



TEXAS SOUTHERN UNIVERSITY
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Fiscal Affairs
AREA: General

Policy 03.01.05

SUBJECT: Financial Exigency

I. PURPOSE AND SCOPE

This policy has been established to provide emergency guidelines, including reduction in force, should the University experience a condition of financial exigency. It shall be the policy of Texas Southern University that in the event of emergency conditions as a result of financial exigency, the University will explore all available methods to effectively resolve the condition. This policy shall apply to all University employees, including faculty and staff.

II. DEFINITIONS

A. Financial Exigency: A condition of financial exigency shall exist whenever the financial resources of an institution are not sufficient to support the existing programs and personnel of the institution without substantial impairment of the ability of the institution to maintain the quality of its programs and services. Financial exigency may result from a substantial reduction in financial resources or from the failure to receive increases in financial resources sufficient to maintain quality. Evidence of financial exigency may include, among other factors, reduction of state appropriations, faculty and staff salary levels substantially below national and regional averages, significant loss of personnel or inability to attract new personnel because of inadequate salary and other support, and substantial threat of deterioration of facilities because of lack of resources for maintenance.

B. Furloughs: A temporary leave without pay for any employee, including all staff, faculty (tenured and non-tenured), or other contracted employees, before the end of their contract term.

C. Lay-off: The dismissal of any employee, including staff, faculty (tenured and non-tenured), or other contract employees before the end of their contract term.

III. POLICY PROVISIONS

A. Authority for Declaration of Fiscal Exigency

1. The determination of financial exigency may only be declared by the Board of Regents upon recommendation of the President in accordance with this policy.
2. Upon a declaration of financial exigency by the Board of Regents, the President shall determine whether furloughs, layoffs, or terminations are required and which employees will be affected. This determination shall give primary consideration to maintaining a sound and balanced educational program that is consistent with the functions and responsibilities of the University.

B. Requirements for Proposal of Fiscal Exigency

1. The financial exigency plan should clearly specify the role of defined factors in determining order of personnel terminations under conditions of financial exigency.
 - a. Those factors shall include, but are not limited to: tenure status, rank, seniority within rank, length of service, performance evaluations.
 - b. When possible, priority shall be given to tenured faculty over non-tenured faculty in retention.
2. Any action affecting the University resulting from a declaration of financial exigency shall be done in accordance with applicable University policies and procedures, including MAPP 02.05.04 – Reductions in Force.

C. Procedure for Termination of Personnel Due to Financial Exigency

1. Faculty and other contract employees who are furloughed, laid off, or terminated before the end of their contract terms due to financial exigency, shall be given at least thirty (30) days notice in advance of the date of the furlough, layoff, or termination.
2. Notice shall be in writing and shall be delivered personally to the affected employee. If the affected employee is on leave, the notice shall be sent by certified mail with return receipt requested. Notice shall be complete upon delivery or mailing to the affected employee.
3. The written notice shall include:
 - a. A statement of the conditions requiring furlough, layoff, or termination;
 - b. A general description of procedures followed in making the decision;
 - c. A statement of the basis on which the employee was selected for termination;
 - d. A statement of the date on which the furlough, lay-off or termination becomes effective

- e. A statement of the employee's right to respond in writing. Such written notice must be submitted to the Office of Human Resources;
- f. A statement that notifying the affected employee of their right to appeal the decision pursuant to the provisions in MAPP 02.05.01 – Employee Grievances.

D. Termination of Fiscal Exigency

- 1. Financial exigency shall terminate either at the end of the fiscal year, or after one calendar year, depending upon the financial state of the institution at the end of the fiscal year.

IV. REVIEW AND RESPONSIBILITIES

Responsible Party: Chief Financial Officer

Review: Every three years, on or before September 1

V. APPROVAL



Vice President for Finance



President

Effective Date: 10/23/09