

2016-2021 Strategic Agenda, Key Performance Measures

Strategic Agenda Policy Area	Metric	Purpose	Summary Status	Reporting Level	Diversity Policy Metric	Perform. Funding Metric
<b>Opportunity</b> Objective 1	<b>Outcome on Annual Diversity Policy Degree Eligibility Review</b>	To better align statewide diversity planning and evaluation with the broader strategic agenda, annual institutional performance presentations to the Council will include the positive or negative outcome of the institutions’ diversity policy degree eligibility review. The degree eligibility review includes quantitative and qualitative measures aligned with the priorities of the strategic agenda and statewide diversity policy.	The campuses are in the process of developing diversity plans. The first evaluation of progress on the plans will take place in Academic Year 2018-19.	Institution	Yes	No
<b>Opportunity</b> Objective 2	<b>College Readiness of Kentucky High School Graduates</b>	This metric measures the percent of Kentucky high school graduates entering college in Kentucky who meet statewide standards for readiness in English, mathematics, and reading. College readiness is closely aligned with success in postsecondary education.	In 2010-11, 52% of KY high school graduates entering public postsecondary institutions met college readiness standards in English, math and reading. By 2014-15, that percentage had risen to 70.5%. Preliminary data indicates increases will continue in 2015-16.	State	No	No
<b>Opportunity</b> Objective 2	<b>Progress of Underprepared Students</b>	This measure tracks the progress of underprepared students in mathematics and/or English who complete a credit-bearing course in their area(s) of deficiency by the end of the fall semester a year after entry. For students entering underprepared in English or mathematics, completion of a credit-bearing course within the first several semesters of entry is strongly correlated with higher levels of retention, progression and completion.	In 2014-15, 64% of students underprepared in English at a four-year public university and 28% of students underprepared in English at a KCTCS institution completed a credit-bearing English course. In 2014-15, 33.1% of students underprepared in math at a four-year public university and 21.4% of students underprepared in math at a KCTCS institution completed a credit-bearing math course.	State, Institution	No	No
<b>Opportunity</b> Objective 3	<b>College-Going Rate of High School Graduates (KY only)</b>	Like enrollment, this measure provides a view of postsecondary participation but focuses on college going as a percentage of the available high school graduating population. This measure mirrors a key indicator in the K-12 accountability system.	The college-going rate of 2012-13 KY high school graduates was 55.4%, compared to 54% in 2014-15, the most recent year available. Due to data availability, the percentages include students enrolling in Kentucky postsecondary institutions only. An estimated 5% of Kentucky high school graduates attend college out of state.	State	No	No
<b>Opportunity</b> Objective 3	<b>Percent of Adult Kentuckians Enrolled in Postsecondary Education</b>	A significant portion of Kentucky’s adult, working-age population (25-64) has never attended a postsecondary institution or has stopped out without obtaining a credential. Kentucky’s educational attainment level depends on enrolling and graduating a greater proportion of our adult population.	This is a new metric. Evaluations of historical trends and projected progress is underway.	State	No	No
<b>Opportunity</b> Objective 4	<b>Working-Age Population Without a High School Diploma</b>	This is a key measure for Kentucky Adult Education and provides a clear indication of the population in need of KYAE services. It also has a significant impact on the state’s overall level of educational attainment.	In 2010, 15.2% of working-age Kentuckians ages 18-64 (410,024) did not have a high school diploma or equivalent. This percentage has steadily improved and, in 2015, had decreased to 12.9% (353,950).	State	No	No

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Opportunity Objective 4	High School Equivalency Diplomas Conferred	Students who earn high school equivalency diplomas represent a large pool of potential college-goers in Kentucky. This measure also is a key indicator of the impact of KYAE services on their target population.	Since the latest GED test edition was released (January 1, 2014), the number of Kentuckians earning a GED diploma has increased from 1,663 (FY15) to 3,091 (FY16), and the upward trend continues for this fiscal year. From 2000-14, the total number of GED diplomas earned decreased, primarily because the number of working-age Kentuckians (ages 18-64) who did not have a high school diploma decreased – from 21% in 2000 to 12.9% today	State	No	No
Opportunity Objective 4	Percent of Kentucky Adult Education Students Enrolling in a Kentucky College or University	In today’s economy, a high school diploma is not enough. This indicator highlights an important access issue for Kentucky postsecondary education—the ability of GED graduates to transition to college. Getting more adults into postsecondary education is critical to achieving Kentucky’s educational attainment goals.	In 2012, 25% of 2010 GED graduates had transitioned into a Kentucky state-supported or regionally accredited, non-profit, independent college or university within two academic years. That percentage remains relatively steady; in 2016 the percentage was 23% of the 2014 GED graduates.	State	No	No
Opportunity Objective 5	Net General Fund Appropriation per FTE Student	This measure tracks the net general fund appropriation per FTE student. It is an indicator of state support, and decreases in the general fund appropriation to postsecondary education correlate to increased costs for students and their families.	In 2007-08, net general fund appropriation per FTE was \$8,699. By 2015-16 it had decreased to \$6,003 per FTE.	State	No	No
Opportunity Objective 5	Average Net Price	Net price is the out-of-pocket expenditures for college after factoring in state, federal and institutional grants and scholarships that do not need to be repaid. College cost is a primary barrier to college participation and completion, and college affordability is a key consideration for the state.	This is a new metric. In 2015-16, the average net price that students paid at public universities was \$12,106 (compared to \$11,495 in 2012-13). At KCTCS, it was \$6,923 (compared to \$6,506 in 2012-13).	State	No	No
Success Objective 6	Student Retention	This measure tracks the percent of first-time, degree-seeking students who return to the same institution the following fall. There is a high rate of student attrition after the first semester or year due to social, emotional, financial or academic reasons. Effective mentoring, intervention and counseling programs are essential to ensure students return and stay on track. This metric will be disaggregated by low-income and URM status.	Both KCTCS and public universities have improved their retention rates. KCTCS returned 52.2% of fall 2015 freshmen the following fall, compared to 50.9% of fall 2011 students the following fall. Four-year campuses returned 76.3% of fall 2016 freshmen the following fall, compared to 72.6% of fall 2011 freshmen the following fall. While both low-income and URM students return at lower rates, similar gains have been made in this time period.	State, Institution	Yes	No
Success Objective 6	Student Progression	This measure tracks the percent of students who reach or surpass certain credit hour milestones (30, 60 and 90 at universities and 15, 30, and 45 at KCTCS). This reflects the state’s interest in monitoring both progress to completion, as well as degree or certificate attainment. Like retention rates, progression rates provide information to institutions about needed interventions and program changes.	This is a new metric. Staff is reviewing trend data to determine past progress at each of the campuses. Data will be presented at an upcoming meeting.	Institution	No	Yes

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Success Objective 6	Graduation Rate	This metric measures the percent of students from an entering cohort who start full-time and ultimately graduate at their home institution within 150% of the prescribed program length. Despite limitations, it continues to be widely used as a measure of student success and institutional effectiveness. This metric will be disaggregated by low-income and URM status.	The 6-year graduation rate at public universities increased from 48.2% in 2010-11 to 49.5% in 2015-16. The 3-year graduation rate at KCTCS institutions increased from 23.7% in 2013-14 to 26.6% in 2015-16.	State, Institution	Yes	No
Success Objective 6	Completion Rate	While the graduation rate measures the success of students who enter full time and graduate from the institution where they started, the completion rate focuses more broadly on whether students are successful within a set period of time, regardless of where they graduated.	Students starting at KY four-year public institutions from fall 2008 to fall 2010 completed at rates of 57.9%, 57.3% and 58.1%. Students starting at KY two-year public institutions from fall 2008 to fall 2010 completed at rates of 40.4%, 39.6% and 40.0%.	State	No	No
Success Objective 6	Average Number of Credit Hours Earned	This measure highlights Kentucky’s efforts to reduce the time and costs to graduation by pushing down the average number of credits earned by college graduates.	The minimum number of credit hours for most bachelor’s degree programs is 120. In 2009-10, the average number of credit hours earned by bachelor’s degree graduates was 140; in 2015-16, that number fell slightly to 139. In 2009-10, the average number of credit hours earned by associate degree graduates was 93; in 2015-16, that number fell to 78.6.	State, Institution	No	No
Success Objective 7	Student Transfer	This metric tracks the number of KCTCS students who transition to a four-year program of study. Breaking down barriers to successful transfer supports Kentucky’s efforts to create a more seamless education system with multiple pathways to success. The strategic agenda will track transfer in two ways: KCTCS students who transfer to a four-year campus with academic credit and those who transfer with an associate degree.	While Kentucky has tracked transfer for a number of years, the definition of this metric has changed in the new agenda to better align with national standards and the KCTCS system definition. Trend data and projected progress will be presented in June 2017.	State	No	Yes
Success Objective 8	Academic Quality	For the first time, this agenda includes academic quality measures that reflect the specific institutional priorities of each campus. Each campus has chosen two measures: one that reflects a high-impact educational practice leading to higher levels of student success, and one that is a measure of academic excellence and quality educational outcomes.	These are new metrics. CPE staff is working with the campuses to collect data.	Institution	No	No
Impact Objective 9	Postsecondary Degrees and Credentials Conferred	The number of degrees and credentials awarded is a key indicator that most directly impacts overall educational attainment goals. Tracking the number of degrees awarded to low-income and racial-ethnic minorities focuses attention on the persistent achievement gaps in Kentucky that must be erased.  Shortages in science, technology, engineering, mathematics and health-related fields have prompted national initiatives to increase the number of STEM+H graduates. Increasing the number of degrees in these high-demand fields is vital to attracting more high-value jobs and industries.	From 2011-2016, total degrees and credentials at public and private institutions increased 10.8%. Degrees and credentials at public institutions increased 10.5%, while degrees and credentials awarded at AIKCU (non-profit, independent) institutions increased 13%. STEM+H degrees increased nearly 25% in 5 years, from 17,306 in 2009-10 to 21,984 in 2015-16.	State, Institution	Yes	Yes

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Impact Objective 9	The Percent of Working-Age Kentuckians with a Postsecondary Degree or Certificate	Kentucky’s “big goal” as articulated in this agenda is to increase educational attainment of working-age adults (25-64) with a college credential to the projected national average of 58% by 2025. This is an ambitious target, but it reflects the priorities of the 1997 higher education reform act, as well as the need to have a more highly skilled and educated population. Reaching this goal will be a shared responsibility, requiring not only increases in degree production, but strong economic development efforts leading to business growth, improved preparation and college-going rates in the P-12 system, and a re-engagement of adult learners who have dropped or stopped out of school. Over 30 states have established population-based educational attainment goals, reflecting a nationwide priority on strengthening economic opportunity through higher levels of education.	Kentucky has focused on reaching at least the national average in educational attainment since HB 1 in 1997. However, the goal has been articulated in different ways over the years. In the previous strategic agenda, the educational attainment level of younger adult Kentuckians was a central concern. In prior agendas, bachelor’s level attainment was the priority. For the first time, this agenda considers not just degrees but undergraduate certificates as a key element in educational attainment and an essential building block of a competitive workforce. Analysis is underway to determine necessary and appropriate increases in degree production at Kentucky’s public and private postsecondary institutions in support of this goal.	State	No	No
Impact Objective 9	Internships/Co-ops/Clinical Learning Experiences	Applied learning opportunities like internships and clinical experiences not only lead to higher chances of college completion, but they provide essential job development opportunities that help students make the transition from college to career.	This is a new metric. Data collection is underway.	Institution	No	No
Impact Objective 9	Percent of Graduates Working or Pursuing Additional Education in Kentucky	This indicator measures the extent to which the state benefits from its investment in postsecondary education when its graduates remain in Kentucky to enhance our economy and quality of life.	This is a new metric. We are working with the Kentucky Center for Education and Workforce Statistics to determine the percentage of associate and bachelor’s degree graduates working or pursuing additional education a year after graduation.	State	No	No
Impact Objective 10	Research Expenditures	Research and development expenditures are an index of a state’s intellectual capital and potential for economic growth. These measures track R&D expenditures at Kentucky’s research universities.	Extramural R&D funding decreased about 5% in 5 years, from \$372M in 2009-10 to \$352M in 2013-14. This downward trend is in part due to a decline in available National Science Foundation funding and other federal resources.	State, Institution	No	No
Impact Objective 11	Regional Stewardship and Public Service	Public service is a cornerstone of the mission of higher education institutions. <b>The agenda does not include specific metrics related to public service due to the diversity of activity and individual campus priorities.</b> However, the agenda does highlight the importance of this work, so regional stewardship and public service activities will be included in annual institutional performance reports.	Campuses will report on their commitment and activity related to regional stewardship and public service annually beginning in June 2017.	Institution	No	No

## 2017-18 Tuition and Mandatory Fee Recommendation

**ACTION:** It is recommended that the Council approve resident undergraduate tuition and mandatory fee ceilings for academic year 2017-18 that equate to maximum base rate increases of no more than 3.0 percent at Western Kentucky University, no more than 4.0 percent at the University of Kentucky and Northern Kentucky University, and no more than 5.0 percent at Eastern Kentucky University, Kentucky State University, Morehead State University, and Murray State University.

It is further recommended that the Council approve a tuition and fee ceiling for resident students attending KCTCS institutions that equates to a maximum base rate increase of no more than \$6.<sup>00</sup> per credit hour (i.e., a 3.9% increase).

Finally, it is recommended that the public institutions be allowed to submit for Council review and approval market competitive tuition and fee rates for graduate and online courses.

Staff is not recommending a tuition and fee ceiling for the University of Louisville this tuition setting cycle, as the university's Board of Trustees has already voted to maintain current tuition and fee levels into 2017-18 (i.e., no increase) and that decision has been affirmed by the institution's interim president.

The Council staff used a collaborative process to develop its 2017-18 tuition and mandatory fee ceiling recommendation, which included sharing information and engaging in discussions with campus presidents and chief budget officers, Council members, student groups, and the Governor's office. Based on feedback from multiple stakeholders there is a general sentiment that increases in resident undergraduate tuition and fees should be moderate in academic year 2017-18 to support a necessary balance between the ability of students and families to pay for college and resources required for postsecondary institutions to address inflationary cost increases, manage growth in employer paid retirement contributions, and support continuing progress toward attainment of HB1 and Strategic Agenda goals and objectives.

These recommendations are consistent with the primary objectives of the Council's Tuition and Mandatory Fee Policy, including funding adequacy, shared benefits and responsibility, affordability and access, attracting and importing talent, and effective use of resources.

### Staff Recommendation

Staff is recommending that the Council adopt resident undergraduate tuition and fee ceilings of 3.0 percent at Western Kentucky University, 4.0 percent at the University of Kentucky and Northern Kentucky University, and 5.0 percent at Eastern Kentucky University, Kentucky State University, Morehead State University, and Murray State University. Staff is also recommending a ceiling for in-state students attending KCTCS institutions that equates to a maximum base rate increase of \$6.00 per credit hour.

For the purposes of calculating tuition and fee ceilings, an institution's base rate is defined as the current year annual tuition and mandatory fee charge for full-time resident undergraduate students, minus any special use fees, agency bond fees, or safety and security fees that were exempted from a Council rate ceiling during a previous tuition setting cycle. The table below contains staff recommended annual base rate ceilings by institution for full-time resident undergraduate students for academic year 2017-18.

#### Annual Resident Undergraduate Tuition and Mandatory Fees Recommended Base Rate Ceilings by Institution Academic Year 2017-18

Institution	2016-17 Base Rates <sup>(1)</sup>	2017-18 Base Rates <sup>(1)</sup>	Dollar Change	Percent Change
UK <sub>(Lower)</sub>	\$11,320	\$11,773	\$453	4.0%
UK <sub>(Upper)</sub>	11,646	12,112	466	4.0%
UofL	11,068	11,068	0	0.0%
EKU	8,568	8,996	428	5.0%
KSU	7,796	8,186	390	5.0%
MoSU	8,398	8,818	420	5.0%
MuSU <sub>(New)</sub>	8,400	8,820	420	5.0%
MuSU <sub>(Returning)</sub>	7,944	8,341	397	5.0%
NKU	9,000	9,360	360	4.0%
WKU	9,712	10,003	291	3.0%
KCTCS	\$4,620	\$4,800	\$180	3.9%
KCTCS <sub>pch</sub>	\$154.00 <sub>pch</sub>	\$160.00 <sub>pch</sub>	\$6.00 <sub>pch</sub>	3.9%

pch - per credit hour

<sup>(1)</sup> Does not include Special Use Fees at UofL, EKU, MoSU, NKU, and WKU; or Agency Bond Fees and Safety and Security Fees at KCTCS.

CPE staff further recommends that the public postsecondary institutions be allowed to submit for Council approval market competitive tuition and mandatory fee rates for graduate and online courses, as approved by their respective boards.

## Mandated KERS Increases

Over the past several biennia, the Commonwealth of Kentucky has required that the public postsecondary institutions assume an increasing share of retirement system costs by increasing the Actuarial Required Contribution (ARC) rate for institutions that have employees who participate in the Kentucky Employees Retirement System (KERS). It is estimated that, between 2011-12 and 2016-17, employer paid contributions at the state's comprehensive universities and KCTCS institutions will increase from \$30.2 million to \$72.0 million, respectively, or by 138 percent (see Attachment A). For participating institutions, the rate of growth in KERS contributions has averaged about 19 percent per year. Although UK and UofL do not have any KERS employees, they do have 403(b) defined contribution plans, which will begin incurring increased post employment benefit costs next year. CPE and research university staffs have initiated discussions regarding how to address these added costs in future years.

While the overall trend has been toward escalation in ARC rates, the magnitude of annual increases has been sporadic in recent years, with larger increases in rates tending to occur in the first year of each new biennium and smaller increases occurring in the second year. For example, between fiscal years 2013-14 and 2014-15, the ARC rate for those employed in non-hazardous vocations increased from 26.79 percent to 38.77 percent, respectively, or an increase of 11.98 percentage points. The next year, the rate stayed the same (i.e., 38.77 percent in 2015-16). Between 2015-16 and 2016-17, the ARC rate for non-hazardous duty employees grew from 38.77 to 48.59, or a 9.82 percentage point increase, but the increase in 2017-18 will be .88 percentage points (an ARC rate of 49.47 percent).

For the most part, the required increases in comprehensive university and KCTCS institution KERS contributions over the past decade or so have been an unfunded mandate. The state did provide \$8.4 million in additional appropriations to participating institutions to partially offset KERS increase amounts in fiscal year 2014-15 (i.e., at 50% of the required increase), but the balance of the increase during this period has been absorbed by the institutions and has been tantamount to additional budget cuts.

Beginning with the 2012-13 tuition setting cycle, and in every cycle since, Council staff has explicitly considered the impact of mandated increases in retirement system contributions on postsecondary institution operating budgets. As a result of that consideration, the previously mentioned sporadic nature of the KERS increases is reflected in annual variation in system average tuition and fee increases.

In other words, in years where required increases in KERS contributions were larger, increases in postsecondary system average tuition and fees also were larger. For example, in academic years 2013-14 and 2015-16 (i.e., the second year of each biennium), tuition and mandatory fee increases for resident undergraduate students averaged 3.1 percent and 3.6 percent, respectively, and in 2014-15 and 2016-17 (i.e., the first year of each biennium) tuition and fee increases averaged 4.5 percent and 5.4 percent.

### KERS Increase Allowance

Research has shown that large swings in the relative size of annual tuition and fee increases are problematic for many in the higher education community. Sizable variations in rates of increase from year to year can make it difficult for students and families to plan for college costs. Such variations inject a measure of uncertainty into a major campus revenue stream, hampering the ability of administrators to develop annual operating budgets and engage in meaningful strategic planning.

CPE staff has heard from multiple state government sources that KERS contribution rates are going to continue to increase for participating postsecondary institutions, most likely at an accelerated pace relative to the past decade. The magnitude and the timing of the increases are unknown at this time. For the above reasons, staff has calculated and is recommending use of a KERS Increase Allowance for academic year 2017-18 and for the foreseeable future.

The methodology for calculating the KERS Increase Allowance can be seen in Attachment B. It basically applies a five-year average annual growth rate for each participating institution to the estimated 2016-17 KERS contribution base to determine each individual institution's KERS Increase Allowance. The system total allowance for fiscal year 2017-18 is \$13.7 million.

It is Council staff's expectation that future employer contributions to the retirement system will be considerably larger than any of the increases experienced over the past five years. The Governor has indicated that a Special Session of the legislature will be called to address the long-standing pension issue and that the magnitude of expected increases will be guided by a yet to be completed independent audit of the pension system. It is staff's recommendation to campus administrators that some portion of the revenue generated by the 2017-18 KERS Increase Allowance be held in reserve, or expended only on nonrecurring obligations, in order to have those funds available for use and reduce the magnitude of tuition and fee increases in future years.

### Estimated Fiscal Impact

Unless there is a mid-year budget cut in fiscal 2017-18, it is anticipated that state General Fund appropriations for most Kentucky colleges and universities will not change appreciably between this year and next, provided that \$42.9 million appropriated to the Postsecondary Education Performance Fund is returned to the institutions in roughly the same proportions as they were contributed. The exceptions to this expectation are NKU and WKU, which are slated to receive additional appropriations of \$5.1 million and \$2.5 million in Equity Adjustment funds in 2017-18. The additional funds represent half the amount requested in the Council's 2016-18 budget recommendation to address funding equity in the comprehensive sector.

Campus administrators estimate that expenditures for fixed and unavoidable costs, such as maintenance and operation of facilities, health insurance, contractual obligations, and worker's compensation will increase by a system total \$42.1 million



between fiscal years 2016-17 and 2017-18. This estimate does not include any across-the-board salary increases for faculty or staff. When anticipated cost increases are considered along with \$13.7 million for the newly created KERS Increase Allowance, it results in \$55.8 million in combined challenges for the institutions.

If staff's recommended tuition and fee rate ceilings are approved by the Council and adopted by institution governing boards, campus officials estimate that the rate increase parameters would generate a system total \$44.3 million in additional tuition and fee revenue, net of institution-based grants and scholarships. While this amount just covers estimated fixed cost increases at our institutions, it falls well short (i.e., \$11.5 million short) of covering fixed cost increases and the KERS Increase Allowance combined.

#### Institution Rate Proposals

It is anticipated that the postsecondary institutions will submit their proposed 2017-18 tuition and fee rates for Council review and approval at the June 16 meeting. CPE staff will recommend approval of resident undergraduate rates that comply with approved ceilings and market competitive rates for graduate and online courses.

# MEMORANDUM

To: PCC

From: Profs. K. Schwarz, J. Gilbert, & K. Fuegen, PCC Members

Re: NKU Early Childhood Center — Discussion Item

Date: March 30, 2017

Cc: Dan Nadler, NKU VP for Student Affairs

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The NKU Early Childhood Center (ECC) operates on-campus as “a direct extension of the campus atmosphere -- student-centered and quality driven.” ECC is a not-for-profit organization whose “sole purpose is to provide an excellent child care program and environment for NKU students, staff, faculty, alumni and community members.”

To its detriment, in recent years the NKU Early Childhood Center has operated under conditions of financial and existential uncertainty. As a result, the Center has seen high turnover in staff, delays in filling vacant positions, increased fees, increased student-teacher ratios, loss of NAEYC accreditation due to lack of permission to renew, reduced flexibility, changes to admission policies, and the threat of closure. In addition, the process through which some changes were made was not inclusive or transparent.

Recently, NKU announced that it is once again reevaluating the future of ECC. In principal part, the stated reason for this decision is that the “university has subsidized the operations of the Center over the past five years, but that may no longer be possible in the future.” Accordingly, in connection with the present reevaluation, NKU has issued an RFP to seek an external partner for the ECC. While users have been assured that changes would not affect spring 2017 or summer programming, the future of ECC remains uncertain.

The ongoing uncertainty surrounding the ECC undermines the value of providing on-campus child care and does not support the stated mission, goals, and strategic plan of NKU. Specifically, such tumult undermines student success. It thereby creates tension with NKU’s stated goal to “provide a supportive, student-centered educational environment that promotes academic success, global awareness, and timely graduation” as well as other stated goals to “recruit, retain, and develop outstanding faculty and staff” and “expand and maintain facilities to meet the growing needs of the campus.” In explaining its decision, NKU has framed its support of the ECC as a burden to the university, rather than as a benefit that promotes student success, faculty and staff excellence, and gender equity. This perspective is shortsighted and sends the message that supporting students, staff, and faculty who are parents is not a priority for NKU.

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (*e.g.* by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

NKU's enthusiastic support of the ECC is an opportunity for NKU to demonstrate its commitment to student success, gender equity, and a more progressive work-family environment for faculty and staff.

## MEMORANDUM

To: PCC  
From: Ken Katkin, Chair  
Re: Annual Performance Review for Faculty Members on Medical Leave  
Date: March 30, 2017

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Under Section 8.1 of the NKU Faculty Handbook, every faculty member must undergo an “annual” performance review to assess the quality of faculty performance “during that year” and to measure attainment of the goals and objectives set “for the year.” This process applies to full-time tenured and tenure-track faculty members and to full-time, non-tenure-track renewable faculty members.

Section 8.3 provides that “[p]erformance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.” Section 8.3 sets forth the timing of the performance review process as follows:

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member’s performance review. The performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year.

Together, Sections 8.1 & 8.3 require every faculty member to prepare performance review materials in January or February each year, and to complete the performance review process by April 1 each year.

Chapter 12 of the NKU Faculty Handbook provides for various categories of leave for tenured and tenure-track faculty members, including paid leave for illness, temporary disability, or maternity leave (Section 12.6); unpaid sick leave (Section 12.7); other unpaid leave (Section 12.8); and special or emergency leave (Section 12.9). These provisions are attached to this memorandum.

None of the handbook provisions on leave set forth in Chapter 12 specifically address the issue of annual performance review. Accordingly, the performance review timelines set forth in Sections 8.1 and 8.3 now continue to apply to faculty members who have been granted leave under Chapter 12.

At its Meeting of March 16, 2017, the PCC discussed whether the Faculty Handbook should be amended to allow faculty members on some forms of leave to defer (or skip) an annual performance review process during the pendency of their leave. In that discussion, the PCC generally concluded that such an option would be desirable, but noted that implementing it would raise some practical difficulties. In

particular, because of the university's current budgeting process, it seems that the exercise of such an election might have the unintended effect of depriving the faculty member of a merit-based pay raise that year, or delaying such a raise by a year.

While recognizing such problems of administration, the PCC determined that it nonetheless would continue to pursue making a recommendation that the Faculty Handbook be amended to allow faculty members on some forms of leave to defer (or skip) an annual performance review process during the pendency of their leave. Such a Handbook amendment would not address details of implementation, which would be left to the administration to address, if possible, via later policy changes external to the Handbook.

The current version of Section 8.3 of the NKU Faculty Handbook is attached to this Memorandum. The following recommendation is intended to reflect the PCC's discussion:

## **The PCC recommends that Section 8.3 of the NKU Faculty Handbook be amended as follows:**

### **8.3. PROCEDURES**

- (a) **Except as provided in subpart (b)**, performance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member's performance review. **Except as provided in subpart (b)**, the performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year. The chair or director will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The chair or director will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for

providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the department or program; a copy must be given to the faculty member, to the dean, and to the provost.

The faculty member may use his/her copy of the performance evaluation to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, dean, and provost must keep the contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the two most recent reviews, including the chair person's own evaluation letters, will be made accessible to the P-TR committee and can be used in evaluating that individual's performance and must remain confidential.

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year.

**(b) A faculty member who has been granted a leave under Chapter 12 of this Handbook may request postponement of the annual performance review process until the faculty member returns to duty. Such a postponement may be granted upon approval by the faculty member's department chair or director, dean, and provost. Such approval shall not be unreasonably withheld. When such postponement is granted, the chair or director, in consultation with the faculty member, will set the date for the faculty member's performance review.**

**A faculty member who requests such a postponement should consult with her/his chair or dean to determine whether and how postponement of the annual performance review process might affect the faculty member's eligibility for a salary increase in the relevant year.**

- Innovation and initiative
- Ability to determine and assign work priorities and/or staff duties
- Ability to handle increased and new responsibilities
- Integrating the area of responsibility with the library as a whole by showing:
  - Understanding of overall library operations
  - Commitment to the library's goals of education and service
  - Knowledge of new developments in library science and technology
  - Willingness to use suggestions, criticism, and evaluations to improve performance
- It is the responsibility of every librarian with faculty rank to know the various policies of the University, as set forth in this Handbook or as otherwise published. A failure to comply with a written university policy that has resulted in disciplinary sanction of the library faculty member may constitute unprofessional conduct and consequently may be relevant to evaluations related to reappointment, promotion, and tenure, or to performance review.

#### **7.6. CRITERIA FOR REAPPOINTMENT, PROMOTION, AND TENURE**

Librarians are evaluated for reappointment, promotion, and tenure on the basis of a continuing record of achievement and evidence of professional development. A strong performance is mandatory and of primary importance (see Section 7.5, above). It is expected that librarians will also meet the library's standards of scholarly and creative activity and institutional and public service. For librarians, scholarly and creative activity may also include activity in education, e.g. offering formal classroom instruction, conducting workshops, conferences, or other informal educational activities; consultation; and professional committee work.

### **8. PERFORMANCE REVIEW**

#### **8.1 PURPOSE AND APPLICABILITY**

The purpose of the annual performance review is to assess the quality of faculty performance during that year and to measure attainment of the goals and objectives set for the year. This process applies to full-time, tenure-track faculty and to full-time, non-tenure-track renewable faculty (see Section 1.2 regarding applicability to renewable faculty).

#### **8.2. CRITERIA**

The criteria for evaluation set forth in Section 3.1, Criteria, and in the departmental, college, and Steely RPT guidelines shall be the criteria upon which a performance review is based. Any judgment, by a chair or director, that the overall performance of a tenured faculty member is unsatisfactory for the review period will be based upon and consistent with the statement of expectations for adequate performance approved by the faculty member's department or program.

### **8.3. PROCEDURES**

Performance reviews occur during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The chair or director, in consultation with the department or program faculty, will set the date for the faculty member's performance review. The performance review should be completed no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year. The chair or director will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The chair or director will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the department or program; a copy must be given to the faculty member, to the dean, and to the provost.

The faculty member may use his/her copy of the performance evaluation to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, dean, and provost must keep the contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the two most recent reviews, including the chairperson's own evaluation letters, will be made accessible to the P-TR committee and can be used in evaluating that individual's performance and must remain confidential.

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year.

### **8.4. APPEAL PROCEDURES**

A faculty member convinced that misevaluation is damaging his/her professional status or advancement may pursue one of the complaint processes as set forth in Section 14, Grievances.



on professional panels. Each faculty member is responsible for securing proper authorization for travel and for submitting the proper forms and information for reimbursement of travel expenses.

## **12. FACULTY LEAVES**

### **12.1. LEAVES FOR FACULTY ON ACADEMIC-YEAR CONTRACTS (See also Section 11.1, Sabbatical Leaves.)**

This policy applies to full-time tenure-track faculty who receive academic-year contracts. Arrangements to provide for classes to be taught by a faculty member on leave will be made by the faculty member, upon approval of the department chair, or by the department chair, as appropriate.

### **12.2. JURY DUTY AND COURT APPEARANCES**

Faculty will be granted time to serve on juries or to appear in court as witnesses if subpoenaed by anyone empowered by law to compel attendance by subpoena, all without loss of pay. The University will continue its normal contributions to insurance and other fringe benefits during such leave.

### **12.3. TEMPORARY MILITARY LEAVE**

Faculty in the National Guard or in military reserve units of the United States shall be granted up to 10 working days of military leave each year. Insofar as possible, faculty shall attempt to have the leave scheduled at some time other than the academic year by making such a request of their military superiors. The University will pay the difference between the faculty member's normal salary and the military salary during this leave.

### **12.4. EXTENDED MILITARY LEAVE**

Military leave of absence will be granted to any faculty member in the event of induction or voluntary enlistment. No salary or collateral fringe benefits of any kind shall be paid to the faculty member during the term of this leave. Upon return to the University position, the period of military service will be added to the length of service credit that the faculty member may have accumulated prior to induction or enlistment, except that time spent on extended military leave shall not be counted toward mandatory tenure consideration.

### **12.5. PROFESSIONAL LEAVE**

Leaves of absence to attend professional meetings or other professional activities may be granted to faculty upon request. Such leaves shall not exceed five (5) consecutive working days. Requests must be filed with the department chair at least five (5) working days in advance of the anticipated leave.

Leaves of absence to carry out official University business, e.g. official visits to other campuses, off-campus meetings, etc., may be granted to faculty upon request. When possible, requests must be filed with the department chair at least five (5) working days in advance of the anticipated leave.

#### **12.6. PAID LEAVE FOR ILLNESS, TEMPORARY DISABILITY, OR MATERNITY LEAVE**

Continuing faculty earn and accumulate sick leave with pay on the basis of one day per month credited on the first day of the contract year (twelve (12) days per contract-calendar year). An unlimited number of sick-leave days may be accrued. Records regarding faculty sick-leave accumulation are maintained in the office of the Vice President for Academic Affairs and Provost.

New faculty having no accrued sick leave will have one-half the yearly total credited to them at the beginning of their annual appointment; the remaining six (6) days will be credited as they accumulate monthly for the remaining half of the contract year.

Faculty who suffer temporary illness or disability, thus making them unable to perform assigned duties, will be granted paid leave for the necessary period, not to extend beyond the period that can be covered by accumulated sick leave days or ninety (90) calendar days, whichever is greater. A physician's written statement may be required by the faculty member's department and/or the Office of the Provost at any time during a temporary disability leave.

Faculty on paid leave will receive their regular compensation during the period of leave, as well as any salary increases, promotion, award of tenure, or any other rights that they would have received individually or as a member of the faculty had they not been on such leave.

On the first day of the month following the completion of six (6) months of continuous total disability, the faculty member is eligible for benefits under the University's group total disability insurance plan.

A maximum of five (5) accumulated sick days per contract-calendar year may be used for absences necessitated by emergency or serious illness of an immediate member of family (parents, brother, sister, spouse, child, or other persons for whom the faculty member is responsible). Faculty may use accrued sick leave for childbirth, adoption, or attending childbirth in the immediate family.

If a faculty member is ill, he/she is required to call the department chair's office as early as possible to report the absence and to make provisions to have his/her classes notified. If a faculty member anticipates an illness in excess of three (3) consecutive teaching days, the department chair must be notified so that provisions can be made for covering the classes.

Unused faculty sick-leave allowance will not be paid upon termination or resignation.

## **12.7. UNPAID SICK LEAVE**

After exhausting accrued sick leave, a faculty member may request additional unpaid sick leave. A request form for unpaid, extended sick leave must be filed and approved by the department chair, the dean, the provost, the president, and the Board of Regents.

Approval for unpaid extended sick leave will normally be granted to tenured faculty for up to two years. A non-tenured faculty member's request for unpaid extended sick leave will normally be granted for a period at least equal to the period specified for probationary faculty members in the termination policies of this Handbook.

Initial requests for extended unpaid sick leave will be granted for up to one year of unpaid sick leave. Extensions of unpaid sick leave beyond one year require submission and approval of an additional request. Unpaid sick leave will not normally be granted to any faculty member for more than two consecutive years. After two consecutive years, if the case warrants, the University administration may implement the procedures for termination for medical reasons.

The University will continue its normal contributions to insurance and other paid fringe benefits up to one year of unpaid sick leave if permitted by the contract with the insurance carriers. (The University does not continue its contributions to TIAA in instances of unpaid leave.)

Accrual of sick-leave time does not continue during unpaid sick leave. Unpaid sick leave will not count toward tenure accrual.

## **12.8. UNPAID LEAVE**

Leaves of absence without pay may be granted to faculty for up to one year at a time. A request must be filed with the department chair at least two months in advance of the date upon which unpaid leave would begin except in case of emergency. Granting of unpaid leave requires the approval of the department chair, the dean, the provost, the president, and the Board of Regents. A second consecutive year of unpaid leave may be granted upon request. In no case will a second year of unpaid leave be automatically granted. Unpaid leaves may be requested for the following purposes:

- Personal;
- Childbirth, attending childbirth, adoption, child-rearing, or other related purposes; and/or
- Faculty professional development.

Specific conditions applying to recipients of unpaid leave:

- In the case of leave granted for faculty professional development, the following benefits will normally be granted:
  - Accrued time toward tenure, promotion, and sabbatical leaves;
  - Across-the-board salary increases.

- In the case of leave granted for child-rearing or personal reasons, none of the above benefits will normally be granted.
- Faculty on unpaid leave other than unpaid sick leave may continue in the University's benefit programs if permitted by the contract with the insurance carriers, at the faculty member's expense.
- Exceptions to this policy must be agreed to by the administration and affected faculty, and they must be stated in writing before the unpaid leave is granted.

#### **12.9. SPECIAL OR EMERGENCY LEAVE**

It is recognized that from time to time it may be advantageous to faculty and to the University to grant special or emergency leaves for purposes, for time periods, and under circumstances other than those described in the prior provisions of this Handbook. Such leaves may be granted, for example, to respond to personal emergencies, family responsibilities, or bereavement. Special or emergency leaves may be requested by the faculty member and granted upon approval of the department chair, the dean, and the provost. The provost may also initiate and approve a special or emergency leave for faculty. The terms and conditions of such leaves will be mutually agreed upon by faculty and administration. All normal compensations will continue during the special or emergency leaves.

#### **12.10. MANDATORY LEAVE**

The president may place a faculty member on temporary, paid mandatory leave under appropriate circumstances.

#### **12.11. FACULTY ON FISCAL-YEAR CONTRACTS (See Section 11.1, Sabbatical Leaves.)**

Full-time, tenured or tenure-track faculty on fiscal-year contracts, except for chairs, deans, vice presidents, the president, and any other administrative officer who holds faculty rank, may request all the leaves set forth above. In addition, these faculty accrue annual leave at the same rate as other fiscal-year employees, i.e. 2.8 days each month for a total of twenty-five (25) working days for a calendar year. These faculty members may use no more than twenty (20) working days of annual leave in any calendar year. No more than twenty (20) working days of annual leave may be carried into any calendar year. The dates of annual leave shall be mutually agreed upon by faculty and immediate supervisors. Annual leave time does not accrue while a faculty member is on any unpaid leave. Fiscal-year faculty should be on campus when the University is open for business after the end of the semester and prior to commencement.

Faculty who anticipate termination due to resignation, retirement, or other reason must use all accumulated annual leave prior to the date of termination. In the event of death of a faculty member who has accumulated annual leave, the final salary payment will include payment for such earned

annual leave. Other payment of annual leave time will not be made in the event annual leave time is unused at termination unless use of the annual leave would result in undue hardship to the University.

## **13. FACULTY WORKLOAD POLICY**

### **13.1. GENERAL**

The credit hour is the recognized standard by which faculty teaching load is measured. The traditional twelve (12) semester credit hours is the maximum required undergraduate teaching load for all full-time tenure-track faculty. Individual departments may propose their own credit hour equivalencies and reassigned-time policies. Such policies must be in writing and must be approved by a majority of the tenure-track departmental faculty, the chair, the appropriate dean, and the provost. Regardless of external funding for research or other grant activities, faculty will normally teach a minimum of 50% time in a given academic year. The provost may grant exceptions to this policy on a semester-by-semester basis.

### **13.2. MODIFIED DUTIES**

The university recognizes the need for tenured and tenure-track faculty to balance professional and personal commitments. Special family circumstances, for example, the birth or adoption of a child, severe illness or death of an immediate family member, or even issues of personal health, can create the need for a modified workload and flexible schedule for a period of time.

Since the circumstances may vary widely, this policy does not prescribe the exact nature of the accommodation. In many cases, it may be a reduction or elimination of a teaching assignment while the faculty member continues to meet ongoing, but more flexible research and service obligations. In general, the commitment is to work with a faculty member to devise a modified workload and schedule that enables the individual to remain an active and productive member of the department. **Because there is no reduction in salary, the faculty member is expected to have a set of full-time responsibilities.**

The modified duties policy applies only to tenure and tenure-track faculty and is available upon employment. An eligible faculty member should speak with his or her department chair as soon as possible about the need for modified duties to ensure the maximum amount of planning time. The department chair, in consultation with the relevant dean, is responsible for working with the faculty member to ensure a fair plan for modified duties is implemented if possible, that budgetary constraints are considered, and that student or other needs are met. The policy does not create an entitlement if there are legitimate business-related reasons for denying the request. Final decisions about the nature of the modified duties are the responsibility of the department chair in consultation with the dean. The request form is available on the provost's website.

# **PRESIDENTIAL SEARCH PROCESS**

## **Draft Recommendations of the NKU Faculty**

Sections B & B.2 of the Statement of Collegial Governance at NKU state that “good faith consultation” with “the Faculty Senate and its committees” are “routine” in the selection of NKU’s President. In its capacity as the official representative body of the General Faculty of Northern Kentucky University and in the expectation that “faculty opinion in these matters should be strongly considered,” the Faculty Senate offers the following recommendations to the Presidential search committee and the Board of Regents.

### **Recommendation #1:**

Consistent with past practice, the General Faculty of Northern Kentucky University respectfully recommends that three or more Presidential search finalists be brought to campus for open public meetings with the faculty and other campus constituencies before any offer of employment is extended.

### **Recommendation #2:**

The General Faculty of Northern Kentucky respectfully recommends that the Presidential search committee should not pursue an objective of conducting and concluding the search over the summer, and should schedule open public meetings with finalists during the academic year.

**PCC DRAFT --- NOT VOTED OR ADOPTED**



Attn: NKU Faculty

The next meeting of the NKU Presidential Search Committee will be **Friday, April 14 in Student Union 104 from 8am-10am**. This is an open meeting, and faculty are welcome to attend.

**Northern Kentucky University  
Presidential Search and Screening Committee Meeting  
Friday, April 14, 2017  
8:00 AM - 10:00 AM  
SU 104**

- I. PSSC Updates (8:00-9:00)
- II. Onboarding Presentations (9:00-10:00)
  - a. Strategic Plan
  - b. Operational
  - c. Performance
- III. Executive Session

All of this information has been posted the presidential search site:

<<http://presidentalsearch.nku.edu/content/presidentalsearch/meetings.html>>.

Right now only one additional meeting has been scheduled - April 19 from 11am-1pm. Additional dates will be discussed at this meeting.

**Northern Kentucky University  
Presidential Search and Screening Committee Meeting  
Wednesday, April 19, 2017  
11:00 AM - 1:00 PM  
SU 302**

**I. Introductions and Charge**

**II. Roles and Responsibilities of PSSC**

Isaacson, Miller will lead a brief discussion regarding the search committee's role throughout this important process, including our joint responsibility for candidate confidentiality, interviewing, and communication.

**III. Overview of Search Process and Scheduling the Search**

Isaacson, Miller will take a few minutes to review the important steps of the search process and schedule dates for the committee's involvement in certain key tasks.

***The committee should bring their calendars with them.***

**IV. Scoping the Position**

This will be the major portion of the meeting. This is an information-gathering process which helps us to fully understand the pivotal challenges this person will face and the organizational context in which they must operate. Some questions committee members might want to consider:

- As a result of hiring this person, what will be the fundamental differences in your organization one year from now, three years from now, and five years from now?
- Are there more subjective or informal measures for determining the success of this individual?
- What organizational activities need to be sustained? Which ones enhanced? Which ones initiated?

**V. Brainstorming about Potential Candidates and Sources**

We will ask committee members to scan their rolodexes to think of individuals who might make sense as either potential candidates or good sources of information and instruct the committee on how to communicate said information to Isaacson-Miller. We will also ask for decisions regarding appropriate places to advertise the position.

**VI. Questions**

**VII. Executive Session**



# CINCINNATI ENQUIRER

<http://www.cincinnati.com/story/opinion/contributors/2015/10/08/aaup-miami-making-big-mistake/73580272/>

## AAUP: Miami U making a big mistake

By Karen Dawisha, Keith Tuma and John McNay 11:18 a.m. ET Oct. 8, 2015



Buy Photo

*(Photo: Enquirer file)*

*Karen Dawisha and Keith Tuma are co-presidents of the Miami University chapter of the American Association of University Professors, and John McNay is president of the AAUP's Ohio Conference.*

Last week, news emerged that the Miami University board of trustees has chosen to conduct a secret search for the new president of the university. This is an alarming development.

Putting three elected faculty on the search committee and swearing them to secrecy – they will be asked to sign a nondisclosure agreement – does not represent an open process in which the input of all members of the university community is considered. It does not suggest that the board takes shared governance seriously. Faculty should be widely consulted and have input in

all important decisions at the institution. They do the work that is central to the university's core mission – instruction and research – and they know a lot about the qualifications and commitments a president should have.

The board's decision does not reflect the norm in Ohio. Presidential searches conducted in the recent past at Bowling Green, Toledo and Akron have been open processes in which finalists were brought to campus and required to meet with faculty and students. There are no special circumstances that justify the Miami board's secretive process. Transparency and honesty, especially at a public institution of higher education, should be of the utmost importance.

Miami University is Ohio's most expensive public university. It generates enormous revenue and is building large reserves on the backs of its students. Those students also deserve the right to be involved in the hiring process and to evaluate the finalists in open forums and small group settings.

What has happened at the University of Iowa is a cautionary tale. The Iowa board of regents hired as president Bruce Harreld, a corporate executive whose primary experience was based in marketing for IBM. The faculty were polled and almost unanimously found Harreld unqualified to be president. Iowa brought in all four finalists (three were clearly highly qualified) to face the faculty and students, but the regents blundered by hiring Harreld over persistent objections by the university community. The university is now in turmoil, and the faculty have issued a vote of no confidence in the board there. Miami has a chance to take a different road and to make a choice based on maximum feedback from all concerned parties – faculty, students, staff, alumni and the administration.

Many experts see a secretive process like the one proposed as flawed: "It is typically for the advantage of the candidate rather than the institution," says Michael Poliakoff, vice president of policy for the Washington, D.C.-based American Council of Trustees and Alumni, told Inside Higher Ed recently. "A confident and great institution should really be setting its own terms rather than deferring to candidates who understandably want to spare themselves the embarrassment of possibly being a finalist and not getting a final offer." Further, such a clandestine process certainly violates the spirit if not always the letter of the Ohio Open Meetings Law and thus opens the door for ongoing controversy.

We are disappointed by this decision by Miami's board of trustees. This position is very important to the future of Miami University and demands much more transparency than is being offered. It is especially unfortunate that an institution of higher education is all but locking out of the process the very people who are most engaged in education at Miami – students and faculty.

Miami University is an outstanding institution and deserves better judgment from its board of trustees than this. There is still time to fix this situation. We urge the Miami trustees to reverse their decision and show that it honors the tradition in higher education of openness and free exchange of ideas that an above board search would reflect.



## **BOWLING GREEN DAILY NEWS**

[http://www.bgdailynews.com/news/tensions-about-confidentiality-mount-around-wku-president-search/article\\_562c8444-0bac-5ce6-8957-ab0e1723fba1.html](http://www.bgdailynews.com/news/tensions-about-confidentiality-mount-around-wku-president-search/article_562c8444-0bac-5ce6-8957-ab0e1723fba1.html).

# **Tensions about confidentiality mount around WKU president search**

By [Aaron Mudd](#)  
September 16, 2016

As the search for Western Kentucky University's next president continues, there's disagreement about how much confidentiality candidates should have and whether the process is transparent enough.

Phillip Bale, who chairs the Presidential Search Committee, said the job opening has been posted online for about three or four weeks now and that the committee hopes to have an applicant pool that's diverse in all respects.

He also said the committee listened to feedback from stakeholders when it was developing the ideal profile for WKU's 10th president. It's been collecting feedback during special campus forums.

"I think it's an essential part of the process," Bale said. "We listened, we took notes, we actually taped a good deal of the sessions and many of the comments that were made certainly became a part of our discussion."

Bale said the Presidential Search Committee is charged with presenting three to four finalists for the full Board of Regents to narrow it down further. As many as six of the seven-member search committee are regents after the recent appointment of Julie Hinson.

"This is heavy task full of potential, full of possibilities," he said. "I think everyone on the search committee and everyone on the board understands that this is probably the most important thing we'll ever do in our service to Western Kentucky University."

But a key part of the process remains controversial – how much confidentiality candidates require.

"The assumption going in is that most all of the candidates require a great deal of confidentiality," Bale said.

The executive search firm Isaacson, Miller assisting in the search stressed the importance of ensuring that, Bale added.

"One of the things that the search firm has told me in the last week (is) that if they were unable to provide confidentiality at least two thirds of the people they've talked to already would drop out immediately," he said. "A lot of those would be strong candidates who maybe have very high-ranking positions."

However, some faculty find that confidentiality problematic and question how much say they have in the final decision.

During a meeting of the University Senate on Thursday, Senate Chairwoman Kate Hudepohl described that prospect as "troublesome."

Hudepohl said that, during a meeting between the Senate Executive Committee and Isaacson, Miller, the search firm said they understood the search would be closed.

"For those of you who don't know, a closed search means we won't know who's hired until they're hired," Hudepohl said during the meeting, getting a number of disgruntled responses from faculty present.

Hudepohl said the firm explained that a closed search was a growing trend in higher education and that having a closed search protects the candidate's position and their university. If a donor knew a president or provost was going to step down, for example, they might decide not to donate.

Hudepohl said those reasons make sense, but also took issue with not getting to meet the next president before he or she was hired.

"The idea that the stakeholders don't have a voice in the process is troublesome," she said.

The issue is accentuated, Hudepohl said, by a climate of distrust for some people on campus.

"Transparency is viewed as being a problem on this campus and so it seems like a lack of transparency," she said.

At the senate meeting, Faculty Regent Barbara Burch, who is another search committee member, defended the need for confidentiality in the process so that high quality candidates won't put their job at risk just to be an applicant. She said the work of the search committee is confidential, while the Board of Regents is the final selection committee.

"How the board will make that decision and what the process will be, I cannot tell you because I do not know," she said.

Burch said she believed candidates will have the choice of revealing themselves as finalists.

The conversation spurred many questions and comments from faculty concerned about the process.

Journalism professor Mac McKerral noted that the six Board of Regents members on the search committee means there's a quorum. That requires the time, date and location of the meeting to be open by law and it must be open unless there's a statutory exemption, he said.

Burch responded and said all meetings of the search committee are open.

Bale wasn't sure how many have applied, but said the number of applicants has risen into the double digits. He said there isn't a hard deadline for applications and that the goal is to winnow the list down to a few names by early December.

"If we keep our eye on the prize, which is to identify the very best person that we think we can find for our position, then we have to handle this very delicately," Bale said of the process.

— Follow education reporter Aaron Mudd on Twitter @BGDN\_edbeat or visit [bgdailynews.com](http://bgdailynews.com).



[http://www.timeswv.com/news/fairmont-state-professors-file-suit-over-president-search/article\\_771fd1b4-09ff-11e7-8530-57dd2450d69e.html](http://www.timeswv.com/news/fairmont-state-professors-file-suit-over-president-search/article_771fd1b4-09ff-11e7-8530-57dd2450d69e.html).

## Fairmont State professors file suit over president search

By Michelle Dillon, (Fairmont WV) Times West Virginian

Mar 16, 2017

FAIRMONT — Two Fairmont State University professors have filed a lawsuit against the school and the West Virginia Higher Education Policy Commission (HEPC) over the process to select the next university president.

On March 3, FSU physics professor Dr. Galen Hansen and biology professor Dr. Albert Magro filed a lawsuit in Marion County Circuit Court against the FSU Board of Governors (BOG) and the HEPC.

In the lawsuit Hansen and Magro allege that the FSU BOG violated the West Virginia Open Meetings Act.

They say in the lawsuit that the BOG discussed and made decisions in secret about the make-up and selection of the presidential search committee, the candidate requirements, the job description, the manner of advertisement for candidates and the candidate selection timeline for the new FSU president.

Hansen and Magro also allege that the BOG made these discussions and decisions without public notification or record. They say that no meetings of the BOG from August to December 2016 included any mention in the agenda or the minutes information about the presidential search.

Hansen filed a freedom of information request (FOIA) in January asking for written documents with information regarding the timing, agendas, discussions, decisions, minutes and other information regarding the private meetings held concerning the general personnel policies of the presidential search, according to the lawsuit.

The lawsuit says that the BOG and the HEPC disclosed in its response to the FOIA request that the BOG did discuss and make decisions regarding general issue and policies related to the presidential search in an executive session on August 18, 2016.

The professors contend discussions and decisions were made without mentioning the presidential search in the meeting agenda or the meeting minutes and without coming out of executive session.

Hansen and Magro allege that personnel issues regarding the presidential search that were discussed by the BOG involved only general personnel policies and were therefore not covered by exceptions in the Open Meetings Act.

The lawsuit says only private personnel issues of a personal nature and specific to an individual can be discussed in executive session and only if the item is included in the meeting agenda.

Hansen and Magro allege that the HEPC also violated the Open Meetings Act.

The lawsuit says the HEPC violated the act by serving as an informal member of the FSU presidential search committee and it was in communication with the BOG about the search process and was therefore aware of meetings and decisions.

Hansen and Magro said in the the lawsuit that the WVHEPC violated its duty to hold the BOG accountable and ensure the BOG carried out its duty to govern FSU effectively.

They say in the lawsuit that the HEPC failed to fulfill its duty and authority to hold the BOG responsible for violations of the Open Meetings Act and instead relied upon the public to hold the BOG accountable for its violations via circuit court action.

Hansen and Magro also allege in the lawsuit that the BOG violated the West Virginia Freedom of Information Act.

The lawsuit said that in response to Hansen's FOIA request, the BOG provided no written information regarding the presidential search other than the job advertisement and the search timeline, both of which were made public in an October 2016 agenda of a HEPC special meeting.

Hansen and Magro ask in the lawsuit for an injunction against the BOG to stop discussing items in executive session that have not been listed on meetings agendas or mentioned in motions to move into executive session.

They also ask for the court to order the BOG to come out of executive session to make all discussions and decisions in a public meeting and to record in public minutes all discussions and decisions made.

Hansen and Magro ask for an injunction against the HEPC to stop discussing and making decisions regarding general personnel policies outside of open meetings.

They also ask for an injunction against the HEPC to stop deferring to the public to fulfill its duty to ensure that the BOG comply with open meetings law and effectively govern FSU.

Hansen and Magro ask for the court to protect the right of the public to open meetings and that the BOG and the HEPC follow the provisions of the Open Meetings Act including those pertaining to executive sessions.

Hansen and Magro also ask the court to order the BOG and WVHEPC to pay costs including attorney fees.

Attempts to reach the BOG or the HEPC for comment on the lawsuit were unsuccessful.

According to court records neither the BOG nor the HEPC have filed an answer yet to the lawsuit.

Email Michelle Dillon at [mdillon@timeswv.com](mailto:mdillon@timeswv.com).



## SUPREME COURT OF KENTUCKY.

The **LEXINGTON HERALD-LEADER COMPANY** and Tom McCord, Appellants,

v.

**UNIVERSITY OF KENTUCKY PRESIDENTIAL SEARCH COMMITTEE** and Robert T. McCowan, Albert G. Clay, Terrell A. Lassetter, James L. Rose, Frank Ramsey, Jr., Timothy A. Cantrell, Robert D. Guthrie, Wilbur W. Frye, Mary Sue Coleman and Donna Coleman, its members, Appellees.

No. 86-SC-653-TG

July 2, 1987.

Joint petition for declaration of rights was filed requesting determination of whether presidential search committee selected by university board of trustees was subject to Open Meetings Act. The Fayette Circuit Court, N. Mitchell Meade, J., held committee was not subject to Act and appeal was taken. The Supreme Court, Gant, J., held that presidential search committee appointed by formal action of university board of trustees was public agency subject to requirements of Open Meetings Act.

Reversed.

Stephenson, J., concurred and filed opinion.

### **GANT, Justice.**

Dr. Otis A. Singletary, President of the University of Kentucky, announced in the spring of 1986 that, after 18 years as president of that institution, he was tendering his resignation effective June 30, 1987. The announcement was made at this early date so an orderly process of screening candidates and selecting a successor could be commenced by the Board of Trustees of the University of Kentucky. In May, 1986, this Board created a Presidential Search Committee to consist of ten members, five of whom were trustees; three were to be elected members of the faculty on campus; one was to be an elected member of the community college system faculty; and one was to be a full-time student, to be appointed by the Chairman of the Board of Trustees. This was to be an advisory committee only, with no power of appointment.

When the meetings of the Search Committee first began, it became obvious that the Search Committee did not consider itself a public agency, subject to the provisions of the Kentucky Open Meetings Act, viz., [KRS 61.805 et seq.](#) It became equally manifest that the Lexington Herald-Leader Co. and its reporter thought the opposite was true and considered themselves entitled to notice of meetings, minutes of these meetings, and personal attendance at the meetings. This dead-lock resulted in a joint petition for declaration of rights filed June 30, 1986, requesting the court to define the positions of the parties.

After briefs were filed, the Fayette Circuit Court issued its opinion that the Search Committee was not subject to the Kentucky Open Meetings Act—viz., [KRS 61.805 et seq.](#)—basically on the grounds

that it was not a legislatively created body and because it was an advisory body only, without power to affect policy or make appointments. We accepted this case on Motion To Transfer.

Two basic issues confront the court, the first of which is the fundamental question of whether the Search Committee is a public agency within the definition of [KRS 61.805\(2\)](#), which reads, in part:

(2) Public agency means ... any committee ... ad hoc committee, subcommittee, subagency or advisory body of a public agency which is created by or pursuant to statute, executive order, local ordinance or resolution or other legislative act ...

It is the opinion of this court that the statute in question, perhaps inartfully drawn, means that a public agency is any agency which is created by statute, executive order, local ordinance or resolution or other legislative act, or any committee, ad hoc committee, subagency or advisory body of said public agency. The Board of Trustees of the University of Kentucky is created by statute—viz., [KRS 164.130, et seq](#)—so that the Presidential Search Committee, which was created, in turn, by formal action of the Board of Trustees, is a public agency and therefore subject to the provisions of [KRS 61.805 et seq](#). Any other holding would clearly thwart the intent of the law.

Having declared that committees appointed by formal action of the University of Kentucky Board of Trustees are public agencies, the other issue which confronts us is the interpretation of [KRS 61.810](#), which reads:

**[KRS 61.810. Exceptions to open meetings.](#)**— [(f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret];<sup>1</sup>

[KRS 61.810\[\(f\)\]](#) must be considered in its entirety, as must all statutes. It is obvious that any discussion “might lead to the appointment” of a president when that is the sole purpose of a search committee. However, the paragraph is conditioned by the provision that the “exception is designed to protect the reputation of individual persons” and shall not “permit discussion of general personnel matters in secret.” If matters dealing with individuals are to be discussed, of course, the meeting may be closed in the manner provided by [KRS 61.815](#).

The preamble to 1974 Ky.Acts Chap. 377 reads as follows:

AN ACT relating to meetings.

WHEREAS, it is the policy of the Commonwealth that the formation of public policy is public business and may not be conducted in secret; and

WHEREAS, the legislature finds and declares that public agencies in this Commonwealth exist to aid in the conduct of the public's business; and

WHEREAS, the people of this Commonwealth do not yield their sovereignty to the agencies which serve them; the people, in delegating authority, do not give their public servants the right

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<sup>1</sup> **Editor's note:** The text of KRS 61.810(f) has been amended since this case was decided in 1987. Accordingly, to facilitate discussion, the outdated statutory text that appeared in the court's original opinion has been replaced by the text of the statute that is currently in effect. The meaning of the provision has not changed.

to decide what is good for them to know; the people insist on remaining informed so they may retain control over the instruments that they have created.

This is a strong indication that the Kentucky Legislature considered that the right of the public to be informed transcends any loss of efficiency, as urged by appellees herein.

The judgment of the Fayette Circuit Court is reversed.

**STEPHENS, C.J., and GANT, LAMBERT, LEIBSON, VANCE and WINTERSHEIMER, JJ., concur.**

**STEPHENSON, J., concurs by a separate concurring opinion filed herewith.**

**STEPHENSON, Justice, concurring.**

I concur with that portion of the majority opinion which holds that the Presidential Search Committee is a public agency.

I think I concur with the remainder of the opinion, although it is not clear what it does. The difficulty is that this part of the opinion does not discuss the issue in the case that was briefed and argued before this court. This portion of the opinion is a \*887 generalized discussion of the Open Meetings Act.

The issue, as briefed and argued before the court, after disposing of the public agency question, was whether the Committee could *close* discussions about qualifications for a new president of the University of Kentucky. I am perfectly willing to say that *if* the Committee conducts a separate discussion about qualifications it cannot be a closed session.

There is nothing to suggest here that such a discussion took place outside of the discussion about applicants for the position which, it is conceded, could be closed. Just how it could be determined when only *qualifications* were discussed is not clear even if such separate discussions took place. Other than this issue, the Committee would have no business other than discussing applicants and their resumes. We have here a theory of law without practical application.

I would reverse only that portion of the judgment of the trial court that held the Search Committee was not a public agency.

[All Citations](#)

732 S.W.2d 884, 40 Ed. Law Rep. 1065, 14 Media L. Rep. 1734

# RESPONSIBLE CONDUCT OF RESEARCH TRAINING

**POLICY NUMBER:** RESERVED FOR FUTURE USE

**POLICY TYPE:** HYBRID

**RESPONSIBLE OFFICIAL TITLE:** DIRECTOR, OFFICE OF RESEARCH, GRANTS AND CONTRACTS

**RESPONSIBLE OFFICE:** OFFICE OF RESEARCH, GRANTS, AND CONTRACTS

**EFFECTIVE DATE:** UPON APPROVAL

**NEXT REVIEW DATE:** APPROVAL PLUS FOUR YEARS

**SUPERSEDES POLICY DATED:** N/A

**REQUIRES LEGAL/COMPLIANCE REVIEW:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☒ YES ☐ NO

**REQUIRES I.T. POLICY COUNCIL REVIEW:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☐ YES ☒ NO

**REQUIRES PROFESSIONAL CONCERNS COMMITTEE REVIEW:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☐ YES ☒ NO

**REQUIRES FACULTY SENATE APPROVAL:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☐ YES ☒ NO

**REQUIRES HUMAN RESOURCES REVIEW:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☐ YES ☒ NO

**REQUIRES BOARD OF REGENTS APPROVAL:**

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) ☐ YES ☐ NO

## I. POLICY STATEMENT

Northern Kentucky University has the responsibility to ensure that research personnel are adequately trained in research ethics.

## II. ENTITIES AFFECTED

Type 1 – Student/trainees, paid on all NSF sponsored projects and those paid on select NIH sponsored projects approved after January 4th, 2010.

Type 2 – All researchers, including students, conducting research with human subjects.

Type 3 – All researchers, including students, conducting research with vertebrate animals.

Type 4 – All other types of faculty, students and others conducting research, scholarship or creative activity.

Please note, depending on the study, a researcher may be required to complete training in more than one research Type listed above.

## III. AUTHORITY

Type 1 (Responsible Conduct of Research (RCR)) – This training type implements federal requirements pertaining to [NSF - Section 7009 of America COMPETES Act](#) and the [NIH - Update on the Requirement for Instruction in the Responsible Conduct of Research NOT-OD-10-019](#) relating to guidance from [Office of Research Integrity \(ORI\)](#).

Type 2 (Research with human subjects) – This training type pertains to 45 CFR 46 and enforces requirements in NKU's Federal Wide Assurance filed with the Office of Human Subjects Protections (OHRP) and [Bloodborne Pathogens 1910.1030 Occupational Safety and Health Administration \(OSHA\)](#).

Type 3 (Research with vertebrate animals) – This training type pertains to requirements and guidance from [U.S. Government Principles](#), [Health Research Extension Act of 1985](#), and [Bloodborne Pathogens 1910.1030 Occupational Safety and Health Administration \(OSHA\)](#), and enforces requirements in NKU's Animal Welfare Assurance filed with the Office of Lab Animal Welfare (OLAW).

#### IV. DEFINITIONS

Principal Investigator – for the purpose of this policy, Principal Investigator is the Principal Investigator of the project for which the student/trainee is paid.

Researcher – any individual, regardless of title, conducting research (recruiting, consenting, performing protocol procedures, etc.).

Student/Trainee – for the purpose of this policy, student/trainee is defined as all undergraduate, graduate, fellows, scholars receiving salary and/or stipends from any NSF project or select NIH funding for the programs listed below:

D43, D71, F05, F30, F31, F32, F33, F34, F37, F38, K01, K02, K05, K07, K08, K12, K18, K22, K23, K24, K25, K26, K30, K99/R00, KL1, KL2, R25, R36, T15, T32, T34, T35, T36, T37, T90/R90, TL1, TU2, and U2R

#### V. RESPONSIBILITIES

Provost and Executive Vice President for Academic Affairs: Institutional Official Responsible for maintaining University compliance.

Director of the Office of Research, Grants, and Contracts (RGC), Research Compliance Manager in RGC: Responsible for enforcing NKU research policy procedures to maintain research compliance.

#### VI. PROCEDURES AND TRAINING

Type 1 – Per NSF and NIH policies, student/trainees must complete training in the Responsible Conduct of Research. There are two phases of RCR required training.

Phase 1 - Online RCR training identified and tracked by NKU Office of Research, Grants and Contracts. Student/trainees must complete Phase 1 of training within 90 days of joining a research project. Training shall be repeated at least every four years for the student/trainee's tenure on the project, or when (a) the regulation is substantially revised; (b) a student/trainee is new to the University; or (c) if a student/trainee is determined to not be in compliance with this regulation.

The Manager of Research Compliance or designee will be responsible for tracking this training requirement.

Phase 2 – Ongoing training including, but not limited to, face-to-face instruction, reading assignments, etc. identified and tracked by each Principal Investigator or designee.

Each Principal Investigator or designee will be responsible for recording this ongoing training requirement.

Type 2 – All researchers conducting research with human subjects must complete training in basic human subjects research prior to submitting an application to the Institutional Review Board (IRB) and every three years thereafter for the life of the project or tenure on the project ends. Additional training in Blood borne Pathogens may be required annually depending on study type.

The Manager of Research Compliance or designee will be responsible for tracking this training requirement.

Type 3 – All researchers conducting research with vertebrate animals must complete training in animal research prior to submitting an application to the Institutional Animal Care and Use Committee (IACUC) and every three years thereafter for the life of the project or tenure on the project ends. Additional training in Blood borne Pathogens may be required annually depending on study type.

The Manager of Research Compliance or designee will be responsible for tracking this training requirement for faculty and staff. Principal Investigator's will be responsible for tracking training completion for students.

Type 4 – It is recommended that all Type 4 faculty, students and others conducting research, scholarship, or creative activity complete online RCR training identified by NKU Office of Research, Grants, & Contracts.

See the [Northern Kentucky University Office of Research, Grants, and Contracts](#) website for specific procedures related to training for this policy.

## VII. REPORTING REQUIREMENTS

Reporting remains internal to NKU until which time the Office of Research Integrity, OHRP, or OLAW requests detailed records.

## VIII. COMMUNICATIONS

Type 1 (Phase 1 and 2) – The Office of Comptroller notifies RGC when a student/trainee is employed on any sponsored project mandated to meet these requirements. RGC then communicates with the PI and student to inform them of the RCR requirements and ensures the completion of Phase 1 of training per this policy.

Types 2, 3 & 4– Information is available on the NKU RGC website and will be communicated as needed to researchers by RGC.

This policy and detailed procedures are be available on the [Northern Kentucky University Office of Research, Grants, and Contracts](#) website.

## IX. REFERENCES AND RELATED MATERIALS

### REFERENCES & FORMS

Type 1 - [NSF - Section 7009 of America COMPETES Act](#)  
[NIH - Update on the Requirement for Instruction in the Responsible Conduct of Research NOT-OD-10-019](#)  
[Office of Research Integrity](#)

Type 2 – [Office of Human Research Protections](#)

Type 3 – [Office of Lab Animal Welfare](#)  
[U.S. Government Principles](#), [Health Research Extension Act of 1985](#)  
[Bloodborne Pathogens 1910.1030 Occupational Safety and Health Administration \(OSHA\)](#)

### REVISION HISTORY

Indicate any revisions to this policy using the table below. Include the type of revision and the month & year the revision was approved

REVISION TYPE	MONTH/YEAR APPROVED
New Policy	Est. 05/2017

Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

DRAFT