

MEMORANDUM

DATE: September 26, 2019

TO: Matthew Zacate, Faculty Senate President

FROM: Ashish Vaidya, President 

CC: Sue Ott Rowlands, Provost

SUBJECT: Response to your memo of May 10, 2019

NKU's mission is to deliver innovative student-centered education and to engage in impactful scholarly and creative endeavors in order to empower our graduates to have fulfilling careers and meaningful lives, while contributing to the economic, civic, and social vitality of the region.

As such, our teaching and learning, scholarship and service functions serve the public good and that depends on the fundamental tenet of academic freedom. As the Faculty Handbook has articulated:

"Northern Kentucky University strongly adheres to the long-standing tradition and practice of academic freedom. In order for the University to fulfill its mission and be of service to society, the recognition of the free search for truth and its free expression is paramount. The University has an obligation to recognize and protect freedom of inquiry, teaching, and research in all facets of the academic community. The right of academic freedom will be the right of every faculty member."

Academic freedom is a defining quality of the university and tenure is a time honored and an essential element of our commitment to academic freedom.

The policies and procedures related to tenure outlined in the Faculty Handbook will guide our due process for removing tenured faculty members under conditions of adequate cause, program discontinuance or reduction, or financial exigency.



MEMORANDUM

To: Faculty Senate Executive Committee
Cc: Sue Ott Rowlands, Provost and Vice President for Academic Affairs
From: Matthew Zacate, Faculty Senate President
Re: Recommendation to review section 8 of the Faculty Handbook
Date: August 19, 2019

It has been brought to my attention that section 8 of the Faculty Policies and Procedures Handbook (*Faculty Handbook*) may need updating in order to ensure that all members of the faculty know that they are evaluated annually as part of the annual performance review process. In addition, I have had conversations in recent years that suggest to me that the use of the terms *program* and *program director* in section 8 may lead faculty members to believe incorrectly that academic program directors are involved in the annual performance review process. To begin addressing these issues, I have included some proposed wording changes that describe more accurately the performance review process that is used currently at NKU. I believe that it is only necessary to change sub-sections 8.1 and 8.2 (added text in red and green and deleted text in red, strike-through).

8. PERFORMANCE REVIEW

8.1 PURPOSE AND APPLICABILITY

The purpose of the annual performance review is to assess the quality of faculty performance during that year and to measure attainment of the goals and objectives set for the year. ~~This process applies to full-time, tenure-track faculty and to full-time, non-tenure-track renewable faculty all faculty (see Section 1.3 regarding applicability to renewable faculty).~~ All faculty members undergo an annual performance review. (Additional information for non-tenure-track renewable faculty can be found in Section 1.3.)

Faculty members in a department are evaluated by the department chair. Faculty members of a school are evaluated by the school director. Faculty members of Stealy Library and colleges without departments or schools are evaluated by the corresponding dean. A faculty member who does not have an appointment in a department, school, or college is evaluated by the program director of his/her unit.

8.2. CRITERIA



The criteria for evaluation set forth in ~~Section 3.1, Criteria, and~~ in ~~the~~ departmental/school, college, ~~and~~ Stealy Library ~~RPT~~, and program guidelines shall be the criteria upon which a performance review is based for all faculty except part-time, temporary faculty. Tenured and tenure-track faculty are evaluated using additional criteria as set forth in Section 3.1. The criteria used to evaluate part-time, temporary faculty are given on the Part-Time Faculty Evaluation Form, which can be obtained from the office of Academic Affairs. Any judgment, by a chair or director, that the overall performance of a tenured faculty member is unsatisfactory for the review period will be based upon and consistent with the statement of expectations for adequate performance approved by the faculty member's department/school or program.

3. EVALUATION FOR REAPPOINTMENT, PROMOTION, AND TENURE

3.1. CRITERIA

In making evaluations required for reappointment, promotion, and tenure, three major categories of professional responsibility are to be used. These categories, in order of importance, are teaching effectiveness; scholarship and creative activity; and service to the University, the discipline/profession and the community.

All academic units must have specific guidelines concerning expectations for reappointment, promotion, and tenure, what materials may be considered in each review category, what constitutes appropriate documentation, and how materials will be evaluated. All guidelines must be approved by a majority of the tenured / tenure-track faculty within the affected unit(s), the Chair or School Director, the Dean, and the Provost. Upon final approval by the Provost, all faculty within the affected units(s) must be notified and guidelines must be made available. All new faculty will be given a copy of these guidelines at the time of their hiring.

3.1.1 TEACHING

Teaching includes all work that is intended primarily to enhance student learning. Assessment of teaching effectiveness should take into account documented student learning, contact hours, preparations, service learning, delivery method, and/or number of students.

3.1.2 SCHOLARSHIP AND CREATIVE ACTIVITY

Scholarship and creative activity includes all work that is related to the applicant's academic discipline or current role at the University. To qualify as scholarship or creative activity, the activity should require a high level of discipline-related or interdisciplinary expertise, and meet the standards of the discipline for scholarly and creative activity. NKU values transdisciplinary scholarship, scholarship of teaching, and scholarship of engagement in addition to traditional scholarship and creative activity.

3.1.3 SERVICE TO THE UNIVERSITY, THE DISCIPLINE/PROFESSION, AND/OR THE COMMUNITY

Service includes all work that contributes to the effective operation, governance, and advancement of programs, departments, schools, colleges, the University, one's discipline, and/or the community. Service also includes public engagement activities.

3.2. PROCEDURES FOR DECISIONS ON REAPPOINTMENT, PROMOTION, AND TENURE

As stated in Kentucky law, all persons involved in evaluation of personnel shall consider all information received and all deliberations as confidential unless disclosure is required by law.

3.2.1 TIME SCHEDULE

Each spring, the provost will issue a calendar listing deadlines for each step in the evaluation process for the coming academic year, a template for dossier preparation, and notification of any updates to the process.

3.2.2 INITIATION OF REQUEST

The applicant is responsible for initiating consideration by applying for reappointment, promotion, tenure, or a combination of them. A full-time administrator with academic rank may

apply for tenure or promotion supported by documentation. The applicant will compile an RPT dossier, including a cover sheet provided by the provost's office.

3.2.3. DEPARTMENTAL/SCHOOL COMMITTEE

Each department or school shall have a reappointment, promotion, and tenure (hereinafter, RPT) committee consisting of at least five tenured faculty members elected at a regular or special department or school faculty meeting. Additionally for promotion committees, these five faculty members must be at least one rank above the level of the applicants. The RPT committee shall be formed from faculty within the department or school, if five or more tenured faculty of appropriate rank are available to serve. If there are not enough faculty members of appropriate rank available to form a committee of five, those faculty initially chosen to serve, in consultation with the department chair or school director, shall prepare a list of tenured faculty of appropriate rank from other departments or schools. When choosing additional faculty members, preference shall be given to faculty members in departments or schools with affinity to the applicant's department or school. The RPT committee will fill its membership by appointing faculty from this list.

The members of the committee shall elect their own chair. The committee chair shall notify the department chair or school director of committee membership within ten working days of election.

3.2.4. DEPARTMENTAL/SCHOOL COMMITTEE: ELIGIBILITY

All tenure-track faculty in the department or school are eligible to vote to elect the committee membership. Only tenured faculty may serve on the committee. The department chair or school director may not serve on the committee. Department chairs or school directors in other departments or schools may serve on the committee provided that they are in a different college. Assistant and associate deans with faculty appointments serving as administrators with reassigned time may serve on the committee provided that they are serving as administrators in a different college. Tenured faculty with appointments in more than one department/school or discipline may serve on the committee of any department/school or discipline in which they hold an appointment. Faculty on sabbatical or paid leave are eligible but not required to serve on the committee. Faculty on unpaid leave are not eligible to serve on the committee. The Faculty Senate President will not serve on a department/school RPT committee unless there is fewer than five eligible faculty members available, in which case the Faculty Senate President can serve but will not chair the committee.

Upon agreement of RPT committee members, the department chair or school director, the appropriate dean, and the applicant, faculty external to the University and of suitable rank and tenure may serve on the committee. Persons holding full-time administrative appointments, as defined in Section 1.8.1 are not eligible to serve on the committee.

In departments or schools where no faculty members are eligible to serve on a needed RPT committee, the department or school faculty shall serve in place of the department or school committee members to elect suitable RPT committee members.

3.2.5. DEPARTMENT/SCHOOL COMMITTEE: DELIBERATIONS

A quorum of an RPT committee shall be four-fifths (4/5) of its members; a quorum is required in order for the committee to act.

Material considered by the RPT committee must include, but may not be limited to, the applicant's submissions. The committee may consider supplemental material consistent with

department/school guidelines that will aid in its decision. If material not submitted by the applicant is considered, the applicant must be notified of this material. As part of its deliberations, the RPT committee may meet with the applicant when such a meeting aids in the committee's decision process.

If an RPT committee requires clarification on any procedural matter, the committee should make this request to the respective department chair or school director. Committees should not ordinarily make requests to the dean, provost, university counsel, human resources, or any other university official or department.

3.2.6. DEPARTMENT/SCHOOL COMMITTEE: VOTING AND REPORTING

Nominally, each member of the committee, including the chair, shall have one vote for each applicant. In recognition of the importance of this process to the integrity of the institution, each member is expected to carefully review the relevant materials, participate as fully as possible in committee deliberations, and exercise their best professional judgment in voting either for or against a recommendation. A member voting to abstain will be considered to have not voted at all. Proxy votes are acceptable if circumstances prevent a member from being physically present for the vote. However, a member who has not reviewed materials submitted by or fully participated in committee discussion about an applicant cannot vote on the recommendation of that applicant. Immediately before the vote of each candidate, the committee chair will determine the eligibility of each committee member to vote on the recommendation. The chair will make an announcement to the committee and take note of who is eligible to vote. While a quorum must be present for the vote to take place, it is not necessary that 4 or more members participate in the vote.

The recommendation of the committee shall be reported in writing to the department chair or school director and must be characterized as either unanimous or non-unanimous. The recommendation of the committee will reflect the committee's deliberations and must be signed by all committee members who voted. Members who abstained or did not vote should not sign the letter. In cases where the committee vote is not unanimous, support for both positive and negative votes must be included in the recommendation. In the case of a tie vote, the committee's recommendation will be deemed a positive recommendation. A copy of the recommendation will be given to the applicant. After receiving a negative recommendation from the committee, the applicant may elect within three business days to withdraw the application and terminate the RPT process.

3.2.7. CHAIR/DIRECTOR

No sooner than three business days after receipt of the committee recommendation, the department chair or school director shall make a recommendation to the dean in writing. The chair or director may consult with the department or school committee prior to making a recommendation, but not with committee members individually. As part of his or her deliberations, the department chair or school director may meet with the applicant to aid in his or her decision. The reasons for the department chair's or school director's recommendation, whether positive or negative, shall be included in the recommendation. In order to ensure fairness to the candidate, the chair or school director may only consider material submitted in the candidate's RPT dossier. Supplemental material may not be considered. The department chair or school director shall forward his or her recommendation, the department or school committee's recommendation, and the applicant's file to the appropriate dean. A copy of the department chair's

or school director's recommendation shall be given to the applicant and all members of the department or school committee.

3.2.8 DEAN

After receipt of the department chair's or school director's recommendation and the department or school committee's recommendation, the dean shall make a recommendation to the provost in writing. The reasons for the dean's recommendation, whether positive or negative, shall be included in the written recommendation. The dean may consult with the department or school committee and/or the department chair or school director prior to making a recommendation but not with individual committee members. As part of his or her deliberations, the dean may meet with the applicant to aid in his or her decision. In order to ensure fairness to the candidate, the dean may only consider material submitted in the candidate's RPT dossier. Supplemental material may not be considered.

The dean shall forward this recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file to the provost. A copy of the dean's recommendation shall be given to the applicant, the department chair or school director, and all members of the department or school committee.

3.2.9 PROVOST

After receipt of the dean's recommendation, the department chair's or school director's recommendation, the department or school committee's recommendation, and the applicant's file, the provost shall make a written recommendation to the president. The reasons for the provost's recommendation, whether positive or negative, shall be included in the written recommendation. The provost may consult with the department or school committee, the department chair or school director, the dean, or with any combination of them but not with individual committee members. As part of his or her deliberations, the provost may meet with the applicant to aid in his or her. In order to ensure fairness to the candidate, provost may only consider material submitted in the candidate's RPT dossier. Supplemental material may not be considered.

A copy of the provost's recommendation shall be given to the applicant, the dean, the department chair or school director, and all members of the department committee.

3.2.10 PRESIDENT

The president will forward the provost's recommendation to the Board of Regents.

3.2.11 BOARD OF REGENTS

Reappointment, promotion, and tenure may be granted only by the Board of Regents, and then only upon the recommendation forwarded by the president of the University. The Board shall act in accordance with statutory requirements and the bylaws of the Board of Regents.

3.2.12 NOTICE OF NON-REAPPOINTMENT

Notice of non-reappointment of a probationary contract must be in writing, by the provost, and given:

- Not later than December 15 of the second academic year of service;
- At least 12 months before the expiration of an appointment after two or more years of service at the University.

3.2.13 FORMAL RECONSIDERATION AND APPEAL

In the case of a negative recommendation concerning reappointment, promotion, tenure, or any combination of them, the applicant has the right to a formal reconsideration only at the level of the initial negative recommendation. An “initial” negative recommendation is defined as the first negative recommendation given for a particular reason. If a negative recommendation is subsequently given at a higher level for a different reason, it shall be considered an initial negative recommendation for the purpose of formal reconsideration. When a negative recommendation is first made, the applicant shall be informed, in writing, of the right to request a formal reconsideration.

In order to exercise this right, the affected applicant must request the reconsideration in writing, with any additional materials attached, within ten University working days of receipt of notification of the negative recommendation by sending the request and additional materials to the chair of the department/school committee or the person who made the initial negative recommendation. Upon receipt of the request for reconsideration, the chair of the department or /school committee or the person who made the initial negative recommendation must send a copy of the request for reconsideration to the Office of the Provost and Executive Vice President for Academic Affairs for the purpose of resetting the review calendar for the applicant. Then, the department or /school committee or the person who made the initial negative recommendation shall complete the reconsideration within ten university working days of having received the request for reconsideration. The applicant shall be notified, in writing, of the decision reached, and the letter of reconsideration with additional submitted material and the reconsideration decision will be forwarded to the individual responsible for the next level of review.

During the process of reconsideration, the calendar for the recommendation is extended, and the next level of recommendation shall not consider the applicant’s application until reconsideration is completed. Once the decision regarding formal reconsideration is reached, the process shall continue at the next level.

The procedures for the committee’s deliberations, voting, and reporting will be the same procedures as specified in Sections 3.2.5 and 3.2.6 of this Handbook.

In the event the Provost makes a negative recommendation on an application for reappointment, promotion, tenure, or any combination of them, the applicant may appeal using the procedures set forth in Section 14, Grievances. The appeal must be initiated by the applicant within 15 university working days from receipt of the provost’s notice.

3.2.14. WITHDRAWAL OF APPEAL

A faculty member may withdraw an appeal at any time by request in writing. In that event, no further action may be taken concerning the appeal. In the case of denial of mandatory tenure, if an appeal from a negative recommendation or decision is withdrawn prior to a decision on the appeal, tenure cannot be recommended.

3.2.15. TIME

Unless otherwise specified in these procedures, whenever any recommendation or notice is to be given or conveyed, it shall be given or conveyed within 15 university working days of receipt of the file by the person who is to take action.

DEFINITION OF RETIREE

POLICY NUMBER: RESERVED FOR FUTURE USE

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: DIRECTOR OF HUMAN RESOURCES

RESPONSIBLE OFFICE: HUMAN RESOURCES

I. POLICY STATEMENT

Northern Kentucky University officially recognizes an employee a retiree with all the rights and privileges of said designation when the employee separates from NKU for purposes of retirement with one of the following requirements:

- Any age with a minimum of 30 years of service to the University;
- An employee whose age plus years of service credit equals 70, with a minimum of 15 years of service to the University;
- Any employee in a position classified as "hazardous" for retirement system participation may retire with a minimum of 20 years of service credit;
- Any age; provided that the employee applies for and is granted disability retirement benefit from the University-sponsored disability plan or full disability benefits through the Social Security Administration.

Employees are encouraged to contact the Benefits Office in the Human Resources Department at least three (3) months prior to the expected retirement date to learn about the benefits and procedures necessary for a successful transition into retirement.

II. ENTITIES AFFECTED

Faculty and Staff

REVISION TYPE	MONTH/YEAR APPROVED
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

1.7.1 EMERITUS FACULTY

Emeritus faculty are tenured faculty and administrators who hold faculty rank, who, upon retirement, and upon recommendation of the faculty of the department or program in which they hold tenure and upon the recommendations of the appropriate chair, dean, the provost, and the president of the University, have been conferred emeritus status by the Board of Regents. Such persons hold the title and rank held immediately prior to their retirement, followed by the title “emeritus.”

1.7.2 HONOR RETIRED FACULTY

Honored Retired faculty are non-tenure track faculty who hold the rank of lecturer (all ranks), professor of practice (all ranks), or clinical faculty (all ranks) who, upon retirement, and upon the recommendation of the faculty of the department or program in which the faculty member served, and upon the recommendations of the appropriate chair, dean, the provost, and the president of the University, have been conferred honored retired status by the Board of Regents. Such persons hold the title and rank held immediately prior to their retirement, preceded by the title “Honored Retired.”

Renumber:

1.7.3 VISITING FACULTY

1.7.4 ADJUNCT FACULTY

1.7.5 ENDOWED CHAIRS AND NAMED PROFESSORSHIPS

1.7.6 PROFESSORS OF PRACTICE

1.7.6.1 ASSISTANT PROFESSOR OF PRACTICE

1.7.6.2 ASSOCIATE PROFESSOR OF PRACTICE

1.7.6.3 PROFESSOR OF PRACTICE

1.7.7 CLINICAL FACULTY

1.7.7.1 CLINICAL INSTRUCTOR

1.7.7.2 CLINICAL ASSISTANT PROFESSOR

1.7.7.3 CLINICAL ASSOCIATE PROFESSOR

1.7.7.4 CLINICAL PROFESSOR

2.II EMERITUS FACULTY AND HONORED RETIRED FACULTY APPOINTMENTS

A department or program faculty may nominate a retiring faculty member for appointment to emeritus (for tenured faculty) or honored retired (for non-tenure track faculty) status. In order to be nominated, the retiring person must hold academic rank. Normally, a person will have served the University for a long period in order to be appointed. Such a nomination will be given to the dean by the chair or director, forwarded to the provost, and then to the president. The chair or director, dean and the provost may make their own recommendations about the appointment of the faculty member when forwarding the nomination. Emeritus and honored retired status may be conferred only by the Board of Regents, and then only upon recommendation by the president (see Section 7.1, Emeritus Faculty and section 7.2 Honored Retired Faculty).