Financial Exigency Committee

UNIVERSITY POLICY #244

Authority:
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SECTION 1: Statement

1.1 Only the West Virginia Higher Education Policy Commission has the authority to define and declare a state of Financial Exigency. The West Liberty University Board of Governors has developed a plan of action, contingent on the following definitive conditions should such a declaration be issued by the West Virginia Higher Education Policy Commission and subsequent University response be required.

1.1.1 Financial exigency would be a state of imminent financial crisis, which would officially be determined by the West Virginia Higher Education Policy Commission.

1.1.2 The financial crisis would result from actions or conditions beyond the control of the West Virginia Higher Education Policy Commission.

1.1.3 Should a state of financial exigency be declared, it will be declared for the entire West Virginia Higher Education System, rather than for individual institutions within the system.

SECTION 2: Operational Principle

2.1 Any reduction in faculty, administration, and staff positions will be guided by the principle that the most essential elements of a University are its faculty and its students; all other elements are in place as a support-system to expedite and enhance the relationship between faculty and students.

SECTION 3: Definition of Committee

3.1 A Financial Exigency Review Committee shall consist of the following members: 1) Provost, 2) Dean of Students, 3) Vice President of Finance and Administration, 4) Chief Human Resource Officer, 5) Faculty representative to the WLU Board of Governors, 6) Staff Representative to the WLU Board of Governors, 7) Chair, Faculty Senate, and 8) Chair, Staff Council. The committee will elect its own chairperson. The committee will convene at the request of the President.

3.2 The Financial Exigency Review Committee will have the responsibility to monitor the execution of West Liberty's Financial Exigency Plan. Further, it is the responsibility of the President to issue information releases to all faculty, staff, and administrators regarding actions to remedy any exigent state of the University. Upon request, the President will provide the Committee any and all information and data, which the Committee may consider relevant. It is understood that the divulgence of some information may be precluded by statute.

3.3 The procedures, recommendations, and actions of the Review Committee will be contingent upon those decisions, policies, and administrative regulations of the West Virginia Higher Education Policy Commission and West Liberty University Board of Governors, which may be established in the event that a financial exigency is announced.

SECTION 4: West Liberty University Financial Exigency Plan

4.1 When a financial exigency has been defined and determined by the West Virginia Higher Education Policy Commission, the President of West Liberty University shall convene the Financial Exigency Review Committee. The first business of the Review Committee shall be to request from the West Virginia Higher Education Policy Commission detailed financial statements which clearly illustrate that a state of financial exigency, as defined by the Commission, exists. Once the Review Committee is informed, via financial statements, of the exigent state of West Liberty University, the following policy for remedy of the situation will be implemented until a state of financial exigency no longer exists.

4.1.1 Initial efforts will be directed to curtail current expenses, equipment purchases, and repairs and alterations expenditures and may be implemented by curtailing expenditures in any or all of the following:

4.1.1.1 Maintenance and environmental costs.

4.1.1.2 Supplies, equipment, and travel.

4.1.1.3 Extracurricular activities/events and athletic program/events funded with appropriated monies.

4.1.1.4 Cultural and student services funded with appropriated dollars.

4.1.2 Personal services expenditures will be curtailed in the following areas, and in the following sequence.

4.1.2.1 All part-time student help, paid with appropriated funds, will be terminated, provided that their functions are not essential in accomplishing the institution's mission (as defined by the current mission statement and catalog of the University of that date and reexamined by the Financial Exigency Review Committee).

4.1.2.2 Elimination of part-time faculty positions except where the quality of a program is jeopardized.

4.1.2.3 Discontinuation or reduction of programs following program evaluation. Faculty affected through discontinuation or reduction will be reassigned or terminated in accordance with established policy.

4.1.2.4 Freezing of new employment except in instances where a freeze jeopardizes the quality of a viable program.

4.1.3 If the West Virginia Higher Education Policy Commission should declare and define a financial exigency at West Liberty University, the procedure for termination of faculty positions outlined below will be implemented only if the financial and personnel reductions resulting from actions 4.1.1 and 4.1.2 are insufficient to meet the exigency.

4.1.4 The Review Committee must periodically request the West Virginia Higher Education Policy Commission demonstrate that a state of financial exigency continues to exist.

SECTION 5: Procedure for Termination of Faculty Employment

5.1 The Provost will request College/School Deans to submit a prioritized list of faculty positions within their respective Colleges/Schools that could be eliminated with the least disruption to the academic needs of Colleges/Schools. The number of positions to be identified will be determined by the Provost based upon the degree of the exigency. Each Dean will consult with Department Chairs, Assistant Chairs, and Program Directors in determining the positions to be eliminated. Each Dean will also submit a written justification for the termination and retention of all positions within the unit, with a true and exact copy distribute to all faculty members within the unit.

5.2 The Provost will review the list of positions and justifications received from the academic Deans and consult with them to discuss potential courses of action. After meeting with the Deans, the Provost will determine the number of positions to be terminated in each College/School. The number of terminations per College/School may vary.

5.3 The recommendation and written justification of the Provost will be submitted to the President and to the Financial Exigency Review Committee.

5.4 The Provost will notify faculty members whose positions have been recommended for termination.

5.5 The Review Committee will then prepare and submit to the President a written summary of its findings, recommendations, and justifications.

5.6 After reviewing these recommendations, the President, in consultation with the Review Committee, will determine the final course of action. Once the President has reached a decision and notified the individuals whose employment is to be terminated, he will immediately file with the West Virginia Higher Education Policy Commission and WLU Board of Governors copies of his written decision and justification along with the recommendations of the Provost and the Review Committee.

5.7 Consistent with the guidelines of the Higher Education Policy Commission of West Virginia Series 9, the President will give each faculty member whose employment will be terminated written notice of termination by certified mail, return receipt requested, which notice shall contain:

5.7.1 A delineation of the rationale used by the WV Higher Education Policy Commission for the determination of financial exigency.

5.7.2 A copy of the implementation procedures used by the institution related to the financial exigency and a delineation of the rationale used for the termination of the faculty.

SECTION 6: Criteria to be used in Termination of Faculty Employment

6.1 Non-tenured faculty will be terminated before tenured faculty, except where serious distortion of the academic needs of a division would result.

6.2 In identifying faculty whose employment will be terminated, the following will be taken into account: the academic needs of the Program/Department/School/College/University, rank, length of service to institution, length of service in rank, qualifications.

SECTION 7: Recall of Faculty Terminated Because of Financial Exigency

7.1 If within two years following the terminated employment of a tenured or probationary faculty member because of financial exigency a position(s) for which the faculty member

is qualified becomes vacant, the President will offer the position to the affected faculty by certified mail, return receipt requested. Written acceptance of the position must be made within thirty days of mailing of the President's offer.

7.2 If two or more faculty members are qualified for a vacant position, recall will be in inverse order of termination. No new faculty will be hired for a teaching position in an area of competence as long as faculty whose employment was terminated retains recall rights.

7.3 A recalled faculty member will be reinstated with the same status as held at the time of terminated employment. The salary of the reinstated faculty member will include any general increases given to non-terminated faculty during the period of termination in addition to adjustments for any educational credentials acquired during the period of termination.