

TO BE RESCINDED

3359 20-039 Guidelines for academic retrenchment due to financial exigency.

- (A) ~~The board in consultation with appropriate members of the university community (to include the president, the provost, the vice president for administrative support services, the chair, the vice chair, and the secretary of the faculty advisory committee) will determine when a financial exigency exists at the university, and does hereby establish and promulgate these guidelines. The board reserves to itself the resolution of any financial exigency in accordance with its statutory obligation. The board recognizes and respects the rights of all those affected by its decision; and within the limits of the financial exigency and the board's duty, the board will respect and consider their rights.~~
- (B) ~~Guidelines. The guidelines are adopted to inform all affected thereby. They are not intended to, nor do they impair any existing rights or grant new rights to any person or persons.~~
- (1) ~~Consultation. Early in the process of making recommendations concerning program reduction, the president, the provost, and other appropriate administrators shall consult widely with deans, department chairs, faculty, and students. It is especially important that faculty members whose educational programs or positions may be adversely affected have an opportunity to be heard by the administration. It is recognized, however, that the ultimate university decision making authority rests in the board.~~
- (2) ~~Data and documentation. The university administration must make every effort to determine and to explain clearly the nature of the fiscal limitations, and within these constraints, in consultation with the faculty and students, to establish appropriate educational priorities. The administration shall provide specific documentation of the evidence supporting a faculty reduction recommendation. Except for financial material of a personal nature, this information shall be widely shared among the university community.~~
- (C) ~~Procedures for faculty consultation: the faculty advisory committee.~~
- (1) ~~There shall be a faculty advisory committee to consider and to offer advice and constructive criticism about proposals from the university administration concerning academic retrenchment due to financial exigency.~~
- (2) ~~The faculty advisory committee shall consist of all the elected faculty members then serving on the faculty senate. When there is need for this committee, it may be assembled upon the call of either the president or five of its members; when assembled, the committee will proceed to elect its own chair, vice chair, and secretary. These three committee officers shall be from three different colleges (with university libraries being~~

~~defined as a separate academic college for these purposes).~~

~~(D) — Administrative recommendation and faculty review.~~

- ~~(1) — The university administration will assemble the pertinent data and documentation and prepare its specific recommendation for program reduction. Before any further action on the matter, the administration will report its recommendation to the faculty advisory committee for discussion and advice in open meetings accessible to the entire university community.~~
- ~~(2) — Within thirty days thereafter a report of the findings of the faculty advisory committee (including advice, procedural suggestions and general commentary) will be prepared and transmitted to the president, and also to the faculty senate for information purposes. The president shall not make a formal recommendation to the board on this matter until the president has received this report, unless more than thirty days have passed.~~
- ~~(3) — The president shall transmit the report of the faculty advisory committee, along with a formal recommendation, to the board for its action.~~

~~(E) — Academic due process.~~

~~When program reductions due to financial exigency involve reductions in force, either temporary or permanent, as set out in section (F) below, special care must be taken to protect and honor accepted procedures and rights appropriate to a faculty member's tenured or probationary status. Upon appeal, faculty members will have an opportunity to be heard through established university grievance procedures. Termination because of financial exigency must be distinguished from a proceeding that might lead to dismissal for cause.~~

~~(F) — Procedures for faculty reduction in force (rif).~~

- ~~(1) — A faculty reduction in force (rif) shall, whenever possible, be treated as a layoff temporary in nature, not as a termination. A faculty member so affected will not be replaced for a period of three years, unless the faculty member has been offered reappointment in writing. The faculty member has sixty days within which to accept or decline the offer of reappointment.~~
- ~~(2) — Tenured faculty members shall be retained in preference to probationary appointees. This preferential status shall include, wherever possible and practicable, an opportunity to transfer or readapt to other programs within the department, college, or university.~~
- ~~(3) — If a faculty member wishes, the faculty member may accept early~~

~~retirement or transfer from full time to part time service. Such actions shall be governed by the same guidelines and procedural safeguards as those which operate in other situations brought about by financial exigency.~~

- ~~(4) The following objective criteria will be considered in determining the order in which faculty members are to be released in the event of a necessary faculty reduction in force:
 - ~~(i) All temporary or part-time faculty within the affected program will be released before any probationary faculty.~~
 - ~~(ii) All probationary faculty within the affected program will be released before any tenured faculty.~~
 - ~~(iii) Within any academic department, discipline, or other appropriate administrative division, faculty reduction in force will proceed according to seniority within each classification of faculty status defined as tenured, probationary, temporary, part time. The least senior faculty member in terms of length of academic service at the university is released first, followed by the next least senior, and so on until the most senior faculty member is reached.~~~~
- ~~(5) In computing seniority, the most pertinent point is total full time service at the university (in any of the ranks of professor, associate professor, assistant professor, or instructor. Also included herein are those who occupied the now nonexistent position of full time lecturer). Time of service in a particular rank, or following tenure, is a less important consideration.~~
- ~~(6) In extraordinary and compelling circumstances as where a junior tenured faculty member is the only member of a department (or other appropriate administrative division) who is competent (as judged on the basis of training and experience and documented by scholarly and/or creative contributions in the field) to teach a needed program or set of courses the seniority principle may be disregarded. In such situations, however, the university administration will provide the adversely affected faculty members with a written explanation of the decision to disregard seniority in the instance in question.~~
- ~~(G) The faculty advisory committee will certify that these objective criteria are followed, and may present any objections, complaints or criticisms to the president or the faculty senate.~~
- ~~(H) Rights and benefits for faculty members released because of financial exigency.~~

- (1) ~~Before being released from the university, the faculty member will have the right to fill any existing faculty vacancy for which the faculty member is qualified, or to transfer to any other college, division, or department and to fill any vacancy therein for which the faculty member is qualified. Qualifications will be determined principally by teaching experience and academic training.~~
- (2) ~~Faculty members who have been released and later recalled will retain as many fringe benefits as is legally possible.~~
- (3) ~~A faculty member released due to financial exigency will receive from the university, to commence at the time of release, a one-year continuance of the university health insurance policy without charge.~~

(I) ~~Timing.~~

~~The president should provide as much advance notice as possible in making financial exigency decisions. In cases where faculty appointments are to be terminated, timely notice of termination or nonreappointment must be given. In extreme situations, if timely notice cannot be given, financial compensation to the faculty member proportional to the lateness of the notice may be an appropriate substitute for full notice.~~

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_____ Board of Trustees

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