

Appendix C - All handbook revisions and changes made by FSH-24-25-9 as they would appear in a revised faculty handbook.

SECTION 2.8.6 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS:

2.8.6 Dismissal for Cause

Dismissal for cause is a severance action by which the university terminates its contract with the faculty member for just cause. Any teaching contract is subject to action under this section. Dismissal proceedings may be instituted on the basis of the grounds as set forth in Kentucky Revised Statutes, paragraph 164.360, part (3-5) of which states:

“(3) Each board may remove the President of the university or Kentucky Community and Technical College System and the President may remove any faculty member or employee.

(4) No President or faculty member shall be removed except for cause, which shall include incompetency, neglect of or a refusal to perform his or her duty, immoral conduct, or failure to meet college or university performance and productivity requirements as determined in accordance with subsection (5) of this section. A President or faculty member shall not be removed until after thirty (30) days' notice and an opportunity has been given him or her to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board. Charges against a President shall be preferred by the Chairman of the board upon written information furnished him or her, and charges against a faculty member shall be preferred in writing by the President unless the offense is committed in his or her presence.

(5) President and faculty member performance and productivity shall be evaluated at least once every four years using a process approved by each board. Failure to meet performance and productivity requirements may result in removal of a president or faculty member regardless of status. The evaluation process shall be established by each board and provided to all faculty members by January 1, 13 2026, to become effective July 1, 2026.”

In any case involving dismissal for cause, the burden of proof that just cause exists shall be on the university, which proof shall be by clear and convincing evidence in the record considered as a whole. Dismissal proceedings will not be used to restrain a faculty member's academic freedom or other rights as a citizen. Dismissal proceedings for failure to meet performance and productivity requirements shall be based on evaluations conducted under the annual evaluation policy (2.5). For tenured faculty, such proceedings shall only be initiated following the procedures outlined in the post-tenure review policy (2.19).

SECTION 2.5 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS:

2.5 Annual Evaluation Policy

The Murray State University Board of Regents has expressed the expectation that evaluations be conducted on a valid and systematic basis so that the effectiveness of faculty and administrators may be continually assessed. While the Board directly evaluates the performance of the President, it is necessary for appropriate evaluations to be conducted for the Provost and Vice President for Academic Affairs, Vice Presidents, Deans, Chairs/Unit Heads, faculty, and administrative staff.

It is recognized that each college/school of the university has its own unique qualities, expectations, and priorities and that the most effective evaluation system for faculty must be one centered at the college/school level. In addition to the university's systems for tenure and promotion evaluation (see the Academic Promotion Policy, Section 2.6.2, Number 1, and the Tenure Policy, Section 2.7.4.1, Number 1, Teaching Excellence), each college/school may include peer evaluation, portfolios, follow-up studies, graduate success, and other methods consistent with fundamental fairness.

Each department/unit shall establish written performance standards for the annual review of faculty in all assigned areas of responsibility, to include teaching, research and creative activity, and university service and professional activities, as applicable. These performance standards may be based on existing department/unit evaluation standards, may differ for faculty of different ranks or classifications, should be consistent with the Statement of Academic Freedom (2.9.1) and Code of Professional Ethics (2.9.2), and should be distinct from the criteria and processes for promotion (2.6) and tenure (2.7).

Department/unit faculty performance standards shall be approved or revised by a majority vote of faculty subject to the standards and those of higher rank, with approval granted by the college/school Dean. A written statement of faculty performance standards shall be maintained by the Dean and department chair/unit head with a copy provided to the Provost. The department chair/unit head will disseminate the approved standards to all faculty in their department/unit upon their adoption and whenever updates occur.

While it is the purview of each department/unit to establish criteria for annual performance evaluations of faculty in consultation with the college/school Dean, the following university requirements are specified to ensure consistency and fairness of evaluations.

- a. The annual evaluation shall include an assessment of performance in each of the applicable areas of faculty responsibility: teaching, research and creative activity, and university service and professional activities. The ratings of "meets standards" and "does not meet standards" shall be used for all assessments except for brief reviews of tenured faculty, which may be formative in nature (see 2.19.2.1).
- b. The standard for annual evaluation shall be "whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with their position" (AAUP, 1999).
- c. Faculty responsibilities and activities may vary from year to year due to changes in workload assignments, professional development or other leaves of absence, evolving professional goals and priorities, and formally approved reasonable accommodations. Annual evaluation shall reflect the proportional distribution of responsibilities in each applicable area of evaluation and any approved modifications to those responsibilities. Substantial changes in teaching or service assignments along with progress toward long-term professional goals should also be considered.
- d. Criteria for the award of tenure or promotion shall not serve as the standards for annual evaluation of satisfactory performance. Evaluation standards for research and creative activity should encompass a range of professional activities that demonstrate ongoing scholarly or creative engagement and should not rely solely on the types of products typically expected for tenure or promotion (e.g., peer-reviewed publications, books, juried exhibits). For probationary

and promotion-eligible faculty, departments/units may consider cumulative progress toward tenure or promotion as part of the annual evaluation process, consistent with departmental guidelines and university criteria.

e. Consistent with the university's commitment to academic freedom (2.9.1) and intellectual freedom and viewpoint diversity, faculty are entitled to pursue lines of inquiry, scholarly expression, and public or community engagement that reflect a range of disciplinary approaches and academic traditions. Evaluation of faculty performance shall be based on established professional and disciplinary standards and not on agreement with the content, viewpoint, or perceived popularity or acceptability of their academic work. Student, public, or external complaints related solely to the content, viewpoint, or subject matter of a faculty member's research, teaching, or public engagement shall not, by themselves, constitute grounds for negative evaluation. Any concerns of this nature shall be assessed in the context of disciplinary standards and shall not be used to penalize scholarly expression.

f. Evaluations of teaching performance should be based on instructional delivery skills, instructional design skills, content expertise, course management, and evidence of concern for students. The IAS student evaluation instrument or another university-sanctioned student evaluation instrument may be used but shall not be the sole basis for evaluating faculty's teaching. At least one additional evaluative tool or technique shall be used to assess teaching performance. Program review criteria, such as course enrollments, credit hour production, or other revenue-driven factors shall not be used as indicators of individual faculty productivity or performance. Nothing in this section shall limit the University's ability to consider financial and enrollment factors through other established mechanisms, including but not limited to contract renewal decisions for special appointment faculty (2.2.1), non-reappointment policy for probationary faculty (2.8.4.1), needs of the university as a basis for awarding tenure (2.7.4.2), and financial exigency and reductions in force (2.8.5).

g. Collegiality shall be considered only in relation to a faculty member's ability to fulfill their professional responsibilities in teaching, research and creative activity, and service, and shall not be evaluated as a separate criterion or as a proxy for conformity, deference, or suppression of dissenting viewpoints. Collegiality concerns must consist of a clear pattern of behavior that materially impacts job performance, be directly related to assigned duties, be contemporaneously documented, and be communicated to the faculty member in writing with an opportunity to respond before any formal negative evaluation is made. Examples of behavior that shall not constitute uncollegial conduct include, but are not limited to, dissent or disagreement on academic, administrative, or governance matters; critique of university policies or leadership decisions; and engagement in faculty advocacy or participation in shared governance. Examples of behaviors that may constitute uncollegial conduct include, but are not limited to abusive communication (e.g., derogatory language, personal insults, threats), unprofessional conduct (e.g., persistent lateness, failure to perform agreed-upon duties, improper use of resources, ethical violations), and harassment or discrimination. Departments/units must ensure collegiality is assessed fairly and consistently across all faculty. Nothing in this section shall limit the University's ability to address instances of harassment, discrimination, or other serious misconduct using existing policy mechanisms (e.g., 2.9.3 Sexual Harassment Policy; 2.9.4. Policy on Intolerance; 2.8.6 Dismissal for Cause).

Administrative faculty (2.1.1.2) other than the president shall be evaluated annually by their immediate supervisor. These evaluations should include consideration of administrative duties and, when systematically collected and appropriate, feedback from faculty stakeholders. If an administrative faculty member maintains a teaching load their teaching effectiveness shall be evaluated using the same standards as faculty in their respective department/unit. All other faculty evaluations are conducted by the department chair/unit head and shared each year with the individual faculty member being evaluated. These evaluations will become part of the documentation that will support recommendations for promotion or tenure.

For administrative faculty (2.1.1.2), these evaluations will be considered when determining ongoing appointment to an administrative position. For special appointment faculty (2.1.2), these evaluations will be considered in contract renewal; however, as these positions are non-tenure-track, a positive annual evaluation does not confer any entitlement to continued employment (see 2.2.1). For probationary faculty (2.2.2), these evaluations should be conducted in conjunction with the annual evaluation specified in 2.7.3.4 and will be considered in contract renewal within the non-reappointment policy (2.8.4). For tenured regular faculty (2.1.1.2), these evaluations shall follow the post-tenure review policy (2.19) and may serve as the basis for the activation of intensive development (2.19.3).

A NEW SECTION OF THE FACULTY HANDBOOK IS CREATED TO READ AS FOLLOWS:

2.19 Post-Tenure Review

Tenured regular faculty have a responsibility to maintain appropriate performance standards in teaching, research and creative activity, and university service and professional activities throughout their career. Annual evaluations, departmental development, and intensive development plans are mechanisms to foster ongoing professional growth. At the same time, it is essential that these review processes respect and protect the principle of academic freedom, which is foundational to the scholarly inquiry and intellectual openness that drive innovation in teaching and the advancement of knowledge. These policies, modeled after Eastern Kentucky University's long-standing post-tenure review system and the American Association of University Professors' minimum standards for post-tenure review (AAUP, 1999), aim to uphold a culture of professional growth while safeguarding the academic freedom and tenure protections that allow faculty to explore, question, and innovate without fear of undue interference.

All tenured regular faculty (2.1.1.1) shall be subject to the post-tenure review processes in this section. Tenured administrative faculty (2.1.1.2) shall be subject to regular evaluation following the annual evaluation policy (2.5). If a tenured administrative faculty member is removed from an administrative position or voluntarily returns to or assumes the full-time duties and responsibilities of a regular faculty member, they shall be subject to the post-tenure review processes in this section.

2.19.1 Establishing the Department/Unit Tenured Faculty Review Committee (TFRC)

Each department/unit shall establish a TFRC with the following guidelines:

- a. The department/unit shall elect no fewer than three members of the TFRC, all of whom shall be elected by and from the tenured faculty of the department/unit, excluding the department chair/unit

head. The members of the TFRC shall be elected no later than December 1 of the year prior to the year in which it is to function.

b. If a department/unit does not have at least three eligible TFRC members, the TFRC may select tenured faculty outside the department and within the college to serve on the TFRC with the advice of the college Dean.

c. No member of the TFRC may also serve on the University Tenure Committee (UTC).

d. A member of the TFRC shall not participate in the review of a case where there is a conflict of interest, including a review of their own case. In such circumstances, the TFRC shall select an alternate or alternates from eligible department/unit tenured faculty members to serve for the case. If a department/unit does not have enough eligible tenured faculty to select from, the TFRC may select tenured faculty outside the department and within the college to serve for the case with the advice of the college Dean.

2.19.2 Annual Evaluation Process for Tenured Faculty

The tenured faculty review process will consist of annual reviews over a four-year recurring cycle of assessment with all reviews conducted in accordance with the annual evaluation policy (2.5). Years One, Two, and Three may be brief and formative in nature, while the Year Four review shall be more in-depth and provide a comprehensive evaluation of tenured faculty performance across the four-year cycle. Departments/units and colleges may adopt additional brief and comprehensive evaluation procedures and requirements as long as they conform to the minimum requirements specified in this section and the annual evaluation policy (2.5).

A tenured faculty member may request a written review by the department/unit TFRC during any year of the assessment cycle and a record of any such review shall be maintained by the department chair/unit head and Dean. Year One of the assessment cycle will be the calendar year during which a faculty member was granted tenure by the Board of Regents. Tenured administrative faculty (2.1.1.2) who return to or assume the duties of a tenured regular faculty (2.1.1.1) will begin the assessment cycle at year one.

Faculty on leave during the Spring semester following Years One, Two, and Three of the review cycle shall complete their brief annual review with the department chair/unit head by SEPTEMBER 15 and remain on the scheduled review cycle. Faculty on leave during the Spring semester following Year Four of the review cycle shall submit all comprehensive evaluation materials by FEBRUARY 1 and the comprehensive review shall proceed according to the published timeline. In extenuating circumstances and with approval of the Provost in consultation with the Dean and department chair/unit head, a faculty member on leave during the Spring semester following Year Four of the review cycle may delay their comprehensive (Year Four) review for one calendar year.

Implementation: Faculty granted tenure in any year prior to the implementation of this policy will be assigned to begin in Year One, Two, Three, or Four of the review cycle based on the year they were granted tenure to balance the number of comprehensive reviews conducted each year. Comprehensive evaluations conducted during the first four years after implementation will be considered pilot evaluations and shall not be used as the basis for the activation of intensive development.

2.19.2.1 Brief Review (Year One, Year Two, and Year Three Reviews)

During the spring semester, but no later than MAY 15, department chairs/unit heads will provide each tenured faculty member with a brief written annual review of their performance over the past calendar year with a copy to the Dean. Department chairs/unit heads should also hold a meeting with any tenured faculty member for whom performance concerns were documented to discuss the concerns and opportunities for improvement. Departments/units may require faculty to submit materials documenting their performance and productivity for the purpose of these brief reviews.

2.19.2.2 Comprehensive Review (Year Four)

1. For the year four comprehensive review, tenured faculty members will prepare a short (1-3 page) reflection regarding their professional accomplishments in the areas of teaching, research and creative activity, and university service and professional activities since the beginning of the four-year review cycle. Tenured faculty members will also provide an up-to-date CV and departments/units may require additional materials documenting faculty performance and productivity. Evaluation materials shall be provided to the department chair/unit head no later than FEBRUARY 1.

2. During the spring semester, but no later than MARCH 1, department chairs/unit heads will provide tenured faculty members scheduled for a comprehensive review (year four) a written comprehensive evaluation of their performance over the past four years. The comprehensive evaluation will follow the department/unit's approved tenured faculty performance standards and procedures, as well as university-wide guidance provided in 2.5. An assessment of "does not meet standards" shall be accompanied by a written explanation by the department chair/unit head.

a. Faculty receiving a performance assessment of "meets standards" in each applicable domain by the department chair/unit head will return to the first year of the four-year assessment cycle.

b. Faculty receiving a performance assessment of "does not meet standards" in any domain may respond to the department chair/unit head in writing by MARCH 15 with a copy to the department TFRC. Comprehensive (year four) reviews containing a department chair/unit head performance assessment of "does not meet standards" in any domain shall be reviewed by the department/unit TFRC prior to review by the Dean. The department chair/unit head shall provide the TFRC with the faculty's review materials, the chair's written evaluation, and a copy of the relevant department/unit's tenured faculty performance standards by MARCH 1. The department/unit TFRC shall indicate in writing, with an explanation, whether they concur with each "does not meet standards" rating by APRIL 1.

A department/unit or college may elect to conduct comprehensive reviews by the department/unit TFRC for all faculty undergoing comprehensive review. In addition, they may adjust the comprehensive review sequence to conduct the department/unit TFRC review prior to the department chair/unit head evaluation as long as step 3 is completed by the published deadline.

3. The department chair/unit head will submit their written reviews for all tenured faculty members scheduled for a comprehensive review (year four), including any written response by the faculty member and any report from the department/unit TFRC, to the Dean no later than APRIL 1.

4. The Dean will indicate in writing to the department chair/unit head and tenured faculty no later than APRIL 15 whether they agree with the assessments for all faculty who receive a performance assessment of “does not meet standards” in any domain by the department chair/unit head or department/unit TFRC, with an explanation if they do not concur.

- a. Faculty receiving a performance assessment of “meets standards” in each applicable domain by either the TFRC or the Dean will return to the first year of the four-year assessment cycle.
- b. Faculty receiving a performance assessment of “does not meet standards” in any domain by the department chair/unit head, with concurrence by both the TFRC and the Dean, during their first review cycle as a tenured faculty member or following a cycle where they received a “meets standards” rating in the same domain(s) will return to the first year of the four-year assessment cycle and will begin departmental development (see 2.19.2.3).
- c. Faculty receiving a performance assessment of “does not meet standards” in the same domain(s) by the department chair/unit head with concurrence by both the TFRC and the Dean during two consecutive annual review cycles will begin the intensive development process (see 2.19.3).

2.19.2.3 Departmental Development

Departmental development is a structured professional developmental mechanism to address tenured faculty performance concerns at the department level. It is intended to be an intermediate step between routine annual evaluations and the more formal activation of intensive development. Faculty receiving a performance assessment of “does not meet standards” in any domain by the department chair/unit head, with concurrence by both the TFRC and the Dean, during their first review cycle as a tenured faculty member or following a cycle where they received a “meets standards” rating in the same domain(s) will enter departmental development. Faculty may also be assigned to departmental development by the Provost following a determination that there is insufficient basis for the activation of intensive development under 2.19.3.1.5.

Faculty in departmental development shall set written professional development goals in consultation with the department chair/unit head no later than SEPTEMBER 15 in the year in which they are notified. These goals should focus on the performance concerns identified in the comprehensive review and should include specific outcome objectives. The department chair/unit head shall formally assess and document the faculty member’s progress toward these goals during each brief review of the subsequent evaluation cycle using the following ratings:

- a. All goals met. The faculty member has fully achieved all identified professional development goals and has demonstrated resolution of the performance concern(s). Evidence may include documented completion of all action steps, sustained performance at or above expected standards, or independent indicators showing resolution of the identified concern(s). A faculty member receiving this rating is expected to meet standards in the identified area(s) during the next comprehensive review provided current levels of performance are maintained or improved.
- b. Sufficient progress. The faculty member has demonstrated an ongoing, good-faith effort toward improvement and has achieved measurable progress toward their professional

development goals, even though not all objectives have been fully met. Evidence may include partial achievement of goals, documented completion of intermediate steps, documented engagement in professional development activities, or improvements in performance standards aligned with the identified concerns. A faculty member receiving this rating is likely to meet standards in the identified area(s) during the next comprehensive review if they continue to make sustained and meaningful progress.

c. Insufficient progress. The faculty member has not demonstrated meaningful effort to improve or has made limited progress that is unlikely to resolve the identified performance concerns within a reasonable timeframe. Evidence may include failure to complete agreed-upon actions, lack of documented improvement efforts, continued unmet expectations in performance standards, or disengagement from the development process. A faculty member receiving this rating is likely not to meet standards in the identified area(s) during the next comprehensive review unless they make immediate, substantial, and sustained improvement.

If a faculty member in departmental development receives a rating of insufficient progress during any brief review of the evaluation cycle the department chair/unit head shall notify the chair of the tenured faculty review committee (TFRC). Faculty receiving a performance assessment of “insufficient progress” may respond to the department chair/unit head in writing by SEPTEMBER 1 with a copy to the department TFRC. The faculty in departmental development, chair of the TFRC, and department chair/unit head shall review and revise (if appropriate) the written professional development goals no later than SEPTEMBER 15 of that year. The department chair/unit head and TFRC will subsequently review the faculty member’s progress toward these goals during any remaining brief reviews of the evaluation cycle by MAY 15 following each brief evaluation year. Faculty receiving an assessment of “insufficient progress” by both the department chair/unit head and TFRC during a subsequent brief review will begin the intensive development process (see 2.19.3).

2.19.3 Intensive Development

Intensive development is intended to be a more formal professional development mechanism to address tenured faculty performance concerns after other attempts, including the annual evaluation process, have not resulted in sufficient improvement. The intensive development process does not become activated until at least one of the following conditions applies:

- a. Refusal to participate in the annual evaluation process as described in 2.19.2 (Annual Evaluation Process for Tenured Faculty).
- b. Two ratings of “insufficient progress” by the department chair/unit head within an evaluation cycle with concurrence by the TFRC for the second instance for faculty in departmental development (see 2.19.2.3).
- c. A performance assessment of “does not meet standards” in the same domain in two consecutive comprehensive (Year 4) evaluations by the department chair/unit head with concurrence by the TFRC and the Dean (see 2.19.2.2.4)
- d. A recommendation from the department chair/unit head, University Tenure Committee (UTC), the Dean, and the Provost to activate the process in lieu of immediate dismissal for cause.

Refusal by the faculty member to participate in any aspect of the intensive development process can result in sanctions as described in this policy. If the department chair/unit head believes that a refusal to participate has occurred, they shall notify the faculty member in writing of the specific basis for their belief and shall propose specific action(s) for the faculty member to demonstrate good-faith participation in the process within 10 calendar days of notification. The faculty member shall have the opportunity to demonstrate good-faith participation and respond in writing within 10 calendar days. If after 10 calendar days the department/unit head continues to believe that a refusal to participate has occurred, they shall document the refusal in the intensive development file along with any faculty response and should consider any instances of refusal when recommending and justifying sanctions (if applicable; see 2.19.3.3). The intensive development process does not replace nor prevent the university from dismissing a tenured faculty member using existing faculty separation policies (2.8), including dismissal for cause (2.8.6), with the exception that dismissal proceedings for failure to meet performance and productivity requirements shall only be initiated following the procedures outlined in 2.19.3.3.

2.19.3.1 Intensive Development Activation

1. By MAY 15 of the Spring semester the department chair/unit head shall notify the faculty member in writing of the intent to activate the intensive development process. The condition or conditions for activating the process shall be provided in writing to the faculty member (see 2.19.3 for conditions).

a. Prior to activation for refusal to participate in the annual evaluation process, the department chair/unit head shall first provide in writing specific action(s) for the faculty member to demonstrate good faith participation in the annual evaluation process within 10 calendar days of notification. If after 10 calendar days the department/unit head continues to believe that a refusal to participate in the annual evaluation process has occurred, they shall state so in writing and may proceed with the notification of the intent to activate intensive development. In extenuating circumstances, the department chair/unit head may grant an extension to annual evaluation deadlines of up to 30 calendar days. Additionally, the Provost, in consultation with the department chair/unit head and the Dean may delay a comprehensive (Year Four) review for one calendar year.

b. In the case of activation as an alternative to immediate dismissal for cause, the specific factual basis that just cause exists shall be provided along with a justification as to why the performance concerns are not appropriate for remediation through the annual evaluation process for tenured faculty.

2. By SEPTEMBER 1, the notified faculty member may respond in writing to the notification of the intent to activate the intensive development process. They may also submit the name of a tenured faculty member within or outside their college to serve as a temporary member of the UTC.

3. The department chair/unit head will activate the intensive development process by submitting the notification and supporting materials to the Dean and Provost. Supporting materials shall include any written response by the notified faculty member, the name of the temporary UTC member selected by the notified faculty member (if named), the condition or conditions that are activating the process, and all annual evaluation materials pertinent to the activation (see 2.19.2). The notified faculty member shall

also be provided with a copy of the notification and all materials. The Provost shall obtain written agreement to serve from the temporary UTC member selected by the notified faculty member (if named) and shall forward the notification and all supporting materials to the chair of the UTC by SEPTEMBER 15.

4. By OCTOBER 1, the UTC and Dean shall state independently in writing whether they concur with the recommendation for intensive development. If they do not concur they shall state in writing the reasons for the differing recommendation. They shall forward their written recommendations to the Provost.

5. By OCTOBER 15, the Provost shall make a determination whether there is sufficient basis for intensive development and shall notify the faculty member, department chair/unit head, chair of the UTC, and the Dean. In circumstances where intensive development is activated as an alternative to immediate dismissal for cause (2.19.3.d), the Provost shall only authorize the process if they, the department chair/unit head, UTC, and the Dean all recommend the activation of intensive development. If the Provost determines that there is insufficient basis for intensive development the faculty member will resume the routine annual evaluation process for tenured faculty (2.19.2) and may continue in or be assigned to departmental development, if appropriate. If mutually agreeable to the notified faculty member and the Provost, the Provost may decline to authorize intensive development for a faculty member who has committed in writing to voluntary separation from their tenured faculty position at the conclusion of the current or following academic year.

2.19.3.2 Formation of the Intensive Development Plan

1. By NOVEMBER 1, the faculty member undergoing intensive development, the chair of the department/unit Tenured Faculty Review Committee (TFRC), the chair of the UTC or their designee, and the faculty member's selected temporary member of the UTC (if applicable) shall collaboratively develop a written intensive development plan to address the concerns and conditions that activated the intensive development process (see 2.19.3.2.1 for plan specifications).

- a. If all parties mutually agree to a plan, they shall all state so in writing and the chair of the UTC or their designee shall forward the draft intensive development plan to the department/unit TFRC, department chair/unit head, UTC, and Dean.
- b. In the event a mutually agreeable plan cannot be developed, the chair of the department/unit TFRC, the chair of the UTC or their designee, and the faculty member's selected temporary member of the UTC (if applicable) shall adopt a draft plan by majority vote and the faculty member undergoing intensive development may respond in writing by NOVEMBER 15. The chair of the UTC or their designee shall forward the draft intensive development plan and any written response by the faculty member (when available) to the department/unit TFRC, department chair/unit head, UTC, and Dean.

2. By DECEMBER 1, the faculty member undergoing intensive development, chair of the department/unit Tenured Faculty Review Committee (TFRC), the chair of the UTC or their designee, and the faculty member's selected temporary member of the UTC (if applicable) shall meet or correspond with the department chair/unit head and Dean to collaboratively revise the intensive development plan. The chairs of the department TFRC and UTC shall also solicit feedback from their respective committees regarding the intensive development plan as part of this collaborative process.

- a. If all parties mutually agree to a plan, they shall all state so in writing and the chair of the UTC shall forward the finalized intensive development plan to the Provost. The intensive development plan will go into effect on JANUARY 1 of the following year.
- b. In the event a mutually agreeable plan cannot be developed, the parties shall notify the Provost, who will schedule a conference no later than DECEMBER 15. The conference will be attended by the faculty member undergoing intensive development, their selected temporary member of the UTC (if applicable), the chair of the department/unit TFRC, the department chair/unit head, the chair of the UTC or their designee, the Dean, and the Provost. During the conference the parties should discuss and attempt to resolve any remaining areas of disagreement in the intensive development plan. This process shall be a good faith mutual negotiation guided by “a commitment to improvement by the faculty member and to the adequate support of that improvement by the institution” (AAUP, 1999). If all parties mutually agree to a plan during the conference, they shall all state so in writing and the intensive development plan shall go into effect on JANUARY 1 of the following year. In the event a mutually agreeable plan cannot be reached by the end of the conference, the intensive development plan shall be finalized by a majority vote of all conference attendees and shall go into effect on JANUARY 1 of the following year.

2.19.3.2.1 The Intensive Development Plan

Intensive development plans shall be in initial effect for one calendar year. A plan may be extended for up to two additional years via the process described in 2.19.3.3.1. The intensive development plan should respect academic freedom and professional self-direction and may be modified or successfully ended early with the written approval of the faculty member undergoing intensive development, department/unit TFRC, department chair/unit head, UTC, Dean, and Provost. The intensive development plan shall:

1. Identify specific concerns to be addressed;
2. Define specific outcome objectives to remedy the concerns that are reasonable and measurable;
3. Outline the activities required to achieve the objectives;
4. Set timelines, with specific milestones throughout the plan, for achieving the objectives;
5. State the criteria for completion of the plan;
6. Identify sources of funding or other support required to implement the plan, if necessary; and
7. Specify mechanisms for documenting progress and notifying the TFRC and department chair/unit head of the completion of all plan activities, milestones, and objectives.

While the intensive development plan is in effect the faculty member shall meet at least twice during each regular academic semester with the chair of the department/unit TFRC, the chair of the UTC or their designee, and the faculty member’s selected temporary member of the UTC (if applicable) to discuss their progress. Any concerns should be brought to the attention of the department chair/unit head, and all parties should work collaboratively to support the faculty member in achieving the plan’s objectives.

2.19.3.3 Assessment of the Intensive Development Plan and Sanctions Procedures

1. By FEBRUARY 15 of the calendar year following the implementation of the intensive development plan and any subsequent year it is in effect, the TFRC and department chair/unit head shall independently assess the achievement of the stated objectives and shall make a written report indicating how each objective was achieved or not achieved. The committee and department chair/unit head shall make an overall finding of whether the faculty member has satisfactorily met all intensive development plan objectives. In addition to the ratings of “all goals met,” evaluation options for intensive development plans after the first or second year shall also include the ratings of sufficient progress or insufficient progress (see definition of these terms in Departmental Development 2.19.2.3). Because intensive development plans may only remain in effect for a maximum of three years, only the ratings of “all goals met” or “all goals not satisfactorily met” shall be made for an evaluation of an intensive development plan after the third year.

a. If the department chair/unit head concurs with a TFRC finding that all intensive development plan goals have been met they will indicate so in writing to the faculty member, department/unit TFRC, UTC, Dean, and Provost, the intensive development process will successfully conclude, and the faculty member will resume the normal annual review cycle as provided in the Annual Evaluation Process for Tenured Faculty (2.19.2).

b. If the department chair/unit head concurs with a TFRC finding the faculty member has made sufficient progress on plan objectives or if the department chair/unit head does not concur with the TFRC finding for development plans after the first or second year, the intensive development plan shall be extended to the end of the current calendar year to allow additional time for faculty development and assessment of plan objectives. The department chair/unit head shall notify the faculty member, department TFRC, UTC, Dean, and Provost. If the plan extension resulted from a lack of concurrence the parties are encouraged to modify the intensive development plan (see 2.19.3.2.1) to clarify the outcome objective(s) where there was a differing evaluation. At the end of the plan extension, the assessment of the intensive development plan shall resume with step 1 of this section. If the department chair/unit head does not concur with a TFRC finding for an evaluation of a development plan after the third year the intensive development plan will be considered fulfilled and the department chair/unit head will follow the approval actions specified in this section.

c. If the department chair/unit head concurs with a TFRC finding that the faculty member has made insufficient progress or not satisfactorily met all intensive development plan objectives they shall notify the faculty member, TFRC, UTC, Dean, and Provost and will schedule a conference with the faculty member by MARCH 1. The purpose of this conference shall be to discuss and explore mutually agreeable solutions to the ongoing performance deficiencies, including, but not limited to reassignment to other duties or voluntary separation. The faculty member may invite their selected temporary member of the UTC (if applicable) to attend the conference, and if mutually agreeable to the department chair/unit head and faculty member, the chair of the department/unit TFRC, the chair of the UTC or their designee, the Dean, and/or the Provost may also attend. If a mutually agreeable solution is reached, formalized in writing, and approved by the Provost by MARCH 15 the intensive development process will conclude with any solutions going into effect on JULY 1 unless otherwise agreed to by the parties. If an

agreement is not reached and approved by the Provost by MARCH 15 the department chair/unit head shall recommend and provide written justification for sanctions to the faculty member by APRIL 1. The faculty may respond in writing by APRIL 15. The department chair/unit head will forward their report and sanctions recommendation, the TFRC report, any written response by the faculty member (when available), and all supporting materials to the UTC, Dean, and Provost.

2. By MAY 1, the UTC and Dean shall independently state in writing whether they concur with the recommendation for sanctions and shall forward their written report to the Provost. If the UTC and Dean do not concur with the department chair/unit head's recommendation for sanctions, they shall state in writing the reasons for the differing recommendation.

3. By MAY 15, the Provost shall notify the faculty member of any imposed sanctions in writing, with a copy to the Dean, chair of the UTC, and department chair/unit head. If the sanctions differ from the recommendations made by the department chair/unit head, UTC, or Dean, the Provost shall state in writing the reasons for the differing decision. If the sanctions include dismissal for cause (2.8.6) or suspension of a faculty member (2.8.7), the Provost shall recommend instead of issue the sanctions. In such instances, the Provost shall forward the recommendation to the President, who shall not act on the recommendation until the appeals process is declined by the faculty member or complete.

4. The faculty member may appeal the Provost's decision no later than JUNE 15 (see 2.19.3.5; Appeals Process). If the faculty member does not provide notification of appeal by JUNE 15, sanctions other than dismissal for cause or suspension shall go into effect on JULY 1 unless a later date of effect was issued by the Provost. If the sanctions include a recommendation by the Provost for dismissal for cause or suspension, the President shall decide whether to initiate preferral of charges in a dismissal proceeding or suspension of the faculty member no sooner than JULY 1 and no later than DECEMBER 15, with notice to the faculty member, Provost, Dean, chair of the UTC, and department chair/unit head. If the faculty member appeals, the imposed sanctions shall not take effect until the appeals process is complete.

2.19.3.4 Sanctions

Sanctions may be imposed only following a faculty member's refusal to engage in or unsuccessful completion of an intensive development plan, as determined through the review and recommendation process described in 2.19.3.3. Sanctions shall be proportionate to the severity and persistence of the documented performance concerns and consistent with the faculty member's participation in and response to the development process. With the exception of dismissal for cause (2.8.6), sanctions shall not be permanent by default. The continued application of any sanction beyond one evaluation cycle (typically four years) shall be subject to review as part of the faculty member's next comprehensive post-tenure evaluation. Upon satisfactory performance, sanctions may be lifted or modified in consultation with the department chair/unit head, Dean, and Provost. Restoration of rank or compensation shall follow university policies and procedures applicable to those personnel actions.

Sanctions may include, but are not limited to: adjustment of faculty responsibilities including reassignment of duties, a reduction in rank, a salary freeze or reduction, other actions short of dismissal (2.8.7) including suspension with or without full pay and benefits, and dismissal for cause (2.8.6). The post-tenure review policy shall not limit faculty's due-process protections guaranteed elsewhere in the faculty handbook, including a hearing before the Board of Regents with a burden of proof that lies with

the university for any sanctions imposed that include a suspension of longer than 30 days (2.8.7) or dismissal for cause (2.8.6).

2.19.3.5 Appeals Process

1. The faculty member may submit a written request for appeal to the University Tenure and Post-Tenure Review Committee (UTC) by JUNE 15 of the calendar year when the Provost imposed/recommended sanctions, with a copy to the Provost and President.
2. This appeal shall be a written request for a hearing, setting forth the basis or bases for the appeal together with a statement of facts in support thereof. The basis or bases for an appeal shall be that the sanctions imposed/recommended by the Provost resulted from improper procedure, or rests on grounds which violate academic freedom or Constitutional rights, or are arbitrary or capricious, or are disproportionate to the performance deficiencies or unduly punitive. Any claim of improper procedure must set forth facts sufficient to indicate that the departure is substantial and played a direct and significant part in the decision.
3. By JUNE 30, the UTC shall decide whether to hear the appeal. If the UTC grants a hearing it shall be concluded by SEPTEMBER 15. In such appeal procedures, the burden of proof is on the faculty member making the appeal. If the UTC does not grant a hearing, the chair of the committee shall notify the appealing faculty member with a copy to the Provost and President and sanctions other than dismissal for cause or suspension shall go into effect on JULY 1 unless a later date of effect was issued by the Provost. If the sanctions include a recommendation by the Provost for dismissal for cause or suspension, the President shall decide whether to initiate preferral of charges in a dismissal proceeding or suspension of the faculty member no sooner than JULY 1 and no later than DECEMBER 15, with notice to the faculty member, Provost, Dean, and department chair/unit head.
4. In the event of a hearing, the appealing faculty member shall be guaranteed due process which shall include, but not be limited to, the right of access to the complete intensive development file and annual evaluation files pertinent to the activation of intensive development; the right to appear before the committee; the right to call witnesses on their behalf; the right to cross examine other witnesses; and the right to present evidence on their behalf with respect to the basis or bases of the appeal.
5. By OCTOBER 15, the UTC shall submit a written report to the President summarizing its findings and making recommendations as it deems appropriate. The report shall also be provided to the appealing faculty member.
6. By DECEMBER 15, the President shall decide on the appeal and notify the appealing faculty member, chair of the UTC, Provost, Dean, and department chair/unit head. The President may uphold or reverse the Provost imposed/recommended sanctions in-full or in-part, and may take any other actions they deem appropriate, including but not limited to those recommended by the UTC. Any sanctions upheld or imposed by the President shall go into immediate effect unless a later date of effect is issued by the president or if due process protections guaranteed elsewhere in the faculty handbook require a hearing before the Board of Regents (see dismissal for cause 2.8.6 and action short of dismissal 2.8.7).

SECTION 1.5.3.2 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS.

1.5.3.2 University Tenure and Post-Tenure Review Committee (UTC)

(This committee is established by the Tenure Policy as adopted by the Board of Regents August 7, 1975, and amended February 21, 1976, and September 6, 1980. The charge of this committee was expanded to include oversight of the post-tenure review process, as adopted by the Board of Regents <DATE>)

Submits recommendations to the President or as indicated.

Purpose: For further detail see the Tenure Policy, Section 2.7 and Post-Tenure Review Intensive Development policy (2.19.3)

1. To review tenure recommendations to ensure that the tenure policy, procedures, and administrative guidelines have been observed uniformly throughout the University;
2. To review activation requests for intensive development and make recommendations to the Provost;
3. To review intensive development plans and make recommendations to the Provost;
4. To review sanctions originating from the intensive development process and make recommendations to the Provost;
5. To consider tenure and post-tenure review appeals and make recommendations to the President;
6. To write an annual report to the President of the University concerning areas of the University in which tenure policy, procedures, or guidelines have not been followed;
7. To advise the Provost and Vice President for Academic Affairs, at his/her request, of the University Tenure Committee's interpretation of the Appointment and Tenure Policies and Post-Tenure Review Policies in any instance where various interpretations may arise; and
8. To notify the Faculty Senate concerning recurring problems within the Tenure and Post-Tenure Review Policy, procedure, and guidelines. In fulfillment of this responsibility, the UTC shall monitor the implementation of post-tenure review (Section 2.19) and identify trends, patterns, or potential concerns related to fairness, consistency, or effectiveness. To support this monitoring, the Office of the Provost shall provide de-identified aggregate data by March 1 each year, including but not limited to comprehensive evaluation outcomes, departmental development activity, and intensive development activity during the previous calendar year. The UTC shall complete a review of this data at least once every four years, aligned with the four-year evaluation cycle. This review should include analysis of implementation trends and stakeholder feedback. A written report with findings and any proposed revisions shall be submitted to the Faculty Senate, the Provost, and the President.

Membership: One tenured faculty member elected from each academic college/school and the University Libraries (see 1.5.1) and the president of the faculty senate or their designee (ex officio) who shall serve as a non-voting member. Should circumstances prevent a member of the University Tenure Committee from serving for a hearing or other official duty, a replacement shall be elected by the college/school or library tenure committee. In addition to the standing members of the committee, a tenured faculty member in intensive development may select one additional member of the committee from any full-time tenured faculty member within or outside their college (see 2.19.3.1). This additional committee member shall be a temporary member of the committee, shall only participate and vote in

the review of intensive development activation requests, intensive development plans, and sanctions (committee charges 2-4) that involve the faculty member who selected them, and shall not chair the committee or participate in any consideration of appeals.

SECTION 2.4.1 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS.

2.4.1 Personnel Files for Ranked Faculty

Personnel files are maintained on each faculty member relative to his/her employment with the university. The essential contents and location of these personnel files are explained below:

The file in the Office of the President shall include:

1. original signed contracts; and other requested information.

The file in the Office of Institutional Diversity, Equity and Access shall include:

1. Affirmative Action Compliance information.

The file in the Office of the Provost and Vice President for Academic Affairs shall include:

1. vita and official transcript(s);
2. materials establishing academic credentials in lieu of a degree, if any;
3. the promotion file;
4. the tenure file;
5. the leave file;
6. the intensive development file (if applicable); and
7. other requested information.

The file in the Office of Human Resources shall include:

1. personal data;
2. hiring transaction documents (payroll notices);
3. payroll change documents (salary increases or changes, changes in status);
4. salary and fringe benefit data; and
5. insurance and benefits documentation.

6. Background Check Consent Form; and other requested information.

The file in the Office of the Dean shall include:

1. copy of vita and copy of official transcript(s);
2. annual reviews and evaluations;
3. personal data;
4. hiring transaction documents; and
5. personnel action forms.

The file in the departmental office shall include:

1. personnel action forms;
2. annual evaluations by the Chair;
3. an up-to-date vita;
4. letters of application; and
5. student course evaluations.

The file in the Budget Office shall include:

1. personnel action forms; and
2. other requested information.

These files are kept in the strictest confidence by those charged with their maintenance and are available only to the university President, the Board of Regents, the university legal counsel, the Provost and Vice President for Academic Affairs, and the individual faculty member. Others may obtain access on a need- to-know basis with the signature of the Provost and Vice President for Academic Affairs. Before such permission is granted, the faculty member will be notified by the Office of the Provost and Vice President for Academic Affairs. The requirements for confidentiality as set forth in this section (2.4) are subject to requirements for disclosure as set forth by state law.

The faculty member may, for the cost of duplication, obtain copies of all material in any personnel file described above, with the following exceptions: The complete tenure file and the complete promotion file kept in the Office of the Provost and Vice President for Academic Affairs may not be photocopied.

In addition, the university may permit access to and copying from such files pursuant to contract compliance or lawful requests from federal or state agencies relevant to investigations, hearings, or other proceedings pending before the court.

