

# PR 3A

Office of the President  
December 11, 2001

Members, Board of Trustees:

## PROPOSED AMENDMENTS TO THE GOVERNING REGULATIONS

Recommendation: that the following proposed amendments to the Governing Regulations of the University of Kentucky, which were received by the Board of Trustees for preliminary consideration on September 18, 2001 be approved.

Background: These changes reflect the organization changes approved by the Executive Committee of the Board of Trustees on July 5, 2001, and reflect the changes in titles and delegations of the reorganization. The University Senate Council proposed several minor editorial changes to the September 18<sup>th</sup> version of the Governing Regulations, and those changes have been incorporated into the amendments.

Note: The locations of proposed changes are indicated by a vertical mark in the margin. Proposed additions are underlined; proposed deletions are lined through.

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Action taken:       Approved       Disapproved       Other \_\_\_\_\_

## PART III

## THE PRESIDENT OF THE UNIVERSITY

The President is the chief executive officer of the University and has full authority and responsibility over the administration of the academic, business, and fiscal operations of the University. It is the duty of the President to make recommendations relating to the general policies of the institution and to the maintenance of coordination among its several functions. It is also the President's duty, directly or through the various University officers, to supervise and administer all phases of the University's operations, both business and academic, including all departments, divisions, and colleges, and to perform all other administrative functions, whether expressly enumerated herein or not, necessary or appropriate for the effective operation of the University.

The President is responsible for the preparation of the biennial budget request and the annual budget for approval by the Board of Trustees and for the administration of the annual budget after approval by the Board. In the administration of the annual budget, the President shall exercise authority delegated by the Board for the transfer of funds within major fund groups, provided that all such transfers of funds shall be reported to the Board.

The President may delegate any of the President's assigned authorities or responsibilities to another person in the Office of the President, or to any other member of the administrative staff or faculty of the University. The President shall, however, have the prior consent of the Board of Trustees before delegating major areas of authority or responsibility.

The ~~chancellors~~Provost, vice presidents, deans, directors, and all other subordinate administrative officers shall be subject to the supervision and direction of the President.

Subject to the regulations of the Board of Trustees, the President officially speaks for the University before all federal, state, and local government offices, boards, and agencies and is the non-voting representative of the University on the Council on Postsecondary Education.

The President is chairperson of the University Senate and an ex officio member of the various college faculties and may call meetings of the University Senate, the University Assembly, and any college faculty.

The President is responsible for fostering and promoting instruction, research, and service as the primary functions of the University. In this connection the President may make policy recommendations to the Board of Trustees, and the University Senate, ~~and the Senate of the Community College System,~~ which are recognized as the primary educational policy-forming agencies of the University. The President must, of necessity, in the day-by-day direction of University affairs, interpret existing policies and, in some degree, establish new policy with respect to both educational and business and financial matters. Such policy determination shall be within the scope of the President's authority.

While responsible for the enforcement of the rules and regulations of the Board of Trustees and the University Senate, the President also shall provide for the application of these rules and regulations to individual cases. Under extraordinary circumstances, and with written justification to the Senate through the Senate Council, The President may suspend a rule of the University Senate in a particular case; ~~under extraordinary circumstances a rule of the University Senate, however, under no circumstance may the President suspend~~ ~~except~~ rules concerning admission and the number of credits and quality points required for graduation.

The President shall serve as the official medium of communication between the Board of Trustees, on the one hand, and the University Senate, ~~the Senate of the Community College System,~~ administrative officers, individual members of the faculty and staff, student organizations, and students on the other hand. In this connection it shall be the President's responsibility to transmit to the Board all formal communications from the University Senate, ~~the Senate of the Community College System,~~ and the Student Government Association along with the viewpoints of the body submitting a communication, including any minority opinions, and the President's own recommendations for action.

Incident to the administration of the University, the President may utilize subordinate administrative officers as appropriate. The President may appoint, or have appointed, temporary or standing advisory or administrative committees and, with the approval of the Board of Trustees, may establish academic and/or administrative councils.

In the event of a vacancy in the office of President or disability of the President, the ~~Vice President for Administration~~ Provost shall exercise the functions of the President in the absence of the appointment of an Interim President by the Board of Trustees. If the Board finds it desirable to appoint an Interim President, it shall seek advice from a joint Board-Faculty committee if such has been constituted to recommend the appointment of a President or, if the committee has not been constituted, from the University Senate Council.

## PART VII

## UNIVERSITY ORGANIZATION

For the purpose of administering the various programs of the University, there shall be established educational and administrative units within the University. All units of the University shall be established, altered, or abolished only on vote of the Board of Trustees. For matters having to do with the organization of the University as it affects academic policies, the Board relies upon the advice of the University Senate along with that of the President. It relies upon the advice of the President concerning administrative organization and powers and responsibilities of the officers of the University.

The educational-administrative organization of the University shall be such as to minimize duplication of effort and to enable the University to operate as a single, closely integrated institution, not as a loose association of colleges and departments. Barriers between educational and administrative units shall not be allowed to interfere with the academic purposes of the institution.

A. Educational Organization1. Definition

The basic organization of the educational units of the University System shall be departments, schools, colleges, graduate centers, and multidisciplinary research centers and institutes.

The unit of the University System for instruction, research, and extension in a defined field of learning is the department, school, or college. All courses shall be given by the regular instructional units. However, interdisciplinary instructional programs may be established to utilize courses and faculty from different departments, schools, and colleges. The chief administrative officer of a department or interdisciplinary instructional program is a chairperson.

The term "school" is used to refer to: (1) the Graduate School; and (2) an administrative unit within a college which is under the general direction of the faculty of that college. The chief administrative officer of a school that is an administrative unit within a college is an associate dean or director.

The Honors Program is an educational unit which is equivalent to a department. Its chief administrative officer is a director who is equivalent to a department chairperson.

A graduate center is an educational unit of an interdisciplinary or multidisciplinary nature, which is equivalent to a department, and is located administratively in the Graduate School. It is associated exclusively with graduate programs and their attendant courses and research. Its faculty have primary appointments within a college or, in some cases, within the center.

A multidisciplinary research center or institute is an educational unit established for the administration of multidisciplinary programs which are primarily research in nature. Such an educational unit is administratively responsible to the Vice President for Research ~~and Graduate Studies~~ unless the administrative responsibility specifically has been delegated otherwise. The chief administrative officer of a multidisciplinary research center or institute is a director.

In some cases, the terms "bureau" and "office" may be used for units with some research functions, especially when these are not intercollege or interschool in nature.

A college is a major educational unit of the University. Its chief administrative officer is a dean.

The basic organization of the educational units of the Community College System shall be divisions and colleges.

The unit of the Community College System for instruction and community service in related fields of learning is the division. The chief administrative officer of a division is a chairperson.

The individual community colleges are the major educational units of the Community College System. Lexington Community College is a unit of the Community College System; however, it is managed as a unit in the University System of the University of Kentucky and shall be represented in the University Senate. The chief administrative officer of a community college is a president.

## 2. Academic Ranks

Academic ranks in the University System shall consist of instructor, assistant professor, associate professor, professor, and other ranks that are fully or partially equivalent to these recognized ranks.

Academic ranks in the Community College System shall include Instructor in the Community College System, Assistant Professor in the Community College System, Associate Professor in the Community College System, Professor in the Community College System, and other ranks that are fully or partially equivalent to these recognized ranks.

Ranks and special titles and a description of the qualifications for each shall be established by the President after consultation with appropriate administrative and faculty groups, including the Senate Council and/or the Community College Council. Likewise, emeritus ranks for retired administrative and academic personnel and the rights of holders of emeritus titles shall be established by the President after consultation with the Senate Council and/or the Community College Council. The establishment of new ranks and major changes in criteria for ranks shall have the approval of the Board of Trustees.

## 3. The Graduate Faculty (University System)

The Graduate Faculty shall consist of the Dean of the Graduate School, associate and/or assistant deans of the Graduate School, members, and associate members.

Graduate Faculty members must possess the following qualifications:

A doctor's degree or its equivalent in scholarly reputation;

The rank of assistant professor (or equivalent) or higher;

Scholarly maturity and professional productivity as demonstrated by publications, editorial services, research surveys, creative work, patents, and research in progress at the time of appointment; and

Definite interest in graduate work and the willingness to participate in the graduate program.

Membership in the Graduate Faculty is conferred ~~upon recommendations of~~by the Dean of the Graduate School, ~~and the Vice President for Research and Graduate Studies/appropriate chancellor and approval of the President.~~ The ~~recommendations of the Dean~~appointments are made following review by the Graduate Council of the qualifications of the persons proposed for membership by the college deans, department chairpersons, and directors of graduate study.

Associate and other classes of members in the Graduate Faculty or in other faculty bodies or councils of the Graduate School may be appointed by the Dean of the Graduate School or elected, with appropriate duties and privileges as provided by the rules of the Graduate School and approved by the University Senate.

Members of the Graduate Faculty shall have assignments of duties that take into account the time necessary for graduate teaching, productive research, and service in the direction of graduate research and preparation of theses.

The Graduate Faculty shall have jurisdiction over all programs leading to graduate degrees within the limits established by the Board of Trustees and the policies and rules of the University Senate. It is the responsibility of the Graduate Faculty to safeguard, promote, and assist in the development of research in all fields. The Graduate Faculty shall make recommendations to the University Senate on academic matters and to the President or an officer designated by the President on administrative matters.

The Graduate Faculty may perform its functions directly, through the Graduate Council, or through standing or special committees which it may appoint or authorize for appointment. The Graduate Council shall have the authority and responsibilities delegated to it by the Dean of the Graduate School, the Graduate Faculty, and the University Senate.

#### 4. Faculties of Colleges (University System)

The faculty of a college shall consist of its dean, assistant and/or associate deans, and full-time faculty personnel having the rank of assistant professor, associate professor or professor in the regular, special title, or extension series. Membership, with or without voting privileges, also may be extended by a college faculty to any other person assigned to it for administrative work, teaching or research. An individual may be assigned to more than one faculty; in this instance, one assignment shall be designated by the ~~appropriate—chancellor(s)/vice president(s)~~ Provost or dean (Part X.B.1) as the primary one.

The faculty shall hold regularly scheduled meetings. In addition, it shall meet in special session on the call of the President of the University, the ~~Provost, the chancellor/vice~~ Senior Vice President and Chancellor of the Medical Center/vice president sector, or the dean of the college, or at the request of a prescribed number of its membership. Each college faculty shall establish the quorum for the transaction of business. Copies of minutes of college faculty meetings shall be made available to all members of the faculty of the college.

Consistent with the Governing Regulations, the Administrative Regulations, and the Rules of the University Senate, the faculty of each college shall establish its own rules, including a committee or council structure necessary for the performance of the faculty's functions. After approval of these rules by the Provost or the Senior Vice President and Chancellor of the Medical Center as ~~appropriate~~ chancellor/vice president, copies of the rules of the faculty and a description of the committee or council structure shall be made available to its members and copies filed with the dean of the college, the Provost and the Senior Vice President and Chancellor of the Medical Center ~~appropriate chancellor/vice president, the secretary of the University Senate~~ and the Senate Council Office.

Within the limits established by the regulations of the University and the policies and rules of the University Senate, the faculty of a college shall determine the educational policies of that college. It shall make recommendations to the University Senate on such matters as require the final approval of that body, and it may make recommendations on other matters to the University Senate, to the President, or to other administrative officials. The academic or scholastic requirements of a college may exceed, but not be lower than, those established for the University System as a whole by the University Senate or the Graduate Faculty. Any such differences in standards must be approved by the University Senate.

The faculty of a college may delegate by rule a defined part of the determination of its educational policies to an assembly of the college, which shall consist of the faculty and designated student representatives. The number of students voting and the method of selecting these students shall be determined by the rules of the college.

In addition to the functions and responsibilities described above, the faculty of a college without departments shall have any other functions and responsibilities which are delegated to a departmental faculty as set forth in Part VII.A.6.

5. Faculties of Schools (University System)

The faculty of a school shall consist of the dean of the college of which it is an administrative unit, the associate dean or director who is the chief administrative officer of the school, and the members of the faculty of the college who have been assigned duties in the school. It also shall include members of the faculties of other colleges who have joint appointments in the school or departments of the school. (The faculty of a college is defined in Part VII.A.4 of these regulations.) In addition, membership, with or without voting privileges, may be extended by the school faculty to any other person assigned to the school for administrative work, teaching or research.

Within the limits established by the regulations of the Board of Trustees, the policies and rules of the University Senate, and the policies and rules of the faculty of the college of which it is a unit, the faculty of a school shall determine the educational policies of the school. It shall be responsible for functions and duties assigned to it by the faculty of the college. For these purposes, it shall establish its own rules and determine its own committee structure. After approval of these by the dean of the college and the ~~chancellor/vice president, Provost or the Senior Vice President and Chancellor of the Medical Center,~~ copies of the rules and a description of its committee structure shall be made available to its members and a copy filed with the director of the school, the dean of the college of which it is a unit, the ~~appropriate chancellor/vice president Provost,~~ the secretary of the University Senate and the Senate Council Office. It shall make recommendations to the faculty of the college on matters which require the approval of that body. It may make recommendations on other matters to the dean or other administrative officers of the college. The academic or scholastic requirements of a school may exceed, but not be lower than, those established by the college faculty. Any such differences in standards must be approved by the University Senate.

Copies of the minutes of school faculty meetings shall be made available to all members of the faculty of the school.

In addition to the functions and responsibilities described above, the faculty of a school without departments shall have any other functions and responsibilities which are delegated to a department faculty as set forth in Part VII.A.6.

#### 6. Faculties of Departments (University System)

The faculty of a department shall consist of a chairperson and the members of the department who are members of the faculty of the school and/or college of which the department is a part. (The faculties of a college and a school are defined in Parts VII.A.4 and VII.A.5, respectively.) In addition, membership, with or without voting privileges, may be extended by the department faculty to any other member of the department faculty or staff or to any person assigned to it for administrative work, teaching, research or service.

The departmental faculty has jurisdiction over matters concerning its internal educational policies, insofar as these policies do not conflict with those of other departments or with the rules of the University Senate or the faculties of the school or college of which the department is a part. It should hold regularly scheduled meetings and shall establish rules of procedure and a committee structure to deal with matters over which it has jurisdiction. The proposed rules of procedure and



committee structure shall be submitted to the director of the school (if appropriate), the dean of the college, and the ~~appropriate chancellor/vice president~~ Provost or the Senior Vice President and Chancellor of the Medical Center for approval. Copies of the approved rules of procedure and committee structure shall be made available to the members of the departmental faculty and shall be filed with the director of the school, (if appropriate) the dean of the college of which the department is a member, the ~~appropriate chancellor/vice president~~ Provost, the secretary of the University Senate, and the Senate Council Office. It has primary responsibility for the development of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs, and service functions. Jointly with the department chairperson, it should establish procedures to be used within the department in (1) making recommendations on the appointment of new members of the department, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, and the granting of tenure; (2) the faculty performance evaluations and (3) the preparation of budget requests. The procedures in (1) and (2) shall include consultation with directors of multidisciplinary research centers and institutes for those faculty who are or will be associated with such centers or institutes.

The department chairperson shall preside over all departmental faculty meetings, except as the chairperson may delegate this function, and shall be an ex officio member of all departmental committees. Copies of minutes of departmental faculty meetings shall be made available to all members of the faculty of the department.

The academic or scholastic requirements of a department may exceed, but not be lower than, those of the school and/or college of which the department is a part. Any such differences in standards must be approved by the University Senate.

7. Staffs of Multidisciplinary Research Centers and Institutes (University System)

The staff of a multidisciplinary research center or institute shall consist of: (1) a director who also shall be a faculty member of a department, school, or college; (2) faculty members on a joint appointment basis; (3) faculty members on a faculty associate basis (each such faculty associate appointed, on recommendations of both the director of the center or institute and the appropriate educational unit administrator, by the Vice President for Research ~~and Graduate Studies~~ or other administrator who has administrative responsibility for the center or institute); and (4) non-faculty employees appointed for the duration of a specific project.

Academic rank shall not be conferred by a multidisciplinary research center or institute nor tenure acquired solely through service in such a unit.

A multidisciplinary research center or institute shall be administratively responsible to the Vice President for Research ~~and Graduate Studies~~ unless specifically designated otherwise. A faculty advisory committee shall be appointed for each research center or institute by the officer to whom the unit is administratively responsible.

8. Faculty Organization in the Community College System and Lexington

## Community College

### a. Faculties of Colleges

The faculty of a community college shall consist of all professional, instructional, library, and administrative personnel. An individual may have appointments to more than one faculty; in such instance, one appointment shall be designated by the appropriate administrative officer (X.B.1) as the primary one. The president of the college shall serve as chairperson of the faculty.

The faculty shall hold regularly scheduled meetings. In addition, it shall meet in special session on the call of the President of the Kentucky Community and Technical College System, the Chancellor for the Community College System, or the president of the college, or at the request of a prescribed number of its membership. Each college faculty shall establish the quorum for the transaction of business. Copies of minutes of college faculty meetings shall be made available to all members of the faculty of the college.

Consistent with the Governing Regulations, the Administrative Regulations, and the Rules of the Senate of the Community College System, the faculty of each community college shall establish its own rules, including an organizational structure necessary for the performance of the faculty's functions. After approval of these by the Chancellor for the Community College System, copies of the rules of the faculty and a description of the faculty's committee structure shall be made available to faculty members and a copy filed with the Office of the Chancellor of the Community College System.

Within the limits established by the regulations of the University and the Rules of the Senate of the Community College System, the faculty of a college shall determine the educational policies of that college. It shall make recommendations to the Senate of the Community College System on matters which require the approval of that body, and it may make recommendations on other matters to the Senate of the Community College System, to the Chancellor for the Community College System, or to the President of the Kentucky Community and Technical College System.

### b. Faculty Assemblies

The faculty of a community college may organize a Faculty Assembly for the purpose of making recommendations relating to the professional welfare of its members. It shall prepare a set of rules which shall describe its organization and procedures for the performance of its functions. Full-time faculty members devoting more than fifty percent of their effort to teaching, librarianship, and counseling are eligible for membership in the Faculty Assembly. Other members of the faculty may become members upon invitation of a majority of the members of the Assembly.

The rules of the Faculty Assembly of a community college shall be consistent with the Governing Regulations, the Administrative Regulations, and the Rules of the Senate of the Community College System and shall be adequate to allow the Assembly to perform its

responsibilities. Copies of the rules shall be submitted to the president of the college, the Community College Council, and the Chancellor for the Community College System for review and approval before being made operational.

c. Faculties of Divisions

The faculty of a division shall consist of a chairperson and the members of the division who are members of the faculty of the community college.

The division faculty has the responsibility for the internal policies of the division, insofar as these policies do not conflict with those of other divisions, with the rules of the faculty of the college of which it is a part, or with the Rules of the Senate of the Community College System. It should hold regularly scheduled meetings and is authorized, with the approval of the president of the college and the Chancellor for the Community College System, to establish rules for procedure and a committee structure to deal with matters for which it has responsibility. It should establish with the division chairperson and the president of the college procedures to be used within the division in advising on the appointment of new members of the division, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, and the granting of tenure, and the procedures to be used on the division level in faculty performance evaluations and in the preparation of budget requests.

The division chairperson shall preside over all division faculty meetings, except as the division chairperson may delegate this function, and shall be an ex officio member of all division committees. Copies of minutes of division faculty meetings shall be made available to all members of the faculty of the division and the president of the college.

d. Lexington Community College

Faculty organization in the Lexington Community College shall be consistent with paragraphs a, b, and c of this section with the exception that the faculty shall meet on call of the President of the University; the ~~Chancellor of the Lexington Campus~~ Provost shall fulfill the roles of the Chancellor of the Community College System; the Rules of the University Senate rather than the Rules of the Senate of the Community College System are applicable, and the Community College Council shall have no role in the review of the rules of the Faculty Assembly for the Lexington Community College.

9. Student Participation

Rules of procedure in educational units of the University shall provide for participation of students in the development of educational policies.

B. Administrative Organization

1. Definition

The administrative organization of the University is determined by the educational organization of the University and the teaching, research, service, and other functions of the University. Each administrative officer, other than the President, shall be responsible to the President, directly or through one or more superior officers, for the efficient operation of the organizational unit or functions for which the administrative officer is responsible. The administrative organization is established by the President with the approval of the Board of Trustees. It may be expected to change with increasing size and diversity in functions of the University. The duties of administrative officers reporting directly to the President shall be those delegated by the President and described in the Administrative Regulations. Each administrative officer is expected to recommend to the appropriate next superior officer the administrative organization necessary to carry out assigned duties. The positions of deans and presidents of colleges, directors, and department and division chairpersons, with descriptions of major duties assigned, are described in these Governing Regulations. Major changes in administrative organization must be approved by the Board of Trustees.

Each administrative officer is authorized to establish administrative and/or advisory committees to aid in the performance of assigned functions.

## 2. Dean of the Graduate School

The Dean of the Graduate School is chairperson of the Graduate Faculty and the Graduate Council. Under the broad direction of the President, and the ~~Vice President for Research and Graduate Studies, the Chancellor for the Lexington Campus, and the Chancellor for the Medical Center~~ Provost, the Dean provides general planning, guidance, review, and coordination for all of the University's endeavors in graduate education. The Dean appoints regular and associate members of the Graduate Faculty ~~and recommends to the Vice President for Research and Graduate Studies/appropriate chancellor on the appointment of regular members requiring the approval of the President.~~ The Dean recommends to the ~~Vice President for Research and Graduate Studies/appropriate chancellor~~ Provost and the Senior Vice President and Chancellor of the Medical Center on the following actions affecting faculty members who are or may be involved in research or graduate programs of the University: initial appointments of associate professors and professors; promotions of assistant professors and associate professors; and granting of tenure. The Dean also recommends on budgets as these may affect graduate education and shall have the same authority and responsibilities as those of a dean of a college in the administration of educational units that might be transferred to or developed under the Office of the Dean of the Graduate School.

The President, the Provost, the Vice President for Research ~~and Graduate Studies~~, and the Dean of the Graduate School shall be ex officio members of all committees of the Graduate School. ~~The Chancellor for the Lexington Campus and the Chancellor for the Medical Center are ex officio members of all committees of the Graduate School which affect their respective sectors.~~ The Senior Vice President and Chancellor of the Medical Center shall be an ex officio member of all Graduate School committees affecting the Medical Center.

## 3. Deans of the Colleges (University System)

A dean is the executive officer of a college. It is the dean's function to see that the Governing Regulations, the Administrative Regulations, the Rules of the University Senate, and the rules of the college faculty are enforced. The dean is the chairperson of the college faculty and an ex officio member of all college committees. The dean is charged with overseeing the educational work of the college and its efficient conduct and management in all matters not specifically charged elsewhere. The dean is responsible for the curricula of the college, for the quality of instruction given therein, for the assignment of duties to all personnel, and for the service provided by the faculty of the college, individually and as a whole. The dean shall review faculty performance evaluations submitted by the department chairpersons and shall be responsible for recommendations on salaries, salary changes, appointments, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, promotions, and granting of tenure for members of the college or for ultimate action thereon when such authority has been delegated by the ~~chancellor/vice president to whom the dean reports~~ Provost or the Senior Vice President and Chancellor of the Medical Center, as appropriate, or by the President. The dean shall submit the budget request for the college and administer the budget when it is approved.

Further administrative responsibilities may be delegated to the dean by the ~~chancellor/vice president to whom the dean reports or~~ Provost or the Senior Vice President and Chancellor of the Medical Center, as appropriate, or by the President. These responsibilities may vary from college to college.

The dean shall speak for the college. In the event that the dean believes it necessary to depart from recommendations of the college faculty, the dean shall communicate the college faculty's recommendation as well as the dean's recommendation and notify the faculty of such action.

In addition to the roles and responsibilities described above, the dean of a college without departments shall have any other roles and responsibilities which are delegated to a department chairperson as set forth in Part VII.B.6.

#### 4. Directors of Schools (University System)

The director (or associate dean) of a school serves as chairperson of the faculty of the school in the performance of its assigned functions and is an ex officio member of all committees of the school.

The director's administrative responsibilities shall be those delegated by the dean of the college of which the school is a part.

The director shall speak for the school. In the event that the director believes it necessary to depart from the recommendations of the school faculty, the director shall communicate the school faculty's recommendation as well as the director's recommendation and notify the faculty of such action.

In addition to the roles and responsibilities described above, the director of a school without departments shall have any other roles and responsibilities which are delegated to a department chairperson as set forth in Part VII.B.5.

5. Department Chairpersons (University System)

The department chairperson serves as chairperson of the department faculty in the development by the department of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs, and service functions. The chairperson presides at all department meetings, except as the chairperson may delegate this function, and is an ex officio member of all department committees. The chairperson has administrative responsibility for implementing the department's program within the limits established by the regulations of the University, the policies of the University Senate, and the rules of the college and of any school of which it is a part.

The department chairperson is responsible for recommendations on the appointment of new members of the department, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, and the granting of tenure. Procedures used in preparing recommendations shall be those established by the University, the college, and the department faculty. As a minimum, the procedures must include consultation with all tenured members of the department, with the directors of any multidisciplinary research centers or institutes with which the affected individuals are or will be associated, and with all full-time non-tenured faculty members (except those appointed in the research title series, Medical Center clinical title series, or visiting series) with the actual or equivalent rank of assistant professor or higher who have been members of the department for two years, except as noted below. Faculty members with appointments in the Medical Center clinical title series, however, shall be consulted on a departmental or divisional basis as appropriate about appointment or promotion of individuals to academic ranks equal to or below their own in the Medical Center clinical title series, but not be consulted on matters relating to appointment, retention, promotion, or tenure of faculty in the regular or special title series. All recommendations on matters listed above, excluding reappointments and post-retirement appointments, shall include the written judgment of each consulted member of the department and of each director of pertinent multidisciplinary research centers and institutes, along with the recommendation of the chairperson. The following exceptions may be made: (1) faculty members on approved leave of absence or with a primary administrative, service, or other assignment outside the department may, but are not required to, provide written judgments on all recommendations; (2) faculty members need not be consulted on recommendations for promotion affecting members with equivalent or higher rank, except that all faculty members with tenure shall be consulted on recommendations for granting of tenure; (3) faculty members without tenure need not be consulted on recommendations for granting of tenure; (4) the right to make recommendations on temporary appointments and/or appointments at the assistant professor level or below may be delegated, with these appointments to be reviewed by the tenured faculty of the department during the second semester of the first year of appointment; and (5) in a large and diverse department, upon prior recommendation by the department faculty and approval of the dean and the chancellor/vice president Provost or Senior Vice President and Chancellor of the Medical Center, as appropriate, consultation with faculty members may be

restricted to those associated with the concerned, previously-defined academic division or program area in the department.

The department chairperson is responsible for the periodic evaluation of department members by procedures and criteria established by the University, the college, and the department faculty.

The department chairperson submits the budget request for the department and administers the budget after its approval. The chairperson also is responsible for making recommendations on salaries and salary changes.

In connection with the above major administrative functions, the chairperson shall seek the advice of members of the department, individually or as a group, or of advisory committees that the chairperson may appoint.

The chairperson shall speak for the department. In the event that the chairperson believes it necessary to depart from the opinion of the department faculty, the chairperson shall communicate the department faculty opinion as well as the chairperson's recommendation, stating reasons for differing from the department faculty opinion, and notify the department faculty of such action.

6. Directors of Multidisciplinary Research Centers and Institutes  
(University System)

The administrative officer of a multidisciplinary research center or institute is a director, who also shall be a faculty member in a department, school, or college.

The director of a multidisciplinary research center or institute is charged with the planning, implementation, coordination, and efficient management of the program and activities of the center or institute. The director shall have the same responsibilities as those of a department chairperson relative to faculty with joint appointments and non-faculty personnel in the center or institute. The director shall provide recommendations and advice to appropriate educational unit administrators concerning space, financial, and other resources, as well as the identification and appointment of faculty associates in the center or institute. The director shall submit the core budget request for the center or institute and administer this budget after its approval. In addition, the director may have other responsibilities delegated by the Vice President for Research ~~and Graduate Studies~~ or other ~~specific~~ administrator to whom the center or institute is administratively responsible.

In connection with the above major administrative functions, the director shall seek the advice of the staff of the center or institute, individually or as a group, or of advisory committees that may be appointed by the director of the center or institute or by the administrator to whom the center or institute is administratively responsible. The director shall speak for the center or institute and be an ex officio member of all of its committees.

7. Chairpersons of Interdisciplinary Instructional Programs

(University System)

The chairperson of an interdisciplinary instructional program shall be a member of one of the academic departments participating in the program.

The chairperson shall be responsible to the dean(s) of the college(s) in which the program is located and advise the dean(s) on staff and other needs of the program in connection with budget planning. The chairperson shall rely upon the advice of a committee of interested faculty drawn from the departments offering the courses composing the curriculum.

8. Presidents of Community Colleges

The president of a community college is the chief administrative officer of the college. Under the general direction of the Chancellor for the Community College System, or in the case of the Lexington Community College under the general direction of the ~~Chancellor of the Lexington Campus~~ Provost, the president is charged with general responsibility for the overall administration of the college. It is the president's function to see that the applicable University of Kentucky Governing Regulations, the Administrative Regulations, and the Rules of the Senate of the Community College System are enforced, and in the case of the Lexington Community College, that the Rules of the University Senate are enforced. The president is the chairperson of the college faculty and an ex officio member of all college committees. Along with the college faculty, the president is responsible for the development and implementation of an instructional program commensurate with the purposes of a comprehensive community college. The president is responsible for the curricula of the college, for the quality of instruction given therein, for the assignment of duties to all persons, and for the service provided by the faculty of the college, individually and as a whole. The president shall utilize, through the Office of the Chancellor for the Community College System or in the case of the Lexington Community College, through the Office of the ~~Chancellor of the Lexington Campus~~ Provost, the provisions for liaison with colleges and departments of the University System for advisory assistance and services relating to the instructional program.

The president shall review and finalize the performance evaluations recommended by the division chairpersons or other administrative personnel of the college.

The president shall be responsible without delegation for recommendations on salaries, salary changes, appointments, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, promotions, and granting of tenure for members of the college or for ultimate action thereon when such authority has been delegated to the president by the Chancellor for the Community College System or by the President of the Kentucky Community and Technical College System, and in the case of the Lexington Community College, the ~~Chancellor of the Lexington Campus~~ Provost, or by the President of the University.

With regard to students, the president is charged with administering the requirements and regulations of the community college concerning the admission, probation, and dismissal of students.



The president shall be responsible for the preparation of the budget request for the college, for the business and financial operation of the college, either assumed or delegated, and for the maintenance and operation of the physical plant of the college.

It is the president's responsibility to relate the college program to the community through relationships with an advisory board or board of directors through appropriate use of public information media, and by appropriate relationships with community groups and individuals. The president personifies the University in the community and shall endeavor to further constructive relations between college and community.

9. Division Chairpersons (Community College System)

The division chairperson serves as chairperson of the division faculty in the development by the division of policies in regard to such matters as the implementation and revision of programs and courses. The division chairperson assists the president, or the president's designee, in the preparation of the class and teaching schedule for the division. The division chairperson presides over all division meetings, except as the division chairperson may delegate this function, and is an ex officio member of all division committees. The division chairperson has administrative responsibility for implementing the division's program within the limits established by the regulations of the University and the Community College System, the policies of the Senate of the Community College System, in the case of the Lexington Community College the policies of the University Senate, and the rules and regulations of the community college.

The division chairperson shall be responsible for advising the president on the appointment of new members of the division, promotions, reappointments, terminal appointments, decisions not to reappoint, post-retirement appointments, and the granting of tenure, after consultation with the tenured faculty of the division.

The division chairperson shall be responsible for the periodic evaluation of members of the division by procedures and criteria established by the University, the Community College System, and the community college and division faculties. The division chairperson shall make recommendations to the president, who shall make final decisions about such evaluations.

The division chairperson shall be responsible for preparing for the president, or the president's designee, the budget request for the division. The division chairperson also is responsible for advising the president, or the president's designee, as to salaries and salary changes for members of the division.

In connection with the division chairperson's major administrative functions, the chairperson shall seek the advice of members of the division, individually or as a group, or of advisory committees that the chairperson may appoint.

The division chairperson speaks for the division. In the event that the chairperson believes it necessary to depart from the opinion of the divisional faculty, the chairperson must communicate the divisional faculty opinion as well as the chairperson's recommendation or

advice, stating reasons for differing from the divisional faculty opinion, and notify the divisional faculty of such action.

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## PART X

## REGULATIONS AFFECTING ACADEMIC EMPLOYMENT

A. Merit As the Basis for Appointment

All appointments shall be made strictly on the basis of merit. An applicant for a position shall not be discriminated against because of sex, race, ethnic origin, national origin, sexual orientation, color, creed, religion, age, or political belief. Additionally, the University shall not discriminate against any applicant for employment because of Vietnam-era veteran status, disabled veteran status, or physical or mental handicap in regard to any position for which the applicant for employment is qualified.

Members of the Board of Trustees, except those elected to the Board as faculty, staff, or student representatives, and relatives of any member of the Board of Trustees are ineligible for employment at the University. "Relatives", as used above, include parents and children, husbands and wives, brothers and sisters, brothers- and sisters-in-law, mothers- and fathers-in-law, uncles, aunts, nieces and nephews, sons- and daughters-in-law, and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, including student work-study and graduate assistant programs.

No relative of the President shall be employed in a position at the University. Similarly, no relative of ~~a chancellor/the Provost, or any Vice President, or any Associate Provost or Associate Vice President or any vice chancellor in a sector~~ shall be employed in a position in that ~~sector or Central Administration officer's administrative area, as appropriate~~. Waiver of the above regulation may be permitted by the Board of Trustees on a stated temporary basis, not to exceed two years, when it is otherwise impossible practicably to fill a position with a fully qualified person. The same individual shall not be eligible for reappointment under the terms of this exception unless approval is given by the Board of Trustees. No relative of any administrative officer of the University, or of any member of the University faculty, may be appointed to any position in the University over which the related officer or staff member exercises supervisory or line authority. Employment of relatives within the same department or division shall be approved specifically by the ~~chancellor/Provost, or senior vice president~~, as appropriate. "Relatives," as used above, include parents and children, husbands and wives, brothers and sisters, brothers- and sisters-in-law, mothers- and fathers-in-law, uncles, aunts, nieces and nephews, sons- and daughters-in-law, and step-relatives in the same relationships. The employment of relatives of University employees, as described in this paragraph, whose relationship was not a violation of this section of the Governing Regulations prior to its amendment on April 10, 1984, does not constitute a violation of the amended policy provided the relatives are regular employees of the University and remain in the University employment positions which they held on April 10, 1984. However, the transfer of any such employees described in this paragraph (whose employment relationship was not a violation of policy prior to its amendment on April 10, 1984) to any other regular University position shall require approval of the President.

B. Tenure

1. Types of Appointment

Faculty appointments shall be of three basic types: (1) non-tenured appointments; (2) tenured appointments; and (3) post-retirement appointments.

There are two types of non-tenured appointments. One type of non-tenured appointment is that in which a faculty member is ineligible for tenure as a consequence of having been appointed: (1) in the research, clinical, adjunct, visiting, or voluntary series of academic ranks and titles; or (2) on a part-time or temporary basis. An appointment on a temporary basis involves an individual who has assigned duties and responsibilities which should be completed within one year or less.

A second type of non-tenured appointment is that in which a faculty member is appointed on a full-time, year-to-year basis in the regular, special title, extension, or librarian series of academic ranks and titles. In such an appointment, the faculty member does not have tenure but may be considered for tenure if recommended for such by the appropriate University administrators.

A tenured appointment is one in which a faculty member is on full-time continuous appointment.

The term "joint appointment" shall apply in any case in which an individual holds two or more intra-University faculty appointments. In such an instance, one of the appointments shall be designated as the primary appointment by the dean of the college if the individual's appointments are associated with educational units in the same college, by the ~~appropriate chancellor/Provost or Senior vVice pPresident~~ and Chancellor of the Medical Center, as appropriate, if the appointments are with educational units in different colleges ~~but in the same chancellor/vice president sector (i.e., Lexington Campus, Medical Center, Research and Graduate Studies, or Information Systems), or by the mutual agreement of the appropriate chancellors/vice presidents if the appointments are with educational units in different chancellor/vice president sectors.~~ The constituent appointments relating to a joint appointment may be processed simultaneously or at different times; however, each appointment should be processed independently and considered on its own merits. An individual's academic rank, though usually the same, may differ in the constituent appointments. The possibility of tenure applies only to the primary appointment. In case of termination of the non-primary appointment(s) leaving only the primary appointment for a full-time faculty member, the individual's assignment associated with the primary appointment shall become full-time.

Post-retirement appointments are of two types. One type is that in which retired employees may be appointed to perform duties for which fee schedules have been established and approved by the ~~appropriate chancellor/Provost or Senior vVice pPresident~~ and Chancellor of the Medical Center.

A second type of post-retirement appointment may be used in a very limited number of

cases, when it is essential to a University program or office or when it is otherwise impossible practicably to fill a position with a fully qualified person. Such a part-time or full-time appointment is restricted to former employees who have elected to retire, requires specific prior approval by the Board of Trustees, and is made for a period not to exceed one year.

More detailed information on the various types of appointments is provided in the Administrative Regulations (AR II-1.0-1, AR II-5.0-2, and AR II-1.6-1).

## 2. Probationary Periods

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

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

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

Existing tenure appointments are not affected by any of the foregoing regulations.

## 3. Appointment Record

The precise terms and conditions, excepting salary, covering each appointment shall be stated in writing on an official appointment record. Notice of reappointment shall be in the possession of the appropriate administrative officers and the appointee at least three months before

the renewed appointment begins, when possible, or at the earliest date feasible in view of budget considerations. It shall be the responsibility of the ~~appropriate chancellor/vice president~~ Provost or Senior Vice President and Chancellor of the Medical Center to insure compliance with this regulation.

4. Notification of Non-Renewal of Appointment: Non-Tenured Appointments

Part-time, visiting, or temporary short-term appointments with explicit terminal dates of one year or less terminate at the expiration of the term without notice.

For those employed year-to-year on a fiscal or academic year basis, notification of non-renewal of appointment at the end of the first year of service shall be given not later than March 1 if the appointment expires at the end of that year or three months in advance if the one-year appointment terminates during the academic year. Notification of non-renewal of appointment at the end of the second year of service shall be given no later than December 15 if the appointment expires at the end of the year or six months in advance if the appointment expires during the year. Notification of non-renewal of appointment after more than two years of service shall be given at least 12 months before expiration of appointment.

Any related appeal(s) to the ~~appropriate Provost or the Senior Vice President and Chancellor of the Medical Center, as appropriate, chancellor/vice president~~ concerning procedural matters or privilege and/or to the Advisory Committee on Privilege and Tenure of the University Senate or the Senate of the Community College System concerning procedural matters, privilege, or allegations of violation of academic freedom must be initiated in writing by the concerned faculty member within 60 days after being notified in writing by the dean or president of the college about non-renewal of appointment.

5. Termination of Appointment

a. Reasons for Termination

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

In a case of termination because of a financial emergency, the faculty member may have the issues reviewed by the Advisory Committee on Privilege and Tenure of the University Senate or the Senate of the Community College System with the right of appeal to the President and the Board of Trustees for the University System faculty member and to the President of the Kentucky Community and Technical College System for the University of Kentucky Community College System faculty member. The faculty member shall be given notice as soon as possible and never less than 12 months' notice. The released faculty member's position shall not be filled by a replacement within a period of two years unless the released faculty member has

been offered reappointment and given a reasonable time within which to accept or decline it.

b. Procedure

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

If the President of the University of Kentucky for University System faculty or the President of the Kentucky Community and Technical College System for Community College faculty initiates dismissal proceedings, the concerned individual shall have the right to be heard initially by the Hearing Committee (Privilege and Tenure) of the University Senate or the Senate of the Community College System.

The faculty member shall be informed in writing by the President of the University of Kentucky for University System faculty or the President of the Kentucky Community and Technical College System for Community College faculty regarding specific charges at least 20 days prior to the hearing. At least seven days prior to the hearing, the faculty member shall answer the charges in writing. The faculty member may waive the hearing. If the faculty member waives the hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the Hearing Committee shall evaluate all available evidence and base its recommendation upon the evidence in the record.

The Hearing Committee, in consultation with the President of the University of Kentucky for University System faculty or the President of the Kentucky Community and Technical College System for Community College faculty and the faculty member, shall exercise its judgment as to whether the hearing shall be public or private. During the proceedings the faculty member shall be permitted to have an academic advisor and a counsel of personal choice. At the request of either party or the Hearing Committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer. A full stenographic record of the hearing or hearings shall be taken and made available to the parties concerned. The burden of proof that adequate cause for dismissal shall rest with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member's competence is in question, the testimony should include that of qualified faculty members from this

and/or other institutions of higher education.

Upon the conclusion of the hearing, the Hearing Committee shall report to the President of the University of Kentucky for University System faculty or the President of the Kentucky Community and Technical College System for Community College faculty that adequate cause for dismissal has or has not been established by the evidence in the record. It may, in addition, recommend that, although adequate cause for dismissal has been established, an academic penalty less than dismissal would be more appropriate, giving supporting reasons for the recommendation. If the President of the University of Kentucky for University System faculty or the President of the Kentucky Community and Technical College System for Community College faculty rejects the report, the President shall provide reasons in writing to the Hearing Committee and to the faculty member and provide an opportunity for response before transmitting the case to the Board of Trustees.

A decision adverse to the faculty member may be made only after an opportunity has been given for an additional hearing before the Board of Trustees as required by KRS 164.230. The Board shall either sustain the recommendations of the Hearing Committee and the President or return the proceedings to the President and the committee with specific objections. The Hearing Committee then shall reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees shall make the final decision after a study of the Hearing Committee's reconsideration.

c. Suspension

Until the final decision on termination of an appointment has been reached, the faculty member shall be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by the faculty member's continuance. Before suspending a faculty member, pending an ultimate determination of the individual's status through the hearing procedure, the President shall consult with the Advisory Committee on Privilege and Tenure of the University Senate or the Senate of the Community College System. Salary shall be continued during the period of suspension.

6. Academic Freedom of Non-Tenured Faculty

If faculty members on non-tenured appointments or faculty members on post-retirement appointments allege that decisions not to reappoint them were caused by considerations violative of academic freedom, or that they were given less advance notice than specified in these regulations, they must present their allegations in writing to the Advisory Committee on Privilege and Tenure of the University Senate or the Senate of the Community College System within 60 days after being notified in writing by their respective deans or presidents of colleges of the decisions not to reappoint. Allegations so presented shall be given preliminary consideration by the appropriate Advisory Committee on Privilege and Tenure, which shall attempt to settle the matter by informal methods. The faculty members' allegations shall be accompanied by statements that they agree to the presentation, for the consideration of the committee, of such reasons and evidence as the University may allege in support of its decisions. If the difficulty is unresolved at this stage



and if the committee so recommends, the procedures set forth in 5-b shall be applied, except that the faculty members making the complaints are responsible for stating the grounds upon which they base their allegations, and the burden of proof shall rest upon them. If prima facie cases are established via these procedures in favor of the faculty members, it becomes incumbent upon the persons who made the decisions not to reappoint to present evidence in support of those decisions.

#### 7. Resignation

Notice of resignation should be given early enough to obviate serious inconvenience to the University. If faculty members desire to terminate existing appointments or to decline renewals in the absence of notices of non-renewal, they shall give written notice of no less than three months if their rank is instructor or assistant professor, and no less than four months if their rank is higher, before the end of their duties during the academic year (exclusive of a summer session) or thirty days after receiving notification of the terms of their appointments for the coming year, whichever date occurs later. However, they may properly request a waiver of this requirement in cases of hardship or in situations where they would otherwise be denied substantial professional advancement.

#### 8. Administrative Personnel

Administrative personnel who hold academic rank are subject to the foregoing regulations in their capacity as faculty members. Administrators who allege that considerations violative of academic freedom significantly contributed to decisions to terminate their appointments to administrative posts or not to reappoint them shall be entitled to the same procedures as those for non-tenured faculty who have alleged violation of academic freedom.

#### 9. Graduate Student Academic Staff

In no case shall an appointment of a graduate or teaching assistant be terminated before the end of the period of appointment without the individual's being provided with an opportunity to be heard before the University Senate Advisory Committee on Privilege and Tenure.

A graduate or teaching assistant, who has established a prima facie case to the satisfaction of the committee that a consideration violative of academic freedom significantly contributed to the individual's non-reappointment, shall be given a statement of reasons by those responsible for the non-reappointment and an opportunity to be heard by a University Senate Hearing Committee (Privilege and Tenure).

#### 10. Opportunities for Hearings

In no case shall a member of an academic staff, who is not otherwise protected by the preceding regulations which relate to dismissal proceedings, be dismissed (termination before the end of a period of appointment) without having been provided with a statement of reasons and an opportunity to be heard before the Advisory Committee on Privilege and Tenure of the University Senate or the Senate of the Community College System.

A member of an academic staff who establishes a prima facie case to the satisfaction of the committee that a consideration violative of academic freedom significantly contributed to the member's non-reappointment shall be given a statement of reasons by those responsible for the non-reappointment and an opportunity to be heard by the Hearing Committee (Privilege and Tenure) of the University Senate or the Senate of the Community College System.

#### 11. Change of Assignment

When it is in the best interests of the institution, and if the professional status of an individual is not seriously jeopardized thereby, a change in the duties assigned to an individual may be made without such a change of assignment being regarded as a violation of the individual's tenure rights.

#### C. Conditions of Employment

##### 1. Terms of Assignment

Academic assignments are made on academic year, ten-month, eleven-month, and twelve-month bases.

##### 2. Vacation Leave

All full-time faculty members on a ten-month, eleven-month, or twelve-month assignment basis shall be entitled to 22 working days of vacation leave with pay per assignment period. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each member of the teaching faculty shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three days prior to the first day of registration for the fall semester, unless for special reasons leave is approved. Vacation leave normally cannot be accumulated from one assignment period to another, except that a faculty member on a twelve-month assignment basis may take vacation leave either during the assignment period in which the vacation leave is earned or during the subsequent assignment period. Under unusual circumstances, provided it is in the best interest of the University and has advance approval by the appropriate-chancellor/vice-president, Provost or Senior Vice President and Chancellor of the Medical Center, a faculty member on a ten-month or an eleven-month assignment basis also may take unused vacation leave during the assignment period following that in which the vacation leave was earned. Pay for unused vacation leave shall be limited to a maximum of 22 days at the end of employment.

##### 3. Professional Practices

###### a. General Policies

During their annual assignment period (whether academic year, ten months, eleven-months, or twelve months) faculty and research staff members are expected to serve the

University full-time. It is expected that they will be interested primarily in the work of their particular educational unit, giving their chief effort to the promotion of its needs.

A member of the University's academic staff shall, under certain conditions, be permitted to engage, as an expert, in professional employment (consulting or professional practice) outside the University for pay. In general, any outside employment demanding more than purely spare-time effort must be substantially justified in terms of the contribution its performance can bring to the faculty member's pursuit of teaching, research, and service. Conditions under which such employment may be undertaken are as follows:

(1) Such employment should not interfere with the fundamental responsibility of the faculty member to meet regularly assigned duties and inherent obligations to teaching and research, including being regularly available to students and colleagues, which are normally expected of a full-time faculty member and for which the faculty member receives compensation from the University.

(2) Such employment requires prior approval in writing by the appropriate University official.

All proposals to undertake outside employment shall be made in writing to the chairpersons whose recommendations shall be forwarded to the respective deans or presidents of colleges and thence, unless specified otherwise in the Administrative Regulations (AR II-1.1-1), to the ~~appropriate chancellor/vice president~~ Provost or Senior Vice President and Chancellor of the Medical Center for final action. Such proposals shall indicate the nature of the work to be performed, the estimated amount of time involved, the duration of the employment, and the scale of compensation. These proposals shall become a matter of record by the ~~appropriate chancellor/vice president~~ Provost or Senior Vice President and Chancellor of the Medical Center who shall transmit quarterly to the President of the University full information about those that have received approval and those that have been denied. The President, in turn, shall report periodically to the Board of Trustees.

Whenever a proposal by a faculty member is disapproved by an official of the University, it is the obligation of that official to provide the faculty member, upon request, with an oral statement of the reasons for the decision.

Requests should be specific. Approvals shall not be granted for blanket authorizations to consult or to engage in professional practice.

(3) Such employment shall be governed by time limitations stated in the Administrative Regulations (AR II-1.1-1).

(4) Such employment must avoid creating a conflict of interest. Each faculty member shall be expected to exercise sound judgment in requesting approval of outside employment, keeping in mind with utmost care the matter of conflict of interest.

While it is not possible to anticipate every factual situation which might give rise to a conflict of interest, such a conflict of interest does arise within the meaning of this regulation when a faculty member represents the legal interests of another party against the University or when a faculty member engages in litigation on behalf of another party against the University. Interpretations as to conflicts of interest in particular factual situations are to be made by the President of the University with the proviso that an adverse decision can be appealed to the Hearing Committee of the Board of Trustees.

b. Services Plans

Documents detailing the administration Services Plans approved by the Board of Trustees appear as a part of the Administrative Regulations.

4. Intellectual Property

As a general policy, all intellectual property conceived, first reduced to practice, written, or otherwise produced by faculty, staff, or students of the University of Kentucky using University funds, facilities, or other resources shall be owned and controlled by the University. Any member of the faculty, staff, or student body of the University who produces such intellectual property using University funds, facilities, or other resources shall assign personal rights to the property to the University, or its designate, but shall have an interest in and a right to share in any financial returns from the commercialization of the property. Notwithstanding, it is a specific policy of the University that the traditional products of scholarly activity, such as journal articles, textbooks, reviews, monographs, works of art, sculpture, music, and course materials, shall be the unrestricted property of the author. The University will exert no ownership claim of such works. A Standing Committee on Intellectual Property appointed by the President will administer the policy and oversee implementation of the procedures, both as detailed in the Administrative Regulation on intellectual property (AR II-1.1-3).

5. Leaves of Absence

a. Sabbatical Leave

The purpose of sabbatical leave is to provide opportunities for study, research, creative effort, improvement of teaching capabilities and methods, and related travel in order that the quality of each recipient's service to the University may be enhanced.

Faculty members who have full-time non-tenured or tenured appointments in the regular, special title, extension, or librarian series with the rank of assistant professor or higher, or of equivalent rank for this purpose as determined by the President, are eligible for leaves of absence after six years of continuous service in the rank of instructor or higher at the University, or for leaves of absence under a different option after three years of continuous service. All such leaves of absence shall be approved by the President or the President's designated representative.

After six years of continuous eligible service, an individual may apply for one year's leave (academic year for appointees on academic year, ten-month, or eleven-month assignments) at one-half salary or six months' leave (academic semester for appointees on academic year, ten-month, or eleven-month assignments) at full salary. After three years of continuous eligible service, an appointee may apply for six months' leave (academic semester for appointees on academic year, ten-month, or eleven-month assignments) at one-half salary. Normally "continuous service" is interrupted by a sabbatical leave; that is, no service prior to a sabbatical leave may be credited toward eligibility for future sabbatical leave. However, in the event that it becomes necessary for an individual to postpone a sabbatical leave at the request of and/or for the benefit of the University or one of its educational units, the period of postponement shall be counted as part of the six years of service necessary for the individual to again become eligible for sabbatical leave. The request for and/or agreement that the sabbatical leave be postponed must be made in writing by the dean or president of the individual's college and be approved by the ~~appropriate chancellor/vice president~~ Provost or Senior Vice President and Chancellor of the Medical Center. The request or agreement must specify the period of postponement and the reason for it. In no case shall cumulative sabbatical leave be granted for a single period longer than one full year at full salary. Leaves of absence without pay are not normally credited toward eligibility for sabbatical leave. However, exception may be made when the leave enhances the value of the individual to the University, e.g., a leave to accept a fellowship or a grant, service for professional organizations, and so forth. In no case shall the leave of absence without pay be considered as an interruption of continuous service.

Sabbatical leave shall not be used as a means of augmenting personal income. A recipient may not accept gainful employment during a sabbatical leave (for an individual on an academic year assignment basis, this does not include the period of May 16 through August 15; for an individual on a ten-month or eleven-month assignment basis, this does not include the period of vacation and the one or two months outside the assignment period each fiscal year; for an individual on a twelve-month assignment basis, this does not include the one-month vacation period) except as follows:

A fellowship, grant-in-aid, or government-sponsored exchange lectureship may be accepted for the period of the leave if acceptance will promote the purpose of the leave and is approved by the President or the President's designated representative.

For those on one-year leave, additional salary not to exceed one-half of the regular academic salary may be accepted for (1) work performed during the sabbatical leave on research projects administered by the University with funds from government or private grants or contracts when the terms of the grant or contract authorize the usage of such funds, and when the work to be performed is significantly related to the studies planned for the leave; (2) work on a research grant at another university; (3) research work in a government laboratory; or (4) work as a research professor or associate in another university. Any arrangements pursuant to this paragraph must be approved by the President or the President's representative.

In neither of the above instances shall a recipient's total income attributable to a sabbatical leave project exceed the individual's regular academic salary. Sabbatical leave shall

be granted with the understanding that the recipient, following the leave of absence, will continue service at the University for at least one academic year.

b. Other Leaves with Pay

(1) Sick Leave for Faculty

Sick leave may be granted to faculty by the ~~appropriate chancellor/vice president~~Provost or Senior Vice President and Chancellor of the Medical Center. Eligible faculty who are totally disabled are entitled to six months' sick leave with pay after which the Long Term Disability Plan, for which the University pays the full cost, becomes operative. Sick leave with pay for more than six months requires approval by the Board of Trustees.

(2) Miscellaneous

The ~~President~~Senior Vice President for Administration or, for individuals ~~on appointment in an academic sector~~on an academic appointment, the ~~appropriate chancellor/vice president~~Provost or the Senior Vice President and Chancellor of the Medical Center may grant leaves of absence with pay for a period not to exceed thirty days for the purpose of permitting an appointee to attend a professional meeting, serve temporarily with an outside agency, serve in the military forces of the United States, or for other good cause. Such leaves of absence with pay for more than thirty days require approval of the Board of Trustees.

c. Leave Without Pay

Upon the recommendation of the appropriate administrative officers and approval of the President, Provost, the Senior Vice President and Chancellor of the Medical Center or the Senior Vice President for Administration ~~or, for individuals on appointment in a chancellor/vice president sector, the appropriate chancellor/vice president~~, a member of the faculty or staff may be given a leave of absence without pay. Ordinarily such leave shall not be granted for a period in excess of one year (12 months). However, such leave may be extended on application and approval by the appropriate administrative officers. The best interests of the University shall be a major consideration in granting an extension of any such leave.

d. Educational Leave

To pursue an advanced degree at the University of Kentucky in accordance with Part X.C.6 of these Governing Regulations, faculty members may request half-time or more leave, with proportional reduction in salary. If such educational leave for faculty development is recommended by the dean or president of the college and approved by the ~~appropriate chancellor/vice president~~Provost, or the Senior Vice President and Chancellor of the Medical Center, as appropriate, the faculty members shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Although a period of educational leave shall not be credited toward eligibility for sabbatical leave, it shall not be considered as an interruption of continuous service. Also, for non-tenured faculty members, such a period of

educational leave shall not be counted as probationary period service.

e. Scholarly Fellowship Leave

To accept a scholarly fellowship which allows a faculty member to pursue a program of research, and which the funding agency will not process through the University, faculty members may request leave with partial pay. If such leave is recommended by the dean or president of the college and approved by the ~~appropriate chancellor/vice president~~ Provost or Senior Vice President and Chancellor of the Medical Center, as appropriate, the faculty member shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Time spent on scholarly fellowship leave shall count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary.

6. Faculty Members As Candidates for Degrees

Members of the faculty, except those in the Community College System, having a rank higher than that of instructor may not be considered as candidates for degrees in the discipline in which they are employed and hold academic rank. Faculty members pursuing degrees above the master's degree at the University of Kentucky may not hold more than a half-time work assignment either during the two full-time, consecutive resident semesters preceding the qualifying examination or during the two semesters of full-time dissertation study immediately following the qualifying examination.

7. Faculty Members As Scholars and Citizens

It is the policy of the University to maintain and encourage within the law full freedom of inquiry, discourse, teaching, research, and publication and to protect members of the academic staff against influences, from inside or outside the University, which will restrict them in the exercise of these freedoms in their areas of scholarly interest. Teachers and students shall be permitted and encouraged to investigate any theory, challenge any premise, engage in political and social debate, and to express their dissent, without jeopardy to their academic careers, provided their behavior is not in violation of the law and does not interfere with the normal operation of the educational programs of the University.

In their roles as citizens, faculty members have the same freedoms as other citizens, without institutional censorship or discipline, although they should be mindful that accuracy, forthrightness, and dignity befit their association with the University and their positions as scholars. When faculty members speak or write as citizens, they should indicate that they are not speaking for the University.

Like other citizens, faculty members are free to engage in political activities so far as they are able to do so within the law consistent with their obligations as teachers and scholars. When necessary, leaves of absence without pay may be given for the duration of an election campaign or a term of office, provided that there has been timely application for leave and that the requested leave is limited to a reasonable period of time. The terms of a leave of absence for this purpose

shall be set forth in writing. The leave shall not affect unfavorably the tenure status of a faculty member, except that the time spent on such leave from academic duties will not count as probationary service unless agreed to otherwise.

Elective and appointive part-time services on boards and commissions to which members of the University staff are prepared to provide exceptional services shall be governed by policies on professional practice (X.C.3).

#### 8. Retirement

The University of Kentucky Retirement Plan represents a consolidation of the original Retirement Resolution (April 7, 1964) and its numerous subsequent amendments into a unified statement of University policy and guidelines on retirement of employees in Groups I, II, III, IV, and V. The University of Kentucky Retirement Plan, which has been adopted by the Board of Trustees and may be amended only by that body, is presented in its entirety in the Administrative Regulations (AR II-1.6-1).

#### 9. Social Security

All employees of the University of Kentucky except those in Civil Service are covered by the Old-Age and Survivors Insurance of the National Social Security Program and are thus eligible for benefits in accordance with the governing legislation. Each eligible employee of the University must, if the employee has not previously done so, secure a Social Security card and supply to the Office of the Controller and Treasurer a completed Treasury Form W-4 with the employee's Social Security number and other information necessary for withholding insurance contributions.

#### 10. Group Insurance

Regular full-time faculty and staff who are employed by the University are insured under the Basic Life Insurance Program. This insurance may be increased optionally to a total of one, two, or three times the employee's basic annual salary. The premium for the basic insurance is paid by the University, whereas that for the optional increase in insurance is paid by the employee.

In addition, all regular full-time employees are encouraged to participate in the University's basic hospital-medical and accident insurance programs which also may include coverage for dependents.

#### 11. Workers' Compensation

A University employee sustaining an on-the-job injury or developing a job-related illness is covered by provisions of the Kentucky Workers' Compensation Act.

#### 12. Employee Disability Program

Regular full-time faculty and staff, other than those covered by Civil Service or the



Federal Employee Retirement System, are covered by the Long Term Disability Program. Coverage commences after the completion of one year of employment unless the eligible employee, at the time of hire, satisfies the exception condition as outlined in the plan document in which case there is immediate coverage. This program provides income protection through a Long Term Disability Plan and, in some cases, supplemental benefits by the University. The University pays the full cost of this program.

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