

Principles and Procedures for Merger or Discontinuance of Academic Units

I. Principles

The University's mission in teaching, research, and service includes providing a liberal education as well as advancing and disseminating highly specialized knowledge. However, to allocate its resources more effectively, the University must from time to time merge or discontinue academic units (e.g., colleges, institutes, departments). The University of Alabama Board of Trustees has responsibility for approval of the University's mission, role, and scope, and for the degree programs offered by the University. The Board delegates to the President responsibility for administration of the University and its programs of instruction, research, and service. Decisions to merge or discontinue academic units are the responsibility of the President. The President will seek the advice of administrators and faculty within the University in considering such decisions and will ensure that all faculty and staff who might be affected by merger or discontinuance of programs are consulted before a final decision is made and that the decision will consider the needs of current students.

The President will base decisions to merge or discontinue an academic unit essentially on educational considerations that reflect long-range judgments that the overall educational mission of the University will be enhanced by the merger or discontinuance. Examples of motivating factors include program inviability (based on demand for a program and the potential for growth), avoiding duplication, effecting economies in management, strengthening related programs, or streamlining the University's mission. An academic unit's record of excellence will be a consideration in decisions regarding merger or discontinuation.

II. Procedures

When a dean, after consultation with the Provost and other appropriate deans or department chairs, believes it necessary to consider a merger or discontinuance of an academic unit, the dean shall proceed as follows.

1. Inform Affected Faculty & Convene Task Force

The dean shall convene a meeting of the appropriate faculty to explain the reasons for considering a merger or discontinuance, distribute copies of this document, and announce the formation of a Task Force (see Appendix A). The Task Force will explore the ramifications of various merger/discontinuance scenarios, paying particular attention to the terms and conditions of any changes in faculty status resulting from the proposed merger or discontinuance (such as termination of faculty positions, reassignment of faculty, modifications in research or teaching assignments, changes in reporting channels, or retraining that would be provided to facilitate continued employment of faculty). The dean shall ask the faculty to introduce any information in support of continuation of the academic unit or to suggest alternatives to the Task Force. This information may be conveyed to the Task Force orally or in writing, individually or in groups, and must be received within a reasonable period of time following the meeting (normally ???). In addition, any faculty member with tenure who believes that a proposed reassignment or modifications in research or teaching assignments is tantamount to termination of his/her appointment with the University shall inform the dean and Task Force in writing, providing reasons for his/her concern, within a reasonable

period of time (normally ???). The Task Force will be given a reasonable amount of time (normally three months) to assemble the information it needs to consider the ramifications of possible merger scenarios.

The Task Force will rank order the merger options considered and deliver a report to the dean and affected faculty.

2. Summarize Task Force Findings, Propose Merger & Solicit Faculty Response

After the Task Force makes its recommendations, if the dean decides to continue considering the proposed merger or discontinuance, the dean shall convene a meeting of the appropriate faculty and convey to them a summary of whatever information has been assembled and the alternatives suggested. The dean shall describe which option s/he will pursue. For those tenured faculty members who indicated to the dean in writing that they believe their reassignments or other modifications in faculty assignments are tantamount to termination of their appointment with the University, the dean shall provide a written statement explaining plans for continued employment in a faculty position within the University. Those tenured faculty members not satisfied by the dean's written statement of explanation shall indicate their concerns to the dean in writing requesting that the merger or discontinuance be reassessed by the Task Force. The dean shall allow a reasonable period following this second meeting for the faculty (individually or collectively) to respond to any information or alternatives discussed in the meeting and to respond to the written statement of explanation (normally four weeks). The Task Force should also respond to the faculty request(s) within two weeks, giving a supplemental report to the dean and affected faculty.

3. Solicit Response to Merger Proposal from Council of Deans & Faculty Senate

If the dean decides to continue considering the proposed merger or discontinuance, s/he shall convey the reasons for considering a merger or discontinuance, along with a summary of all responses received, to the Council of Deans, the Faculty Senate, and in cases that might affect graduate programs, to the Graduate Council. (A copy of the summary conveyed by the dean will be available to the faculty in the office of the academic unit under consideration.) Such notification is to provide opportunity to identify consequences that may have been overlooked or elicit suggestions for alternatives. The dean shall allow a reasonable period (normally thirty days during the fall and spring semesters) for these groups to respond.

4. Recommend Merger to Provost

If the dean, after receiving information and recommendations from all groups, decides to proceed with the merger or discontinuance, the dean shall submit a recommendation to the Provost. This recommendation will include all information and advice regarding the proposed merger or discontinuance that has been offered by individuals or groups. The dean's recommendation will include proposed provisions to allow students already enrolled to complete their degree requirements.

5. Provost Makes Merger Recommendation to President

The Provost is responsible for reviewing the recommendation for merger or discontinuance from the dean, and for ensuring that all steps in these procedures have been followed. The Provost may ask for additional information or clarification concerning items included in the dean's recommendation, and may seek advice from knowledgeable parties on campus or elsewhere. The Provost will make a recommendation to the President.

6. President Decides whether to Proceed with Merger

The President, after studying the recommendation from the Provost, and obtaining any additional

information, clarification, or advice that s/he thinks necessary, will make the decision whether to merge or to discontinue academic units. If the President decides to merge or discontinue units, provisions shall be made to allow students already enrolled to complete their degree requirements. Every effort will be given to finding continued employment at the University for administrative, technical, or clerical staff members whose jobs might be lost.

Note: In cases where the merger or discontinuance above is a merger or discontinuance of colleges or schools, the Provost will perform the duties assigned to the dean in this document, and the first recommendation shall be made to the President rather than to the Provost.

III. Additional Considerations

The University shall make every reasonable effort to provide other suitable positions for faculty members whose appointments are lost due to a decision to merge or discontinue a unit. Probationary faculty members whose appointments are lost due to a decision to merge or discontinue a unit may have their appointments terminated with appropriate notification. If placement in another position at the University for a tenured faculty member would be facilitated by a reasonable period of training, financial and other essential support for such training will be proffered. If no position is available within the University, with or without reasonable retraining, the tenured faculty member's appointment may be terminated. Notice of termination to faculty members will be provided consistent with policies published in the *Faculty Handbook*.

If the University is unable to provide suitable employment for a tenured faculty member who is displaced by the merger or discontinuance of academic units, the University shall provide at least one year of notice, or at least one academic year of severance pay. In determining the date of severance and the amount of severance pay, the University will consider the faculty member's service to the University, and will be mindful of the interests of faculty members who are approaching eligibility for vesture in the retirement system or eligibility for retirement.

Any tenured faculty member whose appointment is terminated because of merger or discontinuation of a unit, or who believes changes in his/her assignments are tantamount to termination of appointment, and who questions whether the University followed the policy described in this document, is entitled to appeal to the University Mediation and Grievance Committee. This Committee shall function as a hearing committee and report its findings and recommendations to the President and to the faculty member involved. The hearing will be limited to questions as to whether the University has followed the policy described in this document; the decision to merge or discontinue the unit shall not be at issue. The hearing need not conform in all respects to a proceeding conducted before a Hearing Tribunal (as described in the Mediation and Grievance policy), but shall provide the essentials of an on-the-record adjudicative hearing.

Appendix A - Task Force Mandate & Membership

When a merger or discontinuance is considered, a dean or the Provost shall convene a Task Force to explore the ramifications of possible merger scenarios. The Task Force shall prepare a report for interested parties (the dean, affected faculty, the Faculty Senate, Council of Deans, Provost, and President) which rank orders the merger scenarios considered, describing the pros and cons of each scenario. The Task Force should conduct its review as objectively as possible and solicit input from the affected faculty. The Task Force should have access to departmental reviews, program viability data, etc. to aid its evaluation. The options explored by the Task

Force need not be limited to those initially outlined by the dean, since attractive alternative options may arise in the course of the review. The functioning of the Task Force is likely to be rather dynamic, involving negotiations with the faculty and dean(s), and possibly the Provost and President, before its final report is made. The Task Force will have three months from the date of its first meeting to deliver its final report.

Task Force membership

The Task Force should have an odd number of members (to avoid tie votes), with a minimum number of 5. The Task Force membership should represent all affected constituencies and shall consist of:

1. two faculty members from the affected unit, elected by the affected unit
2. at least one faculty member from each of the possible destination units
3. one faculty representative from the Faculty Senate Academic Affairs Committee (to facilitate the later review by the Faculty Senate)
4. one or two "outside" faculty from the University who are not from any affected unit
5. (optionally) one alumnus of the affected unit

The chair of the committee shall be appointed by the dean.

Perhaps an associate dean as non-voting chair in order to get data ??

Appendix Z - Redundant Committee

A standing committee called the University Committee on the Merger or Discontinuance of Programs (referred to hereafter as the Committee) will represent the faculty as a whole in cases where merger or discontinuance could result in termination of a faculty appointment (i.e., termination of an appointment with tenure or a probationary or special appointment before the end of the specified time).[Footnote 1] Its function will be to determine whether merger or discontinuance of an academic unit would benefit the educational mission of the University as a whole. This determination will be based essentially on educational considerations similar to those that affect the President's decision and the recommendations by deans and the Provost. Examples of factors that may be considered include program viability (based on demand for a program and the potential for growth), and the need to avoid duplication, or to effect economies in management, or to strengthen related programs. An academic unit's record of excellence will be a consideration in decisions regarding merger or discontinuation, but will not be the decisive factor.

[Footnote 1:]The specified time for notification of termination of appointments for probationary faculty shall conform to requirements for notification of non-retention in the Faculty Handbook. Persons who have special appointments, appointments that are neither tenured nor tenure-track, are reviewed annually; continuation of such appointments depends on a record of satisfactory performance and on a continuing need for the services performed.

The Committee shall consist of nine tenured faculty members who are not members of the University Mediation and Grievance Committee, with three members elected by the Faculty Senate, three elected by the Graduate Council, and three elected by the Council of Deans. The three persons elected by each group will serve staggered three-year terms, with a new member elected each fall semester for a term to begin at the start of the following spring semester.[Footnote 2] No person elected by a group shall be a member of that group at the time of election, and the Council of Deans shall not elect any person who is a current member of the Council of Assistant and Associate Deans. No two of the three serving members elected by a group shall be faculty members of the same college or school (other than the Graduate School). Members completing a term on the Committee are not eligible for reelection until two years have passed. The Committee elects its own chairperson

from among its members at the start of each spring semester.

[Footnote 2:]The initial Committee will begin to serve when elected rather than at the start of the following spring semester and the terms of members will be extended accordingly. Each group shall assign terms of one, two, and three years to the three persons it elects to the initial Committee. The initial committee will meet as soon as possible to elect its chairperson.

Task Force Re-Reviews Merger If Faculty will be Terminated

If, after receiving any responses from the groups in step 3 above, the dean decides to proceed with consideration of the merger or discontinuance and no faculty appointments are to be terminated, then the dean shall proceed directly to Step 5. However, when the proposed merger or discontinuance includes termination of tenured faculty appointments of probationary or special appointments without appropriate notification or in cases where tenured faculty have requested a review as in Item #2 above, the dean shall forward a summary of the information gathered to the University Committee on the Merger or Discontinuance of Programs, requesting the Committee to determine whether the merger or discontinuance is based essentially on educational considerations. The Committee shall have a summary of all data gathered and shall have access to the original materials from which the summary has been compiled. The Committee is free to gather other material at its discretion; it may seek advice from knowledgeable parties on campus or elsewhere. Normally the committee should complete its work within thirty days, but it may extend this period in difficult cases. The committee will convey its report to the dean.