


UNIVERSITY OF ARKANSAS SYSTEM

Memorandum

TO: Members of the Board of Trustees of the University of Arkansas
FROM: UA System Administration
RE: Summary of Revisions to Board Policy 405.5
DATE: April 15, 2024

The following is a commentary on proposed amendments to Board Policy 405.5 *Retrenchment*. As part of the ongoing process to revise Board of Trustees and UA System policies to align them with current law and practice, the Office of General Counsel, in consultation with the Office of Academic Affairs, has reviewed and recommended certain revisions to policy with the goal of providing clarity surrounding the retrenchment process and ensuring compatibility with other Board Policies regarding employment. The proposed policy draft was vetted among UA System Chancellors, Chief Academic Officers, and Faculty/Staff leadership representatives from each campus, division, and unit. Feedback from these groups was incorporated in the enclosed draft.

Purpose: Footnote No. 1 has been added in the purpose statement to indicate retrenchment does not apply to the Arkansas Archeological Survey, the Arkansas School for Mathematics, Sciences, and the Arts, the Criminal Justice Institute, and the University of Arkansas Grantham. This clarifies that retrenchment generally applies to campuses with full-time faculty.

Applicability: The current policy provides that it does not limit the President, Chancellor, and the Vice President for Agriculture’s ability to terminate staff and faculty under Board Policy 405.4. The revised draft notes that the policy does not limit the authority of the campus to terminate employees pursuant to not only Board Policy 405.4 but also Board Policy 405.1 and “other applicable policies.” This revision ensures consistency with other policies on termination.

Financial Exigency Retrenchment:

Section IV.A.2: The current policy provides that “academic administrative personnel” and a committee appointed by the governance body shall review the financial exigency proposal. The revised draft replaces “academic administrative personnel” with “appropriate administrators.” The revision adds symmetry with the language on academic planning retrenchment and provides for input from individuals with financial expertise.

Section IV.B.3: The current policy provides that “each affected academic dean or administrative officer of nonacademic areas shall be responsible for recommending programs to be retrenched and the number of personnel affected in accordance with the criteria and procedures established by the appropriate campus governance body.” The revised draft changes this language to: “in accordance with criteria and procedures established by this policy and the applicable campus policy (if any) previously adopted by the campus governance structure and approved by the President.” The revision is consistent with other board policies requiring President approval of certain campus policies and provides a process for campuses that may not have established criteria and procedures.

Section IV.B.5: The current policy provides a minimum 30-day termination notice to a nonexempt employee and a 60-day termination notice to an exempt employee. The revised version provides a 60-day notice of termination to tenured, tenured-track, and clinical or other non-tenured track faculty with a multi-year appointment. For all other employees, the campus notification period should be in accordance with Board Policy 405.4. This revision ensures consistency with other board policies on termination.

Academic Planning Retrenchment:

Section V.A.2: governance “body” is changed to “entity” to reflect that this process generally will involve the governance entity representing faculty. This “entity” language is consistent with proposed revisions to Board Policy 100.4 on governance. The process here is different from Section IV. where the committee “is representative of all campus constituencies” because the focus of Academic Planning Retrenchment is academics (institutional mission, substantial program changes, and major reallocations of resources for academic, research, or support services). The deletion or suspension of a program, typically, is an academic decision, which is why Board Policy 620.1 requires “[a] recommendation for the deletion, suspension, or significant expansion or modification of any program . . . shall be reviewed by the faculty of the program involved, the administrative head of the college, school, or other unit of the program involved, the campus governing body, the chief academic officer, and the Chancellor.” This process ensures alignment among Board Policies.

Section V.B.2: The current policy provides that all (a) all faculty terminated under academic planning retrenchment shall be given notice pursuant to Board Policy 405.1, Section IV.B. and (b) all staff receive notice in accordance with Board Policy 405.4. The revised version provides that (a) only tenure-track and tenured faculty receive notice pursuant to Board Policy 405.1 and (b) all other employees receive notice in accordance with Board Policy 405.4. This revision ensures consistency with other board policies on terminations.

Processes Applicable to all Retrenchments:

Section IV.A: The current policy states that “within a given department, a faculty member with tenure must be retained over one who does not have tenure,” but otherwise, the policy does not provide an order of retrenchment for each type of retrenchment. The revised policy provides an order of retrenchment for a campus to follow. The proposed order begins with the retrenchment of non-tenured faculty over tenured faculty within a given department or

program (including a clinical program). The next step, which is subject to the remaining faculty members in the department having the necessary qualifications and credentialing to teach the remaining courses, is based on the following criteria in order of priority: (1) relevance and expertise in consultation with relevant faculty; (b) rank; (c) the last into the rank will be the first out; and (d) seniority at the institution. This order can be deviated from if “the campus specifies otherwise in a policy adopted by the campus governance structure and approved by the President prior to the commencement of the retrenchment process.” The revisions to this section are consistent with other board policies requiring President approval of certain campus policies and provides for a more defined order of retrenchment.

Section IV.B.: The current policy provides for both types of retrenchment that “serious efforts shall be made to relocate affected faculty and staff in other parts of the program area or in a different program area of the same campus or division.” The existing policy does not address whether tenure transfers if a campus relocates a tenured faculty member. The revised version suggests (a) limiting the relocation requirement to faculty for more consistency with Board Policy 405.1 and (b) echoing a portion of the language from Board Policy 405.1 stating: “Faculty members holding positions eliminated by reduction or elimination of programs will be relocated in other academic areas of the campus for which they are qualified whenever possible.” With respect to tenured faculty, the revised policy also states: “based on the qualifications of a relocated tenured faculty member, the campus may recommend the faculty member to the President for tenure in the new academic program or unit.” This revision is consistent with Board Policy 405.1 requiring that the President approve recommendations for tenure. A sentence was added in Section IV.B.2. to clarify that an appeal of termination through Academic Planning Retrenchment by a tenure-track or tenured faculty member shall be conducted in accordance with Section V.C. of the retrenchment policy.

Section IV.C.: The current policy provides that (a) for academic planning, any appeal shall be “in accordance with the existing appellate structure” and (b) for financial exigency, any person who has been terminated may appeal the decision within ten (10) calendar days and that the appeal “shall be based on whether there was material deviation from the established campuses guidelines for termination because of retrenchment.” First, the revised version provides a consistent appeal process for both types of retrenchment. Second, the revised policy limits appeal to “tenure-track, tenured, or clinical or other non-tenure track faculty with merit-based multi-year appointments under Board Policy 405.4” versus all employees. This revision is consistent with Board Policy 405.4, which limits all other employees to appeals from “for cause terminations.” Retrenchment is not for cause termination. Third, the revised version modifies the basis of an appeal to “a material deviation from this policy or the previously established campus retrenchment policy approved by the President prior to the commencement of the retrenchment process.” This revision is consistent with other board policies requiring President approval of certain campus policies.

The new draft removes the reference to the committee being appointed by the chancellor or CEO considering footnote No. 1 discussed above.

RETRENCHMENT

I. Purpose

The purpose of this policy is to establish procedures for the retrenchment of programs for the campuses, divisions, and units¹ of the University of Arkansas System. Under certain circumstances, the University may be compelled to reduce the staffing of certain departments of instruction, academic disciplines, services, or programs or eliminate some departments and programs altogether. This policy establishes the circumstances under which retrenchment may be implemented and establishes the process for implementing retrenchment.

II. Applicability

Retrenchment shall be utilized only in those instances in which the Board of Trustees has specifically authorized a retrenchment. This policy does not limit the authority of the President, the chancellor, or the chief executive officer for any campus, division or unit (campus) to terminate employees holding positions for which tenure may not be awarded, to implement functional changes, for budgetary reasons, or to reallocate institutional resources. This policy also does not limit the authority of the President, chancellors, chief executive officers, or campus administrators to terminate employees pursuant to Board Policies 405.1, 405.4, and other applicable policies.

III. Definitions

Retrenchment is a reduction ~~in or elimination of~~ programs ~~and/or~~ services which results in the termination of employment only because of (1) a *bona fide* financial exigency or (2) formal academic planning, including Board-approved changes in institutional missions, substantial program changes (pursuant to Board Policy 620.1), ~~or, and~~ major reallocations of resources for academic, research, or support services. ~~In the implementation of retrenchment, fair and humane treatment of faculty, staff, and students is of great concern. Serious efforts shall be made to relocate affected faculty and staff in other parts of the program area or in a different program area of the same campus or division. Similarly, currently enrolled students will be permitted, through special arrangements, to complete a program of studies begun before retrenchment was implemented.~~

1. The Arkansas Archeological Survey; the Arkansas School for Mathematics, Sciences and the Arts; the Criminal Justice Institute; and the University of Arkansas Grantham are not subject to this policy.

Financial Exigency Retrenchment occurs when a campus, division, or unit is threatened by an imminent financial crisis which is of such gravity as to make imperative the termination of personnel.

- ~~1. The head of a unit² proposes a situation of financial exigency documented with budget summaries and projections.~~

~~Academic administrative personnel~~Academic Planning Retrenchment occurs when faculty (tenured or untenured) are to be terminated as a result of established planning activities, including Board-approved changes in institutional mission, substantial program changes, a reduction or elimination of programs, or major reallocations of resources for academic, research, or support services.

IV. Financial Exigency Retrenchment

A. The following process shall be followed for Certification of Financial Exigency:

1. The chancellor or chief executive officer of a campus, division, or unit shall propose a Financial Exigency Retrenchment and support the proposal with budget summaries and projections and other appropriate documentation.

- ~~1.2. The appropriate administrators² and a unit-wide governance standing committee which is appointed by the campus governance structure body representative of unit all campus constituencies shall separately evaluate the documentation proposal and, within 10 calendar days recommend to the unit head, make a recommendation to the chancellor or chief executive officer as to whether they concur with the determination of the bona fide exigency proposal. The governance body structure shall be informed of the recommendation made by its standing the committee. The requirement of a committee evaluation does not apply if the campus has no governance body.~~

- ~~2.3. The unit head~~The chancellor or chief executive officer shall evaluate the recommendations ~~made by the academic administrative personnel and by the committee and shall~~ forward them, along with ~~his/her~~the final recommendation of the chancellor or chief executive officer, to the President, who will report the results of the campus deliberation, along with ~~his/her~~the President's own recommendations, to the Board of Trustees ~~for action.~~

- ~~3.4. The Board of Trustees shall either (1) certify a bona fide financial exigency and the unit head shall~~direct the chancellor or chief executive officer to initiate the

²Hereafter the Chancellor, Vice President for Agriculture, or director of a unit which reports directly to the President will be referred to as a head of a unit.

retrenchment process, ~~or;~~ (2) declare the situation to be a financial ~~stringency~~difficulty and direct the ~~unit head~~chancellor or chief executive officer to ameliorate the situation through budget reductions ~~which shall~~that do not ~~involve~~require the immediate termination of personnel; ~~or~~ (3) determine that no financial exigency or difficulty exists and require no action.

B. Implementing Financial Exigency Retrenchment

1. If the Board of Trustees certifies a *bona fide* financial exigency, the ~~unit~~chancellor or chief executive officer shall initiate retrenchment. ~~The unit head~~

~~1.2.~~The chancellor or chief executive officer shall consult with the appropriate administrators and the ~~standing~~committee ~~of~~appointed by the governance ~~body~~structure representative of all campus constituencies(if any) before determining that major sub-~~unit(s)~~units³ or programs are to be retrenched and the financial level of retrenchment. -In determining major sub-units to be retrenched, the following criteria must be considered:- (1) centrality of the sub-unit to the mission of the institution, (2) quality of the sub-unit, and (3) cost of the sub-unit, including the relative degree of economic self-sufficiency. -In making this determination ~~they,~~ shall examine nonacademic areas and programs shall be examined for possible budget reductions or retrenchment as well as in addition to academic programs.

~~2.3.~~Once the extent of necessary retrenchment has been ~~ascertained~~determined, each affected academic dean⁴ or the administrative officer of a nonacademic ~~areas~~area shall be responsible for recommending programs to be retrenched and the number of personnel affected in accordance with criteria and procedures established by this policy and the appropriate applicable campus policy (if any) previously adopted by the campus governance body, structure and approved by the President. In recommending programs to be retrenched, the above-listed ~~criteria,~~ listed above, must be considered. Alternatives to termination of personnel shall be considered such as early retirement, transfer, ~~voluntary~~ salary reduction, leave-of-absence without pay, as well as normal attrition of personnel; and reductions or postponements in benefits. ~~Within a given department, any faculty member with tenure must be retained over a person who does not have tenure.~~

~~3.4.~~The college dean⁵ or other administrative officer shall report his/ or her recommendations to the ~~unit head~~chancellor or chief executive officer through

³ For purposes of this policy, a major sub-unit is generally a college or school of a campus, or in the case of a unit that is neither a college nor a university, an administrative division or department.

⁴ The dean of a college or school or the head of a major ~~academic~~ sub-unit.

⁵ See footnote 2.

appropriate administrative channels. ~~The unit head shall notify the employee(s) who are to be terminated. A person who has been terminated may, in writing, appeal the decision within ten (10) calendar days of the receipt of a certified letter of notification of termination. The appeal shall be based on whether there was material deviation from the established campuswide guidelines for termination because of retrenchment and shall be filed with the unit head and heard by a committee designated by the campus governance body. The committee shall make a report and recommendations within five working days to the unit head who shall~~ who will make the final decisions and notify the appellant immediately. ~~Nonexempt employees⁶ retrenched because of financial exigency will be terminated in accord with Board Policy 405.4 and in no case will termination be effected without 30 days notice. Non-classified employees retrenched because of financial exigency cannot be assured that notice of the duration specified in Board Policy 405.1 will precede termination. Exempt employees retrenched because of financial exigency shall be given notice at least 60 days in advance of termination.~~ who are terminated.

~~I. Academic Planning Retrenchment~~

~~5. Academic Planning Retrenchment occurs when Tenured, tenure-track, and clinical or other non-tenure track faculty, tenured or untenured, are to be with merit-based multi-year appointments under Board Policy 405.4 who are terminated as a result because of established planning activities. The three reasons for this retrenchment are Board approved changes in institutional mission, substantial program changes and major reallocations of resources for academic or support services. a Financial Exigency Retrenchment shall be given notice at least 60 days prior to termination. All other employees terminated because of a Financial Exigency Retrenchment shall receive notice in accordance with Board Policy 405.4.~~

~~IV. Process for Academic Planning Retrenchment shall involve the~~

~~A. The following steps process shall be followed for Academic Planning Retrenchment:~~

- ~~1. 1. The head of a unit~~ The chancellor or chief executive officer shall propose a retrenchment an Academic Planning Retrenchment and justify the proposal with appropriate documentation.
- ~~2. 2. The proposal shall be reviewed and recommendations made by the~~ The appropriate academic and other administrators and by the appropriate governance body entity or bodies. In all cases involving academic programs, the (if any) shall separately and

⁶ As defined by the Fair Labor Standards Act

~~promptly review shall be made pursuant to the proposal and make any recommendations. This requirement is satisfied by the review procedures set forth in Board Policy 620.1, which applies to all Academic Planning Retrenchments that require the addition, deletion, or significant modification of an academic program.~~

3. ~~3. The unit head~~The chancellor or chief executive officer shall evaluate the recommendations and ~~shall~~ forward them, along with ~~his/her final recommendations~~the final recommendation of the chancellor or chief executive officer, to the President, who will report the results of the campus deliberation, along with ~~his/her~~the President's own recommendations, to the Board of Trustees.
4. ~~If the~~The Board of Trustees ~~declears~~shall declare an Academic Planning Retrenchment, ~~the unit head or determine that no action is required.~~

B. Implementing Academic Planning Retrenchment

- 4.1. ~~The chancellor or chief executive officer~~ shall work with the appropriate administrators to determine the needed level of retrenchment and the personnel affected. ~~Within a given academic program, any faculty member with tenure must be retained over a person who does not have tenure.~~
2. ~~Faculty members, Tenure-track and tenured and non-tenured, faculty~~ who are terminated under Academic Planning Retrenchment shall be given notice as specified in Board of Trustees Policy 405.1, Section IV.B. Any appeal by a tenure-track or tenured faculty member under Academic Planning Retrenchment shall be in accordance with Section V.C. of this policy. ~~Staff who are~~
- 5.3. ~~Other employees terminated under because of an~~ Academic Planning Retrenchment shall ~~be governed by~~receive notice in accordance with Board of Trustees Policy 405.4. ~~Any appeal made as a result of Academic Planning Retrenchment shall be in accord with the existing appellate structure.~~

H. Board of Trustees Approval

~~All retrenchment recommendations, financial and academic, must be approved by the Board of Trustees.~~

~~The foregoing policy shall be utilized only in those instances in which the Board of Trustees has specifically determined that the policy and procedures therein are applicable. It is recognized that the President, Chancellors and the Vice President for Agriculture on occasion may be required to terminate staff or faculty members and other academic employees in positions for which tenure may not be awarded under the provisions of Board Policy 405.4 to implement functional changes, for budgetary reasons or other~~

~~reallocation of institutional resources. The President, Chancellors and the Vice President for Agriculture shall continue to be authorized to effect terminations of such employees for the foregoing reasons on such terms and under such procedures as they might deem fair, reasonable and appropriate, consistent with the required notification provisions of Board Policy 405.4, and this Board Policy 405.5 shall not be applicable to such terminations.~~

V. Processes Applicable to All Retrenchments

A. The order of retrenchment shall be as follows:

1. Within a given department or program (including a clinical program), a faculty member with tenure must be retained over one who does not have tenure.
2. Unless the campus specifies otherwise in a policy adopted by the campus governance structure and approved by the President prior to the commencement of the retrenchment process, retrenchment of faculty members within the same department or program (including a clinical program) should be based on the following criteria in the stated order: (1) relevance and expertise, determined in consultation with relevant faculty; (2) rank; (3) the last into the rank will be the first out; and (4) seniority at the institution.
3. This order of retrenchment is conditioned upon the remaining faculty members having the necessary qualifications and credentialing to teach the remaining courses and perform remaining duties (including clinical duties).

B. In the implementation of retrenchment, fair and respectful treatment of faculty, staff, and students is of great concern. Faculty members holding positions eliminated by reduction or elimination of programs will be relocated to other academic units of the campus for which they are qualified whenever possible. Based on the qualifications of a relocated tenured faculty member, the campus may recommend the faculty member to the President for tenure in the new academic program or unit. Similarly, currently enrolled students will be provided with reasonable arrangements to complete a program of study begun before retrenchment was implemented.

C. Tenure-track, tenured, and clinical or other non-tenure track faculty with merit-based multi-year appointments under Board Policy 405.1 who are terminated through a retrenchment may appeal the decision, in writing, within 10 calendar days of notification of termination. The only basis for an appeal is if the termination decision resulted from a material deviation from this policy or the previously established campus retrenchment policy approved by the President prior to the commencement of the

retrenchment process. The appeal shall be filed with the chancellor or chief executive officer and heard by a committee designated by the campus governance structure (or the chancellor or chief executive officer, if no such governance body exists) for this purpose. The committee (if any) shall make a report and recommendation within five working days to the chancellor or chief executive officer, who shall make the final decision and immediately notify the appellant.

(Revised)

May 25, 2023 (Revised) Effective July 1, 2023
November 12, 1993 (Revised)
September 14, 1984 (Revised)
February 18, 1983

RETRENCHMENT

I. Purpose

The purpose of this policy is to establish procedures for the retrenchment of programs for the campuses, divisions, and units¹ of the University of Arkansas System. Under certain circumstances, the University may be compelled to reduce the staffing of certain departments of instruction, academic disciplines, services, or programs or eliminate some departments and programs altogether. This policy establishes the circumstances under which retrenchment may be implemented and establishes the process for implementing retrenchment.

II. Applicability

Retrenchment shall be utilized only in those instances in which the Board of Trustees has specifically authorized a retrenchment. This policy does not limit the authority of the President, the chancellor, or the chief executive officer for any campus, division or unit to terminate employees holding positions for which tenure may not be awarded, to implement functional changes, for budgetary reasons, or to reallocate institutional resources. This policy also does not limit the authority of the President, chancellors, chief executive officers, or campus administrators to terminate employees pursuant to Board Policies 405.1, 405.4, and other applicable policies.

III. Definitions

Retrenchment is a reduction or elimination of programs or services which results in the termination of employment only because of (1) a *bona fide* financial exigency or (2) formal academic planning, including Board-approved changes in institutional missions, substantial program changes pursuant to Board Policy 620.1 and major reallocations of resources for academic, research, or support services.

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Academic Planning Retrenchment occurs when faculty (tenured or untenured) are to be

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terminated as a result of established planning activities, including Board-approved changes in institutional mission, substantial program changes, a reduction or elimination of programs, or major reallocations of resources for academic, research, or support services.

IV. Financial Exigency Retrenchment

A. The following process shall be followed for Certification of Financial Exigency:

1. The chancellor or chief executive officer of a campus, division, or unit shall propose a Financial Exigency Retrenchment and support the proposal with budget summaries and projections and other appropriate documentation.
2. The appropriate administrators² and a committee appointed by the campus governance structure representative of all campus constituencies shall separately evaluate the proposal and, within 10 calendar days, make a recommendation to the chancellor or chief executive officer as to whether they concur with the proposal. The governance structure shall be informed of the recommendation made by the committee.
3. The chancellor or chief executive officer shall evaluate the recommendations and forward them, along with the final recommendation of the chancellor or chief executive officer, to the President, who will report the results of the campus deliberation, along with the President's own recommendations, to the Board of Trustees.
4. The Board of Trustees shall (1) certify a *bona fide* financial exigency and direct the chancellor or chief executive officer to initiate the retrenchment process; (2) declare the situation to be a financial difficulty and direct the chancellor or chief executive officer to ameliorate the situation through budget reductions that do not require the immediate termination of personnel; or (3) determine that no financial exigency or difficulty exists and require no action.

B. Implementing Financial Exigency Retrenchment

1. If the Board of Trustees certifies a *bona fide* financial exigency, the chancellor or chief executive officer shall initiate retrenchment.
2. The chancellor or chief executive officer shall consult with the appropriate administrators and the committee appointed by the governance structure representative of all campus constituencies before determining that major sub-units² or programs are to be retrenched and the financial level of retrenchment. In determining major sub-units to be retrenched, the following criteria must be

² For purposes of this policy, a major sub-unit is generally a college or school of a campus, or in the case of a unit that is neither a college nor a university, an administrative division or department.

considered: (1) centrality of the sub-unit to the mission of the institution, (2) quality of the sub-unit, and (3) cost of the sub-unit, including the relative degree of economic self-sufficiency. In making this determination, nonacademic areas and programs shall be examined for possible budget reductions or retrenchment in addition to academic programs.

3. Once the extent of necessary retrenchment has been determined, each affected academic dean³ or the administrative officer of a nonacademic area shall be responsible for recommending programs to be retrenched and the number of personnel affected in accordance with criteria and procedures established by this policy and the applicable campus policy (if any) previously adopted by the campus governance structure and approved by the President. In recommending programs to be retrenched, the above-listed criteria must be considered. Alternatives to termination of personnel shall be considered such as early retirement, transfer, salary reduction, leave-of-absence without pay, as well as normal attrition of personnel and reductions or postponements in benefits.
4. The college dean or other administrative officer shall report his or her recommendations to the chancellor or chief executive officer through appropriate administrative channels, who will make the final decisions and notify the employees who are terminated.
5. Tenured, tenure-track, and clinical or other non-tenure track faculty with merit-based multi-year appointments under Board Policy 405.4 who are terminated because of a Financial Exigency Retrenchment shall be given notice at least 60 days prior to termination. All other employees terminated because of a Financial Exigency Retrenchment shall receive notice in accordance with Board Policy 405.4.

IV. Process for Academic Planning Retrenchment

A. The following process shall be followed for Academic Planning Retrenchment:

1. The chancellor or chief executive officer shall propose an Academic Planning Retrenchment and justify the proposal with appropriate documentation.
2. The appropriate administrators and governance entity shall separately and promptly review the proposal and make any recommendations. This requirement is satisfied by the review procedures set forth in Board Policy 620.1, which applies to all Academic Planning Retrenchments that require the addition, deletion, or significant

³ The dean of a college or school or the head of a major sub-unit.

modification of an academic program.

3. The chancellor or chief executive officer shall evaluate the recommendations and forward them, along with the final recommendation of the chancellor or chief executive officer, to the President, who will report the results of the campus deliberation, along with the President's own recommendations, to the Board of Trustees.
4. The Board of Trustees shall declare an Academic Planning Retrenchment or determine that no action is required.

B. Implementing Academic Planning Retrenchment

1. The chancellor or chief executive officer shall work with the appropriate administrators to determine the needed level of retrenchment and the personnel affected.
2. Tenure-track and tenured faculty who are terminated under Academic Planning Retrenchment shall be given notice as specified in Board Policy 405.1, Section IV.B. Any appeal by a tenure-track or tenured faculty member under Academic Planning Retrenchment shall be in accordance with Section V.C. of this policy.
3. Other employees terminated because of an Academic Planning Retrenchment shall receive notice in accordance with Board Policy 405.4.

V. Processes Applicable to All Retrenchments

A. The order of retrenchment shall be as follows:

1. Within a given department or program (including a clinical program), a faculty member with tenure must be retained over one who does not have tenure.
2. Unless the campus specifies otherwise in a policy adopted by the campus governance structure and approved by the President prior to the commencement of the retrenchment process, retrenchment of faculty members within the same department or program (including a clinical program) should be based on the following criteria in the stated order: (1) relevance and expertise, determined in consultation with relevant faculty; (2) rank; (3) the last into the rank will be the first out; and (4) seniority at the institution.
3. This order of retrenchment is conditioned upon the remaining faculty members having the necessary qualifications and credentialing to teach the remaining courses and perform remaining duties (including clinical duties).

B. In the implementation of retrenchment, fair and respectful treatment of faculty, staff,

and students is of great concern. Faculty members holding positions eliminated by reduction or elimination of programs will be relocated to other academic units of the campus for which they are qualified whenever possible. Based on the qualifications of a relocated tenured faculty member, the campus may recommend the faculty member to the President for tenure in the new academic program or unit. Similarly, currently enrolled students will be provided with reasonable arrangements to complete a program of study begun before retrenchment was implemented.

- C. Tenure-track, tenured, and clinical or other non-tenure track faculty with merit-based multi-year appointments under Board Policy 405.1 who are terminated through a retrenchment may appeal the decision, in writing, within 10 calendar days of notification of termination. The only basis for an appeal is if the termination decision resulted from a material deviation from this policy or the previously established campus retrenchment policy approved by the President prior to the commencement of the retrenchment process. The appeal shall be filed with the chancellor or chief executive officer and heard by a committee designated by the campus governance structure for this purpose. The committee shall make a report and recommendation within five working days to the chancellor or chief executive officer, who shall make the final decision and immediately notify the appellant.

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