

To: Daniel Clark
President
Faculty Senate
Western Kentucky University

From: Landon Elkind
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Department of Political Science
Western Kentucky University

Dear colleagues,

April 28, 2026

Enclosed is our advisory member report to Faculty Senate from the Western Kentucky University Chapter of the American Association of University Professors.

As you all know (sorry if you are finding out from me!), HB490 became Kentucky law this past legislative session. But how tenure changes at WKU is not decided by HB490's passage. A good deal will depend on what university policies the WKU regents develop.

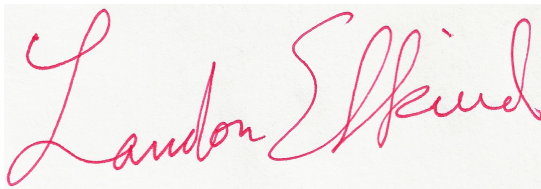
The national AAUP has suggested that faculty should continue to advocate (as we long have done) for guardrails that prevent abuses of dismissal processes and ensure due process for faculty faced with dismissal proceedings. These have long helped both WKU and the faculty: they protect WKU from costly litigation and reputational harm, and they protect faculty member's constitutional (contractual and first amendment) rights implicated in tenure.

Faculty should also be aware that existing legal protections for tenure remain and may be enforceable even in the wake of HB 490. Our first amendment protections are still in place, and contracts enjoy due process protections under the American constitution.

Below is a brief explainer about HB490 for effected faculty members. We also have a "Know Your Legal Rights" document available to any faculty faced with dismissal proceedings.

Thank you for your time and consideration. If you have further questions, please feel free to contact me at landon.elkind@wku.edu (or 270-405-7501 – texts or calls are fine).

Yours Truly,



Landon Elkind, President
Western Kentucky University Chapter
American Association of University Professors

encl: HB490 Explainer

What is HB 490?

House Bill 490 is a new Kentucky law that adds a basis for dismissing tenured faculty.

Tenured faculty can be dismissed?

Faculty can be removed for cause or financial exigency. Cause is further specified include (1) “incompetency”, (2) “neglect or failure to meet college or university performance and productivity requirements”, or (3) “immoral conduct”(KRS 164.360).

Financial exigency has historically meant only a university-wide financial crisis. HB490 adds to this that universities can dismiss faculty for other “bona fide financial reasons” and specifies that this can include “low enrollment in a particular program or major” or “misalignment of revenue and costs in a particular college, department, program, or major”.

In short, the law suggests dismissal reasons that are more local, targeting a specific program or major faculty even if the university, college, or department is in great financial health.

What happens next?

The WKU Regents will establish procedures for such faculty dismissals by October 2026. This will likely involve revisions to both university policies and the Faculty Handbook.

What can WKU faculty and Faculty Senate do?

Faculty can push to preserve existing university and handbook policies that protect both our tenure rights and WKU by constraining dismissals for financial or programmatic reasons.

Does WKU already have such procedures?

Yes, the Faculty Handbook (VII.A.2(b-c)) outlines constraints on termination due to financial exigency or changing program needs. In current policy, if faculty are dismissed for such reasons, “every effort” is to be made to offer a faculty member “another existing position” and to retrain faculty for that new position (if necessary and if this can be reasonably done), and faculty will get “one-year advanced notice” of dismissal due to changing program needs.

Can these procedures be adapted to the new law?

For the most part, yes. Some changes will be needed to reflect the new law’s language, but the existing procedures can be preserved (or reinforced). But certain procedural safeguards that currently protect faculty facing dismissal for financial exigency or changing program can be retained. For instance, faculty can currently request reconsideration of dismissal decisions by the (faculty) Advisory Committee within 30 days of receiving a termination notice, and they must receive the data used in such dismissal decisions.

If you have questions about this explainer, your tenure rights and protections, or other protections for academic freedom, get in touch with your fellow faculty in WKU AAUP!