



BOISE STATE UNIVERSITY

University Policy 4540

Financial Exigency Policy and Staff Reduction Procedures - Faculty

Effective Date

July 1981

Last Revision Date

July 1999

Additional Authority

Idaho State Board of Education Policy, Section II.N.

1. Definitions

1.1 Financial Exigency

Financial exigency as defined by the Idaho State Board of Education (hereinafter cited as the Board) Financial Exigency Policy and Staff Reduction Procedures (Idaho State Board of Education Policy, Section II.N.) means a demonstrably bona fide, imminent financial crisis which threatens the viability of an agency, institution, office, or department as a whole, or one or more of its programs, departments of instruction, or other distinct units, and which cannot be alleviated by means other than a reduction in the employment force. A state of financial exigency shall exist only upon Board declaration.

2. Responsibilities and Procedures

2.1 Faculty Participation in the Determination of a Financial Exigency

The definition of “active” consultation (Idaho State Board of Education Policy, Section II.N.2.a.) here is considered to be active participation with the faculty.

- a. The first step in active faculty participation shall be a general faculty meeting requested by the President at which financial exigency shall be discussed.
- b. The second step in active faculty participation shall be a Faculty Senate meeting at which the President shall discuss the possible imminence of Board declaration of financial exigency, and shall show that all feasible alternatives to termination of appointments have been pursued.
- c. The Faculty Senate shall either concur with the President’s decision on financial exigency, or justify its opposing views in writing. If the latter is the case, the Senate President will present the position of the Senate to the Board.

2.2 Preparation of Program to Implement a Staff Reduction after Board Declaration of Exigency (Idaho State Board of Education Policy, Section II.N.5.)

- a. According to Idaho State Board of Education policy, the President shall prepare and recommend to the Board a program to implement the decision of a staff reduction due to financial exigency. In developing specific details of such a program, the President shall consult with representatives of the Faculty Senate, division administrators, and other university personnel. Should the Senate disagree in substance with the President’s proposed program, the Senate President will present the position of the Senate to the Board.
- b. Any program designed to implement a staff reduction under financial exigency must encompass the following items:
 - General Standards for Staff Reduction Procedures (See 2.3. following)
 - Staff Reduction Criteria (See 2.3.2 following)
 - Procedural Due Process: relocation, notification, hearings, benefits, and rehiring rights (See 2.3.4C. following)

2.3 Staff Reduction Procedures Due to State Board Declaration of Financial Exigency

2.3.1 General Standards for a Staff Reduction

- a. A staff reduction (Idaho State Board of Education Policy, Section II.N.2.c.) must be done equitably, in good faith, in a systematic manner directly related to the “Program to Implement a Staff Reduction.”
- b. The primary purpose of the university is to serve students. A staff reduction must be done with the realization that teaching faculty and students are the heart of the university, and that, therefore, these individuals should be given the highest possible consideration in the matter of forced reduction.
- c. Decisions regarding termination of programs or parts of programs shall be consistent with the mandated mission of the university as defined by the State Board of Education or by Idaho statute.
- d. The decision to terminate or reduce formally a program or department of instruction will be based essentially upon temporary variations in enrollment or educational considerations as determined by the Faculty Senate (see Boise State University Faculty Constitution, Article V, Section 2). These decisions must reflect long-range judgments that the educational mission of the institution as a whole will be least damaged by termination or reduction.

2.3.2 Staff Reduction Criteria (Idaho State Board of Education Policy, Section II.N.5.a.)

2.3.2A Program Needs

The highest importance shall be attached to preserving the quality of education at the university and the viability of essential university programs. Consequently, those employees who by defensible criteria are determined to be of key importance to the academic activities shall be retained in preference to other employees. In the case of conflicting views, the Senate President will present the position of the Senate to the State Board.

2.3.2B Tenure

Tenure consideration shall have second priority in decisions regarding personnel. Thus, after decisions have been made in order to protect major program needs within each department or similar academic unit, part-time and temporary faculty shall be released before regular full-time faculty without tenure. Tenured faculty shall be laid off last, after program considerations have been made.

2.3.2C Length of Service

Third priority shall be placed on length of service to the program and to Boise State University.

2.3.2D Rank

Fourth priority shall be placed on rank.

2.3.3 Procedural Due Process

2.3.3A Relocation and Retraining

At the same time the President is proposing to implement a program for a staff reduction, he/she shall make a good faith effort to relocate any affected faculty member in a suitable vacant position within the university. Also, in considering staffing necessitated by financial exigency, the university shall consider retraining as an alternative to layoff.

2.3.3B Notification of Layoff and Hearing Procedures

Information pertinent to the form of notice of layoff, time of notice, and hearing procedures for tenured and nontenured faculty may be found in the Board Policy in the following sections:

Table of Board Policies	
Policy Number	Content
Idaho State Board of Education Policy, Section II.N.5.b.(1)	Form of Notice
Idaho State Board of Education Policy, Section II.N.5.b.(2)	Time of Notice
Idaho State Board of Education Policy, Section II.N.5.c.(4)	Appeal Procedure, Tenured/Nontenured Faculty
Idaho State Board of Education Policy, Section II.N.5.c.(2-3)	Appeal Rights, Tenured/Nontenured Faculty
Idaho State Board of Education Policy, Section II.N.5.c.(4)(b))	Standard of Review

Table of Board Policies	
Policy Number	Content
Idaho State Board of Education Policy, Section II.N.6.a.	Reinstatement Rights, Tenured Faculty
Idaho State Board of Education Policy, Section II.N.6.b.	Reinstatement Rights, Nontenured Faculty and NonFaculty Employees
Idaho State Board of Education Policy, Section II.M.2.	Board Review

2.3.3C Reinstatement Rights (Idaho State Board of Education Policy, Section II.N.6.)

Tenured faculty that are laid off as a consequence of financial exigency shall have preferential reemployment rights for a period of three years after the date of layoff. Nontenured faculty that are laid off as a consequence of financial exigency shall have preferential reemployment rights for a period of one year after the date of layoff. During that period, such faculty shall be notified of all employment opportunities that are reasonably comparable to their former employment responsibilities and rehired in accordance with the preceding Staff Reduction Criteria established in II.D. of this policy. In accordance with the Board Policy, if an offer of reinstatement is not accepted, the faculty member's name may be deleted from the reinstatement list.

2.3.3D Benefits (Idaho State Board of Education Policy, Section II.N.6.a.(2) and Idaho State Board of Education Policy, Section II.N.6.b.(2))

Faculty members laid off as a consequence of financial exigency may continue to contribute toward and receive the benefits of any state insurance program if the law, rules, regulations, policies, and procedures governing the administration of such insurance programs so permit. A faculty member who has been laid off and who accepts reemployment will be credited with any sick leave accrued as of the date of layoff; a salary commensurate with the rank and length of previous service; and with any annual leave which the employee has accrued as of the date of layoff and for which the employee has not received payment.

2.3.3E Layoff Roster

The university shall keep a current roster of all laid off faculty for the period of time specified per Board Policy (Idaho State Board of Education Policy, Section II.N.6.a. and Idaho State Board of Education Policy, Section II.N.6.b.), and shall show evidence of its attempt to notify

faculty regarding reinstatement. Former faculty members shall be responsible for keeping the university informed of their current addresses.

Revision History

July 1999