

For the meeting of the FS Executive Committee—November 2, 2016

Policies, Concepts, and Considerations for a Reduction in Force Policy

3.7.4 Role of the Faculty

The faculty has primary responsibility for such fundamental areas of curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

The faculty sets the requirements for the degrees offered in programs, determines when the requirements have been met, and recommends to the president and board the granting of the degrees.

Faculty status and related matters are primarily faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status as in other matters where the faculty has a primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

4.6.8 Dismissal of Tenured Faculty for Program Discontinuance or Financial retrenchment

A faculty member with tenure whose position is terminated based on genuine financial retrenchment, bona fide discontinuance of a program, or a lack of need for one's services will be given five (5) months' written notice unless an emergency arises.

Before terminating an appointment because of discontinuance of a program or department, or because of other lack of need of services, the institution will make reasonable efforts to place affected members in other suitable positions.

If an appointment is terminated because of financial retrenchment or because of discontinuance of a program, the released faculty member's position will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment at the previous status.

4.6.14.2 Non-Reappointment

The Board of Regents delegates to the President or the President's designee the authority to reappoint or not to reappoint non-tenured faculty members. A non-tenured faculty member whose appointment is not renewed will be given written notice from the University by March 1, prior to termination of the current appointment. Failure to reappoint may be without specific causes. Reappointment or non-reappointment by the University is subject to ratification by the Board of Regents.

Email of 5-6-2016

Hello Senators,

I wanted to pass this along. It has some bearing on our considerations about a RIF policy and criteria. The Oklahoma Conference of AAUP has become involved in a case of a tenured ECU Languages Professor who was recently let go as part of a program discontinuance.

It seems they may not have followed their policy (Faculty Handbook attached) or the priorities for terminating faculty (see below).

I would favor a priority listing similar to this in our APPM. And better yet, that it be followed!

wlf

See Appendix IV, 9.2(A), found on page 189.

Since faculty involvement in the retrenchment process will help ensure a sense of fairness to all concerned, the tenured faculty of the department affected will recommend the person or persons to be terminated to the school dean. In order to provide uniformity throughout the university in the retrenchment process the following guidelines should be used in recommending terminations:

A. Order of selection for termination:

1. Graduate assistants

2. Part-time faculty

3. Non-tenured faculty provided their special field of expertise (if they have one) can be assumed by a tenured member of the department. Furthermore, in the case of where a non-tenured faculty member is to be retained before a tenured member, the non-tenured faculty member's area of expertise must be in a course(s) that is required for graduation. In case both a tenured and non-tenured faculty member have fields of expertise that cannot be assumed by other tenured members of the department, then the non-tenured member will be terminated first.

4. Tenured faculty a. Assistant professor provided exception in (3) above (1) time in rank (2) length of service to East Central University b. Associate professor provided exception in (3) above (1) time in rank (2) length of service to East Central University c. Professor (1) time in rank (2) length of service to East Central University

In the instance of where an administrator holds academic tenure, and the president has requested that his/her position be terminated, the person may return to the school and/or department that granted the tenure and assume his/her original status.

- Argumentum **a fortiori** (pron. /'ɑ: fɔ:rtɪ'ɔ:ri:/; Latin: "from a/the stronger [thing]") is a form of argumentation which draws upon existing confidence in a proposition to **argue** in favor of a second proposition that is held to be implicit in the first.

If, in the case of genuine financial retrenchment these steps must be taken and protections enforced, then all the stronger reason if genuine financial retrenchment does not exist.

- Two of the non-reappointments resulted in de facto curricular and program changes without consultation with departments or representative faculty.
- Are classes now taught by adjuncts that were formerly taught by the non-reappointed faculty?
- What are the effects of non-reappointment of faculty (particularly of tenure-track faculty)?
- On programs, on retaining and attracting faculty, on faculty morale, on the trust and security that foster quality teaching/service/scholarship, on our institutional identity
- The concept of thresholds (rooted in AAUP policies):

I would like to proceed with the RIF by establishing thresholds (e.g. budgetary, faculty input and review in the case of program discontinuation, rank and seniority, adequate notice) that must be met before faculty reductions take place (particularly for tenure-track and full time faculty--the existing policy is pretty strong for tenured faculty). By no means do we want to construct a policy that pits faculty against faculty and results in us building our own gallows!