These amendments require approval by FacEx

UNIVERSITY SENATE CODE
(FacEx articles are II, VII and XIII)

Article II Faculty Senate: Structure and Functions

Section 2 Faculty Senate Members: Nomination, Election, Term of Office and Vacancies

Paragraph 1
Nomination forms for Faculty Senate membership shall be issued to faculty members by the Office of University Governance each year on or before February 1. The call for nominations shall be accompanied by a list of the present Faculty Senate members whose terms of service are to continue and a list of those ineligible for nomination. The nomination forms must be returned to the Office of University Governance by March 15. At each election there shall be at least twice as many nominees as there are Faculty Senate positions to be filled and there shall be at least two nominations from the College, from each school, and from the Libraries when a member from them must be elected to the Senate. If the nominations are insufficient in number or inadequate to meet the representation requirements of Section 1 of this Article, the Faculty Senate Executive Committee shall make the additional nominations that are necessary for an adequate ballot. The Office of University Governance shall, by March 25, notify each nominee of his/her nomination and ascertain willingness to serve.

Paragraph 2
By ballot in March of each year, the members of the faculty shall elect a sufficient number of nominees to fill the Faculty Senate positions that will become vacant at the end of that academic year. The ballot shall list nominees in alphabetical order and identify each by the appointments (instructional and/or administrative) held by the nominee at the time the ballot is distributed. The ballot shall be accompanied by a list of the present Faculty Senate members, each similarly identified by his or her appointment(s), and showing the expiration of their terms on the Faculty Senate.

Paragraph 4
Newly elected faculty members to the Faculty Senate shall take office on the day after the University Commencement exercises of the year of their election. Members of the Faculty Senate who have served at least two years shall be ineligible for re-election at the end of the term but shall become eligible to serve again after two years have elapsed from the end of the last year of service. If a third year faculty member is elected president-elect of Faculty Senate, that person shall serve as an ex-officio member of Faculty Senate during the following year.

Section 4 Election of Officers

Paragraph 2
This organizational meeting shall be limited in its agenda to the following items: (a) election of president-elect (who is also chair-elect of the Faculty Senate Executive Committee); (b) if there is no president-elect able to serve as president, a president shall also be elected; (c) if a third-year faculty member is elected president-elect, that person shall serve as president and an ex-officio, non-voting member of Faculty Senate during the following year that he/she serves as president; (d) election of six faculty to the Faculty Senate Executive Committee.

Paragraph 3
The president-elect of the Faculty Senate shall be elected by ballot by and from among the members of the Faculty Senate and shall hold office from the day after the university commencement exercises next following his/her election until duly elected successors shall assume office.

Article XIII Standing Committees of the Faculty Senate

Section 3 Functions

Paragraph 2
The Faculty Rights Board shall have original jurisdiction over any claim or charge by a member of the faculty that an administrative action constitutes; (i) a violation of the tenure rights of a tenured member of the faculty; (ii) a termination without proper cause of the services of a non-tenured member of the faculty prior to the end of the term of his or her appointment; (iii) a violation of established University procedures for the appointment, promotion, reappointment, or non-reappointment of a faculty member that prevented a fair consideration of the case; (iv) a violation of the academic freedom of a tenured or non-tenured member of the faculty; (v) appeal under Article VI of the Faculty Senate Rules and Regulations from a negative promotion and/or tenure recommendation based on demonstrable application of improper standards or criteria; (vi) a censure, suspension or dismissal pursuant to Article VI of the Code of Faculty Rights, Responsibilities and Conduct without proper cause; or (vii) the placing of a faculty member on administratively determined Leave Without Pay pursuant to Article IV of the Code of Faculty Rights, Responsibilities and Conduct without proper cause. In its role as a hearing panel, all Committee members are expected to behave as objective arbiters of the evidence presented, neither advocating for nor against the individual bringing the case nor personally participating in the preparation and presentation of a particular case. Additionally, Committee members’ comments and questions are expected to focus on the substance of the case.
Article II Admission to the University

Section 5 Evaluation and Acceptance of Advanced Standing Credits

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

Section 6. Admission of Non-Degree-Seeking (Special Students)

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

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

Article III. Placement Examinations

Section 1. Placement Examinations Required

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

Article IV Residents Study: Non-Resident Study

Section 5. Limitations on Credits Allowed

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

Article VI Promotion and Tenure

Section 1. General Provisions

6.1.1.3 Each level of review, including the initial review, the intermediate review (if one is conducted), and the university level review, conducts an independent evaluation of a candidate's record of performance and makes independent recommendations to the Chancellor. Later stages of review neither affirm nor reverse earlier recommendations, which remain part of the record for consideration by the Chancellor. It is the responsibility of each person involved in the review process to exercise his or her own judgment to evaluate a faculty member's teaching (or professional performance), scholarship, and service based upon the entirety of the data and information in the record. No single source of information, such as peer review letters, shall be considered a conclusive indicator of quality.
6.1.4.4 If a candidate believes that there is a conflict of interest, the candidate may petition to have that person recuse himself or herself. Procedures at all levels of review shall establish a means whereby, if a committee member does not recuse himself or herself, a decision about whether that person has a conflict of interest shall be made by a majority of the other committee members.

Section 2. Promotion and Tenure Standards

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

Section 3. Criteria, Procedures, and Guidelines for Review

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

Section 4. Pre-Tenure Matters

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

6.4.3.4 If a faculty member is denied tenure during the mandatory review year, the decision constitutes a decision of non-reappointment, and the notification of the denial of tenure serves as notice of non-reappointment. In these instances, no further reviews for tenure shall occur. Non-reappointment for other reasons is a decision distinct from the denial of tenure and involves different procedures. Absent exceptional circumstances, non-reappointment for reasons other than the denial of tenure should not occur once a faculty member is under consideration for tenure during his or her mandatory review year.

Section 5. Initial Review

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

6.5.4.2 The department chair, dean of the school, or head of the administrative unit shall indicate separately in writing whether he or she concur[s] in or disagrees with the recommendations of the committee and/or faculty.
6.5.4.3 The chair, dean, or head of the unit shall provide in writing the recommendations of the initial review to the candidate. If a chair, dean or head of administrative unit does not concur with the unit’s positive recommendation or concurs with a negative recommendation, that individual shall include a written rationale based on unit criteria that will be included with the written recommendations provided to candidates. If a negative review will not be forwarded automatically to the next level of review, the chair, dean, or head of administrative unit shall inform the candidate that he or she the candidate may request that the record be forwarded for further review.

Section 6. Intermediate Review

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

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

6.6.3.3 The dean of the college or school or head of the administrative unit shall provide in writing the recommendations of the committee. If the dean or head of administrative unit does not concur with the unit’s positive recommendation or concurs with a negative recommendation, that individual shall include a written rationale based on unit criteria that will be included with the written recommendations provided to candidates. If a negative review will not be forwarded automatically to the next level of review, the dean or head of administrative unit shall inform the candidate that he or she the candidate may request that the record be forwarded for further review.

Section 7. Review by the University Committee on Promotion and Tenure

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

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

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

Section 9. Decision by the Chancellor

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

Article VII. Faculty Rights and Responsibilities

Section 2. Confidentiality of Personnel Records

7.2.2 Copies of Materials in Files. At the request of the faculty member, copies of any materials in his or her the faculty member’s file (except as provided in Section 7.2.3 of this Article) shall be made available to other persons he or she the faculty member designates. In the absence of such request, and subject to Sections 1 and 3 of this Article, materials in the file shall be made available to other persons
seeking access only with the consent of the individual concerned, or as a consequence of a court order, or if required to be disclosed under the Kansas Open Records Act.

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

Article VIII. Sabbatical Leaves

Section 2. Procedures

8.2.1 Paragraph 3

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

8.2.2 Applications for sabbatical leaves are submitted to the Provost through academic departments and deans or directly to the Provost. Whenever possible, a comprehensive statement containing peer-group evaluation of the merit of each applicant and his or her proposal shall be furnished to the University Committee on Sabbatical Leaves by his or her the department and/or College or school. For this purpose, “merit” shall be defined as follows:

8.2.2 c. Paragraph 3

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

Article IX Restricted Research Policy

Section 2. Definitions

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

Section 3. Standards and Procedures

2. b Paragraph 2

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

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

Section 4. The Review Process

C. Mandate

1. In accordance with the policy statements in Section 3 above, the investigator shall have the primary responsibility for presenting his or her the investigator’s proposed research to the Restricted Research Committee for review if there is a possibility that restrictions will apply. The investigator shall submit the proposal and any available supplementary information to the Restricted Research Committee at the earliest possible time for review.

Article X. Procedures for Review and Reappointment of Chairpersons, Academic Deans, Vice Chancellors, and Vice Provosts

Section 1. Selection and Review of Chairpersons

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

10.1.5 The review committee shall submit its report to the dean, who will forward a copy, with his or her the Dean’s recommendations appended, to the provost, and, where graduate programs exist, to the vice chancellor for Research and Graduate Studies. A copy of this report shall be conveyed to the department faculty, to the review committee, and to the review procedures committee at the same time.

Section 2. Review of Academic Deans

10.2.2 The review shall evaluate the performance of the dean and shall cover the period since the last review of the dean took place or, in the case of a new dean, since he or she the new dean took office. The report of the review committee shall be based on, but not limited to, information solicited from faculty, students, and chairpersons in the college or in the school, the other deans, the central administration, alumni/ae alums, and where appropriate, representatives of the professional constituency. Strict confidentiality will be observed.
10.2.3 Within 90 days from its initial meeting the review committee shall submit its reports and recommendations in writing to the provost, who will forward a copy with his/her the Provost’s recommendation to the chancellor. The provost will report to the faculty of the unit involved, summarizing the results of the review within 30 days of receiving the report. The appointment will be reviewed not more than five years after the date of the initial appointment, or latest reappointment, of the dean under review. Reappointment for another five years will depend upon a favorable review; in the event of a different decision (e.g. reappointment for a shorter term, or non-reappointment), the provost will consult the review committee before making that decision.

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

Section 3. Review of Vice Provosts and the Vice Chancellors Reporting to the Provost

10.3.2 Membership on the review committee shall consist of representatives of the deans, vice provosts, and vice chancellors, the University Senate Executive Committee, other constituent groups as appropriate to the responsibilities of the vice chancellor or vice provost, and at least one student and one staff member. The committee shall be appointed by the provost and normally shall elect its own chairperson. The committee shall report its finding to the provost, who shall communicate his or her the Provost’s decision and other relevant information to the chancellor.