



WNCC Administrative Procedure

Title:	Reduction-in-Force - Faculty
Division:	Human Resources
Category:	Personnel
Reference:	Nebraska Revised Statutes §§85-1528 through 85-1533 Nebraska Open Meetings Act BP-415 (Employee Group Classification) BP-430 (Reduction-in-Force) AP-617.02 (Curricular Program Support or Program Closure)
Number:	AP-430.01
Date of Approval:	August 28, 2024
Approval:	Greg Dart, President

Purpose

This procedure establishes a process for the reduction-in-force of faculty positions.

Scope

This procedure applies to all full-time, continuing contract faculty at all locations.

Definitions

Faculty (Full-time): All full-time teaching personnel and other professional personnel whose assignments are comprised of at least one-half of duties as a faculty member. This includes the following positions: Instructor, Clinical Instructor, Librarian, Coordinator of AV Services, Counselor, and Division Chairs, per the Negotiated Agreement.

Faculty members shall be assigned status according to one of the following:

- **Probationary:** New faculty who serve a probationary period from the date of employment until the completion of employment under two (2) years.

- **Continuing Contract:** Faculty who have successfully completed two (2) consecutive full-year, regular contracts with WNCC and have formally transitioned from probationary to continuing contract status.

Procedure

I. Evidence of Need

Before implementing a reduction-in-force of full-time faculty positions, the President shall present to the Board of Governors competent evidence that:

- A. A change of circumstances has occurred with regard to funding, other financial considerations, declines or projected declines in enrollments in specific programs or courses, or other factors that affect the viability of any course or program. Any evidence of change of circumstance will be related to the specific position or positions being considered for reduction-in-force. While the administration retains responsibility for making the decision to move to a reduction-in-force, the President may appoint an advisory task force to evaluate facts and provide recommendations to the President.
- B. There are no current instructional openings for which any affected faculty would be qualified and might transfer.

II. Evidence of Change of Circumstance for Consideration of a Reduction-in-Force

Current program viability shall be the controlling consideration in all instances. Included in this consideration may be, listed without priority:

- the relationship of the discipline or program of study to the role and mission of the College;
- the ability of the program of study to meet the current needs and interests of students and the economic needs of the service area;
- the opportunity for changes to the curriculum or the consolidation of programs of study;
- discipline function and/or the overall curricular offerings.
- the history of the number of students served;
- low full-time equivalent students/faculty ratio;
- history of national program accreditation or certification or state approval; or
- any other reasons that are related to the instruction in or administration of the College.

III. Sequence of Faculty Position Elimination and Evidence Considered

- A. When it has been determined by the President, either with or without consultation with an advisory task force, that a reduction-in-force of full-time faculty positions is necessary, the reduction-in-force shall occur in the following sequence:
- Faculty positions where the incumbent faculty member/s has advised the College in writing that they are terminating employment at or before the end of the contract year and not returning.
 - Faculty positions where the incumbent faculty member/s has advised the College in writing that they are voluntarily retiring at or before the end of the contract year.
 - Faculty positions employing probationary faculty.
 - Faculty positions employing full-time continuing faculty.
- B. If the complete elimination of a program is not required, reductions-in-force shall be made in such a manner that the remaining members of the faculty possess the necessary qualifications to perform assigned duties needed.
- C. The following factors, listed without priority, may be considered when implementing a faculty reduction-in-force:
- the history of the number of students served.
 - low full-time equivalent students/faculty ratio.
 - regional or programmatic accreditation requirements or state or federal regulations that may mandate certain employment practices or qualifications.
 - areas of certification, endorsement, licensure, level of educational attainment, or special qualifications acquired by specific training and/or experience that would be of present or future value to the College.
 - organizational and educational effect created by multiple part-time employees.
 - any other reasons that are related to the instruction in or administration of the College.

After considering the above factors, length of service shall be the final factor used to determine which faculty position/s will be eliminated and which retained, provided that the senior employee is qualified to teach in the areas for which retained. Length of service shall be determined by the total years of faculty status at the College.

- D. If the complete elimination of a program is required, the administration and impacted faculty will work collaboratively to develop a teach out plan to ensure equitable treatment of students.

IV. Reduction-in-Force Process

The contract for all full-time continuing contract faculty members shall be deemed renewed and in force and effect unless a majority of the Board votes sixty (60) days before the close of the contract period to amend or terminate the contract with any full-time faculty member as result of a reduction-in-force.

Upon the recommendation of the President, the Secretary of the Board shall notify each full-time faculty employee in writing at least ninety (90) days before the close of the contract period of any conditions supporting a reduction-in-force that the Board considers may be just cause to either amend or terminate the contract of the faculty member for the ensuing year.

V. Hearing Process

Any full-time continuing contract faculty employee notified of termination or the intent to terminate shall have the right to file within five (5) days of receipt of such notice a written request with the Board for a hearing before the Board. Upon receipt of such request, the Board shall order the hearing to be held within ten (10) days and shall give sufficient written notice of the time and place of the hearing to the faculty employee. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the faculty employee shall be permitted to produce evidence related thereto. The Board shall render the decision to terminate or not terminate the contract of the full-time faculty member based on the evidence produced at the hearing.

Hearing Standards

- Hearings will be held in closed session unless the faculty member requesting the hearing asks that it be held in open session. The deliberations of the Board of Governors will be held in closed session, with any vote taken in open session and duly recorded in the minutes of the noticed Board meeting.
- The College shall retain a hearing officer for the purposes of conducting the hearing.
- A record of the hearing, by stenographic, electronic, or digital means, shall be maintained by the College. The appealing party will pay for the cost of any transcript.
- The faculty member requesting a hearing shall be entitled to a representative (legal or otherwise) at the hearing. This representative may speak for the faculty member, consult with the faculty member, and gather and present evidence on behalf of the faculty member. The faculty member or their representative may conduct interviews and examination of College personnel prior to the hearing with the College representative present. If the faculty member chooses to have a representative at the

hearing, the faculty member shall be limited to acting through their representative at the hearing.

- The Board of Governors shall assign one person who is not a Board member to represent the Administration at the hearing. This representative may speak for the Administration, consult with the Administration, gather and present evidence on behalf of the Administration, and conduct interviews and examinations of any witness prior to or at the hearing.
- The members of the Board of Governors may question any witness, any party, or a party's representative at the hearing, but shall not do so ex parte.
- The Board shall consider all relevant evidence and the standard of proof shall be by a preponderance of the evidence for the reduction-in-force action.
- The Board of Governors shall issue a written findings of the factual basis for its decision. These findings will be forwarded to the impacted faculty member and the President within 10 days of the Board's vote.

VI. Cessation of Salary and Benefits

When a reduction-in-force is to be implemented, the Board of Governors will determine an effective date of termination for the affected faculty member. All salary and benefits will end with the effective date of termination from the College.

VII. Right to Recall

A. Dismissal with Honor

Any affected faculty member whose contract has been terminated under a reduction-in-force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect.

B. Right to Re-employment

Pursuant to Nebraska statute, a faculty member whose contract has been terminated under a reduction-in-force shall have preferred rights to re-employment for twenty-four (24) 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 they are qualified by endorsement, academic preparation, or vocational-technical experience to teach.

C. Notification of Vacancy

If the President determines that a full-time faculty vacancy will occur in an existing position or that a new position will be created for which a former full-time faculty member has the right to be recalled, the President or designee shall advise the faculty

member in writing of the availability of the faculty position and of the position's commencement date.

Such advice will contain the notification that the faculty member has ten (10) 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.

Acceptance of Vacancy

In the event the recalled faculty member advises the College 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 (10) calendar days of mailing by the President.

Non-Acceptance of Vacancy

In the event the recalled faculty member declines the appointment or fails or neglects to accept the notice of appointment within ten (10) 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.

D. Benefits

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 fulltime reappointed faculty member shall be subject to negotiation and settlement between the reappointed faculty member and the College.

Revising this Procedure

This Administrative Procedure supersedes any prior WNCC procedure, guideline, or handbook on this subject matter.

WNCC reserves the right to revise this procedure, as necessary, and for the changes to become effective immediately.

Original Adoption Date: August 28, 2024

Revision Date:

Sponsoring Division: Human Resources