

**3356-10-28 Retrenchment policy.**

(A) Purpose. Retrenchment is 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, fiscal pressures or emergencies facing the institution, or other pertinent factors. This policy establishes Youngstown state university's (YSU's) procedures for faculty retrenchment.

(B) Scope. This policy applies to all YSU employees holding any type of full-time faculty position across all university campuses and academic units. YSU shall not bargain retrenchment policies except for faculty members, who, at the time of any retrenchment determination, have at least thirty but not more than thirty-five years of service in one of Ohio's state retirement systems. This limitation applies notwithstanding any contrary provision in a collective bargaining agreement entered into on or after the effective date of section 3345.456 of the Revised Code.

An employee who receives notification from YSU that their position has been selected for retrenchment, and who has at least thirty but less than thirty-five years of service in a state retirement system (as of the date on which they received the notification), shall be exempt from retrenchment under this policy until such time as they have thirty-five years of service in a state retirement system. An employee who determines they are exempt from retrenchment pursuant to this section shall, within fifteen days after receiving notice that their position has been selected for retrenchment, furnish the chief human resource officer written verification from the state retirement system documenting all applicable/relevant service with less than thirty years of service or greater than thirty-five years of service. Program discontinuance decisions may independently lead to retrenchment under this policy.

(C) Process.

(1) Administration will review overall staffing needs and will determine if retrenchment is necessary based on one or more of the circumstances listed below in the sole discretion of the university.

- (a) Financial exigency, defined as financial problems that threaten the college, department, program or major's ability to maintain its operations at an acceptable level of quality.
- (b) Significant reduction in enrollment or student credit hours or graduation rates, or decrease in student-to-faculty ratio, or major, or any single factor or any combination thereof.
- (c) Modification, elimination, suspension, or reorganization of a college, department, program or major that reduces the need for bargaining unit faculty.
- (d) Action by the Ohio department of higher education (ODHE) or Ohio general assembly which results in the need for YSU to implement retrenchment.
- (e) Situations requiring reallocation of university resources.
- (f) Aligning YSU operations with strategic objectives.
- (g) Administrative decision to execute an operational change.
- (h) Other pertinent factors.

If administration determines that retrenchment is necessary, administration, through the provost, will provide written notification to the YSU chapter of the Ohio education association and any full-time faculty member who is to be retrenched by January 31. The notification from the provost shall further advise the faculty member that the reason for their retrenchment is not due to dissatisfaction with their services. Circumstances leading to the decision to retrench shall be shared by the administration to the campus community prior to the faculty receiving a retrenchment notice.

- (2) If retrenchment will affect fewer than all faculty positions in a given unit, YSU will retain those faculty who are best qualified to meet programmatic, curricular, and institutional needs, in the determination of the provost. There is no priority based on faculty classification, seniority, and/or rank. Administration may retain specific faculty members regardless of appointment type, rank, or seniority.

Considerations may include but are not limited to:

- (a) Having specialized credentials necessary to perform the assigned responsibilities and/or teach a course or courses essential to the designated major(s).
- (b) Having expertise in a scholarly area that is necessary to perform the assigned responsibilities and/or teach a course or courses essential to a designated major(s).
- (c) Having demonstrated competence that is necessary for the continued accreditation of a major.

(3) When a major is discontinued, decisions regarding faculty workload and staffing for remaining course offerings will be based on curricular needs, faculty qualifications, enrollment patterns, and the overall resource needs of the department and college.

- (a) When feasible, and when it aligns with departmental and institutional priorities, full-time faculty who are qualified to teach the remaining courses will be considered for assignment to those courses before part-time instructors are utilized. This consideration does not guarantee continued full-time employment nor create an entitlement to a minimum number of workload hours.
- (b) Final decisions regarding faculty assignments and staffing levels remain at the discretion of the dean and provost, based on the academic, financial, and operational needs of the university.

(4) For purposes of retrenchment, a full-time faculty member appointed in two or more programs shall be considered a member of the home major in which they teach the majority of their classes. A cross-appointed faculty member discontinued through retrenchment in the home program may be considered for relocation to another program in which they hold appointment based on that program's need and the faculty member's qualifications.

(5) Faculty members who have been placed on a retrenchment list may apply for other posted faculty positions for which they are fully

qualified. Post-doctoral faculty will not be retrenched so long as funding continues to be available and is one hundred percent external.

- (6) Any position that is vacant or becomes vacant for whatever reasons is considered closed and may not be filled unless it is justified and approved as new.
- (7) Upon notification of retrenchment, faculty members will no longer have voting power when it comes to department governance, including but not limited to department chair/school director nominations, tenure and promotion, and all curricular matters that are related to the next academic year, as these decisions involve moving forward without their continued service.

(D) Prohibited factors. In making retrenchment determinations, protected speech is prohibited from consideration.

(E) Nothing in this policy limits YSU's obligations under division (C) of section 3345.454 of the Revised Code to eliminate undergraduate degree programs that average fewer than five degrees annually over any three-year period, unless the chancellor grants a waiver.

(F) Policy review cycle. The office of academic affairs is responsible for this policy. At a minimum, this policy will be reviewed every five years.

(G) This policy is adopted by the board of trustees pursuant to section 3345.455 of the Revised Code and per the directive of the chancellor of the ODHE. This policy becomes effective upon the earlier of:

- (1) The ratification or adoption of a new collective bargaining agreement replacing the agreement between Youngstown state university and the Youngstown state university chapter of the Ohio education association, 2023 to 2026; or
- (2) The commencement of conciliation proceedings during such negotiations.