GENERAL LEGISLATIVE ACTION

At its meeting on December 3, 2015, the Faculty Senate approved legislation that would amend the Faculty Code regarding reorganization, consolidation and elimination procedures. These changes, which would amend the Faculty Code, have been approved at every step of the legislative process. The Faculty Council on Faculty Affairs has developed and approved this legislation.

Please vote by December 28.

Rationale

Chapter 26 of the Faculty Code addresses the process for “reorganization, consolidation, and elimination procedures (RCEP).” Generally, “programs” are academic programs (e.g. degree programs, departments, or alternative academic structures). If the proposed action is to reorganize, consolidate, or eliminate one or more “programs” within a single school, college, or campus, the RCEP is initiated by a Dean or Chancellor. If the proposed action is to reorganize, consolidate, or eliminate one or more schools or colleges or campuses, the RCEP is initiated by the Provost. Processes for program changes were added to the Faculty Code to protect faculty and student rights for input into decisions, especially program eliminations. Over the years, the RCEP processes have been revised to improve efficiency and transparency.

There are two pathways for RCEPs, regularly referred to as “full” and “limited.” Which pathway is used depends on what effects the program change will have on faculty and students. In both pathways, the process involves the college’s council, the Senate Committee on Planning and Budgeting (SCPB), and the faculty members of affected units. Full RCEP processes are currently required for all program eliminations, even those supported by the faculty in the unit. A full RCEP process includes hearings and other formalities, and usually take longer than an academic quarter to be completed. There is agreement that this process may be unnecessarily cumbersome in some instances.

The proposed changes are designed to expand the conditions under which a “limited” RCEP process can be used when a program elimination within a school or college is proposed by the Dean. The most substantive changes are in sections B and D below. The language also updates the process and role of the Provost and the Senate Committee on Planning and Budgeting (SCPB) to reflect current practices.

Counter Argument to Proposals

No counter arguments to the proposed changes were raised during prior discussions at the Faculty Council on Faculty Affairs, the Senate Executive Committee, or the Faculty Senate.

Proposed Amendments to the Faculty Code
(Additions are underlined; deletions are struck through)

University of Washington
Faculty Code and Governance
Faculty Code Chapter 26
A. General Provisions and Definitions

1. For the purposes of Subsections B, C, and D, below, a "program" is defined (comprising both 'department' and 'program' as defined in Executive Order No. VI, Sections 3 and 4) as follows:

   a. A department or other degree-granting unit (other than a departmentalized school, college, or campus); or a sub-unit within a department, an academic unit in a non-departmentalized school or college, or a group of faculty (from one or more departments) which offers a distinct degree, or a track within a degree that is described as a distinct option in the University Catalog, or in the course catalog of the college or school in question, or is customarily noted as such on student transcripts.

   b. A disagreement as to whether the object of a proposed action constitutes a program shall be resolved by the Senate Committee on Planning and Budgeting, whose decision shall be binding. The dean or chancellor and the faculty group affected by the proposed action shall each submit a statement of their position to the chair of the committee, which shall deliver its ruling within ten instructional days of the receipt of both statements.

2. An "instructional day" is a day on which scheduled classes meet during Autumn, Winter, and Spring Quarters and excludes weekends, holidays, vacation, and examination periods.

3. For purposes of these proceedings, a timely review and consultation process is required. Each stated time period is intended as the maximum period for action, review, comment, or advice. An extension of a stated deadline may be granted by the Secretary of the Faculty only upon reasonable grounds submitted in writing.

4. Copies of all documents required under Section 26-41 shall be filed with the Secretary of the Faculty.

5. Any written recommendations received by the Secretary of the Faculty under Section 26-41 must be made available to any member of the faculty on request.

B. Procedures for Reorganization, Consolidation, or Elimination of Programs

1. In order to achieve a budget reduction, reallocate resources, implement educational policies, or realign academic priorities, a dean or chancellor may at any time, after consultation with his or her elected faculty council (Chapter 23, Section 23-45, Subsection C) determines that a budget reduction, a reallocation propose the elimination or reorganization of resources, or a realignment of academic priorities can only be implemented by measures that will have one or more of the following results programs (as defined in Subsection A above) within a school, college, or campus, or their consolidation with other programs.

   a. The termination of an undergraduate or graduate program as defined in Subsection A above;
   b. The removal of tenured faculty or of untenured faculty before completion of their contract;
   c. A significant change in the terms, conditions, or course of employment of faculty;
   d. A significant change in the overall curriculum of a college, school, or campus, or of the University as a whole; or
   e. A significant departure from the stated mission of a college, school, or campus, or of the University as a whole;

Above, b., c., d., e., moved to B.3 below.

2. The dean or chancellor shall request authority from the Provost to implement the proposed change initiate a formal review to identify one or more programs for elimination, reorganization, or consolidation with another unit and/or reduction in size. The Provost shall consider such requests in consultation with the Senate Committee on Planning and Budgeting.
3. The Provost shall initiate procedures for a full review of the request, (described in Subsection C) if the proposal can only be implemented by measures that will have one or more of the following results:

   a.b. The removal of tenured faculty or of untenured faculty before completion of their contract;
   b.c. A significant change in the terms, conditions, or course of employment of faculty;
   c.d. A significant change in the overall curriculum of a college, school, or campus, or of the University as a whole; or
   d.e. A significant departure from the stated mission of a college, school, or campus, or of the University as a whole.

4. If the proposed measures will not have the effects described in Subsection B.3 above, the Provost shall initiate procedures for a limited review of the request described in Subsection D. The reallocation of graduate degree programs (Executive Order No. VII, Section 2) from one qualified academic unit (Executive Order No. VII, Section 4) to another, or to an interdisciplinary program within the Graduate School, is a limited reorganization that should follow the limited review procedures outlined in Subsection D. The complete elimination of a department or other appointing unit within a school, college, or campus, without its reorganization or consolidation with another unit, or relocation from one school or college to another, requires a full review that should follow the procedures outlined in Subsection C.

Second sentence, “The reallocation of graduate . . .” was formerly in C.1.

C. Procedures for Full Review of Reorganization, Consolidation, or Elimination of Programs

1. The Provost shall notify the dean or chancellor of the decision to initiate a full review of the proposal, under the procedures of Chapter 26-41.C.

   The dean or chancellor shall request authority from the Provost to initiate a formal review to identify one or more programs for elimination, reorganization, or consolidation with another unit and/or reduction in size, if the review may result in any of the effects described in Subsection B.3. The Provost shall consider such requests in consultation with the Senate Committee on Planning and Budgeting. (This paragraph is formerly B. 1. from above.)

2. If the Provost initiates a full review grants of the dean's or chancellor's proposal as described in Section B.3., then request for such authority:

   a. The dean or chancellor shall notify the Secretary of the Faculty of his or her intention to initiate a review under this section of the Faculty Code. The Secretary of the Faculty shall, after consultation with the Chair of the Faculty Senate, appoint within ten instructional days an External Faculty Committee composed of five faculty members (including one designated as the committee's chair) from outside the college or school in which the review is to take place.

   b. The External Faculty Committee, when convened by its chair, shall establish a schedule of meetings for its own committee. Such independent meetings of the External Faculty Committee will allow its members to form independent conclusions regarding the arguments and evidence supporting the proposed action of the dean or chancellor. The responsibility of the External Faculty Committee is to ensure that the recommendations of the elected faculty council and of the dean or chancellor are based on a process that was fair, thorough, impartial, and consistent in its use of appropriate criteria and materials. (The External Faculty Committee shall retain copies of all the materials it has considered, which it will make available to the Review Committee, should one be appointed under Subsection C.4 below.)

   c. For the duration of the reorganization, consolidation, or elimination procedures, and for the business of these procedures only, the members of the External Faculty Committee shall also be added to the elected faculty council of the college, school, or campus in question as ex officio members without vote. They shall participate in all meetings of that council, convened by its faculty chair or the dean or chancellor, leading to the identification of programs for reorganization, consolidation, or elimination, and shall have full access to all materials and personnel consulted by the dean or chancellor and the elected faculty council in this process. This combination of the elected faculty council and the External Faculty Committee is hereinafter referred to as the augmented faculty council.
d. If the elected faculty council does not include student members, the dean or chancellor shall request that the student organization (or organizations) of the affected school, college, or campus shall appoint a graduate student and, where appropriate, an undergraduate student to serve, with voting rights, with the augmented faculty council for the business of these procedures only. If no such student organization exists, such appointments shall be made by the GPSS or other appropriate, recognized graduate student organization and the ASUW or other appropriate recognized student organization.

e. The dean or chancellor, in consultation with the augmented faculty council, associate deans, and other appropriate advisory bodies or affected groups in the college, school, or campus, shall examine measures to meet the required budget reduction, resource allocation goals, or realigned academic priorities, including the reorganization, consolidation, or elimination of programs, and alternatives to such actions.

f. The information used as a basis for the identification of programs for reorganization, consolidation, or elimination, and of alternatives to such actions, shall consist of:

1. Documents that pre-date the dean's or chancellor's request (under Subsection BC.1 above), including:
   a. The reports resulting from periodic reviews of programs or departments, any interim revisions of them, and responses to them by the dean or chancellor, the elected faculty council, and the faculty of the program(s) in question.
   b. Accreditation reviews, if such exist for the program(s) in question.
   c. Any other performance data gathered and maintained by the school, college, or campus, provided they are up-to-date and have been previously submitted to the faculty of the program(s) in question for review and response.
   d. All relevant documentation resulting from the ongoing long-range planning process in the school, college, or campus, and

2. Such other information requested by the dean, chancellor, or the augmented faculty council as deemed necessary, or independently requested by the External Faculty Committee, provided it is up-to-date and has been submitted for review and response to the faculty of the program(s) under consideration, and the faculty in the program(s) have had at least five instructional days to submit their comments on the information.

g. In proposing program reorganizations, consolidations, or eliminations, the dean or chancellor shall protect, to the maximum extent possible:

1. The overall curriculum of the school, college, or campus and the University and the educational needs of its students, consistent with the role and mission of the University;

2. In the case of a reorganization or consolidation, the quality of the program in relation to Subsection BC.2.g.1 above;

3. Other programs in the University, including interdisciplinary programs, that may be affected by the proposed action(s);

4. The University's commitment to tenure; and

5. The University's commitment to diversity in faculty, staff, and students.

h. When the chair of the elected faculty council determines that the augmented faculty council is ready to conclude its review, a formal vote on the proposed action shall be taken by its eligible voting members. The result of that vote shall be communicated in writing to the dean or chancellor, who at least ten instructional days before any public announcement, shall communicate directly in writing with each faculty member of the affected program(s) to inform them of his or her intended action. The dean or
chancellor shall make available to them the report described in Subsections BC.3 and BC.3.a below and its supporting documents, and the accompanying statement by the External Faculty Committee described in Subsection BC.3.b below (when available). At least five instructional days before any public announcement, the dean or chancellor shall convene the faculty of the identified program(s) for the purpose of explaining the review procedures to them, and informing them of the provisions under Subsections BC.5 and BC.6 below for representation of their views and presentation of supporting evidence.

3. The dean's or chancellor's intention to reorganize, consolidate, or eliminate the identified program(s) shall be announced within a period of thirty instructional days from the appointment of the External Faculty Committee (Subsection BC.2.a above). This announcement shall be made in the form of a detailed and specific report accompanied by a separate, independent statement from the External Faculty Committee. Both of these documents shall be submitted by the dean or chancellor to the Provost and the chair(s) of the affected unit(s), to the Chair of the Faculty Senate, and to the Secretary of the Faculty, who shall publish them in a Class C Bulletin within five instructional days of receiving them.

a. The dean's or chancellor's report shall:
   1. Justify the proposed measures in relation to existing program review materials and other publicly available planning documents;
   2. Describe the impact of the proposed measures on the faculty in the identified program(s), on other programs, and on the curriculum and students of the school, college, or campus as a whole; and
   3. Be accompanied by all supporting documents, which need not be published in the Class C Bulletin referred to in Subsection BC.3 above, but must be made available to any faculty member on request.

b. The External Faculty Committee's accompanying statement shall be prepared and signed by its chair, and shall reflect the opinion of a majority of the External Faculty Committee. It shall indicate:
   1. Whether in its view the program review process was fair, thorough, impartial, and consistent in its use of appropriate criteria and materials, and
   2. Whether the External Faculty Committee supports or does not support the proposal of the dean or chancellor, giving reasons therefor.

4. Within five instructional days of receipt of the report and statement detailed in Subsection BC.3 above, the Chair of the Faculty Senate, after consultation with the Chair of the External Faculty Committee and with the advice and consent of the Senate Executive Committee, shall appoint a Review Committee consisting of four faculty members (including one designated as committee chair), one member of the External Faculty Committee, one representative of the Graduate and Professional Student Senate or other appropriate recognized graduate student organization, and one representative of the Associated Students of the University of Washington or other appropriate recognized undergraduate student organization (all with full participatory rights). The formation and membership of this committee shall be announced in the Class C Bulletin described in Subsection BC.3 above.

5. The Review Committee's primary goal is to review the dean's or chancellor's report from the perspective of the University and the public as described below with particular reference to the justification offered. The Review Committee may receive or request additional materials or arguments from the dean or chancellor, from the External Faculty Committee, from the faculty, students, and staff of the identified program(s), and other constituencies in the University or the public at large. Meetings to invite public comment shall be scheduled at times that permit participation by the public. Within 20 instructional days of its appointment, the Review Committee shall deliver its written recommendation to the President and the Provost. The recommendation shall be transmitted at the same time to the dean or chancellor and to the chair(s) of the affected program(s).

6. Following the submission of the Review Committee's written recommendations, the dean or chancellor may propose a modified course of action, and the affected program(s) may submit an additional statement. This statement may suggest alternatives to the measures proposed by the dean or chancellor, giving detailed
reasons based on educational policy and/or past reviews of the program(s) in question, and may include additional relevant documentation. Any such materials must be transmitted to the President and Provost within ten instructional days of the delivery of the Review Committee’s report.

7. After the President (or the President's delegate) confers with the Senate Committee on Planning and Budgeting, he or she shall transmit a decision on the matter and accompanying recommendations to the Board of Regents, when required, and to the dean(s) or chancellor(s), the chair(s) of the affected program(s), and the Chair of the Faculty Senate within 15 instructional days of the comment period provided for in Subsection BC.6 above. The President's decision shall take careful account of the impact of the reorganization(s), consolidation(s), or elimination(s) on the University's ability to perform its educational role and mission, and on the diversity of the University community.

CD. Procedures for Limited Review of Reorganization, and Consolidation, or Elimination of Programs

1. In order to reallocate resources, implement educational policies, or realign academic priorities, a dean or chancellor may at any time propose the reorganization of one or more programs within a school, college, or campus, or their consolidation with other units. The reallocation of graduate degree programs (Executive Order No. VII, Section 2) from one qualified academic unit (Executive Order No. VII, Section 4) to another, or to an interdisciplinary program within the Graduate School, is a limited reorganization that should follow the procedures outlined in this section. The Provost shall notify the dean or chancellor of the decision to initiate a limited review of the proposal under the procedures of Chapter 26, Section 26-41.D.

2. When the provost initiates a limited review of the dean’s proposal as describe in Section B.4., if the proposed measures will not have the effects described in Subsection B.43 above, the dean or chancellor may proceed with the measures, provided:

a. The proposal results from detailed discussion with the affected program(s), and with appropriate faculty advisory committees and students in the school, college, or campus;

b. A detailed justification of the proposed actions is submitted to the Provost and the Senate Committee on Planning and Budgeting, taking account of the documentation described in Subsection BC.2.f above; and

c. The measures are not implemented until the conclusion of a period of 20 instructional days during which the faculty of the affected program(s) may exercise the option described in Subsection CD.3 below.

3. If a majority of the voting faculty in any of the affected academic program(s) determines by a vote that a proposed reorganization or consolidation will have one or more of the effects described in Subsection B.43 above, such majority may petition the Provost for a review under the procedures for reorganization, consolidation, or elimination of programs (under Subsection BC above). The Provost shall consider such petitions in consultation with the Senate Committee on Planning and Budgeting, and within ten instructional days may either direct the dean or chancellor to conduct a review of the proposed reorganization, consolidation, or elimination of program following the procedures described in Subsections A and BC.2 through BC.7 above, or decline to do so, in which case a detailed statement must be transmitted to the petitioners, the dean or chancellor, and to the Chair of the Faculty Senate, explaining this decision.

DE. Procedures for Full Review of Reorganization, Consolidation, or Elimination of a College or School

1. If the Provost and a majority of the members of the Senate Committee on Planning and Budgeting concur that a budget reduction, a reallocation of resources, or a realignment of academic priorities should be achieved by the elimination of a particular college or school in its entirety, or by its reorganization or consolidation with another college or school, the Provost shall request that the Chair of the Faculty Senate appoint a Review Committee of five faculty and the two student members described in Subsection B.4C.3 above.

2. The Provost shall submit to the Review Committee a detailed justification of the proposed measure, prepared on the basis of the materials described in Subsection BC.2.f above and other appropriate
planning documents made available by the central administration, provided they have been previously submitted to the dean or chancellor and faculty of the college or school in question for review and comment. The justification shall:

a. Review alternatives and explain why elimination of the college or school is preferable; and

b. Protect to the maximum extent possible the aspects of the University described in Subsection B.2g C.2.g. above.

3. The Secretary of the Faculty shall publish the Provost's proposal, and the accompanying justification, in a Class C Bulletin within five instructional days of receiving them.

4. The Review Committee shall conduct a review of the Provost's proposal in the manner described in Subsection BC.5 above, and shall deliver its written recommendation to the President, Provost, deans or chancellors of the affected college or school, and the Chair of the Faculty Senate, within thirty instructional days of the publication of the Bulletin.

5. Following the delivery of the Review Committee's report, the Provost may propose a modified course of action, and the dean or chancellor of the affected college or school may submit an additional statement of the kind described in Subsection BC.6 above. Any such materials must be submitted to the President within ten instructional days of the delivery of the Review Committee's report.

6. Within 15 instructional days of the end of the comment period provided for in Subsection DE.5 above, and after the President (or the President's delegate) confers with the Senate Committee on Planning and Budgeting, he or she shall transmit a final decision and accompanying recommendations to the Board of Regents, when required, the deans or chancellors, and the Chair of the Faculty Senate.

**EF. Procedures for Limited Review of Reorganization and Consolidation of Colleges and Schools**

1. In order to reallocate resources or implement educational policies, or align academic priorities, the Provost may at any time propose the consolidation of colleges and schools. If the proposed measure will not have the effects described in Subsection B.43 above, the Provost may proceed with the measures, provided:

a. The proposal results from detailed discussion with the affected colleges or schools, and with appropriate faculty advisory committees in the colleges or schools;

b. A detailed justification of the proposed actions is submitted to the President and the Senate Committee on Planning and Budgeting, taking account of the documentation described in Subsection BC.2.f above; and

c. The measures are not implemented until the conclusion of a period of 20 instructional days during which the faculty of the affected college/school(s) may exercise the option described in Subsection EF.2 below.

2. If a majority of the voting faculty of an affected college or school determines by a vote that a proposed reorganization or consolidation will have one or more of the effects described in Subsection B.43 above, such majority may petition the President for a review under the procedures for elimination of a college/school. The President, or the President's delegate, shall consider such petitions in consultation with the Senate Committee on Planning and Budgeting, and within ten instructional days may either direct the Provost to conduct a review following the procedures described in Subsection DE above, or decline to do so, in which case a detailed statement must be transmitted to the petitioners and the Chair of the Faculty Senate, explaining why a review under Subsection DE above is not deemed appropriate.
Approved by:
Senate Executive Committee
October 5, 2015

Approved by:
Faculty Senate
October 22, 2015

Approved by:
Senate Executive Committee
November 16, 2015

Approved by:
Faculty Senate
December 3, 2015