

# **Institutional Policy and Procedures for Program Reorganization or Elimination**

*Approved by Faculty Senate November 11, 2004.*

*Approved by OSU President Edward Ray March 9, 2005.*

## **PURPOSE**

As Oregon State University strives to become one of the top ten land-grant universities, it must also adjust to changes in funding and the needs of its stakeholders. Reorganization and elimination of programs may be needed as the University attempts to balance priorities with resources. In extreme cases, financial exigency may be declared by the President and involve all of the University's programs.

This document states the general principles and procedures that guide any reorganization or elimination of a program at the University. (See Appendix A for definitions of Program.) These guidelines are designed primarily for actions that result in reduction or elimination of a tenured or tenure-track faculty member's position; however, it is recognized that a program reorganization or elimination will have broader impacts on the institution, and these guidelines may be applied to evaluation of these broader impacts as well. Because circumstances may vary widely from case to case, this document is neither detailed nor exhaustive, but is intended to provide a roadmap for process. The general principles and procedures are meant to affirm the University's commitment to tenure, academic freedom, affirmative action, and accountability; to assure faculty members that their concerns and ideas are incorporated to the extent possible as decisions are made; and to ensure that the overall quality of University programs is maintained as a reorganization takes place.

## **PRINCIPLES**

Reorganization and elimination of programs will be determined through shared governance. Shared governance recognizes the necessity of faculty input and knowledge in academic decision making. The faculty's involvement is provided for in the Oregon Administrative Rules, OAR 580-021-0315 (Appendix B), and affirmed in the Faculty Senate Bylaws. This document describes OSU's process for faculty consultation required by these rules.

Primary responsibility for ensuring appropriate consultation with the faculty rests with the Faculty Consultative Group (FCG), a standing committee of the Faculty Senate, and the Provost. Responsibility for final decisions, after appropriate consultation with the faculty, rests with the President.

As the initial step, the FCG and the University administrators will endeavor to reach consensus on the participants in the deliberations, the process to be followed, and the timing of the decisions. The review process will include consideration of applicable factors including, but not limited to:

1. detailed definition of the program(s) involved;
2. the scope of the review, that is, the list of potential impacts that will be considered;
3. criteria used for selection of programs for review and evaluation;
4. procedures for review including involvement of affected faculty members;
5. measures to be taken to find suitable alternative responsibilities at the University for tenured (and, to the degree possible, tenure-track) faculty members who are

displaced by a program reorganization or elimination, and a commitment to notice provisions in Oregon Administrative Rules, OAR 580-021-0315;

6. timing for implementation of any decisions;
7. format and timing for communicating the results of the review, including the public announcements and release of reports.

If the University administrators and the FCG cannot reach a consensus on these points, the FCG will formally note its opposition and may decide not to participate in evaluation of the proposed reorganization or elimination. In the case that the FCG decides not to participate, the Provost will assume responsibility for ensuring appropriate consultation with the faculty as required by the OAR.

The review process will be initiated sufficiently early that meaningful input is possible.

The review process may be initiated at the request of either the FCG or the Provost. A faculty member potentially affected by a contemplated program reorganization or elimination may also request the FCG to initiate a review. The FCG, after consulting with the Provost and while bearing in mind that it is not intended to function as a personnel or grievance committee, may accept the request or decline it. The FCG will explain the rationale for its decision.

It is recognized that not all parties will necessarily agree with all decisions. However, it is the goal of this process that all parties will agree that they have had adequate opportunity to present their views early enough in the process to be fairly considered as decisions are made.

## **PROCEDURES**

The Faculty Consultative Group (FCG) will represent the faculty to work toward a consensus with the University administrators on the seven items noted above. The FCG consists of the Faculty Senate Executive Committee, and the Chairs of the Faculty Senate Curriculum Council, Budgets and Fiscal Planning Committee, Graduate Council and Faculty Welfare Committee. The Faculty Senate President chairs the FCG. The Faculty Senate President and the Provost will cooperate to determine when to convene meetings of the FCG and who may participate. All FCG meetings are confidential and rest upon the trust established between the members of the FCG and the Provost. A final report of the FCG will be available to the University faculty.

As required by Oregon Administrative Rules, it is vital that the FCG engage in the reorganization or elimination discussions as soon as potential changes are identified as serious possibilities. While the FCG needs the flexibility and time to investigate situations brought before it in order to attain adequate understanding of the issue, it is expected that the FCG will act on a request within a time frame that is consistent with university and external constraints defining the context for change.

The FCG, after having advised the Provost of the general nature of its intentions but while preserving confidentiality as appropriate, may contact any faculty member or administrator to discuss a potential reorganization or elimination of a program.

Two alternative types of actions will be considered in review of academic programs: (1) reorganization of existing programs and (2) elimination of existing programs. Though these

measures are not entirely mutually exclusive, they are sufficiently distinct in character to require differing sets of criteria to control their application. It may be appropriate to consider a given program in each category or in only one. Criteria supporting and contraindicating reorganization and elimination are given in Appendices C and D.

The FCG's written recommendations, including an assessment of the positive and negative impacts of the proposed reorganization or elimination, will be reported to the Provost and President within one week after the FCG has finished evaluating the options for reorganization or elimination. When the President reaches a decision and announces the decision campus-wide, the FCG report, with the exception of confidential information, will also be released campus-wide.

This policy will be reviewed at least every three years. The President Elect will lead the policy review, with a subcommittee appointed by the Executive Committee. The results of the policy review will be discussed with the Executive Committee and the Faculty Senate. Final approval of any proposed revisions recommended by the Faculty Senate rests with the President.

### **Appendix A. Definition of Program**

A **program** has one or more of the following characteristics:

1. has the word "College," "School," "Department," "Center," "Office," "Institute," "Station," "Division," "Council," "Service," "Program," "major," "minor," or "option" as a part of its title;
2. is headed by a person titled "dean," "director," "chair," "head," "coordinator," "manager," "superintendent," or "leader;"
3. is identified as a degree or certificate program in the OUS listing of OSU programs;
4. offers a degree, a certificate, or a credential;
5. has a sequence of specific academic requirements;
6. is an established distinct academic option or track within a larger unit;
7. has been approved as a distinct function or activity of the University by the Oregon State Board of Higher Education.

### **Appendix B. OAR 580-021-0315**

#### **Termination Not for Cause**

Termination not for cause is defined as any termination other than for cause as set forth in OAR 580-021-0320:

1. Staff Members with Indefinite Tenure:
  - a. The appointment of an academic staff member with indefinite tenure will not be terminated for reasons other than for cause, except for financial exigency or program or department reductions or eliminations. Before the appointment of any academic staff member on indefinite tenure can be terminated for financial exigency, a bona fide determination will be made by the president that a financial exigency does exist, and that sufficient funds are not available for payment of compensation for the position concerned. Program or department reductions or eliminations may be made by the president, upon determination, pursuant to institutional procedures providing for faculty and other appropriate input, that such reductions or eliminations are consistent with institutional goals and needs;

- b. Responsibility for the decision as to whether a state of financial exigency exists, and the subsequent decision on actions necessary to meet the financial exigency, or the decision as to the necessity for program or department reductions or eliminations resulting in termination of employment of tenured faculty, shall rest with the president. In considering such matters, the president shall confer in a timely manner with appropriate faculty and other institutional councils and with the Chancellor and the Board concerning the issues involved in arriving at decisions in the foregoing areas;
- c. Institutional procedures relating to program or department reductions or eliminations shall reflect a regard for the rights of the affected academic staff member, and such procedures may not be used as a substitute for the provisions of OAR 580-021-0325 through 580-021-0385 that set forth the procedural protections to be accorded staff members;
- d. If a tenured faculty member's appointment is terminated or if the appointment of a nontenured faculty member is terminated before the end of the period of appointment because of financial exigency, or because of program or department reductions or eliminations, the released faculty member's place will not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it;
- e. If the staff member cannot be retained either in the position in which presently employed or in some alternate position, maximum possible notice of termination shall be provided the academic staff member being terminated for financial exigency, and in the case of faculty terminated because of program or department reductions or eliminations not demonstrably related to a state of financial exigency, 12 months' notice shall be given.
- 2. Staff Members without Indefinite Tenure. Appropriate notice of termination shall be provided staff members holding annual tenure appointments as set forth in OAR 580-021-0305. If the employment of such staff member is being terminated for financial exigency or program or department reductions or eliminations so as to render impossible the provision of notice as set forth in OAR 580-021-0305, maximum possible notice will be provided.

Stat. Auth.: ORS 351.070

Stats. Implemented: ORS 351.070

Hist.: HEB 3-1978, f. & ef. 6-5-78; HEB 1-1993, f. & cert. ef. 2-5-93; HEB 5-1996, f. & cert. ef. 12-18-96

### **Appendix C. Criteria for Reorganization**

- 1. Criteria Supporting Reorganization
  - a. On a national or international level, the profession or discipline has changed.
  - b. Reorganization will better serve the strategic focus of OSU.
  - c. The proposed reorganization provides a competitive advantage to the unit.
  - d. The viability of the unit is at risk without refocus of direction.
  - e. The program's scope is too narrowly focused and needs broader, perhaps interdisciplinary, focus or conversely the program scope is too broadly focused and needs tighter focus.
  - f. Two or more programs have a substantial similarity or affinity of objectives such that economics of operation or improvement in quality may reasonably be expected from their consolidation.

- g. The clarity of the program's identity and function will be increased by transfer to or consolidation with another program.
- h. The nature and function of the program is such that its support might appropriately be transferred in whole or part to grant, contract, user fees or other state agencies.
- i. The program's contribution to the OSU missions of teaching, research, and service does not justify maintenance of its present size.
- j. The program is significantly larger than such programs found in OSU's comparator institutions.
- k. The program is one that if reduced will not substantially impair the viability or quality of other OSU programs.
- l. Budgetary constraints require reorganization of a program within a department, school, or college.
- 2. Criteria Contraindicating Reorganization
  - a. The reorganization is sufficiently uncommon within higher education so as to render difficulty in recruitment and retention of quality students and faculty.
  - b. The reorganization would endanger the quality and/or accreditation status, where applicable, of one or more of the programs affected.
  - c. The programs, though dealing with similar subject matter, are substantially different in orientation, objective or clientele.
  - d. The cost reduction of reorganization would be so modest as to make such reorganization rather pointless if cost savings is the primary objective.
  - e. The program's reorganization would have a substantially negative impact on education and societal concerns to Oregon.
  - f. The program's reorganization would have a substantially negative impact on strategic goals of OSU.
  - g. The program's reorganization would result in substantial loss of revenue currently derived from grants, contracts, endowments or gifts.

#### **Appendix D. Criteria for Elimination**

- 1. Criteria Supporting Elimination
  - a. The program is one that if eliminated will not substantially impair the viability or quality of other OSU programs.
  - b. The program is one that normally would be expected to be accredited but is not; or one that is exposed to a substantial risk of loss of accreditation. If the program is not appropriate for accreditation, the program has been deemed to be of a level of quality or size that raises questions concerning its viability or continuation.
  - c. The program is one for which the present and probable future demand is insufficient to justify its maintenance at existing levels of support. Insufficient demand may be indicated by significant decline in one or more of the areas over a protracted period:
    - 1. in the number of completed applications for admission to the program;
    - 2. in the student credit hours generated in lower division, upper division, and/or graduate level courses in the program;
    - 3. in the number of students who complete majors or degrees in the program;
    - 4. for instructional programs designed to prepare graduates for specific employment, the market demand for graduates of the program;
    - 5. in the case of support and service programs, the level of demand for the service provided;
    - 6. in the case of research programs, the level of research being conducted or the level of funding for the program.

- d. The program's productivity relative to the University's investment in faculty, staff, equipment, facilities, or other resources have declined significantly without demonstrable enhancement of quality or redirection to other aspects of OSU's overall mission.
- 1. In the case of instructional programs, the following may be considered to indicate a significant decline in productivity:

The average credit hours of lower division, upper division or graduate level courses taught per full time equivalent faculty declined significantly over the past five years relative to OSU enrollment trends, and are at their present levels below those prevailing in such programs at OSU's comparator institutions.

- 2. In the case of non-instructional programs, productivity shall be measured in terms of units of output appropriate to the unit's mission.
- e. The instructional productivity of a program is substantially less than the average for OSU as a whole. The level of instruction and, where relevant, the mode of instruction appropriate to the program shall be considered, including particularly the average number of contact hours carried by the faculty.
- f. Budgetary constraints require reorganization of a program within a department, school, or college.
- 2. Criteria Contraindicating Elimination
  - a. The program is one that objective evaluation indicates has achieved a national or international reputation for exceptional quality.
  - b. The program supplies significant instruction, research, or service that OSU is better equipped to supply than other organizations.
  - c. The program exists as a result of legislative statute.
  - d. The program is the only one of its kind within the State of Oregon or the region and is part of the future as well as part of the past.
  - e. The program is an essential program for every university.
  - f. The program's elimination would have a substantially negative impact on education and societal concerns to Oregon.
  - g. The program's elimination would result in substantial loss of revenue currently derived from grants, contracts, endowments or gifts.
  - h. The program's cost is minimal relative to the tuition or other income generated by it.
  - i. The program represents a substantial capital investment in specialized physical plant or equipment that could not be effectively redirected to alternative uses.
  - j. The program is one characteristically staffed by members of groups covered by affirmative action.

*(formerly Institutional Procedures Providing for Faculty Input During Program or Departmental Reduction or Elimination and/or Exigency)*