

National-Louis University Policy on the Rights of Tenure-Track Faculty Pertaining to the Closing of Campuses, Programs and Colleges/Library
FP: 114

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Preamble

The Policy on the Rights of Tenure-Track Faculty Pertaining to the Closing of Campuses, Programs and Colleges/Library (Policy) emanates from a discussion among the communities of interest around the closure of a campus, program and/or college. The Policy was developed by a joint task force of administrators and faculty members charged to develop a Policy that protects faculty choices and the university's choices upon the closing of National-Louis University Colleges/Library, campuses and programs. Even though the group was charged with creating a Policy on faculty rights pertaining to the closure of a campus, program and/or college, we wished to make recommendations on the manner on which such closure decisions would be made. These recommendations are made as part of this Preamble, but are not considered a part of the Policy itself.

It was acknowledged that closure of a campus, program and/or college had ramifications beyond the scope of the affected unit and that all interested parties had a stake in the process. These include but are not limited to:

- Accurate fiscal statements available
- Collaborative process engaged to arrive at decision
- Consideration of benefits outweighing the serious compromise of the university's commitment to tenured faculty.

The relationship among faculty, administrators and students is intertwined and interdependent. Students are best served when faculty and administration work together collaboratively and they themselves are well served. The intent of administration is to serve the faculty in a fair and reasonable way. The administration must monitor the financial situation of the university and communicate that situation to the faculty. This Policy is the product of this collaborative effort to fulfill this intention.

The Policy itself pertains to what occurs once a decision to close a program, campus, or college has been made by senior administration. The process by which the decision has been made is critical to the success of the implementation of the closing. From the start, all reasonable options raised will

be considered. The Faculty Senate and its committees, e.g., the Senate Academic Planning Committee and the Senate Out of Chicago Area Campus Committee will be made aware of the programs, Colleges/Library and campuses slated for closure. The importance of consulting with the Faculty Senate and its committees is crucial for a smooth closure process.

I. Process and Assumptions

This Policy was reached through an interest-based process, in which Task Force members expressed the interests of faculty and administration of National-Louis University (NLU), and then sought creative and fair solutions, rather than compromises, to meet shared interests and to reconcile any dilemmas posed by competing interests. The group found that their interests were in most cases shared or complementary.

Faculty Priority Interests:

- A. Principles: dignity and respect, academic freedom; governance, freedom to dissent, mutual accountability
- B. Protections within the institution: position, income, legal, etc.
- C. Process: involvement, intellectual capital, follow-up, administrative support and resources
- D. Placement: retraining, reassignment, relocation

Administration Priority Interests:

- A. Respect and dignity for faculty, staff, administrators, and students
- B. Positive image of NLU
- C. Agreements with other higher education institutions, either existing or that will serve stakeholder interests
- D. Effective administrative policies and procedures
- E. Monitoring and communicating the financial situation regularly and operating in a fiscally responsible manner

The Task Force worked under three assumptions:

- A. The Policy uses tenure, rank, and seniority as the basic premises underlying faculty rights.
- B. The group attempted to balance specificity and flexibility, i.e., the seniority and compensation choices of faculty needed to be protected and articulated but University operations had to be honored.
- C. Dignity, respect and honest and timely communication were key principles embedded in the Policy.

II. Official Notification and Implementation of Closure Plan

A. Initial Notification

1. Within one week of a final decision to close a program, campus or college, the President's designee will make contact with faculty in such program(s), campus(es), or college(s).
2. After all faculty have been notified, the NLU community will be notified by email from Senior Administration.
3. A written letter with specific options will be presented to the faculty members and will be discussed, at a face-to-face meeting, where practical, or by telephone.
4. The President or his/her designee will schedule small groups of interested parties to discuss rationale for the decision, potential impact and fallout of the decision, and to solicit feedback. During the initial phase, a task force (initiated by Provost and Senate chair) will be created to monitor and evaluate implementation of the closure. This task force will consist of administrators, faculty, and staff.

B. Additional communication

1. The appropriate Dean(s) or their designee(s) and a Human Resources representative will schedule meetings with the faculty within two weeks of notification, to share this Policy and discuss its implementation, e.g., teach-out, and timeline.
2. Within two months of the initial notification, individual conferences will be scheduled between the Dean or designee and the faculty to identify the selected option.
3. During this time, the program faculty and the administration will develop a draft of the teach-out plan collaboratively.
4. By the end of this time, faculty choices and teach-out plans will be finalized, unless there is mutual agreement to extend this deadline.
5. The faculty will not have to make choices from the options offered prior to 3 weeks of the initial notification unless an earlier deadline is mutually agreeable to the faculty and the dean or designee.

C. Follow up

It is imperative that the implementation plan be monitored by the task force to ensure continued services to students and support for faculty. The task force will assure that all appropriate documentation relevant to the affected unit is completed.

D. Legal Notices Regarding Closure or Reduction

If applicable, Senior Administration shall comply with the sixty (60) day notice requirements of the federal Worker Adjustment and Retraining Notification Act (“WARN Act”), and any other applicable federal, state or local law pertaining to required notices of the loss of multiple employment positions.

III. Choices, Options and Compensation

A. Hierarchy

Upon the decision to close a program, campus and/or college, the tenure-track faculty members whose positions are eliminated as a result of closure (“Affected Faculty Members”) will be placed

in a hierarchy for the purpose of retention of position and/or selection of options and recall. This hierarchy uses in priority order the tenure, rank, and years of service status of each and all faculty members from the top to the bottom of each category as follows:

- 1) Tenure status
 - a) Tenured
 - b) Non-tenured, tenure track
 - c) Non-tenure track

- 2) Rank
 - a) Full Professor
 - b) Associate Professor
 - c) Assistant Professor
 - d) Instructor
 - e) Unranked

- 3) Years of Service defined as total, continuous years of service (including sabbatical leaves and excluding leaves of absence) irrespective of college or location assignment at:
 - a) Current tenure status
 - b) Current rank
 - c) Overall to the institution based on initial start date as full-time tenure track or non-tenure track faculty
 - d) Overall to the institution based on initial start date in any faculty position
 - e) Overall to the institution based on initial start date in any position

- 4) Winner of a coin toss (or other final and neutral tie-breaker)

Example: A tenured Full Professor with the most years of service at that rank would be highest in the hierarchy and a Non-Tenure Track and unranked faculty member with fewest years of service to the institution in any position would be the lowest in the hierarchy. Ties in tenure status shall be broken by rank differences. Ties in tenure and rank status shall be broken by years of service at that rank.

B. Choices and options for tenured and non-tenured, tenure-track faculty

- 1) Annual non-renewal of contracts for non-tenured tenure-track faculty may be a result of negative performance review as per Faculty Policy FP103a. In addition, individual non-tenured tenure-track positions may be eliminated due to budgetary and/or workload considerations. However, if such positions are eliminated by the closing of program, campus and/or college, the options and choices of non-tenured tenure-track faculty are the same as those of tenured faculty, subject to considerations of the hierarchy described in Section IIIA above.

2) Offers of Available Positions

a) Affected Faculty Members will be offered placement into vacant full-time faculty positions within any College of NLU, if any such vacancies exist, and any newly created full-time faculty positions within any College of NLU, for which the Affected Faculty Members meet minimum qualifications and can perform essential functions. Such offers shall not require performance of a search. There shall be no obligation on the part of Senior Administration to create new full-time faculty positions upon the closure of a program, campus or college.

b) The selection of the Affected Faculty Members to whom such positions are offered shall be decided by the Provost, based upon recommendations from the Deans of all involved NLU Colleges/Library and a corresponding number of faculty members selected by the Faculty Senate, operating as a committee (“Selection Committee”). The Selection Committee shall make reasonable efforts to consult with department/program chairs and/or faculty before rendering its recommendations. Affected Faculty Members with tenured status shall be granted preference for open positions over Affected Faculty Members with non-tenured status; and Affected Faculty Members with tenure track status shall be granted preference for such positions over Affected Faculty Members with non-tenure track status, as per the hierarchy described in Section IIIA. The Affected Faculty Members offered such positions shall be allowed a minimum of fourteen (14) days and a maximum of twenty-one (21) days to accept or reject any offers.

c) An Affected Faculty Member who does not accept such an offer will nevertheless remain eligible to exercise the “bumping” procedures stated in Section IIIB3. These timelines may be adjusted by mutual agreement of the Provost and the Affected Faculty Members.

d) If professional development is deemed necessary for additional expertise for internal positions, the Affected Faculty Member and the Dean of the appropriate college, shall jointly determine the type, investment and duration, subject to fiscal limits and monitoring by the Chief Academic Officer.

3) “Bumping” Procedures

a) An Affected Faculty who is not placed in an offered position in accordance with Section IIIB1 above shall be eligible to “bump” into the position of the full-time faculty member in the lowest position in the hierarchy (set forth in Section IIIA above) in any Program within any College of NLU; provided the Faculty Member electing to “bump” another Faculty Member meets the minimum qualifications and can perform essential functions for the position sought, and has a higher position in the hierarchy than the Faculty Member occupying the position (as also determined by the hierarchy set-forth in Section IIIA above).

b) Similarly, a full-time Faculty Member who is “bumped” from his or her position may, in turn, “bump” the full-time Faculty Member in the lowest position in the hierarchy (set-forth in Section IIIA above) in any Program within any College of NLU; provided the Faculty Member electing to “bump” another Faculty Member meets the minimum qualifications and can perform essential functions for the position sought, and has a higher position in the hierarchy than the Faculty Member occupying the position (as also determined by the hierarchy set-forth in Section IIIA above).

c) A Faculty Member seeking to “bump” into another faculty position shall submit the “bumping” request in writing to the Provost and to the Dean of the College in which the position sought is located by a Deadline specified by the Provost in written notice to the Faculty Member. Any Faculty Member who is in jeopardy of being “bumped” shall be notified of the request by the Provost. The Deadline shall not be less than thirty (30) days. Permission to “bump” shall be decided by the Provost, based upon recommendations from the Selection Committee. The Selection Committee shall consult with department/program chairs and/or faculty before rendering its recommendations. Within thirty (30) working days of the request, the Provost shall give written notice to the subject faculty members and the Dean of the College or Library in which the position sought is located of whether the request is in compliance with these “bumping” procedures and will be permitted.

d) “Bumping” shall proceed in succession until all Affected Faculty Members who are not placed in offered positions in accordance with Section IIIB1 above, and all other faculty members who are “bumped” from their positions, have a corresponding opportunity to “bump” another faculty member in any College in accordance with these “bumping” procedures. A tenure-track faculty member who is “bumped” from a position shall be considered an Affected Faculty Member for the purposes of this Policy.

e) If professional development is deemed necessary for additional expertise for internal positions, the Affected Faculty Member and the Dean of the appropriate college, shall jointly determine the type, investment and duration, subject to fiscal limits and monitoring by the Chief Academic Officer.

4) Choices for Affected Faculty with no positions

a) The base salary and benefits in the current letter of appointment are honored.

b) Once the period of time in the current letter of appointment expires, the Affected Faculty member may choose either (1) a severance package using the current Severance Pay Plan for NLU employees or (2) a terminal letter of appointment for 10 months with obligations assigned and specified by the dean.

c) In its discretion, the university may also offer one or more letters of full-time appointment for “teach-out” for any length of time for affected faculty. These teach-

out opportunities will precede the severance package for those who choose this option and will follow the 10 month terminal employment period for those who choose this option. Subject to student needs, course and group schedules, and budgetary limitations, offers of assignment to teach out opportunities will be equitably apportioned among affected full-time faculty in all courses for which they are qualified to teach and will be offered to affected faculty before adjunct faculty.

d) If an approved sabbatical leave coincides with the current year, the sabbatical leave shall be honored and the Affected Faculty member will be under no obligations to report, return salary or return to service. While sabbaticals may not coincide with a 10 month terminal appointment, deans, in their discretion, may include sabbatical activities within the load of the faculty member.

5) Terms Applicable to Affected Faculty who decline positions and whose current campus is within 200 miles of a newly assigned campus:

- a) The base salary and benefits in the current contract will be honored
- b) If the teach-out of an eliminated program is longer than the length of the current contract, an additional employment contract may be offered.

6) Terms Applicable to Affected Faculty who decline positions and whose current campus is more than 200 miles of a newly assigned campus:

- a) The base salary and benefits in the current contract will be honored
- b) Faculty members whose newly assigned campus is within 200 miles of their current campus and who face severe hardships may appeal to the Provost to permit them to be eligible for the terms in Section 6.
- c) Once the current contract expires, a separation stipend will be offered, with payment made after the faculty member's last day of employment. The required amount of the separation stipend shall be as follows:

Years of Service*	Amount of Separation Stipend
Less than 1 year	2 weeks of Base Pay**
1 or more years but less than 12 years	2 weeks of Base Pay for each full Year of Service
12 or more years	2-1/2 weeks of Base Pay for each full Year of Service

*** Years of Service**

An employee's total, continuous years of employment from his or her most recent date of hire by the University until his or her date of termination, including sabbatical leaves and excluding leaves of absence.** Base Salary

The faculty member's regular rate of salary. Base Salary does not include discretionary bonuses, other variable compensation, or extra pay.

- 7) Terms Applicable to Affected Faculty who request to bump another faculty member and then decline the requested position:
- a) The base salary and benefits in the current contract will be honored
 - b) In its discretion, the university may also offer one or more letters of appointment for “teach-out” for any length of time.

IV. Relocation/Outplacement

A. If an Affected Faculty Member accepts a vacant or newly created position or “bumps” into a position that is located more than fifty (50) miles from the eliminated position, services and relocation expenses in accordance with Human Resources Relocation Procedures and Policy will be provided to the faculty who relocates.

B. The Office of Human Resources in consultation with the Senate Faculty Welfare and Compensation Committee will provide outplacement services to those faculty who are not offered another position.

V. Recall Procedures

The purpose of developing a Recall Procedure is to preserve intellectual capital for the University and to provide faculty employment protection for tenured faculty members. The university will publish all faculty vacancies on its Human Resources Website. All Affected Faculty, with the exception of those who refuse a suitable and equivalent position or who have declined a requested “bumping” position, should review the posted vacancies, contact the Provost indicating their interest in any position for which they believe they have minimum qualifications and can perform essential functions, and they will be considered according to the selection process outlined in III.B.2.b.

VI. Non-Discrimination

Notwithstanding any other provision of this Policy, in the interpretation and application of the foregoing procedures, no Faculty Member shall be discriminated against on account of his or her race, color, national origin, sex, age, religion, sexual orientation, qualified disability or any classification protected by federal, state or local law. Also, NLU’s affirmative action requirements shall take precedence over the procedures stated in this Policy to the extent of any conflict between them.

The faculty appeals process will be used (FP #111) to adjudicate any issues arising from the implementation of this Policy. Every effort should be made to consider the choices of all affected tenure track faculty and the implications of decisions made by the appeals committee on others. Particular attention must be paid to include evidence and testimony from faculty who may be potentially affected by the appeal committee’s decisions.