



EASTERN KENTUCKY UNIVERSITY

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TO: The University Community

CC: Dana Fohl, J.D., University Counsel & Vice President of Compliance
Sara Zeigler, Ph.D., Provost and Senior Vice President for Academic Affairs
David T. McFaddin, Ed.D, President

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

DATE: October 17, 2025

RE: Notification of Comment Period: 4.6.16POL Dismissal of Faculty Substantive Revisions

MEMORANDUM

Substantive Revisions to University Policy 4.6.16, Dismissal of Faculty, have been drafted and are now posted for the required ten-day public comment period in accordance with [University Policy 1.1.1, Policy on Policies and Regulations](#). Copies of the draft revisions and the public comment form are available on the [EKU Policy Website](#). The comment period, consisting only of business days, will begin on October 17, 2025, and will close at the end of business on Thursday, October 30, 2025.

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 Policy 4.6.16 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.

The current draft includes several substantive revisions. These include compliance-based updates required under House Bill 424; revisions to the definitions and procedures for the Faculty Evaluation Appeals Committee (FEAC) and the Faculty Committee on Dismissal (FCD); clarification of the Office of Human Resources' role in faculty dismissal proceedings; and the

addition of provisions addressing the use of silent advisors for participating faculty. Procedural timelines and deadlines have been revised, and several definitions have been updated for consistency across University regulations. The revision also removes obsolete language concerning the replacement of dismissed tenured faculty in cases of financial exigency or program discontinuance.

In accordance with Policy 1.1.1, these proposed revisions to University Policy 4.6.16, Dismissal of Faculty, are now submitted to the University community for review during the public comment period. As required, the President's Cabinet, Provost Cabinet, Staff Council, and Executive Committee of the Faculty Senate are being notified of this posting. All comments received during the ten-day period will be routed by the University Policy Designee to University Counsel, the drafting team, and other appropriate stakeholders for consideration prior to finalization.

Should you have questions, please leave a comment directly on the public comment form on the EKU Policy Website or reach out to the Office of University Counsel (university.counsel@eku.edu).
