

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Rule No. AA-13

PLAN FOR MEETING FINANCIAL EXIGENCY

1 General Information.

- 1.1 Scope: Academic policy regarding the plan for meeting financial exigency.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: June 25, 2020
- 1.4 Effective Date: June 25, 2020
- 1.5 Controlling over: Marshall University
- 1.6 History: Approved by the Faculty Personnel Committee and the President and submitted to the WV Board of Trustees, May 4, 1992. Revised: 8/1/2019 and 6/25/2020.

2 **Policy**

2.1 Introduction

- 2.1.1 Demographic and economic forecasts for the foreseeable future indicate possible enrollment decreases and reduction of funding for higher education. In past instances of reduced funding, state-supported colleges and universities have reacted in three stages:
 - 2.1.1.1 First, costs are reduced in ways which do not disrupt programs or reduce staffing (e.g., by reducing supplies, postponing equipment purchases, restricting travel, deferring maintenance). This response to relatively mild financial constraint permits continuity of current operations, but burdens budgets in the future.
 - 2.1.1.2 If funding problems continue, or worsen, non-instructional programs are curtailed, termination of non-instructional personnel occurs, and instructional personnel may assume added responsibilities. For example, at this stage institutions may terminate or reduce intercollegiate competition – both athletic and academic; may reduce administrative, secretarial, custodial and maintenance staff; and may ask faculty to be responsible for custodial work in their offices.
 - 2.1.1.3 If, after the preceding measures have been taken, funding deteriorates to the point that statewide public higher education is in jeopardy, financial exigency may be declared. At this stage, further curtailment in non-instructional personnel, and perhaps in programs and degree offerings, may be unavoidable. It is assumed that a declaration of financial exigency would occur only in circumstances of extreme gravity. In order to ensure thoughtful consideration of the response to a declaration of financial exigency, the Higher Education Policy Commission has mandated: Institutional plans for meeting a financial exigency shall be developed through a collaborative assessment by representatives of administration and faculty, approved by the governing board, and reported to the Policy Commission prior to implementation. Marshall University hereby responds to this charge.

2.2 Criteria for Responding to Financial Exigency

- 2.2.1 The overriding consideration during financial exigency must be to preserve the high quality of

existing academic programs. Any loss of personnel diminishes the capacity of the university to continue its mission; therefore, every personnel decision must be examined, before any other considerations, for its effect on teaching and learning. Adherence to this criterion ensures that a plan for coping with financial exigency will protect the investment of the people of West Virginia in their system of higher education, and will not be arbitrary or capricious.

- 2.2.2 The following criteria for responding to financial exigency reflect the concern for maintaining quality programs for teaching and learning:
- 2.2.2.1 Academic integrity will have precedence over all other considerations.
 - 2.2.2.2 To the greatest extent possible, all academic programs (instructional functions) will be preserved.
 - 2.2.2.3 Exigency recommendations will be reviewed by an academically representative committee.
 - 2.2.2.4 Specific programmatic and personnel decisions will be made at the level of the school or college.
 - 2.2.2.5 Individual personnel decisions will be based on the following sequence of considerations: competence and value to the program; ability to serve competently in other positions; tenure and length of service.

2.3 Procedure for Responding to a Financial Exigency

- 2.3.1 If the Higher Education Policy Commission declares a state of financial exigency, the President of Marshall University will immediately convene an Academic Exigency Committee (AEC). The composition of this committee will be:
- 2.3.1.1 One level member from each college or school of equal level
 - 2.3.1.2 Chairperson of the Faculty Personnel Committee
 - 2.3.1.3 Chairperson of the Budget and Academic Policy Committee
 - 2.3.1.4 Chairperson of the Curriculum Committee
 - 2.3.1.5 Chair of the Faculty Senate
 - 2.3.1.6 Chair of the Classified Staff Council
 - 2.3.1.7 Deans of all colleges and schools, including the Dean of the Graduate College
 - 2.3.1.8 Chief Financial Officer
 - 2.3.1.9 Provost and Senior Vice President for Academic Affairs, or where appropriate, Dean of the Joan C. Edwards School of Medicine

*No person can fill more than one position. Pending election of a college or school representative, the college or school will be represented by the chairperson of its Personnel Committee.

- 2.3.2 The AEC will elect its officers from its membership. This Academic Exigency Committee will review all proposed exigency-related actions affecting academic personnel and academic programs or degrees.
- 2.3.3 After the AEC is convened, the following steps will be taken in response to the declaration of

financial exigency:

- 2.3.3.1 The AEC will assess the severity of the exigency and determine whether all appropriate steps have been taken to alleviate it without affecting programs or degrees, or terminating instructional personnel
- 2.3.3.2 After step 1, if academic curtailment is unavoidable, the AEC will determine the percentage of reductions to be made by each college or school. The deans will be asked to prepare recommendations for reductions in the following areas:
 - 2.3.3.2.1 vacant positions
 - 2.3.3.2.2 adjunct instructional staff
 - 2.3.3.2.3 miscellaneous instructional staff (as defined by the colleges and schools)
 - 2.3.3.2.4 graduate assistant positions
 - 2.3.3.2.5 summer school
- 2.3.3.3 These recommendations will be accompanied by a supporting statement showing how the criteria for response to financial exigency were employed, how each reduction will affect programs or degrees, and the extent to which reduction could be offset by transfer of qualified personnel from other units.
- 2.3.3.4 If the exigency appears resolved by these actions, the deans will return their recommendations to the AEC for review.
- 2.3.4 If, after step 2, further reductions are necessary, the deans will recommend reductions in current faculty. These recommendations will be prepared in conjunction with existing deans' advisory committees, and will consider the following:
 - 2.3.4.1 effect on programs or degrees
 - 2.3.4.2 relationship of program or degree to the mission of the university
 - 2.3.4.3 five-year history of student credit hours generated in the program or degree
 - 2.3.4.4 number of graduates from the program or degree in past five years
 - 2.3.4.5 projected need for program or degree
 - 2.3.4.6 cost of program or degree
 - 2.3.4.7 minimum staffing required for program or degree
 - 2.3.4.8 accessibility of similar programs or degrees to students in the region and state
 - 2.3.4.9 profile of each faculty member involved in the program or degree
 - 2.3.4.10 the possibility of early retirement or fractional appointment as an alternative to termination
 - 2.3.4.11 other special considerations

- 2.3.5 When completed, these recommendations, along with supporting materials described in step 2 and a statement showing how the foregoing considerations affected the recommendation, will be submitted to the AEC for review.
- 2.3.6 After step 2 and/or step 3, the AEC will review the recommendations and supporting materials to ensure that program and degree integrity is maintained, and that all who are affected by the recommendations have been treated impartially. When this review is completed, the recommendations, along with any comments or suggestions from the AEC, will be returned to the colleges and schools.
- 2.3.7 Each dean, in conjunction with a committee composed of - at minimum – all departmental heads, will make final decisions on college or school reductions and submit these recommendations to the President of Marshall University. The President will make the final decisions on termination of faculty members.
- 2.3.7.1 It shall be incumbent upon the President (1) to promote and encourage transfers within colleges wherever possible, (2) to promote and encourage retraining wherever possible, and (3) to adhere strictly to the Higher Education Policy Commission guidelines.
- 2.3.7.2 The mission of a university is to provide for its students a solid foundation for life-long learning, and to provide for society the wisdom and skills that enable a community to function. To fulfill this mission, a university needs academic staff that offers both breadth and depth of knowledge. Clearly, it is counterproductive to reduce staffing on any basis other than the ability of staff members to contribute to the teaching and learning that ultimately justify the existence of the university. For this reason, it may be necessary in a financial exigency to terminate faculty members with a long record of service to the university while retaining faculty members who began their service more recently. The primary consideration must always be to provide a sound system of higher education for the people of West Virginia. It must also be remembered that, when other things are equal, the university community owes most to those who have served it longest.