HOP 2.38 Program Abandonment deals with an issue that has significant impact on faculty: the policy details the procedure for closing down programs of study and for the elimination of faculty positions. Program close includes as a special case, closure that results in the reassignment or ultimately the possible dismissal of tenured faculty.

The system has the authority to close programs and reassign or dismiss tenured faculty under a fairly narrow range of circumstances as described in the relevant Regents' Rule (31003, available at http://www.utsystem.edu/bor/rules/30000Series/31003.pdf). Many faculty were worried about this authority and the possibility of abuse.

The UCC broadly welcomes the newly proposed policy, which expands in some ways on the Regents' Rule, providing extra protections for faculty. The new policy also includes what looks like much-needed integration with the SACS accreditation agency, which has policies of its own that UTSA must follow when programs are closed, and which requires students in abandoned programs to be given an appropriate opportunity to finish their studies within the program. Lastly, the new policy makes some provision for possible reassignment of faculty as an alternative to termination. The UCC applauds all of these changes.

The new policy deals with two separate rationales for program closure: (1) closure for academic reasons and (2) financial exigency. Almost all of the policy deals with (1), and (2) is relegated to a single paragraph (IX.B.1) stating that UTSA will follow the relevant Regents' Rule.

The procedure outlined in the case of closure for academic reasons involves two processes. (1) in every case of program closure, the Dean of the college and Chair of the department in which the program slated for closure resides form a committee to assess the program. This committee (henceforth the 'college committee) makes a recommendation, which is forwarded to the Dean, who writes his or her own recommendation and forwards both to the Senate (possibly to the Graduate Council) and to the Provost, who then makes his or her own recommendation to the President. (2) in cases of program closure which 'may' result in the termination of tenured faculty, an additional committee (henceforth the 'university committee') must be formed, some of whose membership is nominated by the Senate.

The college committee is a new innovation with this iteration of the policy, and the UCC supports it (with some small reservations) as a positive step to protect faculty interests. The UCC also broadly supports the rest of the new policy, with the exception of the proposed changes in the composition of the university committee. The UCC was also of the opinion that the policy was misleadingly worded in places.

Recommendations

1. Remit of two committees (IX.A.5, IX.A.2). The college committee is required to address the question of faculty termination (IX.A.2.a.iv), and faculty whose positions might be eliminated can contribute to the committee (IX.A.2.b). But there may be no such faculty, if only the college committee is being convened. And if there are, consideration of these issues ought to be undertaken in the university committee. But the university committee has only this vague remit: 'to review the proposed actions'.
   Recommendation: work with Provost's office to better specify the remits of the two committees.

2. Composition of the university committee (IX.A.5). The old policy (B.3) required the President to appoint a committee of exactly seven members, four of whom 'shall be tenured members of the UTSA faculty, some of whom may hold administrative responsibilities. The four tenured members of the committee will be appointed by the President from a group of not less [sic] than eight faulty nominated by the Faculty Senate.' The new policy requires 'at least 5' faculty to be nominated by the Senate but specifies only a 'minimum' of 8. This is a substantial diminution of faculty protection. In the old policy tenured faculty from a pool nominated by a faculty body held a majority; in the new policy this is no longer the case.
   Recommendation: The UCC recommends reverting to the language of old policy here.

3. Remit of college committee (IX.A.2). The old policy (B.3) contains this directive to the committee 'The committee shall consider and may offer advice on alternatives by which terminations of tenured faculty members can be avoided or minimized and how the negative effects of any necessary terminations can be mitigated.' IX.A.5 eliminates this sensible requirement and suggestion:
   Recommendation: reinsert this language at IX.A.2.a.v

4. Composition of the college committee (IX.A.2). The UCC supports the introduction of a second level of protection here. But the UCC has some similar questions about the composition of this committee. The new policy suggests the 'college Dean and Department Chair form a committee of faculty from the college and department which includes at least two individuals not affiliated with the proposed program.' Presumably the intent is that the committee not be entirely composed of faculty who support the program slated for closure so that the committee can give voice to all sides. But as stated the rules don't require anyone on the committee to advocate for the program.
   Recommendation: Add 'Interested faculty members who support the program proposed for abandonment shall be provided with the opportunity to contribute to the committee's review' at end of IX.A.2 prior to point a.

5. Reduced time to prepare for closure. The old policy required programs to close 'no sooner than 18 months' (B.5) after the President's. The new policy shortens this to 'one academic year' (IX.A.8).
Recommendation: The UCC recommends reverting to 18 months to give affected faculty time to consider their options.

6. Clarity about the scope of the policy.
    a. The 'Policy Statement' claims that the policy governs program abandonment 'with or without financial exigency' (I). In fact almost all the document concerns program abandonment without financial exigency i.e. for academic reasons (IX.A) and the only mention of financial exigency is a definition (VII) and IX.B which states simply that UTSA will follow the Regents' Rules in the case of financial exigency.
    Recommendation: replace first sentence of I with 'It is the policy of The University of Texas at San Antonio (UTSA) to provide institutional procedures for an in-depth review to inform and guide decisions concerning the elimination of academic programs or occupied academic positions. Such programs and positions may be eliminated for bona fide academic reasons or as a result of financial exigency.'

    b. The policy mentions the elimination of 'occupied academic positions' in addition to programs, but none of the specific policies in IX.A.1-8 mentions elimination of academic positions except within the context of program abandonment. E.g. IX.A.5 states that 'When program abandonment may result in the termination of employment of tenured faculty members, the Office of the Provost shall appoint an ad hoc committee on faculty termination to review the proposed actions'. On a strict reading, the Provost is NOT required by this policy to appoint such a committee if the termination is not the result of a program abandonment.
    Recommendation: insert language making it clear that the policies apply to the elimination of occupied academic positions even in the absence of program abandonment.

7. Opening statement. The old policy began (B1) with this declaration: 'Decisions regarding the elimination of an academic program shall be made only after thorough consideration of viable alternatives. The criteria for the elimination of academic programs, in the absence of financial exigency, shall be based on bona fide academic reasons.' This language is eliminated in the new version.
Recommendation: re-insert this language (replacing 'in the absence of financial exigency' with 'for academic reasons') in IX.A prior to 1.

8. A comment. The AAUP (http://www.aaup.org/report/financial-exigency-academic-governance-and-related-matters) mentions that program

abandonment on grounds of financial exigency is likely to be a much less controversial procedure if faculty have already been involved in some way in the budgetary process.

9. A request for clarification. What are the academic criteria that can lead to a program being targeted for abandonment?