

1. Title

Abandonment of Academic Positions or Programs

2. Rule and Regulation

Sec. 1 President's Responsibility. The president of an institution of The University of Texas System has the responsibility for determining when to eliminate occupied academic positions, the titles of which are given in the Regents' *Rules and Regulations*, [Rule 31001](#), or abandon academic programs or both, subject to approval by the appropriate Executive Vice Chancellor. The decision of the president and the implementation of that decision shall be subject to the following minimum procedural requirements.

Sec. 2 Elimination for Academic Reasons. An academic program under consideration for abandonment or an academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through a procedure determined by the president.

2.1 Notification. Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified and afforded an opportunity to contribute to the review process and have those contributions fairly considered.

2.2 Supporting Rationale. Upon completion of the review process, a recommendation with supporting rationale should be submitted to the chief academic officer for review and recommendation to the president.

2.3 Review by Executive Vice Chancellor. If the president determines that an academic program should be abandoned, a request for approval with supporting documentation should be forwarded to the appropriate Executive Vice Chancellor.

2.4 Appeal Procedures. The president of an institution shall appoint a hearing committee to consider any appeals for reconsideration of termination decisions. Within 30 days from the date of notice of termination, a person shall have the right to appeal to the hearing committee for

reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president of the institution. A person to be terminated who appeals to the hearing committee shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures:

- (a) The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the person to be terminated waives such time requirement; however, such hearing shall be held within 90 days from the date of the request.
- (b) The hearing will be closed to the public unless requested to be open by the appealing person.
- (c) The appealing person may be represented by legal counsel at their expense.
- (d) The appealing person and the institution may offer any written evidence or oral testimony that is material to the issues.
- (e) The burden shall be upon the appealing person to show by a preponderance of the credible evidence that the decision to terminate the appealing person as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable.
- (f) No other issues shall be heard or considered by the hearing committee.

- 2.5 Establishment of Date. The date for abandoning or phasing out an academic program should take into consideration the time required for anticipated completion by students currently enrolled or to facilitate their placement in acceptable alternative programs.

- 2.6 Requests for Reassignment. The administration will notify tenured faculty in the program to be abandoned and ask each faculty member to inform the president or designee, in writing, of the faculty member's request for reassignment to other academic program(s) and to provide details of their qualifications to teach in such academic program(s).
 - 2.7 Employment Alternatives. The president or designee will meet individually with tenured faculty who respond to discuss possible employment alternatives to termination.
 - 2.8 Non-retention. If the decision is not to retain, the president or designee will send a written response stating reasons for non-retention.
 - 2.9 Displacement. If retention of a tenured faculty member results in displacement of a tenured faculty member in another area, the displaced faculty member is entitled to the above procedures.
 - 2.10 Benefit Information. Any faculty member whose employment is terminated pursuant to this Subsection shall be informed of applicable benefits available upon termination, such as retirement, accrued leave, and opportunity to continue insurance coverage.
 - 2.11 Employment Assistance. U. T. System institutions shall provide appropriate assistance to affected faculty members concerning available alternative employment opportunities.
- Sec. 3 Elimination Due to Financial Exigency. When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by this Section, and neither the procedures specified in [Rule 31008](#) of the Regents' *Rules and Regulations* concerning termination of a faculty member, nor the notice requirements of [Rule 31007](#), Section 5 concerning tenure, or [Rule 31002](#), Sections 1 and 2, concerning notice of nonrenewal to nontenured faculty members, shall be applicable.

- 3.1 **Committee Recommendations.** Upon determining the existence of a financial exigency and the need to reduce academic positions or academic programs, or both, the president of an institution shall appoint a 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 as a result of the financial exigency.
- 3.2 **Assessment of Academic Program.** 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. The review will include, but not be limited to, an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production.
- 3.3 **Review Consideration.** Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend the particular position or positions to be terminated by reviewing the academic qualifications and talents of holders of all academic positions in those degree programs or teaching specialties, the needs of the program they serve, past academic performance, and the potential for future contributions to the development of the institution. Tenure status of a faculty member shall not be a consideration in the determination of whether a particular position should be eliminated except as permitted in Section 3.4 below.
- 3.4 **Tenure Preference.** If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing a particular teaching role, the faculty member or members having tenure shall be given preference over non-tenured faculty. However, if such faculty member has the same tenure status, consideration will be given to other documented needs of the institution.
- 3.5 **Recommendation.** Upon completion of its review, the committee shall promptly recommend to the president those persons who may be terminated, ranked in order of

priority, with the reasons for their selection. The president shall, with such consultation with institutional administrative officers as they 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.

- 3.6 Notification of Vacancies. Any person terminated due to financial exigency will be notified when a vacancy occurs in the same institution in their field of teaching within the next two academic years following the termination. If such person makes timely application and is qualified for the position to be filled, they shall be offered employment in that position. If the vacancy is in a field of teaching in which two or more persons have been terminated because of financial exigency, all will be notified of the vacancy and of those so notified and making timely application, employment will be offered to the person who is the better qualified for the position to be filled.
- 3.7 Hearing Committee. The president shall appoint a hearing committee to hear any appeals for reconsideration of termination decisions based upon financial exigency. Within 30 days from the date of the notice of termination, a person shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president. A person to be terminated who appeals to the hearing committee shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision.
- 3.8 Appeal Procedures. The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the person to be terminated waives such time requirement; however, such hearing shall be held within 90 days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures.

- (a) The hearing will be closed to the public unless requested to be open by the appealing person.
- (b) The appealing person may be represented by legal counsel at their expense.
- (c) The appealing person and the institution may offer any written evidence or oral testimony that is material to the issues.
- (d) The burden shall be upon the appealing person to show by a preponderance of the credible evidence that:
 - (1) Financial exigency was not in fact the reason for the initial decision to reduce academic positions; or
 - (2) The decision to terminate the appealing person as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable.
- (e) No other issues shall be heard or considered by the hearing committee.
- (f) The hearing committee shall make written findings of fact and recommendations to the president of an institution as soon as practical following the hearing. The president shall have the final decision to either accept or reject the recommendation of the hearing committee.

3. Definitions

None

4. Relevant Federal and State Statutes

None

5. Relevant System Policies, Procedures, and Forms

None

6. Who Should Know

Administrators
Faculty

7. System Administration Office(s) Responsible for Rule

Office of Academic Affairs
Office of Health Affairs

8. Dates Approved or Amended

December 10, 2004

9. Contact Information

Questions or comments regarding this rule should be directed to:

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