

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Financial Exigency

**Policy Number:** 3.15

**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise

**Date of last revision, if applicable:** 4/14/2015

**Unit(s) Responsible for Policy Implementation:** President

**Purpose of Policy (what does it do):** Establishes a policy whereby the university may terminate an appointment because of financial exigency.

**Reason for the addition, revision, or deletion (check all that apply):**

☒ Scheduled Review      ☐ Change in law      ☐ Response to audit finding

☐ Internal Review      ☐ Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** No substantive changes.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Michaelyn Greene, Director of Administrative Services  
Danny Gallant, Vice President for Finance and Administration  
Steve Bullard, Provost and Vice President for Academic Affairs  
Damon Derrick, General Counsel

## Financial Exigency

**Original Implementation:** October 18, 2011

**Last Revision:** ~~April 14, 2015~~ April 24, 2018

Termination of an appointment with tenure, or of a probationary or special appointment before the end of the specified term, may occur under extraordinary circumstances because of bona fide financial exigency (i.e., an imminent financial crisis that threatens the continuation of a strong academic program and that cannot be alleviated by less stringent means). The responsibility for demonstrating the existence and extent of the financial exigency rests with the administration.

Before terminating an appointment because of financial exigency, the appropriate university administrator, with faculty participation, shall make every reasonable effort to place the faculty member concerned in another position within the university for which the individual is professionally qualified.

If the university, because of financial exigency, terminates appointments with tenure, or probationary or special appointments before the end of the specified term, it will not at the same time make new appointments in the same academic unit except in circumstances where a serious distortion of the academic program would otherwise result. Employment of a faculty member with tenure will not be terminated in favor of retaining a faculty member without tenure within the same academic unit, except in circumstances where a serious distortion of the academic program would otherwise result.

In each case of termination of an appointment with tenure because of financial exigency, the vacancy will not be filled by a replacement within a period of two calendar years, unless the released faculty member has been offered reinstatement and at least sixty (60) days in which to accept or decline.

A probationary faculty member whose appointment is terminated because of financial exigency shall be given appropriate notice as prescribed in policy 7.29, *Tenure and Continued Employment*. A tenured faculty member shall be given notice at least twelve months prior to termination of appointment.

A faculty member whose appointment is terminated because of financial exigency, and who alleges abridgement of constitutional guarantees or academic freedom, shall be afforded due process.

**Cross Reference:** *Tenure and Continued Employment* (7.29); Reduction in Force of Non-Academic Employees (11.23)

**Responsible for Implementation:** President

**Contact for Revision:** Vice President for Finance and Administration; Provost and Vice President for Academic Affairs

**Forms:** None

**Board Committee Assignment:** Finance and Audit