

## **Findings of Working Group of Executive Committee of Faculty Senate (November 2013)**

### **Re: Revocation of Tenure**

- On March 28, 2013 WFHS sent letters to an undetermined number of tenured faculty members informing them that their salaries would be reduced by 15 percent effective July 1, 2013. For some (or all) of these faculty members, the 15 percent cut followed an earlier 10 percent cut imposed in 2012.
- Subsequently, on May 1, 2013, twenty-seven tenured faculty members who had earlier received the March 28 letter were offered a “voluntary retirement/voluntary severance package” which was subsequently withdrawn and replaced by a more detailed package on May 14, 2013. The terms of the offer were that the affected faculty members could avoid salary reduction and receive a one year leave while maintaining existing salary and benefits if they voluntarily retired or resigned from their jobs and hence waived or ended their tenure at the university.
- The “voluntary severance package” was a one-time offer. If not accepted within 45 days the offer would be withdrawn and the faculty member would continue employment as a tenured faculty member at the reduced salary level.
- Faculty members who rejected the offer would be subject to further salary reduction(s) at the discretion of WFHS administrators which could literally reduce a tenured faculty member’s salary to close to \$0 (i.e. faculty members could remain “tenured” but without salary).

### **Re: Redefinition of Tenure for Tenure-Track Faculty**

- Changes in the WFHS Appointment, Promotion, and Tenure Policy in 2011 reduced all non-tenured faculty members on tenure track to one-year renewable contracts (following their initial three year appointment).
- An undetermined number of such tenure-track faculty, who had completed their initial three year appointment were not offered a contract in 2013. On March 8, 2013, other tenure track faculty members were given termination notices (effective June 30, 2013), despite having earlier been granted letters of appointment extending their employment to June 30, 2014. These letters specified no reason for their termination or for the abrogation of existing contracts.
- Effective July 1, 2012, a new Policy on Faculty Compensation was promulgated that “expects” all faculty members conducting research to cover 75 percent of their salary from extramural sources. Although tenure-track faculty members had been expected to cover a significant percentage of their salary with extramural support earlier, a specific requirement was not established until the 2012 policy was introduced. Moreover, the new policy does not specify how the 75 percent “expectation” would be calculated nor does it mandate that such an “expectation” would have to be administered equitably to all relevant faculty, nor what the consequences would be for not meeting the “expectation.”

### **Re: Evidence of financial exigency**

- As of date no specific or formal statement/claim of financial exigency has been offered to justify the WFHS administrators' departures from established procedure with respect to tenured or tenure-track employees.

**Re: Determination of just cause for the revocation of tenure; faculty performance**

- Ostensibly WFHS administrators determined the recipients of salary cuts based on individual performance criteria that linked extramural grant proceeds to the respective salary of individual faculty members. However, over the years the performance criteria used by administrators has remained vague, contradictory, often unspecified and in most cases not formally or adequately conveyed to affected faculty members.
- Relevant documents and oral communications by chairs and administrators inconsistently indicate that acceptable performance levels require that somewhere between 50 and 75 percent of the respective faculty member's salary to be covered by extramural grants. It is unclear if such percentages referred to applicable indirect costs to WF or total amounts of grant support.
- The Policy on Faculty Compensation established expectations for 75 percent coverage but this policy did not address how percentages would be calculated and moreover it was not introduced until July 2012. Apparently, there was no specific measure of faculty performance linking salary and extramural grants until that time.
- It remains unclear whether performance criteria are based on one-year or multi-year performance. It is clear, however, that the Policy on Faculty Compensation could not have provided a credible justification for the May 2013 salary reduction letters unless the 2012 standards of performance were calculated on a multi-year basis as the May 2013 letters were issued only ten months after the Policy on Faculty Compensation was promulgated. It seems then that the 2012 standard of performance was applied retrospectively to an unspecified time period prior to the issuance of the 2012 standards of performance.
- It is not clear that all relevant faculty members who did not meet the 2012 performance criteria (however implemented or defined) actually received a 15 percent cut in salary and a subsequent voluntary severance offer. That is, there is no evidence that the 2012 performance criteria were equitably administered.
- In 2012 WFHS administrators established a "bridging mechanism" fund of more than \$1 million that was designed to provide monies to researchers to "bridge" a temporary inability to meet the 75 percent criterion of acceptable performance. Ostensibly this was an attempt by the administration to cushion the anticipated blow from the implementation of the 2012 Policy on Faculty Compensation. However well-meaning the establishment of this fund may have been, it helps support the view that the Policy on Faculty Compensation was applied retrospectively on a multi-year basis and that the issuance of salary reduction letters was subject to the discretion of WFHS administrators.
- Employees hired before 2012 (that is all tenured and tenure track employees) could not have been fully aware of a specific performance criteria relevant to the value of research grants at the time they were hired; nor at the time they were granted tenure or became tenure-track as such specific performance criteria did not exist.

**Re: Compliance with existing policies and procedures**

- Existing policies of the medical school regarding tenure revocation; tenure review; post-tenure review; faculty evaluation and so forth were seemingly ignored in the spring 2013 process adopted by the WFHS administrators.
- The failure of WFHS administrators to follow their own established procedures or to introduce flawed procedures has been an enduring concern of the faculty senate for the past several years. Indeed, the WFHS has been obliged on more than one occasion to revise their procedures and policies to meet the concerns of the faculty senate.
- Policies which apply salary reductions to tenured faculty are problematic, but particularly problematic is the scale of the salary reductions (up to 15 percent each year) employed in the spring 2013 process adopted by the WFHS administrators. The faculty senate has raised the problematic nature of this policy with relevant WFHS administrators on several occasions.
- WFHS policies and procedures regarding faculty (e.g. the *Organization and Policies Handbook* and other relevant documents) have not been made readily available, if available at all, to faculty members for a considerable period of time. Currently such materials are not to be found on relevant websites; and they are not distributed to faculty members. Indeed, after a thorough search they seem not to be posted on the web. In earlier years such documents were readily available to faculty and other interested parties.

