

## **VII. TERMINATION OF FACULTY**

### **VII.A. Procedures for Termination:**

**VII.A.1. Faculty Without Tenure:** Faculty members without tenure are classified as employees at will to serve at the discretion of the University.

The term of a faculty appointment for one year may be terminated prior to the stated expiration date:

- By resignation and acceptance thereof, or
  - By a dismissal for cause.
- a. Instructor (continuing) contracts will be automatically extended each year, based on good performance, availability of funding, and need. Such appointments may be continued indefinitely but will not lead to tenure-eligible status. If a regular full-time Instructor contract is not to be renewed, the individual holding that appointment will be given advance notice by the university (March 1 during the first year of appointment and December 15 during subsequent appointment years) that the appointment will expire at the end of the current fiscal year.
- b. Non-renewal of a clinical, research, or instructor track may be addressed through the Faculty Grievance process outlined in Section VIII.
- c. Research track faculty appointment may not continue if funding cannot be identified to maintain effort at or above 50%. However, the faculty member may continue to use the title and institutional affiliation for the purposes of apply for further funding if agreed upon at the time of appointment termination.
- i. In the event that a research-track faculty member is not the PI/PD of a funded extramural grant or contract, decision to terminate or not to reappoint may be taken by the dean.
  - ii. In the event that a research-track faculty member is currently the PI/PD of a funded extramural grant or contract, a recommendation to terminate or not to reappoint may be made by the dean, but the final decision to terminate or not to reappoint may be taken by the Provost working together with the Associate Provost for Research and Graduate Education.
  - iii. In the event that the Provost working together with the Associate Provost for Research and Graduate Education cannot reach consensus as to the disposition of such a recommendation, the decision of the President shall be final.

**VII.A.2. Faculty With Tenure:** A tenured appointment of a faculty member results in a commitment to successively reappoint the faculty member, except that that tenured status of a faculty member may be terminated:

- By retirement;
- By resignation and acceptance thereof;
- By a dismissal for cause;
- By a decision of the Board of Regents that termination is necessary because of financial exigencies of the institution; or
- By a decision of the Board of Regents that termination is necessary due to changed academic program needs resulting in a situation so that there is no longer a teaching position available within the University for which the faculty member is qualified.

Causes for dismissal specified in Kentucky Revised Statutes, Chapter 164 subsection 230, see: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=4223>.

a. Procedure for Dismissal for Cause:

A faculty member who has tenure or an unexpired probationary appointment may be dismissed only for cause. Statutory cause sufficient to support dismissal consists of the following as identified in KRS 164.360: incompetence, neglect of or refusal to perform duties, or immoral conduct. The Board of Regents' proceedings for dismissal of a faculty member for cause can be initiated only upon written charges referred by the President and shall be decided upon in the manner provided therein.

In any case in which the President of the University has personal knowledge of information sufficient to make an informed judgment that a faculty member should be dismissed for cause, after informal notification of the faculty member involved, charges may be brought without further consultation as provided by KRS 164.360(3).

Any member of the University community other than the President who desires to initiate charges in support of a proposed dismissal of a faculty member shall initiate the proposed dismissal with the department chair/director or office to which the faculty member is assigned. The proposed dismissal shall be in the form of a written signed statement of the facts relied upon to support one or more of the statutory grounds for the proposed dismissal.

After informal notification of the faculty member involved, the department chair/director shall evaluate the proposal and submit a written recommendation to the dean of the college. The dean of the college shall make an independent evaluation of the proposal and submit a written recommendation to the Provost. The Provost shall make an independent evaluation and submit to the President of the University a written recommendation together with the entire file.

If the President of the University determines that dismissal for cause charges should be brought, charges shall be preferred as provided herein.

If the President of the University determines that additional information is needed in order to make an informed judgment as to whether or not to file charges, the file may be referred to the Advisory Committee on Faculty Continuance,

Promotion and Tenure for preliminary inquiry, consultation, and its reasoned advice and recommendation.

A genuine effort will be made by the Committee to resolve the entire matter by informal methods of preliminary inquiry, consultation, discussion, and confidential mediation. If the difficulty is unresolved informally within the three weeks after receipt of the file, the Committee shall furnish the President with a written report containing its advice and recommendation as to whether or not the President should prefer charges of dismissal for cause. The report shall contain a statement of the Committee's specific reasons in support of its advice and recommendation.

In any case in which the President decides that procedures for dismissal for cause are appropriate, the President shall forward to the Board of Regents a written recommendation of dismissal. The President's letter to the Board of Regents recommending dismissal is to be accompanied by a formal written complaint setting forth specifically the nature of the factual information constituting grounds for dismissal. A copy of the complaint will be sent to the faculty member who is being charged. In transmitting a copy of the complaint to the faculty member being charged, the President shall advise the faculty member of the following:

- That the attached charges have been preferred against the faculty member to the Board of Regents;
- That a written answer to the charges is required to be filed with the Secretary of the Board of Regents;
- That the faculty member's answer to the charges may be either an admission or a denial of the charges; and
- That the faculty member has a right to be heard by the Board of Regents and to present testimony personally or through counsel.

If the charged faculty member fails or refuses to file the required written answer to the charge with the Secretary of the Board of Regents within ten (10) days after receipt of notice of the charges, or if the faculty member's answer admits the charges, proceedings will terminate and an order of dismissal will be entered.

If a faculty member being charged files an answer denying the charges, a hearing by the Board will be set and heard at a designated place, time, and date, but not sooner than three weeks after written notice of the charges has been received by the faculty member.

The proceedings at the hearing shall be transcribed and permanent record kept of the charges, notices, and other actions.

The proceedings are not governed by formal, legal rules of procedure and evidence. The Board may consider any information of a kind that has a probative value. The following agenda will be maintained:

- Entry of appearances of the parties and witnesses;
- Statement of charges by counsel for the University;

- Entry of the faculty member's denial of the charges;
- Presentation of evidence by the President or a designated representative;
- Opportunity for the faculty member or counsel to present evidence refuting the charges;
- Summation or statement on behalf of the University by the President or a designated representative or counsel; and
- Summation or statement by the charged faculty member or counsel;
- Decision and vote in executive session by the Board of Regents;
  - Exonerating faculty member, or
  - Approving the President's recommendations to dismiss faculty member, or
  - Other appropriate sanctions.

If the Board of Regents decides to apply sanctions, the President shall issue a formal letter of notification and shall advise the appropriate officials of the University.