



# KY House Bill 228

AN ACT relating to postsecondary employment

Visit the UK AAUP website at <https://ukyonline.org/index.php/aaup-uk-chapter/>

# House Bill 228

<b>Sponsors</b>	J. Tipton, K. King
<b>Summary of Original Version</b>	Amend various sections of KRS Chapter 164 to require the boards of each state university and the Kentucky Technical and Community College System to approve a performance and productivity evaluation process for all faculty members by January 1, 2025; require faculty evaluations be completed at least once every four years; permit removal of faculty for failure to meet performance and productivity requirements, regardless of status; <i>permit a board to delegate appointment and removal of faculty to the college or university president</i> ; require that each board of regents of the six state comprehensive universities appoint a university president.

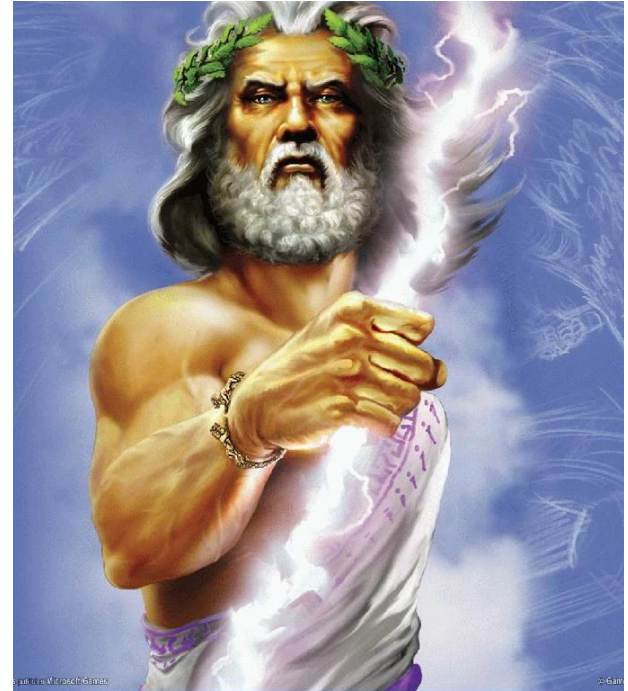
N.B. The University of Kentucky already has post-tenure review through KRS chapter 164 and Administrative Regulation 3:10 (“[Policies for Faculty Performance Review](#)”)

# One Person Will Have All of the Power

“Officer, teacher, professor, or agent appointment and removal decisions may be delegated to the president.”

“Faculty member and employee appointment decisions may be delegated to the president.”

“Faculty member removal decisions may be delegated to the president.”



It's important to note that there are arguments in favor of presidential involvement in tenure decisions.

Proponents argue that presidents, as the university's chief executive, are ultimately responsible for the institution's overall success and must ensure that tenure decisions align with strategic goals. They also point out that some faculty committees can be biased or insular, and that the president can provide a necessary counterbalance to ensure fairness and objectivity. But presidents can also be biased and insular.

So the faculty committees and the president should be responsible for the decision. The faculty are also responsible for the institution's overall success, probably more so than the president.

Allowing a university president to have the final say in tenure decisions, instead of faculty groups or the board of trustees, raises several concerns:



### **Centralization of power:**

This concentrates a key academic decision in the hands of one individual, potentially undermining faculty autonomy and shared governance. It can create an environment where professors feel they need to cater to the president's priorities rather than pursue independent scholarship or unpopular research.

# More Problems with One-Person Rule

## **Lack of expertise:**

Presidents may not have the same depth of knowledge about specific academic disciplines as faculty members, potentially leading to uninformed decisions about who deserves tenure. This can be particularly problematic when evaluating research contributions in niche fields.



# More Problems with One-Person Rule

## Political considerations:

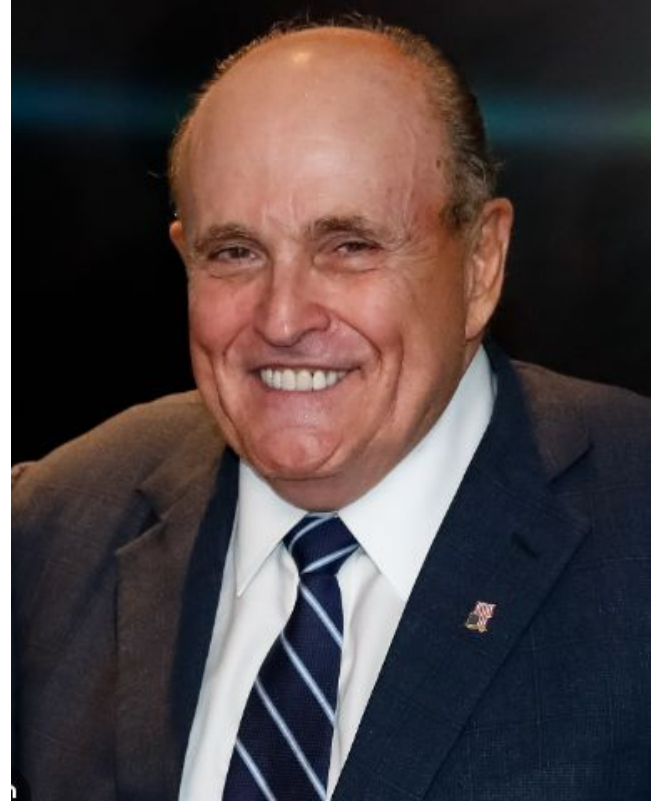
Presidents may feel pressure to make tenure decisions based on factors beyond academic merit, such as fundraising potential, personal alliances, or public opinion. This can lead to cronyism or the dismissal of valuable scholars whose work challenges powerful interests.



# More Problems with One-Person Rule

## Chilling effect on academic freedom:

If professors fear their tenure prospects are tied to the president's favor, they may be less likely to engage in research or teaching that criticizes the administration, the university, or powerful donors. This can stifle intellectual debate and limit the pursuit of truth.





# More Problems with One-Person Rule

## Damage to institutional reputation:

Universities with a reputation for arbitrary or politically motivated tenure decisions can struggle to attract and retain top faculty and students. This can ultimately harm the institution's academic standing and competitive edge.



# More Problems with One-Person Rule

## Erosion of trust:

When faculty feel their voices are not being heard in tenure decisions, it can erode trust in the administration and lead to disunity within the university community. This can negatively impact morale, productivity, and the overall educational environment.

### Association News

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## Censure List from the AAUP

Investigations by the American Association of University Professors (AAUP) of the administrations of the institutions listed below show that, as evidenced by a past violation, they are not observing the generally recognized principles of academic freedom and tenure approved by this Association, the Association of American Colleges and Universities, and more than 200 other professional and educational organizations which have endorsed the 1940 Statement of Principles on Academic Freedom and Tenure.

This list is published for the purpose of informing Association members, the profession at large, and the public that unsatisfactory conditions of academic freedom and tenure have been found to prevail at these institutions. Names are placed on or removed from this censure list by vote of the Association's annual meeting.

Placing the name of an institution on this list does not mean that censure is visited either upon the whole of the institution or upon the faculty, but specifically upon its present administration. The term "administration" includes the administrative officers and the governing board of the institution. This censure does not affect the eligibility of nonmembers for membership in the Association, nor does it affect the individual rights of members at the institution in question.

Members of the Association have often considered it to be their duty, in order to indicate their support of the principles violated, to refrain from accepting appointment to an institution so long as it remains on the censure list. Since circumstances differ widely from case to case, the Association does not assert that such an unqualified obligation exists for its members; it does urge that, before accepting appointments, they seek information on present conditions of academic freedom and tenure from the Association's Washington office and prospective departmental colleagues. The Association leaves it to the discretion of the individual, possessed of the facts, to make the proper decision.

Institutions are listed in chronological order according to when their administrations were placed on the censure list. The list contains only administrations which are still under censure (many others have been removed from the list after improving their practices and procedures). Reports through 2009 were published in the AAUP Bulletin or Academe, and the issue of publication is indicated in the "Report Published" column. Starting in 2010, reports were published first on the AAUP website, in the month and year indicated in the

Nichols College (MA), 1980  
Yeshiva University (NY), 1982  
American International College (MA), 1983  
Metropolitan Community College (MO), 1984  
Tallahassee College (AL), 1986  
Pontifical Catholic University of Puerto Rico (PR), 1987  
Husson University (ME), 1987  
Hillsdale College (MI), 1988  
Southeastern Baptist Theological Seminary (NC), 1989  
The Catholic University of America (DC), 1990  
Dean College (MA), 1992  
Baltimore City Community College (MD), 1992  
Loma Linda University (CA), 1992  
Clarkson College (NE), 1993  
North Greenville College (SC), 1993  
Savannah College of Art and Design (GA), 1993  
University of Bridgeport (CT), 1994  
Benedict College (SC), 1994  
Bennington College (VT), 1995  
Alaska Pacific University (AK), 1995  
National Park Community College (AR), 1996  
Saint Meinrad School of Theology (IN), 1997  
Minneapolis College of Art and Design (MN), 1997  
Brigham Young University (UT), 1998  
University of the District of Columbia (DC), 1998  
Lawrence Technological University (MI), 1998  
Johnson & Wales (RI), 1999  
Albertus Magnus College (CT) 2000  
Charleston Southern University (SC), 2001  
University of Dubuque (IA), 2002  
Meharry Medical College (TN), 2005  
University of the Cumberland (KY), 2005  
Virginia State University (VA), 2005  
Bastyr University (WA), 2007  
Cedarville University (OH), 2009  
Nicholls State University (LA), 2009  
North Idaho College (ID), 2009  
Stillman College (AL), 2009  
Clark Atlanta University (GA), 2010

It's important to have a carefully designed process that incorporates input from different stakeholders while ensuring academic freedom and fair evaluation of faculty merit.

## Discussion