

PART X

REGULATIONS AFFECTING ~~ACADEMIC~~-EMPLOYMENTA. GeneralA1. Merit ~~A~~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~~ disability 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 of Trustees 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 the Provost, ~~or any Vice President,~~ or any ~~A~~associate ~~P~~provost, ~~or Associate executive V~~ice President, ~~vice president, or associate vice president~~ shall be employed in a position in that officer's administrative area. 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. All changes in position and/or rank related to this waiver shall be approved by the Board of Trustees.~~ No relative of any administrative officer of the University, or of any member of the University ~~f~~acculty, may be appointed to any position in the University over which the related officer or staff ~~member~~ employee exercises supervisory or line authority. Employment of relatives within the same department or division shall be approved specifically by the Provost or ~~senior~~ appropriate executive vice president ~~or 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 these Governing Regulations ~~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.

2. Intellectual Property

As a general policy, all intellectual property conceived, first reduced to practice, written, or otherwise produced by faculty members, staff employees, or students of the University using University funds, facilities, or other resources shall be owned and controlled by the University. Any faculty member, staff employee, or student 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 shall exert no ownership claim of such works. A Standing Committee on Intellectual Property appointed by the President shall administer the policy and oversee implementation of the procedures, both as detailed in the Administrative Regulation on intellectual property (AR II-1.1-3).

3. Representation and Attendance at Meetings

In order that the University may be properly represented at the various gatherings or functions to which it is invited from time to time to participate, the President selects faculty members or staff employees to represent the institution.

In addition, employees are urged to become members and to participate in meetings of international, national, regional, and state and local organizations and associations related to their University employment.

Funds may be available to defray the expenses in whole or in part of those who are authorized to attend meetings by the President or other appropriate administrative officers.

4. 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).

5. Social Security

All employees 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 appropriate contributions.

6. Group Insurance

Regular full-time faculty members and staff employees 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 (1), two (2), or three (3) times the employee's basic annual salary, up to the maximum amount contained in the University's contract with the insurer. 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 faculty members and staff employees are encouraged to participate in the University's basic health and other insurance programs that also may include coverage for dependents.

7. Workers' Compensation

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

8. Employee Disability Program

Regular full-time faculty members and staff employees, 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 (1) 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.

B. ~~Tenure~~ Employment of Faculty

1. ~~Types of Appointment~~ Appointment of Faculty

a) Types of Faculty Appointments

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

1. There are two types of non-tenured appointments.

a) 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 lecturer, research, clinical, adjunct, visiting, or voluntary title series; ~~of academic ranks and titles~~; or (2) on a part-time or temporary basis in a title series. An appointment on a temporary basis involves an individual who has assigned duties and responsibilities ~~which should~~ that shall be completed within one (1) year or less.

 b) 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 title 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.

2. 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 (2) 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; or by the Provost ~~or Senior Vice President and Chancellor of the Medical Center, as appropriate~~, if the appointments are with educational units in different colleges. The constituent appointments relating to a joint appointment may be processed simultaneously or at different times; however, each appointment, reappointment or promotion, should ~~shall~~ 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. When an individual under consideration for appointment to an administrative position is also to be considered for a faculty appointment, recommendations of committees on the two respective appoints shall be developed independently on their respective merits, in accordance with the respective established appointment procedures.

3. Post-retirement appointments are of two (2) types.

 a) One type is that in which retired ~~employees~~ faculty members may be appointed to perform duties for which fee schedules have been established and approved by the Provost ~~or Senior Vice President and Chancellor of the Medical Center~~.

 b) 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 (1)

year.

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

~~2.b)~~ Probationary Periods 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~~ title series ~~of academic ranks and titles~~. Such non-tenured appointments may be for one (1) year or for other stated periods, subject to renewal. The total non-tenure period, however, shall not exceed seven (7) 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 (1) year. An individual shall not remain at the rank of instructor in the University for more than three (3) years. If after that period, promotion to a higher rank cannot be justified, the individual's appointment ~~in~~ with 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 librarian II) 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~~ librarian III) shall be promoted to associate professor (or librarian II) with tenure or their appointments shall not be renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

Probationary periods (or maximum non-tenure periods) are not applicable in cases where faculty members are appointed (1) in the lecturer, 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.

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

~~3.c)~~ Appointment Record 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 (3) 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 Provost ~~or Senior Vice President and Chancellor of the Medical Center~~ to ~~insure~~ ensure compliance with this regulation.

~~4.d) Notification of Non-Renewal of Appointment: Non-Tenured~~
~~Appointments~~ Notification of Non-Renewal of Appointment: Non-Tenured
Appointments

~~Part-time, visiting, or temporary short-term faculty appointments with~~ have explicit one (1) year of less terminal dates ~~of one year or less that~~ 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 (3) 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 (6) months in advance if the appointment expires during the year. Notification of non-renewal of appointment after more than two (2) years of service shall be given at least twelve (12) months before expiration of appointment. Non-renewal decisions concerning regular, full-time faculty members shall be reported to the Board of Trustees.~~

~~Any related appeal(s) to the Provost or the Senior Vice President and Chancellor of the Medical Center, as appropriate, concerning procedural matters or privilege and/or to the University Senate 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 sixty (60) days after being notified in writing by the dean or president of the college about non-renewal of appointment.~~

~~5.e) Termination of Appointment~~ Termination of Appointment

~~a.i) Reasons for Termination~~ 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 University Senate 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 twelve (12) months' notice. The released faculty member's position shall not be filled by a replacement within a period of two (2) years unless the released faculty member has been offered reappointment and given a reasonable time within which to accept or decline it.

~~_____~~ b.ii) 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 Provost shall be responsible for the preparation of a reasonably ~~particularized~~ detailed statement of charges which shall be furnished to the faculty member and the University Senate 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~~ a resolution 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 University Senate Hearing ~~Committee~~ Panel (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 twenty (20) days prior to the hearing. At least seven (7) 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~~ Panel shall evaluate all available evidence and base its recommendation upon the evidence in the record.

~~_____~~ The Hearing ~~Committee~~ Panel, 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~~Panel, 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~~Panel 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~~ accepts a report with a decision adverse to the faculty member, the President shall provide an opportunity for response by the faculty member before transmitting the case to the Board of Trustees and provide reasons in writing to the Hearing ~~Committee~~Panel 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 of Trustees shall either sustain the recommendations of the Hearing ~~Committee~~Panel and the President or return the proceedings to the President and the committee with specific objections. The Hearing ~~Committee~~Panel 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~~Panel's reconsideration.

—————e.iii) 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 University Senate 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.f) Academic Freedom of Non-Tenured Faculty~~ 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 violating of~~ academic freedom, or that they were given less advance notice than ~~specified required~~ in these ~~regulations~~ Governing Regulations, they must present their allegations in writing to the University Senate 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~~ University Senate 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 aggrieved faculty members~~ 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-~~ GR X.B.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~~ 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, or who provided insufficient notice, to present evidence in support of those decisions.

~~7.g) Resignation~~ Resignation

Notice of resignation should be given early enough to ~~obviate~~ reduce 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 (3) months if their rank is instructor or assistant professor, and no less than four (4) months if their rank is higher, before the end of their duties during the academic year (exclusive of a summer session) or thirty (30) days after receiving notification of the terms of their appointments for the coming year, whichever date occurs later. However, they may ~~properly~~ request in writing a waiver of this requirement in cases of hardship or in situations where they would otherwise be denied substantial professional advancement. Resignations of regular, full-time faculty members shall be reported to the Board of Trustees.

~~8.h) Administrative Personnel~~ Administrative Personnel

Administrative personnel who hold academic rank are subject to the foregoing regulations in their capacity as faculty members. Those Administrative personnel (holding academic rank) 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.j) Change of Assignment~~

When it is in the best interests of the institution, and if the professional status of ~~an individual~~ a faculty member 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.

~~C2. Conditions of Employment~~ Conditions of Employment

~~1.a) Terms of Assignment~~ Terms of Assignment

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

~~2.b) Vacation Leave~~ Vacation Leave

All full-time faculty members on a ten-month, eleven-month, or twelve-month assignment basis shall be entitled to twenty-two (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 faculty 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 (3) 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 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 twenty-two (22) days at the end of employment.

~~3-c)~~ Professional Practices Professional Practices

~~a-(i)~~ General Policies 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 faculty 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 instruction, research, and service. Conditions under which such employment may be undertaken are as follows:

~~_____~~ (1) ~~Such employment should~~ shall not interfere with the fundamental responsibility of the faculty member to meet regularly assigned duties and inherent obligations to teaching instruction, ~~and research~~, and service, 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 ~~chairperson~~chairs whose recommendations shall be forwarded to the respective deans ~~or presidents of colleges~~ and thence, unless specified otherwise in the ~~Administrative Regulations~~ Administrative Regulations (AR II-1.1-1), to the 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 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~~ shall 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~~ Administrative Regulations (AR II-1.1-1) and the provisions of Ethical Principles and Code of Conduct.

_____ ~~(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~~ Executive Committee of the Board of Trustees.

_____ ~~b.(ii) Services Plans~~ Service Plans (AR II-7)

_____ Documents detailing the administration Services Plans approved by the Board of Trustees appear as a part of the ~~Administrative Regulations~~ Administrative Regulations II-7.0.

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.d) Leaves of Absence Leaves of Absence~~

~~a.(i) Sabbatical Leave Sabbatical Leave~~

The purpose of sabbatical leave is to provide opportunities for study, research, creative effort, improvement of ~~teaching-instructional or public service~~ capabilities and methods, and related travel in order that the quality of each recipient's service to the University may be enhanced. ~~(LH1) (LH2)~~

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 librarian III) or higher, ~~or of equivalent rank for this purpose as determined by the President~~, are eligible for sabbatical leaves ~~of absence~~ after six (6) years of continuous service in the rank of instructor (or librarian III) or higher at the University, or for sabbatical leaves ~~of absence~~ under a different option after three (3) years of continuous service. All such sabbatical leaves ~~of absence~~ shall be approved by the President or the President's ~~designated representative~~ designee.

~~After six (6) years of continuous eligible service, an ~~individual~~ faculty member may apply for one (1) year's sabbatical leave (academic year for appointees on academic year, ten-month, or eleven-month assignments) at one-half salary or six (6) months' sabbatical leave (academic semester for appointees on academic year, ten-month, or eleven-month assignments) at full salary. After three (3) years of continuous eligible service, an appointee may apply for six (6) months' sabbatical 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 (6) 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~~ shall be made in writing by the dean, ~~or president of the individual's college~~ and be approved by the Provost ~~or Senior Vice~~~~

~~President and Chancellor of the Medical Center.~~ The request or agreement ~~must~~ shall 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 (1) 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 (1) or two (2) 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~~ shall promote the purpose of the leave and is approved by the President or the President's ~~designated representative~~ designee.

For those on one-year sabbatical 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 such arrangements pursuant to this paragraph must be approved by the President or the President's ~~representative~~ designee.

—————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 sabbatical ~~leave-of absence~~, will continue service at the University for at least one (1) academic year.

—————~~b.(ii)~~ Other Leaves with Pay

—————~~(1)~~ Sick Leave for Faculty Temporary Disability Leave

~~Sick-TDL leave~~ may be granted to faculty members by the Provost ~~Provost or Senior Vice President and Chancellor of the Medical Center~~. Eligible faculty members who are totally disabled are entitled to six (6) months' ~~sick-TDL leave~~ with pay after which the Long Term Disability Plan, for which the University pays the full cost, becomes operative. ~~Sick leave~~ TDL with pay for more than six (6) months requires approval by the Board of Trustees.

—————~~(2)~~ (iii) Miscellaneous Leaves With Pay

~~The Senior Vice President for Administration or, for individuals on an academic appointment, the~~ Upon the recommendation of the appropriate administrative officers and approval of the Provost, ~~or the Senior Vice President and Chancellor of the Medical Center a faculty member~~ may be granted leaves of absence with pay for a period not to exceed thirty (30) 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 (30) days require approval of the Board of Trustees.

(eiv)- ~~Leave Without Pay~~ Leaves 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,~~ 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. 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, etc. In no case shall the leave of absence without pay be considered as an interruption of continuous service.

(dv)- ~~Educational Leave~~ Educational Leave

To pursue an advanced degree at the University of Kentucky in accordance with ~~Part X.C.6 of these Governing Regulations~~ Governing Regulations, Part X.C.6, 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 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.

(evi)- ~~Scholarly Fellowship Leave~~ 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 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 apply toward eligibility for sabbatical leave and count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary.

3. Miscellaneous

~~6.i. Faculty Members As Candidates for Degrees~~ Faculty Members as Candidates for Degrees

~~Faculty Mm~~embers 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.ii. Faculty Members As Scholars and Citizens~~ 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 instruction, research, service, and publication and to protect members of the academie-staff-faculty~~ against influences, from inside or outside the University, which ~~will~~ would restrict them in the exercise of these freedoms in their areas of scholarly interest. ~~Teachers and students~~ Faculty members 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 shall not count as probationary service unless agreed to otherwise.

Elective and appointive part-time services on boards and commissions to which faculty members

~~of the University staff~~ are prepared to provide exceptional amounts of time services shall be governed by policies on professional practice (GR X.C.3).

C. Employment of Staff Employees

1. The Human Resources Policy and Procedures Administrative Regulations are applicable to staff employees. The Human Resources Policy and Procedures Administrative Regulations are promulgated by the President pursuant to delegation of the Board of Trustees.

2. A post-retirement appointment maybe 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 staff 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 (1) year.

3. Emeritus ranks for retired staff employees and the rights of holders of emeritus titles are established by the President after consultation with the Staff Senate Executive Committee.

~~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.~~

Opportunity for Hearing

In no case shall an appointment of a postdoctoral scholar, postdoctoral fellow, resident, clinical fellow, teaching assistant, or research assistant be terminated before the end of the period of appointment without the individual being provided an opportunity to be heard before the University Senate Advisory Committee on Privilege and Tenure. Such employees who have established a *prima facie* case to the satisfaction of the committee that a consideration violating academic freedom significantly contributed to the individual's termination, shall be given a written statement of reasons by those responsible for the termination and an opportunity to be heard by the University Senate Hearing Panel of the Privilege and Tenure Committee.

Post-retirement Appointments

A 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 staff 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 (1) year.

D. Matters Effecting Faculty and Staff

The Human Resources Policy and Procedures Administrative Regulations on Benefits are applicable to faculty members and staff employees. All other Human Resources Policy and Procedures Administrative Regulations are applicable to faculty members to the extent that there are no other applicable policies for faculty members on the subject matter.

E. Matters Effecting Postdoctoral Scholars, Postdoctoral Fellows, Residents, Clinical Fellow, Teaching Assistants and Research Assistants