

Marywood University

Policies and Procedures

Retrenchment of Faculty

Policy Statement

Retrenchment is the reduction in faculty positions arising from financial exigency and/or the elimination of programs. When faced with the prospect of faculty retrenchment, it is the policy of the University that retrenchment shall be considered and implemented on a coherent, University-wide basis, and it shall be the goal to avoid the termination of full-time faculty and to fulfill the educational mission of the University. To this end, the University shall consider alternatives to retrenchment such as, but not limited to, leaving unfilled positions vacant, allowing for normal attrition, reducing part-time and temporary faculty positions, transferring faculty to other departments, and encouraging voluntary early retirement for those eligible.

Financial Exigency: Evaluation of potential financial exigency, i.e., financial difficulties affecting the viability of the institution, shall be made by the administration in conjunction with the Ad Hoc Committee on Retrenchment. The Committee shall first investigate ways to relieve the exigency by exhausting the possibilities of raising additional funds or of reallocating current general funds. Before retrenchment of faculty, budgets shall be cut or activities eliminated or reduced that are not self-supporting (i.e., gifts, grants, etc.), that are not in direct support of academic programs, or that are not essential for continued operation of the academic program. In sum, the Ad Hoc Committee shall participate in the decision that all feasible alternatives to termination of an appointment have been pursued.

If the institution, because of this potential financial exigency, terminates appointments, tenured or non-tenured, it shall not at the same time make new appointments in the affected area, except in extraordinary circumstances where a serious disruption in the academic program would otherwise result. The definitions of "extraordinary" and "serious disruption" shall be made by an Ad Hoc Committee on Retrenchment.

The final determination that financial exigency exists or is imminent shall be made through the President to the Board of Trustees, after participation of the faculty and the Ad Hoc Committee on Retrenchment.

Ad Hoc Committee on Retrenchment

Upon determination of potential financial exigency or educational considerations that may lead to retrenchment, an election for faculty representatives to an Ad Hoc Committee on Retrenchment shall be called immediately by the Executive Council of the Faculty Senate.

The functions of the Ad Hoc Committee include

- accumulation and review of all appropriate documents;
- consultation with resource persons;
- input from full-time faculty;
- deliberation on all relevant matters;

- determination of recommendations regarding programs;
- determination of recommendations regarding faculty;
- transmittal of recommendations to the President of the University;
- communication of final report to the faculty.

The Ad Hoc Committee on Retrenchment shall consist of:

representatives of the faculty: eight representatives (3 at-large and one representative from each college and free-standing school), at least three of whom shall be tenured, elected by a consensus-based electoral method such as the Borda count, by and from the full-time faculty. In the event of a tie, seniority will be considered.

representatives of the administration: the Chief Academic Officer; appropriate dean(s).

One of the faculty representatives shall be elected by the Committee to serve as chairperson.

Resource persons must include the Vice President for Finance and Administration and the chair/director of a department/school or program identified for possible retrenchment. Additional individuals shall be consulted by the Committee as resource persons.

Deliberations of the Ad Hoc Committee on Retrenchment shall observe affirmative action and equal employment opportunity requirements.

Before any determination of retrenchment becomes final, those whose employment stands adversely to be affected shall have the right to be heard by the Committee.

Documents Relevant to Retrenchment

The administration shall make available all documents relevant to retrenchment as needed by the Ad Hoc Committee on Retrenchment.

The documents include, but are not limited to, budgets (excluding individual faculty salaries), financial statements, organizational charts, staffing records, faculty workloads, affirmative action records, class size by individual faculty, enrollment data, seniority lists, and academic program information.

Discontinuance of a Program

Retrenchment may occur because of educational considerations, including but not limited to the following:

- change in the educational objectives of a department, a college, or of the University;
- an insufficient number of students to provide a suitable educational experience;
- inadequate supporting materials, equipment, and space appropriate to the quantitative and qualitative needs of the program;
- as a possible consequence of the preceding factors, inability to attract and maintain a qualified faculty effectively to administer and teach within the evolving demands of the program;
- removal of accreditation from a department/school or program.

From a sense of obligation to students enrolled in a particular area of specialization, a program may be continued in a timely fashion, providing students an opportunity to complete its requirements.

Cyclical or temporary fluctuations in enrollments for specific programs or courses should not be a criterion for discontinuance. A trend of at least three years in prior registrations as well as future projections should be evaluated, and consideration of the dependence of other programs on the unit proposed for discontinuation shall be made. Likewise, a sufficient number and variety of courses to support the undergraduate liberal arts requirements should be retained.

The determination formally to discontinue a program or department of instruction because of educational considerations will be made and reviewed in the same manner as that described above for a case of financial exigency, if termination of tenured faculty will be a necessary consequence.

Order of Termination

Termination of Faculty Intra-departmentally

Termination of faculty in cases of retrenchment, or discontinuance of a program in which faculty positions are affected, will be determined by the following considerations, applied sequentially. Where a given factor applies to more than the number of persons to be terminated, the next appropriate item shall be applied.

- A. Non-tenured
- B. Professor of Practice and Library Faculty Hired Prior to 2006
 - 1. Years of service
 - 2. Rank
- C. Tenured
 - 1. Years of active service
 - 2. Rank
 - 3. Academic accomplishment (degrees, advanced courses, scholarship).

In all cases, particular areas of specialization must be considered.

Termination of Faculty Inter-departmentally

Tenured faculty members who are identified for retrenchment, as described above, may claim credentials and expertise to replace a faculty member in another program/department/college of the University. In such inter-departmental cases, termination of faculty will be determined by the following considerations, applied sequentially. Where a given factor applies to more than the number of persons to be terminated, the next appropriate item shall be applied.

- A. Non-tenured
- B. Professor of Practice and Library Faculty Hired Prior to 2006
 - 1. Years of service
 - 2. Rank
- C. Tenured

1. Academic accomplishment (degrees, advanced courses, scholarship);
2. Years of active service;
3. Rank.

In all cases, particular areas of specialization must be considered.

Notification of Retrenchment

Faculty members to be retrenched shall be given notice by the following dates:

First-year faculty members: March 1;

Second-year faculty members: December 15;

Faculty members beyond the second year: twelve months prior to expiration of appointment.

Recall of Faculty

A faculty member who is retrenched from the University shall be placed on a preferred rehiring list and shall retain all prior accrued rights up to the date he/she was placed on the list. No new faculty member shall be hired to fill a vacancy at the University for which a retrenched faculty member on the preferred rehiring list is qualified, unless the vacancy is first offered in writing to all such faculty members on that list, for recall in reverse order of placement thereon, for a period of thirty (30) days. In the event a faculty member rejects in writing an offered position in accordance with the foregoing, or in the event the faculty member does not respond in writing within the thirty-day period, his/her name shall be passed over, but shall remain on the preferred rehiring list for a second, final opportunity for reappointment during a period not to exceed three years.

In the event a faculty member is recalled in accordance with the provisions above, s/he shall receive the same rank held when retrenched and the prevailing salary at the time of reappointment. Years of service applicable to tenure and sabbatical leave shall be retained by faculty members. Furthermore, he/she shall not be considered a new employee for purposes of employee benefits provided for faculty members.

Related Policies

Contractual Agreements with Faculty

Tenure

Non-reappointment of Faculty Member

Faculty Development

History of the Policy

04/29/81 – Reports of Administrative and Educational Subcommittees presented to College Committee on Policy

12/17/82 – Recommended to the President by College Committee on Policy
04/09/83 – Referred by the Board of Trustees to its Academic Affairs Committee of the Board for review and recommendations for revision
10/01/83 – Amended document approved by the Board of Trustees as policy
10/04/83 – Published in the *President's Memo*
07/01/03 – Editorial changes made to reflect academic restructuring
04/29/11 – Revision approved by the President of the University as recommended by the Policy Committee of the University
12/16/24 - Non-substantive language changes approved by the President of the University

MARYWOOD UNIVERSITY
POLICIES AND PROCEDURES MANUAL

Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel