



OFFICE OF THE PRESIDENT

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July 29, 2025

Memorandum

To: Lance Nail
Cc: Melisa Brooks, Chair, Faculty Handbook Committee
From: Joseph S. Paul, President JSP
Re: Faculty Handbook Recommendations

I reviewed your recommendations and the attached materials submitted by Faculty Handbook Committee Chair Melissa Brooks describing the proposed amendments to the Faculty Handbook for the 2024-25 academic year.

I approve the following recommendations.

- Item# 1 (1.8.2): Council of Directors.
- Item #3 (1.8.6): Ombuds (Faculty Ombuds).
- Item #5 (Chapter 4): Annual Evaluation of Faculty Performance.
- Item #6 (6.3.3.3): Progressive Discipline - Censure.
- Item #7 (6.4.4): Procedure for Termination of Faculty Member.
- Item #9 (6.3.2): Progressive Discipline Policy Statement.

The following items require further discussion and consideration; therefore, I am not approving them at this time.

Item #2 (7.1, 7.2): Grievances and Appeals. Further discussion is needed as the proposed amendment lengthens and complicates the grievance process.

Item #4 (1.8.6 amendment): Ombuds (selection process for ombuds). I ask the committee to consider the following alternative language:

The Faculty Ombuds is selected by the President in consultation with the faculty. When the need arises to select the Faculty Ombuds, the Provost will appoint a four member search advisory committee of tenured faculty who do not have administrative assignments to assist him in assessing applicants and making recommendations on acceptable candidates to the President. The faculty appointed should include one from each of the four academic colleges and one of those appointed by the Provost should be an elected member of the Faculty Senate.

Item #8 (6.4.4.11): Procedure for Termination of Faculty Member: Final Institutional Review. Further discussion is needed regarding creating an additional level of review after a hearing of the University Promotion and Tenure Committee.

Provost Nail and President Paul,

In the 2024-25 academic year, the University Faculty Handbook Committee (UFHC) met monthly starting in September. Meetings were conducted in room 245 of Joseph Green Hall and/or online via Microsoft Teams. The option to broadcast meetings via Microsoft Teams allowed for more flexibility for members at the coast and guests to attend. The membership consisted of Allisa Beck from Gulf Coast faculty, Subrina Cooper as ex-officio from University Counsel, Trent Gould from the Dean's Council, Melinda McLelland from the College of Business and Economic Development faculty, Tanya Case (September-October) and Hyunmin Kim (November – June) from the College of Nursing and Health Professions faculty, Joe Peyrefitte (September – December) and Sare Jordan (January-June) from the Council of Directors, Matthew Donahue from the Faculty Senate, Melissa Brooks from University Libraries faculty, Mac Alford from the College of Arts and Sciences faculty, and Lindsay Wright from the College of Education and Human Sciences. Kelly Lester served as ex-officio for the Office of the Provost.

September

The first meeting was held on September 9th and the first order of business was officer elections. Melissa Brooks was elected Chair and Melinda McLelland was elected Secretary. The meeting continued with conversation that a new representative from the College of Nursing and Health Professions will need to be elected to the committee. Guest speaker Andrew Haley provided information and context about the new Faculty Ombud, and a copy of the charge was shared with committee members. Lastly, news from the Faculty Senate representative about Faculty Senate taking up the question of Associate Directors being elected to Faculty Senate.

October

At the October 14th meeting, two amendments were introduced for discussion. Discussion on future Amendment [7.1 and 7.2 Grievance Policy](#) was moved to AY 2024-25 from the previous year. Members from the committee were assigned to work on the proposal and present at the next meeting. The second proposal, [1.8.2 Council of Directors](#) was discussed, and a committee member offered to construct new language and bring the proposal to the next meeting. Further discussion revolved around the Workload Taskforce and the impending changes expected to be in section 4.3 of the Faculty Handbook (FH). The committee also discussed and moved forward with developing documentation to update sections in the FH that referenced the previous Ombuds position. The committee was asked by the gallery for an update on the Emeritus amendment (2.6) from AY 2023-24 and if it will be added to the Faculty Handbook.

November

At the November 11th meeting the committee worked through errant links in the handbook. In the future, the committee will look to make this a procedural change without time spent discussing changes in the meeting. Discussion and votes happened on [1.8.2 Council of Directors](#) language, [1.8.6 Ombud](#), [6.3.3.3 Censure](#), and [6.4.4 Procedure for Termination](#). Discussion occurred on [7.1 and 7.2 Grievance Policy](#). The subcommittee assigned to [7.1 and 7.2 Grievance Policy](#) reviewed policies for other colleges and universities and presented them at the meeting. The subcommittee then asked for further feedback from the committee to develop their draft document.

The new committee member Hyunmin Kim joined the committee from the College of Nursing and Health Professions. Hyunmin will be on the committee until 2027.

December

The December 9th meeting was the last meeting prior to the holiday break. The committee reviewed the proposals from the November meeting. [6.3.2 Policy Statement](#) was also discussed and brought to a vote. The correction in 6.3.2 is a grammatical correction. The committee continued conversations on [1.8.2 Council of Directors](#) language and the committee completed a second vote with a result of 9 yes, 0 no. [1.8.2 Council of Directors](#) passed. Next, we discussed [1.8.6 Ombud](#). A second vote occurred with the result of 8 yes, 1 no. The dissenting vote was based on concerns about eliminating the role of the former ombud in termination and censure sections of the FH. [6.3.3.3 Censure](#) was reviewed and discussion continued. [6.4.4 Procedure for Termination](#) was brought up for discussion. The subcommittee that wrote the amendment motioned to withdraw the amendment and terminate. A vote of 9 yes, 0 no passed with amendment terminated. [7.1 and 7.2 Grievance Policy](#) was discussed and an amendment will be added to the January meeting.

The committee discussed 5.7.2 Promotion in Teaching Track Positions. There are some concerns from faculty not being grandfathered into new policy. A subcommittee was proposed to address issues such as faulty moving between tracks.

The December meeting was the last meeting for Council of Directors representative Joe Peyrefitte. Joe retires at the end of the semester. Sara Jordan will replace Joe on the committee.

January

On January 13th the committee met with a proxy for Mac Alford (Jeremy Scott).

The committee moved forward with a second vote on [6.3.2 Policy Statement](#). The committee voted 8 yes, 0 no, 0 abstain. [6.3.3.3 Censure](#) was again discussed in the meeting. Committee members are concerned if the Ombuds in role is removed it will not come back in the future. Motion to vote was not seconded. Motion to table with a 7 yes, 1 no vote. Motion was tabled.

An amendment ([1.8.6 Ombuds \(bis\)](#)) to the original [1.8.6 Ombud](#) amendment was brought forward by the committee for discussion. The committee motioned to vote on the amended language. The vote was 8 yes, 0 no. First vote passes.

The final amendment discussed was [7.1 and 7.2 Grievance Policy](#). The subcommittee presented their document with discussion points on presidential review, changes in timelines for submitting grievances, further review of pre-tenure happening in the grievance process or in another section, and the FEC review level of a grievance. The subcommittee will make edits based on feedback.

Lastly, Kelly Lester provided the committee with an update on her work on Faculty Workload. The proposals have been sent out to all University faculty for review and feedback. Kelly aims to clarify consistency in the documentation before bringing the amendment to UFHC.

February

The UFHC committee next met on February 10. The meeting opened with an officer's report asking all committee members to follow committee bylaws about the following amendment processes, when to send amendments out for feedback and on blinding proposals that go out for feedback.

The committee first discussed amendment [7.1 and 7.2 Grievance Policy](#). Topics discussed were what to include in grievances, removing the school representative of the grievant at the college level review, language changes about College Review to College P&T committee, further discussion on the president of the university as a level of review, and increasing timeline in more sections. A motion was made to hold off on a vote until a clean version of the amendment could be provided to the committee and a vote done via Qualtrics. The committee agreed to also delay a second vote on the amendment until the April meeting. The vote via Qualtrics was 8 yes, 1 no.

[6.3.3.3 Censure](#) was brought to the floor, discussion on the amendment included removing language about ombuds, a faculty intermediary being a separate process, what

will the intermediary do, burden placed on serving as an intermediary and what protections does the intermediary have, and how to move role from informal to a formal role. After discussion a vote was motioned with 8 yes, 1 no.

March

The committee met on March 10. The officer's report included information on the upcoming elections for 2026 appointments.

Amendment [1.8.6 Ombud \(bis\)](#) amended language was brought to the floor. Discussion opened concerns about the Ombud providing a report of activity to Faculty Senate. There was support for a generalized report consistent with the new Ombud reporting obligations, at which time it was suggested the Ombud can provide a presentation at request. A second vote happened with the results 1 yes, 8 no. After the vote a recommendation was made to revise the proposal and either eliminate/edit the phrasing on the amendment.

After discussion and discussion on other proposed versions to 6.3.3.3 and 6.4.4, it was determined that the original versions of [6.3.3.3](#) and [6.4.4](#) would be brought back for review. These amendments will be added to the April meeting.

Further discussion happened on the Workload Task with an update from Kelly Lester. Also, Melinda McLelland will attend the next Faculty Senate meeting to present and answer questions on [7.1 and 7.2 Grievance Policy](#).

April

On April 14 UFHC met to discuss and vote on the following. [7.1 and 7.2](#), [1.8.6 \(bis\)](#), [Chapter 4](#), and 1.8.9. The [7.1 and 7.2 Grievance Policy](#) amendment was motioned to the floor with the expectation of a second vote. The committee discussed concerns on language about advisor participation and a need for clarity in the amendment and if such a change is considered substantive. Also, the committee discussed if a grievance is filed against the provost or president. The committee determined that the amendment still has faults but is better than what is currently in the FH. The committee also received feedback from various faculty with a consensus that removing the president from the review process was not in best interests. After this was brought to the committee, we discussed adding the language of the president back to the amendment and if it was substantive. The committee then voted if these changes were substantive. The vote was 8 yes, 0 no, 1 abstain. The committee determined the changes weren't substantive. The committee will take a second vote at our May meeting.

The [1.8.6 Ombud \(bis\)](#) Amendment was presented with significant edits. The committee opened and closed discussions. A vote was motioned with a vote of 9 yes, 0 no. [1.8.6 \(bis\)](#) will have a second vote at the May meeting.

[Chapter 4 \(Annual Evaluation of Faculty Performance\)](#) was motioned to the floor for discussion. Kelly Lester provided feedback on the amendment. The following suggestions were made to the document; strike out percentage in 4.1 and add University Libraries ad-hoc director for clarity. There was a friendly amendment to complete these edits. A motion was made to close discussion and to move forward with a first vote. The vote was 9 yes, 0 no. The friendly amendments will be revised in the document and the document will have a second vote in May.

May

For the May meeting, the newly elected members were announced and invited to the meeting. The new members are Gregory Bradley-CBED, Stacy Reeves-CEHS, and David Holt-Gulf Coast.

[7.1 and 7.2 Grievance Policy](#) was brought to the floor for a second discussion. Both Legal Counsel and HR provided feedback and rationale for why presidential review should not be part of the Grievance Policy. At the same time, the Faculty Senate presented concern about if the removal would happen. Discussion was closed and the committee motioned for a second vote on the amendment as written. The vote was 8 yes, 0 no, 1 abstain.

[Chapter 4 \(Annual Evaluation of Faculty Performance\)](#) and [1.8.6 \(bis\) Ombud Amendment](#) were brought to the floor for discussion. Discussions were opened and closed with Kelly Lester mentioning the edits were made to the Chapter 4 document. A motion was made for a second vote. The vote for both was 9 yes, 0 no. Both motions passed.

The amendment for [6.3.3.3 Censure](#) was brought back to the floor. There was support to remove ombuds because due process is part of the progressive discipline policy which came after the ombuds language was originally created. It was also mentioned that the ombuds in the current policy is only an option that can be chosen by the provost. Lastly, conversation revolved around the loss of a faculty protection with the removal of an Ombud type role from the current policy. From the floor the Faculty Senate President and Vice President mentioned that the Faculty Senate plans to put forward a proposal in the 2025-26 AY that will replace the investigative role once served by the ombuds. A motion was made to close discussion. A motion for vote was made and the vote result is 7 yes, 1 no, 1 abstain. The amendment will have a second vote at the approved June meeting.

Amendments for [6.4.4 Procedure for Termination](#) and [6.4.4.11 Final Institutional Review](#) were both brought forward by the committee with discussion on each happening. As part of the discussion language on 6.4.4.11 would need edits and be added back based on the discussion. Two friendly amendments were made to change numbering on 6.4.4.11 to 6.4.4.9 with the proposed changes in 6.4.4 and to clarify a small amount of wording.

There was a motion to close discussion and move to a vote. The vote on 6.4.4 was 7 yes, 1 no, 1 abstain. The vote on 6.4.4.11 was 9 yes, 0 no.

June

In June the committee met to discuss and complete second votes on [6.3.3.3](#), [6.4.4](#) and [6.4.4.11](#). All votes were 6 yes, 0 no, 1 abstain with 2 members absent. The committee finished work for 2024-25 AY.

The committee chair would like to commend all members of the committee for their work on these difficult amendments. Without their substantial input the committee would not have made the progress shown in this report. Thank you, Provost Nail for providing the University Faculty and community an avenue to create a living document that represents the changing needs at USM.

This report with all the attached respectfully submitted by Melissa Brooks, chair, University Faculty Handbook Committee.

Melissa Brooks

Chair, University Faculty Handbook Committee

The Faculty Handbook Committee proposes changes to the University Faculty Handbook Committee concerning 1.8.2, Council of Directors, on November 11, 2024.

First Vote Date: ____11/11/24____

First Vote Results: ____9 yes, 0 no, 0 abstain____

Majority Opinion: __The rationale for changes is appropriate.____

Minority Opinion: ____n/a____

Length of Review and Potential Second Vote Date: __1 month, 12/09/24____

University Counsel Opinion: ____None____

Employee Handbook Opinion: ____None____

Faculty Senate Opinion: ____None____

Council of Directors Opinion: ____None____

Deans Opinion: ____None____

Vice President of Research Opinion: ____None____

Provost Opinion: ____None____

Second Vote Date: ____12/9/24____

Second Vote Results: ____9 yes, 0 no, 0 abstain____

Majority Opinion: ____The rationale for changes is appropriate____

Minority Opinion: ____

Presidential Approval or Rejection with date: ____

The Faculty Handbook Committee moves that the following section:

1.8.2. Council of Directors

Directors of schools fulfill certain administrative and evaluative responsibilities; thus, they should not serve on faculty governing bodies. The Council of Directors (CoD) ensures that administrative faculty have a means of communicating with administrators. The CoD will include all school directors and a representative from the University Libraries. The full CoD will meet with the Provost monthly. An elected executive committee of the CoD will serve as the primary point of contact between directors and the Provost.

Have its language changed to:

1.8.2. Council of Directors

Directors of schools fulfill certain administrative and evaluative responsibilities; thus, they should not serve on faculty governing bodies. The Council of Directors (CoD) ensures that administrative faculty have a means of communicating with administrators. The CoD will include all school directors and a

representative from the University Libraries. An elected executive committee of the CoD will serve as the primary point of contact between directors and the Provost.

Rationale: *The current version of the Faculty Handbook gives a specific meeting frequency (monthly) of the full Council of Directors with the Provost, but meeting frequencies are not given for other advisory bodies. A rigidly defined frequency is not necessary.*

The University Faculty Handbook Committee proposes changes to the University Faculty Handbook concerning Chapter 7. Grievances and Appeals (7.1, 7.2) February 13, 2025.

First Vote Date: 2/24/25

First Vote Results: 8 yes, 1 no

Majority Opinion: _____

Minority Opinion: _____

Note from April 14th Meeting: Motion that proposal changes on adding the president level of review and adding language to clarify advisor role are not substantive. 2nd. Vote Result: 8 yes, 0 no, 1 abstain.

Friendly edits will be made and circulated for review before the next meeting on May 12th.

Length of Review and Potential Second Vote Date: 3 months; May 12, 2025

University Counsel Opinion: _____ The Office of General Counsel objects to the faculty grievance process stopping at the presidential level. As the Chief Academic Officer, the Provost is well-suited to review faculty grievances, aligning with practices at our sister institutions such as Mississippi State, Ole Miss, as well as with the University of South Alabama. Additionally, removing the presidential review would ensure consistency with the staff grievance process outlined in the Employee Handbook, where reviews typically conclude with the Senior Officer (except in termination cases, which may proceed to the President). This change would create uniformity in the grievance process across all university employees.

Employee Handbook Opinion: Thank you for sharing this information with me. One area I would like to respectfully raise a concern about is the inclusion of the “Presidential Review” in the faculty grievance process. The original proposal, which I supported, concluded the review process at the Provost level—aligning with how our peer institutions handle similar matters. This version also mirrored the process outlined in our Employee Handbook, where grievances from staff and non-faculty employees conclude at the Senior Officer level (except in termination cases, which may advance to the President).

While I understand the intent, this addition creates an imbalance in grievance procedures across the University. It provides faculty with an additional level of appeal not afforded to other employees, potentially creating the perception of inequity.

Additionally, I believe the President should not be involved in individual grievance cases. Given the scope and strategic priorities of the role, these matters are more appropriately addressed within the existing academic leadership structure.

I would prefer that the process conclude at the Provost level for consistency and fairness across all employment groups.

Thank you for considering this perspective as discussions move forward.

Faculty Senate Opinion: _____ none _____

Council of Directors Opinion: _____ none _____

Deans Opinion: _____ none _____

Vice President of Research Opinion: _____ none _____

Provost Opinion: _____ none _____

Second Vote Date: May 12, 2025

Second Vote Results: ____ 8 yes, 0 no, 1 abstain ____
Majority Opinion: ____
Minority Opinion: ____
Presidential Approval or Rejection with date: ____

The University Faculty Handbook Committee moves that the following section:

Chapter 7. Grievances and Appeals

7.1. Grievance Issues Covered in this Chapter

The faculty employment grievance procedure applies to annual performance reviews, pre-tenure reviews, personnel actions involving adjustments in compensation, denial of sabbatical, and violations of academic freedom. More generally, it covers allegations of the violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, procedures, or practices including teaching assignments, working hours, release time, general working conditions, nonacademic leave, employment benefits, etc. The faculty employment grievance procedure does not apply to the denial of promotion and/or tenure. Likewise, the faculty employment grievance procedure does not address other issues, such as sexual harassment, discrimination, and reasonable accommodations, as these are addressed in the Employee Handbook.

7.2. Filing Grievances

7.2.1. Initiating a Grievance

Faculty grievance proceedings are initiated when an employee submits a written claim to the chair of the school's Faculty Evaluation Committee (FEC) or school director. The claim must be supported with objective evidence, alleging that a specified rule, policy, or procedure has been violated, misinterpreted, or misapplied. The claim must be submitted within 10 working days of the occurrence that gave rise to the grievance or 10 working days from when the facts pertaining to it became known or should have been known to the faculty member.

7.2.2. School Response and Conference

Upon receipt of a grievance, the school's FEC committee or school director will invite the involved parties to a conference at the earliest date convenient to both parties, to attempt to informally resolve the grievance. At the conclusion of the conference, the chair of the school's FEC or school director will prepare a written memorandum of the grievance, including any agreement reached, and provide a copy to the involved parties within 10 working days.

7.2.3. Decanal Review

Should the school conference fail to result in resolution, or if a faculty member is dissatisfied with the resolution, the aggrieved party may, within 10 working days, request in writing that the dean convenes the College Promotion and Tenure Committee for a formal grievance review of the submitted documented evidence.

In this event, the College Promotion and Tenure Committee will recuse all members holding academic appointment in the same school as the aggrieved party. The recused members will neither attend the meeting nor vote. The College Promotion and Tenure Committee will review (a) the original claim of the aggrieved party, (b) the pertinent policy, (c) the written response of the school's FEC or director to the original grievance, (d) all evidence relating to the grievance, (e) the written memorandum of the school conference with the aggrieved party, and (f) any additional written evidence provided by the aggrieved party. Upon completion of the formal review, the College Promotion and Tenure Committee will vote and render a written judgment on the merits of the grievance to the dean. The judgment of the committee will include a majority opinion and a minority opinion, if any. Upon review, the dean will render a written opinion on the merits of the grievance, including any remedial action deemed necessary, and submit it to the chair of the College Promotion and Tenure Committee, to the school FEC or director, and to the grievant.

7.2.4. Provost Review

The aggrieved party may request further institutional review of the claim by the Provost within 10 working days of receipt of the dean's decision. In such cases, the Provost will request, and the dean will provide, complete records of all prior proceedings; and the Provost will provide those records to the University Promotion and Tenure Committee, which will review all written evidence previously submitted, vote, and submit its recommendation to the Provost. The Provost may agree or disagree with the recommendation of the University Promotion and Tenure Committee and may interview the grievant. At the conclusion of the review, the Provost will inform the grievant, the University Promotion and Tenure Committee, the dean, the College Promotion and Tenure Committee, and the school FEC or director of the decision by certified mail.

7.2.5. Presidential Review

Dissatisfied parties may appeal the Provost's decision to the President within 10 working days of receipt of the Provost's decision. The President may review the grievance on the basis of the written evidence submitted, request additional evidentiary materials, or request the testimony of the grievant or any other parties. The grievant will be notified of the President's decision in writing by certified mail.

7.2.6. Board Appeals

Pursuant to Board Policy, institutional grievances may not be appealed to the Board.

7.3. Scholarly Misconduct

Faculty who wish to appeal decisions regarding scholarly misconduct should consult the [Policy on Scholarly Misconduct](#).

7.4. Appeal of Promotion and Tenure Decisions

Faculty who wish to appeal the decision of the President regarding the award of promotion or tenure need to appeal to the Board. Faculty have 30 calendar days to do so effective from the date of notification by the President. An appellant should address his/her appeal to the Commissioner of the IHL and follow the procedures outlined in section 403.0105 of the Policies & Bylaws of the IHL Board of Trustees.

Have its language changed to:

Chapter 7. Grievances and Appeals

Foreword

It is the policy of The University of Southern Mississippi to provide a timely and fair method by which to settle disputes that may arise between faculty and the University. Every effort should be made to settle the grievance or concern by mutual consent at the lowest administrative level possible. The faculty member may wish to consult with the University Ombud. Faculty may also seek assistance from University Human Resources for procedural guidance and determination if the grievance process is applicable to the situation. University Human Resources is also available to assist the parties involved at each stage of the process with procedural guidance.

Faculty may file a grievance without penalty or fear of reprisal. When a faculty member has a grievance, efforts will be made to determine the facts surrounding that grievance and to respond appropriately and justly within a timely manner. The purpose of these procedures is to address grievances of faculty members and to provide a mechanism for resolving them. The times noted in these procedures are to be followed except under extenuating circumstances.

A grievance procedure is not intended for general complaints, such as issues with a coworker, which should instead be resolved through the chain of command and/or University Human Resources. A grievance procedure is also not intended to second-guess administrative decisions but to ensure that administrators are appropriately following policies and procedures.

Grievance: A grievance is defined as the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies and other conditions of employment.

Grievant: The employee filing the grievance.

Respondent(s): The individual(s) who the grievant believes is responsible for the wrongful action.

7.1. Grievance Issues Covered in this Chapter



- The faculty grievance procedure applies to administrative decisions that a faculty member believes to be contrary to a rule, policy, or procedure. The faculty grievance procedure covers allegations of the violation, misinterpretation or misapplication of a rule, policy, or procedure in relation to personnel policies, procedures, or practices including annual performance reviews, pre-tenure reviews, personnel actions involving adjustments in compensation, assignment of teaching, research/scholarship, and service responsibilities, school voting practices, allocation of resources, working hours, office hours, release time, general working conditions, nonacademic leave, violations of academic freedom, etc.

7.2. Filing Grievances

7.2.1. Initiating a Grievance

An aggrieved faculty member is encouraged to pursue an informal resolution of the grievance with the individual(s) who the faculty member believes caused the grievance prior to submitting a formal grievance. The Faculty Ombud may be consulted for potential solutions. If an informal resolution cannot be reached, the aggrieved faculty member may then make a formal grievance and proceed according to the following process.

A written grievance (by university email) must be submitted to the administrator one level up from the individual who the faculty member believes caused the grievance. For example, if the grievance is with the FEC, the grievant submits to the director; if the grievance is with the director, the grievant submits to the dean, etc. The written grievance must be submitted within 20 working days of the occurrence that gave rise to the grievance or 20 working days from when the facts pertaining to it became known or should have been known to the faculty member. The grievance must contain the following:



- a statement of the specific rule, policy, or procedure that has been violated, misinterpreted, or misapplied
- a statement of the facts of the grievance (including the date of violation) with objective evidence supporting the grievance
- a statement clearly identifying the respondent(s): the individual(s) who the grievant believes is responsible for the wrongful action
- a precise description of the remedy sought by the grievant
- the grievance must be signed and dated by the grievant

Upon receipt of the grievance, the administrator should immediately inform the respondent and provide the respondent(s) a copy of the formal grievance. The administrator may attempt

to pursue an informal resolution with the grievant and the respondent(s). If such an attempt is not successful within 10 working days of receiving the grievance, or if the administrator, in his/her discretion, determines that informal resolution would be futile, the administrator may forward the grievance to the College Promotion and Tenure Committee for review.

Exceptions:

- Faculty filing grievances related to pre-tenure review should start at the Provost level. The University Promotion & Tenure Committee will be asked to review the grievance and all applicable evidence and render an opinion to the Provost. The specific rule, policy, or procedure that has been violated must be clearly stated in pre-tenure review grievances.
- When the grievance is against the Provost, it should be directed to the President for review. The president will direct the University Promotion & Tenure Committee to review the grievance and render an opinion to the President. The specific rule, policy, or procedure that has been violated must be clearly stated. The decision of the President is final.

7.2.2. College Promotion & Tenure Committee Review

Upon receipt of the grievance from the administrator, the College Promotion & Tenure Committee will schedule a grievance hearing and notify all parties involved in the grievance that the grievance has been moved to college review. This hearing should be held within 10 working days after receiving the request for a college review of the grievance. The College Promotion & Tenure Committee will elect its own chairperson, who will act as presiding officer. The notice of a time and place for the hearing must be delivered to the parties involved at least two working days prior to the hearing.

The formal hearing will be conducted in private. During the proceedings, the parties concerned will be permitted to have a nonparticipating advisor of their choice. **The purpose of the advisor is to provide advice to the party he or she represents. The advisor will not be permitted to participate in the hearing in any manner.** A recording or transcript of the proceedings may be kept and made available upon request to the parties concerned. The grievant will present his/her own case and has the right to present the evidence included in the original grievance. The grievant may include witnesses in presenting the grievance.

After the presentation by the grievant, the respondent will be given an opportunity to present his/her case under the same rules as the grievant. The College Promotion & Tenure Committee may question all parties involved in the hearing. The College Promotion & Tenure Committee may also call witnesses as it considers appropriate. Both the grievant and the respondent may question all witnesses. The College Promotion & Tenure Committee will not be bound by strict rules of legal evidence. The College Promotion & Tenure Committee may receive any evidence of probative value in determining the issues involved. Every reasonable effort shall be made to obtain the most reliable evidence possible. All questions relating to the admissibility of evidence or other legal matters will be decided by the College Promotion & Tenure Committee.

Evidence considered in the hearing must relate to the grievance and be of the type relied on by faculty members or administrators in the conduct of their professional affairs.

After all evidence is received, the College Promotion & Tenure Committee will meet privately to consider the evidence and vote. The grievant's School representative is permitted to participate in the hearing and discussion. However, the grievant's School representative will not cast a vote. The opinion held by the majority of the members will constitute the College Promotion & Tenure Committee's recommendations. The College Promotion & Tenure Committee will provide its recommendations (to include a majority opinion and minority opinion, if any) in writing by university email to the Dean along with all records related to the proceedings, with copies to the parties to the grievance, no later than five working days from the last date of hearing of the grievance. Recommendations to the Dean are advisory in nature.

7.2.3. Dean Review

Upon receipt of the College Promotion & Tenure Committee review of the grievance, the Dean will send a written notice of his/her decision on the merits of the grievance including any remedial action deemed necessary within 10 working days of receipt of the College Promotion & Tenure Committee's recommendations. Copies of the Dean's decision will be sent to the grievant, respondent, and College Promotion & Tenure Committee chairperson in writing by university email. If the Dean's recommendation is different from that recommended by the College Promotion & Tenure Committee, the grievant, the respondent, and the committee chairperson will be informed in writing by university email of the reasons.

7.2.4. Provost Review

Upon receipt of the Dean's review, the aggrieved party may request further institutional review of the claim by the Provost within 10 working days of receipt of the Dean's decision. In such cases, the Provost will request, and the Dean will provide, complete records of all prior proceedings. The Provost will provide those records to the University Promotion and Tenure Committee, which will review all written evidence previously submitted, vote, and submit its recommendation to the Provost within 10 working days. Upon receipt of the University Promotion & Tenure Committee recommendation, the Provost will have 10 working days to make a final recommendation. The Provost may agree or disagree with the recommendation of the University Promotion and Tenure Committee and may interview both the grievant and the respondent(s) as deemed appropriate. At the conclusion of the review, the Provost will inform the grievant, the University Promotion and Tenure Committee, the Dean, the College Promotion and Tenure Committee chairperson, and the respondent(s) of the decision in writing by university email.

7.2.5 Presidential Review

Upon receipt of the Provost's review, the aggrieved party may request further institutional review of the claim by the President with 10 working days of receipt of the Provost's decision. In such cases, the President will request, and the Provost will provide, complete records of all prior proceedings. The President will have 10 working days to make a final recommendation. The President may agree or disagree with the recommendation of the Provost and may interview both the grievant and the respondent(s) as deemed appropriate. At the conclusion of the review, the President will inform the

grievant, the Provost, the University Promotion and Tenure Committee, the Dean, the College Promotion and Tenure Committee chairperson, and the respondent(s) of the decision in writing by university email. The President's decision is the final University decision on the grievance.

7.2.6. Board Appeals

Pursuant to Board Policy, institutional grievances may not be appealed to the Board.



7.2.6 Other Grievance Considerations

- **Withdrawal of Grievance:** The grievant may withdraw a formal grievance at any stage of this process but may not reinstate it once it is withdrawn. The withdrawal request should be made in writing to the Dean/Provost who will then notify the relevant Committee and the respondent(s) as applicable.
- **Time limits:** Time limits set out in this policy must be followed. Failure of the grievant to process a grievance within the time limits or agreed upon extensions shall constitute termination of the grievance. Failure of the responsible level to comply with the time limits without initiating an extension request in writing will authorize the grievant to move to the next step of the grievance procedure if the grievant so chooses. However, the College Promotion & Tenure Committee review may not be skipped. The grievant should notify the Dean or Provost if he/she has not received a committee (College/University) response within the stated time limits. The Dean/Provost should address/remedy this failure as appropriate. The time limits described in this policy may be extended or altered by the Dean or Provost as appropriate. All parties involved must be notified of changes to time limits by university email.
- **Retaliation:** No employee may take reprisal action against a faculty member who uses the grievance procedure, serves as an advisor, or participates in any way (e.g., witness) in the grievance process. Any employee violating this prohibition against retaliation is subject to disciplinary action up to and including termination. Additionally, no USM official may use their position to attempt to improperly influence the grievance process.
- **Disposition of a Grievance:** A grievance which does not clearly present the rule, policy, or procedure violated or misapplied is deemed incomplete as defined by this policy. A grievance that does not follow the timeline established in this policy may also be summarily dismissed. A request for summary dismissal must be approved by the Provost. All parties to the grievance will be notified in writing by university email within 10 working days of the decision for dismissal of the grievance.



- **Additional Evidence:** If additional evidence becomes available prior to the College Promotion & Tenure Committee hearing, it may be submitted by the grievant at least two days prior to the scheduled hearing. The respondent(s) must be notified by the College Promotion & Tenure Committee Chair of the evidence submission at least two days prior to the scheduled hearing.



If additional and relevant evidence becomes available after the College Promotion & Tenure Committee hearing, the grievant or respondent may submit (by university email) the evidence to the Dean or Provost as appropriate with a request for consideration in the review process. The Dean or Provost may consider the merits of the additional evidence and determine if it should be included in the review process. The other party (grievant or respondent) should be immediately notified that the additional evidence is being considered, the evidence file submitted should be provided to the other party, and the other party must be allowed a response to be included in the review file before the review process is completed at the related step.



Rationale: The proposal addresses/resolves confusion and concerning issues present in the current policy. Timelines and language are inconsistent across sections of the current policy. A clear process is not provided at the lower levels of review. The current policy does not allow a process for the grievant and respondent to present evidence or answer questions. The proposal is more in line with comparable university grievance procedures. The committee reviewed six comparable/regional universities grievance policies. The proposal aims to streamline the grievance process and avoid duplications with other university grievance processes (e.g., through HR). The outlined procedures aim to provide a fair and clear process for the aggrieved, the respondent, and any other potential employees involved in the grievance process. The existing policy includes an FEC level review. The FEC level review lacks clarity and detailed process. Comparable universities do not use an FEC or School level review as part of the grievance process. The proposed policy still includes two levels of elected faculty review (College and University) whereas the comparable policies are limited to a single faculty review of grievances.

The University Faculty Handbook Committee proposes changes to the University Faculty Handbook concerning 1.8.6. Ombuds on November 11, 2024.

First Vote Date: _____11/11/2024_____

First Vote Results: _____8 yes, 0 no, 1 abstain_____

Majority Opinion: __The rationale for the changes to align with the new role of the ombudsman is appropriate._____

Minority Opinion: __The faculty senate is uncertain of the senate's intention to eliminate the former role of the ombudsman._____

Length of Review and Potential Second Vote Date: __1 month 12/09/2024_____

University Counsel Opinion: ____none_____

Employee Handbook Opinion: _____none_____

Faculty Senate Opinion: _____none_____

Council of Directors Opinion: ____none_____

Deans Opinion: _____none_____

Vice President of Research Opinion: ____none_____

Provost Opinion: _____

Second Vote Date: _____12/9/24_____

Second Vote Results: _____8 Yes, 1 no, 0 abstain_____

Majority Opinion: _____

Minority Opinion: _____Negative vote based on concerns about eliminating the role of the former ombuds in termination and censure sections

Presidential Approval or Rejection with date: _____

The University Faculty Handbook Committee moves that the following section:

1.8.6. Ombuds

University Ombud are faculty members who act at the request of the University President or Provost to conduct independent and impartial investigations in such matters as progressive discipline and termination proceedings involving faculty. University Ombuds do not function as advocates or representatives for faculty or the University but are advocates of fair processes. Two standing ombuds will be selected each academic year. At the beginning of the academic year, each dean of the degree-granting colleges will nominate five faculty members of professorial rank to the ombuds candidate pool. In making their selections, the deans will give due consideration to diversity. The two ombuds will be selected by the Provost, in consultation

with the Executive Committee of the Faculty Senate, from the pool of candidates nominated by the deans of the degree-granting colleges.

Have its language changed to:

1.8.6. Faculty Ombud

The Faculty Ombud is a confidential resource for faculty and provides a means of informal dispute resolution for faculty at the University. The Faculty Ombud provides confidential, independent, impartial, and informal assistance to all faculty. The Faculty Ombud supplements, but does not replace, formal grievance processes, investigative systems, and appeals processes. The Faculty Ombud does not advocate for any side, either the faculty or the administration, and instead maintains impartiality in all concerns. The purpose of the Faculty Ombud is to facilitate communication, ensure that policies are followed, and encourage all parties to implement the University's policies and practices fairly. The Faculty Ombud is available for use by all faculty at any campus of the University, including online faculty, full-time and part-time, tenured or not, including administrative faculty.

Rationale: The Faculty Ombud position was created on July 1, 2024, and will be serving in a role that is independent of any University processes. As such, the former definition is no longer applicable to the new Faculty Ombud position.

The Faculty Handbook Committee proposes an amendment to the revised 1.8.6 to the University Faculty Handbook Committee concerning **1.8.6, Faculty Ombud amendment**, on **April 14, 2025**.

First Vote Date: 4/14/2025

First Vote Results: 9 yes, 0 no, 0 abstain

Majority Opinion: _____

Minority Opinion: _____

Length of Review and Potential Second Vote Date: 1 month, May 12, 2025

University Counsel Opinion: none

Employee Handbook Opinion: none

Faculty Senate Opinion: none

Council of Directors Opinion: none

Deans Opinion: none

Vice President of Research Opinion: none

Provost Opinion: _____

Second Vote Date: 5/12/2025

Second Vote Results: 9 yes, 0 no

Majority Opinion: _____

Minority Opinion: _____

Presidential Approval or Rejection with date: _____

Add this language at the end of 1.8.6:

The Faculty Ombud is selected by the President of the University in consultation with the Faculty Senate. A search committee will include at least one member selected by the Faculty Senate Executive Committee.

Rationale: This amendment codifies the arrangement that resulted in the current Ombud and ensures faculty involvement in the selection of a new Ombud.

The University Faculty Handbook Committee proposes changes to the University Faculty Handbook Committee concerning **Chapter 4 – Annual Evaluation of Faculty Performance**, on **April 14, 2025**.

First Vote Date: _____ Apr. 14, 2025 _____

First Vote Results: _____ 9 yes, 0 no, 0 abstain _____

Majority Opinion: _____

Minority Opinion: _____

Length of Review and Potential Second Vote Date: _____ 1 month _____

University Counsel Opinion: _____ none _____

Employee Handbook Opinion: _____ none _____

Faculty Senate Opinion: _____ none _____

Council of Directors Opinion: _____ none _____

Deans Opinion: _____ none _____

Vice President of Research Opinion: _____ none _____

Provost Opinion: _____

Second Vote Date: _____ May 12, 2025 _____

Second Vote Results: _____ 9 yes, 0 no, 0 abstain _____

Majority Opinion: _____

Minority Opinion: _____

Presidential Approval or Rejection with date: _____

Chapter 4. Annual Evaluation of Faculty Performance

4.1. Introduction

Annual evaluations of work performance are mandatory for academic personnel at the University. The evaluation framework serves to ensure effectiveness in teaching, research/creative activities, and service by providing a common structure for annual evaluations. This structure includes the allocation of workload and periodic opportunities for professional development. Additionally, annual evaluations inform decisions for tenure, promotion, and merit-based salary adjustments.

The annual evaluation framework is oriented toward proactive engagement between faculty members and their peers and supervisors. The annual evaluation process is meant to stimulate feedback among faculty, school directors, and deans in order to realize maximum potential, effectively allocate resources, and fairly arbitrate appeals made by faculty members. The process is aimed at maximizing potential and supporting the University mission.

Flexibility, clarity, transparency, efficiency, and fairness are key attributes of the evaluation framework. Schools are largely responsible for developing work performance criteria and expectations, which are to be consistent with college expectations, clearly articulated, in writing, and made readily available to faculty and administration.

Work performance criteria are designed to promote achievement in teaching, research/creative activities, and service. The three-tier evaluation system is intended to be efficient and effective and is based on meeting expectations established by academic units. School directors, or the ad hoc school

director in University Libraries, are responsible for designating faculty workload allocations. Allocations should be based on the school level policy and procedures documents and Appendix A: Workload Allocation Guidelines

4.2. Workload Allocation

Annual evaluations of faculty performance are tied to types and proportions of work activities throughout a given academic year, including course load, research productivity, and service commitments. Allocation of workload should not be static but should balance the needs of a program or school and the professional goals of the faculty member; while maintaining the standards set forth by the school, college, and University and supporting achievement in all three categories of evaluation. The annual evaluation process should include a discussion of goals and workload allocation for the upcoming year in each of the three categories of evaluation. Workload should be clearly defined to promote transparency in allocation decisions and expectations for performance.

In developing workload allocations, the school director, or the ad hoc school director in University Libraries, should ensure instructional functionality of degree programs; support innovative modes of instruction; promote student success and involvement; encourage progress in research/ creative activities; accentuate strengths of disciplinary clusters; foster interdisciplinary engagement; support professional development opportunities for faculty; and serve the needs of the school, college, University, professional organizations, and communities.

Workload allocation should be established between the school director and the faculty member in consultation with a program coordinator or dean as appropriate. Workload allocation is finalized by the school director in consultation with the college dean as appropriate. Workloads must be documented and acknowledged by both parties to complete the process and approved by the dean. Other members of a Faculty Evaluation Committee (FEC) should not be directly involved in decisions regarding workload allocation.

Course load allocation, a subset of overall workload allocation, is based on the equivalent of four 3-hour courses per semester. Schools should define equivalents in school policies and procedures documents. Each course is assigned a percentage determined in consultation with the faculty and director as defined in school policies and procedures documents. For guidelines more specific than those listed refer to Appendix A. Faculty with any expectations for research/creative activities should receive a reduction in course load in order to meet expectations for those research/creative activities. Assigned course load or allocation of teaching (or service) at the discretion of the school director and approval by the dean, should consider student mentorship activities not directly associated with classroom instruction and other factors that may increase time devoted to teaching activities.

Service contributions to the program, school, college, University, or profession requiring a time commitment beyond the usual expectation for the school may warrant a reallocation of workload from either teaching or research/creative activities. This reallocation is particularly relevant for academic programs with few faculty members to sustain essential functions (e.g., annual reporting, academic advisement) or support strategic initiatives requiring service.

Some situations may warrant adjusting a faculty member's workload allocation. Examples include unforeseen circumstances, such as unexpected increases in enrollment or the departure of a faculty member which leaves a gap in the curriculum that must be covered; a faculty development plan; commitments created by new external funding agreements; or the need to participate in a significant service activity. In these instances, the workload reallocation should be documented.

Workload allocation should be aligned with expectations for the identified role (teaching track, pre-tenure/ tenured) for which the faculty member has been employed, such that decisions for promotion or tenure are based upon criteria appropriate for that role. See Chapter 5 for more information on promotion and tenure.

4.3. Annual Evaluation Framework

The annual evaluation framework serves as the primary structure for setting annual objectives and allocating resources for faculty to achieve professional goals and progress toward promotion and tenure.

Submitted annual activity reports are reviewed by the school director and/or Faculty Evaluation Committee (FEC) in accordance with the governance model adopted annually by the school faculty. Faculty annual activity reports should include notation of responsibilities and reflections of annual productivity in teaching, research/creative activities, and service. Annual evaluations provide the opportunity to determine the extent to which the prior year's objectives were met and to set aspirational targets for the year ahead. Although objectives are set annually, discussions about progress towards objectives should occur as needed, for example when a major objective is attained early, some significant obstacle to fulfilling an objective arises, or a new opportunity presents itself that cannot be postponed to the next evaluation year.

Decisions for obligating authority for annual faculty evaluations are made at the school level and are based on the governance option chosen, see 1.10.2.

4.4. Faculty Annual Evaluation Process

All academic personnel must submit annual activity reports to the school director by the date noted in the [Provost's calendar](#), typically at the beginning of February. . These reports include a summary of professional activities in the areas of teaching, research/creative activity, and service during the year evaluated. The annual activity report is submitted and evaluated in a process that moves through the governance option adopted by the school faculty.

Each member of the FEC is evaluated by the other members of the committee. School directors and associate deans are evaluated for all work-related categories, including administrative performance, by the dean and not by the other members of the FEC. However, evaluations of directors and associate deans in regards to teaching and research/creative activities are to be based on specifications outlined in the relevant school-level documents. Associate directors are reviewed by the FEC in the areas of teaching, research/creative activities, and non- administrative service while administrative performance is evaluated exclusively by the director.

Depending on the governance option chosen, the school director or FEC writes annual evaluation reports for each person evaluated. Each person is to be rated in the three categories of teaching, research/creative activities, and service based on the following rating categories.

4.5. Faculty Evaluation Guidelines

Teaching, research/creative activities, and service are evaluated annually for each faculty member according to the following ratings categories: “does not meet expectations,” “meets expectations,” and “exceeds expectations.” Schools are responsible for determining and documenting reasonable criteria for meeting expectations in association with assigned workload for the review period. These criteria require approval from the school director and the dean before being made publicly available through the Office of the Provost. The criteria must be approved at all levels and formally established in writing before faculty are held accountable to those standards. Separate categories of “collegiality” and “engagement” should not be added to the traditional three categories of faculty performance. Instead, academic units should develop clear definitions of teaching, research/creative activities, and service, in which collegiality and engagement are reflected.

4.5.1. Expectation Rating Categories

Given the wide diversity of subjects offered at the University, schools are best suited to assess faculty contributions and are responsible for determining and documenting expectations for each of the three categories of evaluation. These expectations can be subsumed within a detailed rubric (see Appendix B for an example) or a more simplified disclosure of standards that serve as a baseline for achievement. Further, schools should clearly articulate and document circumstances that warrant assignment of “does not meet expectations” and “exceeds expectations” (see Appendix C for examples). Evaluative criteria require approval from school directors and deans before being made publicly available through the Office of the Provost.

4.5.1.1. Meets Expectations

Faculty performance expectations should promote high levels of achievement facilitating student success and professional contributions consistent with the University mission. Meeting expectations implies that faculty achieve articulated and measurable professional objectives and maintain continuous career advancement, including progress toward promotion or tenure (see Appendix C for examples). Faculty are also expected to contribute to a culture supportive of students, colleagues, and units. Meeting expectations is more than achieving a minimally acceptable level of performance to avoid contractual termination.

While not a guarantee of success, meeting expectations in annual evaluations is an essential element of a successful path to promotion or tenure.

4.5.1.2 Does Not Meet Expectations

Assignment of does not meet expectations should be made for faculty who are unable to produce evidence of having met objectives established in the prior year. Quarterly or mid-year meetings between

school director and faculty member are highly recommended for all faculty with categories rating “does not meet expectations.” Faculty who meet objectives early in the year but do not recalibrate them in consultation with their school directors also are not meeting expectations for faculty performance.

4.5.1.3. Exceeds Expectations

Assignment of exceeds expectations should be reserved for faculty who demonstrate excellence far beyond professional objectives set for the year, for achievement of highly ambitious objectives, or for a high level of contributions deemed especially complementary to the program, school, college, or the University vision. This designation should be reserved for faculty who provide evidence of high performance in teaching, research/creative activities, or service. When a faculty member achieved more than school expectations but not enough to merit assignment of exceeds expectations, a specific mention of achievement should be included in the noteworthy activities and remarks section of the annual evaluation report (see Appendix C for examples).

Faculty are expected to contribute significantly in their professional roles. Therefore, a high percentage of faculty in a school who exceed expectations suggests that school directors should examine goal setting and work with faculty to adjust to a higher aspirational level.

4.5.1.4. Considerations for Online Instruction

Due to the unique nature of the online learning environment, online teaching requires its own set of evaluation benchmarks. While specific assessment benchmarks may vary from one academic unit to another, each unit should develop online teaching evaluation criteria that meet or exceed standards set through the [Online Teaching and Learning at USM policy](#).

4.5.1.5. Noteworthy Activities and Remarks

Annual evaluation reports should include a separate section for noteworthy activities and remarks for evaluators to mention specific achievements or deficiencies that might not otherwise be discernible from evaluation ratings (see Appendix C for examples). Additionally, activities considered exemplary of interdisciplinary collaboration, intensive professional development, awards, etc. are appropriate for inclusion in this section. Documented activities and remarks can be used alongside the ratings for promotion and tenure decisions, merit-based raises, or other important personnel decisions. Noteworthy activities and remarks are not intended to be a comprehensive list of annual faculty achievements or deficiencies, but instead to disclose aspects of a faculty member’s performance that evaluators consider worth mentioning or to clarify assignment of a particular rating.

4.5.2. Faculty Annual Evaluation Meetings

The annual evaluation process follows a specific pathway which can involve meetings with the FEC and/or School Director. Based upon the governance option selected, the faculty member may have one or more meetings with the FEC and Director. These meetings offer opportunities to review activities from the previous year, for faculty to discuss and finalize professional objectives and goals for the year ahead, and to request necessary resources with their directors.

Evaluation meetings should be scheduled annually based on the Office of the Provost's Calendar for annual evaluations for faculty.

The topics for the meeting include discussing the basis of the evaluation, allowing the faculty member the opportunity to clarify any misunderstandings, and finalizing professional objectives for the following year.

Prior to acknowledging receipt of the annual evaluations, faculty may request an evaluation meeting as outlined above. Faculty also may appeal the results of their annual evaluations if they disagree with the assigned ratings or written comments from the evaluators. If the response remains unsatisfactory to the faculty member and efforts to resolve issues are unsuccessful at the school level, an appeal can be initiated in accord with the grievance procedure outlined in Chapter 7. In this case, the faculty member should acknowledge receipt of the annual evaluation prior to initiating the grievance process. Faculty member acknowledgment does not signify agreement with the evaluation, only receipt.

. Annual evaluation meetings are required for all unpromoted tenure-track faculty, any faculty who receives a rating of "does not meet expectations" in any domains, and any faculty who requests such a meeting. Annual evaluation meetings are recommended for any faculty going up for promotion in the following academic year. For all other faculty, the meetings are optional and up to the discretion of the school's policies. In schools where the evaluation is completed by the committee and the director (option 2) the meetings can include the committee and the director or the director only, depending upon the preference of the faculty member.

4.5.3. Transmittal to the Dean

Governance option 1: The school director submits signed evaluations to the dean

Governance option 2: The committee chair, after obtaining signed concurrence or dissent from each committee member, submits signed evaluations of the FEC to the dean
Governance option 3: The committee chair, after obtaining signed concurrence or dissent from each committee member, submits the committee's evaluations to the school director. Those evaluations with which the school director concurs are formally approved by the director's signature and transmitted to the dean. If the school director dissents from any FEC evaluations, the director may prepare independent evaluations for those faculty and transmit them, along with the evaluations of the FEC (with dissent noted by the school director's signature) to the dean with a copy sent to the faculty member and to the chair of the FEC.

Upon request by the Office of the Provost, annual summaries by academic unit or faculty rank are to be provided by colleges to facilitate assessment of evaluation metrics and to ensure consistent application of evaluation standards across the University.

4.5.4. Formal Development Plans

A formal development plan for improvement is initiated by the school director after a faculty member receives: (1) a second consecutive assignment of does not meet expectations in one of the three categories of faculty workload (teaching, research/creative activities, service) or (2) assignment of does not meet expectations in at least two categories in the same year. In addition to specific goals in the deficient areas, the development plan should specify the resources, training, and services that the faculty member needs to return to satisfactory productivity.

A faculty member's workload should be reviewed by the school director as part of the development plan. If reweighting of workload obligations might solve the deficiency, it should be done as part of the process. For example, late-career faculty members who are doing less research might be assigned a 4/4 teaching schedule, expanded service obligations, and fewer research expectations. This approach may be the best way to support tenured faculty later in their careers who are still meeting expectations in two evaluative areas but not in the third.

Having a development plan in place does not mean that a tenured faculty member is on post-tenure review (PTR). A development plan is a proactive step to prevent the need for PTR. The development plan should follow the guidelines established in the annual evaluation process.



The University Faculty Handbook Committee proposes changes to the University Faculty Handbook concerning 6.3.3.3. Step 3: Censure on April 14, 2025.

First Vote Date: _____ May 12, 2025 _____

First Vote Results: _____ 7 yes, 1 no, 1 abstain _____



Majority Opinion: _____

Minority Opinion: _____



Length of Review and Potential Second Vote Date: _____ 1 _____

University Counsel Opinion: _____ none _____

Employee Handbook Opinion: _____ none _____

Faculty Senate Opinion: _____ none _____

Council of Directors Opinion: _____ none _____

Deans Opinion: _____ none _____

Vice President of Research Opinion: _____ none _____

Provost Opinion: _____

Second Vote Date: _____ June 9, 2025 _____

Second Vote Results: _____ 6 yes, 1 abstain, 2 absent _____

Majority Opinion: _____

Minority Opinion: _____

Presidential Approval or Rejection with date: _____

The University Faculty Handbook Committee moves that the following section:


6.3.3.3. Step 3: Censure

The school director may initiate this step if the faculty member fails to resolve the issue outlined in Step 2 within the indicated time frame for reevaluation. The school director may also initiate Step 3 as the entry point for progressive discipline for situations deemed too severe to begin with a written reprimand. Censure is the final step of progressive discipline and is to include sanctions that may be punitive and non-private. Failure to achieve resolution of the situation at the censure stage can result in the initiation of proceedings leading to the termination of employment.


In consultation with the dean, the school director composes a letter of censure to the faculty member that must include: (1) a detailed description of the situation, (2) a reason the situation merits censure, (3) the sanctions that are to be imposed on the faculty member, (4) the corrective actions the faculty member must make to address the situation, (5) the timeline by which the situation is to be reevaluated, and (6) a statement that failure to resolve the situation can result in the initiation of proceedings leading to the termination of employment. When possible, the signed letter of censure is to be delivered to the

faculty member in person by the school director, and a copy is to be delivered to the dean to whom the school director reports. The school director may also send an electronic copy to the faculty member in addition to the hard copy.

Sanctions may include but are not limited to, reassignment of teaching duties, suspension, reassignment of research or service commitments, loss of committee chair privileges, or loss of university-approved travel privileges.

The faculty member may request review by the Provost within five working days of receiving the letter of censure. The Provost has five working days to initiate a review of the letter of censure merits and notify the parties by email. The Provost can either  uphold the letter of censure or reject the letter of censure as an inappropriate discipline. The Provost can elect to obtain additional facts using an ombuds or by calling a meeting which would include the faculty member, school director, and Provost. The decision of the Provost is final. In the event of a Provost's review, no letter of censure will be added to the faculty member's HR file until the review is completed.

A copy of the letter of censure, the request by the faculty member for the Provost's review (if applicable), the Provost review (if applicable), and the reevaluation (if applicable) are to be placed in the faculty member's HR file. Due to the nature of sanctions, censure may generally be known within the University community, but administrators involved should not communicate the details more than necessary. Should the faculty member satisfactorily meet the conditions outlined in the letter of censure, the school director will compose a letter of resolution and provide a copy to the faculty member and place a copy in the faculty member's HR file. Faculty have the right to include a letter of rebuttal to accompany the letter of censure.

 Censure is the final step of the progressive discipline process, and failure to resolve the situation at this stage may result in the initiation of proceedings leading to termination of employment at the University per the provisions stipulated below.

Have its language changed to:

6.3.3.3. Step 3: Censure

The school director may initiate this step if the faculty member fails to resolve the issue outlined in Step 2 within the indicated time frame for reevaluation. The school director may also initiate Step 3 as the entry point for progressive discipline for situations deemed too severe to begin with a written reprimand. Censure is the final step of progressive discipline and is to include sanctions that may be punitive and non-private. Failure to achieve resolution of the situation at the censure stage can result in the initiation of proceedings leading to the termination of employment.

In consultation with the dean, the school director composes a letter of censure to the faculty member that must include: (1) a detailed description of the situation, (2) a reason the situation merits censure, (3) the sanctions that are to be imposed on the faculty member, (4) the corrective actions the faculty member must make to address the situation, (5) the timeline by which the situation is to be reevaluated, and (6) a statement that failure to resolve the situation can result in the initiation of proceedings leading to the termination of employment. When possible, the signed letter of censure is to be delivered to the faculty member in person by the school director, and a copy is to be delivered to the dean to whom the

school director reports. The school director may also send an electronic copy to the faculty member in addition to the hard copy.

Sanctions may include but are not limited to, reassignment of teaching duties, suspension, reassignment of research or service commitments, loss of committee chair privileges, or loss of university-approved travel privileges.

The faculty member may request review by the Provost within five working days of receiving the letter of censure. The Provost has five working days to initiate a review of the letter of censure merits and notify the parties by email. The Provost can either uphold the letter of censure or reject the letter of censure as an inappropriate discipline. The Provost can elect to obtain additional facts by calling a meeting which would include the faculty member, school director, and Provost. The decision of the Provost is final. In the event of a Provost's review, no letter of censure will be added to the faculty member's HR file until the review is completed.

A copy of the letter of censure, the request by the faculty member for the Provost's review (if applicable), the Provost review (if applicable), and the reevaluation (if applicable) are to be placed in the faculty member's HR file. Due to the nature of sanctions, censure may generally be known within the University community, but administrators involved should not communicate the details more than necessary. Should the faculty member satisfactorily meet the conditions outlined in the letter of censure, the school director will compose a letter of resolution and provide a copy to the faculty member and place a copy in the faculty member's HR file. Faculty have the right to include a letter of rebuttal to accompany the letter of censure.

Censure is the final step of the progressive discipline process, and failure to resolve the situation at this stage may result in the initiation of proceedings leading to termination of employment at the University per the provisions stipulated below.

Rationale: The Faculty Ombud position was created on July 1, 2024, and will be serving in a role that is independent of any University processes. Therefore, the Ombud will have no role in the progressive discipline process.

The University Faculty Handbook Committee proposes changes to the University Faculty Handbook concerning 6.4.4. Procedure for the Termination of a Faculty Member Prior to the Expiration of the Contract Term or for Termination of a Tenured Faculty Member on April 14, 2025.

First Vote Date: ___ May 12, 2025 ___

First Vote Results: ___ 7 yes, 1 no, 1 abstain ___

Majority Opinion: _ _____

Minority Opinion: _ _____

Length of Review and Potential Second Vote Date: _____ 1 month _____

University Counsel Opinion: _____ none _____

Employee Handbook Opinion: _____ none _____

Faculty Senate Opinion: _____ none _____

Council of Directors Opinion: _____ none _____

Deans Opinion: _____ none _____

Vice President of Research Opinion: ___ none _____

Provost Opinion: _____

Second Vote Date: _____ **June 9, 2025** _____

Second Vote Results: _____ 6 yes, 0 no, 1 abstain, 2 absent _____

Majority Opinion: _____

Minority Opinion: _____

Presidential Approval or Rejection with date: _____

The University Faculty Handbook Committee moves that the following section:

6.4.4. Procedure for the Termination of a Faculty Member Prior to the Expiration of the Contract Term or for Termination of a Tenured Faculty Member

6.4.4.1. General

The following procedures shall apply in all cases in which the University proposes to terminate a tenured faculty member or proposes to terminate a non-tenured faculty member prior to the expiration of the term of appointment, for malfeasance, academic inefficiency, contumacious conduct, or cause. These procedures do not apply to cases in which the appointment of a non-tenured faculty member has expired or will expire by its terms, and the University elects not to renew or extend the term of appointment. These procedures do not apply to cases in which the Board elects to exercise its statutory authority to suspend or terminate the employment of faculty members for financial exigencies as declared by the Board or in cases where the Board elects to exercise its statutory authority to terminate, suspend, or reduce programs, academic units, or administrative units.

6.4.4.2. Initial Recommendation for Termination

Any institutional officer or advisory body to whom the President has delegated relevant supervisory authority may recommend to the President that termination proceedings be initiated regarding a faculty member for malfeasance, inefficiency, contumacious conduct, or cause. However, only the Board or the President may initiate proceedings that might lead to termination of employment of a faculty member.

6.4.4.3. Initial Presidential Review

If, in the President's judgment, substantial evidence exists supporting a recommendation for the termination of a faculty member, the President will submit all evidentiary materials and relevant information to the Provost and request a preliminary investigation by an ombudsman.

6.4.4.4. Ombuds Review

The Provost will request that an ombuds conduct an inquiry of all allegations, interview relevant parties, review relevant documents, and confer with other institutional officers. The ombuds may conduct interviews with the faculty member and seek a resolution of the matter pending presidential approval. The ombuds will submit a written report with recommendation and all supporting documentation to the President and submit a copy to the faculty member.

6.4.4.5. Presidential Action

Upon review of the ombuds's written recommendation, the President will proceed with one of three courses of action: (1) closure of the case with no further institutional action, (2) implementation of 47 institutional action consistent with the terms of resolution that have been agreed upon with the faculty member, or (3) initiation of formal institutional termination proceedings.

6.4.4.6. Notice of Termination Proceedings

In the event the President decides to close the case with no further institutional action, the President will notify the faculty member by certified mail.

In the event the President decides to implement institutional action consistent with the terms of resolution agreed upon with the faculty member, the President will notify the faculty member by certified mail of the resolution's official terms and implement those terms.

In the event the President decides to initiate termination proceedings, or the faculty member fails to honor the agreed-upon resolution terms, the President will notify the faculty member by certified mail of the intention of the University to initiate formal termination proceedings. The notice will include the following: a detailed statement of the grounds for termination; notice of the faculty member's right to formally contest the charges in a hearing before the University Promotion and Tenure Committee; notice of the faculty member's right to be advised by legal counsel during the hearing; notice of any suspension of pay or change of duties pending the conclusion of the matter; and notice that the faculty member has 14 working days from the date of receipt of the notice to contest the charges and request a hearing in writing before the University Promotion and Tenure Committee.

6.4.4.7. Failure to Contest

In the event the faculty member does not contest the charges in writing within 14 working days from the date of receipt of the written notice, the faculty member's employment will be terminated with forfeiture of all subsequent procedural rights.

In the event the faculty member contests the charges but does not request a hearing in writing, the right to a hearing is waived and the matter will be contested on the record before the President without a hearing.

6.4.4.8. Hearing

If the faculty member contests the charges and requests a hearing in writing in the specified timeframe, the President shall notify the University Promotion and Tenure Committee within 10 working days from receipt of the request and the matter will proceed according to the following procedures:

6.4.4.8.1. Notice of Hearing

The University Promotion and Tenure Committee Chair will give the faculty member and the President written notice of the hearing's time and place at least 20 working days prior to the date of the hearing.

6.4.4.8.2. Representation

In the hearing, the faculty member will represent him/herself and the President will appoint an institutional officer, who is not an attorney, to represent the University. The faculty member may appoint an advisor, who is not an attorney, to represent the faculty member in the hearing and plead on behalf of the faculty member. Either party may retain legal counsel for the exclusive purpose of providing advice. However, in no event shall legal counsel for either party be permitted to examine witnesses or to plead before the University Promotion and Tenure Committee. Counsel or advisor selection and compensation is the responsibility of the party desiring legal representation.

If either party intends to be advised by legal counsel or if the faculty member chooses to have an advisor at the hearing, that party must notify the other party and the University Promotion and Tenure Committee Chair at least 10 working days prior to the hearing date. If either party fails to give timely notice of legal or advisory representation, that party will not be entitled to be advised by legal counsel or an advisor at the hearing.

6.4.4.8.3. Waiver of Hearing

If, at any time prior to the hearing, the faculty member decides to waive the right to a hearing and respond to the charges in writing only, the faculty member must give written notice to the President and University Promotion and Tenure Committee Chair. Both parties shall then have 10 working days from receipt of the notice to submit written position statements to the University Promotion and Tenure Committee Chair. The University Promotion and Tenure Committee will then evaluate all available evidence, including the written statements of both parties, vote on the matter, and submit a written majority opinion and if applicable, a written minority opinion to the President, Provost, and faculty member.

6.4.4.8.4. Witnesses

Not later than 10 working days prior to the hearing, the parties must exchange a written list of witnesses that each party expects to call to testify at the hearing and a summary of the testimony expected from

each witness. Witnesses who are not so identified may not testify before the University Promotion and Tenure Committee.

6.4.4.8.5. Evidence

The University Promotion and Tenure Committee will not be bound by legal rules of evidence in the hearing. The committee may admit any credible evidence of probative value that it deems relevant to the issues. The committee must base its decision upon reliable and credible evidence. If the hearing involves allegations of incompetence, the testimony must include that of professionally qualified institutional faculty members and may include other relevant scholars' testimony.

6.4.4.8.6. Cross-Examination of Witnesses

Both parties and advisors, but not legal counsel for either party, may cross-examine all witnesses.

6.4.4.8.7. Burden of Proof

The University shall bear the burden of proving the grounds for termination by a preponderance of the evidence.

6.4.4.8.8. Hearing Closed

The hearing will be closed to the public.

6.4.4.8.9. Findings and Conclusions

The University Promotion and Tenure Committee will reach its decision by majority vote. Within 10 working days after the hearing's conclusion, the committee will submit its recommendation to the President, with a copy to the Provost, and the faculty member that will contain (1) a written account of the committee's vote, the vote constituting a recommendation to the President; (2) a written majority opinion, including the rationale therefore; (3) a written minority opinion, if applicable, including the rationale therefore; (4) the hearing's recording; and (5) the hearing's transcript.

6.4.4.8.10. Transcript of Hearing

The hearing before the University Promotion and Tenure Committee will be recorded and transcribed by a certified court stenographer, and a transcript will be made at the University's expense. The faculty member may request a copy of the recording and transcript. However, the faculty member shall be responsible for the cost of the copy of the transcript and for making appropriate financial arrangements with the stenographer.

6.4.4.9. Provost's Recommendation

The Provost shall review the University Promotion and Tenure Committee recommendation and all evidentiary materials. The Provost will prepare a separate recommendation to the President either concurring with or dissenting from the University Promotion and Tenure Committee's decision. The Provost will simultaneously transmit the Provost's recommendation and the written rationale to the President, University Promotion and Tenure Committee, and the faculty member.

6.4.4.10. Presidential Review

If, upon review, the President concurs with a recommendation for termination by the University Promotion and Tenure Committee, or should the President determine that the faculty member should be terminated despite the University Promotion and Tenure Committee's recommendation to the contrary, then the President will notify the University Promotion and Tenure Committee and the faculty member by certified mail of the intent to recommend termination to the Board. The written notification letter should include notification to the faculty member of the right to appeal the President's decision to the Board in accordance with applicable Board policy.

If, upon review, the President does not concur with a recommendation for termination by the University Promotion and Tenure Committee, or should the President concur with the University Promotion and Tenure Committee's recommendation against termination, then the President shall inform the University Promotion and Tenure Committee and the faculty member by certified mail of the President's intention to (1) dismiss all charges or (2) implement institutional action in the form of sanctions less than termination.

In any event, when the decision of the President is contrary to the recommendation of the University Promotion and Tenure Committee, the President should provide the grounds for disagreement in the notification letter.

6.4.4.11. Final Institutional Review

In the event the President decides to recommend termination to the Board, then the President will notify the faculty member by certified mail of the right to request in writing final institutional review on the record within 10 working days of receipt of the notice.

A request for final institutional review must identify specific procedural issues for review exclusively on the record. The committee will not undertake to make its own judgment on the merits of the case but will make a determination of whether the institutional due process procedures were followed and the decision was not arbitrary or capricious.

The reviewing body will be the University Termination Review Council, a body composed of five faculty members of professorial rank who will be chosen by lot, from the pool of ombuds candidates. The ombuds may not serve on the Council. In no case may a person serve on the Council if that person has been a party to any facet of the termination process to be reviewed or if that person has an unduly close personal or professional relationship with the faculty member. In the event of recusal of a member, a replacement member will be drawn from the remaining pool.

The University Termination Review Council will, by majority vote, select a chair and review on the record all procedural matters specifically identified by the faculty member. The committee shall then reach a decision by majority vote on whether there are any procedural irregularities or whether the decision was arbitrary or capricious. The committee will then submit a written report and recommendation to the President, with a copy to the faculty member, which identifies the vote count and both the majority and minority opinions of the committee.

6.4.4.12. Final Presidential Decision

Upon review of the report of the University Termination Review Council, the President may elect to conduct a final interview with the faculty member, or with any other parties, and may seek any other

relevant evidence, afterward informing the faculty member by certified mail of the decision to: (1) dismiss all charges, (2) implement institutional action consistent with the resolution's terms agreed upon with the faculty member, or (3) recommend termination to the Board.

6.4.4.13. Presidential Recommendation for Termination

In the event the President decides to recommend termination to the Board, the President will transmit to the Board all evidence, including the recording and transcript of the hearing before the University Promotion and Tenure Committee, together with the presidential recommendation.

6.4.4.14 Board Appeal

In the event the faculty member submits an appeal to the Board, the faculty member shall simultaneously submit a copy of the appeal to the President. An appeal may only take place after the faculty member has exhausted all administrative remedies at the institutional level.

Have its language changed to:

6.4.4. Procedure for the Termination of a Faculty Member Prior to the Expiration of the Contract Term or for Termination of a Tenured Faculty Member

6.4.4.1. General

The following procedures shall apply in all cases in which the University proposes to terminate a tenured faculty member or proposes to terminate a non-tenured faculty member prior to the expiration of the term of appointment, for malfeasance, academic inefficiency, contumacious conduct, or cause. These procedures do not apply to cases in which the appointment of a non-tenured faculty member has expired or will expire by its terms, and the University elects not to renew or extend the term of appointment. These procedures do not apply to cases in which the Board elects to exercise its statutory authority to suspend or terminate the employment of faculty members for financial exigencies as declared by the Board or in cases where the Board elects to exercise its statutory authority to terminate, suspend, or reduce programs, academic units, or administrative units.

6.4.4.2. Initial Recommendation for Termination

Any institutional officer or advisory body to whom the President has delegated relevant supervisory authority may recommend to the President that termination proceedings be initiated regarding a faculty member for malfeasance, inefficiency, contumacious conduct, or cause. However, only the Board or the President may initiate proceedings that might lead to termination of employment of a faculty member.

6.4.4.3. Initial Presidential Review

If, in the President's judgment, substantial evidence exists supporting a recommendation for the termination of a faculty member, the President will notify the faculty member by certified mail of the intention of the University to initiate formal termination proceedings. If, in the President's judgment, substantial evidence does not exist to support a recommendation for the termination of a faculty member, the President will close the matter and notify the faculty member by certified mail.

6.4.4.4. Notice of Termination Proceedings

In the event the President decides to initiate termination proceedings, the President will notify the faculty member by certified mail of the intention of the University to initiate formal termination proceedings. The notice will include the following: a detailed statement of the grounds for termination; notice of the faculty member's right to formally contest the charges in a hearing before the University Promotion and Tenure Committee; notice of the faculty member's right to be advised by legal counsel during the hearing; notice of any suspension of pay or change of duties pending the conclusion of the matter; and notice that the faculty member has 14 working days from the date of receipt of the notice to contest the charges and request a hearing in writing before the University Promotion and Tenure Committee.

6.4.4.5. Failure to Contest

In the event the faculty member does not contest the charges in writing within 14 working days from the date of receipt of the written notice, the faculty member's employment will be terminated with forfeiture of all subsequent procedural rights.

In the event the faculty member contests the charges but does not request a hearing in writing, the right to a hearing is waived and the matter will be contested on the record before the President without a hearing.

6.4.4.6. Hearing

If the faculty member contests the charges and requests a hearing in writing in the specified timeframe, the President shall notify the University Promotion and Tenure Committee within 10 working days from receipt of the request and the matter will proceed according to the following procedures:

6.4.4.6.1. Notice of Hearing

The University Promotion and Tenure Committee Chair will give the faculty member and the President written notice of the hearing's time and place at least 20 working days prior to the date of the hearing.

6.4.4.6.2. Representation

In the hearing, the faculty member will represent him/herself and the President will appoint an institutional officer, who is not an attorney, to represent the University. The faculty member may appoint an advisor, who is not an attorney, to represent the faculty member in the hearing and plead on behalf of the faculty member. Either party may retain legal counsel for the exclusive purpose of providing advice. However, in no event shall legal counsel for either party be permitted to examine witnesses or to plead before the University Promotion and Tenure Committee. Counsel or advisor selection and compensation is the responsibility of the party desiring legal representation.

If either party intends to be advised by legal counsel or if the faculty member chooses to have an advisor at the hearing, that party must notify the other party and the University Promotion and Tenure Committee Chair at least 10 working days prior to the hearing date. If either party fails to give timely notice of legal or advisory representation, that party will not be entitled to be advised by legal counsel or an advisor at the hearing.

6.4.4.6.3. Waiver of Hearing

If, at any time prior to the hearing, the faculty member decides to waive the right to a hearing and respond to the charges in writing only, the faculty member must give written notice to the President and University Promotion and Tenure Committee Chair. Both parties shall then have 10 working days from receipt of the notice to submit written position statements to the University Promotion and Tenure Committee Chair. The University Promotion and Tenure Committee will then evaluate all available evidence, including the written statements of both parties, vote on the matter, and submit a written majority opinion and if applicable, a written minority opinion to the President, Provost, and faculty member.

6.4.4.6.4. Witnesses

Not later than 10 working days prior to the hearing, the parties must exchange a written list of witnesses that each party expects to call to testify at the hearing and a summary of the testimony expected from each witness. Witnesses who are not so identified may not testify before the University Promotion and Tenure Committee.

6.4.4.6.5. Evidence

The University Promotion and Tenure Committee will not be bound by legal rules of evidence in the hearing. The committee may admit any credible evidence of probative value that it deems relevant to the issues. The committee must base its decision upon reliable and credible evidence. If the hearing involves allegations of incompetence, the testimony must include that of professionally qualified institutional faculty members and may include other relevant scholars' testimony.

6.4.4.6.6. Cross-Examination of Witnesses

Both parties and advisors, but not legal counsel for either party, may cross-examine all witnesses.

6.4.4.6.7. Burden of Proof

The University shall bear the burden of proving the grounds for termination by a preponderance of the evidence.

6.4.4.6.8. Hearing Closed

The hearing will be closed to the public.

6.4.4.6.9. Findings and Conclusions

The University Promotion and Tenure Committee will reach its decision by majority vote. Within 10 working days after the hearing's conclusion, the committee will submit its recommendation to the President, with a copy to the Provost, and the faculty member that will contain (1) a written account of the committee's vote, the vote constituting a recommendation to the President; (2) a written majority opinion, including the rationale therefore; (3) a written minority opinion, if applicable, including the rationale therefore; (4) the hearing's recording; and (5) the hearing's transcript.

6.4.4.6.10. Transcript of Hearing

The hearing before the University Promotion and Tenure Committee will be recorded and transcribed by a certified court stenographer, and a transcript will be made at the University's expense. The faculty member may request a copy of the recording and transcript. However, the faculty member shall be

responsible for the cost of the copy of the transcript and for making appropriate financial arrangements with the stenographer.

6.4.4.7. Provost's Recommendation

The Provost shall review the University Promotion and Tenure Committee recommendation and all evidentiary materials. The Provost will prepare a separate recommendation to the President either concurring with or dissenting from the University Promotion and Tenure Committee's decision. The Provost will simultaneously transmit the Provost's recommendation and the written rationale to the President, University Promotion and Tenure Committee, and the faculty member.

6.4.4.8. Presidential Review

If, upon review, the President concurs with a recommendation for termination by the University Promotion and Tenure Committee, or should the President determine that the faculty member should be terminated despite the University Promotion and Tenure Committee's recommendation to the contrary, then the President will notify the University Promotion and Tenure Committee and the faculty member by certified mail of the intent to recommend termination to the Board. The written notification letter should include notification to the faculty member of the right to appeal the President's decision to the Board in accordance with applicable Board policy.

If, upon review, the President does not concur with a recommendation for termination by the University Promotion and Tenure Committee, or should the President concur with the University Promotion and Tenure Committee's recommendation against termination, then the President shall inform the University Promotion and Tenure Committee and the faculty member by certified mail of the President's intention to (1) dismiss all charges or (2) implement institutional action in the form of sanctions less than termination.

In any event, when the decision of the President is contrary to the recommendation of the University Promotion and Tenure Committee, the President should provide the grounds for disagreement in the notification letter.

6.4.4.9. Presidential Recommendation for Termination

In the event the President decides to recommend termination to the Board, the President will transmit to the Board all evidence, including the recording and transcript of the hearing before the University Promotion and Tenure Committee, together with the presidential recommendation.

6.4.4.10 Board Appeal

In the event the faculty member submits an appeal to the Board, the faculty member shall simultaneously submit a copy of the appeal to the President. An appeal may only take place after the faculty member has exhausted all administrative remedies at the institutional level.

Rationale: The Faculty Ombud position was created on July 1, 2024, and will be serving in a role that is independent of any University processes. Therefore, the Ombud will have no role in the termination

process. The change under 6.4.4.8.9 Findings and Conclusion was to clarify that any recommendation should be either for termination or for continued employment.

Mac H. Alford, a Member of the Faculty Handbook Committee, proposes changes to the University Faculty Handbook Committee concerning 6.4.4.11, Final Institutional Review, on April 14, 2025.

First Vote Date: __May 12, 2025__

First Vote Results: __7 yes, 1 no, 1 abstain__

Majority Opinion: _____

Minority Opinion: _____

Length of Review and Potential Second Vote Date: __1 month__

University Counsel Opinion: ____none__

Employee Handbook Opinion: ____none__

Faculty Senate Opinion: ____none__

Council of Directors Opinion: ____none__

Deans Opinion: ____none__

Vice President of Research Opinion: ____none__

Provost Opinion: _____

Second Vote Date: __June 9, 2025__

Second Vote Results: _____6 yes, 0 no, 1 abstain, 2 absent_____

Majority Opinion: _____

Minority Opinion: _____

Presidential Approval or Rejection with date: _____

Alford moves that the following section:

6.4.4. Procedure for the Termination of a Faculty Member Prior to the Expiration of the Contract Term
or for Termination of a Tenured Faculty Member

...

6.4.4.11. Final Institutional Review

In the event the President decides to recommend termination to the Board, then the President will notify the faculty member by certified mail of the right to request in writing final institutional review on the record within 10 working days of receipt of the notice.

A request for final institutional review must identify specific procedural issues for review exclusively on the record. The committee will not undertake to make its own judgment on the merits of the case but will make a determination of whether the institutional due process procedures were followed and the decision was not arbitrary or capricious.

The reviewing body will be the University Termination Review Council, a body composed of five faculty members of professorial rank who will be chosen by lot, from the pool of ombuds candidates. The ombuds may not serve on the Council. In no case may a person serve on the Council if that person has been a party to any facet of the termination process to be reviewed or if that person has an unduly close personal or professional relationship with the faculty member. In the event of recusal of a member, a replacement member will be drawn from the remaining pool.

The University Termination Review Council will, by majority vote, select a chair and review on the record all procedural matters specifically identified by the faculty member. The committee shall then reach a decision by majority vote on whether there are any procedural irregularities or whether the decision was arbitrary or capricious. The committee will then submit a written report and recommendation to the President, with a copy to the faculty member, which identifies the vote count and both the majority and minority opinions of the committee.

Have its language changed to:

6.4.4.9. Final Institutional Review

In the event the President decides to recommend termination to the Board, then the President will notify the faculty member by certified mail of the right to request in writing final institutional review on the record within 10 working days of receipt of the notice. At the beginning of each academic year the President will notify the deans of each of the academic colleges and University Libraries to nominate two tenured faculty members of professorial rank and experience of at least five years at the University of Southern Mississippi for potential membership on the University Termination Review Council. The University Termination Review Council will be composed of five members chosen by lot from the ten candidates forwarded by the deans of the academic colleges. The selection by lot will be made by the Provost at a meeting with the Executive Committee of the Faculty Senate.

A request for final institutional review must identify specific procedural issues for review exclusively on the record. The committee will not undertake to make its own judgment on the merits of the case but will make a determination of whether the institutional due process procedures were followed and that the decision was not arbitrary or capricious.

The Faculty Ombud may not serve on the Council. In no case may a person serve on the Council if that person has been a party to any facet of the termination process to be reviewed or if that person has an unduly close personal or professional relationship with the faculty member. In the event of recusal of a member, a replacement member will be drawn from the remaining pool.

The University Termination Review Council will, by majority vote, select a chair and review on the record all procedural matters specifically identified by the faculty member. The committee shall then reach a decision by majority vote on whether there are any procedural irregularities or whether the decision was arbitrary or capricious. The committee will then submit a written report and recommendation to the President, with a copy to the faculty member, which identifies the vote count and both the majority and minority opinions of the committee.

Rationale: The newly proposed Faculty Ombud has no role in the formal termination process, and the Faculty Ombud is no longer chosen from a pool of candidates supplied by the deans. Thus, an adapted procedure similar to the procedure for choosing the (former) ombuds is provided here as sources of the University Termination Review Council.

The University Faculty Handbook Committee proposes changes to the University Faculty Handbook Committee concerning 6.3.2, Policy Statement, on December 9, 2024.

First Vote Date: ____ Dec. 9, 2024 ____

First Vote Results: ____ 9 yes, 0 no, 0 abstain ____

Majority Opinion: ____ Changed deemed appropriate ____

Minority Opinion: ____

Length of Review and Potential Second Vote Date: ____ Jan. 13, 2025 ____

University Counsel Opinion: ____ none ____

Employee Handbook Opinion: ____ none ____

Faculty Senate Opinion: ____ none ____

Council of Directors Opinion: ____ none ____

Deans Opinion: ____ none ____

Vice President of Research Opinion: ____ none ____

Provost Opinion: ____

Second Vote Date: ____ Jan. 13, 2025 ____

Second Vote Results: ____ 8 yes, 0 no ____

Majority Opinion: ____

Minority Opinion: ____

Presidential Approval or Rejection with date: ____

The University Faculty Handbook Committee moves that the following section:

6.3.2. Policy Statement

The progressive discipline policy covers circumstances not addressed in other University policies; it applies to the corps of instruction as well as visiting faculty. This policy addresses workplace situations requiring immediate attention but not meriting initiation of proceedings leading to the termination of employment. This policy does not cover contumacious conduct, malfeasance, inefficiency, cause, Title IX violations, allegations of scholarly misconduct, or criminal conduct. Examples of conduct covered by this policy include, but are not limited to, violations of University protocols or policies, failure to perform assigned duties, misuse of financial resources, misuse of facilities, excessive absenteeism, improper supervision of graduate assistants, or inappropriate behavior leading to an unproductive learning and working environment.

In general, school directors, in consultation with deans, are responsible for implementing the progressive discipline policy. The parties involved in the progressive discipline process should maintain confidentiality when possible.

Have its language changed to:

6.3.2. Policy Statement

The progressive discipline policy covers circumstances not addressed in other University policies; it applies to the corps of instruction as well as visiting faculty. This policy addresses workplace situations requiring immediate attention but not necessarily meriting initiation of proceedings leading to the termination of employment. This policy does not cover contumacious conduct, malfeasance, inefficiency, cause, Title IX violations, allegations of scholarly misconduct, or criminal conduct. Examples of conduct covered by this policy include, but are not limited to, violations of University protocols or policies, failure to perform assigned duties, misuse of financial resources, misuse of facilities, excessive absenteeism, improper supervision of graduate assistants, or inappropriate behavior leading to an unproductive learning and working environment.

In general, school directors, in consultation with deans, are responsible for implementing the progressive discipline policy. The parties involved in the progressive discipline process should maintain confidentiality when possible.

Rationale: The word “necessarily” is added here to indicate that the circumstances *may* merit initiation of proceedings leading to termination but that its application is not invoked yet or that data supporting such a decision have not yet been verified or collected.