

Draft Senate Resolution: Declarations of financial exigency, program reduction or elimination and “consultation with the Faculty Senate”

Whereas, owing to the possible impact of the pandemic on the University’s bottom line, individual faculty, and various departments and programs are in a *potentially* precarious position this upcoming academic year.

Whereas at other universities across the country, the pandemic has been used to justify short-circuiting normal processes of faculty governance, suspending relevant sections of Faculty Handbooks and leaving faculty without appropriate input into the decision-making.

Whereas, in the Virginia state university system, the Radford BOV passed a resolution in June saying that it felt an "urgent need" for "quick and decisive action" that "cannot be met while adhering to the financial exigency section" of the Radford Faculty Handbook. https://roanoke.com/news/local/another-group-criticizes-radford-university-board-over-budget-cutting-measures/article_dfcc01f6-3cd5-5638-8d00-68c40c0441ea.html

Whereas, the Faculty Handbook says that “the appointment of a tenured or untenured faculty member may be terminated by the university in the event of a bona fide financial exigency, program reduction, discontinuance or elimination.” (III.F.4.)

<https://www.jmu.edu/facultyhandbook/iii-policies-procedures/f-separation.shtml>

Termination

Whereas the Faculty Handbook says: “(III.F.4.a. (1) Before a faculty member can be terminated for **financial exigency**, a declaration shall be made by the president and the BOV that a severe financial crisis exists that cannot be satisfactorily alleviated by less drastic means.”

Whereas, the Faculty Handbook says: “III.F.4.a.(2) A tenured faculty member may be terminated only if such termination is a component of a comprehensive program adopted by the university in the exercise of its judgment to resolve the financial peril that includes other measures reasonably fashioned to achieve that goal. *The president, in consultation with the*

university community including the Faculty Senate, will be responsible for preparing such a program. The program must be approved by the BOV.”

Whereas the Faculty Handbook says: “**III.F.4.b. Program Reduction or Elimination.** In the absence of financial exigency, before a faculty member can be terminated because of program reduction or elimination, a determination shall be made by the president and the provost that such reductions or eliminations are consistent with institutional goals and needs. In considering such matters, *the president and the provost shall consult with the university community including the Faculty Senate.* Responsibility for the decision on individual termination decisions shall rest with the provost. In the absence of a timely written appeal, the decision of the provost becomes final, and the termination is effective on the date specified by the provost.”

Whereas, the Faculty Handbook says: "III.F.4.b. (2)The decision to reduce or eliminate a program or department of instruction shall be based on the judgment that the educational mission of the institution will be enhanced by the reduction or elimination."

Whereas the Handbook’s aforementioned requirement (in *both* III.F.4.a (2) and III.F.4.b.) that the president and the provost shall “**consult with the university community, including the Faculty Senate,**” is overly vague and underspecified, and therefore affords both faculty, and programs and departments, insufficient protection.

Whereas this poses a significant danger that the panic induced by bad budget news would make the Handbook-required “consultation with the Faculty Senate” inadequate -- *post hoc* and *pro forma*.

Whereas, if as regards financial exigency, program or department reduction or elimination, and termination of faculty, merely *pro forma* and *post hoc* consultation rather than robust “consultation” were carried out, faculty members, programs, and departments could suffer extremely bad effects.

Whereas, given the momentousness of decisions to declare financial exigency, eliminate or reduce programs or departments, and terminate faculty, it therefore behooves faculty, and the Faculty Senate, to spell out, *in detail and in advance*, the nature of the “consultation with the university community, including the Faculty Senate” specified in the Handbook, and in so doing assert its right of shared governance.

Be it therefore resolved that faculty members, and the Faculty Senate, must, if a financial emergency threatens, be *immediately* involved in consultation and deliberation at every stage of the process, beginning with a determination that a state of financial exigency exists.

Be it further resolved that, before any proposals for program discontinuance on financial grounds are made or entertained, the faculty and the Faculty Senate should have the opportunity to render an assessment in writing on the institution's financial condition.

Be it further resolved that the faculty bodies participating in the process may be drawn from the Faculty Senate or elected as ad hoc committees by the faculty; *they should not be appointed by the administration.*

Be it further resolved that the faculty should immediately have access to, at minimum, five years of audited financial statements, current and following-year budgets, and detailed cash-flow estimates for future years.

Be it further resolved that, in order to make informed proposals about the financial impact of program closures, the faculty and the Faculty Senate must immediately have access to detailed program, department, and administrative-unit budgets.

Be it further resolved that the faculty should determine whether all feasible alternatives to termination of appointments have been pursued, including expenditure of one-time money or reserves as bridge funding, furloughs, pay cuts, deferred-compensation plans, early-retirement packages, deferral of nonessential capital expenditures, and cuts to non-educational programs and services, including expenses for administration.

Be it further resolved that faculty members in a program being considered for discontinuance or reduction, either because of financial exigency or not, should be informed in writing that it is being so considered and given at least thirty days in which to respond. *Tenured, tenure-track, and contingent faculty members should be involved.*