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## UNIVERSITY OF WYOMING REGULATIONS

**Subject:** Financial Exigency  
**Number:** UW Regulation 6-41

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### 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 ~~reduction or elimination of programs or services and the discharge of University personnel including 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

~~As used in this Regulation:~~

**"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"** ~~means the:~~ The Financial ~~Crisis~~Exigency Advisory Committee.

**"Financial Crisis"** ~~means an~~ Exigency Plan: The plan developed by the President, and approved by the Board of Trustees.

**Financial Exigency:** A demonstrably bona fide, imminent and substantial deficiency in available University financial resources ~~crisis~~ which warrants ~~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 elimination of 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 programs. The deficiency in available financial resources may result from reduced legislative appropriation, reduced state revenues which make appropriated funds unavailable, reduced income from other sources including are so adverse that the University grants, gifts, and tuition and fees, or from unforeseen 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 demands 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.~~

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

~~B. "Financial Exigency" means a financial crisis so severe that preservation of the integrity of the University and prevention of substantial harm to the institution requires termination of the employment of tenured faculty. Termination of employment of tenured faculty in the event of financial exigency may result from program reductions or from program eliminations. Financial exigency may be determined only by the Board of Trustees, and the employment of tenured faculty members may be terminated only following the declaration by the Board of Trustees that a financial exigency exists.~~

~~C. "President" means the President of the University of Wyoming.~~

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

~~E. "Tenured Faculty" means regular faculty with tenure as defined in the UW Regulation 5-1.~~

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#### III.IV. FINANCIAL ~~CRISIS~~EXIGENCY ADVISORY COMMITTEE

The Financial ~~Crisis~~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 ~~Executive~~-Deans' and Directors' Council
- D. Two ~~voting faculty~~ 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. ~~Two members from~~ Staff Senate, ~~selected by its membership.~~
- E. President of the Associated Students of ~~The~~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

#### III.V. ~~DETERMINATION OF FINANCIAL~~ CRISIS EXIGENCY PLAN

~~Whenever~~If the ~~President determines that~~Board of Trustees declares a ~~financial crisis exists~~Financial Exigency, the President shall:

- ~~A.~~ ~~Declare the existence of a financial crisis;~~
- ~~B.~~A. Convene the Financial Crisis Exigency Advisory Committee to advise the President;
- ~~C.~~B. Issue a written statement to the University community explaining why a financial ~~crisis has been determined to exist~~exigency exists;

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~~D.C.~~ Specify the anticipated financial deficiency expected during the current fiscal year and the University's financial prospects for the two succeeding fiscal years;

~~F.D.~~ Call a general University meeting at which the President shall explain why a financial ~~crisis has been declared~~exigency exists, and solicit questions and comments from members of the University community; and

~~F.E.~~ Prepare a Financial ~~Crisis~~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.

## ~~I. FINANCIAL CRISIS PLAN~~

~~The Financial Crisis Plan shall be prepared by the President in consultation with the Financial Crisis Advisory Committee. The President shall inform the Committee of the financial circumstances of the University, and of actions taken to effect economies. In the preparation of the Financial Crisis Plan, determinations as to reduction of University expenditures including personal services, support services, travel, equipment, non-operating expenditures, and contractual services, shall initially be proposed through established University regulations and procedures. The Committee may submit to the Board of Trustees its recommendations with regard to the Financial Crisis Plan.~~

## ~~II. FINANCIAL EXIGENCY~~

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

## VI. ACTION BY TRUSTEES

Based upon the Financial ~~Crisis~~Exigency Plan submitted by the President, and upon other available information, the Trustees shall approve, modify and approve, or reject the Financial Crisis Plan. ~~If the Financial Crisis Plan requests a finding of financial exigency, and the Trustees determine that the financial crisis is so severe that termination of tenured faculty is necessary, the Trustees shall declare financial exigency.~~Exigency Plan.

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

~~Where a program is reduced due to financial exigency, the retention of tenured faculty in the program shall be given all due consideration over non-tenured faculty.~~

If ~~the position in a program of~~ a tenured faculty member or extended term academic professional is eliminated due to ~~financial exigency~~ 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~~ Financial Exigency:

- A. Written notice of termination, stating the cause, shall be given as soon as practicable, ~~time periods for such~~. Termination shall be effective at the end of the current semester. For purposes of this Regulation, these notice provisions govern, and any other regulations notwithstanding notice provisions provided by UW Regulations, policies, or procedures do not apply;
- B. When notice of termination of employment is received, ~~the~~ tenured faculty member or extended term academic professional may appeal the termination ~~under~~ pursuant to UW Regulation ~~5-35-6-44~~, 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 ~~three years~~ 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~~ 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;
- 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
- D.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:

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

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.

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**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