



# UNIVERSITY OF WESTERN CAPE (UWC)

## POLICY

### APPOINTMENT OF TEACHING AND RESEARCH STAFF WHO HAVE RETIRED OR HAVE REACHED THE AGE OF 65

**DATE OF LAST APPROVAL: C2010/2**

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UNIVERSITY *af/ir*  
WESTERN CAPE

## **POLICY**

on

### **APPOINTMENT OF TEACHING AND RESEARCH STAFF WHO HAVE RETIRED OR HAVE REACHED THE AGE OF 65**

#### **Retirement Age**

1. The retirement age of an employee appointed to the permanent teaching and research staffing establishment of the University is as follows:
  - 1.1 On reaching the age of 55 a staff member may retire with reduced retirement benefits calculated in terms of the relevant provisions of the rules of the University's retirement funds;
  - 1.2 On reaching the age of 60 a staff member may retire with full retirement benefits calculated in terms of the relevant provisions of the rules of the University's retirement funds; or
  - 1.3 On reaching the age of 65 a staff member must retire with full retirement benefits calculated in terms of the relevant provisions of the rules of the University's retirement funds.

#### **Appointment on Fixed Term Contract**

2. The Appointments Committee of Council and Senate may appoint a member of the University's teaching or research staff who has retired from the employ of the University on a fixed term contract for a period as contemplated in 3. below to the teaching or research staffing establishment of the University, provided that a Dean of a Faculty may, after having obtained the prior, written approval of the Vice-Rector: Academic, appoint such a staff member to the teaching or research staffing establishment of the University on a fixed term contract for a period not exceeding two academic semesters only.

#### **Duration of Fixed Term Contract**

3. Subject to the provisions of 2. above, the duration of such fixed term contract may, normally, be for a period of not less than one (1) month and not more than ten (10) consecutive academic semesters (i.e. five years).
4. The duration of such fixed term contract is determined by (a) the Appointments Committee of Senate and Council, after having considered the recommendation of the Appointments Committee of the Faculty concerned, or (b) by the relevant Dean, as the case may be.

#### **Percentage and Level of Appointment**

5. The person contemplated in 2. above (and any other person above the age of 65) may be appointed on a workload basis of, e.g.,:
  - 5.1 25%;
  - 5.2 50%;
  - 5.3 75%; or
  - 5.4 100%.
6. The person contemplated in 2. above may be appointed on a rank lower than the one he/she occupied immediately before his/her retirement.
7. An appointment on a 100% basis means that the person concerned is required to carry the teaching, administrative and research workload which is normally required of a member of the University's permanent full-time teaching or research staff occupying a position similar in rank.
8. An appointment on less than a 100% basis means that the person concerned is required to carry part (e.g. 75%, 50% or 25%) of the normal teaching, and/or administrative and/or research workload which is required of a member of the University's permanent full-time teaching or research staff occupying a position similar in rank.
9. In the case of an appointment on a less than 100% basis, the workload of the person concerned may be structured in such a way that different percentages be allocated to the different components, i.e. teaching, administration and research, of the person's workload. (E.g. a 50% workload may comprise of, say, 40% of the normal teaching workload required from a full-time permanent employee, 5% of the normal administrative workload, and 5% of the normal research workload.)

### **Remuneration**

10. The remuneration of a retired employee or a person above the age of 65 years employed on a fixed term contract in terms of this policy is normally based on a basic salary only (i.e. a salary without any fringe benefits attached to it), provided such salary is commensurate with the workload basis as contemplated in 5. above (i.e. he/she receives 25%, 50%, 75% or 100% of such basic salary).
11. Unless Council otherwise decides, a retired employee or a person above the age of 65 years employed on a fixed term contract in terms of this policy will not be entitled to any of the fringe benefits normally attached to the particular position. (E.g. he/she will not receive the normal 2/3 part of his/her medical aid premium or retirement fund contribution or any allowance he/she may have been entitled to immediately before retirement, etc.)
12. Should the University decide to increase the *basic salary* of academic employees, such increase will also accrue to a person employed on a fixed term contract of more than one year in terms of 3. above.

### **Termination of Fixed Term Contract**

13. A fixed term contract contemplated in this policy terminates on reaching the termination date specified in the contract.
14. Notwithstanding the provisions of 13. above, such fixed term contract may be terminated by the person employed in terms of such contract if:
  - 14.1 The person gives the University at least one term's written notice of his/her intention to terminate such contract; and
  - 14.2 The effective date of termination is the last day of an academic semester.
15. Notwithstanding the provisions of 13. above, such fixed term contract may be terminated by the University if circumstances exist which, in terms of the rules of the University or applicable legislation or other rules of common law, permits the University to unilaterally terminate such contract.

### **Conditions of Employment**

16. A person appointed on a fixed term contract in terms of this policy will not be entitled to accumulate leave but will only be entitled to annual vacation leave on such basis as may be determined in his/her contract of employment.
17. A person appointed on a fixed term contract in terms of this policy will not be entitled to study or sabbatical leave but may be granted such special leave as is provided for in the University's leave provisions for full-time permanent employees.
18. A person appointed on a fixed term contract in terms of this policy will be subject to the University's code of conduct and to the disciplinary rules and procedures applicable to academic employees.

### **Appointment Process**

19. Should the Dean of the Faculty concerned be of the opinion that the services of the particular person be retained for a consecutive period of more than two semesters, the Dean submits the application to the relevant Appointments Committee of the Faculty concerned for its consideration and, if it so decides, a recommendation to the Appointments Committee of Senate and Council or, subject to the provisions of 2. above, makes the appointment himself/herself.
20. The Faculty's Appointments Committee may make recommendations to the Appointments Committee of Senate and Council:
  - 20.1 With regard to the duration of such appointment;
  - 20.2 With regard to the percentage of such appointment;
  - 20.3 With regard to the level or rank of such appointment; and
  - 20.4 With regard to any specific conditions of employment should the applicant be appointed.

21. The Appointments Committee of Senate and Council may accept, reject or change any one or more of the recommendations contemplated in 20. above.
22. The provisions in 20. and 21. above, with the necessary changes, apply to the appointment of persons older than 65 years of age who are not retirees of the University and to persons younger than the age of 65 who are retirees of another institution who are in receipt of a retirement benefit from such institution

### **Criteria for Appointment**

23. An appointment in terms of the provisions of 2. above may not be made:
  - 23.1 For a period longer than the maximum period contemplated in 3. above;
  - 23.2 On a level/rank more senior than the person concerned occupied immediately before his/her retirement;
  - 23.3 Unless (a) both the Appointments Committee of the Faculty concerned and the Appointments Committee of Senate and Council or (b) the Dean (as the case may be) are of the opinion that not to appoint the person concerned may result in prejudice to the University's academic enterprise
  - 23.4 If such appointment will result in prejudice to the University's policy with respect to employment equity or result in a delay in reaching the goals set by such policy; or
  - 23.5 If, in the considered judgment of the Appointments Committee of Senate and Council, the open advertisement of such position will, on a balance of probabilities, attract better academically qualified, experienced or suited persons to the position in question.
24. An appointment made in terms of the provisions of 2. above, may only be made if (a) both the Appointments Committee of the Faculty concerned and the Appointments Committee of Council and Senate or (b) the Dean of the Faculty concerned (as the case may be) are convinced that:
  - 24.1 An appointment contemplated in terms of this policy will be to the advantage of the University with respect to one or more of the following:
    - 24.1.1 The quality of teaching or supervision at the University;
    - 24.1.2 The quality and quantity of the University's research output;
    - 24.1.3 The quality of the administration of the University.
  - 24.2 Such appointment will be financially beneficial to the University.

### **Appointment of Administrative and/or Support Staff**

25. A Dean of a Faculty or an Executive of a division may, recommend to the DVC: Academic for final approval to appoint a member of the Administrative and/or Support staff who has retired from the employ of the University on a fixed term contract for a period not exceeding two academic semesters only, provided that

the provisions of 24, above shall, with the necessary changes, apply to such appointment.

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**Recommend by Sub-SA at its meeting of 14 October 2004 (Sub-SA 2004/9)**  
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**Approved by Senate at 24 May 2005 [s 2005/2]**  
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