

## Proposal to Amend WKU Faculty Handbook

*Editorial revisions include updates to the organizational structure, web addresses and names/titles, as well as other similar non-substantive changes.*

Section(s) to be amended: **IV.C. Non-Continuance or Negative Tenure Recommendations**

Corresponding page number(s): 40-41

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1. Type of Change:

- Editorial (non-substantive)
- Substantive

*Editorial revisions include updates to the organizational structure, web addresses and names/titles, as well as other similar non-substantive changes.*

- Addition: Where possible, identify the section of the handbook to which addition is proposed:
- Deletion: Identify the section of the handbook from which deletion is proposed:
- Revision: Identify the section of the handbook to which revision is proposed:

2. Proposals should be made in the form of text intended as an addition to or a replacement of, in whole or in part, some current section of the Faculty Handbook.

### Current:

#### **IV.C. Non-Continuance or Negative Tenure Recommendations:**

Each appointment of a faculty member during the probationary period continues only for the limited term specified in the appointment document. There is no obligation to appoint for another such term. Each such appointment terminates without further action on the expiration date specified in the appropriate document, unless renewed.

**IV.C.1. Non-Continuance or Negative Tenure Recommendations:** If a recommendation is made for non-continuance of a probationary faculty member or for denial of tenure for a faculty member upon completion of the probationary period, the President shall provide the affected faculty member official written notice of the recommendation:

- By March 1 of the first year of appointment;
- By October 15 of the second year of appointment and thereafter (per section IV.B.3.a.);
- By March 1 of the faculty member's tenure review year (per section IV.B.3.b.).

The University is not obligated to furnish a statement of reasons for not recommending reappointment of a faculty member for another term during the probationary period. It is the policy of the University that, upon request of the faculty member, the department head, the dean of the college and the Provost will arrange a conference with

the faculty member to discuss informally the circumstance surrounding the non-reappointment. If this conference fails to satisfy the faculty member, the President will have a related conference with the faculty member upon request. However, written reasons for a negative tenure decision will be furnished if the faculty member requests them in writing.

**IV.C.2. Faculty Complaint:** If a tenure-eligible faculty member has received official notice of a recommendation not to reappoint or a recommendation not to grant tenure and the faculty member has factual information as grounds upon which it is claimed that the decision not to recommend reappointment or tenure was arbitrary or capricious, violated standards of academic freedom, or was based on considerations that violate constitutionally protected rights or interests (e.g., consideration of race, sex, national origin, exercise of free speech, association, etc.), a complaint may be filed with the department head or office to which the faculty member is assigned. Copies of the complaint are to be sent to the college dean, the Provost, and the President.

The complaint shall be in writing and be filed within thirty (30) days after receipt of official notice from the President. It shall be accompanied by a written, signed statement that the faculty member agrees that the University representatives who made the recommendation not to reappoint or not to grant tenure may present information in support of the decision for the purpose of confidential consideration by members of the Advisory Committee on Faculty Continuance, Promotion and Tenure in the event the complaint is referred to it.

The University appeals process must continue even if outside legal action is undertaken by the faculty member appealing the tenure decision.

## Revision:

### IV.C. Non-Continuance or Negative Tenure Recommendations:

Each appointment of a faculty member during the probationary period continues only for the limited term specified in the appointment document. There is no obligation to appoint for another such term. Each such appointment terminates without further action on the expiration date specified in the appropriate document, unless renewed.

~~The University is not obligated to furnish a statement of reasons for not recommending reappointment of a faculty member for another term during the probationary period. It is the policy of the University that, Upon request of the faculty member, the department head, the dean of the college, and the Provost will arrange a conference with the faculty member to discuss informally the circumstance surrounding the non-reappointment non-continuance or negative tenure decision. If this conference fails to satisfy the faculty member, the President will have a related conference with the faculty member upon request. However, written reasons for a negative tenure decision will be furnished if the faculty member requests them in writing.~~ (see Section V. of the Faculty Handbook).

**IV.C.1. Non-Continuance or Negative Tenure Recommendations:** If a recommendation is made for non-continuance of a probationary faculty member or for denial of tenure for a faculty member upon completion of the probationary period, the President shall provide the affected faculty member official written notice of the recommendation:

- By March 1 of the first year of appointment **for non-continuance**;
- By October 15 of the second year of appointment and thereafter **for non-continuance** (per section IV.B.3.a.);
- By March 1 of the faculty member's tenure review year **for tenure** (per section IV.B.3.b.).

~~If a tenure-eligible faculty member has received official notice of a recommendation not to reappoint or a recommendation not to grant tenure and the faculty member has factual information as grounds upon which it is claimed that the decision not to recommend reappointment or tenure~~ If a faculty member's continuance or tenure is not recommended to the Board of Regents and they believe that the decision was arbitrary or capricious, violated standards of academic freedom, or was based on considerations that violate protected rights or interests (e.g., consideration of race, sex, national origin, exercise of free speech, association, etc.), **the faculty member may file a complaint** ~~a complaint may be filed with the department head or office to which the faculty member is assigned. Copies of the complaint are to be sent to the college dean, the Provost, and the President,~~ **as described in Section V. of this Handbook.** The complaint shall be in writing and be filed within thirty (30) days after receipt of official notice

from the President.

The University is not obligated to furnish a statement of reasons for not recommending reappointment of a faculty member for another term during the probationary period. It is the policy of the University that, upon request of the faculty member, the department head, the dean of the college and the Provost will arrange a conference with the faculty member to discuss informally the circumstance surrounding the non reappointment. If this conference fails to satisfy the faculty member, the President will have a related conference with the faculty member upon request. However, written reasons for a negative tenure decision will be furnished if the faculty member requests them in writing.

**IV.C.2. Faculty Complaint:** If a tenure eligible faculty member has received official notice of a recommendation not to reappoint or a recommendation not to grant tenure and the faculty member has factual information as grounds upon which it is claimed that the decision not to recommend reappointment or tenure was arbitrary or capricious, violated standards of academic freedom, or was based on considerations that violate constitutionally protected rights or interests (e.g., consideration of race, sex, national origin, exercise of free speech, association, etc.), a complaint may be filed with the department head or office to which the faculty member is assigned. Copies of the complaint are to be sent to the college dean, the Provost, and the President.

The complaint shall be in writing and be filed within thirty (30) days after receipt of official notice from the President. It shall be accompanied by a written, signed statement that the faculty member agrees that the University representatives who made the recommendation not to reappoint or not to grant tenure may present information in support of the decision for the purpose of confidential consideration by members of the Advisory Committee on Faculty Continuance, Promotion and Tenure in the event the complaint is referred to it.

The University appeals process must continue even if outside legal action is undertaken by the faculty member appealing the tenure decision.

#### **Rationale for amendment:**

1. Moved [blue highlight] section on the ability to request an informal meeting with the department head, dean, and Provost from IV.C.1. to IV.C. (Section on ability to get written explanation of decisions moved to V. Process for Faculty Complaint – see proposed Handbook Revision V.)
2. Added summary of option to file complaint that refers to V. Process for Faculty Complaint, where the process is described in detail. Language parallel to that found in III. Faculty Promotion.
3. Moved content from IV.C.2. Faculty Complaint to V. Process for Faculty Complaint (see proposed Handbook Revision V.)