



# **Eastern Kentucky University**

## **Policy and Regulation Library**

Academic Regulation: 4.6.5ACR

Responsible Office(s): Office of the Provost

Effective: February 22, 2019

Next Review Date: Spring 2030

## **Academic Regulation: 4.6.5ACR**

### **Evaluation of Non-Tenured Tenure-Track Faculty**

#### **Statement**

Eastern Kentucky University, as a matter of principle, complies with the American Association of University Professors (AAUP) 1989 “Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments” and the AAUP and the Association of American Colleges and Universities “1940 Statement of Principles on Academic Freedom and Tenure.” These AAUP statements address policy and procedural expectations for a wide variety of institutions of higher education. With these statements in mind, EKU has established criteria and processes by which tenure-track faculty will be evaluated. EKU’s policy ensures that processes are clearly articulated and published and are available to all persons in the university community.

EKU’s policy for evaluation of non-tenured tenure-track faculty respects the uniqueness of disciplines within the University and provides for appropriate professional flexibility at College and Department levels.

#### **Entities Affected**

- College and University-level Administrators
- Departments
- Non-Tenured Tenure-Track Faculty
- Provost

#### **Principles**

1. The Department shall have the primary responsibility for evaluating non-tenured tenure-track faculty. Throughout the evaluation process, Department evaluations shall be given weight which appropriately reflects this responsibility.
2. The recommendations in the decision-making process shall be based on documented and verifiable evidence and the review process shall be transparent.

3. Throughout the process, the principle of confidentiality shall be respected.
4. Review processes at each level shall include appropriate evaluations of performance in teaching, scholarship, and service. These evaluations shall become part of the individual evaluation file.
5. Review processes at each level shall be limited to professionally relevant considerations and shall include documented evidence of performance from the faculty member, students, other faculty, and College- and University-level administrators. The documented evidence shall be part of the individual evaluation dossier.
6. The justification for or against reappointment shall be clearly stated in writing and maintained in the faculty member's evaluation dossier at every step in the process.
7. The Department and College procedures not determined by Policy 4.6.5P, Evaluation of Non-Tenured Tenure- Track Faculty, shall be developed and approved by tenure-track faculty comprising these units. Such procedures shall be made available to the faculty in these units.

## Criteria

Faculty shall be evaluated annually. Recommendations and decisions for reappointment shall be based on the evaluation of performance in teaching, scholarly/creative activities, and service. In reviewing all three areas, collegiality shall be considered.

## Procedures

### **Conducting Annual Evaluations for Non-Tenured Tenure-Track Faculty**

#### **General Guidelines for Evaluations**

1. All evaluations shall be conducted in an ethical manner, with recommendations and justifications based upon relevant, documented, and verifiable information.
2. A record of meetings of the committee shall be maintained in the Department Chair's office and will include names of attending members and a record of the vote count.
3. All committee recommendations shall be based on secret ballot and majority vote. A tie vote is considered a negative vote on the recommendation.
4. Administrative reviewers (Chair, Dean, and Provost) should ensure that annual evaluation recommendations are consistent with the goals and needs of the areas within their scope of responsibility.
5. The Department Chair and the College Dean, in conjunction with the chairs of the respective annual evaluation committees, shall ensure that the membership of annual evaluation committees do not pose a conflict of interest in evaluating and voting upon applicants. If such a conflict exists, the Chair shall arrange for an elected alternate at the department level and the Dean shall arrange for an elected alternate at the college level.
6. Department Chairs shall not serve as members on annual evaluation committees. Furthermore, the Department Chair shall not be present during committee deliberations unless stipulated by Department policy.

### **Initial Review of First-Year Non-Tenured Tenure-Track Faculty**

1. Non-tenured tenure-track faculty in their first full academic year at ECU shall submit a curriculum vita to the Department Chair in accordance with Department deadlines.
2. The Chair shall meet with the first-year non-tenured tenure-track faculty member no later than January 15. The Chair shall provide an evaluation of the faculty member's performance during the academic year to date, including a recommendation regarding reappointment.
3. The faculty member may respond to the evaluation and recommendation by one of the following:
  - (1) Accepting the evaluation and recommendation. The report is then forwarded to the Dean.
  - (2) Filing a statement, including supporting documentation, to be appended to the evaluation. This statement shall be submitted to the Department Chair within five days of receipt of the evaluation report.
4. No later than February 1, the Chair shall forward the evaluation (including the curriculum vita, the recommendation and, if applicable, an appended statement and any supporting documentation) to the Dean.
5. The Dean shall review the material provided by the Department Chair and make a recommendation regarding reappointment. If the Dean does not concur with the Department Chair, the Dean shall state in writing the reasons for the differing recommendation.
6. No later than February 15, the Dean shall notify the faculty member in writing of the Dean's recommendation.
7. The recommendation and the evaluation file shall be forwarded to the Provost.
8. The Provost shall review the evaluation and recommendations. If the Provost does not concur with the recommendations of the Department Chair and/or the Dean, the Provost shall state in writing the reasons for the differing decision.
9. No later than March 1, the Provost shall return the signed evaluations to the Dean, who shall notify the faculty member, with a copy to the Department Chair. The Dean shall provide a copy of the final report to the faculty member. The faculty member shall sign the last page of the report acknowledging receipt of a copy of the report.
10. Appeals of a non-reappointment decision shall follow the procedure below.

### **THE FOLLOWING PROCEDURES APPLY TO FACULTY IN YEARS TWO THROUGH FIVE:**

#### **The Department Annual Evaluation Committee**

Department annual evaluation committees shall be composed as determined by the full-time tenure-track faculty of the Department, within the following guidelines:

- a) The Department committee shall consist of no fewer than three voting members, which shall be elected from the full-time tenured faculty. If a Department is too small to provide such a committee, the Department may select a full-time tenured faculty outside the Department with the advice of the Dean of the College. In this case, the faculty member may not serve on the promotion and tenure committee of more than one Department.
- b) The maximum number of members shall be determined by the Department.

- c) If a person in a faculty member's family/household is being evaluated under this policy, the faculty member may not serve on the committee that year. The Department procedures shall provide for an alternate who shall serve throughout the year. If the Department cannot comply with this provision because of the size of the Department or other unique circumstance, the procedure in (a), above, shall be followed.
- d) The committee shall be elected no later than September 10 of the year in which it is to function.

The Department Promotion and Tenure Committee may serve as the annual evaluation committee for non-tenured tenure-track faculty. The Department, by majority vote, shall determine whether to use the Department Promotion and Tenure Committee or to use a separate committee for non-tenured tenure-track faculty.

### **Evaluation Procedures**

Non-tenured tenure-track faculty shall be evaluated on an annual basis and shall be assessed on their professional performance since their last evaluation, including responsiveness to previous evaluations. Non-tenured tenure-track faculty applying for promotion shall submit an application for promotion that shall include all documentation for the annual self-evaluation and shall be additionally evaluated under Policy 4.6.4, Promotion and Tenure. Evaluation of these faculty members shall include committee recommendations for both annual evaluation and promotion.

#### ***Faculty Member***

1. The non-tenured tenure-track faculty member shall complete a self-evaluation, which shall include a narrative analysis of the faculty member's professional performance for the previous academic year. In all cases, the faculty member shall provide accurate and complete details of any potentially relevant, documented, and verified information. The faculty member shall assemble the evaluation file as follows:
  - a. Terms of Initial Appointment and, if applicable, any previously agreed-upon exceptions to Policy 4.6.4, Promotion and Tenure.
  - b. A copy of a current curriculum vita.
  - c. Copies of previous non-tenured tenure-track annual evaluation reports by evaluators.
  - d. The self-evaluation on the appropriate form.
  - e. Supporting documentation.
2. The faculty member shall submit a self-evaluation and supporting materials to the Department Chair, who has the responsibility to get the evaluation and all materials to the Department committee in accordance with Department deadlines. In the process of being evaluated, faculty members must allow their self-evaluations and supporting materials to be open to their peers on the Department annual evaluation committee.

#### ***Department Annual Evaluation Committee***

1. The Department committee shall review the evaluation file and all supporting materials required by the Department. The department committee may request additional materials to clarify submitted material as necessary.

2. The Department committee shall consider the faculty member's evaluation file and the following:
  - a. performance in the areas of teaching, scholarly/creative activities, and service;
  - b. formal student evaluations;
  - c. the Department's second systematic method of assessing teaching performance, which shall include a consideration of the perspectives of students, colleagues, and supervisors and shall be clearly defined and communicated in Department policy;
  - d. data provided by the Chair of the Department.
3. The Department may also consider as part of the application the following:
  - a. mandated external review;
  - b. peer opinions (not limited to committee members) but not anonymous opinions.
4. The Department committee shall make a written recommendation, stating reasons for or against reappointment, and shall complete the appropriate recommendation form(s) for reappointment. Members of the committee shall sign the form(s), indicating the report's accuracy as it was approved by the majority of the committee. The evaluation file, the written recommendation, and the signed form(s) shall be submitted to the Department Chair.

#### *Department Chair*

1. The Department Chair shall review the evaluation file and the Department committee's recommendations. The Chair may consult with the Department committee and/or the faculty member prior to making a recommendation. If the Department Chair concurs with the committee's recommendation, the Chair may write a separate recommendation regarding reappointment. If the Department Chair does not concur with the committee's recommendation, the Chair shall write a separate recommendation with justifications for the differing recommendation.
2. The faculty member shall be notified in writing by the Department Chair of the recommendations of the Department committee and of the Department Chair, with justification for these decisions.
3. The Department Chair shall meet with the faculty member and review the recommendations, provide the faculty member with a copy of the report (and all addenda), and secure the faculty member's signed acknowledgment of receipt of the report.
4. The faculty member may request reconsideration of the Department committee's recommendation, the Department Chair's recommendation, or both within ten (10) calendar days of notification.
5. The Department committee, the Department Chair, or both shall reconsider the faculty member's evaluation in light of the request for reconsideration. The request for reconsideration should only address concerns raised by the Department committee and/or the Department Chair and may include additional information submitted by the faculty member in support of that clarification.
6. The faculty member shall be notified in writing by the Department Chair of the results of reconsideration. The reconsideration report shall be included in the evaluation file.
7. The recommendation and the evaluation file shall be forwarded to the Dean of the College.

### *College Dean*

1. The Dean shall review the evaluation and recommendations. The Dean may consult with previous decision makers and/or the faculty member prior to making a recommendation. The Dean shall provide a separate recommendation regarding reappointment. If the Dean does not concur with the recommendations of the Department committee, the Department Chair, or both, the Dean shall state in writing the reasons for the differing recommendations.
2. The Dean shall notify the faculty member in writing of the Dean's recommendation, with justification for the recommendation.
3. The recommendation and the evaluation file shall be forwarded to the Provost.

### *Provost*

1. The Provost shall review the evaluation and recommendations. The Provost may consult with previous decision makers and/or the faculty member prior to making a decision. The Provost shall provide a separate decision regarding reappointment. If the Provost does not concur with the recommendations of the Department committee, the Department Chair, the Dean, or all three, the Provost shall state in writing the reasons for the differing decision.
2. The Provost shall return the signed evaluations to the Dean, who shall notify the faculty member, with a copy to the Department Chair. The Dean shall provide a copy of the final report to the faculty member. The faculty member shall sign the last page of the report acknowledging receipt of a copy of the report.
3. Appeals of a non-reappointment decision shall follow the procedure below.

### **NON-REAPPOINTMENT**

1. The Provost shall notify the President of non-reappointment recommendations, including the results of any appeals, in sufficient time to comply with the deadlines below.

#### **2. University Faculty**

Faculty members in their first year of a tenure-track appointment at ECU shall receive official notification of non-reappointment from the President no later than March 15 unless an appeal has been filed, in which case the deadline is March 30. Faculty members in the second year of a tenure-track appointment at ECU shall receive official notification of non-reappointment from the President no later than December 15. Faculty members in their third through six years in a tenure-track appointment at ECU shall receive official notification of non-reappointment from the President at least twelve months prior to the faculty member's termination of employment at the University.

Model Laboratory Faculty

In accordance with KRS 161.750, faculty at Model Laboratory School shall receive official notification of non-reappointment from the Superintendent and the President no later than May 15 of the school year during which the appointment is in effect unless an appeal has been filed, in which case the deadline may be extended until the completion of the appeal process. Model Laboratory School faculty will not receive a terminal year.

### **Appeals**

1. In the event of a negative decision by the Provost, the faculty member may appeal the decision. Acceptable grounds for requesting such an appeal are:
  - a. decision is arbitrary, capricious, or not supported by factual data
  - b. violation of procedural due process
  - c. violation of academic freedom
2. The faculty member will submit a written request for appeal to the Provost within ten (10) calendar days of notification of the Provost's decision, with a copy to the Dean of the College. The request shall state the grounds for an appeal, shall provide relevant, documented, and verified evidence not previously submitted in support of such grounds.
3. The Provost shall convene the Faculty Evaluation Appeals Committee (FEAC) to review the appeal. The Provost shall meet with the faculty member upon appeal of a non-reappointment decision, if such a meeting is requested by the faculty member.
4. The FEAC shall evaluate the body of evidence as it relates to the grounds for appeal. The FEAC may meet with decision makers, meet with the faculty member, or consult with others as necessary in order to evaluate the grounds for appeal. Based on its findings, the FEAC may recommend a reconsideration of the Provost's original decision. The FEAC shall report its findings and recommendations to the Provost— with a copy to the faculty member, the Department Chair, and the Dean— within fourteen (14) calendar days of receipt of the appeal, except in extenuating circumstances.
5. Possible actions by the Provost could include, but are not limited to:
  - a. Affirming his/her original decision, with written justification
  - b. Reversing his/her original decision, with written justification
  - c. Reconvening the FEAC to meet with appropriate decision makers and report additional findings.
6. The Provost shall notify the faculty member in writing of the appeal decision, with a copy to the Dean and the Department Chair. All appeal decisions are final.

### **Definitions**

- **Calendar Day:** Throughout this document calendar day shall be interpreted to mean no later than the specified number of calendar days following the day of notification. If the final calendar day occurs on a weekend or holiday, the due date shall be on the first day on which University administrative offices are open. The time for response may be extended upon agreement by both parties.
- **Collegiality:** The ability of an individual to interact with colleagues with civility and professional respect; to engage in shared academic and administrative tasks

necessary to meet Department, College, and University goals; and to work productively with faculty, students, and staff. Collegiality should not be confused with sociability or likability but rather is the professional criterion relating to teaching, scholarly/creative activities, and service.

- **Confidentiality:** The principle of limiting access to information or documents only to those persons authorized to have such access. Documents and communications in the evaluation, tenure, and promotion processes will be kept confidential to the extent permitted by law.
- **Full-time Tenure-Track Faculty:** Faculty employed full-time who are tenured, eligible for tenure, or in a pre-tenure probationary period.
- **Provost:** Refers to either the Provost or his/her designee.

## Responsibilities

- Department Chair/Unit Head
  - At a minimum, the Chair is responsible for:
    - providing the Department committee with such documentation and data as policy and committee needs require.
    - informing the faculty of policies, procedures, and criteria for annual evaluation.
    - making a recommendation regarding reappointment.
- Department Evaluation Committee
  - At a minimum, the Department Evaluation Committee is responsible for:
    - for providing the appropriate professional interpretations for the discipline.
    - ensuring that criteria applied in the evaluation are consistent with department criteria.
    - writing the evaluation report and for making a recommendation regarding reappointment.
- College Dean
  - At a minimum, the College Dean is responsible for:
    - making decisions on reappointment of non-tenured tenure-track faculty
    - notifying faculty in writing of such decisions
- Faculty Evaluation Appeals Committee
  - At a minimum, the Faculty Evaluation Appeals Committee is responsible for
    - ensuring appeals are reviewed only on the grounds stated in this policy.
    - reviewing the appeal and the evidence submitted by the faculty member.
    - submitting findings and recommendations to the Provost.
- Faculty Member Being Evaluated
  - The faculty member being evaluated is responsible for knowing and adhering to the principles and criteria set forth in this policy.
  - The faculty member being evaluated is responsible for submitting a self-evaluation and other applicable materials by the established Department deadline.



- Provost

At a minimum, the Provost is responsible for:

- making decisions on reappointment of non-tenured, tenure-track faculty
- ultimately ensuring that criteria applied in the evaluation are consistent with the terms of agreement established in writing at the faculty member's initial appointment in a tenure-track position.
- meeting with faculty members appealing a non-reappointment decision, if such a meeting is requested by the faculty member.
- making decisions on appealed cases.

<h2>Regulation Adoption Review and Approval</h2>
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### Regulation Revised

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
February 28, 2025	Provost	Reviewed & Readopted
October 18, 2024	University Counsel	Editorial Revision
February 22, 2019	Board of Regents	Adopted
December 4, 2018	President Benson	Adopted as Interim
October 24, 2018	President Benson	Approved
October 3, 2018	Provost Council	Approved
October 1, 2018	Faculty Senate	Approved
April 30, 2013	Board of Regents	Adopted
April 8, 2013	President Whitlock	Approved
April 3, 2013	Provost Council	Approved
March 29, 2013	Chairs Association	Approved
March 4, 2013	Faculty Senate	Approved
June 8, 2009	Board of Regents	Adopted
May 8, 2009	President Whitlock	Approved
March 4, 2009	Provost Council	Approved
March 2, 2009	Faculty Senate	Approved

### Regulation Issued

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
August 7, 1986	Board of Regents	Adopted
May 5, 1986	Faculty Senate	Approved