Acting Committee Chair Katherine Willoughby called the meeting to order and asked Bill Downs to present the final report of the Subcommittee on ADP of the Senate Budget Committee. Bill summarized the report, focusing on recommendations for immediate attention and long term consideration. Budget committee members asked for the following edits to the report:

- The last sentence of the third recommendation for immediate attention should read: “The subcommittee recommends that ADP programmers participate in select working group sessions with faculty and staff as a condition of GSU’s continued partnership with them.”
- The last sentence of the fifth recommendation for immediate attention should read: “If ADP continues to disrupt the smooth functioning of GSU as a research university, then we should be able to exercise the right to find a superior alternative by the end of the 2010 fiscal year.”

Following a second to the motion to approve the final report, given the above edits, Committee members approved the report. Peggy Gallagher thanked Subcommittee members for their work in preparing the report. Cherian Thachenkary recommended that the Executive Committee consider bringing the final report forward to the University Senate as a motion.

Katherine then asked Committee members to read through the resolution for consideration below:

**Resolution on Financial Exigency**

If the Board of Regents finds that a condition of financial exigency exists in the University System of Georgia resulting in program modifications or discontinuances recommended by the University and approved by the Chancellor and the Board of Regents, and if any such program modifications or discontinuances involve the layoff or termination of any tenured faculty, before terminating such tenured appointment because of said financial exigency, the institution, with faculty participation, will make every effort to place the tenured faculty member concerned in another suitable position within the institution.

**Rationale**

No university has ever taken the position that no one can be dismissed. Financial exigency states that the normal processes for review for continuation of employment of tenured faculty are abrogated. Financial exigency has no impact on non-tenured faculty or staff. It is, in essence, a statement of bankruptcy on the part of the institution or system that impacts the legal rights of tenured faculty only.

Tenure is the determination that a person has a property right in their position and as a result cannot be deprived of their property without due process, i.e. they have the right for a hearing for due cause before dismissal. The declaration of financial exigency in no way effects staff or non-tenured faculty, as they do not have property rights by law. Staff and non-tenured faculty can today be non-renewed at the end of their contract period. They can also today be dismissed as “employees at will.”

The proposal does not attempt to grant property rights to noon-tenured faculty and staff. There is no case law to support such an effort. All this proposal does, since financial exigency is a legal status that
impacts only tenured faculty, is clarify existing Board policy by, in essence, clarifying that tenure resides not at a departmental level but at the level of the institution, thus the good faith effort to find a suitable position in another department.

Another vehicle would have to be developed to protect the jobs of staff and non-tenured faculty.

Following a second to the motion to approve the resolution, Committee members approved it.

There being no further business, the meeting was adjourned.