

**Minutes of
THE FACULTY SENATE
OF ARKANSAS TECH UNIVERSITY**

This May 1, 2024, meeting of the 2023-2024 Faculty Senate was held at 3:00 p.m. on Tuesday, May 1, 2024, in Rothwell 456 and via Webex.

The following members were present:

Mr. Stan Apple	Ms. Tara Malone
Dr. Michael Bradley	Dr. Julie Mikles-Schluterman
Dr. Jon Clements	Dr. Tom Nupp
Dr. Rene Couture	Dr. Michael Rogers
Dr. Melissa Darnell	Dr. Kuldeep Singh
Dr. Peter Dykema	Dr. Bethany Swindell
Ms. Jasmine Greer	Ms. Sherry Tinerella
Dr. Jacob Grosskopf	Dr. Ellen Treadway
Dr. Newt Hilliard	Dr. Erica Wondolowski
Dr. Virginia Jones	Ms. Susan West
Dr. Carey Ellis Laffoon	Dr. Azin Sanjari Pirmahaleh

Also present: Dr. Russell Jones (President); Dr. Adolfo Santos (VPAA/Provost); Dr. Jeannine Myers (Associate VPAA); Ms. Tammy Weaver (Registrar)

1. Call to Order (Hilliard) at 1:00 p.m.
2. Approval of March Minutes-Motion to approve the minutes from the September meeting from Dr. Swindell, seconded by Dr. Bradley. Motion carried.
3. Committee Updates
 - a. Standing Committees
 - i. Budget Advisory Committee (Nupp)
Dr. Tom Nupp shared four slides related to the work of the Equity Pay Committee's effort to determine an equitable salary pay formula. Please see the Faculty Senate minutes for more information about this process and the proposed formula with examples using CIP codes.
 - ii. General Education Committee (Tinerella) No report
 - iii. Institutional Aid Committee (Taylor) No report
 - iv. Shared Governance Committee (Hilliard) No report
 - v. Campus Space and Utilization Committee: (Singh) No report
 - vi. Faculty Salary and Benefits Committee: (Hilliard) No report
 - viii. Institutional Scholarship Appeals Committee (Swindell) No report
 - ix. Professional Development Committee (Dykema) No report
 - x. Technology Prioritization and Impact Committee (Apple) No report
 - xi. Emergency Management and Safety Committee (Laffoon) No report
 - a. Ad Hoc & Senate Committees

- i. Faculty Workload Committee (Darnell) No report
 - ii. Insurance Benefit Committee (Clements) No report
 - iii. Faculty Senate Diversity and Inclusion Action Committee (Wondolowski) No report
 - iv. Prior Learning Assessment (Mikles-Schluterman) No report
 - v. Micro-Credentials (Bradley) No report
 - vi. Rules Committee (Dykema) No report
 - vii. Recruitment and Retention (Laffoon) No report
- v. New Business
 - a. President's Update (Jones)
 - Dr. Russell Jones expressed his appreciation of Dr. Mike Roger's work with the Retrenchment Policy writing committee to provide university counsel with a draft document that can be finetuned for ATU Board of Trustees consideration at a future meeting.
 - Dr. Jones also spoke on the 2% of side-aside funds in the faculty salary budget line for equity pay raises for 2024-2025 that he hopes will go into effect on January 1, 2025. Dr. Jones explained that equity pay raises will be dependent on fall enrollment, especially freshman enrollment, which is behind all other enrollment categories at this time. The good news, he reported, is that there are indications that high school students are choosing ATU Russellville and Ozark, a positive sign that enrollment will continue to increase prior to the start of the 2024-2025 academic year.
 - Dr. Jones reminded Faculty Senate of the Higher Learning Commission's virtual visit next year for the five year review. He encouraged the university community to be proactive in correcting the ATU website with the assistance of MARCOMM, which is hiring a staff member to assist in the effort.
 - Dr. Jones spoke on differentiated course and program fees, which were approved at the ATU Board of Trustees during their April meeting. He noted that some course prefixes in the attached memo are incorrect and will be corrected and sent to college deans. He noted that no new revenue will come from differentiated fees. On the contrary, the per-hour differentiated fees will go directly to the department for related program and course expenses. Administrative fees will be directed to the deans for their discretionary fund (60%), to the VPAA for support of academics (15%), and to Administration and Finance to cover processing costs of the fees (25%). Dr. Jones noted that discretionary fee formulas may change and asked that the attached memo be considered a "living document."
 - b. VPAA/P Update – (Santos)
 - Dr. Santos invited Faculty Senate to form a committee to explore creating a day in the spring to discuss program assessment data. The purpose of a day of data discussions would be to report on data collected in programs and courses to gauge if students are meeting program learning objectives. Data would enable faculty to set goals for improving student learning and student retention. Dr. Santos acknowledged that many programs already collect copious amounts of data for various accreditation bodies and requirements. There are some programs,

however, that may not self-assess on a regular basis and would benefit from assessment and evaluation efforts for program improvement.

- Dr. Jones echoed the importance of assessment efforts and the use of data to adjust academic programs. He described data as a means for faculty to “close the loop” in the teaching and learning cycle, which would allow them to make often difficult decisions about change.

c. Equity Pay Committee (Nupp)

Ms. Tara Malone and Dr. Erica Wondolowski asked about adjunct instructors and the equity pay formula. Currently, adjunct faculty are not included in the planned equity pay plan, as adjunct pay is based on comparisons with other Arkansas universities. Faculty Senate will continue to address the need to supplement adjunct pay in the future.

d. Faculty Senate Elections (Hilliard)

Elections for University Faculty Standing Committees for 2024-2025 at-large positions and Faculty Senate chair-elect opened on May 4. Faculty are asked to access the Blackboard course in Organizations and cast their vote before May 9 at 12:00 pm. Please contact Dr. Ellen Treadway with questions about the ballot: etreadway@atu.edu or 479-880-4901.

a. X Period (Clements)

Dr. Jon Clements led a discussion on the X Period for student and faculty committee meetings that will go into effect in spring 2025. He described how the X Period could impact music course, practice, and performance schedules. Dr. Adolfo Santos clarified that this time will give student organizations the opportunity to meet on a Tuesday and Thursday schedule from 1:40 to 2:30 pm. Departments and programs that have class, lab, or internship scheduling conflicts are asked to communicate with Academic Affairs to discuss a possible exemption and an alternative meeting time. Department chairs are in the process of restructuring spring 2025 schedules in preparation for the X Period.

vi. Old Business

a. Academic Calendar Report (Laffoon)

Dr. Carey Ellis Laffoon updated Faculty Senate on efforts to explore moving Fall Break to Thanksgiving Break week. Dr. Jeanine Myers will send a survey to students in the fall to gauge their position on this possible future change to the academic calendar.

b. Recruitment and Retention Committee (Myers)

Dr. Myers reported on the work of the Recruitment and Retention Committee to provide additional support for students by providing instructors with information related to academic progress starting this fall.

c. Faculty Choice Award (Jones)

Dr. Gini Jones shared the successful awarding of the Faculty Senate Choice Award to Andrea Eubanks in the VPAA/Provost Office for her support to academics in 2023-2024. Thank you for everything that you do, Ms. Eubanks!

vii. Open Forum

- During Open Forum, Dr. Santos shared positive data related to international transfer students. He reported 30% of international students and 19% of

undergraduate students transferred to ATU from universities across the U.S. in 2023-2024. The reasons stated by current students are ATU's lower tuition and an affordable cost of living. Dr. Santos recommended exploring ways to recruit students from other universities, especially international students.

- Dr. Jones requested that faculty share their impressions of May graduation with Dr. Nupp, as this year, graduation has been scheduled differently than in the past. December graduation will be held as in the past due to cost.
- Finally, Senators enthusiastically thanked Dr. Newt Hilliard for his fearless leadership and service to the university as Faculty Senate Chair in 2023-2024. Dr. Hilliard will pass the gavel to Dr. Tom Nupp at the August 2024 Faculty Senate meeting.
- Please watch the Faculty Senate webpage for meeting dates and changes to the senator roster as Faculty Senate prepares for the 2024-2025 academic year.

iv. Announcements and Information Items

v. Adjournment Motion to adjourn by Dr. Michael Rogers at 4:41 p.m. Seconded by Dr. Arwen Taylor. Motion carried.

Respectfully submitted,

Newt Hilliard

Dr. Newt Hilliard, Chair

Ellen Treadway

Dr. Ellen Treadway, Secretary

Attachment A

General Education Courses

Note: General Education courses are determined through curriculum committee regulations and this listing is a point in time representation. Future academic years may develop varying coursework as curriculum changes.

COLLEGE COURSE

Arts & Humanities AMST2003
Arts & Humanities ANTH1213
Arts & Humanities ANTH2003
Arts & Humanities ART2123
Arts & Humanities COMM1003
Arts & Humanities COMM2003
Arts & Humanities COMM2173
Arts & Humanities ENGL1013
Arts & Humanities ENGL1023
Arts & Humanities ENGL2003
Arts & Humanities ENGL2013
Arts & Humanities ENGL2023
Arts & Humanities ENGL2173
Arts & Humanities ENGL2183
Arts & Humanities FR1013
Arts & Humanities GEOG2013
Arts & Humanities GER1013
Arts & Humanities GER1023
Arts & Humanities HIST1503
Arts & Humanities HIST1513
Arts & Humanities HIST1543
Arts & Humanities HIST1903
Arts & Humanities HIST2003
Arts & Humanities HIST2013
Arts & Humanities HIST2043
Arts & Humanities JOUR2173
Arts & Humanities JPN1013
Arts & Humanities JPN1023
Arts & Humanities MUS2003
Arts & Humanities PHIL2003
Arts & Humanities PHIL2043
Arts & Humanities PHIL2053
Arts & Humanities POLS2003
Arts & Humanities PSY2003
Arts & Humanities SOC1003
Arts & Humanities SPAN1013
Arts & Humanities SPAN1023
Arts & Humanities TH2273

Business & Economic Development AGBU2063
Business & Economic Development AGBU2073
Business & Economic Development ECON2003
Business & Economic Development ECON2013
Business & Economic Development ECON2103
Business & Economic Development FIN2013
Education & Health LEAD1003
Education & Health LEAD2003
STEM BIOL1014
STEM ENVS1004
STEM GEOL1004
STEM GEOL1014
STEM MATH1003
STEM MATH1113
STEM PHSC1113
STEM PHSC1121
STEM STAT2163

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ATU Retrenchment Policy

1. Retrenchment of Faculty Positions Due to Financial Exigency or Program Discontinuance

- a. **Preamble** - Arkansas Tech University (ATU) recognizes circumstances arise necessitating the reduction or discontinuance of academic programs, thus affecting faculty positions. These circumstances can be due to financial exigency or program discontinuance. Arkansas Tech University is dedicated to retention of all faculty exhibiting a verifiable history of fulfilling all obligations as stipulated in their employment agreements, annual faculty evaluations, and the ATU Faculty Handbook. Accordingly, ATU eliminates programs and its corresponding faculty only in rare circumstances, as needed for efficiencies and successful operation of the institution. The following policy is applicable to faculty affected in instances where a program of study offered by ATU is eliminated and is NOT applicable in instances of individual faculty dismissal "for cause" (see Section II on Termination of Appointment by the Institution Above).
- b. **Guiding Principles**- - ATU is committed to a transparent and objective process that places a priority on maintaining the academic integrity of the university, while respecting the tenure and contributions of its faculty members (see Section II A on Tenure and Academic Appointments). Likewise, Arkansas Tech University recognizes the faculty, under the principles of shared governance (see Section II A on Shared Governance), maintain predominant authority over the curriculum and must play an integral advisory role in any process or decision regarding program retrenchment or loss of faculty positions. Thus, faculty retrenchment procedures are guided by the following principles:
 - i. **Transparency**: All decisions concerning program retrenchment or faculty reductions will be executed with full disclosure of all materials used in evaluation or decision-making, along with a detailed rationale and elaboration on underlying factors contributing to such determinations.
 - ii. **Equity/Objectivity**: The University is committed to ensuring all decisions are made without bias, upholding the highest standards of justice and institutional integrity. Retrenchment for financial exigency or program discontinuance *may not be used to discriminate based on race, gender, age, religion, or other protected classes*. Further, retrenchment for financial exigency or program discontinuance *may not be used to suppress, coerce, or punish faculty to limit academic freedom, first amendment rights, or be used as a general threat against an individual faculty member or department/program* because of open and valid disagreements with policy or procedures of the university.
 - iii. **Rights of the Affected Faculty**: Faculty members impacted by these decisions will be granted a structured mechanism to present objections, seek clarifications, and, where permissible, appeal the decision. More specifically, impacted faculty members will have the following enumerated rights under conditions of retrenchment:
 1. *Right to Transparency*- Affected faculty have a right to a clear explanation in writing of the reasons for the decision to eliminate their positions and when the date that the position elimination is effective.
 2. *Right to Reassignment*- ATU should exhaust all alternatives for affected faculty, e.g., offering alternative position or assignments at ATU relevant to their qualifications and credentials, offering early retirement or retirement incentives if feasible, etc.
 3. *Right to Reasonable Notice*- Faculty members subject to position elimination will be provided with reasonable notice, as specified (see Number 3 under the heading Academic Termination Policies and Procedures below). Affected faculty will have 10 business days to seek clarification, object, and appeal (see the Appeal Process, section c below).
 4. *Right to Career and Retirement Counseling Services*- ATU should provide support services, such as career counseling, job search assistance, and recommendation letters for affected faculty.

Salary Equity: general rules

- 1st year in rank = 20th percentile of comparison salaries (approximately 90% of median)
- 5th year in rank = 50th percentile (the median)
- Each year over 5 years in rank would adjust by +2% of the median up to 120% of median
- Apply regional adjustment

Identify your
CIP Code [NCES](#)



What is your rank?
(Instructor, Assistant
Professor etc.)



How many
years in that
rank?

Example 1: New Assistant Professor of Music

CIP: 50.09 Music

Rank: Assistant Professor

Years in rank: 0

20th percentile of comparison salaries = \$56,133

Regional adjustment???

Example 2: Professor of Chemistry

CIP: 40.05 Chemistry

Rank: Professor

Years in rank: 6 (Mature (5 years in) + 1 year above)

Median CUPA salary = \$94,603

Rank adjustment 1 year beyond maturity in rank * 2%

= 2% above median

$\$94,603 * 1.02 = \$96,495$

Regional adjustment???

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 4. **Right to Career and Retirement Counseling Services**- ATU should provide support services, such as career counseling, job search assistance, and recommendation letters for affected faculty.

5. *Right of First Refusal and Reappointment*- Based on tenure and rank, affected faculty members have a right over the next 3 years from termination to first refusal of the same position if it is reinstated. If the university re-establishes a program of study identical or comparable to a program cut within the previous 4 years due to retrenchment, then based on tenure and rank affected faculty from the cut program must be given first refusal for hire in the newly created program. They should be reinstated at the rank and tenure status they held prior to termination.

2. Terms and Definitions

- a. **Standard Program Change (Not Retrenchment)**—Standard program change occurs as a function of evolving academic, industry, or university strategic mission changes (e.g., new courses, course deletions, program modification, minor restructuring). **Retrenchment for bona fide financial exigency or program discontinuance is NOT standard program change and should not be conflated or confused with standard program change.** This type of change is less disruptive than retrenchment and is aimed at program and/or curriculum improvement.
 - i. For example, standard program change *does not* include elimination of faculty positions or leaving faculty positions unfilled, which can inhibit the academic program. If budgetary concerns are such that it becomes necessary to eliminate faculty positions, then it is no longer standard program change but retrenchment and the procedures for program retrenchment apply.
- b. **Retrenchment**- Retrenchment is a reduction of academic programs, services, faculty positions, or other educational resources within an academic institution because of 1) a *bona fide* financial exigency or 2) program discontinuance.
 1. **Bona Fide Financial Exigency**- is a significant financial crisis that imperils the institution's future viability and necessitates immediate, substantial, and potentially transformative changes. As a consequence, retrenchment and restructuring may become necessary. Further, *bona fide* financial exigency is a university-wide issue requiring input from faculty, staff, administrators, and students in ATU board decisions in a short period of time.
 - i. *Bona fide* financial exigency need not automatically result in termination of faculty members. ATU offers a variety of degree programs and many faculty members are vital to multiple degree programs. While *bona fide* financial exigency likely will result in some program discontinuation, preserving faculty positions should be a central concern, as long as it is consistent with the financial viability of ATU.
 - ii. As *bona fide* financial exigency is a university-wide crisis, decision making requires a more expedited timeline that differs from the standard academic calendar.
 2. **Program Discontinuance**- Program discontinuance occurs when the ATU board has approved changes in planning and operational activities. Program discontinuance may include changes to the institutional mission, substantial academic program changes, and/or reallocation of resources, significant alterations to the academic core of the institution, including eliminating entire programs, departments, or a substantial reduction in financial resources requiring a restructuring of the entire institution as a response to major shifts in enrollment, funding streams, and/or institutional priorities.
 - i. Program discontinuance may directly affect multiple programs and the curriculum more broadly under conditions that do not raise to the level of a university-wide *bona fide* financial exigency crisis.
 - ii. Program termination does not automatically result in termination of faculty members. ATU offers a variety of degree programs and many faculty members are vital to multiple degree programs, so program discontinuance need not necessitate faculty retrenchment.
 - iii. Accordingly, the period for input from affected programs, faculty, administrators,

and students will normally follow the standard academic calendar. The types of information required in decision making and deadlines are included below.

3. **Relevant Faculty Governance Committees** - In the context of retrenchment for *bona fide* financial exigency and/or program discontinuance, relevant faculty governance committees refer to specialized bodies within university governance tasked with maintaining academic standards through oversight of curriculum, academic programs, and academic policies. These committees include, but are not limited to, the Curriculum Committee, the General Education Committee, Graduate Council, Faculty Senate, and any *ad hoc* committees for *bona fide* financial exigency or program discontinuance, etc.
 - i. Departments should routinely, ideally annually, do self-assessments and evaluations of their programs relevant to program viability measures in consultation with the curriculum committee, dean and VPAA/P.
3. **Declaration of Financial Exigency or Program Discontinuance**
 - a. The process for declaration of *bona fide* financial exigency or program discontinuance at Arkansas Tech University is as follows:
 1. The President, after consultation with the Vice President for Academic Affairs/Provost (VPAA/P) and the Vice President for Administration and Finance (VPAF) preliminarily determines if a state of *bona fide* financial exigency or program discontinuance needs to be declared.
 - i. NOTE: Whether program discontinuance is initiated by the ADHE or internally by the Board of Trustees, the retrenchment process described below is to be followed.
 2. Faculty Senate, in consultation with other relevant governance committees, shall review and recommend or not recommend, by majority vote, to declare a state of *bona fide* financial exigency or program discontinuance. The Faculty Senate is an advisory body in this process; its decision is a recommendation only intended to let the president and the Arkansas Tech Board of Trustees know the faculty's thoughts on the issue.
 3. Upon review of the recommendation by the Faculty Senate, the President officially submits the intent to declare a state of *bona fide* financial exigency or program discontinuance to the Arkansas Tech Board of Trustees.
 4. The Arkansas Tech Board of Trustees shall review the intent to declare a state of *bona fide* financial exigency or program discontinuance. The ATU Board of Trustees will then vote to either affirm or not affirm a *bona fide* state of financial exigency and/program discontinuance and decide what retrenchment of programs and faculty positions is needed.
 5. Upon an approved declaration of a state of *bona fide* financial exigency or program discontinuance by the ATU Board of Trustees, the President in consultation with the VPAA/P and VPAF will establish a Retrenchment Review Committee (see Appendix A for Retrenchment) to develop a plan for retrenchment and act as oversight of the process outlined below.
4. **Plan for Retrenchment as a Result of Financial Exigency or Program Discontinuance**
 - a. Plan Development for *Bona Fide* Financial Exigency or Program Discontinuance—Following the Board of Trustees' decision to declare *bona fide* financial exigency or program discontinuance, the Deans of the impacted colleges must initiate the development of a retrenchment plan for their programs and affected faculty following the directives of the president, VPAA/P, and Board of Trustees.
 1. All recommendations for retrenchment originate in the office of the dean of that college. Once affected programs are identified, the affected program(s) or department(s) receives the plan of retrenchment with all related and relevant documents and evidence (e.g., to include, but not limited to, budget summaries and projections, all financial reports related to *bona fide* financial exigency, all reports provided by state agencies or accrediting bodies suggesting a program may be running at a loss, not meeting standards of viability, enrollment trends, student outcomes,

return on investment, projected levels of state and private funding for the subsequent three years, identification and numbers of programs and faculty positions affected, cost benefit justification for selecting those programs and/or faculty positions, etc.). The department head shall form a representative committee of faculty in the affected program/department to review the plan of retrenchment and forward a recommendation, including supporting data, to the VPAA/P and relevant governance committees, within 10 working days, whether they concur with the plan of retrenchment.

2. Relevant governance committees, including but not limited to, the Curriculum Committee, General Education Committee (if applicable), and/or Graduate Council (if applicable) shall review the plan of retrenchment for *bona fide* financial exigency and departmental recommendation to develop their own recommendation on retrenchment, within 10 working days, to the VPAA/P and Faculty Senate, whether they concur with the plan of retrenchment.
 3. The plan of retrenchment, departmental recommendation, and governance committee recommendation(s) are forwarded to the Faculty Senate for review. The Faculty Senate shall review all supporting documentation for the plan of retrenchment and forward a recommendation, within 10 working days, to the VPAA/P explaining whether they concur.
 - i. NOTE: The Department's, the relevant governance committees', and the Faculty Senate's decisions are advisory recommendations for the ATU administration. The final decision on program and faculty retrenchment lies with the Board of Trustees.
 4. The VPAA/P shall review the recommendations made by the department and ALL representative governance committees and forward them, along with the VPAA's final recommendation, to the President, who will report the department, governance committees, and the VPAA's final recommendation, along with the President's recommendation, to the Board of Trustees.
 5. The Board of Trustees shall either approve, ask for revisions or revise themselves, or not approve the proposed retrenchment plan. If approved or revised and approved, the VPAA/P is charged with initiating the retrenchment plan.
 - b. The only difference in the development of the retrenchment plans between *bona fide* financial exigency and program discontinuance is the timeline. The difference in timeframe for each follows:
 1. Given that a state of *bona fide* financial exigency represents an existential fiscal crisis for the university, planning and decisions regarding retrenchment may require a shorter timeline than the standard academic calendar. Given the financial crisis facing ATU, each level will need to respond to the retrenchment policy with their recommendation in a timely fashion, i.e. within 10 business days. From declaration to retrenchment plan development to enactment must all likely occur within a few months.
 2. Given that program discontinuation is not a university-wide crisis and there are state guidelines to follow, the timeframe is as follows:
 - i. The timeframe begins with the ADHE 2-year probationary period to make program changes and become viable once ATU puts a program on its nonviable list.
 - ii. If no improvement in program enrollment ensues, the declaration, development of the retrenchment plan and its implementation will follow the curriculum timeline as established in ATU's standard academic calendar.
 - iii. The program retrenchment takes full effect once the "teach out" plan for student majors has been honored. The "teach out plan will not exceed 4 years.
5. **Considerations for Decisions Regarding Retrenchment of All Affected Faculty Positions**
- a. Once decision is made to reduce faculty positions due to *bona fide* financial exigency or program discontinuance—whether the result is partial or complete program retrenchment, then those making decisions about each affected faculty member must comply with the

- procedures and rights outlined above, as well as the appeals process below.
- b. Likewise, those making the decisions to retrench faculty—whether the result is partial or complete program retrenchment, must also follow the criteria below.
 1. Respect for tenure is paramount, and long-standing service will weigh heavily in the decision-making process (i.e., faculty termination will normally occur in this order: instructor, senior instructor, university instructor, assistant professor, associate professor, full professor).
 2. The Dean of the affected college will weigh department and program needs, as determined by consultation with the affected department and program as well as the relevant governance committees (e.g., the general education committee, etc.).
 - i. Specialization in Areas of Need for Other Programs in the University
 - ii. Flexibility in teaching in multiple disciplines (e.g., cross listed classes)
 3. Beyond tenure, rank, department and program needs, the following factors—in no particular order—deserve consideration:
 - i. Academic Credentials (e.g., doctorate would factor more heavily than a master's)
 - ii. Requirements of Accrediting Bodies
 - iii. Annual Evaluations, Teaching Evaluations, and Department Head Reviews
 - iv. Teaching- Recognition by the university, students, or one's profession as an exceptional instructor or educational innovator, etc.
 - v. Scholarship- Publication record and academic renown, award activities relative to the criteria established by the relevant DPTC, external grant funding, etc.
 - vi. Service- Consistent Contributions to ATU, one's profession, and the broader community through service (e.g., university committees, professional associations and boards, etc.)
 6. Once the affected program(s) and faculty to be retrenched have been identified, the dean will meet with the VPAA. In this meeting, a dean from another college (as a representative for the faculty as a whole) and a representative from the Human Resources department will be present to monitor the process.
 - a. Before any final decisions are made and announced, the dean and VPAA will ensure Section 1, part b iii 1-5 above are met.
 - b. The VPAA will inform the president of the recommendation for the faculty to be eliminated.
 - c. Notification of decision- The affected faculty will be notified of the decision in writing by the VPAA to comply with b. ii of section C1 below. **Affected faculty may appeal this decision within 30 days of the written notification (see c. Appeal process)**
 - d. The president will add the recommendation for retrenchment with the identified faculty positions and members as an agenda item for the board of trustees meeting. Based on review and assessment of the proposed cuts due to financial exigency, and considering the best interests of the institution, the board of trustees will make the final decision regarding the retrenchment of faculty positions and members.
 - e. Protections for affected faculty
 1. Exhaust all alternatives- Before a faculty appointment is terminated due to financial exigency, the university pledges to:
 - i. Exhaust all possible alternative positions and appointments within the university for the impacted faculty.
 - ii. Offer early retirement packages, if possible, to faculty in affected programs that are at or near retirement age.
 - iii. Offer adjunct work opportunities at the university that fall within their field of expertise. The university is obligated to extend an adjunct teaching offer to the displaced faculty member, granting them a reasonable span, not less than 30 calendar days, to accept or decline.
 - iv. Ensure that the university has complied with all the rights listed in Section 1, part

b iii 1-5 above.

- f. Retrenchment of faculty due to *bona fide* financial exigency or program discontinuation requires written notice to be provided to the affected faculty member in accordance with the timeline outlined in Item 6 – Terminal Salary or Notice. Faculty members whose employment is terminated under such retrenchment conditions may also be considered for severance pay or benefits, with eligibility and specific terms contingent upon the stipulations of their individual employment contracts.

7. Appeal Considerations

- a. *Right of Appeal*- Individual faculty members have the right to appeal outcomes of financial exigency and retrenchment ranging from termination to college or department reassignment. Other appeals occur at the program level and preexist the opportunity to appeal at the individual level.
- b. The purpose of faculty appeals is to offer individuals support if they were wronged in any step of the process of retrenchment as outlined in this policy.
 - 1. A faculty member may appeal the outcome due to the procedure not being carried out properly.
 - 2. A faculty member may appeal if they were treated unfairly due to their race, gender, age, religion, and other protected classes. Furthermore, a faculty member may appeal if demonstrable unfair treatment occurred as a punitive measure towards the faculty based on their record at the university and in academia, or towards the faculty who publicly disagree with academic policy in a professional manner.
 - 3. Decisions on appeal are to be deferential to the original determination, making changes to the finding only when there is clear error and to the responsive action(s) only if there is a compelling justification to do so. (p.125)
- c. The appeal decision
 - 1. An appeal is not an opportunity for the *ad hoc group* to substitute their judgment for that of the original Decision-Makers merely because they disagree with the finding and/or sanction(s). (p. 125)
 - 2. The *ad hoc group* may consult with the appropriate university representatives on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultations will be maintained. (p.125)

8. Faculty Appeals Process

- a. A request for appeal will be made in writing to the Chair of the Faculty Welfare Committee no more than 30 days following the Board of Trustees meeting in which the retrenchment process was approved. This appeal should provide a narrative of the retrenchment process and identify any and all concerns pertaining to the procedure or unfair treatment, along with evidence.
- b. Upon receipt and review of the letter, the Faculty Welfare Committee will form an *ad hoc* group, which also includes an appointed relevant Human Resources staff member. The group has 10 days to review the document, examining all evidence and interviewing all related parties.
- c. This *ad hoc group* then meets with the remainder of the Faculty Welfare Committee in a special meeting, where a recommendation is drafted. The recommendation is sent to the appellant as well as the VPAA, President, and Human Resources. Final recommendations are ultimately presented to the Board of Trustees at the nearest available meeting date.

9. Interpretation of the Faculty Retrenchment Policy

- a. The Faculty Welfare Committee shall decide any controversies arising from disputed interpretation of this document. (44)