



BOARD OF DIRECTORS MEETING

Date August 28, 2018

Place: Manhattan Area Technical College

Room 104a at 5:30 p.m.

2018

Randall Anderes – Chair (Riley)

Board of Directors

Therese Adams (Riley)
Wendy King-Luttman (Clay)
Vacant (Pottawatomie)
Irma O'Dell (Geary)
LJ Baker (Geary)
David Fritchen (Riley)
John Pagen (Riley)

Administration/Staff

Jim Genandt (President/CEO)
Tracy Geisler (Exec. Assistant/Board Clerk)
Sarah Phillips (VPSS/CAO/CSAO)
Carmela Jacobs (VP Operations/CFO/HR)
Josh Gfeller (Chief Info Security Officer)
Faculty Senate



**Board of Directors Meeting Agenda
Manhattan Area Technical College
Tuesday, August 28, 2018
Board meeting at 5:30 p.m.**

Board of Directors:

___ Anderes, Randall Chair (Riley) ___ Fritchman, David (Riley) ___ O'Dell, Irma (Geary)
___ Adams, Therese Vice Chair (Riley) ___ Pagen, John (Riley) ___ Baker L J (Geary)
___ Vacant (Pottawatomie) ___ King-Luttman, Wendy (Clay)

Administration/Staff:

___ Genandt, Jim (President/CEO) ___ Geisler, Tracy (Board Clerk) ___ Phillips, Sarah
___ Jacobs, Carmela ___ Gfeller, Josh ___ Faculty Senate

___ Call to Order

- New Employee Introductions

___ Program/Department Highlights

- Tour of Renovated Science Labs
- Tech and Tell (Tracy)

___ Incidental Information

- Additions/Changes to Agenda
- BOD Member Community Report

EXECUTIVE SESSION:

- Employer-Employee Negotiations: To discuss the latest proposal for increase pursuant to the exception for employer-employee negotiations under KOMA.
- Confidential data relating to financial affairs: To discuss financial status in relation to negotiations.

___ Consent Agenda (Routine items requiring BOD action) *

- Approval of July 2018 Meeting Minutes (Attachment 1)*
- Approval of July Check Register w/Threshold Expenditures (Attachment 2)*
- Organizational Update (Attachment 3)*

- President's Report (Attachment 4)*

___ **General Agenda** (Items possibly requiring BOD Action)

- Recommendation: Adult Learning Center Mission/Vision*(Attachment 5) (Sarah)
- Recommendation: Policy 6.3.2 Return of Unearned Tuition Assistance (TA) Funds Policy*(Attachment 6) (Carmela)
- Recommendation: Policy 6.5.6 Financial Exigency*(Attachment 7) (Jim and Carmela)

___ **Discussion of Ends** (Demonstration, Testimonial, or Report of Results related to Board Mission)

- Program Enrollment Update (Sarah)

___ **Evaluation of Board Process**

- Policy Governance Manual*
- Board Member Vacancy Update (Tracy/Randall)

___ **Ownership Linkage** (Related to Owner Expectations, "Gaps", Meeting Expectations, Identifying New Needs of Employers, etc.)

- See President's report

EXECUTIVE SESSION:

- Consultation with an attorney: For the public body or agency which would be deemed privileged in the attorney-client relationship.

Meetings and Upcoming Events:

MATC Fall Event/Car Show: Saturday, September 22, 2018

Next Board Meeting: Tuesday, September 25, 2018 at 5:30 p.m. in room 104a.

* Requires BOD Action

Manhattan Area Technical College
Board of Directors Meeting
July 24, 2018 Room 104a at 5:30 p.m.

1. The Board of Directors of the Manhattan Area Technical College met July 24, 2018 at 5:30 p.m. in room 104a.

Members present: Therese Adams, John Pagen, Wendy King-Luttman, David Fritchen and LJ Baker.

Members absent: Irma O'Dell and Randall Anderes

Also present: Jim Genandt, President/CEO; Tracy Geisler, Executive Assistant/Board Clerk/Resource Development Coordinator; Sarah Phillips, VP Student Success/CAO/CSAO; Cris Fanning, Dean of effective Learning & Innovation

2. CALL TO ORDER

Therese Adams called the meeting to order at 5:32 p.m

3. PROGRAM/DEPARTMENT HIGHLIGHTS

- Neil Ross Presentation for the new MATC website.

4. INCIDENTAL INFORMATION

- Board Clerk announced the removal of the Nonelected Personnel Matters listed under the executive session for today's agenda.

5. CONSENT AGENDA (Routine items requiring BOD action) *

- David Fritchen moved to approve the Consent Agenda (attachments 1-4) L J Baker seconded. The motion unanimously passed.

6. DISCUSSION OF ENDS (Demonstration, Testimonial, or Report of Results related to Board Mission)

- Sarah Phillips presented the board with an update on facilities and renovations.
- President Jim discussed the upcoming In-Service days for Faculty and Staff.

7. GENERAL AGENDA (items possibly requiring BOD action)

- None

8. EVALUATION OF BOARD PROCESS

- The updated Policy Governance Manual that included the changes made and approved at the board retreat handed out to all board members. They will review and changes will be voted on at the next scheduled board meeting.
- Tracy Geisler (Board Clerk) announced the new officers; Randall Anderes for Chair and Therese Adams for Vice Chair.

9. OWNERSHIP LINKAGE (related to Owner Expectations, “Gaps”, Meeting Expectations, Identifying New Needs of Employers, etc.).

- Tracy Geisler shared the preparation for the, upcoming Manhattan Chamber Business Showcase that will highlight the MATC Foundation and Alumni asking for door prizes and participation from board members.

EXECUTIVE SESSION: NEGOTIATIONS

- At 6:19 p.m. David Fritchen moved to go into executive session to discuss negotiations for the purpose of negotiations not formal meetings or discussions and that the open meeting shall resume at 6:35 p.m. L J Baker seconded. The motion unanimously passed.
 - Board meeting resumed at 6:35 p.m. with no action needed from executive session.

Meeting adjourned by Therese Adams at 6:36 p.m.

MATC Board Clerk

Date

Approved:

Chair

Date



August 28, 2018

Attachment 2

To: MATC Board of Directors
From: Carmela Jacobs, Vice President of Operations/CFO
Re: July 2018 Expenditures

Category	Costs	%
Payroll, Withholdings and Benefits	\$ 348,905.75	68%
Facilities	\$ 129,339.09	25%
Student Payments	\$ 5,337.00	1%
Program Expenditures	\$ -	0%
Other Operating costs	\$ 30,617.50	6%
Total July Expenditures	\$ 514,199.34	100%

Threshold Expenditures > \$5,000				
Vendor Name	Item(s) Purchased	Cost	Department	Funding
All Star Custodial Services	Custodial Services	\$ 6,100.00	All School	general fund
KBS	Science Reno (Partial Payment)	\$ 111,382.34	All School	Foundation
Westar	Utilities	\$ 11,856.75	All School	general fund
Accident Fund	Student Insurance	\$ 7,677.00	All School	student fees
Warren Blodgett	Keats Lease	\$ 11,220.00	EPD	general fund
KPERS	Remit PR 7.15.18 Deductions	\$ 7,999.72	All School	payroll deductions
KPERS	Remit PR 7.31.18 Deductions	\$ 8,738.66	All School	payroll deductions
IRS	Federal Tax Payment/Remit PR 7.15.18 Deductions	\$ 31,315.26	All School	pr ded/general fund
IRS	Federal Tax Payment/Remit PR 7.31.18 Deductions	\$ 35,885.41	All School	pr ded/general fund
Kansas Dept of Revenue	State Tax Payment/Remit PR 7.31.18 Deductions	\$ 5,130.74	All School	pr ded/general fund
Blue Cross Blue Shield	Health Insurance Coverage	\$ 35,442.90	All School	pr ded/general fund
Total July Expenditures Exceeding Threshold		\$ 272,748.78		



To: MATC Board of Directors
From: Jim Genandt, President
 Human Resources
Date: August 28, 2018
Re: Consent Agenda: Organizational Update

Attachment 3

New Hire/Rehires/New Positions					
Employee Name	Position Title	DOH	Department	Funding Source	Status
Sicilee Lansbury	Financial Aid Counselor	8/6/2018	Business & Financial Services	Operating	New Hire
Riley Prideaux	Helpdesk Technician	7/23/2018	IT	Operating	New Hire
Cindy Boxberger	ALC Testing Admin/ Data Coordinator	8/10/2018	ALC	Grant	New Hire
Johna Miller	Dental Hygiene adjunct	8/20/2018	Dental Hygiene	Operating	New Hire
Kimberlee Garza	Gen Ed adjunct	8/20/2018	Gen Ed	Operating	New Hire
Tina Van-Meter	Gen Ed adjunct	8/20/2018	Gen Ed	Operating	New Hire
Sandra Pinick	BA adjunct	8/20/2018	BA	Operating	New Hire
Tony Bach	EMS Instructor Coordinator	8/20/2018	EMS	Operating	New Hire
Gina Becker	Director of Critical Environment Technologies	8/27/2018	Science	Grant	New Hire
Bryant Kniffin	ALC Admin Assistant	8/27/2018	ALC	Grant	New Hire
Promotions/Title Changes					
Employee Name	Position Title	DOC	Department	Funding Source	Status
Sarah Bolken	Student Services Clerk	8/13/2018	Student Services	Operating	Transfer to Full-Time
Sarah Philips	Vice President of Student Success/Chief Academic Officer/Chief Student Affairs Officer	7/1/2018	Administration	Operating	Added CSAO
Carmela Jacobs	Vice President of Operations/Chief Financial Officer/Chief Human Resources Officer	7/1/2018	Administration	Operating	Added CHRO
Neil Ross	Interim Title III Director/Dean of Student Services	8/15/2018	Title III	Grant	Interim Director
Separations/Retirements					
Employee Name	Position Title	DOS	Department	Funding Source	Status
Anderson, Alex	Automotive Instructor	8/1/2018	Faculty	Operating	Resignation
Kirkpatrick, Dan	Student Retention Specialist	**9/3/2018	Title III	Grant	Resignation
Cris Fanning	Dean of Effective Learning & Innovation/Title III Director	8/6/2018	Title III	Grant	Dismissed
** Dan Kirkpatrick's resignation was extended to Sept 3rd upon approval of the President. (previously Aug 3rd)					
Advertised Positions					
Position Title			Department	Funding Source	Status
CNA Instructor			Continuing Education	Operating	Open
CMA Instructor			Continuing Education	Operating	Open
PN Adjunct Clinical Instructor			Nursing	Operating	Open
Adjunct Instructor Consideration Opportunity			Various	Operating	Open
Dental Hygiene Adjunct Clinical Instructor			Dental Hygiene	Operating	Open
Dean of Instruction/ Title III Director			Title III	Grant	Open
Information & Network Technology Instructor			Faculty	Operating	Open
Student Retention Specialist			Title III	Grant	Open
Bioscience Laboratories Facilitator			Science	Operating	Open
Building Trades Instructor			Building Trades	Operating	Open
Adult Secondary Education/ GED Instructional Facilitator			ALC	Grant	Open
ALC ESL Instructional Facilitator			ALC	Grant	Open

President's Report: August 2018

This is a summary of some key meetings and opportunities since my last report:

Owner Expectations:

- Scott Smathers, VP for Workforce Education at KBOR, visited the campus August 8. I updated him on our Animal Health Corridor efforts with critical environments and more. Connie Beene from KBOR will be here later in August for a review of our adult ed transition as well as our workforce initiatives.
- On the morning of August 10 MATC, with the help of the Manhattan Chamber and the organizational skills of Tracy and Neil, hosted more than 200 guests from USD 383 middle- and high-schools (teachers and staff). They toured our programs and services and had a very positive and pleasant experience. This was a terrific event and great success. Thank you to the chamber for hosting the breakfast and thank you to L J Baker and his wife for the donation of gift cards that were used as door prizes.
- Barb and I had a conference call with representatives of the National Institute for Building Sciences and the Association of Controls Professionals related to our participation and deliverables for the new curriculum project through the U.S. Department of Energy. There is significant overlap with this effort with our CEET project. Barb, David Alexander, and I met on a follow-up on this on August 17.
- I did my regular KMAN In-Focus program August 15, and had the opportunity to share about our event with the school district, our Foundation efforts, and more.
- On August 16 Daryn Soldan and Bob Copple came on campus to work with me about our subcommittee for the Region Reimagined (R2) project (Greater Manhattan Project-Market Street), our focus is on Talent Attraction and Retention. We are developing an inventory of existing related efforts among our subcommittee members so we can begin a gap analysis.
- August 21: I attended a meeting with the consultant hired by the Manhattan Chamber of Commerce that is developing the qualifications/preferences in the search for the new director of the Chamber (Lyle Butler is retiring in February 2019). I had the chance to give my thoughts in a session for ex officio members of the Chamber board of directors.
- A HUGE thanks to our faculty, staff, students, industry partners, donors, and board members for our recent recognitions by Forbes and Wallethub!!!

Employer Needs & Response:

- I have visited with Lonnie Baker/Meadowlark and Bob Copple/Via Christi about how we might work together to enhance our capacity in nursing and allied health programs. I will work with faculty and staff to develop a proposal for the consideration of these companies and related organizations in our area.
- I attended a meeting facilitated by Trent and the Manhattan Chamber of Commerce related to regional needs for computer coding. Along with KSU and USD 383 as other educational representatives, the meeting had industry representatives including CivicsPlus and Networks Plus. We are working to offer ideas on what MATC can do in this area, including emphasizing introductory courses into secondary education.
- Tracy and I had a phone conversation with Don Landoll and members of his staff on a project he is pursuing for training. I have provided him with ideas on how MATC could support his approach.
- Barb, David Alexander, and Richard Jones met with local USDA representatives and are working with them so we can provide that agency with ideas on what we can do to assist them with training efforts concerning NBAF and beyond.

- I attended the KC Animal Health Corridor Homecoming Banquet and Market Insights Seminar (Randall was also there). I was able to network with several companies, but as important with key KSU and NBAF staff. There were also staff members from the Manhattan Chamber at the event. It is important we keep raising our profile with the Corridor and the KC BioNexus group.
- August 29 several folks (internal and external) will tour two sites at the request of TRANE. The sights at Washburn Tech and at TRANE-Lenexa relate to our efforts with our developing energy and engineering pathway.

Resource Development:

- Along with the support of several of our board members: Randall, Therese, LJ, Wendy, and David, Tracy put together an incredible table for MATC and our Foundation at the Chamber Business Showcase at the 4 Seasons on August 8. We were able to network with many people, make new connections, and good conversations. Thanks to all who helped!!!

An organization's ability to learn, and translate that learning into action rapidly, is the ultimate competitive advantage. (Jack Welch)



TO: MATC Board of Directors

FROM: Sarah Phillips, VP of Student Success

DATE: August 24, 2018

RE: ALC Mission Statement

Background Information

At the July Board of Directors meeting the Manhattan Area Technical College Adult Learning Center presented information regarding the transition of the ALC to the college. In commemoration of the new MATC ALC program, a new mission and vision was developed for the ALC in support of the overall goals of the college. It's as follows:

Mission Statement

The Manhattan Tech Adult Learning Center prepares individuals to pursue goals in higher education and career advancement through collaborative instruction and increased community involvement.

Vision Statement

The Manhattan Tech Adult Learning Center will be the catalyst for Adult Education in the state of Kansas by pioneering innovative instructional practices and resources that advance student participation in an ever-changing dynamic global population.

Recommendation

In compliance with the Higher Learning Commission requirements the Administration respectfully requests that the Board of Directors approve the proposed ALC mission and vision.

August 26, 2018

To: MATC Board of Directors
From: Carmela Jacobs, Vice President of Operations
RE: Recommendation To The Board: Policy No. 6.3.2, Return Of Unearned Tuition Assistance (TA) Funds Policy

Background Information:

In order to be eligible for students to use military Tuition Assistance (TA) while attending Manhattan Area Technical College (MATC), an institutional policy for the return of unearned TA funds must be instituted. The Department of Defense's Unearned TA Policy – Return of Unearned TA reads:

Policy: In accordance with Change 3, DoDI 1322.25 (July 07, 2014) (Appendix to Enclosure 3, 4. F. (2) (d) (page 42)), "All institutions will have an institutional policy that **returns any unearned TA funds on a proportional basis through at least the 60 percent portion of the period for which the funds were provided.** TA funds are earned proportionally during an enrollment period, with unearned funds returned based upon when a student stops attending."

Current and Future Considerations:

This policy allows MATC to continue serving the active duty military population, and reduces one of many barriers an active duty Service member encounters when making the decision to return to school.

Fiscal Implications:

The number of students currently utilizing military Tuition Assistance is minimal (on average approximately three to four per semester); however, MATC's potential missed opportunities to serve students, and receive revenue for those students, is far greater.

Recommendation:

Administration respectfully requests the Board approve Policy 6.3.2, as set forth, to comply with the Department of Defense's policy to allow students of MATC the ability to use military Tuition Assistance.

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Institutional Policy and Procedure Manual**

Policy No. 6.3.2

Title: Return of Unearned Tuition Assistance (TA) Funds policy	
Originated By: Carmela Jacobs, Vice President of Operations	
Signature 	Date
Reviewed:	
Signature	Date
Approved:	Revised:

Policy Statement: Military Tuition Assistance (TA) is awarded to a student under the assumption that the student will attend the course for an entire period for which the assistance is awarded. This policy is designed to outline the process of returning unearned TA per the Guideline.

Rationale: When a student withdraws from a course, the student may no longer be eligible for the full amount of TA funds originally awarded. TA funds are earned proportionally during an enrollment period, with unearned funds returned based upon when a student ceases attendance. To comply with the Department of Defense policy, Manhattan Area Technical College will return any unearned TA funds to the issuing entity on a prorated basis through at least the 60% portion of the period for which the funds were provided. Service members withdrawing from the College due to a military service obligation will work with the Business Office to identify solutions that will not result in a student debt for the unearned portion, as mentioned in the Department of Defense policy.

Policy: In accordance with Change 3, DoDI 1322.25 (July 07, 2014) (Appendix to Enclosure 3, 4. F. (2) (d) (page 42)), "All institutions will have an institutional policy that **returns any unearned TA funds on a proportional basis through at least the 60 percent portion of the period for which the funds were provided.** TA funds are earned proportionally during an enrollment period, with unearned funds returned based upon when a student stops attending." And in those instances when a Service member stops attending due to military service obligation, **the educational institution will work with the affected Service member to identify solutions that will not result in a student debt for the returned portion.** Return any TA funds directly to the Military Service, not the Service member.

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Policy No. 6.3.2

Return of Unearned Tuition Assistance (TA) Funds Guideline:

8-week Course

Withdraw Date	Earned	Unearned	To Return:
Before or during week 1	0%	100%	100%
During week 2	25%	75%	75%
During weeks 3-4	50%	50%	50%
During week 5	60%	40%	40%
During weeks 6-8	100%	0%	0%

15-week course

Withdraw Date	Earned	Unearned	To Return:
Before or during week 1	0%	100%	100%
During week 2	13%	87%	87%
During weeks 3	20%	80%	80%
During weeks 4	27%	73%	73%
During weeks 5	33%	67%	67%
During weeks 6	40%	60%	60%
During week 7	47%	53%	53%
During week 8	53%	47%	47%
During week 9	60%	40%	40%
During week 10	100%	0%	0%

**courses less than 8 weeks will be calculated on a manual basis.*

August 28, 2018

To: MATC Board of Directors
From: Carmela Jacobs, Vice President of Operations/CFO
RE: Recommendation To The Board: Policy No. 6.5.6 Financial Exigency Policy

Background Information:

Financial Exigency, as defined, is the “formal declaration that an institution is facing an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) to maintain current programs and activities at a level sufficient to fulfill its purpose and goals”.

Current and Future Considerations:

The President of Manhattan Area Technical College (“the College”), acting on behalf of the Board of Directors (“the Board”), and based upon information provided by the Chief Financial Officer, may be compelled to take certain adverse employment actions to ensure that it can fulfill its purposes and goals . Adverse employment actions include restricting, modifying or eliminating some of the programs. Due to unintended consequences resulting in the declaration of financial exigency, the process leading to the recommendation must be cautious, fair, well informed and as responsible as possible to the numerous divisions of the College.

Fiscal Implications:

There are no costs associated with the implementation of this policy.

Recommendation:

Administration respectfully requests the Board approve Policy 6.5.6, as set forth, to establish a strategy to address the procedures in the event the College must declare financial exigency.

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Policy No. 6.5.6

Title: Financial Exigency Policy	
Originated By: Carmela Jacobs, Vice President of Operations/Chief Financial Officer	
Signature 	Date: July 7, 2018
Reviewed:	
Signature	Date
Approved:	Revised:

Purpose: To provide guidelines and procedures in the determination and declaration of a financial exigency and to define circumstances where adverse employment action may be necessary for curriculum reasons.

Definition. Financial exigency: the financial position of Manhattan Area Technical College (“the College”) as a whole is such that the financial resources of the College are insufficient to support existing academic programs, or the College is unable to finance the full compensation of staff for the current or succeeding fiscal year. This includes an enrollment decline, cuts in funding, an unforeseen natural disaster requiring significant expenditures for repair or remediation, and an unanticipated major expense, including significant repair costs and litigation expenses.

Policy Statement: The President of the College, acting on behalf of the Board of Directors (“the Board”), recognizes that if it may become necessary to restrict, modify, or eliminate some of the programs under its governance due to unfavorable economic conditions. The President further recognizes that under such circumstances the College may be compelled to take certain adverse employment actions to ensure that it can fulfill its purposes and goals. Such action may be necessary in the event of a financial exigency, or for curricular reasons.

Procedure: In the event program restriction, modification, or elimination becomes necessary, the President may declare a financial exigency. A financial exigency shall exist only upon the President’s declaration, and responsibility and authority to make such a declaration rests solely with the President.

Financial Exigency Plan and Implications

- After consultation with the Board, Faculty Senate, and other appropriate personnel, the President of the College shall prepare a plan (“Plan”) in response to the declaration of financial exigency. In developing this Plan, consideration shall be given to the necessity and manner of reducing the employment force, the appropriate departments or programs to be affected, and the criteria for identifying employees who will be affected by the Plan. Once completed, the Plan must be approved by the Board.
- Notwithstanding any other Policy or procedure of the College, all categories of employees may be subject to reductions in force as a result of a Board approved declaration of financial exigency. The process used to identify employees to be terminated must be equitable, in good faith, and directly related to the financial exigency.
- In developing the Plan, the President of the College must utilize as the first criterion, the preservation of the overall quality and effectiveness of the programs of the College. Consequently, employees deemed to be of key importance will be retained, at the discretion of the President, in preference to other employees, regardless of status. Programs, for purposes of financial exigency, include, but are not limited to, academic, non-instructional, maintenance, administrative, and other support areas. Other criteria that may be considered include, but are not limited to, renewable contract status, rank, time in rank, length of service, field of specialization, maintenance of necessary programs or services, and quality of service.

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- Additional actions including, but not limited to: The termination of the employment of faculty during the term of their contract of employment; the non-renewal of employment contracts for faculty members on renewable contract status; employment actions other than terminations that are designed to reduce budgetary expenditure; the closure, relocation, or discontinuance of any program or activities.
- It is not a requirement of financial exigency that all or most nontenured positions through the College be first eliminated. All reasonable steps to honor the commitment to tenured persons will be taken. However, departments which are tenured-in will not be invulnerable to personnel reductions until all non-tenured personnel have been released. Such a policy would be destructive of College programs and unjust to faculty in departments where the tenure rate is low. The Plan must be sensitive to the magnitude of teaching demands made on each department, as well as the basic need to have significant representation from the various fields of scholarship.
- Should it be necessary to terminate a tenured person, this policy will ensure that such individuals will have priority for re-hiring as appropriate opportunities arise.
- The College will maintain its commitment and legal obligation to affirmative action and will safeguard, to the extent possible, the gains made under these policies.

Curricular Revisions

The President also recognizes that it may become necessary to take adverse action related to employment and/or programs for curricular reasons. Curricular reasons include, but are not limited to:

- An enrollment decline (an “enrollment decline” means a pattern of declining enrollment across the College or within a program; i.e. a significant and sustained downward trend over time.) The President is responsible for determining when an enrollment decline exists that is sufficient to invoke this policy.
- A reorganization or consolidation compelling the elimination of the need for particular faculty expertise or a reduction in the overall need for faculty in a department or division.
- The termination of a program from the curriculum where such termination eliminates or reduces the need for faculty qualified in that discipline or area of specialization
- Compliance with objectives of the college to provide technical education to meet community needs, whereas the industry needs within the community have abruptly developed restructuring financial allocation of programs

Employment Actions Related to Financial Exigency/Curricular Revisions

- In any situation where a termination may be made under this policy, an employment action other than a termination (including but not limited to a salary reduction, a teach-out reduction, a demotion and/or administrative leave without pay) may also be considered and instituted. In determining whether to implement actions other than a termination, the College shall use the same policies that apply to a termination because of a financial exigency or for curricular reasons. However, employees who are affected by employment actions other than a termination may not have reinstatement rights.
- If the College intends to take employment action pursuant to this policy other than, or in addition to, a termination, the employees affected by such action shall be entitled to such procedures as are set forth in this paragraph, and those that may be set forth in the Plan, if any, and the College’s Separation from Employment Policy. Notice requirements, and the description of the process for the opportunity to be heard for faculty members, are set forth in the College’s Separation from Employment Policy. Employees who are at-will are not entitled to any specific notice, or an opportunity to be heard. However, at-will employees may utilize 3.7.4, General Complaint and Grievance Policy. At-will employees may not contest the President’s decision to declare a financial exigency, or the funding and distribution amongst the various departments and/or programs of the College. The decision of the President to declare financial exigency is at the President’s discretion, following

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the consultation of the Board, and may not be contested by any employee in any type of hearing or appeal procedure.

- If employing this policy reveals that it fails to specify the procedures for carrying out some aspects of the faculty reduction in force that it envisions, the necessary additional procedures shall be devised by the President in such a way, which conforms, as much as possible, to the general plan and procedures already specified by the policy.

Students Affected by Declared Financial Exigencies/Curricular Revisions

Student(s) enrolled in a program that is closed, relocated, or discontinued pursuant to a financial exigency plan, or because of curricular reasons, should be given notice thereof as soon as is practical. Arrangements should be made available to enrolled students to complete affected programs in a timely manner, and with minimal interruptions.

TERMINATION OF EXIGENCY

The President, following consultation with the Board, will declare the end of financial exigency when the financial status of the College warrants. However, if financial exigency is to continue more than a year, the President, following consultation the Board, will annually present a financial status report to the Faculty Senate, and indicate that financial exigency will continue.

Restoration of Unclassified Positions Following the Period of Financial Exigency

When the President, in the annual review of financial exigency at Faculty Senate, indicates that no faculty member shall be dismissed, except for cause, during the coming academic year, the period of financial exigency shall be considered terminated.

A faculty member released according to the procedures applicable to, and in consequence of, financial exigency at the time of termination shall be placed on lay-off status, a condition that will assure the person continuance of all permissible rights available to faculty members. Such a person shall remain on lay-off status for two years after the termination of exigency or until the person:

- accepts or rejects an offer of appointment to the position from which the person was released;
- accepts or rejects an offer of appointment to a position within the College comparable in status and compensation to that from which the person was released;
- fails to notify the College in writing of their interest and availability every six (6) months after the termination date of their contract;
- resigns.

During and upon emergence from financial exigency, the College must honor the reinstatement rights of faculty members released under financial exigency. The President shall notify (by certified mail, return receipt requested, to the latest address supplied by the individual) all released faculty members on termination/lay-off status whenever a position becomes available for which a review has indicated them to be qualified for candidacy. If a vacancy occurs or a position is restored in a department from which said individuals were released due to financial exigency, those persons shall be offered reinstatement in reverse order. If in another department a vacancy occurs for which a released faculty member on lay-off status is qualified for candidacy, that person shall be so notified and shall be considered for the position through the department's normal selection process.

Any faculty member reduced from staff is accorded reinstatement rights unless he/she:

- waives reinstatement rights in writing;
- fails to accept recall to a position for which he/she is qualified;

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- fails to respond with the ten (10) days to a recall notice sent to the latest address which he/she has furnished to the College;
- or fails to report for duty in the accepted position.

The name of such person is then removed from the list, and said faculty member has no further reinstatement rights.

This policy does not apply to the following:

- Where reductions in force are made via the non-renewal process for faculty members who are not on renewable contract status.
- When a reduction in force affects at-will employees.

Due Process

Persons released under financial exigency who claim that their reinstatement rights have been infringed upon shall have access to the current due process and grievance procedures to the extent that such procedures are consistent with the terms of this policy.