Policy **AA-FH-PO2**

Termination of Faculty due to Financial Exigency

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I. **Section 6-401 Termination of Faculty due to Financial Exigency**

The intent of tenure as a continuing appointment to prevent arbitrary termination and to guarantee academic freedom shall not be circumvented by the declaration of a financial exigency.

II. **Section 6-402 Criteria for Reduction in Faculty Programs due to Financial Exigency**

A. The President of the University will determine when it is necessary to reduce faculty and/or academic programs due to a financial exigency and establish appropriate fiscal goals and deadlines to assure institutional compliance with budget limitations.

B. Upon making such determinations, the President will appoint a committee of administrative personnel and faculty to analyze all ongoing programs and make recommendations to the President as to which programs and/or faculty positions should be continued and which may be discontinued in order to meet the financial exigency.

C. The committee will consider the following guidelines in making its recommendations:

1. The committee's first consideration will be to assess the institutional needs and identify those faculty positions that may be eliminated with minimum effect to degree programs that should be continued. This will include examination of teaching specialties within degree programs or supporting degree programs in which offerings may be eliminated or reduced. It will also include examination of degree programs to determine whether entire degree programs may be eliminated or reduced. In degree programs and teaching specialties that should be continued, examination will be made of teaching requirements and semester credit hour productivity to determine wherein reductions can be made in positions with the least harm to those degree programs and teaching specialties. The tenure status of a faculty member will not be
the primary consideration in the determination of whether a particular position should be eliminated.

2. Once it has been determined that one or more teaching positions in a degree program or teaching specialty may be eliminated, the committee will determine the particular faculty member or members to be eliminated by reviewing all faculty members in those degree programs or teaching specialties to determine the least qualified faculty members based upon their particular talents and the needs of the program they serve, their past academic performance and expectations for future contributions to the development of the University.

3. In arriving at its final decision with respect to the particular faculty member or faculty members to be eliminated within a degree program or teaching specialty, the committee will be guided by the following considerations in those instances where it appears to the committee that two or more faculty members are equally capable of performing a particular teaching role:

   a. the faculty member or members having tenure shall be given preference over non-tenured faculty.

   b. if tenure status is not a factor for consideration under (a.) above, consideration will be given to the institutional need for capabilities for teaching in multiple disciplines and the faculty member or members having training and experience and qualified to teach in more than one discipline or area of specialization will be given preference over a faculty member or faculty members having training and experience in only one discipline or area of specialization; and

   c. in all other instances, length of service of a faculty member shall be the determining factor.

D. After conducting its review pursuant to the foregoing guidelines, the committee will promptly make its recommendations of those faculty members recommended for termination with stated reasons for their selection and ranked in order of priority, to the President. The President will determine whether the guidelines have been properly followed and, after consideration of the committee recommendations and consultation with such University administrators as he/she deems appropriate, the President will determine which individual faculty members are to be terminated because of the financial exigency and shall notify them of the decision.

E. Any faculty member terminated due to financial exigency will be notified when a vacancy occurs in his/her field of teaching within the next two years following the termination, and shall be offered reinstatement. If a full-time vacancy occurs in a field of teaching in which two or more faculty members have been terminated because of financial exigency, all will be notified of the vacancy, and reinstatement will be offered to the best qualified of those notified and making application.
III. **Section 6-403 Appeal Procedure by Faculty Affected by Reduction due to Financial Exigency**

A. Any faculty member notified of termination due to financial exigency shall have the right to appeal within 30 days of receipt of the termination notice to a Hearing Committee for reconsideration of the termination decision under the conditions set forth below:

1. The President shall designate the Hearing Committee to hear any appeals for reconsideration.

2. Prior to any hearing, each appealing faculty member decision shall be given a reasonably adequate written statement of the basis for the initial decision to reduce faculty.

3. Prior to the hearing, the appealing faculty member shall be given any written data or information relied upon in arriving at the decision, if such data or information is requested.

B. The Hearing Committee shall be authorized to set the date, time, and place for the requested hearing, provided that the hearing will be held within 30 days, unless the faculty member waives the time requirement and, in any event, within 90 days from the date of the request.

C. The following procedures will be provided:

1. The hearing shall be open or closed to the public at the option of the appealing faculty member.

2. The appealing faculty member may be represented by legal counsel at the faculty member's expense.

3. The appealing faculty member and the University may offer any written or oral testimony that is relevant to the issues.

D. The burden of proof shall be upon the appealing faculty member to show by preponderance of the credible evidence the Hearing Committee that:

1. financial exigency was not in fact the reason for the initial decision to reduce faculty positions; or

2. the decision to terminate the appealing faculty member as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable.

E. Following any hearing or hearings by the Hearing Committee, the committee will make findings of fact and recommendations to the President. The decision of the President to either accept or reject the recommendation of the Hearing Committee shall be final.