

**Attachment 1**  
**Summary of Appendix B**  
By FSCOUP, January 23, 2009

In times of extraordinary budget reduction, it is sometimes difficult to remember that we are all in this together and at the beckon of economic conditions well out of our control. This statement is an attempt by the Faculty Senate Committee on University Planning (FSCOUP) to clarify and annotate the roles, responsibilities, and powers of the Faculty Senate pursuant to the *Kansas State University Handbook* (<http://www.kstate.edu/academicpersonnel/fhbook/>). The provisions of “Appendix B” offer the reassurance of due process for our colleagues and ourselves.

“Appendix B” provides general guidelines, policies, and procedures university personnel follow during periods of extraordinary budget reduction. It sets out the roles and responsibilities of various members of the KSU community, including FSCOUP. Appendix B was written to deal with a vague process – the dismissal of unclassified employees in periods of financial difficulty. It provides definition, order, trust, transparency, and planning to a difficult task in a system of shared governance. Appendix B discusses two types of financial difficulty: financial stress and an institutional decision to declare financial exigency.

*Financial Stress*

Financial stress is triggered with the non-reappointment of one or more non-term full-time persons serving at the rank of instructor or above for financial reasons, excluding tenured faculty. An employee’s contract states whether they are term, regular, tenured, or tenure-track. An unclassified employee is someone whose contract carries reappointment rights, rather than simple temporary, annual appointments without such expectation. When any unit of the university reports to the administration that a person with rank and reappointment privilege will not be contracted because of the proposed budget, the president shall notify the president of the Faculty Senate who will initiate the participation of FSCOUP.

Notice of non-reappointment of a probationary (regular or tenure-track) employee should be given in writing in accordance with the following standards:

- Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
- Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- At least 12 months before the expiration of an appointment after two or more years in the institution.<sup>1</sup>

Although Department Committees on Planning (DCOP) are often established and consulted as a normal part of planning, financial stress requires DCOPs to work with department chairs in “applicable decision making procedures.” The composition of each DCOP shall be determined by majority vote of members holding “regular” (not term) appointments within each department. The department chairs may not serve on DCOPs. Each DCOP recommends to their College Committees on University Planning (CCOP), who in cooperation with their Deans, make recommendations to FSCOUP. It is the work and council of DCOP, CCOP, and FSCOUP, in order and in due timeliness, to ensure that all “applicable decision making procedures” during times of financial stress are exercised.

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<sup>1</sup> Kansas State University Handbook, Appendix A. These statements (i.e., the foregoing) shall apply even during periods of declared financial exigency, unless impossible, in which case notice shall be provided as early as feasible.

As one expects, the orderly dismissal of unclassified employees requires consideration of programmatic needs, compliance with the law, seniority, rank, and tenure. The *Kansas State University: University Handbook* provides some general guidance in personnel reductions during times of financial stress:

*Generally, decreases in the number of authorized positions for Kansas State University's educational program will be so apportioned among administrative personnel, Library staff, and collegiate faculties that such groups will maintain the same relative distribution of positions as existed prior to imposed reductions in authorized unclassified positions. However, when specific needs are manifestly paramount, the president and other unit administrators may, in consultation with their appropriate committees, apportion reductions in accordance with relative needs.*

*Decisions which effect a reduction in unclassified positions shall place emphasis upon 1) the preservation of essential University programs and functions, 2) the compliance with the University's commitment and legal obligation to affirmative action, and 3) the continuance in position of faculty and staff members of demonstrably superior merit. With the assurance of such conditions and prior to a declaration of financial exigency, positions will be withdrawn as necessary from the following groups, listed in the order of decreasing vulnerability: a) vacancies, b) non-tenure-track positions, and c) non-tenured, tenure-track positions. Within these vulnerability groups and within a particular department, vulnerability shall be in decreasing order--non-professorial ranks, assistant professors, associate professors, professors--and within those ranks from those with least years of service in that category to those with most. When necessary to assure compliance with the requirements of 1, 2, or 3 above, departures from such order will be made and their rationale in writing be given to appropriate faculty committees.<sup>2</sup>*

To lessen the potential effects of budget reductions, financial stress also requires the creation of a specially appointed committee that helps the university take “1) steps that would encourage optimum enrollments and 2) measures which would effect the retention of the maximum number of faculty and staff positions.” This committee is composed of seven persons – three appointed by the president, three appointed by the Faculty Senate, and one appointed by the Student Senate. The committee will have an advisory role and monitor such activities. The committee will report annually to the Office of the President and to the Faculty Senate.

#### *Financial Exigency*

Financial exigency is a more severe budgetary crisis than financial stress. According to “Appendix B”, the KSU Faculty Senate contested the definition of financial exigency provided by the Kansas Board of Regents in 1979. However, the initial trigger of the process of determining financial exigency is the non-reappointment of a tenured faculty member for financial reasons. This trigger does not *require* that financial exigency subsequently be declared. The President of the University, in consultation with FSCOUP and the Dean’s Council, will determine if the overall financial status warrants such a declaration. If those groups determine that a condition of financial exigency does exist, the office of president must notify the Executive Committee of the Faculty Senate who examines the declaration and considers alternatives to such a declaration. After a declaration of financial exigency, “Appendix B” provides general guidelines and procedural safeguards for affected faculty. When a period of financial exigency ends, “Appendix B” provides general guidelines for the restoration of appointments to unclassified positions.

As we face uncertain and perhaps severe budget reductions, it is especially important that all of those involved work cooperatively and collaboratively to ensure that KSU can continue to fulfill its mission with as little disruption as possible to the lives of its students, faculty, and staff.

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<sup>2</sup> Kansas State University Handbook, Appendix B