



Ohio Administrative Code Rule 3362-2-29 Retrenchment.

Effective: December 26, 2025

(A) Purpose

This rule governs the process by which the university addresses the employment of faculty in response to a reduction of programs or services in accordance with section 3345.454 of the Revised Code.

(B) Definitions

(1) Days: In this rule days refers to calendar days.

(2) Retrenchment: A process by which a state institution of higher education reduces programs or services, thus resulting in a temporary suspension or permanent separation of one or more institution faculty to account for a reduction in student population or overall funding, a change to institutional missions or programs, or other fiscal pressures or emergencies facing the institution.

(3) Furlough: A non-permanent, unpaid leave of absence from work for a specified period of time. A furlough is not a layoff.

(4) Seniority: the length of continuous employment as a full-time faculty member with the university or its predecessors. Time spent on an approved leave of absence with no break in service shall be considered continuous service.

(C) Conditions for retrenchment

(1) The reorganization, warehousing, or closure of academic programs that do not substantially affect currently employed full-time faculty are not subject to this rule. In such a case, the relevant university governance procedures will be followed.



(2) The elimination or reassignment of currently employed faculty may occur under the following conditions:

(a) Change(s) in the university's missions or programs.

(b) Upon determination through the normal ongoing academic program review process that a major or program is no longer viable after completion of a program improvement plan (approved by the dean and accrediting body, if applicable) due to such factors as: a pattern of declining enrollment, loss of accreditation, licensure or regulatory changes, or failure of the program to meet academic goals.

(c) Determination by the provost in consultation with the deans, department chairpersons, and school directors of a need to reorganize colleges, schools, or departments, or make modifications to majors or non-major (minors or concentrations) academic programs.

(d) A reduction in student population.

(e) A reduction in overall funding.

(f) An undergraduate program confers an average of fewer than five degrees annually over any three-year period and must be discontinued in accordance with division (C) of section 3345.454 of the Revised Code. No academic year prior to the first academic year in which an undergraduate degree is conferred for the program will be considered in determining this metric.

(g) The university faces the need for quick and substantial retrenchment due to documented extreme circumstances that would not allow the university to continue to operate without a reduction in force.

(h) Other fiscal pressures or emergencies facing the institution.

(3) In such cases in which full-time faculty members may be impacted, such actions will be based on qualifications and seniority. Annually, faculty will provide the department chair with an updated CV and a list of all courses they are qualified to teach by October first of each academic year. The



university will cooperate to develop a seniority list that incorporates all eligible personnel. This list will be updated on an annual basis.

(4) Faculty may be reassigned to other departments, majors or non-major academic programs by mutual agreement between the faculty member, the relevant dean(s) and provost and the relevant departments/schools.

(D) Procedures for a long-range determination of reduction in force (RIF)

(1) The long-range RIF process discussed in paragraph (D) of this rule applies as a result of the conditions identified in paragraphs (C)(2)(a) to (C)(2)(f) of this rule, and may occur in academic departments, majors, minors, and concentrations as follows:

The provost shall officially notify the following parties in writing:

(a) The president of the SEA;

(b) The president of the faculty senate; and

(c) The potentially impacted department chairperson, school director, program director or coordinator.

(2) Upon issuance of this notice the provost shall create and convene a meeting of a committee comprised of three administrators chosen by the provost and three faculty members chosen by mutual agreement between the SEA president and UFS president to review the matter and develop a report to address the issues and possible alternative actions. At least one of the faculty members must be from the affected unit, with a preference for all colleges being represented. The committee shall elect a chair who shall be responsible for convening and presiding over committee meetings and for delivering the recommendation on schedule.

(a) The report shall be submitted to the provost within forty-five calendar days from the date of the first committee meeting.



(b) The provost will include the report along with their recommendations regarding proposed actions to the president.

(c) Notification of layoffs or reassignments shall be provided to faculty members one year prior to reducing faculty or closing the program and shall include a rationale for the action.

(E) Financial instability

(1) Paragraph (E) of this rule is applicable when there are conditions which may lead to financial instability for the university as in paragraph (C)(2)(h) of this rule.

(2) The university provost shall notify the president of the Shawnee education association and the president of the faculty senate providing evidence that describes the financial circumstances.

(3) The university provost will convene a joint review committee consisting of three university officials appointed by the university president and three individuals selected by mutual agreement between the SEA president and UFS president, with a preference for all colleges being represented. The committee shall elect a chair who shall be responsible for convening and presiding over committee meetings and for delivering the recommendation on schedule.

(4) This joint committee shall review the notice and the accompanying data, and any other relevant documents. The committee shall make recommendations to the provost concerning the financial circumstances and recommendations for methods to improve financial stability. These recommendations will be submitted to the provost within forty-five calendar days after the first committee meeting. The provost with the approval of the president may take action, upon receipt and review of the joint committee's recommendation(s).

(F) Imminent reduction in force and furloughs

(1) This paragraph is applicable when the university faces the need for quick and substantial retrenchment as in paragraph (C)(2)(g) of this rule.

(2) An imminent reduction in force or furloughs may occur when:



(a) The university projects a senate bill six (SB6) ratio of 1.75 or lower for the current fiscal year under rule 126:3-1-01 of the Administrative Code.

In this event, only a furlough of one day per semester may be implemented.

(b) The president with approval of the board of trustees makes a declaration of financial exigency, or the university realizes a first-year senate bill six ratio of 1.75 or lower.

For either of these events, a furlough of up to three days per semester and/or a reduction in force may be implemented.

(3) The university president shall notify in writing the president of the Shawnee education association and the president of the university faculty senate (UFS) providing evidence that supports the extreme circumstances. The notification will include the proposed decision regarding reductions in force and/or furloughs.

(4) This notice shall include a rationale for the determination and supporting data. The provost shall schedule a meeting to discuss the matter and solicit possible alternative actions with the UFS and SEA president to ascertain if it is possible to address the issues without a reduction in force or furloughs. Such alternative proposals may be submitted in writing to the provost within fifteen calendar days after this meeting.

(5) Within fifteen calendar days of receipt of the UFS and SEA jointly written recommendations, the provost will submit the report to the university president along with the determination of whether a reduction in force and/or furloughs is necessary.

(6) The university president (or designee) will notify the UFS and SEA presidents of any final decision regarding the reduction in force and/or furloughs.

(7) Individual written notifications to affected faculty members shall be in accordance with paragraph (I) of this rule.



(G) Procedures for retrenchment

(1) In cases where a major or program is retrenched, the university will limit the impact of retrenchment to the directly affected academic unit.

(2) In all cases, faculty members already employed by the university shall have priority of employment as follows:

(a) Tenured and/or continuing contract faculty in the programs and areas of academic specialization in which they were initially hired to teach or demonstrated competence based on previous teaching and/or preparation;

(b) Tenure-track faculty in their specialization or area(s) of competence;

(c) Clinical faculty (non-tenure) in their specialization or area(s) of competence;

(d) Full-time instructors (non-tenure) in their specialization or area(s) of competence;

(e) Full time online faculty (non-tenure) in their specialization or area(s) of competence;

(f) Visiting faculty in the programs and areas of academic specialization in which they were initially hired to teach or demonstrated competence based on previous teaching and/or preparation; and/or

(g) Part-time faculty in the programs and areas of academic specialization in which they were initially hired to teach or demonstrated competence based on previous teaching and/or preparation.

(3) Determination of affected faculty members shall be based on seniority as defined in paragraph (B)(4) of this rule, with the most senior person in an affected academic unit of instruction or program to be laid off last. Recall shall be in inverse order of layoff as defined in paragraph (G)(2) of this rule: the last person laid off shall be the first person recalled.

(4) A retrenched faculty member's specialization or area(s) of competence shall be based upon the individual's teaching history at Shawnee state university, relevant scholarship, and academic degree.



In cases where a faculty member is reassigned to a different department, that person's credentials shall be reviewed by the relevant department chairperson and faculty to determine appropriate course assignments.

(5) If retrenchment occurs, the university shall reassign duties of part-time faculty in the same specialization or area(s) of competence to a faculty member who would otherwise be retrenched, in order to accommodate the faculty member.

(6) The university shall relocate displaced faculty into other budgeted but vacant administrative or staff positions needing personnel as the faculty member's qualifications permit. If a shift involves movement to an administrative or staff position, the salary and other conditions of employment shall not exceed those which are shown in the guidelines for the administrative or staff position. If the reassignment is to a full-time faculty assignment, the rank and salary shall be the same as held by the faculty member being transferred.

(7) When an opportunity arises to potentially preserve full-time employment for a faculty member who has been retrenched, by combining a needed part-time administrative role with a part-time teaching role, the university will explore the feasibility of such a combination. If feasible, the combined role will be effectuated. When this occurs, the employee will not be a member of the faculty union while they hold the combined position and their credit towards seniority will be suspended while in the combined role. In this situation, the employee retains the right to reinstatement to a full-time faculty position to the same extent as other members who have been retrenched. Employee salary will be prorated based on the proportion of time devoted to each role. The faculty portion will be calculated in accordance with the faculty collective bargaining agreement.

(8) The provost's office will send individual notifications of displacement to impacted faculty members once the provisions of paragraphs (G)(1) to (G)(6) of this rule have been completed.

(H) Considerations for retrenched faculty

(1) Displaced faculty who file a complete, up-to-date dossier (up to date CV and a list of courses they are qualified to teach) with human resources will be considered for such positions by submitting



a formal application for a period of one year following the date of retrenchment. Consideration will be given for faculty openings for an additional three years upon receipt of notification of interest by the displaced faculty member.

(2) A retrenched faculty member whose academic unit has been reduced but not eliminated shall have their contract placed in suspension and will have recall rights to that program or unit for three years. A right to recall means that the retrenched faculty member has first rights to a position for which they are deemed qualified by the department chairperson and dean in accordance with reasonable applications of standards of academic merit.

During the three-year period, the faculty member's advancement in the salary system shall cease. Upon recall, the faculty member will enter the salary system at the level held at the time of retrenchment, unless additional degrees, credit hours, and/or related professional experience that were earned during the period of retrenchment place the faculty member at a higher salary level as determined by the provost and the SEA.

(3) A retrenched faculty member whose academic unit has been eliminated shall have their contract placed in suspension and will have recall rights to the program or unit should it be reinstated within a three-year period.

(4) The faculty member may continue benefits provided by the university at the time of retrenchment as provided for in the Consolidated Omnibus Budget Reconciliation Act (COBRA).

(a) Faculty members who are terminated through the processes of this rule, and who choose to continue their medical, dental, vision, and prescription drug insurance benefits per COBRA, will be deemed to have provided notice three months in advance of their termination date. The university will follow the same provisions for implementation of insurance benefits as described in the faculty collective bargaining agreement regarding fringe benefits.

(b) The university shall cease payment of all the retrenched faculty member's other benefits upon retrenchment.

(I) Notification of furlough or layoff



(1) At least fourteen calendar days of advanced written notice of a furlough will be provided to affected faculty members by the department of human resources.

(2) Notice of a faculty member's reassignment, layoff, permanent separation, or non- renewal, will be provided by:

(a) A personally-delivered document; and/or

(b) Certified U.S. mail to the faculty member's last address provided by the member for payroll purposes.

(3) The university's obligation to serve notice is met if the date of personal delivery or the postmarked date of mailing is on or before the date of notification stated in paragraph (I)(1) of this rule.

(4) The layoff shall commence on the date set forth in the notice.

(5) In the case of an outside inquiry about a retrenched faculty member's status, the university will stipulate that their contract suspension was due to program retrenchment.

(6) In the case of layoff or elimination of the position of a faculty member, the university shall provide the faculty member with a letter upon request explaining the conditions of retrenchment. The university will not dispute payment of unemployment benefits.

(J) Seniority and retrenchment

(1) The following situations shall constitute a break in continuous service for which seniority is lost:

(a) Discharge for just cause. However, if reinstated within one academic year, seniority shall be considered continuous.

(b) Retirement.



(c) Non-renewal of contract. However, if reinstated the following academic year, seniority shall be considered to have been continuous.

(d) Retrenchment. However, if recalled within one academic year, seniority shall be considered to have been continuous.

(e) Failure to return to work within thirty calendar days of receipt of recall from layoff.

(f) A resignation where the faculty member is not re-employed or reinstated after thirty-one days or less.

(2) Seniority shall not accrue during the time spent out of the bargaining unit as an administrator, but previously accumulated seniority shall not be lost. A bargaining unit member shall not accrue seniority while on retrenchment, but shall retain seniority earned prior to retrenchment.

(3) Seniority shall accrue during furlough periods.

(4) For retention purposes, if two or more faculty members have the same length of continuous service, seniority shall be determined by the following factors in order:

(a) Tenure/contract status: The retention order shall be as follows: Tenured or continuing contract professors, tenured or continuing contract associate professors, assistant professors with continuing contracts, tenure track assistant professors, senior instructors with continuing contracts including FTIs, senior instructors including FTIs, instructors with continuing contracts including FTIs, instructors including FTIs, and full-time online instructors.

(b) Areas of specialization.

(c) Level of degree.

(d) Date and time of hiring.



(K) Reorganization

(1) In the event that the university desires to reorganize academic departments, programs, colleges, or other academic units, the university will notify the SEA president and UFS president. The written notification will include the goals, need, rationale, and a timeline. Prior to written notification, joint conversations with the SEA and UFS presidents are permissible. These joint conversations may also include the impacted party or parties.

(2) The SEA and the UFS will have the opportunity to discuss the proposal and provide written feedback which will be considered by the university.

(3) The reorganization process shall adhere to the UFS constitution.

(4) In accordance with section 3345.457 of the Revised Code, the Shawnee state university board of trustees is the ultimate authority to establish and modify academic programs, schools, colleges, institutes, departments, and centers at Shawnee state university.

(L) Prevailing provisions

(1) Until August 22, 2027, the 2024-2027 collective bargaining agreement between Shawnee state university and the Shawnee education association article twenty-two retrenchment, furloughs, and reorganization prevails over any conflicting provisions adopted in this rule.

(2) Beginning August 23, 2027, this rule, retrenchment prevails over any conflicting provisions of a collective bargaining agreement entered into after August 22, 2027.