

Minutes  
Commission on Faculty Affairs  
September 23, 1994  
400-D Burruss Hall

Present: D. Creamer, P. Hyer, P. Meszaros, L. Swiger, R. Bambach, D. Beagle, D. Mullins, M. Lambur, S. Riley, T. Sherman, R. Sumichrast, C. Slade (by phone), J. May

1. The meeting was called to order at 3:15pm by Creamer.
2. Announcements:
  - a. Creamer, as newly elected Vice President of Faculty Senate and Chair of CFA, acknowledged the unfortunate circumstances under which B. Williams had to resign his position as Vice President of Faculty Senate and Chair of CFA. He indicated he had extended an open invitation to Williams to attend future CFA meetings as his situation allowed. Creamer indicated that his vision for CFA was to be action oriented and his style was to move CFA to decision points.
  - b. Creamer suggested the meeting time be changed to 2:15 - 4:15pm. This was agreed to by all members present.
  - c. Creamer announced that M. Lambur had agreed to serve as secretary for CFA.
  - d. R. Sumichrast agreed to serve as CFA's representative on the EO/AA committee.
3. Minutes of the May 13, 1994 CFA meeting were approved with several minor wording changes.
4. The published agenda was approved.
5. Old business:
  - a. Status of the sexual harassment policy: Hyer reported that the first reading of the revised policy was made at the 9/19/94 University Council meeting. She also indicated that the recent Spectrum article did not appropriately represent the discussion at the Commission on Staff Affairs meeting. In short, Commission members were more supportive than the article suggested. The second reading of the revised policy and University Council vote will take place at their next meeting on 10/3/94.
  - b. Virginia Tech Services Class Notes proposal: Creamer passed out an information sheet sent to him by D. Williams, Executive Director, Virginia Tech Services, Inc. This information sheet was presented to the Virginia Tech Services, Inc. Board of Directors on May 5, 1994. Creamer indicated he thought CFA was to receive a proposal sometime after presentation of this idea to CFA last spring. It was acknowledged that a private company has begun this service at VA Tech. Much discussion ensued around the role of CFA on this matter. Specific concerns/issues included: 1) This was not a governance issue and CFA's approval was not necessarily needed, but our approval was sought. At this point, CFA's role might be in negotiating payment

to faculty, 2) Payment to faculty was insufficient, and not reflective of their intellectual investment, 3) Payment to faculty might be deferred to specific needs (e.g., scholarship funds), 4) The service might discriminate against students who could not afford to purchase the notes, and 5) General concerns about the ethical nature of this proposal as it relates to profiting from faculty intellectual work and the benefits to students. It was finally agreed that Creamer would communicate CFA's concerns to D. Williams and invite his response.

6. New business:

- a. College of Education restructuring plan: A copy of the restructuring plan was sent to CFA members by P. Hyer on 9/14/94 for review. Creamer indicated he needed feedback to take to the 9/28/94 meeting of the University Council on Strategic Budget and Planning (UCSBP). Creamer invited members of CFA, who had attended UCSBP meetings, to share their perspectives. From this, and the ensuing discussion, two major themes emerged--consequences to the University and the College of Education (COE) and reconciling expectations with reality. Some of the specific points included: 1) Enrollments in the COE may decrease. How will the COE and the University deal with this possible outcome? 2) The tenor and spirit of the proposal acknowledges that the COE will be strengthened by this endeavor, yet budget cuts to the University are perceived as debilitating. How will this apparent contradiction be explained and handled? 3) How will expectations in certain areas be handled, given decreased resources (e.g., school superintendents)? 4) What happens to faculty who remain and are retrained for new responsibilities? Mid-career faculty faced with major reassignments may be at a disadvantage for promotion and tenure, because of the time needed to become scholarly productive. Likewise, research will likely suffer in the short run. 5) What message does privatization of the Adult Education Program in Northern Virginia send to other colleges in the University and the public? What does cost recovery really mean?
- b. Involuntary separation policies: Creamer received a letter from P. Torgersen, which included a resolution from the Board of Visitors (BOV) asking CFA to review the entire involuntary separation policy (Section 2.11 Termination for Cause or Reduction in Force). This includes Section 2.11.3 Reduction in Force Associated with Discontinuance or Reorganization of Programs that CFA revised last year. In considering the ITO policy, the BOV expressed concern about the protections and benefits to faculty in these situations. At Creamer's request, Hyer assembled a packet of relevant materials and distributed to CFA for their review.

Creamer suggested CFA begin thinking about the process we will use in this review. Mullins suggested reconstructing the history of the policy may help in determining how to address the BOV's concerns. Sumichrast suggested we should not respond from a labor-management position, but from one that reflects the new reality in which higher education is now

operating in Virginia. Creamer asked that each CFA member come to the next meeting prepared to identify the primary issues involved and the process that might be used to address them.

- c. Sam Riley was elected as Vice Chair of CFA.
- d. The next CFA meeting was changed from 10/7 to 10/14 at 2:15pm 400-D Burruss Hall.

7. The meeting was adjourned at 5:15pm.

Respectfully submitted,

Michael Lambur  
Secretary

Michael Lambur  
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Minutes  
Commission on Faculty Affairs  
October 14, 1994  
400-D Burruss Hall

Present: D. Creamer, P. Hyer, R. Bambach, D. Beagle, D. Mullins,  
M. Lambur, S. Riley, T. Sherman, R. Sumichrast, J. May,  
J. Purdy

Guests: Tom Hunt, John Hillison, Dan Farkas

1. The meeting was called to order at 2:15pm by Creamer.
2. Announcements:
  - a. Creamer introduced Tom Hunt, faculty advisor to the Undergraduate Honor System. Hunt reported that the Tech Notes Service had been reviewed by this body and it was determined that possession and distribution of materials provided by the Tech Notes Service does not constitute a violation of the Honor Code unless an instructor explicitly prohibits its use in the course syllabus. This ruling would go into effect Spring semester. More information will be forthcoming. Related to this, Creamer indicated he had sent a letter outlining CFA concerns on the service to D. Williams, Executive Director, Virginia Tech Services, Inc. To date, he has received no response.
  - b. Creamer reported that Sumichrast had been formally appointed as CFA's representative to the E0/AA Committee. Minutes of the 9/14/94 E0/AA Committee meeting were distributed. A motion to accept the minutes was made by Baumbach, seconded by Sherman, and passed. Minutes of the 4/13/94 Library Committee meeting were distributed and acknowledged.
  - c. The next CFA meeting was changed from 10/21 to 10/28.
  - d. Riley announced a meeting hosted by the State Council on Higher Education inviting faculty members to voice their perspectives on higher education. The meeting will take place on 11/22/94 at the Omni Hotel in Richmond from 9:30am - 3:30pm. Those wishing to attend should contact Riley.
3. Minutes of the 9/23/94 CFA meeting were approved with several changes.
4. The published agenda was adopted.
5. Old business:
  - a. Involuntary separation policies: Sherman indicated he had heard that at the last University Council on Strategic Budget and Planning meeting, all Commissions, except the Commission on Staff Affairs, had reviewed the College of Education reorganization plan and had approved it. He noted he would like to show that CFA had raised concerns about the reorganization plan. Creamer indicated he had communicated CFA concerns to the University Council on Strategic Budget and Planning. Hyer commented that the communication about

the reorganization at the University Council meeting was not a first reading but more of an announcement of the upcoming consideration of the plan.

Creamer reviewed the charge to CFA on this topic--to identify the critical issues involved and the process that might be used to address them. He then invited guests Hillison and Farkas (who arrived later), both involved in the Faculty Senate rewriting of the policy in 1985, to comment on its history. The primary reason for rewriting the policy was in response to a presumed state mandate that state agencies needed to have a reduction in force policy. In addition, according to the 11/7/85 Faculty Senate meeting minutes handed out, the concern for rewriting the RIF policy was that, "the statement in the [Faculty] handbook is not adequate and doesn't protect faculty to any real extent" (p. 5). In summary, the following historical perspectives were identified. Rewriting the policy was a painstaking ordeal that took place over a three year period. There was a great deal of hesitancy on the part of faculty, at that time, to pass the policy. One of the primary concerns was to ensure protection of the knowledge base that had been built over many years by faculty within a department or program. To tear this down, by releasing faculty members to quickly, might compromise the integrity of the department or program and be counter productive to the university. Furthermore, the five year employment assurance for faculty was intended to insure students that the department or program would still be operational, so they could complete their degree.

Creamer then invited CFA members and guests to identify key issues that needed to be addressed in reviewing the policy. A lively discussion ensued, with the following, not necessarily mutually exclusive, issues identified: 1) Tenure. What is the Board of Visitors' (BOV) understanding of tenure as it relates to scholarship and academic freedom? The benefits of higher education are linked to tenure. The state does not technically acknowledge tenure as an employment contract, but recognizes our policies in relation to this. What are the implications of this for the involuntary separation policies? 2) The study, commissioned by the BOV, of other universities' involuntary separation policies, conducted by Institutional Research. Prior to the meeting, Sherman sent a memorandum to CFA members outlining "Another View of Involuntary Separation Policies." Based upon his analysis of the data, he concluded that we are really in the middle, compared to the institutions surveyed. What implications does this analysis of the data have on the situation? Where does VA Tech fall compared to other universities in Virginia on this policy? 3) Impact of changing the policy. Is the current policy appropriate? Is it fair to the state, the faculty, the students? Does it limit our ability to change? How does it affect other policies? These questions need to be addressed as we consider revising the policy. 4) The distinction between involuntary separation for financial exigency and discontinuance or reorganization of programs. The implications for a university declaring financial exigency are complicated and profound. Therefore, the probability

of declaring financial exigency at the university level is minimal. Given this, to what extent is this a viable option at the College, Department, or Program level? Are we really looking at melding the policies to accommodate a continuum of financial exigency to discontinuance or reorganization of programs? 5) Seniority based layoff for discontinuance or reorganization of programs. One view was that less established faculty would have an easier time of securing faculty positions at other universities. The view that the burden of layoffs falls primarily on the classified staff was also expressed. A third view was not to pit classified staff against faculty. If the faculty policy was not appropriate, then we need to change it. 6) Dismissal for cause. There was general agreement that the policy of allowing one year's salary for faculty dismissed for cause is inappropriate.

6. New business:

- a. Faculty rewards project. CFA will be asked to consider endorsing the principles underlying this project. More information will be forthcoming.
- b. Future meeting date. Regular meeting dates for the remainder of the semester are scheduled for October 28, November 4, 18, and December 2 (400 D Burruss, 2:15pm). Additional tentative dates are November 11 and December 9.

7. The meeting was adjourned at 4:15pm.

Respectfully submitted,

Michael Lambur  
Secretary, Commission on Faculty Affairs

## Commission on Faculty Affairs Minutes

President's Board Room

October 28, 1994

PRESENT: Don Creamer (chair), Richard Bambach, Dave Beagle (scribe), Pat Hyer, Jeff May, Don Mullins, Tom Sherman, Cliff Slade (via conference call), Bob Sumichrast, Bill Vinson (guest)

1. The minutes of the October 14, 1994 meeting were approved with one revision in the description of the Tech Notes Service section.
2. The main item of business was a continuation of the discussion from earlier meetings concerning the Board of Visitors' (BOV) August 29, 1994 resolution to the President asking for a reconsideration of faculty personnel policies.

The discussion was framed by the October 14, 1994 "Summary of Discussion on Involuntary Separation Policies" document that the Chair had distributed to members electronically. This document outlined comments made by members and by invited guests Dan Farkas and John Hillison at the previous meeting.

One point of discussion concerned item 5 in the summary document: "distinctions in reasons for reductions in force." Point 5a states that "it is important that distinctions between reductions in force for financial exigency and for program restructuring be maintained." Point 5b states that "we must be careful in our definitions of 'program' in reductions in force policies." After some debate, it was decided that the word "discussed" should be substituted for the word "maintained" in point 5a to reflect more accurately the previous week's conversation.

Richard Bambach argued that the university can hide financial exigency under the guise of academic restructuring. Restructuring, then, can serve as an undeclared state of financial exigency. Also, there is the danger that a change in the program provisions of the RIF policy could be used by unscrupulous administrators to eliminate unpopular faculty. Bambach concluded that it is very important to distinguish clearly between program restructuring and financial exigency. He also warned that, in the context of academic freedom, we maintain some protection for tenure.

The dismissal for cause section of the Faculty Handbook (2.11.1) may not require much revision. The main issue raised involved compensation. The chair asked for volunteers to review the existing policy and to present any suggested changes at the next meeting. Bob Sumichrast agreed to coordinate a group consisting of Pat Hyer, Richard Bambach, and himself.

Much discussion surrounded the "Survey of Involuntary Separation Policies" report (IRPA vol. 94-95, no. 5, 29 July 1994) that was drafted by Institutional Research staff. This report compares the separation policies of Virginia Tech with 19 peer institutions and 11 other southern universities.

In his September 30, 1994 memo to CFA members ("Faculty Personnel Policies - Another View of Involuntary Separation Policies"), Tom Sherman questioned the validity of some of the IRPA report's conclusions and suggested that a reconfiguration of the data categories can lead to a very different interpretation: "There is no evidence to support a conclusion that Virginia Tech has a 'much longer' notification than other institutions. When compared to the six institutions that prohibit termination, Tech's policy is less generous and much more flexible. The 'much longer' conclusion is simply not tenable. A more reasonable

conclusion is that Tech's policy is in-between the least generous to faculty and the most generous of the institutions surveyed. The policy is 'generous' only when a draconian standard is adopted."

The issue of how much data is needed to draw reasonable conclusions was raised. One member contended that our policy should be based on valid concerns such as the protection of programs for students and for the preservation of academic freedom rather than on a statistical comparison with other institutions of higher education.

A review of established AAUP guidelines was identified as a key issue for the commission. To that end, Tom Sherman passed out several pages from the 1990 edition of "AAUP Policy Documents & Reports." The section on "Discontinuance of Program or Department Not Mandated by Financial Exigency" was scrutinized carefully:

"(d) Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply.

(1) The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof.

(NOTE: 'Educational considerations' do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.)

(2) Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the institution will make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the institution, with or without retraining, the faculty member's appointment then may be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past and potential service.

(NOTE: When an institution proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.)

Section (d) (1) above was deemed of special interest to these deliberations since it clearly states that the discontinuance of a program should be a reflection of educational considerations determined primarily by the faculty. The underlying cause for restructuring in the College of Education, on the other hand, appears to be money rather than a judgment of the value of its programs.

3. The chair asked how to proceed from here. There was some interest in obtaining further data, particularly from industry, but the general consensus that obtaining a meaningful sample would prove onerous resulted in a decision not to seek such data. Data from Virginia schools, however, will be sought. One member did stress his opposition to the BOV's use of an industrial benchmark in the absence of any real data. Another member requested that the BOV be asked by the President to clarify their position relative to the pertinent AAUP guidelines.

4. Before wrapping up the meeting, the Chair asked for any final questions. Cliff Slade asked whether these discussions affect administrative and professional faculty. Pat Hyer answered that protections for AP faculty are covered in chapter 3 of the Faculty Handbook and are not directly at issue here.

5. The meeting was adjourned at 4:15 PM.

Respectfully submitted,

Dave Beagle  
Scribe

Commission on Faculty Affairs Minutes

November 04, 1994

400-D Burruss Hall

Present: Richard Bambach, Dave Beagle (scribe), Don Creamer (chair), Pat Hyer, Jeff May, Peggy Meszaros, Jonathan Purdy, Tom Sherman, Bob Sumichrast, Andy Swiger

1. Minutes. The minutes of October 28, 1994 were approved.
2. Announcements. The chair announced that Professor Jerry Robinson of the Management department, whose expertise is pertinent for our current investigation, has been invited to attend the next CFA meeting.
3. Dismissal for cause. Discussion resumed on the consideration of current termination policies. A committee consisting of Bob Sumichrast (chair), Richard Bambach, and Pat Hyer had been formed at the last meeting to review the dismissal for cause portion of the Faculty Handbook (section 2.11.1 ). They distributed copies of a resolution that alters the last paragraph of that section, which currently reads as follows:

"If dismissal is effected, a tenured faculty member will receive salary or notice of one year from the time of the final decision. A faculty member whose probationary term appointment is foreshortened will receive three months salary or notice. Only in a case of gross misconduct should this salary or notice be withheld and then only on recommendation of the hearing committee."

The proposed resolution, identified as CFA Resolution 1994-95A, reads as follows:

"WHEREAS, dismissal for cause is initiated only for very serious or extreme causes for which continued service to the University following a decision to dismiss would not be in the best interest of the University or our students; and,

WHEREAS, experience has shown that cases are settled prior to completion of the process and the proposed revision continues to allow such negotiation, including the possibility of severance pay or notice if appropriate; and,

WHEREAS, concerns expressed that our current policy allowing a year's severance pay (or notice) following a decision to dismiss for cause does not adequately reflect institutional or student interests;

THEREFORE BE IT RESOLVED, that the final paragraph of section 2.11.1 of the Faculty Handbook (Due Process for Dismissal for Cause) be deleted and the following statement substituted:

If dismissal is effected, termination normally is immediate."

Tom Sherman pointed out footnote 2 in section 2.11.1 of the Faculty Handbook:

"The procedures specified follow closely but differ in occasional detail from the '1976 Institutional Regulations on Academic Freedom and Tenure' approved by Committee A of the AAUP."

He expressed his reluctance to make changes to our policy that would invalidate the Handbook provision that we follow, albeit not verbatim,

AAUP guidelines. He recommended that we seek additional information from AAUP regarding dismissal for cause and the consequences for an institution that chooses not to follow their guidelines. He questioned also whether there are any substantive gains made by making the changes in the resolution.

Bob Sumichrast pointed out that the revised policy offers some latitude in making appropriate personnel decisions. Pat Hyer argued that the resolution serves as an important symbolic change that dismissal for cause will not be rewarded.

The chair passed out copies of section 8 of the AAUP guidelines concerning terminal salary or notice (from the 1990 edition of "AAUP Policy Documents & Reports, page 28):

"If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. This provision for terminal notice or salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude. On the recommendation of the faculty hearing committee or the president, the governing board, in determining what, if any, payments will be made beyond the effective date of dismissal, may take into account the length and quality of service of the faculty member."

The terminology of the AAUP policy differs from ours. Virginia Tech uses the phrase "gross misconduct" whereas AAUP uses "moral turpitude." We are using the terms in our deliberations as functional equivalents, although the term gross misconduct can be construed as being a little broader in scope.

The Virginia Tech policy (2.11.1) on dismissal for cause reads as follows:

"Adequate cause for dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacity as teachers and scholars. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens.

Adequate cause can include, but is not restricted to:

1. flagrant violation of professional ethics,
2. incompetence,
3. willful failure to carry out professional obligations or assigned responsibilities,
4. falsification of information relating to professional qualifications,
5. inability to perform assigned duties satisfactorily because of incarceration, or
6. personal deficiencies that prevent the satisfactory performance of responsibilities (e.g., dependence on drugs or alcohol)."

Much debate ensued regarding the wording of the proposed resolution and whether, if adopted, our policy would no longer conform with existing AAUP guidelines. One suggestion was to amend the resolution to include a clause stating that dismissal is immediate only in cases of gross misconduct. A motion to adopt the resolution as originally written was placed on the table, seconded, and voted upon. The motion

was defeated.

Alternative wording for the resolution was explored. After lengthy deliberation, the following sentences were deemed a satisfactory substitution for the original resolution: "In cases of gross misconduct, termination will be immediate with the recommendation of the hearing committee. Upon the notification by the President of a decision regarding dismissal, a tenured faculty member will receive salary or notice of up to one year. A faculty member whose probationary term appointment is foreshortened will receive three months salary or notice. "

The committee who drafted the original resolution will meet again before the next CFA meeting to rewrite it in terms closer to the wording of the alternative resolution above and to consider other germane matters such as who decides whether a faculty member has engaged in gross misconduct. The revised resolution will be debated by the committee again and then referred to the Faculty Senate for further dialogue.

4. RIF policy for reasons of program reorganization. Pat Hyer was asked at the previous meeting to continue gathering faculty dismissal information from other Virginia universities. She distributed a summary of current policies at Old Dominion, William and Mary, and the University of Virginia.

At the University of Virginia, there is no provision for a reduction in force associated with discontinuance or reorganization of programs (i.e., section 2.11.3 in our Faculty Handbook). For instructional faculty, this is the only statement relevant to our investigation: "Termination of a faculty member's employment before the end of a specified term, or after a faculty member has been elected without term, is possible but rare, and occurs only for adequate cause or financial stringency."

The RIF policy at both the College of William and Mary and Old Dominion University combines into a single statement financial exigency and discontinuance of a program of study and treats them the same. Tenured faculty at William and Mary are provided at least one year notice. Non tenured faculty are given from 3 months to one year notice prior to the contract expiration date depending on their length of service. Tenured faculty at ODU are given an expiration date of the end of the academic year and notice of not less than a full academic year. Non tenured faculty can be given notice no later than December 15 of the same academic year when termination is effected.

Both policies address recall rights. At William and Mary, a faculty member released due to program discontinuance cannot be replaced within a period of two years "unless the released faculty member has been offered reappointment and a reasonable time within which to decline it." At ODU, "a position may not be offered to a new candidate within the specialty of the dismissed faculty member for three years following the effective date of dismissal."

5. Adjournment. The meeting was adjourned at 4:15 PM.

Respectfully submitted,

Dave Beagle

Commission on Faculty Affairs

November 11, 1994,  
President's Board Room Burruss Hall

Present: D. Creamer, Jim Wolfe, R. Bambach, D. Beagle, D.  
Mullins, M. Lambur, T. Sherman, R. Sumichrast, J. May

Guest: Jerry Robinson

1. The meeting was called to order at 2:15pm by Don Creamer.
2. Announcements:
  - a. Because of scheduling conflicts, the CFA meeting scheduled for November 18 was cancelled. An additional meeting was scheduled for December 16, 1994, 2:15pm, 400-D Burruss Hall.
  - b. Minutes of the EO/AA committee were distributed. No action was taken on them.
3. Minutes of the 11/4/94 CFA meeting were approved.
4. The published agenda was adopted.
5. Old business:
  - a. Involuntary separation policies: Guest Jerry Robinson, at the invitation of Tom Sherman, presented an industry perspective on dismissal policies and trends and contrasted them with university policies. This informative presentation provided a perspective for better understanding the "industry point of view" on dismissal shared by some members of the Board of Visitors (BOV). Selected highlights included: 1) The advance notice concept is resisted in industry because the best people will "jump ship." Instead, industry provides severance pay on very short notice. Universities often require a more orderly reduction of services. Therefore, how do we equate severance pay time to advance notice time? 2) The industry perspective is short term (quarterly), with emphasis on growth, market share, and strategic decisions. In addition, vision seems more clear in industry than in academia and the major mechanism to cut costs in industry is to cut personnel costs (i.e., line workers). 3) Industry perspectives on academia include the concern that "kids can't read," what their children say about their university and their professors, "How can the university be different from business?," "They must shape up," and there is a citizen mandate that universities need to act like businesses. Questions and discussion revolved around the perspective that we need to work with the BOV to help them understand the differences between the industry and university with respect to this policy.

Report from the subcommittee on dismissal for cause:  
Chair Bob Sumichrast distributed a draft of CFA  
Resolution 1994-95A amending the dismissal for cause  
section of the Faculty Handbook.

CFA Resolution 1994-95A

Approved by CFA:

Approved by University Council:

Approved by the Board of Visitors:

WHEREAS, dismissal for cause is initiated only for very serious or extreme causes for which continued service to the University following a decision to dismiss would not be in the best interest of the University or our students; and,

WHEREAS, experience has shown that cases are settled prior to completion of the process and the proposed revision continues to allow such negotiation, including the possibility of severance pay or notice if appropriate; and,

WHEREAS, concerns expressed that our current policy allowing a year's severance pay (or notice) following a decision to dismiss for cause does not adequately reflect institutional or student interests;

WHEREAS, regulations published by the American Association of University Professors state that tenured faculty members may not be dismissed without one year's salary or notice and that untenured faculty members may not be dismissed without at least three months salary or notice except in the case of dismissal for conduct involving moral turpitude;

THEREFORE BE IT RESOLVED, that the final paragraph of section 2.11.1 of the Faculty Handbook (Due Process for Dismissal for Cause) be deleted and the following statement substituted:

In cases of moral turpitude (as defined by the AAUP), termination will usually be immediate. Moral turpitude shall be determined by the hearing committee if one was convened. If a hearing committee was not convened, the President shall make such a determination. In cases not involving moral turpitude, a tenured faculty member will receive up to one year's salary or notice from the date of the President's notification of dismissal. A faculty member whose probationary term appointment is foreshortened will receive three months salary or notice.

After some discussion, a motion was made by Bob Sumichrast and seconded by Tom Sherman to adopt the resolution. In the ensuing discussion, there was much dialogue on how confusing the policy was to implement. Richard Bambach distributed a flow chart on how the policy might be implemented and eventually agreed to draft a re-write of the procedures in the Faculty Handbook. There was also much discussion about whether CFA should consider a major revision of the entire involuntary separation policy, or just address the immediate concerns of the BOV. It was finally decided to address the immediate concerns of the BOV and then consider a major revision at a later date.

A motion was made by Richard Bambach and seconded by Bob Sumichrast to amend the last paragraph of the resolution to read:

In cases of moral turpitude (as defined by the AAUP), termination will usually be immediate. Moral turpitude shall be determined by the first faculty committee that considers the case. In cases not involving moral turpitude, a tenured faculty member will receive up to one year's salary or notice from the date of the President's notification of dismissal. A faculty member whose probationary term appointment is foreshortened will receive three months salary or notice.

The motion passed.

The initial motion to adopt the resolution as amended was then tabled until after discussion at the 11/15 Faculty Senate meeting.

Subcommittee on reduction in force associated with discontinuance or reorganization of programs: Tom Sherman agreed to chair this subcommittee. Members are Richard Bambach, Don Mullins, and Pat Hyer.

- b. Communication with faculty about CFA deliberations: Minor changes were made to this document, which will be distributed by Don Creamer.

6. The meeting was adjourned at 4:45pm.

Respectfully submitted,

Michael Lambur  
Secretary

## Minutes

### Commission on Faculty Affairs

December 2, 1994,  
400-D Burruss Hall

Present: D. Creamer, P. Hyer, R. Bambach, D. Beagle, D. Mullins,  
M. Lambur, R. Sumichrast, J. May

1. The meeting was called to order at 2:15pm by Don Creamer.
2. Announcements:
  - a. The December 16 CFA meeting will be held in 400-D Burruss Hall.
  - b. A motion was made and seconded to accept the minutes of the EO/AA committee distributed at the last meeting. The motion passed.
  - c. Minutes of the Library committee meeting were distributed.
  - d. Dave Beagle asked if CFA meetings were open to the general faculty. Don Creamer indicated that CFA, as well as all commission meetings, are open to the general faculty.
3. Minutes of the 11/11/94 CFA meeting were approved.
4. The published agenda was adopted.
5. Old business:
  - a. Involuntary separation policies

Summary of comments from faculty: Don Creamer circulated four e-mail comments received after sending the communication regarding the CFA's proposed actions involving the involuntary separation policy. He indicated that the comments received, as well as informal discussions with 12-15 faculty, did not raise any new concerns.

Report of discussion of the Faculty Senate (on the resolution amending the dismissal for cause policy): Don Creamer invited CFA members to comment on the discussion of the draft of the CFA Resolution 1994-95A (changes to the dismissal for cause policy) that was shared at the recent Faculty Senate meeting. Overall, faculty were supportive of the dismissal for cause changes. It was also acknowledged that there seemed to be more interest in changes to the reduction in force associated with discontinuance or reorganization of programs policy.

CFA Resolution 1994-95A (dismissal for cause): Don Creamer made a motion to remove this resolution from being tabled from the last CFA meeting. This was seconded by Richard Bambach and passed. Bob Sumichrast then made a motion to amend the policy, which was seconded by Richard Bambach. In the ensuing discussion, it was clarified that the policy applied to

tenured and continued appointment faculty only. Pat Hyer asked if the CFA was comfortable with the definition of moral turpitude. After some discussion, it was agreed that policy would be worded so that it would refer to the most recent AAUP definition of moral turpitude. The new wording of the last paragraph is:

"In cases where moral turpitude as defined by the AAUP is decided, termination will usually be immediate. Moral turpitude shall be determined by the first faculty committee that considers the case. In cases not involving moral turpitude, (a) a faculty member with tenure or continued appointment will receive up to one year of salary or notice, and (b) a probationary faculty member will receive up to three months salary or notice. These terms of dismissal shall begin at the date of the President's notification of dismissal."

The motion passed.

A motion was then made to accept the resolution and seconded. Clarifications to the "whereas" clauses were discussed and agreed upon, so that the resolution reads:

"CFA Resolution 1994-95A

WHEREAS, dismissal for cause is initiated for very serious or extreme causes for which continued service to the University following a decision to dismiss would not be in the best interest of the University or our students; and,

WHEREAS, concerns expressed that our current policy, which seems to allow a year of severance pay (or notice) following a decision to dismiss for cause, did not adequately reflect institutional or student interests; and

WHEREAS, the responsibility for determining gross misconduct was not clearly defined, nor was the starting date for final notice; and,

WHEREAS, university faculty policies acknowledge the guidance of American Association for University Professors (AAUP), and regulations published by AAUP state that, except in cases involving moral turpitude, tenured faculty should receive one year of notice or salary and untenured faculty should receive three months.

THEREFORE BE IT RESOLVED that the final paragraph of section 2.11.1 of the Faculty Handbook (Due Process for Dismissal for Cause) be deleted and the following statement substituted:

In cases where moral turpitude as defined by the AAUP is decided, termination will usually be immediate. Moral turpitude shall be determined by the first faculty committee that considers the case. In cases not involving moral turpitude, (a) a faculty member with tenure or continued appointment will receive up to one year of salary or notice, and (b) a probationary faculty member will receive up to three months salary or notice. These terms of dismissal shall begin at the

date of the President's notification of dismissal."

The motion passed, with the understanding that CFA would revisit the text only momentarily at the next meeting.

Report of the subcommittee on reduction in force associated with discontinuance or reorganization of programs: Richard Bambach passed out two handouts reflecting the work of the subcommittee thus far. In summary, the subcommittee initially suggested six substantive changes: 1) Substituting a "progressive" notice policy for the current five year retention policy, 2) Adding an institutional responsibility to provide reasonable and appropriate career and relocation services, 3) Make stronger an institutional responsibility to continue health and life insurance provisions, 4) Add a mandate for the University to offer a "first refusal" to terminated faculty for any positions for which they may be qualified, 5) Add an obligation for the University to provide appropriate training for terminated faculty to become qualified for employment either at Virginia Tech or at another organization, and 6) Add that all career/employment services end when terminated faculty become employed.

Much of the discussion centered on substituting a progressive notice policy for the current five year retention policy. Pat Hyer agreed to work with Institutional Research on running an analysis of the suggested progressive notice policy so that it could be compared with the current five year retention policy.

6. The meeting was adjourned at 4:15pm.

Respectfully submitted,

Michael Lambur  
Secretary

Minutes

Commission on Faculty Affairs

December 9, 1994,  
Presidents Board Room Burruss Hall,  
APPROVED

Present: D. Creamer, P. Hyer, P. Meszaros, A. Swiger, R.  
Bambach, D. Beagle, D. Mullins, M. Lambur, T. Sherman,  
R. Sumichrast, J. May

Guest: Steve Baehr, Department of Foreign Languages

1. The meeting was called to order at 2:15pm by Don Creamer.
2. Announcements:
  - a. Don Creamer introduced Steve Baehr from the Department of Foreign Languages. Steve was invited by Don to share his perspectives on the Reduction in Force Policy deliberations.
  - b. Mike Lambur distributed an article on dismissal for cause from the 12/7/94 Chronicle of Higher Education.
  - c. Pat Hyer announced that the university had received feedback indicating that we have to re-apply for the hiring freeze exemptions using newly acquired forms.
3. Minutes of the 12/2/94 CFA meeting were approved.
4. The published agenda was adopted.
5. Old business:
  - a. Involuntary separation policies

Review of CFA Resolution 1994-95A (dismissal for cause): Pat Hyer discovered a potential conflict in the resolution and other dismissal for cause procedures concerning notification. After some discussion, Pat Hyer moved that the word "President's" in the last sentence be changed to "final" so that the last sentence reads "These terms of dismissal shall begin at the date of final notification of dismissal." The motion was seconded by Tom Sherman and passed.

The resolution now reads:

"CFA Resolution 1994-95A

WHEREAS, dismissal for cause is initiated for very serious or extreme causes for which continued service to the University following a decision to dismiss would not be in the best interest of the University or our students; and,

WHEREAS, concerns expressed that our current policy, which seems to allow a year of severance pay (or notice) following a decision to dismiss for cause, did not adequately reflect institutional or student interests; and

WHEREAS, the responsibility for determining gross misconduct was not clearly defined, nor was the starting date for final notice; and,

WHEREAS, university faculty policies acknowledge the guidance of American Association for University Professors (AAUP), and regulations published by AAUP state that, except in cases involving moral turpitude, tenured faculty should receive one year of notice or salary and untenured faculty should receive three months.

THEREFORE BE IT RESOLVED that the final paragraph of section 2.11.1 of the Faculty Handbook (Due Process for Dismissal for Cause) be deleted and the following statement substituted:

In cases where moral turpitude (as defined by the AAUP) is decided, termination will usually be immediate. Moral turpitude shall be determined by the first faculty committee that considers the case. In cases not involving moral turpitude, (a) a faculty member with tenure or continued appointment will receive up to one year of salary or notice, and (b) a probationary faculty member will receive up to three months salary or notice. These terms of dismissal shall begin at the date of final notification of dismissal."

Tom Sherman asked if the resolution should formally include recognition of faculty support based on discussions at the last Faculty Senate meeting (perhaps in an additional "whereas" clause). It was agreed that the resolution would be shared with the Faculty Senate and their input acknowledged.

Report of the subcommittee on reduction in force associated with discontinuance or reorganization of programs: Steve Baehr was invited to share his perspectives on potential changes to this policy. He urged CFA to keep the current policy and articulated three arguments against changing it: 1) A reduction in the security cushion to less than five years may well have the unwanted effect of encouraging first-rate faculty to leave Virginia Tech, 2) The current policy is anything but generous--finding a new position in the current climate might be extremely difficult in five years, and 3) Our current policy may not be extraordinary compared to other institutions and, therefore, we should conduct a more thorough analysis before we come to any definitive conclusions. In addition, he also indicated that universities are not and cannot be businesses, if they are to excel.

Tom Sherman provided an update on the work of the subcommittee. He shared a working draft of a policy statement, which included a recommendation of one year of notice for every five years of service with a maximum of four years notice. Pat Hyer shared an alternative policy, based on discussions with Fred Carlisle and Jim Wolfe, which included a recommendation of one year of notice for every 10 years of service with a maximum of three years notice. After much discussion on the specifics of the policy changes, Bob Sumichrast suggested that rather than considering revisions to the reduction in force associated with

discontinuance or reorganization of programs policy, we might want to consider re-writing the reduction in force for financial exigency policy to accommodate the financial hardship situation we are currently faced with. This course of action would resolve the dilemma of trying to address our declining financial situation with a policy (i.e., reduction in force associated with discontinuance or reorganization of programs) that was not designed to address this situation. After much discussion, CFA agreed to pursue re-writing the reduction in force for financial exigency policy. The intent is to re-cast the policy to address responding to "financial hardships," with financial exigency as one component of the policy. A subcommittee consisting of Tom Sherman (chair), Pat Hyer, Bob Sumichrast, Don Mullins, and Andy Swiger was appointed to begin re-writing this policy.

It was also agreed that Don Creamer would meet with Paul Torgersen to outline CFA's intentions before the next CFA meeting.

6. The meeting was adjourned at 4:20pm.

Respectfully submitted,

Michael Lambur  
Secretary

Minutes  
Commission on Faculty Affairs  
December 16, 1994  
400-D Burruss Hall  
APPROVED

Present: D. Creamer, P. Hyer, P. Meszaros, A. Swiger, R.  
Bambach, M. Lambur, R. Sumichrast, J. May

1. The meeting was called to order at 2:20pm by Don Creamer.
2. Announcements:
  - a. Don Creamer asked if CFA should consider a substitute for Richard Bambach as he will be on sabbatical next semester. He asked CFA to think about this.
  - b. Don Creamer distributed a final draft of the University Council Constitution and Bylaws revision from Larry Moore, Chair, Governance Taskforce.
  - c. The next meeting of CFA is scheduled for January 20, 1995. In light of the work before CFA, Don Creamer suggested that CFA schedule meetings every Friday after January 20 (2:15-4:15pm) throughout the semester. All present agreed. Pat Hyer agreed to assist in scheduling meeting locations.
3. Minutes of the 12/9/94 CFA meeting were approved with one minor change.
4. The published agenda was adopted with the addition of the tenure analysis requested from Institutional Research at the last meeting.
5. Old business:
  - a. Involuntary separation policies

Report on meeting with President Torgersen. Don Creamer met with President Torgersen and updated him on CFA's recent actions on the Dismissal for Cause policy changes and intended actions on the RIF policies. The President was supportive of the Dismissal for Cause policy revisions but was unclear on the definition and meaning of moral turpitude. After some discussion between Don Creamer and the President, it was agreed that the resolution would be forwarded to Jerry Cain, University Legal Council, for his advice and counsel.

While the President was supportive of CFA's intended actions to revise the RIF policy on Financial Exigency, he was also adamant on the need to address the five year notice policy associated with the RIF for program discontinuance. He indicated that he felt the Board of Visitors (BOV) would not accept the five year notice policy. He also indicated interest in the progressive notice policy (i.e., one year of notice for every X years of service) and that RIF policy revisions could be presented at the April, rather than February, BOV meeting. CFA members present agreed to proceed with revising the RIF policy as intended and to deal with the five year notice period in the context of the revisions.

Related to this, it was agreed that the resolution on Dismissal for Cause should be forwarded to University Council, probably at their February 6, 1995 meeting, for consideration.

Report on discussion in Faculty Senate concerning Resolution 94-95A (Dismissal for Cause). Faculty Senators Don Creamer, Bob Sumichrast, and Mike Lambur reported that the Senate was appreciative of providing input and receiving feedback on the resolution. Additional discussion at the Senate meeting focused on broader issues surrounding the RIF policy. It was also observed that there seems to be a general lack of understanding of governance policies by faculty. There was interest in having CFA report to the Senate on a more regular basis. CFA members present agreed to report to the Faculty Senate on a more regular basis.

There was a specific question from a Faculty Senator on whether or not the Ad Hoc Committee appointed to review the reorganization plan in the RIF for discontinuance of programs policy could elect a chair. Don Creamer asked the CFA sub-committee to address this in their deliberations.

Revision of 2.11.2 and 2.11.3. Pat Hyer distributed an initial analysis of average salaries of tenured faculty by college, rank, and years of service (requested previously to address the suggested progressive notice policy). Years of service was divided into four categories (0-7, 8-15, 16-23, 24+). There was a total of 1,147 tenured faculty in the analysis. A brief discussion followed, suggesting how the data might be used to compare the five year notice policy with the progressive policy. For example, using this initial data, if one year of notice was used for every eight years of service, the average notice under a progressive policy would be 2.5 years. The sub-committee agreed to continue investigating this alternative policy.

Sub-committee members present provided an update of their recent meeting. All present agreed that the focus of their efforts was to re-write the Financial Exigency policy as a Financial Hardship policy with financial exigency as one component. Their initial discussion focused on a three step procedure for initiating the financial hardship process: 1) The university or a unit (e.g., college) declares a situation of financial hardship, and 2) the unit prepares a general plan to address the situation. The situation and plan are reviewed by university administration and the University Council on Strategic Budget and Planning. If it is determined that a financial hardship situation is eminent, then 3) the unit prepares a specific plan for addressing the situation. Pat Hyer then reviewed several possible definitions of financial hardship considered by the sub-committee.

Issues raised in the ensuing discussion for the sub-committee included, considering transitional career services for terminated faculty and how seniority would be handled. Concerning seniority, there was general

agreement that the process should first consider the importance of high priority programs and then make termination decisions based upon this.

6. Disposition of policy question concerning the differential between faculty and classified staff compensation for sick leave (referred by Don Mullins). A faculty member considering retirement, requested to be paid for sick leave accumulated and not taken at his retirement. Classified staff are provided this benefit on retirement, up to \$5,000. However, faculty are not, and have never been provided this benefit. The university declined this faculty member's request for this benefit upon retirement. He has appealed to CFA regarding this request. It was moved by Andy Swiger, and seconded by Pat Hyer, to defer this request to the Benefits Committee for their consideration. The motion passed.
7. The meeting was adjourned at 3:55pm.

Respectfully submitted,

Michael Lambur  
Secretary

Commission on Faculty Affairs

January 20, 1995

Approved

Present: Don Creamer (Chair), Dave Beagle (scribe), Billie Cline, Pat Hyer, Jeff May, Don Mullins, Sam Riley, Cliff Slade (via telephone), Tom Sherman, Bob Sumichrast

Guests: Kay Heidbreder, Janet Johnson

1. Call to order. The meeting was called to order by Don Creamer at 2:15 PM.
2. Minutes. The minutes of the December 16, 1994 CFA meeting were approved without modification.
3. Agenda. The agenda was approved with the addition of one item: Governance Taskforce report.
4. Spring 1995 CFA meeting schedule. The Commission will meet nearly every week of the Spring semester. Because of many conflicts, a single day and time was not workable without losing several members regularly. The schedule for Spring Semester:

DATE	TIME	PLACE
Feb. 03	2:15	400-D Burruss Hall
Feb. 09	3:30	CEC - Exec Conf Rm
Feb. 17	2:15	400-D Burruss Hall
Feb. 24	2:00	400-D Burruss Hall
Mar. 02	3:30	400-D Burruss Hall
Mar. 09	3:30	400-D Burruss Hall
Mar. 24	2:15	400-D Burruss Hall
Mar. 30	3:30	400-D Burruss Hall
Apr. 07	2:15	400-D Burruss Hall
Apr. 13	3:30	400-D Burruss Hall
Apr. 21	2:15	400-D Burruss Hall
Apr. 27	3:30	400-D Burruss Hall

5. Commission on Research resolution. Don Creamer introduced Janet Johnson, who asked to attend this meeting to brief CFA members on a resolution from the Commission on Research (Resolution 94-95 1). She will return to the next CFA meeting on Feb. 3, 1995 for further consideration and possible Commission endorsement. The resolution already has been passed by the Commission on Research and endorsed by the Commission on Graduate Studies and Policies.

6. Dismissal for cause policy.

Kay Heidbreder, Associate General Counsel, attended as a guest. She rewrote the final paragraph of CFA Resolution 1994-95A because, in legal parlance, the phrase "moral turpitude" refers to a personal moral failing

whereas the intention of the resolution is to address job related failings. In her reworked paragraph, the phrase "gross misconduct" is substituted, albeit defined according to the AAUP definition of moral turpitude.

Tom Sherman objected to the substitution, arguing that the common usage in higher education is moral turpitude and is therefore preferred within an academic document. Also, moral turpitude is intended to be a severe standard.

Others disagreed with Tom's distinction between the phrases. A motion to substitute the new paragraph in CFA Resolution 1994-95 was passed with two negative votes. A motion to forward the resolution, as amended with the new wording in the last paragraph, was passed with one negative vote.

The final portion of the revised resolution now reads as follows :

THEREFORE BE IT RESOLVED that the final paragraph of section 2.11.1 of the Faculty Handbook (Due Process for Dismissal for Cause) be deleted and the following statement substituted:

"In cases where gross misconduct is decided, termination will usually be immediate. The standard for gross misconduct shall be behavior so egregious that it evokes condemnation by the academic community generally and is so utterly blameworthy as to make it inappropriate to offer additional notice or severance pay. Gross misconduct shall be determined by the first faculty committee that considers the case. In cases not involving gross misconduct, (a) a faculty member with tenure or continued appointment will receive up to one year of salary or notice, and (b) a probationary faculty member will receive up to three months of salary or notice. These terms of dismissal shall begin at the date of final notification of dismissal."

The resolution will proceed through the governance system.

7. Draft Revision of RIF Policy. Tom Sherman distributed a document that summarizes the progress of the subcommittee charged with reviewing the RIF policies of the Faculty Handbook (sections 2.11.2 - 2.11.3).

The cover sheet summarizes the "subcommittee's strategy to ignore RIF for program reorganization (2.11.3) in order to create a more flexible and applicable RIF policy to direct responses to two levels of financial problems: exigency and emergency." This initial draft consists of eight sections: "Purpose, Principles that guide decisions, Definitions (emergency, exigency), Process, Minimum responsibilities to individuals, Staffing plan principles (order of RIF, replacement), Transition assistance, Appeals process." Three of these eight sections were addressed in this version of the document and are reproduced in an appendix at the end of these minutes.

In response to a question about the "strategy to ignore," Tom clarified the subcommittee's intention is to set aside for now that section and to consider it later if necessary. If we can produce a document that helps the University manage its resources in times of financial duress, then we may be able to retain section 2.11.3 as presently written since it does not involve pecuniary matters and the provisions contained therein may be entirely appropriate.

Dave Beagle inquired about the terminology. The subcommittee has debated at length the appropriate terms to use. Many alternatives have been suggested (including financial hardship, financial difficulty, fiscal emergency, financial stringency, etc.) and some definitive decision will need to be made. Pat Hyer expressed her opposition to the term "emergency" since it improperly suggests a sudden event. Don Mullins stated his opposition to the term "hardship," which understates the seriousness of the current state of affairs.

Sam Riley asked why notice was set at between 1-3 years. Bob Sumichrast answered that 1 year conforms with AAUP guidelines and that three years provides some flexibility in protecting faculty interests depending on the level of severity of the fiscal crisis.

Tom Sherman passed out a document entitled "Decision Algorithm 2.11.2a DRAFT." The algorithm proceeds through several steps:

- o Identification and certification of the crisis
- o President's plan to address the crisis
- o Strategies to implement a plan
- o Implementing plan and strategies

This document will be considered more fully at the next CFA meeting.

#### 8. Faculty Rewards Project (FRP).

At the January 1995 Faculty Senate meeting, the issue of how to proceed with the FRP report was discussed at length. President Larry Shumsky would like the full Senate to review the report and to discuss its assertions and action items. Susan Brooker-Gross, Associate Provost, had asked that CFA consider the report so that it could begin its proper journey through the governance system. Given the urgency of the personnel policies review and the full calendar already in place, the Commission has not yet had time to schedule a session.

A motion to encourage Faculty Senate to discuss the five macro level assertions (A-E) as described in the FRP report (published in the September 30, 1993 Spectrum) and to provide CFA with guidance on how to proceed with the action items passed unanimously.

9. Governance Taskforce. Copies of the Governance Taskforce's December 6, 1994 report on revising the governance structure was distributed. The cover sheet of the document, addressed to Commission chairs, contained this introduction:

"The Governance Taskforce is completing the third and final phase of the revision of the governance structure; the revision of the University Council Bylaws. Each of your commissions was asked to address both the structure (composition) and function (charge) of all University Standing Committees that report to it." ...

.. "In updating the University Standing Committee structure within the Bylaws, the Taskforce strived to keep the number of committees to a minimum and reduced the committee membership as much as is feasible." ...

.. "The new Bylaws will be implemented on July 1, 1995."

The Taskforce is looking for a final review from Commission members before first reading at University Council. CFA will review those sections pertinent to our purview.

10. Distribution of minutes to non-members. Stephen Baehr of the Foreign Languages and Literatures department has requested to be placed on the mailing list for Commission minutes. There were no objections.

11. Membership vacancy. Peggy Meszaros's position on CFA will have to be filled now that she is no longer a college dean. Membership guidelines specify two academic deans elected by the Council of Academic Deans.

12. Adjournment. The meeting was adjourned at 4:45 PM.

Respectfully submitted,  
Dave Beagle (scribe)

## APPENDIX

### DRAFT Revision of RIF Policy

Date: January 20, 1995

#### THE PROCESS

When a financial crisis is probable within one or more budgetary units, the President shall monitor financial matters carefully to judge if a fiscal emergency exists. If the President decides that a fiscal emergency does exist, the President shall declare such to the University Community and specify the degree of hardship and whether the fiscal emergency constitutes exigency.

Following the declaration of a fiscal emergency, the President shall present evidence documenting the financial status of The University to The University Advisory Council on Strategic Budgeting and Planning. This council, hereafter called the Expanded Committee, shall be expanded to include the chairs (or designees) of those commissions it considers relevant to advise it for the entire process described in this section. Commission representatives serving on the Expanded Committee shall have voting rights. Following the President's presentation, the Expanded Committee will express its judgment about the existence and degree of the fiscal emergency to the University Community in a written report.

If the President decides to proceed after considering the advice of the Expanded Committee, the President shall then present a macro-level plan to address the fiscal emergency. The Expanded Committee shall review the President's plan, offer its advice, and express its opinion to the University Community in a written report. The President will consider the Expanded Committee's advice and make every effort to develop a plan acceptable to the Expanded Committee.

Implementation strategies will then be developed by all affected units. These strategies must specify how programs, faculty, and students will be affected, as well as how the rights, interests, and privileges of faculty and staff are protected. All implementation strategies will be approved by the Expanded Committee prior to their initiation.

The Expanded Committee will publish all unit implementation strategies and provide a two-week period for comment prior to approval. The President shall compile and make available the final Plan and the Unit implementation strategies to address the fiscal emergency.

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MINIMUM RESPONSIBILITIES TO INDIVIDUALS

The University recognizes its responsibilities to faculty under all circumstances including fiscal emergencies. Any plan to address a fiscal emergency and the unit implementation strategies to carry out the plan must guarantee the following:

#### Faculty Employment

Faculty with tenure or continued appointment whose positions are eliminated as a part of unit strategies will be given notice or severance pay of not less than one year nor more than three years. Notice will be given only after an affected unit's implementation strategy has been reviewed and

approved by the Expanded Committee. The minimum notice shall be determined by the Expanded Committee based on the degree of hardship specified by the President and approved by the Expanded Committee in the macro-level plan. Probationary faculty whose positions are eliminated as a part of the unit strategies will be given notice of one year. Notice will be given only after an affected unit's implementation strategy has been reviewed and approved by the Expanded Committee. Administrative and Professional faculty shall be given at least ninety days notice.

If financial exigency has been declared, then the minimum notice may be shorter. Even in this extreme case, faculty with tenure or continued appointment and probationary faculty may be terminated no sooner than the end of the academic year in which the implementation strategies of the units affected by the exigency have been reviewed and approved by the Expanded Committee. Every effort will be made to give all other faculty the maximum possible notice.

#### Faculty Salaries

No strategy which reduces the annual base salary of a faculty member may be implemented sooner than the end of the academic year in which a unit implementation strategy has been reviewed and approved by the Expanded Committee

#### Notification

The University will provide written notification to all faculty affected by unit strategies including a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision makers relied, and information regarding procedures available for appealing the decision.

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#### APPEALS

A faculty member whose appointment is terminated or suspended due to financial emergency may file an appeal in writing with the Faculty Review Committee of the Faculty Senate or the CAPFA Grievance Committee (as appropriate). These committees shall develop special procedures to consider appeals in a timely manner. The appeal must be filed within twenty (20) calendar days of the date of receipt of notification, and must set forth the grounds for the appeal. Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section, a violation of academic freedom, or a decision based on immaterial or improper factors. The appeal may not reexamine the decision process which resulted in the reduction in force action, or the educational policies and priorities pursued. The committees shall prepare a report for the president, who shall render the final decision.

## Minutes

### Commission on Faculty Affairs

February 3, 1995,  
400-D Burruss Hall,  
APPROVED

Present: D. Creamer, P. Hyer, J. Johnson, D. Beagle, D. Mullins,  
M. Lambur, S. Riley, T. Sherman, R. Sumichrast, B.  
Cline, J. May

1. The meeting was called to order at 2:15pm by Don Creamer.
2. Announcements:
  - a. Don Creamer welcomed new CFA members Billie Cline and Janet Johnson. Janet Johnson, in her new role as Interim Dean of the College of Human Resources, will be replacing Peggy Meszaros on the committee for the remainder of the academic year.
  - b. Don Creamer announced that Ed Henneke, Chair of the Commencement Committee will be attending the next CFA meeting to propose that this committee report to CFA rather than the Commission on Undergraduate Studies and Policy.
  - c. Don Creamer reported he had met with Paul Torgersen this morning to inform him of 1) the change in the Dismissal for Cause Policy approved at the last CFA meeting (it will be presented at the University Council meeting on Monday 2/6/95) and 2) the status and timing of CFA's work on re-writing the RIF for Financial Exigency policy. It was understood that if CFA could complete its work on re-writing the policy by the end of this semester, it would be presented to the BOV at its August meeting. Dr. Torgersen also supported the idea of re-casting the RIF policy for Financial Exigency to Financial/Fiscal Hardship/Emergency. However, he also indicated that CFA would probably need to re-examine the RIF for Program Discontinuance policy, as this will likely become more significant in the future.
3. Approval of January 20 minutes. The minutes of the January 20 CFA meeting were approved, after considerable discussion, with the following changes: 1) Sections of the CFA Subcommittee report on the RIF for Financial Exigency policy not discussed at this meeting will be deleted from the minutes (i.e, planning process), 2) Feeling that discussions and actions of CFA are a matter of public record, clearly identified DRAFT sections of the CFA Subcommittee report on the RIF for Financial Exigency policy that are discussed at the meetings will be included as an appendix to these, and all subsequent CFA meeting minutes, and 3) The resolution on the Commission for Research will be deleted from the minutes.
4. The published agenda was adopted with the addition of one new business item on dealing with the minutes of the EOAA and Library Committees.
5. Old business:

- a. Commission on Research Resolution 94-95 1. This resolution, brought before CFA at its last meeting by Janet Johnson, was discussed for possible CFA endorsement before going to University Council. Points of clarification included: 1) The new titles are specifically for soft money research positions. 2) Faculty in these positions may direct graduate theses and dissertations and serve on graduate committees but will not have regularly scheduled teaching assignments. 3) Contracts will typically be multi-year (2-3) rather than the one year norm. Discussion among CFA members generated the following issues and concerns: 1) The multi-year aspect may result in retaining less qualified individuals. It was clarified that this aspect of the change was to attract "high quality" individuals suitable for these positions. 2) These faculty may have a different set of "standards" than regular research and teaching faculty. It was clarified that people in these positions will be evaluated using the same procedures as regular faculty. 3) Because of their limited contracts, it may not be advisable for these faculty to direct graduate theses and dissertations. It was clarified that this must be consistent with department graduate policy and have the approval of the Department Head and Dean of the Graduate School. In light of these issues and concerns, a motion was made to direct the Commission on Research to re-evaluate the titles in two years to consolidate them into fewer titles. The motion passed.
- b. Proposed changes to RIF for Financial Exigency policy. The subcommittee reported its progress to date, with ensuing discussion. Don Creamer commended the subcommittee for its diligent work on behalf of CFA.

Process section. Tom Sherman reviewed this section of the policy (presented at the 1/20/95 CFA meeting). Questions and responses included: 1) How is financial hardship initially identified? It is assumed that situations of financial hardship will be revealed through awareness of normal university financial operations. Therefore, no specific process needs to be identified. 2) What is the time frame for the process? The time frame will be determined by the situation, with the intent of moving as expeditiously as possible. Language addressing this will be added to this section of the policy. 3) Who selects the chairs of the Commissions to sit on the Expanded Committee? The process is the same as the RIF for Program Discontinuance policy.

Minimum responsibilities to individuals. Bob Sumichrast reviewed this section of the policy (presented at the 1/20/95 CFA meeting). Clarifications included: 1) Tenured and continued appointment faculty will be given 1-3 years notice or severance pay, probationary faculty will be given one years notice, and administrative/professional faculty will be given 90 days notice. 2) Severance pay was not normal university policy. 3) The Expanded Committee would determine the notice period for all faculty in the affected units based on the macro level plan.

There was also some discussion about the following

language in this section of the policy: "If financial exigency has been declared, then the minimum notice may be shorter. Even in this extreme case, faculty with tenure or continued appointment and probationary faculty may be terminated no sooner than the end of the academic year in which the implementation strategies of the units affected by the exigency have been reviewed and approved by the Expanded Committee." Mike Lambur pointed out that this language appeared to be contradictory, because in financial exigency it might not be possible to guarantee tenured/continued appointment and probationary faculty employment until the end of the academic year. It was clarified that this language reinforced commitment to faculty and programs, even in the face of dire financial circumstances.

Appeals process. Don Mullins reviewed this section of the policy (presented at the 1/20/95 CFA meeting). Added to the original draft was the time frame for appeals (20 calendar days of the receipt of notification). It was also clarified that the grounds for the appeal must be based on "a violation of academic freedom, or decision based on immaterial or improper factors" and not the "decision process which resulted in the reduction in force action, or the educational policies and priorities pursued." Don Creamer asked the subcommittee to clarify and better define "immaterial or improper factors."

Definition of financial hardships. Tom Sherman reviewed this section of the policy (attached). CFA members agreed that consistent terminology on financial hardship would be needed for the final draft of the policy.

6. New business

- a. A motion was made and seconded to accept the minutes of the EOAA committee. The motion passed. Minutes of the Library committee meeting were distributed and acknowledged.
- b. Pat Hyer announced that training on the revised Sexual Harassment policy will be forthcoming for Deans and Department Heads.

7. The meeting was adjourned at 4:20pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

DRAFT Definition of Financial Hardship

Discussed at CFA 2/3/95 meeting

A condition of financial hardship exists whenever the financial resources of the University, or one or more of its significant parts, are not sufficient to support the existing programs and personnel without substantial impairment to the quality of the programs and services. This condition cannot be alleviated by

normal resource management practices and may require alteration or termination of faculty appointments.

"Financial exigency" is an imminent financial crisis that threatens the continued functioning of the programs within the University as a whole, or one or more of its significant parts. This extreme form of financial hardship requires termination of faculty at an accelerated rate.

Evidence to establish the existence of financial hardship shall include: a) documentation of insufficient resources, revenues, or appropriations; b) a presentation of the budget of the total University and a detailed budget of the affected part(s); c) projections of personnel and program commitments that clearly document the nature and urgency of the financial hardship; and d) a description of resource management efforts to address the financial crisis to date.

Minutes

Commission on Faculty Affairs

February 9, 1995

Executive Conference Room - CEC

APPROVED

Present: D. Creamer, J. Johnson, D. Beagle, M. Lambur, S. Riley,  
T. Sherman, R. Sumichrast, J. May

Guest: Ed Henneke

1. The meeting was called to order at 3:30pm by Don Creamer.
2. Announcements:
  - a. Don Creamer announced that the first reading of the revised Dismissal for Cause policy was made at the 2/6/95 University Council meeting. There were several questions--one procedural and one legal. The second reading will be at the 2/20/95 meeting. Don asked that CFA members sitting on University Council should try to be present at this meeting and be prepared to respond to questions.
  - b. Don Creamer announced he will meet with Paul Torgersen tomorrow to discuss the timing of CFA revisions to the RIF policy for Financial Exigency. The understanding at this time is for CFA to complete its work on re-writing the policy by the end of this semester so that policy changes can be presented to the BOV at its August meeting. Don will keep CFA informed.
3. Approval of February 3 minutes. The minutes of the February 3 CFA meeting were approved with one minor revision.
4. The published agenda was adopted.
5. Old business:
  - a. Reporting structure for the Commencement Committee. Ed Henneke, chair of the university Commencement Committee, presented a rationale for having the Commencement Committee change reporting from the Commission on Undergraduate Studies and Policy (CUSP) to CFA. Basically, he indicated that commencement is a faculty affair and it is not appropriate to report solely to CUSP. He also indicated it would not be appropriate to report to the Commission on Graduate Studies, because commencement includes both undergraduates and graduates. Consequently, it would most appropriate to report to CFA.

Subsequent discussion revealed that CFA recommended the change in reporting to CUSP last year because it felt that commencement was a student affair and affects them most. After more discussion, a motion was made to have the Commencement Committee report to CFA next academic year. The motion passed. Don Creamer also asked Ed Henneke to draft a resolution on this matter for the next CFA meeting.
  - b. RIF for Financial Exegency policy changes. Tom Sherman reported that the subcommittee had not met since the last CFA meeting. However, CFA members present did

discuss the terminology used in the revisions. After much discussion, it was acknowledged that the terminology used needed to reflect dire financial circumstances that could arise from both short-term and long-term situations.

7. The meeting was adjourned at 4:30pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

DRAFT Definition of Financial Hardship  
Discussed at CFA 2/3/95 meeting

A condition of financial hardship exists whenever the financial resources of the University, or one or more of its significant parts, are not sufficient to support the existing programs and personnel without substantial impairment to the quality of the programs and services. This condition cannot be alleviated by normal resource management practices and may require alteration or termination of faculty appointments.

"Financial exigency" is an imminent financial crisis that threatens the continued functioning of the programs within the University as a whole, or one or more of its significant parts. This extreme form of financial hardship requires termination of faculty at an accelerated rate.

Evidence to establish the existence of financial hardship shall include: a) documentation of insufficient resources, revenues, or appropriations; b) a presentation of the budget of the total University and a detailed budget of the affected part(s); c) projections of personnel and program commitments that clearly document the nature and urgency of the financial hardship; and d) a description of resource management efforts to address the financial crisis to date.

## Minutes

### Commission on Faculty Affairs

February 17, 1995,  
400-D Burruss Hall,

#### APPROVED

Present: Sam Riley (acting chair), P. Hyer, J. Johnson, D.  
Mullins, M. Lambur, T. Sherman, R. Sumichrast, B. Cline

1. The meeting was called to order at 3:25pm by Sam Riley.
2. Announcements. There were no announcements.
3. Approval of February 9 minutes. The minutes of the February 9 CFA meeting were approved with no revisions.

Pat Hyer, who was not able to attend the 2/9/95 CFA meeting, suggested the following changes to the 2/3/95 CFA minutes (approved at the 2/9 CFA meeting).

5. Old business: a. Commission on Research Resolution 94-95 1.2. The approved minutes read: "3) Because of their limited contracts, it may not be advisable for these faculty to direct graduate theses and dissertations. It was clarified that this must be consistent with department graduate policy and have the approval of the Department Head and Dean of the Graduate School. In light of these issues and concerns, a motion was made to direct the Commission on Research to re-evaluate the titles in two years to consolidate them into fewer titles. The motion passed."

Suggested changes: 3) Because of their limited contracts, it may not be advisable for these faculty to direct graduate theses and dissertations. Dean Johnson responded that resignation of a major advisor can and does happen with tenure track faculty too. Department and graduate school policies provide protections that appointments are appropriate and that new advisors are provided if one should resign. Because the resolution creates several overlapping titles for a small number of potential appointees, a motion was made to direct the Commission on Research to re-evaluate the titles in two years to consolidate them into fewer titles. The motion passed."

5. Old business: b. Proposed changes to RIF for Financial Exigency policy. The approved minutes read: "3) Who selects the chairs of the Commissions to sit on the Expanded Committee? The process is the same as the RIF for Program Discontinuance policy."

Suggested changes: 3) Who determines whether Commissions will be included on the Expanded Committee? The Budget and Planning Committee itself determines whether Commissions should send representatives.

Members present agreed with these changes and also agreed to formally take action on them at the 2/23/95 CFA meeting.

4. The published agenda was adopted.
5. Old business:

- a. Change in reporting status of the University Commencement Committee--reading of the resolution drafted by Ed Henneke. The resolution prepared by Ed Henneke was presented and discussed. After several changes, a motion to adopt the resolution was made and passed. The revised resolution reads:

RESOLUTION

Proposed Change in Governance Structure to have the University Commencement Committee report to the Commission on Faculty Affairs.

WHEREAS Commencement is a major event in the life of our students and the University, and

WHEREAS Commencement Ceremonies represent the University's best efforts in honoring student achievements and recognizing the support of their families and friends, and

WHEREAS faculty are primarily responsible for the education of our students, for setting graduation criteria, and for final approval of the awarding of degrees, and

WHEREAS the University Commencement Committee is a broad based committee of faculty, students, and administrators answerable to the faculty through the assignment of the responsibility for setting policy and organizational procedures for the University Fall and Spring Commencements, and

WHEREAS Commencement issues involve both graduate and undergraduate students,

THEREFORE, BE IT RESOLVED

The University Commencement Committee shall report to the Commission on Faculty Affairs under the University governance structure beginning with the 1995-96 academic year.

- b. RIF for Financial Exigency subcommittee report. Tom Sherman presented the following new draft sections of the policy: developing implementation strategies (new section), transition assistance (new section), and reappointment (sub-section of Minimum responsibilities to individuals). The draft is attached to these minutes.

Developing implementation strategies. Tom indicated this section is intended to identify the primary items to consider in developing an implementation strategy and that termination of faculty should be considered a last resort in dealing with financial hardship. Noteworthy points made during the discussion included: 1) The policy is purposefully intended to be flexible and that the unit will address specifics in the implementation strategy using these policy guidelines. It was acknowledged that this approach is different from current policy and that we would need to be prepared to deal with this. 2) The primary emphasis of the policy is on the quality of programs, along with

tenure status, length of service, and affirmative action. Utilization of the policy to inappropriately target individuals for termination should be discovered through the review process. 3) How would the policy be implemented for programs that cut across university administrative units (e.g., colleges)? This would probably need to be done on a case-by-case basis.

Transition assistance. The discussion of this section centered on the extent to which transition assistance would be offered to faculty of all ranks. One point of view was that it should only be offered to terminated faculty with tenure or continued appointment. The other point of view was that it should be offered to all faculty, with primary consideration given to faculty with tenure or continued appointment. Transition assistance to other faculty would be available as resources permit. It was concluded that CFA needs to give this section further consideration before adopting it.

Reappointment. CFA members present were supportive of this section as written.

Pat Hyer pointed out that to submit the revised policy to the Board of Visitors (BOV) by their August meeting, CFA would need to submit the revised policy to University Council by April 17. Given this, it was agreed that the full policy would be presented and discussed at the next CFA meeting (2/23/95). It will then go to the Faculty Senate for discussion at its March meeting. Questions also arose concerning whether or not the RIF Policy for Program Discontinuance would be addressed and included in the policy changes presented to the BOV in August. This needs to be clarified with Don Creamer, based on his discussions with Paul Torgersen.

Bob Sumichrast passed out a list of definitions of the various terms that might be used to describe the financial situation the RIF policy is addressing. They included crisis, emergency, stringent, exigency, hardship, and duress. CFA discussed these and agreed that the term used must appropriately characterize the situation being addressed in the policy.

6. New business. There was no new business to discuss.

7. The meeting was adjourned at 4:00pm.

Respectfully submitted,

Michael Lambur,  
Secretary, CFA

DRAFT Developing Implementation Strategies  
Discussed at CFA 2/17/95 meeting

The deans or vice-presidents identified in the President's Plan should develop their implementation strategies by involving faculty at all levels of decision-making. Staff should be involved as appropriate.

The primary consideration for planning implementation strategies shall be to maintain a sound and balanced set of programs that

are consistent with the functions and responsibilities of the University.

In lieu of terminating positions, alternative cost saving strategies should be considered. These measures may include such actions as reductions in the length of appointment (i.e. calendar year to academic year), reduction in salary, furlough, and measures other than involuntary termination. If eliminating position is unavoidable, then the following guidelines should be used to plan terminations.

In specifying which individuals shall be terminated within a unit, such as a department, contribution to the highest priority programs shall be the primary consideration along with tenure status, length of service, and affirmative action.

Reductions of faculty positions should be achieved to the greatest extent through normal attrition and by not filling existing and contemplated vacancies.

Faculty on restricted or temporary appointments should be terminated before faculty on regular (permanent) appointments. The number of involuntary terminations of tenured faculty should be minimized whenever possible by providing incentives for resignation and retirement.

The smallest planning unit for developing implementation strategies will be a program that meets one or more of the following criteria:

- a. Has "program" as part of its title,
- b. Grants a degree or a credential.
- c. Has a sequence of courses with a common prefix,
- d. Has been identified as a program in official university documents.

Ordinarily, a program shall be smaller than an administrative unit such as a department and larger than the activities of a single faculty member.

#### TRANSITION ASSISTANCE

Every effort will be made to place affected faculty in other suitable positions, including providing training to qualify them for placement in another field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

#### REAPPOINTMENT

In all cases of termination of appointment because of financial hardship, the place of the faculty member concerned will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

Minutes  
Commission on Faculty Affairs  
February 23, 1995  
400-D Burruss Hall  
APPROVED

Present: D. Creamer, P. Hyer, D. Mullins, M. Lambur, S. Riley,  
T. Sherman, B. Cline, J. May

1. The meeting was called to order at 2:05pm by Don Creamer.
2. Announcements:
  - a. Don Creamer announced that University Council approved the Dismissal for Cause policy at its last meeting. It will go before the BOV at its April 9 meeting. Don suggested that a CFA member should be present at the BOV meeting.
  - b. Don Creamer reminded CFA that RIF policy changes needed to be presented for a first reading at the April 17 University Council meeting to be ready for presentation at the August BOV meeting.
3. Approval of February 17 minutes. The minutes of the February 17 CFA meeting were approved with several wording changes. This included changes to the February 9 CFA minutes contained in the February 17 minutes.
4. The published agenda was adopted with a change in the date of announcement item b, from February 24 to April 17.
5. Old business:
  - a. RIF for Financial Crisis subcommittee report. A draft of the entire revised policy was sent to CFA members on 2/22/95. The draft, which includes changes made as a result of discussions at this meeting, follows these minutes. Tom Sherman provided a brief overview, after which the entire policy was discussed. Highlights of the discussion for each section follow.

2.11.2 Reductions in Force under Conditions of Financial Crisis. The term selected to define the policy is financial crisis. The bulleted items in this introductory section are new and are intended to highlight the major components the policy addresses.

DEFINITION OF FINANCIAL CRISIS. It was clarified that in the revised policy, financial exigency can be declared at the University, agency, college, or division level. It was also clarified that this policy pertains only to faculty and not other University personnel.

DECISION PROCESS. There was much discussion on the difference between the President's plan and the college or division plan. It was finally clarified that the President's plan would include reduction targets for affected units, general guidance and a timeline for development of college or division plans, and specification of the notice to be given to faculty with tenure or continued appointment. The college or division plan would specify how the reduction targets

would be met--which programs will be reduced or eliminated; how faculty, staff, and students will be affected; and how the rights, interests, and privileges of faculty and staff are protected.

It was also clarified that the while the President had final authority in all matters concerned with this policy, decisions would be made based on input from the Expanded Committee. University legal counsel may need to provide additional insight on this item.

Concerns about the composition of the Expanded Committee were also voiced at this point. Several CFA members expressed the concern that the University Advisory Council on Strategic Budgeting and Planning was not a particularly deliberative body and might not be the appropriate group to review the plans and advise the President. Alternatives discussed included a sub-committee of the Advisory Council or an Ad Hoc committee nominated by Faculty Senate (as specified in the existing financial exigency policy). Further discussion is needed on this section of the policy.

GUIDELINES FOR DEVELOPMENT OF COLLEGE OR DIVISION PLANS. Discussion focused on the intent and clarity of guidelines suggested for retention and termination of faculty in paragraph four of this section. The following language was finally adopted: "Contribution to the highest priority programs shall be the primary consideration in specifying which individuals shall be retained or terminated. Other important criteria shall be tenure status, length of service, and affirmative action."

MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS. It was clarified that severance pay was included to offer an additional option to terminated faculty. Inconsistencies in the amount of notice given to probationary and administrative and professional faculty were noted. Pat Hyer agreed to work on this. Whether or not reappointment privileges pertain only to tenured or continued faculty also needs to be clarified.

APPEALS. The definition of academic freedom and the terminology "the educational policies and priorities pursued" may need to be further clarified in this section.

It was acknowledged that University legal counsel needs to attend the next CFA meeting to provide input into the revised policy.

- b. RIF policy for program restructuring or discontinuance. Don Creamer asked CFA members to consider how this might be addressed and be prepared to discuss it at the next CFA meeting.

6. New business. There was no new business.

7. The meeting was adjourned at 4:30pm.

Respectfully submitted,

Michael Lambur

Secretary, CFA

DRAFT Reductions in Force under Conditions of Financial Crisis  
Discussed at CFA 2/23/95 meeting

NOTE: This draft includes changes made as a result of discussions  
at the 2/23/95 CFA meeting

#### 2.11.2 Reductions in Force under Conditions of Financial Crisis

Reductions in force may occur when financial conditions disallow the normal operation of programs. While the University has a right to initiate reductions in force, including those affecting tenured faculty it is the policy of the University (to the extent consistent with the degree of financial crisis):

\* To ensure the preservation of the highest priority programs which are consistent with the purposes and intent of a land grant university.

\* To protect the rights, privileges, academic freedom, and interests of faculty.

\* To describe clearly to the University community the conditions of financial crisis and the plans and strategies to resolve it.

\* To distribute the burden of corrective action throughout the various categories of personnel of the University.

\* To provide orderly transitions that minimize disruptions to people and programs.

#### DEFINITION OF FINANCIAL CRISIS

A condition of financial crisis exists whenever the financial resources of the University, an agency, college, or division are not sufficient to support the existing programs and personnel without substantial impairment to the quality of the programs and services. This condition cannot be alleviated by normal resource management practices and may require alteration or termination of faculty appointments.

Financial exigency is a more severe and imminent financial crisis that threatens the continued functioning of the programs within the University, an agency, college, or division. This extreme form of financial crisis requires termination of faculty at an accelerated rate.

Evidence to establish the existence of financial crisis shall include: a) documentation of insufficient resources, revenues, or appropriations; b) a presentation of the budget of the total University and a detailed budget of the affected part(s); c) projections of personnel and program commitments that clearly document the nature and urgency of the financial crisis; and d) a description of resource management efforts to address the financial crisis to date.

#### DECISION PROCESS

When a financial crisis is probable within one or more budgetary units, the President shall monitor financial matters carefully to judge if a financial crisis exists. If the President decides that a financial crisis does exist, the President shall declare such to the University community and specify the degree of crisis and whether the financial crisis

constitutes exigency.

The President shall then present documentation of the financial crisis as described above to the University Advisory Council on Strategic Budgeting and Planning. The Council shall be expanded to include chairs (or designees) of those commissions it considers relevant to advise it for the entire process described in this section. (The Council with additional commission representatives shall be referred to hereinafter as the Expanded Committee.) Commission representatives serving on the Expanded Committee shall have voting rights. Following the President's presentation, the Expanded Committee will express its judgment about the existence and degree of the financial crisis to the President and to the University community in a written statement.

If the President decides to proceed after considering the advice of the Expanded Committee, the President will present a general plan to meet the financial crisis, including reduction targets for affected units, general guidance and timeline for development of college or division plans, and specification of the notice to be given to faculty with tenure or continued appointment. The Expanded Committee shall review the President's plan, offer its advice, and express its opinion to the President and to the University community in a written statement. The President will consider the Expanded Committee's advice and make every effort to develop a final plan acceptable to the Expanded Committee.

College or division plans will then be developed by the relevant deans or vice-presidents. These plans must specify how the reduction targets will be met--which programs will be reduced or eliminated; how faculty, staff, and students will be affected; and how the rights, interests, and privileges of faculty and staff are protected. All college or division plans will be approved by the Expanded Committee prior to implementation.

The Expanded Committee will make available to the University community all college or division plans and provide a two-week period for comment prior to approval. Following approval by the Expanded Committee, the President's plan and the final college or division plans shall be compiled and made available to the University community.

The entire process shall proceed with due regard to the nature and urgency of the crisis and the best interests of faculty and the University.

#### GUIDELINES FOR DEVELOPMENT OF COLLEGE OR DIVISION PLANS

The relevant deans or vice presidents should develop college or division plans by involving faculty at all levels of decision-making. Staff should be involved as appropriate.

The primary consideration in planning reductions shall be to maintain a sound and balanced set of programs that are consistent with the functions and responsibilities of the University. For reduction planning purposes, a program should meet one or more of the following criteria: a) has "program" as part of its title, b) grants a degree or a credential, c) has a sequence of courses with a common prefix, or d) has been identified as a program in official University documents. Ordinarily a program shall be smaller than an administrative unit such as a department and larger than the activities of a single faculty member.

In lieu of terminating positions, alternative cost saving strategies should be considered. These measures may include such actions as reductions in the length of appointment (i.e. calendar year to academic year), reduction in salary, furlough, and measures other than involuntary termination. If a decision is made to eliminate positions, then the following guidelines should be used.

Contribution to the highest priority programs shall be the primary consideration in specifying which individuals shall be retained or terminated. Other important criteria shall be tenure status, length of service, and affirmative action.

Reductions of faculty positions should be achieved to the greatest extent through normal attrition and by not filling existing and contemplated vacancies.

Faculty on restricted or temporary appointments should be terminated before faculty on regular (permanent) appointments.

The number of involuntary terminations of tenured faculty should be minimized whenever possible by providing incentives for resignation and retirement.

#### MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS

The University recognizes its responsibilities to faculty under all circumstances, including financial crisis. Treatment of individual faculty shall guarantee the following.

##### Notice of Termination:

The minimum notice for faculty with tenure or continued appointment shall be determined by the Expanded Committee based on the degree and urgency of the financial crisis specified by the President and approved by the Expanded Committee in the President's final plan.

Faculty with tenure or continued appointment whose positions are eliminated as part of college or division plans will be given notice or severance pay of not less than one year or more than three years. Probationary faculty whose positions are to be eliminated will be given notice equivalent to notice for non-reappointment in section 2.10.3. Administrative and professional faculty shall be given at least ninety days notice. Notice will be given only after the college or division plan has been reviewed and approved by the Expanded Committee.

If financial exigency has been declared, then the minimum notice may be shorter. Even in this extreme case, faculty with tenure or continued appointment and probationary faculty may be terminated no sooner than the end of the academic year in which the college or division plan was reviewed and approved by the Expanded Committee. Every effort will be made to give all other faculty the maximum possible notice.

##### Actions Affecting Faculty Salaries:

No strategy which reduces the annual base salary of a faculty member may be implemented sooner than the end of the academic year in which the college or division plan was reviewed and approved by the Expanded Committee. (Furloughs which require leave without pay for a period of time are not considered a reduction to the annual base salary.)

#### Written Notification:

The University will provide written notification to all faculty whose appointments are to be terminated or altered as part of a college or division plan. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision makers relied, and information regarding procedures available for appealing the decision.

#### Transition Assistance:

Every effort will be made to place affected faculty in other suitable positions in the University, including providing training to qualify them for placement in another field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

#### Reappointment:

In all cases of termination of appointment because of financial crisis, the position of the faculty member terminated will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.

#### APPEALS

A faculty member whose appointment is terminated or suspended due to financial crisis may file an appeal in writing with the Faculty Review Committee of the Faculty Senate or the CAPFA Grievance Committee (as appropriate). These committees shall develop special procedures to consider appeals in a timely manner. The appeal must be filed within twenty (20) calendar days of the date of receipt of notification, and must set forth the grounds for the appeal. Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section or a violation of academic freedom. The appeal may not reexamine the decision process which resulted in the reduction in force action, or the educational policies and priorities pursued. The appeals committee shall prepare a report for the President, who shall render the final decision.

Commission on Faculty Affairs

March 2, 1995,  
400-D Burruss Hall,  
Approved: March 9, 1995

Present: D. Beagle, B. Cline, D. Creamer, P. Hyer, J. Johnson, J. May,  
D. Mullins, S. Riley, T. Sherman, B. Sumichrast, A. Swiger

Guests: K. Heidbreder, Associate General Counsel

1. Call to order. The meeting was called to order at 3:35 PM by Don Creamer.

2. Approval of the February 23, 1995 minutes. The minutes of the February 23, 1995 CFA meeting were approved with one correction in spelling.

3. The published agenda was adopted with the addition of Kay Heidbreder as a discussant of the proposed RIF document.

4. Old business.

a. RIF Policy. Proposed revision of the Faculty Handbook (Section 2.11.2) on Reductions in Force under Conditions of Financial Exigency.

Tom Sherman distributed copies of the latest draft version of section 2.11.2. See the Appendix at the end of these minutes for the complete text. He indicated that the subcommittee regards this version as being very close to a final draft. Following the discussion at this meeting, and the incorporation of any needed changes into the text, the document will be distributed to appropriate groups on campus for further review.

The appeals section includes a statement this statement: "Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section or a violation of academic freedom." Kay Heidbreder raised the issue of whether it is appropriate to include academic freedom in the policy since it is not defined in the Faculty Handbook.

After a lengthy discussion, a motion was introduced to cite a specific edition (1990) of the AAUP guidelines for a definition of academic freedom. The motion carried with one dissenting vote.

Another issue discussed concerned the grievance procedures in the appeals section. Kay Heidbreder stated her preference for a clear statement that the regular grievance procedures do not apply when the provisions of 2.11.2 are enacted. The document was rewritten to make it abundantly clear that a faculty member cannot file twice: "This appeals process supersedes the regular grievance procedures and is the only appeals process available to grieve terminations under financial crisis."

Pat Hyer asked for a clarification on the scope of the proposed policy, specifically, regarding the "who": "Are professional and administrative faculty affected by this policy or only faculty holding tenure and/or continued appointment? She stated her worry that the University not undertake full blown RIF process when alternative remedies are available.

Tom agreed to add some sentences to the document that clarify this issue: "A financial crisis does not exist and the process described in this section is not required when financial conditions can be alleviated through existing personnel policies such as layoffs of

classified staff (or prescribed by State policy) or elimination of administrative and professional faculty positions (as described in Section 3.6 of the Faculty Handbook)."

The revised policy will be sent to the Faculty Senate, the presidents of the college faculty associations, President Torgersen, the Deans, CAPFA, and the Advisory Council on Strategic Budgeting and Planning for their input.

b. Meeting schedule. The next CFA meeting will be on Thursday, March 9th, at 3:30 PM in Room 400D Burruss Hall. CFA will suspend meeting during Spring Break and will resume its weekly schedule on Friday, March 24th.

5. New business. There was no new business.

6. The meeting was adjourned at 5:30 PM.

Respectfully submitted,

Dave Beagle, scribe

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DRAFT Reductions in Force under Conditions of meeting Financial Crisis Discussed at CFA meeting of 3/2/95 NOTE: This draft includes changes made as a result of discussions at the 3/2/95 CFA meeting.

NOTE: Below is the Commission on Faculty Affairs proposed revision of the Faculty Handbook (Section 2.11.2) Reductions in Force under Conditions of Financial Exigency. This draft is being distributed by the CFA for comment to: the President of the University, college faculty association presidents, members of the Faculty Senate, members of the University Advisory Council on Strategic Budgeting and Planning, the Commission on Administrative and Professional Faculty Affairs, and to college deans.

Comments may be sent to Don Creamer, chair of the CFA, by mail (0302), by phone (1-9705), or e-mail (DGC@vtvm1.cc.vt.edu); comments may also be sent to Tom Sherman by mail (0313), by phone (1-5598), or e-mail (tsherman@vt.edu).

Anyone may obtain a copy of the proposed policy revision from Don Creamer or Tom Sherman.

DRAFT POLICY FOR REVIEW

2.11.2 Reductions in Force under Conditions of Financial Crisis

Reductions in force may occur when financial conditions disallow the normal operation of programs. While the University has a right to initiate reductions in force, including those affecting tenured faculty members, it is the policy of the University (to the extent consistent with the degree of financial crisis and with the concurrence of the BOV):

\* To ensure the preservation of the highest priority programs which are consistent with the purposes and intent of a land-grant university.

\* To protect the rights, privileges, interests, and academic freedom

of the faculty.

- \* To describe clearly to the University community the conditions of financial crisis and the plans and strategies to resolve it.
- \* To distribute the burden of corrective action throughout the various categories of personnel of the University.
- \* To provide orderly transitions that minimize disruptions to people and programs.

#### DEFINITION OF FINANCIAL CRISIS

A financial crisis exists when the financial resources of the University, an agency, college, or division are not sufficient to support the existing programs and personnel without substantial impairment to the quality of the programs and services. A financial crisis cannot be alleviated by normal resource management practices and may require alteration or termination of faculty members with tenure or continued appointments.

Financial exigency is a more severe and imminent financial crisis that threatens the continued functioning of the programs within the University, an agency, college, or division. This extreme form of financial crisis requires termination of faculty members with tenure or continued appointment at an accelerated rate.

Evidence to establish the existence of financial crisis shall include: a) documentation of insufficient resources, revenues, or appropriations; b) a presentation of the budget of the total University and a detailed budget of the affected agency(ies), college(s), or division(s); c) projections of personnel and program commitments that clearly document the nature and urgency of the financial crisis; and d) a description of resource management efforts to address the financial crisis to date.

A financial crisis does not exist and the process described in this section is not required when financial conditions can be alleviated through existing personnel policies such as layoffs of classified staff (or prescribed by State policy) or elimination of administrative and professional faculty positions (as described in Section 3.6 of the Faculty Handbook).

#### DECISION PROCESS

When a financial crisis is probable, the President shall monitor financial matters carefully to judge if a financial crisis exists. If the President decides that a financial crisis does exist, the President shall declare such to the University community, specify the severity of the crisis, and whether the financial crisis constitutes exigency.

The President shall then present documentation of the financial crisis as described above to the University Advisory Council on Strategic Budgeting and Planning. The Council shall be expanded to include chairs (or designees) of those commissions it considers relevant to advise it for the entire process described in this section. (The Council with additional commission representatives shall be referred to hereinafter as the Expanded Committee.) Commission representatives serving on the Expanded Committee shall have voting rights. Following the President's presentation, the Expanded Committee will express its judgment about the existence and degree of the financial crisis to the President and to the University community in a written statement.

If the President decides to proceed after considering the advice of the Expanded Committee, the President will present a general plan to meet

the financial crisis; including reduction targets for any affected agency, college, or division; general guidance and timelines for development of agency, college, or division plans, and specification of the notice to be given to faculty members with tenure or continued appointment. The Expanded Committee shall review the President's plan, offer its advice, and express its opinion to the President and to the University community in a written statement. The President will consider the Expanded Committee's advice and make every effort to develop a final plan acceptable to the Expanded Committee.

Agency, college, or division plans will then be developed by the relevant deans or vice-presidents. These plans must specify how the reduction targets will be met including the identification of programs that will be reduced or eliminated; how the faculty, staff, and students will be affected; and how the rights, interests, and privileges of the faculty and staff will be protected. All agency, college, or division plans will be approved by the Expanded Committee prior to implementation.

The Expanded Committee will make available to the University community all agency, college, or division plans and provide a two-week period for comment prior to final approval. Following approval by the Expanded Committee, the President's plan and the final agency, college, or division plans shall be compiled and made available to the University community.

The entire process shall proceed with due regard to the nature and urgency of the crisis and the best interests of the faculty and the University. The President shall have final authority to approve and to implement all plans.

#### GUIDELINES FOR DEVELOPMENT OF COLLEGE OR DIVISION PLANS

The relevant deans or vice presidents should develop agency, college, or division plans by involving the faculty at all levels of decision-making. Staff should be involved as appropriate.

The primary consideration in planning reductions shall be to maintain a sound and balanced set of programs that are consistent with the functions and responsibilities of the University. For reduction-planning purposes, a program should meet one or more of the following criteria: a) has "program" as part of its title, b) grants a degree or a credential, c) has a sequence of courses with a common prefix, or d) has been identified as a program in official University documents. Ordinarily, a program shall be smaller than an administrative unit such as a department and larger than the activities of a single faculty member.

In lieu of terminating positions, alternative cost-saving strategies should be considered. These measures may include such actions as reductions in the length of appointment (i.e. calendar year to academic year), reduction in salary, furlough, and measures other than involuntary termination. If a decision is made to terminate faculty members, then the following guidelines should be used.

Contribution to the highest priority programs shall be the primary consideration in specifying which individuals shall be retained or terminated. Other important criteria that must be considered are tenure status, length of service, and affirmative action.

Reductions of faculty positions should be achieved to the greatest extent through normal attrition and by not filling existing and contemplated vacancies.

Faculty members on restricted or temporary appointments should be terminated before faculty members on regular (permanent) appointments.

The number of involuntary terminations of tenured faculty members should be minimized whenever possible by providing incentives for resignation and retirement.

#### MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS

The University recognizes its responsibilities to the faculty under all circumstances, including financial crisis. All plans to respond to the financial crisis shall guarantee the following to individual faculty members :

##### Notice of Termination:

The minimum notice for faculty members with tenure or continued appointment shall be determined by the Expanded Committee based on the severity and urgency of the financial crisis specified by the President and approved by the Expanded Committee in the President's final plan.

Faculty members with tenure or continued appointment whose positions are eliminated as part of college or division plans will be given notice or severance pay of not less than one year or more than three years. Probationary and non-tenure track faculty members on regular (nonrestricted) appointments shall be given notice of at least one full semester. (Faculty members on restricted appointments will complete the terms of their contracts or be given one full semester notice whichever is less.) Administrative and professional faculty members shall be given at least ninety days notice. Notice will be given only after the agency, college, or division plan has been reviewed and approved by the Expanded Committee.

If financial exigency has been declared, then the minimum notice may be shorter. Even in this extreme case, faculty members with tenure or continued appointment and probationary faculty members may be terminated no sooner than the end of the academic year in which the college or division plan was reviewed and approved by the Expanded Committee. Every effort will be made to give all faculty members the maximum possible notice.

##### Actions Affecting Faculty Salaries:

No strategy which reduces the annual base salary of a faculty member may be implemented sooner than the end of the academic year in which the agency, college, or division plan was reviewed and approved by the Expanded Committee. (Furloughs which require leave without pay for a period of time are not considered a reduction to the annual base salary.)

##### Written Notification:

The University will provide written notification to all faculty members whose appointments are to be terminated or altered as part of an agency, college, or division plan. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.

##### Transition Assistance:

Every effort will be made to place affected faculty members with tenure or continued appointments in vacant positions in the University, including providing training to qualify them for placement in a related field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

#### Reappointment:

In all cases of termination of appointment because of financial crisis, the position of a faculty member with tenure or continued appointment will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline.

#### APPEALS

A faculty member whose appointment is terminated or suspended due to financial crisis may file an appeal in writing with the Faculty Review Committee of the Faculty Senate or the CAPFA Grievance Committee (as appropriate). These committees shall develop special procedures to consider appeals in a timely manner. The appeal must be filed within twenty (20) calendar days of the date of receipt of notification, and must set forth the grounds for the appeal. Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section or a violation of academic freedom. The appeal may not reexamine the decision process which resulted in the reduction in force action, or the priorities established in the University, agency, college, or division plans. The appeals committee shall prepare a report for the President, who shall render the final decision.

This appeals process supersedes the regular grievance procedures and is the only appeals process available to grieve terminations under financial crisis.

## Minutes

### Commission on Faculty Affairs

March 9, 1995,  
400-D Burruss Hall,  
APROVED

Present: D. Creamer, P. Hyer, J. Johnson, D. Beagle, D. Mullins,  
M. Lambur, S. Riley, B. Sumichrast, B. Cline, J. May

1. The meeting was called to order at 3:30pm by Don Creamer.
2. Announcements:
  - a. Don Creamer announced that the Commission on Research Resolution 94-95 1 was sent back to CFA for further consideration after the second reading at the last University Council meeting. The resolution needs to be returned to University Council in four weeks. It will be placed on the CFA agenda for its March 24 meeting.
  - b. Don Mullins will chair the March 24 CFA meeting in Don's absence. The meeting time has been changed to 3:00pm (from 2:15pm). The meeting location is 400-D Burruss Hall.
  - c. Minutes of the Library committee were distributed for CFA review.
3. Approval of March 2 minutes. The minutes of the March 2 CFA meeting were approved with the addition of Bob Sumichrast being in attendance.
4. The published agenda was adopted.
5. Old business:
  - a. RIF for Financial Crisis policy. Don Creamer announced that the revised policy had been distributed electronically and he had received one response from the president of the College of Education Faculty Association. He also noted that the revised policy had been shared with University President Paul Torgerson, the University Advisory Council on Strategic Budgeting and Planning, and University College Deans. Comments and reactions from these meetings included the following.

President Paul Torgerson. The president supported the revised policy but also noted that CFA still needs to consider the RIF policy for program restructuring or discontinuance--especially the five year notice component.

University Advisory Council on Strategic Budgeting and Planning. There was much discussion on how termination would be handled for faculty with joint coding (i.e., faculty with joint appointments that cut across university funding categories). It was pointed out by CFA members present at the meeting that the policy was structured to allow maximum flexibility at the operational level. In response to concerns about the Expanded Committee, it was suggested that the policy

might state that the Expanded Committee would develop its own set of operating procedures.

University College Deans. The deans were basically supportive and were encouraged to review the policy and provide comments.

CFA supported the idea that the policy should be communicated as widely as possible for public comment. Bob Sumichrast agreed to prepare a background/context piece to accompany an article on the policy for the March 24 Spectrum.

Bob Sumichrast also shared a table he had prepared summarizing Dismissal for Cause and both RIF policy current and impending changes. He suggested this be used as a discussion piece to clarify these changes at the next Faculty Senate meeting. CFA strongly endorsed Bob's work, provided suggestions for changes in the table, and recommended that it be distributed and discussed at the next Faculty Senate meeting.

- b. Plan to address the RIF policy for program restructuring or discontinuance. Don Creamer asked each CFA member present for their ideas and preferences on how we should proceed on this matter. After much discussion, CFA members present endorsed having the current subcommittee that revised the financial exigency policy work on possible revisions to the RIF policy for program restructuring or discontinuance policy under the leadership of Tom Sherman. CFA members present acknowledged the stellar work of the subcommittee under Tom's leadership and voiced enthusiastic support for their continued leadership in considering revisions to this policy.

6. New business:

- a. Alumni Distinguished Professor selection process. In that CFA is responsible for providing advice and counsel on the selection of Alumni Distinguished Professors, CFA suggested that the selection committee consist of the following:

Provost's Office Chair  
One Alumni Distinguished Professor  
One University Distinguished Professor  
One member of the Academy of Teaching Excellence  
One member of the Commission on Faculty Affairs

Sam Riley agreed to serve as the CFA representative.

7. The meeting was adjourned at 5:00pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

## Minutes

### Commission on Faculty Affairs

March 24, 1995,  
400-D Burruss Hall,  
Approved: March 30, 1995

Present: Dave Beagle, William Greenberg, Pat Hyer, Janet Johnson,  
Don Mullins, Tom Sherman, Bob Sumichrast

Guests: Len Peters

1. Approval of minutes. The minutes of the March 9, 1995 meeting were approved.

2. Agenda. The agenda, amended to include discussion of the research faculty series nomenclature, was adopted.

3. Old business.

A. Commission on Research Resolution 94-95A.

This resolution, approved by the Commission on Research and the Commission on Graduate Studies and Policy was endorsed by the Commission on Faculty Affairs at its March 3, 1995 meeting. At a subsequent reading before University Council, Faculty Senate President Larry Shumsky made a motion that the resolution return to CFA for a further discussion. The motion passed.

Larry Shumsky had argued at University Council three main points:

(1) The dictionary definition of the word "professor" specifies a professing or teaching element. If research faculty don't teach, then why apply the "professor" title?

(2) There is a public relations risk in using the "research" terminology to describe faculty positions given the public outcry that faculty are not spending enough time in the classroom.

(3) The document was not debated sufficiently at CFA.

A lengthy discussion ensued about procedural matters. Bob Sumichrast stated his view that it would be inappropriate to re-endorse a resolution. Tom Sherman noted that the original objection at University Council was that CFA had not debated the resolution sufficiently and we still have not done so.

Len Peters made these observations: (1) The research series title is a fairly common one at other universities; (2) There is the matter of trusting one's colleagues as two other commissions have deliberated the relevant issues carefully and thoroughly; and (3) The current document is very different from its original draft as a consequence of much consultation.

Tom Sherman disagreed that this is a trust issue. Commissions are established for different reasons and it is important that CFA, with its unique charge, review the document thoroughly.

The question of thoroughness was debated. The CFA did endorse this resolution after requesting that an additional sentence be added to the THEREFORE paragraph of the resolution: "Furthermore, after the establishment of these three titles, all research faculty titles will be

evaluated in two years." Given that the CFA's advice was in fact heeded, it was the consensus of the group that the resolution be returned to University Council without further comment or action.

#### B. RIF policy.

The Faculty Senate, at its 21 March 1995 meeting, passed a motion directing CFA to reconsider its draft document on reductions in force under conditions of financial crisis. Dave Beagle distributed the RIF portion of the Senate minutes.

One of the key issues at the Senate meeting was whether the University should construct an a priori planning document that outlines the criteria for establishing high priority programs and a general strategy for dealing with financial crisis.

Tom Sherman stated his view that the Senate's preoccupation with a plan was an effort to insist that clear principles be identified that will guide any future termination decisions. Further, the sense of the comments at the meeting was that it would be a mistake not to rely foremost on tenure, rank and length of service. The draft policy, in contrast, most highly values contributions to priority programs.

At the Senate meeting, Tom Sherman outlined six objections that were delineated by the AAUP in a review of the draft RIF policy:

- (A) Tenure may be violated only for financial exigency.
- (B) Sub-units can not be the focus of exigency.
- (C) The decision process should be a clearly shared decision process.
- (D) Tenure must be a primary factor in termination decisions. Tenured faculty can not be released before untenured faculty.
- (E) Tenure faculty must receive a minimum of one year of notice, even in cases of financial exigency.
- (F) The appeals section of our document is excessively restrictive. AAUP contends that we must be able to appeal the basis of the termination action and the manner in which it was reached.

Tom posed two possible choices for how to proceed next: (1) Redo the draft policy to accommodate the six objections of the AAUP since they were endorsed as legitimate concerns by our colleagues in the Faculty Senate; or, (2) Take the draft policy off the table entirely and consider it no further.

If the former option is selected, we would have to eliminate a key component of the draft policy, namely, the dual tracks of financial crisis and financial exigency. Because of the enormous amount of time and effort that has gone into its creation, it is tempting to keep the policy alive. Doing so, however, may be succumbing to the "sunk cost effect," a common blunder in bad decision-making.

Bob Sumichrast recommended that, since we can not accommodate all of the wishes of the Senate in a revised 2.11.2 RIF policy, we move on to section 2.11.3 instead (programmatic restructuring), incorporating those elements that we especially value (e.g. flexibility) into this new document.

Don Mullins read Sam Riley's concerns, which he had sent in advance via E-Mail since he could not attend today's meeting. Sam observed a strong reaction at Faculty Senate that the draft RIF document undervalues tenure and recommends that we find a way to solidify

the central role of tenure.

Pat Hyer stated her concern that a RIF policy based on tenure, rank, and seniority in lockstep with no programmatic tie-in is not in the best interest of the institution. Many faculty seem to demand an absolute rank order in a termination policy. She asked whether tenure alone is the key issue for most faculty.

Tom Sherman agreed that, on the basis of feedback at the Senate meeting and from the faculty at large, tenure is THE major issue. Rank and length of service don't appear to be as absolute a requirement as tenure, but all three issues will have to be dealt with carefully as we move forward with a review of section 2.11.3.

Tom then read the AAUP guidelines on discontinuance of programs not mandated by financial exigency: "The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof."

Don Mullins announced that the sub-committee will be meeting to produce a draft document dealing with section 2.11.3 and will present it at the next meeting.

4. New business. There was no new business.

5. Adjournment. The meeting was adjourned at 4:40 PM.

Respectfully submitted,

Dave Beagle

## Minutes

### Commission on Faculty Affairs

March 30, 1995,  
400-D Burruss Hall,  
APPROVED

Present: D. Creamer, P. Hyer, D. Mullins, M. Lambur, S. Riley,  
T. Sherman, B. Sumichrast, B. Cline,

1. The meeting was called to order at 3:35pm by Don Creamer.
2. There were no announcements.
3. Approval of March 24 minutes. The minutes of the March 24 CFA meeting were approved with no changes.
4. The published agenda was adopted with two additions: a) Commission on Research Resolution 94-95A (old business), and b) CFA committee appointments (new business).
5. Old business:
  - a. Commission on Research Resolution 94-95A. Don Creamer asked for clarification of CFA's action on this resolution at the last meeting. It was clarified that the 3/24/95 CFA meeting minutes appropriately reflected CFA action taken on the resolution at the meeting (i.e., "Given that the CFA's advice was in fact heeded, it was the consensus of the group that the resolution be returned to University Council without further comment or action.").
  - b. Review of feedback on policy proposal 2.11.2 Reduction in Force under Conditions of Financial Crisis. Very few positive comments outside of CFA have been received about the policy. Tom Sherman reflected that the discussion of the policy at Faculty Senate destroyed its original intent and aligned it more with AAUP views. It was also noted by several non-instructional (AP) faculty that the policy did not change any protections given to them from current policy (which is correct). Sam Riley asked if any similar work was being done with policies covering other university personnel. Pat Hyer responded no, because they really don't have any guarantees or protections similar to tenured and continued appointment faculty.

It was also acknowledged that should we continue to work on this policy, we would probably not be able to meet the deadlines necessary to move it through the governance system this semester. Consequently, while CFA has done remarkably well revising this policy in such a short time frame, it was suggested that we table further discussion and work on it and move to 2.11.3.

- c. Report of the subcommittee on policy proposal 2.11.3 Reduction in Force for Program Reduction or Discontinuance. Tom Sherman passed out a first draft of the policy prepared by the subcommittee (attached to these minutes). He noted three themes running through the policy: 1) high faculty involvement and shared decision making, 2) protection of tenure, and 3) the

policy was set in the context of only being applied in extraordinary circumstances. He also noted the policy was similar in structure to 2.11.2.

Issues raised and emphasized during the ensuing discussion included: 1) Program definition and who decides what high and low priority programs are important issues. 2) The policy is oriented toward academic programs. 3) If restructuring will not affect faculty, then the policy should not be invoked. 4) There must be an educational benefit to the institution, other than budget considerations. 5) The policy cannot be used to terminate individual faculty. However, individual faculty programs could be terminated with the individual faculty being reassigned.

There was considerable discussion on the notice of termination section and how it relates to the revisions of 2.11.2. The subcommittee recommended four years notice (reduced from five years). The rationale for this figure is that it provides continuity for a typical four year undergraduate degree program, should the program be discontinued. Anything less, including a progressive notice method based upon length of service, would be arbitrary in light of the intent of this policy. It was acknowledged again that the reason for shifting focus to revising 2.11.2 was to provide the university flexibility in dealing with financial crisis situations, which is not the intent or focus of this policy. Further discussion of this and other aspects of the policy will be forthcoming at future CFA meetings.

6. New business:

- a. CFA committee appointments. Don Creamer indicated that CFA needed to identify members to serve on the Employee Benefits and EOAA Committees. Bob Sumichrast, who currently serves on the EOAA Committee, agreed to continue serving on this committee. Richard Bambach and William Greenburg were nominated to serve on the Employee Benefits Committee. Don Creamer will contact them to determine who will serve as the CFA representative on this committee.
- b. The April 7 CFA meeting was changed from 2:15pm to 1:00pm because of Founders Day activities. The location will be communicated to CFA members by Don Creamer.

7. The meeting was adjourned at 5:00pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

DRAFT Section 2.11.3 Reduction in Force for Program Reduction or Discontinuance  
Discussed at CFA 3/30/95 meeting

Ordinarily change within the University can be planned so that the quality of programs and the appointments of faculty are not

compromised. However, when extraordinary circumstances require more rapid change, it may be necessary to restructure or discontinue programs or departments, resulting in involuntary termination or alteration of appointments of tenured faculty. In such circumstances, early and meaningful faculty participation is essential and fundamental to the process outlined in this policy. The decision to restructure or discontinue academic programs is a university-wide responsibility and should clearly be made to enhance the educational mission of the University as a whole.

Restructuring or discontinuing an academic program may be initiated by the Provost or President, by the college dean, by the collegiate faculty, or by an appropriately-charged commission. When the Provost determines that restructuring or discontinuing academic programs, or an academic department, may be in the best interests of the educational mission of the University, then the Provost shall appoint a Steering Commission for Academic Restructuring, hereinafter referred to as the Steering Committee, to evaluate and coordinate the proposed restructuring effort, and the procedures in this section shall be followed. Changes to academic programs which can be accomplished without altering the appointments of faculty are considered part of the on-going evolution of academic programs and departments and are subject to the usual procedures established by the colleges, relevant commissions, and the State Council for Higher Education.

The Steering Committee shall be composed of nine members determined jointly by the Provost and the President of the Faculty Senate:

- \* Two faculty members selected from the membership of the Commission on Faculty Affairs
- \* Two faculty members selected from the membership of the Commission on Undergraduate Studies and Policies
- \* Two faculty members selected from the membership of the Commission on Graduate Studies and Policies
- \* One faculty member selected from the University Advisory Council on Strategic Budgeting and Planning
- \* One member selected from nominations by the Faculty Senate
- \* The Provost, or an administrative designee

The Steering Committee shall elect a chair; all members shall have voting rights. The Steering Committee composition is intended to ensure that the expertise and perspective of the relevant commissions shall be incorporated in the deliberations.

The Provost will present a draft proposal to the Steering Committee that includes the type and scope of restructuring and an estimate the impact of the restructuring on the university as a whole as well as on the affected faculty, staff, and students. The proposed plan must also include the educational rationale for the change and explain how it is consistent with the long-term goals of the University. It shall identify which programs or departments will be restructured, or clearly indicate how these programs will be identified, and the timelines for developing specific plans by the affected programs and for the restructuring effort as a whole. If the proposal involves a budget reduction, then reduction targets for any affected unit(s) must be included.

The Steering Committee shall review and deliberate on the draft proposal and make its recommendations to the Provost either to proceed with or without modifications to it, or to return it as insufficiently justified or considered. The Steering Committee

shall share its recommendations with the University community.

The Provost shall consider the Steering Committee's recommendations and make every effort to develop a plan acceptable to the Steering Committee. If a decision is made to proceed, then the Provost shall direct the relevant dean(s) to prepare specific plans for the affected programs, based on guidelines in the following section. These plans shall identify the specific programs to be reduced or eliminated; how the faculty, staff, and students will be affected; and how the rights, interests, and privileges of the faculty and staff will be protected. If a budget reduction is involved, the detailed plan must specify how the reduction targets will be met.

The dean(s) shall submit their plan(s) to the Provost who shall reconvene the Steering Committee to review and comment on the specific plans prior to implementation. The Steering Committee will make available to the University community all specific plans and provide a period of not less than two weeks for comment. Comment from the relevant commissions, including the Commissions on Classified Staff and A/P Faculty Affairs if such employees are affected, shall also be solicited. The Steering Committee shall make recommendations to the Provost and will share those with the University community at large. The Provost and Board of Visitors shall have final authority to approve and to implement all plans. Notification to affected faculty shall not proceed until final approval has been given.

#### GUIDELINES FOR DEVELOPMENT OF COLLEGE PLANS

The relevant deans should develop specific plans by involving the faculty at all levels of decision making. Staff should be involved as appropriate.

The primary consideration in planning programmatic reductions shall be to meet the criteria set forth in the plan reviewed by the Steering Committee and approved by the Provost. For the purpose of developing the specific plans, an academic program should meet one or more of the following criteria: a) has "program" as part of its title, b) grants a degree or a credential, c) has a sequence of courses with a common prefix, or d) has been identified as an academic program in official University documents. A program is generally smaller than a department and shall be larger than the activities of a single faculty member.

If restructuring requires the termination of faculty members, then the following guidelines must be used.

When programs are identified for discontinuance, all faculty assigned to the program, both tenured and untenured, will be potentially subject to reassignment or termination.

Within programs identified for reduction, tenured faculty must not be terminated before untenured faculty.

In addition to tenure, other criteria which must be considered are rank and affirmative action.

Faculty members on restricted or temporary appointments should be terminated before faculty members on regular (permanent) appointments.

The number of involuntary terminations of tenured faculty members should be minimized whenever possible by providing incentives for

resignation and retirement.

#### MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS

The University recognizes its responsibilities to the faculty while restructuring. All plans to restructure academic programs shall guarantee the following to individual faculty members

##### Notice of Termination:

Faculty members with tenure or continued appointment whose positions are eliminated as part of restructuring will be given notice or severance pay of not less than four years. Probationary and non-tenure track faculty members on regular (nonrestricted) appointments shall complete their current contracts or be given two years notice, whichever is less. Faculty members on restricted appointments will complete the terms of their contracts. Administrative and professional faculty members shall be given at least ninety days notice. Notice will be given only after a restructuring plan has been reviewed by the Steering Committee and approved.

##### Written Notification:

The University will provide written notification to all faculty members whose appointments are to be terminated or altered. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.

##### Transition Assistance:

Every effort will be made to place affected faculty members with tenure or continued appointments in vacant positions in the University or to reassign them to higher priority programs, including providing training to qualify them for placement in a related field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

##### Reappointment:

In all cases of termination of appointment because of program reduction or discontinuance, the position of a faculty member with tenure or continued appointment will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline.

#### APPEALS

A faculty member whose appointment is terminated or altered due to program reduction or discontinuance may file a grievance as outlined in the Faculty Handbook, section 2.12 (or 3.2 for administrative and professional faculty). Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section. Because faculty, through the Steering Committee, have been involved in the review and development of recommendations guiding the restructuring or

discontinuance, the determination of which programs or departments will be affected shall not be a basis for appeal.

Commission on Faculty Affairs Minutes

April 7, 1995

400-D Burruss Hall,  
APPROVED

Present: Dave Beagle (scribe), Billie Cline, Don Creamer (chair), Bill Greenberg, Pat Hyer, Jeff May, Don Mullins, Bob Sumichrast, Andy Swiger,

Guests: Paul Metz, 1995-1996 CFA chair

1. The meeting was called to order at 1:00 PM by Don Creamer.
2. Announcements. There were no announcements.
3. Approval of minutes. The minutes of the March 30, 1995 meeting were approved after being modified with a few corrections.
4. The published agenda was adopted.
5. Old business. Policy proposal 2.11.3.

The draft document on reduction in force associated with discontinuance or reduction of programs was reviewed. The document was edited for stylistic corrections, which the subcommittee will incorporate into the next version of the policy.

The first major issue discussed concerned who shepherds programmatic restructuring. The draft document identifies the Provost as the responsible party and there was general agreement with that designation.

Another issue involved the composition of the Steering Committee that would oversee a restructuring proposal. As presently written, there are faculty selected from several commissions and the Advisory Council on Strategic Budgeting and Planning, but no ensured representation by college. There was no real opposition to this arrangement. There is a presumption, though, that the Provost and President of the Faculty Senate, in choosing the committee membership, will make appropriate appointments.

The "Guidelines for Development of College Plans" section of the draft document was reviewed carefully. There are two sentences that seem to be in contradiction:

- (1) "Within programs identified for reduction, tenured faculty must not be terminated before untenured faculty;" and,
- (2) "In addition to tenure, other criteria which must be considered are rank and affirmative action."

Pat Hyer stated her objection to a strict adherence to the protection of tenured faculty over untenured faculty since it would seriously undermine the University's commitment to affirmative action goals.

Bill Greenberg suggested that a possible compromise would be to consider affirmative action and rank within separate categories of tenured and untenured status.

Bob Sumichrast recommended that the subcommittee review these provisions and look for ways to cede greater prominence to affirmative action in a revised document. As written, it is clear that the University could not retain an untenured minority or female faculty member while eliminating a tenured (white male) faculty member.

A straw poll was taken on this issue. The majority opinion was to permit these policies to provide an allowance for affirmative action even though they may violate tenure protections.

In the "Minimum Responsibilities to Individual Faculty Members" section of the draft document, the notice of termination for faculty members with tenure or continued appointment whose appointments are eliminated as part of restructuring is four years. This is a reduction of one year from the current section 2.11.3 of the Faculty Handbook where five years are authorized.

Length of notice was one of the trigger issues that prompted this review of the RIF policies. The Board of Visitors objected to five years as excessively generous. The original policy was written, in part, to guarantee that a student's ability to complete a course of study would not be placed in jeopardy.

There was debate about whether five years is in fact excessive. Jeff May argued that three years may be sufficient to protect the interests of students already enrolled in a program that is targeted for elimination.

A straw poll was taken to gauge the support for three versus four years of notice. A clear majority of committee members prefer three years of notice.

Dave Beagle asked the chair to solicit the direct counsel of President Paul Torgersen on this matter of notice. Don will report back at the next meeting.

In the "Appeals" section of the draft document, there is no provision for grieving the "determination of which programs or departments will be affected." The issue of whether the full blown grievance procedure should be allowed was discussed briefly and then abandoned as unnecessary since our policy conforms with AAUP guidelines. Faculty are involved in the review and development of recommendations guiding the restructuring or discontinuance of a program, hence, in AAUP terminology, the restructuring is "presumptively valid."

6. New business. There was no new business.

7. Adjournment. The meeting was adjourned at 2:55 PM.

Respectfully submitted,  
Dave Beagle, scribe

Minutes

Commission on Faculty Affairs

April 13, 1995

400-D Burruss Hall,  
APPROVED

Present: D. Creamer, P. Hyer, D. Beagle, D. Mullins, W.  
Greenburg, M. Lambur, S. Riley, T. Sherman, B.  
Sumichrast, B. Cline

1. The meeting was called to order at 3:35pm by Don Creamer.
2. There were no announcements.
3. Approval of April 7 minutes. The minutes of the April 7 CFA meeting were approved with no changes.
4. The published agenda was adopted with one addition to new business: Workforce Transition Act.
5. Old business:
  - a. Report on meeting with President Torgersen. Don Creamer met with the president this week to discuss CFA deliberations on RIF policies (especially 2.11.3). Even in light of the straw polls taken at the last CFA meeting concerning order of termination and length of notice for 2.11.3, the president was reluctant to commit to a specific position on these items. He indicated that he wanted to talk further with Don Creamer and especially Tom Sherman (incoming Faculty Senate President) to determine where Tom and the Faculty Senate stand on this policy. He also indicated that we might be better served if we launch a campaign to educate the faculty on this policy in the fall, but continue to work on it for the remainder of this semester. Further discussion on the educational campaign was deferred to the RIF subcommittee report (see item b).

The BOV voted to pass the dismissal for cause policy changes but asked that it be returned to CFA for clarification. In the ensuing discussion it was clarified that "up to one year" might have been interpreted as one year for dismissal for cause for gross misconduct. The provision "up to one year" does give the university the ability to dismiss the faculty member immediately in gross misconduct cases. It was also clarified that the BOV simply wanted CFA to keep an eye on this and re-evaluate in the future. Members present determined that no immediate action by CFA is necessary at this time. Don Creamer did clarify this misunderstanding with the president and he agreed to go back to the BOV to clarify it.

- b. Report of the subcommittee on policy proposal 2.11.3 Reduction in Force for Program Reduction or Discontinuance. Tom Sherman passed out a new draft of the policy prepared by the subcommittee (attached to these minutes). He noted several changes based on CFA input (i.e., three year length of notice for tenured

and continued appointment faculty, the president and BOV have final authority to approve and implement plans).

Pat Hyer suggested striking the severance pay option from the policy because the university would be hard pressed to pay a three year salary lump sum to departing faculty.

Sam Riley asked for a rationale on the three year termination notice (changed from five years). There were two primary reasons for this change. First, three years is sufficient to protect the interests of students already enrolled in a program that is targeted for elimination. Second, four or five years is not acceptable to the BOV. Thus, the three years appears to be a good compromise. Sam indicated that given the response to 2.11.2 by Faculty Senate, this aspect of the policy might not be well received either. Tom Sherman replied that this is a different policy with more protections for tenure than 2.11.2. Don Creamer also noted that this policy is intended to provide program as well as individual protections, whereas 2.11.2 focused more on individual protections. He felt that if faculty really understand the intent of the policy, they will probably support it.

Sam Riley pointed out that it could be problematic if "the determination of which programs or departments will be affected shall not be a basis for appeal." Bob Sumichrast indicated that the subcommittee tried to follow AAUP guidelines on this matter. Bill Greenburg pointed out that the president could overrule the steering committee and this decision could not be appealed. Tom Sherman added that the intent is to avoid the potentially endless revisiting of program termination decisions and that the process is dependent on open communications and prudent decision making.

Dave Beagle asked if this policy could be used to terminate the European study center, for example. Pat Hyer said that a case like that would probably be handled through financial avenues. Tom Sherman added that this policy is germane when faculty appointments are affected.

The discussion then turned to communication of the policy among the broader faculty. After some discussion about when to do this, Pat Hyer made the following motion: CFA accepts the subcommittee report and recommends that it be put out for public comment before any final action is taken on the part of CFA. The motion passed unanimously. The public comment strategy included an article for publication in Spectrum this semester and holding off on a more formal comment period until the beginning of fall semester, 1995.

Finally, Don Creamer asked that CFA take up 2.11.2 at the next meeting.

#### 6. New business:

Workforce Transition Act (WTA). Pat Hyer gave an update on WTA actions to date: approximately 300 applications were

submitted, 10-15 withdrew, 50 were disapproved at the university level (the state, however, has the supreme denial authority), 56 were A/P faculty, and 42 of these were Extension agents. The BOV indicated that the university would need BOV approval if it wanted to open the WTA to instructional faculty after March 31. Pat explained there was no intention of opening up WTA to instructional faculty but that a second window (after March 31) may be opened to A/P faculty. The draft currently under consideration calls for an application window for A/P faculty of October 1, 1995 with final departure no later than June 30, 1996.

Tom Sherman made the observation that to be more proactive about these matters, perhaps the WTA and ITO for faculty should be compared by CFA.

7. The meeting was adjourned at 5:00pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

DRAFT 4/14/95  
Prepared by the Commission on Faculty Affairs

#### Section 2.11.3 Reduction in Force for Program Reduction or Discontinuance

Ordinarily change within the University can be planned so that the quality of programs and the appointments of faculty are not compromised. However, when extraordinary circumstances require more rapid change, it may be necessary to restructure or discontinue programs or departments, resulting in involuntary termination or alteration of appointments of tenured faculty. In such circumstances, early and meaningful faculty participation is essential and fundamental to the process outlined in this policy. The decision to restructure or discontinue academic programs is a university-wide responsibility and should clearly be made to support the educational mission of the University as a whole.

Restructuring or discontinuing an academic program may be initiated by the Provost or President, by the college dean, by the collegiate faculty, or by an appropriately-charged commission. If the Provost determines that restructuring or discontinuing academic programs may be in the best interests of the educational mission of the University, the Provost shall appoint a Steering Committee for Academic Restructuring, hereinafter referred to as the Steering Committee. The purpose of the Steering Committee is to evaluate and coordinate the proposed restructuring effort, and to ensure that the procedures in this section are followed. Changes to academic programs which can be accomplished without altering the appointments of faculty are considered part of the on-going evolution of academic programs and are subject to the usual procedures established by the colleges, relevant commissions, and the State Council for Higher Education in Virginia, and adherence to the policies in this section are not required.

The Steering Committee shall be composed of nine members determined jointly by the Provost and the President of the Faculty Senate:

\* Two faculty members selected from the membership of the

#### Commission on Faculty Affairs

- \* Two faculty members selected from the membership of the Commission on Undergraduate Studies and Policies
- \* Two faculty members selected from the membership of the Commission on Graduate Studies and Policies
- \* One faculty member selected from the University Advisory Council on Strategic Budgeting and Planning
- \* One member selected from nominations by the Faculty Senate
- \* The Provost, or an administrative designee

The Steering Committee shall elect a chair; all members shall have voting rights. The Steering Committee composition is intended to ensure that the expertise and perspective of the relevant commissions shall be incorporated in the deliberations.

The Provost will present a draft proposal to the Steering Committee that includes the type and scope of restructuring and an estimate the impact of the restructuring on the University as a whole as well as on the affected faculty, staff, and students. The draft proposal must also include the educational rationale for the change and explain how it is consistent with the long-term goals of the University. It shall identify which programs may be restructured or discontinued, or clearly indicate how these programs will be identified, and the timelines for developing specific plans by the affected programs and for the restructuring effort as a whole. If a budget reduction is involved, then reduction targets for any affected unit(s) must be included in the draft proposal.

The Steering Committee shall review and deliberate and make recommendations to the Provost to proceed with the draft proposal as written or with modifications, or to return it as insufficiently justified or considered. The Steering Committee shall share its recommendations with the University community.

The Provost shall consider the Steering Committee's recommendations and make every effort to develop a plan acceptable to the Steering Committee. If a decision is made to proceed, then the Provost shall direct the relevant dean(s) to prepare specific plans for the affected programs, based on guidelines in the following section. These plans shall identify the specific programs to be reduced or eliminated; how the faculty, staff, and students will be affected; and how the rights, interests, and privileges of the faculty and staff will be protected. If a budget reduction is involved, the specific plan must describe how the reduction targets will be met.

The deans shall submit specific plans to the Provost who shall reconvene the Steering Committee to review and comment on the specific plans prior to implementation. The Steering Committee will make available to the University community all specific plans and provide a period of not less than two weeks for comment. The relevant commissions (including the Commissions on Classified Staff and Administrative and Professional Faculty Affairs if such employees are affected) shall also be asked to review and comment upon these plans. The Steering Committee shall make recommendations to the Provost and will share those with the University community at large. The President and Board of Visitors shall have final authority to approve and to implement all plans. Notification to affected faculty shall not proceed until final approval has been given.

#### GUIDELINES FOR DEVELOPMENT OF COLLEGE PLANS

The relevant deans should develop specific plans by involving the

faculty at all levels of decision making. Staff should be involved as appropriate.

Planning for specific programmatic reductions shall follow the guidance and intent of the plan reviewed by the Steering Committee and approved by the President. For the purpose of developing the specific plans, an academic program should meet one or more of the following criteria: a) has "program" as part of its title, b) grants a degree or a credential, c) has a sequence of courses with a common prefix, or d) has been identified as an academic program in official University documents. A program is generally smaller than a department and shall be larger than the activities of a single faculty member.

If restructuring requires the termination of faculty members, then the following guidelines must be used.

When programs are identified for discontinuance, all faculty assigned to the program, both tenured and untenured, will be potentially subject to reassignment or termination.

Within programs identified for reduction, tenured faculty must not be terminated before untenured faculty, except that affirmative action should be considered. Among tenured and untenured faculty, rank and affirmative action must be considered.

Faculty members on restricted or temporary appointments should be terminated before faculty members on regular (permanent) appointments.

The number of involuntary terminations of tenured faculty members should be minimized by providing incentives for resignation, retirement, or reassignment.

#### MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS

The University recognizes it has responsibilities to the faculty if this policy is implemented. All plans to restructure academic programs shall guarantee the following to individual faculty members

##### Notice of Termination:

Faculty members with tenure or continued appointment whose positions are eliminated as part of restructuring will be given notice of not less than three years. Administrative and professional faculty members shall be given at least ninety days notice. All other faculty shall complete their current contracts or be given one year's notice, whichever is less.

##### Written Notification:

After final approval has been given for specific plans, written notification will be provided to all faculty members whose appointments are to be terminated or altered. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.

##### Transition Assistance:

Every effort will be made to place affected faculty members with

tenure or continued appointment in vacant positions in the University or to reassign them to continuing programs. Transition assistance may include training to qualify for placement in a related field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

#### Reappointment:

In all cases of termination of appointment because of program reduction or discontinuance, the position of a faculty member with tenure or continued appointment will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline.

#### APPEALS

A faculty member whose appointment is terminated or altered due to program reduction or discontinuance may file a grievance as outlined in the Faculty Handbook, section 2.12 (or 3.11 for administrative and professional faculty). Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section. Because faculty, through the Steering Committee, have been involved in the review and development of recommendations guiding the restructuring or discontinuance, the determination of which programs or departments will be affected shall not be a basis for appeal.

Minutes

Commission on Faculty Affairs

April 21, 1995

400-D Burruss Hall

Present: D. Creamer, P. Hyer, J. Johnson, A. Swiger, D. Beagle, D. Mullins, W. Greenburg, M. Lambur, S. Riley, T. Sherman, B. Sumichrast, C. Slade (by telephone), J. May

1. The meeting was called to order at 2:20pm by Don Creamer.
2. Don Creamer and Tom Sherman met with Paul Torgerson last week to discuss the RIF policy status. Paul wanted to know where CFA stood on termination notice for 2.11.3. He indicated that four years was not acceptable, three years was good, and two years was better. He said he would support three years. He did not have an opinion for or against 2.11.2.
3. Approval of April 13 minutes. The minutes of the April 13 CFA meeting were approved with several changes.
4. The published agenda was adopted.
5. Old business:
  - a. Disposition of 2.11.3. The last draft of the revised policy was reviewed by a representative of AAUP. Based on this review, one issue discussed was who develops the initial proposal. Bob Greenburg suggested it might be a bad idea for the President and Provost to develop the initial proposal and then move it to the Steering Committee for review. Instead he suggested the proposal should be developed in consultation with the Steering Committee to increase buy in to the process. Pat Hyer suggested using the University Advisory Council on Strategic Budgeting and Planning (UACSBP). Bob Sumichrast responded that the UACSBP is more appropriately used in situations of financial crisis and not for program discontinuance. Tom Sherman suggested the Provost should initiate discussion of program discontinuance with the Steering Committee. Then the Provost develops the proposal and takes it to the Steering Committee for review. All agreed to the changes suggested by Tom Sherman (see 2.11.3 draft attached for specific wording).

A second issue discussed was the review period for the proposal by the University community (currently two weeks). Several alternatives were proposed and voted on by members present. The alternatives and vote (number supporting) were:

- two weeks, as currently proposed (5)
- three weeks during the academic year and six weeks during summer (4)
- four weeks and no action during the summer (5)
- three weeks (7)

Based upon this vote, the policy was changed to three weeks review period for the University community (incorporated in the draft attached).

A third issue discussed was program restructuring and termination of tenured and continued appointment faculty. AAUP does not recognize interruption of tenure for restructuring. The main question was, should the policy include restructuring, along with program discontinuance, and should we be able to terminate faculty for program restructuring? There were divergent points of view expressed on this issue.

A straw vote was finally taken of CFA members present. Seven members supported keeping restructuring in the policy; three members did not

support keeping restructuring in the policy. A motion was made and passed to keep restructuring in the policy.

Finally, Don Creamer suggested seeing a clean copy of the revised policy before it was discussed again. Additionally, Sam Riley registered an objection against the three year termination notice. He is still in favor of a four year termination notice. Sam also objected to not being able to appeal the decision to discontinue a program.

b. Disposition of 2.11.2. A friendly amendment was made to indefinitely table consideration of this revised policy. A motion was made to this effect and was passed by a vote of eight in favor to two opposed.

6. New business:

a. University Self-Study. Pat Hyer reported that the University was about to begin the self-study and will be deciding the most appropriate non-traditional approach to take. Input from faculty will be sought.

b. Minutes of the Equal Opportunity and Affirmative Action Committee were distributed. Action on these minutes was deferred to the next CFA meeting.

7. The meeting was adjourned at 4:00pm.

Respectfully submitted,

Michael Lambur  
Secretary, CFA

DRAFT 4/21/95  
Prepared by the Commission on Faculty Affairs

Section 2.11.3 Reduction in Force for Program Reduction or Discontinuance

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Commission on Faculty Affairs  
Minutes of 27 April 1995  
APPROVED

Present: Don Creamer (chair), Dave Beagle, Pat Hyer, Janet Johnson, Jeff May, Don Mullins, Sam Riley, Bob Sumichrast, Tom Sherman, Andy Swiger

Guests: Mary D. Moore

1. Call to order. Chair Don Creamer called the meeting to order at 3:30 PM.
2. Minutes. The minutes from the April 21, 1995 meeting have not been distributed yet, so approval was postponed until the next meeting.
3. Agenda. The agenda was approved.
4. Old business. Draft policy 2.11.3.

Don Creamer asked whether CFA should publish its draft policy document on Reduction in Force for Program Reduction or Discontinuance (Faculty Handbook section 2.11.3) in Spectrum before the end of the semester or postpone until Fall.

There was considerable discussion about the appropriateness of distributing draft document 2.11.3 now since CFA will be on hiatus over the summer and there will be a well publicized, widespread comment period during the Fall 1995 semester. The counter argument, which eventually prevailed, was that there needs to be some closure to the previously distributed RIF policy 2.11.2 (reductions in force under conditions of financial exigency). Accordingly, it was agreed that draft policy 2.11.3, with an introduction written by the Commission chair that emphasizes the distinction between the two RIF policies and the tabling of the financial exigency policy (2.11.2), be sent to these distribution points: (a) Spectrum, (b) University Gopher and WWW Servers, and, (c) Library Reserve Desk. See the Appendix to these minutes for the full text.

5. New business. CFA agenda for the 1995-1996 term.

Tom Sherman solicited ideas for possible future Commission agenda items. There were three suggestions:

- (1) Decision-making.
- (2) Post-tenure review. Don Finley from the State Council for Higher Education in Virginia (SCHEV) recently told Don Creamer's graduate class, where he was a guest speaker, that he would guarantee that the issue of post-tenure review would become a public policy issue this next year. Don urged CFA to get out ahead of the issue.
- (3) Faculty teaching. Paul Torgersen has spoken of faculty being criticized for teaching a small number of classes and for being frequently unavailable for student consultations. Perhaps this is an issue for CFA to address.

6. Adjournment. The meeting was adjourned at 4:20 PM.

Respectfully submitted,  
Dave Beagle, scribe

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APPENDIX

Draft Reduction in Force Policy (Faculty Handbook Section 2.11.3)

The Commission on Faculty Affairs (CFA) has completed its deliberations on reduction in force policies for this academic year. The proposed policy change to the Faculty Handbook, 2.11.2 Reduction in Force Under Conditions of Financial Exigency, recently published in Spectrum, has been tabled indefinitely by the Commission. The proposed policy change to 2.11.3 Reduction in Force Associated with Discontinuance or Reorganization of Programs is printed at the end of this article. Faculty are invited to comment on this policy anytime; however, a specific period for feedback will be designated in the Fall when the policy will be again distributed for public comment.

CFA plans no further formal deliberation of 2.11.3 Reduction in Force Associated with Discontinuance or Reorganization of Programs over the summer months, but will resume its work with the beginning of the Fall term. "We anticipate a need for a concerted effort to educate faculty about the differences between this policy and the current policy and plan to add these activities to the CFA agenda at the commencement of the Fall session," said Don Creamer, outgoing Chair of the Commission. Creamer also said that the summer months will be used only to allow feedback on the proposed policy and that no formal action will be taken to secure final approval through the governance system until the 1995- 1996 academic year.

The proposed policy contains language that ensures joint decision-making between University officials and affected program faculty, details the precise procedures to be followed in restructuring or discontinuing programs, clarifies the meaning of "program," underscores the reciprocity of faculty and University interests, and changes the period of notice for tenured faculty to three years.

A copy of the proposed policy may be obtained from either Don Creamer (1-9705 or dgc2@vt.edu), Tom Sherman (1-8334 or tsherman@vt.edu), Faculty Senate President for 1995-1996, or Paul Metz (1-5663 or pmetz@vt.edu), Chair of CFA for 1995-1996. It also is available at the Reserve Desk in Newman Library.

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Draft 4/21/95  
Prepared by the Commission on Faculty Affairs

### Section 2.11.3 Reduction in Force for Program Reduction or Discontinuance

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If restructuring requires the termination of faculty members, then the following guidelines must be used.

When programs are identified for discontinuance, all faculty assigned to the program, both tenured and untenured, will be potentially subject to reassignment or termination.

Within programs identified for reduction, tenured faculty must not be terminated before untenured faculty, except that affirmative action should be considered. Among tenured and untenured faculty, rank and affirmative action must be considered.

Faculty members on restricted or temporary appointments should be terminated before faculty members on regular (permanent) appointments.

The number of involuntary terminations of tenured faculty members should be minimized by providing incentives for resignation, retirement, or reassignment.

#### MINIMUM RESPONSIBILITIES TO INDIVIDUAL FACULTY MEMBERS

The University recognizes it has responsibilities to the faculty if this policy is implemented. All plans to restructure academic programs shall guarantee the following to individual faculty members.

##### Notice of Termination:

Faculty members with tenure or continued appointment whose positions are eliminated as part of restructuring will be given notice of not less than three years. Administrative and professional faculty members shall be given at least ninety days notice. All other faculty shall complete their current contracts or be given one year's notice, whichever is less.

##### Written Notification:

After final approval has been given for specific plans, written notification will be provided to all faculty members whose appointments are to be terminated or altered. The notification shall include a statement of the basis for its action, a description of the manner in which the decision was reached, a disclosure of the information and data on which the decision was based, and information regarding procedures available for appealing the decision.

#### Transition Assistance:

Every effort will be made to place affected faculty members with tenure or continued appointment in vacant positions in the University or to reassign them to continuing programs. Transition assistance may include training to qualify for placement in a related field if desired and appropriate.

Where placement in another position is not possible, the University will provide appropriate and reasonable career transition assistance such as clerical support, communications, office, and outplacement services.

#### Reappointment:

In all cases of termination of appointment because of program reduction or discontinuance, the position of a faculty member with tenure or continued appointment will not be filled by a replacement within a period of three years unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline.

#### APPEALS

A faculty member whose appointment is terminated or altered due to program reduction or discontinuance may file a grievance as outlined in the Faculty Handbook, section 2.12 (or 3.11 for administrative and professional faculty). Grounds for appeal may be substantial failure to follow the procedures and standards set forth in this section. Because faculty, through the Steering Committee, have been involved in the review and development of recommendations guiding the restructuring or discontinuance, the determination of which programs or departments will be affected shall not be a basis for appeal.