

**POLICY TITLE:** Faculty Senate Rules and Regulations

**POLICY ADDRESS:**

**APPLIES TO:** Faculty, Staff, Students

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### **RULES AND REGULATIONS OF THE FACULTY SENATE**

#### **ARTICLE I. ORGANIZATION OF THE COLLEGE, SCHOOLS, DIVISIONS, DEPARTMENTS, AND BUDGETED INTER-DEPARTMENTAL PROGRAMS**

*As adopted by the Faculty Senate April 22, 1969 and as Amended In Accordance with Article IV, Section 4 of the Senate Code.*

##### **Section 1. Statements of Organization**

1.1.1 The College, each school, division, department, and budgeted inter-departmental program in the University shall file each statement describing its internal organization and decision making procedures, including all its rules and regulations then in force. This statement shall indicate provision for the role of the faculty in the following decision-making areas: (1) determination of educational policy; (2) exchange of information between faculty and administration within the unit; (3) use of physical resources; (4) budgetary matters; (5) personnel practices, to include faculty and unclassified staff appointments, promotions, tenure recommendations, and selection of departmental chairperson(s); and (6) relationships with other elements of the University and the community. A copy of the statement shall be retained by the College, school, division, department, and budgeted interdepartmental program to which it pertains; additional copies shall be deposited in the University Archives and with the Office of University Governance. These copies and the original statement shall be available for public consultation during regular business hours.

#### **ARTICLE II. ADMISSION TO THE UNIVERSITY**

##### **Section 1. Policies and Procedures**

2.1.1 Policies for admission and readmission are established by the faculties of the various schools or the College, within the parameters of state laws and Regents regulations and within guidelines set by the Faculty Senate. A statement of such requirements shall be published or filed with the Director of Admissions and the Secretary of Faculty Senate. For undergraduate admission, implementation of these policies by the Director of Admissions includes the initial evaluation of credentials presented by applicants covering academic work done elsewhere.

##### **Section 2. Requirements for Admission as Freshmen**

2.2.1 Graduation from a duly accredited high school shall be the normal basis for admission to lower division undergraduate programs of the University.

2.2.2 Admission on the basis of education equivalent to high school graduation--as measured by courses completed, examinations, or other comparable evidence--shall be determined by the Director of Admissions in accordance with the regulations of the College or the school to which the applicant seeks admission, or after consultation with appropriate representatives of that faculty.

2.2.3 The University Senate Committee on Academic Policies and Procedures shall obtain from the Director of Admissions each year a report of the number of students admitted as freshmen on bases other than high school graduation, and the nature of the equivalents accepted.

2.2.4 When it is deemed necessary to limit the admission of nonresident applicants, the first consideration shall be academic competence.

2.2.5 The Committee on Academic Policies and Procedures shall keep itself informed of the nature of priorities used in the admission of non-resident applicants as freshmen, and shall report any substantive changes to the Faculty Senate.

### Section 3. Readmission

2.3.1 A student who has been dismissed at the close of a semester must apply for readmission to the University, and is subject to the standards determined by the faculty of the College or school in which the student wishes to enroll.

2.3.2 A student who has been dismissed from the College or a school for poor scholarship is not allowed to enroll in any courses offered by KU (excluding correspondence courses), even in a non-degree seeking category, until one regular semester has elapsed, or until the student has been readmitted to the College or one of the schools of the University.

2.3.3 Effective May 31, 1987, a student who has been dismissed from the College or a school for academic reasons may not count KU course work taken in a non-degree seeking status after that date toward a KU degree.

2.3.4 An undergraduate student who is eligible to re-enroll at the University at the end of a semester may exercise this privilege after an absence of one or more semesters. A student who intends to return after an absence should submit an application for readmission to the Office of Admissions by the deadline for readmission for the term in which the student intends to re-enroll.

2.3.5 Departments, schools or the College may enact more restrictive policies for readmission than those specified in this Article.

### Section 4. Admission of Transfer Students

2.4.1 Students who enroll or re-enroll at the University of Kansas after having been enrolled at another institution of higher education are herein referred to as "transfer students."

2.4.2 The right of graduates of Kansas high schools to enroll at the University does not extend to transfer students. In order to be admitted as a transfer student in the College or in any undergraduate school of the University, an applicant must either qualify for admission through the Transfer and Articulation Agreement between the Kansas Board of Regents and the Kansas Community Colleges or fulfill the requirements for admission established by the faculties of that school or the College. Schools or the College may enact more restrictive policies for transfer admission than those specified in this Article.

2.4.3 A student who has been enrolled at another college or university shall submit a transcript of work the student has taken there whether or not the student desires advanced standing credit.

2.4.4 A transfer student whose scholarship grade average is below the minimum set by the College or the school to which the student is applying shall, if admitted, be placed on probation under such conditions as are prescribed by the faculty of the College or the school the student enters.

2.4.5 The faculty of the Graduate School, the College, or a professional school also may prescribe requirements for admission. A statement of such requirements shall be published or filed with the Secretary of Faculty Senate.

### Section 5. Evaluation and Acceptance of Advanced Standing Credits

2.5.1 Courses completed at other institutions are applied toward graduation requirements, in accordance with the policies of the various schools.

2.5.2 Except as provided in Section 2.5.3, no course completed at another institution of higher education shall be recognized unless that institution has been accredited by the North Central Association or another regional accrediting agency of similar standing.

2.5.3 If an applicant for admission submits a transcript from a U.S. institution not qualified under Section 2.5.2, the acceptance of credit may be based upon the practices of a leading university in the state where that institution is located.

2.5.4 No more than sixty-four semester hours may be transferred as credit from a community or junior college.

2.5.5 In the case of a student who brings advanced standing credits from a foreign college or university, the dean of the College or the school concerned may, in the absence of other regulations of the College or school faculty, arrange for the validation of credits by such methods as he or she deems suitable.

2.5.6 Credits for work taken by correspondence or extension and submitted for transfer to the University of Kansas will be accepted from member universities of the National University Extension Association or from institutions whose extension teaching meets the standards of that Association, provided that such courses are accepted for credits by the institution from which the transfer is sought.

2.5.7 The transfer of extension credits shall be subject to the same restrictions as course credits obtained in residence from other universities; and they shall also be subject to the limitation on acceptance of non-resident study credits defined in Article IV of these regulations.

#### Section 6. Admission of Non-degree Seekers (Special Students)

2.6.1 A student who cannot meet ordinary admission requirements, and/or does not wish to work toward a particular degree, may be admitted as a non-degree-seeking student, provided he or she is deemed qualified for the courses in which he or she wishes to enroll. Such a student is known as a special student; except as noted in 2.3.2 he or she is subject to the same requirements of registration, enrollment, fee payment, class attendance, and performance of work as a regular student. The faculties of the College and the various schools may establish requirements for the admission of special students to the College and their schools.

2.6.2 When the objectives of such a student are not specifically relevant to the College or to any school of the University, he or she is considered to be an "all-University, non-degree-seeking student," the records management for whom is the responsibility of the Senior Vice Provost for Academic Affairs.

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### **ARTICLE III. PLACEMENT EXAMINATIONS**

#### Section 1. Placement Examinations Required

3.1.1 A student matriculating in the University as an undergraduate is required to take placement examinations at or before the opening of his or her first term in residence, except that the student may take examinations for placement in specific course offerings at such later times as the faculty of the College or the school concerned may have authorized.

3.1.2 A student who fails to appear for an examination at the regularly scheduled time will be assessed a fee to cover the cost of later examination.

#### Section 2. Subject Matter and Purpose of the Examination

3.2.1 The placement examination shall consist of aptitude and achievement tests, as determined by the Committee on Placement Examinations with the approval of the Chancellor or the Provost.

3.2.2 Except as provided in Section 2.2.4, the examinations shall not be used for determining admission to the University. They are designed primarily to assist in better counseling of students with respect to courses of study, careers, and related matters.

#### Section 3. Aptitude Tests in Specialized Areas

3.3.1 The College and the schools may prescribe aptitude tests or other examinations for applicants and new students. These examinations may be used, along with other records, as bases for admission.

#### Section 4. English Proficiency Tests for Foreign Students

3.4.1 Students whose native language is not English shall be tested by the Applied English Center to determine their English proficiency. On the basis of the test results, the Applied English Center shall determine which of its courses the students are required to enroll in prior to or concurrently with their other

enrollments. Changes in the required program may be made by the students' academic advisors following consultation with (and written approval of) the Applied English Center, and conforming to the standards of the College, a school, or a department.

3.4.2 The College, a school, or a department shall, in consultation with the Applied English Center, establish standards of competence in English for its students who are not native speakers of English.

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## ARTICLE IV. RESIDENT STUDY: NON-RESIDENT STUDY

### Section 1. Definitions

4.1.1 The term "resident study" is defined as academic work completed for credit under regular procedures at the University of Kansas in courses published in the Official Schedule of Classes.

4.1.2 The terms "non-resident study" and "non-resident courses" shall be interpreted to include:

- (1) work for which credit is obtained by special examination;
- (2) training and special studies pursued in the armed forces for which special credits are granted to military veterans; and
- (3) study for which credit is obtained from another college or university after initial enrollment at the University of Kansas, with the purpose of applying the credit to a degree at this University.

4.1.3 The terms "resident and "non-resident" as here defined do not apply to advanced-standing credits of transfer students except as provided in Article II, Section 5.

### Section 2. Approval of Credit from Non-Resident Courses and from KU Continuing Education Independent Study Courses

4.2.1 Subject to the limitations set forth in this Article, approval of academic credit for non-resident study **and for KU Continuing Education independent study courses** shall be regulated by the faculty of the **academic unit** of the College or the school in which the credit is to be applied.

**4.2.2 Subject to the limitations set forth in this Article, faculty of the academic unit of the College or school which is responsible for the course shall approve and regulate KU Continuing Education independent study courses offered for academic credit.**

**4.2.2.1 Any course to be offered for academic credit as a Continuing Education independent study course shall go through the full process for new course approval.**

**4.2.2.2 Instructors for Continuing Education independent study courses shall be selected using the same academic unit practices for selecting on-campus instructors.**

**4.2.2.3 The academic unit of the College or school in which the student is pursuing the degree may restrict the total number of credits counted toward the major or degree that may be earned through KU Continuing Education independent study courses offered for academic credit.**

4.2.3 The regulation shall provide for the review of proposed credit for non-resident study by the academic department that is responsible for the same subject in resident study.

**[This section was last updated on 02/25/08; most recent changes are shown in bold font]**

### Section 3. Removal of Failures by Non-resident Study

4.3.1 Any non-resident study undertaken for the purpose of removing or making up a failure in a resident course shall be acceptable for credit only if the approval of the dean of the College or the school concerned has been obtained prior to enrollment.

#### Section 4. Credit by Examination

4.4.1 Credit may be granted to a student for work done by private study, or in occupational or technical experience, by passing an examination or by submitting evidence that the studies pursued or the skills acquired are equivalent to but not necessarily the same as those acquired in courses offered at the University of Kansas.

4.4.2 An application for such an examination may be obtained from the University Registrar and must be approved by the Dean of the College or the school and the chairman of the department concerned. A report of the examination taken, showing the hours of credit to be granted and the grade awarded, shall be signed by the professor giving the examination, the chairperson of the department and the Dean of the College or school and forwarded to the University Registrar for evaluation and for recording on the permanent record.

4.4.3 A request for credit which is not to be based on an examination must be supported by extensive evidence of the work done and must be submitted to the department concerned for evaluation. Each unit of credit which has the approval of the department must be submitted to the Dean and the academic policies committee of the proper school or the College for final approval of the amount of credit the student is to receive. Information regarding the number of hours of credit to be granted and the grade to be awarded shall be forwarded to the University Registrar for posting to the permanent record.

4.4.4 The grade to be awarded for satisfactory performance on examinations or other work evaluated under the terms of this section will be determined by the department and the faculty member administering the examination, in consultation. At their discretion, the grades of A, B, C, or D may be used to indicate varying degrees of achievement, or the grade of + (credit by examination) may be used to indicate satisfactory performance where no further differentiation is desired. No record shall be made of an unsatisfactory attempt.

4.4.5 Examinations administered by recognized national testing organizations may be used to secure credit at the University of Kansas. Each such examination must be submitted to the academic unit responsible for instruction in subject matter within the purview of the examination. This unit (department, school, College, or area) will determine whether the examination may be used for credit, the amount of credit to be allowed, the grading system to be employed (within the policies established in Section 4.4.4), and the minimum score necessary to obtain such credit. The transcript entry for each such award of credit shall identify the examination taken and, in addition to the grade, will record the percentile rank or other performance index used by the organization that grades the examination.

The following regulations shall govern the use of the College-Level Examination Program (CLEP) of the College Entrance Examination Board in the institutions governed by the State Board of Regents. The extent to which the program is utilized by any institution is a matter of institutional prerogative, but credit awarded by an institution in conformity with this policy shall be transferable to all other institutions in the state system. Students who have taken CLEP examinations prior to enrollment must submit an official CLEP transcript. The permanent academic record of the student shall indicate which credit was earned by CLEP examination. Credit earned through standardized tests such as CLEP shall not be included in the computation of the instructional base of Regent's institutions. One-half the credit hours earned through campus-developed and administered tests may be included in the instructional base.

#### Section 5. Limitations on Credits Allowed

4.5.1 To obtain a Bachelor's degree from the University of Kansas, a student shall earn the last 30 hours of credit for a degree by resident study as defined in Section 4.1. above. A student may petition his or her dean for a waiver of this rule.

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### **ARTICLE V. ACADEMIC WORK**

#### Section 1. Definitions

5.1.1 Credits are expressed in terms of semester hours. One semester hour means course work normally represented by an hour of class instruction and two hours of study a week for one semester, or an equivalent

amount of work. The concept may vary according to the level at which instruction is offered.

## Section 2. Approval of Courses for Credit

5.2.1 Except as otherwise provided in the University Senate Rules and Regulations and in this Article, the faculty of each school and the College shall have authority to approve courses for credit, and to make regulations regarding addition, alteration, and deletion of courses.

5.2.2 Responsibility for the avoidance of excessive intraschool duplication of courses and the continued listing of courses not scheduled at regular intervals shall rest with the faculty of each school and the College.

5.2.3 All new courses approved for credit shall be reported to the Senior Vice Provost for Academic Affairs and, in the case of undergraduate courses, the deans of the other undergraduate schools and the College.

5.2.4 The dean of a school or the College shall inform a departmental chairperson of any proposed new courses which may duplicate those already taught in that department.

## Section 3. Coordination of Inter-School Academic Matters

5.3.1 Neither the College nor any school or department shall establish a new course requirement for admission or graduation without first having consultation and collegial agreement with the dean of the school/college and the chairperson of the department offering the course and having given written notification of the requirement to the appropriate dean and chairperson, and the Senior Vice Provost for Academic Affairs, preferably before budget conferences are held.

5.3.2 Neither the College nor any school or department shall delete an existing course requirement without having first consulted with the dean of the school/college and the chairperson of the department offering the course, and having given written notification of the requirement to the appropriate dean and chairperson, and the Senior Vice Provost for Academic Affairs, preferably before budget conferences are held.

5.3.3 Neither the College nor any school or department shall undertake a significant restructuring of an academic program without taking steps to notify and consult affected students, faculty, and staff. Examples of significant restructuring include but are not limited to: merger or consolidation of departments; transfer of a department from one School/College to another; transfer of instructional delivery of courses or degree programs from one unit to another. Evidence of such collegial consultation must be part of the notification of restructuring made to the appropriate deans (s) and chairperson(s) and the Senior Vice Provost for Academic Affairs.

5.3.4 Each academic unit should coordinate its policies and procedures with those of other units. Substantive matters of academic coordination such as duplication of courses and uniformity of procedural matters shall be referred to the Senate Committee on Academic Policies and Procedures for mediation, decision-making, or referral. This committee shall also initiate action to attain uniform policies. Exceptions may be allowed when necessary to achieve the academic goals of the unit and the University.

## Section 4. Regulation of Enrollment Procedures

5.4.1 Enrollment procedures - including course changes, late enrollments, withdrawal from courses, and repetition of courses - shall be determined by the faculties of the College and the several schools, or their representatives.

5.4.2 The Senior Vice Provost for Academic Affairs shall be consulted on all matters concerning the scheduling of enrollments, fee payments, course changes and other procedures that affect the mechanics of keeping records.

5.4.3 A student may not be excluded from a course except on the basis of inadequate academic preparation, predetermined limitation of class size, or by reason of regulations promulgated by the College or school involved.

5.4.4 A student may enroll in a course or change class sections after the semester has been in session for four weeks only if the course has met fewer than 25% of the class sessions. The College or a school may adopt a policy setting a shorter period for courses/classes offered by the College or School, provided that the policy is announced in the Timetable of Classes for the affected term.

#### Section 5. Auditing and Visitation of Classes

5.5.1 The regulation of the auditing or visitation of classes shall be the responsibility of the faculties of the College and the several schools of the University.

5.5.2 Such regulation shall provide for approval of the instructor of the class involved.

#### Section 6. Academic Requirements for Non-native Speakers of English

5.6.1 All non-native speakers of English shall enroll in an appropriate English course each semester, whether at the Applied English Center or in the Department of English, until they have fulfilled any and all English requirements of their degree program.

#### Section 7. Scheduling of Teaching Assignments

5.7.1 The Chair/Scheduling Officers should communicate with their respective faculties about their scheduling interests and wishes in a timely manner.

5.7.2 Before a full schedule for the next semester or academic year is approved by the Chair/Scheduling Officers, it should be made available to faculty members of the unit for discussion and possible modification.

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### **ARTICLE VI. PROMOTION AND TENURE**

#### **Section 1 –General Provisions**

**6.1.1. *Scope and Purpose.*** This Article establishes standards and procedures for making promotion and tenure recommendations, as well as related matters of faculty evaluation and non-reappointment. Recommendations concerning promotion and tenure shall be made solely in accordance with the standards and procedures in this Article and the written criteria, procedures, and guidelines adopted pursuant to it.

**6.1.1.1.** The award of tenure and/or promotion in rank are among the most important and far-reaching decisions made by the University because an excellent faculty is an essential component of any outstanding institution of higher learning. Promotion and tenure decisions also have a profound effect on the lives and careers of faculty. Recommendations concerning promotion and tenure must be made carefully, based upon a thorough examination of the candidate's record and the impartial application of clearly articulated standards pursuant to prescribed procedures.

**6.1.1.2.** It is the purpose of this Article to promote the rigorous and fair evaluation of faculty performance during the promotion and tenure process by --

- (a)** Establishing university-wide standards and procedures for the evaluation of teaching (or professional performance), scholarship, and service;
- (b)** Creating a mechanism for the approval of written criteria and procedures by a department, college or school, or other administrative unit;
- (c)** Preserving and enhancing the participatory rights of candidates, including the basic right to be informed about critical stages of the process and to have an opportunity to respond to negative evaluations; and
- (d)** Clarifying the responsibilities, roles, and relationships of the participants in the promotion and tenure review process so as to promote more effective interaction among them.

6.1.1.3. Each level of review, including the initial review, the intermediate review (if one is conducted), and the university level review, conducts an independent evaluation of a candidate's record of performance and makes independent recommendations to the Chancellor. Later stages of review neither affirm nor reverse earlier recommendations, which remain part of the record for consideration by the Chancellor. It is the responsibility of each person involved in the review process to exercise his or her own judgment to evaluate a faculty member's teaching (or professional performance), scholarship, and service based upon the entirety of the data and information in the record. No single source of information, such as peer review letters, shall be considered a conclusive indicator of quality.

6.1.1.4. This Article applies to all promotion and tenure decisions involving members of the faculty of the University of Kansas. Unclassified academic staff who hold faculty equivalent rank are evaluated for promotion in rank pursuant to this article and references to faculty in this article include unclassified academic staff to the extent they are evaluated for promotion using the standards and procedures of this article, with due regard for their distinctive roles and professional responsibilities.

6.1.2. *Academic Freedom and Tenure Policy.* These standards and procedures are adopted pursuant to and shall be construed in conformity with the policies of the Kansas Board of Regents concerning promotion, tenure, and non-reappointment. The University of Kansas subscribes to the 1940 American Association of University Professors (AAUP) statement on Academic Freedom and Tenure and/or any amendments or revisions to that statement adopted by the Kansas Board of Regents.

6.1.2.1. Pursuant to these policies and statements, all faculty members, regardless of rank, are entitled to academic freedom in relation to teaching and scholarship, and the right as citizens to speak on matters of public concern. Likewise, all faculty members, regardless of rank, bear the obligation to exercise their academic freedom responsibly and in accordance with the accepted standards of their academic disciplines.

6.1.2.2. Pursuant to these policies and statements, tenured faculty members may be dismissed only for adequate cause, in cases of program discontinuance, or under extraordinary circumstances caused by financial exigency.

6.1.3. *Confidentiality.* Consideration and evaluation of a faculty member's record is a confidential personnel matter. The record compiled for purposes of evaluation and all recommendations made pursuant to the process should be treated accordingly. Only the Chancellor's final decision concerning non-reappointment, the award of tenure, and/or promotion in rank or non-reappointment is to be made public.

6.1.3.1. Candidates shall have access to written summary evaluations of their records, as described in section 6.3.4.2 of this article. Candidates shall also have access to any request for information from the intermediate review committee or University Committee on Promotion and Tenure. The procedures of the college or school, or other comparable administrative unit may provide for candidates to have access to more detailed information about scholarship evaluation letters, as well as other components of the dossier and record at the initial or intermediate review level.

6.1.3.2. If a faculty member appealing an adverse decision under section 6.8 of the Faculty Senate Rules and Regulations elects to have a public hearing, information already available to the candidate in the promotion and tenure records may be made public as necessary to the conduct of the hearing.

6.1.4. *Conflicts of Interest.* No person should participate in any aspect of the promotion and tenure process concerning a candidate when participation would create a clear conflict of interest or compromise the impartiality of an evaluation or recommendation.

6.1.4.1. No person shall serve simultaneously on more than one committee (department, college or school, or university) considering promotion and tenure, except when all faculty holding the necessary rank serve as a committee of the whole for the department, college or school, or other administrative unit.

6.1.4.2. Department chairs and others having an independent responsibility to evaluate a candidate shall not serve as members of the college or school committee conducting intermediate review or of the University Committee on Promotion and Tenure (UCPT).

6.1.4.3. A faculty member who is a spouse or partner of an individual being considered for tenure and/or promotion shall not serve on a departmental committee, a school or College committee, or UCPT during that year.

6.1.4.4. If a candidate believes that there is a conflict of interest, the candidate may petition to have that person recuse himself or herself. Procedures at all levels of review shall establish a means whereby, if a committee member does not recuse himself or herself, a decision about whether that person has a conflict of interest shall be made by a majority of the other committee members.

6.1.5. *Time in Rank.* In consideration of promotion and tenure, the following rules concerning time in rank apply:

6.1.5.1. Pursuant to Board of Regents policy, the probationary period for tenure track faculty may not exceed seven years. Under this policy, if a faculty member does not receive tenure, the seventh year becomes the terminal year. Consideration of tenure must therefore occur no later than the sixth year, which constitutes the “mandatory review year”. Candidates who apply for promotion and tenure prior to their mandatory review year are held to the same standards of achievement as those who have completed the full probationary period. University and Regents policy may provide for the exclusion of some years in computing time in rank and such years shall not be included in determining the terminal or mandatory review year. When untenured faculty members are hired after serving at another academic institution, the treatment of time spent at the other institution and the resulting terminal and mandatory review years shall be established through negotiation at the time of the hire.

6.1.5.2. Promotion to full professor is based on substantial additional achievement since the award of tenure and/or promotion to associate professor, and faculty members with tenure are expected to continue to engage in substantial productive activity in the areas of teaching (or professional performance), scholarship, and service. Although there may be some variation, continuing productivity should prepare most faculty members for promotion to full professor within six years of their promotion to the rank of associate professor.

## **Section 2 – Promotion and Tenure Standards**

6.2.1. *General Principles.* The award of tenure and/or promotion in rank acknowledges meritorious performance in the areas of teaching or professional performance, scholarship, and service. The standards set forth in this section and written criteria adopted pursuant to it shall be the controlling standards and criteria for evaluating candidates for promotion and tenure.

6.2.1.1. The University strives for a consistent standard of quality against which the performance of all faculty members is measured. Nonetheless, the nature of faculty activities varies across the University and a faculty member’s record must be evaluated in light of his or her particular responsibilities and the expectations of the discipline. Teaching and scholarship should normally be given primary consideration, but the particular weight to be accorded each component of a faculty member’s activities depends upon the responsibilities of the faculty member. In the case of non-teaching faculty and unclassified academic staff,

comparable professional responsibilities, as defined by their department or program and the standards of their disciplines, may be evaluated instead of teaching.

**6.2.1.2. Teaching faculty may hold the rank of assistant professor, associate professor, or (full) professor. For purposes of promotion and tenure:**

**(a) librarian I, assistant research or clinical professor, and assistant scientist, curator, or specialist are equivalent in rank to assistant professor;**

**(b) librarian II, associate research or clinical professor; and associate scientist, curator, or specialist are equivalent in rank to associate professor; and**

**(c) librarian III, research or clinical professor, and senior scientist, curator, or specialist are equivalent in rank to (full) professor.**

Unless otherwise indicated, references in this Article to assistant, associate, or full professor also include other faculty and unclassified academic staff of equivalent rank, with appropriate adjustments to reflect their distinctive responsibilities.

**6.2.2. *Teaching.*** Teaching is a primary function of the University, which strives to provide an outstanding education for its students. The evaluation of teaching includes consideration of syllabi, course materials, and other information related to a faculty member's courses; peer and student evaluations; a candidate's own statement of teaching philosophy and goals; public representations of teaching; and other accepted methods of evaluation, which may include external evaluations.

**6.2.2.1. High quality teaching is serious intellectual work grounded in a deep knowledge and understanding of the field and includes the ability to convey that understanding in clear and engaging ways. The conduct of classes is the central feature of teaching responsibilities at KU, but teaching also includes supervising student research and clinical activities, mentoring and advising students, and other teaching-related activities outside of the classroom.**

**6.2.2.2. For the award of tenure and/or promotion to associate professor, the record must demonstrate effective teaching, as reflected in such factors as command of the subject matter, the ability to communicate effectively in the classroom, a demonstrated commitment to student learning, and involvement in providing advice and support for students outside the classroom.**

**6.2.2.3. For promotion to the rank of professor, the record must demonstrate continued effectiveness and growth as a teacher, as reflected in such factors as mastery of the subject matter, strong classroom teaching skills, an ongoing commitment to student learning, and active involvement in providing advice and support for students outside the classroom.**

**6.2.2.4. In the case of non-teaching faculty and unclassified academic staff, professional performance, as defined by the unit and the expectations of the discipline, may be evaluated instead of teaching. The weight given to professional performance shall be determined by the particular responsibilities of the candidate. Each administrative unit with nonteaching faculty shall establish standards of professional performance, commensurate with the standards for teaching established in these regulations, to evaluate nonteaching faculty for promotion to equivalent ranks. Throughout this Article, references to teaching and its evaluation should be understood to include professional performance and its evaluation as appropriate to the positions and responsibilities of nonteaching faculty and unclassified academic staff.**

**6.2.3. *Scholarship.*** Scholarship is an essential component of the University's mission as a center of learning, and the award of tenure and/or promotion in rank must be based on a record of accomplishment reflecting a sustainable program of scholarly activity. Evaluation of scholarship must be undertaken in light of the expectations of the discipline.

**6.2.3.1. As used throughout this article and the promotion and tenure process, the concept of "scholarship" encompasses not only traditional academic research and publication, but also**

the creation of artistic works or performances and any other products or activities accepted by the academic discipline as reflecting scholarly effort and achievement for purposes of promotion and tenure. While the nature of scholarship varies among disciplines, the University adheres to a consistently high standard of quality in its scholarly activities to which all faculty members, regardless of discipline, are held.

6.2.3.2. For the award of tenure and/or promotion to the rank of associate professor, the record must demonstrate a successfully developing scholarly career, as reflected in such factors as the quality and quantity of publications or creative activities, external reviews of the candidate's work by respected scholars or practitioners in the field, the candidate's regional, national, or international reputation, and other evidence of an active and productive scholarly agenda.

6.2.3.3. For promotion to the rank of professor, the record must demonstrate an established scholarly career, as reflected in such factors as a substantial and ongoing pattern of publication or creative activity, external reviews of the candidate's work by eminent scholars or practitioners in the field, the candidate's national or international reputation, and other evidence of an active and productive scholarly career.

6.2.4. *Service.* Service is also an important responsibility of all faculty members that contributes to the University's performance of its larger mission. Although the nature of service activities will depend on a candidate's particular interests and abilities, service contributions are an essential part of being a good citizen of the University.

6.2.4.1. The form of accepted and valued service varies greatly among the disciplines represented in the university community, and may include scholarly service to the discipline or profession, service within the university, and public service at the local, state, national, or international level. As a consequence of the varied nature of service, it is the responsibility of each department, college or school, or other administrative unit to articulate clearly how it values various types of service.

6.2.4.2. For the award of tenure and/or promotion to associate professor, the record must demonstrate a pattern of service to the University at one or more levels, to the discipline or profession, and/or to the local, state, national, or international communities.

6.2.4.3. For promotion to the rank of professor, the record must demonstrate an ongoing pattern of service reflecting substantial contributions to the University at one or more levels, to the discipline or profession, and/or to the local, state, national, or international communities.

### **Section 3 – Criteria, Procedures, and Guidelines for Review**

6.3.1. *Conduct of Review.* Recommendations concerning the award of tenure and/or promotion in rank shall be based upon the record of a candidate's teaching (or professional performance), scholarship, and service, which shall be compiled and evaluated pursuant to the criteria, procedures, and guidelines set forth in this Article and adopted pursuant to its provisions.

6.3.1.1. Responsibility for the initial review lies with the department, school (if there is no departmental structure), or other administrative unit in which the candidate has his or her principal appointment. The initial review shall be conducted pursuant to section 5 of this Article.

6.3.1.2. Responsibility for the intermediate review, if one is conducted, lies with the College of Liberal Arts and Sciences, the school, or other administrative unit to which a department or administrative unit reports. The intermediate review, if any, shall be conducted pursuant to section 6 of this Article.

6.3.1.3. Responsibility for conducting the University level review lies with the University

**Committee on Promotion and Tenure.** The University level review shall be conducted pursuant to section 7 of this Article.

**6.3.2. Criteria for Review.** Each department, college or school, or other administrative unit with responsibility for conducting promotion and tenure review shall adopt written criteria, consistent with the university promotion and tenure standards set forth in section 2 of this Article, for evaluating a faculty member's teaching, scholarship, and service. Units that include nonteaching faculty shall include criteria for the evaluation of professional performance.

**6.3.2.1.** As used in this article, the term criteria refers to the unit level articulation of disciplinary expectations for meeting university promotion and tenure standards for teaching (or professional performance), scholarship, and service, including their relative weights.

**6.3.2.2.** The criteria shall provide for the evaluation of teaching (or professional performance), scholarship, and service as "excellent," "very good," "good," "marginal," or "poor," defined as follows:

- (a) "Excellent" means that the candidate substantially exceeds disciplinary and department/unit expectations for tenure and/or promotion to this rank.
- (b) "Very Good" means the candidate exceeds disciplinary and department/unit expectations for tenure and/or promotion to this rank.
- (c) "Good" means the candidate meets disciplinary and department/unit expectations for tenure and/or promotion to this rank.
- (d) "Marginal" means the candidate falls below disciplinary and department/unit expectations for tenure and/or promotion to this rank.
- (e) "Poor" means the candidate falls significantly below disciplinary and department/unit expectations for tenure and/or promotion to this rank.

**6.3.2.3.** Absent exceptional circumstances, successful candidates for promotion and tenure will meet disciplinary expectations in all categories, and strong candidates are likely to exceed normal expectations in one or more categories.

**6.3.3. Procedures for Review.** Each department, college or school, or other administrative unit with responsibility for promotion and tenure review, as well as the University Committee on Promotion and Tenure (UCPT), shall adopt written procedures for the conduct of review. While written procedures may vary considerably in accord with the particular needs of the department, college or school, or other administrative unit, all procedures must conform to the principles and requirements of this article, including its provisions concerning standards, confidentiality, candidate access and participation, and conflicts of interest.

**6.3.3.1.** The procedures adopted by a department, college or school, or administrative unit shall establish a committee or committees (which may be a committee of all faculty holding the necessary rank) to evaluate candidates for award of tenure or promotion in rank.

**6.3.3.2.** The written procedures of UCPT shall govern its deliberations, including such matters as the submission of additional information to UCPT as provided in this Article and the recusal of UCPT members based on conflict of interest.

**6.3.3.3.** No students or untenured faculty members, except unclassified academic staff with rank equivalent to or higher than associate professor, shall serve on any promotion and tenure committee or vote on any recommendation concerning promotion and tenure. Student and broad collegial input is important in the initial review. When this input is sought and considered, it must be done in a way that protects the confidentiality of students and junior faculty.

**6.3.4. Guidelines and Forms.** To facilitate University Committee on Promotion and Tenure review, the Provost shall provide all necessary guidelines for compiling and evaluating a candidate's record of teaching (or professional performance), scholarship, and service, including a standardized form for the collection, organization, and presentation of relevant documents by the department, college, or

school. The Provost shall provide separate guidelines and forms for nonteaching faculty, including guidelines and forms for the documentation and evaluation of professional performance.

6.3.4.1. The Provost's guidelines and standardized forms implement the provisions of the Faculty Senate Rules and Regulations (FSRR), and do not create substantive or procedural rights or requirements for award of tenure or promotion in rank.

IMPLEMENT 2007-2008 6.3.4.2. The Provost's guidelines shall provide for a summary evaluation section to be prepared by the committee at each level and shared with the candidate upon completion of the initial review and intermediate review, if one is conducted. The evaluation section shall include:

- (a) the recommendation of the committee, its rating of the candidate in the areas of teaching (or professional performance), scholarship, and service, and a statement of the reasons for those ratings;
- (b) if the initial or intermediate procedures provide for the faculty holding the necessary rank to vote as a committee of the whole, whether the committee of the whole concurred in the recommendations; and
- (c) the concurrence or nonconcurrence of the department chair, the dean of the school or college, or head of the administrative unit.

6.3.5. *Approval of Criteria, Procedures, and Guidelines.* Prior to taking effect, all criteria, procedures, and guidelines shall be submitted to the Standards and Procedures for Promotion and Tenure Committee (SPPT) as follows:

6.3.5.1. At least once every three years, each department, college or school, or other administrative unit with responsibility for conducting promotion and tenure reviews shall review and approve criteria and procedures consistent with this article, which shall be submitted to the SPPT for review and approval. The Dean of a college or school shall be afforded an opportunity to review the criteria and procedures developed by a department within the college or school and submit written comments or concerns to SPPT regarding the criteria or procedures, and a similar rule applies to other administrative units that report to larger units. If SPPT approves the criteria or procedures, it shall inform the department, college or school, or administrative unit. If it disapproves the criteria or procedures in whole or in part, SPPT shall return the criteria or the procedures to the department, college or school, or administrative unit along with an explanation of the problems or concerns identified by SPPT. The department, college or school, or administrative unit shall revise its criteria or procedures accordingly. In the event that the SPPT and the department, college or school, or administrative unit cannot resolve the matter, it shall be submitted to the Faculty Senate Executive Committee (FacEx), which shall have the authority to resolve the matter.

6.3.5.2. Prior to their adoption, the guidelines and forms developed by the Provost and the procedures developed by the University Committee on Promotion and Tenure (UCPT) shall be submitted to SPPT for review. SPPT shall inform the Provost of any problems or concerns it has identified with the guidelines and forms or UCPT procedures. If the Provost and/or UCPT agree with the concerns, the Provost and/or UCPT shall make appropriate changes. If the SPPT is dissatisfied with the response, it shall inform FacEx of its concerns.

6.3.5.3. Any change made to any criteria, standards, guidelines or procedures under this section must comply with the procedures set forth in section 6.3.5.1 or section 6.3.5.2, whichever applies.

#### **Section 4: Pre-Tenure Matters**

6.4.1. *Department, College, and School Responsibilities.* As part of its procedures for promotion and tenure, each department, college or school, or other administrative unit shall incorporate a plan for mentoring faculty prior to tenure. Such plans should provide appropriate information and guidance to assist faculty members in the development of successful careers in teaching (or professional performance), scholarship, and service, and in documenting a record of their careers for purposes of the tenure process.

6.4.1.1. Before the end of the first semester following appointment, a department, college or school, or other administrative unit shall provide faculty members with information concerning the standards and procedures for award of tenure and promotion in rank, including copies of the written criteria and procedures approved by the department, college or school, or other administrative unit, and of the Provost's guidelines and forms.

6.4.1.2. Working with the faculty member, each department, college or school, or other administrative unit shall, on an ongoing basis, generate and compile the documentation necessary to evaluate teaching (or professional performance), scholarship and service.

6.4.2. *Progress Toward Tenure Review.* Approximately midway between a faculty member's appointment and mandatory review year (usually the third year), under guidelines issued by the Provost, a department, college, or school shall conduct a formal review of a non-tenured faculty member's progress toward tenure. The progress toward tenure review is intended to provide faculty members with a meaningful appraisal of their progress toward tenure and orient them toward basic aspects of the tenure process. Neither the record of the review nor its results shall be included in a faculty member's promotion and tenure record and recommendations for or against promotion and tenure should not be influenced by favorable or unfavorable results of the progress toward tenure review. This limitation does not prevent consideration, during the promotion and tenure review, of the same documents and information considered for purposes of the progress toward tenure review.

6.4.3. *Non-reappointment.* Prior to tenure, a faculty member is considered to be serving a probationary period and the department, college or school, or other administrative unit may decide not to reappoint the faculty member as provided in this section.

6.4.3.1. Non-reappointment may be justified by a faculty member's poor performance of the responsibilities of his or her position, including teaching (or professional performance), scholarship, or service; by criteria based upon departmental, school or college plans for future faculty development; by budgetary considerations; or by a departmental, school or college decision that its needs should be filled with a different individual. (See the American Association of University Professors 1968 Recommended Institutional Regulations on Academic Freedom and Tenure).

6.4.3.2. Pursuant to Board of Regents policy (adopting the American Association of University Professors statement of 1964), written notice of non-reappointment shall be provided to a faculty member as follows:

(a) Not later than March 1 of the first year of service, if the appointment expires at the end of that academic year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

(b) Not later than December 15 of the second year of service, if the appointment expires at the end of that academic year; or, if the appointment for a second year of service terminates during an academic year, at least six months in advance of its termination.

(c) At least 12 months before the expiration of an appointment after two or more years of service in the University. This places the notification deadline on the last day of the academic year for faculty on nine-month appointments, and on June 30 for those on 12-month appointments.

6.4.3.3. The normal procedure for forwarding recommendations for non-reappointment shall be from the chair of the department (if any) to the dean of the college or school, and from the dean to the Provost or along a similar hierarchy in other administrative units. Prior to forwarding any recommendation of non-reappointment to the Chancellor, the Provost shall notify the faculty member in writing of the recommendation and the reasons for it. The notification shall also inform the faculty member of the right to appeal the recommendation to the Faculty Rights Board. Such an appeal shall be filed with the Office of University Governance within fourteen days of receiving notification and shall be considered pursuant to procedures established by the board pursuant to section 6.8.3 of the Faculty Senate Rules and Regulations. Following the Chancellor's decision, the legally effective notice of non-reappointment shall be issued over the signature of the Provost and shall include a statement

of the reasons for the decision.

6.4.3.4. If a faculty member is denied tenure during the mandatory review year, the decision constitutes a decision of non-reappointment, and the notification of the denial of tenure serves as notice of non-reappointment. Non-reappointment for other reasons is a decision distinct from the denial of tenure and involves different procedures. Absent exceptional circumstances, non-reappointment for reasons other than the denial of tenure should not occur once a faculty member is under consideration for tenure during his or her mandatory review year.

## **Section 5: Initial Review**

**6.5.1. *Initiation of Review.*** The process for conducting an initial review concerning the award of tenure and/or promotion in rank shall be initiated as follows:

6.5.1.1 Prior to the beginning of the spring semester, the Provost shall notify all faculty whose mandatory review year will be the following academic year, with copies provided to department chairs, deans, and/or heads of their administrative units. Upon receipt of this notice or if a faculty member requests it prior to the mandatory review year, the department, school (if there is no departmental structure), or other administrative unit shall initiate procedures for evaluating the candidate for the award of tenure.

6.5.1.2. As part of the annual faculty evaluation process, each department, school (if there is no departmental structure), or other administrative unit shall consider the qualifications of all tenured faculty members below the rank of full professor, with a view toward possible promotion in rank during the following academic year. After considering a faculty member's qualifications, if the department, school, or administrative unit determines that those qualifications may warrant promotion in rank, it shall initiate procedures for reviewing the faculty member for promotion.

6.5.1.3. After seven years in the rank of associate professor, a faculty member who believes he or she has the qualifications for promotion, despite the failure of his or her unit to initiate the review process for promotion to full professor, may initiate the promotion review process himself or herself. In such cases the unit will treat the candidate in the same way that it treats other candidates for promotion to the rank of full professor.

**6.5.2. *Candidate Responsibilities.*** It is the responsibility of the candidate to complete the appropriate portions of the form and provide necessary documents and information in accordance with the Provost's guidelines, with assistance from the department, school, or administrative unit conducting the initial review as provided in its procedures.

**6.5.3. *Committee Responsibilities.*** The committee responsible for the initial review shall receive the form and accompanying materials from the candidate and finish compiling the record of a candidate's teaching, scholarship, and service in accordance with the Provost's guidelines. The committee shall follow the approved written procedures for initial review.

6.5.3.1. The committee shall provide for the solicitation of outside reviews to assist in the evaluation of a faculty member's scholarship. Emphasis should be placed on selecting reviewers who hold academic rank or professional position equal to or greater than the rank for which the candidate is being considered. When soliciting external reviews of a candidate's scholarship, the committee shall inform prospective reviewers of the extent to which the candidate will have access to the review.

*Note: The on line version updated on 10/24/07 with the new Promotion and Tenure Policy contained an error in Article 6.5.3.1. The correct version was updated on 11/28/07.*

6.5.3.2. The committee and the candidate shall verify that the required components of the form have been completed, that all necessary documents have been compiled, and that the

record has been organized in the proper format.

**6.5.4. Recommendations.** Upon completion of the record, the committee conducting the initial review shall evaluate the candidate's record of teaching, scholarship, and service in light of the applicable standards and criteria and make recommendations concerning the award of tenure and/or promotion in rank.

**6.5.4.1.** If the department, school, or administrative unit procedures so provide, the committee recommendation shall be forwarded for consideration to a committee of the whole consisting of all faculty holding the appropriate academic rank.

**6.5.4.2.** The department chair, dean of the school, or head of the administrative unit shall indicate separately in writing whether he or she concurs in or disagrees with the recommendations of the committee and/or faculty.

**IMPLEMENT 2007-2008 6.5.4.3.** The chair, dean, or head of the unit shall communicate the recommendations of the initial review to the candidate and provide the candidate with a copy of the corresponding evaluation section of the promotion and tenure form. Negative recommendations shall be communicated in writing and, if the review will not be forwarded automatically, shall inform the candidate that he or she may request that the record be forwarded for further review.

**6.5.4.4.** Favorable recommendations, together with the record of the initial review, shall be forwarded to the committee conducting the intermediate review, if one is to be conducted, or to the Provost for University Committee on Promotion and Tenure (UCPT) review, if not. Negative recommendations resulting from an initial review shall go forward for intermediate or UCPT review only if it is the candidate's mandatory review year or if the candidate requests it.

#### **Section 6: Intermediate Review**

**6.6.1. Record for Review.** The intermediate review shall be initiated upon receipt of a recommendation and record from the initial review and shall be conducted pursuant to the approved written procedures for intermediate review. The intermediate review committee shall evaluate the candidate's teaching (or professional performance), scholarship, and service on the basis of the record compiled during the initial review. No new material may be submitted as part of the record except as follows:

**IMPLEMENT 2007-2008**

**6.6.1.1.** The candidate may submit a written response to a negative recommendation at the initial review level, or to a final rating of teaching, research, or service below the level of "good" included in the evaluation section of the recommendation. Intermediate review level procedures may set reasonable limits on the timing and length of submissions.

**6.6.1.2.** Pursuant to 6.6.2, the candidate and the department or other administrative unit may provide additional information or materials in response to a request for information from the intermediate review committee.

**IMPLEMENT ALL 2007-2008**

**6.6.2. Request for Information.** If the intermediate review committee determines that additional information would assist it in the evaluation of a candidate's record, the intermediate review committee may request additional information from the department or administrative unit. If a preliminary vote of the intermediate review committee reflects a negative recommendation or a recommendation that differs from the recommendation of the department or administrative unit, a request for information is required.

**6.6.2.1.** A request for information shall specify the information sought and the reasons for the request. If the request is based upon a negative preliminary vote, it shall so state and describe the reasons for the negative recommendation.

6.6.2.2. A request for information shall be sent to the chair of the department or head of the administrative unit, who shall immediately provide a copy to the candidate and inform the initial review committee. The chair and/or committee shall prepare the department's response in accordance with the initial review procedures.

6.6.2.3. The candidate shall be afforded an opportunity to participate in the preparation of the department's or administrative unit's response and/or to submit his or her own documentation or comment to the college or school committee.

6.6.3. *Recommendations.* In conducting intermediate review, the college or school, or other administrative unit undertakes an independent review of a candidate's record and makes its own recommendations concerning the award of tenure or promotion in rank. The intermediate review neither affirms nor reverses the recommendations of the initial review, which remain part of the record that will be forwarded to the Chancellor for final decision.

6.6.3.1. The intermediate review committee shall evaluate the candidate's teaching (or professional performance), scholarship, and service in light of the applicable standards and criteria and make recommendations concerning the award of tenure and/or promotion in rank. If the intermediate review procedures so provide, the committee recommendation shall be forwarded for consideration to a committee of the whole consisting of all faculty holding the appropriate academic rank.

6.6.3.2. The dean of the college or school or head of the administrative unit shall indicate separately in writing whether he or she concurs in or disagrees with the recommendations of the intermediate review committee and/or faculty.

#### IMPLEMENT 2007-2008

6.6.3.3. The dean of the college or school or head of the administrative unit shall communicate the recommendations of the committee and/or faculty to the candidate and provide the candidate with a copy of the corresponding evaluation section of the promotion and tenure form. Negative recommendations shall be communicated in writing and, if the review will not be forwarded automatically, shall inform the candidate that he or she may request that the record be forwarded for further review.

6.6.3.4. Favorable recommendations, together with the record of initial and intermediate review, shall be forwarded to the Provost for consideration by the University Committee on Promotion and Tenure (UCPT). Negative recommendations resulting from an intermediate review shall go forward for UCPT review only if it is the candidate's mandatory review year or if the candidate requests it.

#### IMPLEMENT ALL 2007-2008

### Section 7: Review by the University Committee on Promotion and Tenure

6.7.1. *The University Committee on Promotion and Tenure.* The University Committee on Promotion and Tenure (UCPT) is a committee of eleven members, which shall be broadly representative of the faculty.

6.7.1.1. UCPT shall be composed of (1) the Provost, who shall serve as chair and who shall not vote; (2) one member of the Faculty Senate Executive Committee selected by the Faculty Senate Executive Committee; and (3) nine members of the faculty who serve overlapping three year terms. The nine members of the faculty shall be selected by the Chancellor, who shall fill vacancies each year from a list of nominees prepared by the Faculty Senate Executive Committee, which may not exceed twice the number of vacancies. No Dean, Assistant, Associate or Vice Dean, or department chair shall serve as faculty members of the University Committee on Promotion and Tenure.

6.7.1.2. Early in the fall semester, each department, college or school, or other administrative unit shall provide to UCPT a copy of the approved written criteria for evaluating teaching (or professional performance), scholarship, and service. The UCPT shall request that the deans of the College and schools or their designated representatives appear in person to explain and discuss the criteria. The UCPT may request that department chairs and other administrators, or their designated representatives, appear in person to explain and discuss the criteria. These requirements do not apply if a department, college or school, or other administrative unit has no candidate under consideration for promotion and tenure.

6.7.2. *Record.* The University Committee on Promotion and Tenure (UCPT) shall evaluate a candidate's teaching, scholarship, and service on the basis of the record compiled during initial and intermediate review, if any. No new material may be submitted as part of the record except as follows:

6.7.2.1. The candidate may submit a written response to a negative recommendation resulting from the intermediate review, or from the initial review if no intermediate review was conducted, or to a final rating of teaching, research, or service below the level of "good" included in the summary evaluation section. UCPT procedures may set reasonable limits on the timing and length of submissions.

6.7.2.2. Pursuant to section 6.7.3, the candidate and the department or other administrative unit may provide additional information or materials in response to a request for information from the UCPT.

6.7.3. *Request for Information.* If the University Committee on Promotion and Tenure (UCPT) determines that additional information would assist it in the evaluation of a candidate's record, the UCPT may request additional information from the initial or intermediate review levels. If a preliminary vote of UCPT reflects a negative recommendation or a recommendation that differs from the recommendation of the intermediate review (if one was conducted) or of the initial review (if no intermediate review was conducted), a request for information is required.

6.7.3.1. A request for information shall specify the information sought and the reasons for the request. If the request is based upon a negative preliminary vote, it shall so state and describe the reasons for the negative recommendation.

6.7.3.2. A request for information shall be sent to the dean of the college or school or head of the administrative unit, who shall immediately provide a copy to the candidate and inform the initial and intermediate (if any) review committee. The dean or head of the unit and/or committee shall prepare the response in accordance with the applicable procedures. If there was an intermediate review, the department or administrative unit conducting the initial review shall be given an opportunity to participate in the preparation of the response, including the preparation of a separate response if the intermediate review recommendation differs from the recommendation on initial review.

6.7.3.3. The candidate shall be afforded an opportunity to participate in the preparation of the response and/or to submit his or her own documentation or comment to UCPT.

6.7.4. *Recommendations.* The University Committee on Promotion and Tenure (UCPT) shall evaluate the candidate's teaching (or professional performance), scholarship, and service in light of the applicable standards and criteria and make recommendations concerning the award of tenure or promotion in rank.

6.7.4.1. In conducting university level review, UCPT undertakes its own review of a candidate's record and makes its own recommendations concerning the award of tenure or promotion in rank. The UCPT neither affirms nor reverses recommendations resulting from initial and intermediate review, which remain part of the record that will be forwarded to the Chancellor for final decision.

6.7.4.2. The UCPT shall apply the standards outlined in section 6.2 and the written criteria

adopted by the department, college or school, or other administrative unit pursuant to section 6.3 of the Faculty Senate Rules and Regulations.

6.7.4.3. An affirmative recommendation by UCPT requires the approval of a two-thirds majority of those voting. Members who do not recuse themselves are expected to vote on tenure and/or promotion.

6.7.4.4. The Provost shall indicate separately in writing whether he or she concurs in or disagrees with the recommendations of UCPT.

6.7.4.5. The Provost shall communicate the recommendations of the university level review to the candidate in writing. If UCPT or Provost makes a negative recommendation, the written notification shall state the reasons for the recommendation and notify the candidate of his or her right to respond or appeal pursuant to section 6.7.5. Notification of a negative recommendation shall be communicated to the candidate by the first Friday in March of the academic year in which the candidate is being considered for award of tenure and/or promotion in Rank.

6.7.5 *Candidate Response*. A candidate may file either a written response to be included in the record or an appeal pursuant to section 6.8 within ten days of the first Friday in March of the academic year in which the candidate is being considered for award of tenure and/or promotion in rank.

6.7.6. *Promotion and Tenure Record*. If the University Committee on Promotion and Tenure (UCPT) and Provost recommend the candidate favorably for promotion and/or tenure, the record of review, including the recommendations of UCPT and the Provost, shall be forwarded to the Chancellor for decision under section 6.9 of the Faculty Senate Rules and Regulations. If the candidate has received a negative recommendation from either UCPT or the Provost, UCPT shall retain the record of review until whichever of the following occurs first: (1) the candidate files either a timely response to a negative recommendation at the university level or an appeal; (2) the time for filing either a response to a negative recommendation at the university level or appeal has expired; or (3) April 15 of the year in which the candidate received a negative recommendation. If an appeal is filed, the recommendations and record of review will be forwarded to the Faculty Rights Board. If no appeal is filed, the recommendations and record of review, including the response, if any, shall be forwarded to the Chancellor for decision.

#### **IMPLEMENT ALL 2007-2008 Section 8: Appeal**

##### **6.8.1. *Basis for Appeal*.**

As part of its jurisdiction to consider matters involving faculty rights under Article XV, section 3 of the University Code, the Faculty Rights Board (FRB) may consider appeals from negative recommendations by the University Committee on Promotion and Tenure (UCPT) and/or the Provost concerning promotion and tenure pursuant to this section. The function of the FRB in the promotion and tenure context is not to review the merits of promotion and tenure recommendations, nor to substitute its judgment on the merits, but rather to identify specifically defined appealable errors that undermine the evaluation process itself and to recommend appropriate accommodations or adjustments to the Chancellor for consideration in making the final promotion and tenure decision. No other basis for appeal exists to the FRB or to any other body within the University. The FRB may consider the following grounds for appeal:

6.8.1.1. The merits of a case could not be fairly heard because of a violation, at one or more levels of review, of procedures established in this Article or approved pursuant to its provisions.

6.8.1.2. The grounds for the recommendation at one or more levels of review constitute a violation of the candidate's academic freedom.

6.8.1.3. The merits of the case could not be fairly heard because of the demonstrable application at one or more levels of review of standards or criteria other than the standards established in this Article or criteria approved pursuant to its provisions.

**6.8.2. *Initiation of Appeals.*** A faculty member who wishes to have the Faculty Rights Board (FRB) review a recommendation concerning promotion and /or tenure must file a written request with the Office of University Governance within ten days of the first Friday in March of the academic year in which the candidate is being considered for award of tenure and/or promotion in rank. The request for review must specifically identify the ground(s) for appeal under section 6.8.1 and briefly describe the circumstances supporting the ground(s). Upon receipt of an appeal, the Office of University Governance shall notify the Provost and request that the record of review be forwarded for review by the FRB.

**6.8.3. *Procedures.*** The Faculty Rights Board (FRB) shall consider appeals using written procedures consistent with this article and developed and adopted pursuant to its authority under the University Senate Code and approved by the Faculty Senate. These procedures shall supersede existing procedures for resolving matters within the jurisdiction of the FRB and shall be published by the Office of University Governance in an appropriate location so as to be broadly available to all faculty. Mediation shall not be required. In accord with the Recommended Procedures of the American Association of University Professors (AAUP), the complaining faculty member bears the burden of proving the alleged grounds for appeal.

**6.8.4. *Recommendations.*** After consideration of the appeal, but not later than April 15 in the year in which the appeal is filed, the Faculty Rights Board (FRB) shall provide the Chancellor a written recommendation based on its conclusions and a copy shall be provided to the candidate and included in the record of review. If the FRB determines that one or more of the alleged grounds for appeal has been established by the faculty member, then the FRB shall provide a copy of the recommendation to the department, school, administrative unit, or committee determined to have committed a procedural error, violated academic freedom, or applied improper standards.

**6.8.4.1.** The written recommendation shall state whether the faculty member has established the alleged ground or grounds for appeal and provide a description of the circumstances supporting the FRB's recommendation. The recommendation shall specifically address any disputed factual issues.

**6.8.4.2.** If the FRB determines that one or more grounds for appeal has been established by the faculty member, it shall include in its recommendation a statement of whether and, if so, how the procedural error, violation of academic freedom, or application of improper standards adversely affected the consideration of the case. The FRB may recommend to the Chancellor that particular remedial accommodations or adjustments be made in the consideration of the record of review. Upon its completion of an appeal, the FRB shall forward its recommendation and the record of review to the Chancellor for decision pursuant to section 6.9.

**6.8.4.3.** If the FRB is unable to provide a written recommendation to the Chancellor by April 15 of the year in which the appeal was received, the appeal will be deemed completed without recommendation and the FRB will forward all materials of the appeal to the Chancellor to be included in the record of review. The candidate shall be informed and the FRB shall provide to the candidate and Chancellor a written statement explaining the reasons why the appeal was completed without recommendation. The Chancellor shall consider the entire record of review, including the materials of the appeal, and issue the final agency action.

#### **IMPLEMENT ALL 2007-2008 Section 9: Decision by the Chancellor**

**6.9.1. *Consideration of the Record.*** The entire record, including the recommendations of the initial, intermediate, and university level review, and either a candidate's response or Faculty Rights Board recommendation, shall be forwarded to the Chancellor for decision.

**6.9.1.1.** The Chancellor shall decide based on the record, but may seek information or consultation as he or she deems appropriate.

**6.9.1.2. Under state law and Board of Regents policy, final authority to make decisions concerning promotion, tenure, and non-reappointment rests with the Chancellor and no further administrative review is permitted within the University or to the Board of Regents. The Chancellor's decision is the final agency action of the University of Kansas.**

**6.9.2. Notification.** The Provost shall officially notify the faculty member in writing of the Chancellor's decision. In the case of a negative decision, the Provost's notification shall include a statement of the grounds for the decision. Notification of the denial of tenure during the mandatory review year constitutes a notice of non-reappointment for purposes of section 6.4.3.2 of the Faculty Senate Rules and Regulations.

**6.9.3. Effective Date.** The award of tenure and/or promotion in rank become effective with the faculty member's next regular appointment (i.e. academic or fiscal year).

*[This section was last updated on 10/15/07; most recent changes are shown in bold font]*

## **ARTICLE VII. POLICY ON CONFIDENTIALITY OF OFFICIAL FACULTY PERSONNEL RECORDS**

### Section 1. Files and Dossiers

Files and dossiers on individual faculty members are in general to be treated as confidential, with access limited to the individual concerned (except as provided in Section 3 of this Article); to those administrators and committees who are directly responsible for making individual staff decisions, such as reappointment, promotion, tenure, and salary; and to local, state, and federal officials specifically authorized by constitutionally valid law or regulations to have access to specified categories of information.

### Section 2. Copies of Materials in Files

At the request of the faculty member, copies of any materials in his or her file (except as provided in Section 3 of this Article) shall be made available to other persons he or she designates. In the absence of such request, and subject to Sections 1 and 3 of this Article, materials in the file shall be made available to other persons seeking access only with the consent of the individual concerned, or as a consequence of a court order.

### Section 3. Maintenance of Confidential Files

7.3.1 A separate file may be maintained on a faculty member to which he or she may neither have nor authorize others to have access, because the materials it contains (such as letters of recommendation) were placed therein with a guarantee of confidentiality made or implied to the originators of such materials. Persons other than those authorized to maintain the files must seek access by first signing a log-in sheet, stating the reason for seeking access to the file, and date their signature. Members of promotion and tenure and sabbatical leave committees at all levels who are reviewing files submitted for these processes need only sign once, at the beginning of the review process.

7.3.2 Whenever such a file is maintained, the faculty member shall be promptly notified of the existence of such a file and shall be provided a list of all materials contained in the file and of any additions made thereto, identified by approximate date, category of source, and type of subject matter.

7.3.3 Any materials placed in such a file shall be retained for a period consistent with relevant statutes of limitations and in no case exceeding seven years. At that time the materials shall be destroyed, unless they are required for judicial proceedings or any relevant statute of limitations period has not expired. Before any materials are destroyed, the custodian of the file shall notify the faculty member of the impending action. If the faculty member and the custodian of the file agree, material may be retained in the file for a further specified period of time. If the faculty member and the custodian of the file do not agree on retention, either person may appeal to the Judicial Board.

## **ARTICLE VIII. SABBATICAL LEAVES**

### Section 1. Policy

8.1.1 Over-all policy governing the awarding of sabbatical leaves is established by the Board of Regents.

8.1.2 Subject to the directives of the Board of Regents, policies applicable to faculty members on the

Lawrence campus of the University of Kansas are established by the Chancellor or by such persons or bodies as may receive such authority by delegation from the Chancellor.

8.1.3 Procedures for the administration of sabbatical leave policy shall be promulgated as Rules and Regulations of the Faculty Senate.

## Section 2. Procedures

8.2.1 The call for applications for sabbatical leave shall be issued each fall by the Office of the Provost. The call shall include a statement of the scope and purpose of sabbaticals. The broad purpose is faculty development through pursuing advanced study, research, or securing appropriate industrial or professional experiences. Included in its scope are in-depth or advanced study in one's field of expertise and in related fields of research; development of new teaching materials and concepts; preparation of a manuscript, a book, a play, or other scholarly or creative activity, and participation in professional development activities in one's discipline and in related disciplines. The acceptance of a teaching appointment at another institution is ordinarily not regarded as an appropriate objective for a sabbatical leave.

During sabbatical leave a faculty member is expected to carry out the purposes for which the sabbatical is granted.

The applicant should attempt to set forth sufficient information about his/her professional work and sabbatical proposal to enable the committee to make an evaluation.

8.2.2 Applications for sabbatical leaves are submitted to the Provost through academic departments and deans or directly to the Provost.

Whenever possible, a comprehensive statement containing peer-group evaluation of the merit of each applicant and his or her proposal shall be furnished to the University Committee on Sabbatical Leaves by his or her department and/or College or school. For this purpose, "merit" shall be defined as follows:

- a. The applicant's contributions to teaching, research, and service.
- b. Value and benefits of the sabbatical proposal to the applicant's professional needs and goals and to the department and the University; value and benefits in terms of enhancing the applicant's teaching mission, professional service, or development of interdisciplinary programs.
- c. The applicant's past use of sabbatical leaves.

Where more than one case is reviewed at the departmental level, the comparative merit of the cases considered should be indicated.

Departmental chairpersons and deans shall review and evaluate the merit of the applicants and their proposal before transmittal to the Provost. Applications submitted directly to the Provost are referred to the respective academic departments and deans for peer evaluation and review.

Evaluations shall be kept confidential. The Provost shall, upon request from the applicant, give each unsuccessful applicant an explanation of the reason(s) his or her application was not recommended for approval.

8.2.3 Applications for sabbatical leave should reach the Provost no later than November 1 of the year preceding the academic year for which leave is desired.

8.2.4 All applications for sabbatical leave shall be referred to the University Committee on Sabbatical Leaves (UCSL) for evaluation.

UCSL shall be a committee of eleven, chaired by the Provost, who shall vote only in cases of ties. The Faculty Executive Committee shall name one of its members to serve for one year. Nine members of the faculty shall be appointed to staggered three-year terms by the Faculty Executive Committee by virtue of delegation from the Chancellor. The Faculty Executive Committee shall take care that the membership of UCSL is broadly representative of the faculty.

8.2.4.1 Members of the University Committee on Sabbatical Leaves shall not serve simultaneously on a sabbatical leave committee of a School or College, except when the faculty of a School or College functions as a committee of the whole.

8.2.4.2 Department chairs, academic program directors, or any heads of units that are recommending faculty for sabbatical leave shall not serve on either a school/College sabbatical leave review

committee or UCSL.

8.2.4.3 A faculty member who is the spouse/partner of an individual being considered for sabbatical leave shall not serve on the department or school/College sabbatical leave committee or on the UCSL during that year.

8.2.4.4 The Senior Vice Provost, Vice Provosts, Assistant and Associate Vice Provosts, and Assistant, Associate or full Vice-Chancellors, Assistant, Associate and full Deans, and department chairs shall be ineligible for UCSL membership. Any UCSL member who is appointed to one of these positions shall relinquish such membership.

8.2.5 UCSL shall act in an advisory capacity to the Chancellor, who shall formally approve sabbatical leave awards. UCSL's recommendations shall not be made public until they have been approved by the Chancellor. Official notification of sabbatical leave awards shall be made by the Provost.

8.2.6 UCSL shall evaluate each sabbatical leave application on the primary criterions of the merit of each applicant and proposal as defined in 8.2.2. Although the primary criterion shall be paramount, some of the applications may not be sufficiently discriminated thereby. In such event, secondary criteria such as the following may be applied:

- a) immediacy of opportunity for the applicant,
- b) time in service of applicant,
- c) length of service since applicant's last sabbatical,
- d) change in responsibility, and
- e) development or improvement of faculty skills.

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t is the applicant's responsibility to set forth as clearly and precisely as possible sufficient information to allow a fair evaluation to be made. This information as a minimum should include a record of previous accomplishments and future plans.

8.2.7 Once the application is made and approved for a specific time period and project, changes in timing and/or the nature of the project must be approved by the Provost. A change in the period of the leave from the academic year at half pay to one semester at full pay will not in general be possible.

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## **ARTICLE IX. RESTRICTED RESEARCH POLICY**

### Section 1. Statement of Purposes

University policy concerning research is derived from the University's basic goals. Among the University's most basic goals are the development, use, and dissemination of knowledge.

One such goal is the development of new knowledge, necessarily through research and inquiry by faculty, staff and students. Another goal is the constant submission of all knowledge, new and old, for reappraisal by anyone concerned. A third goal is the dissemination or teaching of such knowledge as well as teaching the techniques of reappraisal themselves.

The University is fundamentally committed to an open academic environment that fosters intellectual creativity, freedom, and the open dissemination of research results. In order to maintain such an environment, faculty, staff, and students must be free to carry out research in an open manner. They must have freedom to select research topics, to participate in research, and to publish or otherwise disseminate the results of their research.

In an ideal University set in an ideal world, all scholars would be free to select their own spheres of inquiry and there would be no restrictions imposed, either externally or internally, on their freedom to publish or otherwise disseminate the fruits of their scholarly activities. For the University in contemporary society, the matter of restricted research poses a difficult choice between two limiting alternatives. If the University elects to participate in restricted research, the principles of free discussion and full dissemination must be compromised. If the University elects not to participate in restricted research, the freedom of scholars to select areas of investigation that seem most likely to lead to their self-development and the fullest attainment of

knowledge may be denied to some. It is also recognized that in limited cases the pursuit of knowledge may involve critically important but sensitive areas of inquiry where the immediate publication or dissemination of research results may not be in the best interest of the involved parties or society. In this light, the University of Kansas deems the advantages of some forms of restricted research to outweigh the advantages of a total prohibition on restricted research. These restrictions may be imposed by security classification, export controls, proprietary rights in privately sponsored research, or other sources.

Apart from exceptions authorized through the process provided in Part IV, the policy stated below is intended to eliminate such restrictions. It does not, however, prohibit self-imposed restrictions based on the professional ethics of a particular discipline.

### Section 2. Definitions

Restricted research is defined as research in which the University accepts from the outside some abridgement of the usual requirement that the total procedures, techniques, tools, data, results, and products of the research are open to inspection and appraisal by any legitimately interested person, usually through unrestricted publication by the investigator at such time as he or she deems appropriate. Research may be restricted with respect to 1) its primary sources, 2) the process itself, or 3) its product, and the abridgement or restriction may be made in their interest of the Government, corporate organizations, or the individual persons.

### Section 3. Standards and Procedures

1. Restrictions on Primary Sources-- Individuals, corporate organizations, and government agencies are sometimes willing to permit access to private records and to provide personal data for use in research so long as the confidential nature of the materials and the privacy of the individual are respected. In the Humanities, such limitations are often placed upon the use of primary sources; in the Behavioral or Social Sciences, on the identity of the subject or related nondisclosure rules of the type that normally protect census data; in Engineering, and the Natural Sciences on data furnished by corporate or government bodies. Such restrictions are acceptable when they are in the best interests of the researchers and the University and the integrity of the investigators and their work is not compromised. It is recognized that in some cases fundamental research may be published or otherwise disseminated in open and peer-reviewed publications without disclosing source materials that are subject to government classification or that are the intellectual property of a sponsor. Any question about this type of restricted research should be addressed to the Office of the Vice Provost for Research and Graduate Studies.

2. Restrictions on Process and Product-These classifications fall into two basic categories that raise different levels of concern for a University that is committed in principle to free discussion and the full dissemination of ideas. These categories and the standards for engaging in this research are the following:

a) Temporary Restrictions. In some cases, individuals, corporate organizations and government agencies may require a temporary delay of publication in order to protect their interests in the privacy of data, records, process and products that are generated or affected by the investigator's research. Such delays of publication are acceptable under two conditions: 1) The temporary delay is necessary for the fully productive developments of the investigator's work and knowledge. 2) It is in the best interest of the University that the research be undertaken. A project is in the best interests of the University when (a) it would serve the educational interests of students and/or (b) it would serve the research and/or service mission of the University. Such delays of publication also should be truly temporary. Short periods of delay (typically 30-60 days) are acceptable, as are additional delays of publication (typically 60-90 days) if a patent application is to be filed. In either case, the final decision on content must rest with the author. So long as the delay is acceptable to the investigator, periods of delay within this 150 day window may be approved by the Office of the Vice Provost for Research Graduate Studies, and need not be presented to or approved by the Restricted Research Committee of the Faculty Senate. Any delay of publication longer than the above limitations must be reviewed and approved by the Restricted Research Committee. Longer restrictions on the open publication of the results of research may be accepted only where the proposed research is likely to contribute so significantly to the advancement of knowledge as to justify the basic infringement upon the open dissemination of results. In no case shall the restriction extend beyond three years.

b) Total or Indefinite Restrictions. In yet other cases, government agencies may impose total or indefinite restrictions upon the processes and products of research, typically as a matter of national

security. As a general rule, the University will not enter into any contract or accept any grant which i) prohibits the open publication or dissemination of research results within a reasonable period of time (as defined in Section III.2.a), ii) limits access to the research process for foreign students, scholars, faculty or staff, or iii) restricts access to campus facilities in ways that are judged to disrupt the overall research and teaching activities of the University.

Under unusual circumstances relating to special scholarly expertise of a faculty member or his or her research activities, exceptions may be necessary. In these cases a review of the proposed grant or contract shall be made by the Restricted Research Committee of the Faculty Senate to ensure that the academic benefits to the University, and the communities it serves, will justify the exception. The criteria for exceptions and the recommendation and decision procedures shall be formulated and monitored by the Faculty Senate Research Committee, and approved by the Faculty Senate. In accepting any research, the University and its personnel will be bound to follow all applicable federal, state and local laws and regulations.

Under no circumstances will the University accept permanent delays of dissemination of research products for reasons other than official US government national security classifications. Permanent delay of publication for "sensitive but unclassified" material is not appropriate.

3. Approval of Process and Product Restrictions- The investigator must obtain University approval in accordance with the procedures specified below in all cases of University research that involve the restriction of research process or product, except for those cases involving relatively short delays of publication as described in Section III.2.a. The burden of showing that the research will be in accord with the standards specified in this statement shall be on the members of the University community who propose or plan to carry out the research. Any decision by the Restricted Research Committee or the Vice Provost for Research and Graduate Studies to disapprove a proposed research project may be appealed by the investigator to the Faculty Senate Research Committee. The decision of the Faculty Senate Research Committee represents the final faculty recommendation in the appeals process.

4. The Office of the Vice Provost for Research and Graduate Studies will work with investigators at the proposal stage to identify any export control regulations or similar restrictions presented by the proposed research, including terms or provisions that might restrict access to or prohibit publication of research results or limit the participation of individuals in the research. If such provisions cannot be eliminated through negotiation, and if it appears that no exclusions or exemptions from the restrictions are applicable, the proposed research must be referred to the Restricted Research Committee for review following the procedures outlined in Part IV. The Office of the Vice Provost for Research and Graduate Studies may approve workforce development or training grants that are intended to promote participation in research by targeted individuals and other grants that provide direct financial support to targeted individuals if they impose no other restrictions on research or research training.

5. In research, it is recognized that some science and technology can be used for destructive purposes as well as for constructive purposes. The University community has a special responsibility when it comes to "dual uses" in science and technology, and upholds an obligation to first do no harm. The University will not enter into or renew any agreement or contract or accept any grant that has primarily harmful consequences for human beings. Proposed research projects which may violate this provision will be referred to the Restricted Research Committee by the Vice Provost for Research and Graduate Studies, deans, center directors, department chairs or individual investigators whenever in their judgment a review is necessitated. The Restricted Research Committee, following the procedures outlined in Part IV, shall determine whether a proposed research project is within the scope of this paragraph and is therefore prohibited.

6. The University will not enter into or renew any agreement or contract, or accept any grant which would restrain its freedom to disclose the existence of the document or the identity of the sponsor, and if a sub-contract is involved, the identity of the prime sponsor.

7. The University will not enter into or renew any agreement or contract, or accept any grant which would restrain its freedom to disclose the purpose and scope of the proposed research. This policy will permit informed discussion within the University concerning the appropriateness and significance of such research.

8. The restrictions in this Part III do not apply to faculty members serving in accordance with University

regulations in their private capacity and outside the University as consultants to off-campus agencies and organizations on matters of a restricted or classified nature.

9. Research that cannot be published or otherwise publicly disseminated because of restrictions shall not be considered in promotion and tenure decisions and for the purpose of merit salary increases.

10. Research that cannot be published or otherwise publicly disseminated because of restrictions shall not be presented to the University in fulfillment of academic requirements. In order to implement this standard, when students propose to work on restricted research for any purpose, including financial support, the students involved, the faculty member concerned and the Office of The Vice Provost for Research and Graduate Studies shall agree in writing on the following condition: that any theses, dissertations, or other work submitted to fulfill course or university requirements shall be unrestricted or shall not be submitted to the committee for formal defense until they are unrestricted, that is, until their procedures, techniques, tools, data, and results are open to inspection by any member of the Graduate Faculty. It shall be the responsibility of the faculty member concerned to ensure that this written agreement is secured before any graduate student begins work on restricted research; no student may be paid for his or her work until this agreement has been obtained and filed with the Office of the Vice Provost for Research and Graduate Studies.

11. Emergency-In times of national or state emergency the standards and procedures in this Part III shall not apply if the University establishes alternative procedures for accepting restricted research grants, contracts, assignments, and agreements that are in the interests of the state or nation and appropriate to the nature of the emergency and the resources of the University.

#### Section 4. The Review Process

##### A. Preamble

1. The University of Kansas Center for Research, Inc. has the legal responsibility for entering into research grants and contract agreements on behalf of the University. The Vice Provost for Research, as the institutional representative of KUCR, has oversight authority for research related activities within the University.

2. The Faculty Senate Research Committee, which is broadly representative of all major research areas in the University, makes recommendations concerning University research policies. Policy decisions, to include exceptions policies, are to be formulated and monitored through the Faculty Senate Research Committee and approved by the Faculty Senate.

3. The approved policy on restricted research calls for the Restricted Research Committee of the Faculty Senate to make recommendations concerning the appropriateness of entering into research grants or contracts before final decisions are made concerning their acceptance by the University.

##### B. Composition of the Restricted Research Committee of the Faculty Senate.

The Restricted Research Committee members shall be selected by the Faculty Senate Executive Committee in consultation with the Vice Provost for Research. Membership shall comprise six members of the University faculty holding regular appointments to the graduate faculty. Membership shall be broadly representative of the University faculty. Members shall be appointed to staggered three-year terms, with two members rotating each year. The Vice Provost for Research or a designated representative and the Chair of the Faculty Senate Research Committee or a designated representative will be Ex Officio non-voting members of the committee.

##### C. Mandate

1. In accordance with the policy statements in Part III above, the investigator shall have the primary responsibility for presenting his or her proposed research to the Restricted Research Committee for review if there is a possibility that restrictions will apply. The investigator shall submit the proposal and any available supplementary information to the Restricted Research Committee at the earliest possible time for review.

2. The Restricted Research Committee, in accordance with the policy statements in Part III above,

shall review every proposal for a research grant or contract that carries a provision expressed or implied that seeks to limit access to facilities or the freedom of the investigators to publish or otherwise disseminate the product of their research (except for those cases involving relatively short delays of publications described in Section III.2.a above which may be reviewed administratively). Proposals will be referred to the Restricted Research Committee by the Vice Provost for Research and Graduate Studies, deans, center directors, department chairs or individual investigators whenever in their judgment a review is necessitated. Each recommendation by the Restricted Research Committee shall be promptly published in a notice to the Faculty Senate Research Committee. The notice shall include:

- a. Title of project;
- b. Name of principal investigator or project director;
- c. Source or sources of funds for support of project;
- d. Action by the Restricted Research Committee as to approval or
- e. If approved, a short statement of justification for the proposed research in terms of the purposes of the University and in the light of the criteria for approval as listed in Section IV.D. below; if disapproved, a short statement of the reasons for rejection.

3. The Faculty Senate Research Committee, in accordance with the policy statements in Part III above, shall:

- a. Maintain a current record, open for review, of the review actions taken by the Restricted Research Committee and the Office of the Vice Provost for Research and Graduate Studies.
- b. Make an annual report to the Faculty Senate Executive Committee listing each restrictive grant or contract considered during the year, to include references to all information identified in Section IV.C.2 above.

#### D. Criteria for Approval

1. A proposed research grant or contract that involves restrictions on access, publication or non-publication will be recommended for approval only when in the judgment of the Restricted Research Committee the merits of the proposed research and the potential benefits to be realized clearly outweigh the disadvantages of the restrictions. The following criteria shall be used as a basis for judgment; however, a proposal need not qualify under all criteria.

- a. Involves unique University capabilities.
- b. Has very substantial scholarly, scientific or educational benefits.
- c. Constitutes a very substantial public service.

2. All documents setting forth the terms of the proposed research grant or contract must be unrestricted and the general nature of the research must be freely disclosed.

#### E. Recommendations and Advice

Any recommendation by the Restricted Research Committee shall be made by a majority vote of the committee. If the vote results in a tie, the matter is eligible for appeal, as outlined in Section IV.F below.

The Restricted Research Committee shall transmit to the Vice Provost for Research and Graduate Studies its recommendation on the approval or disapproval of each proposal together with the explanatory statements required by Section IV.C.2. Any decision by the Vice Provost for Research and Graduate Studies which is counter to the recommendation of the Restricted Research Committee must be promptly reported to the Restricted Research Committee and the Faculty Senate Research Committee with explanatory statements similar to those required by Section IV.C.2. Disapproved proposals will be returned by the Vice Provost for Research and Graduate Studies to the initiator of the proposal, along with the statement of why the proposal was disapproved and any advice or suggestions for resolution of the difficulties leading to rejection. This statement will also be copied to the Dean/Center Director and the Department Chair of the individual investigator. Such rejection may be appealed (Section IV.F). The Restricted Research Committee and the Office of the Vice Provost for Research and Graduate Studies shall assist the initiator of the proposal and

other University personnel to achieve the greatest degree of publishability compatible with the proposed research by clearly defining modifications to proposed research restrictions which would be acceptable.

#### F. Appeals

When a recommendation has been made by the Restricted Research Committee and approved by the Vice Provost for Research and Graduate Studies, the investigator or a group of 10% or more of the graduate faculty or 25% of the Faculty Senate may appeal the recommendation by requesting review by the Faculty Senate Research Committee. An appeal must be made within two weeks after official publication of the recommendation of the Restricted Research Committee. Those who are appealing may be invited to express their views at the next meeting of the Faculty Senate Research Committee during a reexamination of the recommendation of the Restricted Research Committee. The Faculty Senate Research Committee members shall then vote to sustain (or override) the recommendation of the Restricted Research Committee. The Faculty Senate Research Committee action terminates the appeal process for the investigators of the proposed research or for the group of faculty who have appealed the recommendation of the Restricted Research Committee.

#### G. Timing

The Restricted Research Committee's consideration of and recommendation regarding a specific proposal should be completed within two weeks from the time of referral. The resolution of an appeal through action by the Faculty Senate Research Committee should be so coordinated that normally the time required would be less than six weeks after the time of appeal.

In highly unusual circumstances wherein a research submission deadline does not permit completion of the review by the Restricted Research Committee, the Vice Provost for Research and Graduate Studies may endorse submission of a research proposal prior to the review by the Restricted Research Committee. Acceptance of an award from such a proposal, however, would be predicated upon the completed review and recommendation of the Restricted Research Committee.

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## **ARTICLE X. PROCEDURES FOR REVIEW AND REAPPOINTMENT OF CHAIRPERSONS, ACADEMIC DEANS, AND VICE CHANCELLORS**

### Section 0. Introduction

10.0.1 Appointments of chairpersons, academic deans, and vice chancellors shall be reviewed comprehensively within a period not to exceed five years. Such review shall be required before a decision is made to continue the appointment.

10.0.2 Deans shall maintain lists of chairs with their scheduled dates of review. The Provost shall maintain a list of the vice chancellors and the deans with their scheduled dates of review.

### Section 1. Selection and Review of Chairpersons

**10.1.0. The by-laws of a College or School may provide procedures for the selection of chairpersons, directors, or administrative heads of academic departments and other units.**

**10.1.0.1. Procedures adopted by a College or School pursuant to this section shall provide the opportunity, at some point during the process of selecting the chair or other administrative head, for the department or unit's voting members to express their support for the candidate in a secret ballot. Student and staff input should also be sought and considered in a way that protects their confidentiality.**

**10.1.0.2. Only in extraordinary cases should the dean select a chair who is not supported by a substantial majority of the voting members of the department or unit. In such a case, the dean should provide a confidential explanation to the voting members of the department. If the dean does not provide an explanation or if a majority of the voting members do not accept the dean's explanation, the matter will be referred to the Provost.**

**10.1.0.3. In consultation with the Faculty Senate Executive Committee, the Office of the**

**Provost may adopt default procedures for the selection of chairpersons, directors, or administrative heads, consistent with the provisions of this section, for use if the by-laws of a College or School do not provide such a procedure.**

**[This section was last updated on 06/23/08/08; most recent changes are shown in bold font]**

10.1.1 Review procedures for chairpersons shall be established by a committee appointed by the dean of each school and the College. The Review Procedures Committee shall consist of faculty from all ranks above the rank of instructor and representative of each division within that school or the College, and shall include a proportionate number of undergraduate and graduate students.

10.1.2 Reviews of chairpersons shall be conducted by committees appointed by the dean of each school and the College. These committees shall include faculty, staff, and students drawn from the department, and one or more representatives from the school or College or University at large, as appropriate.

10.1.3 The report of the Review Committee shall be based on, but not necessarily limited to, information solicited from students, staff, and faculty in the department, other chairpersons in the school or the College, and, where appropriate, the professional constituency of the department. The Review Committee will take particular care to learn the will of the department whose chairperson is being reviewed, and whether it wishes him or her to continue in office. Communications to or interviews with the Committee by members of the department shall be held in strictest confidence.

10.1.4 The appointment will be reviewed not more than five years after the date of the initial appointment, or latest reappointment. Reappointment for another five years will depend upon a favorable review. Normally the wishes of the majority of the department will be respected by the Review Committee, unless the other findings of the review are significantly at variance with the department's wishes. In case of a decision for non-reappointment, or for reappointment for a shorter term, the Dean will consult with the Review Committee before making that decision.

10.1.5 The review committee shall submit its report to the dean, who will forward a copy, with his or her recommendations appended, to the Provost, and, where graduate programs exist, to the Vice Provost for Research. A copy of this report shall be conveyed to the department faculty, to the review committee, and to the Review Procedures Committee at the same time.

10.1.6 In addition to the periodic reviews described above, each chairperson shall be reviewed whenever a two-thirds majority of the faculty of a department shall indicate its desire for a review of its chairperson, or whenever in the judgment of the dean, and with the concurrence of the Provost, such a review is deemed necessary.

## **Section 2. Review of Academic Deans**

10.2.1 The review of a dean of an academic unit shall be the responsibility of the Provost, who shall consult with the Provost's Council and the Senate Executive Committee. The review committee shall be composed of 5-9 voting members, depending on the size of the unit. No less than fifty percent of the members shall be faculty from the unit of the dean under review elected by established unit procedures. The remainder shall be appointed by the Provost and shall include at least one student and one staff member from the unit of the dean under review and at least one member from outside the unit. In addition, a representative of the Provost's Office shall be a non-voting ex-officio member of the review committee. The committee shall elect a chair from its voting members.

10.2.2 The review shall evaluate the performance of the dean and the associate and assistant deans who report to him/her and shall cover the period since the last review of the dean took place or, in the case of a new dean, since he or she took office. The report of the review committee shall be based on, but not limited to, information solicited from faculty, students, and chairpersons in the College or in the school, peers on the Academic Council, the central administration, alumni/ae, and where appropriate, representatives of the professional constituency. Strict confidentiality will be observed.

10.2.3 Within 90 days from its initial meeting the Review Committee shall submit its reports and recommendations in writing to the Provost, who will forward a copy with his/her recommendation to the

Chancellor. The Provost will report to the faculty of the unit involved, summarizing the results of the review within 30 days of receiving the report. The appointment will be reviewed not more than five years after the date of the initial appointment, or latest reappointment, of the dean under review. Reappointment for another five years will depend upon a favorable review; in the event of a different decision (e.g. reappointment for a shorter term, or non-reappointment), the Provost will consult the review committee before making that decision.

10.2.4 In addition to the periodic reviews described above, each dean shall be reviewed whenever a two-thirds majority of the faculty of his or her school or the College shall indicate its desire for a review of its dean, or whenever in the judgment of the Provost such a review is deemed necessary.

### Section 3. Review of Vice Chancellors

10.3.1 The review of vice chancellors shall be the responsibility of the Provost, who shall develop procedures in consultation with the Provost's Academic Council, the Research Council, the Senate Executive Committee, the Provost's Executive Committee, and, in the case of Student Affairs and Information Services and the Libraries, with groups comparable to the Provost's Council and to the Research Council.

10.3.2 Membership on the Review Committee shall consist of representatives of the groups mentioned above and the Student Senate. The committee shall be appointed by the Provost and normally shall elect its own chairperson. The committee shall report its finding to the Provost and the Chancellor.

10.3.3 In addition to the periodic reviews described above, each vice chancellor shall be reviewed whenever a two-thirds majority of the members of the unit indicate their desire for a review, or whenever in the judgment of the Provost and the Chancellor such a review is deemed necessary.

### Section 4. Review of Assistant and Associate Chairpersons, Deans, and Vice Chancellors

10.4.1 Assistant and associate chairpersons, deans, vice chancellors, and provosts serve primarily at the pleasure of the chairperson, dean, or vice chancellor, or provost. It is assumed, however, that the designee is acceptable to faculty members and others with whom he or she is dealing. Because of the inextricable relationship between the administration of the primary executive and his or her associates, review of the administration of the unit should include the review of these associates. When such positions exist, the review report should include a section related specifically to the assessment of the associates' performance and effectiveness.

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