



## 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

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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. For purposes of communication of written recommendations, electronic versions of the documents are acceptable replacements.

##### 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.

Applications for reappointment are reviewed biennially. Each biennial review is cumulative but should be focused on the contract years under review. Each review shall consider the information provided in the applicant's dossier from the contract years under review; however, this does not prohibit documentation and/or information from previous years to be included in the evaluation. Other than exceptions defined in section 6.7, which may grant extensions, applications for tenure are ordinarily reviewed ~~by~~ the sixth year. The dossier for tenure will be evaluated in its full context, including all years of service and any credit for prior service negotiated at the time of the initial appointment.

### 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 and submit an RPT dossier no later than ~~4:59:30~~ 4:30 pm on the Wednesday of the first weekday of classes of the academic year of their request for consideration.

**Commented [JF1]:** Changed to 4:30 pm to facilitate opening and closing of dossier's, which is a manual process in CITE.

### 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, or colleges. 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 there is no department/school, college guidelines may be used. Material that is inconsistent with the department/school or college guidelines may not be considered. If material not submitted by the applicant is considered, the applicant must be notified immediately of this material in writing. Any supplemental material considered by the RPT committee becomes a part of the dossier going forward and should be clearly marked as supplemental material added by the committee. The letter from the committee to the department chair/school director should also note and comment on the supplemental 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. Members may not vote to abstain. Proxy votes are acceptable if circumstances prevent a member from being physically present for the vote, provided the member reviewed the materials and participated in the committee deliberations. A member who has not reviewed the submitted materials or fully participated in committee discussion about an applicant cannot vote on the recommendation of that applicant. It is the responsibility of the committee chair to ascertain from each member whether they have each member has fully participated in the committee discussions and review of each candidate to be eligible to vote. The chair will make an announcement to the committee and take note of who is eligible to vote. A quorum must be present for a vote to take place, and a minimum of 4 members must 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 did not vote should not sign the letter. In

**Commented [JF2]:** To address math/stats concerns about how to determine eligibility. Each member determines their own eligibility to vote; the chair is responsible for keeping track of who declares themselves eligible or ineligible and announces it to the committee.

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. When a negative recommendation is made, the applicant shall be informed, in writing, of the right to request a formal reconsideration.

### 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. Material that is inconsistent with the department/school or college guidelines may not be considered. If material not submitted by the applicant is considered, the applicant must be notified of this material in writing with copies to the RPT committee.~~

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 the receipt of the recommendations from the department/school committee and the department chair/school director, 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. Material that is inconsistent with the department/school or college guidelines may not be considered. If material not submitted by the applicant is considered, the applicant must be notified of this material in writing with copies to the previous levels of review.~~ 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

**Commented [JF3]:** This is a significant change that is unacceptable to the deans and provost.

**Commented [JF4]:** Should this section remain as an addition to the Handbook, or is it better to leave it out?

**Commented [JF5]:** This is a significant change that is unacceptable to the deans and provost.

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.

**Commented [JF6]:** This is a significant change that is unacceptable to the deans and provost.

### 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; and~~
- At least 12 months before the expiration of an appointment ~~after two or more years of service at the University.~~

~~After consultation of department/school faculty, the chair/director, and the dean, the Provost may choose to extend an additional terminal year contract upon notice of non-reappointment.~~

**Commented [JF7]:** Unnecessary as we don't do review before the second academic year.

### 3.2.13- WITHDRAWAL OF APPLICATION

~~After receiving a negative recommendation from the RPT committee, the applicant may elect within three business days to withdraw the application and terminate the RPT process. If the process is terminated in a non-mandatory year for tenure and promotion or during promotion to full professor, there is no prejudice for future applications. If the application is withdrawn and the process is terminated in a mandatory year for promotion and tenure, normally the sixth year, the contract terminates the following May without a terminal year contract. If the faculty member fails to initiate the request for RPT, the contract will terminate the following May without a terminal contract.~~

**Commented [JF8]:** A terminal year contract is automatic at NKU, that is, notice of non-reappointment occurs by December 15, but the contract doesn't expire until May of the year following to give time to find another academic appointment. For instance, if a person was denied reappointment this academic year, they were notified by Dec 15, and they would have next year (2020-2021) to find another job. This statement has been interpreted to give the option to the provost of one additional year.

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### 3.2.14 FORMAL RECONSIDERATION AND ~~APPEAL~~ GRIEVANCE

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.

**Commented [JF9]:** A question was raised about what happens when the application for promotion and tenure is withdrawn. Specifically, if a faculty member withdraws the application in October because of a committee denial, should they have an additional year? 3.2.12 is necessary to protect the faculty member because of the relatively late notice, but that is not the case here.

**Commented [JF10]:** I assume that this is referring to the grievance process as we don't really have an "appeal" process.

In order to exercise this right, the affected applicant must request the reconsideration in writing within ten University working days of receipt of notification of the negative recommendation. The request and any additional materials should be sent 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/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. The department/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 and all participants of previous levels of review 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 along with the dossier 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.

In the event of a reconsideration by the RPT committee, 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-greivance](#) must be initiated by the applicant within 15 university working days from receipt of the provost's notice.

#### ~~3.2.14.12-14.~~ WITHDRAWAL OF [APPEAL-FORMAL RECONSIDERATION](#)

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

#### ~~3.2.14.22-15.~~ 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.

**Commented [JF11]:** We don't seem to have an "appeal" process. There is formal reconsideration up to the level of Provost. A grievance applies if the Provost recommends against tenure and/or promotion.



### 7.3. POLICIES AND PROCEDURES

The policies and procedures for faculty presented in this Handbook apply to librarians as modified in this Section 7. Effective performance on the job replaces the teaching effectiveness category. The Steely Library and Chase Law Library are considered to be departments with regard to implementation of the reappointment, promotion, and tenure process. The ~~director~~ [dean](#) of the Steely Library serves as department chair [for purposes of RPT](#). The ~~director-dean~~ of the Steely Library will forward reappointment, promotion, and tenure recommendations to the provost. The director of Chase Law Library serves in the functions of department chair and reports to the dean of the College of Law.