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ARTICLE 23 – RETRENCHMENT

23.1 Tenured faculty may be laid off as a result of financial exigency. Tenured faculty may not be laid off as a result of a program discontinuance or reduction except as provided in Section 23.2.2(e) below.

23.2 Discontinuance or Reduction of Program.

23.2.1 The University will meet with the Union before implementing discontinuance or reduction of an academic program. Upon written request, the Union shall be provided with the available information regarding the potential program reduction or discontinuance, including a list of faculty whose positions are under consideration for elimination or assignment change.

23.2.2 When the University makes a decision to reduce or discontinue a program or department, any reductions in faculty shall take place in the following order:

- (a) Non-tenure-track faculty within the affected program or department shall be laid off or non-renewed prior to layoff of probationary tenure-track faculty. Length of service to the department or program shall be used to determine the order of layoff of non-tenure-track faculty, when ability, skill, training and other relevant qualifications are approximately equal as determined by the Department and approved by the Dean. Length of ~~Service-service~~ to the Department-department or Program-program shall be defined as the number of workload units (or credits prior to the CBA) worked for the department or program in question over the faculty member's entire history of employment at CWU.
- (b) If further reductions of faculty are required within a program or department, probationary faculty within the affected program or department shall be non-renewed according to reverse-order of initial hire to a faculty position at the University, followed by associate professors and then full professors.
- (c) Tenured faculty may not be laid off as a result of a program discontinuance or reduction unless the tenured faculty member has first been given an opportunity to retrain for another faculty position for which he/she is qualified. If retraining is not feasible or there is no other position for which the tenured faculty member is qualified, he/she may be laid off.

23.3 Financial Exigency Resulting in Lay-Off's.

23.3.1 In the event a severe financial exigency should occur, the Office of the Provost shall prepare and set forth, in writing, the circumstances giving rise to the declaration of a financial exigency, and shall meet with the Union seeking recommendations as to the programmatic impact of the financial exigency.

The Office of the Provost shall then put forth a final detailed plan as to which programs and departments will be discontinued or reduced in size, as well as the specific names of the individuals to be transferred or laid off. In formulating the plan, the priority of reductions shall be non-tenure-track faculty followed by probationary tenure-track faculty, followed by associate professors and then full professors.

- 23.3.2 During a period of financial exigency, the University will make every reasonable effort, consistent with federal and state laws regarding fair employment practices, to monitor that the University's diversity goals are not impaired by the application of these lay-off procedures.
- 23.4 Notice. Faculty subject to layoff under this Article will be given appropriate notice, as follows:
- 23.4.1 Non Tenure Track faculty on annual contracts shall be given at least 3 months of notice prior to the anticipated lay off. Non Tenure Track faculty on multi-annual contracts shall be given at least 4 months notice prior to the anticipated lay off.
- 23.4.2 Within the first year of probationary tenure-track employment, the faculty member shall be notified no later than February 15, for appointments based on the academic year, or three (3) months prior to the end of an appointment for appointments based on an alternative nine (9) month base.
- 23.4.3 Within the second year of probationary tenure-track employment, the faculty member shall be notified no later than November 15 for appointments based on the academic year, or six (6) months prior to the end of the base appointment for appointments based on an alternative nine (9) month period.
- 23.4.4 After two (2) or more years of uninterrupted probationary tenure-track service, and for all tenured faculty, the faculty member shall be notified twelve (12) months prior to anticipated action.
- 23.5 Re-Employment Procedure. Re-employment procedures for laid off faculty shall be as follows:
- 23.5.1 Tenure-track and tenured faculty who are laid off shall be placed on a re-employment list maintained by the Office of the Provost. Faculty on the re-employment list will be invited to return to their same position, if restored, or to a tenure-track position in the same department for which they are qualified, before the University hires a new faculty member to fill any such position. In the event that more than one faculty member on a re-employment list is qualified for an open position, the faculty member with greater seniority will be given first opportunity to fill the position. Recall rights shall extend for a period of two (2) years from the lay-off date.

- 23.5.2 Faculty on lay-off status who are offered re-employment will be notified of that fact by certified mail. Faculty are responsible, while in layoff status, for providing the Office of the Provost with a current mailing address.
- 23.5.3 Any faculty member on a re-employment list who cannot be reached or who fails to accept within thirty (30) days of receipt of an offer of re-employment shall be deemed to have declined the offer, and shall be removed from the re-employment list.
- 23.5.4 Any faculty member re-employed shall be placed at least at the same rank and salary held at the time of lay off.
- 23.6 Grievances. Declarations of financial exigency, decisions to discontinue or reduce programs or departments, and the scope of faculty reductions that result, are not subject to the grievance procedure.

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