


TO: All Faculty
FROM: Loren J. Anderson, President 
DATE: March 29, 1995
SUBJECT: Initiation of Procedures for Reduction and Reallocation of Faculty Positions

In the spring of 1993 the university initiated procedures of faculty discussion and recommendation for bringing our budget into balance in the special financial circumstances of that time. The result was a series of decisions, including a net reduction of over eight FTE faculty positions (supplementing a 17% reduction in administrative and support staff since 1991) that helped to bring the 1993-94 and 1994-95 budgets into balance and allowed the university to meet its financial commitments. At the time, based on a series of budgets projected five years out, the university predicted the need to consider curricular changes and reduce faculty by an additional fourteen positions by 1997. Such reductions, together with others in the non-academic divisions, would allow the university to invest properly in equipment, capital maintenance, support budgets, and salary increases. Those reductions were not specified in 1993.

The two years since have largely borne out the five-year financial projection on which the 1993 discussion and actions were based. Enrollment has grown slightly faster than expected, and gift and endowment campaigns are succeeding on schedule. Some expenses, such as financial aid, have been increased more rapidly than originally projected. The overall result is that we are financially on course. That means, however, that we still need the savings of approximately fourteen faculty positions (\$800,000). These, together with roughly \$400,000 in new non-academic division savings, will accomplish the \$1.2m restructuring that is revealed as necessary on the attached, updated five-year financial projection. Addressing this long-term "structural deficit" will allow us the notable and necessary increases in equipment, capital maintenance, support budgets, and salary levels on which the budget models are based. We must achieve these reallocations if we are to preserve and build our educational quality.

Therefore, following the requisite consultation with both the Board of Regents and the faculty through their respective executive committees, I hereby ask the Faculty Joint Committee on Reduction/Reallocation in Force specified on pages 148-151 of the 1990 Faculty Handbook to convene to continue the Project Focus restructuring process begun two years ago. Given the Board's obligation to consult with the Committee (section D-2, p. 148), the Committee's first responsibility will be to advise the Board about the necessity, or possible necessity, of reductions/reallocations. To provide a starting point for the subsequent discussion of specific actions, the Deans' Council will provide the Faculty Joint Committee with an integrated set of proposals to accomplish what they and I currently regard as the required amount of savings for reinvestment. After initial Faculty Joint Committee discussion with the Deans' Council and me, faculty and academic units will be invited to develop responses to the Council's proposals and any other matters that the Committee may desire. After receiving those responses and any further proposals to achieve the required savings, the Faculty Joint Committee and the Provost will submit their recommendations to me. Recommendations will then be prepared for the Board of Regents, which will finally determine the appropriate course of action. I will work with the Faculty Joint Committee to set appropriate deadlines so that recommendations may be presented to the Board in fall of 1995.

We are a strong university, with (1) a vital mission and now sharper focus, (2) outstanding faculty and students, (3) properly growing enrollments, and (4) an energetic and ambitious endowment campaign. It is very important that we not delay the further academic and financial restructuring needed for us to invest properly in our academic future. Thank you for your dedicated work, for your attention to the current matter, and for your forthcoming contribution to our institutional decision-making process.

c: Board of Regents, Administrative Staff

POLICY ON REDUCTION AND REALLOCATION OF FACULTY POSITIONS

A. Purpose. The rules and procedures set forth herein are intended to achieve the following ends:

1. To establish and maintain orderly procedures for reduction or reallocation of faculty among various academic units or sub-units if or when the university is faced with financial exigencies or extraordinary circumstances.
2. To provide members of the university faculty with an opportunity to participate in decisions relating to reduction/reallocation in force. (See Sections C and E.)
3. To provide maximum feasible notice in advance to faculty members who must be terminated from employment at Pacific Lutheran University in connection with a reduction/reallocation in force.
4. To seek further to minimize the distress caused faculty members who may be terminated in connection with a reduction/reallocation by providing assistance in securing re-employment.

B. Definitions. As used herein, the following terms shall have the indicated meaning.

1. "Financial exigency" is a demonstrably bona fide situation in which the university faces an imminent financial crisis which threatens the survival of the institution as a whole and which cannot reasonably be alleviated by less drastic means than those covered in these policies and procedures.
2. "Reductions/Reallocations in force" shall refer to the reallocation of faculty positions among, and the reduction or consolidation in whole or part of academic units or sub-units, or other cause.
3. "Academic unit" shall refer to a college, school, division, or department.
4. "Academic sub-unit" shall refer to (a) a recognized program of study within an academic unit; (b) recognized subdivisions of an academic discipline.

C. Initiation of Reduction/Reallocation of Tenured Faculty Positions. In the event of demonstrable financial exigency or planned discontinuance or reduction of an academic unit or sub-unit, which can be expected to involve tenured faculty positions, the university president, in consultation with the Board of Regents and the faculty, shall initiate the reduction/reallocation procedures. Such an initiative shall be accompanied by a written statement of reasons why such action is necessary or appropriate, and copies shall be given to all members of the Board of Regents and the faculty. The normal right of faculty members to petition the president, or the Board of Regents, shall apply to the initiation of these procedures.

D. Reduction of Full-Time Tenured Faculty Positions or Reallocation of Such among Academic Units.

1. The faculty should be informed as early as possible of significant impending financial difficulties. It should participate at all levels of the process in advising and recommending with regard to key decisions as to the future of the institution and of specific academic programs within the university. Faculty action should be effected as outlined elsewhere in this document, and particularly through the establishment and utilization of a Joint Committee on Reduction/Reallocation in Force. This joint committee shall be composed of the members of the Faculty Affairs Committee, Educational Policies Committee, and Rank and Tenure Committee, acting in concert and electing their own special officers for this joint committee operation.
2. When it has been determined by the Board of Regents in consultation with the provost, the president, and the Faculty Joint Committee that a reduction/reallocation resulting in reduction in force is or may be necessary, the president, in consultation with the provost and Faculty Joint Committee, will request the development of proposals concerning the reallocation or reduction of full-time faculty positions among the university's academic units and sub-units. Any discontinuance of an academic unit or sub-unit is an action that would take into account, among other things, educational considerations made by the faculty.
3. In the event that a reduction or reallocation of force is necessary, each academic unit shall develop a proposal and submit it in writing to an appropriate higher level academic unit(s) of which it is a part for review and for subsequent submission to the Faculty Joint Committee for its review and recommendation. The Faculty Joint Committee shall work in consultation with the provost. Its recommendations, along with those of the provost, shall then be forwarded to the president along with initial proposals and all accompanying reviews and recommendations.

After considering these materials and any other available information, the president or the president's designate shall prepare a written recommendation for presentation to the Board of Regents. In any case in which the president's recommendation differs from those of an academic unit, the provost, or the Faculty Joint Committee on Reduction/Reallocation in Force, these differences shall be attached to the president's recommendation for consideration by the board. Copies of the president's recommendation to the board shall be given to all faculty members.

4. The Board of Regents, exercising legally designated authority, will review the recommendation of the president and all accompanying materials. At the conclusion of its review, the board will determine an appropriate course of action.
- E. Reduction of Non-Tenured Faculty Positions. When conditions of financial exigency or other extraordinary circumstances make it apparent that retrenchment affecting non-tenured faculty is appropriate, the president, through the Office of the Provost, shall promptly inform the faculty, through their respective academic units and sub-units, of the nature and extent of the situation and shall cause a plan for orderly action to be prepared. The plan shall be developed after consultation with the Educational Policies Committee, Faculty Affairs Committee, and Rank and Tenure Committee and with faculty and administration of all affected academic units and sub-units.
- F. Termination of Tenured Faculty Members from Employment. In those instances in which it is necessary to reduce tenured faculty positions the following procedures shall apply:
 1. If in a given academic unit where a reduction in faculty is to be made it is determined that individual faculty members are not qualified to perform the duties, functions, and responsibilities of any other academic units or sub-units of the university, those individuals with least retention priority as determined in F,3 and 4 will be terminated from the faculty. In the event a faculty member whose position in a given academic unit or sub-unit is eliminated is qualified to teach in another unit or sub-unit of the university, his or her right to such a position shall be determined in accordance with the criteria in F,3 and 4 and with his or her tenure rights preserved. The qualification of faculty members who have been terminated from positions in their original academic units to teach in other academic units of the university shall be determined by the provost in consultation with the administration and faculty of those academic units to which the faculty member might be transferred. Normal procedures for determining faculty qualifications shall be respected. A faculty member whose position has been terminated and who wishes to remain on the faculty has the responsibility to suggest appropriate areas in which that faculty member might serve.
 2. In each instance in which it is necessary to distinguish among faculty members who have been determined to be qualified only in academic units or sub-units where the number of qualified faculty members exceeds the remaining positions available, the relative retention priority shall be determined on the basis of criteria in F,3 and 4.
 3. The following criteria shall be used in determining the relative retention priority of faculty members in those academic units or sub-units in which they are qualified to serve. (Certain exceptions are set forth in F,4.)
 - a. Tenured faculty members shall have priority over all untenured faculty members.
 - b. Among faculty members with tenure, the member with the most points accrued according to the following formula relating seniority and rank shall have the highest retention priority. For service on the faculty of Pacific Lutheran University, a member shall accrue 3 points for each year at the rank of instructor, 4 points for each year at the rank of assistant professor, 5 points for each year at the rank of associate professor, and 6 points for each year at the rank of professor. Service at other institutions shall not be used in this formula. (Years of service for the purposes of this subsection shall be computed in the following manner: years of service shall be measured from the first day of contractual employment as a faculty member at Pacific Lutheran University. It shall include all sabbatical and special leaves granted prior to the adoption of these procedures. After their adoption, it shall be determined at the granting of special leaves of absence whether the leave is to be counted toward years of service.)
 - c. Among tenured faculty members with equal points according to the formula in 3,b above, the member who has obtained the highest academic degree appropriate to his or her academic duties at Pacific Lutheran University shall have the greatest retention priority.

- d. Among tenured faculty members of equal rank/seniority points and equal degree, that faculty member chosen by the president of the university in consultation with the faculty of the appropriate areas as most essential to the program of the university shall have greatest retention priority.
4. In instances where essential needs of the university, unique and essential competencies of individual persons, or essential requirements established by affirmative action programs exist, and where, therefore, it seems that exceptions to the above procedures are needed, the president may take such action as necessary to prevent significant adverse impact. In making such a decision, it is expected that the president will consult with and request a recommendation from the provost, the relevant academic administrative unit(s) and its(their) faculty members, and the Faculty Joint Committee on Reduction/Reallocation in Force, and seek the approval of the Board of Regents. It is also expected that the president will take into account the information in the files resulting from the mandatory reviews of faculty members. In an extraordinary situation in which it is contemplated that a non-tenured faculty person might be retained in preference to a tenured faculty person of the same academic unit, it shall--in addition to the above procedures--be necessary to secure the approval of the Faculty Joint Committee.

G. Notice of Termination.

1. Notice of termination from employment at Pacific Lutheran University in connection with a reduction in force shall be given to affected faculty members by the president in accordance with the guidelines established by the Faculty Constitution and Bylaws, Article V.
2. A faculty member who files an appeal from a notice of termination shall be deemed to have received formal written notice of termination as of the date of receipt of the original notice, and not as of the date of the final decision on the appeal.

H. Hearing and Appeal Procedures.

1. Faculty Committee.

- a. Any tenured faculty member who feels aggrieved by a notice of termination under these procedures shall be entitled to a hearing before a faculty committee. (This faculty committee shall be chosen following the same procedures as established for the election of the Faculty Formal Dismissal Hearing Committee as set forth in Article VI, Section 2, Faculty Constitution and Bylaws.) The request for a hearing must be made within 30 days after receipt of notice of termination. The hearing shall take place within 30 days of the request. The hearing need not conform in all respects with a proceeding conducted pursuant to Article VI, Faculty Constitution and Bylaws, but the essentials of an on-the-record informal adjudicative hearing will be observed. The issues in this hearing may include:
 - (i) The existence and extent of the condition of financial exigency. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.
 - (ii) The validity of the educational judgments and the criteria for identification for termination. The recommendations of appropriate faculty bodies on these matters and the plans for retrenchment/reallocation generated according to the procedures of Section D of this document shall be considered presumptively valid.
- b. The faculty committee shall report its finding and make a recommendation to the president within 15 days after the completion of the hearing.

2. President.

- a. The president shall review the findings of the faculty committee, and after discussing the matter with the aggrieved faculty member, shall recommend action to the board.
- b. Should the faculty member prefer, he/she may appeal directly to the president without using recourse to the faculty committee process.

3. The Board of Regents.

After receiving the president's recommendation, the Board of Regents will discuss the termination with the aggrieved faculty member should the faculty member request it. The board will then review the president's recommendation with the president and will either uphold the previous decision or approve a rescission.