



# UNITED ACADEMICS PROPOSAL

## Article 25

### Termination of Tenure Track Faculty Not for Cause

**Preamble.** Termination not for cause is defined as any termination other than for cause as set forth in OAR 580-021-0320. Faculty with indefinite tenure may be terminated only for cause (pursuant to the provisions of Article 18, Discipline and Termination), or in cases of financial exigency or department or program reductions or eliminations.

#### **Financial Exigency**

**Section 1.** Before the appointment of any faculty member on indefinite tenure can be terminated for financial exigency, a demonstrably bona fide determination must be made by the president that a financial exigency does exist, i.e. that a severe financial crisis threatens the academic mission of the university as a whole and cannot be alleviated by less drastic means.

**Section 2.** If available information leads the president to believe that a bona fide financial exigency may exist or may be imminent, the president shall immediately notify the Union and the University Senate. The Union and an appropriate body constituted by the University Senate charged with evaluating the bona fides of such a notification shall have access to all information necessary to evaluate the university's financial situation, including the following:

- (a) at least five years of audited financial statements;
- (b) budgets for the current and the following year;
- (c) detailed cash flow estimates for future years;

In order to make informed proposals about the financial impact of program closures, the Union and the designated Senate body shall have access to detailed program, department, and administrative unit budgets.

The University Administration also will promptly inform, in writing, faculty members in a program being considered for discontinuance because of a financial exigency. NTTF and TT faculty members will be invited to participate in the deliberations of the Senate body.

**Section 3.** The Senate body shall issue a written assessment on the university's financial condition within a reasonable amount of time, but in no case less than 90 days from the notification of financial exigency required in Section 1. If, after receipt of this assessment, the University Administration decides to proceed with issuance of a declaration of financial exigency and a proposal for program discontinuance, it shall issue notices of intention to terminate to affected faculty members.

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2 Such faculty members shall be provided the opportunity to participate in an on-the-record  
3 hearing before an adjudicative body appointed by the University Senate. The issues in  
4 this hearing may include:

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6 (a) The existence and extent of the condition of financial exigency. The burden  
7 for proving the existence and extent of the condition shall rest with the University  
8 Administration. The findings of the Senate committee in the previous proceeding  
9 may be introduced.

10 (b) The validity of the educational judgments and the criteria for identification of  
11 faculty members for termination. On this issue, the recommendations of the  
12 Senate committee in the previous proceeding will be considered presumptively  
13 valid.

14 (c) Whether the criteria are being properly applied in the individual case.  
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16 **Section 4.** Before terminating a faculty member because of financial exigency, the  
17 University Administration, with faculty participation, will make every effort to place the  
18 faculty member concerned in another suitable position within the university. If placement  
19 in another position would be facilitated by a reasonable period of training, financial and  
20 other support for such training should be provided.  
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22 **Section 5.** Faculty members being terminated for financial exigency shall be given at  
23 least hundred and eighty (180) days notice.  
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25 **Section 6.** If a tenure track faculty member's appointment is terminated because of  
26 financial exigency, the University Administration will not at the same time make any new  
27 faculty appointments in that unit, except in extraordinary circumstances where a serious  
28 distortion in the academic program would otherwise result.  
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30 **Section 7.** If a tenure track faculty member's appointment is terminated because of  
31 financial exigency, the place of the faculty member concerned will not be filled by a  
32 replacement within a period of three years, unless the released faculty member has been  
33 offered reinstatement and at least thirty days in which to accept or decline it.  
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#### 35 **Program Review for Educational Reasons**

36 **Section 8.** Before the appointment of any faculty member on indefinite tenure can be  
37 terminated for educational reasons, a determination must be made by the president that  
38 demonstrably bona fide educational need for a formal discontinuance of a program or  
39 department of instruction does exist.  
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41 This determination must be based on educational considerations that reflect long-range  
42 judgments that the educational mission of the university as a whole will be enhanced by

1 the discontinuance. Legitimate educational considerations do not include cyclical or  
2 temporary variations in enrollment.

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4 **Section 9.** Upon determining that a bona fide justification exists for formal  
5 discontinuance of a program or department of instruction does exist, the president shall  
6 immediately notify the Union and the University Senate. The Union and an appropriate  
7 body constituted by the University Senate charged with evaluating the bona fides of such  
8 a declaration shall have access to all information necessary to evaluate the University's  
9 assertion.

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11 **Section 10.** The Administration also will promptly inform, in writing, faculty members in  
12 a program or department of instruction being considered for discontinuance. NTT and  
13 TT faculty members will be invited to participate in the deliberations of the Senate body.

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15 **Section 11.** Such faculty members shall be provided the opportunity to participate in an  
16 on-the-record hearing before an adjudicative body appointed by the Faculty Senate. The  
17 issues in this hearing may include:

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19 (a) The Administration's adherence to the standards and procedures set forth  
20 above. The burden for proving this shall rest with the Administration.

21 (b) The validity of the determination that a program or department is to be  
22 discontinued. On this issue, the recommendations of the Senate committee in the  
23 previous proceeding will be considered presumptively valid.

24 (c) Whether the criteria are being properly applied in the individual case.  
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26 The Senate body shall issue a written assessment on the University's discontinuance of a  
27 program or department of instruction within a reasonable amount of time, but in no case  
28 less than 90 days from the notification required in Section 9. If, after receipt of this  
29 assessment, the Administration decides to proceed with the proposal for discontinuance,  
30 it shall issue notices of intention to terminate to affected faculty members.

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32 **Section 12.** Before terminating a faculty member because of discontinuance of a program  
33 or department of instruction for educational reasons, the Administration, with faculty  
34 participation, will make every effort to place the faculty member concerned in another  
35 suitable position within the university. If placement in another position would be  
36 facilitated by a reasonable period of training, financial and other support for such training  
37 should be provided.

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39 **Section 13.** Faculty members being terminated for reasons of discontinuance of a  
40 program or department of instruction shall be given at least hundred and eighty (180)  
41 days notice.