

S79-13

ACADEMIC SENATE POLICY RECOMMENDATION

The Academic Senate at its meeting of April 30, 1979 passed the following policy recommendation as presented by Dr. D. McNeil, Chair, Professional Standards Committee.

GUIDELINES FOR REASSIGNING FACULTY AS A MEANS OF AVOIDING LAYOFF,
FOR DESIGNATING SECONDARY TSAs, AND FOR CHANGING PRIMARY TSAs

Introduction

In 1977 the Trustees declared that:

It shall be the policy of the CSUC to protect the employment of tenured, permanent and probationary employees to the fullest extent possible consistent with the preservation of a balanced educational program. Efforts shall be made to avoid the need for actual layoff of employees through proper advance planning, such as reassignments, leaves, retraining assignments, and voluntary reductions in assignments, in time worked. (FSA 78-78, Introduction to Appendix B, p. 2).

In recognition of this general policy, the "SJSU Policy and Procedures for Separation of Academic Employees from Service Due to Lack of Funds or Lack of Work" include "transferring faculty on a full- or part-time basis to other teaching service areas in which they have competence" as a possible means of avoiding layoff (A.S. S78-9). The following guidelines are established for the implementation of this policy in a manner consistent with the maintenance of program integrity and quality.

A. Guidelines for the Assignment of Regular Faculty to Teach Courses in Areas Outside their Primary TSA

1. Deans and department chairs shall identify regular faculty in over-staffed departments who may have competence to teach courses in areas outside their primary TSA and make arrangements for them to teach such courses when feasible and appropriate. They should also facilitate the preparation of potentially qualified faculty for teaching outside their primary TSA.
2. Qualified faculty in overstaffed departments should be encouraged to teach courses outside their primary TSA as a means of avoiding layoff, but no such assignment shall be made without their consent or without prior consultation with the Department in which the assignment is contemplated. Such an assignment shall require approval by the Dean in whose school the assignment is to be made, and normally shall also require the consent of the receiving Department.

3. It is the responsibility of the tenured faculty of the Department in which the assignment is contemplated, through its Recruitment or other appropriate Committee, to review faculty under consideration for such assignment in terms of their academic preparation, experience, and other qualifications relevant to an assignment in that TSA. The recommendation of the Department and its Chair should be based on that review of a faculty member's qualifications in relation to the Department's instructional program and staffing needs.
 4. An assignment to teach courses in an area outside a faculty member's primary TSA does not constitute an appointment to that outside area, nor create a right to an appointment in that TSA, nor its designation as a secondary TSA. Accordingly, such assignments do not require the prior announcement of a position vacancy or the comparison of a faculty member with persons in the Department's applicant pool.
- B. Guidelines for the Assignment of Faculty to a Secondary TSA.
1. Trustee policy provides for the assignment of faculty members to one or more secondary TSAs (FSA 76-01). The assignment of a secondary TSA does not constitute an appointment but gives a faculty member the right to "retreat" to that TSA in order to avoid being laid off in his or her primary TSA. Accordingly, the assignment of a secondary TSA does not require that a position be vacant in that TSA, nor an affirmative action search, or a comparison of a faculty member with persons in the Department's applicant pool.
 2. Faculty members may be assigned to teach courses in their secondary TSA in accordance with the Guidelines specified in Section A. above. If notified of layoff, faculty members may elect transfer to their secondary TSA in lieu of layoff in their primary TSA, in accordance with the provisions of FSA 78-78 (Sec. VI, B & C, & Sec. XI). If a faculty member has more than one secondary TSA and chooses transfer in lieu of layoff, the Academic Vice President shall designate the secondary TSA to which the faculty member is to be assigned, after consultation with the faculty member, the appropriate dean(s), and the departments in which the faculty member has been granted secondary TSAs.
 3. The request for a secondary TSA may be initiated by a regular faculty member or by an appropriate University administrator. Faculty members shall not be assigned to a secondary TSA without their consent, unless such an assignment is a necessary consequence of a redefinition of TSAs resulting from a review of TSAs according to Trustee policy. In that case, a change in a faculty member's secondary TSA should not be made without prior consultation with the faculty member and the affected departments (cf. FSA 76-01).
 4. A faculty member may be assigned a secondary TSA only by the Academic Vice President (or designee) after consultation with the Dean, Chair, and Department in which the secondary TSA is to be assigned. A secondary TSA may be awarded only for a five year period, and may not be renewed for a subsequent term unless a new request is made and considered in accordance with these Guidelines.

5. Temporary faculty should not be granted a secondary TSA unless they are assigned to teach in a second TSA as part of their appointment in the University.
 6. It is the responsibility of the tenured faculty of the Department in which a secondary TSA is requested, or of its Recruitment Committee, to review such request in terms of the faculty member's qualifications for an appointment in that TSA, such as academic preparation, teaching or other relevant experience, scholarship and professional activity. The Department's recommendation, and that of the Chair and School Dean, should be based on the review of a faculty member's qualifications in relation to the Department's instructional program. A positive recommendation should be made if a faculty member is qualified to teach the range of courses (at the lower and upper division or graduate levels) that a person assigned in that TSA is normally expected to teach, provided that a transfer of the faculty member to the secondary TSA will not result in the Department's inability to offer courses which are a regular and essential part of its curriculum.
- C. Guidelines for Changing a Faculty Member's Primary TSA.
1. At the time of appointment, as part of the appointment process, faculty members are assigned to a primary TSA in which they normally have the right to teach. A faculty member may be assigned only one primary TSA. Requests for a change in a faculty member's primary TSA should normally be considered in the same manner as an application for a new appointment, in accordance with University policy and procedures governing new appointments. However, such changes may be approved without requiring a recruitment search when the recipient Department and School Dean and the Academic Vice President determine that the change serves the needs of the Department, School and University.
 2. A faculty member's primary TSA shall not be changed without his or her consent, unless the change is a necessary consequence of redefinition of TSAs resulting from a periodic review of TSAs in accordance with Trustee policy. In that case, the required change should not be considered in the same manner as a new appointment, but should be made administratively after consultation with the faculty member and the department(s) affected by the change.
 3. In the case of transfer to a secondary TSA in lieu of layoff (cf. Sec. B, 2 above), the faculty member's new TSA shall become his or her primary TSA. However, for a period of five years, the faculty member shall have the right to return to the original primary TSA if there is a vacancy in the TSA and no eligible on the reemployment list for that TSA chooses to return.

ACTION TAKEN BY UNIVERSITY PRESIDENT:

APPROVED AS UNIVERSITY Policy: 5 JUNE 1979

Joel Fullerton

Copies to: AVP, EVP, DBA