

Senate Resolution 08/09-09: Rights and Privileges of Faculty with Tenure in Terminated Programs

Update of SB 190

WHEREAS: SB 190, passed by the Senate in 1988, referred to 1982 Recommended Institutional Regulations on Academic Freedom and Tenure and AAUP 1984 standards, and

WHEREAS: It is advantageous to update this expression of policy using the current institutional regulations, which are stated in the Faculty Handbook's Statement on Academic Freedom (currently, Chapter 7, Section 14), and

WHEREAS: The AAUP Policy Document and Reports. 1990. is now the prevailing resource adopted by the University in matters relating to faculty rights in program termination,

THEREFORE: Be it resolved that the following policy be adopted.

It is expected that the University shall place tenured faculty members of terminated programs in other appropriate positions within the University or find appropriate placement within the University system. Subsequent to notification of termination, the University shall make serious and strenuous efforts to place terminated faculty with tenure in any position within the University and the University system for which their education, special training, experience, and abilities are appropriate, and which are open or become open for the faculty member's employment. These efforts will continue at least six months after the actual termination of the program.

Retraining of up to one year shall be provided to faculty if necessary for placement.

Tenured faculty members with a minimum of ten years of service at the University and who are within five years for service retirement when they are notified of termination may not be terminated involuntarily because of termination of a department or program.

No position of such a terminated faculty member shall be filled by a replacement within a period of five years after the faculty member's employment in the terminated program actually ends, the faculty member has been offered the position and a reasonable time to accept it and has not accepted it or the University is unable to contact the person involved. Terminated faculty who had tenure shall be granted full privileges as a retired faculty member. All terminated faculty shall receive one year of severance pay for every five full years of service to the University; but in any case severance compensation shall be at the very minimum no less than the equivalent of one year's salary. The letter of termination will include a statement giving the termination date and the amount of the severance compensation.

1. Grounds for Review of Termination

A faculty member whose status is affected by termination of a program may request the Faculty Appeals Committee to review that action on one or more of the following grounds.

a) The decision was affected in significant degree by the faculty member's personal beliefs, expression, or conduct which fall within the liberties protected by law or by the principles of academic freedom as established by academic tradition and the Constitutions **and** Statutes of the United States and the State of Alabama.

b) The decision was affected in significant degree by factors prohibited by applicable federal and state law regarding fair employment practices.

- c) The faculty member was not a member of the faculty of the program.
- d) the program was not actually terminated.
- e) The faculty member was unreasonably denied an opportunity to participate or present evidence in the decision to terminate a program.
- f) The faculty member was not given timely notice of the termination as required.
- g) The University failed to make a good faith effort to place the faculty member in a position **as required**.
- h) The procedures described in this policy were violated
- i) The procedures as described in AAUP 1990 Policy Documents and Reports were violated.**

II. Review Committee

Following the effective date of the termination of any tenured faculty, the Faculty Senate Personnel Committee will review the rights (including the rights to severance pay) and privileges of tenured faculty affected by program termination. This committee will review whether the termination procedures followed the policies specified in this document and will make recommendations for change in the policy or procedures, if any. Findings of this committee will be reported to the Faculty Senate President.

III. Policy Guidelines

The assessments of the rights and privileges of faculty in terminated programs will follow interpretations of academic freedom, due process, and adequate review given in the AAUP Policy Documents and Reports. 1990 edition, including but not limited **to the following**:

- a) 1940 Statement on Academic Freedom and Tenure;

- b) Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointment;**
- c) Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments;
- d) The Standards for Notice of Nonreappointment;
- e) The institutional regulations on Academic Freedom and Tenure (as expressed in the Faculty Handbook Statement on Academic Freedom);
- f) Statements on Professors and Political Activity;
- g) Statement on Professional Ethics.