

AY22-16-G

NUMBER: 1463

TITLE Dismissal of Faculty From Employment Due to Financial Exigency or Discontinuance of a Program of Study or a Department of Instruction

This policy provides for the dismissal of tenured and non-tenured faculty members from employment due to financial exigency, or the discontinuance of a program of study or department of instruction (hereinafter referred to collectively as "Extraordinary Events").

B. Authority

Only the Board of Visitors has the authority to dismiss faculty from employment due to Extraordinary Events. Dismissal of faculty shall be conducted according to the procedures provided in this policy.

C. Procedures for the Dismissal of Faculty

1. Application

- a. Upon the completion of the approval of University procedures for a determination of financial exigency, or discontinuance of a program of study or department of instruction, the provost and vice president for academic affairs shall determine which faculty members, if any, in the affected programs or departments will receive notices of dismissal.
- b. Before deciding to issue notices of dismissal to tenured and nontenured teaching faculty, the provost and vice president for academic affairs shall give due consideration to the reduction of nonfaculty staff and administrators and to faculty reassignment, consistent with the retention of the integrity of the remaining academic programs.
- c. In determining which faculty members will receive notices of dismissal, the provost and vice president for academic affairs shall first dismiss nontenured faculty in the affected program of study. Within the categories of tenured or nontenured, a criterion based on the quality of an individual's teaching, research and service may be applied to select those to be dismissed. This policy shall not be used to discriminate against women or minorities.
- d. In determining which tenured faculty members will receive notices of dismissal, the provost and vice president for academic affairs shall give due consideration

to any recommendation made by the tenured faculty members of the department involved, the department chair(s) and the dean(s).

- e. In the event faculty are dismissed pursuant to this policy, a position may not be offered within a program of study or department of instruction to a new candidate within the specialty of the faculty member dismissed for at least three years following the effective date of the dismissal without first offering to reinstate the dismissed faculty member. The offer to reinstate shall remain open for a reasonable time

- c. Within seven (7) calendar days after receiving the faculty member's request for review, the provost and vice president for academic affairs shall forward a copy of the request and a copy of the notice of dismissal to the chair of the Faculty Grievance Committee with a request that the chair initiate the applicable procedures of the committee.

- d. Upon the conclusion of the procedures of the Faculty Grievance Committee and upon the provost and vice president for academic affairs' receipt of the committee's recommendation and report, the provost and vice president for academic affairs shall submit the materials to the president with a recommendation to accept, reject or modify the committee's decision. The president may decide to accept, reject or modify the recommendation of the provost and vice president for academic affairs as the president sees fit. If the

- b. Faculty members from the same program of study, department of instruction, or college may make a collective statement before the Board if they should so choose and if desired by the Board.
- c. After its consideration of a recommendation to dismiss a faculty member, the Board may decide to accept the recommendation to dismiss the faculty member, alter the terms of the recommendation, or decide not to dismiss the faculty.
- d. The Board shall provide written notification of its decision to the faculty member and to the president within sixty (60) calendar days of its receipt of the president's recommendation.
- e. If the Board's decision is not rendered within sixty (60) days as provided in paragraph C.4.d., such failure to act shall be deemed a decision not to dismiss the faculty member.