

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION  
Policy and Procedures Manual

SUBJECT: PERSONNEL

Policy 710.2.1 – Termination; faculty-financial exigency

**Adopted: March 10, 1980; Revised: November 18, 1999**

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### **I. Board policy**

The Board of Regents may terminate tenured faculty members of a campus of the University System for reasons of financial exigency of that campus or discontinuance or reduction of a program or department of instruction.

#### **A. Financial Exigency**

Financial exigency exists when a University System campus's budget for faculty member services is insufficient to sustain the current number of faculty positions taking into account anticipated attrition and non-renewal of probationary appointments.

#### **B. Program Reduction or Discontinuance**

Staffing in a program or department may be discontinued or reduced following:

1. A system-wide or campus level review of the particular program or department, or
2. A sustained decline in enrollment or shift in student interests adversely affecting the program or department.

Each campus may develop separate procedures to implement these policies.

In the absence of separate campus procedures approved by the Board of Regents upon recommendation by the Commissioner the following procedures shall apply.

### **II. Procedures**

A. The president or chancellor will prepare a preliminary report with recommendations when he believes termination of tenured faculty at his campus is necessary under this policy. The report shall explain the need to invoke this policy, and shall include a projection of the number of tenured faculty involved, the programs or departments where the terminations will occur, and any relevant data. This report shall be submitted to an ad hoc campus committee at least 60 days before the matter is considered by the Commissioner of Higher Education and by the Board.

B. In determining whether this policy should be invoked and in selecting the areas where the terminations will occur, consideration shall be given to the campus's responsibility to offer an appropriate range of courses and programs and to maintain a balanced institutional effort that is responsive to the needs of the students and the state.

C. The ad hoc committee shall consist of six faculty members, three appointed by the president or chancellor, three appointed by the faculty senate, as well as one student appointed by the president of the student governing body. No member may be from any program or department affected by the president's report. The members must be appointed by the appropriate appointing authority within 5 days following request by the president or chancellor. The president or chancellor shall make the appointments if the appointing authority fails to do so.

D. The ad hoc committee shall afford affected programs and departments an opportunity to comment on the president or chancellor's and Committee's recommendations. The committee shall complete its work within 45

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days after the president or chancellor has sent his report to committee members. The president or chancellor and the committee may agree upon a single report, or may submit separate reports to the Commissioner and Board. If the Committee fails to submit a report to the president or chancellor within 45 days, the president or chancellor will submit his report to the Commissioner and the procedure will continue.

E. The Board will make the final decision on termination of tenured faculty under this policy following review and consideration of the Committee's and president or chancellor's report(s) and the Commissioner's recommendations.

F. Terminations will be in reverse order of seniority by the department or program which has been identified by the Board, unless an exception to the order of seniority is necessary to assure that the qualifications of the remaining appointees meet the requirements of the programs to be retained. Seniority is measured by the faculty member's full-time equivalent professional service at the campus. Service as a graduate assistant or student employee does not count as service for seniority purposes. Between faculty members of equal length of service, the member with the greater number of years of service in the higher rank shall have retention priority. The academic year shall be deemed to be a year of service and no additional seniority shall be accrued for any assignment beyond the academic year. No tenured faculty member shall be terminated if non-tenured faculty members are retained in the same discipline to teach courses the tenured faculty member is qualified and capable of teaching as determined by the president or chancellor.

G. Before terminating a tenured faculty member under this policy, the campus will make a reasonable effort to place the affected member in another academic position for which he/she is qualified at the campus. The position of any tenured faculty member terminated under this policy will not be filled for a period of two years unless the person terminated has been offered reinstatement. The person shall have thirty days in which to accept an offer of reinstatement.

H. Any tenured faculty member selected for termination under this policy shall be so informed a minimum of twelve months prior to the date of termination. Any tenured faculty member notified of termination may appeal the termination to the Commissioner of Higher Education and the Board of Regents pursuant to the Board Policy in effect when the notice is given, but only on the grounds that the procedures contained in this policy were violated.

History:

Item 26-017-R0380, Termination of tenured faculty due to financial exigency and program discontinuance and reduction; Montana University System, March 10, 1980; as revised November 18, 1999 (Item 104-103-R0999).