

Senate Document SD 15-26
(Approved, 4/11/2016)
(Supersedes SD 86-22)

MEMORANDUM

TO: Fort Wayne Senate

FROM: Fort Wayne Senate Executive Committee

DATE: 29 March 2016

SUBJ: New Procedures to Replace Senate Document SD 86-22

WHEREAS, The procedures outlined in Senate Document SD 86-22 outlining “guidelines to be followed in making decisions about financial shortages, mergers of academic units, reassignments of faculty to new academic units, or the elimination of academic programs within academic units” do not adequately reflect IPFW’s current situation; and

WHEREAS, a revision of the Bylaws of the Senate (Senate Document SD 15-22) was adopted by the Fort Wayne Senate on 14 March 2016; and

WHEREAS, Bylaw 5.3.5.2.1.7.2.3.3. states that the Budgetary Affairs Subcommittee will “Work with the Revenue Subcommittee and other applicable groups on recommendations when serious financial shortages may result in the elimination, reorganization, merger, or consolidation of programs. Procedures can be found in Senate Document SD 15-XX.”; and

WHEREAS, Bylaw 5.3.5.2.1.8.2.4. states that the Revenue Subcommittee will “Work with the Budgetary Affairs Subcommittee and other applicable groups on recommendations when serious financial shortages may result in the elimination, reorganization, merger, or consolidation of programs. Procedures can be found in Senate Document SD 15-XX.”;

BE IT RESOLVED, That the following procedures be adopted to replace those outlined in Senate Document SD 86-22; and

BE IT FURTHER RESOLVED, That Bylaws 5.3.5.2.1.7.2.3.3. and 5.3.5.2.1.8.2.4. be amended to read, “Procedures can be found in Senate Document SD 15-26.”

Guidelines for Program Reorganization, Merger, Reduction, and/or Elimination

I. Faculty Authority

- A. The Constitution of the Faculty of Indiana University-Purdue University Fort Wayne (hereafter, IPFW) endows the faculty with the following powers:
1. To recommend policies concerning the conduct, welfare, privileges, tenure, appointment, retention, and promotion of the faculty (VI.A.1.e.).
 2. To make recommendations concerning changes in academic organization (VI.A.2.a.).
 3. To make recommendations concerning the determination and management of the budget (VI.A.2.b.).
 4. To make recommendations concerning increases and decreases in staff (VI.A.2.d.).
 5. To review and approve the titles of the academic degrees conferred at IPFW (VI.A.4.a.).
 6. To review and approve the general requirements for the curricula leading toward academic degrees or certificates (VI.A.4.b.).
 7. To present its views concerning any matter pertaining to the conduct and welfare of IPFW to the Presidents and Boards of Trustees of Indiana University and Purdue University (VI.A.5.).
- B. In the exercise of these powers, decisions concerning reorganization, merger, reduction, and/or elimination of programs shall occur as a result of a review process in which the faculty has assumed a prominent role.
- C. Reorganization, merger, reduction, and/or elimination of a program shall proceed according to procedures established by the Fort Wayne Senate (hereafter, Senate) and the faculty of each major unit directly affected.
- D. The procedures described below shall apply whenever a decision on reorganization, merger, reduction, and/or elimination of programs may result in the termination of a faculty appointment or the reassignment of a tenured faculty member in any academic unit.

II. Affirmative Action

- A. These procedures shall be applied in a manner that is consistent with IPFW's commitment to affirmative action.

III. Faculty Participation in Campus-Level Budget Decisions on Financial Difficulties

- A. Whenever a serious financial shortage for the Indiana University or Purdue University systems or for IPFW becomes imminent, the faculty and administration together shall weigh the situation and means for alleviating it. The campus shall strive to avoid impairment to its academic missions of research, teaching, and service.

B. Definitions

1. The term “IPFW” shall refer to all academic and non-academic units and subunits of the institution whose budgets are administered by the chief administrative officer of IPFW, the chief academic officer of IPFW, the chief financial officer of IPFW, the chief officer in charge of student affairs at IPFW, the chief advancement officer at IPFW, and any future senior-level administrators.
2. Pursuant to the Bylaws of the Senate, the term “major unit” shall mean “college, school, or division or the library.”
3. For the purposes of this document, the definition of the term “Faculty” shall be that used in the Constitution of the Faculty of Indiana University-Purdue University Fort Wayne, but shall also include Continuing Lecturers.
4. Financial Difficulties
 - a. A financial crisis for IPFW as a whole would be a situation in which an unusual deficit, either incurred or anticipated, could be settled only through actions that might seriously impair IPFW’s academic missions of research, teaching, and service. Such a crisis will be said to exist when so declared by the chief administrative officer of IPFW or the Board(s) of Trustees.
 - b. A financial exigency for IPFW would be the worst type of financial crisis—a demonstrably bona fide, imminent financial crisis that threatened the survival of IPFW as a whole and which could not be alleviated by means less drastic than the termination of faculty appointments with tenure, or of faculty appointments without tenure before the end of the specified terms.¹ Such an exigency will be said to exist when so declared by the chief administrative officer of IPFW or the Board(s) of Trustees.

C. Procedure

1. As soon as a financial crisis for IPFW becomes imminent or a period of financial difficulty worsens, the chief administrative officer of IPFW shall request the recommendations of the Senate and its Budgetary Affairs Subcommittee (hereafter, BAS) and Revenue Subcommittee (hereafter, RS). If the chief administrative officer believes that the circumstances may be severe enough to lead to the declaration of a financial exigency, then the chief administrative officer shall request the Senate, BAS, and RS to consider this possibility.

¹ According to the American Association of University Professors in its “Recommended Institutional Regulations on Academic Freedom and Tenure” (<http://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>), section 4.c.(1), “Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means.”

- a. In the face of an imminent financial crisis or worsening financial situation, but in the absence of either a formal declaration by the chief administrative officer or of a request for recommendations by the Senate, BAS, and RS, the Senate and/or the Executive Committee may direct BAS and RS to initiate the procedure outlined in Section III.C.2.
2. When the recommendations of BAS and RS are requested, the two subcommittees shall form a special joint committee, which shall be called the Joint Budget and Revenue Subcommittee (hereafter, JBRS). The JBRS shall be composed as follows:
 - a. The chair of BAS shall be the chair of the JBRS. The chair shall be non-voting, but shall have the power to break tie votes of the JBRS.
 - b. In addition to the chair, the JBRS shall consist of eight Voting Faculty members serving on BAS and RS, jointly elected by the members of BAS and RS, such that at least four of the major units shall be represented. The membership shall also be evenly split between Indiana University-mission and Purdue University-mission faculty. The chair of the JBRS shall not be counted in determining unit and mission affiliation.
 - c. In the event that there is a vacancy on the JBRS, a replacement shall be selected from the remaining Voting Faculty members of BAS and RS, such that the requirements on unit and mission affiliation are still followed.
 3. The JBRS shall secure and review relevant information, both budgetary and otherwise, about the campus and its parent university systems.
 - a. The chief administrative officer and other relevant administrators shall provide the JBRS with their assessment of IPFW's financial situation and suggest some possible approaches to dealing with the financial crisis.
 - b. The JBRS shall consult with relevant Senate committees, such as the Educational Policy Committee and the Faculty Affairs Committee, and with representatives of units on campus that might be affected by the financial crisis and the proposed remedies.
 - c. The JBRS shall develop and consider potential alternative plans for alleviating the financial crisis.
 - d. Within 30 days of the request for recommendations, the JBRS shall submit to the chief administrative officer and the Senate a report on its deliberations, its judgment of the severity of the financial crisis, and its recommendations for alleviating the effects of the financial crisis. If, in the JBRS's view, the severity of the financial crisis warrants the declaration of a financial exigency, it shall recommend that the chief administrative officer so declare.

4. The Senate, acting on the basis of the report from the JBRS, shall weigh the situation and submit its recommendations to the chief administrative officer by its next regularly scheduled meeting.
5. Upon receipt of the recommendations of the JBRS and the Senate, the chief administrative officer shall meet with the Presiding Officer of the Senate, the Speakers of the Faculty, and the chair of the JBRS within two weeks to discuss the recommendations. Subsequently, the chief administrative officer shall notify the JBRS and the Senate of the administration's assessment of the financial crisis and the proposed recommendations for alleviating it and shall allow opportunities for questions and feedback from the JBRS, the Senate, and the faculty.
6. If a financial exigency is declared, the declaration shall expire within one year from the date of its announcement, unless this full review procedure is invoked again.

IV. Procedures for Program Reorganization, Merger, Reduction, and/or Elimination

- A. The following procedures deal with the possibility of the reorganization, merger, reduction, and/or elimination of academic programs and become effective whenever such a proposal is made or endorsed by the chief administrative officer.
- B. Major units are expected to carefully evaluate the viability of implementing the recommendations of the chief administrative officer, and report on the best means of implementing those recommendations. If it is the determination of the major unit that the chief administrative officer's recommendations cannot be implemented, a thorough explanation of the basis for this determination should be reported to the chief administrative officer. The specific procedures to be followed in conducting this evaluation are left up to the discretion of the major units, but it is expected that faculty, especially in units potentially affected by the recommendations, will play a role in the evaluation. Major units should strive to issue a report on their proposal for reorganization, merger, reduction, and/or elimination within 30 days of the chief administrative officer's recommendations.
- C. If program reorganization can be achieved within a major unit and without the dissolution of degree-granting or certificate-granting programs, or general education supporting programs, such reorganization will be reported to the chief administrative officer by the dean(s)/director(s) of the appropriate major unit(s). The chief administrative officer will refer the proposed reorganization to the JBRS.
- D. If program merger can be effected between two or more units to the satisfaction of those units and without the dissolution of degree-granting or certificate-granting programs, or general education supporting programs, such a merger shall be reported to the chief administrative officer by the dean(s)/director(s) of the appropriate major unit(s). The chief administrative officer will refer the proposed merger to the JBRS.

- E. If program reduction can be effected to the satisfaction of those programs without the dissolution of degree-granting or certificate-granting programs, or general education supporting programs, such reduction shall be reported to the chief administrative officer by the dean(s)/director(s) of the appropriate major unit(s). The chief administrative officer will refer the proposed reduction to the JBRS.
- F. If, after consultation with relevant Senate committees and a reasonable period for faculty remonstrance, the JBRS approves a reported reorganization, merger, or reduction, it will issue a positive recommendation to the Senate as a report “for information only” and to the chief administrative officer.
- G. All other recommendations of program reorganization, merger, reduction, and/or elimination will be submitted to a three-committee review system consisting of (1) faculty of the unit(s) affected by the chief administrative officer’s recommendations, (2) the JBRS, and (3) administrative officers.
 - 1. Unit Committee
 - a. A representative group of faculty from each affected unit will be elected by the unit. In decisions of reorganization and merger involving more than one unit, this committee will include equal representation of those units and a non-voting chair from outside the units who will be selected by the JBRS.
 - 2. Joint Budget and Revenue Subcommittee (JBRS)
 - a. The JBRS established in Section III.C.2. shall continue in service until the work of the three-committee review system is complete.
 - b. Members of the JBRS shall remain in service until the work of the Subcommittee is complete, even if members’ terms on BAS and/or RS should expire during their time of service on the JBRS.
 - c. Members of the JBRS may not also serve on either the Unit Committee or the Administrative Committee.
 - d. The JBRS will submit a monthly update to the Senate in the form of a report “for information only.”
 - 3. Administrative Committee
 - a. This committee will be composed of at least three members selected by the chief academic officer of IPFW.
 - 4. Procedures

- a. After the major unit has reported to the chief administrative officer on the viability of the chief administrative officer's recommendations and the best means of implementing them, or the reasons why they cannot be implemented, the chief administrative officer will refer his/her recommendations and the major unit report to the chair of the JBRS. The JBRS will then establish a reasonable timetable for action, which will include time for faculty remonstrance.
 - b. The Unit Committee, JBRS, and Administrative Committee will each assemble the pertinent facts that will enable it to reach a well-documented recommendation about the direction and range of the proposed reorganization, merger, reduction, and/or elimination.
 - c. Each committee will select three representatives who will meet with the representatives of the other committees to negotiate and to render a decision on the proposed reorganization, merger, reduction, and/or elimination. Each committee will have a single vote, and any two of the three committees can sustain a decision over the opposition of the third committee; however, every effort should be made to achieve a consensus solution.
 - d. The final recommendations of the three-committee review system will be sent to the Senate by the JBRS as a report "for information only" and to the chief administrative officer.
 - e. Any recommendation for reorganization, merger, reduction, and/or elimination that might affect faculty members will follow the guidelines set out under Section V. of these procedures.
 - f. Any recommendation for reorganization, merger, reduction, and/or elimination that affects students pursuing a degree or certificate, or that requires course work in an affected program, should allow for those students to complete their degree or certificate program or to transfer to a comparable program without incurring any credit penalty.
- V. Procedures Relating to Faculty Appointments as a Result of Reorganization, Merger, Reduction, and Elimination of Programs
- A. Reorganization and Merger
1. Faculty members with tenure or those serving under a term of an unexpired appointment shall not be involuntarily terminated as a result of reorganization or merger.
 2. Faculty of a reorganized or merged program shall be reassigned to the surviving program or to another appropriate program at IPFW.
 - a. Tenured faculty shall be reassigned with tenure.

- b. A faculty member serving under a term of an unexpired appointment shall have the right, when reassigned, to serve no less than the remainder of his/her current term of appointment in the new program.
 - c. A reduced rate of compensation shall not result because of reassignment of a faculty member.
 - d. Other benefits earned before reassignment, such as credit toward a sabbatical leave, shall not be lost as a result of reassignment.
3. If the affected faculty member and/or dean/director of the newly assigned unit determines that such reassignment requires retraining, the affected faculty member shall be:
 - a. Automatically eligible for such training leave as determined appropriate in content and duration by the faculty member in consultation with the dean/director.
 - b. Informed in writing by the administrator of the program to which s/he is scheduled to be reassigned what specific training must be completed successfully in order to guarantee such reassignment.
4. The University shall facilitate retraining for reassignment by approving release time or leaves with pay and fringe benefits for affected faculty members, in addition to requesting tuition-free admission from the Board of Trustees to appropriate courses at IPFW, Indiana University, or Purdue University. If the requisite training is not available at either institution, training undertaken elsewhere shall be at IPFW's expense.
5. Reassigned faculty shall not displace an incumbent in an existing position.

B. Reduction of Programs

1. Reduction of programs shall not result in the involuntary termination of tenured faculty. Decisions concerning the status of other faculty in reduced programs shall be made in accordance with the then current policies and procedures regarding appointment, reappointment, and tenure.
2. Reduction of programs ordinarily shall occur through attrition of faculty by retirement, voluntary resignation, or other routine procedures.
3. Reduction of programs also may be accomplished by means of negotiated termination of faculty with compensation, or by voluntary reassignment in accordance with the applicable provisions of Sections V.A.2.-V.A.5. of these procedures.

- a. Such reassignment shall not preclude the possibility of employment of a faculty member in an appropriate non-faculty position on a temporary basis, except that a reassigned faculty member may not displace an incumbent employee in that position.

C. Elimination of Programs

1. Except under conditions of financial exigency as defined in the American Association of University Professors' "Recommended Regulations on Academic Freedom and Tenure," elimination of programs shall not result in the termination of either tenured faculty or those serving under unexpired terms of appointment.
2. In the event of program elimination under conditions of less than financial exigency, the University shall make every effort to reassign affected faculty in accordance with the provisions of Sections V.A.2.-V.A.5. of these procedures.
 - a. Such reassignment shall not preclude the possibility of employment of a faculty member in an appropriate non-faculty position on a temporary basis, except that a reassigned faculty member may not displace an incumbent employee in that position.

D. Prior Notice

1. After a decision has been made to reassign a faculty member or not to renew an existing faculty appointment under the provisions of Sections V.A., V.B., and V.C. of these procedures, the chief administrative officer shall provide the affected faculty member at least one year's written notice of such action.

E. Appeal

1. Faculty who fall under the provisions of these procedures shall have the right of appeal to the Indiana University Faculty Board of Review or the Purdue University Academic Personnel Grievance Board, as appropriate.
2. An appeal may be made on the basis of a complaint about the interpretation or implementation of procedures regarding reorganization, merger, reduction, and/or elimination of programs as established by the Senate and elected policy committees of the major units.
3. Conduct of such appeals shall be in accordance with the existing procedures of the Indiana University Faculty Board of Review or the Purdue University Academic Personnel Grievance Board.