

# INDIANA UNIVERSITY BLOOMINGTON

## Contingency Planning Policy & Procedures for Program Merger & Elimination

(By Action of the Bloomington Faculty Council: December 14, 1982; Amended October 16, 1984)

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### Rationale

It is a well-established principle at Indiana University that the appropriate locus of administrative decisions regarding school-level units is the school. Equally well-established in administrative decision-making is a tradition of consultation. School deans, for example, consult with their faculty by means of elected policy and advisory committees; the deans, in turn, consult with each other and with the campus vice president in matters of broader campus interest; the vice presidents consult with each other and, as needed, with the president in matters of system-wide interest.

The Faculty Council recognizes that most decisions regarding merger, reorganization, or elimination of programs will be made on the school level. On the other hand, it also recognizes that in the modern university it will be a rare case when the implementation of such decisions does not impact on units outside the school in question. The existence of interdisciplinary programs between schools, the increasing number of faculty with joint appointments, and the large number of students with no academic home, as well as others enrolled in courses outside their parent schools, are but a few examples of the complex nature of our modern academic enterprise which makes reorganization, merger, and elimination of academic programs a matter of both school and campus interest.

It is the position of the Bloomington Faculty Council (1) that it is in the best interests of the administration, the faculty, and the students that adequate consultation take place between all the relevant parties in pending matters of merger, reorganization, or elimination of academic programs, and (2) that, when there is disagreement about the necessity for such actions on academic grounds, an impartial forum should be available to the parties involved for the resolution of disputes. The Faculty Council is the appropriate agency to facilitate such consultation and, as needed, resolution, because it is the only campus body with representatives from all the potentially affected parties: faculty from each of the schools, administrators, students, and staff.

A number of factors will affect academic programs on the Bloomington Campus in the years ahead. Faculty and student interests may generate a need to develop entirely new programs. Data collected and analyzed through the planning process could lead to significant reallocations of campus resources. Interdisciplinary interest might suggest new locations for resources. Campus funding levels will inevitably raise questions about the distribution of resources as they influence the growth or contraction of academic areas. In short, it may be necessary to examine the possibility of and to make decisions about financial shortages; about the expansion, merger, reorganization, or elimination of academic programs on the campus; and about the reassignment of faculty. The following guidelines set forth procedures to assure that these issues will be addressed with both fairness and due process.

### I. Faculty Authority

A. Under the authority of Article II, Section 7, of the Constitution of the Indiana University Faculty, Article II of the Constitution of the Bloomington Faculty endows the faculty with the power to establish policies and to determine procedures for their implementation in matters of curriculum, faculty status, and standards and procedures for faculty appointments.

B. Decisions concerning reorganization, merger, reduction, and elimination of programs shall occur as a result of a review process in which the faculty has assumed a prominent role.

C. Reorganization, merger, reduction, or elimination of a program shall proceed according to procedures established by the Bloomington Faculty Council and the elected policy committee of each school directly affected.

D. In the implementation of a reorganization, merger, reduction, or elimination of programs, the following procedures shall apply to faculty with appointments in Bloomington tenure units.

## **II. Affirmative Action**

These procedures shall be applied in a manner that is consistent with Indiana University's commitment to affirmative action.

## **III. Faculty Participation in Campus-Level Budget Decisions on Financial Difficulties**

A. Whenever a serious financial shortage for Indiana University as a system or Indiana University-Bloomington as a whole becomes imminent, the Bloomington faculty and administrators together shall weigh the situation and means for alleviating it. The campus shall strive to avoid impairment to its academic missions of research, teaching, and service.

B. The term "Indiana University-Bloomington" (IUB) shall refer to all academic and nonacademic units and subunits of the University whose budgets are administered by the Vice President, Bloomington, and the Dean for Budgetary Administration and Planning, Bloomington. This includes the Bloomington-based subunits of the merged schools but excludes their Indianapolis subunits.

C. Financial Difficulties:

1. A financial crisis for IUB as a whole would be a situation in which an unusual deficit, either incurred or anticipated, could be settled only through a level of retrenchment which might seriously impair IUB's academic missions of research, teaching, and service.

2. A financial exigency for IUB would be the worst type of financial crisis--a demonstrably bona fide, imminent financial crisis which threatened the survival of IUB as a whole and which could not be alleviated by means less drastic than the termination of faculty appointments with tenure or of faculty appointments without tenure before the end of the specified terms.\*

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\* "Termination of an appointment with continuous tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means." AAUP 1976 Recommended Institutional Regulations on Academic Freedom and Tenure, page 17.

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D. As soon as a financial crisis for IUB as a whole becomes imminent or an ongoing financial crisis worsens, the Vice President, Bloomington, shall request the recommendations of the Bloomington Faculty Council (BFC) and its Budgetary Affairs Committee (BAC). If the Vice President, Bloomington, believes that the circumstances may be severe enough to lead to a declaration of financial exigency, then he shall request the BFC and the BAC to consider this possibility.

E. The BAC shall secure and review relevant information, both budgetary and otherwise, about the campus and the system. The BAC shall consult with the Vice President, Bloomington; the campus deans; the school deans; and other campus administrators. The BAC shall consult with the Educational Policies Committee and the Faculty Affairs Committee of the BFC; and the BAC shall consult with representatives of other affected campus groups, such as the Staff Council and the IUSA. The BAC shall consider alternatives for alleviating the situation. Within 30 days of the request from the Vice President, Bloomington, the BAC shall submit to the Vice President, Bloomington, and the BFC a report on its deliberations, its judgment of the severity of the situation, and its recommendations for alleviating the effects. If in the BAC's view the severity of the crisis warrants a declaration of financial exigency, it shall so recommend.

F. The BFC, acting on the basis of the report from the BAC, shall weigh the situation and submit its recommendations to the Vice President, Bloomington.

G. Upon receipt of the recommendations of the BAC and the BFC, the Vice President, Bloomington, shall meet with the President Pro Tempore of the BFC and the Chairperson of the BAC to discuss the recommendations. Subsequently, the Vice President, Bloomington, shall notify the BAC and the BFC of the administration's assessment of the crisis and the proposed means for alleviating it and shall allow an opportunity for questions and discussion.

H. If a financial exigency is declared, the declaration shall expire within one year from the date of its announcement, unless this full review procedure is invoked again.

#### **IV. Procedures for Program Merger / Reorganization / Elimination**

The following procedures deal with the possibility of merger, reorganization, or elimination of academic programs and become effective after appropriate school procedures have been completed.

A. If program reorganization can be achieved within a unit and without the dissolution of degree-granting or certificate-granting programs, such reorganization will be reported to the Vice President by the dean(s) of the appropriate school(s). The Vice President will refer the matter to the BFC Committee on Program Merger / Reorganization / Elimination (BFC-CMRE). If

merger can be effected between two or more units to the satisfaction of those units and without the dissolution of degree-granting programs, such a merger will be reported to the Vice President by the dean(s) of the appropriate school(s). The Vice President will refer the matter to the BFC-CMRE. If, after a reasonable period for faculty remonstrance, the BFC-CMRE believes that a reported merger or reorganization requires further review, the BFC-CMRE by a majority vote may initiate the procedures described in Section IV.B. below.

B. All other instances of program merger / reorganization / elimination will be submitted to a three-committee review system consisting of (1) faculty and students of the unit(s) in question, (2) a general faculty committee, and (3) administrative officers.

1. *Unit Committee*

A representative group of faculty and students from the affected unit will be selected by the chairperson and/or the policy-making body of the unit. In decisions of merger and reorganization involving more than one unit, this committee will include equal representation of those units and a non-voting chairperson from outside the units who will be selected by the BFC-CMRE.

2. *BFC Committee on Program Merger / Reorganization / Elimination (BFC-CMRE)*

This committee will consist of one member from each of the Bloomington Faculty Council electoral units; members will be elected from the Council and/or the faculty to a two-year term with one-half of the members elected each year. The election to determine membership will follow procedures used for electing the Faculty Board of Review. If a vacancy occurs, the Nomination Committee and the Agenda Committee will select a replacement from that member's electoral unit. The BFC-CMRE will choose its own chairperson and will submit an annual report to the Council.

3. *Administrative Committee*

This committee will be selected by the Vice President and will consist of the Vice President and/or deans or their designates.

4. *Procedures*

After appropriate school procedures have been completed, the dean(s) of the affected school(s) will report the proposed merger / reorganization / elimination to the Vice President. The Vice President will in turn refer the proposal to the President Pro Tempore of the Bloomington Faculty Council, who will convene the BFC-CMRE and establish a timetable for action which will include a reasonable time for faculty remonstrance. Each committee will assemble the pertinent facts that will enable it to reach a well-documented decision about the direction and range of the proposed change. Then three representatives of each committee selected by that committee will meet to negotiate and to render a decision on the proposed merger / reorganization / elimination. Each committee will have a single vote, and any two of the three committees could sustain a decision over

the opposition of the third committee, although the final decision that will be recommended to the Vice President might represent a compromise of all opinions. Any decision that might affect faculty members in that program will follow the guidelines set out under Section V of these procedures. Any decision that affects students pursuing a degree or requiring course work in that program should allow for those students to complete their degree program or to transfer to a comparable program without incurring any credit penalty.

## **V. Procedures Relating to Faculty Appointments as a Result of Reorganization, Merger, Reduction, and Elimination of Programs**

### *A. Reorganization and Merger*

1. Faculty members with tenure or those serving under a term of an unexpired appointment shall not be involuntarily terminated as a result of merger or reorganization.
2. Faculty of a merged or reorganized program shall be reassigned to the surviving program or to another appropriate program at Indiana University-Bloomington.
  - a. Tenured faculty shall be reassigned with tenure.
  - b. A faculty member serving under a term of an unexpired appointment shall have the right, when reassigned, to serve no less than the remainder of his or her current term of appointment in the new program.
  - c. A reduced rate of compensation shall not result because of reassignment of a faculty member.
  - d. Other benefits earned before reassignment, such as credit toward a sabbatical leave, shall not be lost as a result of reassignment.
3. If the administrator of a program that is to receive a reassigned faculty member determines that such reassignment should be contingent upon retraining, the affected faculty member shall be:
  - a. Automatically eligible for training leave and
  - b. Informed in writing by the administrator of the program to which he or she is scheduled to be reassigned what specific training must be completed successfully in order to guarantee such reassignment.
4. The University shall facilitate retraining for reassignment by approving released time or leaves with pay and fringe benefits for affected faculty members, in addition to requesting tuition-free admission from the Board of Trustees to appropriate courses at Indiana University. If the requisite training is not available at Indiana University, training undertaken elsewhere shall be at Indiana University's expense.
5. Reassigned faculty shall not displace an incumbent in an existing position.

### *B. Elimination of Programs*

1. Except under conditions of financial exigency as defined by the AAUP Recommended Regulations on Academic Freedom and Tenure, elimination of programs shall not result in the termination of either tenured faculty or those serving under unexpired terms of appointment.

2. In the event of program elimination under conditions of less than financial exigency, the University shall make every effort to reassign affected faculty in accordance with the provisions of Sections V.A.2--V.A.5 of these procedures. Such reassignment shall not preclude the possibility of employment of a faculty member in an appropriate non-faculty position on a temporary basis, except that a reassigned faculty member may not displace an incumbent employee in that position.

### *C. Reduction of Programs*

1. Reduction of programs shall not result in the involuntary termination of tenured faculty. Decisions concerning the status of other faculty in reduced programs shall be made in accordance with procedures established by the Indiana University-Bloomington Academic Guide, Sections C and E.

2. Reduction of programs ordinarily shall occur through attrition of faculty by retirement, voluntary resignation, or other routine procedures.

3. Reduction of programs also may be accomplished by means of negotiated termination of faculty with compensation or by voluntary reassignment in accordance with the applicable provisions of Sections V.A and V.B of these procedures.

### *D. Prior Notice*

Pursuant to the Indiana University Academic Handbook statement of "Responsibilities and Privileges of Academic Appointment," after a decision has been made to reassign a faculty member or not to renew an existing faculty appointment under the provisions of V.A, V.B, and V.C of these procedures, the Vice President, Bloomington shall provide the affected faculty member at least one year's written notice of such action.

### *E. Appeal*

1. Faculty who fall under the provisions of these procedures shall have the right of appeal to the Faculty Board of Review.

2. An appeal may be made on the basis of a complaint about the interpretation or implementation of procedures regarding merger, reorganization, reduction, or elimination of programs as established by the Bloomington Faculty Council and elected policy committees of the schools located on the Bloomington Campus.

3. Conduct of such appeals shall be in accordance with the existing procedures of the Faculty Board of Review.