

Title: Reduction in Force	Number: 6.28	Page 1 of 4
Legal Citation (if Applicable)	Related Procedure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Board Approval/Revision: 15 May 2015	

Policy Statement. The purpose of this policy is to provide guidelines for implementing a Reduction in Force affecting Faculty Members of the College. The Board of Trustees recognizes that the College, pursuant to this policy, may be required to reduce or eliminate certain faculty positions depending on the legitimate educational needs of the College as determined by the Board of Trustees and the College President in consultation with the Faculty Senate.

Application. This policy applies to all full-time regular faculty members (“Faculty Member”) and does not apply to adjunct faculty, provisional faculty, interim or term faculty, or grant funded faculty.

Definitions.

“Fiscal Emergency” is any material decline in the ability of the Board of Trustees to fund the operation of the College which threatens the ability of the College as a whole to maintain its previous level of operations or previous standards in the fulfillment of its role and mission, as determined by an affirmative vote of the Board of Trustees. A Fiscal Emergency determination may be based upon current revenue and expenditure projections, a reduction in the sum total of general fund revenues appropriated by the Board of Trustees and cash funds received or maintained by the Board of Trustees or a reduction in the Board of Trustee’s appropriations. In determining a fiscal emergency, the Faculty Senate will be consulted to determine that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of appointments have been pursued, including expenditure of one-time money or reserves, furloughs, pay cuts, early retirement options, deferring non-essential capital expenditures, and cuts to non-educational programs and services, including expenses for administration.

“Program Areas” are units within the College which may provide the basis for determining which Faculty Member(s) will be reduced when a Reduction in Force is necessary with respect to one or more designated Program Areas. Program areas include all academic disciplines that result in certificate, associate, or bachelor degrees or are part of a collegewide discipline, such as mathematics or social sciences.

“Academic Criticality” refers to the instructional importance of particular academic programs and courses. Factors to determine “criticality” should include but not be limited to current student enrollments, geographic availability, academic necessity, and other related criteria. Academic criticality should be determined at the time of a reduction in force and in consultation with the Faculty Senate.

Title: Reduction in Force	Number: 6.28	Page 2 of 4
	Related Procedure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Legal Citation (if Applicable)	Board Approval/Revision: 15 May 2015	

“Reduction in Force” is a termination of the contract of employment of a Faculty Member based on reasons other than non-renewal or dismissal for cause and shall be confined to collegewide grounds. Non-renewals or dismissals for cause that do not affect the entire college or are limited to particular a program or programs are not considered reductions in force. In developing a plan for implementing a Reduction in Force, the College President shall seek to balance terminations resulting from a financial emergency across administrative and instructional positions at the college.

“Relative Competency” means a Faculty Member's competency as compared to others in the same Program Area, and shall be determined based on proficiency and capability of a Faculty Member in performing assigned duties, contributions to the College, employment history with the College, employee evaluations, student evaluations, and other factors reasonably related to competency. A determination of lower relative competency does not mean the Faculty Member is incompetent as defined as grounds for dismissal. In the event of a RIF, the Faculty Senate shall recommend a procedure to determine competency of faculty members, which shall involve a peer review process that includes faculty in the same or closely related discipline.

“Seniority” is the number of full-time faculty contract years of employment with the College. Seniority will not be broken by College authorized unpaid leaves of absence, but such leave time will not be counted in computing seniority.

“State Funds” are funds appropriated to the Board of Trustees by the General Assembly and allocated by the Board of Trustees.

Reduction in Force

Grounds. The grounds for Reduction in Force may be determined on a College-wide, campus-wide or Program Area basis and shall include the following:

Justifiable lack of work,

1. A reduction or elimination of State Funds;
2. A Board of Trustees declaration of a Fiscal Emergency as defined in this policy; and/or
3. The College experiences a demonstrable and significant decline in enrollment, FTE, or headcount College-Wide over a three-year period.

Title: Reduction in Force	Number: 6.28	Page 3 of 4
Legal Citation (if Applicable)	Related Procedure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Board Approval/Revision: 15 May 2015	

Non-renewals or dismissals for cause that occur at a campus or program area levels shall not require the involvement of the Board of Trustees.

Discontinuance of Program Area Based on Program Review. This policy shall not apply to, restrict or prohibit the elimination of positions due to a customary and standard elimination of a Program Area for any other justifiable academic reason as determined by the College President.

Initial Determination. It is the responsibility of the College President to determine whether one of the above grounds will require a Reduction in Force. As soon as it becomes apparent to the College President that a Reduction in Force is necessary, the College President shall determine the number of reductions which may be accommodated by retirements, resignations, dismissals, non-renewals, leaves, or other types of normal attrition.

Criteria for Reduction. When the necessary reduction cannot be satisfied by the Initial Determination, the College President, in consultation with the Faculty Senate, shall identify the person(s) to be reduced in affected Program Area(s) based upon academic criticality, competency, and seniority. After determining academic criticality, competency will be considered. If competency is equal, then seniority shall be considered. If the competency of all Faculty Members is not relatively equal, then the least competent Faculty Members shall be terminated first, without regard to Seniority, before any other reductions are made.

The employment of part-time Faculty Members shall be terminated prior to the termination of any full-time Faculty Member. The employment of provisional Faculty Members shall be terminated prior to the termination of non-provisional Faculty Members.

Notice. The College President shall compile a list of Faculty Members required for the necessary number of Reductions in Force and give written notice to each Faculty Member to be terminated due to a Reduction in Force. Every reasonable effort will be made to allow an affected Faculty Member to complete the current academic year; however, in no case shall the effective date of termination be sooner than sixty (60) days after the date the notice was sent to the Faculty Member. Salary and benefits shall remain in force until the effective date of termination.

Title: Reduction in Force	Number: 6.28	Page 4 of 4
Legal Citation (if Applicable)	Related Procedure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Board Approval/Revision: 15 May 2015	

Review. A Faculty Member who is reduced in force shall have the right to request within ten (10) business days of service of notice a Peer Review Committee as hereinafter provided. There shall be no right to review by a Peer Review Committee for the grounds determined to initiate a Reduction in Force. Review shall be limited to the Initial Determination and Criteria for Reduction.

Reassignment; Retraining. The College President shall offer to Faculty Members the opportunity to be reassigned to other vacant positions, if any, for which the Faculty Member is qualified, provided that such reassignment shall not displace any other contractual employees. If the College President determines that a reasonable opportunity exists, a Faculty Member shall also be given an opportunity to retrain, at the Faculty Member's expense, to meet the qualifications required to move into a vacant position.

Rehire. Faculty Members who have been reduced in force under this policy shall have the right to be rehired into the Program Area from which they were reduced when an opening occurs in a regular position. Such right shall extend for a period of two years from the effective date of their reduction. Faculty Members who are so rehired shall have all the benefits, salary, and fringe benefits reinstated.

Revisions

No revisions of this policy shall be adopted except after consultation with the Faculty Senate and approval by the Board of Trustees.

Procedures

The College President shall promulgate procedures, in consultation with the Faculty Senate, as necessary to implement this policy.