



Ohio Administrative Code

Rule 3335-5-02.2 Treatment of tenured faculty members during financial exigency.

Effective: October 11, 2023

(A) Definitions and construction.

(1) Academic program or program means:

(a) A college, school, department, division, or instructional unit headed by an academic administrator;

(b) A research or service unit, which may or may not educate students headed by an academic administrator;

(c) A coherent set of courses, or program of study, which leads to an academic degree; or

(d) A coherent set of courses, or program of study, which does not lead to an academic degree but which serves to educate or train students (e.g., a professional certification program or a remedial program).

(2) Curtailed means reduced or eliminated, while preserved means not eliminated.

(3) Tenured faculty member means a tenured member of the tenure-track faculty.

(4) Tenure initiating unit (TIU) means the specific academic unit responsible for making the initial recommendation on a tenure-track faculty member's tenure status as recorded on the university tenure audit list available at the office of academic affairs. For purposes of this definition, the university tenure audit list of March 12, 1982, shall be retained, except as subsequently modified in accord with paragraph (C) of rule 3335-5-14 of the Administrative Code.

(B) Involuntary termination of tenured faculty.



- (1) Hiring of faculty during financial exigency. The university shall not appoint new faculty while terminating tenured faculty appointments because of financial exigency unless a serious distortion in academic programs would otherwise result.
 - (2) Preservation of tenure initiating unit. A tenured faculty member whose TIU is preserved shall not be involuntarily terminated because of the curtailment of academic programs to which the faculty member is assigned.
 - (3) Administrative restructuring of tenure initiating unit. A tenured faculty member whose TIU is restructured by an administrative reorganization (e.g., by consolidation or merger with other TIU's, or by dispersal into several TIU's) shall not be involuntarily terminated for that reason. The faculty member shall be transferred to the appropriate reorganized TIU in accordance with the provisions of paragraph (C)(4) of this rule.
 - (4) Reinstitution of tenure initiating unit. If an eliminated TIU is substantively reinstated or established within a remaining TIU within three years, the university shall offer to reappoint all terminated tenured faculty members at their previous ranks.
 - (5) Elimination of tenure initiating unit. A tenured faculty member whose TIU is scheduled for elimination shall not be involuntarily terminated for that reason until the reassignment provision of paragraph (C) of this rule and the economic incentives of paragraph (D) of this rule have been offered to all eligible faculty members in the TIU.
 - (6) Notice of termination. A termination of appointment because of the elimination of a tenure initiating unit shall become effective no sooner than June thirty of the first full academic year following the academic year in which the appointment is terminated.
 - (7) Eligibility for termination compensation. A tenured faculty member who has been involuntarily terminated because of the elimination of their tenure initiating unit shall be entitled to accrued benefits and such compensation as authorized by the board of trustees.
- (C) Reassignment of tenured faculty members.



(1) Change of tenure initiating unit. If a tenured faculty member's TIU is scheduled for elimination, then the university shall offer to transfer the faculty member to any suitable authorized position in the remaining TIU's provided that a simple majority of all tenured faculty in a TIU are willing to accept the faculty member. The evaluation of the professional qualifications of the faculty member shall be made by the faculty in the new TIU, based on considerations of the faculty member's potential contributions to the needs of the program according to the prevailing standards of the new TIU.

(2) Reassignment to new position. A tenured faculty member whose tenure initiating unit is scheduled for elimination shall not be reassigned to another position unless that reassignment includes a change of TIU and retention of tenure. This requirement shall not preclude the possibility of employing in a non-faculty position a faculty member who has lost tenure because of resignation or involuntary termination. A faculty member shall not be obligated to accept an offer of reassignment.

(3) Eligibility for economic incentives. A tenured faculty member who accepts an offer of reassignment according to the provisions of paragraphs (C)(1) and (C)(2) of this rule and who voluntarily resigns from the reassigned position within six months, shall be entitled to any of the economic provisions of paragraph (D) of this rule that were applicable at the time of reassignment.

(4) Rate of compensation. Reassignment of a tenured faculty member to a different tenure initiating unit shall not be at a reduced rate of compensation. If reassignment necessitates a change of compensation base (e.g., conversion between nine-month and eleven-month appointments), then the change shall be calculated according to standard university accounting procedures.

(5) Displacement of other employees. A tenured faculty member who is reassigned to a new tenure initiating unit shall not displace an incumbent in an existing position (e.g., a tenured faculty member in a program which is curtailed shall not be assigned to a position in another TIU held by an untenured faculty member, or to a position held by an administrative and professional employee).

(6) Retraining of faculty. Where reassignment of a tenured faculty member according to the provisions of paragraph (B)(1), (C)(1), or (C)(2) of this rule would be facilitated by or contingent upon a period of retraining, the faculty member shall be eligible for a reassignment training leave.



(D) Economic incentives and retraining programs.

(1) Early retirement program. The university shall invoke the provisions of the Ohio state university early retirement program to facilitate the voluntary reduction of tenured faculty members in a curtailed academic program.

(2) Reassignment training leave program. The university shall invoke the provisions of a reassignment training leave program to facilitate reassignment of tenured faculty members to other programs or tenure initiating units.

(3) Other programs. The university shall invoke any other feasible methods to reduce by voluntary means the number of tenured faculty members in a curtailed academic program. Such methods could include a voluntary resignation program (e.g., a "buy-out" plan), among other possibilities.