

DRAFT: FOR CONSIDERATION BY UW SYSTEM TENURE POLICY TASK FORCE
AT ITS NOVEMBER 30, 2015, MEETING: DRAFT

Recommendations Relating to Regent Policy Document ____ : Faculty Layoff

Introduction

Recommend including an introduction that contains the purpose and scope of the policy and that recognizes the importance of protecting academic freedom and the overall academic quality of the UW institutions. The introduction would include language stating the faculty layoff policy will be invoked only in extraordinary circumstances, and after other alternatives have been considered and found untenable. The section also would include specific language to the effect that no faculty member shall be laid off because of speech protected by the First Amendment or principles of academic freedom, and also would describe the legal sources of the Board's layoff authority.

Definitions

Recommend including definitions of key terms that are used in the policy, including definitions of "academic program," "department," "layoff," "termination," "discontinuance," "curtailment," "modification," "redirection," "educational considerations," and "financial emergency."

Recommend that these definitions be consistent with those used in applicable statutes and administrative code provisions.

Layoff Due to Financial Emergency

Recommend that this section of the policy reference and follow the procedures set forth in Chapter UWS 5 of the Wisconsin Administrative Code (Layoff and Termination for Reasons of Financial Emergency,) specifically UWS 5.01 through UWS 5.06, and the procedures set forth in Wis. Stats., Section 36.22.

This would include a description of the institution's procedures that could lead to a chancellor's recommendation to the Board that a financial emergency be declared by the Board for a specific institution, as well as the procedures and protections available to faculty who are laid off following a Board declaration of a financial emergency for an institution.

Layoff Due to Budget or Program Decision Requiring Program Discontinuance, Curtailment, Modification, or Redirection

Recommend that this section of the policy include the following elements:

1. A statement that a proposal to discontinue, curtail, modify, or redirect an academic program due to educational considerations that results in faculty layoff may be brought

forward by faculty in the affected department, faculty in the affected college, the dean, the provost, or the chancellor.

2. A statement that a proposal to discontinue, curtail, modify or redirect an academic program that will not result in faculty lay off will follow the academic program review process currently in place on each campus, and will not be required to follow the process outlined in this policy.
3. Criteria that will guide the determination of whether educational considerations require academic program discontinuance, curtailment, modification, or redirection that will result in faculty layoff. Examples of criteria may be found in the layoff policies of other universities, including the University of Michigan, University of Maryland, and University of Utah.
4. A description of the shared governance process that will be followed to review and arrive at a recommendation regarding a proposal that an academic program should be discontinued, curtailed, modified, or redirected, resulting in faculty layoff. The process shall include requirements regarding information that must be included with the initial proposal. The process also shall include review and recommendations from: (1) the faculty of the department in which layoffs are being considered; (2) faculty of the college that contains that department; (3) the faculty senate; (4) the students in the program or student governance; (5) the dean of the affected college; (6) the provost; (7) and other individuals or bodies as deemed appropriate by individual institutions. The process shall include written reports, holding of a public meeting(s), provision for receipt of written comments, the sharing of appropriate financial or programmatic information, consultation with the chancellor, and other means necessary to making a careful and deliberate recommendation to the chancellor on the proposal. The process shall include a statement that every effort shall be made to reach consensus on the matter.
5. A description of the process that a chancellor will follow if the chancellor decides to recommend to the Board of Regents a program change that will result in faculty layoff. The process will describe what information, in the form of a report to the Board, will accompany the chancellor's recommendation.
6. A statement that approval of the Board of Regents shall be required to discontinue, curtail, modify, or redirect an academic program if faculty layoff will result from those actions.
7. A reference to, and summary of, the due process procedures and other faculty rights set forth in Wis. Stats., Section 36.22 that apply to individual faculty facing layoff as the result of the Board's programmatic decision. This would include:
 - Establishing faculty seniority determinations for purposes of layoff
 - Describing layoff notice periods
 - Describing the due process, hearing and appeal rights available to faculty facing layoff
 - Describing faculty retraining and reappointment rights

- Describing the reasonable efforts that will be made to place faculty facing layoff in suitable positions at their institution and at other institutions within the UW System

Safeguards for Students

Recommend that a section be included setting out certain procedures to protect and assist students impacted by a programmatic decision under this policy.

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