

Redbook Chapter Four

Faculty Personnel Policies

Article 4.1 Faculty Appointments and Tenure

Sec. 4.1.1 Full-time Faculty Appointments

A. Nontenurable Full-Time Appointments

1. Temporary Appointments

Temporary appointments to the various academic ranks may be made for specifically limited time periods less than one year or for special purposes. In no case shall a temporary appointment or a renewal thereof result in the acquisition of tenure.

2. Term Appointments

- A. Term faculty may be appointed for a contract period not to exceed 3 years. Such appointments shall not be tenurable. No term contract, continuation, or renewal shall result in the acquisition of tenure or imply renewal for subsequent terms.
- B. Term faculty appointments may be funded through general funds, restricted funds, or clinical revenues. In each unit, term appointments funded through general funds must number less than 50% of the total number of probationary and tenured appointments in that unit. (Please see [Sec. 3.3.1](#))
- C. Unit documents shall specify the maximum term, criteria for appointment, procedures for evaluation and promotion, and governance franchise for nontenurable faculty.
- D. A nontenurable faculty member shall be eligible to apply for and be appointed to a tenurable position. The Executive Vice President and University Provost's letter of appointment shall state whether and to what extent the new appointment shall consider time served in nontenurable status as prior service ([Sec. 4.1.1.C.4](#)).

B. Probationary Appointments

1. Definition

Probationary appointments shall be appointments of full-time faculty members without tenure other than those described in [Sec. 4.1.2](#), provided, however, that no probationary appointment to the University shall extend beyond the period when tenure would normally be granted ([Sec. 4.2.2](#)).

2. Instructors

Probationary appointments to the rank of instructor shall be for stipulated terms of one year each.

3. Assistant and Associate Professors

Probationary appointments to the rank of Assistant or Associate Professor shall be

for stipulated terms not to exceed two years on the initial appointment, nor three years for appointments made thereafter.

4. Professors

Professors shall be awarded tenure if employed subsequent to the initial probationary appointment.

C. Tenure Appointments

1. Definition

Tenure is the right of certain full-time faculty personnel who hold academic rank to continuous full-time employment without reduction in academic rank until retirement or termination as provided in [Sec. 4.5.3](#). Tenure is granted in an academic unit ([Sec. 3.1.1](#)) in accordance with the procedures established in [Sec. 4.2.2.H](#).

2. Administrators

Administrative personnel who have acquired tenure are subject to the regulations herein on tenure and the provisions governing termination only in their capacities as faculty members.

3. Tenure Recommendations

Recommendations concerning the award or denial of tenure shall originate in the faculty of the academic unit in which tenure is to be granted.

4. Establishment of Tenure Date

For probationary appointments, the date of mandatory tenure and the number of years of previous full-time service to be counted toward acquisition of tenure shall be stipulated by the Executive Vice President and University Provost and agreed to in writing by the nominee before the appointment is made by the Board of Trustees.

Sec. 4.1.2 Part-time appointments

Part-time faculty shall be appointed by contract to teach specified courses or to engage in specified instruction, research [and/or other creative activity](#), or service less than full time for a designated period. No such appointment, continuation, or renewal thereof shall result in acquisition of tenure or implied renewal for subsequent periods. Part-time faculty may qualify for certain benefits as authorized by the University. Part-time faculty may be elected to the Faculty Senate and may be appointed or elected to University or unit committees as specified by contract, University or unit personnel documents. Such service shall be accounted for and recognized in the individual contract. Part-time faculty shall hold rank according to education and experience. Part-time faculty shall have an appeal process as provided for in the terms of appointment.

Deans may appoint or reappoint part-time faculty for each academic term at the convenience of the University on standard contract terms approved by the Executive Vice President and University Provost. Criteria for appointment and promotion shall be defined in the unit personnel document. Part-time faculty appointments shall not be eligible for tenure or count toward time for acquisition of tenure.

Sec. 4.1.3 Emeritus

Such honorary title may be conferred upon retired faculty if requested by the unit faculty (or, if permitted in unit personnel documents, by department faculty) and dean and approved by the President and Board of Trustees.

Sec. 4.1.4 Other Appointments (See Addenda)

Article 4.2 Faculty Personnel Reviews

In compliance with the [Minimum Guidelines \(Sec. 4.6.1\)](#), each academic unit shall establish and maintain a system of career reviews of all faculty. The kinds of review are: annual ([Sec. 4.2.1](#)); pre-tenure ([Sec. 4.2.2.G](#)), tenure ([Sec. 4.2.2.H](#)); promotion to associate professor or professor, ([Sec. 4.2.3](#)); and periodic career review ([Sec. 4.2.4](#)).

Sec. 4.2.1 Annual Reviews

- A. Administrative officers and appropriate faculty bodies shall protect faculty members from inequities in salary.
- B. All part-time, term, probationary, and tenured faculty must be reviewed in writing annually. Unit personnel documents shall specify the process of annual review, which shall be consistent with The Redbook and the Minimum Guidelines. Copies of the evaluations are maintained in the Office of the Dean in each unit.
- C. Unit personnel documents shall also provide an appeal process for annual reviews. This process shall be distinct from the grievance process of [Article 4.4](#).

Sec. 4.2.2 Tenure

- A. Length of Probationary Period
All probationary faculty who have had seven years of full-time service counted as in a tenurable faculty position, if reemployed full-time, shall be granted tenure.
- B. Leaves of Absence
One year spent on an officially approved leave of absence may be counted toward the seven years of full-time service necessary for tenure. Any leave granted during the probationary period must carry with it a stipulation in writing as to whether the leave counts toward tenure.
- C. Extension of Probationary Period
A faculty member who faces extenuating circumstances that do not require a leave of absence but result in a significant reduction in ability to perform normal duties (such as personal illness, the birth or adoption of a child, or care of an ill family member) may request an extension of the probationary period for no less than six months and no more than one year. A second extension may be granted for a second extenuating circumstance. An extension shall not be granted more than two (2) times within the probationary period of a faculty member. Such extensions must be requested and approved before the end of the fifth year of the probationary period and must have documentation satisfactory to the Executive Vice President and University Provost.

D. Prior Service

Previous full-time service with the rank of instructor or higher or comparable status in institutions of higher learning may be counted toward the acquisition of tenure.

E. Early Tenure

1. Tenure may be granted at the time of initial appointment or in less than seven years when such action is warranted.
2. A faculty member may request only one evaluation for early tenure.
3. Evaluation for early tenure, once originated, shall proceed as indicated in Sec. 4.2.2.H. unless the faculty member under review requests its withdrawal.

F. Criteria for Tenure

Criteria for tenure shall be established in, but not limited to, the following areas:

1. Teaching
2. Research and/or creative activity
3. Service to the profession, the unit, the University or the community

The details of these criteria and of any additional criteria to be considered in making a recommendation concerning tenure shall be specified in the unit's personnel document.

G. Pre-Tenure Review

Each probationary faculty member shall be reviewed at the mid-point of his or her probationary period at the University. The review shall be conducted at the same level of rigor and by the same process as in a tenure review within the unit, except that extramural evaluations shall not be required. The results of the review shall be made available to the faculty member. The purpose of the review is to inform the faculty member of the unit's perception of the faculty member's progress in meeting the standards for tenure. In units without subdivisions, the dean shall conduct the review. In units with departments or divisions, the chair or director may conduct the review but it shall not be final until approved by the dean.

H. Evaluation for Tenure

1. Each faculty member eligible for tenure must be evaluated within twelve months after five years of service applied to tenure according to the following procedures. Evaluation for tenure, once originated, shall proceed as indicated below (4.2.2.E.3.) unless the faculty member under review resigns from the University or is subject to termination by reason of the discontinuation of a unit, department, or program (Sec. 4.5.3.A.2). Completion of the probationary period with satisfactory annual performance evaluations and pre-tenure review shall not constitute sufficient grounds for tenure.
2. Faculty members on probationary status shall be affected by any amendments to or change in the criteria for tenure subsequent to their appointment. In such evaluations, appropriate consideration must be given to the amount of time remaining in their probationary period when the change becomes effective.
3. In units with subdivisions, evaluation for tenure shall originate in the department or division in which the faculty member has primary appointment. The recommendations of the faculty and/or of its designated representatives, of the

department or division, and of the chair or director shall be forwarded to the appropriate unit committee for its recommendation to the dean of the unit, who shall make a recommendation. In units without departments or divisions, the recommendation of the appropriate unit committees shall be forwarded to the dean for a recommendation.

4. A file of all information and documents pertinent to the tenure evaluation shall be compiled with the cooperation of the faculty member. Recommendations and any other material added shall become part of the file. The faculty member may examine any substantive material in the tenure file but shall not be informed of the identity of evaluators. The faculty member may add newly available material evidence for reconsideration by the previous evaluators or rebuttals before the file is forwarded to the Executive Vice President and University Provost. The evidence in this file shall be reviewed according to the procedures specified in the Minimum Guidelines and the unit personnel document.
5. The recommendation of the dean shall be the unit recommendation forwarded to all higher levels of review.
6. The completed tenure file shall be forwarded to the Executive Vice President and University Provost for a recommendation, after it has been reviewed by the Affirmative Action Office. If there is any disagreement between the view of the Executive Vice President and University Provost and the recommendation of the unit, the Executive Vice President and University Provost shall send a written statement of the reasons for his or her recommendation to the faculty member and to the unit dean, each of whom shall have the opportunity to comment in writing prior to any recommendation to the President. The file containing all comments and recommendations shall be made available to the President.
 - A. If the recommendation of the Executive Vice President and Provost, dean, or department chair is negative, the candidate must be notified by certified mail before it is forwarded to the next level of review.
 - B. If the recommendation of the Executive Vice President and Provost, or dean, is negative, the candidate may request a hearing before the University Faculty Grievance Committee. This request must be delivered to the Faculty Grievance Officer on or before the tenth working day following notification by certified mail.
7. The Executive Vice President and University Provost will prepare a recommendation for the President's review, and the President shall make the final recommendation concerning tenure for any faculty member whose status is to be acted upon by the Board of Trustees or shall inform the Board concerning the nonrenewal of contract for any faculty member completing the sixth year of service in a probationary appointment.
8. In any case where the initial recommendation to deny tenure is by the President, the candidate shall first be notified of the reason in writing by the President and may appeal for reconsideration before the Board of Trustees takes action. If requested by the candidate on or before the tenth working day following the President's notice, the

University Faculty Grievance Committee shall provide a hearing. The report of the committee, which shall summarize the case and make a recommendation for tenure or denial, shall be forwarded to the Board of Trustees, the President, and the candidate together with the record of the hearing. The President and candidate shall have ten working days to submit written response to the Board of Trustees.

9. The Board of Trustees shall take final action to grant tenure after an affirmative recommendation of the President. In addition, in any case where the initial recommendation to deny tenure is by the President, the Trustees shall decide whether to grant tenure after considering the President's original recommendation, the Report of the Faculty Grievance Committee, and the response of the President and the candidate.
10. Evaluation for tenure, once originated, shall proceed as indicated above (except as noted in 4.4.2.E.3.) unless the faculty member under review resigns from the University. The President may deny tenure after a recommendation of the Executive Vice President and University Provost if the position is eliminated for financial exigency or bona fide discontinuance or reduction of a department, institute or program of instruction. In the event of a tenure denial for such reasons, the faculty member's place will not be filled by a replacement within a period of three years, unless the dismissed faculty member has been offered reappointment and a reasonable time within which to accept or decline it.
11. Faculty members not recommended for tenure shall be informed by the President within seven days after the decision has been reported to the Board of Trustees.
12. If appeal or grievance procedures delay a final tenure recommendation at the time notice of nonrenewal must be given, the President may give notice of nonrenewal of the appointment but such notice shall not prejudice later award of tenure.

Sec. 4.2.3 Promotion in Rank

A. Criteria

Criteria for evaluation for promotion shall be established in, but not limited to, the following areas:

- o Teaching
- o Research and/or creative activity
- o Service to the profession, the unit, the University or the community.

The details of these criteria and of any additional criteria to be considered in making a recommendation concerning promotion shall be specified in the unit's personnel document.

B. Evaluation for Promotion

Each faculty member shall be reviewed for promotion in rank according to procedures identical

to those prescribed in Sec. 4.2.2.H, subsections 1-6. Then the President shall make a recommendation concerning promotion to be acted upon by the Board of Trustees.

Sec. 4.2.4 Periodic Career Reviews

Each academic unit shall have a Periodic Career Review process specified in the unit personnel document.

- A. Faculty members with tenure shall undergo a periodic career review after every fifth year of service. When the review period ends in a sabbatical (or other leave), the periodic career review shall be deferred until the next academic year. A promotion shall replace a periodic career review for the period in which the promotion occurs.
- B. Within thirty calendar days of a periodic career review that indicates deficient performance, a faculty member, in consultation with the chair (if any) or dean, shall prepare a career development plan, acceptable to the dean, to remedy the deficiency in one year unless the dean approves a longer period. If the faculty member completes the agreed upon professional development plan, the faculty member shall then have one year to demonstrate satisfactory performance. The dean shall then institute another career review as provided in the unit personnel documents. A faculty member whose performance is judged unsatisfactory in this second review shall be subject to appropriate disciplinary action, which may include proceedings for termination ([Article 4.5](#)).

Article 4.3 Conditions of Faculty Employment

Sec. 4.3.1 Annual Work Plan and Presence at the University

- A. Annual Work Plan
Each faculty member shall collaborate with the departmental chair, or the appropriate supervisor as designated by the dean in units without departments, to develop an annual work plan which they shall submit to the dean for approval. The work plan shall specify the responsibilities of the faculty member for teaching, research [and/or creative activity](#), service, other institutional obligations, and other activities or requirements for the faculty member's presence on campus. When circumstances require changes in the work plan, the faculty member and chair shall file an amended plan (including an explanation of the necessary changes) for the dean's approval.
- B. Presence at the University
Each dean may require the unit faculty to report two weeks before classes begin in Fall and to continue in actual attendance until two weeks after the end of the final examination period in Spring except when an approved faculty work plan provides otherwise. Temporary absence from residency for faculty members during the period when their contract requires them to be in residence shall be arranged in accordance with regulations of the unit. Each faculty member is responsible for the conduct of assigned courses and is required to meet such classes and make such assignments as will fulfill the intent of the courses.

Sec. 4.3.2 Compensation

Each faculty member's base salary, exclusive of supplemental pay, once established for tenured faculty or during a contract period at the University of Louisville shall not be reduced except in a fiscal emergency or under the most extreme circumstances.

Sec. 4.3.3 Work Outside the University

Full-time faculty of the University may carry out professional work outside the University, with or without pay, usually for not more than the equivalent of one work day a week, averaged throughout the number of weeks of their employment in a given year, provided that such work is previously approved by the dean as appropriate to the faculty member's expertise and the mission of the university and provided that such work does not conflict or interfere with the faculty member's schedule of assignments and responsibilities at the University. As part of the documentation for annual review, full-time faculty shall submit a report of this professional work outside the University under the provisions of this section. If a unit has a Professional Practice Plan that has been reviewed by the faculty of the Unit and approved by the Board of Trustees, then that Professional Practice Plan supersedes this section.

Sec. 4.3.4 Paid Tutoring

No one shall receive any compensation for tutoring students in a course in which that person is empowered to grant the student credit or over which any direct authority may be exercised.

Sec. 4.3.5 Sabbatical Leave

The sabbatical leave is recognized as a serious professional responsibility and shall be utilized for activities that will improve the faculty member's contribution to the University's missions. A tenured faculty member who has six contract years of full-time service at the University of Louisville may petition for a sabbatical leave of absence for one-half contract year on full pay or for one contract year on one-half pay. Faculty members on twelve-month appointments may receive six months of leave with full pay or twelve months' leave with one-half pay. No more than one year of leave, as defined in Sec. 4.3.6 and 4.3.7, may be counted as years of service toward sabbatical leave. The University shall make every effort to approve all appropriate applications. Sabbatical leave shall be granted only upon the approval of the dean (and the Executive Vice President for Health Affairs, where appropriate), the Executive Vice President and University Provost, and the President. No leave will be granted without the guarantee of at least one year of continued full-time service after return from the sabbatical leave.

Sec. 4.3.6 Leave of Absence Without Pay

A faculty member may request a leave of absence without pay at any time. The dean of the unit, the Executive Vice President and University Provost, and the President must approve such leaves. Disciplinary leaves of absence without pay may be imposed by deans with the approval of the Executive Vice President and University Provost and the President.

Sec. 4.3.7 Leave of Absence With Pay

A faculty member may request a leave of absence with pay at any time. The dean of the unit, the Executive Vice President and University Provost and the President must approve such leaves. Disciplinary leaves of absence with pay may be imposed by deans with the approval of the Executive Vice President and University Provost and the President.

Sec. 4.3.8 Retirement

The Board of Trustees shall make available a retirement plan for full-time faculty members, after a stated minimum period of service in such capacity. Each retirement contract shall be vested in the individual participant. Faculty members will retire under the provisions and conditions set out in the retirement plan adopted by the Board of Trustees.

Article 4.4 Resolution of Faculty Disputes

The university seeks to create and preserve mutual respect and trust among its various constituencies, and to promote the prompt review and correction of actions and policies that undermine those values. It does that by developing and promoting a culture that supports and affirms members of the university community working together as partners to address the sometimes contentious issues faced in a dynamic academic environment.

This article addresses the resolution of disputes regarding the fairness or propriety of particular procedural actions or the implementation of policy, and provides processes designed to resolve the dispute, achieve justice and restore trust. Matters covered in the article are about departure from stated policies or established procedures of the university.

Disagreements about the content of a policy or established procedure, rather than with their application or enforcement, shall be addressed through policy-making bodies, including the unit faculties, the Faculty Assembly, the Faculty Senate, and the Board of Trustees.

Sec. 4.4.1 Guiding Principles of Dispute Resolution

These dispute resolution procedures are based on the following tenets:

- A. **Respect for Difference of Opinion**
All members of the university community must respect diversity of opinion and no one should fear retaliation for expressing dissent. When differences occur, all parties are expected to adhere to the university's Code of Conduct (The Board of Trustees 1.0 Policy Statement,) and maintain professional standards.
- B. **Confidentiality**
The persons involved in the dispute resolution process will maintain the confidentiality of the participants to the extent permissible by law.
- C. **Prompt Resolution**
Resolution of disagreements must receive prompt attention. All parties to a dispute shall ensure against unnecessary delay in all proceedings related to the dispute resolution process.
- D. **Non-Retaliation**
Faculty members shall not be subject to reprisals, coercion or restraint for using or participating in any of the university's dispute resolution processes. Any retaliatory actions against a faculty member seeking to resolve a dispute through these channels is subject to disciplinary action up to termination from the university. This provision does not, however, limit the administrator's ability to pursue disciplinary or separate actions where appropriate. Additionally, faculty members shall not make frivolous or vindictive use of the dispute resolution procedures.
- E. **Resolution at Lowest Level**
Disputes vary in their complexity and impact on the faculty member's career. For that reason, the

university provides a range of dispute resolution procedures with the intent of resolving issues at the most informal level possible. When informal processes do not provide a satisfactory result, more formal grievance processes may be used to resolve differences.

F. Legal Status of Dispute Resolution

The university's dispute resolution processes are not legal proceedings and hearings do not follow the rules of the courts.

Sec. 4.4.2 The Administration of Faculty Disputes

This section identifies the individuals who manage the dispute resolution processes when faculty members are unable to resolve the issue through direct, informal discussion. These offices provide assistance to faculty who are seeking to resolve a dispute, although none functions as an advocate for individual faculty members or on specific issues. Consultation with the Ombuds Office or the Faculty Grievance Officer does not constitute notice of claims against the university or any of its administrators.

a. Ombuds Office

The Ombuds Office provides information about a range of neutral and informal dispute resolution services to all faculty and staff at the university, including on matters not covered in this article. Use of the services of this office is required for faculty members with Type 1 disputes before participating in more formal dispute resolution services.

b. Faculty Grievance Officer

The Faculty Grievance Officer (FGO) is available to advise faculty on the procedural options available to them when issues cannot be resolved through informal means. The Faculty Grievance Officer also provides assistance to the Chair of the Grievance Committee in the administration of the grievance procedures. Appendix A contains the duties, appointment process and reporting requirements for the Faculty Grievance Officer.

c. University Faculty Grievance Chair

The Chair of the Faculty Grievance Committee is charged with the administration of the grievance process once a formal grievance has been filed. The chair oversees the processes for establishing jurisdictional and hearing panels, and ensures appropriate communication among the parties to the dispute and other appropriate university officers. The chair is also responsible for oversight of grievance records retention. Appendix A contains the duties, appointment process and reporting requirements for the Faculty Grievance Committee.

Sec. 4.4.3 Scope of these Procedures

Term, probationary and tenured faculty members of the University of Louisville are covered by the provisions of this article. Administrators, faculty with administrative appointments, professional and administrative staff, classified staff, students, and trainees are covered in other articles of the Redbook. Part-time faculty members with an appointment may seek resolution to their disputes through their unit administrators or through the university's Ombuds Office.

Sec. 4.4.4 Types of Disputes Covered

This section describes the specific matters that are covered under Article 4.4. In all instances, the faculty member must initiate use of the dispute resolution procedures, usually by contacting the Ombuds or the Faculty Grievance Officer. The procedures for pursuing a Type 1 Dispute are found in Section 4.4.4.A. and the procedures for Type 2 Disputes are found in Section 4.4.4.B.

A. Type 1 Disputes

A Type 1 dispute arises when a faculty member believes that decisions or actions taken by an administrator or others have caused material disadvantage to the faculty member. For this type of dispute, the faculty member must be able to demonstrate that he or she has experienced professional damage, loss of resources or significant changes in work assignment as a result of decisions or actions as specified below.

1. The circumstances covered under this type of dispute are allegations of:
 - A. Violation of a university rule or policy;
 - B. Misapplication of a university rule or policy;
 - C. Differential application of a university rule, policy, procedure or usual unit practice or custom;
 - D. Discrimination or improper bias in the application of a university rule, policy or procedure; (improper bias may include inappropriate considerations in addition to the legally impermissible use of race, gender, sexual orientation, age, religion, national origin, or disability of an otherwise qualified individual);
 - E. Denial of promotion resulting from improper process;
 - F. Retaliation;
 - G. Decisions based on misrepresentation of material facts;
 - H. Decisions that are arbitrary or capricious as defined in [guidelines approved by the Board of Trustees \(January 26, 1987\)](#);
 - I. Infringement of academic freedom as set forth in the AAUP Statement of Principles (1940), and described in Redbook Sec. 2.5.1.
2. This category does not cover
 - A. Dissatisfaction with university rules, policies or procedures that apply to all faculty;
 - B. Dissatisfaction with compensation, or university benefits;
 - C. Dissatisfaction with annual performance reviews, unless the outcome is the result of circumstances covered in 4.4.4.A.1 and the unit appeals process has been exhausted;
 - D. Disputes with individuals outside the university;
 - E. Disputes resulting from participation in the conflict resolution process (including the F.G.O., Ombuds, Faculty Grievance Committee or its members;)
 - F. Procedures governed by state or federal law.
 - G. The professional judgments of faculty or administrators.

B. Type 2 Disputes

A Type 2 dispute is used for a decision that results in the termination of an appointment.

1. The circumstances covered under this type of dispute are allegations of
 - A. Denial of tenure resulting from improper process;
 - B. Non-renewal of a probationary appointment resulting from improper process.
 - C. Non-renewal of other faculty appointments resulting from improper process, except as described elsewhere in this document.
2. This category does not cover:
 - A. Non-renewal of a term contract at the end of the contract, unless the outcome is a result of circumstances covered in 4.4.4.A.1.
 - B. Termination for cause of an appointment with tenure, or of a special or probationary appointment before the end of a specified term. This is described by Article 4.5.3.
 - C. Termination for financial exigency or bona fide discontinuance of a unit, department program or service of an appointment with tenure, or of a special or probationary appointment before the end of a specified term. This is described by Article 4.5.3.

Sec. 4.4.5 Procedures for Dispute Resolution

For this article, a dispute is a difference of opinion between a faculty member and another faculty member or administrator that has led to a perceived material disadvantage by the faculty member. If the faculty member is unable to resolve the dispute personally and formally contacts either the University Ombuds or Faculty Grievance Officer, the dispute becomes a complaint. If the complaint is accepted for review by the Faculty Grievance Committee, it becomes a grievance.

All parties to the dispute resolution process may deliver "written" notification and documents either on paper or by the University's e-mail system, unless specified otherwise in this document. The date on the written notification determines timeframes and deadlines. Oral communications are not adequate notification.

A. Procedures for Type 1 Disputes

For Type 1 disputes, the faculty member must seek informal remedies before filing a grievance. As a first step, the faculty member should seek direct communication with the respondent in the dispute to find a mutual understanding and resolution of the issue. However if this informal discussion among the parties to the dispute is unsuccessful or if the faculty member would prefer assistance with informal dispute resolution, the procedures described in the following section must be used.

1. Ombuds Consultation

Within sixty (60) calendar days of the disputed condition or action or within sixty (60) calendar days of the date the faculty member reasonably should have learned of the condition or action, the faculty member must request an appointment with the Faculty/Staff Ombuds in writing.

- A. If the faculty member does not inform the Ombuds within the stated timeframes, the faculty member may not pursue or request a formal grievance hearing through the university's dispute resolution process related to the specific issue under dispute.
- B. Consultation with the Ombuds does not constitute notice of claims against the university.
- C. Following the consultation, the Ombuds has thirty (30) calendar days to advise the faculty member in writing of options for resolving the complaint. These options may include mediation services, facilitated discussion, referral to other offices on campus, etc.
- D. If the faculty member decides not to participate in any of the options proposed by the Ombuds within thirty (30) calendar days after the Ombuds written statement of options, the Ombuds will document the results of the resolution attempts and provide a copy to the faculty member, the Faculty Grievance Officer, and the Dean. The Executive Vice President and Provost will also be notified if the Dean is a respondent. The faculty member may pursue a formal grievance process by filing a written statement with the Faculty Grievance Officer within thirty (30) calendar days from receipt of the Ombuds written statement of options.
- E. If the faculty member's preferred option(s) include mediation or some other form of facilitated discussion with the respondent, the Ombuds will contact the respondent(s) to inform him or her of the complaint and to discuss the preferred option for resolution.
 - I. If the complaint is resolved through informal means (such as mediation or some other form of facilitated discussion), the Ombuds will document the conclusions reached through this process and provide copies for each of the parties, the Dean of the faculty member's unit, and the Faculty Grievance Officer. If the respondent is a Dean, the Executive Vice President and Provost will also receive a copy.
 - II. If the complaint is not resolved through informal means (such as mediation or some other form of facilitated discussion), the Ombuds will document the results of the resolution attempts. If the administrator or respondent has refused to participate in the process, then the Ombuds will document this and provide copies of all documents to for each of the parties, the Dean of the faculty member's unit, the Faculty Grievance Officer and the Executive Vice President and Provost (if the respondent is a Dean). If the complaint is not resolved to the faculty member's satisfaction, he or she may file a formal grievance.
- F. The faculty member may then decide to pursue a formal grievance process by filing a written statement with the Faculty Grievance Officer

within thirty (30) calendar days from receipt of the Ombuds' written statement of options.

- G. The Ombuds will send a copy of all reports that result from informal complaint resolution to the University Archives and Records Center for permanent retention.

2. Filing a Type 1 Grievance

- A. When the informal process is not successful, the faculty member has thirty (30) calendar days from receipt of the Ombuds report to file a written complaint with the Faculty Grievance Officer. The written complaint shall contain the following information:
 - I. A brief narrative statement (no more than five pages) of the immediate circumstances leading to the complaint;
 - II. The date(s) the alleged problem occurred;
 - III. How the action allegedly violated an existing rule, policy, or procedure;
 - IV. A designation of the respondents (i.e., any person whose acts are alleged to meet the conditions of a Type 1 dispute upon which the complaint is based) and the specific actions that the respondent was alleged to have taken which resulted in the grievance;
 - V. Documentary evidence of the actions taken by the respondent leading to the grievance.
 - VI. A statement of the informal steps taken to resolve the matter; and
 - VII. A statement of the remedy requested.
- B. The FGO will review the documents provided by the grievant and request missing items. Once the FGO has received complete documentation from the grievant, the FGO has seven (7) calendar days to forward the information to the Chair of the Faculty Grievance Committee.
- C. The chair of the Faculty Grievance Committee will then convene a panel of five committee members within thirty (30) calendar days to determine whether or not to accept jurisdiction for the alleged grievance and to clarify the specific issues or questions to be addressed by the hearing panel. Rules for convening the panel are found in Appendix A. The decision to accept jurisdiction will be based on the documentation filed by the faculty member, the respondent, and any additional documentary evidence the panel requests. The panel will decide not to hear a grievance if it determines that the complaint does not meet the standards for a Type 1 Dispute described in Section 4.4.4.A.1., or that it should be handled through a different university procedure.

- D. If the Faculty Grievance Committee panel decides not to accept the complaint for a hearing, the panel chair will notify the Faculty Grievance Committee Chair in writing within seven (7) calendar days of their decision. The statement should document the reasons for the refusal to accept jurisdiction.
 - E. Within seven (7) calendar days of receiving the panel's decision to deny a hearing, the Chair of the Grievance Committee will provide written notification to all parties in the dispute, the FGO and the Executive Vice President and Provost. This decision is final and may not be appealed.
3. Hearing for a Type 1 Grievance
- A. If the panel's decision is to accept jurisdiction for the complaint, the Chair of the Faculty Grievance Committee selects a new, three-person panel within fourteen (14) calendar days of receiving the decision to accept. The new panel is charged with conducting a hearing of the grievance.
 - B. The hearing panel must conduct a pre-hearing meeting with the grievant and respondent(s) within thirty (30) calendar days of receiving the grievance from the Chair of the Grievance Committee. At this meeting, the grievant and respondent must present a preliminary list of witnesses and any other documents not already in the record to be used as evidence during the hearing. A date for the hearing will be established at the pre-hearing. The date of the hearing must be no later than sixty (60) calendar days following the pre-hearing.
 - C. The parties to the dispute shall exchange a list of materials to be presented and a list of witnesses annotated to indicate the purpose and general content of anticipated testimony, and notification of whether the witness will be present at the hearing or will provide a written statement. This exchange will take place at least twenty (20) calendar days prior to the hearing. At least seven (7) calendar days before the hearing, parties must provide a final list of materials and witnesses. Nothing in this requirement, however, shall limit the parties to the grievance from being afforded full opportunity to present written and oral evidence, to produce witnesses, and to cross-examine witnesses.
 - D. Respondent(s) and witnesses who are not able to attend may supply written statements. Those witnesses may be questioned by the panel by telephone or other electronic means. The hearing panel may use, at their discretion, a mediator or meeting facilitator to conduct the hearing. Attorneys for the grievant or respondent may not be present during the hearing.
4. Grievance Resolution
- A. The panel will have twenty-one (21) calendar days following the end of the hearing to prepare a written grievance resolution plan for the dispute

that will recommend actions that any or all parties to the grievance must undertake in order to resolve the dispute. The recommendation of the panel shall be based on evidence presented in the hearing and communications to which the adversely affected party had the opportunity to respond. The plan will be distributed in writing to the parties, the respective deans of the faculty members' units, the FGO, and the Executive Vice President and Provost.

- B. The parties to the grievance have thirty (30) calendar days to respond in writing to the Grievance Committee's resolution plan.
 - I. If both the parties to the grievance agree or if either does not respond within thirty (30) calendar days to the proposed remedies, the conclusions are final contingent on agreement of the Dean or next highest level of administration if the dispute directly involves the Dean.
 - II. If either party does not agree with the grievance resolution plan, then the plan is sent to the next level of authority who shall implement the plan.
 - C. The final outcome is reported to the parties in the dispute. The Ombuds, FGO, the respective deans of the faculty members' units, and the Executive Vice President and Provost are also notified in writing to ensure adherence to the resolution plan.
5. Procedures for a Type One Grievance Appeal
- A. Either party to the grievance may appeal the proposed remedies in the grievance resolution plan, if:
 - I. the decision of the hearing panel was arbitrary or capricious as defined in guidelines approved by the Board of Trustees for the summary screening of all such claims of arbitrary or capricious action;
 - II. they are based on material misrepresentation of the facts; or
 - III. they were made in the absence of newly discovered evidence clearly not available at the original hearing.
 - B. Written notice of appeal to the Executive Vice President and Provost must be made within twenty-one (21) calendar days of receipt of the plan. If the disagreement is with the Executive Vice President and Provost, the appeal will be made to the President with written notice within twenty-one (21) calendar days. If the disagreement is with the President, the appeal will be made to the Board of Trustees with written notice within twenty-one (21) calendar days.
 - C. The written notice of appeal shall contain the following information:
 - I. a brief narrative stating the basis of the disagreement with the proposed remedies;
 - II. suggested amendments to the grievance resolution plan.

- D. The Executive Vice President and Provost (or President) will make a final determination on the grievance resolution plan within fifteen (15) calendar days. If the President is the respondent, then the Board of Trustees will decide at its next regular meeting.
 - E. The final decision is reported to all parties in the dispute by certified mail. The Ombuds, FGO, the Chair of the Faculty Grievance Committee, the respective deans of the faculty members' units, and the Executive Vice President and Provost will also be notified in writing to ensure adherence to the decision. A copy of the decision will also be sent to the University Archives and Records Center for retention.
 - F. There is no further appeal within the university for Type 1 disputes.
- B. Procedures for Type 2 Disputes
- Type 2 Disputes shall not be resolved through informal means.
- 1. Filing a Type 2 Grievance
 - A. A faculty member wishing to file a complaint related to a Type 2 Dispute must send a written request for a hearing to the Faculty Grievance Officer within thirty (30) calendar days of receiving notification of non-renewal, or denial of tenure. The written complaint shall contain the following information:
 - I. A brief narrative statement (no more than five pages) of the immediate circumstances leading to the complaint;
 - II. The date(s) of the alleged actions taken against the faculty member;
 - III. How the action allegedly violated an existing rule, policy, procedure or established custom;
 - IV. Designation of the respondent(s) and the specific actions that each respondent was alleged to have taken which resulted in the grievance;
 - V. Documentary evidence of the actions taken against the faculty member; and
 - VI. A statement of the remedy requested.
 - B. The FGO will review the documents provided by the grievant and request missing items. When Once the FGO has received complete documentation from the grievant, the FGO has seven (7) calendar days to forward the formal hearing request to the Chair of the Faculty Grievance Committee.
 - C. The chair of the Faculty Grievance Committee will convene a panel of five committee members within thirty (30) calendar days to determine whether or not to accept jurisdiction for the complaint. This determination will be based on the written complaint and documentation filed by the faculty member and any additional documentary evidence the panel requests.

- I. If a panel does not accept a complaint for a hearing
The panel chair will notify the Chair of the University Faculty Grievance Committee in writing within seven (7) calendar days of the decision. The statement must clearly document the reason for the refusal to accept jurisdiction. This decision is final and may not be appealed.

The panel will decide not to hear a grievance if it determines that the complaint does not meet the standards for a Type 2 Dispute described in Section 4.4.4.B., or that it should be handled through a different university procedure.

The Chair of the University Faculty Grievance Committee will notify all parties involved in writing within seven (7) calendar days of receiving the panel's statement. The statement must include the reason for the panel's denial to hear the complaint.

- II. If a panel accepts a complaint for a hearing

The panel chair will notify the Chair of the University Faculty Grievance Committee in writing within seven (7) calendar days of the decision. The statement must clearly state the reason to accept jurisdiction and the rule or policy that they believe may have been violated. This decision is final and may not be appealed.

The Chair of the University Faculty Grievance Committee will notify all parties involved in writing within seven (7) calendar days of receiving the panel's statement. The statement must clearly state the reason the panel accepted jurisdiction and the rule or policy that they believe may have been violated.

The Chair of the Faculty Grievance Committee will select a new, five-person panel within fourteen (14) calendar days of receiving the panel's statement. The new panel is charged with conducting a hearing for the grievance.

2. Hearing for a Type Two Grievance

- A. The hearing panel must conduct a pre-hearing meeting with the grievant and respondent(s) within thirty (30) calendar days of receiving the grievance from the Chair of the Grievance Committee. At this meeting, the grievant and respondent(s) must present a preliminary list of witnesses and evidence to be presented during the hearing. A date for the hearing will be established at the pre-hearing. The hearing date must be no later

than sixty (60) calendar days following the pre- hearing. For Type 2 Disputes, a hearing officer may be appointed by the President at the request of a panel to assist with conduct of the hearings, however this is not required. A hearing officer conducts the meeting but does not decide the grievance, admissibility of evidence or other substantive issues related to the grievance.

- B. Attorneys are permitted as advisors, but are not required, to attend the hearings in a Type 2 Dispute. If the faculty member chooses not to be accompanied by an attorney at the hearing, the respondent(s) must also not be accompanied by counsel.
- C. The parties to the dispute shall exchange a list of materials to be presented and a list of witnesses annotated to indicate the purpose and general content of anticipated testimony, and notification of whether the witness will be present at the hearing or will provide a written statement. This exchange will take place at least twenty (20) calendar days prior to the hearing. At least seven (7) calendar days before the hearing, parties must provide a final list of materials and witnesses. Nothing in this requirement, however, shall limit the parties to the grievance from being afforded full opportunity to present written and oral evidence, to produce witnesses, and to cross-examine witnesses.
- D. The panel will have fourteen (14) calendar days following the hearing to prepare a written recommendation either affirming the action or decision originally grieved or directing the respondent to reconsider the action or decision. The recommendation must indicate findings and supporting evidence. The panel's written recommendation is sent to the faculty member, the faculty member's Dean, any other respondents, the FGO and the Executive Vice President and Provost.
- E. The respondent(s) to the grievance will reply in writing to the Faculty Grievance Committee's recommendation within fourteen (14) calendar days. This statement either accepting or rejecting the recommendation from the Faculty Grievance Committee is distributed to all parties in the grievance, the Executive Vice President and Provost, the FGO and the Faculty Grievance Committee Chair.
- F. The Executive Vice President and Provost shall render a decision on the matter within twenty-one (21) calendar days of receipt of written notice from the Faculty Grievance Committee that the matter is ready for decision. If the Executive Vice President and Provost is a respondent to the grievance, the President shall render a decision on the matter within twenty-one (21) calendar days of receipt of written notice from the Faculty Grievance Committee that the matter is ready for decision. If the President is a respondent to the grievance, the Board of Trustees shall render a decision on the matter at its next regular meeting which is at least twenty-one (21) calendar days after its receipt of written notice

from the Faculty Grievance Committee that the matter is ready for decision. The decision rendered pursuant to this section will be distributed to all parties to the grievance, the Dean, the FGO and the Faculty Grievance Committee Chair.

3. Procedures for a Type 2 Grievance Appeal

- A. The grievant or any party directly involved may appeal the Executive Vice President and Provost's decision to the Chair, University Faculty Grievance Committee within fourteen (14) calendar days from the receipt of the final decision of the Executive Vice President and Provost. The reasons for appeal are:
 - I. The Executive Vice President and Provost's decision does not concur with the recommendation of the hearing panel; or
 - II. The decision of the hearing panel was arbitrary or capricious as defined in guidelines approved by the Board of Trustees for the summary screening of all such claims of arbitrary or capricious action; or
 - III. The final decision was based upon misrepresentation of material facts; or
 - IV. The final decision was made in the absence of newly discovered evidence clearly not available at the original hearing.
- B. Notice of any appeal must be delivered in writing to all parties within seven (7) calendar days of receipt of the Executive Vice President and Provost's written decision.
- C. The request for appeal shall contain the following information.
 - I. All correspondence from the Faculty Grievance Committee and the Executive Vice President and Provost concerning decisions in the case.
 - II. A one page letter stating why the faculty member believes the Executive Vice President and Provost's decision is in error.
 - III. Material submitted to the Faculty Grievance Committee during the grievance process will be submitted as supporting material.
 - IV. The Executive Vice President and Provost will submit a one page letter stating the rationale for the decision.
- D. The Chair of the Faculty Grievance Committee will select and convene a five (5) member appeals panel to consider the appeal. The panel will must include one representative of the grievant's unit and of other parties directly involved in the original grievance. Panel members who participated on the original hearing panel may not serve on the appeals panel.

- E. An appeal shall be based on the record established in the original action, provided the appeals panel may secure additional information if needed. All parties will be given timely opportunity to review and comment on newly added information. The appeals panel shall decide if there are grounds for an appeal within fourteen (14) calendar days and shall conduct any hearing on an appeal within thirty (30) calendar days of the date it is filed. Reports of the appeals panel shall be made within fourteen (14) calendar days following a hearing or within forty-five (45) calendar days following the filing of an appeal if there is not a hearing to supplement the original record. The report of the appeals panel is made to the President and is distributed to all persons directly involved in the grievance, the Executive Vice President and Provost, the FGO and the Faculty Grievance Committee Chair.
- F. The President may accept and implement the remedy recommended by the appeals panel within thirty (30) calendar days.
- G. If the President believes a policy question is involved or additional consideration of the facts is warranted, the case may be remanded within twenty-one (21) calendar days to the Faculty Grievance Committee with a statement of the reasons therefore, and the Committee shall reconsider the appeal. The President shall also provide a copy of the statement to all persons involved and they shall have seven (7) calendar days to comment on the President's report. The Committee shall report its reconsideration to the President within twenty-one (21) working days of the remand.
- H. The President may disagree with the Committee's recommendation in whole or in part within thirty (30) calendar days and shall recommend a remedy in writing to the Faculty Grievance Committee Chair, to all persons directly involved in the grievance, the FGO, the Dean, and the Executive Vice President and Provost. The President's proposed remedy will be presented to the Board of Trustees for final action. The Board of Trustees shall have access to the record of the proceedings or a summary of the record prepared by the Faculty Grievance Committee Chair or the chair's designee.
- I. All parties directly involved in the matter shall have the right to attend any meeting of the President or President's representative with the Faculty Grievance Committee if that matter is discussed.

Sec. 4.4.6 Records of Dispute Resolution Processes

A record of hearings shall be kept which will include a record of oral testimony. All recorded evidence, exhibits, correspondence, recommendations and any other written documents associated with Type 1 and Type 2 grievance proceedings shall be retained by the grievance committee during the time in which an appeal of the committee decision may be made. Thereafter, all records will be transferred to the University Archives and Records Center for retention in a restricted file as an official university record.

Article 4.5 Termination of Service

Sec. 4.5.1. Termination of Appointment by a Faculty Member

A faculty member may terminate an appointment effective at the end of a contract year, provided that notice is given to the dean in writing at the earliest possible opportunity, and in no event less than thirty days before the end of the current contract year. The faculty member may properly request from the dean a waiver of the requirement of notice in the case of hardship.

Sec. 4.5.2 Probationary Academic Appointments

When a decision not to renew an appointment has been reached, the faculty member involved will be informed of that decision in writing by the dean and, if he/she so requests, will be advised orally of circumstances that contributed to that decision. If the faculty member so requests, the professional, academic, budgetary, management, planning, or other factors given in explanation of the nonrenewal will be confirmed in writing. The faculty member may request a review under provisions of the grievance procedure as stipulated in Article 4.4. Written notice that a probationary appointment is not to be renewed shall be given to a faculty member in advance of the expiration of the appointment, according to the following minimum periods of notice.

- A. First Year of Probationary Service
In the first year of probationary service at the University of Louisville, not less than ninety days before the expiration of the contract.
- B. Second Year of Service
Not later than six months before the end of the second contract year at the University of Louisville.

C. Service of More Than Two Years

After two or more years of service at the University of Louisville, notice of termination shall be given at least twelve months before the expiration of the appointment.

Sec. 4.5.3 Termination of Academic Employment Before the End of a Specified Term or for Persons with Tenure

- A. Causes
 - 1. Termination of an appointment with tenure, or of a special or probationary appointment before the end of the specified term, may be effected by the institution for any of the following causes only if the cause substantially impairs effectiveness as a faculty member:
 - A. Incompetence,
 - B. Neglect of or refusal to perform one's duty,
 - C. Immoral conduct.
 - 2. Termination of an appointment with tenure, or of a special or probationary appointment before the end of the specified term, may be effected by the institution for financial exigency or bona fide discontinuance or reduction of a unit, a department, a program or a service. In such case the affected faculty member shall have the right to have the issues reviewed by the University Faculty Grievance Committee, with ultimate review of all controverted issues by the Board of Trustees

after recommendation by the Office of the President. This review will include consideration of the range of course offerings of the institution, the importance of the program to the academic objectives of the unit, faculty status, affirmative action, and the prospects for future funding from all possible sources.

In every case of financial exigency or discontinuance or reduction of a unit, a department, or program of instruction, the faculty member concerned will be given appropriate notice as specified in [Sec. 4.5.2](#) after recommendation by the President. Before terminating an appointment because of the discontinuance of a department, institute, program or service, every effort will be made to place affected faculty members in other suitable positions. If an appointment is terminated before the end of a period of appointment because of financial exigency, or because of the discontinuance or reduction of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reappointment and a reasonable period of time within which to accept or decline it.

B. Procedures

The procedures for termination of academic employment before the end of a specified term or for persons with tenure are specified in an [Appendix](#): Termination Procedures to this Article.

Sec. 4.5.4 Action by the Board of Trustees

If dismissal or other penalty is to be recommended by the President, the President will, on request of the faculty member submitted ten (10) calendar days prior to the next regularly scheduled meeting of the Board of Trustees, transmit the record of the case to the Board of Trustees. The Board's review will be based on the record of the hearings and findings of the University Faculty Grievance Committee and it will provide opportunity for argument, oral or written or both, by the faculty member and the University or by their representatives. The Board of Trustees will then exercise its final authority and take appropriate action.

Sec. 4.5.5 Suspensions

Until the decision upon termination of an appointment has been reached, the faculty member may be suspended or assigned to other duties by the dean of the unit with the approval of the President. Suspension is appropriate only pending a hearing, and if harm to the faculty member or to others is threatened by continuance in the appointment. Salary will continue during the period of suspension.

Article 4.6 Personnel Documents

The Redbook, approved unit documents, and any departmental documents approved as provided in this article shall establish procedures and the only criteria for appointment, tenure, promotion, career reviews and annual reviews.

Sec. 4.6.1 Minimum Guidelines

The Faculty Senate shall adopt [Minimum Guidelines](#) for unit policies regarding faculty tenure, promotion, periodic career reviews and salary increases based upon merit. These Guidelines shall be approved by the

President and Board of Trustees and shall become an Addendum to The Redbook. All unit and departmental personnel requirements shall meet or exceed the standards set forth in the Minimum Guidelines.

Sec. 4.6.2 Unit Documents

- A. Each academic unit shall have a comprehensive academic personnel document, prepared with full participation of the faculty, that shall contain these elements:
 - 1. types of personnel appointments;
 - 2. details of personnel criteria specified in Articles 4.1 and 4.2 and any additional criteria to be considered in faculty appointments, tenure, promotions, periodic career reviews, or salary increases;
 - 3. specification of the type of evidence to be considered in determining whether the criteria have been met, together with customary procedures; and
 - 4. any provisions needed to evaluate faculty who serve in specialized roles created to meet the needs of the unit.
- B. Units that include temporary or other nontenurable faculty must specify in unit documents the extent of franchise in unit governance and personnel matters, and any special provisions for temporary or other nontenurable full-time faculty access to the grievance process, as well as a policy on their sabbatical or other leave after extended service.
- C. Units that include part-time faculty must specify in unit documents the extent of the franchise in unit governance and personnel matters.

Sec. 4.6.3 Approval of Unit Personnel Documents

The Executive Vice President and University Provost shall submit each proposed unit personnel document to the Faculty Senate for confirmation that it is in accordance with The Redbook and the Minimum Guidelines. It shall then be submitted to the President for review and recommendation to the Board of Trustees for final approval. The Board of Trustees may delegate approval of various parts of the unit personnel documents to the President. A copy of the approved documents shall be filed in the office of the Executive Vice President and University Provost and shall be given to each member of the unit faculty.

Sec. 4.6.4 Departmental personnel documents

Departmental personnel documents that specify additional requirements and procedures for personnel actions may be established within an academic unit according to a process defined in the unit personnel documents or bylaws. Departmental requirements and procedures shall not disrupt due process nor set performance requirements lower than those established in the unit documents. The dean of the unit shall forward a copy of approved departmental documents to the office of the Executive Vice President and University Provost.

APPENDIX A

- I. Office of the Ombuds

A. General Duties

The Ombuds Office at the University of Louisville serves all employees of the university including administrators, faculty, and staff. The Ombuds will serve as the initial point of contact for employees who have disputes and will oversee the informal dispute resolution procedures called for in this Article. The Ombuds will maintain confidentiality to the extent permitted. The Ombuds will also:

1. identify and report conflict patterns or concerns about retaliation that may require administrative review or intervention.
2. provide education to the campus community on conflict resolution
3. report annually to the Executive Vice President and Provost, the Faculty Senate, and the Staff Senate describing the number, nature and trends of consultations, and data about the number of issues that are resolved informally and those that result in a formal grievance filing. The annual report will include suggestions for improving the workplace climate at the university.

B. Appointment

The Ombuds is appointed by the Executive Vice President and Provost after receiving recommendations from a search committee composed of administrators, faculty and staff members.

C. Performance Review

The Ombuds will be reviewed annually by and report to a three-person committee composed of Chairs of the Faculty and Staff senates, and an appointee from the School of Interdisciplinary and Graduate Studies.

II. Faculty Grievance Officer

A. General Duties

The Faculty Grievance Officer shall inform complainants about the grievance process and receive the written statement if the complainant elects to grieve. The Faculty Grievance Officer, working with the chair of the University Faculty Grievance Committee, shall oversee the formal grievance procedures called for by this Article. The Faculty Grievance Officer will maintain confidentiality to the extent permitted.

The Faculty Grievance Officer will report annually to the Faculty Senate, describing the number, nature and trends of consultations, grievances, and outcomes. The report shall include the nature of the dispute, the unit in which the dispute arose, the timeliness of the process leading to a resolution, and the resolution of the matter.

B. Appointment

A Faculty Grievance Officer shall be appointed by the President from a list of three or more individuals nominated by the Faculty Senate. The president will appoint the FGO for a term of three years. The FGO may be reappointed for additional terms through the same process. The Executive Committee of the Faculty Senate shall meet with the President to establish and review the duties and functions of the officer, the

structure of the office, and the budgetary arrangements necessary for the effective functioning of the Faculty Grievance Officer.

C. Performance Review

The Faculty Grievance Officer will be reviewed before the end of the three year term by a committee composed of the Faculty Senate Chair, the Faculty Grievance Committee Chair and a representative from the Executive Vice President and Provost's Office.

III. Chair of the Faculty Grievance Committee

A. General Duties

The Chair of the Faculty Grievance Committee will administer the formal grievance procedures as specified in this Article. The Chair will not serve on panels for determining jurisdiction, or on hearing panels. The Chair is also responsible for conducting an annual training for members of the Faculty Grievance Committee in collaboration with a representative from the Executive Vice President and Provost's Office, the Chair of the Faculty Senate Redbook Committee and the Faculty Grievance Officer. The Chair of the Faculty Grievance Committee will maintain confidentiality to the extent permitted.

The Chair of the Faculty Grievance Committee will report to the Faculty Senate annually on the number of grievances received, the number heard, and a summary of the recommendations. The Chair will also report to the senate any recommendations for improving the grievance policy and procedures.

B. Appointment

The Chair of the Faculty Grievance Committee shall be appointed by the President from a list of three or more individuals nominated by the Faculty Senate. The president will appoint the Chair for a term of three years. The Chair may be reappointed for additional terms through the same process.

C. Performance Review

The Chair of the Faculty Grievance Committee will be reviewed before the end of the three year term by a committee composed of the Faculty Senate Chair, the Faculty Grievance Committee Chair and a representative from the Executive Vice President and Provost's Office.

IV. Faculty Grievance Committee

A. General Duties

The University Faculty Grievance Committee shall receive, hear and make recommendations on formal grievances and advise the Chair of the Grievance Committee on the grievance policy and procedures of the University. The members of the Faculty Grievance Committee will maintain confidentiality to the extent permitted.

The committee shall develop, disseminate and publish rules of operation in

collaboration with the Chair of the Faculty Grievance Committee and the Faculty Senate. The rules will cover matters such as who may be present and speak during hearings, admissibility of evidence, use of witnesses, and access to materials supplied by the parties involved in a grievance. The rules will be reviewed by the Faculty Senate every five years.

B. Composition

1. The Faculty Grievance Committee shall be comprised of thirty-five (35), tenured faculty members elected by their constituent academic units. Membership of the committee shall be apportioned annually by the Faculty Senate Executive Committee, so that the membership shall represent, to the extent possible, the number of full-time faculty members in the units. Each unit shall be represented by at least two members, and no unit may be represented by more than six members. Members shall be elected for three-year terms and may be re-elected.
2. The committee shall also have five (5) additional seats for term faculty members who will be elected at-large. These members will only serve on grievance panels when the grievant is a term faculty member.
3. Any faculty member serving in an administrative role at or above the level of Department Chair (or equivalent) is not eligible to serve on this committee.
4. Elections by the academic units and the term faculty at-large election shall occur so that the committee can be constituted by July 1 of each year.

V. Rules for Grievance Committee Panels

- A. The Chair of the Faculty Grievance Committee shall appoint panels to determine jurisdiction for a grievance and to conduct hearings.
- B. Jurisdiction panels shall consist of five members. At least one member will be selected from committee members in the grievant's unit.
- C. Panels for Type 1 dispute hearings shall consist of three members. At least one member will be selected from committee members in the grievant's unit.
- D. Panels for Type 2 dispute hearings shall consist of five members. At least one member will be selected from committee members in the grievant's unit.
- E. Panels for disputes hearings involving a term faculty member shall consist of the appropriate number of faculty members as described above. At least one member will be selected from committee members who are term faculty members.
- F. Each Type 1 and Type 2 panel shall elect one of its members as the Chair of the panel.
- G. Members of the panel shall remove themselves if they have any bias or conflict of interest in the case.
- H. The grievant and the respondent(s) shall have the right to challenge for cause any member of the panel. This challenge must be made within five days of notification of the panel's appointment. This challenge is made to the Chair of the Faculty Grievance Committee who has final authority over the challenge and the composition of the

- panel. The Chair of the Faculty Grievance Committee will replace any panel member who removes himself (or herself) or is successfully challenged.
- I. The Chair will work with the President's Office to appoint a hearing facilitator when requested by the hearing panel.
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Appendix: Termination Procedures

Dismissal will be pursuant to the procedures specified below:

- I. Recommendations for Dismissal
Dismissal of a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by:
 - A. Discussions between the faculty member and appropriate administrative officers looking toward a settlement;
 - B. A written recommendation for dismissal, together with a statement of charges framed with reasonable particularity, to be forwarded by the dean to the President and the faculty member. The statement of charges shall notify the faculty member of the right of appeal to the University Faculty Grievance Committee and the right to a hearing before the Board of Trustees according to Chapter 164 of the Kentucky Revised Statutes. In the event the faculty member chooses to have the appeal held before the University Faculty Grievance Committee in accordance with this section, the faculty member shall so notify the chair of said committee and the President of the University and agree in writing that any further appeal or defense within the University made from the decision of the University Faculty Grievance Committee shall be made and conducted on the record made before the University Faculty Grievance Committee with this being in lieu of a de novo hearing. In the event of a subsequent appeal, the faculty member's right to make a defense before the Board by way of oral argument personally or by counsel shall be unimpaired, but the testimony considered by the Board shall consist of the record made before the University Faculty Grievance Committee and transmitted to the Board of Trustees.
- II. Hearing before the University Faculty Grievance Committee
 - A. The University Faculty Grievance Committee shall have exclusive jurisdiction to hear appeals from recommendations for dismissal.
 - B. If the aggrieved is to have a hearing, it must be requested in writing to the chair of the Committee within fifteen working days after receipt of notification that the dismissal is to be recommended. Before the hearing begins either party may request that any member of the Committee be disqualified for bias or interest. Requests for disqualification shall be honored if the Committee approves except that Committee approval shall not be required for the first request by either party for one disqualification.

C. Membership in a faculty from which the appeal originates shall not be automatic grounds for disqualification. In the case of disqualification of a majority of Committee members, alternates shall serve where possible; otherwise replacements for the particular hearing involved shall be drawn by lot from the list of those faculty members who have served on the Committee in the previous five years.

III. Waiver of Hearing

The faculty member whose dismissal has been recommended may waive a hearing while still retaining the right to respond to the charges by addressing an appeal in writing to the University Faculty Grievance Committee within fifteen working days after receipt of written notification. In such case, the Committee will evaluate all the evidence available to it and rest its recommendation upon the evidence in the record.

IV. Rules for the Hearing

- A. The University Faculty Grievance Committee, in consultation with the President and the faculty member involved, will exercise its judgment as to whether the hearing should be public or private.
- B. During the proceedings, the faculty member will be permitted to have an advisor and counsel of the faculty member's own choosing.
- C. The University Faculty Grievance Committee, on request of either party or on its own initiative, may permit a representative of a responsible professional association to attend the proceedings as an observer.
- D. A record of hearings shall be kept, which shall include a verbatim recording of testimony.
- E. The burden of proof that there is adequate cause for dismissal rests with the University and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- F. The University Faculty Grievance Committee will grant reasonable adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.
- G. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the University will, insofar as it is possible for it to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.
- H. The faculty member and the University will have the right to confront and cross-examine all witnesses. All witnesses shall be sworn. When a witness cannot or will not appear, but the Committee determines that the interest of justice requires admission of the witness' statement, the Committee will identify the witness, disclose the statement, and if possible, provide for interrogatories.
- I. The Committee may select a nonmember to preside over a hearing but such a person shall have no vote in the final deliberations.
- J. The Committee will not be bound by strict rules of evidence, and may admit any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- K. The Committee shall make its findings of fact and decision in executive session based solely on the hearing record.

- L. Except for such simple announcements as may be required governing the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or the University will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees of the University. The President and the faculty member will be notified in writing of the Committee's decision.
- M. If the Committee concludes that the evidence has not established adequate cause for dismissal in the record, it will so report to the Office of the President. If the Office of the President disagrees with the conclusion of the report, the reasons for doing so will be stated in writing to the committee and to the faculty member, and an opportunity for response will be provided before the President submits any recommendation for dismissal to the Board of Trustees. Any response will be presented with the President's recommendation to the Board.

UNIVERSITY OF LOUISVILLE

Minimum Guidelines for Faculty Personnel Reviews

SEC. I: PRINCIPLES

- A. Only by encouraging the development of a faculty of high quality can a university expect excellence. Appropriate criteria for personnel reviews are essential for the recruitment and retention of quality faculty. Other important factors include criteria for hiring; support from the staff and administration; appropriate standards for admission, retention, and graduation of students; and funds adequate to attract and retain outstanding faculty members and to provide for essential professional development. It should also be clear that unrealistic standards, high or low, for promotion, tenure, and periodic career reviews are counterproductive.
- B. This document provides general University-wide guidelines for criteria and procedures for personnel reviews. The Redbook requires units to adopt policy and procedure documents consistent with these guidelines. The Redbook, Sec. 2.5.5, 2.5.8 and 4.2 should be considered in the development of unit documents.
- C. The faculty of each unit shall develop a mission statement that must be approved by the dean for submission to the Executive Vice President and University Provost, who may recommend changes to assure consistency with the university mission statement before the unit statement is approved. Departments shall develop a mission statement and specific goals and objectives, approved by the dean, to assist in the systematic accomplishment of the unit mission. Deans shall hold the chair accountable for assuring that the department achieves its mission and contributes to the accomplishment of the unit mission. The Executive Vice President and University Provost shall hold the dean accountable for assuring that the unit achieves its mission and contributes to the accomplishment of the university mission.

- D. Annual faculty work plans, as defined in The Redbook, Sec. 4.3.1.A., and a detailed summary of the year's professional effort shall be presented in all personnel reviews under these guidelines. Annual reviews may take into account multi-year performance.
- E. All personnel review actions shall follow criteria and procedures consistent with The Redbook and stated in a unit personnel document formally adopted by the unit faculty and approved as provided by The Redbook, Sec. 4.6.3. While unit personnel documents may incorporate by reference other unit documents, those incorporated documents shall be attached as appendices to the main document, and adopted and approved in the same manner as is the unit personnel document. No unincorporated documents shall be considered in faculty personnel reviews.
- F. Annual review shall be mandatory for all faculty members. A performance evaluation shall be communicated annually in writing by the chairperson or dean to each faculty member.

SEC. II: STANDARDS AND CRITERIA

- A. Personnel reviews shall be based upon peer evaluation of a documentary record that includes qualitative and quantitative evidence (as described in sections following) of performance.
- B. Unit personnel documents shall specify the unit officer(s) or committees(s) responsible for evaluating the record submitted. Evaluations shall be in the form of a written statement that will include discursive analysis of performance as substantiated in the documentary record.
- C. The faculty of the units shall specify standards and criteria in the three areas of teaching, research and/or creative activity, and service. The unit faculty may weight the relative significance of each area to accomplish the goals and requirements of the unit. The unit faculty shall establish minimum levels of satisfactory performance in each area. Proficiency in all three areas shall normally be required of all faculty members, unless responsibility for some area or areas is excepted in the unit document or specified in writing at the time of the initial appointment, or within ninety days of the effective date of these guidelines. Evaluations must consider only those areas of activity for which the approved annual work plan indicates a faculty member's responsibility.

SEC. III: ANNUAL REVIEWS

- A. Annual reviews aim to enhance the quality of the faculty by recognizing and rewarding performance in terms of the department's and the unit's goals and objectives. Annual reviews shall become part of the record to be used in the reviews specified in the preamble to The Redbook Article 4.2.
- B. Each academic unit shall award salary increases based upon performance as documented in annual reviews. Unit documents establishing the process for awarding such increases shall be consistent with The Redbook and with these Minimum Guidelines.
 - 1. All decisions concerning salary increases shall be made in accordance with criteria and procedures contained in the unit document adopted by the unit faculty. To assure compliance with these Minimum Guidelines, the unit documents shall be reviewed by the Executive Vice President and University Provostwho, after consulting with the

Faculty Senate, shall advise the President on a recommendation to the Board of Trustees concerning the approval of the document.

2. Based on the approved criteria of the unit, only the faculty whose overall performance is judged to be satisfactory or above will receive a salary increase. These increases shall not be across-the-board, and should reflect an award structure that is based on performance. The amount of the increase will be appropriate to the performance and the size of the pool for salary increases in a given year. A recommendation by the dean for a zero salary increase must be submitted for approval of the Executive Vice President and University Provost. This recommendation shall include the reasons for the zero salary increase and specific suggestions for improving any performance considered to be unsatisfactory. Simultaneously, a copy of the recommendation shall be given to the faculty member involved.
3. Units, in accordance with criteria and procedures contained in the approved unit document may use up to 5% of the funds allocated to the unit for salary increases for a particular year to award special, one-time payments to faculty members for exceptional effort or achievement beyond that rewarded in the regular salary increase process. In subsequent years these monies shall be carried forward in the unit's salary base for distribution for regular salary increases.
4. The unit document shall specify criteria and procedures by which annual reviews are related to salary decisions made by the dean of the unit. The unit document shall include each of the following provisions:
 - A. a provision guaranteeing the opportunity of each faculty member to present documentation of performance and effort relative to his or her work plan;
 - B. a provision for the announcement each year of the date by which such documentation shall be received;
 - C. a provision for identification of the faculty person(s) or committee(s) that will make decisions, based upon the results of the annual review, concerning salary increases within the unit;
 - D. a statement of the period of performance to be covered in the review for salary increases (e.g., the preceding year, the preceding three years, the period since the last review) so that units may elect to specify a longer period of review in order to avoid penalizing faculty members in years in which there is little or no money available for salary increases.
 - E. a provision that faculty members be informed in writing by the chair and/or the dean of the performance evaluations, recommendations for improvement if necessary, and recommendations, if any, for salary increases; each faculty member shall be given opportunity to respond to these recommendations and his or her performance evaluation so that timely adjustments may be made before the dean's final recommendation;

- F. a provision for a specific process, outside of the formal grievance procedure, to reconsider the performance evaluation and/or salary decision;
 - G. a provision that the dean shall report annually to the faculty and to the Executive Vice President and University Provost the frequency distribution of the percentage salary increases received by all faculty members in the unit and a description of the evaluation system used to arrive at such salary increases.
 - H. The unit must preserve the annual reviews. Individual faculty members shall be responsible for maintaining the documentary evidence supporting each annual review through the next tenure, promotion or periodic career review.
5. Unit policies for salary increases may be amended following the same process by which they were adopted.

SEC. IV: TENURE AND PROMOTION REVIEWS

- A. Tenure and promotion reviews must be based upon the annual reviews and the documentary evidence compiled therefore but may include additional material as stated in these Guidelines and in approved unit documents. These reviews shall evaluate faculty performance under the distribution of effort indicated in the approved annual work plans (The Redbook Sec. 4.3.1.A).
- B. Probationary faculty may receive informal evaluations at any time, and shall receive a formal evaluation no later than the midpoint of the probationary period. The record compiled for pre-tenure review shall be maintained intact as part of the evidence to be considered in tenure review.
- C. Promotion reviews shall consider annual reviews and other evidence compiled since the last review for promotion.
- D. The unit document must specify standards and procedures for review under the criteria listed in The Redbook Sec. 4.2.2.F. and 4.2.3.A. and any other criteria established in the unit document and approved under these Minimum Guidelines. It is imperative that the quality as well as the quantity of performance be considered in each area under evaluation.
 - 1. The unit document shall specify the standards, procedures and evidence for evaluation of teaching. Evaluations of teaching may also include aspects of instruction other than classroom performance (e.g., advising, counseling, clinical and practicum supervision, textbook writing, and development of distance learning and instructional technology). The unit document shall provide for consideration of self-evaluation, collegial assessment, and student opinion of teaching effectiveness. Teaching load may be a factor in evaluating teaching effectiveness, but it may not be the primary factor.
 - 2. The unit document shall specify various forms of acceptable research (whether theoretical or applied) and/or creative activity. They should make provisions for the evaluation of research and/or creative activity in progress and of those forms of activity that do not result in traditional documentary evidence. All tenure and

promotion reviews shall evaluate the research ~~and/or~~ creative activity in the context of these criteria.

3. The unit document shall specify the various forms of acceptable service activity. Such service is defined as sharing one's expertise with the University, profession, or community, regardless of the method of compensation, if any. All tenure and promotion reviews shall evaluate the service in the context of these criteria.
4. The unit document shall specify standards and procedures for any additional criteria established by the unit.
5. External evaluation is required for research and ~~or~~ creative activity in tenure and promotion review. These evaluations shall be conducted under standards and procedures specified in the unit document under these Minimum Guidelines:
 - A. Each unit document must specify the process by which external evaluators shall be solicited. This process shall be designed to certify the professional expertise and objectivity of the evaluators, whose comments regarding the quality of the work under review shall be solicited along with justification of those comments.
 - B. The person being reviewed shall have the opportunity to respond in writing to extramural evaluations. This response must be included in the review materials prior to consideration of the evaluation by any reviewing person or body. Each unit shall establish appropriate procedures for the accomplishment of these ends.
 - C. The opinions of extramural evaluators shall be given due weight, but external evaluators' recommendations as to the award of tenure or promotion shall not be solicited nor considered if offered. The unit personnel committee shall provide a written analysis of the validity and significance of the evaluations received.
- E. Candidates for promotion to associate professor shall demonstrate proficiency in teaching, research, ~~and/or~~ creative activity, and service, ~~as defined in Sec. II (Standards and Criteria) of this document.~~ Candidates are required to exhibit broad proficiency in all areas, so as to show continuing promise to develop their individual strengths. Units will establish the criteria and standards for teaching, research ~~and/or~~ creative activity, and service.
- F. Candidates for promotion to professor must be evaluated in the areas and by the distribution of effort specified in their approved annual work plans for the period under review.
- G. Units may specify additional criteria for promotion to associate or full professor.
- H. Each unit shall specify the level of performance required for tenure or promotion, but no unit document approved under these Guidelines shall specify levels of performance below those specified in this document for promotion to associate professor.

Commented [CR1]: This phrase is unnecessary and has caused some confusion.

SEC. V: PERIODIC CAREER REVIEWS

- A. Each unit document shall specify standards and procedures for periodic career review of faculty to promote the continued professional development of the faculty. The evaluation report shall characterize the member's contribution as "satisfactory: meeting unit criteria" or "unsatisfactory:

not meeting unit criteria" in teaching, research and/or creative activity, and service with due regard for the faculty member's annual work plans during the period under review.

- B. Faculty members with tenure shall undergo periodic review under the requirements of The Redbook Sec. 4.2.4. This review shall be conducted under the criteria for the faculty member's current rank with due regard for the faculty member's annual work plans during the period under review. The review process shall not extend beyond the unit (or units) of the faculty member's appointment, but the results of such reviews shall be reported annually to the Executive Vice President and University Provost.
- C. Tenured faculty members evaluated as "satisfactory: meeting unit criteria" in the appropriate area or areas of faculty activity shall begin the next review cycle in the following academic year. Tenured faculty members evaluated as "unsatisfactory: not meeting unit criteria" shall follow the remediation plan defined in The Redbook Sec. 4.2.4.A.2. and detailed in the unit document.
- D. Faculty members with nontenurable appointments may be reappointed for the benefit of the university after a career review under the criteria for appointment to the faculty member's current rank with due regard for the faculty member's annual work plans during the period under review (The Redbook Sec. 4.2.4.B).
- E. Because periodic reviews assess performance over a longer period than annual reviews permit, reviewing bodies may recommend a supplementary salary increase to reward demonstrations of professional excellence where evidence of outstanding performance over a long period warrants.
- F. All Redbook rights of due process and appeal shall obtain in these reviews.

SEC. VI. SCHEDULE

- A. The annual timeline for personnel actions shall observe the requirements for due notice of non-renewal (The Redbook Sec. 4.5.2.). The timeline shall also recognize and accommodate the rights of persons under review to have sufficient time to prepare the materials; the needs of units to solicit extramural reviews, and to receive and evaluate all appropriate evidence; and the interest of the university in maintaining an orderly, clear, and deliberate process for personnel evaluation and action.
 - B. As early as possible in the year preceding but in no case later than the end of May, the Executive Vice President and University Provost shall announce the dates of Board actions on personnel cases for the Board year beginning in September. The Executive Vice President and University Provost shall also indicate the latest date by which any case must be submitted to the Office of the University Provost in order to be docketed for action on any one of the Board dates so specified. After the Executive Vice President and University Provost's announcement of the annual schedule, each unit shall be responsible for establishing and publishing its schedule of actions to bring cases to readiness in due time for presentation to the provost.
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Endorsements:

REDBOOK Chapter 4 and Appendices:

Approved by the Faculty Senate Executive Committee, 02/28/01

Approved by the Council of Academic Officers, 03/06/01

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