

ABANDONMENT OR SUBSTANTIAL REDUCTION OF ACADEMIC PROGRAMS OR POSITIONS FOR **ACADEMIC REASONS OR FINANCIAL EXIGENCY**

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**A. Purpose**

To outline the procedures to be followed if tenured faculty members and other faculty members with current academic appointments by contract or written agreement are affected by proposed elimination or substantial reduction of an academic program for: **1) academic reasons, or 2) financial exigency.**

**B. Persons Affected**

This policy applies to members of the general faculty and the president and his or her administration.

**C. Policy**

The president of The University of Texas Rio Grande Valley ("University"), in consultation with the faculty and the leadership of the Faculty Senate, has the responsibility for determining when to eliminate occupied academic positions, when to abandon an academic program, or occasions when both may occur. Regents' [Rule 31003](#), Abandonment of Academic Positions or Programs, will be interpreted in the light of Regents' [Rule 40101](#), which gives faculty a "major role" in regard to "general academic policies and welfare" and related matters. This rule further assigns this faculty responsibility to the faculty governance organization.

**D. Procedures**

**1. General Policy**

Regents' [Rule 31003](#), Abandonment of Academic Positions or Programs, calls for development of institutional procedures for an in-depth review to inform and guide decisions on these matters. The following are procedures for the University beyond those indicated in Regents' [Rule 31003](#).

Regents' [Rule 31003](#), Abandonment of Academic Positions or Programs, will be interpreted in the light of Regents' [Rule 40101](#) which gives faculty a "major role" in "general academic policies and welfare" and related matters, and in the light of the provisions that assign these responsibilities to the Faculty Senate and require that the organization and procedures of the governance organization be set out in the University's *Handbook of Operating Procedures* ("HOP") and subject to governance review and approval.

**2. Abandonment or Reduction of Academic Programs or Positions for Academic Reasons**

An in-depth and judicious review process is required when an academic program is being considered for abandonment or substantial reduction such that an academic position held by a tenured faculty member, or a tenure-track or non-tenure track faculty member before the end of a period of appointment by contract or written agreement is under consideration for elimination for academic reasons. The president shall consult with the Faculty Senate Executive Committee to determine an appropriate course of action to be taken and the means of safeguarding faculty rights and interests, including tenure rights.

In order to ascertain whether there is the need to discontinue or substantially reduce a program for academic reasons that are not mandated by financial exigency and that affect currently filled faculty positions, the president or his/her delegate, in consultation with the Faculty Senate Executive Committee, shall appoint a Review 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. The majority of the Review Committee shall be faculty members, including the **chair** of the Faculty Senate. If for any reason the **chair** cannot serve, the Faculty Senate Executive Committee shall designate a replacement. This Review Committee shall be provided with all materials and information relevant to the decision being considered, so that it will be in a position to make informed recommendations to the president as to which currently filled faculty positions within the academic program(s), if any, should be eliminated. The decision should be based upon academic considerations and judgments about the long-term mission of the institution, not on temporary or cyclical variations.

The Review Committee shall notify faculty in positions under consideration for elimination for academic reasons within 15 days after the Review Committee identifies such faculty.

Upon completion of the review process, the Review Committee shall submit a recommendation with supporting rationale to the president for the president's consideration. If, despite a contrary recommendation from the Review Committee, the president determines that an academic program shall be abandoned or substantially reduced by eliminating currently held faculty positions, the president will meet with the Review Committee to seek a mutually satisfactory decision within thirty days. The institution should make reasonable efforts to find appropriate alternative employment within the institution for those whose positions are being eliminated.

A faculty member who wishes to appeal for reconsideration of a termination decision shall make such request within thirty days of notification of termination. The hearing process shall proceed as outlined in Section D of this policy.

A request for approval with supporting documentation must be submitted by the president to the appropriate executive vice chancellor. The chair of the Faculty Senate shall be kept informed of all such official actions.

### **3. Abandonment or Reduction of Academic Positions or Programs Because of an Institutional Financial Exigency**

When the president determines the existence of a financial exigency that requires the elimination of filled academic positions or programs, he or she will promptly inform the Faculty Senate Executive Committee and appoint a Review Committee composed of faculty and administrative personnel in accordance with Regents' [Rule 31003](#), Section 3.1. A majority of the total Review Committee membership shall be faculty members, and at least one-half of the faculty members on the Review Committee shall be appointed from recommendations submitted to the president from the Faculty Senate Executive Committee. The charge of the Review Committee shall include defining the general criteria the Review Committee should apply in making its recommendations.

A majority of the faculty members of the Review Committee shall be tenured. Any appointed non-tenured or tenure-track faculty should be senior faculty with substantial experience in the University. The faculty Review Committee members should be drawn broadly from the University community, and not based on which filled academic positions or programs are considered for elimination. At least some of the faculty on the Review Committee shall have served on faculty governance review committees for recommendations on promotion and tenure for academic personnel. Unless otherwise specified, the Review Committee shall complete its work within sixty days from the date the Review Committee is formed.

For Regents' [Rule 31003](#), Section 3.2 – Assessment of Academic Program, the Review Committee will provide a written report of its analysis of programs and recommendations. As stated in the Rule, "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 and upon other critical components of the institution's mission. The review will include, but not be limited to, as relevant: (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production; (b) an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, healthcare delivery, and scholarly activity)."

For Regents' [Rule 31003](#), Sections 3.3 – Review Consideration, and 3.4 – Tenure Preference, the Review Committee should, if possible, recommend specific positions, if any, to be eliminated in its written report based on its assessment of programs. If other officers of the University, such as deans or program chairs, are involved in identifying faculty members whose appointments are to be terminated, the process for obtaining these recommendations should be described in the report. The Review Committee will have available the personnel records of those being considered, including current curriculum vitas, recent annual reports, promotion committee reports and recommendations, and results of periodic performance reviews. Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the Review Committee, including the ability to respond in writing to the recommendations. A faculty member with tenure will be retained over a faculty member without tenure except in extraordinary circumstances in which such action would not be in the best interests of the academic, research, or clinical programs of the University. Alternatives should be considered, and terminating tenured faculty must be based on a reasoned justification. The institution should make reasonable efforts to find appropriate alternative employment within the institution for those whose positions are being eliminated.

For Regents' [Rule 31003](#), Section 3.5 – Recommendation: "Upon completion of its review, the committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, after consultation with institutional administrative officers as the president 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."

#### **4. Procedure for Appeal**

A faculty member whose position has been eliminated due to **academic or budgetary reasons or institutional financial exigency** is entitled to appeal that decision in accordance with Regents' [Rule 31003](#), Sections 2.4 or 3.7-3.8, as applicable.

Appeals must be made on the grounds that the decision to terminate the appellant as opposed to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based on the evidence presented (including claims such as, but not limited to, race or gender discrimination, and violations of academic freedom). In the event of a financial exigency termination, the grounds for the appeal may also be that financial exigency was not the actual reason for the initial decision to reduce academic positions.

[HOP ADM 06-111](#), Section D – Procedures, shall apply to the extent that they do not conflict with Regents' [Rule 31003](#).

## **5. Additional Notes**

If appointments are terminated, the University will not at the same time or within one year make new appointments in the same subject area or specialization except in extraordinary circumstances where a serious distortion in the academic or clinical program would otherwise result.

A faculty member who is terminated shall be given a reasonable amount of time to close down his or her research program and related facilities in a non-destructive way.

During this period of employment and for two additional years, the terminated faculty member shall have right to first consideration for any vacancies occurring in his or her field of teaching or research ([Rule 31003](#), Section 3.6).

## **E. Definitions**

1. *Academic Programs* – An instructional program leading toward a bachelor's, master's, doctoral, or professional degree.
2. *Financial Exigency* – A demonstrably bona fide financial crisis that adversely affects the University as a whole and that, after considering other cost-reducing measures, including ways to reduce faculty costs, requires consideration of terminating appointments held by tenured faculty and other faculty members with current academic appointments by contract or written agreement. Financial exigency could arise from declines in enrollment, significant reduction in operating revenue, significant increase in financial obligations, or substantial changes in educational needs, among other reasons.
3. *Faculty Senate* – The elected body representative of the faculty and charged with developing academic policy in the areas designated in Regents' [Rule 40101](#).

## **F. Related Statutes or Regulations, Rules, Policies, or Standards**

Board of Regents' [Rule 31003](#) – Abandonment of Academic Positions or Programs

Board of Regents' [Rule 40101](#) – Faculty Role in Educational Policy Formulation

University of Texas Rio Grande Valley [HOP ADM 06-111](#) – Faculty Grievances

**G. Dates Reviewed or Amended**

Drafted 3 December 2024 by Christopher Gabler, Faculty Senate President

Reviewed 4 December 2024 by the Faculty Senate Executive Committee

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