



UNIVERSITY OF WYOMING REGULATIONS

Subject: Financial Exigency
Number: UW Regulation 6-41

I. PURPOSE

In the event the University of Wyoming is confronted by a deficiency in financial resources which is so serious as to require the discharge of tenured faculty or extended term academic professionals, the University shall respond fairly and rationally, and in a manner consistent with the continued attainment of the mission of the University.

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

II. DEFINITIONS

Committee: The Financial Exigency Advisory Committee.

Financial Exigency Plan: The plan developed by the President, and approved by the Board of Trustees.

Financial Exigency: A demonstrably bona fide, imminent financial crisis which threatens the viability of the institution as a whole, ~~or one or more of its programs, departments of instruction, or other distinct units, and~~ which cannot be alleviated by means other than a reduction in tenured faculty members or extended term academic professionals.

President: The President of the University of Wyoming.

~~Tenured Faculty and Extended Term (including Academic Professionals)~~: As defined in UW Regulation 5-1.

Unit: For purposes of this Regulation, Unit refers to an academic department. If there is no academic department, then Unit refers to the next smallest academic grouping, such as School or College.

41 **III. DETERMINATION OF FINANCIAL EXIGENCY**

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43 If the ~~financial climate is so severe~~ reasonable financial projections for the University are so
44 adverse that the University ~~will require the termination of positions held by~~ can remain
45 viable only by terminating tenured faculty members or extended term academic
46 professionals, the President shall request that the Trustees declare a Financial Exigency. If
47 the Trustees agree the financial climate is so severe that termination of tenured faculty
48 members or extended term academic professionals is necessary, the Trustees shall declare
49 Financial Exigency and direct the President to prepare a Financial Exigency Plan. ~~The Plan~~
50 shall be prepared by the President in consultation with the Financial Exigency Advisory
51 Committee. The President shall inform the Committee of the financial circumstances of the
52 University, and of actions taken to effect economies.

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54 **IV. FINANCIAL EXIGENCY ADVISORY COMMITTEE**

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56 The Financial Exigency Advisory Committee shall consist of thirteen members:

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58 **A.** Provost and Vice President for Academic Affairs

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60 **B.** Vice President for Administration

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62 **C.** Two Deans and/or Directors, selected by the Deans' and Directors' Council

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64 **D.** Two members from each of the following, selected by their membership:

65 **1.** Faculty Senate Executive Committee;

66 **2.** Academic Planning Committee;

67 **3.** Budget Planning Committee; and

68 **4.** Staff Senate; ~~and~~

69 **E.** President of the Associated Students of the University of Wyoming (ASUW), or
70 a member of the student body designated by the President of ASUW.

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72 The Committee shall elect a chair from its members.

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74 **V. FINANCIAL EXIGENCY PLAN**

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76 If the Board of Trustees declares a Financial Exigency, the President shall:

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78 **A.** Convene the Financial Exigency Advisory Committee to advise the President;

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80 **B.** Issue a written statement to the University community explaining why a
81 financial exigency exists;

- 82 C. Specify the anticipated financial deficiency expected during the current fiscal
83 year and the University's financial prospects for the two succeeding fiscal years;
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85 D. Call a general University meeting at which the President shall explain why a
86 financial exigency exists, and solicit questions and comments from members of
87 the University community; and
88
89 E. Prepare a Financial Exigency Plan to address the deficiency in University
90 resources, and submit the Plan to the Trustees of the University for approval by
91 the Trustees. This Plan shall include measures to protect the integrity and
92 accreditation of the University.

93 **VI. ACTION BY TRUSTEES**

94 Based upon the Financial Exigency Plan submitted by the President, and upon other
95 available information, the Trustees shall approve, modify and approve, or reject the
96 Financial Exigency Plan.

97 **VII. ~~COMMITMENT TO TENURED FACULTY MEMBERS AND EXTENDED~~**
98 **~~TERM ACADEMIC PROFESSIONALS~~ TERMINATION OF FACULTY**
99 **OR INCLUDING ACADEMIC PROFESSIONALS**

100 ~~The retention of tenured faculty shall be given all due consideration over tenure-track~~
101 ~~faculty and the retention of extended term academic professionals shall be given all due~~
102 ~~consideration over extended term-track academic professionals.~~

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104 If a tenured faculty member or extended term academic professional is eliminated due to
105 Financial Exigency, the University shall make reasonable efforts to transfer the tenured
106 faculty member or extended term academic professional to another ~~open and funded~~
107 position for which the tenured faculty member or extended term academic professional is
108 qualified.

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110 In the event that it is determined that the employment of a ~~tenured~~ faculty member or
111 ~~extended term~~ academic professional must be terminated due to Financial Exigency, the
112 President shall decide which positions to eliminate based on the following rules:

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114 A. Written notice of termination, stating the cause, shall be given as soon as
115 practicable. Termination ~~may~~ shall be effective ~~immediately~~ at the end of the
116 current semester term or summer session. For purposes of this Regulation, these
117 notice provisions govern, and any other notice provisions provided by UW
118 Regulations, policies, or procedures do not apply;

- 119 | **B.** When notice of termination of employment is received, ~~the a~~ tenured faculty
120 | member or extended term academic professional may appeal the termination
121 | pursuant to UW Regulation 6-44, but not the decision to declare financial
122 | exigency;
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124 | **C.** When a position held by a tenured faculty member or extended term academic
125 | professional is terminated, if that position is restored or a new position with
126 | similar duties is created within a period of ~~one (1)~~two years following its
127 | termination, the position shall first be offered to the tenured faculty member or
128 | extended term academic professional who formerly held the position, and who
129 | was terminated because of Financial Exigency, at the same salary, rank and
130 | seniority as the faculty member or academic professional previously held;
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132 | **D.** Whenever possible, reductions will be accomplished through attrition;
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134 | **E.** In the event that the necessary budget reductions can be achieved only by
135 | terminating tenured faculty, extended term academic professionals, or some
136 | combination of tenured faculty and extended term academic professionals, the
137 | President shall select positions for termination based upon the curricular
138 | requirements of a degree program in the Unit, accreditation requirements, or
139 | other bona fide program need, after consultation with the Dean and
140 | department head or other supervisor of the affected Unit;
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142 | **F.** No faculty member with tenure will be terminated until the faculty members
143 | in the Unit without tenure, including extended term academic professionals,
144 | have been terminated under Section VII-E., unless the University determines a
145 | qualified extended term academic professional is necessary to maintain the
146 | curricular requirements of a degree program in the Unit;
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148 | **~~F.G.~~** No extended term academic professional will be terminated until the non-
149 | extended term academic professionals in the Unit have been terminated;
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151 | **~~F.H.~~** Those employed full-time have retention priority over those employed on
152 | a part-time basis;
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154 | **~~G.I.~~** Among tenured faculty members in a Unit having equal professorial rank
155 | and retention priority, the tenured faculty member with the greatest seniority
156 | in the Unit will have retention priority. Seniority will be based first on an
157 | employee's professorial rank and second on total years of full-time equivalent
158 | employment in the Unit exclusive of periods of unpaid leave, provided the
159 | employee with a break in service of more than four (4) years will not be given
160 | credit for service prior to such break;

161 | **H.J.** Among extended term academic professionals in a Unit having equal
162 | academic professional rank and retention priority, the extended term academic
163 | professional with the greatest seniority in the Unit will have retention priority.
164 | Seniority will be based first on an employee's academic professional rank and
165 | second on total years of full-time equivalent employment in the Unit exclusive
166 | of periods of unpaid leave, provided the employee with a break in service of
167 | more than four (4) years will not be given credit for service prior to such
168 | break; and

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170 | **H.K.** A tenured faculty member or extended term academic professional who is
171 | under a performance improvement plan shall be terminated prior to any other
172 | tenured faculty member or extended term academic professional.
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174 | **VIII. CLASSIFIED STAFF AND CONTRACTUAL EMPLOYEES**

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176 | If classified staff or contractual employees will be eliminated due to Financial Exigency:

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- 178 | **A.** UW Regulation 4-174 and the Employee Handbook shall govern terminations
179 | of classified staff.
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 - 181 | **B.** The terms of the contract shall govern the termination of any contractual
182 | employees, including Athletic employees.
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185 | **Responsible Division/Unit:** Office of the President

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187 | **Source:** None.

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189 | **Link:** [http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-](http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-directives/index.html)
190 | [directives/index.html](http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-directives/index.html).

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192 | **Associated Regulations, Policies, and Forms:** UW Regulation 6-44 (Appeal Procedures), [UW](#)
193 | [Regulation 4-174 \(Employee Handbook\), Employee Handbook](#)

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195 | **History:**

196 | University Regulation 41, Revision 2; adopted 7/17/2008 Board of Trustees meeting
197 | Revisions adopted 3/24/2016 Board of Trustees meeting