

IV.h. Procedure for Dismissals of Tenured Faculty

IV.h.1. Personal and Professional:

Administrative officers, faculty members, or students who believe that reasonable cause for dismissal of a tenured faculty member exists may present a written statement of the case to the appropriate department chair and/or dean who will discuss their recommendations with the Executive Vice Chancellor and Provost. The Executive Vice Chancellor and Provost will conduct a preliminary investigation, study all the pertinent facts and consult with the appropriate parties. If the Executive Vice Chancellor and Provost believes that cause for dismissal exists, the Executive Vice Chancellor and Provost shall initiate dismissal proceedings through the Academic Hearing Committee (AHC). The AHC will proceed with its investigation and recommendation as outlined in the Faculty Grievance Procedure. The recommendation of the Academic Hearing Committee, along with the recommendation of the Executive Vice Chancellor and Provost, will be forwarded to the Chancellor for final review and action.

At any point prior to the final recommendation of the AHC, the Executive Vice Chancellor and Provost may request that the dismissal proceeding be dropped or the faculty member may resign. If the faculty member chooses to resign, he/she may not grieve.

The faculty member will not be suspended from regular duties during this procedure unless the welfare of the individual, the University, or the student body is threatened. The faculty member may be assigned other duties or be granted leave with or without pay unless legal considerations prohibit this option. Any faculty member suspended without pay may consult with the Department of Human Resources about filing a claim for pay with the appropriate agency.

IV.h.2. Termination of Faculty Members in Cases of Financial Exigency or Phasing Out of Program:

Determination of Financial Exigency or Discontinuance of Academic Programs

- A financial exigency is a fiscal condition that requires and permits a reduction or elimination of a program or several programs even though it results in the termination or reassignment of tenured faculty.
- A discontinuance of an academic program permits the termination or, reassignment of faculty in an academic program whether they are tenured or not. A decision to discontinue or phase out a program does not require a declaration that a condition of financial exigency exists, but such a decision must take due regard of annual appointments of the faculty and the educational needs of the students.

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Criteria for Identification of Faculty to be Terminated

- Procedure

The Chancellor will determine whose appointments are to be terminated following the declaration of financial exigency or phasing out of program based on the criteria identified below.

- Criteria

The criteria to be utilized by department chairs and deans in making specific recommendations regarding reductions in faculty in the event of a financial exigency or phasing out of program shall be the following:

In the event of a reduction in the number of faculty within a given department, but not the elimination of that unit, the principal consideration in determining which faculty to retain and which to release should be the maintenance of viable and effective academic programs within that department. After faculty members, tenured and non-tenured, who are essential to a program's effective continuance have been identified, the remaining faculty within a department who can be retained, if any, should have priority in retention on the basis of the following criteria, stated in general order of importance:

Tenure

Tenure should be assigned major importance in retaining faculty within a department having both tenured and non-tenured faculty.

Programmatic Needs of the University

The overall programmatic needs of the University must be considered. An adequate curriculum must be retained, with the requisite courses for basic degree programs and major offerings. The deans and department chairs will review faculty who are to continue and ensure that those who are to continue are able to contribute significantly to the curriculum and to teach the necessary courses. The faculty members retained will possess the requisite qualifications to perform the work required.

Rank

Rank normally reflects the degree of teaching effectiveness and scholarly accomplishment by the faculty member, holding length of service constant.

Length of Demonstrated Professional Excellence

Extended service of high caliber is an important measure of the basic character and motivation of the faculty member and an indication as well of loyalty to the profession and institution, intellectual stamina, and general stability. Such assets, demonstrated over an extended time, will be given considerable attention and credit.

Procedure for Termination

The statement of financial exigency or the phasing out of an institutional program as the reason for dismissal of a faculty member should be supported in the notice of termination to the faculty member by a specific description of the financial exigency or the reason for phasing

out of the institutional program involved. Such a statement shall be *prima facie* showing of good cause for the dismissal of the faculty member.

Personal Conference

After the faculty member has received notice in writing of the reasons for dismissal, the appropriate administrative officer, at the request of the faculty member, will discuss the matter with the individual in a personal conference. If an understanding of the University's decision satisfactory to the faculty member does not result, the faculty member may file a grievance.

IV.i. Non-reappointment of Pre-Tenured and Non-Tenured Faculty

Non-tenure or pre-tenure faculty members have no guarantee of future employment or ultimate tenure status. Non-reappointment is not a grievable issue. In declining to reappoint, the University makes no charge against the faculty member that might seriously damage his/her standing and association in the community and does not foreclose the faculty member's freedom to take advantage of other employment opportunities.

Written notice of the intention not to reappoint a faculty member on pre-tenure appointment, including library faculty members, will be given by the Executive Vice Chancellor and Provost according to the following schedule: (1) not later than March 1 of the first full academic year of service, (2) not later than December 15 of the second full academic year of service, and (3) at least 12 months before the expiration of an appointment after two or more full academic years.

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