

Policies of the University of North Texas Health Science Center	Chapter 06 – Faculty Affairs
<b>6.200 Financial Exigency</b>	

**Policy Statement.**

The University of North Texas Health Science Center (UNTHSC) recognizes the importance of its faculty and tenured positions as a foundation for the institution. The purpose of this policy is to assure that UNTHSC’s response to a financial exigency preserves its commitment to faculty and tenure and provides the strongest possible means for rapid recovery and future growth.

**Application of Policy.**

This policy applies to all Faculty Members.

**Definitions.**

1. Academic Programs. “Academic Program” is a formal, coherent and finite program of study which may be composed of credit and/or non-credit bearing courses and non-course requirements leading to a degree or certificate.
2. Administration. “Administration” of the UNTHSC means those university employees responsible for the planning, organizing, directing, controlling, and evaluating activities of major units. These individuals are separate from the faculty, although some may have joint responsibilities. Administrators include the President, Provost, Deans, and other members of the President’s cabinet, or positions determined by the Board of Regents.
3. Faculty Member. “Faculty Member” means any member of faculty including part-time, full-time, non-tenure track, tenure track, and tenured faculty.
4. Financial Exigency. “Financial Exigency” is an actual or imminent financial crisis, as determined by the Board of Regents, that threatens the survival of UNTHSC in its current structure and that cannot be alleviated by measures other than terminating administrators, staff, non-tenure track faculty, tenured or tenure-track faculty, and/or discontinuing programs.
5. Full-time Faculty. “Full-time Faculty” means faculty who devote their primary professional efforts (>75% FTE) to the affairs of UNTHSC.
6. Non-Tenure Track Faculty. “Non-Tenure Track Faculty” means faculty appointed to positions that are not eligible for tenure. These faculty may be appointed to the rank of instructor, assistant professor, associate professor and professor. Non-tenure track faculty also includes individuals appointed to full-time or part-time positions for the primary purposes of patient care, research activities or service activities.

7. Retrenchment. “Retrenchment” means a situation in which there is a curtailment, specifically the cutting of expenses.
8. Tenured Faculty. “Tenured Faculty” means faculty who have been conferred tenure by the UNT System Board of Regents. The term “tenured faculty” does not include faculty with administrative duties of 0.5 full-time equivalent (FTE) or above.
9. Tenure Track Faculty. “Tenure Track Faculty” means non-tenured faculty members seeking tenure who are eligible for annual appointment until tenure is achieved. Faculty rank may be assistant professor, associate professor, or professor.

### **Procedures and Responsibilities.**

#### **Financial Exigency.**

This policy sets forth a framework for dealing with a financial exigency that could be grounds for termination of faculty. It does not contain a detailed plan of action because the nature of an exigency cannot be predicted with specificity.

Integral to every issue discussed herein is the long-term impact on the quality of education, research and service offered at the UNTHSC. The academic mission of the UNTHSC and the integrity of essential (e.g., clinical, professional, community, education) programs must be given highest priority. Therefore, highly selective reductions based on the elimination of specific departments or programs are deemed preferable to across the board cuts that could diminish the strength and quality of all our academic programs.

1. No administrative or academic areas of the UNTHSC will be considered exempt from the effects of an impending financial crisis. To prevent the declaration of financial exigency, the UNTHSC will first, achieve revenue enhancements that would mitigate the financial exigency, and second, make strenuous efforts to achieve administrative cost savings. When a financial exigency arises, the UNTHSC will develop an austerity plan that considers all areas of the university.
  - a. Consultation Prior to Declaration of Exigency. If the UNTHSC Administration believes a bona fide financial exigency exists, it will promptly convene and seek the advice of an Emergency Financial Exigency Committee (Committee) comprised of representatives from the Administration and Faculty Senate (including the president of the Faculty Senate). This Committee will provide advice and consultation to the Administration about the declaration of an exigency within 45 days of notification.
  - b. Declaration of Financial Exigency. The decision to declare a financial exigency may be made only by the Board of Regents. The declaration of a financial exigency requires the affirmative vote by a majority of the Board of Regents according to procedures established in its bylaws.

- c. Consultation during Financial Exigency. After the declaration of an exigency, major steps for dealing with the financial crisis will be reviewed jointly by the Administration, including academic deans, and the Committee.
- d. Plan for Retrenchment. Before actions are taken pursuant to a declaration of financial exigency, the retrenchment plan must be approved by the Board of Regents. The Board of Regents may modify the plan as it deems appropriate. Academic considerations will be primary in making program and personnel decisions.
- e. Order of Termination of Faculty. Where consistent with the academic needs of the institution, preference for retention will be given to tenured faculty of higher rank, and to more senior faculty within the same rank. All applicable federal and state laws, including non-discrimination laws, shall be observed when making termination decisions under this policy.
- f. Procedures for Review of Personnel Actions Based on Financial Exigency. Any Faculty Member who is given notice of termination is entitled to a hearing pursuant to the Faculty Grievance Policy.
- g. Assistance to Terminated Faculty. To the extent possible and within the confines of law, all faculty (Tenured, Tenure Track and Non-Tenure Track) dismissed during a financial exigency should be assisted in the transition to new jobs.
- h. New Academic or Administrative Positions. New positions will not be created while a financial exigency is in effect, unless a serious disruption in the functioning of the UNTHSC would otherwise result. New academic programs or faculty positions would be created only when it can be demonstrated that these programs or positions will help the UNTHSC extricate itself from financial exigency. Priority for filling these positions will be given to existing, qualified faculty.
- i. Termination of Exigency. The declaration of a financial exigency by the Board of Regents will be for a specified period of time not to exceed two (2) years, unless extended by the Board of Regents. The Board of Regents may, by majority vote, rescind its declaration of a financial exigency at any time.
- j. Phasing Out of Programs. Nothing in this policy shall preclude the UNTHSC from phasing out programs not related to financial exigency as defined herein.

Responsible Party: Board of Regents, UNTHSC President, Provost, Deans, Department Chairs, Faculty Senate, Human Resources, Faculty Grievance Committee, Faculty Members.

**References and Cross-references.**

Board of Regents Rule 6.1200 Termination and Revocation of Tenure.

Board of Regents Rule 6.1300 Financial Exigency and Discontinuance of Academic Programs.

Faculty Policy 6.002 Faculty Appointment Policy

Faculty Policy 6.006 Faculty Grievance Policy

Faculty Policy 6.100 Discontinuation of Academic Program(s)

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