

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: Reduction in Force – Faculty and Research Faculty

NUMBER: 4:23

1. Faculty Member Reductions In Staff Procedures

If, in the judgment and discretion of the Board, it becomes necessary to terminate the contractual rights of faculty members because of governmental action, significant loss of enrollment, consolidation of departments, or other reorganization, dropping of courses, programs, or activities, or financial exigency, or for other valid reasons including those beyond the control of the Board, the Board may, notwithstanding any other policy of the Board, terminate the contracts of faculty members in accordance with the provisions of this section.

2. Reduction Procedures for Faculty

The following guidelines will be used by the Board and the presidents in the identification of faculty members to be terminated subject to the need to retain personnel with special skills essential to the effective operation of the system, the institutions, and their programs. The retention priorities outlined in this section will govern to the extent that faculty members will only be entitled to preference when their performance equals or exceeds that of persons in lower retention categories as documented on the annual performance reviews for the three most recent years, if available, and taking into account differences in performance expectations among ranks:

- A. Whenever possible, faculty member reduction will be accomplished through attrition;
- B. Among faculty members serving under term contracts, those employed in permanently funded positions will have retention priority over those employed in temporarily funded positions, and those employed full-time have retention priority over those employed on a part-time basis;
- C. Faculty members serving under full-time tenure-track contracts will have retention priority over faculty members serving under term contracts, and faculty members serving under part-time tenure appointments will have retention priority over faculty ~~unit~~ members serving part-time under tenure track and term contracts.;
- D. Faculty members serving under tenure contracts will have retention priority over faculty members serving under tenure-track and term contracts;

- E. Among faculty members having equal retention priority, the faculty member having the greatest seniority will have retention priority. Seniority will be based upon a faculty member's total years of full-time equivalent employment within the system exclusive of periods of unpaid leave, provided that faculty members with a break in service of more than four (4) years will not be given credit for service prior to such break;
- F. The preceding provisions of this Article notwithstanding, a faculty member who is under a constructive plan may be terminated prior to any other faculty member. A constructive plan will not be used to frustrate the intent of this Article.
- G. If a tenured faculty member is terminated under this Article, the position may not be filled for a period of two (2) years, unless the terminated faculty member has been offered reappointment. The terminated faculty member has twenty (20) working days from the receipt of an offer of reappointment to accept the position.
- H. During four (4) calendar years following the last day of the spring semester of the year in which a reduction in force took place, faculty members will be recalled in order of greatest seniority provided the faculty member is qualified to perform the duties of the vacant position.
- I. The fringe benefits of faculty members who return to employment under items G or H above will, to the extent provided by law, be as they were at the time their previous employment terminated, provided the benefits still exist and they are eligible for them in the new position.
- J. Every reasonable effort will be made to relocate a terminated faculty member in another academic, administrative, or staff position that is vacant, provided the faculty member is qualified to perform the duties of the position and fulfills all of the qualifications specified for the vacant position. Priority consideration for relocation will be given to those faculty members nearing retirement age. If relocation is accomplished, the salary and other considerations of employment will be as stated for that position.
- K. Every reasonable effort will be made to allow an affected faculty member to complete the current contract.
- L. To the extent that the same or comparable positions are available, the accrued rights of faculty members will be maintained in those cases involving involuntary transfers of faculty members that have resulted from geographical relocation of programs. The Board will provide moving expenses in the case of such transfers as provided by state rules and regulations.

3. Reduction Procedures for Research Faculty

In the event that a reduction in force affects research faculty, the following procedures will apply in order to assure, to the maximum extent possible the effectiveness of research programs that will continue in operation:

- A. (1) Where the research center will be closed, research faculty will be notified of the closure and the termination of their employment.
- (2) Where the research center will continue in operation, though at altered levels, the institutional president with advice from institution's chief research officer, the institution's research center director and principal investigators will prepare a list of proposed staff reductions based on the criterion of restoring the funding base of the affected organizational unit in the most effective possible manner.
- B. Each person selected for reduction pursuant to Section (A)(1), above, will be notified and provided with an explanation of the reasons for their selection. Each person will then have an opportunity to respond in writing to the proposed action, and each may request that the Executive Director review the decision of the institutional president.
- C. The reductions of force will take effect at such time as the Board may specify.

SOURCE: Current Policy Manual 5.4.4; 5.4.5; BOR, August 2004