

Section 3.9 Termination of Faculty Appointments

3.9.1 Noncontinuation of Faculty ‡

3.9.1.1 Noncontinuation of Probationary Faculty

Notice of noncontinuation prior to a tenure decision shall be given in writing to full-time faculty members on probationary appointment. If a faculty member whose appointment is not to be continued so requests, he or she shall be provided with a written statement of reasons why the appointment is not to be continued. Reasons for the noncontinuation of a probationary faculty member prior to a tenure decision may include unsatisfactory performance of assigned duties, misconduct, or other reasons that do not violate applicable law or university policy. If a probationary faculty member believes that the decision of noncontinuation was based on inadequate consideration in terms of the relevant standards of the institution, an appeal may be made to the Faculty Dismissal Hearing Committee to be considered under [procedures developed by the committee and approved by the Provost's Office](#). This committee shall review the faculty member's allegation to determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. If the committee believes that adequate consideration was not given to the faculty member's qualifications, it will request consideration by the departmental tenured faculty indicating the respects in which it believes the consideration may have been inadequate. It will provide copies of the Review Committee findings to the faculty member and to the president.

The provisions for notice of noncontinuation described in this section apply only to full-time faculty members on probationary appointment. All full-time service, whether in a tenure-track position or not, must be counted in determining the length of notice required. The provisions are not applicable to terminations for cause or where a termination is specified in the appointment instrument.

The following schedule applies to notice of noncontinuation:

A. For academic year (nine-month) appointments:

1. By February 15 of the first academic year of service.
2. By December 31 of the second academic year of service.
3. At least 12 months before the expiration of an appointment (May 15) for faculty members with two or more years of service, except that faculty members who are not to be reappointed due to failure to obtain tenure shall be given notice by August 15 that they will not be reappointed the following August.

B. For 12-month appointments:

1. Six months prior to noncontinuation date during first three years of service.
2. 12 months prior to noncontinuation after three years of service.

If shorter notice is necessary because of major enrollment shifts, program changes, or financial exigency, the affected faculty member shall be informed as soon as possible, and every effort shall be made to find another appropriate position in the University. It is anticipated that analyses of enrollment pressures can be made each fall in time for affected faculty members to be notified by November 15.

3.9.1.2 Noncontinuation of Nontenure-track Faculty

Nontenure-track faculty on continuing appointment are considered to have ongoing appointments until written notice of noncontinuation is given.

3.9.2 Dismissal of Tenured Faculty‡

3.9.3 Termination because of Financial Exigency ‡

Termination of an appointment with continuous tenure before the end of the specified term may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means. In the event that financial stress poses a threat to University programs or continuation of faculty employment, the nature and extent of the situation shall be demonstrated to faculty by appropriate documentation. An explanatory statement shall be issued by the president, after consultation with the leadership of the University Senate, to the University Faculty concerning the financial condition of the University and the relation of that condition to all units and programs. Faculty and administrators shall then be involved in formulating plans that could result in discontinuation of programs or dismissal of personnel. A review process that includes the considerations noted below shall be implemented to guarantee the right of due process to those affected.

If the administration issues notice to a faculty member of an intention to terminate his or her appointment because of financial exigency, the faculty member shall have the right to a full hearing before a faculty committee. The hearing need not conform in all respects to one conducted by the Faculty Dismissal Hearing Committee, but the essentials of an on-the-record adjudicative hearing shall be observed. The issues in this hearing may include:

1. The existence and extent of the condition of financial exigency. The burden of proof shall rest on the University.
2. The validity of the educational judgments and the criteria for identification for termination. The recommendations of a faculty body on these matters shall be considered valid.
3. Whether the criteria are being properly applied in the individual case.

If the University terminates appointments because of financial exigency, it shall not make new appointments at the same time except in extraordinary circumstances where a serious distortion in the University's teaching, research, or outreach program would otherwise result. The appointment of a faculty member with tenure shall not be terminated in favor of retaining a faculty member without tenure.

Before terminating an appointment because of financial exigency, the University, with faculty participation, shall make every effort to place the faculty member concerned in another suitable position within the University.

In all cases of termination of appointment of a tenured faculty member because of financial exigency, the faculty member concerned shall be given severance pay in accord with the terminal salary schedule described in Section 3.9.2 (“Dismissal”) above.

In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned shall not be filled by a replacement within a period of three years unless the released faculty member has been offered a reinstatement

3.9.4 Termination without Financial Exigency ‡

Termination of a tenured appointment or a probationary appointment before the end of the specified term may occur as a result of bona fide formal discontinuance of a program or department. The following standards and procedures shall apply:

1. The decision to discontinue formally a program or department shall be based essentially upon educational considerations as determined primarily by the faculty as a whole or an appropriate faculty committee (see section 2.1.2, article 4, Academic Program Review Committee). It should be recognized that educational considerations do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the University as a whole shall be enhanced by the discontinuance.
2. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of discontinuance of a program or department, the institution shall make every effort to place the faculty member in another suitable position. If such placement would be facilitated by training, financial and other support for such training shall be proffered. If no position is available, the faculty member’s appointment may be terminated but only with a severance salary equitably adjusted to the faculty member’s length of past and potential service.
3. A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty committee. The essentials of an on-the-record adjudicative hearing shall be observed. The issues in such a hearing may include the institution’s failure to satisfy any of the conditions in this section of the *Faculty Handbook*. In such a hearing, a faculty determination that a program or department is to be discontinued shall be considered presumptively valid, but the burden of proof on other issues shall rest on the administration.