



## EASTERN KENTUCKY UNIVERSITY

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**TO:** The University Community

**CC:** Dr. David T. McFaddin, President  
Dana Fohl, Vice President of Compliance and University Counsel

**FROM:** Ethan Durham, Manager of University Policy Development & Administration

**DATE:** November 14, 2025

**RE:** Board of Regents Approval of Policy Updates

### MEMORANDUM

At its regularly scheduled meeting on November 12, 2025, the Eastern Kentucky University (“EKU” or “University”) Board of Regents (“Board”) approved several University Policy updates required for statutory compliance. These revisions were developed and reviewed in accordance with [University Policy 1.1.1, Policy on Policies and Regulations](#). The policy updates approved by the Board include the following:

#### **I. University Policy 1.5.7, Institutional Viewpoint Neutrality**

University Policy 1.5.7, previously adopted by the Board on May 14, 2025, has been further updated to reaffirm EKU’s compliance with House Bill 4 (2025 Regular Session). The revisions strengthen the nondiscrimination clause by specifying that the University shall not discriminate based on social or political viewpoints and add cross-references to Academic Regulation 4.1.1, Academic Freedom.

A new section addressing statements made in a private capacity outlines appropriate boundaries for employee expression and expressly prohibits the use of University resources, branding, or email signatures for statements issued in a private capacity. The policy further refines the definition of “official statements” and provides examples.

#### **II. University Policy 1.6.4, Antisemitism**

Drafted in compliance with Senate Joint Resolution 55 (2025 Regular Session), University Policy 1.6.4 implements state directives requiring public postsecondary institutions to combat antisemitism. The policy acknowledges that the Commonwealth of Kentucky has adopted as guidance the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism and reinforces protections under University Policy 1.4.1, Discrimination and Harassment.

The policy affirms the University's commitment to religious freedom and equal protection, requires semesterly notifications to students regarding their Title VI rights and reporting procedures, recognizes Jewish student organizations as community resources, and mandates annual data reporting on antisemitism-related complaints. All requirements are implemented while upholding First Amendment protections and institutional viewpoint neutrality under Policies 1.5.7 and 9.3.3.

### **III. University Policies 4.6.16, Dismissal of Faculty, and 4.6.17, Annual Review of Tenured Faculty**

During the 2025 Regular Session of the Kentucky General Assembly, House Bill 424 amended KRS 164.360, KRS 164.230, and KRS 164.830 to establish new requirements governing faculty employment and evaluation at public universities. Specifically, the legislation authorizes institutional boards of regents to delegate the appointment and removal of faculty to the university president, requires that faculty evaluations be conducted at least once every four years, and mandates that each board approve a performance and productivity evaluation process for all faculty members by January 1, 2026.

In response to these statutory changes, several policy drafting teams were convened in Fall 2025 under the facilitation of Provost's Fellow Lisa W. Kay, Ph.D., through a partnership between the Office of University Counsel & Compliance and Academic Affairs. These teams were charged with reviewing and updating University policies to ensure compliance with House Bill 424 and consistency with existing institutional procedures. Please be advised that a drafting team for University Policies 4.6.16 and 4.6.17 was convened and included the following members: Dana Fohl, J.D., University Counsel & Vice President for Compliance; Dana Bush, Ph.D.; Jessica Crist, Ph.D.; Mike Lane, Ph.D.; Mike Austin, Ph.D.; Ray Lauk, Ph.D.; and Jill Campbell, Ph.D.; John Dixon, Chief Human Resources Officer; and Lisa W. Kay, Ph.D.

University Policy 4.6.16, Dismissal of Faculty, received revisions to ECU's faculty dismissal procedures and related committee processes. The regulation clarifies the roles of the Faculty Evaluation Appeals Committee (FEAC), the Faculty Committee on Dismissal (FCD), and the Office of Human Resources, and faculty participants using silent advisors. Procedural timelines are adjusted, definitions modernized, and obsolete language regarding the replacement of dismissed tenured faculty is removed.

Elevated to a University Policy to meet statutory requirements under House Bill 424, Policy 4.6.17 establishes the Board-approved framework for tenured faculty evaluation and productivity review. The policy incorporates a new Tenured Faculty Evaluation Rubric, revised performance standards

and procedures to be compliant with KRS 164.360, and updates the review cycle from three to four years.

#### **IV. Notice and Further Information**

Copies of these policies will be available on the [University Policy website](#), and updates will be reflected there in the coming days. In accordance with University Policy 1.1.1, notice of these approvals and revisions has been provided to the President's Cabinet, the Provost Council, Staff Council, and the Executive Committee of the Faculty Senate.

If you have any questions, please contact the Office of University Counsel.

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