

## Guidelines for Designating Professional & Scientific Positions as **At-Will and Exempt from P&S Policies**

The determination of a P&S position being designated as at-will is the responsibility of the applicable senior vice president or the president. The decision to make a position exempt from [specified P&S policies](#) shall be made in consultation with the associate vice president of University Human Resources (AVP-UHR). See the policy on [P&S Positions At-Will and Exempt from P&S Policies](#).

### **Factors Supporting Exempt Designation**

Senior vice presidents and the president shall consider the following factors when determining whether to designate a position as at-will and exempt from [specified P&S policies](#):

1. What is the university policy-setting authority of the position?
2. Does the individual work with the public, with business, or with government in a manner that requires public trust in the integrity of the individual?
3. Does the individual work in a position with a high degree of autonomy, conducting a major portion of duties requiring integrity and care, such as handling significant financial resources or providing care for a vulnerable population?
4. Is the individual practicing on behalf of the university a profession with ethical obligations and licensure requirements?
5. Do the position responsibilities include running a major organizational division or department? Does the position have the final authority for the department?
6. Does failure of faithful performance of duties have serious risk implications for the unit and the university?
7. Will conduct displaying lack of sound character and trustworthiness—even if occurring outside of work duties—undermine public trust in the university?
8. Does the position provide administrative support to, and have significant delegated authority from, a major divisional leader that serves in an at-will capacity?

The factors do not each need to be met in total; however, the factors should be considered on a holistic basis to designate the position as at-will.

In order to preserve academic freedom, employees in roles that primarily involve conducting original research, such as those designated in the scientist classifications, will not be designated as exempt.

## **Designation of At-will Status**

When it is determined that a vacant position should be at-will and exempt from P&S policies, the vacancy announcement will contain the following language: "This position serves at the pleasure of university administration and is exempt from certain P&S policies." The Letter of Intent (LOI) and other offer information will designate the position as at-will using the same language above.

When a position is considered for reclassification and an at-will designation may apply, the supervisor will communicate with the employee prior to the reclassification and designation request being submitted to the applicable senior vice president or the president. The supervisor will communicate with the employee when the at-will designation is approved or denied and the reclassification request is routed for review. A new LOI with the at-will clause above will be issued upon the reclassification.

## **Scope of Policy Exemptions**

The following P&S policies do not apply to exempt positions:

- Summary Dismissal
- Dispute Resolution
- Performance Management
- Workforce Reorganization

## **Review of At-will Positions**

University Human Resources will annually provide the senior vice presidents and the president a list of current active positions in their division indicating those that are currently at-will. The senior vice presidents and the president will submit an updated list to the AVP-UHR of positions that, should they become vacant or reclassified, would carry the at-will designation. UHR will provide a list of at-will positions its website, with updates at least annually.