

06.1200 Termination and Revocation of Tenure

06.1201 Termination of Tenured Faculty. The employment of a tenured faculty member may be terminated only by the Board and only for adequate cause or financial exigency.

06.1202 Procedures for Termination of Tenured Faculty for Adequate Cause. Each Institution shall adopt procedures for termination of tenured faculty for adequate cause. Such procedures shall include, at minimum, the following provisions:

1. reasonable and timely notice of the reason for possible termination;
2. an opportunity to meet with and respond to an administrator prior to initiation of formal action to terminate;
3. an informal, advisory inquiry into the reasons for the termination before initiation of formal proceedings;
4. a statement informing the faculty member of the reason for initiation of formal termination proceedings and of his or her procedural rights under Institution policy;
5. an opportunity for a formal hearing; and
6. a requirement that the Board make the final determination involving the termination of a tenured faculty member.

06.1203 Board Review. A recommendation to terminate a tenured faculty member for adequate cause shall be forwarded by the President to the Board through the Chancellor. A tenured faculty member shall not be terminated for adequate cause except by a majority vote of the total membership of the Board. The Board shall provide specific

reasons in writing for any decision to terminate a tenured faculty member for adequate cause.

06. 1204 Termination of Non-Tenured Faculty. An Institution may terminate the employment of a non-tenured faculty member by non-renewal of his or her appointment or for adequate cause or financial exigency during the course of his or her appointment.

06.1205 Procedures for Termination of Non-Tenured Faculty for Adequate Cause. Each Institution shall adopt procedures for termination of non-tenured faculty for adequate cause. Such procedures shall include, at minimum, reasonable and timely notice of the reason for termination and an opportunity to respond.

06. 1206 Adequate Cause. Adequate cause for termination of a tenured or non-tenured faculty member may include, but shall not be limited to:

1. professional incompetence;
2. continuing or repeated failure to perform duties or meet responsibilities to the Institution, System, students, or associates;
3. failure to successfully complete a post-tenure review professional development program;
4. conduct adversely affecting the performance of duties or the meeting of responsibilities to the Institution, students, or associates;
5. violation of System or Institution policies or regulations, or laws substantially related to performance of faculty duties;
6. conviction of a crime substantially related to the duties and responsibilities associated with teaching, research, professional service, and/or administration or failure to disclose or misrepresentation of criminal history background information;
7. unprofessional conduct adversely affecting to a material and substantial degree the performance of

duties or the meeting of responsibilities to the Institution or System, or to students or associates; or

8. falsification of academic credentials.

06. 1207 Suspension. A tenured or non-tenured faculty member may be suspended pending proceedings to terminate for adequate cause if the faculty member presents a threat of immediate harm to the Institution.

06. 1208 Financial Exigency.

1. Definition. A financial exigency is an actual or imminent financial crisis, as determined by the Board, that threatens the survival of the Institution as a whole and that cannot be alleviated by measures other than terminating tenured or tenure-track faculty.

2. Declaration of Financial Exigency. The decision to declare a financial exigency may be made only by an affirmative vote of the Board. Prior to voting, the Board will consider the recommendation of the Institution's administration submitted in a timely manner and through the Institution's established procedure. The declaration of a financial exigency will be for a specified period of time not to exceed two years, unless extended by the Board.

3. Plan for Retrenchment. Before an Institution takes action pursuant to a declaration of financial exigency, it shall submit a plan for retrenchment to the Board for consideration. The Board may modify the plan prior to its approval.

4. Termination of Tenured Faculty. An Institution's recommendation to terminate a tenured faculty member due to financial exigency must be presented to the Board for approval.

5. Rescission of Declaration. The Board may, by majority vote, rescind its declaration of financial exigency at any time. Such rescission, however, does not operate to automatically withdraw or otherwise invalidate any notice of dismissal issued

to an individual during the period of declared financial exigency.

6. Financial Exigency Policy. Each Institution shall adopt a policy consistent with this Regents Rule that outlines Institution policy and procedures applicable prior to and during a financial exigency. The policy shall include the procedure for the Institution's administration and faculty to make recommendations to the Board regarding a declaration of financial exigency and provide for notice and a hearing before a faculty committee for any faculty member whose termination is recommended due to financial exigency.

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