

Senate Resolution #1756

Title: Financial Exigency Policy

Date: October 12, 1993

Author: Senator Farnam, Executive Yordy

Sponsors: Senator Farnam, Senator F. Green

1 WHEREAS, the current University of Wyoming policy for handling
2 a financial crisis as described in Unireg 41 is insufficient
3 for handling crises of great proportion; and

4 WHEREAS, the likelihood of a severe financial crisis is
5 increasing due to the condition of the economy; and

6 WHEREAS, this policy removes any ambiguity from the
7 termination of programming and or tenured faculty; and


8 WHEREAS, in the event of financial crisis this policy ensures
9 representation of administration, faculty, staff and the
10 students of the University of Wyoming regarding termination of
11 programming and or tenured faculty; and

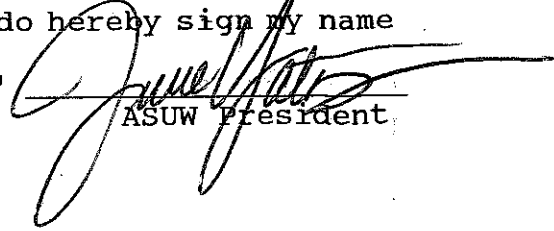
12 WHEREAS, tenured faculty have often proven themselves to be
13 worthy of a guaranteed position at the University and the loss
14 of such faculty damages the integrity of the institution; and

15 WHEREAS, the Faculty Senate's proposal requires the
16 announcement of the empirical reasons for the termination of
17 tenured faculty;

18 THEREFORE, be it resolved by the Student Senate of the
19 Associated Students of the University of Wyoming that we
20 support the Faculty Senate's proposed revisions to Unireg 41
21 *(see addendum)*.

Referred to: Research and Information Committee

Date of Passage: OCTOBER 26, 1993 Signed 
ASUW Chairperson

"Being enacted on October 26, 1993, I do hereby sign my name
hereto and approve this Senate action." 
ASUW President

A BILL TO REVISE UNIREG 41
CONCERNING FINANCIAL EXIGENCY

(Amendments to original Senate Bill 262 are indicated by capitalization and lined-through text.)

1 WHEREAS, the University of Wyoming may be confronted by a deficiency in financial
2 resources which requires the reduction or elimination of University programs and may
3 require the discharge of University personnel, including tenured faculty; and

4 WHEREAS, it is in the best interests of the University, its students, faculty and other
5 personnel to adopt fair and rational principles and procedures for dealing with such a
6 financial deficiency;

7 THEREFORE BE IT ENACTED by the Faculty Senate of the University of Wyoming that
8 UniReg 41 be revised by replacing the present text thereof with the following provisions:

9 1. Statement of Policy. In the event the University of Wyoming is confronted by a
10 deficiency in financial resources which is so serious as to require the reduction or
11 elimination of programs or services and the discharge of University personnel including
12 tenured faculty, the University shall respond fairly and rationally, and in a manner
13 consistent with the continued attainment of the mission of the University.

14 This Regulation sets forth guidelines and procedures to promote decisiveness, fairness
15 and consistency in Presidential leadership and to ensure adherence to established
16 principles in the event of such an occurrence. To the extent possible, decisions will be
17 made through regular University processes, with significant input from faculty,
18 academic professionals, staff, administrators and students.

19 2. Definitions. As used in this Regulation:

20 a. "Committee" means the Financial Crisis Advisory Committee.

21 b. "Financial Crisis" means an imminent and substantial deficiency in
22 available University financial resources which warrants reduction or
23 elimination of University programs. The deficiency in available financial
24 resources may result from reduced legislative appropriation, reduce state
25 revenues which make appropriated funds unavailable, reduced income
26 from other sources including University grants, gifts, and tuition and fees,
27 or from unforeseen financial demands.

28 c. "Financial Crisis Plan" means the plan developed by the President to meet
29 a financial crisis, and approved by the Board of Trustees.

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30 d. "Financial Exigency" means a financial crisis so severe that preservation
31 of the integrity of the University and prevention of substantial harm to the
32 institution requires termination of the employment of tenured faculty.
33 Termination of employment of tenured faculty in the event of financial
34 exigency may result from program reductions or from program
35 eliminations. Financial exigency may be determined only by the Board
36 of Trustees, and the employment of tenured faculty members may be
37 terminated only following the declaration by the Board of Trustees that a
38 financial exigency exists. Financial exigency may be declared only when
39 all feasible measures for reducing expenditures other than termination of
40 tenured faculty have been considered and have been found inadequate to
41 deal with the financial crisis.

42 e. "President" means the President of the University of Wyoming.

43 f. "Program" means a unit of the University which provides an organized
44 and identifiable service or function, which may have an allocated budget,
45 and which can be identified as a separate entity for planning purposes.

46 g. "Provost" means the Provost and Vice President for Academic and Student
47 Affairs.

48 h. "Tenured Faculty" means regular faculty with tenure as defined in the
49 Regulations of the Trustees of the University of Wyoming, Chapter V,
50 Section 4.

51 3. Financial Crisis Advisory Committee. The Financial Crisis Advisory Committee
52 shall consist of thirteen members:

- 53 Provost
- 54 Vice President for Finance
- 55 Two Deans, selected by the Executive Deans' Council
- 56 Two Members of each of the following, selected by their membership:
 - 57 Faculty Senate Executive Committee
 - 58 Academic Planning Committee
 - 59 Budget Planning Committee
 - 60 Staff Council
- 61 President of the Associated Students of Wyoming, or a member of the
62 student body designated by the President of ASUW.

63 The Committee shall elect a chair from its members.

64 4. Determination of Financial Crisis. Whenever the President determines that a
65 financial crisis exists, the President shall:

- 66 o Declare the existence of a financial crisis;

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- 67 ◦ Convene the Financial Crisis Advisory Committee to advise the President;
- 68 ◦ Issue a written statement to the University community explaining why a
- 69 ◦ financial crisis has been determined to exist;

- 70 ◦ Specify the anticipated financial deficiency expected during the current
- 71 ◦ fiscal year and the University's financial prospects for the two succeeding
- 72 ◦ fiscal years;

- 73 ◦ Call a general University meeting at which the President shall explain why
- 74 ◦ a financial crisis has been declared, and solicit questions and comments
- 75 ◦ from members of the University community; and

- 76 ◦ Prepare a Financial Crisis Plan to address the deficiency in University
- 77 ◦ resources, and submit the Plan to the Trustees of the University for
- 78 ◦ approval by the Trustees.

79 5. Financial Crisis Plan. The Financial Crisis Plan shall be prepared by the
80 President in consultation with the Financial Crisis Advisory Committee. The President
81 shall inform the Committee of the financial circumstances of the University, and of
82 actions taken to effect economies. In the preparation of the Financial Crisis Plan,
83 determinations as to reduction of University expenditures including personal services,
84 support services, travel, equipment, non-operating expenditures, and contractual
85 services, shall initially be proposed through established University regulations and
86 procedures. THE COMMITTEE MAY SUBMIT TO THE BOARD OF TRUSTEES ITS
87 RECOMMENDATIONS WITH REGARD TO THE FINANCIAL CRISIS PLAN.

88 6. Financial Exigency. If the financial crisis is so severe that the financial crisis
89 plan will require the termination of positions held by tenured faculty members, the
90 President shall at the time of submission of the Financial Crisis Plan to the Board of
91 Trustees request that the Trustees declare a financial exigency. Before submitting a
92 request that the Board of Trustees declare financial exigency, the President shall inform
93 the Committee of the intention to do so, and the Committee may submit to the Board
94 of Trustees its recommendation as to whether financial exigency should be declared.

95 7. Action by Trustees. Based upon the Financial Crisis Plan submitted by the
96 President, and upon other available information, the Trustees shall approve, modify and
97 approve, or reject the Financial Crisis Plan. If the Financial Crisis Plan requests a
98 finding of financial exigency, and the Trustees determine that the financial crisis is so
99 severe that termination of tenured faculty is necessary, the Trustees shall declare
100 financial exigency.

101 8. Commitment to Tenured Faculty. Where a program is reduced due to financial
102 exigency, the employment of tenured faculty in the program shall not be terminated in
103 favor of retaining nontenured faculty, nor shall new appointments be made at the same
104 time to the program except in extraordinary circumstances where a serious distortion
105 in the academic program of the University would otherwise result. Decisions to
106 terminate tenured faculty shall not be made on the sole ground that financial savings
107 would result from the elimination of a person's salary.

108 If the position in a program of a tenured faculty member is eliminated due to
109 financial exigency, the University shall make reasonable efforts to transfer the faculty
110 member to another open and funded position for which the tenured faculty member is
111 qualified.

112 In the event that it is determined that the employment of a tenured faculty
113 member must be terminated due to financial exigency:

114 a. The faculty member shall be given written notice of termination, stating
115 the cause, at least one year prior to the effective date of termination,
116 ~~unless financial conditions make it necessary to give shorter notice, in~~
117 ~~which case the longest notice practicable shall be given.~~

118 b. When notice of termination of employment is received, the tenured faculty
119 member may appeal the termination under University Regulation 35.

120 When a position held by a tenured faculty member is terminated, if that position
121 is restored or a new position with similar duties is created within a period of three years
122 following its termination, the position shall first be offered to the tenured faculty
123 member who formerly held the position, and who was terminated or transferred
124 because of financial exigency.

Authentication: The foregoing Bill was duly adopted by the Faculty Senate of the
University of Wyoming under date of October 18, 1993, and is hereby transmitted to
the President of the University of Wyoming for review in accordance with the
Regulations of the Trustees of the University of Wyoming.

Respectfully submitted,



Cecyle Perry, Secretary
Faculty Senate

