



## FACULTY SEPARATION FROM THE UNIVERSITY POLICY

Policy Name:	Faculty Separation from the University Policy
Effective Date:	Unknown
Responsible Office:	Provost
Category:	Faculty

### I. Purpose

The purpose of this Policy is to provide information regarding instances where a faculty member(s) separates from their employment with the University.

### II. Policy

#### A. Resignation

A faculty member who desires to voluntarily terminate his/her employment should do so by presenting a written resignation to the Provost at least four months prior to the commencement of the next academic year.

#### B. Non-renewal of Contract for Tenure-Track Faculty

A tenure-track faculty member is to be notified of non-renewal of contract according to the following, if possible/feasible:

1. During the first year of employment, notification of non-renewal shall be given in writing on or before March 1.
2. During the second and third year of employment, notification of non-renewal shall be given in writing on or before February 1.

3. After the third year of employment, notification of non-renewal shall be given in writing on or before February 1, in which case a terminal one-year non-renewable contract may be offered.

#### C.Termination or Suspension for Cause During the Contract Period (i.e., Termination “For Cause”)

The following provisions apply regarding the termination or suspension of faculty during the period of their contract. No faculty member’s employment will be terminated except “for Cause,” which is defined as incompetency, neglect, refusal to perform his/her duties, dishonesty, drunkenness, or immoral conduct. Such “for Cause” may be found in, but is not necessarily limited to, violation of Faculty Handbook and Policies or other University policy or violation of the law in connection with the performance of duties with the University. Nor, will a faculty member be terminated until after ten academic days’ notice (an “academic day” is defined as a regularly scheduled day of instruction at the University), in writing, stating the nature and causes of termination. The faculty member will have the opportunity to present a defense to the Board of Regents with or without counsel and be allowed to introduce testimony that will be heard and ruled upon by the Board of Regents as detailed in the procedure below.

To implement these provisions the following procedures shall apply: (These procedures do not apply to the non-renewal of faculty contracts.)

1. When the President or his/her authorized representative (in this subsection “Presidential Representative”) determines that it may be necessary to terminate or suspend a faculty member under the provisions herein, the Presidential Representative will confer with the faculty member concerning the reasons for the potential termination or suspension. If the matter cannot be resolved by mutual agreement, the Presidential Representative will present the faculty member with a statement of the reasons for his/her termination or suspension in writing. These reasons will either be presented to the faculty member personally or be sent to him/her by certified mail to the mailing address listed with the University.
2. No faculty member will be suspended from his/her position until ten academic days after the presentation of written notice unless there is reasonable belief of danger to life, property or the general welfare of the students if he/she remains in his/her position. Such determination is at the sole discretion of the President or the Provost. Notice of termination or suspension will be given in writing. Salary and benefits will not be affected during the period of suspension.
3. If the faculty member decides to contest the termination or suspension, he/she must file a request for a hearing with the University President and the presiding officer of the Faculty Senate within ten academic days of receiving written notification of termination or suspension.
4. If the faculty member requests a hearing within ten academic days of notification, the Faculty Hearing Committee will meet within five working days, consistent with allowing the President or his/her representative and the accused faculty member time to gather evidence, including witnesses, to substantiate or refute the allegations that form the basis for the termination or suspension decision. (See the Appeals Procedure for more

details regarding the Faculty Hearing Committee.) If no request for a hearing is made within ten academic days, the matter is deemed final and there will be no further right of hearing or appeal. The faculty member's contract will be terminated and his/her salary and benefits will be discontinued.

5. The Faculty Hearing Committee will hear the issues and make recommendations to the President and the faculty member relative to its findings. Only the President can release results of the Faculty Hearing Committee.

6. No faculty member may have his/her case heard by the Board of Regents until after his/her case has been heard by the Faculty Hearing Committee and its recommendations or findings made known to both the President or his/her authorized representative and the faculty member. After such faculty member receives the report, he/she may choose to appeal to the Board of Regents for a final decision. The recommendations or findings of the Faculty Hearing Committee are advisory to the President and the Board. The Board has sole and final authority in all decisions regarding dismissal or suspension of the faculty member.

#### D.Reduction in Force

A reduction in workforce is a mechanism of last resort to terminate tenured faculty members.

Any decision resulting in the growth, realignment, or reduction of faculty should be guided by a fundamental consideration for the well-being of the University as a whole. This consideration includes providing services as mandated by the state legislature, maintaining sufficient financial resources to continue operation, responding to the demands for higher education by the citizens of Missouri, and maintaining sufficient standards to retain accreditation as a university. Furthermore, as an aspect of maintaining the well-being of the University, program integrity must be maintained by providing sufficient faculty resources to guarantee that instruction is offered in subjects of highest need and demand. Although responsible safeguards for faculty tenure and seniority must be provided, program integrity will be of paramount importance in faculty reduction considerations.

Prior to the implementation of procedures of reduction, other remedies should be fully explored and attempted. Examples of remedies may include, but are not limited to, reduction through attrition, incentives for early retirement, retraining of present faculty to teach in areas of higher demand or alternate assignments including placement in administrative and staff positions, if possible by common agreement between the faculty member and the University.

In the case of a general reduction in force of faculty numbers, as opposed to the elimination of a specific program or department, final decisions must consider, in the following order, the well-being of the University, program integrity, tenure, and the seniority of faculty defined as years of service.

The possibilities of early retirement should be explored before consideration is given to other means of faculty reduction. No faculty member, however, should be forced to retire early in order to achieve a reduction in force. Tenured faculty may be assigned to other academic, administrative, or staff positions needing personnel when the faculty member's qualifications meet or exceed those required by the position. Salary and other considerations of employment

will not exceed those normally associated with the administrative or staff position. If the reappointment is to an internal academic position, the rank of the transferred faculty member will not change.

If after consultation with the Provost, college dean, and department chair, the President determines that a reduction in faculty workforce is needed and requires the elimination of a complete department or a program within a department, a preliminary report will be prepared reflecting the views of the President regarding the recommended reduction. When the process of preparing such a report formally commences, the following steps will be taken:

1. The Provost will inform the President of the Faculty Senate that a reduction in faculty workforce report is being prepared.
2. The Faculty Senate President will compile a list of eligible faculty to serve on an ad hoc Reduction in Force Faculty Advisory Committee. The list will be distributed to all full-time faculty in the form of a ballot. Eligible faculty are those with tenure and rank who are not presently serving in any administrative capacity (department chair, college dean or other administrative capacity). Faculty members or spouses of faculty targeted for termination are ineligible to serve.
3. The entire faculty will elect a ten-member ad hoc Reduction in Force Faculty Advisory Committee. Each faculty member will vote for one faculty member from each College. Faculty members receiving the highest number of votes will constitute the ad hoc Reduction in Force Faculty Advisory Committee. A lottery drawing will be used to break ties.
4. The President's preliminary report will be submitted to the ad hoc Reduction in Force Faculty Advisory Committee and the targeted departments for review.
5. The targeted departments will be given ten working days to formulate a response (if they so desire) for consideration by the ad hoc committee. If the faculty within the department(s) do not object to the preliminary report, the President will be free to make his recommendation to the Board of Regents.
6. If the faculty within a targeted department objects in writing to the preliminary report, the ad hoc Reduction in Force Faculty Advisory Committee will meet to hear such objections plus review other relevant information. Members of the committee will select their own leadership and determine their own rules of operation.
7. Within 15 working days from the time it receives appeals from the targeted departments (25 working days following its election), the ad hoc committee will forward its written recommendations to the President.
8. The President will transmit his/her recommendations along with the ad hoc committee's recommendations to the Board of Regents for final action at the next meeting of the Board of Regents.
9. Within five working days after the Board of Regent's decision, the President will notify the targeted departments and the Faculty Senate President of the Board's decision.

10. If the department is eliminated, the administration will explore options for relocating displaced faculty. A tenured faculty member who loses his/her position will be placed on a recall list for two years. He/she will have access to a list of personnel vacancies as they occur and will be rehired to positions for which he/she is as or more qualified than a non-campus applicant, including his/her own position if re-justified. (A list of openings will be posted by the Office of Human Resources and made available upon request.)

In targeting areas or departments for possible reduction, and in reviewing appeals, the following issues should be considered. The listing should not be construed as being in priority order.

- The quality of the curriculum offered within the department.
- The quality and preparation of the faculty teaching within the department.
- The centrality of the department to the University's mission.
- Services the department provides to non-majors.
- The facilities and equipment required in support of the department.
- The number of majors enrolled in the department's degree program(s).
- The demand for graduates from the department's program(s).
- The competitive standing of the department vis-a-vis similar departments at other institutions in the region.
- The potential impact on the region of closing the department.
- The income/expense ratio of operating the department.

Except in the case of financial exigency, tenured faculty members who are terminated as part of a reduction in workforce will be advised of such a decision by March 31, of the year prior to the academic year for which his/her contract is terminated, if possible/feasible. Other faculty will be given notice as indicated in Chapter 2 of the Faculty Handbook except in cases of financial exigency. Nothing in these guidelines, however, shall prevent termination as part of a reduction in workforce of any non-tenured faculty for other reasons.