

UW REGULATION 6-41

Financial Exigency

1. STATEMENT OF POLICY.

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, 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.

2. DEFINITIONS.

As used in this Regulation:

- A. "Committee" means the Financial Crisis Advisory Committee.
- B. "Financial Crisis" means an imminent and substantial deficiency in available University financial resources which warrants reduction or elimination of University programs. The deficiency in available financial resources may result from reduced legislative appropriation, reduce state revenues which make appropriated funds unavailable, reduced income from other sources including University grants, gifts, and tuition and fees, or from unforeseen financial demands.
- C. "Financial Crisis Plan" means the plan developed by the President to meet a financial crisis, and approved by the Board of Trustees.
- D. "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.

- E. "President" means the President of the University of Wyoming.
- F. "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.
- G. "Tenured Faculty" means regular faculty with tenure as defined in the UW Regulation 5-1.

3. FINANCIAL CRISIS ADVISORY COMMITTEE.

The Financial Crisis Advisory Committee shall consist of thirteen members:

- Vice President for Academic Affairs
- Vice President for Administration
- Two Deans, selected by the Executive Deans' Council
- Two voting faculty members from each of the following, selected by their membership:
 - Faculty Senate Executive Committee
 - Academic Planning Committee
 - Budget Planning Committee
- Two members from Staff Senate, selected by its membership
- President of the Associated Students of The University of Wyoming, or a member of the student body designated by the President of ASUW.

The Committee shall elect a chair from its members.

4. DETERMINATION OF FINANCIAL CRISIS.

Whenever the President determines that a financial crisis exists, the President shall:

- Declare the existence of a financial crisis;
- Convene the Financial Crisis Advisory Committee to advise the President;
- Issue a written statement to the University community explaining why a financial crisis has been determined to exist;
- Specify the anticipated financial deficiency expected during the current fiscal year and the University's financial prospects for the two succeeding fiscal years;

- Call a general University meeting at which the President shall explain why a financial crisis has been declared, and solicit questions and comments from members of the University community; and
- Prepare a Financial Crisis Plan to address the deficiency in University resources, and submit the Plan to the Trustees of the University for approval by the Trustees.

5. 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.

6. 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.

7. ACTION BY TRUSTEES.

Based upon the Financial Crisis 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.

8. COMMITMENT TO TENURED FACULTY.

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 is eliminated due to financial exigency, the University shall make reasonable efforts to transfer the faculty member to another open and funded position for which the tenured faculty member is qualified.

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

a. Written notice of termination, stating the cause, shall be given as soon as practicable, time periods for such notice in other regulations notwithstanding.

b. When notice of termination of employment is received, the tenured faculty member may appeal the termination under UW Regulation 5-35.

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

Source: University Regulation 41, Revision 2; adopted 7/17/08 Board of Trustees