

REDUCTION IN FORCE – FACULTY PROCEDURES

These procedures are adopted pursuant to Sections 85-1528 to 85-1533 Statutes of Nebraska as the same, from time to time, may be amended.

1. Before implementing a reduction in force of full-time faculty, the President shall present to the Board of Governors competent, convincing evidence demonstrating that a change of circumstances has occurred with regard to federal, state or area funding, other financial considerations, declines in enrollments in specific programs, and other factors which affect the viability of any course or program. The President may appoint an advisory task force to determine facts and provide recommendations to the President. Any such task force appointed shall act as an advisory group to the President.
2. Upon the President presenting to the Board competent evidence of diminution of financial support, program discontinuance, declining enrollments, projected declining enrollments, or other like changes or circumstances which would necessitate a reduction in force of full-time faculty, the President shall report to the Board that such reduction in force shall be from the College as a whole or a particular campus or campuses. If such a reduction in force is to affect only a specific campus, such circumstances must specifically relate to the full-time faculty members from that particular campus. The President shall also present evidence to the Board that there are no other full-time faculty vacancies on that particular campus on which the proposed reduction in force may occur.
3. The President shall present competent evidence to the Board that in addition to the legitimate need to reduce full-time faculty on a particular campus that there are no such openings on other campuses or educational facilities operated by the College for which any affected faculty would be qualified and to which said faculty might transfer.
4. The President shall provide to the Board evidence that the affected faculty members(s) were given adequate advance notice of the possibility of the reduction in force. In cases where the President has determined the need and extent of reduction in force, he/she should make all reasonable efforts to give at least ninety (90) days notice of the proposed effective date of the termination of employment. The President shall demonstrate to the Board that the President has considered all reasonable alternatives to reduction in force as were apparent to the President.

5. When it has been determined by the President either with or without consultation with his advisory task force, reductions in force of the full-time faculty shall occur in the following sequence:
 - a. Reduction in faculty members who have advised the College in writing that they are terminating employment at or before the end of the contract year and not returning.
 - b. Reduction in faculty members who have advised the College in writing that they are voluntarily retiring at or before the end of the contract year.
 - c. Probationary faculty.
 - d. Full-time faculty.

6. If it becomes necessary to seek the reduction of full time faculty members, the following factors shall be considered, which are not listed in order of priority.
 - a. Low full-time equivalent students/faculty ratio at a campus site: below 300 credits for 1.00 REU weighted courses and below 275 credits for 1.50 and 2.00 REU weighted courses.
 - b. Years of full-time service to the College.
 - c. Individuals under a performance improvement plan and/or positive discipline action.
 - d. The program to be offered or program changes in curriculum, consolidation of programs, or elimination of entire programs.
 - e. The areas of certification, endorsement, licensure, or level of educational attainment that would be of present or future value to the college.
 - f. Special qualifications acquired by specific training and/or experience.
 - g. Distribution of individuals who have proven capabilities in "skill areas" (e.g. music, coaching, dramatics, etc.)
 - h. State and federal regulations that may mandate certain employment practices.
 - i. The service level impact of reduction of faculty at a particular site when compared to another site.
 - j. Regional or programmatic accreditation requirements that may mandate certain employment practices or qualifications.
 - k. The organizational and educational effect created by multiple part-time employees.
 - l. Any other reasons that are rationally related to the instruction in or administration of the college.

7. Any affected faculty member whose contract has been terminated under reduction in force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such faculty member shall have preferred rights to re-employment for twenty-four months commencing at the end of the contract year and shall be recalled on the basis of length of service to the College for any position to which he/she is qualified by endorsement, college preparation or vocational-technical experience. If the President determines that a full-time faculty vacancy will occur in an existing position or that a new position will be created which a former full-time faculty member has the right to be recalled for, the President shall advise the faculty member in writing of the availability of such position and of the position's commencement date. Such advice will contain the notification that the faculty member has ten calendar days from the date of the notification in which to indicate acceptance of the position. Notice shall be sent to the faculty member by ordinary mail to the last known address as shown in the faculty member's personnel file. Former faculty members shall have the responsibility of keeping the College advised as to any change in mailing address.

In the event the recalled faculty member advises the President of acceptance of the appointment, then the President shall forward the appropriate notice of appointment to the faculty member. The faculty member must return the signed notice of appointment to the President within ten calendar days of mailing by the President.

In the event the recalled faculty member fails or neglects to accept the notice of appointment within ten calendar days by returning the notice of appointment within the specified time, the faculty member shall be deemed to have waived all rights to recall for that particular position.

8. A recalled faculty member shall, upon full-time reappointment, retain any benefits which had accrued to such employee prior to termination, but such leave of absence shall not be considered as a year of employment by the College. An employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his or her right to subsequent recall. Salary for any such full-time reappointed faculty member shall be subject to negotiation and settlement between the reappointed faculty member and the College.

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