

**Chapter 5: Faculty Layoff Policies**  
Approved by the Faculty Senate: November 14, 2017

**Rationale:** *Early in 2017, the Board of Regents for the University of Wisconsin System passed RPD 20-24, Procedures Relating to Financial Emergency or Program Discontinuance Requiring Faculty Layoff and Termination. This new UW-Whitewater Faculty Senate policy is designed to be our version to best serve our university while remaining compliant with the BOR policy and state statutes. In an effort to uphold the tradition of excellence at UW-Whitewater, we have crafted our version to address the unique context at UW-Whitewater and to provide our faculty with every protection permissible under in state law and BoR policy.*

Academic Tenure has been the cornerstone of the American higher education, and is essential for the maintenance of a quality education on behalf of the public. Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The granting of tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their research and creative activity, teaching, and service meet the highest standards and are congruent with the needs of the university. The beneficiary of tenure is not merely the individual but also the public at large. It is therefore expressly recognized that the awarding and continued enjoyment of tenure is of vital importance to the protection of academic freedom and to the overall academic quality of the University of Wisconsin System institutions. For this reason, any vitiation of tenure is a vitiation of the protection needed for the university as an institution, as much as the individual faculty members within it, to pursue the public good. The university and its members must be free to sift and winnow in the search for Truth. Even as the protections inherent to academic tenure are beneficial to the university and thus to the public at large, it is also an individual property right earned by, and conferred on, the faculty member by a rigorous review process.

Accordingly, faculty layoff will be invoked only in extraordinary circumstances and after all feasible alternatives have been considered. Additionally, faculty layoff shall not be based on conduct, expressions, or beliefs on the faculty member's part that are constitutionally protected or protected by the principles of academic freedom. Academic freedom as it has been practiced consists of the right for each faculty member to speak freely in the classroom, in professional publications and presentations, as well as the right to speak as a citizen, including to speak out on societal issues of broad concern in the public realm.

1. Except as provided in subdivision 2 immediately below, no tenured faculty member shall be laid off or terminated due to curtailment, modification, and/or redirection of a department. Faculty displaced due to restructuring of a program or discontinuance of a program for reasons other than financial emergency or educational considerations will be placed in another suitable position, at the same rank. If placement in another position would be facilitated by a reasonable period of training, such retraining and department/program relocation on campus will be provided with the institution bearing the cost.
2. The chancellor may lay off or terminate a tenured faculty member, or lay off or terminate a probationary faculty member prior to the end of his/her appointment, under extraordinary circumstances because of a financial emergency, or because of program discontinuance based on educational considerations. Such layoffs or terminations will be made in accordance with the provisions of UWS Chapter 5, Wis. Stat. 36.22, and this chapter and imply the retention of rights indicated therein. A non-reappointment under UWW Chapter III, C, 2, a(2) regardless of reasons, is not a layoff or termination under this policy.

3. It shall be the responsibility of the Faculty Consultative Committee on Financial Emergency/Program Discontinuance (Faculty Consultative Committee) to recommend criteria to be used by the Faculty Consultative Committee and the chancellor to determine program evaluations and priorities as described in s. UWS 5.05(2). The validity of the educational judgments and the criteria for identification for termination of faculty made by the appropriate faculty governance body will be considered presumptively valid. It is recognized that the chancellor should only make a recommendation adverse to the faculty recommendation with respect to faculty layoffs or terminations only for compelling reasons which should be stated in writing and in detail.
4. For the purposes of this policy, other than in the case of a financial emergency, no faculty member shall be laid off or terminated due to curtailment (reduction in size), modification or redirection (restructuring, merging and/or consolidation) of existing departments, programs or programmatic sub-fields.

## **SECTION A. DEFINITIONS**

1. For the purposes of this policy, “program” shall mean a related cluster of credit-bearing courses that constitute a coherent body of study within a discipline or set of related disciplines. The term shall designate a department, a department-like body, or similar administrative unit that offers majors and has been officially recognized by UWW. Programs cannot be defined ad hoc, at any size, but should be recognized academic units. Programs shall not be defined to single out individual faculty members for layoff or termination.
2. For the purpose of this policy, “consult” shall mean that the chancellor and other senior administrators at UW-Whitewater shall deliberate with Faculty Governance and the appropriate faculty body as indicated in the policy, that all parties will seek out and consider the insights and opinions of the other parties, working together to achieve the best outcomes for the UW-Whitewater and its students. Furthermore, “consult” shall be consistent with the activities described under UWS 5.05.
3. Unless otherwise stated, all days referenced in this policy shall refer to business days. References to the Faculty Senate’s “receipt” of documents will be indicated by an official action of the Faculty Senate as recorded in the Faculty Senate’s minutes.
4. For the purposes of this policy, “program discontinuance” as described in Wis. Stat. 36.21-22 shall mean formal program elimination or closure, which can occur only for reasons of educational consideration, and only through the procedures established in sections UWW, Chapter V, E (below).
5. For the purposes of this policy, “financial emergency,” as defined in UWS 5.02, refers to a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means.
6. For the purposes of this policy, “educational considerations” shall not include cyclical or temporary variations in enrollment. Educational considerations must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by a program’s discontinuance.
7. For the purposes of this policy, “layoff” is the indefinite suspension or involuntary reduction in services and compensation of a faculty member’s employment by the University of Wisconsin System (Wis. Stat. 36.22[1][a]). A laid off faculty member

retains the rights specified in UWS 5.16 through 5.22 (inclusive) and Wis. Stat. ss. 36.22(11)-36.22 (17).

8. For the purposes of this policy, “termination” is the permanent elimination of a faculty member’s employment by the University of Wisconsin System (Wis. Stat. 36.22[1][c]). A faculty member whose position has been terminated retains the rights specified in UWS 5.18-5.19 and Wis. Stat. 36.22(13)-(14).
9. For the purposes of this policy, “curtailment” as described in Wis. Stat. 36.21-22 shall mean a reduction in the size of a program.
10. For the purposes of this policy, “modification or redirection” as described in Wis. Stat. 36.21-22 shall mean “departmental restructuring” as executed through the curricular process.
11. The Faculty Consultative Committee on Financial Emergency/Program Discontinuance (Faculty Consultative Committee) shall consist of the Faculty Senate Chair, the Chair of the Faculty Budget Committee (or designee), and six members appointed by the Faculty Senate, one from each constituency and two at large. Faculty members who serve on the Faculty Consultative Committee shall be compensated for their efforts.

## **SECTION B. SENIORITY**

1. For purposes of this policy, seniority within a department or program shall be according to rank, with higher ranks having greater seniority. Among faculty of the same rank, the seniority shall be determined by the total length of service in a tenured and/or tenure track line. Length of service shall be calculated at the full-time rate for those faculty members whose status was reduced to part-time by mutual agreement.
2. Length of service shall be computed from the effective date of the appointment at the University of Wisconsin-Whitewater, except that in the case of an initial appointment with tenure the dean may, on the recommendation of the departmental tenured faculty, grant additional seniority by counting all or a portion of service elsewhere that is equivalent to service in the university at the rank granted. No initial appointment shall include seniority for service elsewhere than at the University of Wisconsin-Whitewater, unless agreed upon at the time of hire by a majority of the tenured members of the department. The letter of appointment shall indicate the nature of the seniority granted if it is other than from the effective date of the appointment.
3. If two or more appointments at the same rank in the same department or program become effective at the same time, relative seniority among the individuals involved shall be determined by a random process prior to the effective date of the appointment. If two or more individuals currently have identical seniority, and one of them had voluntarily accepted a reduction in appointment in accordance with UWW Chapter V, 5.08, then that individual shall have the greater seniority; otherwise a process of random selection will be employed to give each a unique seniority position. The process to be used shall be determined by the Faculty Senate.
4. The period of an approved leave of absence is included in determining length of service.
5. If a faculty member is reappointed as an instructor or assistant professor without a break in service, length of service shall be computed from the date of initial appointment.

6. If a faculty member is reappointed after having left the university, the appointment shall be treated as an initial appointment and previous service in the university considered on the same basis as service elsewhere as provided in UWW Chapter III, B, 8.
7. Every effort, consistent with federal and state laws regarding fair employment practices, shall be made to ensure that the university's affirmative action programs are not impaired by the operation of this seniority system.

### **SECTION C. NOTIFICATION**

Each faculty member whose position is recommended for layoff or termination shall be notified in accordance with Wis. Stat. 36.22(4) and 36.22(5).

### **SECTION D. FINANCIAL EMERGENCY: LAYOFF OR TERMINATION FOR REASONS OF FINANCIAL EMERGENCY**

UWS Chapter 5.01-5.22 will be the effective policies and procedures in effect for any and all layoffs or terminations for reasons of financial emergency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.

1. Faculty Consultative Committee on Financial Emergency/Program Discontinuance
  - a. The chancellor shall meet and consult with the Faculty Consultative Committee on Financial Emergency/Program Discontinuance (Faculty Consultative Committee). It is the right and responsibility of the Faculty Consultative Committee to represent the faculty if a declaration of a state of financial emergency for the campus is being considered and to assure that the procedures of UWS 5.05 and 5.06 are followed.
  - b. The chancellor shall proceed in accordance with UWS 5.05 and shall meet and consult with the Faculty Consultative Committee, the Faculty Senate, departments, programs, other faculty governance committees as well as individuals and groups deemed by the Faculty Senate Executive Committee to be able to provide valuable advice (see UWS 5.05(1)(e)).
  - c. The chancellor, in consultation with the groups indicated in UWW, Chapter V, C, 1, b shall pursue all feasible alternatives to layoffs and termination of appointments such as the voluntary reduction of full-time faculty members to part-time status, 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.
  - d. If the chancellor decides to recommend the declaration of a state of financial emergency for the campus, that recommendation to the system president and the board shall be accompanied by a report which shall be in conformity with UWS 5.06(1).
  - e. Before any proposals for faculty layoffs or termination on grounds of financial emergency are made, the Faculty Consultative Committee and Faculty Senate shall have the opportunity to jointly render an assessment in writing of the institution's financial condition. The Faculty Consultative Committee and Faculty Senate will have access to at least five years of audited financial statements, current and following-year budgets, and detailed cash-flow estimates for future years as well as detailed program, department, and

administrative-unit budgets for the institution. The chancellor shall also make available any additional data or information as requested by the Faculty Consultative Committee and Faculty Senate.

- f. The chancellor and the Faculty Consultative Committee and Faculty Senate or their designees, and representatives of affected colleges, schools, departments, and programs may appear before the Board of Regents at the time the recommendation is considered. Other interested parties may submit alternative recommendations or challenges to any part of the report in writing.

## 2. Financial Emergency: Individual Designations

- a. Once the Board of Regents has accepted the chancellor's declaration of a state of financial emergency, reduced appointments and terminations shall be made in accordance with the provisions of UWS 5.07-5.15. Any exceptions to the seniority policy must be based on a clear and convincing case and made in writing, as determined by the tenured faculty members in the affected department(s), the Faculty Consultative Committee, and the Faculty Senate, that program needs dictate other considerations (e.g., the need to maintain diversity of specializations within a department). This deliberative group may seek the advice of other groups or individuals in formulating its recommendations.
- b. The written recommendation of the deliberative group identified in UWW, Chapter V, D, 2, a (immediately above) shall be forwarded to the chancellor, and the chancellor shall deliver this report to the system president and the Board of Regents, as provided in s. UWS 5.14 along with any written recommendations of the chancellor. Any written recommendation of the chancellor must be submitted to the Faculty Consultative Committee and the Faculty Senate at least 10 business days prior to delivery of it (and any response from the Faculty Senate) to the system president and the Board of Regents. The Faculty Senate shall be provided 10 business days following its next regularly scheduled meeting to respond. All materials indicated in 2b shall then be forwarded to the system president and the Board of Regents for their deliberation.

## **SECTION E. PROGRAM DISCONTINUANCE: LAYOFF OR TERMINATION FOR REASONS OF PROGRAM DISCONTINUANCE FOR EDUCATIONAL CONSIDERATIONS**

The following will be the effective policies and procedures in effect for any and all layoffs or terminations for reasons of program discontinuance for educational considerations.

### 1. Program Discontinuance for Educational Considerations

- a. A proposal to discontinue, suspend, or deactivate a program due to educational considerations that could result in faculty layoff or termination ("Proposal to Discontinue a Program") may be initiated by faculty in the program, faculty in the college or school that contains the program, the Faculty Senate, the dean, the provost, or the chancellor.
- b. Prior to completing and submitting a Proposal to Discontinue a Program, the proposer shall consult with the Faculty Senate Executive Committee, the department or program proposed for discontinuance, and all other departments or programs that would be affected by the program discontinuance.
  - i. In order for the faculty to fulfill its consulting and revising responsibilities (36.09(3)(4)), the proposer must submit a Letter of Intent to Propose Program Discontinuance to all the identified people and constituencies in UWW Chapter V, D,

- b, which must be received at least three (3) months prior to submitting the Proposal to Discontinue a Program leading to layoff or termination. The proposal must be submitted to the Faculty Senate and be officially received by the Faculty Senate. The Faculty Senate's receipt of a Letter of Intent to Propose Program Discontinuance will be indicated as an action item recorded in the Faculty Senate minutes.
- c. Before any proposals for faculty layoffs or termination for the purposes of program discontinuance for educational considerations are made, the Faculty Consultative Committee and the Faculty Senate will jointly render an assessment in writing of the institution's financial condition; the written assessment will be forwarded to the chancellor, provost, dean, department chairs, and all faculty. The Faculty Consultative Committee and Faculty Senate will have access to at least five years of audited financial statements, current and following-year budgets, and detailed cash-flow estimates for future years as well as detailed program, department, and administrative-unit budgets for the institution. The chancellor shall also make available any additional data or information as requested by the Faculty Consultative Committee and Faculty Senate.
  - d. The proposer shall provide the Proposal to Discontinue a Program for review to the faculty in the affected program, the Faculty Senate, the Faculty Consultative Committee, the other relevant governance groups, and the chancellor.
  - e. Faculty members in a program being considered for discontinuance for educational considerations will promptly be informed of this activity in writing and provided at least thirty business days in which to respond to it. Tenured and probationary faculty and academic staff will be invited to participate in these deliberations.
  - f. The Proposal to Discontinue a Program shall be in writing and shall contain appropriate information and analysis regarding the educational considerations, including programmatic and financial considerations, supporting the proposed program discontinuance.
    - i. The proposer must disclose in writing to all potentially affected parties any association that may have a bearing on the proposal, including membership in any external organizations and/or communications between external organizations or individuals. All documents received or produced relevant to the proposal, potential conflicts of interests, and relevant financial relationships and remunerations which could reasonably be associated with the proposal must be disclosed.
    - ii. The report must include qualitative and quantitative information regarding any affected programs, including the program(s) proposed to be closed and the program(s) to which resources from the discontinued program will be reallocated. For all programs affected, the report must include, but is not limited to, the following: the two most recent Department or Program Self-Studies and Audit & Review reports; the contributions of the departments or programs to the institution's mission, strategic plan, and academic plan; an explanation of how the work done in the programs complements that done in other programs; the impact of the program discontinuance and the reallocation on the institution's comprehensive program array; a ten-year projection of student enrollments in affected program courses and in program degrees/certificates; a ten-year statement of program revenues and expenditures by budget categories (including the cost of projected reassignments, layoffs, terminations, and additional hiring); and a twenty-year projection of market demand and societal needs related to the programs. The report shall document the

university's efforts, including resource allocation, over at least a five-year period to address and ameliorate the perceived problems that are the basis for the proposed program closure. For example, the report shall address efforts to promote the program, to recruit students, to develop faculty, to support faculty-led program innovations, and so forth. If such efforts were not made, the report shall explain why these efforts had not been pursued prior to proposing program discontinuance. The report must also include an explanation and documentation that alternatives have been considered that would not require faculty layoff(s) or termination(s) and the rationale as to why each has been deemed not viable. The sources of all information and analysis in the proposal to discontinue must be identified and verifiable.

01. If resources are to be reallocated to a new program, in addition to what is noted above, there must be: an explanation of the centrality or role of the new program to the institution's mission and an explanation of the relationship of the new program to the institution's long-term strategic plan and academic plan, as well as an explanation of why this program merits higher priority based on educational considerations than the program proposed for discontinuance.

2. Faculty Consultative Committee on Financial Emergency/Program Discontinuance

- a. The Faculty Consultative Committee on Financial Emergency/Program Discontinuance and the Faculty Senate shall jointly review and evaluate the **Letter of Intent to Propose Program Discontinuance** and the **Proposal to Discontinue a Program**.
- b. The decision to discontinue an academic program or department will be based on educational considerations, which in accordance to 36.09(4) are the primary responsibility of the faculty. As such, the chancellor shall meet and consult the Faculty Senate before any decision is made, and the Faculty Senate will consider the advice of the Faculty Consultative Committee. The chancellor will exercise authority adversely to the faculty recommendation only for compelling reasons, which should be stated in detail in a written document that will be submitted to the Faculty Senate Chair and all interested parties.
  - i. The chancellor and the Faculty Consultative Committee and Faculty Senate shall jointly pursue all feasible alternatives to layoffs and termination of appointments such as the voluntary reassignment, retraining and/or reduction of full-time faculty members to part-time status, 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.
  - ii. In addition to reviewing the Letter of Intent to Propose Program Discontinuance and the Proposal to Discontinue a Program, the Faculty Consultative Committee shall request and review comments and recommendations on the proposed program discontinuance from faculty and academic and university staff in the program, faculty and academic and university staff in the affected college or school, students in the program, and other appropriate institutional bodies or individuals. After consideration of this information, the Faculty Consultative Committee shall prepare a recommendation and report regarding the proposed program discontinuation that shall be shared with the faculty in the program, the Faculty Senate, the college dean, the provost, and the chancellor. The committee's review and evaluation may be based on the following considerations, where relevant:

01. The centrality of the program to the institution's mission;

02. The academic strength and quality of the program, and of its faculty;
  03. Whether the work done in the program complements that done in another essential program;
  04. Whether the work done in the program duplicates academic instruction and course content delivered in other programs at the institution;
  05. Student demand and projected enrollment in the subject matter taught in the program;
  06. Current and predicted comparative cost analysis/effectiveness of the program;
  07. The items indicated in UWW Chapter V, Section E, 1, f (above); and
  08. Other relevant factors that the committee deems appropriate.
- iii. The Faculty Consultative Committee shall provide its recommendation and report to the Faculty Senate. The Faculty Senate will consider the Proposal to Discontinue a Program and the report of the Faculty Consultative Committee and shall issue its report, the Report of the Faculty Senate on Potential Program Discontinuance, to the chancellor within three months of the date of the Faculty Senate's receipt of the Proposal to Discontinue a Program. If alternatives to program discontinuance are offered in the Faculty Senate report, the Chancellor shall respond to the alternatives and specify why each was deemed less desirable than program discontinuance.
3. Notification and Notification Periods
- a. After receipt of the Report of the Faculty Senate on Potential Program Discontinuance, the chancellor shall meet and consult with the Faculty Consultative Committee and the Faculty Senate before making any recommendation to the board. It is recognized that the chancellor should make a recommendation adverse to the faculty recommendation with respect to discontinuance of an academic program only for compelling reasons which should be stated in writing and in detail, and provided to the Faculty Consultative Committee and the Faculty Senate to be considered at a regularly scheduled meeting prior to taking further action on the Proposal to Discontinue a Program.
  - b. If the chancellor decides to recommend program discontinuance that includes faculty layoff and/or termination, that recommendation to the system president and the Board of Regents shall be accompanied by a report, The Chancellor's Report on Program Discontinuance and Faculty Layoffs (Chancellor's Report), which shall include all of the following.
    - i. A statement of the procedures followed in arriving at the recommendation, showing compliance with UWW, Chapter V, D, 1-2.
    - ii. A statement of how the program discontinuance will enhance educational quality of the institution, how it impacts the comprehensive program array, and how it impacts other programs or departments across the university.
    - iii. A thorough description of alternatives to program closure that were considered, with an explanation of why they were deemed to be inferior to the recommendation in the report.
    - iv. An identification of the college(s), department(s) or program area(s) in which reductions will be made, with data indicating the appropriateness of such choices and an explanation of how each college, department, or program would likely be enhanced by the proposed change.

- v. The report will provide a description of safeguards for students, including: a description of the all the efforts to accommodate students adversely affected by the program discontinuance, and a plan for the phasing in the program discontinuance over a reasonable time period to provide students the opportunity to complete the program or transfer to another program.
  - vi. Data demonstrating the need for a reduction of faculty positions in order to achieve the recommended program discontinuance.
  - vii. A list of each faculty member that could be laid off, the alternatives considered for each potentially affected faculty member, and the data used to justify the proposed layoff(s). In addition, the chancellor's report will provide a recommendation to the faculty for the use of the seniority policy or a proposed alternative to the use of the seniority policy, with a clear and convincing case of the program needs and special considerations that justify a deviation from the established seniority policy. If an alternative to the university seniority policy is proposed, the report will provide an enumerated list of how each faculty member in the discontinued program would be impacted under the seniority policy and under the proposed alternative to the seniority policy. For each faculty member slated for layoff, the report will provide a thorough description of alternatives considered with the data on the feasibility of each alternative and an explanation as to why each alternative was deemed not feasible.
  - viii. An identification of the colleges, schools, departments or program areas, including any new proposed program, to which the resources are proposed to be reallocated. For each said program, the report will provide data indicating the appropriateness of the proposed reallocation(s); a description of how the educational mission of the comprehensive university will be enhanced by the proposed reallocation(s); an explanation of the relationship of the program(s) to the institution's long-term strategic plan and academic plan; and an explanation of why the program(s) merits higher priority based on educational considerations than the program(s) proposed for discontinuance.
  - ix. The **Report of the Faculty Senate on Potential Program Discontinuance** and a response to each of its arguments and recommendations.
- c. Faculty members in a program being considered for discontinuance will promptly be informed by the chancellor of this activity in writing and provided with a copy of the Chancellor's Report. Faculty members in a program being considered for discontinuance shall be provided at least thirty days in which to respond to the Chancellor's Report. Tenured and probationary faculty and academic staff will be invited to participate in these deliberations.
  - d. The chancellor and the chairpersons of the Faculty Consultative Committee and the Faculty Senate, or their designees, and representatives of affected colleges, schools, departments and programs, may appear before the board at the time the recommendation is considered. Other interested parties may submit in writing alternative recommendations or challenges to any part of the report.
  - e. If the Board of Regents approves the Chancellor's Report on Program Discontinuance Leading to Faculty Layoff, the Faculty Senate Executive Committee shall have the responsibility for recommending which faculty will be laid off and in what order (as necessary). Since RPD 20-24 requires the members of this committee to be tenured, if a member of the Faculty Senate Executive Committee is untenured, then the constituency

on the Faculty Senate that the untenured Faculty Senate Executive Committee member represents shall elect a tenured faculty replacement. The Faculty Senate Executive Committee (as described above) will issue its recommendation (in accordance with the provisions in UWW, Chapter V, D, 3, f, for faculty layoff), which will follow the established seniority policy (UWW, Chapter V, B) unless a clear and convincing case is made that program needs dictate other considerations. The Faculty Senate will vote on the recommendations, including any proposed deviation from the seniority policy.

- f. Before the chancellor issues notice to a faculty member of an intention to terminate an appointment because of discontinuance of a program, the institution shall devote its best efforts to place the faculty member concerned in another suitable faculty position that is acceptable to the faculty member. If placement in another position would be facilitated by a reasonable period of training, such retraining and relocation will be provided and the institution will bear the cost where readaptation is feasible as provided in s. 36.22(12). If no position is available in the institution with or without retraining, the faculty members' appointment then may be terminated but then only in provision for severance as indicated in UWW Chapter V, I (below).

#### **SECTION F. FACULTY HEARING AND PROCEDURES**

1. A faculty member whose position is recommended for layoff or termination is entitled to a full, on-the-record adjudicative hearing as provided in Wis. Stat. 36.22(8)(b). The issues in the hearing may include those described in Wis. Stat. 36.22(7)(b).
2. The Faculty Appeals, Grievance and Disciplinary Hearings Committee shall operate as the hearing agent pursuant to Wis. Stat. 36.22(6), and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence, and transmit such record and summary along with its recommended findings of fact and decision to the board.

#### **SECTION G. RECOMMENDATION AND BOARD REVIEW**

1. The recommendations of the chancellor, as stated in the Chancellor's Report on Program Discontinuance and Faculty Layoffs and the recommendations the Faculty Senate as stated in The Faculty Senate Report on the Proposal for Program Discontinuance shall be forwarded to the president and the board and acted upon by the board in accordance with Wis. Stat. 36.22(9).
2. Review by the board is governed by Wis. Stat. 36.22(9) and 36.22(10).

#### **SECTION H. LAYOFF STATUS AND RETAINED RIGHTS**

1. A faculty member whose position has been eliminated or reduced in accordance with the provisions of this policy shall be placed on layoff status and shall so remain until removed according to UWS 5.16 and Wis. Stat. 36.22(11).
2. A faculty member designated for layoff or on layoff status shall have the rights provided in Wis. Stat. 36.22(12), 36.22(13), 36.22(14), 36.22 (15), 36.22 (16); and, in addition, shall have the following rights: faculty on layoff status will be entitled to use university-wide facilities. Use of the facilities of a school, college, department, or program will be determined by the tenured faculty thereof.

3. Faculty members on voluntary or compulsory reduction of appointment under this policy retain full membership in the faculty regardless of the percent of appointment and continue to be governed by these Faculty Policies and Procedures; in addition, the annual notice required in Wis. Stat. 36.22(11)(b)(5) shall be deemed to be given automatically by virtue of the continued part-time appointment.

#### **SECTION I. NOTICE AND SEVERANCE**

1. A faculty member who is to be laid off or terminated under this policy has a statutory right to at least twelve-months' notice under Wis.Stat.36.22(5)(a) at the faculty member's current salary. Moreover, a faculty member who is to be laid off shall receive the notification provided in Wis. Stat. s. 36.22(4) by May 15 for layoffs to be effective at the end of the following spring term or by Dec.15 for layoffs to be effective at the end of the following fall term.
2. Severance pay will be provided for one academic year following layoff or termination. Severance pay means regular monthly payments, equal to the employee's salary during the appointment year of layoff or termination, covering a period following written notification of layoff or termination equal to one appointment year, except where the employee during such year secures other employment. In the latter event, from the time such other employment begins, the monthly payments shall not exceed the difference between the amount of the monthly payments otherwise provided herein and the employee's monthly compensation from such other employment.