

## ***Faculty Policy - Faculty Participation in Termination of Tenured Faculty due to Financial Exigency***

### **Statement of Regulation:**

The President may terminate tenured faculty based upon a determination by the Board of Higher Education that a financial exigency exists which requires such action at the institution, or based upon a determination by the institution that such action is necessary because of loss of legislative appropriations, loss of institutional or program enrollment, consolidation of academic units or program areas, or elimination of courses.

The process governing the termination of tenured faculty is set out in State Board of Higher Education policies and in this policy. Reference Section 605.3

### **Procedure:**

The President of the College can recommend a termination of tenured faculty by following these procedures:

1. The President of the College, in consultation with the Vice President for Academic Affairs and the appropriate Academic Dean shall prepare a report specifying the justification for reducing the number of tenured faculty.
2. The President of the College shall submit this report to the President of the BSC Faculty Senate.
  - a. When identifying individuals whose appointments are to be terminated, significant consideration shall be given to length of service and tenure status in the retention of faculty members within the affected academic unit or program area.
  - b. Other factors such as curriculum requirements, professional achievements, breadth of competence and equal employment opportunity shall also be considered.
  - c. Other factors such as non-utilization of adjunct faculty, non-renewal of non-tenured faculty and overload for faculty shall also be considered.
3. The Faculty Senate shall promptly convene, and shall solicit faculty input and participation relative to the proposed termination of tenured faculty, and shall, within thirty days, provide a written report addressing these questions:
  - a. the extent to which there are grounds for termination of tenured appointments;
  - b. judgments determining where within the overall academic program termination of

- c. appointments may occur; and
  - c. the procedure and criteria for identifying the individuals whose appointments are to be terminated.
4. The Faculty Senate's report shall be presented to the President of the College and to all tenured faculty members.
  5. Upon receipt of the Faculty Senate's report, the President of the College shall make the final decision.
  6. If it is determined that a tenured faculty member's appointment be terminated, the faculty member will be given written notice of the termination, including the reasons for the action, at least twelve months prior to the date of termination.
  7. The released faculty may request a review by utilizing the faculty grievances procedures. The BSC Faculty Grievances Policy is located at <http://www.bismarckstate.edu/uploads/resources/2310/facultygrievance.pdf>.
  8. Following the receipt of written notice, the released faculty will meet with Human Resources to determine the appropriate procedures for benefits available, including benefits under the COBRA Act.
  9. BSC Human Resources will provide released faculty with information regarding the Employee Assistance Program.

### **New Employment Procedure:**

1. Released faculty will be given "fair consideration" during the period of the terminal appointment, for employment in any vacant academic positions for which they are qualified. Qualifications for an academic position are determined by the department or program area and the appropriate Academic Dean.
2. Released faculty shall have access to employment information through the following:
  - a. Bismarck State College provides an up-to-date listing of job openings on its website <http://www.bismarckstate.edu/employment/>.
  - b. Bismarck State College Human Resources will maintain an e-mail distribution list of released faculty. This distribution list will receive the same job opening notifications as the BSC Employee distribution list.
  - c. Released faculty must provide Bismarck State College Human Resources with up-to-date e-mail addresses in order to remain on the distribution list.
  - d. Released faculty who do not wish to receive e-mail notifications of job openings must notify Bismarck State College Human Resources and request removal from the distribution list.
3. A position terminated under this policy shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and given at least 10 (ten) working days within which to accept or decline it. Reference SBHE Policy 605.3.6.b

### **Reference:**

State Board of Higher Education Policy 605.3, Nonrenewal, Termination or Dismissal of

Faculty

**History of This Policy:**

First policy draft by the Faculty Senate during the 1988-89 academic year.

Revisions - January, 1989; February 2, 1989; February 3, 1989; October 21, 1991; August 7, 1997; January 12, 2004; October 20, 2010; December 29, 2010; revised by the Faculty Senate on March 1, 2012, reviewed by the Operations Council on November 14, 2012 and amended/approved by the Executive Council on November 30, 2012; October 14, 2016; February 12, 2019.