

**FACULTY SENATE MEETING
MONDAY, NOVEMBER 22, 1999
3:00 P.M.
UNIVERSITY CENTER BALLROOM**

**Call to Order
Adoption of Agenda
Approval of Minutes: October Meeting**

I. Guest Report	Sarah Sidebottom, NKU Legal Services
Disability Services Update	
Sexual Harassment Policy Change	VOTING ITEM

II. President's Report	Gaut Ragsdale
Equity	
Vote Requirement	VOTING ITEM

III. Officers' Reports	
Vice President	Carole Bredemeyer
Secretary	Ted Weiss
Parliamentarian	Rebecca Kelm

IV. Regent Report	Barry Andersen
--------------------------	-----------------------

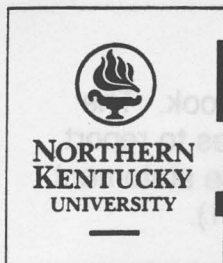
V. Committee Reports	
Budget & Commonwealth Affairs	Dave Agard
Budget Priorities Proposal	VOTING ITEM

Benefits	Jeff Smith
-----------------	-------------------

Curriculum	Linda Olasov
Entrepreneurship Program	VOTING ITEM

Professional Concerns	Chuck Frank
Post-Tenure Review Proposal	VOTING ITEM

Adjournment



Faculty Senate

HIGHLAND HEIGHTS KY 41099 606-572-6400

Faculty Senate Meeting

November 22, 1999

Senators Present: (as per sign-up sheet) D. Agard, R. Brautigan, C. Bredemeyer, J. Churchill, G. Clayton, A. England, L. Ebersole, P. Fairbanks, C. Frank, P. Goddard, C. Hewan, W. Hicks, R. Holt, M. Huelsmann, R. Kelm, L. Noyd, P. McCartney, R. McNeil, B. Mittal, L. Olasov, G. Ragsdale, J. Roeder, Carol Ryan, J. Smith, M. Stavsky, J. Thomas, T. Weiss, S. Zachary.

Senators Absent: Y. Datta, G.S. Grout, R. Kempton, M. Roszmann-Millican, C. Sheng, B. Thiel, S. Weiss.

Guests: Barbara Holland Mary Huening, Paul Reichardt, Barry Andersen, Mary Ryan, Rebecca White, Rogers Redding, Mary __ (illegible).

President Ragsdale opened the meeting at 3:04 pm by noting that this was the anniversary of JFK's assassination, a day that will be remembered by all above a certain age. Gaut, for example, remembered delivering papers as a seventh grader on that day; other more elderly senators also commented on their recollections.

The agenda was approved as distributed.

Two changes were made to the October minutes: 1) Joy Churchill was present 2) to the section describing the discussion of the BOS program the following was added after "associates degree" (line nine) "but do possess a 24 semester hour technical focus area was asserted. It was indicated that full admission to the program would require completion of such a focus area." After....

The minutes were accepted with these corrections.

Sara Sidebottom, University Counsel then addressed two issues:

1. On disability services: The University has a legal obligation to make reasonable adjustments for student with disabilities, if requested. If a student makes such a request of a faculty member, the student should be directed to the disability services office, BEP 209. All requests for accommodations shall be reviewed and approved by Dale Adams, the University representative in this area. Parents of students do not enter into the process unless the student is under 18. Ms. Sidebottom asked Senators to share this policy with colleagues.
2. On sexual harassment: as a result of a recent court decision, two changes need to

be made in the sexual harassment policy found in the NKU Student Handbook. The Senate was asked to endorse the changes relating to (1) alternative places to report charges of sexual harassment (p. 2 of the circulated document) and (2) the statement that sexual harassment needs to be severe, persistent or pervasive (p. 1).

Ray McNeil then offered an amendment to the Student Handbook relating to this issue. President Ragsdale ruled this out of order. Ray then asked that his amendment be considered by the Professional Concerns Committee for possible inclusion in the Student Handbook. This also was ruled out of order. The chair's ruling was then challenged by Senator McNeil. The chair's ruling was upheld by voice vote.

The motion initially brought by the Executive Committee to endorse changes in the Sexual Harassment Policy of the Student Handbook as put forward by Counsel Sidebottom was passed with one dissenting vote.

Faculty Regent Report: Regent Andersen reported that the Regents had a pleasant bus trip to Maysville Community College for their meeting. His news included:

1. Sandy Easton has been awarded emeritus status
2. The Provost's title has been changed from "Executive Vice President and Provost" to "Vice President for Academic Affairs and Provost."
3. At the NKU Foundation's Awards Banquet several substantial gifts from the community have been made, and matched by the state.

President Ragsdale's report:

Peg Goodrich is back in the Senate Office. Gaut expressed thanks for the great support the Senate received from the Provost's office during Peg's absence.

A report will be made at the December meeting by President Votruba concerning relations with Frankfort.

Equity monies (\$116,000) have been distributed to 63 faculty. Gaut noted that there was considerable faculty involvement in determining the distribution of this money.

It is the goal of most if not all task forces to cycle out of business by this academic year.

2/3 vote vote.

Gaut then moved to the voting item concerning votes for curriculum based programs. The resolutions (on a pink sheet) differed from the ones distributed earlier in that references to the Curriculum Committee were omitted. The present resolutions read: Resolved, That the vote required in the Faculty Senate to adopt curriculum-based programs is a two-thirds vote of those present and voting; and Resolved, That the vote

required in the Faculty Senate to adopt amendments and revisions to the General Studies Program is a two-thirds vote of those present and voting.

The vote on these resolutions required a 2/3 majority. Resolutions carried, two abstentions, none opposed. These resolutions will be attached at the end of the constitution.

Other reports:

Carol Bredemeyer (VP). Report on the COSFL meeting on Nov. 6: most of the meeting was spent talking with the faculty representative on CPE about the upcoming budget, which turned out to be very favorable to NKU. The representative also mentioned that Kentucky is unique in the amount of flexibility individual campuses have to use their state funding. COSFL's January meeting will probably include passing a resolution in support of the CPE budget.

Dave Agard (Budget). The prioritized list of budget recommendations was presented. This list was approved without objection.

Jeff Smith (Benefits): The Committee has sent its recommendations for Sabbaticals, Project Grants, and Summer fellowships to the Provost.

Jeff also noted that there was still some uncertainty as to how the Benefits committee interfaces with the Faculty Task Force..

Linda Olasov (Curriculum). The UCC presented a minor from the College of Business, the Entrepreneurship Minor, with its concomitant courses. The program was approved with no negative votes (2/3 vote was needed for passage).

Linda then noted that UCC information will be found on the committee web site (<http://www.nku.edu/~ucc/>) rather than on paper copies.

The UCC is also undertaking a review of intersession courses to see if stated criteria for intersession are being met.

Web site courses or "Web Enhanced" courses will be reviewed.

The UCC is considering ways to make our catalog even more user friendly.

Chuck Frank (Professional Concerns): Two resolutions, one on evolution and another on intellectual property will be coming to the December Senate meeting.

Chuck then introduced the committee's Post Tenure Review document. He pointed out that the policy was a result of more than a year's work in committee and had originally been developed as a response to what appeared to be a possible draconian

proposal on the issue from the state legislature. He said the present document was to take a remedial rather than a punitive approach to the problem. In response to questions from the floor Chuck stated that our policy was modeled to some extent after the policy of the A&S college at UK; at U of L all faculty are reviewed after five years; and that a post-tenure policy was imposed in Georgia.

Discussion followed. Ana England thought the document needed a "stronger nod" to academic freedom, and to that end offered a friendly amendment, accepted by Chuck Frank. The amendment, which would add a sentence after the first sentence of the second paragraph of section "B" (page 2):

" The Intention of post tenure review is not to abridge our long-standing tradition and practice of academic freedom as stated in Part Two, Article I, Section C III of the Faculty Policies and Procedures Handbook but, rather, to strengthen the responsibility of faculty to effectively perform their job duties. "

Ray McNeil then moved a friendly amendment (accepted) to the second sentence of Section E1 and to the second sentence of Section E.4a: **" ...must be tenured faculty, excluding the department chair, "**

Phil McCartney then proposed an amendment to the document page 7 paragraph 2 to replace "will consider pursuing" with " will pursue." Phil argued that this would make the policy stronger and would assure that termination for cause will actually be used. Others argued that some flexibility needed to be retained. Jim Thomas offered a friendly amendment to the amendment adding **"normally will pursue...."** This was accepted by Senator McCartney. The vote on the amendment (by voice) was judged to have failed; however, this was challenged, and a hand vote on the amendment resulted in the amendment passing 15 to 10.

Debate then continued on the main document. Marty Huelsman question why we are under any compulsion to pass such a policy; the general response was that the document was promised to the legislature and is seen as a more faculty-friendly document than something that might be imposed.

Jim Thomas moved, Ban Mital second, that page 3 paragraph 2, first sentence be changed to read **...performance to be unsatisfactory relative to expectations that have been in effect for at least one year.** This amendment failed by voice vote.

A vote on the entire document was then taken: it carried with few audible nays.

The meeting then swiftly adjourned at 4:45 pm.

Respectfully submitted

Ted Weiss, Secretary

SEXUAL
HARASSMENT

VOTING ITEM: NKU Revised Sexual Harassment Policy

Section 10
Revised

Resolved, That the Faculty Senate ☒ endorses the changes in the Sexual Harassment Policy found in the NKU Student Handbook.

Note: See accompanying copy of fax from Sarah Sidebottom (Legal Services) to Gaut Ragsdale and copy of revised NKU Sexual Harassment Policy.

Passed

Faculty Senate Meeting--November 1999

*main motion expressed an
opinion on position
Section 10, p. 103*


→ moved By Chuck

Northern Kentucky University
Office of Legal Services

MEMORANDUM

November 9, 1999

TO: Gaut Ragsdale
President of Faculty Senate

FROM: Sara L. Sidebottom 
Legal Counsel

RE: Sexual Harassment Policy

The changes in the University's sexual harassment policy which I have previously discussed with the Professional Concerns Committee are necessitated by the finding of the Honorable Judge Coffman, U.S. District Court, Eastern District of Kentucky, that the University's current policy is overbroad. According to her opinion, this problem can be remedied by incorporating language into the policy which makes it clear that sexual harassment must be "severe and pervasive" before it violates federal law. Additionally, we have taken this opportunity to clarify to whom students may report sexual harassment. The vacancy created by the departure of Dr. Pomerantz drew attention to the advisability of providing alternative positions to whom reports can be made.

c: Chuck Frank

VII. Sexual Harassment Policy and Procedures

The University will not tolerate sexual harassment. In its policies and procedures the University seeks to deal effectively with the problem and to preserve the rights and privileges of all individuals involved in cases of alleged sexual harassment.

Definition of Sexual Harassment

Sexual harassment is defined as:

unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or (3) such conduct is sufficiently severe, persistent or pervasive to create an intimidating, hostile, or offensive working, living, or academic environment. To constitute sexual harassment, a sexually objectionable environment must be both objectively and subjectively offensive, one that a reasonable person would find hostile or abusive, and one that the victim in fact did perceive to be so under the circumstances.

judges order { This policy is intended to protect students from sexual harassment, not to regulate the content of speech. The University recognizes that the offensiveness of particular expression as perceived by some individuals, standing alone, is not necessarily a legally sufficient basis to establish a sexually hostile environment. Determining whether alleged conduct constitutes sexual harassment requires a review of the totality of the circumstances surrounding the allegations, such as the frequency of the conduct; its severity; and the context in which the alleged incident(s) occurred.

Sexual harassment is a form of sex discrimination and a violation of civil rights as covered under Title VII, 1964 Civil Rights Act, and Title IX, 1972 Educational Amendments. These federal acts protect the civil rights of employees and students in an educational institution. The University will treat such complaints seriously.

Procedure For Reporting Sexual Harassment

The overriding goal of this procedure is to provide a prompt, equitable, fair, and rights-preserving method of handling sexual harassment complaints. Those who file complaints of sexual harassment will be protected from retaliation.

The Assistant Vice President for Student Development or his/her designee will act as the initial contact for students who feel they have been sexually harassed. Additionally, the student may bypass the Assistant Vice President for Student Development and report incidents of sexual harassment directly to the Dean of Students, University Legal Counsel or the Special Assistant to the President for Affirmative Action and Multicultural Affairs. All records of the alleged sexual harassment will be maintained in confidential files in the Office of Student Development. During either the informal or formal procedures for reporting sexual harassment, other members of the university community may be informed of the specifics of a complaint on a need-to-know basis. Such persons may include but are not limited to University Legal Counsel, Special Assistant to the President for Affirmative Action and Multicultural Affairs, Dean of Students, department chair, or academic dean. An annual statistical report of sexual harassment complaints will be prepared by the Assistant Vice President for Student Development. The report will not include any information that identifies any person involved in an alleged sexual harassment incident.

A. Informal Process

1. A student who feels that he/she has been subject to sexual harassment is encouraged to report the incident(s) to the Assistant Vice President for Student Development or the student may bypass the Assistant Vice President for Student Development and report incidents of sexual harassment directly to the Dean of Students, University Legal Counsel or the Special Assistant to the President for Affirmative Action and Multicultural Affairs. The individual to whom the alleged harassment is reported will be responsible for guiding the student through the sexual harassment complaint process (see A.2). The informal procedure is the first step in filing a complaint. If possible, a counselor of the student's own gender will be provided at the student's request, but in any event counseling will be made available to the student.

*alternative
people
available*

The student should begin the informal process as promptly as possible after the alleged incident but normally no later than thirty (30) days after the incident or incidents. Whether this time limit should be extended shall be determined by the above listed University representative to whom the incident was reported.

2. The University representative to whom the incident is reported or other designated individual will assist the student in the following ways:
 - a. provide the student with an explanation of the University's internal sexual harassment policy and procedures and also inform the student that he/she may have other possible rights and remedies external to the University's procedures.

- b. obtain from the student information on the specific nature of the complaint and the evidence which he/she has for making the complaint.
- c. provide the student with information regarding the characteristics of sexual harassment and the standards for identifying whether sexual harassment has occurred.
- d. after consideration of the evidence and other information presented by the student, advise the student of all options available through internal grievance procedures, including procedures for reporting academic and non-academic complaints. If those other procedures to resolve the matter would be more appropriate the University representative to whom the incident is reported will so instruct the student.
- e. help the student articulate how the alleged sexual harassment has made him/her feel or how it has affected him/her academically, physically, or personally.
- f. assist the student to clarify the resolution sought. For example, the student may want the offensive conduct to stop, may wish an apology, may request a change in his/her instructional arrangement, or disciplinary action against the alleged harasser.

3. If the student wishes to proceed with his/her complaint, the Assistant Vice President for Student Development or the other above-listed University representative to whom the incident is reported will meet with the respondent (i.e., alleged harasser) to inform him/her about the complaint. The faculty or staff respondent has the option to request the presence of his/her immediate supervisor. The student respondent may request the presence of a representative from Student Government. The informational basis of this meeting will be the complainant's account of the event or events alleged to be sexual harassment, how this made him/her feel and the resolution sought. A written copy of the complaint will be made available to the respondent. The purpose of the meeting is:

- a. to inform the respondent of the details of the complaint.
- b. to provide the respondent an opportunity to respond to the allegations.
- c. to attempt to reach a resolution to the complaint.

4. If a resolution is obtained through the informal process, the Assistant Vice President for Student Development or other University representative to whom

the incident was reported will notify the student and facilitate the implementation of the resolution. When a resolution is accepted by both parties, the Office of Student Development or other University representative to whom the incident was reported will prepare a written statement of the resolution. A copy of this statement is available to both parties on request. Once implementation is complete, the file will be closed. Records will be maintained confidentially in the Office of Student Development.

5. The student must be notified in writing by certified mail if the Assistant Vice President for Student Development or other University representative to whom the incident was reported is unable to resolve the allegations of sexual harassment within ten (10) working days after the University representative's initial contact with the respondent.

B. Formal Process

1. If the informal process has not resolved the allegation of sexual harassment and the student wishes to proceed, he/she must file a formal, written complaint with the Special Assistant to the President for Affirmative Action and Multicultural Affairs. The student may bypass the Special Assistant to the President for Affirmative Action and Multicultural Affairs and file his/her formal complaint with the Vice President of Student Affairs of the University who will appoint an individual to serve as Affirmative Action Coordinator for purposes of implementing this procedure. The formal written complaint must be filed within ten (10) working days after the student has received written notification that the matter was not resolved in the informal process. Counseling and assistance from the Office of Student Development or other designated office will be available to the student throughout the formal process.
2. Upon receipt of the written complaint, the Affirmative Action Coordinator, a non-voting member of the hearing panel, will be responsible for:
 - a. counseling the complainant on whether the Sexual Harassment Grievance Process (as opposed to other available grievance processes) appears to be appropriate;
 - b. providing the respondent with a copy of the formal written complaint;
 - c. forming the three-member hearing panel from the pool of faculty and staff available for grievance reviews and from recommendations of students by Student Government, (one faculty member, one staff member, and one student);

- d. convening the hearing panel and selecting a chair;
- e. advising (along with Legal Counsel) the hearing panel of the characteristics of sexual harassment and of standards for identifying whether sexual harassment has occurred such as whether the conduct is sexual in nature; whether the conduct is sufficiently severe, persistent or pervasive to create a hostile environment; whether a reasonable person would find the environment hostile or abusive and whether the victim did in fact find the conduct hostile or abusive;
- f. scheduling the sessions of the hearing panel;
- g. calling and scheduling all witnesses requested by the hearing panel;
- h. assuring that a record of all proceedings is made;
- i. assuring that all deadlines and procedures are followed by the hearing panel;
- j. dismissing the panel at the conclusion of the hearing.

3. The hearing panel will:

- a. conduct the inquiry into the alleged sexual harassment incident(s) with the advice of the Special Assistant to the President for Affirmative Action and Multicultural Affairs or other designated individual;
- b. make a determination of whether the allegation(s) are true or false and whether they constitute sexual harassment;
- c. prepare a written statement, setting forth the determination and its basis. If the hearing panel determines that sexual harassment has occurred, it will make recommendations for resolution of the sexual harassment and sanctions, if any, against the respondent. Available sanctions include, but are not limited to, reprimand, suspension without pay, and termination of employment.

4. Within fifteen (15) days, the chair of the hearing panel will communicate the written statement on the determination to both parties (by certified mail) and to the respondent's vice president. In addition the Special Assistant to the President for Affirmative Action and Multicultural Affairs or other designated individual will forward the complete file to the respondent's vice president. For faculty respondents the appropriate vice president is the Provost and Vice

President for Academic Affairs; for staff, either the Vice President for Administrative Affairs or the Vice President for Student Affairs; for students, the Vice President for Student Affairs. The appropriate vice president is responsible for expeditiously implementing the recommendation and/or imposing the sanctions recommended by the hearing panel as is consistent with the exercise of good and sound judgment.

C. The Appeal Process

1. Either party may appeal an adverse determination or recommendation to the respondent's vice president. The appeal must be written, state the basis for the appeal, and must be filed within five (5) working days of receipt of the notification of the adverse determination or recommendation. A copy of the appeal will be sent to the Special Assistant to the President for Affirmative Action and Multicultural Affairs or other designated individual.
2. The Special Assistant to the President for Affirmative Action and Multicultural Affairs or other designated individual will inform all other parties that an appeal has been made.
3. The appropriate vice president will make his/her determination on the record. The decision of the hearing panel will be affirmed unless there is insufficient evidence on the record to support it.
4. The appropriate vice president will notify the parties involved of his/her determination within five (5) working days of the receipt of the appeal.

Residual Rights and Procedural Comments

The rights of either party to file a grievance under the *Faculty Handbook*, the *Personnel Policies and Procedures Manual*, or the *Student Handbook* shall not be impaired by using the Sexual Harassment Policy and Procedures.

Throughout the Formal and Informal Processes, the University officials involved are obligated to use their best efforts to explain the options available to the student. However, the University and its employees are in no way obligated to provide legal advice to the student.

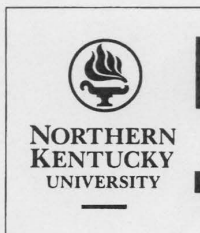
The student is responsible for deciding which option among available options to pursue.

Any student or other person who knowingly files a false complaint or who knowingly provides false information may be disciplined under the *Faculty Handbook*, the *Personnel Policies and Procedures Manual*, or the *Student Handbook*.

In the event the allegations are not substantiated, the University will take reasonable steps to restore the reputation of the respondent.

Once a formal sexual harassment complaint is resolved, the closed file will be maintained in the confidential records of the Legal Counsel for the University.

378284.02



Faculty Senate

HIGHLAND HEIGHTS KY 41099 606-572-6400

MEMORANDUM

TO: Rogers Redding
VP Academic Affairs & Provost
FR: Gaut Ragsdale *[Signature]*
Faculty Senate President
DA: December 6, 1999
RE: Faculty Senate Budget Priorities Recommendation Approved

A copy of the Faculty Senate's 2000-2001 Budget Priorities Recommendation is attached. These budget priorities were approved by the Faculty Senate at its November meeting. If you have questions or need more information about this matter please let me know.

Attachment

Budget *passed*
2000 - 2001 Budget Priorities Recommendation
(Approved by Faculty Senate Budget Committee: October 20, 1999)

The Budget and Commonwealth Affairs Committee of the Faculty Senate recommend the following items in order of priority for funding consideration.

1. We appreciate President Votruba's commitment to placing faculty and staff salary increases as a high priority for 2000-2001
 - a) We recommend a substantial salary pool increase for faculty and staff.
 - b) We recommend that a portion of this salary pool increase be separated to address equity issues with consideration of the spirit of Faculty Senate recommendations passed in prior years. We also recommend continued faculty involvement on this matter.
2. Provide a high quality benefits package including health, life, and dental insurance and the Wellness Program. The health insurance coverage should provide greater coverage, lower net cost to employees, and greater options with regard to selection of physicians and hospitals in Northern Kentucky and Greater Cincinnati area than the current package which we find very unsatisfactory.
3. Continue recent progress in increasing the number of full-time faculty and support staff in the academic departments and in the library to reduce the reliance on part-time faculty to levels recommended by SACS and other accrediting agencies. Such increases should be based on previous planning efforts that occurred at appropriate academic units.
4. Continue recent progress made in increasing the budgets of academic units to accommodate past gains in enrollment.
5. Continue recent progress in increasing the funding level for the NKU libraries to develop a core collection of books, periodicals, and electronic resources supporting teaching and research.
6. Substantially increase funding for Faculty Development Programs (i.e., summer fellowships, project grants, and sabbaticals) and programs and initiatives leading to improved teaching, improved teaching evaluation, and greater professional development in teaching as suggested in the 1997 report submitted to the Faculty Senate by the Student Evaluation Task Force.
7. Provide funds to extend the faculty/staff tuition waiver to include immediate family members of faculty/staff. We recommend initiating this process by providing a 50% discount in undergraduate tuition for family members of faculty/staff and continue to increase the discount toward 100%.
8. Continue funding for upgrading and maintaining appropriate technology for faculty and staff.

X. POST-TENURE REVIEW

A. PREAMBLE

Northern Kentucky University has two major procedures in place for the thorough review of faculty productivity both before and after the granting of tenure. All tenure-track faculty members, both tenured and untenured, undergo a comprehensive annual performance review conducted by each individual's department chairperson. That performance review includes an evaluation of the contributions of each faculty member in the areas of teaching effectiveness, scholarly and creative activity, and institutional and public service. This review forms a basis for the individual's performance goals and recommended salary for the following year. The annual performance review is an important means by which faculty members at Northern Kentucky University are held accountable for their efforts in fulfilling the missions of the University, the goals of their department, and their professional responsibilities.

The process of granting tenure includes additional careful annual reviews of untenured faculty. This culminates in an evaluation of the faculty member's performance as documented in a portfolio covering a period of up to six years. This tenure process includes evaluation of the faculty member's productivity by a series of evaluators including a departmental committee of tenured faculty, the department chairperson, the dean, and the University Provost, with final approval by the Board of Regents. Each faculty member who is granted tenure should in turn understand that with tenure comes a profound professional responsibility: the obligation to devote one's energies to fulfill the teaching, research, and service missions of the academy. The long-term best interest of the University must be foremost in the minds of its tenured faculty.

Post-tenure review at Northern Kentucky University is a natural extension of our system of annual assessment of faculty productivity. This policy for implementing post-tenure review is modeled after the policy used by the College of Arts and Sciences at the University of Kentucky, but it is tailored to correspond to the mission statement and unique circumstances of this University.

It is the intention of this policy that post-tenure review should function in concert with, and as a possible consequence of, the current system of evaluation of faculty performance. Structured properly, post-tenure review can take place without undermining the concept and practice of tenure, without stifling faculty creativity, and without leading to increased bureaucracy.

B. STATEMENT OF PURPOSE AND PRINCIPLES

The goal of this system of post-tenure review is to provide appropriate intervention, useful feedback, timely and affirmative assistance, and effective evaluation for tenured faculty members to ensure that they continue to experience professional development and accomplishment during the various phases of their careers.

This system and its implementation must be compatible with the concepts of academic freedom and tenure which are essential to the University and its mission. The intention of post-tenure review is not to abridge our long standing tradition and practice of academic freedom as stated in Part Two, Article III of the Faculty Policy and Procedures Handbook but, rather to strengthen the responsibility of faculty to effectively perform their job duties. There is a presumption of competence on the part of each tenured faculty member as established by the rigorous process through which tenure is granted. Post-tenure review must conform to fair and reasonable expectations as recognized by faculty peers in each department or program. The process is to be conducted in a manner free of arbitrary, capricious, or discriminatory elements.

This post-tenure review system focuses on those tenured faculty who are judged by the department chairperson or program director to fall repeatedly below the standard for adequate performance established by the statement of expectations for that unit. It is thus intended for selected faculty and not as a new requirement for all tenured faculty members. The system is thus a supplement to, but not a replacement for, the annual performance review process.

Post-tenure review, as embodied in this policy, involves issues of faculty performance only. It does not directly address matters of professional misconduct. Standards of conduct and the obligations and responsibilities of faculty to students, colleagues, the University, and the community are stated in various University policies, many of which are included in Part Two of this Handbook. It is those specific policies that provide the procedures for resolving allegations of misconduct and the sanctions for violations.

C. DEFINITIONS

1. *Post-tenure review* is an extension of the performance review system in which a committee of peers (the P-TR committee, defined below) reviews and evaluates the performance of a selected faculty member and, when appropriate, creates a professional development plan in consultation with the faculty member and his or her department chairperson. When such a plan is established, the committee will monitor its implementation and ultimately make a determination as to whether the objectives of the plan have been met.
2. A *post-tenure review* (hereinafter, P-TR) *committee* consists of three tenured faculty members, chosen as set forth below, who are charged with carrying out the responsibilities of the P-TR committee specified in this policy.

D. INITIATION OF THE POST-TENURE REVIEW PROCESS

1. Each department or program will develop a narrative statement of expectations for adequate performance by tenured faculty that will form the basis for annual performance reviews and for post-tenure review. Such statements will be consistent with the criteria for performance review specified in Section IX.B. of

the Faculty Policies and Procedures Handbook and will be as specific as possible without unduly restricting the diverse contributions of individual faculty. Each statement and revisions thereof must be approved by a majority of the tenure-track faculty in the department and will be reviewed by the dean and the Provost to assure it is consistent with college and University expectations for faculty performance and with the established missions of the college and the University.

2. Post-tenure review will be triggered by the second annual performance evaluation of a tenured faculty member, by his or her chairperson, that judges the faculty member's overall performance to be unsatisfactory. These unsatisfactory evaluations must be for two consecutive years, exclusive of leaves and exclusive of years with greater than 50% administrative reassigned time. Reassigned time for research or faculty development would not exclude faculty members from the process.
3. If the faculty member decides to pursue appeal of his or her most recent performance evaluation as outlined in Section IX.D. of the Faculty Policies and Procedures Handbook, the remainder of this procedure will be delayed until the appeal process has been completed.

E. CREATION OF A POST-TENURE REVIEW COMMITTEE

1. At the beginning of every academic year the tenured faculty in each department will elect a P-TR committee consisting of three members and one alternate member. Members and alternates must be tenured faculty, excluding the department chair, who belong to the department and who are willing and able to carry out the responsibilities of the P-TR committee specified in this policy.
2. If the department has fewer than four tenured faculty members who meet these requirements, then tenured faculty from the college to which the department belongs may be elected to fill out P-TR committee membership. Such members or alternates must also be willing and able to carry out the responsibilities of the P-TR committee. In choosing such members or alternates, consideration shall be given to teaching faculty in related departments.
3. The members of the P-TR committee will meet as soon as is practical to elect a chair. Should the P-TR process be initiated within the department, the chair will convene the P-TR committee to begin the review process. If one of the members of the committee is the faculty member to be reviewed, the alternate will serve on the committee in place of that faculty member.
4. A college may choose to establish a college-wide P-TR committee to replace the departmental committees previously specified if such action is approved by a majority of the tenured faculty in each department that belongs to the college.
 - a. At the beginning of every academic year the tenured faculty in each department of the college(s) choosing this option will elect one member and one alternate to serve on the college-wide P-TR committee. These departmental representatives must be tenured faculty, excluding the department chair, who belong to the department and who are willing and able to carry out the responsibilities of the P-TR committee specified in this policy. If a department has fewer than two tenured faculty members who meet these requirements, then tenured faculty from the college who are willing and able to carry out the responsibilities of the P-TR committee may be elected to represent the department.
 - b. The members of the college-wide P-TR committee will meet as soon as is practical to elect a chair. Should the P-TR process be initiated within the college, the chair will convene the P-TR committee to begin the review process. If the member from a particular department is the faculty member to be reviewed, the alternate for that department will serve on the committee in place of the faculty member. The college-wide committee will then elect a subcommittee of three members to carry out the responsibilities of the P-TR committee with respect to the case before it.

5. Once a P-TR committee begins consideration of a particular case, it is expected that members will serve on that case until it is resolved.

F. THE REVIEW PROCESS

1. The department chairperson will send a letter to the faculty member and to the chair of the appropriate P-TR committee. This letter must be delivered within one week (5 working days) of the completion of the individual's performance review but no later than April 1. The letter will state that the faculty member has received a second annual evaluation of unsatisfactory overall performance and direct the P-TR committee chair to begin the post-tenure review process.
2. The department chairperson will provide the P-TR committee with the respondent's annual performance review materials from the two most recent reviews, including the chairperson's own evaluation letters. The respondent will have two weeks (10 working days) from the receipt of the chairperson's initiating letter to submit additional materials to the P-TR committee. The P-TR committee will normally have three weeks (15 working days) to review the materials. These periods may be extended in special circumstances (spring break, need to gather substantial supporting documents from abroad, etc.). However, the review should normally be completed by the end of the spring semester. Upon reaching its decision, the P-TR committee will notify the chairperson and the respondent in writing of its decision that either:
 - a. the respondent has, during the past two years, met the reasonable expectations for faculty performance as identified by the department; in this case, the post-tenure review process ends. Any new post-tenure review action by the department chairperson or the P-TR committee would need to be based on a non-overlapping two-year period.
 - OR
 - b. the committee finds minor performance deficiencies and will meet with the respondent to discuss these difficulties and offer advice or assistance. Again, any future action would need to be based on a non-overlapping two-year period.
 - OR
 - c. the committee finds major performance deficiencies based on the department's statement of expectations for satisfactory performance and will meet with the respondent and the department chairperson to create a professional development plan to assist the faculty member in achieving the standards for satisfactory performance.
3. In the case of (c) above, the P-TR committee will notify the college dean of its intention to create a development plan. The committee will then meet with the faculty member and the chairperson to formulate this plan.

The plan must identify specific deficiencies, define specific goals, outline activities to be undertaken to achieve the goals, set time lines for achieving these goals, indicate criteria and standards for annual progress reviews during the review period, and identify sources of funding necessary for the successful completion of the plan. This plan will be set forth in writing, with copies provided to the faculty member and department chairperson.

The P-TR committee will consult regularly with the faculty member during the implementation period, which will be determined by the committee but will normally be no more than two years. The development plan shall be flexible and may need adjustment during the implementation period.

Plan development will normally be completed by October 15. Plan implementation will begin no later than January 1 of the following calendar year.

4. In the event that the faculty member disagrees with the development plan established by the P-TR committee, he or she may appeal to the peer review committees using the procedures set forth in Section XIV., Grievances, of the Faculty Policies and Procedures Handbook. In order to exercise this right, the appellant must make his or her written request to the Provost, with a copy to the P-TR committee, within ten (10) University working days of receipt of the plan from the committee. The appellant must follow all procedures set forth in Section XIV. The appellant may withdraw such appeal at any time by request in writing; in such event, no further action may be taken concerning the appeal.
5. During the implementation period, the faculty member will continue to undergo regular annual performance evaluation by the department chairperson, who will apprise the P-TR committee of his or her assessment of the individual's progress. The faculty member's progress in achieving the goals of the plan may be used in her or his annual performance statement.
6. At the end of the implementation period, the faculty member will prepare and submit a written report documenting his or her progress in completing the development plan.

The P-TR committee will then meet formally to determine whether the faculty member has satisfactorily completed the development plan. The decision of the committee will be in writing, with the reason(s) for its decision clearly stated. The committee's decision and justification will be delivered to the faculty member, who will have up to two weeks (10 working days) to prepare and submit a written response to the committee if he or she chooses to do so. The committee will then deliver copies of the decision, justification, and the faculty member's response (if submitted) to the department chairperson and college dean.

If the P-TR committee determines that the faculty member has successfully completed the development plan, the post-tenure review process ends. Any new post-tenure review action by the department chairperson or the P-TR committee would need to be based on a non-overlapping two-year period.

If the P-TR committee determines that the plan has not been satisfactorily carried out, the University normally will pursue termination for cause as set forth in Section X.J. of the Faculty Policies and Procedures Handbook.

G. PROCESS REVIEW

Upon completion of every post-tenure review process, a brief written commentary on the process will be submitted to the President of the Faculty Senate by (a) the individual being reviewed, (b) the P-TR committee for that case, and (c) the department chairperson. These comments shall address the policy itself and shall discuss how the policy did and did not work. The statements will be kept confidential by the Faculty Senate President for review by the Professional Concerns Committee.



**NORTHERN
KENTUCKY
UNIVERSITY**

Office of the President
(606) 572-5123
FAX: (606) 572-6696

February 16, 2000

Dr. Rogers Redding
Interim Executive Vice President
and Provost
AC 812

Dear Dr. Redding:

The Northern Kentucky University Board of Regents, at its regularly scheduled meeting on January 26, 2000, approved the recommendation to make amendments to the Faculty Policies and Procedures Handbook regarding Post-Tenure Review, Appropriate Terminal Degrees for Faculty, and the Intellectual Property Policy.

Sincerely,

James C. Votruba
President

ag

c: Gaut Ragsdale

Nunn Drive
Highland Heights, Kentucky 41099

Northern Kentucky University is an equal opportunity institution.

Voting Item

Resolved, That the vote required to adopt a new, curriculum-based program (non-General Studies *change* program) is a two-thirds vote (present and voting) of the University Curriculum Committee; and,

Resolved, That the vote required to adopt a new, curriculum-based program (non General Studies program) is a two-thirds vote (present and voting) of the Faculty Senate.

Rationale

The Faculty Senate has been inconsistent in the vote requirement it uses to adopt new programs. For example, available evidence suggests the Bachelor of Organizational Studies program was adopted by a majority vote in 1990, but the Master's of Computer Science was adopted by a two-thirds vote last year??? and the vote requirement applied to the Popular Culture Minor proposal this year was two-thirds. The Curriculum Committee's Bylaws are silent on the vote requirement for new programs. The same is true for Senate Bylaws. The oral tradition of the Senate suggests a two-thirds vote is required to adopt new programs. Confusion over this issue can be eliminated by establishing a Faculty Senate standing rule that sets the vote requirement for new programs. (If the proposed resolutions are not adopted, the vote requirement for the adoption of new, non-general studies programs will be a majority vote (more than half)).

Executive Committee Recommendation Supports Opposes, No Position

excitation

BOS
→ *Technical*
Computer Science
Popular

ACC
also more
tradition