

APSCUF'S PROPOSAL REGARDING INTER-UNIVERSITY TRANSFERS¹
Submitted to the Pennsylvania State System of Higher Education November 20, 2015

Article 34

INTER-UNIVERSITY TRANSFERS

A. Among other purposes, it is the intent of this Article to assist in alleviating potential staffing problems at the UNIVERSITIES by providing for the voluntary transfer of FACULTY MEMBERS among the UNIVERSITIES. It is specifically understood that the provisions of this Article are intended to deal solely with inter-University transfers and that they do not convey any other powers to the STATE SYSTEM/UNIVERSITIES that it does not already have. The terms of this Article shall not apply to a FACULTY MEMBER who has been retrenched from his/her University. When a FACULTY MEMBER has been retrenched, the provisions of Article 29, RETRENCHMENT, shall apply.

B. 1. ~~When the Chancellor becomes aware of the possible need for transfers, he/she shall take appropriate steps to determine the availability of vacant FACULTY positions within the STATE SYSTEM that might be filled through the transfer of FACULTY MEMBERS and shall notify all UNIVERSITIES within the STATE SYSTEM of the existence of such vacancies and of the qualifications required of candidates for the positions. The Chancellor shall coordinate the provision of notice throughout the STATE SYSTEM of all vacant positions, including those for which a formal search has been approved, in order to facilitate requests for transfer by departments and individual FACULTY MEMBERS throughout the STATE SYSTEM.~~

2. The Presidents of the UNIVERSITIES shall take steps, in accordance with Sections B.3., B.4. and C. below, to provide the Chancellor with the names and qualifications of FACULTY MEMBERS who could be considered for transfer if the President of a University determines that there may be a need to alleviate staffing problems. ~~The Presidents of the UNIVERSITIES shall exhaust all available opportunities for transfer pursuant to this Article prior to initiating elimination of FACULTY positions under Article 29, RETRENCHMENT.~~

3. The President of a University from which transfers are contemplated shall, after notifying the Chancellor in accordance with Section B.2. above, request the department, program or administrative unit from which transfers are contemplated to provide written recommendations to the President regarding the effect of transfers on the quality and extent of existing programs. These recommendations shall be provided to the President within fourteen (14) calendar days of the request.

4. The President, taking into account the recommendations made in accordance with Section B.3. above, shall then determine, as provided in Section C. below, the number of

¹ APSCUF reserves the right to add to, delete from, alter or amend this proposal. Unless otherwise noted, existing provisions not altered by these proposals would remain unchanged. Each and every proposal is made without precedent or prejudice to existing rights and entitlements, regardless of the character or source of same.

FACULTY MEMBERS who could be transferred from a department, program or administrative unit and shall forward the names and qualifications to the Chancellor with the request that they be considered for transfer to other UNIVERSITIES.

5. Upon receipt of the names and qualifications as provided in Section B.4. above, the Chancellor shall make a reasonable effort to transfer the FACULTY MEMBER(S) to an available position at another University in accordance with Section C. below.

Available positions include any regular bargaining unit position which is vacant, including those for which the administration of the UNIVERSITY has approved a formal search. A FACULTY MEMBER may seek transfer to the position regardless whether or not he or she has submitted an application in the formal search process.

Comment [AR1]: Clarification of the existing intent.

C. 1. With respect to the application of Sections B.3. and B.4. above, to ACADEMIC FACULTY, consideration for transfers shall be by program or department, in inverse order of length of service from the most recent date of employment at the University ("seniority"), provided that the remaining ACADEMIC FACULTY MEMBER(S) in the department or program have the necessary qualifications in the opinion of the President to teach the remaining courses or perform the remaining duties. It is understood by the parties that such University-wide seniority is to be applied within the affected program or department in order to determine which FACULTY MEMBER(S) within the program or department is (are) to be considered for transfer.

2. With respect to the application of Sections B.3. and B.4. above, to ADMINISTRATIVE FACULTY, consideration for transfer shall be by program, department or affected administrative unit in inverse order of length of service from the most recent date of employment at the University ("seniority"), provided the remaining ADMINISTRATIVE FACULTY MEMBERS in the department, program or administrative unit have the necessary qualifications in the opinion of the President to perform the remaining duties. It is understood by the parties that such University-wide seniority is to be applied within the program, department or administrative unit in order to determine which ADMINISTRATIVE FACULTY MEMBER(S) within the program, department or administrative unit is (are) to be considered for transfer.

3. The transfer of the FACULTY MEMBER(S) shall be made by department, program or administrative unit in order of length of service from the most recent date of employment at the University ("seniority"), so long as the FACULTY MEMBER with the greatest seniority who is available for transfer has the necessary qualifications to perform the duties of the available position at the receiving University. The decision as to whether the FACULTY MEMBER(S) being considered for transfer has (have) the necessary qualifications to perform the duties of the available position at the receiving University shall be made by the President of the receiving University. If the most senior of those FACULTY MEMBERS being considered for transfer from the department, program or administrative unit does not have the necessary qualifications to perform the duties of the available position, the next most senior FACULTY MEMBER being considered for transfer who has the necessary qualifications will be transferred.

D. The President of the receiving University may make the appointment at any step within

the rank held by the transferred FACULTY MEMBER which the President deems appropriate.

E. The following procedure shall be utilized in the transfer process for FACULTY MEMBERS:

1. When a FACULTY MEMBER is transferred, the regular full-time FACULTY MEMBERS of the receiving University department shall have the right to determine by a simple majority vote the acceptability of the FACULTY MEMBER being transferred. Such vote shall be taken in accordance with the accepted voting practice or procedure of the affected department unless it is in conflict with this Agreement, in which case the procedure shall be revised to conform with this Agreement.

2. The initial vote on acceptability by the receiving department shall be held before the end of the semester immediately prior to the semester in which the transfer is to be effective. This vote shall be held and the results determined in sufficient time to allow the President of the receiving University to notify the FACULTY MEMBER being considered for transfer of the results of that vote at least forty-five (45) days before the end of the semester in which the vote is taken. The FACULTY MEMBER being considered for transfer shall notify the Presidents of both the current University and the receiving University of his/her acceptance or rejection of the transfer within ten (10) days of the receipt of the results of the vote or at least thirty-five (35) days before the end of the semester in which the vote is taken, whichever comes first. A reasonable effort shall be made to insure that the FACULTY MEMBER is given the full ten (10) days in which to make his/her decision to accept or reject transfer. Failure by the FACULTY MEMBER to notify the Presidents of the Universities involved of his/her decision on acceptance or rejection by the end of the ten (10) day period shall be considered a rejection of transfer. The time limits of this subsection may in individual cases be modified by mutual agreement, in writing, of the parties to this Agreement. The acceptance of a transfer by a FACULTY MEMBER shall be final and binding and shall preclude any right of return to the former University by that transferred FACULTY MEMBER.

3. The department of the receiving University shall have the following options in considering and voting on the acceptance of the FACULTY MEMBER proposed for transfer into the department:

a. The department can approve the transfer of the FACULTY MEMBER into its department. Upon such approval and acceptance of the transfer by the FACULTY MEMBER under consideration, the transferred FACULTY MEMBER shall be received into the department and University. If the FACULTY MEMBER is tenured, his/her tenure status shall be carried over to the receiving University and he/she shall receive University-wide seniority credit at the receiving University of three (3) years or, where the President and the receiving department agree, additional University-wide seniority may be granted, up to the full amount accrued at the former University. A probationary non-tenured FACULTY MEMBER shall receive full credit for prior service toward tenure but shall receive no University-wide seniority credit, unless the President

and the receiving department agree, in which case University-wide seniority may be granted up to the full amount accrued at the former University. Sabbatical leaves shall be granted, and credit for sabbatical leaves shall be earned in accordance with Article 18, LEAVES OF ABSENCE, Section A. In addition, the FACULTY MEMBER shall retain accumulated sick leave and he/she shall not be considered a new employee for purposes of fringe benefits or other benefits provided to FACULTY MEMBERS covered by this Agreement; or

b. The department may provisionally approve the transfer of the FACULTY MEMBER into its department. Transfers, which have been given provisional approval by the department, shall be for an interim period of one academic year (2 semesters). Prior to the end of the interim academic year, the department shall vote either to fully accept the transferred FACULTY MEMBER or to reject the transferred FACULTY MEMBER. If a provisionally approved transferred FACULTY MEMBER fails to receive a vote of approval at the end of the first interim academic year, the President of the receiving University shall not be barred from retaining the transferred FACULTY MEMBER in the position in the department to which he/she was transferred for not more than one (1) additional academic year (2 semesters). This does not obligate the President to find another position for the transferred FACULTY MEMBER at the receiving University after the end of this second year. If the provisionally approved FACULTY MEMBER is tenured, his/her tenure status shall be carried over to the receiving University. A provisionally approved probationary non-tenured FACULTY MEMBER shall receive full credit for prior service toward tenure. Sabbatical leaves shall be granted and credit for sabbatical leaves shall be earned in accordance with Article 18, LEAVES OF ABSENCE, Section A. In addition, the provisionally approved FACULTY MEMBER shall retain accumulated sick leave and he/she shall not be considered a new employee for purposes of fringe benefits or other benefits provided to FACULTY MEMBERS covered by this Agreement. Upon final approval and acceptance of the transferred FACULTY MEMBER by vote of the receiving department at the end of the interim academic year: A tenured FACULTY MEMBER shall receive University-wide seniority credit of three (3) years at the receiving University or, where the President and the receiving department agree, additional University-wide seniority may be granted up to the full amount accrued at the former University; and, a probationary non-tenured FACULTY MEMBER shall receive no University-wide seniority credit, unless the President and the receiving department agree, in which case University-wide seniority may be granted up to the full amount accrued at the former University; or

c. The department may reject the transfer of the FACULTY MEMBER into its department. Although the department has voted to reject the FACULTY MEMBER being considered for transfer, the President of the receiving University may at his/her discretion, and where he/she believes that the FACULTY MEMBER being considered for transfer meets the credential requirements of the available position, convert the rejection to a provisional approval. Where the President converts the rejection to a provisional approval, the transfer shall be for

an interim period of one (1) academic year (2 semesters). Prior to the end of the interim academic year, the department shall vote either to accept fully the transferred FACULTY MEMBER or to reject the transferred FACULTY MEMBER. If a provisionally approved transferred FACULTY MEMBER fails to receive a vote of approval at the end of the first interim academic year, the President of the receiving University shall not be barred from retaining the transferred FACULTY MEMBER in the position in the department to which he/she was transferred for not more than one (1) additional academic year (2 semesters). This does not obligate the President to find another position for the transferred FACULTY MEMBER at the receiving University after the end of this second year. If the provisionally approved FACULTY MEMBER is tenured, his/her tenure status shall be carried over to the receiving University. A provisionally approved probationary non-tenured FACULTY MEMBER shall receive full credit for prior service toward tenure. Sabbatical leaves shall be granted and credit for sabbatical leaves shall be earned in accordance with Article 18, LEAVES OF ABSENCE, Section A. In addition, the provisionally approved FACULTY MEMBER shall retain accumulated sick leave and he/she shall not be considered a new employee for purposes of fringe benefits or other benefits provided to FACULTY MEMBERS covered by this Agreement. Upon final approval and acceptance of the transferred FACULTY MEMBER by vote of the receiving department at the end of the interim academic year, a tenured FACULTY MEMBER shall receive University-wide seniority credit of three (3) years at the receiving University or, where the President and the receiving department agree, additional University-wide seniority may be granted, up to the full amount accrued at the former University; and, a probationary non-tenured FACULTY MEMBER shall receive no University-wide seniority credit, unless the President and the receiving department agree, in which case University-wide seniority may be granted up to the full amount accrued at the former University.

F. When FACULTY MEMBERS are transferred in accordance with the above provisions, the Chancellor shall require the FACULTY MEMBER to change his/her residence from one place in Pennsylvania to another place, and the FACULTY MEMBER shall receive the expenses of moving his/her household goods to his/her new residence in accordance with applicable STATE SYSTEM rules and regulations.

Where the FACULTY MEMBER meets the above requirements for payment of moving expenses, it is understood that the move by the FACULTY MEMBER shall be made within six (6) months, and the request for payment of moving expenses will be made no later than six (6) months from the date of acceptance of the transfer. Moving expenses shall be paid by the University from which the transfer occurs.

G. Where a FACULTY MEMBER transfers from a University within the STATE SYSTEM to a different University within the STATE SYSTEM for personal reasons or reasons other than those set forth in Section B.2. above, only Sections D. and E. of this Article will apply. A FACULTY MEMBER may request a transfer for personal reasons to any available position, as defined in Section B.5., above. In order to initiate a transfer under this Section, the FACULTY MEMBER shall submit a request, in writing, to the President of the UNIVERSITY to which the

FACULTY MEMBER seeks a transfer. The President shall immediately refer the request to the receiving department for consideration in accordance with Section E of this Article. The President of the receiving UNIVERSITY shall keep the FACULTY MEMBER informed of the status of the transfer request at each step of the process under Section E. and shall inform the FACULTY MEMBER of the final decision on the transfer request no later than 45 days prior to the end of the semester immediately prior to the semester in which the transfer is to be effective.

H. An individual FACULTY MEMBER who is transferred for the purposes set forth in Section B.2. above, or APSCUF on his/her behalf, shall have the right to grieve in accordance with Article 5, GRIEVANCE PROCEDURE AND ARBITRATION, but only as to himself/herself and then only with respect to failure to observe the grievable portions of the procedures set forth in Sections A. through F. above. A FACULTY MEMBER who is transferred for personal reasons or reasons other than those set forth in Section B.2. above, or APSCUF on his/her behalf, shall have the right to grieve in accordance with Article 5, GRIEVANCE PROCEDURE AND ARBITRATION, but only as to himself/herself and then only with respect to failure to observe the grievable portions of the procedures set forth in Sections D. and E. above.

I. Upon the request of either of the parties to this Agreement, the parties shall meet and discuss aspects of this Article that are of mutual interest.