

SECTION III.F.

3. Under Extraordinary Circumstances

a.

Termination of a tenured appointment or any other appointment before the end of the period of appointment may be based on financial exigency or the discontinuance of a program or department of instruction, research, or service.

A financial exigency exists when the President or designee, after consultation with the principal administrative officers and with the Faculty Senate Steering Committee, Faculty Senate Budget Committee, and Faculty Affairs Committee, has determined and declared that a budgetary crisis, legislative mandate, and/or other causes constitute the exigency, and that determination has the concurrence of the Board of Regents. The President will recommend one or more groups of faculty members to review proposed terminations, and the Faculty Senate Steering Committee and Faculty Affairs Committee will approve the appointments to the committee. Criteria for judgments determining where termination of appointments may occur will be developed and distributed to the faculty. The criteria will include considerations of institutional needs and educational policy, including affirmative action, as well as faculty status and length of service.

~~Decisions on the discontinuance of a program or department of instruction, research, or service that result in the termination must be reviewed by the Faculty Senate Steering Committee and Faculty Affairs Committee or their designees and comments sent to the Provost and Executive Vice President. The criterion will be long range institutional considerations. Before an appointment is terminated because of discontinuance of a program of instruction, research, or service, the institution will make reasonable and good faith efforts to transfer the affected faculty member to a suitable position for which he or she is qualified.~~

b.

If the University determines that a budget reduction, reallocation of resources, ~~or~~ realignment of academic priorities, or other comparable extraordinary circumstance should be met in whole or in part, by discontinuing a program with the result that faculty positions are eliminated, the Provost shall simultaneously provide a written notice of the proposed action to the Faculty Senate Steering Committee (FSSC), the Faculty Affairs Committee (FAC), and the Dean and faculty of the affected program.

The notice shall state the rationale for the proposed action in light of long-range institutional considerations and include ~~all relevant~~ the documentation used by the Provost in making the proposed action. Types of documentation used may include any of the following: reports from periodic reviews of the program; accreditation reviews of the program; performance data gathered and maintained by the program, department, school, college, or campus; and any other information that reflects on the program and/or long-range institutional considerations.

The notice shall inform recipients of the procedures in the Faculty Manual for responding to the proposed action. The notice and relevant documentation may be provided in hard copy or electronically.

Faculty who are in the affected program shall have 15 business days from the date the notice is sent to submit a written response, individually or collectively. The response ~~may~~ shall include additional documentation, if any, relied upon by the faculty. Faculty responses and relevant documents shall be submitted in writing, either hard copy or electronically, to the Provost, and shall be due in the Provost's office at 5:00 p.m. on the 15th business day and shall be copied to the FSSC and the FAC.

The FSSC shall schedule a meeting of the Faculty Senate at which affected program faculty will be provided an opportunity to present their response. An opportunity will also be provided at the meeting for discussion of the proposed action by Faculty Senate members and other interested parties. The Faculty Senate Steering Committee may limit the speaking time at the meeting for each individual in order to allow all who wish an opportunity to speak. The meeting shall occur within 16 to 20 business days from the date the notice is sent by the Provost.

Following the meeting, the FAC and the FSSC, and/or their designees, shall have 8 business days to submit written comments to the Provost. The Provost shall consider these comments before making a final decision on discontinuation of the program(s) in question.

c.

If an appointment is terminated before the end of the period of appointment because of financial exigency or because of discontinuance of a program of instruction, the released faculty member's appointed position will not be filled by a replacement within a period of three years, unless the released faculty member is offered suitable reappointment and a reasonable time within which to accept or decline the reappointment.