

ACADEMIC SUPPORT POLICIES — SECTION 400

NUMBER: 406

SUBJECT: PROGRAM DISCONTINUANCE; FINANCIAL EXIGENCY; AND FINANCIAL CRISIS

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406.1 INTRODUCTION

This policy specifies the procedures for (1) discontinuing a program for academic reasons; (2) suspending enrollment; (3) determining whether at a particular moment MTECH faces a state of financial exigency; (4) responding to a financial exigency; (5) determining whether MTECH faces a major financial crisis not definable as financial exigency; (6) responding to a major financial crisis; and (7) terminating or reducing in status faculty members due to program discontinuance, bona fide financial exigency, or major financial crisis.

406.2 PROGRAM DISCONTINUANCE FOR ACADEMIC REASONS

406.2.1 Definitions

406.2.1.1 Program Discontinuance

Program discontinuance for academic reasons under this policy means the cessation of a program, based upon educational and academic considerations. Educational and academic considerations do not include cyclical or temporary variations in enrollment and/or budgets, but must reflect long-range judgments that the basic learning, and mission of MTECH will be strengthened by the discontinuance of the program. Program discontinuance does not preclude the reallocation of resources to other academic programs with higher priority based on academic and educational reasons.

406.2.1.2 Decision-Making Process

Consideration of the possible discontinuance of an academic program may be initiated at any time by the College President or by the Vice President of Instruction. The reasons for discontinuance, the effects on staff, students and other programs will be discussed and documented. The Executive Staff has the authority to make all decisions affecting the discontinuance of programs.

Once a decision has been reached, notification of the decision will be given to the MTECH Board of Directors for consideration and then to the Utah System of Technical College Board of Trustees (UTech). After approval has been given to the particular

Program Manager, Coordinator or Director of the particular program, faculty will be notified and then general notice shall be given to those directly affected.

406.2.1.3 Appeal

Within 30 days of receiving notice from the Campus President of termination of a program, a faculty member or student who intends to appeal the decision must notify in writing the Vice President for Instruction. The formal appeal, with supporting documentation, must be filed with the Vice President for Instruction within 60 days of receipt of notice from the President. A hearing will then be conducted in a timely manner by the Executive Staff.

406.3 FINANCIAL EXIGENCY

406.3.1 Definitions

406.3.1.1 Financial Exigency

Financial exigency is an existing or imminent financial crisis which threatens the mission/role of the institution as a whole, which requires programmatic reductions or closings which may entail faculty reductions or dismissals to enable the institution to accomplish its mission/role, and which cannot be alleviated by less drastic means.

406.3.1.2 Declaration of Financial Exigency

406.3.1.2.1 College Board of Directors; UTech Board of Trustees

The President may, in accordance with the procedures below and with the approval of the MTECH Board of Directors and the advice of the Executive Staff, recommend to the UTech Commissioner and the UTech Board of Trustees that a state of financial exigency be declared. A financial exigency may also be initiated by the UTech Board of Trustees. A financial exigency exists only after it has been declared by the Board of Trustees.

406.3.1.2.2 Initiation

When the College President identifies a possible financial exigency, he or she shall inform the Executive Staff concerning the causes and possible consequences of the crisis. The President shall also identify the measures considered by the College up to that point for dealing with the crisis, including a possible declaration of financial exigency, possible strategies that may be alternative to program reduction or program elimination, reasons why the College's financial circumstances may necessitate academic program reduction or elimination, and the time frame by which decisions must be made by those entitled to participate in the consultative process.

Time considerations will be critical when the College must judge whether or not a financial exigency exists. To the extent that such a judgment must be made in a brief

time frame for a given situation, the time periods for the consultative process provided for in this code shall be specified by written notice from the President, giving those for whom the consultative processes were provided the fullest possible amount of time under the circumstances. In that regard, the President shall use his or her best efforts to secure the fullest period of time possible for consideration of these matters and the responses hereto.

406.3.1.2.3 Recommendation

The College President shall submit his or her final recommendation on the declaration of financial exigency in writing to the MTECH Board of Directors prior to submitting it to the UTech Commissioner and UTech Board of Trustees. He or she shall attach the written comments and recommendations of the Executive Staff.

406.4 MAJOR FINANCIAL CRISIS

406.4.1 Definitions

406.4.1.1 Major Financial Crisis

To constitute a major financial crisis, a situation facing MTECH 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 departments, programs, or other major components of the College.

406.4.1.2 Declaration of Major Financial Crisis

406.4.1.2.1 Initiation

If the College President identifies a possible major financial crisis, he or she shall inform the Executive Staff concerning the causes and possible consequences of the crisis. The College President shall also identify the measures considered by the College up to that point for dealing with the crisis, including a possible declaration of financial exigency, strategies that may be alternatives to program reduction or program elimination, reasons why the College's financial circumstances may necessitate academic program reduction or elimination, and the time frame by which decisions must be made by those entitled to participate in the consultative process. The College President shall use his or her best efforts to secure the fullest period of time possible for consideration of these matters and the responses.