

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-2000**

- SUBJECT:** Elimination of Faculty Positions Due to Program Reduction or Elimination
- REFERENCE:** West Virginia Council for Community and Technical College Education, Title 135 Procedural Rule, Series 9, *Academic Freedom, Professional Responsibility, Promotion and Tenure*; Series 10, *Policy Regarding Program Review*; and Series 11, *Degree Designation, General Education Requirements, New Program Approval, and Discontinuance of Existing Programs*
SCP-2701, *Reduction in Work Force Due to Financial Exigency: Faculty Personnel*;
SCP-3620, *Policy Regarding Program Review*;
SCP-5260, *Meeting Financial Exigencies*
- ORIGINATION:** September 1, 1985
- EFFECTIVE:** January 13, 2017
- REVIEWED:** May 4, 2021

SECTION 1. PURPOSE

- 1.1 It is the responsibility of the Southern West Virginia Community and Technical College Board of Governors to review at least every five years all programs offered and address the viability, adequacy, necessity, and consistency with the mission of the programs to the institutional Strategic Plan and the education and workforce needs of its district. The outcome of this review process may result in the discontinuance or elimination of a program or course of study. The elimination of a program or course of study may result in the elimination of faculty positions. This policy addresses the elimination of faculty positions in regard to faculty notification, preferred consideration, faculty obligations and responsibilities, and the appeal process.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1 This policy applies to all categories of faculty employees.

SECTION 3. DEFINITIONS

- 3.1 Probationary Faculty - Those faculty members who have been appointed on a full-time (1.00 FTE or the equivalent, as determined by the institution) basis and have been designated as being in a tenure-track position.
- 3.2 Tenured Faculty - Those faculty members who have attained tenure status as determined by the institution.
- 3.3 Term Faculty - Those faculty members who have been appointed on a full-time (1.00 FTE or the equivalent, as determined by the institution) basis who are not in a tenure-track status nor tenured. While a full-time term faculty member is eligible to receive reappointment to additional terms, no single term may exceed three years. No number of term appointments shall create any presumption of a right to reappointment or to appointment as tenure-track (probationary) or a tenured faculty.

- 3.4 Instructional Specialist - A type of term appointment defined as those faculty members who have been appointed minimally on a nine-month basis and an hourly workload. The appointment is for a specified term not to exceed three years. The instructional specialist is eligible to receive reappointment to additional terms. No number of term appointments shall create any presumption of a right to reappointment or to appointment as a tenure-track (probationary) or a tenured faculty. In addition to teaching, instructional specialists will have responsibilities for various academic support activities.
- 3.5 Program - Curriculum or course of study in a discipline specialty that leads to a credential.

SECTION 4. POLICY

- 4.1 It is the policy of the Southern West Virginia Community and Technical College Board of Governors to treat the faculty fairly and adhere to West Virginia Council for Community and Technical College Education's policy in regard to faculty notification, preferred consideration, faculty obligations and responsibilities, and appeal processes in the event a faculty position is eliminated as a result of the program review process.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 This policy does not apply to decisions regarding faculty discipline or dismissal for cause.

SECTION 6. GENERAL PROVISIONS

- 6.1 A faculty member's appointment may be terminated because of the reduction or discontinuance of an existing program as a result of a review of the program, in accordance with the appropriate policy relating to review of academic programs.
- 6.2 Notification of Faculty
- 6.2.1 After the Board of Governors action to approve termination, elimination, or major reduction of a program resulting in elimination of faculty position(s):
- 6.2.1.1 The affected probationary faculty member shall be permitted to complete the current period of appointment in accordance with the terms of his/her appointment. For probationary faculty members appointed after March 8, 2003, the tenure-track faculty member shall be notified that his/her employment ends at the end of the current appointment period. Such notice will be provided by letter sent via Certified Mail-Return Receipt Requested, postmarked, and mailed no later than March 1.
- 6.2.1.2 The affected tenured faculty shall be given a termination of employment notice at least one year following the Board of Governors action to approve termination of a program or the date of the final institutional action for major reduction in a program. Such notice will be provided by letter postmarked and mailed at least one year before the expiration of their appointment, sent via Certified Mail - Return Receipt Requested.
- 6.2.1.3 The affected term faculty or instructional specialist faculty may be permitted to complete the current period of appointment in accordance with the terms of their appointment. The term faculty or instructional specialist faculty shall be notified of the elimination of his/her position by letter sent via Certified Mail-Return Receipt Requested, postmarked, and mailed at least thirty (30) calendar days prior to the effective date of termination.

- 6.2.2 Each faculty member who has been given notice of termination at the end of the contract period will be allowed early release at the end of any term or session from their contract upon request, even though the contract may extend beyond that time.
- 6.2.3 Each faculty member who is given notice of termination at the end of the contract period under these conditions shall be given a personal letter from the institution that expressly states that termination does not imply a negative judgement about the person's individual performances, but is due to a program change.
- 6.2.4 The institution shall assist the faculty member, to the extent possible, in sending letters of explanation and professional resumes to other institutions to assist their effort to find suitable placement elsewhere.

6.3 Preferred Consideration

- 6.3.1 When possible, affected faculty shall be reassigned to instructional or non-instructional duties commensurate with faculty members' education, training and experience.
- 6.3.2 When possible, by mutual agreement, faculty members shall utilize reduced time or leaves of absence to acquire capabilities in areas in which their services would be required within the institution. Faculty development programs and funds, if available, should be used to facilitate such reassignments.
- 6.3.3 Listings of vacancies at other institutions shall be made available to the faculty member at the institution through the Human Resources Office of the West Virginia Higher Education Policy Commission.
- 6.3.4 The employing institution with vacancies will be encouraged to give preference in hiring to displaced faculty members and also to those faculty members seeking to relocate in the system. The terms and conditions of offers will be determined by the employing institution.
- 6.3.5 If, within two years following the reduction or discontinuance of a program, a position becomes vacant for which the affected tenured or probationary faculty member is qualified, the College will make every effort to extend first refusal to the faculty member so terminated.

SECTION 7. RESPONSIBILITIES

7.1 Faculty Obligations and Responsibilities

- 7.1.1 Each member of the faculty has an obligation to foster the viability, adequacy, and necessity for their program. Program quality is determined in large part by the faculty.
- 7.1.2 A faculty member is encouraged to enhance their skills through further academic pursuits and faculty development programs to improve competencies in their field or in related fields.
- 7.1.3 A faculty member is expected to participate in the program review processes as a responsible professional working to, as a first priority, meet the purposes and mission of Southern West Virginia Community and Technical College.
- 7.1.4 A faculty member whose position was eliminated due to program reduction or elimination has the responsibility to monitor job announcements and contact the Human Resources Office if a position is posted for which they are qualified and for which they should be considered for first refusal.

- 7.2 A faculty member, dismissed or reassigned as a result of a program change, has the right to appeal as specified in the Grievance Procedure (West Virginia Code §6C-2).

SECTION 8. CANCELLATION

- 8.1 SCI 1542 and SCP-3650, Program Reduction or Elimination

SECTION 9. REVIEW STATEMENT

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President's designee. Upon such review, the President or President's designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

Attachments: None.

Distribution: Board of Governors (12 members)
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Revision Notes: July 2011 - Revisions reflect major changes in policy. Procedural sections were deleted because the process and procedure for program review and recommendation for program elimination or reduction are contained in SCP-3620, *Policy Regarding Program Review*, and SCP-3625, *University Transfer Program Evaluation Model*. The result is a policy that addresses terms and conditions of employment for faculty affected by program reduction or elimination. Therefore, the policy was re-titled and reassigned more appropriately to the 2000 Series of policies in accordance with SCP-1000, *Manuals, Announcements, and Policies (MAP) Development System*.

September 2016 - Revisions reflect minor changes to the Purpose Statement (Section 1.1), and includes education as a preferred consideration, along with training and experience for faculty being reassigned (Section 6.3.1).

May 2021 – Revisions reflect changes to references to remove SCP-3625, which was rescinded February 2020, and remove reference to master plan and compact in Section 1.1 and replacing with Strategic Plan.