

## FACULTY SENATE MINUTES

January 12, 2017

**Call to order:** A regular meeting of the Faculty Senate of the University of North Alabama was held in room 330 of the University Commons on January 12, 2017. The meeting convened at 3:30 p.m. with President David Brommer presiding.

**Proxies:** President Brommer recognized the following proxy: Erin Froman for Craig Robertson from Professional and Interdisciplinary Studies.

**Members in attendance:** Rae Atencio, Shane Banks, Doug Barrett, David Brommer, Daryl Brown, Amy Butler, Lisa Clayton, Amanda Coffman, Katherine Crisler, Sarah Franklin, Leah Graham, Mark Greer, Clarissa Hall, Dan Hallock, Felecia Harris, Scott Infanger, Keith Jones, Ian Loeppky, Glenn Marvin, John McGee, Rachel McKelvey, Janet McMullen, Prema Monteiro, Michelle Nelson, Katie Owens-Murphy, Jeffrey Ray, Alaina Reid, Lee Renfroe, Patricia Roden, David Ruebhausen, Richard Statom, Daniel Stevens, Jessica Stovall, Alexander Takeuchi, Karen Townsend, Rachel Winston, and Ryan Zayac. President Kitts and Vice President Thornell were also in attendance.

**Members not in attendance (without proxy):** Lisa Kirch and George Makowski.

**Approval of agenda:** Scott Infanger moved approval of the agenda with the addition of an information item on the Administrative Executive Open Forum. Richard Statom seconded the motion. The motion passed by acclamation.

**Approval of minutes:** Leah Graham moved approval of the minutes of the December 1, 2016 meeting. Lee Renfroe seconded the motion. The motion passed unanimously.

**Remarks from President Kitts:** President Kitts gave updates on advancement's efforts to increase faculty/staff giving, enrollment, and the move to Division I. He reported that the faculty/staff campaign has seen significant increases in faculty and staff giving this year. Last year approximately 30% of faculty and staff donated; this year, the percentage is more than 48.5%. Enrollment numbers for the current semester are up from the same time last spring. There is an increase in both graduate and undergraduate numbers. As announced on December 5, the university will be moving to Division I athletics in 2018 when it joins the Atlantic Sun Conference. The football team will play in the Big South Conference. President Kitts encouraged those in attendance to read the FAQ's available on the university website for more information about the move. President Kitts stated that the university needs to examine what it means to be a Division I school in academics. He stressed that the move was an institutional move not an athletics move.

**Remarks from Vice-President Thornell:** Vice-President Thornell talked briefly about the QEP and its emphasis on undergraduate research. He said that one piece was missing – a way to preserve the artifacts of the research. He then introduced Dr. Melvin Davis, who discussed a method of preserving these artifacts.

**Remarks from Melvin Davis and Jonathan Simms:** Dr. Davis and Mr. Simms presented an institutional repository as a way to deposit products of research. According to Dr. Davis,

institutional repositories serve as “digital warehouses.” Mr. Simms gave a brief demonstration of one available institutional repository product.

### **Reports:**

**Academic Affairs Committee:** No report.

**Faculty Affairs Committee:** No report.

**Faculty Attitude Survey Committee:** The committee’s goal is to launch the survey in late January and have it run through February.

### **Unfinished Business:**

**Revisions to Section 2.5 of the Faculty Handbook – Policies on Promotion and Tenure:** Richard Statom moved to reintroduce discussion; Doug Barrett seconded the motion. The motion passed by acclamation. Scott Infanger moved that President Brommer call a special work session to address the issues related to tenure and promotion. Sarah Franklin seconded the motion. The motion carried. (See Attachment A)

### **New Business:**

**Grievance Policy Proposal:** Richard Statom moved to postpone until the February meeting. Doug Barrett seconded the motion. The motion carried. (See Attachment B)

**Revisions to Sections 3.15.1 and Appendix 3D of the Faculty Handbook – Course Evaluation:** Richard Statom moved to postpone. Jessica Stovall seconded the motion. Sarah Franklin moved to send the revisions to the Academic Affairs Committee. Richard Statom seconded. The motions carried. (See Attachment C)

### **Information Items:**

**Administration Executive Open Forum:** An open forum with the Executive Council will be held on January 31 at 3:30 p.m. in Norton Auditorium. SGEC Chair, Scott Infanger, encouraged faculty to submit questions and to attend.

**Next Meeting:** The next meeting of the Faculty Senate will be on February 2 at 3:30 p.m.

**Adjournment:** Richard Statom moved adjournment. Lee Renfroe seconded the motion. The motion carried. The meeting adjourned at 4:44 p.m.

Amy Butler  
Secretary  
Faculty Senate  
Approved on February 2, 2017

## Attachment A

|       |   |   |
|-------|---|---|
|       | <div>=====</div> <div>2. PERSONNEL POLICIES,<br/>REGULATIONS, AND<br/>PROCEDURES</div> <div>=====</div>       | <div>Style Definition: Normal: Font: 10 pt</div> <div>Style Definition: Comment Text: Font:<br/>(Default) Times New Roman</div> <div>Style Definition: Body Text</div> <div>Formatted</div> <div>Formatted: Font: 11 pt</div>   |
| 2.1   | EQUAL OPPORTUNITY   |   |
| 2.2   | NEPOTISM  |   |
| 2.3   | FACULTY EMPLOYMENT PROCEDURES   |   |
| 2.3.1 | SEARCH GUIDELINES FOR TENURE-TRACK AND/OR NON-TENURE-<br>TRACK FACULTY  |   |
| 2.3.2 | EMPLOYMENT AGREEMENTS   |   |
| 2.3.3 | <del>PRE-EMPLOYMENT HEALTH SCREENING</del>  |   |
| 2.3.4 | BACKGROUND CHECKS   | Formatted: Font: 11 pt  |
| 2.4   | TYPES OF APPOINTMENTS   |   |
| 2.4.1 | TENURE-TRACK  |   |
| 2.4.2 | NON-TENURE-TRACK  |   |
| 2.4.3 | ADJUNCT   |   |
| 2.5   | CRITERIA FOR <del>APPOINTMENT, PROMOTION, AND/OR TENURE, AND</del><br><del>APPOINTMENT</del>                  | <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Font: 11 pt</div> <div>Formatted: Indent: Left: 0.5", Hanging: 0.5"</div> |
| 2.5.1 | GENERAL CRITERIA FOR PROMOTION AND/OR TENURE  |   |
| 2.5.2 | SPECIAL CRITERIA BY RANKS FOR <del>APPOINTMENT, PROMOTION,</del><br><del>AND/OR TENURE, AND APPOINTMENT</del> |   |
| 2.5.3 | PROCEDURE FOR PROMOTION <del>AND/OR</del>   |   |
| 2.5.4 | TENURE  |   |
| 2.5.5 | RENEWAL OR TERMINATION OF A<br>PROBATIONARY APPOINTMENT   |   |
| 2.6   | TERMINATION OF FACULTY APPOINTMENTS   |   |
| 2.6.1 | RETIREMENT  |   |
| 2.6.2 | TERMINATION FOR CAUSE   |   |
| 2.6.3 | CHECK-OUT PROCEDURES  |   |
| 2.7   | SANCTIONS LESS THAN TERMINATION   |   |
| 2.8   | GRIEVANCE AND DUE PROCESS   |   |
| 2.8.1 | UNIVERSITY OMBUDSMAN  |   |
| 2.9   | FACULTY RECORDS   |   |
| 2.10  | APPLICATION OF HANDBOOK   |   |

## 2.1 EQUAL OPPORTUNITY

The University's policy on Equal Opportunity can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/equal-employment-opportunity-policy.html>.

## 2.2 NEPOTISM

The University's policy on Nepotism can be located on the university's website at <http://www.una.edu/employee-policy-manual/policies/nepotism.html>. This statute is applicable to all university positions, including non-tenure-track, adjunct, and student positions. Furthermore, any committee membership (i.e., University-Wide Promotion and Tenure Portfolio Review Committee) in which there may be a possible conflict of interest due to relationships shall be subject to this statute.

## 2.3 FACULTY EMPLOYMENT PROCEDURES

The objectives of faculty employment procedures are to hire the most qualified faculty candidates, to create transparency in the search process, and to ensure that diversity and equity are achieved in all faculty searches. For the latter objective, the Director of Diversity and Institutional Equity (DDIE) will provide assistance and guidance as outlined below.

The University defines diversity broadly as differences related to age, culture, ethnicity, gender, nationality, national origin, political affiliation, physical disability, physical attributes, race, religion, sexual orientation, and/or socioeconomic status. Search committee chairs and members of the search committees are expected to maintain communication with the DDIE throughout the search and screening processes. In the event that a search committee chair and the DDIE do not concur on any step in this protocol requiring their agreement, this matter should be resolved by the respective Executive Council member ~~or the President~~. Under the University's enabling act, appointments to the faculty are made by the Board of Trustees upon written nomination by the President. As a matter of practice, and by express delegation of authority, the University Administration has approved the following procedures for faculty selection and appointment. (Also see Appendix 2.A, Policies Concerning Adjunct Faculty)

### 2.3.1 Search Guidelines for Tenure-Track and/or Non-Tenure-Track Faculty

A search process is initiated when the Vice President for Academic Affairs and Provost ~~after consultation with the President~~ indicates that an existing position vacancy may be filled or after consultation with the President, that a new position may be created from university resources.

1. Identification of Search Committee. Once a position has been authorized, the department chair will include, as a part of the Request to Fill/Advertise electronic form, a listing of proposed search committee members (in the appropriate field in the Online Employment System – OES). Search committees will be formed from a pool of all full-time department members, including the department chair, and should typically be made up of no more than nine and no less than five members, at least one of whom reflects diversity. Departments lacking diversity and those with fewer than five eligible members may select additional committee members from the campus and/or community at large. In order for an individual to serve on a search committee, he/she must have evidence of participation in diversity training and search committee training, when available. The department members, including the department chair, shall select the members of the search committee, with the department chair having final approval. The department chair may elect to serve on the search committee. The search committee shall select its chair. Once the Request to Fill/Advertise is completed, it should be forwarded to the DDIE for approval via the OES. Once a search is authorized, the search committee chair will schedule a brief meeting of the committee with the DDIE and Assistant Vice President for Human Resources and Affirmative Action (DHRAA) to explore ways of attracting a diverse pool of qualified applicants.
2. Development of Job Advertisement. The committee, in consultation with all department members, including the department chair (where applicable), shall write a draft job advertisement that represents the

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position and include as part of the Request to Fill/Advertise electronic form. The draft advertisement shall then be forwarded to the dean for approval. If the dean objects to any wording, suggested changes and rationales are returned to the committee for consideration. Included in the advertisement is the requirement for all applicants to supply a cover letter, curriculum vita, including references, and unofficial transcripts at the time of application. The search committee shall also recommend journals and other venues in which the advertisement should appear. The search committee and the department chair (where applicable) shall be given an opportunity to offer suggestions and changes to the advertisement before the advertisement is published. The DDIE will advise as to his/her approval via the OES. If not approved, the Request to Fill/Advertise will be returned by the DDIE to the originator of the request for needed information. The Vice President for Academic Affairs~~The VPAA~~ and Provost shall approve the advertisement and make the final decision as to where the advertisement shall appear.

3. Receipt of Applications. All applications and supporting materials will be received and initially processed by the Office of Human Resources and Affirmative Action. Applications and supporting materials are immediately available to the DDIE via the OES. Applications and supporting materials are then presented to the appropriate committee chair via the OES. Applications can be accessed by the search committee and the DDIE via the online employment system.
4. Access to Application Material. Unlimited access to all applications and supporting materials shall be afforded all members of the search committee as well as the rest of the department, including the department chair (where applicable), the appropriate ~~college~~ dean, Vice President for Academic Affairs~~VPAA~~ and Provost, and DDIE via the OES.
5. Confidentiality of Material. Confidentiality of material applies to all who have access to materials submitted by applicants. To the extent allowed by law, such materials shall remain otherwise confidential unless consent to release such materials is obtained from the applicant. Members of search committees are asked to sign a Confidentiality Agreement pertaining to all committee and candidate deliberations.
6. Review of Applications. The search committee shall specify criteria to be used to evaluate all applicants. Using these criteria, the committee shall review all applications for the position. The committee members may find it useful to complete Form 1 (see Appendix 2.B) or create a modified version of this form to assist them in the selection process. The committee will review applications and supporting materials and develop an initial list of candidates with a realistic chance of receiving an offer. With the concurrence of the DDIE (via the OES), videoconference/telephone interviews may be conducted with a wide range of qualified applicants to gain initial information with respect to the candidates' qualifications.
7. On-Campus Interviews. Following videoconference/telephone interviews, the search committee chair will designate its top candidates (typically 2 or 3) recommended for an on-campus interview. Additional candidates may be invited with approval from the DDIE, DHRAA, and the hiring unit's senior administrator. Fewer top candidates may be invited for this purpose if the DDIE and chair concur that none of the other candidates have a realistic chance of receiving an offer. In cases where some or all of the finalists must travel a substantial distance to campus, the Vice President for Academic Affairs~~VPAA~~ and Provost shall be consulted regarding the availability of financial resources for the particular search. This may limit the number of candidates ultimately invited for a campus interview. The chair of the search committee, department chair, and dean ~~of the college~~ approve the list which is then submitted to the Vice President for Academic Affairs~~VPAA~~ and Provost for approval. If the chair of the search committee, department chair, or dean ~~of the college~~ disagrees concerning the list of chosen candidates, the Vice President for Academic Affairs~~VPAA~~ and Provost shall meet with both parties in order to reach a final agreement. In cases where disputes are not rectified, the Vice President for Academic Affairs~~VPAA~~ and Provost shall decide which candidates shall be invited for campus interviews.
8. Arrangements for On-Campus Interviews. After approval is given to invite candidates for campus interviews, the chair of the search committee shall arrange interviews, including meetings of the finalists

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with the search committee, the department, the department chair, and ~~college~~ dean. The Vice President for Academic Affairs~~VPAA~~ and Provost will participate in interviews at the department chair level or higher and the Vice President for Academic Affairs~~VPAA~~ and Provost and President will participate in interviews at the dean level or higher. Resume materials for candidates with on campus visits will be available via the online employment system.

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9. Interview Format. A set of interview questions to be asked of each candidate shall be prepared by the search committee before campus interviews are conducted. Other questions aside from the prepared questions may be asked as well during the campus interview. As part of the interview process, the finalists may be afforded an opportunity to make a presentation to the members of the department and the university community and to answer questions in open meetings. All departmental faculty, the department chair, the ~~college~~ dean, the DDIE, Vice President for Academic Affairs~~VPAA~~ and Provost, and President shall be provided, upon request, with evaluation/comment sheets regarding the applicants.

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10. Final Evaluation of Candidates and Recommendation for Hiring. The search committee shall consider each written evaluation before making its recommendation. Further discussions between the search committee and those who completed written evaluations of the candidates interviewed are permitted as needed. Upon conclusion of all deliberations, the search committee shall recommend candidate(s) to the department for the position. If multiple candidates are recommended, these may be ranked or unranked. The members of the department shall vote on the committee's recommendation. The chair of the search committee shall prepare a written report for the department chair and ~~college~~ dean detailing the results of the search committee's decision and results of the departmental vote. This report will include a brief evaluation of the interviews for each candidate afforded a campus interview. The department chair and ~~college~~ dean will review the report and recommendations, make a decision, and notify the departmental faculty. The department chair will also consult with the DDIE to confirm that all diversity candidates have been given full consideration prior to a final recommendation to and selection by the President. The department chair will assign the recommended candidate the status of "Recommend for Hire" and all candidates not selected the appropriate statuses in the OES. Upon these status changes, the OES will prompt the department chair to complete the Hiring Proposal form and forward to the appropriate dean via the OES. Once all approvals are obtained, the Hiring Proposal will be forwarded to the Office of Human Resources and Affirmative Action via the OES. The Office of Human Resources and Affirmative Action will perform the appropriate background checks, and the Office of the Vice President for Academic Affairs and Provost will prepare an employment contract for the President's signature. After an employment contract is offered to the candidate and accepted, the department chair will complete the Search Summary Form. Once the form is received via the OES, the candidate will be offered the contract of employment.

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11. Lack of Consensus for Recommendation or Candidate Declines Offer. If the dean, Vice President for Academic Affairs and Provost, or President of the college disagrees with the recommendation of the department, the reason(s) shall be provided to the chair of the search committee. The search committee shall either recommend another candidate from the list of those interviewed on campus, recommend that other candidates from the applicant pool be invited for a campus interview, or recommend that the search process be reopened. Final approval for each alternative rests with the Vice President for Academic Affairs and Provost. The same alternatives shall apply if the candidate or candidates decline the offer of the position. If a search is cancelled or suspended at any time throughout the process, all parties shall be informed of the reason(s).

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12. Deviation from this policy may be necessary if unique circumstances exist. Exceptions to the policy must be approved by the DDIE, Vice President for Academic Affairs~~VPAA~~ and Provost, and the AVPHRAA.

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13. Where appropriate, the search committee should consult the following links for additional information on search protocols:  
<http://www.una.edu/humanresources/files/employment/Protocol%20for%20External%20FacultyStaff%20Se>

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arches.pdf , <http://www.una.edu/employee-policy-manual/policies/employment-of-foreign-nationals-policy.html>.

14. Review of Procedures. These procedures should be reviewed periodically by the Office of the Vice President for Academic Affairs and Provost with input from areas conducting searches the prior year, ~~the President,~~ and the Faculty Senate.

### 2.3.2 Faculty Employment Agreements

Offers of appointment are made by the President in letter form. Offers of appointment are for one year only and specify position, academic rank, contract period, effective date of appointment or position, any departmental or college standards, and a deadline date for acceptance. Offers of appointment are contingent on receipt by the Vice President for Academic Affairs~~VPA~~ and Provost of official transcripts for bachelor's, master's, and doctoral degrees as well as any coursework in support of faculty credentials. The appointee also will be advised by the department chair of the standards and procedures generally used in decisions affecting the renewal of contracts and tenure. As applicable, acceptance of an offer of appointment shall be in writing.

### 2.3.3 Background Checks

The University's statement on Background Checks can be located at <http://www.una.edu/humanresources/handbook-policies.html>.

## 2.4 TYPES OF APPOINTMENTS

The University uses three types of faculty appointments—tenure-track, non-tenure-track, and adjunct—as follows:

### 2.4.1 Tenure-Track

These appointments are for full-time positions and are subject to university policy on tenure and any provisions in individual contracts of employment. Tenure-track faculty have full entitlement to the rights, privileges, and benefits accorded faculty by the University.

### 2.4.2 Non-Tenure-Track

These appointments are for full-time assignments but only for a limited period of time—normally one term or one academic year—with the appointment terminating automatically at the end of the period specified. For reappointment guidelines, non-tenure-track instructors should refer to Appendix 2.CD, Recommended Practices for Reappointment of Full-Time Faculty at the Instructor Rank. Non-tenure-track faculty are not eligible for promotion or tenure, but do share during the period of employment the general responsibilities, privileges, and benefits accorded regular faculty.

Non-tenure-track faculty who are offered tenure-track appointments as cited in section 2.4.1 may request that their years of non-tenure-track service at UNA be counted toward their years of probationary service. Prior to the time that an offer of tenure-track employment is made, the department chair will meet with the employee regarding the proposed number of years to be counted, including the impact on tenure, and will consult with the dean who will make a recommendation to the Vice President for Academic Affairs~~VPA~~ and Provost. The tenure-track employment letter will specify the years, if any, of non-tenure-track employment credited toward the employee's tenure-track probationary period. ~~As per the terms of the letter of employment, faculty members hired to fill tenure track appointments in anticipation of being awarded the terminal degree but who have not completed the degree at the time of hire will be employed at the rank of Instructor. Upon receipt of the terminal degree in the teaching field from a properly accredited~~

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~~institution, the faculty member is automatically eligible for promotion to the rank of Assistant Professor upon the recommendation of the department chair and dean and final approval by the VPAA and Provost.~~

### 2.4.3 Adjunct

~~These appointments are part-time assignments specifying both the part-time workload and the period of time—normally one term—with the appointment terminating automatically at the end of the period specified. Adjunct appointment is typically limited to a teaching load of two courses or less per semester. Exceptions must be approved by the college~~

### 2.4.3 Adjunct

~~These appointments are part-time assignments specifying both the part-time workload and the period of time—normally one term—with the appointment terminating automatically at the end of the period specified. Adjunct appointment is typically limited to a teaching load of two courses or less per semester. Exceptions must be approved by the~~ dean based on a recommendation from the department chair. For additional IRS information on calculation of load limits for adjunct faculty relative to the Affordable Care Act, please refer to the following link: <http://www.una.edu/humanresources/forms-and-links.html> (see Shared Responsibility for Employers Regarding Health Coverage; Final Rule – specifically section VI.C.) Adjunct faculty are not eligible for promotion or tenure but do participate in the retirement plan if already holding active membership in the Teachers' Retirement System of Alabama. All adjunct faculty share the general rights and privileges accorded regular faculty except when regular and/or full-time status are stipulated. (See Appendix 2.A, Policies Concerning Adjunct Faculty)

**Comment [NML1]:** This appears to have been inadvertently deleted.

## 2.5 CRITERIA FOR APPOINTMENT, PROMOTION, AND/OR TENURE, AND APPOINTMENT

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### 2.5.1 General Criteria for Promotion and/or Tenure

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As a regional, state supported institution of higher education, the University of North Alabama pursues its mission of engaging in teaching, research, and service in order to provide educational opportunities for students, an environment for discovery and creative accomplishment, and a variety of outreach activities meeting the professional, civic, social, cultural, and economic development needs of our region in the context of a global community. Faculty members seeking promotion and/or tenure are expected to demonstrate significant contributions in support of this mission as reflected in accomplishments specific to the criteria below.

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1. Effectiveness in Teaching/Effectiveness in Role as Library or Educational Technology Faculty. The ~~candidate/individual~~ is evaluated upon evidence such as the following: knowledge of subject matter, including current developments in the discipline; active concern for the student's academic progress; evidence of success in supporting and mentoring and student research and creative activity; ability to organize and effectively present and evaluate coursework, including effectiveness in oral and written communication; ability to motivate student interest and participation; ability to relate coursework to other fields with a view to broadening the student's general knowledge; evidence of conscientious preparation; and use of effective methodology and teaching techniques. The non-teaching faculty candidate (e.g., Librarians, Instructional Designers, etc.), is evaluated upon evidence of professional effectiveness such as the following: knowledge of the field, including current developments in the field; demonstrated active concern in providing resources that support student, faculty, and staff development and enhance academic progress; effectiveness in oral and written communication; and ability to develop their own unique contribution to their area and the university.

**Comment [NML2]:** Add Library and Educational Tech. faculty. This will need to be added to the Application for Promotion and /or Tenure also. That document is not included in this draft.

2. Effectiveness in Research, Scholarship, and Other Creative Activities. ~~The candidate is evaluated upon the~~ The University of North ~~Alabama's~~ Alabama fulfills its mission in research (including basic, applied, and pedagogical research, creative accomplishments, and other forms of scholarship) through recognition that active participation in one's academic discipline promotes intellectual growth and enhances and informs classroom, laboratory, clinical, and studio instruction. Scholarly inquiry and learning vary by discipline and the individual is evaluated upon evidence that one's scholarly accomplishments are

**Comment [NML3]:** Add evaluation of non-teaching faculty

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valued by others in the discipline. Examples of such recognition would include publication of one's work in peer-reviewed outlets (books, monographs, journal articles) or invited contributions to scholarly works (book chapters); presentations and/or chaired sessions at professional society meetings; invited presentations at exhibits or recognition at juried shows; professional acclaim for performances or contributions to performances; honors or awards recognizing scholarly accomplishment; competitively awarded grants or contracts that support professional growth; selection as a professional referee or editor; and other generally recognized scholarly accomplishments.

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3. Effectiveness in Rendering Service. The ~~candidate~~individual is evaluated upon evidence such as recognition in the professional field; consultant services of high professional quality in business, cultural, educational, governmental, and industrial endeavors; activities in learned and professional societies; contributions to academic and university development and growth, including grants submissions and sponsored research; effective performance on committees and administrative assignments; and contributions to the improvement of student life. Evidence of service outside the university should ideally be related to the faculty member's profession or should contribute to promoting the University. Other contributions to the community are encouraged; however, such efforts should not constitute a majority of the evidence for effective service.

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In addition to the three areas of general criteria, faculty members in areas with regional and specialized accreditation standards shall satisfy applicable credential and performance requirements.

The Board of Trustees for the University of North Alabama has determined that the degree of Master in Library Science is to be considered a terminal degree for promotional and tenure purposes. The following degrees are to be considered terminal degrees for promotional, pay, and tenure purposes: MFA in Studio Art; (all fields), MFA in Creative Writing, MFA in Theatre, J.D. for Business Law, and MFA in Interior Design.

#### 2.5.2 Special Criteria by Ranks for Appointment, Promotion, and/or Tenure, ~~and Appointment~~

Faculty ranks of the University, including librarians, and educational technologists ~~and supervising teachers at Kilby School~~, are instructor, visiting (open rank) professor, assistant professor, associate professor, and professor. Only positions at the assistant professor level or higher are considered tenure-track. All others are based on renewable appointment, not including visiting (open rank) professor appointments. Appointment, continued employment and consideration for tenure of supervising teachers at Kilby Laboratory School are subject to all relevant Alabama laws and Alabama State Board of Education policies governing P-12 public school teachers. Determination of rank is established at the time of initial appointment. The years of appropriate experience are calculated at the end of the academic year prior to appointment. The academic year in which a promotion portfolio is submitted will count toward appropriate cumulative experience for that rank. Compensation for visiting (open rank) professors is determined by joint agreement of the department chair, ~~college~~ dean, and Vice President for Academic Affairs and Provost ~~VPAA~~ based on duties, needs of the University, and available funds.

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The University understands that the interests and areas of emphasis for faculty members change as their career develops. It is the responsibility of departments, in cooperation with their respective deans, to develop guidelines for faculty professional growth that (1) adequately define for each faculty member what his/her departmental expectations are for promotion and/or tenure, and year-to-year success, and (2) are implemented through guidance provided by the department chair to the faculty member during the annual evaluation and at other appropriate times. It is the responsibility of the ~~college~~ deans and Vice President for Academic Affairs and Provost ~~VPAA~~ to monitor equity of expectations across the University.

For non-teaching faculty, effectiveness in role as library or educational technology faculty is evaluated instead of teaching effectiveness. The following criteria and procedures below do not apply to Kilby School and the Department of Military Science because of the special nature of those departments ~~that department~~. Faculty from the Department of Military Science will not serve on promotion committees.

Comment [NML4]: Include statement for non-teaching faculty

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Minimum Qualifications by Rank (Also see Appendix 2.D/2.D1, Timeline for Promotion and/or Tenure)

1. Instructor/Visiting (Open Rank)~~open rank~~ Professor. Appointment to this rank typically requires possession of a master's or higher degree in the field of assignment. For appointments without the master's or higher degree in the field of assignment, there must be evidence of related work experience in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes.

2. Assistant Professor. Appointment, ~~and/or~~ promotion to this rank, and/or tenure requires~~requires~~ possession of a doctoral degree or a terminal degree appropriate in the field of assignment as determined by university policy. There shall also be evidence of potential for effective teaching; research, scholarship, or creative activities; and service; as well as for a successful career. As per the terms of the letter of employment, faculty members hired to fill tenure-track appointments in anticipation of being awarded the terminal degree but who have not completed the degree at the time of hire will be employed at the rank of Instructor. Upon receipt of the terminal degree in the teaching field from a properly accredited institution, the faculty member is automatically eligible for promotion to the rank of Assistant Professor upon the recommendation of the department chair and dean and final approval by the Vice President for Academic Affairs and Provost.

3. Associate Professor. Appointment, ~~and/or~~ promotion to this rank, and/or tenure requires possession of a doctoral degree or a terminal degree appropriate in the field of assignment as determined by university policy. ~~A minimum of eight years' appropriate cumulative experience specific to the discipline is also required, at least three of which must be in rank as assistant professor. Effective for new hires beginning fall 2012, promotion to this rank requires that three of the eight years of cumulative experience shall be earned at UNA.~~ In addition, the applicant shall have had successful experience in teaching; research, scholarship, or other creative activities; and service.

Promotion to Associate Professor: Faculty will be required to be evaluated for promotion and/or tenure no later than the sixth year of service as an Assistant Professor at UNA. Faculty employment contracts may, upon approval by the dean and Vice President for Academic Affairs and Provost/VPAA, include credit for up to four years of service at the assistant professor level or higher at other institutions toward the six years of service. The credit given must be determined at the time of hiring and included in the employment letter. An Assistant Professor must serve a minimum of two years at UNA prior to ~~the~~ be eligible for review/award of the promotion and/or tenure application in the third academic year of employment at UNA.

4. Professor. Appointment, promotion to this rank, and/or tenure, ~~Professor. Appointment and/or promotion to this rank~~ requires possession of a doctoral degree or terminal degree appropriate in the field of assignment as determined by university policy. In addition, A minimum of 12 years' appropriate cumulative experience specific to the discipline is also required, at least three of which must be in rank as associate professor. Effective for new hires beginning fall 2012, promotion to this rank requires that three of the twelve years of cumulative experience shall be earned at UNA. In addition,

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Comment [NML5]: Should this be fall 2017?

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4. the applicant shall have established a sustained and consistent record of excellence in teaching; research, scholarship, or other creative activities; and service.

Promotion to Professor: Faculty will be eligible to be evaluated for promotion no earlier than the sixth year of service as an Associate Professor. Faculty employment contracts may, upon approval by the dean and Vice President for Academic Affairs and Provost VPAA, include credit for up to four years of service at the associate professor level or higher at other institutions toward the six years of service. The credit given must be determined at the time of hiring and included in the employment letter. Thus, an Associate Professor must serve a minimum of two years at UNA prior to the review award of the promotion application in the third academic year of employment at UNA.

Tenure for Full Professors: Faculty appointed as full professors will apply for tenure after completing at least two years of service at UNA.

Exceptions: In rare and unique circumstances, a petition by the department chair (approved by a majority of the full-time ~~tenure track~~tenured departmental faculty) and by the college dean for a waiver of the aforementioned credential and experience requirements for tenure and/or any rank may be granted by the Vice President for Academic Affairs and Provost.

### 2.5.3 Procedure for Promotion and/or Tenure

Faculty hired prior to the 2017-18 academic year are covered by the promotion and/or tenure policies found at Appendix 2.E, unless a request to opt in to the current promotion and/or tenure policies is made to the department chair, dean, and Vice President for Academic Affairs and Provost no later than the end of the 2021-22 academic year. Opting in to the new policies does not allow for a combination of the two policies. The policy contained herein is effective for all new faculty hires beginning with the 2017-18 academic year.

An award of promotion and/or tenure is not a right but a privilege that must be earned by a faculty member on the basis of his or her performance and promotion during a probationary period. The granting of promotion and/or tenure is never automatic. Promotion and/or tenure is granted after a faculty member has been evaluated by a committee made up of tenured faculty members in a department, the department chair, the dean, the University-Wide Promotion and Tenure Portfolio Review Committee, the Vice President for Academic Affairs and Provost, and the President. However, the President may, after appropriate consultation, grant tenure at any time if a sufficient reason exists for doing so.

Approved leaves may count toward years of service toward promotion and/or tenure if negotiated with the department chair, dean, and Vice President for Academic Affairs and Provost at the time leave is granted.

#### A. Faculty Members Who Are Not Department Chairs

The initiation of the promotion and/or tenure review process is the responsibility of the faculty member. It beginswill be initiated when the faculty member submits by e-mail to the department chair, dean, and Vice President for Academic Affairs and Provost a notification of intent to apply by May 1

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**Comment [NML6]:** Consistent with promotion to Associate Professor.

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**Comment [NML7]:** FAC recommends that tenured faculty approve an exception.

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~~prior to the fall semester the application will be evaluated. The dean will confirm September 15. The department chair will verify, with the Office of the Vice President for Academic Affairs and Provost, whether the candidate is eligible for promotion and/or tenure and notify the candidate by May 15. This notice to the candidate shall be made in writing and sent through official university communication methods, including email. Failure to notify the candidate by this deadline does not automatically constitute a grant of tenure or extension of the employment contract. In such situations, appropriate adjustment of deadlines for notification and portfolio submission will be recommended by the dean to the Vice President for Academic Affairs and Provost. notify the candidate by September 25. The candidate submits electronically an application and portfolio by November 1 to the department chair.~~

~~For faculty seeking promotion and/or tenure, an — The electronic portfolio will be submitted to the department chair and to promotions@una.edu by October 1 of the academic year prior to the final academic year of probationary status. For those seeking promotion only, the faculty member will present to the department chair and to promotions@una.edu by October 1 an electronic portfolio that provides evidence of accomplishments. Candidates can withdraw their application at any time in the process with the understanding that a final decision will not be made for promotion and/or tenure. This choice by the candidate may have an impact on continuation of employment if the decision to withdraw a promotion and/or tenure application is in the final mandatory application year final academic year of probationary status. The timeline for reviewing promotion and/or tenure materials can be found in Appendix 2.D/2.D1.~~

~~The electronic portfolio (items 1, 2, 3 below) will contain the information set forth by the University, plus the college and/or departmental guidelines. The information following and will be housed on a secure UNA server and will be accessible only by the administration and committee members involved in the promotion and/or tenure review process.:~~

~~1. Application for Promotion and/or Tenure (See Appendix 2.FC)~~

~~2. Current Resume or Vita (maximum length five pages)~~

- ~~a. Education (Institution, major, minor, degrees awarded, and when)~~
- ~~b. College/university teaching or library experience as appropriate to field (include position and dates)~~
- ~~c. Other teaching or library experience (describe and include dates)~~
- ~~d. Other related experience (describe and include dates)~~

~~3. Supporting information for the following items, limited to a 10-page maximum\*\*~~

- ~~a. Teaching/Library Effectiveness~~
- ~~b. Scholarly or creative performance~~
- ~~c. University and community service~~
- ~~d. Any other relevant information~~

~~\*\*The candidate is provided the flexibility to use his or her own discretion as to how best to demonstrate effectiveness in the categories listed in item 3. In addition to addressing the essential portfolio components in the limits given above, the candidate may place material or objects referenced in the portfolio in a designated review area as established by the college dean. The additional~~

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**Comment [NML8]:** When is the year prior to the final academic year of probationary status? The end of the 2<sup>nd</sup> year or 3<sup>rd</sup> year? Assuming you receive credit for previous experience at the time of hire.

Per COAD's recommendation (11/8/16) – "academic year prior to "stricken. The minimum number of years of required service is two and the maximum is six.

**Comment [NML9]:** Consistency - strike "final mandatory application year and replace with "final academic year of probationary status".

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**Comment [NML10]:** Appendix F - 3. a. Add Effectiveness in Role as Library or Educational Technology Faculty

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referenced work may be reviewed by the administration and committee members involved in the promotion process.

4. A cover letter ~~(optional)~~ in which the faculty member indicates degree of merit or level of prestige or quality of work specific to his/her area, in order to demonstrate quality of scholarship for university-wide committee members who may be unfamiliar with the field, as well as ~~indicates~~indicating which of the areas in item 3 should be weighed more heavily or less heavily than others.

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### 3. Current Resume or Vita (limited to 10 pages)

- a. Education (Institution, major, minor, degrees awarded, and dates degrees were awarded)
- b. College/university teaching or library/educational technology services experience as appropriate to field (include position and dates)
- c. Other teaching or library/educational technology services experience (describe and include dates)
- d. Other related experience (describe and include dates)

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4. Supporting information for the following items, as outlined in section 2.5.1 (optional – electronic submission of supporting information is preferred; if submitted in hard-copy form, references to these materials must be made within the electronic portfolio)

- a. Effectiveness in Teaching/Effectiveness in Role as Library or Educational Technology Faculty
- b. Effectiveness in Research, Scholarship, and Other Creative Activities
- c. Effectiveness in Rendering Service
- d. Any other relevant information pertaining to the college or department

**Comment [NML11]:** Add Library or Educational Technology Faculty

Responsibility of the Peer Promotion and/or Tenure Committee

When a faculty member applies for promotion and/or tenure, it is the responsibility of the department chair to form a peer promotion and/or tenure committee. In the Colleges of Arts and Sciences, Business, Education and Human Sciences, and Nursing, this committee by October 15. In Library and Educational Technology Services, the dean serves the functions of chair and dean. The department chair shall convene a peer promotion and/or tenure committee, consisting of will consist of all tenured faculty members in a candidate's department who are not applying for promotion in the department. No committee shall consist of less than five tenured faculty. When that number is not possible at the departmental level, the dean chair will complete the committee membership from among all tenured faculty not applying for promotion from other departments in the college or in a related discipline. The department chair or designee. The department chair will not serve on the committee; however, the department chair will convene the first meeting and supervise the election by secret ballot of a chairperson. It is, from among the responsibility members of the peer promotion and/or tenure committee. In Collier Library and Educational Technology Services, the committee will consist of all tenured members of the candidate's area who are not applying for promotion.

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**Comment [NML12]:** The FAC recommends the chair complete the committee membership instead of the dean.

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~~The dean will then perform the functions of the department chair to complete and as outlined above. The peer promotion committee members will review the candidate's portfolio and will prepare a written evaluation form (Appendix 2.G) on of each candidate, with a copy to each committee member, for the department chair (or dean) that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure and to recommend for or against the granting of promotion and/or tenure. In addition, the peer promotion and/or tenure committee will then submit through the department chair to the dean all of the information relating to the promotion and/or tenure recommendation by November 15, advancement in rank. The evaluation form, based on those strengths and weaknesses, will indicate the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified), to which promotion is recommended or not recommended and be recorded on the Promotion Recommendation Form no later than November 21. This written evaluation, composed by the candidate's peer promotion and/or tenure committee chair and copied to each committee member committee, should provide information directly addressing the degree of merit or level of prestige or quality of scholarly outlets cited within the candidate's portfolio. These should include discipline specific accomplishments relative to effectiveness in teaching; research, scholarship, and other creative activities; and service. but not be limited to, the quality of academic journals in which scholarly works appear, as well as the prestige/quality of presentations/performances (musical, theatrical, other as categorically appropriate).~~

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Members of the peer promotion and/or tenure committee participate with the understanding that all matters related to their deliberations remain confidential.

~~For departments in the Colleges of Arts and Sciences, Business, Education and Human Sciences, and Nursing where two or fewer tenured faculty are eligible for the peer promotion committee, the department faculty will complete a committee of three, adding to that department's tenured faculty (not applying for promotion), other tenured faculty from the college.~~

#### Responsibility of the Department Chair

~~The When a faculty member applies for promotion, it is the responsibility of the department chair will (or dean) to form a peer promotion committee by November 5. The department chair will evaluate the portfolios of the candidates in his or her department and complete the prepare a written evaluation form (Appendix 2.G) on of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for advancement in rank. The evaluation, based on those strengths and recommend for or against the granting of promotion weaknesses, will indicate the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended and/or tenure be recorded on the Promotion Recommendation Form. The department chair will forward the peer promotion and/or tenure committee's recommendation, and his or her own recommendation for each candidate, to the college or area dean no later than December 1. In Library and Educational Technology Services, the dean serves the functions of chair and dean. 12. This written evaluation, composed by the candidate's department chair, should provide information directly addressing the degree of merit or level of prestige or quality of scholarly outlets cited within the candidate's portfolio. These should include, but not be limited to, the quality of academic journals in which scholarly works appear, as well as the prestige/quality of presentations/performances (musical, theatrical, other as categorically appropriate). The department chair will also provide written feedback to each candidate regarding the strengths and weaknesses of the candidate's portfolio when the final promotion decisions are announced in April. It will be the responsibility of the department chair to confirm the candidate meets the university's eligibility requirements (e.g., years of service) for promotion to the rank being sought.~~

#### Responsibility of the College Dean

~~The dean will review it is the candidate portfolios in his/her responsibility of the college or area dean to review and the materials presented by evaluate the individuals' portfolios as well as the~~

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~~recommendations of the peer promotion committees and/or tenure committee and the department chair, complete the chairs. The dean will prepare a written evaluation form (Appendix 2.G) on of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure, recommend for or against advancement in rank. The evaluation, based on those strengths and weaknesses, will indicate the granting of degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended and be recorded on the Promotion Recommendation Form. The dean's recommendations as well as all previous recommendations and actions on the promotion and/or tenure, and forward shall be forwarded to the Vice President for Academic Affairs and Provost and to promotions@una.edu all of the information relating to the promotion and/or tenure recommendation by February 145.~~

Responsibility of the University-Wide Promotion and Tenure Portfolio Review Committee

~~The University-Wide Promotion and Tenure Portfolio Review Committee will review the materials presented by the peer promotion and/or tenure committee, the department chair, and dean, and the committee chair will complete the evaluation form (Appendix 2.G) on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for promotion and/or tenure as reported on the numerical secret ballot vote to recommend for or against the granting of promotion and/or tenure and forward to the Vice President for Academic Affairs and Provost all of the information relating to the promotion and/or tenure recommendation by March 15. — A university wide portfolio review committee will serve in an advisory/supervisory capacity.~~ This committee is to be drawn from all five faculty constituencies (four colleges and Library/Educational Technology Services faculty). The committee will have nine (9) members consisting of a minimum of one (1) member ~~(tenured Associate and Full Professors)~~ from each constituency plus at-large faculty to total nine. The committee will select a vice chair to serve as assistant to the chair during the first year of a two-year term and to assume the role of chair during the second year. Annually, the Faculty Senate will identify a pool of at least ~~fifteen (15)~~ eligible members ~~to serve in this pool. Appointment to the pool and service on the committee is limited to faculty who are from all tenured and hold rank as professors at the~~ Associate Professor ~~or and~~ Full Professor ~~ranks for recommendation to the President to serve on this committee.~~ From this pool of candidates, the President of the University will annually, in October, select members to serve for two (2) academic years. No faculty member from a faculty constituency will be appointed for additional terms until the entire pool from that constituency has been exhausted. Only then may professors be appointed to serve another term. Exemptions from service should only be granted in extreme circumstances and then only for one (1) term. Faculty may not serve on the committee while applying for promotion.

Duties of the committee may include, but are not limited to, reviewing ~~tenure and~~ promotion ~~and/or tenure~~ portfolios for content; reviewing procedures/processes for adherence to stated policies with respect to ~~tenure and~~ promotion ~~and/or tenure~~ criteria; ensuring the missions, learning objectives, and goals of the University, various colleges, and specific departments are being met in concordance with one another with respect to ~~tenure and~~ promotion ~~and/or tenure~~ criteria; and concurring with, or not, the recommendations of candidates for ~~tenure and~~ promotion ~~and/or tenure~~. The University-Wide Promotion and Tenure Portfolio Review Committee will focus on the ~~40 page~~ portfolio (including all forms as described in section 2.5.3). ~~Supplementary materials will be maintained separately from those portfolios. The location of the supplementary materials will be determined by the Vice President for Academic Affairs and Provost. The language specified in section 2.5.3 with regard to evaluation of candidates' credentials [indicating the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion is recommended or not recommended] should be used at all levels and on all evaluation documents and be recorded on the Promotion Recommendation Form.~~ All portfolios that are incomplete or not in compliance with the stated guidelines (section 2.5.3) will be considered as non-responsive and rejected. ~~All portfolios submitted by eligible~~



~~candidates, regardless of recommendation(s), will move through the entire process. The timeline for reviewing promotion materials can be found in Appendix 2.C.~~

As soon as the ~~annual~~<sup>new</sup> committee membership is ~~announced~~<sup>determined and constituted</sup>, the chair will call a meeting during the fall semester for the express purpose of orienting the committee, especially incoming new members, to the established procedures and guidelines for the committee. All members of the committee must participate in this orientation. Departmental criteria with respect to ~~tenure and~~ promotion and/or tenure criteria, unique college criteria and policies with respect to ~~tenure and~~ promotion and/or tenure criteria, and university policies with respect to ~~tenure and~~ promotion and/or tenure criteria, will be made available to each member of the committee. After orientation, the ~~new~~ committee will begin its work with review of ~~tenure~~<sup>promotion</sup> portfolios, followed by review of ~~promotion~~<sup>tenure</sup> portfolios. As soon as the portfolios become available, the chair will notify the committee of the location of the portfolios on the UNA server and the committee will begin the review process. Every member of the committee will review each portfolio submitted, regardless of recommendation and concurrence at previous stages in the process. After all members have reviewed each portfolio, the committee will meet *en masse* (convened in person) to discuss each portfolio and vote on each candidate by reported numerical secret ballot~~the portfolios, the committee will meet *en masse* to discuss each portfolio. While all members of the committee will review all portfolios, in the event a consensus agreement cannot be reached by the committee, then only full professors will vote in making the final decision on a candidate for full professor. Upon reaching a decision for each portfolio, the chair will schedule a meeting of the committee with the Vice President for Academic Affairs and Provost. After discussing the portfolios with the committee, the Vice President for Academic Affairs and Provost will forward the committee's concurrence, or lack thereof, to the President.~~

The committee will perform a year-end process/procedures review and prepare a report to be presented to~~be distributed at all levels of~~ the Vice President for Academic Affairs and Provost by May 15~~process~~. This report should include what worked well, what did not work, and remediation recommendations.

Members of the University-Wide Promotion and Tenure Portfolio Review Committee participate with the understanding that all matters related to their deliberations remain confidential.

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## Responsibility of the Vice President for Academic Affairs and Provost

The Vice President for Academic Affairs and Provost will review ~~each candidate, the candidate's portfolio and the recommendations from the each peer promotion and/or tenure committee, the department chair, the dean, and the University-Wide Promotion and Tenure Portfolio Review Committee, and will recommend for or against the granting of.~~ By April 10, the Vice President for Academic Affairs and Provost will evaluate each candidate, indicating the degree (exceptionally qualified, highly qualified, moderately qualified, or less qualified) to which promotion and/or tenure to the President by April 15 is recommended or not recommended.

~~Following the decisions made by the President as outlined below, the Vice President for Academic Affairs and Provost will inform the college or area dean of the success or failure of the candidates as soon as possible, but not later than April 12. Candidates will be notified by the deans by April 15. Promotions will become effective on the first day of the following fall semester. The Vice President for Academic Affairs and Provost will remove all portfolios from the UNA server and maintain all evaluations for safe keeping. Portfolios will be available for candidates to pick up no later than April 30.~~

## Responsibility of the President

~~The President will review the individual portfolios and all recommendations. Based upon these, and in consultation with the Vice President for Academic Affairs and Provost, the President will establish a tentative promotion list, which will be shared with the Vice President for Academic Affairs and Provost and the academic deans for their final input. Informed by this process, the President will make the final decision on promotion for each candidate by April 12. The President will give due consideration in these decisions to any extraordinary circumstances, budgetary constraints, and fiduciary obligations to the University. In addition, the President shall try to ensure that the number of promotions (including department chairs) each academic college and Collier Library/Educational Technology Services receives is fair and equitable.~~

### ~~B. Department Chairs Applying for Promotion~~

~~Department chairs who are applying for promotion will be evaluated using a process similar to that described for other faculty members. In the case of department chairs, however, the evaluation completed by the peer promotion committee will be sent directly to the dean of the college no later than November 21. The administrative effectiveness of the department chair will be evaluated within the category of university and community service. The college dean will evaluate the department chair's portfolio and will forward his or her evaluation and the peer promotion committee's evaluation to the Vice President for Academic Affairs and Provost by February 15. The college dean and the peer promotion committee will provide written feedback to the department chair regarding strengths and weaknesses of the portfolio. By April 10, the Vice President for Academic Affairs and Provost will review the department chair's portfolio, recommendations from the peer committee and college dean. These recommendations will be forwarded to the President and reviewed as outlined in part A.~~

### 2.5.4 Tenure

~~An award of~~ The final decision for or against the granting of promotion and/or tenure will be made by the President by April 22. Letters of notification from the President's Office ~~tenure is not a right but a privilege which must be earned by a faculty member on the basis of his or her performance during a probationary period. The granting of tenure is never automatic. Normally, tenure is granted after a faculty member has been evaluated by the tenured faculty members in a department, the department chair, the college dean, the University-Wide Promotion and Tenure Portfolio Review Committee, the Vice President for Academic Affairs and Provost, and the President. However, the President may, after appropriate consultation, grant tenure at any time if good and sufficient reasons exist for doing so.~~

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Comment [NML13]: This paragraph is from the current T&P policy. Should it be stricken? It has been edited and is included on page 2-17.

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Comment [NML14]: Should this statement be moved to "Responsibility of the President" section?

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Policy on tenure, or continuing contract status, as adopted by the Board of Trustees of the University of North Alabama, provides that a person appointed to the faculty rank of assistant professor will serve a probationary period of five successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the sixth consecutive academic year. A person appointed to the faculty in the academic rank of associate professor will serve a probationary period of four successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the fifth consecutive academic year. A person appointed to the faculty in the academic rank of (full) professor will serve a probationary period of three successive academic years at this University and will be granted tenure upon acceptance of an offer of appointment from the President for the fourth consecutive academic year. A faculty member holding the academic rank of instructor, assistant professor, associate professor, or professor may, at the discretion of the university administration, be granted leave without breaking the successive years of employment for tenure purposes, but years of leave will not count as years of service toward tenure unless specifically granted in writing at the time leave is granted.

Except as otherwise stated herein, the following process will be followed in determining whether a faculty member will be awarded tenure:

1. The Office of the Vice President for Academic Affairs and Provost shall notify a probationary faculty member by October 1 of the academic year prior to the final academic year of probationary status that failure to apply for tenure by the appropriate deadline could result in an offer of a non-renewable or "terminal" academic year contract. This notice shall be made in writing and placed in the faculty member's campus mailbox. Failure to notify by this deadline does not automatically constitute a grant of tenure or extension of the employment contract. In such situations, appropriate adjustment of deadlines for notification and portfolio submission will be made.
2. By May 1 of the academic year prior to the final academic year of probationary status, the faculty member will present to the department chair electronically an updated tenure review portfolio which provides evidence of accomplishments specific to the criteria as outlined in section 2.5.1.
- Applicants for tenure will limit their portfolios to a maximum of 15 pages, including a current vita not to exceed five pages and supporting narrative not to exceed 10 pages. Supplemental materials may be provided but should be separate from the portfolio.
3. If a member of the teaching faculty has not presented a student evaluation composite or overview as part of teaching effectiveness, it will be the responsibility of the department chair to forward such materials to the department tenure committee and to the college dean.
4. The department chair shall convene a department tenure committee, consisting of all tenured faculty in the department and supervise the election, by secret ballot, of the chairperson from among the members of the committee. It is the responsibility of the department tenure committee to prepare a written evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and by majority vote to recommend for or against the granting of tenure and to submit through the department chair to the college dean all of the information relating to the tenure recommendation by June 1.
5. It is likewise the responsibility of the department chair to prepare a written evaluation of each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and to recommend for or against the granting of tenure and to forward to the college dean all of the information relating to the tenure recommendation by June 1.
6. The college dean will review the materials presented by the department tenure committee and the department chair and will prepare a written evaluation on each candidate that addresses strengths and weaknesses in relation to the university, college, and departmental criteria established for tenure and

~~recommend for or against the granting of tenure and to forward to the Vice President for Academic Affairs all of the information relating to the tenure recommendation by August 1.~~

~~7. The University Wide Promotion and Tenure Portfolio Review Committee will review the materials presented by the department tenure committee, the department chair and college dean, and will make recommendations to the Vice President for Academic Affairs and forward all of the information relating to the tenure recommendation by September 15.~~

~~8. The Vice President for Academic Affairs will review all recommendations and will make recommendations to the President in advance of the October 1 notification deadline.~~

~~9. The final decision for or against the granting of tenure will be made by the President, and letters will be mailed to all candidates, with copies to the respective dean and department chair, no later than May 1. For faculty being considered for promotion and/or tenure to associate professor, the notification will occur during the final year of the probationary period. Faculty not approved for tenure will be issued a terminal contract and will serve one additional year before termination. Promotion and/or tenure, and promotional raises, will become effective on the first day of the following fall semester.~~  
~~October 1 of the faculty member's final academic year of the probationary period.~~

~~The granting of tenure requires written notice regardless of the number of years in service. This tenure policy does not apply to non-tenure track or adjunct faculty.~~

#### B. Department Chairs Applying for Promotion and/or Tenure

~~Department chairs who are candidates for promotion will be evaluated using the same process as that described for other faculty members, except that the department chair review is omitted. In the case of department chairs, however, the evaluation completed by the peer promotion and/or tenure committee will be sent directly to the dean no later than November 15. The dean will evaluate the candidate's portfolio and will forward his or her evaluation and the peer promotion and/or tenure committee's evaluation to the Vice President for Academic Affairs and Provost by February 1. By April 15, the Vice President for Academic Affairs and Provost will review each candidate, and the recommendations from the peer promotion and/or tenure committee, the dean, and the University-Wide Promotion and Tenure Portfolio Review Committee, and will recommend for or against the granting of promotion and/or tenure to the President.~~

#### Evaluation Results

~~At each stage of the process, the evaluation form will be e-mailed to the next level, to promotions@una.edu, and be copied to the candidate. The candidate may offer a rebuttal, if desired, by e-mailing it to promotions@una.edu. The rebuttal(s), if any, will be added to the application materials.~~

#### 2.5.5.2.5.4. Renewal or Termination of a Probationary Appointment

~~Written notice of renewal or termination of a probationary appointment will be March 1 given as follows: for the second year and October 1, not later than March 1; for the third year, not later than December 1; and for the fourth and subsequent years, and until tenure is granted, not later than October 1. Written notice delivered via official university communication methods, including e-mail, placed in a faculty member's campus mailbox on or before the specified dates shall be deemed sufficient notice. Otherwise, offers~~

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**Comment [NML15]:** Strike "or" since the process is now coupled at this rank.

**Comment [NML16]:** FAC recommends defining "terminal contract".

**Comment [NML17]:** This appears to be the updated paragraph regarding dept. chairs (see page 2-15).

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of reemployment will be made by an offer of appointment as specified in Section 2.3.2 above. Acceptance of an offer of reemployment must be made in writing and received by the Vice President for Academic Affairs and Provost not later than thirty (30) calendar days following the offer.

Probationary faculty who receive non-renewal notices will be retained for one academic year of employment prior to separation from the institution.

The recommendation to renew or not to renew a probationary appointment normally will originate with the department chair or other immediate supervisor. Tenured members of the department also will be consulted. After review of the recommendation by the appropriate college dean, the Vice President for Academic Affairs and Provost makes the final decision to renew or not to renew the appointment. The person affected will be advised of that decision in writing by the Vice President for Academic Affairs and Provost.

## **2.6 TERMINATION OF FACULTY APPOINTMENTS**

### **2.6.1 Retirement**

A faculty member electing to retire under options available through the Teachers' Retirement System of Alabama must submit written notice to the President not later than February 1 immediately preceding the expiration of the contract period. The effective date of retirement will coincide with the end of the contract period unless a different date is approved.

~~In compliance with current federal law, the University does not require faculty to retire or withdraw from service due to age.~~

### **2.6.2 Termination for Cause**

Termination of an appointment with tenure or of a probationary, non-tenure-track, or adjunct appointment before the end of the term specified in the letter of appointment may be affected by the University only for adequate cause. The following causes, proved by substantial evidence, shall justify the termination of the above categories of faculty appointments: professional incompetence; commission of a felony; gross neglect of duty; gross insubordination; inability to fulfill terms and conditions of appointment due to medical condition; excessive absenteeism; sexual harassment; intentional violation of other university rules or regulations; any other adequate cause related directly and substantially to the fitness of a faculty member to serve in his or her capacity as a teacher, researcher, or provider of public service; bona fide financial exigency; and the discontinuance of a department or program. In the event of terminations by reason of financial exigency or discontinuation of a department or program for lack of enrollment or otherwise, the University shall make reasonable efforts to place the personnel affected in other open positions for which they may be qualified, and in no case shall a tenured faculty position so terminated be filled within two years unless the person affected has been offered reappointment and a reasonable time in which to accept it.

Any termination for cause shall be pursuant to the due process procedures set forth in the official policy statement, Grievance and Due Process Procedures, as they exist at the time the proposal for termination originates.

### **2.6.3 Check-Out Procedures**

Faculty members who are leaving employment with the University must be cleared by University Police, the Business Office, Collier Library, Educational Technology Services, Information Technology Services, the department chair, the Registrar's Office, the Office of Human Resources, and any other ~~offices~~ from which they may have borrowed equipment and/or owe charges. All university equipment

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must be returned, and all outstanding balances must be settled. The Office of Human Resources will notify the faculty member of this requirement, and any delinquencies, prior to his or her departure from the University.

Faculty members who are granted a leave of absence will meet with their department chair who will determine, with subsequent written notification to the Assistant Vice President for Human Resources and the Vice President for Business and Financial Affairs, which of the following check-out procedures will apply: employee returns keys to the Facilities Administration and Planning Office; employee returns all departmental equipment that may be needed during the employee's absence; employee returns all library materials, books, etc. that may be on loan to the employee; and employee returns all Information Technology Services equipment and materials that may be on loan to the employee. All faculty on leave of absence must obtain clearance from the Business Office and meet with the Office of Human Resources for health benefit information.

## **2.7 SANCTIONS LESS THAN TERMINATION**

If the President believes that the conduct of a faculty member justifies disciplinary action or sanctions less than termination for cause, such action or sanction shall not be imposed unless the employee is availed of the due process procedures as set forth in the official policy statement, Grievance and Due Process Procedures.

## **2.8 GRIEVANCE AND DUE PROCESS**

A "grievance" is a complaint directed against another member or organization of the university community or against the University—including the departments, divisions, and colleges thereof—alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to conditions of employment or enrollment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving reassignment of job duties, change of job title or position, demotion, suspension, expulsion, dismissal, or other termination of employment or termination of enrollment for cause.

### **2.8.1 University Ombudsman**

The University's statement on the University Ombudsman can be located on the university's website at <http://www.una.edu/employee-policy-manual/procedures-processes-programs/ombudsman.html>.

## **2.9 FACULTY RECORDS**

Permanent record files for faculty members are maintained in the Office of the Vice President for Academic Affairs and Provost. Included in these files are employment agreements, personal data records, official transcripts for bachelor's, master's, and doctoral degrees as well as any coursework in support of faculty credentials, correspondence, and other relevant materials. Faculty records related to payroll are maintained in the Business Office; those records relating to benefits are maintained in the Office of Human Resources. All faculty records are maintained with proper regard for security and confidentiality. Access is limited to those persons whose positions carry authorization for record use and review. Faculty members may inspect their records by appointment.

Faculty members are expected to assist in keeping their records current by reporting changes affecting directory information, tax and benefit records, additional training and degrees, research, special honors and recognitions, offices and memberships, publications, and other pertinent information.

New appointees should contact the Office of Human Resources immediately to complete all appropriate forms, including tax withholding forms, applications for insurance, retirement system membership, and other university benefits. This must be done at least two weeks prior to the end of the month in which first payment is to be made.

## **2.10 APPLICATION OF HANDBOOK**

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The provisions of this Handbook are general guidelines the University intends to apply in every applicable case. None of these provisions is intended, however, to induce continued employment or otherwise to be an offer of a contract of employment for a definite duration or to constitute an employment contract or to create a property interest under Alabama or Federal law. All ~~initial~~ employment contracts with UNA faculty, and notices of promotion and tenure, are in the form of separate documents as specified in Section 2.3.2 above and must be in writing and signed by the President of UNA. This section shall not be construed, however, to affect adversely the rights of tenured faculty members in any way.

Attachment B



Date: August 18, 2016

To: Dr. Scott Infanger  
Chair, Shared Governance Executive Committee

From: Amber Fite-Morgan, University Attorney  
Catherine D. White, Assistant Vice President for Human Resources

CPW  
CLEM

RE: Proposed Revisions to the Grievance and Due Process Policy

The first Due Process Hearing in over a decade took place on campus at the close of the Fall semester. Subsequently, the faculty members who served on the Due Process Committee made a recommendation that the Grievance and Due Process procedures be reviewed and revised based on their concerns that the current policy was outdated, vague, and left the procedures open to interpretation.

Based on the committee's recommendation, we reviewed applicable federal and state laws, policies of other universities, as well as relevant information from the American Association of University Professors. The following is a brief, noninclusive summary of the recommended changes to the Grievance and Due Process Policy:

- Based on best practices at institutions of higher education, the grievance portion was extracted from the due process portion, creating two distinct policies. The proposed grievance portion is attached and is applicable to both faculty and staff.
- Built clarity and structure into the procedures.
- Added a reference to the University Ombudsman as a resource in the informal process.

Please find attached two versions of the proposed new Grievance Policy, one with comments and tracked changes and one in the final proposed version. In addition, the current Grievance and Due Process Policy is attached.

OFFICE of HUMAN RESOURCES and AFFIRMATIVE ACTION  
UNA Box 5043, Florence, AL 35632-0001  
P: 256.765.4291 | F: 256.765.5998 | [www.una.edu](http://www.una.edu)

Equal Opportunity / Equal Access Institution

## **Grievance Policy**

### **GRIEVANCES**

A grievance is a complaint directed against another member or organization of the university community or against the University--including the departments, divisions, and schools thereof--alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving disciplinary suspension, , dismissal, or other termination of employment for cause. For such actions reference is made to the procedures under the Due Process Policy (insert link when finalized).

#### **Informal procedures**

A grievance must be filed within fourteen (14) days\* of the event(s) that lead to the grievance. A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. The complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Vice President for Academic Affairs and Provost (VPAA); for staff, to the immediate supervisor/director and appropriate Executive Council member with continuation in line to the Assistant Vice President for Human Resources (AVPHR). Following a thorough review of all information presented including discussions with all parties involved, the VPAA or AVPHR should provide a written response to the grievant at the completion of the process.

At any point during the informal process, the grievant may seek resolution with the [University Ombudsman](#).

#### **Formal hearing**

If, after exhausting recourse through informal procedures, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing within fourteen (14) days\* of receipt of the response from the VPAA or AVPHR. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.

On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance Committees below and shall give the grievant not less than seven (7) days'\* advance notice as to the date, time, and place set for the hearing.

### **GRIEVANCE COMMITTEE**

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearings an ad hoc committee of three persons. The committee shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:



**Committee Composition:** Committees shall be composed as follows:

University Faculty: from the list of nine (9) nominees established for such purposes by the Faculty Senate at the beginning of each academic year. Staff: from among members of the university staff including recommendations from Staff Senate.

**Committee Selection:** Toward assuring a full and impartial hearing strictly on the merits of the case, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. Persons appointed to grievance committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

**Functions of the Grievance Committee:** The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing such as a recording or transcript from a court reporter.

The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.

**Grievance hearing procedures:** A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.

Rights and responsibilities of the grievant: It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his/her choice from among personnel of the university community.

**The Committee's report and final action:** Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President. Within fourteen (14) days\* of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. The President's action shall be final, except that a grievant may appeal adverse findings to a subcommittee of the Board of Trustees.

It is at the discretion of the President whether or not a formal hearing is granted; the President reserves the right to remand the grievance to alternative forms of resolution.

\*Excludes weekends, University recognized holidays, and periods during which the University is closed.

*Approved by the Board of Trustees, 12/04/1992  
Proposed Changes to Shared Governance, Fall 2016*

## **Grievance and Due Process Procedures Policy**

### **GRIEVANCES**

A grievance is a complaint directed against another member or organization of the university community or against the University--including the departments, divisions, and schools thereof--alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment or enrollment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving disciplinary suspension, expulsion, dismissal, or other termination of employment or enrollment for cause. For such actions reference is made to the procedures under the "Due Process Policy (insert link when finalized)" below.

#### **Informal procedures**

A grievance must be filed within fourteen (14) days\* of the event(s) that lead to the grievance. A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. For university employees, the complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Vice President for Academic Affairs and Provost (VPAA); for nonfaculty staff, to the immediate supervisor/director and appropriate Executive Council member with continuation in line to the or to the Director of Human Resources and Affirmative Action Assistant Vice President for Human Resources (AVPHR) with continuation in line to the appropriate vice president. Following a thorough review of all information presented including discussions with all parties involved, the VPAA or AVPHR should provide a written response to the grievant at the completion of the process.

For students, a complaint involving services or activities normally will be directed to the appropriate director/officer of the service or activity with continuation in line to the Vice President for Student Affairs and University Counsel; on a complaint involving academic or instructional matters, to the academic department head with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied admission to the University will be directed to the Dean of Enrollment Services with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied employment at the University will be directed, for applicants to faculty positions, to the Vice President for Academic Affairs and Provost; for applicants to nonfaculty staff positions, to the Director of Human Resources and Affirmative Action with continuation in line to the Vice President for Business Affairs. At any point during the informal process, the grievant may seek resolution with the University Ombudsman.

#### **Formal hearing**

If, after exhausting recourse through established administrative channels informal procedures, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing within fourteen (14) days\* of receipt of the response from the VPAA or AVPHR. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and



the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.

On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance and Due Process Committees above/below and shall give the grievant not less than seven (7) days' advance notice as to the date, time, and place set for the hearing.

#### **GRIEVANCE COMMITTEE**

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearings an ad hoc committee of three persons. The committee shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:

**Committee Composition:** Committees shall be composed as follows:

University Faculty: from the list of nine (9) nominees established for such purposes by the Faculty Senate at the beginning of each academic year. Staff: from among members of the university staff including recommendations from Staff Senate.

**Committee Selection:** Toward assuring a full and impartial hearing strictly on the merits of the case, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. Persons appointed to grievance committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

**Functions of the Grievance Committee:** The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing such as a recording or transcript from a court reporter.

The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the

complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.

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**Grievance hearing procedures:** A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.

**Functions of the Grievance Committee:** The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing.

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**Rights and responsibilities of the grievant:** It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his/her choice from among personnel of the university community.

**The Committee's report and final action:** Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President and to the grievant. Within fourteen (14) days\* of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the grievant and to the Committee. The President's



action shall be final, except that a grievant may appeal adverse findings reversed or modified decision to a subcommittee of the Board of Trustees.

It is at the discretion of the President whether or not a formal hearing is granted; the President reserves the right to remand the grievance to alternative forms of resolution.

\*Excludes weekends, University recognized holidays, and periods during which the University is closed.

#### **GRIEVANCE AND DUE PROCESS COMMITTEES**

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearing an ad hoc committee of three persons and for a due process hearing an ad hoc committee of five persons. The committees shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:

- **University Faculty:** from among tenured members of the university faculty, with not more than one member for a grievance committee or two members for a due process committee also holding administrative appointment.
- **Non-Faculty Staff:** from among members of the university faculty and non-faculty staff;
- **Students:** from among members of the university faculty, non-faculty staff, and students.

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Toward assuring a full and impartial hearing strictly on the merits of the cases, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. In making committee appointments, the President may seek nominations from representative organizations such as, respectively, the Faculty Senate, and the Student Government Association. In cases involving a member of the university faculty as grievant or accused, the President shall, if so petitioned by the faculty member in the formal request for a hearing, make the committee appointments from the appropriate list of nominees established for such purposes by the Faculty Senate at the beginning of each academic year, one list to consist of nine nominees for grievance committees and one list to consist of fifteen nominees for due process committees. Persons appointed to grievance or due process committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex-officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

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#### **GRIEVANCES**

~~A grievance is a complaint directed against another member or organization of the university community or against the University, including the departments, divisions, and schools thereof alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment or enrollment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving suspension, expulsion, dismissal, or other termination of employment or enrollment for cause. For such actions reference is made to the procedures under "Due Process", below.~~

**~~Informal procedures:~~**

~~A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. For university employees, the complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Vice President for Academic Affairs and Provost; for nonfaculty staff, to the immediate supervisor/director or to the Director of Human Resources and Affirmative Action with continuation in line to the appropriate vice president. For students, a complaint involving services or activities normally will be directed to the appropriate director/officer of the service or activity with continuation in line to the Vice President for Student Affairs and University Counsel; on a complaint involving academic or instructional matters, to the academic department head with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied admission to the University will be directed to the Dean of Enrollment Services with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied employment at the University will be directed, for applicants to faculty positions, to the Vice President for Academic Affairs and Provost; for applicants to nonfaculty staff positions, to the Director of Human Resources and Affirmative Action with continuation in line to the Vice President for Business Affairs.~~

**~~Formal hearing~~**

~~If, after exhausting recourse through established administrative channels, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.~~

~~On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance and Due Process Committees above and shall give the grievant not less than seven days' advance notice as to the date, time, and place set for the hearing.~~

~~Grievance hearing procedures: A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.~~



~~Functions of the Grievance Committee: The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing.~~

~~The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.~~

~~Rights and responsibilities of the grievant: It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his choice from among personnel of the university community.~~

~~The Committee's report and final action: Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President and to the grievant. Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the grievant and to the Committee. The President's action shall be final, except that a grievant may appeal a reversed or modified decision to a subcommittee of the Board of Trustees.~~

#### **DUE PROCESS**

~~To assure the protection of individual rights and due process in actions involving the suspension, dismissal, or other termination for cause of university employees, the following procedures may be invoked by written request of the affected employee:~~

##### **Due process procedures**

~~Initiation of action: Any person may call to the President's attention in any reasonable manner directly or through channels any conduct or circumstance of any member of the university community thought to be violative of university rules or regulations or otherwise to merit action involving suspension, dismissal, or other termination for cause. The President, of his own volition, may investigate any such conduct or~~



circumstance. If, after investigation, the President is of the opinion that such action should be taken, he shall give the person so accused or affected proper notice of the action proposed:

**Notice of proposed action:** The President's notice to the accused of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The notice also shall contain:

a statement of the charges or conditions supporting the action proposed; notice of the accused's right to a full and fair hearing before a Due Process Committee; notice that such hearing shall be afforded only if requested in writing within ten days from the date of receipt of the Notice of Proposed Action, and that, if such request for a hearing is not received within this time limit, the right to a hearing shall be deemed to have been waived and the proposed action shall be imposed therewith or as specified in the notice; and information as to where a copy of the hearing procedures may be obtained.

**Due process hearing:** If proper request for a hearing is made, the hearing shall be afforded not sooner than 14 or later than 21 days from the date of receipt of the request, unless, by mutual agreement, other time limits are established by written agreement. On receipt of the request, the President shall proceed with the establishment of an appropriate Due Process Committee (as provided for under Grievance and Due Process Committees, above), informing the accused of the names of the members and providing reasonable opportunity and time for exercise of the rights of challenge. When a proper Due Process Committee is established, the accused shall be notified in writing of the date, time, and place set for the hearing at least seven days before the hearing. The notice shall contain the names of the witnesses and a summary of the nature of the testimony and evidence to be presented against the accused, and the accused and/or the accused's representative shall be permitted to inspect, at least three days in advance of the hearing, any affidavits or exhibits the University intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the University that has not been disclosed to the accused, provided the University has good cause or justification for failure to disclose. The President shall designate an appropriate person or persons to present the case for the University.

Not later than three days before the hearing, the accused shall present to the University or its attorney a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness. The university representative shall be permitted to inspect at least three days in advance of the hearing any affidavits or exhibits the accused intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the accused that has not been disclosed to the University, provided the accused has good cause or justification for failure to disclose.

At the discretion of the President, the accused may be suspended during the proceeding if immediate harm to the accused or to others is threatened by continuance or if there is other just and sufficient cause supported by substantial evidence. Unless forbidden by law, the salary or wages of the university employee so suspended will be continued during the time of suspension.

~~Committee procedures: The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the accused may elect to submit.~~

~~The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing if necessary the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.~~

~~The Committee, in consultation with the parties concerned, shall exercise its judgment as to whether the hearing shall be private or public.~~

~~Hearing procedures: The due process hearing shall be governed by the following rules and regulations: The accused shall be permitted to have legal counsel and/or an adviser of the accused's choice. The University shall be permitted to have legal counsel. The accused shall be afforded the right to present his version as to the charges or circumstances and to present his case by way of such statements, affidavits, witnesses, and exhibits as he desires. The accused shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will reasonably cooperate with the Committee in securing witnesses and in making available documentary and other evidence.~~

~~The accused and the University shall have the right to confront and cross-examine all witnesses. The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.~~

~~The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.~~

~~The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.~~

~~An audio recording of the hearing shall be made and the audio recording of the hearing shall be made available to the accused and the University on request and without charge.~~

~~Except for such simple announcements as may be required covering the time of the hearing and similar matters, publicity and public statements about the case by either party will be avoided.~~

~~Committee decision and report: On conclusion of the hearing, the Due Process Committee in executive session shall, by majority vote and solely on the basis of the evidence presented at the hearing, decide whether or not the evidence in the record~~



~~has established adequate cause for the action proposed, and, on the basis of that decision, shall recommend to the President the disposition of the case. If the Committee concludes that adequate cause has been established but that a proper penalty less than that proposed would be more appropriate, it may so recommend with supporting reasons. The Committee's decision and recommendations shall be reduced to a written report which shall be forwarded, along with the record of the hearing, to the President. A copy of the Committee's report shall be sent to the accused by certified mail.~~

~~President's decision: Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the accused in writing. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the accused and to the Committee. The President's action shall be final, except that the accused may appeal a reversed or modified action to a subcommittee of the Board of Trustees.~~

#### **Exceptions to Due Process Procedures:**

~~Student discipline: This procedure shall not be construed in any manner to apply to or affect the operation of student operated procedures which may impose discipline short of suspension, expulsion, or dismissal, or to matters covered by the Student Disciplinary System Manual.~~

~~Academic probation, suspension, and dismissal: This procedure shall not be construed in any manner to give any right of hearing of any nature to students placed on academic probation or suspended or dismissed because of academic insufficiency.~~

~~Reorganizations, reductions in force, and nonrenewal of non-tenured faculty contracts: This procedure shall not be construed to limit the administrative discretion of the President to elect not to renew contracts of non-tenured personnel of the University or to terminate or abolish certain positions in the University for economic or other legitimate, nondiscriminatory, and constitutionally permissible reasons. In such situations, the person whose contract is not renewed or whose employment is otherwise terminated shall not have an absolute right to a hearing before a Due Process Committee; provided, however, that if the person whose position is so severed is of the opinion that such action has deprived him of "liberty" or of a "property interest" in continued employment, he may, within ten days of severance notice, make written petition to the President to invoke the due process procedures provided herein and may be granted such a hearing at the President's sole discretion.~~

~~At-will employees: At-will employees are not entitled to due process procedures upon their termination from employment unless an adverse action against them infringes a "liberty" or "property" interest of the employee, or the President expressly grants them that right in a letter imposing the adverse action.~~

#### **Definitions**

~~Masculine pronouns used herein shall be deemed to include and refer to females as well as to males.~~

~~The term "University" when used herein without further designation shall refer to the University of North Alabama.~~

~~The term "President" when used herein without further designation shall refer to the President of the University of North Alabama.~~

~~The phrase "university community" when used herein shall refer to the students, faculty, and non faculty staff members and employees of the University of North Alabama.~~

*Approved by the Board of Trustees, 12/04/1992*  
*Proposed Changes to Shared Governance, Fall 2016*

## Grievance and Due Process Procedures

### GRIEVANCE AND DUE PROCESS COMMITTEES

On proper request for a hearing, as hereinafter provided, the President of the University shall establish for grievance hearing an ad hoc committee of three persons and for a due process hearing an ad hoc committee of five persons. The committees shall be composed of university personnel appointed by the President, according to the classification of the person initiating the request, as follows:

- **University Faculty:** from among tenured members of the university faculty, with not more than one member for a grievance committee or two members for a due process committee also holding administrative appointment.
- **Non-Faculty Staff:** from among members of the university faculty and non-faculty staff.
- **Students:** from among members of the university faculty, non-faculty staff, and students.

Toward assuring a full and impartial hearing strictly on the merits of the cases, due regard shall be given to appointment to committees of persons with appropriate expertise and without bias or direct interest in the outcome, to provision for peer representation where relevant, and to adherence to hearing procedures. In making committee appointments, the President may seek nominations from representative organizations such as, respectively, the Faculty Senate, and the Student Government Association. In cases involving a member of the university faculty as grievant or accused, the President shall, if so petitioned by the faculty member in the formal request for a hearing, make the committee appointments from the appropriate list of nominees established for such purposes by the Faculty Senate at the beginning of each academic year, one list to consist of nine nominees for grievance committees and one list to consist of fifteen nominees for due process committees. Persons appointed to grievance or due process committees who deem themselves disqualified by reasons of bias or interest may be excused. The grievant or accused shall have the right of challenge of committee appointments for cause and if in the judgment of the President a challenge is supported by adequate grounds, the member so challenged shall be excused. The President shall appoint replacements for members excused until a proper committee is established. The President shall designate one member of the committee to act as chair or may appoint an additional ex officio nonvoting member to act as chair. The committees may adopt supplemental rules and regulations for their governance and operation which are not in conflict with this resolution.

### GRIEVANCES

A grievance is a complaint directed against another member or organization of the university community or against the University—including the departments, divisions, and schools thereof--alleging improper, arbitrary, or discriminatory application of university rules, regulations, standards, practices, and/or procedures relating to the conditions of employment or enrollment, or to other circumstances giving proper grounds for complaint. Grievance procedures do not apply to actions involving suspension, expulsion, dismissal, or other termination of employment or enrollment for

cause. For such actions reference is made to the procedures under "Due Process", below.

### **Informal procedures**

A grievant first must seek resolution or redress of the grievance informally through the established administrative channels beginning, according to the grievant's classification and to the nature of the grievance, with the official at the first or immediate level of authority, and, if required, continuing in the chain of authority to the next higher level. For university employees, the complaint of a faculty member normally will be directed to the department head/director with continuation in line to the Vice President for Academic Affairs and Provost; for nonfaculty staff, to the immediate supervisor/director or to the Director of Human Resources and Affirmative Action with continuation in line to the appropriate vice president. For students, a complaint involving services or activities normally will be directed to the appropriate director/officer of the service or activity with continuation in line to the Vice President for Student Affairs and University Counsel; on a complaint involving academic or instructional matters, to the academic department head with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied admission to the University will be directed to the Dean of Enrollment Services with continuation in line to the Vice President for Academic Affairs and Provost. Complaint by an applicant who has been denied employment at the University will be directed, for applicants to faculty positions, to the Vice President for Academic Affairs and Provost; for applicants to nonfaculty staff positions, to the Director of Human Resources and Affirmative Action with continuation in line to the Vice President for Business Affairs.

### **Formal hearing**

If, after exhausting recourse through established administrative channels, the grievant still feels that a satisfactory remedy or relief has not been provided, the grievant may request a formal hearing. The request shall be directed to the President of the University in writing and shall bear the grievant's name, current address, and telephone number; a clear statement of the nature of the grievance and the facts supporting it; the remedy or relief sought; the date; and the grievant's signature.

On receipt of the grievant's request, the President shall proceed to the establishment of a proper Grievance Committee to hear the case, as provided for under Grievance and Due Process Committees above and shall give the grievant not less than seven days' advance notice as to the date, time, and place set for the hearing.

Grievance hearing procedures: A grievance hearing is not an administrative due process hearing and therefore does not include all of those procedures provided for in due process hearings; neither do formal rules of evidence apply. The hearing shall be confidential and only those persons concerned should be included in the hearing.

Functions of the Grievance Committee: The Committee or Committee Chair may confer with the grievant prior to the hearing to schedule witnesses, provide for the exchange of documents, and achieve other appropriate objectives to make the procedures fair, effective, and expeditious. In the hearing, the Committee may question the grievant and the witnesses presented by the grievant, may call such witnesses and examine such documents as it considers necessary, and shall keep a record of the hearing.

The Committee's role is to investigate the complaint as presented to the Committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether or not the grievant has just cause for complaint. In grievances which are contractual in nature, the Committee's role is to determine whether or not the grievant has had all the benefits of the procedures afforded by the grievant's contract and the rules and regulations of the University, school, and department, and whether or not the decision which forms the basis for the complaint was the result of adequate consideration in terms of the relevant standards of the University, school, and department. It is not within the scope of the Committee to make judgments on the professional qualifications of the grievant, such being the responsibility of the administrators within the concerned department, school, and the University. The Committee shall be guided in its decisions only by the evidence presented at the hearing.

**Rights and responsibilities of the grievant:** It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end the grievant shall state the grievance with specificity, shall be allowed to present witnesses and documents on the grievant's behalf, and to examine any other witnesses and documents presented. The grievant shall not be represented by counsel but may have the assistance of an adviser of his choice from among personnel of the university community.

**The Committee's report and final action:** Upon conclusion of the hearing, the Grievance Committee shall prepare a report summarizing the evidence and rendering its conclusions. Copies of the report shall be sent to the President and to the grievant. Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the grievant. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the grievant and to the Committee. The President's action shall be final, except that a grievant may appeal a reversed or modified decision to a subcommittee of the Board of Trustees.

## **DUE PROCESS**

To assure the protection of individual rights and due process in actions involving the suspension, dismissal, or other termination for cause of university employees, the following procedures may be invoked by written request of the affected employee:

### **Due process procedures**

**Initiation of action:** Any person may call to the President's attention in any reasonable manner--directly or through channels-- any conduct or circumstance of any member of the university community thought to be violative of university rules or regulations or otherwise to merit action involving suspension, dismissal, or other termination for cause. The President, of his own volition, may investigate any such conduct or circumstance. If, after investigation, the President is of the opinion that such action should be taken, he shall give the person so accused or affected proper notice of the action proposed.

**Notice of proposed action:** The President's notice to the accused of the action proposed shall be in writing by certified or registered mail or by such other appropriate means as may provide delivery and proof of receipt. The notice also shall contain:

a statement of the charges or conditions supporting the action proposed; notice of the accused's right to a full and fair hearing before a Due Process Committee; notice that such hearing shall be afforded only if requested in writing within ten days from the date of receipt of the Notice of Proposed Action, and that, if such request for a hearing is not received within this time limit, the right to a hearing shall be deemed to have been waived and the proposed action shall be imposed therewith or as specified in the notice; and information as to where a copy of the hearing procedures may be obtained.

**Due process hearing:** If proper request for a hearing is made, the hearing shall be afforded not sooner than 14 or later than 21 days from the date of receipt of the request, unless, by mutual agreement, other time limits are established by written agreement. On receipt of the request, the President shall proceed with the establishment of an appropriate Due Process Committee (as provided for under Grievance and Due Process Committees, above), informing the accused of the names of the members and providing reasonable opportunity and time for exercise of the rights of challenge. When a proper Due Process Committee is established, the accused shall be notified in writing of the date, time, and place set for the hearing at least seven days before the hearing. The notice shall contain the names of the witnesses and a summary of the nature of the testimony and evidence to be presented against the accused, and the accused and/or the accused's representative shall be permitted to inspect, at least three days in advance of the hearing, any affidavits or exhibits the University intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the University that has not been disclosed to the accused, provided the University has good cause or justification for failure to disclose. The President shall designate an appropriate person or persons to present the case for the University.

Not later than three days before the hearing, the accused shall present to the University or its attorney a list of the names, addresses, and telephone numbers of all witnesses expected to be called to testify and the nature of the testimony and evidence to be offered by each witness. The university representative shall be permitted to inspect at least three days in advance of the hearing any affidavits or exhibits the accused intends to submit at the hearing. However, the foregoing shall not prevent the presentation of evidence or testimony by the accused that has not been disclosed to the University, provided the accused has good cause or justification for failure to disclose.

At the discretion of the President, the accused may be suspended during the proceeding if immediate harm to the accused or to others is threatened by continuance or if there is other just and sufficient cause supported by substantial evidence. Unless forbidden by law, the salary or wages of the university employee so suspended will be continued during the time of suspension.

**Committee procedures:** The Committee or the Committee Chair may confer with the parties prior to the hearing in order to review procedures, provide for scheduling of witnesses and for any necessary exchange of documents or other information, and to achieve such other objectives as may make the hearing fair, effective, and expeditious. The Committee may consider, in advance of the hearing, the statement of grounds for the proposed action already formulated and such written response as the accused may elect to submit.



The Committee shall be responsible for establishing the order of procedure, for conducting the question of witnesses, for securing—if necessary--the presentation of evidence important to the case, and for developing such supplemental rules and procedures for its governance and operation as are not in conflict with other provisions of this resolution.

The Committee, in consultation with the parties concerned, shall exercise its judgment as to whether the hearing shall be private or public.

Hearing procedures: The due process hearing shall be governed by the following rules and regulations: The accused shall be permitted to have legal counsel and/or an adviser of the accused's choice. The University shall be permitted to have legal counsel. The accused shall be afforded the right to present his version as to the charges or circumstances and to present his case by way of such statements, affidavits, witnesses, and exhibits as he desires. The accused shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the University will reasonably cooperate with the Committee in securing witnesses and in making available documentary and other evidence.

The accused and the University shall have the right to confront and cross-examine all witnesses. The Committee may grant adjournments to either party to permit the investigation of evidence to which a claim of surprise is made.

The Committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort should be made to obtain the most reliable evidence available.

The burden of proof that adequate cause exists rests with the University and will be satisfied only by a preponderance (majority) of the evidence. The findings of fact in the decision shall be based solely on the hearing record.

An audio recording of the hearing shall be made and the audio recording of the hearing shall be made available to the accused and the University on request and without charge.

Except for such simple announcements as may be required covering the time of the hearing and similar matters, publicity and public statements about the case by either party will be avoided.

Committee decision and report: On conclusion of the hearing, the Due Process Committee in executive session shall, by majority vote and solely on the basis of the evidence presented at the hearing, decide whether or not the evidence in the record has established adequate cause for the action proposed, and, on the basis of that decision, shall recommend to the President the disposition of the case. If the Committee concludes that adequate cause has been established but that a proper penalty less than that proposed would be more appropriate, it may so recommend with supporting reasons. The Committee's decision and recommendations shall be reduced to a written report which shall be forwarded, along with the record of the hearing, to

the President. A copy of the Committee's report shall be sent to the accused by certified mail.

**President's decision:** Within 14 days of the receipt of the report, the President, giving due weight to the report of the Committee, shall render a decision and so notify the accused in writing. Should the President's decision be inconsistent with the report of the Committee, the President shall state his reasons to the accused and to the Committee. The President's action shall be final, except that the accused may appeal a reversed or modified action to a subcommittee of the Board of Trustees.

### **Exceptions to Due Process Procedures:**

**Student discipline:** This procedure shall not be construed in any manner to apply to or affect the operation of student-operated procedures which may impose discipline short of suspension, expulsion, or dismissal, or to matters covered by the Student Disciplinary System Manual.

**Academic probation, suspension, and dismissal:** This procedure shall not be construed in any manner to give any right of hearing of any nature to students placed on academic probation or suspended or dismissed because of academic insufficiency.

**Reorganizations, reductions in force, and nonrenewal of non-tenured faculty contracts:** This procedure shall not be construed to limit the administrative discretion of the President to elect not to renew contracts of non-tenured personnel of the University or to terminate or abolish certain positions in the University for economic or other legitimate, nondiscriminatory, and constitutionally permissible reasons. In such situations, the person whose contract is not renewed or whose employment is otherwise terminated shall not have an absolute right to a hearing before a Due Process Committee; provided, however, that if the person whose position is so severed is of the opinion that such action has deprived him of "liberty" or of a "property interest" in continued employment, he may, within ten days of severance notice, make written petition to the President to invoke the due process procedures provided herein and may be granted such a hearing at the President's sole discretion.

**At will employees:** At will employees are not entitled to due process procedures upon their termination from employment unless an adverse action against them infringes a "liberty" or "property" interest of the employee, or the President expressly grants them that right in a letter imposing the adverse action.

### **Definitions**

Masculine pronouns used herein shall be deemed to include and refer to females as well as to males.

The term "University" when used herein without further designation shall refer to the University of North Alabama.

The term "President" when used herein without further designation shall refer to the President of the University of North Alabama.

The phrase "university community" when used herein shall refer to the students, faculty, and non-faculty staff members and employees of the University of North Alabama.

*Approved by the Board of Trustees, 12/04/1992*



## MEMORANDUM

To: Dr. Ken Kitts, President  
University of North Alabama

From: Dr. Lamont E. Maddox, Chair  
Course Evaluation Committee

Date: October 11, 2016

Enclosed with this memorandum you will find proposed changes to the Faculty Handbook section 3.15.1 (Student Rating) and a new *End of Course Student Evaluation of Instructor* instrument to replace the survey found in Appendix 3.D. In May 2014, President Cale organized the Course Evaluation Committee to “carry on the work of the Faculty Senate Work Group” and revise the instructor evaluation process. Pursuant to this charge, the committee met several times over the past two years and did the following:

- Clarified the specifics of our charge through conversations with Dean Burkhalter and VPAA Thornell
- Debated the purpose of course evaluations, how they should fit within the tenure/promotion process, processes for establishing validity, and changes to the instrument currently in use (Appendix 3.D)
- Examined processes and instruments used by other institutions
- Sought input from the faculty through a Faculty Course Evaluations Survey (Spring 2015)
- Further defined the elements that might be included in a tiered system to evaluate teaching effectiveness
- Developed a new *End of Course Student Evaluation of Instructor* instrument

The committee concluded that it was not necessary or feasible to purchase a validated, commercially developed instrument for eliciting student feedback on the instruction they received in a course. The current course evaluation survey is used as one piece of evidence, among several in a portfolio, to document teaching effectiveness. As such, it has a minimal impact on tenure/promotion decisions. The attached instrument should be used in a similar fashion. It is intended to:

- Provide insight regarding how students perceive the effectiveness of the instruction they received from a particular instructor
- Focus feedback specifically on instruction, rather than issues pertaining to a course
- Allow instructors to address trends in the survey and document improvement relative to specific criteria (i.e. timely feedback to students)

The committee recommends the new instrument for several reasons. It removes questions that deal with course items beyond the control of the instructor. As a result, it is more focused than the current instrument. It remains short and allows students to provide comments for qualitative feedback. The online delivery format will facilitate timely processing and feedback to instructors. While a commercially produced survey will likely be more elegant and technically precise, this instrument has the benefit of being organic and aligned with areas that interest the faculty at UNA.

The issue of validity is always a concern with this type of survey. Validity deals with the inferences that can be made from a particular instrument based on its intended purpose. The proposed instrument is not intended for use as a stand-alone measure of teaching effectiveness in making high-stakes employment decisions. A valid inference cannot be made regarding a teacher's effectiveness from this instrument because it focuses entirely on student perceptions, which may or may not be accurate. An evaluation of teaching effectiveness must include more forms of evidence (i.e. direct observations of instruction by a trained expert) and tight protocols to reduce subjectivity. The proposed instrument is more appropriately used as part of a broader system to evaluate teaching effectiveness.

While the committee recognizes student evaluations of instruction are inherently subjective, this information is still of critical importance to instructors seeking ways to improve their craft. The proposed instrument should provide data to support targeted professional development, which might result in increased student satisfaction with instruction and greater learning outcomes. Steps can be taken to increase the validity and reliability of the instrument for this purpose – as a tool for professional development and a way for instructors to document dispositions related to effective teaching (i.e. a willingness to be reflective and act on constructive criticism). When seeking tenure/promotion, an instructor could present these data (i.e. improved mean scores in a particular area across semesters) as part of a broader argument, with more pieces of evidence, to show overall teaching effectiveness.

If a decision is made to validate the proposed instrument, a panel will need to be formed to document how the instrument meets standards of content, construct, criterion, and other forms of validity. This process is time consuming and intensive, but can be accomplished. The panel would need to consist of faculty, students, those with test design expertise, and perhaps additional stakeholders. Even when this process is complete, departments should not use this instrument as a primary means of documenting teaching effectiveness.

The Course Evaluation Committee believes that the task of devising a comprehensive teaching evaluation process best fits under the responsibility of the proposed Center for Teaching and Learning, presently under review by the administration. The committee has reached the limits of what it can do at this time and is putting aside its remaining tasks until they can be taken up by a Center that has faculty development and support as its primary focus.

## Section 3-23 of the Faculty Handbook

Student Rating: Student rating of faculty will be used university-wide (except Kilby School and university libraries/educational technologies) to collect information about students' perceptions of courses and of faculty members' teaching effectiveness. Departments may add items to the campus form (see Appendix 3.D). Student evaluations will be administered every semester in each class section enrolling five or more students. Student comments should be collected and given to the faculty member in a format to ensure anonymity. Departments may use alternatives to the campus form in laboratories, studio courses, and other courses taught in non-lecture format. The faculty member will let announcee to the class know in advance when the rating forms will be available online. The professor will students will read the following statement as they complete the online survey: to the class: "The evaluation you are about to complete is intended for constructive feedback. After your final grades in this course have been submitted, your tabulated responses will be seen by the instructor of the course and the chair of the department or dean. It is important for you to realize that you have a responsibility to be fair and honest. Since the purpose of this evaluation is improvement, if you are going to be critical, try to document your criticism in your responses in such a way that the instructor can benefit and improve his/her teaching of this course. Be as responsible in completing this form as you would be if you were going to sign it. The instructor of this course will not see the results of these forms until the semester is over and the final grades have been submitted. A blank sheet of paper is provided should you wish to make comments." "The purpose of this evaluation is to help the instructor improve his/her teaching performance. Your instructor is cooperating in this evaluation and your participation is requested, but not required. Please be advised that your instructor will only have access to scores from this form in the aggregate and this information will not be reported until after final grades are submitted, so there is no possibility of your comments having an impact on your grade. It is important for you to realize that you have a responsibility to be fair and honest. Since the purpose of this evaluation is improvement, if you are going to be critical, try to document your criticism in your responses in such a way that the instructor can benefit and improve his/her teaching of this course. Be as responsible in completing this form as you would be if you were going to sign it. Please read the following questions and click on the button that corresponds with the letter that best represents your response according to the following rating scale:" The faculty member should give the envelop with the blank forms and instructions to the student proctor, who is to be chosen from the class by the faculty member. The faculty member will leave the classroom. The faculty member will allow students ample time to complete the form. As students finish the questionnaires, they will place their evaluation responses in the envelope so marked. When everyone has put his/her form in the proper envelope, the student proctor will seal the envelope and take it to the office of the department chair. The survey will be completed online and the results will be processed by the The departmental administrative assistant will collect all sealed envelopes and forward them to the Office of Institutional Research, Planning, and Assessment (OIRPA) for processing. The OIRPA will process these forms data in a timely fashion and forward results to the department chair. The summary of the ratings shall be retained on file in the college dean's office and shall be shared with the faculty member.

### Proposed final version of section 3-23

Student Rating: Student rating of faculty will be used university-wide (except Kilby School and university libraries/educational technologies) to collect information about students' perceptions of faculty members' teaching effectiveness. Departments may add items to the campus form (see Appendix 3.D). Student evaluations will be administered every semester in each class section enrolling five or more students. Student comments should be collected and given to the faculty member in a format to ensure anonymity. The faculty member will let the class know in advance when the rating forms will be available online. The students will read the following statement as they complete the online survey: "The purpose of this evaluation is to help the instructor improve his/her teaching performance. Your instructor is cooperating in this evaluation and your participation is requested, but not required. Please be advised that your instructor will only have access to scores from this form in the aggregate and this information will not be reported until after final grades are submitted, so there is no possibility of your comments having an impact on your grade. It is important for you to realize that you have a responsibility to be fair and honest. Since the purpose of this evaluation is improvement, if you are going to be critical, try to document your criticism in your responses in such a way that the instructor can benefit and improve his/her teaching of this course. Be as responsible in completing this form as you would be if you were going to sign it. Please read the following questions and click on the button that corresponds with the letter that best represents your response according to the following rating scale:..." The survey will be completed online and the results will be processed by the Office of Institutional Research, Planning, and Assessment (OIRPA). The OIRPA will process these data in a timely fashion and forward results to the department chair. The summary of the ratings shall be retained on file in the college dean's office and shall be shared with the faculty member.

## Appendix 3.D

### University of North Alabama End of Semester Student Evaluation of Instructor

#### Administration Instructions:

*For online courses.* The instructor will notify students of when the survey will be available and students will complete the form online during the designated window of time.

*Traditional or hybrid courses.* The instructor should allocate class time for students to complete the evaluation, even though it will also be available and active outside of normal class hours during a specified period each semester. In order to complete the evaluation, students will need to bring a personal mobile device (laptop, tablet, phone, etc.) with internet capability to class or the instructor can reserve a computer lab. As necessary, students may share devices to complete the evaluation using their unique login access. The evaluation should be completed during one of the final class meetings of the semester. Instructors are encouraged to promote maximum participation by adding the date of the evaluation to their course schedule/syllabus. When administering the assessment in class, instructors should provide students with any administrative information not already provided (i.e. course #, department specific questions if applicable) and then leave the room until the evaluation is complete. Please send a follow-up email to the class to encourage anyone who was absent to complete the evaluation form while it is still available (as needed).

Sample of Online Survey: For use with traditional, hybrid, and online courses.

Instructor \_\_\_\_\_ Course Number \_\_\_\_\_ Semester \_\_\_\_\_

Please read the following instructions carefully:

The purpose of this evaluation is to help the instructor improve his/her teaching performance. Your instructor is cooperating in this evaluation and your participation is requested, but not required. Please be advised that your instructor will only have access to scores from this form in the aggregate and this information will not be reported until after final grades are submitted, so there is no possibility of your comments having an impact on your grade. It is important for you to realize that you have a responsibility to be fair and honest. Since the purpose of this evaluation is improvement, if you are going to be critical, try to document your criticism in your responses in such a way that the instructor can benefit and improve his/her teaching of this course. Be as responsible in completing this form as you would be if you were going to sign it. Please read the following questions and click on the button that corresponds with the letter that best represents your response according to the following rating scale:

| a                    | b        | c                        | d     | e                 |
|----------------------|----------|--------------------------|-------|-------------------|
| Strongly<br>Disagree | Disagree | Neutral or<br>No Opinion | Agree | Strongly<br>Agree |

#### INSTRUCTOR EVALUATION

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|---|-----------|
| 1. The instructor demonstrated a thorough knowledge of the subject matter.  | a b c d e |
| 2. The instructor presented content in an organized manner.   | a b c d e |
| 3. The instructor was accessible for consultations through office hours or alternate means specified in the syllabus. | a b c d e |
| 4. The instructor provided timely feedback on class assignments in this course.                                       | a b c d e |
| 5. The instructor demonstrated effective verbal and written communication skills.                                     | a b c d e |



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- |   |           |
|---|-----------|
| 6. The instructor incorporated a variety of instructional methods to meet the needs of all learners.  | a b c d e |
| 7. The instructor attempted to establish the relevance of the course to my life and/or future career. | a b c d e |
| 8. The instructor made the course interesting and engaging.   | a b c d e |
| 9. The instructor challenged me to think critically.  | a b c d e |
| 10. The instructor maintained high expectations and standards.  | a b c d e |
| 11. The instructor encouraged questions and participation.  | a b c d e |

Comments: