2.24 Rules Governing Merger, Reduction, or Discontinuance of Academic Units

2.23.1 Principles

To allocate its resources effectively, the University may from time to time merge, reduce or discontinue academic units (defined in section 2.23.2) when they are no longer central to the University's mission or when resources must be freed for other units deemed more critical to its mission. Although it is expected that changes in the academic structure of the university through merger, reduction, or discontinuance of academic units will occur infrequently, they are potentially so disruptive to faculty, staff and students that procedures are needed to ensure fair treatment of faculty, staff and students housed in the affected units. The procedures are outlined in Appendix F, and are not meant to prescribe the administrative procedures for the entire process, but rather are a subset, i.e. those procedures affecting faculty, staff and students, which must be part of any such process. To the extent that similar issues arise in the creation of new academic units, these procedures should apply to those cases also.

2.23.2 Definitions

- “Academic unit” refers to a department or college within the university.
- “Program reduction” refers to the elimination of part of an academic unit, such as a sequence of courses, a track or specialty, or a major program of study within an academic unit.
- “Merger” refers to the joining of the faculty of two or more academic units through administrative action, one consequence of which could be program reduction.
- “Discontinuance” refers to the elimination of an academic unit.

2.23.3 Responsibility and Duties of the President

The NJIT Board of Trustees has ultimate responsibility for approval of the University's mission, role, and scope, and for the degree programs offered by the University. The Board delegates to the President responsibility for administration of the University and its programs of instruction, research, and service. Decisions to merge, reduce or discontinue academic units are the responsibility of the President. The President has the duty to seek the advice of administrators and faculty within the University in considering such decisions and to ensure that all faculty and staff who might be affected by merger, reduction or discontinuance of programs are consulted before a final decision is made, and to ensure that the decision takes into account the rights and needs of current faculty and students.

2.23.4 Role of the Faculty Council

Individual faculty members will be represented by their union representatives. However, the NJIT Faculty Council has the responsibility to represent the faculty as a whole in cases where merger, reduction or discontinuance could result in significant impact on faculty appointments (e.g. termination or significant change of duties of a tenured, tenure-track or special appointment before the end of the time specified for that appointment in the Faculty
Handbook). In such cases, an ad-hoc committee (referred to hereafter as the Committee) formed under the auspices of the Faculty Council will represent faculty interests. The function of the Committee will be to oversee the procedures laid out in Appendix F, to ensure that they are followed in a fair and consistent manner. The Committee shall consist of nine tenured faculty members, with five members appointed by the Faculty Council and four appointed by the Provost. The Provost shall not appoint any person who is currently an Assistant or Associate Dean, Assistant or Associate Provost, or Vice President. To ensure an objective Committee, due diligence will be given to each appointment to the Committee to avoid real or apparent conflicts of interest. In particular, no members shall be appointed from academic units directly affected by the merger, reduction or discontinuance, and no more than two of the members appointed by a group shall be faculty members of the same college or school. The Committee elects its own chairperson from among its members.

Appendix F

When a dean, after consultation with the Provost and any other appropriate deans or department chairs, believes it necessary to consider a merger or discontinuance of an academic unit, the procedure below shall be followed:

1. The dean shall convene a meeting of the appropriate faculty of the affected units. At this meeting the dean shall explain the reasons for considering a merger or discontinuance and propose the terms and conditions of any changes in faculty status resulting from the proposed merger or discontinuance, such as termination of faculty positions, reassignment of faculty, modifications in research or teaching assignments, changes in reporting channels, or retraining that would be provided to facilitate continued employment of faculty. The dean shall ask the faculty to introduce any information in support of continuation of the academic unit or to suggest alternatives. This information may be conveyed to the dean orally or in writing, individually or in groups, and must be received within a reasonable period of time following the meeting (normally 30 days). In addition, any faculty member with tenure who believes that reassignment or modifications in research or teaching assignments is tantamount to termination of his/her appointment with the University shall inform the dean in writing, providing reasons for his/her concern, within this same period of time.

2. If, after a reasonable period following the meeting with the unit in question (normally two weeks), the dean decides to pursue the proposed merger or discontinuance, the dean shall inform the Faculty Council, and the Committee shall be constituted. Within a reasonable period (normally two weeks), the dean will convene a second meeting of the appropriate faculty, with members of the Committee invited, and convey to them a summary of whatever information has been assembled and the alternatives suggested. For those tenured faculty members who indicated to the dean in writing that they believe their reassignments or other modifications in faculty assignments are tantamount to termination of their appointment with the University, the dean shall provide a written statement explaining plans for that faculty member within the University. Those tenured faculty members not satisfied by the dean's written statement of explanation shall indicate their concerns to the dean in writing requesting that the merger or discontinuance be reviewed by the Committee; such a request will be dealt with as described in Item #4 below. The dean shall allow a reasonable period following this second meeting for the faculty to respond to any information or alternatives discussed in the meeting and to respond to the written statement of explanation (normally two weeks).
3. If the dean decides to pursue the proposed merger or discontinuance, he or she shall convey the reasons for considering a merger or discontinuance, along with a summary of all responses received, to the Committee, the Deans, the Faculty Council, and in cases that might affect graduate programs, to the Graduate Committee. (A copy of the summary conveyed by the dean will be available to the faculty in the office of the academic unit under consideration.) Such notification is to provide opportunity to identify consequences that may have been overlooked or elicit suggestions for alternatives. The dean shall allow a reasonable period (normally thirty days during the fall and spring semester) for these groups to respond.

4. If, after receiving any responses from the groups in step 3 above, the dean decides to proceed with consideration of the merger, reduction or discontinuance and no faculty appointments are to be terminated, then the dean shall proceed directly to Step 5. However, when the proposed merger, reduction or discontinuance includes termination or significant change of duties of a tenured, tenure-track or special appointment before the end of the time specified for that appointment in the Faculty Handbook, the dean shall forward a summary of the information gathered to the Committee, requesting the Committee to determine whether the merger, reduction or discontinuance is based on sound educational considerations. Examples of factors that may be considered include program viability (based on demand for a program and the potential for growth), and the need to avoid duplication, or to effect economies in management, or to strengthen related programs. An academic unit's record of excellence will be a consideration in decisions regarding soundness of the merger, reduction or discontinuation, but will not be the sole deciding factor. The Committee shall have a summary of all data gathered and shall have access to the original materials from which the summary has been compiled. The Committee is free to gather other material at its discretion; it may seek advice from knowledgeable parties on campus or elsewhere. Normally the committee should complete its work within thirty days, but it may extend this period in difficult cases. The committee will convey its report to the dean.

5. If the dean, after receiving information and recommendations from all groups, decides to proceed with the merger, reduction or discontinuance, the dean shall submit a recommendation to the Provost. This recommendation will include all information and advice regarding the proposed merger, reduction or discontinuance that has been offered by individuals or groups including the report of the Committee. In all cases, the dean's recommendation will include proposed provisions to allow students already enrolled to complete their degree requirements.

6. The Provost is responsible for reviewing the recommendation for merger, reduction or discontinuance from the dean, and for ensuring that all steps in these procedures have been followed. The Provost may ask for additional information or clarification concerning items included in the dean's recommendation, and may seek advice from knowledgeable parties on campus or elsewhere. The Provost will make a final recommendation to the President.

7. The President, after studying the recommendation from the Provost, and obtaining any additional information, clarifications, or advice that he or she thinks necessary, will make the decision whether to merge, reduce or to discontinue academic units. If the President decides to merge, reduce or discontinue units, provisions shall be made to allow students already enrolled to complete their degree requirements. Every effort will be given to finding continued employment at the University for administrative, technical, or clerical staff members whose jobs might be lost.
8. In cases where the merger, reduction or discontinuance above is a merger or discontinuance of colleges or schools, the Provost will perform the duties assigned to the dean in this document, and the first recommendation shall be made to the President rather than to the Provost.