

Program Elimination and Appeal Rights
 UW Regulations 6-43 and 5-35 Appendix B
 11/17/15

Program Elimination

Action	Description
Initiation	Vice President for Academic Affairs (VP for AA), dean or program administrator, or faculty or academic professionals (APs) in the program submits proposal to eliminate an academic program to VP for AA. An academic program is a major or course of study approved by the Board of Trustees.
Grounds for elimination	<p>An academic program may be eliminated for any one or more of the following reasons:</p> <ol style="list-style-type: none"> 1. A sustained record of low student enrollment. 2. A sustained record of low academic quality. 3. Obsolescence or duplication. 4. Lack of external need or demand for the program. 5. Loss of external accreditation. 6. A change in the priorities or direction of the University or a college, school, or department. 7. Any other substantial reason why the continuation of the academic program is not in the best interests of the University.
Contents of a proposal to eliminate a program	<p>A proposal to eliminate an academic program shall be in writing and shall:</p> <ol style="list-style-type: none"> 1. Set forth a statement of the reasons for elimination of the program. 2. Contain the following information: <ol style="list-style-type: none"> a. Description of the mission, curriculum, content and format of the program; b. Description of the role of the program within the context of the college and the mission of the University; c. Financial data relevant to the academic program; d. Admission, enrollment and graduation data relevant to the program, including the number of students currently enrolled and the status of their progress toward graduation; e. Description of administration of program; f. Description of faculty and academic professionals who serve in the program, including their academic credentials, academic rank and length of service to the University; g. Description of program facilities, including classrooms and offices, library and equipment used by or dedicated to the program; h. Evaluations from accrediting bodies or other reviewers of the quality of the program and its faculty and academic professionals; i. Comparison of the program with related or similar programs. 3. Describe the anticipated effects of elimination of the program upon the college in which the program is situated, upon other colleges and units of the University, and upon the University as a whole, including: <ol style="list-style-type: none"> a. Effects upon students enrolled in the academic program; b. Effects upon faculty and academic professionals who serve in the program, including termination of any existing positions; c. Educational and financial effects upon other units of the University; d. Effects upon faculty, academic professionals, staff, students and alumni of the University; e. Effects on the State of Wyoming, including effects related to benefits conferred outside the University by the academic program. 4. Set forth an implementation plan to be followed in the event the academic program is eliminated, including: <ol style="list-style-type: none"> a. Procedures for handling current and future applications for admission; b. Plans for assisting currently enrolled students to complete the course of study;

Notice	<p>c. Plans for accommodating faculty and academic professionals who will be terminated or otherwise affected by elimination of the academic program.</p> <p>VP for AA sends copy of proposal within 10 days to:</p> <ol style="list-style-type: none"> 1) President 2) Dean of each college 3) Program administrator 4) Each faculty member and AP in the program to be eliminated 5) Faculty Senate, Staff Senate, and ASUW 6) Each student enrolled in the program to be eliminated
Dean's response	<p>Copy accompanied by a notice stating that responses to the proposal shall be made in writing to the VP for AA by designated date (at least 60 days after copies distributed).</p> <p>Dean and program administrator (if applicable) submits written response, in consultation with the faculty, APs, and students in the program by designated date. Other responses optional (faculty, APs, staff, students, alumni, citizens of Wyoming).</p> <p>VP for AA sends copy of proposal and any responses within 10 days after designated date to:</p> <ol style="list-style-type: none"> 1) Chair of Faculty Senate 2) Chair of Staff Senate 3) President of ASUW
Faculty Senate's review	<p>Faculty Senate submits written review and recommendation to VP for AA within 60 days of receipt (Staff Senate and ASUW have a right to review and provide a recommendation, but it is not required).</p>
VP for AA's recommendation	<p>VP for AA submits written recommendation, along with proposal, responses, and review, to President within 30 days (approves, disapproves, or suggests modifications).</p> <p>VP for AA sends copies of recommendation to:</p> <ol style="list-style-type: none"> 1) Dean of each college 2) Program administrator 3) Each faculty member and AP in the program to be eliminated 4) Each student enrolled in the program to be eliminated 5) Faculty Senate, Staff Senate, and ASUW <p>Copies also maintained in VP for AA's Office and available to the public for review and/or copying.</p>
Action by President	<p>If President approves proposal for elimination or approves with modifications, then submits recommendation, along with proposal, responses, reviews, and VP for AA's recommendation, to Board of Trustees (BOT) for final action (no timing indicated). If President disapproves the proposal, no further action taken.</p>
Designation of Hearing Officers	<p>Committee of three tenured faculty members (appointed by Faculty Senate) identifies a panel of Hearing Officers (required in advance of any elimination of positions per UW Regulation 5-35 Appendix B; the Hearing Officers do not decide on).</p>
Action by Board of Trustees	<p>BOT makes final decision.</p>
Notice	<p>University sends written notice within 10 days after BOT's decision to all faculty members and APs who will be terminated of their termination date and rights under UW Regulations.</p>
Protection for enrolled students	<p>If BOT eliminates a program, BOT must establish policies with regard to admission of students and allowing current students (in good standing) to complete the program at the University or another school.</p>
Tenured faculty and extended term AP rights	<p>University offers each tenured faculty or extended term AP another appropriate position if qualified (before termination date). If no position available, tenured faculty or extended term AP allowed to stay in position for at least the next full academic year after date of termination.</p>
Probationary faculty and AP	<p>University offers each probationary faculty or AP another appropriate position if qualified (tenured faculty and extended term APs get first rights). If no position available, probationary faculty or</p>

rights	AP allowed to stay in position: <ol style="list-style-type: none"> 1) If in at least third year of service, at least the next full academic year after date of termination. 2) If in first or second year of service, at least six months.
Appeal rights	Each tenured faculty member or extended term AP who is terminated has right to appeal the termination (but cannot appeal the decision to eliminate the program).
Timing	Per the regulation, the time period shall include Saturdays, Sundays and legal holidays, but shall <u>not</u> include the time period between spring commencement and the beginning of the next academic year nor the time between the end of fall semester and the beginning of spring semester. Maximum time period: 170 calendar days (approximately 5 months, 3 weeks) plus 5 weeks for winter break and 15 weeks for summer break.

Appeal Rights

Action	Description
Request for hearing	Tenured faculty or extended term AP submits written notice of request for hearing to VP for AA within 10 days of receiving notice of termination.
Grounds for appeal	Grounds for appeal shall be limited to whether the decision to terminate employment was based upon some improper factor or criterion, including: A. Conduct, expressions or beliefs by the appellant which are protected constitutionally or by the principles of academic freedom; B. Factors proscribed by applicable state or federal law regarding fair employment practices; C. Improper selection of the individual to be terminated, as a result of any of the following which had a substantial impact upon the decision to terminate: <ol style="list-style-type: none"> 1. Failure to follow procedures or criteria required by UW Regulation 6-43; 2. Failure to consider available data relevant to the role of the appellant in the University; 3. Reliance upon unfounded or arbitrary assumptions of fact; 4. Reliance upon other immaterial or improper factors.
Selection of hearing officer	VP for AA provides list of designated hearing officers to tenured faculty or extended term AP immediately upon receipt of the request for hearing. Tenured faculty or extended term AP selects hearing officer (subject to the hearing officer's availability) within 5 days.
Scheduling and notice of hearing	Hearing Officer schedules hearing not less than 15 nor more than 30 days after appointment and provides written notice of time and place of hearing at least 10 days prior to the hearing.
Pre-hearing conference	Hearing Officer convenes a pre-hearing conference at least 5 days preceding the hearing. Parties exchange lists of witnesses/pre-hearing discovery.
Hearing and decision	Hearing Officer forwards findings and recommendations to the BOT within 20 days after hearing, with copies to the tenured faculty or extended term AP, the VP for AA, and the President.
Review by BOT	BOT issues a written order to terminate or retain the tenured faculty or extended term AP within 20 days (approved by majority of the members). If terminate over a recommendation by the Hearing Officer for retention, the order shall include a conclusion and reasons supported by the record. BOT sends copy to tenured faculty or extended term AP.
Timing	Per the regulation, in calculating period of time, Saturdays, Sundays, University holidays and legal holidays shall be excluded.