

CHAPTER 10

FISCAL AND BUSINESS AFFAIRS - PERSONNEL

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10.010. Employment and Supervision of Faculty and Staff. The President of the University is charged with the responsibility for employment of a competent and effective faculty and staff within the annual budgets approved by the Board of Governors and for the supervision of such faculty and staff. It is the duty of the President of the University to develop and implement appropriate policies and procedures for hiring, training, supporting, and evaluating faculty and staff members and, when necessary, for the disciplining and/or discharging of faculty and staff members. The President of the University may delegate to other administrators as much authority for employment decisions as he or she deems proper and advisable for effective and efficient administration. The President reports to the Board in a timely manner all of his or her actions to hire, promote, suspend, or discharge employees, except those in regard to part-time student workers.

10.010.1. Authority of President. The President of the University has the authority to appoint, reappoint, promote, reassign, discipline, suspend, and discharge employees. He or she also may accept

resignations, grant leaves of absence without pay, and take other appropriate personnel actions in regard to faculty and staff. Provided, however, that the President may not 1) take such actions in violation of the Bylaws or other policies of the Board or 2) approve expenditures in excess of the total amount budgeted for expenditures in the applicable budget.

10.010.2. Reservation of Authority by Board. The following personnel matters are specifically reserved for action by the Board of Governors:

1. Appointment and removal of officers named in the Bylaws.
2. Reappointment of faculty members in regular positions when such reappointment is tantamount to the granting of tenure.
3. Promotion in academic rank of faculty members in regular positions.
4. Grant of paid sabbatical or professional leaves of absence.
5. Discharge of tenured faculty members.
6. Award of early retirement benefits.

Source: Resolutions of the Board dated June 27, 1992 and August 22, 1992

Articles III and V of the Bylaws

Cross-references: Sections 1.080, 4.050, 6.020, 6.030, 6.040, and 10.110 of the Code

10.020. Equal Employment Opportunity/Affirmative Action Program. The Board of Governors reaffirms and states the policy of equal employment opportunity.

10.020.1. Policy Statement. The University will provide equal employment opportunity on the basis of merit and without discrimination on the basis of sex, disability, age, race, color, national origin, religion, sexual orientation or veteran status pursuant to the University's Notice of Non-Discrimination, applicable Missouri statutes and Federal Executive Orders 11246 and 11375 and Chapter 60 of Title 41 of the Code of Federal Regulations as amended by Part 60-2 and Revised Order No. 4. The University will extend equal opportunity for employment in both faculty and staff positions to all qualified persons, and will promote equal opportunity through a positive and continuing affirmative action program. The obligation to establish affirmative action procedures to implement this policy shall rest with the President of the University.

Source: Resolution of the Board dated December 6, 2014

10.020.2. Purpose. The purpose of the affirmative action program is twofold: 1) to further implement the University's policy on equal employment opportunity throughout all divisions, facilities, offices,

and units of the University and 2) to insure that University policy is widely understood by all personnel and the public in general.

- 10.020.3. Administration of the Program. The responsibility of coordinating and monitoring the affirmative action program may be delegated by the President of the University to an Affirmative Action Officer.

Source: Resolutions of the Board dated October 31, 1973 and December 6, 2014
1987 Compilation: Article 15

- 10.030. Nepotism Prohibited. Pursuant to the Missouri Constitution, no officer or employee shall participate, either directly or indirectly, in a decision to appoint or hire an employee of the University, either part-time or full-time, who is related to such officer or employee within the fourth degree of consanguinity (blood) or affinity (marriage). It also shall be a violation of this policy for, an employee to supervise, either directly or indirectly, the work of another employee who is related within such fourth degree, unless the supervisory role is specifically approved by the President of the University.

Source: Resolutions of the Board dated December 6, 1991 and December 6, 2014
Article VII, Section 6, Constitution of Missouri
Cross-reference: Section 14.100 of the Code

- 10.040. Professional Leave for Staff. The professional leave policy is designed primarily for the improvement of instruction. However, the Board will consider applications for paid leaves of absence by administrative and professional staff members when such leaves will provide adequate benefits to the University. In such cases, the rules and requirements for professional leaves of faculty members will apply to the professional leaves for staff members.

Source: Resolution of the Board dated September 8, 1969
1987 Compilation: Article 5
Cross-reference: Section 6.040 of the Code

- 10.050. Stipends for Graduate Study. Stipends are authorized for graduate study by honor graduates and current faculty members of this University and prospective faculty members as selected by the President of the University. The President of the University is authorized to determine the amount of such stipends.

Source: Resolutions of the Board dated April 29, 1975, May 9, 1980, January 26, 1982 and December 6, 2014
1987 Compilation: Article 25

10.060. Medical, Family and Funeral Leave – Rationale and Purpose.

This policy is intended to coordinate with the existing Federal Legislation entitled the Family and Medical Leave Act (FMLA); to provide Truman State University employees with needed benefits concerning the work-family environment; and to provide contingencies for employees so that they can attend to family emergencies and family events. Any leave granted pursuant to these policies shall run concurrently with any leave available under FMLA. These policies do not extend or enlarge the University's obligations under FMLA. Medical, family and funeral leaves are administered in the following manner:

10.060.1 General - All Employees

Definitions:

1. Child – biological child of the employee or whom the employee adopts or for whom the employee is financially responsible, and whom the employee supervises on a day-to-day basis.
2. Compensation – something given or received as an equivalent or as reparation for a service such as a reduced teaching load for an overload.
3. Parent – employee's biological parents or other individual who assumed day-to-day care and financial responsibility for the employee when the employee was a child.
4. Primary Caregiver – person who provides 50% or more of the care.
5. Serious Health Condition – a health condition which qualifies an employee for benefits under the FMLA.

Medical Leave and Family Leave – Medical leave and family leave are provided with the realization that an employee or an employee's spouse, child or parent may become ill or injured and the employee may need time off to recover or to care for the employee's spouse, child or parent. Also, an employee may need time off to care for employee's newborn child or to provide care for a child placed with employee for adoption. Medical and family leave are provided to employees with and without faculty rank, in accordance with the provisions of the Code of Policies as set out below.

Funeral Leave – Funeral leave for all employees shall be granted for up to three (3) days, with pay, for the funeral of the employee's spouse, mother, father, child, brother, sister, grandchild, step-parent or step-child. Funeral leave shall be granted for up to one (1) day, with pay, for the employee for the funeral of the employee's mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, grandparent or the grandparent of the employee's spouse, great-grandparent or great-grandchild. The employee may, with their supervisor's permission, use accrued vacation or accrued medical leave to take additional days associated with funeral leave.

Extended Medical Leave – In cases of extended illness or illnesses of the employee or employee's immediate family member:

- a. The President is authorized, at his or her discretion, to grant extended medical leave, with pay and benefits, for up to 60 days for employees with five or more years of continuous, full-time service who have exhausted all other available leave, including FMLA leave.
- b. For employees who have exhausted their extended medical leave granted under subsection a., above, the President is further authorized, at his or her discretion, to grant additional extended medical leave for up to 120 days, without pay, for employees with five or more years of continuous, full-time service. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University's benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- c. For employees who lack five years of continuous, full-time service and are, therefore, ineligible for extended medical leave under subsections a. and b., above, the President is authorized, at his or her discretion, to grant extended medical leave for up to 180 days, without pay, if such employee has exhausted all other available leave, including FMLA leave. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University's benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to COBRA.
- d. These provisions for extended medical leave do not extend or enlarge the University's obligations with respect to continuation of health plan coverage under COBRA.

10.060.2 Full-time Employees with Faculty Rank

1. Medical Leave Accumulation

Full-time employees with faculty rank begin employment at the University with sixty (60) days of Medical leave, which is granted by the Board of Governors and is unearned. In addition, nine (9) Medical days per academic year are earned. Unearned and earned Medical Leave taken together shall be considered "accumulated leave" for purposes of the Code sections relating to faculty, and may be used for Medical Leave or Family Leave as defined in Board of Governor's policy.

2. Employee Medical Leave

- a. Full-time employees with faculty rank may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through the Division Head, with appropriate paperwork submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician's statement. The University reserves the right to a second opinion at its cost.
- b. Medical Leave will be on full pay to the extent of accumulated leave. FMLA leave and leave without pay may be applicable.
- c. Medical Leave related to pregnancy is limited to six weeks' duration unless a physician documents a medical need for additional leave. If a portion of the six-week period takes place between semesters, then only the time taken during the academic contract will be used to reduce accumulated leave balance, however the days between semesters count toward the six week maximum.

3. Family Leave

- a. Family Leave for employees with faculty rank may be granted, with pay, to the extent of accumulated leave for a period not to exceed one semester during any 12-month period of employment under the following circumstances:
 - i. Care for qualifying employee's newborn or placement of a **child** (age 5 years or less unless the **child** is disabled or there are extraordinary circumstances) with the employee for adoption. Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.
 - ii. Care of the employee's spouse, **child**, or **parent** with a **serious health condition**.
- b. Family Leave may be taken as paid leave only if the employee meets the following criteria:
 - i. Tenured or tenure eligible and has completed at least one year of service;
 - or
 - ii. Temporary employees who have completed at least three years of full-time service.
- c. FMLA leave and leave without pay may be applicable.
- d. An employee requesting paid Family Leave must certify that he or she is a **primary caregiver**. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.
- e. An employee requesting paid Family Leave for the care of a spouse, **child** or **parent** due to a **serious health condition** may be asked to provide a physician's documentation of the medical condition, and the employee will need to certify that he or she is a **primary caregiver**.
- f. Employees requesting paid Family Leave should work with their Division Heads at the earliest opportunity to develop plans that may consist of alternate work schedules, substitution of duties, project-specific work and/or transportable work and if applicable, time without pay. The goal would be to find a plan that is acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. When faculty members assist in accommodation of a colleague's leave plan, every effort will be made to recognize and compensate those people for extra services provided. The Academic Dean should forward the proposed plan to the Executive Vice President for Academic Affairs and Provost for approval, then to the Business Office-Human Resources, to be processed pursuant to Section 10.060.4 of this Code.

Source: Resolutions of the Board dated April 12, 2014 and October 10, 2014

10.060.3 Employees without Faculty Rank

1. Medical Leave Accumulation

Full-time employees without faculty rank earn one day of leave for each month of service. Employees who are at least half-time receive prorated leave accumulation.

2. Medical Leave

- a. Employees may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through his or her Supervisor, with appropriate paperwork approved by the appropriate member of the President's Staff and submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician's statement. The University reserves the right to a second opinion at its cost.
- b. Medical Leave will be on full pay to the extent of the accumulated leave. FMLA leave and leave without pay may be applicable.
- c. Medical Leave related to pregnancy is limited to six weeks' duration unless a physician documents a medical need for additional leave.

3. Family Leave

- a. Family Leave may be granted for a period of up to 16 weeks during any 12-month period of employment under the following circumstances:
 - i. Care for qualifying employee's newborn or placement of a **child** (age 5 years or less unless the **child** is disabled or there are extraordinary circumstances) with the employee for adoption. Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.
 - ii. Care of the employee's spouse, **child**, or **parent** with a **serious health condition**.
- b. Family Leave may be taken as paid leave to the extent the employee has leave accumulated to cover the 16-week period.
- c. FMLA leave and leave without pay may also be applicable.
- d. An employee requesting paid Family Leave must certify that he or she is a **primary caregiver**. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.
- e. An employee requesting paid Family Leave for the care of a spouse, **child**, or **parent** due to a **serious health condition** may be asked to provide a physician's documentation of the **serious health condition** and the employee will need to certify that he or she is a **primary caregiver**.
- f. Employees requesting paid Family Leave should work with their Supervisors at the earliest opportunity to discuss alternate work schedules, reduced duties, project-specific work and/or transportable work. The goal would be to find an arrangement that is

acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. The Supervisor should forward the proposed plan to the appropriate President's Staff for approval, then to the Business Office-Human Resources to be processed pursuant to Section 10.060.4 of the Code.

4. Medical Leave Bank Program

- a. There is hereby created a Medical Leave Bank Program to assist employees who face their own catastrophic illness or need to care for a spouse, child or parent when such spouse, child or parent is suffering from a catastrophic illness and the employee is faced with the exhaustion of paid leave benefits during recovery from such illness.
- b. Catastrophic illness is defined as a serious health condition of an employee or employee's spouse, child or parent which requires the employee's absence from duty for a prolonged period of time leading to the exhaustion of all the employee's earned medical leave, annual vacation leave, and compensatory leave time. Such serious health condition must be seriously incapacitating, of extended duration, and be certified by a physician.
- c. Under the Medical Leave Bank Program, employees may contribute a portion of their own unused medical or vacation leave to a community medical leave bank for the use of employees who have exhausted their own medical, vacation and compensatory leave on account of a catastrophic illness as defined above. The purpose of this program is to allow employees to share their medical and vacation leave with fellow employees who are in need.
- d. The President of the University is authorized and directed to establish written policies and guidelines for the implementation and administration of the Medical Leave Bank Program. These policies and guidelines will establish University practices relating to program startup, enrollment in the program, eligibility for benefits under the program, donation of medical and vacation leave time to the program, establishment of an administrative committee to consider applications for benefits, establishment of an appeals process, and such other policies and guidelines as the President deems necessary for the operation of the program consistent with existing Board Policies.
- e. Employees must exhaust their remedies under this Medical Leave Bank program before they can be considered for Extended Medical Leave under Section 10.060.1 of the Board of Governors Code of Policies.

Source: Resolution of the Board dated February 17, 2007

10.060.4 Implementation and Management

1. Personnel Responsible/Administration

- a. Employees: responsible on an ongoing basis for submitting timely reports of Medical Leave taken to their Supervisor or Academic Dean. Communicate with Academic Dean at earliest opportunity when leave is anticipated.
- b. Academic Deans: faculty should speak with their Academic Dean first about seeking Medical and Family Leaves.

- c. Supervisor: employees with non-faculty status should speak to their immediate Supervisor first about seeking Medical and Family Leaves.
- d. Executive Vice President for Academic Affairs and Provost: the Executive Vice President for Academic Affairs and Provost is consulted by the Academic Dean and approves or does not approve the recommended leave for academic employees.
- e. Appropriate President's Staff: the Supervisor of non-academic employees consults with the appropriate President's Staff member who approves or does not approve the recommended leave.
- f. Members of the Business Office, benefits coordinator and controller: Business Office personnel verify leave approvals for compliance with the policy, verify calculation of paid leave available and keep records of leaves. The Executive VPAA and appropriate President's Staff member will consult with Human Resources prior to approving leave.

2. Discipline/Enforcement

- a. If an employee believes his or her Supervisor or Academic Dean or appropriate President's Staff member is not correctly applying this policy, a written appeal may be submitted to the Human Resources office by non-faculty status employees or to the Executive Vice President for Academic Affairs and Provost by faculty employees.
- b. If it is determined that an employee has violated the terms and/or criteria of Medical Leave and/or Family Leave, then consequences will be enforced from among the following, but not limited to:
 - 1. Employee may be required to reimburse the University for any paid leave which was granted improperly due to any misconduct or misrepresentation on the part of the employee.
 - 2. Termination of employment, if circumstances warrant.

Source: Resolutions of the Board dated April 12, 2014 and October 10, 2014

10.060.5 Medical Leave Covered by Workers' Compensation

Medical leave shall be granted to persons who are covered by Workers' Compensation or other forms of insurance to which the University contributes, only to the extent to which these medical leave provisions exceed income from Workers' Compensation or insurance to which the University contributes or provides matching funds.

- 10.060.6. Retirement Credit. The limitation of 120 days for the accumulation of unused sick leave shall mean the maximum number of unused sick days to an employee's credit for which the employee will be paid his or her regular salary absent due to illness or injury. Any unused sick days accumulated by an employee beyond the 120 day limitation will be available for an unpaid leave of absence due to illness or injury and for any available service credit at the time of retirement, provided that any unused sick days which accumulate beyond the 120 day limitation shall not be added back into the accumulation of payable sick leave days if and when paid sick leave is utilized by an employee and his or her total of payable sick leave drops below the 120 day limitation.

Source: Resolutions of the Board dated September 8, 1969 and May 13, 1988
1987 Compilation: Article 4.

10.070. Vacation Leave. Vacation leave is administered in the following manner.

10.070.1. Full-Time Contract Employees. Vacation leave for full-time employees serving on 12-month contracts accrues at the rate of 1.25 days per month (15 working days per year). At the beginning of the 15th year of continuous employment, vacation leave accrues at the rate of 1.67 days per month, which totals 20 days per year.

10.070.2. Full-Time Non-Contract Employees. Vacation leave for full-time employees not serving on contracts for definite periods accrues at the rate of $\frac{5}{6}$ (0.83) of one day per month, which totals 10 working days per year, during the first five years of continuous employment. From the beginning of the sixth year of continuous employment to the beginning of the 15th year, vacation leave accrues at the rate of $1\frac{1}{4}$ (1.25) days per month, which totals 15 working days per year. At the beginning of the 15th year of continuous employment, vacation leave accrues at the rate of $1\frac{2}{3}$ (1.67) days per month, which totals 20 working days per year.

10.070.3. Other Employees. Vacation leave for part-time employees who work at least 20 hours per week or for full-time employees employed less than 12 months per year accrues at a rate proportionate to that of full-time contract employees who work 40 hours per week on twelve month contracts unless other provision for vacation leave is included in the individual employee contract.

Source: Resolutions of the Board dated January 26, 1982, June 27, 1986 and August 6, 1996

10.080. Annual Holidays. The President of the University is authorized to establish staff holidays for each year with the proviso that such holidays are not to exceed thirteen days in a fiscal year.

Source: Resolutions of the Board dated March 7, 1992 and September 24, 1994

10.090. Copyrights. Royalties or profits from materials developed by employees utilizing University time, supplies or equipment are to be divided on an equitable basis between the employees and the University based on the value of the respective contributions. The President of the University is authorized to promulgate and implement policies for the development, use and commercial or other exploitation of such materials.

Source: Established practice
Resolution of the Board dated December 6, 2014

- 10.100. Inventions and Patents. Royalties or profits from inventions developed by employees utilizing University time, supplies or equipment are to be divided on an equitable basis between the employees and the University based on the value of the respective contributions. The President of the University is authorized to promulgate and implement policies for the development, use and commercial or other exploitation of such inventions.

Source: Established practice
Resolution of the Board dated December 6, 2014

- 10.120. Employee Insurance Programs. (Section deleted.)

Source: Established practice
Resolution of the Board dated December 6, 2014

- 10.130. Voluntary Tax Sheltered Plans. Properly licensed companies are authorized to sell voluntary personal investment and savings plans to University employees upon providing reasonable assurances to the University that the deductions from employees' salaries will meet the requirements for "tax sheltered" plans. The President of the University is authorized to develop and implement policies and procedures for employees to purchase such plans through the University, including a provision for a minimum level of sales to University employees by each company.

Source: Resolutions of the Board dated September 13-14, 1991 and December 6, 2014
1987 Compilation: Article 6

- 10.140. Workers' Compensation for Officers. Section 287.090(4) of the statutes provides that salaried officers of a corporation, organized pursuant to the laws of this state, are not automatically included in coverage under the Workers' Compensation Law unless specifically approved by the board of directors of the corporation. The Board of Governors approves the awarding of such workers' compensation coverage for officers of the University as permitted by Chapter 287 of the statutes.

Source: Resolution of the Board dated September 19, 1980
Section 287.090, Revised Statutes of Missouri
1987 Compilation: Article 34

- 10.150. Employees Represented by Union. Certain employees of the Physical Plant Department are represented by a labor organization as provided in Section 105.530 through Section 105.600 of the statutes. The organization selected by the employees is the Laborers Local 773 of the Laborers International Union of North America, AFL-CIO. Representatives of the Union meet with representatives of the University to confer and discuss proposals relative to salaries and other conditions of employment for the employees represented by the labor organization. The results of such discussions are presented to the Board of Governors and the matters agreed upon by the Board and the Union are contained in memorandums of agreement for agreed periods, normally two years each.

Source: Resolutions of the Board dated June 27, 1986 and December 6, 2014
Section 105.530 through 105.600, Revised Statutes of Missouri

- 10.160. Salary Policies. The Board of Governors approves salary policies on an annual basis, normally at its regular meeting in the month of June. Salary policies are effective for the period stated in the policies, normally one fiscal year, or until replacement salary policies are approved by the Board. Copies of the latest salary policies approved by the Board are available for review at the President's Office. The President of the University determines the compensation for any employees not covered by the salary policies, and the amounts of such compensation are reported to the Board as individuals are employed. Employees may not "pyramid" salaries by undertaking extra assignments for additional pay during periods of full-time University employment, unless such assignments are specifically recognized as overloads and approved by the President of the University on a case-by-case basis.

Source: Resolution of Board dated June 27, 1992
1987 Compilation: Article 9
Appendix: D

- 10.170. Political Activities. The following are the regulations concerning political activity and holding of public office by members of the University staff and faculty:

1. Activity in Political Party Organizations:

- a. Members of the staff and faculty may engage in lawful political activities:
 - (1) of organizations or political parties qualified to place candidates on the ballot in accordance with Missouri statutes or of political parties seeking such qualification,
 - (2) of non-partisan or bipartisan groups seeking the election of candidates to public office or the approval or disapproval of issues which are or may be submitted to the voters for approval, or
 - (3) on behalf of individual candidates for public office, including candidates for membership of any political committee established by Chapter 120, RSMo.
- b. Such activity, like any other personal, non-official undertaking, must be done on the individual's own time and should not interfere with University duties.
- c. Members of the staff and faculty may contribute funds to any of the above parties, groups or candidates, or expend funds on behalf of the above parties, groups, candidates or issues, subject only to State and Federal laws, which regulate political contributions.

2. Election to or Holding Public Office:

Any staff or faculty member, before he or she announces officially as a candidate for, or accepts any elected office, must inform his or her supervisor of such intention, and such supervisor must make the fact known to the President of the University through appropriate channels. If the regulations permit, the President will offer no objection to the candidacy, provided it does not require time or attention that should be given to University duties.

- a. Subject to the requirements of notice to the President, a staff or faculty member may, without permission of the President, become a candidate for and hold a part-time position as member of a school board, member of a city council, member of a county legislative body or other local school or municipal office which is part-time. In case of doubt, the President shall decide if the candidacy is permissible under these

regulations. Such activity must be conducted on the individual's own time and shall not interfere with University duties.

- b. The holding of any elective full-time office in local, county, State or Federal government is forbidden while the person is serving on the University staff or faculty. Before accepting such an office, a person is required to resign his or her University post. A person seeking election to such an office must resign or request an unpaid leave of absence as of the date of filing in the primary election. The President of the University is authorized and directed to establish policies and procedures for the grant of such unpaid leave of absence pursuant to these provisions relating to political activities.

3. This policy is subject to any applicable provision of law, or determination of the Missouri Ethics Commission.

Source: Resolution of the Board dated December 10, 1999.

10.180. Financial Exigency-Retrenchment.

A "financial exigency" is defined as a budgetary or financial emergency of such severity that it cannot be reasonably managed except by a retrenchment. The financial emergency contemplated by this policy, by its nature, requires fundamental, long term changes in the University's business operation.

"Retrenchment" is defined as a reduction, discontinuance or merger of programs or services which results in termination of tenured faculty or in the termination of term appointments during their term.

1. Declaration of Financial Exigency. Should a budgetary or financial emergency arise which, in the judgment of the President of the University requires retrenchment, the President will present the facts and circumstances to the Faculty Senate as soon as possible. The President will then meet with the Faculty Senate one week following that presentation for suggestions and comments. If, at that point, the President thinks that a financial exigency should be

declared, the President will present the facts and circumstances to the Board of Governors. If the Faculty Senate does not agree that financial exigency should be declared, they will present their case to the Board of Governors in writing at the same time. The Board of Governors will determine whether a financial exigency exists. In considering the President's request for the declaration of financial exigency, the Board will take into account the nature and circumstances of the financial emergency, the severity of the emergency, the expected duration of the emergency, the President's analysis of the situation and the totality of the circumstances surrounding the matter.

2. Comment Period. If the Board of Governors determines that a financial exigency exists, the President shall establish a Financial Exigency Committee. The membership of the Financial Exigency Committee will be as follows: the President of the University [chair], the President of the Faculty Senate, a representative of the faculty chosen by the Faculty Senate, the chief financial officer of the University, and the Executive Vice President for Academic Affairs and Provost. The Financial Exigency Committee (hereinafter referred to as the "Committee") shall prepare a detailed financial analysis of the situation and communicate this analysis to the Faculty Senate, to the President's Administrative Council, to the Staff Council and to the Student Government, inviting timely comment and suggestions from all of these constituencies. The Committee shall also seek advice and recommendations from Deans, Department Chairs, and other administrative supervisors. All constituents consulted by the Committee are encouraged to make written recommendations for the Committee's consideration.
3. Committee's Recommendation. After communicating with faculty, staff and students, the Committee shall include a summary of their comments and suggestions as part of the Committee's recommendation to the Board of Governors. The Committee's recommendation to the Board will include the Committee's plan for addressing the financial exigency including a detailed plan for retrenchment in employment. This plan shall include an

evaluation of tenured faculty staffing needs based on functional necessity while considering seniority and tenure status.

If the Committee's recommendation includes a plan for termination of term appointments during their term, such recommendation will also include an evaluation of the appointments proposed for termination based on functional necessity while considering seniority.

The plan will include a timetable for implementation of the plan, should such plan be approved by the Board. The timetable shall include provision for as much notice as is reasonably practicable under the circumstances to the faculty whose employment will be terminated if the plan is approved and implemented.

4. Retrenchment Criteria. In preparing a recommendation for the Board, the Committee will first seek to protect the core functions of the University, as defined in the University's Mission Statement. These core functions include classroom instruction, the library and non-academic services essential to fulfilling the University's mission. The Committee will give due consideration to comments and advice from Faculty Senate, the Deans, Department Chairs and other administrative staff, the staff council and the Student Government.

The Committee's plan for termination of tenured faculty positions or for termination of term appointments during their term, shall give due consideration to seniority in terms of rank and length of service. The final selection will be made on the basis of best overall qualifications in light of the needs of the University as determined by the Committee. In such cases where all other considerations are equal, seniority will be the determining factor. Termination of tenured faculty appointments or termination of faculty term appointments during their term, shall be subject to approval of the Board of Governors.

If, within two years after eliminating a tenured faculty position pursuant to this policy, the University determines to reinstate such position, the tenured faculty member who formerly held such position shall be notified of such action, if possible, and shall be rehired in their former position if they so desire. The University will make a good faith effort to locate and

notify the former faculty member so affected. The conditions of such reemployment will be determined at that time.

5. Final Board Determination. While the Board of Governors may make its final decision while in closed session, the Board will first conduct a public hearing to accept comment and suggestion regarding the Committee's recommendation. Such public hearing shall be publicized at least 2 days in advance. In considering the Committee's recommendation for responding to the state of financial exigency, the Board will take into account the nature and circumstances of the financial exigency and its severity; the expected duration of the emergency; the Committee's analysis; comments and advice from Faculty Senate, the Deans, Department Chairs and other administrative staff; the staff council; the Student Government; the Committee's recommendation for a retrenchment plan; and the totality of the circumstances surrounding the matter. The Board may approve the Committee's plan as presented or amend it as the Board determines.

Upon a declaration of financial exigency by the Board and the approval of a plan of retrenchment, the President will proceed to carry out the plan in accordance with the timetable set out in the approved plan. Any declaration of financial exigency shall be for a finite and defined period of time, will be reviewed annually by the Board of Governors and will be subject to extension if the Board determines it necessary to do so following such annual review.

Source: Resolutions of the Board dated June 16, 2012, April 12, 2014 and October 10, 2014