

**MEMORANDUM OF UNDERSTANDING****Principles and Procedures for the Elimination of Academic Programs  
and Termination of Associated Faculty Appointments****February 5, 2010 (Version 6)****Introduction**

This memorandum of understanding (MOU), which was developed jointly by the Faculty Senate and central administration, describes the principles and procedures that are to be used for the elimination or discontinuation of an academic program and the termination of faculty associated with the eliminated academic program. The elimination, merging or downsizing of departments or colleges does not affect the rank or tenure status of faculty in those units. Procedures for reorganizing academic units are found in Section 2.7 of the Faculty Handbook. This MOU deals only with Section 3.4 and Section 10.8 of the Faculty Handbook.

This MOU applies only to tenured faculty and adjunct faculty with continuous appointments. This MOU will be in force until June 30, 2012. With respect to the obligations of the University under the sections on "Good Faith Efforts" and "Appeals," those sections will remain in effect with respect to faculty subject to loss of position resulting from any program elimination approved by the President on or prior to June 30, 2012.

**Academic Program Membership**

An academic program as defined in Section 3.4 "...normally means an undergraduate or graduate major approved for a bachelor or graduate degree..." Thus, with the exceptions noted below, continuous faculty appointments can be terminated only if the academic program they are associated with has been discontinued.

Faculty membership in an academic program is determined by whether faculty have a majority of teaching duties in the affected program, where duties are defined as teaching undergraduate or graduate courses, serving as a major professor, and undergraduate major advising.

An ad hoc committee will determine faculty membership in an academic program that has been discontinued. The committee will consist of four faculty appointed by the President of the Faculty Senate in consultation with the Executive Board, as well as a representative of the Provost's office, appointed by the Provost. At least two of the four faculty members must be sitting Faculty Senators, and no member may hold an appointment from a department associated with the affected academic program.

Faculty who teach in two or more academic programs would under the good faith provisions of Section 3.4 be given an opportunity to transfer to another program to which they belong (See section on Good Faith Efforts to Prevent the Loss of Faculty).

Some faculty may have continuous appointments that are not associated with an academic program (e.g., Extension). In this case, the elimination of their unit will result in termination of their appointment, similar to faculty associated with academic programs that have been discontinued. As with faculty associated with academic programs, the same good faith efforts must be made to transfer these faculty to another unit or program.

### **Criteria for Eliminating an Academic Program**

The rationale for the elimination of an academic program must be based primarily on academic or educational reasons. Alternatives to eliminating academic programs should first be considered. These include (1) merging similar programs, (2) refocusing existing programs, and (3) reducing the size of the program through attrition.

If no alternatives to the elimination of programs are viable, the selection of academic programs to be eliminated must be based on four criteria (in no particular order): cost-effectiveness, quality, centrality, and need.

#### *Cost-effectiveness*

- Sized appropriately to deliver service efficiently
- Program is delivered without disproportionate expenditure in relation to importance
- Degree to which loss of unit will result in loss of other resources beyond student tuition
- Availability of other readily available and consistent support

#### *Quality*

- Overall quality of services (teaching, scholarship, and outreach) based upon disciplinary/national evaluations, rankings, accreditation
- Effect of recent initiatives to improve quality
- Productivity in relation to similar units
- Whether the unit has the critical mass necessary for long-term productivity

#### *Centrality*

- Whether the unit is required by law or Regents policy, and such law or policy is not likely to be changed
- The program's alignment with the institution's strategic goals
- Does the program deal with issues of core concern in today's world?
- Impact of eliminating programs on the university's commitment to diversity
- Impact on other units of university - would loss impair other units?
- Is it the type of unit any land grant university should have?
- Whether the services are more central to another institution in the state of Iowa

#### *Need*

- Current and future demand for the services of the unit, including teaching, scholarship and outreach
- Ability of other university units to provide the same service, or related services in an effective manner
- Availability of the program at other institutions in Iowa

### **Procedures for Eliminating an Academic Program**

The information required by the Iowa Board of Regents for the discontinuance of academic programs (Form F - <http://www.regents.iowa.gov/Policies/Chapter%206/Form%20F.pdf>) must be submitted as part of the request to discontinue a major.

Existing procedures as outlined in Section 10.8 of the Faculty Handbook will be used to discontinue majors, i.e., eliminate academic programs. The recommendation of the department regarding the request will be forwarded to the college curriculum committee. It must then be approved by the college curriculum committee, and also be approved by the college faculty as designated in the respective college governance document, the Faculty Senate Curriculum Committee, the Faculty Senate, the Provost, President, and the Board of Regents.

If there are many proposals for the discontinuation of majors proposed simultaneously by one or more colleges, every attempt will be made by the Faculty Senate to expedite the process of dealing with these requests. In order to ensure adequate public discussion, however, a vote on a proposal to discontinue a major by the Faculty Senate can only occur at a scheduled senate meeting during the academic year.

### **Good Faith Efforts to Prevent Loss of Faculty**

As outlined in the revision of Section 3.4 of the Faculty Handbook, the elimination of an academic program can potentially result in the termination of faculty, including faculty with continuous appointments. If the latter is contemplated, the university must first make a “good faith effort” to transfer the tenured faculty and adjunct faculty with continuous appointments.

The following are required as part of the good faith effort to transfer a faculty member with a continuous appointment to another program:

- (1) Once the discontinuation of an academic program has been proposed, the administration as part of the formal process of program discontinuation as required by the Board of Regents will begin to discuss with the affected faculty their futures, which could include transfer to another academic program, retirement, phased retirement, early retirement, resignation, etc.
- (2) After the discontinuance of an academic program has been approved by the Board of Regents, each faculty member with a continuous appointment will be given notice that their appointment will be terminated in one year.
- (3) Faculty who have indicated that they want to be transferred to another academic program will have one year from notice of termination to work out with the administration a suitable transfer, including the development of a new Position Responsibility Statement (PRS). The rank and tenure of the faculty member being transferred to another program will transfer with them. Faculty being transferred are guaranteed at least 75% of their salary and benefits, with workload being proportional to the new salary.
- (4) The duties of a faculty member transferred to another academic program do not have to be identical to those in the eliminated program, but do have to be acceptable to the faculty member as well as the new department.
- (5) The faculty in the receiving department will review the record of the faculty member recommended for transfer to their department. They will conduct a vote with the eligible faculty being those who would vote on a similar rank/tenure in the promotion and tenure process. The faculty vote will be forwarded to the Dean and Provost for their consideration. The Dean and Provost will review the faculty vote and each make their decision about the merits of

the case. In all cases, the Dean of the college receiving the faculty member and Provost must approve the decision.

- (6) If a transfer to another academic program would be facilitated by a reasonable period of retraining, support would be provided.
- (7) If after one year, no suitable position has been found, with or without retraining, then the faculty member's appointment may be terminated.
- (8) The university will offer outplacement services to faculty who have been given a notification that their appointment has been terminated.
- (9) If the same or equivalent position held by a faculty member whose appointment has been terminated is created in the next three years in any academic program or unit, the terminated faculty member will have the right of first refusal of this position.

## **Appeals**

A faculty member may appeal a proposed transfer or termination resulting from the elimination of an academic program; that is, has a right to an appeal as described in Section 9 of the Faculty Handbook. In such an appeal, the rationale for the elimination of an academic program cannot be considered or challenged. Appeals can be based on (1) how a determination was made that a faculty member's appointment was associated with the eliminated major; and, (2) the lack of the university's good faith effort to transfer the faculty member to another program.

## **Report on Faculty in Discontinued Programs**

Within one year of the Board of Regents approval date for a request for discontinuation, the Office of the Executive Vice President and Provost will provide to the Faculty Senate a report on the faculty in the discontinued program, describing what happened to the faculty (e.g., appointment terminated and did not transfer to another unit within the institution, left the university for another institution, retired, transferred to another unit within the university). For faculty whose appointment is terminated, the Provost's office will provide an overview of the good faith efforts that took place to transfer the faculty members' appointments.