



CAMPUS CONVERSATION

Process for Reduction in Force (RIF)

September 20, 2023

WHAT HAPPENS NEXT?

- ✓ The Provost's Office, in consultation with the Dean's Office and/or Chair, will create a Reduction in Force ("RIF") plan. This plan will determine which Faculty will be selected to remain and which will be subject to a Reduction in Force or receive notification that their contracts are ending (based upon faculty position type).
- ✓ This group will also review all the non-classified and classified staff positions within the unit for any potential elimination. This is separate and apart of the recommendations made through the academic transformation process.
- ✓ The finalized RIF Plans will be presented to the University RIF Committee for review and approval or rejection.
 - ✓ The University RIF Committee includes representatives from the Provost's Office, Strategic Initiatives, and Employee Relations, with advice from the Office of General Counsel.

WHAT IS THE TIMELINE?

DATE	ACTIONS
Sept. 18	<ul style="list-style-type: none">Notification with detailed information about the RIF/non-renewal process was sent to faculty in affected units.Please note that if you have previously submitted a written resignation letter or retirement notification ending your employment at or before the end of this academic year, you will not receive an Affirmation Form.
By Sept. 30	<ul style="list-style-type: none">Faculty must return Affirmation Forms.Through this form faculty in units with program reductions affirm whether they wish to be considered for retention. This form also notes whether there will be changes to the standard workload expectations for the unit.
Oct. 3-15	<ul style="list-style-type: none">RIF Plans will be finalized and reviewed by the University RIF Committee.

DATE	ACTIONS
By Oct. 16	<ul style="list-style-type: none">✓ If a faculty or staff member's position is eliminated, an individual meeting will be held, if possible, on or before Oct. 16.<ul style="list-style-type: none">✓ To ensure Faculty and Staff members receive timely notification, if an individual meeting cannot be scheduled, Faculty and Staff members in those units will receive an individualized email indicating the results of the RIF Plan and whether their position has been eliminated or retained by 5:00 p.m. on Oct. 16.✓ If a faculty or staff member's position is eliminated, they will receive the following documentation:<ul style="list-style-type: none">✓ Formal notification of the Reduction in Force or contract non-renewal, including the faculty or staff member's last date of employment (at the individualized meeting or via email);✓ Severance Agreement where applicable (via email);✓ Information on how to set up an individualized meeting with human resource professionals regarding benefits, the Severance Agreement, or other matters (via email);✓ How to sign up for a due process hearing for faculty or classified staff subject to a RIF (via email); and✓ FAQs on key informational items (via email).✓ If a faculty or staff member's position is not eliminated, they will receive an email notification from their Dean or Chair that their position will be retained. Chairpersons/Deans will then follow-up regarding any changes to annual workload assignments for Faculty.

DATE	ACTIONS
Week of Oct. 23	/ Due Process Hearing for faculty or classified staff subject to a RIF will be conducted.
By Oct. 30	/ Results of Due Process Hearings provided to faculty or classified staff subject to a RIF.
Dec. 1	/ Last date to sign and return Severance Agreement .

WHAT IS THE AFFIRMATION FORM?

- /// If you wish to be considered for retention as a faculty member within your program (e.g., Program Reduction) or be considered for retention to participate in a teach out for your program (e.g., Program Discontinuation), you must complete the Affirmation Form by 11:59:59 p.m. on Sept. 30, 2023.
- /// The form will also indicate if there will be a change in workload distribution in your unit.
 - /// Normally, the course load for tenured/tenure-track faculty in an academic unit that offers undergraduate programs only will be three courses per semester (3:3).
 - /// The course load for tenured/tenure-track faculty contributing to master's level programs will be five courses across the academic year (3:2).
 - /// The course load for faculty contributing to doctoral programs and the supervision of doctoral student research will be two courses per semester (2:2).
 - /// The baseline course load for teaching-track faculty is four courses per semester (4:4). If selected to remain for a teach-out period, the standard workload will be four courses per semester (4:4).
 - /// For this purpose, "course" corresponds to a 3-credit hour course or equivalent as specified in the unit's approved workload guidelines.
 - /// Please direct questions about your individual workload to your academic unit leader.

WHAT IS THE AFFIRMATION FORM?

- ✓ You will receive an email on September 18 that includes a link to the Affirmation Form associated with your unit. If you did not receive an email, please contact Christopher Staples, Executive Director of Academic Personnel, at Christopher.Staples@mail.wvu.edu.
 - ✓ Please note that if you have previously submitted a written resignation letter or retirement notification ending your employment at or before the end of this academic year, you will not receive an Affirmation Form.
- ✓ If you do not complete the Affirmation Form or if you otherwise indicate that you are unwilling to perform these duties, you will be automatically placed on the list of faculty who will be subject to a Reduction in Force or contract non-renewal (depending on faculty classification).
- ✓ Please note, however, that completing the Affirmation Form does not guarantee that you will be selected for retention. .

If a faculty member within my unit is retiring, does that count toward the reduction of faculty positions?

- ✓ If a faculty member is part of a unit with a recommendation of faculty position reductions, and they provide notice to their Chair or Dean in writing by **Sep. 30** that they wish to retire, the University will count that retirement as one of the reductions.
- ✓ Faculty members who will retire by May 9, 2024, if they are a 9-month faculty member, or by June 30, 2024, if they are a 12-month faculty member, will be eligible to receive the 12-week severance package if they sign a severance agreement.
- ✓ If you are interested in exploring retirement, please contact WVU Benefits Strategy at 304-293-8405 or CentralBA@mail.wvu.edu to discuss retirement options and receive assistance with retirement planning.
 - ✓ The Benefits Strategy team will work with the faculty member to prepare the necessary paperwork, including a commitment to retire agreement, to support employees as they begin their transition toward retirement.
 - ✓ TIAA consultants are available for in-person or virtual retirement consultations through the fall. More details can be found on the Benefits Strategy website.

How will the University determine which faculty positions within my unit will be eliminated?

- ✓ If the number of faculty who completed the Affirmation Form indicating they want to remain is greater than the number of faculty positions to be retained in the academic unit, the Provost's Office, in consultation with the Dean's Office and/or Chair, will create the RIF plan.
- ✓ Rule 4.7 Reduction in Force (RIF), Section 3.2 provides:
- ✓ In situations where a RIF results in the elimination of some, but not all the Faculty positions within the Unit, the Provost shall evaluate the skills and qualifications of the individual Faculty Members potentially subject to the Faculty RIF. The Provost shall assist in the review process, evaluate performance criteria, and provide seniority validations. In these situations, the Provost shall consider the following factors as part of a holistic assessment:
 - ✓ 3.2.1 *Performance*: each Faculty Member's documented performance history as demonstrated in performance evaluations of record including, but not limited to, annual performance evaluations, and disciplinary history;
 - ✓ 3.2.2 *Knowledge and qualifications*: specific duties and responsibilities of each position, and the Faculty Members' knowledge and skills;
 - ✓ 3.2.3 *Seniority*: the length of service as defined by the rules established for the calculation of years of service outlined in WVU BOG Tal. & Cult. R. 3.7 – Annual Increment.

How will the University determine which faculty positions within my unit will be eliminated?

- ✓ More specifically, the Provost's Office will put together with each unit a de-identified list of all faculty within the unit initially ranking them by performance and then seniority. Those with the highest performance ratings will be at the top of the list.
 - ✓ The performance factor will be drawn from three years of annual faculty evaluation ratings in Digital Measures (including departmental FEC and Chair ratings).
 - ✓ The performance factor will also consider whether the faculty member has achieved or has not achieved any identified expectations within their Letter of Appointment.
 - ✓ If faculty members have the same performance ratings, they will be ranked by seniority with those with more seniority above others with less seniority.
- ✓ Next, working with the Deans' Office and/or Chairs, the Provost's Office will determine what objective and verifiable special skills are needed within the unit, and faculty members with those skills will be prioritized for retention.
 - ✓ The relative importance of various qualification variables may differ by nature of the unit.

Who is eligible for a Severance Package?

- Faculty severance packages are available to tenured, tenure-track, teaching-track / service-track faculty (regardless of contract end date), clinical-track faculty, and librarian-track faculty who are subject to a Reduction in Force or contract non-renewal following an academic program review this year that resulted in a Program Reduction or Discontinuation. Research-track and lecturers are not eligible for a severance package.
 - Detailed information on the Faculty Severance Package Schedule can be found at policies.wvu.edu/faculty-and-classified-staff-severance-package-schedule
- In order to receive the severance package payment, you must sign and return your severance agreement by Dec. 1, 2023.
 - In accordance with BOG Faculty Rule 4.7, any Severance Agreement must contain a statement indicating that the faculty member releases all claims against the University.
 - If a faculty member chooses not to execute the Severance Agreement, WVU will still move forward with the RIF or contract non-renewal. If an individual leaves before their contract end date, they waive the right to their severance payments.

Who is eligible for a Severance Package?

- /// All benefits eligible faculty who are involuntarily terminated (including subjected to a Reduction in Force or contract non-renewal) may elect to continue their PEIA insurance for three additional months after their termination date. The faculty member would continue to pay their same employee premium during this three-month period.
- /// If a faculty member's position will be eliminated, but they are asked to remain through a teach-out period beyond May 9, 2024, they will be eligible for a retention payment equivalent to twelve weeks of their base salary.
 - /// There will be no separate severance payment available apart from this retention payment.
 - /// If an individual leaves before the end date of their current contract, they waive the right to their retention payment.

If my position is eliminated, will I have the opportunity to appeal the decision?

- ✓ The ability to appeal a position elimination decision will be based on faculty classification. Tenured faculty or teaching-track and service-track faculty with contracts expiring after May 9, 2024 will be subject to a Reduction in Force and will have the opportunity to appeal this decision through a due process hearing.
- ✓ Tenure-track faculty who are in their critical year will be subject to a Reduction in Force and will have the opportunity to appeal this decision through a due process hearing.
- ✓ Tenure-track faculty who are not in their critical year will be subject to a contract non-renewal in accordance with W.Va. Code §18B-8-5.
- ✓ Teaching-track and service-track faculty with contracts ending on or before June 30, 2024, and research-track, librarian-track, clinical-track, lecturers, and FE/AP positions are subject to a contract non-renewal.

If my position is eliminated, will I have the opportunity to appeal the decision?

- /// If a faculty member is subject to a RIF, they will have the opportunity to request a due process hearing with a Provost's Office representative and Dean's Office representative to present any information as to why they should not be subject to the Reduction in Force.
 - /// More information regarding the due process appeal process will be provided in the Reduction in Force document given to individual faculty members.
- /// If the faculty member is subject to a contract non-renewal, there will not be an opportunity to appeal through a due process hearing.
 - /// However, in accordance with W. Va. Code §6C-2-1, et seq., any faculty of any classification may also utilize the West Virginia Public Employees Grievance Procedure to seek resolution for their grievable issues involving a RIF and non-renewal of appointment decisions.