

Probationary periods are applicable to non-tenured appointments of faculty members on a full-time year-to-year basis in the regular, special title, extension, or librarian title series. Such non-tenured appointments may be for one (1) year or for other stated periods, subject to renewal. The total non-tenure period, however, shall not exceed seven (7) years unless one of the following provisions applies: AR II-1.1-12 (Family Medical Leave); GR X.C.7. (Leave for Duration of an Election or Term of Office); GR X.C.5.d. (Educational Leave); or for other leaves of absence where the University, in granting the leave, and the individual, in accepting it, agree that time spent on the leave of absence shall not count as probationary period service. Except as provided in Part X.C.5.d. and X.C.7., time spent on leave of absence shall count as probationary period service unless the University in granting the leave and the individual in accepting it agree to the contrary. An individual initially appointed to the rank of full professor may be given non-tenure status for a period not to exceed one (1) year. An individual shall not remain at the rank of instructor in the University for more than three (3) years. If after that period, promotion to a higher rank cannot be justified, the individual's appointment with the University shall not be renewed.

Following appropriate probationary periods not exceeding in duration those described above, all persons of associate professor (or librarian II) or higher rank shall be given tenure or their appointments shall not be renewed; all persons of assistant professor rank (or librarian III) shall be promoted to associate professor (or librarian II) with tenure or their appointments shall not be renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

Probationary periods (or maximum non-tenure periods) are not applicable in cases where faculty members are appointed (1) in the lecturer, research, clinical, adjunct, visiting, or voluntary series of academic ranks and titles, or (2) on a part-time or temporary basis. In all such appointments, faculty members are ineligible for tenure.

(c) Appointment Record

The precise terms and conditions, excepting salary, covering each appointment shall be stated in writing on an official appointment record. Notice of reappointment shall be in the possession of the appropriate administrative officers and the appointee at least three (3) months before the renewed appointment begins, when possible, or at the earliest date feasible in view of budget considerations. It shall be the responsibility of the Provost to ensure compliance with this regulation.

(d) Notification of Non-Renewal of Appointment: Non-Tenured Appointments

Part-time, visiting, or temporary faculty appointments have explicit one (1) year or less terminal dates that terminate at the expiration of the term without notice.

For those employed year-to-year on a fiscal or academic year basis, notification of non-renewal of appointment at the end of the first year of service shall be given not later than March 1 if the

appointment expires at the end of that year or three (3) months in advance if the one-year appointment terminates during the academic year. Notification of non-renewal of appointment at the end of the second year of service shall be given no later than December 15 if the appointment expires at the end of the year or six (6) months in advance if the appointment expires during the year. Notification of non-renewal of appointment after more than two (2) years of service shall be given at least twelve (12) months before expiration of appointment. Non-renewal decisions concerning regular, full-time faculty members shall be reported to the Board of Trustees.

Any related appeal(s) to the Provost concerning procedural matters or privilege and/or to the University Senate Advisory Committee on Privilege and Tenure concerning procedural matters, privilege, or allegations of violation of academic freedom must be initiated in writing by the concerned faculty member within sixty (60) days after being notified in writing by the dean about non-renewal of appointment.

(e) Termination of Appointment

(i) Reasons for Termination

Except in cases of financial emergency, the termination of a tenured appointment or the dismissal of a person prior to the expiration of a non-tenured appointment shall be, in accordance with KRS 164.230, only for reasons of incompetence, neglect of or refusal to perform duties, or for immoral conduct.

In a case of termination because of a financial emergency, the faculty member may have the issues reviewed by the University Senate Advisory Committee on Privilege and Tenure with the right of appeal to the President and the Board of Trustees for the University faculty member. The faculty member shall be given notice as soon as possible and never less than twelve (12) months notice. The released faculty member's position shall not be filled by a replacement within a period of two (2) years unless the released faculty member has been offered reappointment and given a reasonable time within which to accept or decline it.

(ii) Procedure

Dismissal of a faculty member with tenure or of a non-tenured faculty member before the end of a specified term of appointment shall be preceded by discussions between the faculty member and the appropriate administrative officer or officers looking toward a mutual settlement. In the event of failure to agree upon settlement, the Provost shall be responsible for the preparation of a reasonably detailed statement of charges which shall be furnished to the faculty member and the University Senate Advisory Committee on Privilege and Tenure. The committee shall make an informal investigation for the purpose of attempting to affect a resolution and, in the case of failure, shall recommend to the President whether, in its opinion, dismissal proceedings should be undertaken. Its opinion shall not be binding upon the President.

If the President initiates dismissal proceedings, the concerned individual shall have the right to be heard initially by the University Senate Hearing Panel (Privilege and Tenure).