



# **Handbook of Operating Procedures**

**Section:** 6.9.1  
Originally Approved: 02/26/1996  
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## **ACADEMIC PROGRAM OR POSITION ABANDONMENT**

### **A. Purpose**

[Rule 31003](#) of The University of Texas System Board of Regents' *Rules and Regulations* concerns abandonment of academic programs or positions. This Rule also calls for the President of The University of Texas-Pan American to determine institutional procedures for an in-depth review to inform and guide decisions on these matters. In accordance with Sections 2 and 3 of [Rule 31003](#), the University policy and procedures relating to these issues are as follows.

### **B. Persons Affected**

This policy applies to faculty as defined in Regents' [Rule 31001](#).

### **C. Policy**

The policy of the University is that the President, acting under the authority of the Regents' *Rules and Regulations*, [Rule 31003, Section 1](#), has the responsibility for determining when to reduce or abandon academic programs and positions, subject to approval by the Executive Vice Chancellor for Academic Affairs. The criteria for the abandonment or reduction in scope of academic programs, in the absence of financial exigency, shall be based on bona fide academic considerations that include fair assessments of viable alternatives.

### **D. Definitions**

1. *Financial exigency*. A demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty.

### **E. Procedures**

1. Elimination for Academic Reasons

Once the President decides to initiate consideration of an academic program or programs for abandonment or reduction in scope, that consideration must include, but is not limited to the results of current performance review conducted under the auspices of University policy for evaluation of academic programs *Handbook of Operating Procedures (HOP)* [Section 6.10.1](#). For the purposes of this policy, a review is considered current if it was concluded within the previous three years.



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### a. Ad Hoc Program Abandonment Review Team

Once one or more academic programs or positions have been identified for potential abandonment, the President shall notify the affected program's administration and faculty and the Faculty Senate. When such action(s) may result in terminating the employment of faculty members, the Provost/Vice President for Academic Affairs (VPAA) shall appoint and charge an Ad Hoc Review Team of seven faculty and administrators from the Division of Academic Affairs to review the proposed actions.

A majority of team members shall be tenured faculty, some of whom may hold administrative responsibilities. At least one team member must also be a faculty member who served on the most recent University committee that reviewed the program in accordance with the University academic program review policy ([HOP 6.10.1](#)). Four members of the Review Team will be nominated by the Faculty Senate, and three shall be appointed at the discretion of the Provost/VPAA. The Executive Committee of the Faculty Senate and the Provost/VPAA shall confer prior to formal appointments to the Review Team, with the goal of arriving at strong, widely respected and representative, team membership.

### b. Program Abandonment Review

The Review Team's considerations shall be based on academic program criteria. This Review Team shall have access to the program's current self-evaluation prepared under the auspices of the University's academic program review policy ([HOP 6.10.1](#)). The Review Team may request additional information beyond that provided in the self-evaluation.

In accordance with [Rule 31003 Section 2.1](#) of the Regents' *Rules and Regulations*, tenured faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the Team's review process and have those contributions fairly considered in the Team's final report. The Review Team will present its conclusions to the Provost/VPAA in the form of a written report.

Along with addressing any unique aspects of its charge, the Review Team's report will include, but not be limited to, an assessment of the impact of the proposed actions on current and future students and the impact on the integrity and vitality of the University's other academic programs. Typically, the Review Team will consider undergraduate and graduate curricula and programs of instruction, student



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demand for these programs, scholarly activity of the program's faculty, program facilities, national stature and impact of the program's offerings, quality of students, market for graduates, level of support for the program, availability of similar training at other institutions in the University's service area, effectiveness of the program's leadership, and effectiveness of the program in furthering the University's Affirmative Action/Equal Opportunity goals. The report will assess the program's overall performance and specific strengths and weaknesses and make recommendations for any changes it believes advisable. The Review Team shall consider and may offer advice on all avenues by which terminations of faculty members can be avoided or minimized and by which the negative effects of any necessary terminations can be mitigated. Unless an extension is approved by the President, the Review Team shall complete its work in no longer than 120 days. The Review Team's written report will be directed to the Provost/VPAA.

The faculty and administration of the program under review also will have access to the Review Team's report and the option to provide a written response to the Provost/VPAA. Such a response will be limited to explaining whether the Review Team has fairly represented the contributions made by the affected faculty. The response may not introduce additional information or arguments that could have been provided to the Review Team unless the information was not available to the affected faculty at the time of the review. Based on the Review Team's report and the program's response, the Provost/VPAA will prepare recommendations to the President within 30 days of receiving the Review Team's report.

- c. Program Abandonment or Reduction
  - i. If, upon reviewing the report of the Review Team and the recommendation of the Provost/VPAA, the President decides to proceed with the process of eliminating or reducing the scope of one or more academic programs, when such actions would eliminate academic positions occupied by tenured faculty, the President shall forward this decision, along with a copy of the Review Team's report, to the Faculty Senate and to the program(s) and faculty member(s) directly affected.
  - ii. At the same time, the President shall request approval of the proposed actions, including a proposed date of program termination, from the Executive Vice Chancellor for Academic Affairs, as per Regents' *Rules and Regulations*, [Rule 31003 Section 2.3](#). The date proposed for the termination of the program shall take into consideration the time necessary for students currently enrolled in the program to complete degree requirements or to arrange for placement in



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acceptable alternative programs. If possible the date for termination of the program should coincide with the end of an academic year (defined as May 31).

### **d. Faculty Options**

- i. Upon approval by the Executive Vice Chancellor for Academic Affairs, the affected faculty member(s) will be notified of such approval, by the Provost/VPAA, and any tenured faculty member(s) will be asked to inform the Provost/VPAA in writing of the faculty member's request for reassignment within the remaining academic structure of UTPA. The request must be filed in writing with the Provost/VPAA no later than fifteen (15) working days after receiving notification the Executive Vice Chancellor for Academic Affairs has approved program abandonment or reduction. The time period of fifteen (15) working days must start within the dates specified in the faculty member's current Memorandum of Employment. The request must include details related to the faculty member's qualifications to teach in other academic programs or to serve in administrative positions. The affected tenured faculty member(s) also may request a meeting with the Provost/VPAA to discuss options for reassignment.
- ii. The Provost/VPAA shall hold discussions concerning possible reassignment with the affected tenured faculty member(s) who has requested a meeting and shall notify such faculty member(s) regarding the outcome of these discussions within thirty days after receiving the request from the faculty member, unless the President approves an extension. A reassignment could involve relocation into another academic program, but also could involve changes in title, changes of duties and responsibilities, and changes in salary and tenure status. In exploring possible academic reassignments, the Provost/VPAA shall consult with the Dean(s) and faculty of the unit(s) which might be involved in such reassignments.
- iii. If a mutually satisfactory reassignment cannot be arranged, the tenured faculty member will receive notification in writing from the Provost/VPAA, as per Regents' *Rules and Regulations*, [Rule 31003, Section 2.8](#), with a statement of the reasons why the tenured faculty member will not be reassigned to another position.



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- iv. The decision of the Provost/VPAA not to retain a tenured faculty member in another academic program or administrative position may be appealed to the President in compliance with Regents' *Rules* [Rule 31003 Section 2.4](#) below.

Appeal Procedures. The President shall appoint a hearing committee comprised of faculty to consider any appeals for reconsideration of termination decisions. Within 30 days from the date of notice of termination, a faculty member 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 faculty member who appeals to the hearing committee (the appellant) 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 appellant 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 appellant.
- c) The appellant may be represented by legal counsel at his or her expense.
- d) The appellant and the University may offer any written evidence or oral testimony that is material to the issues.
- e) The burden shall be upon the appellant to show by a preponderance of the credible evidence that the decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence.
- f) No other issues shall be heard or considered by the hearing committee.
- g) The hearing committee shall submit to the President a report that is based on the record presented at the hearing and which includes the



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committee's factual findings and recommendations. The President shall make the final decision.

- v. The employment of a tenured faculty member who is to be terminated under this policy shall extend only to the abandonment or reduction of his/her academic program as stated in the President's request to the Executive Vice Chancellor for Academic Affairs. During this period of employment and for one (1) additional year, the terminated faculty member shall have the right to first consideration among equally qualified candidates for any faculty or administrative position at UTPA for which a recruitment and hiring process is conducted and for which the faculty member in question formally applies. In addition, the considerations noted in [Rule 31003 Section 2.10 and 2.11](#) will be extended to the faculty member to be terminated.

### **2. Elimination Due to an Institutional Financial Exigency**

- a. **Committee Recommendations.** Upon determining the existence of a financial exigency and the need to reduce academic positions or academic programs, or both, the President 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. At least one-half of the total committee membership shall be faculty members and at least one-half of the faculty members on the committee shall be appointed from recommendations submitted to the President from the Faculty Senate.
- b. **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 and upon other critical components of the University'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, health care delivery, and scholarly activity).
- c. **Review Consideration.** Upon determination that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the President, in writing, the particular position or positions to be



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terminated after reviewing the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program and the needs of the school or college they serve, past 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 subsection E.2.d below.

- d. **Tenure Preference.** If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing the same teaching, research, and/or clinical role, the faculty member or members having tenure shall be given preference over nontenured faculty. However, if such faculty have the same tenure status and equal qualifications, consideration will be given to the need of the institution for capabilities for teaching in multiple disciplines, and the faculty member or members qualified by training and experience to teach in more than one discipline or area of specialization will be given preference over a faculty member or members qualified to teach in only one discipline or area of specialization in other instances, length of service as a member of the faculty at the institution shall be the determining factor.
- e. **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, with such consultation with institutional administrative officers as he or she 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.
- f. **Notification of Vacancies.** Any person terminated due to financial exigency will be notified when a vacancy occurs in the same institution in his or her field of teaching within the next two (2) academic years following the termination. If such person makes timely application and is qualified for the position to be filled, he or she 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.
- g. **Hearing Committee.** The President shall appoint a hearing committee comprised of faculty members to hear any appeals for reconsideration of termination decisions based upon financial exigency. Within thirty days from the date of the notice of



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termination, a faculty member 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 faculty member who appeals the decision of the hearing committee (the appellant) 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 all written data or information relied on in arriving at such decision.

- h. Appeal Procedures. The hearing committee shall set the date, time and place for hearing the appeal for reconsideration. Such hearing shall be held within thirty days of the date of the written request unless the appellant waives such time requirement; however, such hearing shall be held within ninety days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures.
  - i. The hearing will be closed to the public unless requested to be open by the appellant.
  - ii. The appellant may be represented by legal counsel at his or her own expense.
  - iii. The appellant and the institution may offer any written evidence or oral testimony that is material to the issues.
  - iv. The burden shall be upon the appellant to show by preponderance of the credible evidence that:
    - a) financial exigency was not in fact the reasons for the initial decision to reduce academic positions; or
    - b) the decision to determine the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented.
  - v. No other issues shall be heard or considered by the hearing committee.
  - vi. The hearing committee shall make written findings of fact and recommendations to the President as soon as practical following the hearing. The President shall have the final decision to either accept or reject the recommendations of the hearing committee.



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### **F. Responsibilities**

Not applicable.

### **G. Review**

The Divisional Head for this policy is the Provost/Vice President for Academic Affairs and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:

1. Vice Provost for Faculty Affairs – Senior Reviewer
2. Academic Affairs Executive Team
3. Faculty Senate Chair