

## VOLUNTARY SEPARATION PROGRAM II (JUNE 2020)

### A. PROGRAM PURPOSE

The University of North Texas (UNT) is committed to maintaining our strategic focus in the face of a rapidly changing environment. This Voluntary Separation Program II (June 2020) (VSP) allows the university to reduce expenses and align operating costs with our strategic investments, priorities and goals so we can continue meeting challenges at our university, in DFW, and beyond.

The VSP set forth in this document gives tenured faculty and administrators with tenured faculty appointments, who meet the program eligibility requirements, the opportunity to terminate employment with the UNT in return for financial consideration.

Like other universities nationwide, UNT already has experienced budget cuts and is anticipating more in light of COVID-19. The university has prepared for the anticipated cuts, and this limited-basis program is one aspect of a broader expense reduction plan.

### B. PROGRAM DESCRIPTION

This VSP, like the original program, is a limited opportunity for eligible tenured faculty and administrators with tenured faculty appointments (“faculty members”) to terminate their employment from UNT voluntarily in return for a one-time monetary payment. The VSP is not a retirement program; therefore, eligible faculty members are not required to retire. Each faculty member, whose request to participate in the program is approved, is required to relinquish tenure and must terminate full-time employment with the university on August 31, 2020. No earlier or later separation date is available under this program. Also, faculty members whose requests are approved are ineligible to be rehired at UNT in a full-time (faculty, staff and administrator) position for five (5) years from the date of separation.

The VSP is being offered solely at the discretion of UNT and any benefit received under the program is not an entitlement. Approval of a request to participate in the VSP must be consistent with the needs of UNT, must result in a net benefit to the university as determined by the institution, and funds must be available. Therefore, not every eligible faculty member’s request to participate in the VSP may be approved. Applications will be considered in the order received.

### C. REQUEST PERIOD

Requests to participate in the VSP will be accepted between June 19, 2020 – August 20, 2020 (the “Request Period”). Faculty members who wish to participate in the VSP must complete and submit a request form and a voluntary separation agreement with a release of claims, both of which are described later in this document.

### D. ELIGIBILITY CRITERIA

The VSP is available only to those individuals who have completed at least fifteen (15) years of continuous service at UNT in a budgeted position by the separation date, which must occur on August 31, 2020; and who have one of the following types of appointment during the period the program is open:

1. Tenured faculty; or
2. Administrator with a tenured faculty appointment.

## E. INELIGIBILITY CRITERIA

Even if a faculty member meets the eligibility criteria, he or she is disqualified from participation in the VSP if the faculty member:

1. Was on faculty development leave between September 1, 2019 and May 31, 2020;
2. Is a Principal Investigator (PI) on an external grant or contract that extends beyond September 1, 2020; **and**, is unwilling to transfer the grant to another qualified individual within UNT or execute the sponsored project as a retired PI (if retirement is applicable) with carrying approval from the department chair and dean to allow continuation of the project;
3. Is currently on an approved modified service agreement; or
4. Submitted a notice of resignation or retirement before June 19, 2020

A faculty member's request also may be denied for additional reasons, including the order in which the application was received, the number of faculty seeking separation in a given program or college, the necessity of the faculty member's contribution to the teaching and research mission, and availability of funds.

## F. VOLUNTARY PARTICIPATION

Participation in the VSP is voluntary, and eligible faculty members who are not interested in participating are not required to submit a request. A faculty member's decision not to participate in the VSP does not in any way change the terms and conditions of his or her current or future employment relationship with UNT.

## G. REQUEST PROCESS

Faculty members who wish to participate in the VSP must complete a signed *Request to Participate in the Voluntary Separation Program* form and a *Voluntary Separation Program Agreement and Release of Claims* and submit both documents to the UNT Office of the Provost and Vice President for Academic Affairs (Provost's Office) during the application period. These documents are included in the announcement packet and are also available on the Provost Office website at <http://vpaa.unt.edu/vsp.htm>.

The application period for the VSP begins on June 19, 2020, at 8:00 a.m. Requests received in the Provost's Office after 5:00 p.m. on August 20, 2020 will not be considered. A request will be considered only if completed in its entirety, signed, dated and submitted by the requesting faculty member, along with a signed and dated *Voluntary Separation Program Agreement and Release of Claims*. (Digital signatures are acceptable).

Receipt of requests submitted during the application period will be acknowledged electronically by the Provost's Office. Faculty members whose requests are approved will be notified no later than August 24, 2020. Notices of receipt and acceptance (if applicable) will be sent to the preferred email address noted by the faculty member on the request form.

## **H. REVOCATION OF SEPARATION AGREEMENT AND WITHDRAWAL OF REQUEST**

A request to participate in the VSP may be withdrawn by the submitting faculty member. A faculty member who wishes to withdraw his or her request to participate in the VSP must deliver a written statement of revocation to the Provost Office via e-mail to [Bertina.Combes@unt.edu](mailto:Bertina.Combes@unt.edu) no later than seven (7) calendar days after submitting the signed *Voluntary Separation Program Agreement and Release of Claims*. The statement must express the faculty member's desire to revoke the separation agreement, and must be signed and dated by the faculty member. (A digital signature is acceptable).

Delivery of a statement of revocation to the Provost's Office constitutes a withdrawal of the faculty member's request to participate in the VSP. Notification of receipt of withdrawal will be made to the preferred email address noted on the request form. Requests not withdrawn will become effective the next calendar day following the expiration of the seven-day revocation period.

## **I. SEPARATION DATE**

Faculty members whose requests are approved must separate employment with UNT on August 31, 2020. A request to separate before or after August 31, 2020 will not be considered under any circumstances.

## **J. VSP PAYMENT**

Each eligible faculty member whose request is approved and is not withdrawn within the prescribed revocation period will receive a one-time payment equal to one (1) year's annual base pay as stated in his or her UNT faculty salary notice for fiscal year 2020. All federal and state taxes will be withheld as required by law. The payment will be made no earlier than January 1, 2021 and no later than March 15, 2021, and in the same manner as the last regular paycheck received by the faculty member, e.g. via electronic funds transfer/direct deposit.

## **K. NO DEDUCTIONS AND CONTRIBUTIONS FROM VSP PAYMENT**

The VSP payment does not qualify as "earnings" for retirement purposes and eligible faculty members whose requests are accepted will not be UNT employees at the time the payment is made. Therefore, no employee retirement or health care insurance will be withheld and no employer retirement and insurance contributions will be made.

#### **L. RECOMMENDATION TO OBTAIN LEGAL ADVICE**

Eligible employees are advised to contact an attorney, at their own expense, to discuss the VSP and to review the *Voluntary Separation Program Agreement and Release of Claims* before submitting an application or executing the separation agreement.

#### **M. INFORMATION REGARDING OTHER BENEFITS**

Unused vacation leave at the time of separation from UNT shall be paid in accordance with Texas law. Any other employment pay and benefits (health, dental, etc.) will terminate or cease upon separation in accordance with Texas law, UNT policies, UNT System regulations and the rules of UNT System Board of Regents.

#### **N. INFORMATION TO BE FURNISHED**

Upon request, faculty members who request to participate in the VSP shall furnish any documentation and information the university considers necessary to administer the program.

#### **O. NO ASSIGNMENT OF VSP PAYMENT**

Under no circumstances may a VSP payment be subject to assignment, garnishment, lien or other encumbrances. Any attempt to cause the payment to be made to any person or entity other than the eligible faculty member will not be honored by UNT, unless required by law.

#### **P. RECOVERY OF VSP PAYMENT MADE BY MISTAKE**

A faculty member is obligated to return the VSP payment or any portion thereof that is made by a mistake of fact or law, or that is paid contrary to the terms of the program.

#### **Q. REPRESENTATIONS CONTRARY TO THE VSP**

No officer, employee, representative or agent of UNT has the express or implied authority to alter, vary, or modify the terms of the VSP. No verbal or written representations contrary to the terms of the VSP and no written amendments shall be binding upon the university.

#### **R. NO EMPLOYMENT RIGHTS OR CONTRACT**

Nothing contained in the VSP shall be construed as creating a contract between UNT and any entity or person or a property interest of any nature. Nothing in the VSP shall limit UNT's right to terminate the employment of any faculty member whose request to participate in the program has been approved before the employee's voluntary separation date. Termination for cause following approval of a request to participate in the VSP and prior to the August 31, 2020 separation date may result in forfeiture of all benefits received under the program, including the separation payment.

**S. APPLICABLE LAW**

The VSP shall be governed and construed in accordance with the laws of the State of Texas without reference to its conflicts of law provisions.

**T. SEVERABILITY**

If any provision of the VSP is held or deemed by a court of competent jurisdiction to be void, unlawful, or unenforceable under any applicable statute or other controlling law, all other provisions of the program shall continue in full force and effect.

**U. NONDISCRIMINATION**

UNT does not engage in discrimination, harassment or retaliation against any person because of race, color, religion, sex, national origin, age, marital status, disability, sexual orientation, gender identity, gender expression, genetic information, veteran status or any other characteristic protected under applicable federal or state law.

**V. END OF THE PROGRAM**

The VSP will terminate when all payments described herein have been provided.

**W. DISPUTES REGARDING THE APPLICATION OF THE VSP**

Any dispute concerning the participation in the program must be addressed to the Provost and Vice President for Academic Affairs whose decision is final. Disputes should be written and received within ten (10) days of receipt of notice of denial to participate in the program.

**X. TIMELINE SUMMARY**

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| • Friday, June 19, 2020                             | Program formally announced   |
| • Friday, June 19, 2020 – Thursday, August 20, 2020 | Application period   |
| • Monday, August 24, 2020                           | Faculty members accepted in the program will be notified no later than this date |
| • Monday, August 31, 2020                           | Separation date  |

**Y. CONTACT INFORMATION**

This program is administered by the Provost’s Office. Faculty members who are uncertain whether they are eligible to participate in the program may contact Dr. Bertina Combes at [Bertina.Combes@unt.edu](mailto:Bertina.Combes@unt.edu). Questions about separating from the university, including benefits, should be directed to Human Resources at [HRBenefits@unt.edu](mailto:HRBenefits@unt.edu) or 940-369-7650. Faculty members should speak to their personal attorney about how the VSP and separation agreement affect them.