



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 for educational reasons.

Financial Exigency

Section 1. Before the appointment of any tenured or tenure track faculty member 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 report within a reasonable amount of time, but in no case less than 90 days from the notification required in Section 2.

Should the President decide to proceed to issue a declaration of financial exigency, notification will be provided 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 proceeding to then terminate a faculty member because of financial
17 exigency, the University Administration, with faculty participation, will make every
18 effort to place the faculty member concerned in another suitable position within the
19 university. If placement in another position would be facilitated by a reasonable period of
20 training, financial and 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 one 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 **Educational Reasons**

36 **Section 8.** Before the appointment of any tenured or tenure track faculty member 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 for formal discontinuance of a
5 program or department of instruction does exist, the president shall immediately notify
6 the Faculty Union and the University Senate. The Faculty Union and an appropriate body
7 constituted by the University Senate charged with evaluating the bona fides of such a
8 declaration shall have access to all information necessary to evaluate the University's
9 assertion. NTTF and TT faculty members will be invited to participate in the
10 deliberations of the Senate body.

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12 **Section 10.** At the same time that the Administration notifies the Faculty Union and the
13 University Senate of a bona fide justification for discontinuance, the University
14 Administration also will promptly inform, in writing, faculty members in a program or
15 department of instruction being considered for discontinuance.

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17 **Section 11.** Such faculty members shall be provided the opportunity to participate in an
18 on-the-record hearing before the body described in Section 9. The issues in this hearing
19 may include:

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

24 (b) The validity of the determination that a program or department is to be
25 discontinued. On this issue, the findings of the Senate body will thereafter be
26 considered presumptively valid.

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

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35 **Section 12.** Before terminating a faculty member because of discontinuance of a program
36 or department of instruction for educational reasons, the University Administration, with
37 faculty participation, will make every effort to place the faculty member concerned in
38 another suitable position within the university. If placement in another position would be
39 facilitated by a reasonable period of training, financial and other support for such training
40 should be provided.
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1 **Section 13.** Faculty members being terminated for reasons of discontinuance of a
2 program or department of instruction shall be given at least one hundred and eighty (180)
3 days notice.