



# UTAH VALLEY UNIVERSITY

## Policies and Procedures

<b>POLICY TITLE</b>	Faculty Personnel Reduction (TEMPORARY)	<b>Policy Number</b>	648
<b>Section</b>	Academics	<b>Approval Date</b>	April 25, 2024
<b>Subsection</b>	Faculty	<b>Effective Date</b>	April 25, 2024
<b>Responsible Office</b>	Office of the Provost/Senior Vice President of Academic Affairs		

### 1.0 PURPOSE

1.1 UVU Policy 648 Faculty Personnel Reduction (Interim Policy) has been proposed for revision into four separate policies; namely, Policy 648 *Faculty Reduction or Reassignment for Institutional Reasons*, Policy 649 *Faculty Remediation, Sanctions, and Dismissal for Cause* (to be approved at the same time as this policy), Policy 650 *Faculty Separation Due to Cause* (currently in stage 1), and Policy 651 *Faculty Retirement and Resignation* (currently in stage 1). This policy (648) will remain the same minus the overlapping content in Policy 649.

### 2.0 REFERENCES

2.1 *Duties and Responsibilities of the President of a Degree-granting Institution of Higher Education—Approval by Board of Trustees*, Utah Code § 53B-2-106.1

### 3.0 DEFINITIONS

### 4.0 POLICY

#### 4.1 Personnel Reduction

4.1.1 Termination of faculty services to Utah Valley University may occur for one of the following reasons:

- 1) A faculty member is terminated during the probationary appointment at the end of a contract period by administrative action in accordance with the academic tenure policies.
- 2) A faculty member with tenure is terminated for cause as determined by the President. Confidentiality is to be observed.



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- 3) A faculty member initiates the termination by resigning from the position.
- 4) A faculty member exercises retirement.

**4.1.2** Appointment to a tenured position is considered permanent and not subject to termination or substantial reduction in status, except under those circumstances discussed herein.

### **4.2 Resignations and Retirement**

**4.2.1** Resignation. The decision to resign shall be submitted in writing by the faculty member to the immediate supervisor at the earliest feasible date.

**4.2.2** Retirement. The decision to retire shall be submitted in accordance with the University retirement policy. In order to facilitate continued operation of the program, written notification of intention to resign or retire shall be considered binding if not rescinded by the faculty member in writing within five working days of the date of submission. The immediate supervisor shall advise the President through normal administrative channels of such a decision.

### **4.3 Discontinuance of Tenure-Track Faculty**

**4.3.1** During the tenure-track period, advance notice of non-reappointment of non-tenured faculty should be given in writing from the appropriate dean in accordance with the following standards:

**4.3.1.1 During the first academic year of a one-year appointment:** If the appointment expires at the end of the academic year, notice of discontinuance shall be given no later than March 1 of the first academic year of service; or, if the one-year appointment terminates during an academic year, notice should be given at least three months in advance of termination.

**4.3.1.2 During the second academic year of a two-year appointment:** If the appointment expires at the end of the second academic year of service, notice of discontinuance shall be given no later than December 15; or, if an initial two-year appointment terminates during an academic year, notice should be given at least six months in advance of termination.

**4.3.1.3 After two or more years:** Notice of discontinuance shall be given not fewer than six months before the expiration of an appointment after two or more years in the institution.

**4.3.2 Procedural due process.** If a tenure-track faculty member alleges that discontinuance is based on discriminatory or prejudicial treatment in violation of their constitutional or statutory rights, the faculty member shall be accorded the procedural due process provided in this section. The petitioning faculty member shall have the burden of introducing competent evidence to the Provost/Senior Vice President of Academic Affairs sufficient to support a decision that the non-



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renewal or reduction was based on discriminatory, prejudicial facts and reasons. Review on appeal shall be limited to a determination of whether the nonprejudicial, nondiscriminatory requirements have been met.

### **4.5 Termination for Medical Reasons**

**4.5.1** A tenured faculty member may be dismissed or given a contract with substantially reduced status if medical incapacity prevents the faculty member from performing usual duties and responsibilities.

**4.5.2** Allegation. Proceedings to terminate or to give substantially reduced status to a faculty member for medical reasons shall be initiated by a written statement alleging medical incapacity made to the President or designee, by the faculty member's dean, department chairperson, or supervisor. The faculty member shall be notified in writing of the allegation and informed of the right to a conference.

**4.5.3** Physical examination. In such cases the faculty member shall be informed of the right to be examined (at university expense) by two physicians. One physical shall be chosen by the faculty member and the other physician shall be chosen by the University.

**4.5.4** Examination concurrence. Should both examining physicians concur as to the absence of such medical incapacity, no further action shall be taken.

**4.5.5** Examination refusal. If the faculty member refuses to submit to medical examination, or if the complaint of medical incapacity cannot be resolved by administrative disposition during an informal, conciliatory meeting, a written formal charge shall be prepared and submitted to the president of the Faculty Senate who shall convene an ad hoc committee; and a formal hearing procedure shall be initiated.

**4.5.6** Decision. The Faculty Senate ad hoc committee may recommend extended suspension or involuntary early retirement. The committee may also recommend, in those cases where the duration of medical incapacity is expected to be relatively short, that the faculty member be only temporarily replaced or be given priority for possible rehire.



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### 4.6 Termination of Tenured Faculty for University Reasons

**4.6.1** Financial exigency. (See UVU Policy 373 *Bona Fide Financial Exigency and Personnel Reduction*.)

**4.6.2** Program or unit discontinuation. A tenured faculty member may be dismissed or given a contract with or without substantially reduced status in the event of a bona fide discontinuance of a program or department of instruction.

### 4.6.3 Conciliatory Actions

**4.6.3.1** Notification. When a faculty member with tenure is terminated or given a renewal contract with a substantially reduced status because of bona fide discontinuance of a program, a department of instruction, or other equivalent tenure-granting academic subdivision, they shall be notified no later than March 30 of the previous contract year and the University must pay the tenured faculty member severance in accordance with the terms of their employment contract. After that date, the faculty member's contract shall be renewed at a salary rate not less than their current contract or the faculty member shall be given severance pay equal to their current contract salary in lieu thereof.

**4.6.3.2** Reassignment. At the time it is preparing and implementing a plan for personnel reduction, the University shall make a good faith effort to reassign any faculty member to be laid off to an existing vacant position within the University for which the faculty or staff member is qualified. A tenured faculty member who is not dismissed and who is appropriately qualified has the right to displace a non-tenured faculty member from their position. The reassignment of faculty, including decisions regarding salary, and other rights in the new assignment, shall be negotiated by the dean and the department chairperson with the participation of the faculty of the program to which the proposed reassignment is to be made. Reassigned faculty with tenure carry that tenure to the new program.

**4.6.4** Appeals rights. Unless otherwise required by law or regulation, the University's grievance procedure shall not delay the effective date of the layoff (see UVU Policy 646 *Faculty Appeals for Retention, Tenure, and Promotion*).

### 4.6.5 Reinstatement Rights

**4.6.5.1** For tenured faculty. In cases of layoff of tenured faculty members, the position concerned may not be filled by replacement within a period of three years from the effective date of the layoff unless the tenured faculty member has been offered a return to employment in that position and has not accepted the offer within 30 calendar days after the offer was extended.

**4.6.5.2** For non-tenured faculty. Except as provided in section 4.6.3.2 (giving a tenured faculty member to be laid off the right to displace a non-tenured faculty member), in the case of a



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position from which a non-tenured faculty member has been laid off, the position concerned may not be filled by replacement within a period of one year from the effective date of the layoff unless that position has been offered to the following persons who were laid off, who are qualified therefore, and who have not theretofore been rehired: first, tenured faculty members; second, non-tenured faculty members. Each such offer must be accepted within 30 calendar days after the offer is extended before being offered to anyone else.

**4.6.5.3** For reinstated faculty. A faculty member who has been laid off and who accepts reinstatement in the same position shall resume the rank and tenure status held at the time of layoff, be credited with any sick leave accrued prior to the date of layoff, and be paid a salary commensurate with the rank and length of previous service.

### 5.0 PROCEDURES

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity
April 15, 2010	Regular policy approved.	UVU Board of Trustees
March 28, 2024	Temporary policy approved.	UVU Board of Trustees
April 25, 2024	Compliance change mandated by HB 438, Utah Legislature.	UVU President's Council
May 6, 2024	Compliance change ratified.	UVU Board of Trustees