

# **Article XI. Retrenchment and Reduction-in-Force**

## **A. Statement of Intent**

One of the primary duties of the College is to ensure that its academic priorities remain paramount, particularly with regard to the quality of instruction or educational support services, even under severe financial or programmatic distress. Therefore, this policy provides the College the ability to adjust full-time Faculty staffing to meet the College's needs. The College values its Faculty and is committed to treating them fairly and with compassion and recognizes the importance of communication and collaboration in addressing any restructuring or reduction of the workforce.

This policy may be enacted as a result of program reduction, enrollment decline, College reorganization, financial exigency or under other unforeseen circumstances when doing so best meets the needs of the College. When circumstances necessitate retrenchment, certain Faculty may be separated from the College through the reduction or elimination of a program, consolidation of positions and/or a layoff. Declining enrollment within a specific program or College-wide may lead to the reduction or elimination of a specific program or programs even in times of financial stability College-wide. All personnel actions will comply with applicable federal and state laws and the College's policy on non-discrimination.

In any circumstance addressed by this policy, affected and potentially affected Faculty shall be given as much notice as possible that the provisions of this policy may be invoked. Except under unforeseen circumstances, notice shall be given to potentially affected Faculty at the start of the Fall semester so that they are able to apply for other employment. This policy does not apply to externally funded regular full-time positions.

## **B. Definitions**

Program reduction means a decision to cancel, consolidate or realign a program or discipline. Program reduction may or may not lead to the layoff of Faculty, depending on the circumstances.

An enrollment decline means a pattern of declining enrollment across the College, a Campus, or within a program; i.e., a significant and sustained downward trend over time. The Chancellor and/or Board of Governors is responsible for determining when an enrollment decline exists that is sufficient to invoke this policy.

A financial exigency exists when substantial or recurring diminishing financial resources threaten the ability of the College to meet its present financial obligations. The Chancellor and/or the Board of Governors is responsible for determining when a financial exigency exists that is sufficient to invoke this policy.

Retrenchment means a restructuring of Faculty workforce due to program reduction, enrollment decline or financial exigency. Retrenchment might include transfer of Faculty members to other sites, shifting Faculty members to other disciplines in which they are already qualified to teach, and other methods of reducing expenses in order to meet the College's needs.

Reduction-in-Force ("RIF") means a reduction in the total number of employees of the College due to program reduction, a demonstrated enrollment decline, a financial exigency or other circumstances that affect an individual program or the College as a whole.

### **C. Program Reduction**

Administration, in consultation with program Faculty, may identify an academic program that should be targeted for reduction or elimination as a result of declining enrollment, program decertification, financial considerations, or other reasons. Information relevant to identifying such programs may come from the on-going program review process. When program reduction is being considered, the following guidelines apply:

1. Faculty members working in the program shall be informed that the program has been identified for potential reduction or elimination as soon as possible and shall be involved in discussions regarding the potential reduction or as part of the decision-making process.
2. When a program is identified for potential reduction or elimination, any decision regarding that program shall be based on the review of data regarding, among other things, enrollment trends, community needs and the financial viability of programs.
3. If Faculty positions within a program are to be eliminated, the RIF criteria and procedures below shall apply.

### **D. Criteria for Determining a Reduction-in-Force**

The College shall undertake a reduction in force only after less impactful alternatives (such as transfer, voluntary resignation, retrenchment, reduced contract, etc.) have been exhausted. If the Chancellor determines that RIF is still necessary, s/he shall share with employees all pertinent analysis and documentation that, in her/his opinion, warrants a RIF.

Before a RIF occurs, the Chancellor shall seek broad input, including from relevant employees and their representative groups, to determine the best possible RIF Implementation Process. The Process shall include the selection criteria and methodology that will be used to determine which employees will be subject to the RIF.

In determining the Process, the Chancellor shall respect the following principles:

- a. Any elimination of staff and/or Faculty positions will have the least possible impact on students
- b. Transparent and fair processes shall be used to determine which employees' jobs are eliminated
- c. Both quantitative and qualitative data, such as enrollment trends, community need, financial viability of programs, or external accreditation results, shall inform decisions about which employees' jobs are eliminated
- d. Discipline-specific insight shall be sought from relevant College Faculty and subject matter experts
- e. A RIF shall not be employed as a tool for performance management or to eliminate problem employees

f. In all cases, the primary objective of the selection criteria shall be to assure that the College retains the Faculty members who are best qualified to accomplish the College's goals in meeting the needs of its students and the community. In making that determination, factors including but not limited to the following, which are not listed in order of priority, may be considered.

- Overall experience, training, ability and performance;
- Lack of active corrective or disciplinary action, recent disciplinary action, and/or a pattern or history of disciplinary action;
- Ability of Faculty to teach in multiple disciplines or sub-specialties;
- Professional development activities that directly enhance the Faculty member's value in the discipline and to the College;
- Leadership and professional service to the College;
- All other factors being equal, length of service.

The relevance and importance of each factor may vary in particular circumstances

## **E. Procedures**

1. Notice of selection for a RIF will be provided in person whenever possible and in writing no less than one month prior to the effective date of such RIF. In most circumstances, Faculty will be given at least one semester of notice that they have been selected for a RIF, and, whenever possible, at the beginning of the Fall semester. The College may, in its discretion, elect to pay Faculty members in lieu of providing the minimum one month notice period.
2. Faculty members who are selected for a RIF shall be provided with a written notice of the specific selection criteria that were used to determine which Faculty members would be subject to the RIF. This notification shall occur in a confidential meeting with their supervisor and higher administrator and include a listing of employee rights, obligations, and responsibilities with regard to RIF.
3. Faculty members who are subject to a RIF are encouraged to apply for other open positions within the College. Human Resources will provide assistance in locating available positions within the College and/or assistance in locating alternate employment. Job placement services or assistance may be made available to Faculty members subject to a RIF. Any assistance available to the affected Faculty members will be identified in the RIF notification, if not before.
4. Faculty members who are subject to a RIF shall have the right to be considered for internal transfer positions via the process set forth in Article VIII during the next recruitment cycle even though they may not be current College Faculty.
5. Faculty members who obtain an alternate Faculty position with the College within one year after the date of the RIF shall retain all pre-existing employment rights, including credit for sabbaticals, salaries and sick leave.

6. Individuals selected for RIF pursuant to this policy may file a grievance in accordance with College policy if the employee believes that the provisions of this policy have not been followed.
7. Termination of employment as a result of a RIF pursuant to this Article is not dismissal for cause and shall not be recorded or reported as such.
8. Faculty members who are subject to RIF shall be paid for any unused personal days.