

Statement of Request from the UW System Faculty Representatives on Additional Revisions to Regents' Policies on Post-Tenure Review and Program Discontinuance/Tenured Faculty Layoff

Universities, even small universities, are complex institutions that must meet a diverse set of expectations. On the one hand they must “deliver” a cohort of graduates into the workforce who possess the necessary skills to succeed in a large variety of occupations. On the other hand, universities serve as repositories of our rich and diverse cultural heritage, focal points for the study of emerging topics across a host of subject areas, and outlets for expressing those current concerns that occupy the members of society. The obligation placed on universities to educate students, which among their several roles is primary, means that educational considerations must always be foremost when deciding to eliminate programs. This remains true even in circumstances where resources are constrained. Even in such instances, the educational mission as administered and implemented by the faculty -- and explicitly supported in state law – must remain paramount. Therefore, the inclusion of purely economic and market-based factors in the proposed program discontinuance policy represents a prioritization of factors that is inimical to our institutions’ basic function.

The policy revisions leading up to the February 5, 2016 Education Committee meeting have improved the policies' level of compliance with national standards and reflect some faculty recommendations including those members of the Tenure Task Force. However, additional revisions would strengthen the value of these policies to demonstrating the Board's commitment to tenure, shared governance, and academic freedom, while still retaining the additional accountability and flexibility measures the Board and legislature desire. On this basis, therefore, the UW system faculty representatives recommend the following changes to the Regents' Policies up for adoption at the March 10 Board of Regents meeting:

Proposed Set of Changes (#1): Policies on Faculty Layoff Procedures

1a) Revision to RPD 20-XX, "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination," II, B:

Proposed Language: Program review and adjustment to the curriculum according to professional and educational standards and accreditation requirements is part of routine institutional planning. Educational considerations are related in part to regular program review, and reflect a long-range judgment that the educational mission of the institution as a whole will be enhanced by program discontinuance. This includes the reallocation of resources to other programs with higher priority based on educational considerations. Such long-range judgments generally will involve the analysis of financial resources and the needs of the program and any related college or school.

Revised Language: Program review and adjustment to the curriculum according to professional and educational standards and accreditation requirements is part of routine institutional planning. Educational considerations are related in part to regular program review, and reflect a long-range judgment that the educational mission of the institution as a whole will be enhanced by program discontinuance. ~~This includes the reallocation of resources to other programs with higher priority based on educational considerations. Such long-range judgments generally will involve the analysis of financial resources and the needs of the program and any related college or school.~~

1b) Suggested revision to RPD 20-XX: II, C (p. 4) In II, C, the synonymizing of educational and financial reasons for program discontinuance are shown here: we recommend replacement

language that will make clear that *educational and programmatic considerations should remain primary in the decision-making process*:

Proposed Language: "The proposal shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, including programmatic and financial considerations, supporting program discontinuance."

Revised Language: "The proposal shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, ~~including programmatic and financial considerations~~ supporting the program discontinuance."

1c) Suggested revision to RPD 20-XX: II, D (p. 4) In II, D, the prefatory language states that the same faculty committee designated to deliberate on declaration of financial exigency will be responsible for reviewing and evaluating proposals for program closure due to educational considerations. Because the purpose of the committee under section II is to assess viability of programs based on educational quality, it is not clear that faculty elected to the committee designated in Section I, whose purpose is to assess institutional financial viability, will have the requisite skills and expertise. Furthermore, the language should clarify that this committee will have the primary responsibility for determining educational criteria that lead to program discontinuation.

Proposed language: The faculty committee designated or created under Section I of this policy shall review and evaluate any proposal to discontinue a program that will lead to faculty layoff. The committee's review and evaluation may be based on the following considerations, where relevant:

Revised Language, Addition: *The decision to discontinue formally a program will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate governance committee thereof. Using established governance procedures for the institution, the faculty of each UW System institution shall designate or create a faculty committee to consult with the chancellor in order to consider potential cases of program discontinuance. It shall be the responsibility of this faculty committee to determine the educational criteria to be used by the faculty committee when considering a decision to discontinue a program.*

1d) Suggested revision to RPD 20-XX: II, D (p. 4-5) In II, D, 5-6, the enumerated list of educational considerations includes language suggesting financial considerations, which are separate and distinct concepts:

Proposed language:

5. Student and market demand and projected enrollment in the subject matter taught in the program;
6. Current and predicted comparative cost analysis/effectiveness of the program; and
7. Other relevant factors that the committee deems appropriate.

Revised Language:

5. Student ~~and market~~ demand and projected enrollment in the subject matter taught in the program; **and**
- ~~6. Current and predicted comparative cost analysis/effectiveness of the program; and~~
7. Other relevant factors that the committee deems appropriate.

Proposed Changes (#2) Protections for Tenured Faculty

2a) RPD 20-XX "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination"

Change to Paragraph 2, Page 1, Subsection "Policy Statement" Rationale: The verb "considered" does not communicate a level of analysis reflective of the seriousness of the policy--laying off people who have a contractual expectation of job security. Therefore, we want to see 'considered' replaced with a stronger verb that will direct academic leadership more assertively toward a process that mirrors the significance of the decision-making.

Proposed Language: In paragraph 2 of page 1 under "Policy Statement," the language reads "Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered."

Revised Language: Replace "considered" with "pursued": should be revised to read "Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been pursued."

Revised Language, Addition: Immediately following the above, first sentence, insert the following sentences: "The institution will make every effort to place affected faculty in another suitable position, with the university funding retraining as necessary for up to 12 months. Any position vacated by a layoff or dismissal will not be filled by another individual for a period of at least three years."

2b) RPD 20-XX "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" Section II: Faculty Layoff for Reasons of Program Discontinuance

Fiscal Emergency Policy: Severance Compensation

Rationale: Protections for faculty who have committed to the institution through significant investment of time and energy in the attainment of credentials and achievement of benchmarks for tenure should be appropriately remunerated as they enter the national academic market in the case of a program discontinuance. The current policy does not address severance pay in the case of program discontinuance. When efforts to retrain or reassign tenure faculty displaced by program discontinuances have been exhausted, severance compensation should be provided. Per the University of Michigan policies from which much of this policy revision has been drawn, the following language should be added to page 6, section J:

Current Policy: The current policy does not address severance pay in the case of faculty layoff in the case of fiscal emergency.

Proposed Additions: Per the University of Michigan policies from which much of this policy revision has been drawn, the following language should be added to RPD 20-XX, I, between F and G (p. 3).

Prior to faculty layoffs, all feasible alternatives to termination of appointments must have been pursued by the institution, including expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to non-educational

programs and services, including expenses for administration. In addition, no new appointments will be made at the institution, while other tenured faculty members are being laid off or dismissed due to a fiscal emergency. Academic personnel with tenure who are dismissed in accordance with the provisions of RPX 20-XX shall be entitled to severance pay for one academic year following written notification of dismissal.

2c) RPD 20-XX "Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination" (II, Faculty Layoff for Reasons of Program Discontinuance J, p. 6)

Program Discontinuance Policy: Severance Compensation

Current Policy: The current policy does not address severance pay in the case of program discontinuance.

Proposed Additions: Per the University of Michigan policies from which much of this policy revision has been drawn, the following language should be added to page 6, section J as a second paragraph.

Academic personnel with tenure who are dismissed in accordance with the provisions of RPX 20-XX shall be entitled to severance pay for one academic year following written notification of dismissal.

Closing Considerations: Lastly, one of the most persuasive rationales offered for this current policy revision has been that these policies are 'comparable to peer institutions' with annotations of the policy drawn from multiple universities to fortify the assertion. The faculty representatives would respectfully point that only parts of various wholes have been imported to the current policy; as a result some of the protections that are part of documents from comparable institutions have been lost while statements undermining the integrity of the protections of job security; academic freedom in the areas of research, teaching, and service; due process; and governance participation have been eroded.

The changes above will restore some of those protections in ways that will move this policy closer to national standards of peer institution and professional organizations.

Respectfully submitted:

UW System Faculty Representatives

- Thomas Broman, Professor of History of Science, University Committee Member and Faculty Representative, UW - Madison
- Charles Cornutt, Professor of Chemistry, UW Platteville Faculty Representative to the UW System
- Georges Cravins, Professor of Geography and Earth Science, UW La Crosse Faculty Representative
- Petre (Nelu) Ghenciu, Faculty Senate Chair, UW-Stout Faculty Representative to the UW System

- James Graham, Professor, Agricultural Education, Faculty Senate Chair, and UW-River Falls Faculty Representative to the UW System
- James Hartwick, Professor, Curriculum and Instruction, Chair of Faculty Senate and UW Whitewater Faculty Representative to the UW System
- Holly Hassel, Professor of English and Gender, Sexuality, and Women's Studies, Senate Steering Chair and UW Colleges Faculty Representative to the System
- Karl Loewenstein, Associate Professor of History, Faculty Senate Chair, and UW Oshkosh Faculty Representative to the UW System
- Kenneth L Menningen, Professor of Physics and Astronomy and Chair of Common Council, and University of Wisconsin – Stevens Point Faculty Representative to the UW system
- Geoffrey D. Peterson, Professor and Chair of Political Science and University of Wisconsin-Eau Claire Faculty Representative to the UW System
- John Reisel, Professor, Mechanical Engineering Department, Chair, University Committee, University of Wisconsin-Milwaukee Faculty Representative to the UW System
- Helen Rosenberg, Chair, University Committee, Professor of Sociology, UW Parkside Faculty Representative to the UW System
- Craig Saxe, University Committee Chair, UW-Extension Faculty Representative to the UW System
- Nicholas Sloboda, Professor and Chair, Department of World Languages, Literatures, and Cultures, University of Wisconsin-Superior, Faculty Representative to the UW System
- Christine Vandenhouten PhD, RN, APHN-BC, Associate Professor, Professional Program in Nursing UW-Green Bay Faculty Representative to the System

Faculty Members of the Tenure Task Force Committee

- Lopa Basu, Director, Honors College, Associate Professor of English, University of Wisconsin-Stout, Member of the Tenure Task Force
- Patricia McManus, Professor of Plant Pathology, UW-Madison, Faculty Member of the Tenure Task Force
- Kenneth L Menningen, Professor of Physics and Astronomy and Chair of Common Council, University of Wisconsin – Stevens Point
- Steve Meyer, Associate Professor, Natural and Applied Science, Secretary of the Faculty and Staff (SOFAS), UW Green Bay, Member of the Tenure Task Force
- Christine Roth, Associate Professor of English, University of Wisconsin Oshkosh, Member of the Tenure Task Force
- Brad Seebach, Associate Professor of Biology, UW-La Crosse Faculty Senate Chair, member of the Regents' Tenure Task Force
- Jonathan Shailor, Professor of Communication, UW- Parkside, Member of the Tenure Task Force
- Robert S. Smith, Associate Professor of History, University of Wisconsin-Milwaukee, Member of the Tenure Task Force
- Kristene K Surerus, Associate Professor of Chemistry & Biochemistry at UW-Milwaukee, Member of the Tenure Task Force
- V. Alan White, Professor of Philosophy, UW--Manitowoc, representative of the UW-Colleges to the UW System Tenure Task Force
- Greg Wise, Professor and Community Development Specialist and Director. Center for Community & Economic Development, University of Wisconsin-Extension, Member of the Tenure Task Force

Faculty Senate Chairs (from campuses where these are separate from faculty representatives)

1. Brad Seebach, Associate Professor of Biology, UW-La Crosse Faculty Senate Chair, member of the Regents' Tenure Task Force
2. Brent Notbohm, Professor and Chair, Department of Communication Arts; Faculty Senate Chair, UW-Superior