

12.01.01.W1 Financial Exigency, and Termination or Reduction of Programs
Supplements System Policy 12.01
December 20, 2010

This procedure outlines the processes to be utilized by West Texas A&M University for the determination and execution of financial exigency, and/or termination or reduction of programs.

PREAMBLE

West Texas A&M University seeks to provide the strongest possible educational, student support, and research programs given the resources and creativity available. The university has an obligation to the citizens of the State of Texas to ensure the resources entrusted to it are managed efficiently and effectively. At times this responsibility obliges the university to shift resources from one use to another, to reduce or terminate programs.

Cases of bona fide financial exigency or the reduction or discontinuance of an institutional program based on educational considerations may permit exceptions to tenure regulations

1. ADMINISTRATION

- 1.1 When the President determines that a condition of financial exigency, as defined by System Policy 12.01.9.2, may be imminent an *ad hoc* Exigency Planning Committee (EPC) shall be constituted. This Committee shall be composed of the full membership of the Strategic Planning Steering Committee plus two tenured faculty members elected by the Faculty Senate, two students appointed by the president of Student Government, and one staff member appointed by the president of Staff Council. The EPC shall hear all evidence that a state of financial exigency exists or is imminent, and shall issue a written report regarding the existence and extent of the condition to the President/CEO and to the Faculty Senate. If the EPC determines that a *bona fide* state of financial exigency exists or is imminent, it shall investigate and make recommendations concerning alternative institutional responses to the condition. These recommendations of the EPC shall be known as the Financial Exigency Plan.
- 1.2 If the President/CEO of West Texas A&M University believes that a state of bona fide financial exigency exists, the President/CEO shall inform the chancellor. If the chancellor concurs in this assessment, the chancellor shall inform the board. If the board finds that such conditions exist, a state of bona fide financial exigency shall exist for West Texas A&M University.
- 1.3 When the President determines that conditions exist whereby it is necessary to consider program terminations or reductions, as defined by System Policy 12.01.9.2, the EPC shall be convened. The EPC shall hear all evidence that it

may be necessary to terminate or reduce one or more programs, and shall issue a written report regarding the existence and extent of the condition to the President/CEO and to the Faculty Senate. If the EPC determines that conditions exist whereby it is necessary to consider program terminations or reductions, it shall investigate and make recommendations concerning alternative institutional responses to the condition.

2. FACULY

- 2.1 When faculty dismissals are contemplated on grounds of financial exigency or program termination or reduction, procedures outlined in System Policy 12.01, sections 9.3.2 through 9.3.4 with regard to notification and opportunities for appointment in related areas at West Texas A&M University shall be followed.
- 2.2 The faculty member selected for termination shall be given an opportunity to respond in a hearing before a Special Committee on Faculty Termination. In this hearing the burden of proof rests with the university to demonstrate by some credible evidence that a bona fide financial exigency exists or that educational considerations led to the reduction or discontinuance of a program. The committee shall formulate findings whether or not, in its judgment, a bona fide financial exigency exists or that educational considerations led to the reduction or discontinuance of a program. The committee's findings and recommendation, if any, shall be conveyed in writing to the CEO and to the faculty member.
- 2.3 The Special Committee on Faculty Termination shall be comprised of five tenured faculty members, one tenured faculty member from each college, elected by the TENURED faculty from that college. No members of the committee shall hold the administrative appointment of department head, dean, provost or president. The chair of the committee shall be elected from its members.
- 2.4 Any faculty member reassigned to another position or terminated has the right to reappointment to his or her previous position if it is re-established within two (2) calendar years.

CONTACT FOR INTERPRETATION: Office of the President

APPROVAL:  12.20.10
President/CEO Date