



OFFICE OF THE FACULTY COUNCIL  
THE UNIVERSITY OF TEXAS AT AUSTIN

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May 23, 2017

President Gregory L. Fenves  
The University of Texas at Austin  
MAI 400  
Campus Mail Code: G3400

Dear President Fenves:

Enclosed for your consideration and action is legislation from the Faculty Rules and Governance Committee that proposes modification to the language and title of the Threatened Faculty Retrenchment policy in the *Handbook of Operating Procedures 2-2230* (D 15084-14095). The legislation was approved by the Faculty Council at its meeting on May 1, 2017, and by voting members of the General Faculty on a no-protest basis on May 22, 2017.

Please let me know if you have questions or if I can provide additional information concern this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alan W. Friedman".

Alan W. Friedman, Secretary  
General Faculty and Faculty Council  
The University of Texas at Austin  
Arthur J. Thaman and Wilhelmina Doré Thaman Professor of English and Comparative  
Literature

Enclosures  
AWF:dlr

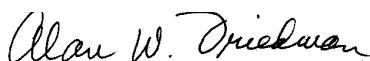
EC: Carlos E. Martinez, Chief of Staff, Office of the President  
Susan Lamborghini, Assistant to the Chief of Staff, Office of the President  
Gloria Mendoza, Administrative Manager, Office of the President  
Michelle K. George, Administrative Manager for Faculty Affairs, Provost's Office  
Lydia A. Cornell, Administrative Program Coordinator, Provost's Office  
Andrea C. Gore, Chair, Faculty Rules and Governance Committee  
Jody L. Jensen, Chair Elect, Faculty Rules and Governance Committee  
Steven D. Hoelscher, 2017-16 Faculty Council Chair  
Patricia A. Ohlendorf, Vice President for Legal Affairs  
Janet S. West, Policy Program Manager, Policy Office

## DOCUMENTS OF THE GENERAL FACULTY

**FACULTY RULES AND GOVERNANCE COMMITTEE PROPOSAL TO MODIFY THE  
LANGUAGE AND TITLE OF THE *HANDBOOK OF OPERATING PROCEDURES 2-2230*  
THREATENED FACULTY RETRENCHMENT POLICY**

Andrea C. Gore (Committee Chair and Professor, Pharmacy) submitted the following proposal on behalf of the Faculty Rules and Governance Committee modifying the language and title of the *Handbook of Operating Procedures 2-2230* Threatened Faculty Retrenchment Policy.

The secretary has classified this proposal as legislation of *major* interest to the general faculty. The Faculty Council discussed the proposal at its meeting on April 10, 2017 and will act on it at its meeting on May 1<sup>st</sup>. Afterwards, the voting members of the General Faculty will consider the proposal on a no-protest basis. Final approval resides with President.



Alan W. Friedman, Secretary  
General Faculty and Faculty Council  
The University of Texas at Austin  
Arthur J. Thaman and Wilhelmina Doré Thaman Professor of English and Comparative Literature

**FACULTY RULES AND GOVERNANCE COMMITTEE PROPOSAL TO MODIFY THE  
LANGUAGE AND TITLE OF THE HANDBOOK OF OPERATING PROCEDURES 2-2230  
THREATENED FACULTY RETRENCHMENT POLICY**

The purpose of the proposed revision is to clarify the role of the faculty when academic programs or faculty positions are considered for elimination; to better distinguish the situations leading to these decisions (financial exigency vs. academic reasons); to delineate best practices for transparency and communications; and to provide timelines.

To do this, the following changes have been made:

1. Change the title of the HOP from “Threatened faculty retrenchment” to “Abandonment or reduction of academic programs or positions for academic reasons or financial exigency.”
2. Definitions of financial exigency, faculty governance organization, and abandonment or reduction of academic positions or programs have been provided.
3. The role of the faculty in instances of academic/educational reasons has been clarified.
4. The role of the faculty in cases of financial exigency has been better defined.
5. Timelines for the various procedures have been specified.

**HOP 2-2230**

**Abandonment or Reduction of Academic Programs or Positions for Academic Reasons or Financial Exigency**

**II. Policy Statement**

The president of The University of Texas at Austin (“University”), in consultation with the faculty of the affected academic units and the leadership of the Faculty Council, has the responsibility for determining when to eliminate occupied academic positions, when to abandon an academic program, or occasions when both may occur. Regents’ **Rule 31003**, "Abandonment of Academic Positions or Programs," will be interpreted in the light of Regents' **Rule 40101**, which gives faculty a “major role” in regard to “general academic policies and welfare” and related matters. This rule further assigns this faculty responsibility to the faculty governance organization.

**III. Reason for Policy**

To outline the procedures to be followed in the event of: 1) proposed elimination of an academic unit or program for academic reasons, or 2) institutional financial exigency that may affect academic programs, tenured faculty members, and other faculty with current academic appointments.

**IV. Scope & Audience**

This policy applies to members of the general faculty and the president and his administration.

**V. Definitions (specific to this policy)**

Financial exigency: “a demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty” as per Regents’ **Rule 31003**. Such exigency must fundamentally compromise the academic integrity of the institution as a whole in a manner that cannot be alleviated by less drastic means.

Governance organization: the elected body representative of the faculty and charged with developing academic policy in the areas designated in Regents’ **Rule 40101**.

Abandonment or reduction of academic positions or programs: Discontinuance of a program or department for educational reasons not mandated by financial exigency. Includes, but is not limited to: changes in academic priorities in a college, school, department, or program; substantial programmatic reorganization that affects faculty positions; and/or significant reduction of student enrollment to the point where the program is unsustainable.

**V. Website (for policy)**

<http://www.policies.utexas.edu/policies/hop/2-2230>

## VI. Contacts

CONTACT	DETAILS	WEB
Office of the General Faculty	<b>Phone:</b> 512-471-5934	<b>Website:</b> <a href="https://facultycouncil.utexas.edu/">https://facultycouncil.utexas.edu/</a>

## VII. Responsibilities & Procedures

### A. General Policy

Regents' **Rule 31003**, "Abandonment of Academic Positions or Programs," calls for development of institutional procedures for an in-depth review to inform and guide decisions on these matters. The following are procedures for the University beyond those indicated in Regents' **Rule 31003**.

Regents' **Rule 31003**, "Abandonment of Academic Positions or Programs," will be interpreted in the light of Regents' **Rule 40101**, which gives faculty a "major role" in "general academic policies and welfare" and related matters, and in the light of the provisions that assign these responsibilities to the faculty governance organization and require that the organization and procedures of the governance organization be set out in the University's *Handbook of Operating Procedures* ("HOP") and subject to governance review and approval.

### B. Abandonment or Reduction of Academic Programs or Positions for Academic Reasons

An in-depth and judicious review process is required when an academic program is being considered for abandonment or reduction, or if an academic position held by a tenured faculty member or a tenure-track or non-tenure track faculty member before the end of a contract, is under consideration for elimination for bona fide academic reasons. The president shall consult with the Faculty Council and the affected units to determine the most appropriate course of action to be taken and the means of safeguarding faculty rights and interests, including tenure rights.

In order to ascertain whether there is the need to discontinue a program or department for an educational reason that is not mandated by financial exigency and to reduce academic programs or faculty positions, or both, the president, in consultation with the Faculty Council Executive Committee, shall convene a Review Committee composed of faculty and administrative personnel. The majority of the Review Committee shall be faculty members, including the chair of the Faculty Council. If for any reason the chair cannot serve, the Faculty Council Executive Committee shall designate a replacement. The other faculty members will be selected by the Faculty Council Executive Committee. This committee shall be provided with all materials and information relevant to the decision being considered, so that it will be in a position to make informed recommendations to the president as to which academic positions and/or academic programs, if any, should be eliminated or reduced. The decision should be based upon educational considerations and judgments about the long-term educational mission of the institution, not on temporary or cyclical variations.

Faculty in a program under consideration for abandonment or reduction, or faculty in academic positions under consideration for elimination, must be notified at least 1 year in advance and afforded a substantial role in the review process.

Upon completion of the review process, a recommendation with supporting rationale shall be submitted by the Review Committee to the president for review and implementation. If, despite a contrary recommendation from the Committee, the president determines that an academic program shall be abandoned or reduced, or faculty line(s) eliminated, the president will meet with the Committee to explain his or her position, and see if a mutually satisfactory resolution can be achieved. The institution should make every effort to find appropriate alternative employment for

those whose positions are being eliminated. Ideally, the president should submit no recommendation that lacks the support of the faculty leadership and the affected faculty.

A faculty member who wishes to appeal for reconsideration of a termination decision shall make such request within six months of notification of termination. The hearing process shall proceed as outlined in Section D of this policy.

A request for approval with supporting documentation must ultimately be submitted by the president to the appropriate executive vice chancellor. All of those who are part of the process shall be kept informed of all such official action.

**C. Abandonment or Reduction of Academic Positions or Programs Because of an Institutional Financial Exigency**

In order to ascertain whether there is financial exigency that fundamentally compromises the academic integrity of the institution as a whole in a manner that cannot be alleviated by less drastic means, and to determine whether there is a need to reduce academic programs or faculty positions, or both, the president at the earliest date possible shall inform the Faculty Council and all potentially affected budgetary units of the problem. The reasons include but are not limited to declines in enrollment or changes in educational needs that endanger the continuance of the University's obligations to faculty members with tenure or those on regular academic appointments.

As per Regents' **Rule 31003**, Section 3.1, upon determining the existence of such a financial exigency and the need to reduce academic positions or academic programs or both, the president shall appoint a committee composed of faculty and administrative personnel. A majority of the total committee membership shall be faculty members and at least one-half of the faculty members on the committee shall be appointed from recommendations submitted to the president from the Faculty Council Executive Committee. The formation of this Exigency Committee shall include the general criteria the committee should apply in making its recommendations.

A majority of the faculty members of the Committee shall be tenured. Any appointed non-tenured or tenure-track faculty should be senior faculty with substantial experience in the University. The nominations should represent the University community, not just programs initially being considered for reduction or those not being considered, and at least some of the faculty shall have served on faculty governance review committees for recommendations on promotion and tenure for academic personnel. Unless otherwise specified, the Exigency Committee shall complete its work within sixty days of the appointment of the Exigency Committee.

For Regents' **Rule 31003**, Section 3.2 - Assessment of Academic Program, the Exigency Committee will provide a written report of its analysis of programs and recommendations. As stated in the Rule, "The committee will review and assess the academic programs of the institution and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued and upon other critical components of the institution's mission. The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity)."

For Regents' **Rule 31003**, Sections 3.3 - Review Consideration, and 3.4 - Tenure Preference, the Exigency Committee should, if possible, recommend specific positions, if any, to be eliminated in its written report based on its assessment of programs. If other officers of the University, such as deans or program chairs, are involved in identifying individuals whose appointments are to be terminated, the process for obtaining these recommendations should be described in the report. The Exigency Committee will have available the personnel records of those being considered including current curriculum vitas, recent annual reports, promotion committee reports and

recommendations, and results of periodic performance reviews. It will have access to full personnel files. Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the Committee's review process, including the right to respond in writing to the recommendations. A faculty member with tenure will be retained over a faculty member without tenure except in extraordinary circumstances in which such action would not be in the best interests of the academic, research, or clinical programs of the University, or there is some other serious distortion of the educational program. Alternatives should be considered, and terminating tenured faculty must be fully justified. Every effort shall be made to find appropriate alternative employment for those whose positions are being eliminated.

For Regents' **Rule 31003**, Section 3.5 – Recommendation: “Upon completion of its review, the committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, after consultation with institutional administrative officers as the president may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision

#### **D. Procedure for Appeal**

A faculty member whose position has been eliminated due to academic or budgetary reasons or institutional financial exigency is entitled to appeal that decision in accord with Regents' **Rule 31003**, Sections 2.4 or 3.7-3.8, as applicable.

Appeals must be made on the grounds that the decision to terminate the appellant as opposed to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based on the evidence presented (including claims such as, but not limited to, race or gender discrimination, and violations of academic freedom). In the event of a financial exigency termination, the grounds for the appeal may also be that financial exigency was not the actual reason for the initial decision to reduce academic positions.

**HOP 2-2310**, Part V - Formal Hearing Procedures, shall apply to the extent that they do not conflict with Regents' **Rule 31003**.

#### **E. Additional Notes**

If appointments are terminated, the University will not at the same time or in the near future make new appointments in the same subject area or specialization except in extraordinary circumstances where a serious distortion in the academic or clinical program would otherwise result.

A faculty member who is terminated shall be given a reasonable amount of time (at least 1 year) to close down his or her research program and related facilities in a non-destructive way.

During this period of employment and for two additional years, the terminated faculty member shall have right to first consideration for any vacancies occurring in his or her field of teaching (**Rule 31003**, Section 3.6).

### ***VIII. Forms & Tools***

None

### ***IX. Frequently Asked Questions***

None

### ***X. Related Information***

Board of Regents' **Rule 31003** - Abandonment of Academic Positions or Programs

Board of Regents' **Rule 40101** - Faculty Role in Educational Policy Formulation

***XI. History***

Last review date: January 31, 2014  
Next scheduled review date: January 2016  
Revised April 25, 2017 date  
Previously HOP 3.16

## POLICY IMPACT STATEMENT

Please submit one Policy Impact Statement for each policy under consideration.

Submission Date: April 25, 2017

Responsible Policy Owner/ Sponsor: Executive Vice President and Provost

Executive Level Sponsor: Executive Vice President and Provost

Proposed Policy Title: **Faculty Council Membership**

Existing Policy Title & HOP # (if revision): Threatened Faculty Retrenchment HOP 2-2230

Future Policies Planned in this Subject Area (list titles if available): N/A

### I. Background and Policy Rationale

**A. Is this policy new, a substantial revision, or a minor revision?**

New  Substantial Revision  Minor Revision

**B. Why is this policy or revision necessary?**

Legal                       Regulatory                       UT System driven  
 Financial                       Social Requirement                       Operational/Operational Efficiency  
 Current University policy is outdated                       Technological  
 Other: Revised for clarity

**B. For new policies: Provide a preliminary draft using the policy template that can be found at <http://www.utexas.edu/compliance/policy/>. Fill in as much of the policy template sections as feasible at this point knowing the policy draft can be refined further in the process.**

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*Handbook of Operating Procedures 2-2230*

**[Threatened Faculty Retrenchment] Abandonment or Reduction of Academic Programs or Positions for Academic Reasons or Financial Exigency**

**I. Policy Statement**

The president of The University of Texas at Austin (“University”), in consultation with the faculty of the affected academic units and the leadership of the Faculty Council, has the responsibility for determining when to eliminate occupied academic positions, when to abandon an academic program, or occasions when both may occur. Regents’ **Rule 31003**, "Abandonment of Academic Positions or Programs," will be interpreted in the light of Regents’ **Rule 40101**, which gives faculty a “major role” in regard to “general academic policies and welfare” and related matters. This rule further assigns [these] this faculty [responsibilities] responsibility to the faculty governance organization.

**II. Reason for Policy**

To outline the procedures to be followed in the event of: 1) proposed elimination of an academic unit or program for academic reasons, or 2) institutional financial exigency that may affect academic programs, tenured faculty members, and other faculty with current academic appointments.

**III. Scope & Audience**

This policy applies to members of the general faculty and the president and his administration.

**IV. Definitions (specific to this policy)**

[None] Financial exigency: “a demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty” as per Regents’ Rule 31003. Such exigency must fundamentally



compromise the academic integrity of the institution as a whole in a manner that cannot be alleviated by less drastic means.

Governance organization: the elected body representative of the faculty and charged with developing academic policy in the areas designated in Regents' Rule 40101.

Abandonment or reduction of academic positions or programs: Discontinuance of a program or department for educational reasons not mandated by financial exigency. Includes, but is not limited to: changes in academic priorities in a college, school, department, or program; substantial programmatic reorganization that affects faculty positions; and/or significant reduction of student enrollment to the point where the program is unsustainable.

**V. Website (for policy)**

<http://www.policies.utexas.edu/policies/hop/2-2230>

**VI. Contacts**

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**VII. Responsibilities & Procedures**

**A. General Policy**

Regents' **Rule 31003**, "Abandonment of Academic Positions or Programs," [5] calls for development of institutional procedures for an in-depth review to inform and guide decisions on these matters. The following are procedures for the University beyond those indicated in Regents' **Rule 31003**.

Regents' **Rule 31003**, "Abandonment of Academic Positions or Programs," [5] will be interpreted in the light of Regents' **Rule 40101**, which gives faculty a "major role" in "general academic policies and welfare" and related matters, and in the light of the provisions that assign these responsibilities to the faculty governance organization and require that the organization and procedures of the governance organization be set out in the University's *Handbook of Operating Procedures* ("HOP") and subject to governance review and approval.

**B. Abandonment or Reduction of Academic Programs or Positions for Academic Reasons**

An in-depth and judicious review process is required when an academic program [~~under consideration~~] is being considered for abandonment or reduction, or if an academic position held by a tenured faculty member or a tenure-track or non-tenure track faculty member before the end of a contract [~~that~~], is under consideration for elimination for bona fide academic [~~or budget~~] reasons [~~should be reviewed in depth through a procedure determined by the president in consultation with the faculty~~]. The president shall consult with the Faculty Council and the affected [~~budgetary~~] units to determine the most appropriate [~~of the possible courses~~] course of action to be taken and the means of safeguarding faculty rights and interests, including tenure rights.

[~~Upon determining the existence of the need~~] In order to ascertain whether there is the need to discontinue a program or department for an educational reason that is not

mandated by financial exigency and to reduce academic programs or faculty positions, or both, the president, in consultation with the Faculty Council Executive Committee, shall ~~appoint~~ convene a Review Committee composed of faculty and administrative personnel ~~[to make recommendations to the president as to which academic positions and/or academic programs should be eliminated]~~. The majority of the Review Committee ~~will~~ shall be ~~composed of at least half~~ faculty members, including the chair of the Faculty Council. If for any reason the chair cannot serve, the Faculty Council Executive Committee shall designate a replacement. The other faculty members will be selected by the Faculty Council Executive Committee. This committee shall be provided with all materials and information relevant to the decision being considered, so that it will be in a position to make informed recommendations to the president as to which academic positions and/or academic programs, if any, should be eliminated or reduced. The decision should be based upon educational considerations and judgments about the long-term educational mission of the institution, not on temporary or cyclical variations.

Faculty in a program under consideration for abandonment or reduction, or faculty in academic positions under consideration for elimination, ~~will~~ must be notified at least 1 year in advance and afforded ~~[an opportunity to contribute to]~~ a substantial role in the review process.

Upon completion of the review process, a recommendation with supporting rationale shall be submitted by the Review Committee to the president for review and ~~[recommendation]~~ implementation. If, despite a contrary recommendation from the Committee, the president determines that an academic program shall be abandoned or reduced, or faculty line(s) eliminated, the president will ~~[submit a request for approval with supporting documentation to the executive vice chancellor]~~ meet with the Committee to explain his or her position, and see if a mutually satisfactory resolution can be achieved. The institution should make every effort to find appropriate alternative employment for those whose positions are being eliminated. Ideally, the president should submit no recommendation that lacks the support of the faculty leadership and the affected faculty.

A faculty member who wishes to appeal for reconsideration of a termination decision shall make such request within ~~[30 days]~~ six months of notification of termination. The hearing process shall proceed as outlined in Section D of this policy.

A request for approval with supporting documentation must ultimately be submitted by the president to the appropriate executive vice chancellor. All of those who are part of the process shall be kept informed of all such official action.

### **C. Abandonment or Reduction of Academic Positions or Programs Because of an Institutional Financial Exigency**

[Financial exigency is, as defined in the Regents' Rules, "a demonstrably bona fide financial crisis that adversely affects the institution as a whole and that, after considering other cost reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty" (Rule 31003, 3). Whenever reason exists to anticipate the University is sufficiently threatened by financial exigency, declines in enrollment, or changes in educational needs to endanger the continuance of the University's obligations to faculty members with tenure or those on regular academic appointments,] In order to ascertain whether there is financial exigency that fundamentally compromises the academic integrity of the institution as a whole in a manner that cannot be alleviated by less drastic means, and to determine whether there is a need to reduce academic programs or faculty positions, or both, the president at the earliest date possible shall inform the Faculty Council and all potentially affected budgetary units of the problem. The

reasons include but are not limited to declines in enrollment or changes in educational needs that endanger the continuance of the University's obligations to faculty members with tenure or those on regular academic appointments.

~~[Upon]~~ As per Regents' Rule 31003, Section 3.1, upon determining the existence of such a financial exigency and the need to reduce academic positions or academic programs or both, the president shall appoint a committee composed of faculty and administrative personnel. ~~[At least one-half]~~ A majority of the total committee membership shall be faculty members and at least one-half of the faculty members on the committee shall be appointed from recommendations submitted to the president from the ~~[[Faculty Council]]~~ (Rule 31003, Section 3.1.) Faculty Council Executive Committee. The formation of this Exigency Committee shall include the general criteria the committee should apply in making its recommendations.

~~[It is recommended that at least]~~ A majority of the faculty [appointed with] members of the Committee shall be tenured. Any appointed non-tenured or tenure-track faculty should be senior faculty with substantial experience in the University. The nominations should represent the University ~~[as a whole]~~ community, not just programs initially ~~[stated to be reduced or just those not so stated]~~ being considered for reduction or those not being considered, and at least some of the faculty ~~[should]~~ shall have served on faculty governance review committees for recommendations on promotion and tenure for academic personnel. Unless otherwise specified, the ~~[committee]~~ Exigency Committee shall complete its work ~~[in a period of time no longer than]~~ within sixty days ~~[from]~~ of the appointment of the Exigency Committee.

For Regents' Rule 31003, Section 3.2 - Assessment of Academic Program, the Exigency Committee will provide a written report of its analysis of programs and recommendations. As stated in the Rule, "The committee will review and assess the academic programs of the institution and identify those academic positions that may be eliminated with minimum effect upon the degree programs that should be continued and upon other critical components of the institution's mission. The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity)."

For Regents' Rule 31003, Sections 3.3 - Review Consideration, and 3.4 - Tenure Preference, the Exigency Committee should, if possible, recommend specific positions, if any, to be eliminated in its written report based on its assessment of programs. ~~[The recommendations should be related to the Exigency Committee's assessment of programs.]~~ If other officers of the University, such as deans or program chairs, are involved in identifying individuals whose appointments are to be terminated, the process for obtaining these recommendations should be described in the report. The Exigency Committee will have available the personnel records of those being considered including current curriculum vitas, recent annual reports, promotion committee reports and recommendations, and results of periodic performance reviews. It will have access to full personnel files. Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the Committee's review process, including the ~~[ability]~~ right to respond in writing to the recommendations. A faculty member with tenure will be retained over a faculty member without tenure except in extraordinary circumstances in which such action would not be in the best interests of the academic, research, ~~[and clinical programs of the University]~~ or clinical programs of the University, or there is some other serious distortion of the

educational program. Alternatives should be considered, and terminating tenured faculty must be fully justified. Every effort shall be made to find appropriate alternative employment for those whose positions are being eliminated.

For Regents' **Rule 31003**, Section 3.5 – Recommendation: “Upon completion of its review, the committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, after consultation with institutional administrative officers as the president may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.” [~~(Rule 31003, Section 3.5 – Recommendation).~~]

#### **D. Procedure for Appeal**

A faculty member whose position has been eliminated due to academic or budgetary reasons or institutional financial exigency is entitled to appeal that decision in accord with Regents' **Rule 31003**, Sections 2.4 or 3.7-3.8, as applicable.

Appeals must be made on the grounds that the decision to terminate the appellant as [~~compared~~] opposed to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based on the evidence presented (including claims such as, but not limited to, race or gender discrimination [~~or~~], and violations of academic freedom). In the event of a financial exigency termination, the grounds for the appeal may also be that financial exigency was not [~~in fact~~] the actual reason for the initial decision to reduce academic positions.

**HOP 2-2310**, Part V - Formal Hearing Procedures, shall apply to the extent that they do not conflict with Regents' **Rule 31003**.

#### **E. Additional Notes**

If appointments are terminated, the University will not at the same time or in the near future make new appointments in the same subject area or specialization except in extraordinary circumstances where a serious distortion in the academic or clinical program would otherwise result.

A faculty member who is terminated shall be given a reasonable amount of time (at least 1 year) to close down his or her research program and related facilities in a non-destructive way.

During this period of employment and for two additional years, the terminated faculty member shall have right to first consideration for any vacancies occurring in his or her field of teaching (**Rule 31003**, Section 3.6).

#### **VIII. Forms & Tools**

None

#### **IX. Frequently Asked Questions**

None

#### **X. Related Information**

Board of Regents' **Rule 31003** - Abandonment of Academic Positions or Programs  
Board of Regents' **Rule 40101** - Faculty Role in Educational Policy Formulation

#### **XI. History**

Last review date: January 31, 2014

Next scheduled review date: January 2016

Revised April 25, 2017 date  
Previously HOP 3.16

**D. What foreseeable advantages will this policy bring to the University?**

To clarify procedures for implementing an existing policy and to align them with best practices.

**II. Policy Impact**

**List entities, offices, and other University community members affected by this policy:** Members of the General Faculty, Faculty Council, Office of the President, and the Office of the Executive Vice President.

**III. Proposed Policy Development**

**Identify key stakeholders, affected parties and/or governance groups who have been consulted, or will be consulted in developing policy.**

Faculty Council Executive Committee, Office of the President, Office of Legal Affairs, Office of the Executive Vice President and Provost.

**IV. Communications and Training**

**A. What types of communication and training activities will your office provide to build awareness and enable implementation of the policy?**

The Office of the General Faculty (OGF) is responsible for notification to the University's faculty of the approval, or other outcome, of the HOP amendment. This is done through its website and other appropriate channels. The OGF's website will be maintained to show the status of faculty legislation affecting the HOP.

**B. Will initial or periodic training be required by law? None. If so, please explain how you will accomplish.**

Submitted by:

*Alan W. Friedman*

\_\_\_\_\_  
*Authorized Signature- Responsible Policy Owner*

April 25, 2017  
*Date*

\_\_\_\_\_  
*Authorized Signature – Executive Level Sponsor (VP/Provost level)*

\_\_\_\_\_  
*Date*