



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

Academic Personnel: For purposes of this Regulation, Academic Personnel includes non-tenure track academic personnel, academic personnel on a fixed term contract (including extended term academic professionals), tenure track faculty, and tenured faculty as defined in UW Regulation 5-1.

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 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.

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.

III. DETERMINATION OF FINANCIAL EXIGENCY

If the financial projections for the University are so adverse that the University can remain viable only by terminating tenured faculty members or extended term academic professionals, the President shall request that the Trustees declare a Financial Exigency. If the Trustees agree the financial climate is so severe that termination of tenured faculty members or extended term academic professionals is necessary, the Trustees shall declare Financial Exigency and direct the President to prepare a Financial Exigency Plan. The Plan shall be prepared by the President in consultation with the Financial Exigency Advisory Committee. The President shall inform the Committee of the financial circumstances of the University, and of actions taken to effect economies.

IV. FINANCIAL EXIGENCY ADVISORY COMMITTEE

The Financial Exigency Advisory Committee shall consist of thirteen members:

- A.** Provost and Vice President for Academic Affairs
- B.** Vice President for Administration
- C.** Two Deans and/or Directors, selected by the Deans' and Directors' Council
- D.** Two members from each of the following, selected by their membership:
 - 1.** Faculty Senate Executive Committee;
 - 2.** Faculty Senate Academic Planning Committee;
 - 3.** Faculty Senate Budget Planning Committee; and
 - 4.** Staff Senate.
- E.** President of the Associated Students of the University of Wyoming (ASUW), or a member of the student body designated by the President of ASUW.

The Committee shall elect a chair from its members.

V. FINANCIAL EXIGENCY PLAN

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

- A.** Convene the Financial Exigency Advisory Committee to advise the President;
- B.** Issue a written statement to the University community explaining why a financial exigency exists;
- C.** Specify the anticipated financial deficiency expected during the current fiscal year and the University's financial prospects for the two succeeding fiscal years;
- D.** Call a general University meeting at which the President shall explain why a financial exigency exists, and solicit questions and comments from members of the University community; and
- E.** Prepare a Financial Exigency Plan to address the deficiency in University resources, and submit the Plan to the Trustees of the University for approval by the Trustees. This Plan shall include measures to protect the integrity and accreditation of the University.

VI. ACTION BY TRUSTEES

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

VII. TERMINATION OF TENURED FACULTY MEMBERS AND EXTENDED TERM ACADEMIC PROFESSIONALS

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

In the event that it is determined that the employment of a tenured faculty member or extended term academic professional must be terminated due to Financial Exigency:

- A.** Written notice of termination, stating the cause, shall be given as soon as practicable. Termination shall be effective at the end of the current semester. For purposes of this Regulation, these notice provisions govern, and any other notice provisions provided by UW Regulations, policies, or procedures do not apply;

- B.** When notice of termination of employment is received, a tenured faculty member or extended term academic professional may appeal the termination pursuant to UW Regulation 6-44, but not the decision to declare financial exigency;
- C.** When a position held by a tenured faculty member or extended term academic professional is terminated, if that position is restored or a new position with similar duties is created within a period of one (1) year following its termination, the position shall first be offered to the tenured faculty member or extended term academic professional who formerly held the position, and who was terminated because of Financial Exigency, at the same salary, rank, and seniority as the tenured faculty member or extended term academic professional previously held;
- D.** Whenever possible, reductions will be accomplished through attrition;
- E.** In the event that the necessary budget reductions can be achieved only by terminating tenured faculty, extended term academic professionals, or some combination of tenured faculty and extended term academic professionals, the President shall select positions for termination based upon the curricular requirements of a degree program in the Unit, accreditation requirements, or other bona fide program need, after consultation with the Dean and department head or other supervisor of the affected Unit;
- F.** No faculty member with tenure will be terminated until the faculty members in the Unit without tenure, including extended term academic professionals, have been terminated, and no extended term academic professional will be terminated until the non-extended term academic professionals in the Unit have been terminated. Academic Personnel shall be terminated in the following order: (1) non-tenure track academic personnel; (2) tenure track faculty; (3) academic personnel on a fixed term contract; and (4) tenured faculty;
- G.** Those employed full-time have retention priority over those employed on a part-time basis;
- H.** Among tenured faculty members in a Unit having equal professorial rank and retention priority, the tenured faculty member with the greatest seniority in the Unit will have retention priority. Seniority will be based first on an employee's professorial rank and second on total years of full-time equivalent employment in the Unit exclusive of periods of unpaid leave, provided the employee with a break in service of more than four (4) years will not be given credit for service prior to such break;

Reviewed and Endorsed by Regulation Committee 10-4-17
Campus feedback reviewed and modifications incorporated
CLEAN version 4-18-18

- I. Among extended term academic professionals and fixed term Academic Personnel in a Unit having equal academic professional rank and retention priority, the extended term academic professional with the greatest seniority in the Unit will have retention priority. Seniority will be based first on an employee's academic professional rank and second on total years of full-time equivalent employment in the Unit exclusive of periods of unpaid leave, provided the employee with a break in service of more than four (4) years will not be given credit for service prior to such break; and
- J. A tenured faculty member or extended term academic professional who is under a performance improvement plan shall be terminated prior to any other tenured faculty member or extended term academic professional.

VIII. CLASSIFIED STAFF AND CONTRACTUAL EMPLOYEES

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

- A. UW Regulation 4-174 and the Employee Handbook shall govern terminations of classified staff.
- B. The terms of the contract shall govern the termination of any contractual employees, including Athletic employees.

Responsible Division/Unit: Office of the President

Source: None.

Link: <http://www.uwyo.edu/generalcounsel/current-uw-regulations-and-presidential-directives/index.html>.

Associated Regulations, Policies, and Forms: UW Regulation 6-44 (Appeal Procedures)

History:

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