



**ADMINISTRATIVE POLICY STATEMENT**

**Policy Title:** Implementing Academic Unit or Degree Program Discontinuance

**APS Number:** 1015

**APS Functional Area:** **ACADEMIC/RESEARCH**

<b>Brief Description:</b>	Provides guidance in implementing Regent policy on academic unit or degree program discontinuance.
<b>Effective:</b>	July 1, 2020
<b>Approved by:</b>	President Mark R. Kennedy
<b>Responsible University Officer:</b>	Vice President for Academic Affairs
<b>Responsible Office:</b>	Office of the Vice President for Academic Affairs
<b>Policy Contact:</b>	Office of the Vice President for Academic Affairs
<b>Supersedes:</b>	April 9, 2015, Implementing Program Discontinuance
<b>Last Reviewed/Updated:</b>	July 1, 2020
<b>Applies to:</b>	All campuses

**Reason for Policy:** Provides guidance in implementing regent policy on academic unit or degree program discontinuance, as required by [Regent Policy 4.B – Academic Planning and Accountability](#) and [Regent Policy 5.F – Termination of Faculty Appointments Following Program Discontinuance](#).

**I. INTRODUCTION**

Program discontinuance is the formal termination of an academic unit or degree program by the Board of Regents for educational, strategic realignment, resource reallocation, or financial reasons, or a combination of these reasons.

Throughout this APS, "program" refers to a degree program or an academic unit. For the purposes of this APS, academic unit is defined as a school, college, department, or program that offers at least one degree program or serves as the tenure home of tenured or tenure-track faculty. In all cases, as described in section III.B, the Board of Regents shall make the final decision with respect to program discontinuance and any subsequent revocation of tenure.

**II. POLICY STATEMENT**

- A. A recommendation to discontinue an academic unit or degree program shall be developed and forwarded for consideration in accordance with the procedures outlined in section III. If discontinuance is approved by the Board of Regents, the implementation shall follow the procedures outlined in section IV.
- B. The chancellor may petition to waive procedures provided in sections III and IV. This may be warranted in cases in which academic unit or degree program discontinuance has no impact, or negligible impact, on students and faculty. The vice president for academic affairs shall determine whether the waiver shall be granted. In all cases, the Board of Regents retains authority to make the final decision on academic unit and degree program discontinuance and the revocation of tenure.

### III. PROCEDURES FOR RECOMMENDING AND APPROVING PROGRAM DISCONTINUANCE

#### A. Campus Review and Recommendation

1. The campus chancellor or provost may initiate a program discontinuance review.
  - a. The specific grounds for considering program discontinuance shall be identified and consistent with the grounds broadly defined in [Regent Policy 4.B.4 – Academic Unit and Degree Program Discontinuance](#). Appendix A provides a list of factors that may be considered to justify program discontinuance. Other relevant factors may also be identified.
2. If a program discontinuance review is initiated, the chancellor shall promptly notify all faculty and staff members rostered in the program and convene a review committee (as designated in campus policy or procedures) to conduct the review. Campus policies and procedures shall be developed in collaboration with the campus faculty assembly.
3. The review committee shall collect information to ascertain whether program discontinuance is justified based on the grounds specified and shall issue a written recommendation to the chancellor.
  - a. The faculty members of the academic unit shall have the right of reasonable participation in all phases of the review process. The review process shall be transparent.
  - b. Faculty, staff, and students of the academic unit shall have the opportunity to present written evidence or arguments relative to the proposal. These documents shall be included with the review committee's report to the chancellor.
4. If the chancellor determines that discontinuance is not warranted, consideration of the program discontinuance will end.
5. If the chancellor determines that discontinuance is warranted, the chancellor shall inform the affected academic unit and its school/college of the recommendation for closure and provide a report and final recommendation to the president. The chancellor's written report shall include the grounds for discontinuing the program, citing the relevant criteria. The chancellor shall also submit to the president the report prepared by the review committee.

#### B. Review by President and Board of Regents

1. The president shall review the chancellor's recommendation and related documentation and transmit all materials to the Board of Regents within 30 days.
2. The Board of Regents shall make the final decision on program discontinuance.

### IV. PROCEDURES FOR IMPLEMENTING PROGRAM DISCONTINUANCE

#### A. Following a decision by the board to discontinue a program, the chancellor shall develop a plan for program discontinuance.

1. The plan for program discontinuance shall include: (1) the timing for phasing out the program; (2) plans for reassigning faculty to other academic units, if applicable; (3) a strategy to allow students enrolled in the program to complete the degree in a reasonable time; (4) identification of, rationale for, and timing of, all tenured and tenure-track faculty appointments that may be terminated; (5) analysis of other faculty and staff appointments affected by discontinuance; and (6) any other issues related to discontinuance of the program.
  - a. In accordance with regent policy 5.F, unless there is a compelling academic reason to do otherwise, no tenured faculty member will be considered for termination until the appointments of faculty members in the unit without tenure have been considered for termination.
2. If tenured faculty appointments are to be terminated due to program discontinuance, the action to terminate is contingent upon the revocation of tenure by the Board of Regents.

B. Information for Faculty Members Affected by Discontinuance

1. Following a decision by the board to discontinue a program, termination of faculty appointments shall follow the procedures stated in [Regent Policy 5.F – Termination of Faculty Appointments Following Program Discontinuance](#).
2. **Notice.** Following the Board of Regents' decision to discontinue a program and the chancellor's decision to terminate faculty, the chancellor shall provide formal written notice of termination consistent with university policy. Faculty members shall be notified of the effective date of termination and whether they are entitled to severance pay.
  - a. Tenured and tenure-track faculty members whose appointments are to be terminated shall have at least one year's notice prior to the effective date of termination.
  - b. Instructional, research, and clinical faculty members shall also be given at least one year's notice prior to the effective date of termination, provided they have at least seven years of continuous half-time (0.5 FTE) service to the university. In such cases, the faculty member must be given a one-year limited appointment.
  - c. Before the one-year notification for tenured and tenure-track faculty members, reasonable efforts shall 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).
  - d. Personnel actions (e.g., comprehensive review, tenure review, post-tenure review) originally scheduled to occur during the notice year may be cancelled.
  - e. During the notice year, the chancellor or the chancellor's designee may provide tenured faculty with retraining if such retraining shall not interfere with the faculty member's assigned teaching and other professional obligations during the notice year. Eligible faculty members shall have the option to retire in accordance with university policies.
3. **Termination.** Following the notice year, if a faculty member has not been reassigned, and is not eligible to retire, or is eligible but chooses not to retire, the faculty member shall be terminated.
  - a. As noted in section IV.A.2, the termination of tenured faculty appointments is contingent upon the revocation of tenure by the Board of Regents.
  - b. Untenured tenure-track faculty members whose appointments are to be terminated shall continue their employment with the university during the year prior to the effective date of termination. For the purposes of this policy, non-renewal of a tenure-track faculty appointment following a negative recommendation for reappointment at comprehensive review shall not be considered a termination. Program requirements of the primary unit are considered at comprehensive review (per [Regent Policy 5.D – Reappointment \(to a tenure-track position\), Tenure, and Promotion](#) and [APS 1022 - Standards, Processes and Procedures for Reappointment, Tenure, Promotion, and Post-Tenure Review](#)). As used in this policy, the termination of a non-tenured tenure-track faculty appointment means ending the appointment prior to comprehensive review or ending the appointment despite a positive recommendation for reappointment at comprehensive review.
  - c. Instructional, research, and clinical faculty members, including those who have entered a contract pursuant to the APS on multi-year contracts, may be terminated according to the terms of section IV.B.2 of this APS on program discontinuance.
4. **Severance Pay.** Severance pay is available only to a tenured member of the faculty whose appointment has been involuntarily terminated due to program discontinuance. A faculty member who elects to resign or retire from the university may not receive severance pay pursuant to this APS. To be eligible for severance pay, a tenured faculty member shall fulfill 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 shall be provided by the campus whose faculty appointments are terminated under this policy. At the discretion of the campus, severance pay shall 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 that cross fiscal years are subject to annual appropriations as required by law.

5. Reinstatement Rights of Tenured Faculty. If a program is reinstated within three years at the campus where it was discontinued, a tenured faculty member who was terminated as a result of the program's discontinuance shall have a right to reinstatement with tenure and at the same rank, provided a position is available that is substantially similar in responsibilities to the one previously held by the faculty member. For the purpose of notification of reinstatement, terminated faculty members shall keep the university informed of their current address during the three-year period.
6. Faculty Rights Under COBRA. Any faculty member who is terminated for reasons of program discontinuance shall 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.
7. Right to File Grievance. A tenured or tenure-track faculty member whose appointment is terminated for reasons of program discontinuance has the right to file a grievance with the Faculty Senate Privilege and Tenure Committee under its policies and procedures. The committee shall not consider the validity of the program discontinuance decision, but only whether proper procedures were followed in taking the personnel action. Instructional, research, and clinical faculty members may appeal in accordance with campus policies. The filing of an appeal or grievance does not affect the timing of the discontinuance process outlined in this policy.

#### C. Information for Students Affected by Discontinuance

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

#### V. RELATED POLICIES

- [Regent Policy 4.B – Academic Planning and Accountability](#)
- [Regent Policy 5.F – Termination of Faculty Appointments Following Program Discontinuance](#)
- [APS 1022 - Standards, Processes and Procedures for Reappointment, Tenure, Promotion, and Post-Tenure Review](#)

#### VI. HISTORY

- Adopted: January 1, 1987.
- Revised: February 2, 2004; June 1, 2005; July 1, 2009; July 1, 2013; April 9, 2015; January 1, 2018 – Minor cleanup related to changes to Regent Article 4 and Policy 4; Approved March 18, 2020, became effective July 1, 2020, with the rollout of the new regent article and policy 5 regarding faculty.
- Last Reviewed: July 1, 2020.

## **Appendix A: Program discontinuance considerations**

The following are non-exclusive lists of factors that may be considered during review of a program being considered for discontinuance.

### **A. Budgetary constraints, resource allocation or other financial reasons:**

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. The program's impact on the campus' fiscal health;
4. Cost of investing in the program to achieve and maintain excellence;
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, 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.

### **B. Educational reasons:**

1. Long-term state, regional and national needs;
2. Relevance of the program to the state or region in terms of its cultural, historic, political, economic, or other social aspects;
3. Relevance of the program as a support for, or as an integral part of, other campus or University academic and research programs;
4. 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
5. Other relevant factors that indicate that the program cannot be maintained for academic reasons.

### **C. Strategic realignment reasons:**

1. Relevance of the program to the campus mission;
2. Relevance of the program in the campus or college strategic plan (academic master plan);
3. Value of the program to the state, CU System, and the relevant geographic area;
4. Marketplace demand for the program;
5. Program's role relative to other key programs at the campus; or
6. The program cannot be maintained for strategic realignment reasons.