

FINANCIAL EXIGENCY AND ACADEMIC REORGANIZATION

Financial exigency is a condition in which the College's existence is in serious jeopardy for financial reasons. Academic reorganization is the reduction or discontinuance of a program, department, or operating unit of the College that may result in the termination of faculty members due to educational considerations other than financial exigency. Examples of educational considerations include, but are not limited to, academic quality, relationship to the mission of the College, a change in enrollment that is not cyclical or temporary in nature, and a deficit for a particular program, department, or operating unit. Except in circumstances where in the Board of Directors' judgment prompt remedial or fiscal action is necessary and in the best interest of the College, the Board will not declare the existence of financial exigency or approve an academic reorganization until after the President and Provost/Dean of the College have consulted with faculty who may be affected and given them an opportunity to respond, including submitting written statements to the President who will transmit such statements to the Board.

After a declaration of financial exigency or a decision to carry out academic reorganization that may result in the termination of faculty members, the President shall direct the Provost/Dean of the College to appoint an *ad hoc* committee for the purpose of identifying academic areas and faculty positions for reduction or discontinuance. The committee shall include the Provost/Dean of the College or his or her appointed representative, two additional members appointed by the Provost/Dean, and five faculty members elected at large. The Provost/Dean shall make faculty appointments based on recommendations received from the Department Chair(s) of the areas concerned. The recommendations of the committee will meet the following criteria:

1. Continued employment of tenured faculty members over untenured faculty except in extraordinary circumstances, such as where an essential part of an academic program could not otherwise be carried out or academic standards, such as accreditation requirements could be adversely affected. The College shall make a good faith effort to continue to employ a tenured faculty member who has skills and abilities that satisfy the requirements of other faculty positions within the College.
2. Not making new faculty appointments in academic areas that have been reduced or discontinued within three years of the termination of faculty positions, except in extraordinary circumstances where an essential part of the academic program could not otherwise be carried out, without offering contracts at the same rank and tenure status to released faculty members with the same or similar skills and abilities and providing them with a reasonable time in which to accept or decline the offer before a replacement faculty member is sought.
3. In circumstances that require a choice between two or more tenured faculty, primary consideration will be given to the overall good of the College. The criteria for retention might include, but not be limited to, teaching effectiveness, departmental curricular needs, and scholarly productivity. The *ad hoc* committee shall make recommendations to the President within thirty (30) calendar days after it is established. The President shall make the final selection and provide each faculty member who will be terminated with a written statement of the basis for the decision, the criteria by which individual faculty members were chosen for termination, the general information and data on which the President relied, the effective date of termination, and

notification of the right to a review of the decision by the Academic Affairs Committee of the Board of Directors or such other committee as may be identified by the Board.

4. The faculty member may file an appeal with the President stating the grounds and supporting evidence why the faculty member should not be terminated within thirty (30) calendar days of the date of the termination notice or, in rehire cases, within thirty (30) days of the new appointment. The Academic Affairs Committee of the Board or appeals committee designated by the Board shall review the written statement of the President and the faculty member and consider whether the President or the *ad hoc* committee acted arbitrarily or capriciously in applying the criteria relied upon to make the decision. The Academic Affairs Committee of the Board or designated appeals committee may, in its discretion, seek additional information from the President, faculty member, or other sources to assist in its deliberations. A decision will then be made and both the President and the faculty member will be notified of the decision in writing. The decision of the Academic Affairs Committee of the Board or designated appeals committee is final.
5. A tenured faculty member who is being terminated under this section will be given notice by March 15 or, in lieu of advance notice and in the College's sole discretion, may be given one year's severance salary. For untenured faculty, the effective date of termination will follow the guidelines given in the section of this handbook titled "Non-Reappointment – Probationary Faculty."

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