



ADMINISTRATIVE POLICY STATEMENT

Policy Title: Implementing [Academic Unit or Degree](#) Program Discontinuance

APS Number: 1015

APS Functional Area: **ACADEMIC**

Brief Description: Provides guidance in implementing Regent policy on [academic unit or degree](#) program discontinuance.

Effective: [April 9, 2015](#)[July 1, 2020 \(Pending\)](#)

Approved by: [President Bruce D. Benson](#)[Mark R. Kennedy \(Pending\)](#)

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 1015 Implementing Program Discontinuance—July 1, 2013 and APS 1010 Program Discontinuance When No Tenured or Tenure-Track Faculty Face Dismissal July 1, 2009](#)[April 9, 2015](#)

Last Reviewed/Updated: [April 9, 2015](#)[July 1, 2020 \(Pending\)](#)

Applies to: 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 and regent policy 5.F.](#)

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, ~~budget constraint, or combinations of educational, strategic, and/or financial reasons.~~ [or a combination of these reasons.](#)

~~In all cases, as described in Section II.B, the Board of Regents shall make the final decision with respect to program discontinuance and the termination of tenure-track or tenured faculty appointments. For purposes of 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, department or division, 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, an institute, a laboratory, etc.) In all cases, as described in Section III.B, the Board of Regents shall make the final decision with respect to program discontinuance and the termination of tenure-track or tenured faculty appointments 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 ~~closure~~ discontinuance has no impact, or negligible impact, on students and faculty. The Vice President for Academic Affairs shall determine whether the waiver ~~will~~ shall be granted. In all

46 cases, the Board of Regents retains authority to make the final decision on academic unit and degree program
 47 discontinuance and the revocation of tenure.

48 III. PROCEDURES FOR RECOMMENDING AND APPROVING PROGRAM DISCONTINUANCE

49 A. Campus Processes for Program Discontinuance Review and Recommendation

- 50 1. Each campus, in collaboration with its faculty assembly shall develop a policy and process that shall specify
 51 grounds for program discontinuance and the makeup and responsibilities of the faculty review committee. The
 52 committee shall include a non-voting member appointed by the faculty assembly. The campus chancellor or
 53 provost may initiate a program discontinuance review.
 54 a. The specific grounds for considering program ~~closure~~discontinuance shall be identified (which and must be
 55 consistent with the grounds broadly defined in Regent Policy 4.B.4) shall be identified. Appendix A provides
 56 a list of factors that may be considered to justify program ~~closure~~discontinuance. Other relevant factors may
 57 also be identified.
- 58 2. If a program discontinuance review is initiated, the chancellor shall promptly notify all faculty and staff members
 59 rostered ~~or teaching~~ in the program and convene a ~~faculty and administrative~~ review committee (as designated in
 60 campus policy or procedures) to conduct the review. Campus policies and procedures shall be developed in
 61 collaboration with the campus faculty assembly.
 62 ~~The makeup and responsibilities of the review committee shall be clearly specified in campus policy and/or~~
 63 ~~procedures. The committee shall include a member appointed by the campus faculty assembly.~~
- 64 3. The review committee shall collect information to ascertain whether program ~~closure~~discontinuance is justified
 65 based on the grounds specified and shall issue a written recommendation to the chancellor.
 66 a. ~~The unit's faculty members of the academic unit shall have the right of reasonable participation in all phases~~
 67 ~~of the review process. The review process shall be transparent.~~
 68 a. _____
 69 b. Faculty, staff, and students of the academic unit shall have the opportunity to present written evidence or
 70 arguments relative to the proposal. These documents shall be included with the review committee's report to
 71 the chancellor. The review committee shall take input from the unit's faculty members and from other faculty
 72 members, students, and administrative units affected by the possible closure, and the makeup and
 73 responsibilities of the faculty review committee. The committee shall include a non-voting member appointed
 74 by the faculty assembly.
- 75 B. ~~Any of the following units or individuals may submit a formal written request for program discontinuance to the~~
 76 ~~campus chancellor: a department, its chair, the dean, the campus program review committee, the provost, or the~~
 77 ~~president. Additionally, the campus chancellor may initiate a program discontinuance review on his or her own~~
 78 ~~initiative. On receipt of a written request for program discontinuance from the campus level, the chancellor may~~
 79 ~~reject it as unwarranted by written notice to the requestor. In all other cases, the chancellor shall promptly notify~~
 80 ~~all faculty and staff members in the affected unit. The unit's faculty members shall have the right of reasonable~~
 81 ~~participation in all phases of the process for review of the request. All phases of the process shall be open and~~
 82 ~~transparent.~~
 83 1. ~~Following receipt of the initial written request for program discontinuance, the chancellor shall convene~~
 84 ~~the faculty review committee (as designated in campus policy) to undertake a review and submit a~~
 85 ~~written report. Using the campus policy that outlines the grounds for closure, the committee shall collect~~
 86 ~~information to ascertain whether there are such grounds (Appendix A provides some suggestions that~~
 87 ~~campuses may consider when developing their own policy on grounds for program discontinuance). The~~
 88 ~~committee shall take input from the faculty members of the unit recommended for closure and from~~
 89 ~~other faculty members, students, and administrative units affected by the possible closure. If closure is~~
 90 ~~recommended, the committee shall make recommendations for faculty appointments to be terminated.~~
- 91 2.4. Based upon the committee's report, the chancellor shall prepare a written summary of findings and conclusions of
 92 the review, citing the relevant criteria in the policy. If the chancellor determines that ~~closure~~discontinuance is not
 93 warranted, consideration of the program discontinuance will end, unless the recommendation for closure came
 94 from the president or the Board of Regents. In that case, the written summary and recommendation shall be
 95 forwarded to the president, who shall follow the procedure outlined below in Section II.B.
 96

- 97 3.5. ~~If the chancellor believes closure may be warranted, he/she shall consult with faculty members and administrators~~
 98 ~~in the affected unit, and such consultation shall address reassignment, retraining or retirement of the affected~~
 99 ~~faculty. Before completing his/her report, the chancellor or provost shall offer to meet with any tenured faculty~~
 100 ~~member whose appointment may be recommended for termination. If the chancellor determines that closure~~
 101 ~~discontinuance is warranted, the chancellor/he/she shall inform the affected academic unit and its school/college of~~
 102 ~~the recommendation for closure and prepare a plan for program closure provide a report and final recommendation~~
 103 ~~to the president. The chancellor's written report shall include the grounds for discontinuing the program, citing the~~
 104 ~~relevant criteria. The chancellor shall also submit to the president the report prepared by the review committee.~~
- 105 4. ~~The plan for program closure shall include: (1) the rationale and timing for phasing out the program; (2) a~~
 106 ~~statement of how students enrolled in the program may complete the degree in a reasonable time; (3)~~
 107 ~~identification of and rationale for all faculty appointments that may be terminated; (4) analysis of other faculty~~
 108 ~~and staff appointments affected by discontinuance; and (5) any other issues related to closure of the program.~~
- 109 5. ~~Unless there are compelling academic reasons, no tenured faculty member shall be terminated until all faculty~~
 110 ~~members without tenure in the affected program(s) have been terminated. In the event of a proposed program~~
 111 ~~discontinuance, the school or college shall attempt to place each tenured faculty member being considered for~~
 112 ~~termination in other organizational units if the faculty member can be shown to be capable of fulfilling the~~
 113 ~~necessary educational responsibilities of that unit and the unit is willing to accept the faculty member (See H.C.1.~~
 114 ~~below). These placement efforts shall be documented.~~
- 115 6. ~~For the purposes of this policy, non-renewal of a tenure track faculty appointment through the normal~~
 116 ~~reappointment process shall not be considered to be a termination. As used in this policy, the "termination of a~~
 117 ~~tenure track faculty appointment" means ending the appointment prior to the end of the current contract.~~
- 118 7. ~~The chancellor shall present the final recommendation for closure and the plan to the president within 120~~
 119 ~~calendar days of the start of the process (marked by the date of the initial formal written request for consideration~~
 120 ~~of program discontinuance). The recommendation document shall include: (i) the chancellor's recommendation~~
 121 ~~and plan, and (ii) all materials provided to the chancellor by the review committee.~~

122 C.B. Review by President and Board of Regents

123 1. Presidential Review of Program Discontinuance Recommendations Initiated at the Campus Level

124 ~~If the chancellor recommends program discontinuance, where the program discontinuance review began at the~~
 125 ~~campus level, the president shall review the chancellor's recommendation and related documentation. During~~
 126 ~~the course of the president's review, the president shall afford the unit's each tenured faculty member whose~~
 127 ~~appointment is recommended for termination, faculty, staff, and students the opportunity to present written~~
 128 ~~evidence/argument in support of the continuance of the relative to the proposal faculty member's appointment.~~
 129 ~~Any such written comments shall be included with the president's recommendation to the Board. If the president~~
 130 ~~disagrees with the chancellor's recommendation, the discontinuance review process will end. If the president~~
 131 ~~agrees with the chancellor's recommendation, the president shall have 60 calendar days to deliver a final~~
 132 ~~recommendation and transmit all materials to the Board of Regents within 30 days. The president shall~~
 133 ~~include with his or her final recommendation forward to the Board all documentation that sent by the~~
 134 ~~chancellor sent to the President and written arguments provided by program faculty and other concerned parties.~~

135 2. Presidential Review of Program Discontinuance Reviews Initiated by the President

136 ~~If the program discontinuance review was initiated by the president, the chancellor shall send his or her report to~~
 137 ~~the president regardless of the chancellor's recommendation. If, under these circumstances, the chancellor does~~
 138 ~~not recommend program discontinuance and the president disagrees, the president shall submit, in writing, her/his~~
 139 ~~rationale for moving forward with program discontinuance. If the Board of Regents agrees with the president,~~
 140 ~~then the president, in consultation with the chancellor and any campus administrators and faculty the president~~
 141 ~~deems appropriate, shall prepare a plan for program closure. This plan will include the identification of tenured~~
 142 ~~or tenure track faculty appointments recommended for termination and will be presented to the Board of Regents~~
 143 ~~for review and action, if any.~~

144 3. Final Decision by the Board of Regents

145 4.

5-2. ~~Upon the recommendation of the president, 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.

IV. PROCEDURES FOR IMPLEMENTING PROGRAM DISCONTINUANCE

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

1. The plan for program ~~closure~~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 ~~closure~~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.

2. Notice. Following the Board of Regents' decision to ~~terminate~~discontinue an academic program and ~~its~~the chancellor's decision to ~~terminate~~tenured 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.

3. Year of Notice

a. ~~After formal approval by the Board of Regents,~~Tenured and tenure-track faculty members whose appointments are to be terminated shall have at least one year's notice ("notice year") prior to the effective date of termination. ~~For tenured and tenure-track faculty members with 9-month contracts, the notice year shall commence at the beginning of the next academic year. For tenured and tenure-track faculty members with 12-month contracts, it shall commence at the beginning of the next fiscal year.~~

b. Instructional, research, and clinical faculty members shall also be given at least one year's notice prior to the effective date of termination, as 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. During the notice year, 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 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 members has not been reassigned, if reasonable efforts to reassign, retrain, or retire have failed, and the faculty member is not eligible for to retirement, or is eligible but chooses not to retire,~~ the faculty member ~~may will~~shall be terminated ~~with applicable severance pay in accordance with the Regent's policy on program discontinuance.~~

- 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 and APS 1022). 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 ~~for non-tenure track faculty members~~, 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. ~~In order to~~ 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 ~~over multiple~~ 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 ~~closure~~ 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. Untenured Tenure Track Faculty Appointments~~

~~After the Board of Regents formally approves the termination of a program and the program's discontinuance plan, untenured tenure track faculty members identified in the plan for termination shall continue their employment with the University during the notice year prior to the effective date of termination, as provided under subsection H.C.1 above.~~

~~7. Non Tenure Track Faculty Appointments~~

~~After the Board of Regents formally approves termination of a program and the program's discontinuance plan, the University may terminate the employment of a non-tenure track faculty member, including a faculty member who has entered a contract pursuant to the APS on multi-year contracts for non-tenure track faculty members.~~

~~8.5.~~ 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.

~~9. Employment Counseling~~

~~The campus shall provide counseling regarding employment opportunities outside of the University upon request by a faculty member whose position is being eliminated.~~

10.7. Right to File Grievance. An eligible-tenured or non-tenured-tenure-track faculty member whose appointment is terminated for reasons of program discontinuance has the right to may 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. The Privilege and Tenure Committee shall not rehear the basic decision to discontinue the unit.

E.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 closure and timing for phasing out programs.

See Appendix: Program Closure Considerations

V. RELATED POLICIES, PROCEDURES, FORMS, GUIDELINES, AND OTHER RESOURCES

- [Regent Policy 4.B](#)
- [Regent Policy 5.F](#)

VI. HISTORY

Initial Policy Effective: January 1, 1987

Policy Revisions: 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; July 1, 2020 (Pending).

APPROVED 03-18-20 BUT NOT YET EFFECTIVE

Appendix A: Program ~~closure~~ 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. Efficiency of program operations in relation to revenues and expenditures (and credit hours and research dollars);~~
3. The program's contribution to 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, ~~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.

B. Educational reasons:

- ~~1. The long-term state, regional and national needs for such academic or research efforts;~~
2. The Relevance of the program to the state or region in terms of its cultural, historic, political, economic, or other social aspects;
- ~~2. The existence of similar academic or research efforts at other academic or research institutions;~~
- ~~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.);~~
- ~~4.3. The importance 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. The importance of the program as fundamental to a university education;~~
- ~~6. The importance of the program to the state or region in terms of its cultural, historic, political, economic, or other social aspects;~~
- ~~7. The importance of the program to the state or region; or~~
- 8.5. Other relevant factors that indicate that the program cannot be maintained for academic reasons.

C. Strategic realignment reasons:

1. Importance-Relevance of the program to the campus mission;
2. Role-Relevance 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;~~
- ~~6.3. Uniqueness-Value of the program to the state, CU System, and the relevant geographic area;~~
- ~~7.4.~~ Marketplace demand for the program;
- ~~8.5.~~ Program's role in supporting relative to other key programs at the campus; or
- 9.6. Other relevant factors that indicate that the program cannot be maintained for strategic realignment reasons.