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REDUCTION IN FORCE POLICY NON-UNIT STAFF

Amherst, Boston, Dartmouth, Lowell, and the President's Office

The termination of non-unit employees due to a reduction in force necessitated by the unavailability of sufficient funds to cover all planned or budgeted activities is an action undertaken with great reluctance, and only where, in the judgment of the Chancellor, circumstances require such action to be taken in the best interest of the campus. The goal of this policy is to provide procedures and standards pursuant to which decisions regarding reduction in force will be made when unavailability of either state appropriated or trust funds necessitates such action. The following standards and procedures will be adhered to in connection with reductions in force of non-unit professional and classified staff at the Amherst campus, the Boston campus, the Dartmouth campus, the Lowell campus, and the President's Office. When applied to the President's Office, the terms "Chancellor," "Vice Chancellor," and "campus" should be understood to refer, respectively, to the "President," "Vice President(s)," and the "President's Office or Central Administrative Services."

1. The Chancellor shall determine, based on his or her analysis of the anticipated or actual unavailability of sufficient funds to cover all planned or budgeted activities and the overall financial requirements of the campus, whether a reduction in force of non-unit employees is necessary. In making such determination, the Chancellor shall consider the level of services he or she deems essential to the preservation and fulfillment of the overall mission of the campus, particularly its academic integrity as an institution of higher education.
2. Whenever the Chancellor determines that a reduction in force due to the anticipated or actual unavailability of sufficient funds to cover all planned or budgeted activities is necessary, he or she shall determine the number and identity of non-unit professional positions to be reduced. The selection of positions to be reduced will be functional, based on the Chancellor's determination, after consultation with the Vice Chancellors or others whom he or she deems appropriate, that such reduction will impair to the least extent feasible the level of services he or she deems essential to the preservation and fulfillment of the overall mission of the campus.
3. The selection of employees subject to reduction in force pursuant to this Policy shall be without regard to race, sex, age, religion, national origin, veteran status or handicap.
4. The Chancellor shall notify any employee whose employment will be terminated pursuant to this policy as soon as it is reasonably practicable. Said notice shall advise the

employee of the date of termination, the fact that the termination is solely due to the anticipated or actual unavailability of funds, and the fact that the employee's position was selected pursuant to this policy. The notice shall also advise the employee of his or her right to a hearing pursuant to the termination procedure set forth in this Policy. The notice shall also state that the termination is not related to the employee's performance and that, upon request, a letter to that effect shall be provided to the employee.

5. The Chancellor or designee shall provide a minimum of sixty (60) calendar days notice to affected employees.

6. Once notice is given, the Chancellor or designee, with the approval of the affected non-unit staff member, may abbreviate the length of the previously given notice period by making a lump sum payment of the non-unit professional staff member's weekly salary for each week that the previously given notice is shortened.

7. During the notice period, the non-unit staff member may be given reasonable paid release time off to seek new employment and to attend to other matters pertinent to career transition.

8. Employees terminated pursuant to this policy shall be informed by the campus human resources office of the benefits available to them upon termination.

9. The Chancellor may make available outplacement assistance, consistent with available resources, to employees terminated pursuant to this policy.

Termination Hearing Procedure

Employees whose employment is terminated pursuant to this policy shall be entitled to request a hearing pursuant to this policy. The hearing, which shall be the exclusive procedure available to the employees terminated pursuant to this policy, shall be conducted as follows:

1. The employee shall, within five (5) calendar days of receipt of notice of termination, file a request for hearing with the Chancellor.

2. The Chancellor shall designate a Hearing Officer who shall, no later than ten (10) calendar days following receipt of the request for a hearing, schedule a hearing. The purpose of such hearing shall be to provide the employee an opportunity to demonstrate that the termination of his or her employment was in material violation of this policy or was otherwise unlawful.

3. No later than three (3) working days prior to such hearing, the employee shall file with the Hearing Officer a written statement specifying why the termination of his or her contract is in material violation of the termination policy contained herein or was otherwise unlawful.

4. At the hearing, the employee shall be permitted to present relevant evidence, including witnesses and documentary evidence. The hearing shall be non-judicial in nature, and the formal rules of evidence shall not apply. The employee may be accompanied by up to two University employees, but there may only be one individual spokesperson at the hearing. The employee may ask that the Hearing Officer request the attendance of appropriate campus personnel to provide information at the hearing. The Hearing Officer shall determine if the attendance of such personnel is reasonably necessary, and if so, shall request the attendance of such personnel. Attendance at the hearing will be limited to those persons whose presence is deemed necessary by the Hearing Officer. A record shall be made of the hearing, which may be stenographic or tape recorded at the discretion of the Hearing Officer. Such record will be preserved by the Hearing Officer, but it need not be formally transcribed. All information, both oral and written, provided at the hearing shall be confidential, subject to applicable provisions of the Fair Information Practices Regulations of the University.

5. Within five (5) working days of the conclusion of the hearing, the Hearing Officer shall submit a written report and recommendation to the Chancellor concerning the issues addressed at the hearing, unless the Hearing Officer notifies the Chancellor and the employee that an extension of time is required. The record and evidence submitted at the hearing will be made available to the Chancellor. A copy of the report will simultaneously be submitted to the employee.

6. Within five (5) working days of receipt of the Hearing Officer's report and recommendation, unless the Chancellor notifies the employee that an extension of time is required, the Chancellor shall review the same; shall determine whether to accept, reject or modify the recommendation; and shall notify the employee, in writing, of his or her decision. The Chancellor's decision will be final and binding.

7. To facilitate the hearing process, hearings may be consolidated when, in the judgment of the Hearing Officer, there are common issues of fact that would be more efficiently considered at a consolidated hearing.

Post Termination

1. Employees whose contracts have been terminated pursuant to this policy shall, for the period of one (1) year from the date of termination, be regularly sent announcements of vacant professional positions to be filled at the campus.

2. An employee whose contract has been terminated pursuant to this policy who within two (2) years from the date of termination is re-employed at the campus in either the same or a different position shall regain the length of service credit and eligibility for benefits that the employee enjoyed as of the date of his or her termination to the extent allowable by law.