

Missouri Western State University  
**Academic and Programmatic Retrenchment Policy**

**Academic Policies**

Approved: 02/27/2020

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Missouri Western State University is a student-centered learning community preparing individuals for lives of excellence through applied learning. It aims to provide quality programs that are future-focused, meet workforce needs, and prepare students for success. Certain circumstances, however, may compel the University to reduce the staffing of certain departments of instruction or academic disciplines, or to eliminate some departments or programs altogether. This may include the elimination of tenured faculty. To the extent that there is any intersection or overlap, this policy shall supersede the existing University policy on Faculty Termination by the University.

In the event of financial circumstances necessitating retrenchment, the University may need to review the abandonment of an academic program or the elimination of academic positions filled by tenured, tenure-track, and/or non-tenure-track faculty members. Procedures to eliminate a tenured faculty member's position as part of retrenchment are described below, and differ based on whether retrenchment is undertaken based on (i) Enrollment Decline, (ii) Financial Stringency, or (iii) a state of Financial Emergency.

Having the responsibility for appropriate staffing levels for the University, the administration will assess and determine the personnel needs to maintain the University's aims and functions when considering retrenchment. In such instances it will also give comparable consideration to faculty, staff, and administrative positions.

**Retrenchment Definition and Strategies:**

Retrenchment is defined as a significant reduction of faculty beyond routine faculty staffing adjustments. Retrenchment procedures shall be activated when it becomes financially necessary to implement plans to terminate tenured faculty or eliminate more than 7.5 percent of the total full-time budgeted faculty positions (as reported to the Coordinating Board for Higher Education) during an academic year.

Retrenchment will be part of a broader strategy for pursuing the institution's success. All members of the university community will be expected to work together toward this broader strategy as appropriate.

**Circumstances Necessitating Retrenchment:**

At least one of two circumstances will be present to necessitate a reduction in faculty staffing levels. Either of the following will require retrenchment:

1. Enrollment Decline. Enrollment Decline means that the number of student credit hours has reached such a point over a sufficient period of time that sustaining the current staffing level is no longer reasonably justifiable. Truly cyclical enrollment declines in the short term may not call for staffing adjustments, but sustained declines indicate the lack of reasonable alternatives.
2. Financial Stringency. Financial Stringency means that the University's long-term financial condition is such that it cannot maintain or improve the quality of its instructional, scholarly and service functions on an institution-wide basis, and there is no immediate prospect for the significant improvement of its financial condition. Financial Stringency may fall short of a state of Financial Emergency, but if permitted to continue over an extended period of time without remedial action, the likely result would be a steady erosion of academic quality.

## **Financial Emergency and Retrenchment:**

1. **Definition of Financial Emergency:** Financial Emergency refers to a financial condition so grave as to pose an immediate and continuing threat to the University's operation at an acceptable level of academic quality. Such a condition must be so extreme that financial considerations alone dictate that there is no reasonable way and no balanced alternative to alleviate the situation except by the dismissal of tenured faculty members and/or elimination of programs.
2. **Procedure in Case of Financial Emergency:** If the President of the University believes a state of Financial Emergency to be imminent, he/she shall convene a Financial Advisory Council (FAC) to advise him/her. This Council shall consist of the members of the President's cabinet, the President of the Faculty Senate and two other members of that body whom the Faculty Senate president shall appoint in consultation with the Faculty Senate Executive Committee, the Dean of an academic college selected from among the academic deans, the President of the Staff Association, and the President of the Student Government Association.

Within 10 business days of the time it is convened, the FAC, together with the President of the University, who shall preside over its meetings, shall consider all reasonable options and alternative measures available to the University short of a declaration of a state of Financial Emergency, if any.

If, after careful consideration of available options in consultation with the FAC, the President determines that all reasonable measures to improve the financial situation have been considered and the emergency cannot be alleviated by lesser means than a declaration of a state of Financial Emergency, then he/she shall submit a recommendation to the Board of Governors for such a declaration. A report detailing the rationale for this declaration and addressing other options which have been considered shall accompany this recommendation. A state of Financial Emergency shall exist when it is declared by the Board of Governors.

## **Alternative Measures:**

If retrenchment is required, ample consideration will have been given, but not necessarily limited, to: methods of increasing revenues as well as constructive alternatives to termination for faculty, administration, and staff such as leaves without pay, early retirement, reduced appointments, reduced salaries for all employees, increased payment for benefits, and the like.

The University may also eliminate academic positions held by tenure-track and non-tenure track faculty in the event of Enrollment Decline, Financial Stringency, or Financial Emergency pursuant to contractual terms and University policy.

## **Retrenchment Process / Procedures to Reduce Programs or Tenured Faculty**

### **Evaluation of Academic Programs for Retrenchment Purposes**

Procedures to reduce tenured faculty differ according to whether retrenchment is undertaken pursuant to the conditions of Enrollment Decline or Financial Stringency on the one hand, or pursuant to a state of Financial Emergency on the other hand.

Under circumstances necessitating retrenchment, the University will give due consideration to various factors, including the academic quality of the area, its centrality to the mission of the university, its cost-effectiveness, the number of student credit hours and graduates it produces, and modes of instruction. In making evaluations, it is crucial that quantitative considerations conform to sound academic policy as well as play a role in shaping it.

### **(I) In Cases of Enrollment Decline or Financial Stringency**

#### Academic Strategies Advisory Council

Under circumstances necessitating retrenchment due to Enrollment Decline or Financial Stringency, an Academic Strategies Advisory Council (ASAC) shall be formed to advise the Provost, President, and other members of the university administration, along with the Board of Governors, on matters of strategic academic planning. Specifically, during retrenchment, the ASAC's task will be to make recommendations concerning faculty staffing and reallocation of resources in order to achieve the highest academic quality possible within the constraints of the University's resources.

The ASAC will consist of two faculty members from each college or school (each appointed by the Dean of that college or school), one academic Dean (selected from among the academic Deans), one Department Chair appointed by the Provost, and the Provost or Provost's designee, acting as Chair. One undergraduate student and one graduate student, each appointed by the Provost, may participate as non-voting members.

The ASAC may base its deliberations and recommendations on any of three primary sources of information: (1) data collected by the Office of Institutional Research and verified by the relevant department chair; (2) materials prepared by the relevant department chair in consultation with departmental faculty members; and (3) open hearings at which each department is provided the opportunity to present its case orally.

The ASAC must make its recommendations in context. This includes consideration of:

- (1) Projected enrollment levels and likely demands for the university's instructional, service, and scholarly functions over the next three to five years. Pertinent data provided by the Coordinating Board for Higher Education, the University's Office of Institutional Research, and other sources may be useful.
- (2) Likely levels of state and private funding during the coming three years. Information provided by the Coordinating Board for Higher Education and other state and campus offices may be useful.
- (3) Regional needs for graduates in the areas under consideration over the next five to ten years.

Within these parameters, the ASAC shall review programs (where programs are defined as approved coursework leading to a major, minor, or certification). The ASAC shall determine which programs are to be reviewed and, in consultation with the Provost, will specify the procedures for involving the department's faculty in the review.

Programs shall be evaluated according to four criteria: academic quality, centrality to the mission of the University, student enrollment in the program, and cost/cost-effectiveness. The criteria for these considerations are set forth in Appendix A.

Once the ASAC has completed its review, it shall prepare a preliminary proposal for the Provost, making one of three recommendations for each program, each with a brief statement of rationale:

- (1) Maintain the faculty staffing in that program at its present level;
- (2) Reduce faculty staffing in that program, including recommendations for total staffing level;
- (3) Phase out part or all of the program.

If the ASAC has specific suggestions for strategic reorganization or reinvestment, these shall also be conveyed to the Provost.

The Provost will prepare a response to the ASAC's recommendation and forward his/her response and the committee's report to all academic department chairs, the Faculty Senate, Provost's Council, and Student Government Association, as well as to the President and President's cabinet, for comments and recommendations. The Provost will publish a deadline for responses.

A final recommendation shall be forwarded from the Provost to the President. The President shall make recommendations to the Board of Governors for final decisions.

An Academic Review Board will be established for the purpose of hearing from any tenured faculty member or academic program desiring to submit an appeal.

## **(II) In Cases of Financial Emergency**

### **Academic Review Board**

If a state of Financial Emergency is declared, the Academic Review Board (ARB) acts as the sole reviewer of programs. The Provost will initiate the procedures for activating the ARB. During a state of Financial Emergency, information from annual program or department reports will be provided by the Office of Academic Affairs and/or the Office of Institutional Research. The ARB shall be guided by the same principles as the ASAC in making recommendations. (See Appendix A).

The ARB will be composed of: one Department Chair from each College or School (appointed by the Deans of their respective College/School), the Academic Deans, and the Provost or his/her designee as Chair.

The Provost shall provide a deadline for timely review. Once the ARB has completed its review, it shall prepare a preliminary proposal for the Provost, making one of three recommendations for each program considered, each with a brief statement of rationale:

- (1) Maintain the faculty staffing in that program at its present level;
- (2) Reduce faculty staffing in that program, including recommendations for the total staffing level;
- (3) Phase out part or all of the program.

If the ARB has specific suggestions for strategic reorganization or reinvestment, these shall also be conveyed to the Provost.

The Provost will prepare a timely response to the ARB's recommendation and forward his/her response and the ARB's report to all academic department chairs, the Faculty Senate, Provost's Council, and Student Government Association, as well as to the President and President's cabinet, for comments and recommendations. The Provost will publish a deadline for responses.

A final recommendation shall be forwarded from the Provost to the President. The President shall make recommendations to the Board of Governors for final decisions.

### **Appeals by Terminated Tenured Faculty**

Tenured faculty members may be recommended for dismissal in the event of a Financial Emergency or when the academic review process results in a determination that a program will be discontinued and affected faculty members cannot be assigned different responsibilities.

Tenured faculty recommended for dismissal will receive written notice from the President of the University containing the justification for the termination. An appeal may be pursued according to the procedure delineated in Appendix B. All final decisions on tenured faculty terminations shall rest with the Board of Governors.

### **Rights of Faculty Members Scheduled for Termination**

All tenured faculty members recommended for termination will receive a one year terminal contract as notice and have the right to use the University's job placement and counseling services without charge during the notice period.

During the timely notice period, the University will make good faith efforts to place any tenured faculty member scheduled for termination in a vacant university position for which he/she is qualified in the opinion of the supervisor for that position.

For a period of three years following the termination of any tenured faculty member, that person shall enjoy the right of first refusal if his/her former position is to be filled again. The University may not advertise the vacancy or offer the opening to anyone else until the tenured faculty member has been informed that the position is to be filled again and has been given a reasonable time in which to accept the offer. It shall be the responsibility of the terminated tenured faculty member to keep the appropriate university officials informed of his/her address during the three-year period if he/she wishes to maintain this right of first refusal. Such a person shall be reinstated in the previous position with former academic rank, salary status and tenure.

## APPENDIX A: Criteria for consideration of program retrenchment

1. Academic Quality
  - a. Faculty/Program Quality as defined by:
    - i. What proportion of the faculty in the program have doctorates or other terminal degrees appropriate to their positions?
    - ii. Excellence in teaching
    - iii. Service to and recognitions within the university community and professional discipline
    - iv. Scholarly performance involving discipline-related inquiry and/or creative activity
  - b. Accreditation: Has this program been accredited (where applicable), and are there indications that it is likely to maintain that accreditation?
  - c. Programmatic Support: Defined by availability of necessary resources to maintain program integrity and academic quality.
  - d. Student Performance and Outcomes: as defined by existing program assessment criteria.
2. Centrality to Institutional Mission
  - a. Is this program essential to the University as stated by the Board of Governors?
  - b. Is the maintenance of this program essential to this institution's status as a university?
  - c. Do any state laws, regulations or agency recommendations make it necessary for this institution to maintain this program?
3. Demand and Enrollment as Defined by Criteria and Standards for Program Review Process
  - a. What are the levels and trends of student credit hours generated per FTE faculty member in this program? In determining student/faculty ratios, faculty members shall be counted according to the programs in which they teach.
  - b. How many students are majoring, minoring, or seeking certification in this program?
  - c. What are the levels and trends of demand or of enrollment for this department's courses required by degree programs outside the department?
  - d. What are the levels and trends of demand or of enrollment in the general education courses offered by this department?
    - i. Can general education courses offered by other departments be substituted for the general education courses offered by this department?
  - e. What are the levels and trends of demand or of enrollment for students taking this department's courses as electives?
  - f. What is the optimum student/faculty ratio for this program, given its modes of instruction?
  - g. How successful has this program been and how successful is it likely to be in job placement of its majors?
  - h. How successful has this program been and how successful is it likely to be in placing its majors in graduate school and professional schools?
4. Cost and Cost-Effectiveness
  - a. What is the total cost of maintaining this program?
  - b. How much of this program's cost is borne by grants or other outside funding sources?
  - c. What special fees are charged to students to maintain this program?
  - d. What percentage of this program's courses are offered online?
  - e. What is the cost of this program per student credit hours generated?
  - f. If the program is by definition high cost, how do the costs of this program at this institution compare with the costs of similar programs on similar campuses?

## **APPENDIX B: Appeals Procedures for Terminated Tenured Faculty**

Tenured faculty members may be recommended for dismissal when a genuine Financial Emergency exists or when the result of the academic review process is the determination that an academic program will be discontinued and affected faculty members cannot be assigned different responsibilities. Tenured faculty recommended for dismissal will receive written notice from the President of the University containing the justification for the termination.

The faculty member may request in writing that the President reconsider the termination decision within 10 business days of the faculty member's receipt of the notice. The President, with advice from the Faculty Senate Executive Committee, shall appoint a review committee and designate its chair for the purpose of conducting termination reconsideration hearings.

All members of the review committee will be full-time employees of the University. At least three will be tenured faculty members, at least one will not be a member of the faculty, and the committee will total no more than five. No one will be appointed to the committee who has a potential conflict of interest in the outcome, who has a personal relationship that would prevent objective consideration, or who was involved in the initial decision.

The chair of the review committee, in consultation with the committee members will determine all procedures for the hearing not specified in this policy. The termination decision can only be reconsidered on the grounds that financial savings will not accrue or university procedures have not been followed.

The committee shall conduct the reconsideration hearing within 30 calendar days after the President receives the request, unless the faculty member agrees to a delay not to exceed 60 calendar days after the President received the request for reconsideration.

The faculty member shall have access to all documents upon which the decision to dismiss was founded. If any documents are exempt from release under the Missouri Sunshine Act, Chapter 610, RSMo., they may be produced if relevant, but the faculty member must treat them as confidential and must not further disclose such documents without the consent of the University or pursuant to court order.

The faculty member may present all relevant information for consideration through documents and witnesses. The University and the faculty member will advise each other of documents and witnesses to be offered five business days before the hearing.

The hearing shall be audio-recorded. The hearing may be closed if appropriate under the Missouri Sunshine Act, Chapter 610, RSMo., at the option of the faculty member. An advisor who shall not participate in the hearings may accompany the faculty member.

The burden of proof rests on the faculty member to establish that it is more likely than not that the termination will not result in financial savings or that university procedures have not been followed.

The faculty member will have the opportunity to make an opening statement followed by the administration's opening statement. The faculty member will then present evidence followed by the administration's evidence and the faculty member will make a closing statement followed by the administration's closing statement followed by any rebuttal by the faculty member of issues raised in the administration's closing argument.

The committee shall report its findings and recommendations to the President within 15 calendar days of the conclusion of the hearing. The President will reach a decision within 10 business days and notify the faculty member and the chair of the committee of the decision.

All final decisions on tenured faculty terminations shall rest with the Board of Governors.