

UNIVERSITY OF PITTSBURGH POLICY 02-02-09

CATEGORY: ACADEMIC AFFAIRS
SECTION: Faculty Appointment and Tenure
SUBJECT: Termination Due to Reorganization or Termination of Academic Programs
EFFECTIVE DATE: July 5, 1988
PAGE(S): 4

I. SCOPE

This policy establishes the rights of tenure-stream and tenured faculty members when academic programs are reorganized or terminated according to the University Planning and Resource Management Procedure Manual.

II. POLICY

Except for cause or by action of the Board of Trustees acting under Chapter II, Article II, Section IV, Paragraph D of the University BYLAWS, termination of tenured faculty is possible only if a school or regional campus (not a smaller unit) is terminated rather than, in substance and effect, only reorganized.

If a proposal to terminate, reorganize, or merge an academic program has been approved by the appropriate authority, faculty affected shall be accorded the rights and privileges outlined below:

1. Faculty on Tenure-Stream Appointments

- Each tenure-stream faculty member will be permitted to complete the period of appointment in accordance with the terms of his contract, including the notice that specified in the Handbook for Faculty.
- Each tenure-stream faculty member who has been given notice of termination at the end of the contract period will be released at the end of any term or session from his or her contract upon request, even though the contract may extend beyond that time.
- Each tenure-stream faculty member who is given notice of termination at the end of the contract period under this policy shall be given a personal letter from the Provost or Senior Vice President for the Health Sciences that expressly states that termination does not imply a negative judgment about the person's individual performance, but is due to a program change.
- The Provost or Senior Vice President for the Health Sciences shall offer to send letters of explanation and professional resume on behalf of such persons to other institutions to assist in efforts to find them suitable placement elsewhere. The Office of the Provost or the Senior Vice President for the Health Sciences shall provide assistance in placement and counseling.

2. Tenured Faculty (In the case of program terminations or reorganizations that do not involve the termination of a school or regional campus)

- The Bylaws state "Tenure is held by a faculty member only in the school or at the regional campus where the tenure is granted."
- In all reorganizations and terminations of programs, except the termination of a school or regional campus, the tenure of a tenured faculty member will remain in effect. If a department or program within a school is terminated, but not the school, the faculty member will continue to be employed full time at the same rank without reduction in monthly compensation. A good faith offer not involving the relinquishment of tenure will be made to the person involved, as provided below.
- The University will offer to each tenured faculty member affected another suitable

faculty position in a related field. Where necessary to permit the faculty member to perform newly assigned duties effectively, faculty so reassigned shall be offered special leave generally not to exceed one calendar year without loss of contract compensation, for study to upgrade his or her expertise or to change specialties.

- Consultation should take place among the reassigned faculty member, the appropriate Deans, the Provost or the Senior Vice President for the Health Sciences, and the program faculty in order to develop a plan for the best assignment of the faculty member upon his or her return and also ensure that the benefit of the leave will be consonant with his subsequent duties. Wherever feasible, study will be at the University of Pittsburgh tuition-free; if study at the University is not feasible, every effort will be made to provide the faculty member with a grant to meet some or all of the travel and tuition expenses elsewhere.
- As an alternative, a tenured faculty member who has the requisite characteristics, skills, and interests may request or may be offered a professional administrative appointment. Such appointments shall be made at the discretion of the University administration in accordance with usual administrative procedures, without loss of academic tenure and without reduction in compensation.
- If the faculty member does not wish to accept the reassignment offered, the Senate president will arrange for a panel of fact-finders to be appointed who will investigate the problem and issues, present an analysis of the positions of the parties and offer a recommendation which may be in support of the administration's offer, the affected individual's own proposal or an option developed by the panel itself after consulting with the parties involved. See Procedure 02-02-09, Termination Due to Reorganization or Termination of Academic Programs.
- At any time within two years after acceptance of a reassignment under the provisions above, the faculty member may elect to terminate his or her employment with severance pay, or, if eligible, may elect to retire under an early retirement plan.

3. Tenured Faculty (In cases involving the termination of a school or regional campus)

- Under circumstances in which termination of tenured faculty is contemplated due to the termination of a school or regional campus, the Provost or the Senior Vice President for the Health Sciences will first attempt reassignment to an appropriate academic appointment in another school within the University. Such assignment will be based on recommendation of the faculty and Dean of the school. If such an assignment does not continue tenure and is terminated within three years, the individual shall then receive severance pay. At any time within two years after acceptance of such a reassignment the faculty member may elect to terminate his or her employment with severance pay, or, if eligible, may elect to retire under an early retirement plan.
- As an alternative, the faculty member may be offered an administrative appointment in accordance with paragraph 2 above, but not necessarily continuing tenure, at a salary appropriate to the position.

If such an appointment does not continue tenure and is terminated within three years the individual shall then receive severance pay. At any time within two years after acceptance of such a reassignment the faculty member may elect to terminate his or her employment with severance pay, or if eligible, may elect to retire under an early retirement plan.

- In the event that reassignment is not possible or is rejected, tenured faculty members shall be provided notice of termination of no less than one calendar year, subject to the provisions below.
- In any case, each faculty member whose appointment will not be continued due to termination of a school or regional campus shall be given a personal letter from the Provost or the Senior Vice President for the Health Sciences that expressly

states that a termination does not imply a negative judgment about the person's individual performance but is due to a program change.

- The Provost or the Senior Vice President for the Health Sciences shall offer to send letters of explanation and professional resume on behalf of such persons to other institutions to assist in efforts to find them suitable placement elsewhere. The Office of the Provost or the Senior Vice President for the Health Sciences shall provide assistance in placement and in appropriate counseling.

A tenured faculty member who is terminated under the provisions of this policy shall receive severance pay, other non-university employment notwithstanding, according to Procedure 02-02-09.

At the discretion of the University administration and with the agreement of the affected faculty member, a term appointment or retirement may be selected in lieu of severance pay as provided below.

Term Appointments

In place of termination with severance pay, a tenured faculty member may be offered a full- or part-time terminal appointment for a period and at a salary and fringe benefits mutually agreed upon. Throughout this terminal appointment, a faculty member may resign at any time, effective on the completion of any one term or session in which he is teaching, to accept another position or to accept retirement.

Modified Retirement

In place of termination with severance pay, a faculty member whose appointment is to be terminated and who is eligible for retirement benefits may elect to retire. Upon retirement, he or she may be offered a part-time appointment within the University at a salary and fringe benefits and for a period mutually agreed upon by the University and the faculty member. The compensation for such a part-time appointment will be in addition to the TIAA/CREF and other retirement income.

- Tenured faculty who are eligible to retire under an early retirement incentive plan may elect to do so in lieu of severance pay.

III. REFERENCE

[Procedure AC 64, Termination Due to Reorganization or Termination of Academic Programs](#) (formerly 02-02-09)