

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.

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.

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 departments, 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.
- 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.
- 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.
- 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.
- 10.060. Family and Medical Leave Act (FMLA). This policy sets forth employees' rights and obligation under the Family and Medical Leave Act of 1993 (FMLA). The FMLA is a federal law that entitles eligible employees to up to 12 workweeks of job-protected leave during any 12-month period to care for a new child, care for a seriously ill family member, or recover from a serious

illness. The FMLA entitles eligible employees to unpaid leave. However, the University provides employees with some paid leave for FMLA qualifying reasons. See Section 10.070.

10.060.1. Definitions.

Child – A child is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Covered Service Member – A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Covered Veteran – An individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Eligible Employee – An eligible employee is one who has been employed by the University for a total of at least twelve (12) months at the time of the leave of absence, and has actually worked at least 1,250 hours during the 12-month period immediately preceding the leave. The 12-months of employment do not have to be consecutive. If the employee has a break in service that lasted seven (7) years or more, the time worked prior to the break will not count unless required by law.

Intermittent and Reduced Schedule Leave – Leave taken to care for an employee’s covered family member, the employee’s own serious health condition, or to care for a qualified service member may be taken intermittently or on a reduced leave schedule when medically necessary, provided a health care provider certifies the expected duration and schedule of such leave. Leave for military exigency may also be taken intermittently or on a reduced leave schedule.

Employees who are approved for intermittent FMLA leave must continue to comply with the

normal call-in procedures to the extent possible. Employees taking intermittent or reduced schedule leave that is foreseeable based on planned medical treatment may be required to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

Intermittent leave and/or a reduced schedule leave may be taken for the birth or adoption of a child or placement with the employee of a child for foster care if approved by the employee's direct supervisor and may not extend beyond 12-months after the birth, adoption, or placement of a child for foster care. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the University's operations.

Parent – A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."

Serious Health Condition – A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacity or any subsequent treatment in connection with such in-patient care);
- b. Period of incapacity of more than three (3) consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - i. Treatment by or under the orders of a health care provider on at least two (2) occasions within the first thirty (30) days of the incapacity; or
 - ii. Treatment by a health care provider on at least one (1) occasion within the first seven (7) days of the incapacity which results in a regimen of continuing treatment under the supervision of a health care provider.
- c. Any period of incapacity due to pregnancy, or for prenatal care;

- d. Chronic serious health condition requiring periodic visits (defined as a least twice per year) for treatment by or under the supervision of a health care provider that continues over an extended period of time and may cause an episodic rather than a continuing period of incapacity;
- e. Permanent or long-term conditions requiring supervision for which treatment may not be effective; or
- f. Multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Spouse – The person with whom an employee has entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

- a. Was entered into in a state that recognizes such marriages; or
- b. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

10.060.2. FMLA Leave Entitlement.

- 1. Subject to the requirements described in this policy, an eligible employee may take up to 12 workweeks of leave in a 12 month period for one or more of the following reasons:
 - a. The birth of a child or placement of a child with the employee for adoption or foster care; leaves for birth, adoption, or foster care must be taken with 12-months of the event;
 - b. To care for the employee's spouse, child, or parent, with a serious health condition, as certified by a health care provider;

- c. For a serious health condition that makes the employee unable to perform the essential functions of the employee's job; or
 - d. For any qualifying exigency arising out of the fact that an employee's spouse, child, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status).
- 2. The 12-month period is measured forward from the date the eligible employee takes FMLA leave.
- 3. Spouses who are eligible employees are limited to a combined total of 12 workweeks of leave in a 12-month period for the following FMLA-qualifying reasons:
 - a. Leave to care for a parent with a serious health condition
 - b. Birth of a child and bonding with the child;
 - c. Placement of a child for adoption or foster care and bonding with the child.

10.060.3. Leave Entitlement to Care for a Covered Service Member.

An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, child, parent, or next of kin of the covered service member. The single 12-month period for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. The single twelve (12) month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later.

Covered service members include:

- a. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness; or
- b. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five (5) year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a

qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered service member.

For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness.

10.060.4. Use of Paid Time While on FMLA Leave.

Employees must use all available paid sick, vacation, and parental leave while on FMLA leave.

Once paid leave time is exhausted, FMLA leaves are without pay.

10.060.5. University Notice of the Need for FMLA Leave.

When the leave is foreseeable, the employee must provide thirty (30) days advance notice.

Otherwise, the employee must notify the university as soon as practicable upon learning of the need for leave.

10.060.6. Medical Certification.

If the requested leave is for a serious health condition of the employee, the employee will be required to prove a health care provider's certification providing information regarding the condition and inability to perform one or more essential functions of the job within fifteen (15) calendar days after the employer's request. If the requested leave is to care for a covered family member, the employee will be required to provide, within fifteen (15) calendar days after the employer's request, a health care provider's certification providing information as to the serious health condition and stating that the employee is needed to care for the family member. The

university may request subsequent re-certifications during the course of the leave in accordance with the limitations set forth in the FMLA regulations. Updated work absence statements from the healthcare provider are required for all leave extensions.

Records and documents relating to medical certifications or re-certifications of employees or employees' family members will be maintained as confidential medical records in Human Resources, subject only to the limited exceptions set forth in the FMLA regulations. FMLA may be denied if requested certifications are not provided within prescribed time limits.

10.060.7. Benefits.

During FMLA leave, an employee is eligible to continue participation in the University's employee benefit programs. In order for the coverage to be continued, the employee will be responsible for the employee's portion of the cost.

10.060.8. Return to Work.

A health care provider's statement will be required for return to work from the employee's own serious health condition, including after the birth of a child. The return to work form must be presented before the employee may be returned to the work schedule. The return to work form must document the nature and duration of work restrictions if any. If the employee is able to return to work earlier than the date indicated, the employee will be required to notify the supervisor and/or the campus Human Resources office at least two (2) workdays prior to the date the employee intends to return for work.

The department will return the employee to the same position held before the leave or an equivalent position. The employee will be provided the level of benefits and seniority held before the leave.

10.060.9. Exhaustion of FMLA Leave.

An employee who has exhausted all FMLA leave and needs additional leave due to an FMLA qualifying condition or event may, with their supervisor's permission, remain on leave for up to

an additional 4 workweeks. During this time the employee must use all available compensatory time, vacation, and/or sick leave.

10.060.10. Failure to Return to Work.

If the employee fails to return to work following the expiration of the FMLA leave and has not requested an extension of the leave, the employee will be considered to have voluntarily resigned from the university as of the day the leave paperwork expired.

10.070. Paid Leave.

10.070.1. Sick Leave.

Sick Leave Accumulation for Full-Time Employees with Faculty Rank. Beginning December 1, 2015, full-time employees with faculty rank earn nine (9) days of sick leave per academic year.

Sick Leave Accumulation for Employees without Faculty Rank. Full-time employees without faculty rank earn one day of leave for each month of service. Employees who work at least half-time accumulate sick leave on a prorated basis.

Use of Sick Leave. Sick leave is to be used in the event of illness, injury, or scheduled health related appointments for the employee or an immediate family member. Employees may be required to submit documentation from a physician after an absence of three consecutive work days.

10.070.2 Vacation Leave for Employees without Faculty Rank.

Full-Time Professional Exempt Employees. Vacation leave for full-time professional exempt employees 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. At the beginning of the 20th year of continuous employment, vacation leave accrues at the rate of 2 days per month, which totals 24 days per year.

Full-Time Professional Non-Exempt Employees. Vacation leave for full-time professional non-exempt employees 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. At the beginning of the 20th year of continuous employment, vacation leave accrues at the rate of 2 days per month, which totals 24 days per year.

Full-Time Hourly Employees. Vacation leave for full-time hourly employees accrues at the rate of 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 1.25 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 1.67 days per month, which totals 20 working days per year. At the beginning of the 20th year of continuous employment, vacation leave accrues at the rate of 2 days per month, which totals 24 days per year.

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 similarly classified employees who work 40 hours per week on a twelve month basis.

10.070.3. Paid Parental Leave.

Purpose. The purpose of Paid Parental Leave is to enable employees to care for and bond with a newborn child, a newly adopted child, or a newly placed foster child.

Eligibility. Paid Parental Leave is FMLA leave. Therefore, employees must meet all FMLA eligibility requirements in order to receive Paid Parental Leave. Any leave taken under this policy will be counted as FMLA leave. All other requirements and provisions under the FMLA will apply.

Amount of Paid Parental Leave. Employees will be paid at their regular rate of pay for up to seven (7) workweeks following the birth or placement with the employee of a child for adoption or foster care. Employees must take all available Paid Parental Leave within 12 months of the

birth, adoption or placement of the child. Paid parental leave may not be used or extended beyond this 12-month period. Paid Parental Leave cannot be carried forward for future use, transferred to another employee, or paid monetarily at the time of the employee's separation from employment. If both parents are employed by the University and meet eligibility requirements, then each parent is entitled to seven (7) workweeks of Paid Parental Leave.

An employee will not receive more than seven (7) workweeks of Paid Parental Leave during a 12-month period from the first day Paid Parental Leave is used, regardless of whether more than one qualifying event occurs within that 12-month period. The birth, adoption or placement of multiple children does not entitle the employee to more than seven (7) workweeks of Paid Parental Leave.

Requesting Leave. The employee will provide his or her supervisor and the Human Resources Office with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary forms and provide all documentation as required by the Human Resources Office to substantiate the request.

Other Leave Accruals. Employees will continue to accrue sick time and/or vacation time while on Paid Parental Leave.

- 10.070.4. Funeral Leave. Funeral leave for all employees shall be granted for up to four (4) days, with pay, for the funeral of the employee's spouse, mother, mother-in-law, father, father-in-law, child, child-in-law, 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 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 compensatory time, accrued vacation or accrued sick leave to take additional days associated with funeral leave.

- 10.070.5. Leave Covered by Workers' Compensation. Paid 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 the employee's paid leave exceeds income from Workers' Compensation or insurance to which the University contributes or provides matching funds.
- 10.080. Extended Sick Leave. In cases of an extended serious health condition of the employee, subject to the criteria set forth in subsection e., below.
- a. The President is authorized, at his or her discretion, to grant extended sick 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 sick leave granted under subsection a., above, the President is further authorized, at his or her discretion, to grant additional extended sick 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 sick leave under subsections a. and b., above, the President is authorized, at his or her discretion, to grant extended sick 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 sick leave do not extend or enlarge the University's obligations with respect to continuation of health plan coverage under COBRA.

- e. Extended sick leave as described in sections a, b and c above is available only when the employee requesting such leave, makes the request contemporaneously with an application for disability benefits through the University's long term disability benefits program or through the U.S. Social Security disability benefits program or simultaneously through both programs.

The employee requesting extended sick leave shall provide the Human Resources Department with sufficient evidence to confirm that he or she has applied for disability benefits before extended sick leave may be granted.

10.090. 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.

10.100. 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.

10.110. 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.

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.

- 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.
- 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.
- 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 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.

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: Resolution of the Board dated June 18, 2022