

**MORGAN STATE UNIVERSITY
POLICIES AND PROCEDURES RELATING TO
THE RETRENCHMENT OF FACULTY MEMBERS
AND THE DISCONTINUATION OF ACADEMIC PROGRAMS**

- I. **GENERAL CONSIDERATION:** In fulfillment of its mission as an urban-oriented institution serving multiple constituents, it is essential for Morgan State University to make effective and optimal utilization of its educational resources. Effective utilization of its educational resources may necessitate that as a state-supported institution, consideration be given to retrenchment, reallocation, and/or reassignment of faculty as a strategy for ensuring continued viability as an educational institution. Retrenchment or reallocation of faculty may occur as a result of such factors as changing demographics, shifts in student preferences for academic programs, and restricted funding. If these circumstances are manifested, then Morgan State University will seek to maintain the integrity of its mission and preserve the quality of its programs and services. The University, in planning for the future, must fulfill its commitment to matriculated students while protecting the rights of faculty members and other employees.
- A. The University is a public, doctoral-granting, urban research institution. The University must maintain a strong liberal arts core and a profile of programs uniquely suited to its special urban mission. It must also offer well-selected career and pre-professional programs.
- B. In each area of instruction, the University must ensure that the curriculum contains the mix and level of courses by area of specialization necessary to give the requisite range and depth of knowledge in the discipline. This can only be achieved by engaging faculty members with the relevant expertise and providing to both faculty and students the facilities, equipment, and library resources necessary to ensure high quality programs.
- C. The term “retrenchment,” as used in these Policies and Procedures, means the elimination of teaching positions necessitated by any or all of three factors: (1) lack of appropriations or other funds with which to support the appointment; (2) discontinuance of the department, program, school or unit in which the appointment was made; or (3) a demonstrably bona fide financial exigency affecting the University. Retrenchment may be accomplished through attrition, nonrenewal of expiring term appointments, the termination of academic appointments, or any combination of these approaches depending upon the time frame in which retrenchment must be achieved.

- D. The contractual employment rights of faculty members are contained in the written appointment agreement and supplemented by the University policies and procedures governing the terms of conditions of employment. The University will protect and honor those rights. Specifically, any faculty member who is entitled by contract to notice of termination or terminal appointment will receive the contractual due. In general, the University will do its utmost to ensure that retrenchment, when necessary, is implemented humanely, equitably and without release, if possible, of tenured faculty.
- E. When a program is discontinued, every effort will be made to phase it out over a period of time with due notice to students. Students whose access to required course offerings is affected by retrenchment will be afforded all possible opportunities for completion of their program either on campus or through arrangements with other institutions in the Baltimore metropolitan area.
- F. When the factors defined in paragraph C. necessitate retrenchment, the faculty will be informed immediately by the President of the University. An ad hoc committee of senior faculty will be elected by the faculties of the schools as follows:

Two (2) faculty members from the College of Arts and Sciences.

One (1) faculty member each from the Schools of Business and Management, Education and Urban Studies and Engineering.

This Committee will review all documentation pursuant to the basis for retrenchment as well as confer as needed with representatives of the administration and/or the faculties of the four schools. In addition, the faculty, with representations from tenured and nontenured members, will participate at every level within the institution in the decision-making process relative to academic programs.

II. DEPARTMENTAL PROGRAM ANALYSIS

- A. On an annual basis, the University shall review all academic programs to determine the contribution of each program to the University's academic mission. Each department shall be assessed with respect to quality of programs and courses of instruction and their productivity as measured by credit hours generated per full-time equivalent faculty.
- B. Any decision to discontinue a department, academic program of instruction, or to reallocate budgeted faculty positions between academic programs and departments shall be based on an analysis of the programs and courses of

instruction offered by the department with respect to:

- (1) the centrality of each program or course of study to the University's mission;
- (2) its quality;
- (3) its staffing in relation to enrollment; and
- (4) any other unique or distinctive educational characteristic.

III. PROCEDURES FOR RETRENCHMENT

- A. Before any faculty appointment is terminated, the President shall determine how many positions can be eliminated through:
 - (1) voluntary retirement; and
 - (2) nonrenewal of expiring term appointments.
- B. The identification of individual faculty members for retrenchment shall be made in an objective and impartial manner. It shall be accomplished on a program/department basis. Using the annual departmental program analysis, the dean of each school in consultation with department chairs and faculty shall recommend specific departments, programs, or courses of instruction for modification, specifying, if required, the number of full-time equivalent positions to be eliminated in each designated area. The deans shall submit their recommendations to the Vice President for Academic Affairs, who will review them and submit a recommendation to the President.
- C. Within each department, program or course of instruction designated by the President, the appointments of faculty members responsible for instruction shall be terminated in the following order, until the requisite number of positions is eliminated:
 - (1) temporary appointments, i.e., lecturers, instructors;
 - (2) tenure-track faculty members without terminal degrees in their teaching fields;
 - (3) tenure-track faculty members who possess terminal degrees in the fields of instruction in which they are teaching or in closely related fields;

- (4) faculty members with tenure: a) in programs, departments or units planned to be discontinued and b) faculty in continuing programs, departments, schools and units.

The intent of the university is to maintain the academic integrity of the university; therefore, a case by case review will be conducted to determine whether the discontinuance of a tenured professor will seriously distort the academic program(s).

If, within any of these categories, further distinctions must be made to determine the order of retrenchment, then termination shall be made in reverse order of seniority. For this purpose, seniority shall be determined on the basis of length of continuous service to the University. If two faculty members have achieved the same length of continuous service, then the one holding the highest academic rank shall be deemed to have seniority. If two faculty members with the same length of continuous service also hold the same academic rank, then the one with greater time in rank shall be deemed to have seniority.

- D. Notwithstanding the provisions in the preceding paragraph, the President may make exceptions in the retrenchment sequence and continue the appointment of a faculty member who would otherwise be terminated where the failure to do so would result in a serious distortion in the academic program. The President may also give special consideration to faculty members serving as academic administrators or providing noninstructional services of special importance to the University.
- E. A tenured or tenure-track faculty member whose appointment is terminated due to retrenchment shall be given priority for a period of two years from the date of termination for any job vacancy at the University for which he or she is qualified. In such instances, preference will be given to the retrenched individual holding the terminal degree in the area of the vacancy.
- F. If positions in a particular department or program are terminated due to retrenchment, then the University will not at the same time make new appointments in the affected area unless the failure to do so would result in a serious distortion in the academic program.
- G. Faculty members whose appointments are terminated due to retrenchment shall be notified in writing by certified mail of the University's decision within the time limits established by the contract or other University policies and procedures governing the conditions of employment. The letter of notification shall specify:
 - (1) retrenchment as the basis of termination;

- (2) the effective date of termination; and
- (3) the right of the individual to appeal as well as the channels of appeal.

IV. APPEAL PROCEDURES

- A. Each faculty member who is terminated due to retrenchment may file an appeal, setting forth in writing the grounds thereof. The appeal must be made to the President within 20 calendar days after the date of notification.
- B. An independent faculty committee comprised of five (5) senior (tenured) faculty and three (3) alternates will be elected by the faculties of the schools as follows to serve as members of the ad hoc Retrenchment Appeals Committee:
 - Two (2) faculty members and one (1) alternate from the College of Arts and Sciences.
 - One (1) faculty member and one (1) alternate each from the Schools of Business and Management, Education and Urban Studies and Engineering.
- C. In hearing regarding retrenchment resulting from a financial exigency, the administration will have the burden of proof to demonstrate the existence and the extent of the exigency.
- D. The Retrenchment Appeals Committee shall make its recommendations to the President, who shall consider the recommendations and render a final decision which shall be binding on all parties. The President shall notify the faculty member of that decision no later than October 15 of the subsequent academic year. The filing or consideration of an appeal shall not alter the effective date of termination unless the final decision of the President is to revoke the notice of termination.