

5-19-1982

1982 - Board of Trustee Meeting Minutes

Board of Trustees, Central Washington University

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RECEIVED
JUL 23 1982

MINUTES
SPECIAL MEETING
BOARD OF TRUSTEES
CENTRAL WASHINGTON UNIVERSITY
ROOM 143
BOUILLON HALL
MAY 19, 1982

8:00 P.M.

The special meeting of the Board of Trustees was called to order by Chairman Sterling Munro at approximately 8:11 p.m. in the Board of Trustees' Room, Bouillon Hall 143, on the campus of Central Washington University in Ellensburg, Washington.

ROLL CALL

Present

Mr. Robert A. Case, II
Mrs. Linda Clifton
Mr. Thomas Galbraith
Mr. James S. Hogan
Mr. Sterling Munro, Chairman

Absent

None

Others

Dr. Donald L. Garrity, President
Dr. Edward J. Harrington, Vice President for Academic Affairs
Mr. Courtney S. Jones, Vice President for Business & Financial Affairs
Dr. Donald E. Guy, Dean of Students

OLD BUSINESS

Proposed Faculty Layoff Policy

Mrs. Clifton reported on the efforts during the prior week to resolve the issues which had been expressed at the Board of Trustees' meeting of May 14 when a proposal to revise the Faculty Layoff Policy (Section 3.78 of the Faculty Code) had been presented. She reported that the Faculty Senate Executive Committee, President Garrity, Mr. Robert A. Case, II, and herself had met for two hours prior to this Board meeting and had agreed on a compromise to the proposed revision. (Mrs. Clifton then read the proposed policy revisions to the audience.) She reported that one issue remained unresolved, however--the effective date of the amendment. Following Mrs. Clifton's brief report, Mr. Munro asked for additional comments.

Mr. Owen F. Clarke, Jr., Assistant Attorney General, asked if the Faculty Senate had entered an objection to the revision presented at the special Board of Trustees meeting May 14.

Dr. Rosco Tolman, Chairman of the Faculty Senate, replied in the affirmative.

Mr. Munro suggested that before deciding upon an effective date, it should be determined if the Board of Trustees had any concerns with the substance of the policy. Mrs. Clifton and Mr. Case substantially agreed that the amendments were acceptable, but Mrs. Clifton raised the concern that the Affirmative Action Policy is not addressed. However, she said she could accept this policy as workable.

Professor Catherine Sands, Secretary of the Faculty Senate, stated that she wished the record to reflect that she was not in accord with the proposed amendment to the policy.

Dr. Garrity urged the Board to make a decision at this time regardless of the question of timing. He stated that the university may be the victim of another round of cuts before the end of August. As President, he suggested that the earliest resolution of the question was in order. To delay in adopting this revision may further harm the university.

MOTION NO. 5574: Mr. Case moved, seconded by Mr. Hogan, that the Board of Trustees accept the proposed amendment to the Layoff Policy as amended by agreement.

It was noted that the effective date had not been incorporated in the motion with the understanding that this could be determined later. Mrs. Clifton and Mr. Clarke noted that if no specific date were incorporated in the motion or if there were no subsequent motion specifying a date, the revised policy, if passed, would by default be effective immediately. Based on this interpretation, Mr. Hogan withdrew his second. Motion died for lack of a second.

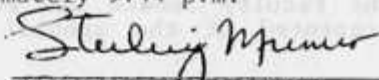
MOTION NO. 5575: Mr. Hogan moved, seconded by Mr. Galbraith, that the proposed amendment to the Layoff Policy as presented by Mrs. Clifton and amended by agreement be approved with the implementation date effective July 1, 1982.

Mr. Munro asked for a voice vote, and Mrs. Clifton, Mr. Hogan and Mr. Galbraith voted aye. Mr. Case voted no. Motion carried.

(The entire revised Layoff Policy is appended hereto and by reference incorporated herein.)

Mr. Munro expressed his deep appreciation and complimented everyone involved in developing this policy. He also expressed his appreciation to those in the audience who participated in the discussion.

The meeting was adjourned at approximately 9:44 p.m.



Sterling Munro, Chairman
Board of Trustees

AMENDED LAYOFF POLICY

FACULTY CODE OF PERSONNEL POLICY AND PROCEDURE

(Approved by the Board of Trustees May 19, 1982,
Effective July 1, 1982)

3.78 Layoff Policy

It is necessary for Central Washington University to maintain a layoff policy in order to make such adjustments in staffing as may be necessitated by financial exigency or program needs. For the implementation of this policy, financial exigency must be demonstrably bona fide; and shall include but not be limited to: mandatory compliance with directives of the governor, legislature, or state agencies; conformity to budgetary and staffing levels authorized by the state; response to reduction in operational income because of declining enrollments; and compensation for the loss of federal income supporting university employment. Grounds for program changes must also be demonstrably bona fide, and shall include but not be limited to a continuing pattern of decline in enrollment within particular departments or units of the university. Under provisions of this policy, all faculty members, regardless of rank, position, or tenure status, are subject to possible layoff in the event of financial exigency or program needs.

- A. If such financial exigency or need for staffing adjustment among programs occurs, the president of the university shall declare to the faculty, in written form or in public assembly, the causes that exist for layoff; and shall direct the vice president for academic affairs and the Faculty Senate Executive Committee jointly to develop a layoff plan which will address the university's need to reduce the number of faculty members then employed or reallocate faculty positions among the units of the university. The academic vice president and the Senate Executive Committee will evaluate the declaration of financial exigency or need for staffing reallocation and the cause or causes for layoff. If cause for the declaration is substantiated, this plan will (1) identify particular departments or programs in which a specified number of positions are to be eliminated, (2) state the reasons for each decision as to department or program and number of positions, (3) describe the process by which such decisions were arrived at, and (4) establish a strict timetable for each step. The plan will then be made available for review by the Faculty Senate, the deans, and the departments or programs, all of whom may submit written responses to the academic vice president before a date to be specified on the timetable. The vice president

and the Senate Executive Committee shall then formulate and submit to the president a draft of the proposed plan, modified to whatever extent they see fit in the light of written responses; this draft shall list the names of affected faculty members, as determined on the basis of the procedures of 3.78(G) below. The president shall then decide whether to implement the plan as presented or to propose modifications to the vice president and the Senate Executive Committee.

- B. When the plan is in a final form satisfactory to the president, the academic vice president and the Senate Executive Committee, the president or his designee shall implement it by sending by certified mail, or causing to be personally delivered, a layoff notice to each affected faculty member. Each notice of layoff shall be signed by the president, shall include a copy of the final layoff plan, and shall inform the faculty member of the layoff date, of the right to appeal, and of the right to re-employment.
- C. If layoff is necessitated by staffing adjustments for program needs, the university will make every effort to find commensurate employment, for which the faculty member is qualified or for which he could be retrained, elsewhere within its department or units. Recommendations for such alternate employment will be made jointly by the vice president for academic affairs and the Faculty Senate Executive Committee.
- D. In establishing dates of layoff, the president will attempt to adhere to the standard dates of notification as set forth in Section 3.63 of this Code. If the conditions of the financial exigency demonstrably preclude strict adherence to this Section, the president will extend the dates of layoff as far as the fiscal resources of the university permit.
- E. Any faculty member who receives a layoff notice may request a formal hearing pursuant to Section 3.93 of this Code, but subject to the following special provisions for layoff:
1. The only admissible grounds for such an appeal, one or more of which the faculty member must allege in a formal request to the Board of Trustees, and the only issues to be considered by a hearing officer or officers are:
 - a) whether the decision was in violation of Constitutional rights;
 - b) whether the decision was arbitrary and unreasonable; and

c) whether the decision violated in any material way the established procedures of the Layoff Plan.

2. Hearing on such appeals may be consolidated at the suggestion of the hearing officer or officers and with the agreement of the appellants where it appears that the causes for layoff are sufficiently similar to assure an adequate and fair joint hearing.

F. Re-employment

Whenever a position of a full-time ranked faculty member is vacated by a layoff under this policy, that position shall not be filled by a replacement within a period of two (2) years from the layoff date unless the faculty member who has been laid off has been offered re-employment and has failed to accept within thirty (30) days after being sent by certified mail an offer of reappointment. In addition, the following procedures for re-employment shall be observed:

1. The vice president for academic affairs shall establish and maintain a re-employment list containing the names and addresses of all faculty members who are laid off. The name and address of each laid off faculty member shall be kept on the re-employment list for a period of two (2) years from the date of layoff.
2. Laid off faculty members shall be listed by department or program and by any unit formally created and recorded (3.78(G)(1)) and in order of layoff as defined in Section 3.78(G)(2).
3. The university may not fill a vacancy in a department or program, or in any unit formally created and recorded (3.78(G)(1)), for which there are names on its re-employment list who are qualified for the vacant position.
4. It is the responsibility of laid off faculty members to keep the office of the vice president for academic affairs informed of where they may be reached readily.
5. Any person on a re-employment list who cannot be reached or who fails to accept within thirty (30) days an offer of re-employment shall be deemed to have declined the offer.
6. Any faculty member re-employed shall be placed:

- a) at least at the same rank held when laid off, and
- b) at least at the same salary step, or if a salary scale is not in effect, at a salary level comparable to that held when laid off.

G. Order of Layoff

1. In order to accommodate the need for reduction in numbers of faculty employed, and at the same time protect the programmatic integrity of the university, units will be established, where appropriate within departments and/or programs, in accordance with the following procedures:
 - a) The dean, in consultation with the appropriate department chairmen and/or program directors, will establish a list of units for those areas reporting to him or her, listing by name the faculty member(s) in each unit.
 - b) The list of units, with names of faculty in each, will be forwarded along with the recommendation of the department chairman or program director, to, and must be approved by, the president, the vice president for academic affairs, and the Executive Committee of the Faculty Senate.
 - c) Within each unit the order of layoff as defined in Section 3.78(G)(2) shall prevail.
 - d) Division of departments or programs into units must be demonstrably programmatic.
 - e) Faculty members shall be informed as to which unit(s) they belong, at the time the dean makes his/her recommendation. They may object to such division by stating their objection in writing to the academic vice president within one calendar week of receipt of the notice. An individual faculty member may be assigned to more than one layoff unit. New hires will be placed in the appropriate unit(s), as determined by the dean and department chairman or program director.
 - f) Any changes made in units shall be made in accordance with the above procedures.
 - g) Units shall be reviewed at least once every five years and a department may request a review at any time.

2. Where it is necessary to lay off one or more of the faculty within a particular department, program or unit within a department or program, layoffs will be made in the following order.
 - a) part-time faculty members;
 - b) full-time, non-tenured faculty members in order of seniority;
 - c) full-time tenured faculty members in order of seniority;
 - d) between tenured faculty members with equal seniority, the faculty member who has obtained the highest academic degrees shall have the greatest retention priority.
3. Order of seniority for all full-time faculty members (whether tenured or non-tenured) shall be determined in the following manner:
 - a) All periods of service at Central Washington University except for summer school employment shall be counted. Part-time service shall be prorated and added to full-time service for the purpose of computing seniority under this section.
 - b) Service at Central Washington University shall be measured from the date of appointment by the Board of Trustees. Periods of service shall include leaves of absence without pay where seniority rights were granted by the Board of Trustees, professional leaves, retraining leaves and disability leaves, but shall not include leaves granted to enable a faculty member to pursue advanced degrees.
 - c) In instances where employees have the same beginning date of full-time service, seniority shall be determined in the following manner:
 - (i) Earliest date of appointment to full-time service by the Board of Trustees, and if a tie exists;
 - (ii) Earliest date of the faculty member's signature on a letter of intent to accept employment, and if a tie still exists;
 - (iii) Earliest date of application for employment as determined from the files of the vice president for academic affairs.

- (iv) If a tie exists after the above order has been followed, the vice president for academic affairs, after consulting with the appropriate dean and department chairman, will recommend to the President which faculty member should be laid off.