Agenda
AGENDA
SPECIAL MEETING OF THE
UTAH STATE UNIVERSITY BOARD OF TRUSTEES
UNIVERSITY INN
SONNE BOARD ROOM, ROOM 508
AUGUST 21, 2009

7:30 a.m.  BREAKFAST  University Inn, Fifth Floor

8:00 a.m.  REGULAR MEETING  University Inn
Sonne Board Room, 508

• Introductory Items
• Oath of Office for Susan D. Johnson
• Consent Agenda

8:15 a.m.  ADJOURN
Consent
Agenda
CONSENT AGENDA
AUGUST 21, 2009

1. Capital Improvement Priority List for 2010-2011 1


3. Proposal to Amend the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process: Sanctions and Hearing Procedures – Suggested Revisions 21
ITEM FOR ACTION

RE: Capital Improvement Priority List for 2010-2011

The attached Capital Improvement Priority List is submitted to the Board of Trustee's for consideration. It has received the appropriate administrative review and approval.

EXECUTIVE SUMMARY

The Utah Legislature appropriates state funds for the purpose of capital facilities improvement. The attached Capital Improvement Priority List emphasizes critical repairs, renovations and infrastructure projects.

RECOMMENDATION

The President and Interim Vice President for Business and Finance recommend that the Board of Trustees approve the 2010-2011 Capital Improvement Priority List as presented.
RESOLUTION
UTAH STATE UNIVERSITY
BOARD OF TRUSTEES

WHEREAS, the Utah Legislature appropriates state funds for the purpose of capital facilities improvement;

WHEREAS, Utah State University is required to submit its prioritized recommendation for such projects to the Board of Regents after approval by the Utah State University Board of Trustees; and

WHEREAS, the President and Interim Vice President for Business and Finance have reviewed the 2010-2011 Capital Improvement List and recommend its approval to the Utah State University Board of Trustees:

NOW, THEREFORE, BE IT RESOLVED, that the Utah State University Board of Trustees hereby approves the 2010-2011 Capital Improvement Priority List as presented.

RESOLUTION APPROVED BY THE USU BOARD OF TRUSTEES

Date
<table>
<thead>
<tr>
<th>Priority</th>
<th>Project Name</th>
<th>Description / Justification</th>
<th>Cost Estimate</th>
<th>Cum. Total:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Planning and Design Fund</td>
<td>Funds to be used for general programming efforts on current or next year's projects.</td>
<td>$ 100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>2</td>
<td>Campus-Wide Health, Life Safety and Code Compliance</td>
<td>To include but not limited to: handrails, hardware, ADA, etc.</td>
<td>$ 100,000</td>
<td>$200,000</td>
</tr>
<tr>
<td>3</td>
<td>Campus-Wide Classroom Upgrades</td>
<td>Funding for miscellaneous classroom upgrades to include; paint, carpet, window covering, seating, desks, a/v controls, modernization, etc. Should complete 1st round. Does not include auditoriums.</td>
<td>$ 300,000</td>
<td>$500,000</td>
</tr>
<tr>
<td>4</td>
<td>Family Life Window Replacement</td>
<td>Family Life window replacement</td>
<td>$ 650,000</td>
<td>$1,150,000</td>
</tr>
<tr>
<td>5</td>
<td>Fire Protection for Various Buildings</td>
<td>This project would install fire sprinkler systems and upgrade the fire alarms.</td>
<td>$ 600,000</td>
<td>$1,750,000</td>
</tr>
<tr>
<td>6</td>
<td>Psychology Animal Teaching Laboratory</td>
<td>Renovate the Military Science building (or other location) for teaching laboratory animal area.</td>
<td>$ 525,000</td>
<td>$2,275,000</td>
</tr>
<tr>
<td>7</td>
<td>FAV Cooling</td>
<td>Study - Install cooling in the FAV studio</td>
<td>$ 50,000</td>
<td>$2,325,000</td>
</tr>
<tr>
<td>8</td>
<td>Campus-Wide Sign System</td>
<td>Provide miscellaneous signs across campus and replace existing worn, outdated signs. Annual amount for signage.</td>
<td>$ 50,000</td>
<td>$2,375,000</td>
</tr>
<tr>
<td>9</td>
<td>NFS HVAC Master planning</td>
<td>Study a new HVAC system for the NFS building. Existing ventilation system has low airflow problems to due to low duct static. Replace existing air handler, flexible ductwork and mixing boxes and controls. This would be Phase I. Phase II -fume hood upgrades, Phase III - general exhaust in labs upgrade.</td>
<td>$ 50,000</td>
<td>$2,425,000</td>
</tr>
<tr>
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<tr>
<td>10</td>
<td>NE Steam Line Phase IV</td>
<td>Replace steam line on NE area of campus, Phase IV of the steam line replacement</td>
<td>$ 700,000</td>
<td>$3,125,000</td>
</tr>
<tr>
<td>11</td>
<td>Theater Stage Rigging</td>
<td>Replace unsafe stage rigging in Kent, Morgan &amp; Lyric Theaters.</td>
<td>$ 900,000</td>
<td>$4,025,000</td>
</tr>
<tr>
<td>12</td>
<td>Medium Voltage Upgrade</td>
<td>North overhead to underground conversion PH II. Oil switches.</td>
<td>$ 500,000</td>
<td>$4,525,000</td>
</tr>
<tr>
<td>13</td>
<td>Campus-Wide Bike Racks</td>
<td>Install bike racks across campus as determined.</td>
<td>$ 50,000</td>
<td>$4,575,000</td>
</tr>
<tr>
<td>14</td>
<td>Sidewalk Replacement</td>
<td>Campus-wide replace sidewalks</td>
<td>$ 150,000</td>
<td>$4,725,000</td>
</tr>
<tr>
<td>15</td>
<td>Chilled Water - Edith Bowen/CPD</td>
<td>Chilled water tie-ins from Edith Bowen to CPD.</td>
<td>$ 250,000</td>
<td>$4,975,000</td>
</tr>
<tr>
<td>16</td>
<td>Roofing Projects</td>
<td>Water Lab, Lyric Theater, Engineering Lab, Animal Science</td>
<td>$ 600,000</td>
<td>$5,575,000</td>
</tr>
<tr>
<td>17</td>
<td>Family Life</td>
<td>Provide Electro Magnetic door closers and hold opens</td>
<td>$ 80,000</td>
<td>$5,655,000</td>
</tr>
<tr>
<td>Priority</td>
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<tr>
<td>18</td>
<td>Campus-Wide Access Control</td>
<td>This project will add to the electronic card access system that is being retro-fitted to existing buildings to improve security, to include Edith Bowen. Including card access for classrooms with technology.</td>
<td>$300,000</td>
<td>$5,955,000</td>
</tr>
<tr>
<td>19</td>
<td>ASTE Heating System</td>
<td>Install additional gas fired radiant tube heating system, to supplement existing direct fired heating unit in high bay space.</td>
<td>$100,000</td>
<td>$6,055,000</td>
</tr>
<tr>
<td>20</td>
<td>Campus-wide Irrigation &amp; Landscape Upgrades</td>
<td>Replace old irrigation systems and tired landscaping.</td>
<td>$200,000</td>
<td>$6,255,000</td>
</tr>
<tr>
<td>21</td>
<td>Industrial Science Fire Alarm</td>
<td>Replace/Upgrade existing fire alarm system.</td>
<td>$100,000</td>
<td>$6,355,000</td>
</tr>
<tr>
<td>22</td>
<td>Aggie Village road &amp; parking lot</td>
<td>Current paving is highly deteriorated. Will probably not last one more year.</td>
<td>$450,000</td>
<td>$6,805,000</td>
</tr>
<tr>
<td>23</td>
<td>Mtn View parking lot west of tennis courts</td>
<td>Current paving is highly deteriorated</td>
<td>$440,000</td>
<td>$7,245,000</td>
</tr>
<tr>
<td>24</td>
<td>1200 East Study</td>
<td>Create a master plan for 1200 East Street improvements, including: Cemetery sidewalk, lighting, cemetery lane access and landscaping.</td>
<td>$30,000</td>
<td>$7,275,000</td>
</tr>
<tr>
<td>25</td>
<td>Misc Critical Improvements</td>
<td>Misc Critical Improvements</td>
<td>$500,000</td>
<td>$7,775,000</td>
</tr>
<tr>
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<tr>
<td>26</td>
<td>1200 East (Aggie Village)</td>
<td>Complete landscaping improvements between Aggie Village and Poisonous Plants Research Labs on the west side of 1200 East.</td>
<td>$ 100,000</td>
<td>$7,875,000</td>
</tr>
<tr>
<td>27</td>
<td>Campus Fume Hood Upgrades</td>
<td>Upgrade fume hoods in ASTE, Animal Science and Education</td>
<td>$ 100,000</td>
<td>$7,975,000</td>
</tr>
<tr>
<td>28</td>
<td>Campus-Wide Steam Line</td>
<td>Provide steam condensate, chilled water, hot water and pipe insulation in buildings, machine rooms and tunnels.</td>
<td>$ 100,000</td>
<td>$8,075,000</td>
</tr>
<tr>
<td></td>
<td>Insulation</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>29</td>
<td>Campus Electrical Upgrades</td>
<td>Service upgrade to include Research greenhouse electrical service, UWRL generator.</td>
<td>$ 200,000</td>
<td>$8,275,000</td>
</tr>
<tr>
<td>30</td>
<td>Student Living Center</td>
<td>Current paving has many potholes.</td>
<td>$ 340,000</td>
<td>$8,615,000</td>
</tr>
<tr>
<td></td>
<td>parking lot</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>Chilled Water Storage Tank</td>
<td>This project would add a 1 - 1.5 million gallon underground chilled water storage tank so chillers could be run at night and reduce the high cost of daytime electrical usage and provide back up cooling during an outage for emergency loads.</td>
<td>$ 2,500,000</td>
<td>$11,115,000</td>
</tr>
<tr>
<td>32</td>
<td>Old Main DDC Controls</td>
<td>The controls in Old Main are all pneumatic and this funding will replace thermostats and damper controls with digital.</td>
<td>$ 350,000</td>
<td>$11,465,000</td>
</tr>
<tr>
<td></td>
<td>Upgrade</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Education Atrium</td>
<td>Replace clear glass portions of existing skylight with insulated translucent panels. This would reduce the heat load created by direct sunlight through the existing atrium structure. This project would improve comfort throughout the building and save energy.</td>
<td>$ 350,000</td>
<td>$11,815,000</td>
</tr>
<tr>
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<tr>
<td>34</td>
<td>Junction parking lot and roadway</td>
<td>Road needs to be re-paved &amp; new parking stalls are needed to replace those lost by new tennis courts.</td>
<td>$ 600,000</td>
<td>$12,415,000</td>
</tr>
<tr>
<td>35</td>
<td>Info. Services Handicap Access</td>
<td>Install handicap access @ Information Services. Determine feasibility.</td>
<td>$ 80,000</td>
<td>$12,495,000</td>
</tr>
<tr>
<td>36</td>
<td>Lath House</td>
<td>The existing lath house is structurally inadequate and poses a threat to life safety, especially during winter time.</td>
<td>$ 280,000</td>
<td>$12,775,000</td>
</tr>
<tr>
<td>37</td>
<td>New Tennis Court Lights</td>
<td>Finish light work for the new tennis court site.</td>
<td>$ 250,000</td>
<td>$13,025,000</td>
</tr>
<tr>
<td>38</td>
<td>Research Greenhouse Fire Alarm</td>
<td>Upgrade existing fire alarm system @ the Bee Lab.</td>
<td>$ 12,000</td>
<td>$13,037,000</td>
</tr>
<tr>
<td>39</td>
<td>Irrigation line through cemetery</td>
<td>Install 18&quot; irrigation line from 700 N behind facilities through the cemetery to 1000 N.</td>
<td>$ 950,000</td>
<td>$13,987,000</td>
</tr>
<tr>
<td>40</td>
<td>Widstoe Machine Room Floor</td>
<td>Repair floor in remaining machine room to stop leaks.</td>
<td>$ 20,000</td>
<td>$14,007,000</td>
</tr>
<tr>
<td>Priority</td>
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<tr>
<td>41</td>
<td>Water Lab Front Bridge</td>
<td>Steel supports and framing are deteriorated and need to be repaired/replaced. Bridge does not support fire truck loads.</td>
<td>$ 300,000</td>
<td>$14,307,000</td>
</tr>
<tr>
<td>42</td>
<td>Outdoor Classrooms</td>
<td>The arboretum classes do not have a space on campus to review plants. Department wants to construct a demonstration garden for class use.</td>
<td>$ 120,000</td>
<td>$14,427,000</td>
</tr>
<tr>
<td>43</td>
<td>BNR Fume Hood</td>
<td>Upgrade existing fume hoods</td>
<td>$ 400,000</td>
<td>$14,827,000</td>
</tr>
<tr>
<td>44</td>
<td>USU Culinary Line to Connect to Establish a Loop</td>
<td>Establish a culinary water loop to be built down 1200 East to 1000 N along NE Stadium Drive.</td>
<td>$ 400,000</td>
<td>$15,227,000</td>
</tr>
<tr>
<td>45</td>
<td>1200 East Lighting Improvements:</td>
<td>New lighting on 12th East from Hwy 89 along 1200 East to 10th North (need to verify cost with Mark) Partner with Logan City?</td>
<td>$ 50,000</td>
<td>$15,277,000</td>
</tr>
</tbody>
</table>
ITEM FOR ACTION


EXECUTIVE SUMMARY

A proposed change to the Utah State University Policy Manual, Section 406 Program Discontinuance, Financial Exigency and Financial Crisis was forwarded by the Professional Responsibilities and Procedures Committee (PRPC) and approved by the Faculty Senate on April 27, 2009. These changes are non-substantive and serve to clarify policy and make terminology consistent with other sections of the Policy Manual.

The above recommendations were made by the Professional Responsibilities and Procedures Committee (PRPC) and approved by the Faculty Senate (see attached).

RECOMMENDATION

Based on the above proposal and approvals as indicated, the President and Provost recommend that the Board of Trustees approve the proposed amendment to the Utah State University Policy Manual, Section 406 Program Discontinuance, Financial Exigency and Financial Crisis.
RESOLUTION
UTAH STATE UNIVERSITY
BOARD OF TRUSTEES

WHEREAS, The proposal to amend the Utah State University Policy Manual, Section 406 Program Discontinuance, Financial Exigency and Financial Crisis, and

WHEREAS, These changes are non-substantive and serve to clarify policy and make terminology consistent with other sections of the Policy Manual, and

WHEREAS, The proposal has the support of the Professional Responsibilities and Procedures Committee (PRPC), and

WHEREAS, The proposal has been approved by the Faculty Senate, and

WHEREAS, The proposal has the approval of the President and Provost of Utah State University;

NOW THEREFORE BE IT RESOLVED, That the Utah State University Board of Trustees hereby approves the proposed amendment to the Utah State University Policy Manual, Section 406 Program Discontinuance, Financial Exigency and Financial Crisis.

RESOLUTION APPROVED BY THE BOARD OF TRUSTEES

DATE
406.2 PROGRAM DISCONTINUANCE FOR ACADEMIC REASONS

2.3 Terminations; Reductions in Status

(2) Definition of termination and reduction in status.

Termination means the ending of employment of a tenured faculty member (or one with term appointment) for medical [incapacity, program discontinuance, financial crisis, or financial exigency (see also Policy 407.2.1(3)]. Reduction in status means a decrease in annual time the faculty member is contracted to the University.

(6) Appeal.

Within 30 calendar days of receiving notice from the President of termination or reduction in status, a faculty member who intends to appeal must notify, in writing, the President and the Academic Freedom and Tenure Committee of the intent to appeal. The formal appeal, with supporting documentation, must be filed with the Academic Freedom and Tenure Committee within 60 calendar days of receipt of notice from the President. A hearing will then be conducted in a timely manner by the Academic Freedom and Tenure Committee, in accordance with procedures established by that committee.

406.4 FINANCIAL EXIGENCY

4.3 Program Elimination or Reduction Because of Financial Exigency

(1) Iterative process.

After declaration of financial exigency by the Board of Regents, an iterative process of University program elimination or reduction may begin. The intent of this process is to best insure the continuing integrity of academic programs and the overall mission of the University. The first step in this process shall be for every administrative, academic, non-academic, and structural component of the University to assess its programs with regard to legal mandate, essentiality to the mission/role of the University, and quality. During subsequent steps, support services shall be reduced to the extent feasible while preventing significant impairment of the University’s ability to fulfill its mission/role.

(2) Administrative and support services.

The President will ask the Provost and the appropriate vice presidents to develop reduction and/or elimination plans in the areas of University-wide support services and nonacademic programs. Such plans will be reviewed by the Administrative Council, the Deans' Council, the Budget and Faculty Welfare Committee, and the relevant committees of the Professional Employees Association and the
Classified Employees Council, and will be integrated with academic elimination or reduction plans in light of the overall academic mission of the University.

If a non-academic program has been reduced or eliminated, University-wide support services must be re-evaluated and reduced as appropriate. These reductions shall precede further reductions in or elimination of academic programs.

(3) Academic program elimination or reduction.

The President, after consultation with the Executive Committee, the Deans Council, and the Budget and Faculty Welfare Committee, shall direct the Provost to develop plans for academic program elimination or reduction. These plans shall include a timetable for their implementation.

The development of academic program elimination or reduction plans must involve consultation among departmental and college faculties to identify areas under consideration for academic program eliminations or reductions. The following criteria and information sources shall be considered by those making judgments about which programs should be eliminated or reduced because of financial exigency: (a) legal mandate; (b) the general academic quality of the program with regard to scholarship, teaching, and service; (c) the extent of importance that the program has for the mission of the University; (d) the mission and goals of the University; (e) Graduate Council review; (f) findings by national accreditation bodies; (g) reports by appropriate national ranking sources; (h) such other systematically derived information, based on long-term considerations of program quality, as may be available; (i) the capacity of the program to generate external funding; (j) faculty/student ratios; (k) cost effectiveness when compared to similar programs at other universities; and (l) relationship to the Board of Regents Master Plan for Higher Education in the State of Utah. The above list is not ranked and is not inclusive.

If an academic program is eliminated or reduced, those support services and administrative oversight associated with it shall be re-evaluated and reduced if appropriate. Any reductions in support services shall precede further reduction or elimination of academic programs.

(4) Review.

If a plan calls for the elimination or reduction of a specific program, center, institute, school, department, or college, that element of the plan shall be reviewed by the Budget and Faculty Welfare Committee; the Educational Policies Committee; the Graduate Council, where appropriate; the faculty members and/or faculty committee most directly involved in the program; the appropriate director, department head, and dean; relevant college committees or councils; relevant committees of the Professional Employees Association and the Classified Employees Association; and relevant student advisory committees. The views of these bodies shall be forwarded to the Faculty Senate for its consideration within the time periods prescribed by the President. The conclusions of the above bodies and the Faculty Senate shall be forwarded to the Provost who shall consider them and forward them, along with his/her own recommendation, to the President. When the President's recommendations are submitted to the Board of Trustees and the Board of Regents, they shall be accompanied by the Faculty Senate's recommendations. After the Board of Regents has approved the plan by the University to eliminate a program, the appropriate dean or vice president of the program, center, institute, school, department, or college shall give written notice of the elimination to all persons, including students, in the program, center, institute, school, department, or college.

(5) Timetable.
Once financial exigency has been declared, the President shall submit to the Faculty Senate a timetable for relieving the state of exigency. Further, he/she shall report progress in this endeavor to the Faculty Senate on a quarterly basis.

406.6 MAJOR FINANCIAL CRISIS

6.1 Definitions

(1) Major financial crisis.

To constitute a major financial crisis, a situation facing the University shall: (a) be significantly and demonstrably more than a minor, temporary, and/or cyclical fluctuation in operating funds; and (b) involve substantial risk to the survival of department, colleges, or other major academic components of the University. A substantial risk to survival is considered one where a substantial reduction occurs in (a) the ability to fulfill the mission of the academic unit, (b) the number of students served by the academic unit, or (c) the number and quality of course offerings.

(2) Academic program.

See Policy 406.2.1(2).

6.3 Program Elimination or Reduction Because of Major Financial Crisis

(1) Strategies.

When the President has declared the existence of a major financial crisis, he/she shall consult the Executive Committee, the Deans Council, the Graduate Council, appropriate directors of non-academic programs, the Budget and Faculty Welfare Committee, and the Educational Policies Committee concerning strategies for dealing with the crisis. These shall include examination of feasibility of all of the following: restrictions on enrollment, reductions or elimination of non-academic programs, across-the-board budget reductions, phased reductions, attrition, reductions in supplies, and, finally, reduction or elimination of academic programs. The President will then outline to the Faculty Senate the strategies he/she proposes to follow in developing a specific plan for coping with the crisis. After receiving input from the groups above, the Faculty Senate will make whatever recommendations it deems appropriate concerning such strategies.

The policies below apply when, after receipt of the recommendations of the Faculty Senate, the President has concluded that a declared major financial crisis entails academic program reduction or elimination.

(2) Iterative process.

After declaration of a major financial crisis by the President, an iterative process of University program elimination or reduction may begin. This process should be carried out in a manner that best insures the continuing integrity of academic programs. The first step in this process shall be for every administrative, academic, non-academic, and structural component of the University to assess its programs with regard to quality and essentiality to the mission of the University. During subsequent
steps, support services shall be reduced to the extent feasible to prevent significant impairment of the University's ability to fulfill its mission/role.

(3) Administrative and support services.

The President will ask the Provost and the appropriate vice presidents to develop reduction and/or elimination plans in the areas of University-wide support services and nonacademic programs. Such plans will be reviewed by the Administrative Council, the Deans' Council, the Budget and Faculty Welfare Committee, the Professional Employees Association, and the Classified Employees Council, and will be integrated with academic elimination or reduction plans in light of the overall mission/role of the University.

If a non-academic program has been reduced or eliminated, University-wide support services must be re-evaluated and reduced as appropriate. Any reductions in support services or administrative oversight shall precede further reductions in or elimination of academic programs.

(4) Academic program elimination or reduction.

The President shall direct the Provost to assist academic departments in developing plans to implement academic program elimination or reduction. The individual academic departments of the University shall be asked to evaluate their programs, consider alternatives to program reduction or elimination, and examine possible timeframes (including multiyear) for accomplishing possible budget reductions. The dean of each college shall review the departmental reports and comment upon them. The departmental reports and deans' comments shall be forwarded to the Administrative Council, the Deans' Council, the Graduate Council where appropriate, and the Educational Policies Committee for their review and statement of reactions.

The following criteria and information sources shall be considered by those making judgments about which programs should be eliminated or reduced because of a major financial crisis: (a) legal mandate; (b) the general academic quality of the program with regard to scholarship, teaching, and service; (c) the extent of importance that the program has for the mission of the University; (d) the mission and goals of the University; (e) Graduate Council review where appropriate; (f) findings by national accreditation bodies; (g) reports by appropriate national ranking sources; (h) such other systematically derived information, based on long-term considerations of program quality, as may be available; (i) the capacity of the program to generate external funding; (j) faculty/student ratios; (k) cost effectiveness when compared to similar programs at other universities; and (l) relationship to the Board of Regents' Master Plan for Higher Education in the State of Utah. The above list is not ranked and is not inclusive.

If an academic program is eliminated or reduced, those support services associated with it shall be re-evaluated and reduced if appropriate. These reductions shall precede further reduction or elimination of academic programs.

Unless financial exigency is declared, tenured faculty members may not be terminated because their program was reduced, except when program elimination has occurred.

(5) Review.

If a program calls for the elimination or reduction of a specific program, center, institute, school,
department, or college, that element of the plan shall be reviewed by the Budget and Faculty Welfare Committee; the Educational Policies Committee; the Graduate Council; the faculty members and/or faculty committee most directly involved in the program; the appropriate director, department head, and dean; relevant college committees or councils; and relevant student advisory committees. The views of these bodies shall be forwarded to the Faculty Senate for its consideration within the time periods prescribed by the President. The conclusions of the above bodies and the Faculty Senate shall be forwarded to the President who shall consider them in his/her review of the proposed plan. The views of the Faculty Senate on the plans shall be forwarded to the Board of Trustees and/or to such other body as may be required by state law or University policy.

(6) Timetable.

Once a major financial crisis has been declared, the President shall submit to the Faculty Senate, the Professional Employees Association, and the Classified Employees Association a timetable for relieving the crisis. Further, he/she shall report progress in this endeavor to the Faculty Senate, the Professional Employees Association, and the Classified Employees Association on a quarterly basis.

6.4 Terminations; Reductions in Status

The procedures described in Policy 406.4.4 shall apply, except that the appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure unless program elimination has occurred.

Comment: PKF recommends deleting this phrase. These terms have been adequately defined and compared in earlier paragraphs.

Deleted: reference to financial exigency shall mean major financial crisis
FINAL WORDING

Number 406.[2, 4, 6]  
Subject: Program Discontinuance, Financial Exigency and Financial Crisis  
Effective Date: July 1, 1997  
Date of Last Revision: July 1, 1999  
PRPC Draft Revision A: April 8, 2009  
Following up on level-2 recommended changes

406.2 PROGRAM DISCONTINUANCE FOR ACADEMIC REASONS

2.3 Terminations; Reductions in Status

(2) Definition of termination and reduction in status.

Termination means the ending of employment of a tenured faculty member (or one with term appointment) for medical incapacity, program discontinuance, financial crisis, or financial exigency [see also Policy 407.2.1(3)]. Reduction in status means a decrease in annual time the faculty member is contracted to the University.

(6) Appeal.

Within 30 calendar days of receiving notice from the President of termination or reduction in status, a faculty member who intends to appeal must notify, in writing, the President and the Academic Freedom and Tenure Committee of the intent to appeal. The formal appeal, with supporting documentation, must be filed with the Academic Freedom and Tenure Committee within 60 calendar days of receipt of notice from the President. A hearing will then be conducted in a timely manner by the Academic Freedom and Tenure Committee, in accordance with procedures established by that committee.

406.4 FINANCIAL EXIGENCY

4.3 Program Elimination or Reduction Because of Financial Exigency

(1) Iterative process.

After declaration of financial exigency by the Board of Regents, an iterative process of University program elimination or reduction may begin. The intent of this process is to best insure the continuing integrity of academic programs and the overall mission of the University. The first step in this process shall be for every administrative, academic, non-academic, and structural component of the University to assess its programs with regard to legal mandate, essentiality to the mission/role of the University, and quality. During subsequent steps, support services shall be reduced to the extent feasible while preventing significant impairment of the University’s ability to fulfill its mission/role.

(2) Administrative and support services.

The President will ask the Provost and the appropriate vice presidents to develop reduction and/or elimination plans in the areas of University-wide support services and nonacademic programs. Such
plans will be reviewed by the Administrative Council, the Deans’ Council, the Budget and Faculty Welfare Committee, and the relevant committees of the Professional Employees Association and the Classified Employees Council, and will be integrated with academic elimination or reduction plans in light of the overall academic mission of the University.

If a non-academic program has been reduced or eliminated, University-wide support services must be re-evaluated and reduced as appropriate. These reductions shall precede further reductions in or elimination of academic programs.

(3) Academic program elimination or reduction.

The President, after consultation with the Executive Committee, the Deans’ Council, and the Budget and Faculty Welfare Committee, shall direct the Provost to develop plans for academic program elimination or reduction. These plans shall include a timetable for their implementation.

The development of academic program elimination or reduction plans must involve consultation among departmental and college faculties to identify areas under consideration for academic program eliminations or reductions. The following criteria and information sources shall be considered by those making judgments about which programs should be eliminated or reduced because of financial exigency: (a) legal mandate; (b) the general academic quality of the program with regard to scholarship, teaching, and service; (c) the extent of importance that the program has for the mission of the University; (d) the mission and goals of the University; (e) Graduate Council review; (f) findings by national accreditation bodies; (g) reports by appropriate national ranking sources; (h) such other systematically derived information, based on long-term considerations of program quality, as may be available; (i) the capacity of the program to generate external funding; (j) faculty/student ratios; (k) cost effectiveness when compared to similar programs at other universities; and (l) relationship to the Board of Regents Master Plan for Higher Education in the State of Utah. The above list is not ranked and is not inclusive.

If an academic program is eliminated or reduced, those support services and administrative oversight associated with it shall be re-evaluated and reduced if appropriate. Any reductions in support services shall precede further reduction or elimination of academic programs.

(4) Review.

If a plan calls for the elimination or reduction of a specific program, center, institute, school, department, or college, that element of the plan shall be reviewed by the Budget and Faculty Welfare Committee; the Educational Policies Committee; the Graduate Council, where appropriate; the faculty members and/or faculty committee most directly involved in the program; the appropriate director, department head, and dean; relevant college committees or councils; relevant committees of the Professional Employees Association and the Classified Employees Association; and relevant student advisory committees. The views of these bodies shall be forwarded to the Faculty Senate for its consideration within the time periods prescribed by the President. The conclusions of the above bodies and the Faculty Senate shall be forwarded to the Provost who shall consider them and forward them, along with his/her own recommendation, to the President. When the President’s recommendations are submitted to the Board of Trustees and the Board of Regents, they shall be accompanied by the Faculty Senate’s recommendations. After the Board of Regents has approved the plan by the University to eliminate a program, the appropriate dean or vice president of the program, center, institute, school, department, or college shall give written notice of the elimination to all.
persons, including students, in the program, center, institute, school, department, or college.
(5) Timetable.

Once financial exigency has been declared, the President shall submit to the Faculty Senate a
timetable for relieving the state of exigency. Further, he/she shall report progress in this endeavor to
the Faculty Senate on a quarterly basis.

406.6 MAJOR FINANCIAL CRISIS

6.1 Definitions

(1) Major financial crisis.

To constitute a major financial crisis, a situation facing the University shall: (a) be significantly and
demonstrably more than a minor, temporary, and/or cyclical fluctuation in operating funds; and (b)
involve substantial risk to the survival of department, colleges, or other major academic components
of the University. A substantial risk to survival is considered one where a substantial reduction
occurs in (a) the ability to fulfill the mission of the academic unit, (b) the number of students served
by the academic unit, or (c) the number and quality of course offerings.

(2) Academic program.

See Policy 406.2.1(2).

6.3 Program Elimination or Reduction Because of Major Financial Crisis

(1) Strategies.

When the President has declared the existence of a major financial crisis, he/she shall consult the
Executive Committee, the Deans Council, the Graduate Council, appropriate directors of non-
academic programs, the Budget and Faculty Welfare Committee, and the Educational Policies
Committee concerning strategies for dealing with the crisis. These shall include examination of
feasibility of all of the following: restrictions on enrollment, reductions or elimination of non-
academic programs, across-the-board budget reductions, phased reductions, attrition, reductions in
supplies, and, finally, reduction or elimination of academic programs. The President will then outline
to the Faculty Senate the strategies he/she proposes to follow in developing a specific plan for coping
with the crisis. After receiving input from the groups above, the Faculty Senate will make whatever
recommendations it deems appropriate concerning such strategies.

The policies below apply when, after receipt of the recommendations of the Faculty Senate, the
President has concluded that a declared major financial crisis entails academic program reduction or
elimination.

(2) Iterative process.

After declaration of a major financial crisis by the President, an iterative process of University
program elimination or reduction may begin. This process should be carried out in a manner that best
insures the continuing integrity of academic programs. The first step in this process shall be for every
administrative, academic, non-academic, and structural component of the University to assess its programs with regard to quality and essentiality to the mission of the University. During subsequent steps, support services shall be reduced to the extent feasible to prevent significant impairment of the University's ability to fulfill its mission/role.

(3) Administrative and support services.

The President will ask the Provost and the appropriate vice presidents to develop reduction and/or elimination plans in the areas of University-wide support services and nonacademic programs. Such plans will be reviewed by the Administrative Council, the Deans' Council, the Budget and Faculty Welfare Committee, the Professional Employees Association, and the Classified Employees Council, and will be integrated with academic elimination or reduction plans in light of the overall mission/role of the University.

If a non-academic program has been reduced or eliminated, University-wide support services must be re-evaluated and reduced as appropriate. Any reductions in support services or administrative oversight shall precede further reductions in or elimination of academic programs.

(4) Academic program elimination or reduction.

The President shall direct the Provost to assist academic departments in developing plans to implement academic program elimination or reduction. The individual academic departments of the University shall be asked to evaluate their programs, consider alternatives to program reduction or elimination, and examine possible timeframes (including multiyear) for accomplishing possible budget reductions. The dean of each college shall review the departmental reports and comment upon them. The departmental reports and deans' comments shall be forwarded to the Administrative Council, the Deans' Council, the Graduate Council where appropriate, and the Educational Policies Committee for their review and statement of reactions.

The following criteria and information sources shall be considered by those making judgments about which programs should be eliminated or reduced because of a major financial crisis: (a) legal mandate; (b) the general academic quality of the program with regard to scholarship, teaching, and service; (c) the extent of importance that the program has for the mission of the University; (d) the mission and goals of the University; (e) Graduate Council review where appropriate; (f) findings by national accreditation bodies; (g) reports by appropriate national ranking sources; (h) such other systematically derived information, based on long-term considerations of program quality, as may be available; (i) the capacity of the program to generate external funding; (j) faculty/student ratios; (k) cost effectiveness when compared to similar programs at other universities; and (l) relationship to the Board of Regents' Master Plan for Higher Education in the State of Utah. The above list is not ranked and is not inclusive.

If an academic program is eliminated or reduced, those support services associated with it shall be re-evaluated and reduced if appropriate. These reductions shall precede further reduction or elimination of academic programs.

Unless financial exigency is declared, tenured faculty members may not be terminated because their program was reduced, except when program elimination has occurred.

(5) Review.
If a program calls for the elimination or reduction of a specific program, center, institute, school, department, or college, that element of the plan shall be reviewed by the Budget and Faculty Welfare Committee; the Educational Policies Committee; the Graduate Council; the faculty members and/or faculty committee most directly involved in the program; the appropriate director, department head, and dean; relevant college committees or councils; and relevant student advisory committees. The views of these bodies shall be forwarded to the Faculty Senate for its consideration within the time periods prescribed by the President. The conclusions of the above bodies and the Faculty Senate shall be forwarded to the President who shall consider them in his/her review of the proposed plan. The views of the Faculty Senate on the plans shall be forwarded to the Board of Trustees and/or to such other body as may be required by state law or University policy.

(6) Timetable.

Once a major financial crisis has been declared, the President shall submit to the Faculty Senate, the Professional Employees Association, and the Classified Employees Association a timetable for relieving the crisis. Further, he/she shall report progress in this endeavor to the Faculty Senate, the Professional Employees Association, and the Classified Employees Association on a quarterly basis.

6.4 Terminations; Reductions in Status

The procedures described in Policy 406.4.4 shall apply, except that the appointment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure unless program elimination has occurred.
ITEM FOR ACTION

RE: A proposed amendment to the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process; Sanctions and Hearing Procedures – suggested revisions.

EXECUTIVE SUMMARY

A proposed change to the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process; Sanctions and Hearing Procedures was forwarded by the Professional Responsibilities and Procedures Committee (PRPC) and approved by the Faculty Senate on April 27, 2009. The code changes define days for all proceedings as calendar days (previously grievances were defined differently than the rest of this section.) These changes also clarify committee availability and how a calendar can be suspended.

The above recommendations were made by the Professional Responsibilities and Procedures Committee (PRPC) and approved by the Faculty Senate (see attached).

RECOMMENDATION

Based on the above proposal and approvals as indicated, the President and Provost recommend that the Board of Trustees approve the proposed amendment to the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process; Sanctions and Hearing Procedures.
RESOLUTION
UTAH STATE UNIVERSITY
BOARD OF TRUSTEES

WHEREAS, The proposal to amend the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process; Sanctions and Hearing Procedures, and

WHEREAS, There is a need to define days for all proceedings as calendar days, and

WHEREAS, There is a need to clarify committee availability and how a calendar can be suspended, and

WHEREAS, The proposal has the support of the Professional Responsibilities and Procedures Committee (PRPC), and

WHEREAS, The proposal has been approved by the Faculty Senate, and

WHEREAS, The proposal has the approval of the President and Provost of Utah State University;

NOW THEREFORE BE IT RESOLVED, That the Utah State University Board of Trustees hereby approves the proposed amendment to the Utah State University Policy Manual, Sections 407.1.2, 4.3 and 6.1 Academic Due Process; Sanctions and Hearing Procedures.

RESOLUTION APPROVED BY THE BOARD OF TRUSTEES

DATE
1.2 Definitions of Days

In all proceedings under Policy 407, a day is defined as a calendar day (Sunday through Saturday, excluding official university holidays).

4.3 Schedule of Events

The schedule of events for sanctions may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of the schedule of events for sanctions is warranted.

6.1 Initiation

Proceedings for grievances may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of grievance proceedings is warranted.
FINAL WORDING

1.2 Definition of Days

In all proceedings under Policy 407, a day is defined as a calendar day (Sunday through Saturday, excluding official university holidays).

4.3 Schedule of Events

The schedule of events for sanctions may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of the schedule of events for sanctions is warranted.

6.1 Initiation

Proceedings for grievances may be suspended for a reasonable time if key participants are not available either in person, by teleconference, by letter, or other appropriate means. The hearing panel, appointed by the chair of the Academic Freedom and Tenure Committee, will determine by a majority vote whether a suspension of grievance proceedings is warranted.
In all of the proceedings under Policies 407.3 through 407.8 a day is defined as a Monday, Tuesday, Wednesday, Thursday, or Friday during the defined period of appointment for the academic year. Official University holidays are not days.

Except for investigations into research fraud or where the parties mutually agree otherwise, the clock stops from the date of spring commencement until the first day of the following academic year (see Policy 404.2), from the last day of fall semester until the first day of the subsequent spring semester (where the last day of a semester includes the period for final examinations).

In all of the proceedings under Policies 407.9, .10, and .11, a day is defined as a calendar day (Sunday through Saturday) unless expressly stated as a working day (Monday through Friday, excluding holidays). Also, the clock does not stop for these proceedings.