



University of Colorado Denver

Administrative Policy

Title: Program Discontinuance for Internally Initiated Program Discontinuance When Tenured or Tenure-track Faculty Face Dismissal

Source: Office of the Provost

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Approved by: _____
Hank Brown
President

Effective Date: January 17, 2006

Replaces: N/A

Applies: All campuses

A. Introduction

1. Authority for the creation of campus administrative policies is found in *The Laws of the Regents, 1990, Article 3 Section B.8, which states:*

The chancellor of the University of Colorado at Denver and Health Sciences Center shall be the chief academic and administrative officer responsible to the president for the conduct of affairs of the University of Colorado at Denver and Health Sciences Center in accordance with the policies of the Board of Regents. The chancellor shall have such other responsibilities as may be required by these *Laws*, the Board, and as may be delegated by the president.

2. This policy is required by the University of Colorado Administrative Policy Statement, *Policy for Implementing Program Discontinuance*, which states in part: "Before undertaking program discontinuance under this policy, each campus shall develop a campus policy on program discontinuance. The campus policy must specify which committee or committees are to make written recommendations for program discontinuance. The policy must also define the grounds or considerations to be used in making a decision to close a program." In cases where the closure will not result in the termination of tenure-track and tenured faculty appointments, the Administrative Policy Statement, *Program Discontinuance When No Tenured or Tenure-Track Faculty Face Dismissal*, shall be followed. If there are tenured/tenure-track and non-tenure-track faculty in the program being considered, this policy applies—and the rights of the non-tenure-track faculty are consistent with their rights as non-tenure-track faculty members.
3. This policy defines the process used for internally initiated decisions to close a program. Externally initiated program discontinuance results from CCHE policies. The provisions

for the termination of faculty appointments are the same for either an internally Initiated or externally Initiated program discontinuance.

4. This policy is developed to implement internally initiated program discontinuance at the University of Colorado Denver (UCD) and complements the Regent law and policy and the Administrative Policy Statement.. Those documents address in greater detail program and faculty rights and should be used in conjunction with this policy. Further, it is the responsibility of affected faculty to review all pertinent system and campus documents and to maintain contact with the university after discontinuance in case of program reinstatement.

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C. Policy Statement

In response to the findings and recommendations of the task force and the concurrence of the chancellor, UCD has the authority to submit proposals regarding program discontinuance requests for internally initiated program discontinuance, under the policies and procedures outlined below. This policy is effective immediately.

D. Definitions for the purposes of this policy:

1. "Program" is a degree program, department, or division of instruction, school or college, or program unit within UCD. Program units include those that are engaged in research or academic pursuits, whether or not such programs lead to a degree (for example, a track in a degree program, an institute, a laboratory, etc.). [Reference Regent Policy 4-H Section 1.a. and APS Policy for Implementing Program Discontinuance "Background" section.]
2. "Discontinuance" results in the possible termination of one or more tenured or tenure-track faculty members in a given position. Discontinuance may result in the reallocation of space, suspension of student admissions to an academic program, degree elimination and the like.
3. "Internally Initiated Program Discontinuance" is the formal termination of a program by the Board of Regents for educational, strategic realignment, resource allocation, budget constraint, or combinations of educational, strategic, and/or financial reasons when tenured or tenure-track faculty appointments are to be terminated. [Reference Regent Policy 4-H Introduction.]

4. “Externally Initiated Program Discontinuance” is the formal termination of a program by the Board of Regents based upon, in anticipation of, or resulting from a Colorado Commission on Higher Education (CCHE) policy or directive. CCHE policy requires the discontinuance of low demand programs; therefore, externally initiated discontinued programs are not subject to the same process as internally initiated discontinued programs as outlined in this policy. However, the termination of any tenured or tenure-track faculty positions as a result of program discontinuance initiated either internally or externally must follow the procedures described in the Regent Policy and APS. [Reference Regent Policy 4-H Introduction and Section 1.b. and APS Policy for Implementing Program Discontinuance, Section VIII.]
5. “Termination of a Tenured or Tenure-track Faculty Appointment” is the ending of the faculty appointment prior to the end of the current contract. [Reference Regent Policy 4-H, Section 3.]

E. Initial Formal Written Request

1. The initial formal written request (Request) for an internally initiated program discontinuance is forwarded to the chancellor. The Request may be generated from within UCD by a department or division, its chair or coordinator, the dean, the campus program review committee, the vice chancellor for academic affairs, or the chancellor. The Request may also be generated by the president or the Board of Regents. If the Request is initiated at a level below the dean or from another school or college, the dean of the school or college of the program in question will be notified and asked to comment on the Request.

Individual schools and colleges may develop their own processes for developing and reviewing Requests that come from within their school or college.

The Request will include at a minimum the following elements:

- a. Name of the program.
- b. Names and titles of persons submitting the Request.
- c. Rationale for Request; this must include the educational, strategic, realignment, resource allocation, budget constraints or combinations of educational, strategic and/or financial reasons.
- d. Data associated with the criteria found in Section G of this policy.
- e. Anticipated number of faculty (by type) and students possibly affected.
- f. Comment by the dean if the Request is generated at a level below the dean; comments by both deans if the Request is generated by another school or college; comments by both deans (or unit head if there is not another dean) when tenured or tenure-track faculty in the program hold their tenure in another academic unit.
- g. Reference to formal planning document(s) that cite the program, e.g. an academic master plan.

F. Committee – UCD Program Discontinuance Recommendation Committee (UPDRC)

1. Standing (8 members)
 - a. Faculty – Downtown Campus (4 members)
 - b. Faculty – Anschutz Medical Campus (4 members)

2. Ad Hoc – (5 members)

- a. Faculty Assembly representative – Downtown Campus (1 member)
- b. Faculty Assembly representative – Anschutz Medical Campus (1 member)
- c. Faculty from campus under consideration (2 members)
- d. Faculty from campus not under consideration (1 member)

NOTE: The Standing Committee can request additional ad hoc members, as long as the campus under consideration has the majority of total members. Further, the Standing Committee may ask the chancellor to add non-tenure-track faculty members to participate on a specific Request as non-voting members.

3. Chair

- a. Selection: vote by standing members.
- b. Term: one fiscal year; renewable for one additional year.
- c. Role: regular voting member

4. All voting members (Standing Committee members and ad hoc members) must be tenured faculty (and cannot be deans). If non-tenure-track faculty members are added to the committee for a specific Request, they will have equal status in committee deliberations but will not vote.

5. Staff

- a. Administrative support for the UPDRC will be assigned by the provost or chancellor.

6. Potential Conflicts of Interest

- a. A committee member shall recuse himself/herself from a specific Request of the UPDRC if he/she, or an immediate family member, may be directly affected financially by the discontinuance of the program.
- b. A committee member should recuse himself/herself from participation in a specific Request if his/her participation in the process would create a perceived conflict of interest due to his/her academic relationship with the program or personal relationship with individuals that may be directly affected by a program's discontinuance.
- c. All potential conflicts of interest shall be disclosed to the UPDRC prior to discussions regarding the possible discontinuance of a particular program.
- d. Any committee member who breaches this agreement of disclosing conflicts of interest will not only be removed from this committee, but may also be subject to disciplinary action.

7. Confidentiality

- a. All discussions, deliberations, and written materials are confidential.
- b. An individual's participation on the UPDRC is conditioned upon that person agreeing to keep the discussions and information that arise during the program discontinuance process confidential to the extent permitted by law.

- c. Any committee member who breaches this agreement of confidentiality will not only be removed from the committee but may also be subject to disciplinary action.
8. Standing Member Terms and Selection Procedures: Four-year terms (staggered to preserve committee history and memory). Terms can be renewed. Nominations will be from faculty and deans. Selection of members will be a collaborative decision by the chancellor and the faculty assembly leaders.
 9. Ad Hoc Members – Representatives from Faculty Assembly will be selected by the faculty assembly leadership. Nominations for other ad hoc members will be from faculty and deans, and faculty from other CU campuses may be nominated. Selection of members will be a collaborative decision of the chancellor and faculty governance leaders.
10. Committee Charge
 - a. The UPDRC is charged to make a recommendation on program discontinuance to the chancellor.
 - b. The UPDRC will collect information and interview members of the unit recommended for closure and others who may be affected by the possible closure.
 - c. The committee should function as a neutral body and carefully consider the evidence.
 - d. A quorum will be defined as 75% of members and a super majority (2/3) is required to support the recommendation to discontinue a program.
 - e. Committee members not supportive of the recommendation may choose to develop a minority report. It must be developed on the same timeline as the recommendation and it will also be forwarded to the chancellor along with the recommendation.
 - f. The UPDRC will be available to consult with the chancellor in the preparation of the plan for program closure.

G. Criteria

Regent Policy 4-H states that the Regents “may decide to discontinue an academic program for educational, strategic, realignment, resource allocation, budget constraints or combinations of educational, strategic, and/or financial reasons.” UCD does not take these decisions lightly and will assess each program in the context of the university at large and its mission. A decision to discontinue a program should not be based solely on quantitative measures, but on an assessment of the program in terms of all of the decision variables within a process that is highly consultative and collegial. The committee will use all available qualitative and quantitative information to make a recommendation. The committee will base its recommendation upon the strengths and contributions of the program to the university and/or campus mission. Determination of strengths and contribution relative to the areas in which the program is perceived to be lacking or may need improvement will be based on the following non-exclusive set of guidelines that attempt to define a productive and quality academic program.

1. A non-exclusive list of educational considerations to be evaluated includes:
 - a. Quality of the campus’ program in terms of the (a) faculty and staff, (b) students, (c) accreditation or program review, (d) research and other facilities (library collections, laboratories, field support facilities, etc.), or (e) clinical service.

- b. Importance of the program as a support for, or as an integral part of, other campus or University academic, research or clinical programs or to meet an accreditation requirement.
 - c. Importance of the program as fundamental to a university education.
 - d. Long-term state, regional and national needs for such academic, research or clinical efforts.
 - e. Importance of the program to the state or region in terms of its cultural, historic, political, economic, or other social aspects.
 - f. Identification of the impact on students.
 - g. Importance of the program to the state or region in terms of its geographic, environmental, or other physical aspects.
 - h. Other relevant factors such as identification of costs that would be associated with this discontinuance.
2. A non-exclusive list of strategic realignment considerations to be evaluated includes:
- a. Centrality of the program to the campus mission.
 - b. Role of the program in the campus, college or school strategic plan (academic master plan).
 - c. Ability of the program to enhance the campus' reputation in the state and nation.
 - d. Excellence of the program or its promise for future excellence in teaching, research, clinical care or a combination.
 - e. Cost of investing in the program to achieve and maintain excellence.
 - f. Existence of similar academic or research efforts at other local, regional, academic, research or clinical institutions.
 - g. Uniqueness of the program to the state, CU System, and the relevant geographic area.
 - h. Marketplace demand for the program such as long term enrollment trends or demand for graduates.
 - i. Program's role in supporting other key programs at the campus.
 - j. Other relevant factors that indicate the program cannot be maintained for strategic realignment reasons.
3. A non-exclusive list of budgetary constraints, resource allocation or other financial considerations to be evaluated includes:
- a. Trends of actual or projected revenues, direct and indirect costs, and net impact; also, trends of ancillary costs of the program, including those from related activities.
 - b. Identification of costs that would be associated with this discontinuance.
 - c. Efficiency of program operations in relation to revenues and expenditures (and credit hours and research or clinical dollars). Please include comparison data if available.
 - d. Program's contribution to the campus' fiscal health.
 - e. Performance data related to the program, such as 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/non-tenure-track, research productivity, clinical service, programmatic cost benefit analysis, ability to generate income.
 - f. Space-related resource impact of keeping or discontinuing a program.
 - g. Other relevant factors that must be considered, such as legislative mandates.

H. Process

Following receipt of the initial written Request for discontinuance, the chancellor shall convene the UPDRC to review the Request. Using the decision variables, set out in Section G, the committee shall: (1) discuss the recommendation, (2) collect information from members of the program, the department chair, the dean of the school, the vice chancellor for academic affairs, the chancellor, and administrative units affected by the potential closure, and (3) ascertain whether grounds for closure exist. The committee shall submit a written report of its findings to the chancellor.

Based upon the committee's report, the chancellor shall prepare a summary of the findings and conclusions, citing the appropriate decision variables. If the chancellor determines closure is not warranted, and the recommendation for closure did not come from the president or Board of Regents, the process is concluded.

If the chancellor believes closure may be warranted, the chancellor or chancellor's designee shall consult with faculty members and administrators in the affected program and offer to meet with any tenured or tenure-track faculty member whose appointment may be recommended for termination.

If, after meeting with faculty members and administrators, the chancellor believes closure is warranted, the chancellor shall inform the affected program and its school of the recommendation, consult with affected faculty, the UPDRC, the academic officer and other appropriate administrators regarding possible reassignment, retraining, or retirement, and prepare a final recommendation and plan for program closure.

The plan for program closure must address (1) the rationale for program closure, (2) the timing for phasing out the program based on the needs of the institution, (3) how students enrolled in the program may complete the degree in a reasonable time, (4) the possible impact on tenured and tenure-track faculty appointments, including termination, transfer or retirement, (5) analysis of other faculty and staff appointments affected by the program's discontinuance, and (6) costs and timeframe projected to close the program, and (7) any other issues related to closure of the program.

The chancellor shall present the final recommendation, plan for program closure, and all materials received by the chancellor from the review committee to the president within 120 days from the date of the initial recommendation for consideration of discontinuance. A suggested Timeline is included as Attachment 1.

The president shall review the chancellor's recommendation and documentation and forward it along with the president's own recommendation to the Board of Regents within 60 days from the date the president received the recommendation from the chancellor. During the course of the president's review, the president shall afford each tenure-track and tenured faculty member whose appointment is recommended for termination the opportunity to present written evidence/argument in support of the continuance of the faculty member's appointment. All written comments shall be forwarded to the Board with the president's recommendation. The president has a maximum of 60 days to deliver the final recommendation to the Board.

The Board shall make the final decision with respect to program discontinuance, approval of the program discontinuance plan, and the termination of tenured and tenure-track faculty appointments.

If the program discontinuance review is initiated by the president or the Board of Regents, the chancellor's report shall be forwarded to the president and then to the Board regardless of the chancellor's recommendation. If the chancellor does not recommend program discontinuance, and the president disagrees, the president, in consultation with the chancellor and any campus administrators and faculty the president deems appropriate, shall prepare the plan for program closure and present it to the Board for action, if any. In circumstances where the chancellor and president do not recommend program discontinuance and the Board disagrees, the president, in consultation with the chancellor and any campus administrators and faculty the president deems appropriate, shall prepare the plan for program closure and present it to the Board for action, if any.

I. References

1. The Laws of the Regents
(<https://www.cu.edu/regents/Laws/Article4D.htm>)
2. Regent Policy 4-H. Program Discontinuance
(<http://www.cu.edu/regents/Policies/Policy4H.htm>)
3. Policy for Implementing Program Discontinuance
(<http://www.cusys.edu/policies/Academic/implement-prog-discont.html>)
4. Program Discontinuance When No Tenured or Tenure-track Faculty Face Dismissal
(<http://www.cusys.edu/policies/Academic/prgrmdiscont.html>)

J. Attachment

1. Suggested Timeline for Internally Initiated Program Discontinuance