources), and where termination is based solely on the lack of funding, the Cooperative Extension shall make a reasonable effort to support a transfer within the organization to other appropriate employment for which the individual is qualified. The administration will notify the employee in writing at least 60 days--or more if possible--prior to termination of funding. (USYV.C.9.4.2)

Accordingly, research faculty should not receive an additional notice period beyond the end of the external funding stream, so long as (1) the original appointment letter (i) indicates that the position is externally funded and continues only for the duration of the grant, and (ii) includes the anticipated length of the project/ grant or a set date when the project ends; and (2) when the grant is renewed, those funded on that grant are provided with new appointment letters. If these conditions are not met, units must provide the research faculty member with written notice of non-renewal.

A 90-day written notice of non-reappointment ***that is not related to funding*** shall be given to Research Faculty.

5) Post Docs:

If the appointment letter clearly stipulates the appointment period (i.e., one year) there is no need for further notice if the termination is to occur on the stated date. In the event funding ends earlier, there are performance issues, or other reasons for termination before the stated date, a notice of 60 days must be provided to the appointee. Notice of termination must be in writing by the dean and co-signed by the faculty mentor, and specify the termination period.