

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
BOARD OF GOVERNORS
SCP-5260**

SUBJECT: Meeting Financial Exigencies

REFERENCE: West Virginia Council for Community and Technical College Education, Title 135, Procedural Rule, Series 9, *Academic Freedom, Professional Responsibility, Promotion, and Tenure*; SCP-2701, *Reduction in Workforce Due to Financial Exigency: Faculty Personnel*.

ORIGINATION: May 27, 1988

EFFECTIVE: April 5, 2018

REVIEWED: February 10, 2023

SECTION 1. PURPOSE

1.1 The purpose of this policy is to establish a manner in which financial exigencies are defined and determined by the Board of Governors and to outline the planning process for meeting financial exigencies.

SECTION 2. SCOPE AND APPLICABILITY

2.1 This policy shall apply on a college-wide basis.

SECTION 3. DEFINITIONS

3.1 Financial Exigency – A circumstance arising from an immediate need to react to the lack of financial resources required to sustain current levels of educational services and programs.

SECTION 4. POLICY

4.1 It shall be the policy of the Board of Governors to obtain the full benefit of planning and deliberation prior to the implementation of measures determined to be necessary to react to a financial exigency.

SECTION 5. BACKGROUND OR EXCLUSIONS

5.1 None.

SECTION 6. GENERAL PROVISIONS

6.1 Financial Exigency/Committee Duties and Responsibilities

6.1.1 A Financial Exigency Committee will review and advise the President on all institution-wide actions deemed as necessary responses to a financial exigency. The major responsibilities of this committee shall be:

6.1.1.1 Making initial recommendations and advising the Faculty Senate and Classified Staff Council regarding institution-wide responses to a financial exigency;

6.1.1.2 Reviewing the responses and further recommendations of the Faculty Senate and Classified

Staff Council regarding the Committee's initial recommendations; and

6.1.1.3 Making final recommendations to the President regarding institution-wide responses to a financial exigency.

6.2 Committee Membership – The Committee shall be comprised of the following thirteen (13) persons:

6.2.1 One elected Lay Board of Governors Member (non-voting Chairperson)

6.2.2 One elected Student Government Association Representative

6.2.3 Two elected Classified Staff Members

6.2.4 Two elected Faculty Members

6.2.5 Two Administrators appointed by the President

6.2.6 Chief Fiscal Officer

6.2.7 Advisory Council of Classified Employees Representative

6.2.8 Classified Staff Council Chair

6.2.9 Faculty Senate Chair, and

6.2.10 Advisory Council of Faculty Representative.

6.3 Committee Members Terms of Service – Each member of the Committee shall serve for a full fiscal year, i.e., from July 1 of one calendar year through June 30 of the following calendar year. All elected members of the Committee shall be chosen at their respective group's final meeting for the fiscal year.

6.4 Financial Exigency Procedure

6.4.1 The President may request the Board of Governors to declare a financial exigency at any time it is believed that a bona fide financial exigency exists.

6.4.2 The Board of Governors may declare a condition of a financial exigency for a period not to exceed two years, unless extended by subsequent action of the Board.

6.4.3 Within seven working days after the Board of Governors declares a condition of a financial exigency, the Financial Exigency Committee shall submit in writing its initial recommendation to the Faculty Senate and the Classified Council.

6.4.4 Within seven working days after receiving the initial recommendation of the Financial Exigency Committee, the Faculty Senate and Classified Staff Council may submit their recommendations in writing to the Financial Exigency Committee.

6.4.5 Within five working days after the deadline for receiving the recommendations of the Faculty Senate and Classified Staff Council, the Financial Exigency Committee shall submit its final recommendation in writing to the President.

6.4.6 Within seven working days after receiving the final recommendations of the Financial Exigency Committee, the President shall submit recommendations in writing to the Board of Governors for its review and approval.

6.5 Financial Exigency Actions

6.5.1 When the Board of Governors declares a condition of a financial exigency, the Financial Exigency Committee shall review and recommend the financial effects of the following prioritized actions before making any recommendations regarding personnel reduction:

6.5.1.1 Delaying implementation of new programs;

- 6.5.1.2 Freezing all vacant positions;
- 6.5.1.3 Cutting all new and, where feasible replacement equipment funds;
- 6.5.1.4 Reducing extracurricular activities and events; and
- 6.5.1.5 Utilizing all feasible current expense cuts in the following areas in priority order:
 - 6.5.1.5.1 travel
 - 6.5.1.5.2 printing
 - 6.5.1.5.3 office supplies
 - 6.5.1.5.4 educational supplies
 - 6.5.1.5.5 reducing repair and alteration funds
 - 6.5.1.5.6 reducing unrestricted student aid funds, and
 - 6.5.1.5.7 reducing work-week and times of college operations through voluntary and, where necessary, mandatory layoffs or reductions in workforce.

6.5.2 Layoffs – Voluntary and mandatory layoffs shall be considered. Vacation and sick leave days may not be used to offset salary cutbacks. Options may include a one day per week cut in pay or a voluntary or involuntary reduction in Full-time Equivalency (FTE) of employment. Previous and recent cuts in any area of the college should be considered in making recommendations to prevent disproportionate cuts.

6.5.3 Reductions in Workforce – After exhausting all possible financial benefits and savings from the above actions, the Committee may recommend that the President consider and recommend reductions in personnel. The President shall consider any Committee recommendations and shall make any personnel recommendations in accordance with the pertinent policies of the Board of Governors. A recommendation from the Committee is not required to enable the President to independently recommend reductions in personnel.

SECTION 7. RESPONSIBILITIES

7.1 The President has primary responsibility for the implementation of the provisions of this policy.

SECTION 8. CANCELLATION

8.1 None.

SECTION 9. REVIEW STATEMENT

9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair **Date**

President **Date**

Attachments: None.

Distribution: Board of Governors (12 members)
www.southernwv.edu

Revision Notes: July 2011 – Revisions reflect no substantial changes in procedure or documentation requirements. Revisions provide clarity and reflect changes in management responsibilities.

April 2013 – Policy was revised to expand the committee membership to include the Classified Staff Council Chair, the Faculty Senate Chair, and one additional administrator. Also, in Section 6.5.1.5, “Utilizing all feasible current expense cuts in the following areas in priority order,” telephone and utilities were removed from the list of expenses to eliminate.

November 2017 – Revisions reflect no substantial change in procedure or documentation requirements. In the Reference Section, the title of SCP-2701 was revised to accurately reference the policy.

February 2023 –Remove references to furlough and changing it to layoffs. Including option for voluntary or involuntary reduction in FTE of employment.