

## Faculty Affairs Committee

### Comments on Policy Dealing with Effects of Financial Difficulties

Comments From: George Towers, FAC Chair 2020-2021

May, 2021: The FAC's recommendations for revision (in italics) follow the policy statements (in normal typeface) that they address. The FAC recommendations will be forwarded to the Executive Committee for review. Margie Ferguson indicated that the Executive Committee will forward approved recommendations to the Faculty Guide Committee for editing. The FAC requests that the Faculty Guide Committee then return the edited revisions for FAC review.

**Section I. General Principles:** "Accordingly, consideration of removal of persons with tenured or tenure-track academic appointment should never be considered as a tactic to be employed before other measures have been given a chance to work, much less as a routine or automatic step in the process of financial recovery, but rather as a measure of last resort, and the proponents of such action bear the burden of proving its necessity." (p. 123)

*FAC recommendations:*

- *Include NTT faculty with tenured and tenure-track faculty.*
- *Specify that "other measures" (underline added above) are consistent with the those identified by the AAUP which include "expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to noneducational programs and services, including expenses for administration" (AAUP, p. 12).*
- *Include a definition of financial exigency that is consistent with the AAUP's definition: "Financial exigency can legitimately be declared only when the institution's academic integrity will be fundamentally compromised by prolonged and drastic reductions in funds available to the institution and only when the determination of the institution's financial health is guided by generally accepted accounting principles" (AAUP, p. 19).*

### **Section III. Impending Financial Difficulties** (pp. 124-125)

*FAC recommendation:*

- *School or unit plans for addressing impending financial difficulties should be shared with the school-level faculty assembly (aka faculty senate) and made available to the entire faculty in that school or unit.*

### **Section V.B.1 Formulation, review, and reporting of a detailed plan for meeting financial exigency**

"The chancellor has the responsibility for dismissal of faculty or librarians with tenure, non-reappointment, and termination before the expiration of a term of appointment. It is imperative that

decision makers at the school or unit level be involved in the consideration of such actions as remedial measures for financial exigency, and that they and their respective faculties have in place detailed policies and procedures well in advance of the occurrence of financial exigency. However, deans and school or unit faculty committees do not have unilateral authority to implement such measures. Because financial exigency reflects the condition of the campus as a whole and permits the dismissal of faculty or librarians whose tenure originally was approved by the president and Trustees of Indiana University, the dismissal of tenured faculty or librarians for financial exigency must be authorized by the president and reported to the Indiana University Trustees” (p. 128).

*FAC recommendation:*

- *Please see underlined passage in above excerpt. Add that deans and school or unit faculty committees do not have unilateral authority to reduce faculty salaries.*

“The criteria must stand the test of fairness and equity without regard to age, sex, color, race, national origin, religious preference, status as a veteran, political preference or allegiance, or sexual preference. In addition, given the university's long-range commitment to diversity, such dismissals should consider the sexual and racial balance of faculty and librarians in the unit” (p. 128).

*FAC recommendation:*

- *Revise this passage to be consistent with institutional values regarding diversity, equity and inclusion.*

### **Section V.C.3 Replacement; reinstatement of dismissed faculty or librarians**

Item a) “Vacancies created by dismissal of tenured faculty or librarians and faculty not reappointed or terminated prior to expiration of the term of appointment: For at least three years following dismissal, school or units that have terminated faculty or librarians pursuant to a financial exigency plan shall offer such person reinstatement and a reasonable time in which to accept or decline the offer prior to hiring a replacement for the dismissed faculty member or librarian” (p. 130).

Item b) “Vacancies in tenured positions created by normal attrition: Within an affected school, unit, or University Libraries, essential replacement hiring to fill vacancies in tenured positions created by normal attrition shall be possible for the three year limitations periods above, and every consideration shall be given to hiring dismissed faculty or librarians if the possibility exists for retraining or adapting to the requirements in the area of need” (p. 130).

*FAC recommendation:*

- *Extend protections described in V.C.3.a & b to dismissed untenured and NTT faculty.*

Item c) “Replacements for part-time positions: Every reasonable effort should be made by the affected school or unit to reinstate dismissed tenured faculty members and librarians before hiring replacements for part-time positions. Replacement hiring for part-time positions is appropriate in cases where part-time positions have been a regular component of the school or unit's workforce, and continuation of such positions is necessary to maintain the financial health of the school or unit” (p. 130).

*FAC recommendations:*

- *Please address the clarity of items a, b, and c. Please increase the specificity of terms such as those underlined in the above excerpts.*

Item d) Faculty Board of Review: "Dismissed faculty or librarians have a right to request a Faculty Board of Review within the three year limitations periods above for the purpose of obtaining review of issues concerning hiring or reinstatement decisions that affect them" (p. 130)

*FAC recommendation:*

- *Specify that this right extends to dismissed untenured and NTT faculty.*

**Section V.C.4 Special Considerations for Dismissed Tenured Faculty and Librarians** (pp. 130-131)

*FAC recommendation:*

- *These special considerations be extended to dismissed untenured and NTT faculty.*

**Please also scroll to App. D in "FAC edits to Appendix D faculty guide.pdf" (attached).**