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Policy Profile

Policy Title:	Implementing Program Discontinuance
APS Number:	1015
Effective:	July 1, 2013
Approved by:	President Bruce D. Benson
Responsible University Officer:	Vice President for Academic Affairs
Responsible Office:	Office of the Vice President for Academic Affairs
Policy Contact:	Office of the Vice President for Academic Affairs
Supersedes:	APS Implementing Program Discontinuance - July 1, 2009
Last Reviewed/Updated:	July 1, 2013
Applies to:	All campuses

Policy Snapshot

Brief Description: Provides guidance in implementing Regent policy on program discontinuance.

I. Introduction

The Board of Regents has instituted a policy on program discontinuance that must be followed when program closures could result in the termination of tenured or tenure-track faculty appointments. The purpose of this Administrative Policy Statement (APS) is to provide guidance in the implementation of the Board of Regents policy. This Administrative Policy Statement must be read in conjunction with the Board of Regents' Policy on program discontinuance.

In cases where the closure of an academic program will not result in the termination of tenure-track or tenured faculty appointments, the Administrative Policy Statement "Program Discontinuance when No Tenured or Tenured Track Faculty Face Dismissal" shall be followed.

For purposes of this APS, "program" refers to a degree program, department or division of instruction, school or college, or other program unit. Other program units include those that are engaged in research or academic pursuits, whether or not such programs lead to a degree (for example, a track in a degree program, an institute, a laboratory, etc.).

II. Policy Statement

A. Process for Recommending Program Discontinuance

Program discontinuance is the formal termination of a degree program, department or division of instruction, school or college, or other program unit by the Board of Regents for educational, strategic realignment, resource allocation, budget constraint, or combinations of educational, strategic, and/or financial reasons when tenured or tenure-track faculty appointments are to be terminated.

The initial formal written request for a program discontinuance under this policy may be initiated by the campus chancellor or sent to the campus chancellor from a department, its chair, the dean, the campus program review committee, the vice chancellor for academic affairs, the president or the Board of Regents. In response to the request, a review will be conducted by the chancellor in collaboration with the appropriate faculty committee (see Section II-B) and will include discussion with faculty members of the organizational unit in which the program is located, the chair and/or the dean. The committee shall prepare a written report of its findings. The chancellor shall summarize the findings and conclusions of the review and submit a recommendation in a written report. If the chancellor recommends a program closure that would result in the termination of tenured or tenure-track faculty appointments, the report shall include a plan for program closure and the identification of tenured and tenure-track faculty appointments recommended for termination. This report shall be provided to the president within a maximum period of 120 calendar days from the time of the initial formal written request for program discontinuance. Within 60 calendar days, the president shall forward the report and his/her recommendation to the Board of Regents for review and action, if any. Unless the formal request for program discontinuance review was made by the president or Board of Regents, a chancellor's recommendation against program closure ends the process.

If the program discontinuance review was initiated by the president or the Board of Regents, the chancellor's report shall be forwarded to the president and then to the Board of Regents regardless of the chancellor's recommendation. If, under these circumstances, the chancellor

does not recommend program discontinuance and the president disagrees, the president, in consultation with the chancellor and any campus administrators and faculty the president deems appropriate shall prepare the plan for program closure. This plan will include the identification of tenured or tenure-track faculty appointments recommended for termination and will be presented to the Board of Regents for review and action, if any. In circumstances under which the chancellor and president do not recommend program discontinuance and the Board of Regents disagrees, the president, in consultation with the chancellor and any campus administrators and faculty the president deems appropriate, shall prepare the plan for program closure and send it to the Board of Regents for review and action, if any.

In any case where the graduation rates for a program fall below the threshold noted below, the chancellor shall provide a report to the Board of Regents with a recommendation for continuation or discontinuation. The report shall give a five-year history of graduation rates for the program, a summary of the most recent program review, and an explanation of the recommendation based on one or more of the reasons listed in the appendix. Reasons for continuing programs with low graduation rates may include, among others: the centrality of the program to the campus mission; its role in the campus or college strategic plan; its ability to enhance the campus's reputation in the state and nation; its excellence or its promise for future excellence in teaching, research or both; its uniqueness to the state, CU System, and/or the relevant geographic area; or its role in supporting other key programs at the campus. Once such a report has been made, the program shall be exempt from the reporting requirement for three years.

The threshold for baccalaureate degree programs is ten graduates in the most recently reported year or a total of 20 graduates in the last three years; for Master's degree programs, three graduates in the most recently reported year or a total of five in the past three years; and for Doctoral degree programs, one graduate in the most recently reported year or a total of three in the last three years. The Board of Regents will make the final decisions with respect to program discontinuance, and the termination of tenure-track or tenured faculty appointments.

B. Campus Processes for Program Discontinuance

1. Before undertaking program discontinuance under this policy, each campus shall develop a campus policy on program discontinuance. The campus policy must specify which committee or committees are to make written recommendations for program discontinuance.

The campus policy must also define the grounds or considerations to be used in making a decision to close a program. These grounds must be developed on each campus jointly by the faculty assembly and the administration and be approved by the president. Some considerations that may be included in campus policies are listed in the Appendix.

2. Following receipt of the initial written request for program discontinuance, the chancellor shall convene the faculty committee (designated in campus policy) to undertake the review and submit a written report. Using the campus policy that outlines the grounds for closure, the committee shall collect information to ascertain whether there are such grounds. The committee shall take input from the faculty members of the unit

recommended for closure and from other faculty, students, and administrative units affected by the possible closure.

Based upon the committee's report, the chancellor shall prepare a written summary of findings and conclusions of the review, citing the relevant criteria in the policy. If the chancellor determines that closure is not warranted, consideration of the program discontinuance will end, unless the recommendation for closure came from the president or the Board of Regents. In that case, the written summary and recommendation shall be forwarded to the president. It shall be the president's responsibility, in consultation with the chancellor and any campus administrators and faculty the president deems appropriate, to develop a plan for closure.

3. If the chancellor believes closure may be warranted, the chancellor or chancellor's designee shall consult with faculty members and administrators in the affected unit. The chancellor shall offer to meet with any tenured or tenure-track faculty member whose appointment may be recommended for termination before completing his/her report. If the chancellor determines that closure is warranted, he/she shall inform the affected unit and its college/school of the recommendation for closure and prepare a plan for program closure. The chancellor or chancellor's designee shall also consult with the affected faculty and appropriate administrators regarding reassignment, retraining or retirement.
4. The plan for program closure must include the rationale for program closure and the rationale for the termination of individual tenured and tenure-track appointments. It must also include: (1) the timing for phasing out programs based on the needs of the institution; (2) how students enrolled in the program may complete the degree in a reasonable time; (3) identification of tenured and tenure-track faculty appointments to be terminated and the rationale for termination; (4) analysis of other faculty and staff appointments affected by discontinuance; and (5) any other issues related to closure of the program.
5. Unless there is a compelling academic reason to do otherwise, no faculty member with tenure shall be considered for termination until faculty members without tenure in the affected organizational unit, e.g., division or department, have been considered for termination first.

Non-renewal of a tenure-track faculty appointment through the normal reappointment process shall not be considered to be a termination for the purposes of this policy. As used in this policy, the "termination of a tenure-track faculty appointment" means ending the appointment prior to the end of the current contract.

6. The chancellor must present the final recommendation for closure and the plan to the president within 120 calendar days of the start of the process (marked by the date of the initial formal written request for consideration of program discontinuance). The recommendation document shall include: (i) the chancellor's recommendation and plan, and (ii) all materials provided to the chancellor by the review committee.

C. Review by President and Board of Regents

If the chancellor recommends program discontinuance, the president shall review the recommendation and documentation and forward it to the Board of Regents along with the

president's recommendation.

During the course of the president's review, the president shall afford each tenure-track and tenured faculty member, whose appointment is recommended for termination the opportunity to present written evidence/arguments in support of the continuance of the faculty member's appointment. These written comments shall be included with the president's recommendation to the Board. The president shall have a maximum of 60 calendar days to deliver his/her final recommendation to the Board.

The Board of Regents shall make the final decision on program discontinuance and the termination of tenured and tenure-track faculty appointments. Because the Board of Regents grants tenure, only the Board can take action to terminate an individual faculty member's tenure.

D. Year of Notice and Severance Pay for Tenured Faculty

Following the Board of Regents' decision to terminate an academic program and its tenured faculty, the chancellor shall provide formal written notice of termination consistent with University policy. Notice of termination shall provide the appropriate period of notice and shall inform each faculty member of any severance pay to which he/she may be entitled.

After formal approval by the Board of Regents, the chancellor shall provide tenured faculty members whose appointments are to be terminated with one year's notice ("Notice Year") prior to the effective date of termination. For faculty members with 9-month contracts, the year's notice shall be provided prior to and commence at the beginning of an academic year. For faculty members with 12-month contracts, it shall be provided prior to and commence at the beginning of a fiscal year.

During the Notice Year, reasonable efforts will be made by the chancellor or chancellor's designee to find another suitable position for the faculty member within the University, subject to the requirement that intercampus or interdepartmental transfers can be made only if they are mutually acceptable to the faculty member, the receiving academic unit (by a vote of its faculty), and the chancellor(s). Faculty retraining should be provided during the Notice Year under the sponsorship of the campus where the program is discontinued if, in the judgment of the chancellor or chancellor's designee and the faculty member, such retraining shall prepare the faculty member for another suitable University of Colorado position. Any retraining opportunities shall not interfere with the faculty member's assigned teaching and other professional obligations during the Notice Year. Faculty members meeting age and service requirements according to University policy shall have the option to retire.

Following the year of notice, during which reasonable efforts to reassign, retrain, or retire have failed, the tenured faculty member may be terminated involuntarily and with applicable severance pay in accordance with the Regent's policy on program discontinuance.

Severance pay is available only to a tenured member of the faculty whose appointment has been involuntarily terminated due to program discontinuance. Faculty members who elect to resign or retire from the University may not receive severance pay.

In order to be eligible for severance pay, a faculty member must fulfill his/her assigned teaching and other professional obligations throughout the Notice Year.

Severance pay in the amount of base salary for one academic year for tenured faculty members with 9-month contracts, and for one fiscal year for tenured faculty members with 12-month contracts will be provided by the campus whose faculty appointments are terminated under this policy.

At the discretion of the campus, severance pay will be provided in full within 60 calendar days after the effective date of termination or paid in equal monthly amounts over a specified period (up to a maximum of one year) commencing 30 calendar days after the effective date of termination of employment. Severance payments made over multiple fiscal years are subject to annual appropriations as required by law.

E. Reinstatement Rights of Tenured Faculty

If a program is reinstated within three years at the campus where it was discontinued, tenured faculty members who were terminated as a result of the program's closure will have a right to reinstatement, provided positions are available and the position is substantially similar in responsibilities to the one previously held by the faculty member. For the purpose of notification of the reinstatement of an academic program, it is the responsibility of terminated faculty members to keep the university informed of their current address during the three-year period. Under these circumstances, faculty members are required to perfect their right to reinstatement.

F. Notification, Rights and Options of Tenure Track Faculty

After the Board of Regents formally approves the termination of a program and the program discontinuance plan, the campus shall provide those tenure-track faculty members identified in the plan for termination with at least one year of notice before termination.

G. Other Rights of All Faculty

A faculty member who is terminated for reasons of program discontinuance will be eligible to participate in the University group insurance program for 18 months following the date of termination under the conditions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) if the faculty member is enrolled in the University's group insurance program at the time of termination.

If a faculty member whose position is being eliminated requests it, the campus will provide counseling regarding employment opportunities outside of the University.

The Faculty Council Personnel Committee will monitor the efforts made by the University to find suitable positions for displaced faculty members within the University, and make recommendations as appropriate to the Faculty Council.

An eligible faculty member whose appointment is terminated for reasons of program discontinuance may file a grievance with the Faculty Senate Privilege and Tenure Committee under its policies and procedures. The filing of a grievance does not affect the timing of the discontinuance process outlined in this policy.

H. Students

Consistent with university policy, reasonable efforts will be made to allow students to complete their degree program. Program or campus transfers will be permitted if mutually acceptable to the student and the receiving department. Students will be provided advising assistance with respect to their academic program options. Students will be notified of program closure and timing for phasing out programs.

See Appendix: Program Closure Considerations

III. History

- Initial Policy Effective: January 1, 1987
- Policy Revisions: February 2, 2004, June 1, 2005

Appendix - Program Closure Considerations

A. A non-exclusive list of considerations that may lead to discontinuance for educational reasons includes:

1. The long-term state, regional and national needs for such academic or research efforts; or
2. The existence of similar academic or research efforts at other academic or research institutions; or
3. The quality of the campus' program in terms of the (a) faculty and staff, (b) students, (c) accreditation or program review, or (d) research and other facilities (library collections, laboratories, field support facilities, etc.); or
4. The importance of the program as a support for, or as an integral part of, other campus or University academic and research programs; or
5. The importance of the program as fundamental to a university education; or
6. The importance of the program to the state or region in terms of its cultural, historic, political, economic, or other social aspects; or
7. The importance of the program to the state or region; or
8. Other relevant factors that indicate that the program cannot be maintained for academic reasons.

B. A non-exclusive list of considerations that may lead to discontinuance for budgetary constraints, resource allocation or other financial reasons includes:

1. Actual or projected revenues and costs of the program including both direct and indirect costs;
2. Potential cost savings from elimination of the program;
3. Efficiency of program operations in relation to revenues and expenditures (and credit hours and research dollars);
4. The program's contribution to the campus' fiscal health;
5. Performance data related to the program such as the cyclical nature of the discipline's relevance, multi-year trends and projections for enrollment, retention, completion, placements, impacts on other programs and capacity data such as

- student/faculty ratios, courses taught by tenure versus non-tenure track, research productivity, programmatic cost benefit analysis, ability to generate income; or
6. Other relevant factors that indicate that the program cannot be maintained due to budgetary constraints, resource allocations, or other financial reasons.

C. A non-exclusive list of considerations that may lead to discontinuance for strategic realignment reasons includes:

1. Importance of the program to the campus mission;
2. Role of the program in the campus or college strategic plan (academic master plan);
3. Ability of the program to enhance the campus' reputation in the state and nation;
4. Excellence of the program or its promise for future excellence in teaching, research, or both;
5. Cost of investing in the program to achieve and maintain excellence;
6. Uniqueness of the program to the state, CU System, and the relevant geographic area;
7. Marketplace demand for the program;
8. Program's role in supporting other key programs at the campus; or
9. Other relevant factors that indicate that the program cannot be maintained for strategic realignment reasons.

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