

# **FACULTY POLICIES AND PROCEDURES**

## **UNIVERSITY OF WISCONSIN-MADISON**

**(As approved by the Faculty Senate on 15 May 1978,  
with subsequent amendments as of 4 May 2009)**

### **CHAPTER 10**

#### **LAYOFF DUE TO FINANCIAL EMERGENCY**

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10.01. LAYOFF AND TERMINATION FOR REASONS OF FINANCIAL EMERGENCY: GENERAL. (See UWS 5.01-5.03.)

- A. The board may lay off or terminate a tenure faculty member, or lay off or terminate a probationary faculty member prior to the end of his/her appointment, in the event of a financial emergency. Such layoffs or terminations may be made only in accordance with the provisions of UWS Chapter 5 and this chapter and imply the retention of rights indicated in these chapters. A nonrenewal, regardless of reasons, is not a layoff or termination under this section.
- B. For the purposes of this chapter, "layoff" is the indefinite suspension or an involuntary reduction in services and compensation of a faculty member's employment by the University of Wisconsin System. A laid off faculty member retains the rights specified in UWS 5.16 through 5.21, inclusive. For the purposes of this chapter, "termination" is the permanent elimination of a faculty member's employment by the University of Wisconsin System. A faculty member whose position has been terminated retains rights specified in UWS 5.18 and 5.19.

10.02. CONSULTATION AND RECOMMENDATIONS. (See UWS 5.04-5.06.)

- A. The chancellor shall consult with the Faculty Consultative Committee on Financial Emergency if at any time a declaration of financial emergency is to be considered. It is the right and responsibility of the Faculty Consultative Committee on Financial Emergency to represent the faculty before the Board if a declaration of a state of financial emergency for the university is being considered and to assure that the procedures of UWS 5.05 and 5.06 are followed.

- B. Consultation shall proceed in accordance with UWS 5.05 and shall include consultation with the Academic Staff Committee, as well as those other individuals and groups who may be able to provide valuable advice (see UWS 5.05(1)(e)).
  - C. The chancellor and the Faculty Consultative Committee on Financial Emergency shall consider identifiable alternative methods of budget reduction such as the voluntary reduction of full-time faculty members to part-time status, in accordance with 7.19.C of *Faculty Policies and Procedures* and 36.13(2)(a) Wis. Stats.
  - D. If the chancellor decides to recommend that the Board declare a state of financial emergency for the university, his/her recommendation to the president and the Board shall be accompanied by a report which shall be in conformity with UWS 5.06(1).
  - E. The chancellor and the chair of the Faculty Consultative Committee on Financial Emergency or their designees, and representatives of affected colleges, schools, departments, and programs may appear before the Board at the time the recommendation is considered. Other interested parties may submit alternative recommendations or challenges to any part of the report in writing.
- 10.03. INDIVIDUAL DESIGNATIONS. (See UWS 5.07.) Once the Board has declared a state of financial emergency, it shall be the primary responsibility of the executive committees of the affected department(s) to recommend which individuals shall have their appointments reduced or terminated. Such recommendations shall be made in accordance with the provisions of UWS 5.07.
- 10.04. SENIORITY. (See UWS 5.08.)
- A. For purposes of this chapter, seniority within a department or program shall be according to rank and within rank according to length of service at that rank. Length of service shall be calculated at the full-time rate for those faculty members whose status was reduced to part-time by mutual agreement because of an anticipated declaration of financial emergency.
  - B. Length of service shall be computed from the effective date of the appointment in the University of Wisconsin-Madison, except that in the case of an initial appointment with tenure the dean may, on the recommendation of the departmental executive committee, grant additional seniority by counting all or a portion of service elsewhere that is equivalent to service in the university at the rank granted. No initial appointment during a financial emergency shall include seniority for service elsewhere than at the University of Wisconsin-Madison. The letter of appointment shall indicate the nature of the seniority granted if it is other than from the effective date of the appointment.
  - C. If two or more appointments at the same rank in the same department or program become effective at the same time, relative seniority among the individuals involved shall be determined by a random process prior to the effective date of the appointment. If two or more individuals currently have identical seniority, and one of them had voluntarily accepted a reduction in appointment in accordance with 10.02.B., then that individual shall have the greater seniority; otherwise a process of random selection will be employed to give each a unique seniority position. The process to be used shall be determined by the senate.
  - D. The period of an approved leave of absence is included in determining length of service.
  - E. If a faculty member is reappointed as an instructor or assistant professor without a break in service, length of service shall be computed from the date of the initial appointment at that rank.
  - F. If a faculty member is reappointed after having left the university, the appointment shall be treated as an initial appointment and previous service in the university considered on the same basis as service elsewhere as provided in 10.04.B.

- G. Every effort, consistent with federal and state laws regarding fair employment practices, shall be made to ensure that the university's affirmative action programs are not impaired by the operation of this seniority system.
- 10.05. NOTIFICATION. (See UWS 5.09-5.10.) Each faculty member whose position is recommended for elimination or reduction shall be notified in accordance with UWS 5.09 and 5.10.
- 10.06. REVIEW OF HEARING. (See UWS 5.11-5.13.)
- A. ROLE OF COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES. The Committee on Faculty Rights and Responsibilities shall operate as the hearing agent for the Board pursuant to Section 227.12, Wis. Stats., and conduct the hearing, make a verbatim record of the hearing, prepare a summary of the evidence, and transmit such record and summary along with its recommended findings of fact and decision to the Board.
  - B. HEARING. A faculty member whose position is recommended for elimination or reduction is entitled to a hearing before the committee as provided in UWS 5.12.
- 10.07. RECOMMENDATIONS AND BOARD REVIEW. (See UWS 5.14-5.15.)
- A. The recommendations of the chancellor and the recommendations, if any, of the Committee on Faculty Rights and Responsibilities shall be forwarded to the president and the Board and acted upon by the Board in accordance with UWS 5.14.
  - B. Review by the Board is governed by UWS 5.14 and 5.15.
- 10.08. LAYOFF STATUS AND RETAINED RIGHTS. (See UWS 5.16-5.19.)
- A. A faculty member whose position has been eliminated or reduced in accordance with the financial emergency provisions of this chapter shall be placed on layoff status and shall so remain until removed according to UWS 5.16.
  - B. A faculty member designated for layoff or on layoff status shall have the rights provided in UWS 5.17, 5.18, and 5.19 and, in addition, shall have the following rights: faculty on layoff status will be entitled to use university-wide facilities. Use of the facilities of a school, college, or department, or program will be determined by the faculty thereof.
  - C. Faculty members on voluntary or compulsory reduction of appointment under this chapter retain full membership in the faculty regardless of the percent of appointment and continue to be governed by these *Faculty Policies and Procedures*; in addition, the annual notice required in UWS 5.16 (2)(b)4 shall be deemed to be given automatically by virtue of the continued part-time appointment. In the event that a faculty member on voluntary or compulsory reduction of appointment shall be offered an appointment at a greater fraction of full time as specified in UWS 5.16 (2)(b)1 and shall refuse such increased appointment, then any subsequent claim to increased appointment shall be forfeited.