

PR 3A

Office of the President
September 18, 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 be received for preliminary consideration and, at the next regular meeting of the Board of Trustees provided at least one month has elapsed, be included on the agenda for action.

Background: These changes reflect the organization changes presented to the Executive Committee of the Board of Trustees on July 5, 2001, and approved by the Board of Trustees at its meeting on August 14, 2001, and reflect the changes in titles and delegations of the reorganization.

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

Action taken: Approved Disapproved Other_____

PART II

GOVERNANCE OF THE UNIVERSITY OF KENTUCKY

The governance of the University of Kentucky is vested by law in the Board of Trustees. (KRS 164.131) Within the limits set by the State Constitution and the federal and state laws,* the Board of Trustees is the final authority in all matters affecting the institution, and it exercises jurisdiction over the institution's financial, educational, and other policies and its relation with the state and federal governments. The Board has the same powers with respect to the community colleges that it has to the University of Kentucky in general. (KRS 164.595)

These Governing Regulations of the University of Kentucky describe the composition, powers, and duties of the Board of Trustees of the University of Kentucky, as defined by Kentucky Statutes, and establish policies and procedures for the performance of its functions. In the Governing Regulations, the Board of Trustees has delegated certain responsibilities to the President and the University Senate in order to provide for the responsible and efficient administration of the University System and the accomplishment of its goals. As the chief administrative officer of the University, the President is authorized by the Board to promulgate the Administrative Regulations and the Human Resources Policy and Procedure Manual which provide interpretation and implementation of these Governing Regulations and of the Minutes of the Board and which delineate policies within the sphere of delegated responsibility. The University Senate is authorized to issue rules implementing the responsibility delegated to it in these Governing Regulations. Likewise, the Senate of the Community College System is authorized to issue rules implementing the responsibility delegated to it in these Governing Regulations.

Where appropriate, the detailed rules and regulations appearing in the Administrative Regulations, the Human Resources Policy and Procedure Manual, the Rules of the University Senate, and the Rules of the Senate of the Community College System should refer to the source or sources in the Governing Regulations or Minutes of the Board, so that interested persons seeking guidance will find it necessary to consult only the Administrative Regulations, the Human Resources Policy and Procedure Manual, and the Rules of the University Senate or the Rules of the Senate of the Community College System.

* The Council on Postsecondary Education in Kentucky (KRS 164.020) has powers and duties that relate to the governance of the University of Kentucky. These powers and duties are listed in the Appendix to these regulations.

A. Board of Trustees

1. Definition

The Board of Trustees is a body corporate, under the name of Board of Trustees of the University of Kentucky, with the usual corporate powers, and possesses all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. It may receive, hold, and administer, on behalf of the University, subject to the conditions attached, all revenues accruing from endowments, appropriations, allotments, grants or bequests, and all types of property. (KRS 164.160)

No member of the administrative staff of the University shall be directly or indirectly interested in any contract with the University for the sale of property, materials, supplies, equipment, or services, with the exception of compensation to the two faculty members. (KRS 164.131)

No member of a board of trustees shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45A, unless such trustee shall have been the lowest bidder and unless such trustee shall have first notified in writing the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract. (45A.340(7))

No member of the Board of Trustees may be held to be a public officer by reason of membership on the Board except as provided in KRS 45A.335 for the purpose of KRS 45A.340. (KRS 164.150)

All necessary expenses incurred by the Trustees in traveling to and from and while attending meetings of the Board of Trustees are designated to be paid out of the funds of the University. (KRS 164.170)

2. Membership

The Board of Trustees of the University of Kentucky consists of sixteen members appointed by the Governor, two members of the faculty of the University System who shall have the right to vote on all matters except that of faculty compensation, one member of the University System nonteaching personnel, and one member of the student body of the University of Kentucky. The terms of the appointed members shall be for six years and until their successors are appointed and qualified, except the initial appointments shall be as follows: two members shall serve one-year terms; two shall serve two-year terms, one of whom shall be a graduate of the University; three shall serve three-year terms; three shall serve four-year terms, one of whom shall be a graduate of the University; three shall serve five-year terms and three shall serve six-year terms, one of whom shall be a graduate of the University. Three of the appointments shall be graduates of the University and may include one graduate of the institution who resides outside the Commonwealth; three shall be representative of agricultural interests; and ten shall be other distinguished citizens representative of the learned professions. The Governor shall make the appointments so as to reflect proportional representation on the Board of the two leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than

proportional representation of the minority racial composition of the Commonwealth. Appointments to fill vacancies shall be made for any unexpired terms in the same manner as provided for the original appointments. (KRS 164.131)

Each graduate member is appointed by the Governor from a list of three names submitted by the alumni of the University according to rules established by the Board of Trustees. (KRS 164.131; KRS 164.140)

The two faculty members representing the University System of the University of Kentucky shall be members of the faculty of the University System of the rank of assistant professor or above, elected by secret ballot by all faculty members of the rank of assistant professor or above in the University System. Faculty members shall serve for terms of three years and until their successors are elected and qualified. They are eligible for re-election but are ineligible to continue to serve as members of the Board if they cease to be members of the faculty of the University System. Elections to fill vacancies for any unexpired terms shall be held in the same manner as for the original elections. The authority to develop procedures for the election of faculty members of the University System to serve as members of the Board in accordance with the provisions of KRS 164.131 is hereby delegated to the University Senate.

Staff members eligible to vote and eligible to serve as an elected member of the Board of Trustees shall be those regular, full-time staff of the University of Kentucky, as defined in Staff Personnel Policy and Procedure Administrative Regulations, Number 4.0: Employee Status, excluding the president, vice presidents, academic deans and academic department chairpersons. The staff member shall represent all nonteaching university employees. The staff member shall be elected by secret ballot by the nonteaching employees. The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but a staff member who ceases being an employee of the university shall not be eligible to continue to serve as a member of the board. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as provided for the original election. The authority to develop procedures for the election of a staff member of the University System to serve as a member of the Board in accordance with the provisions of KRS 164.131 is hereby delegated to the ~~Vice President for Fiscal Affairs~~Senior Vice President for Administration.

The student member shall be the president of the student body of the University during the appropriate academic year and may be an out-of-state resident if applicable. If the student member does not maintain the position as student body president or the status of a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The student member shall serve for a term of one year beginning with the first meeting of the fiscal year which contains that academic year. (KRS 164.131)

The number of student and employee members elected to the University of Kentucky Board of Trustees shall not exceed four. (KRS 164.131)

3. Meetings

The Board of Trustees must hold at least four regular meetings per year. Dates designated by law are: the Tuesday preceding the regular annual Commencement of the University; the third Tuesday in September; the second Tuesday in December; and the first Tuesday in April. Special meetings may be called by the chairperson or by any three members upon giving ten days' written notice to each member of the Board. The business to be transacted at special meetings shall be specified in the notice of the meeting. All meetings are to be held on the campus of the University unless otherwise specified by a majority vote of the Board. A majority of the voting members of the Board constitutes a quorum. (KRS 164.170)

The Board of Trustees may adjourn any regular or called meeting to any date that it may set for such adjournment. Any meeting of the Board, if a quorum is not present, may be adjourned by the members attending to a time when a quorum shall be present.

The meetings of the Board of Trustees are required to be open to the public. The Board is required to arrange for a stenographic transcript of each of its meetings to be prepared and filed, to send an agenda for each of the meetings to each member of the Board, and to make a copy available to the press. (KRS 164.170)

The President of the University shall attend all meetings of the Board of Trustees and of its Executive Committee.

4. Officers

The chairperson, vice chairperson, secretary, and assistant secretary of the Board of Trustees shall be elected annually at the September meeting of the Board. The Chairperson of the Board of Trustees shall be limited to no more than four consecutive terms as Chair. In the absence of the chairperson, the vice chairperson presides. The secretary keeps the Minutes of all meetings, issues notices of meetings, and provides for the publication and distribution of the Minutes in accordance with instructions from the Board. The secretary is responsible for the maintenance of an official revised copy of these Governing Regulations and for the publication of revisions from time to time. The assistant secretary is empowered to perform the duties of the secretary when the secretary is not present on the Lexington campus of the University and at such other place or places as are required for the efficient performance of the secretary's duties. The assistant secretary need not be a member of the Board of Trustees.

5. Committees

STANDING COMMITTEES:

The purpose of standing and special committees is to assist the Board in its oversight role by gathering information, discussing, and providing advice on policy proposals prior to their

coming before the entire Board. Membership of standing committees shall include at least five members of the Board including the committee chair and shall be appointed by the Chairperson of the Board soon after the election of officers in September. The Academic Affairs, Student Affairs, and Human Resources committees shall not be chaired by faculty, staff, or student trustees.

A. EXECUTIVE COMMITTEE

The Board of Trustees annually elects an Executive Committee of five members, which has the powers that the Board delegates to it as spelled out in KRS 164.190. This election shall be held at the September meeting of the Board. Vacancies may be filled at any meeting of the Board. The Board designates one member of the Committee to serve as its chairperson. In general, the Committee exercises oversight of the financial and business interests of the University and possesses the same powers as the Board during the periods between meetings of the full Board.

Meetings may be held as necessary at the call of the chairperson. The secretary of the Board of Trustees acts as secretary, *ex officio*, of the Executive Committee. The President of the University shall attend all meetings.

The Executive Committee is required to submit to the Board of Trustees at each meeting, for the latter's consideration and approval, a complete record of the proceedings of the Executive Committee. The authority of the Board to amend the action of the Executive Committee does not extend to the rejection of any valid or authenticated expenditure of money by the Executive Committee. (KRS 164.190)

B. ACADEMIC AFFAIRS

Shall review recommendations to the Board from the President on policy matters pertaining to the academic mission of the University in teaching, research, and public service as well as academic freedom and tenure and shared governance. Will review proposals from the President to ensure the academic programs are consistent with the University's mission, that resources are available to achieve academic priorities as set forth in the Strategic Plan, that academic programs are appropriate for its student needs and that the University has a system in place for assessing the effectiveness of its academic programs. Will review new program proposals and changes in the academic units to ensure the program proposals and changes will effectively carry out the academic mission and provide information to the Board if needed when new programs or changes in academic units are recommended to the Board for approval. Shall review the list of candidates for academic degrees and provide information to the Board if needed when degree candidates are recommended for approval.

C. STUDENT AFFAIRS

Shall accept and review recommendations from students, faculty and administrators which the President submits regarding revisions of the Code of Student Conduct. Shall review recommendations from the President concerning the general welfare of students and the adoption of rules, procedures, rights, and responsibilities governing non academic relationships between the University and its students.

D. HUMAN RESOURCES

Shall review recommendations from the President to the Board regarding policies pertaining to employee benefits, rights and privileges requiring Board approval. Shall serve as a hearing panel in the event of a faculty, student or employee appeal coming to the Board.

E. UNIVERSITY RELATIONS

Shall review recommendations from the President relating to the economic, social, and public policy environments within which the University operates that directly affect the University. Shall review policies or policy proposals from the President regarding marketing and development as well as public, governmental, and alumni relations.

F. INVESTMENT

Under delegation from the Board and consistent with KRS 164A.550 through 164A.630, the Investment Committee shall be responsible for review and oversight of the endowment investment programs of the University and its affiliated corporations. This responsibility includes: formulating and reviewing investment policies; appointing, monitoring and evaluating investment managers and consultants; and reviewing and approving plans for the general management of the endowment funds of the University.

The Investment Committee Chairperson will report to the Board at least annually on the performance results of endowment investments. Policies of the Committee are implemented by the Office of Controller and Treasurer in carrying out the day-to-day operations of the University's endowment funds.

G. FINANCE

Shall ensure the financial stability and long-term economic health of the University by monitoring the financial operations of the University and its affiliated corporations and making appropriate recommendations to the Board to ensure achievement of the University's mission. Consistent with KRS 164A.550 through 164A.630, the Committee maintains oversight responsibility for the financial management of the University in the areas of accounting, auditing, payroll, purchasing, capital construction, real property and affiliated corporations. In particular, the Committee shall: oversee the budgets of the University, reviewing and recommending to the Board on the annual Operating and Capital Budgets; ensure that accurate and complete financial records are maintained by reviewing and recommending to the Board on annual financial reports and related recommendations from the Audit Subcommittee, interim financial reports, capital construction reports, long-term debt obligations, gifts to the University of \$100,000 or more, leases over \$30,000 per year, disposition of property, sale of assets, and financial transactions not provided for in the annual operating budget.

The Audit Subcommittee shall recommend to the Finance Committee on the appointment of the external auditors, receive and review the annual reports from the external auditors and make recommendations to the Finance Committee concerning these reports.

H. NOMINATING

_____ Shall nominate officers of the Board and members of the Executive Committee. Shall review recommendations from the President concerning the appointment of Trustees to the boards and committees of the University and its affiliated entities which require Board approval.

I. SPECIAL COMMITTEES

Special committees may be established and appointed at any time by the Chairperson of the Board and with such charge as the Board Chair may determine. They shall carry out their duties as specified and report to the Board. They will function until discharged. Membership will include Trustees and may also include persons who are not Board members.

6. Powers and Responsibilities

The powers and responsibilities of the Board of Trustees include the following:

It may establish proper regulations for the governance of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations or for other conduct prejudicial to the character and welfare of the University. (KRS 164.200)

It may determine from time to time the colleges, schools, divisions, departments, bureaus, and offices which shall comprise the University within the scope of the Acts of Congress approved July 2, 1862, and Acts supplementary thereto, and the relation which each division shall sustain to each other division and to the whole. It may devise, allot, and arrange the distribution of divisions with the designation appropriate for each, and devise the means required for their effective instruction, administration, and governance. (KRS 164.210)

It may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, duties, and official relations of each. In appointments of presidents, professors and instructors no preference may be shown to any religious denomination.* It is required to provide compensation for all positions created and filled by the Board. It may provide for employee retirement benefits and such other employee benefits as are related to the respective employments and services furnished. Retirement plans may include, but without limitation, the retirement ages, the benefits of employees including group insurance, annuities, establishment of a trust fund or funds, and, the amounts to be paid or contributed by employees and the amounts to be paid or contributed by the University of Kentucky, and other appropriate terms and provisions with respect thereto. (KRS 164.220) It is further designated as an independent agency and instrumentality of the Commonwealth and given exclusive jurisdiction of the appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and retirement programs described. (KRS 164.225)

It has full power to suspend or remove any of the officers, teachers, professors, or agents that it is authorized to appoint, except that no president, professor, or teacher may be removed except for incompetence, neglect of or refusal to perform duties, or for immoral conduct, and then only after ten days' notice in writing stating the nature of the charges preferred, and after the individual has been given an opportunity to make defense before the Board by counsel or otherwise and to introduce testimony which shall be heard and determined by the Board. (KRS 164.230)

It may grant degrees to graduates of the University, prescribe conditions upon which postgraduate honors may be obtained, and confer such honorary degrees upon the recommendation of the faculty of the University as it deems proper. (KRS 164.240)

It is required to make a full report to the General Assembly, within the first month of each regular session, of the condition and operation of the University since the date of the previous report, with such recommendations concerning the University as are deemed necessary. (KRS 164.250)

It may acquire additional lands or other property or material for the purpose of expanding its plant and extending its usefulness. When unable to contract with the owner of land or other property or material necessary for the purposes of the University, it may acquire the same by condemnation proceedings in the manner provided in KRS 416.010 to 416.080. (KRS 164.260)

* See Parts X.A and XII.A

It may dispose of real estate held by the Commonwealth for the use or benefit of the University or the Kentucky Agricultural Experiment Station as authorized in KRS 164.270 and KRS 45.360.

~~The Board approves the establishment of associate degree and certificate programs in the Community College System together with the requirements for the degrees and certificates. It awards associate degrees and certificates upon the recommendation of the Senate of the Community College System.~~

7. Order of Business

The order of business at meetings of the Board of Trustees shall be as follows:

- Call to Order
- Invocation
- Roll Call
- Reading and Approval of Minutes with Necessary Modifications
- Report of the President
- Consideration of President's Recommendations for Action

Consideration of President's Discussion Items
Reports of Committees
Other Business
Adjournment

General parliamentary rules shall be observed in conducting the business of the Board of Trustees except as these may be modified by rules and regulations adopted by the Board.

B. Community College Board of Directors

(1) There shall be a board of directors for each community college under the Kentucky Community and Technical College System, except as provided in KRS 165.160.

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, ~~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 IV

THE UNIVERSITY SENATE (UNIVERSITY SYSTEM)

The University Senate shall be composed of both elected and ex officio membership.

The elected membership shall number 114, of which 94 members shall represent the faculty, one member shall represent the emeriti faculty, and 19 members shall represent the student body.

The 94 elected faculty seats shall be apportioned each spring among the colleges and the University Libraries according to the following two equally weighted factors based on data for the preceding fall semester: (1) the number of the following individuals all of whom shall be considered "faculty" for purposes of this Rule: (a) full-time faculty in the regular and special title series with the rank of assistant professor or higher, (b) full-time faculty appointed in the extension, librarian, research and clinical title series, and (c) full-time lecturers and instructors; and (2) the number of full-time students enrolled in the college, computed so that students enrolled in the Graduate School shall be assigned to the college in which they are pursuing their studies. Each elected faculty member shall serve for a term of three years and shall be eligible for re-election for a second consecutive term but ineligible for further re-election until one year has elapsed. If a faculty member of the Senate should at any time during a term become ineligible to serve (e.g., by reason of assuming an administrative title, resigning, or taking official leave which precludes attendance), the administrative head of the group represented shall declare a vacancy and designate that member from the eligible faculty who at the last election received the next highest vote to serve for the duration of the elected faculty member's ineligibility.

The one elected emeritus faculty member shall represent the University of Kentucky Association of Emeriti Faculty. The Association shall elect one senator for a term of three years and an alternate from its membership through an election process approved by the Senate Council. If the elected emeritus faculty member of the Senate at any time during a term becomes ineligible or unable to serve, the elected alternate shall serve the remainder of the term.

The 19 elected student membership shall consist of the President of the Student Government Association and representatives of the full-time student body in the various colleges and the Graduate School of the University System. The colleges and the Graduate School each shall have one student representative. Students with no declared major shall be represented through the College of Arts and Sciences. Each elected college representative shall be a junior, senior, or graduate or professional student, or in the case of the Lexington Community College a sophomore student, shall not be on either academic or disciplinary probation, shall serve for a term of one year, and shall be eligible for re-election as often as the individual remains a full-time undergraduate, graduate, or professional student in the University System. If a student should at any time become ineligible to serve (e.g., by relinquishing status as a full-time student, being placed on academic probation, or violating the Senate attendance regulations), the administrative head of the group represented shall declare a vacancy and designate that member from the eligible

student body who at the last election received the next highest vote to serve for the duration of the elected student member's ineligibility.

~~The ex officio voting members shall number 13 or 14. In academic years beginning with an even number (e.g., 1984-1985, 1986-1987), this group~~In even numbered academic years, the ex officio voting members of the Senate shall be composed of the following: Provost, Vice President for Research, Senior Vice President and Chancellor ~~offer~~ the Medical Center, ~~Vice President for Research and Graduate Studies,~~ Director of Libraries, Director of Teaching Learning Center and Deans of the Colleges of Allied Health Professions, Architecture, Communications and Information Studies, Dentistry, Education, Engineering, Law, and Social Work. In odd numbered academic years, ~~beginning with an odd number,~~ the ex officio voting members shall be the following: ~~Chancellor for the Lexington Campus,~~ Provost, President of the Lexington Community College, Associate Vice Chancellor~~President~~ for Academic Affairs for the Medical Center, Dean of the Graduate School, Dean of Undergraduate Studies and Deans of the Colleges of Agriculture, Arts and Sciences, Business and Economics, Fine Arts, Human Environmental Sciences, Medicine, Nursing, and Pharmacy.

The ex officio non-voting membership shall include the President, ~~the Special Assistant to the President for Academic Affairs,~~ all other vice presidents, ~~Vice Chancellor~~Associate Provost for Minority Affairs, University System Registrar, Associate ~~Vice Chancellor for Academic Affairs~~Provost for Undergraduate Education for the Lexington Campus and Director of Admissions, ~~Executive Director~~Dean of University Extension, Dean of Students, Professor of Military Science, Professor of Aerospace Studies, Director of the University Studies Program, and, if they are not already elected members of the Senate, the University System faculty members of the Board of Trustees, the Academic Ombud, the Director of the Honors Program, and the chairpersons of the University Senate Committees, including University Senate Advisory Committees. All officials mentioned in the preceding paragraph who are not ex officio voting members in any year shall be considered ex officio non-voting members. Other ex officio non-voting members may be added by the University Senate Council for the purpose of supplying information and viewpoints on problems considered by the Senate. Ex officio non-voting members shall enjoy all privileges of the elected membership except the right to vote.

The Senate is authorized to develop rules for the conduct of its functions, copies of these rules being furnished to the President and the Board of Trustees. It may perform its functions directly, through the Senate Council*, through standing or special committees which it may appoint or authorize for appointment, or through delegation of authority and responsibility to the faculties of the Graduate School or the colleges. Standing committees of the Senate, responsible to the

* Members of the Senate Council will remain members of the Senate until the end of their terms on the Council. They will not be counted as a part of the quota of the administrative unit that they have represented nor of the maximum membership of the Senate after the expiration of their elected memberships.

Senate, shall be appointed by the Senate Council unless other methods of appointment have been authorized by the Senate.

The Senate also may establish Senate advisory committees which shall be responsible, in an advisory capacity, to the President or other administrative officer(s) or administrative unit(s). These committees also shall be responsible to the Senate for reporting upon issues which bear upon the functions of the Senate and for making recommendations for action. Senate advisory committees shall be appointed by the President from nominations made by the Senate Council or following consultation with the Council.

The President shall be the chairperson of the Senate and shall be the presiding officer except as the President may delegate this function. The University Registrar shall serve as ex officio secretary. A member of the University faculty (not necessarily a member of the Senate), appointed by the Senate Council, shall serve as parliamentarian. The two sergeants-at-arms, appointed by the Senate Council, shall be members of the University System faculty and/or staff.

The Senate shall hold regular monthly meetings during the academic year when classes are in session and, after adequate notice by its secretary, special meetings on the call of the President or the Senate Council or on the written request of ten (10) members.

Any member of the administrative, instructional, or research staff may attend a meeting of the Senate as a visitor and request the privilege of the floor.

The functions of the University Senate shall include the following:

Determine the broad academic policies of the University System and make regulations to implement these policies.

Approve all new academic programs, curricula, and courses offered in the University System.

Adopt policies for the University System academic calendar and approve the annual calendar as prepared by the University Registrar.

Recommend to the ~~President~~ Provost on the establishment, alteration, and abolition of educational units in the University System.

Advise the President or the President's designated officer on the planning for physical facilities and staff when these may affect the attainment of education objectives of the University System.

Advise the President or the President's designated officer, through appropriate committees, on criteria for appointments, reappointments, promotions, and granting of tenure in the University System.

Determine the conditions for admission and for degrees, other than honorary degrees, in the University System.

Recommend to the President all candidates for degrees in the University System.

Beyond those listed in the above, the Senate shall have no management or administrative functions either in itself or through the instrumentality of its committees.

The University Senate may address the President or, through the President, the Board of Trustees, regarding any University matter.

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 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 VIII

UNIVERSITY SYSTEM APPOINTMENTS

A. Administrative Appointments1. Regular Appointments

The President of the University is appointed by the Board of Trustees with the advice of a joint committee of the Board, faculty, staff, student body, and alumni. The committee shall consist of six members of the Board, at least one of whom shall be from among the three alumni trustees, appointed by its chairperson; three members of the full-time teaching and/or research faculty of the University System, selected by a procedure determined by the University Senate; one member of the full-time staff of the University appointed by the Chairperson of the Board from a list of three staff members elected by the staff of the University; two full-time students of the University, one undergraduate and one graduate or professional student, appointed by the Chairperson of the Board from a list of three undergraduate students and three graduate or professional students selected by a procedure determined by the Student Government Association; and one member of the alumni of the University appointed by the Chairperson of the Board from a list of three alumni selected by the Board of Directors or the Executive Committee of the University of Kentucky Alumni Association. The committee shall provide opportunity for discussion between representatives of administration, faculty, staff, student and alumni groups and prospective presidential candidates.

The ~~chancellors~~Provost, vice presidents, chief administrative officers of educational units (deans, directors, and chairpersons), and every administrative and professional employee of the University who is to report directly to the President or whose position is at Level 50 or above in the Administrative and Professional Classification System shall be appointed by the Board of Trustees, acting upon recommendation of the President. Except in the cases of those individuals who report directly to the President, a recommendation from an appointee's superior officer shall be obtained prior to recommending an appointment or reappointment by the Board of Trustees. Non-faculty employees other than those described above may be appointed by the President, ~~or, if their employment is to be in a chancellor/vice president sector, by the appropriate chancellor~~Provost, or appropriate senior vice president/vice president upon recommendation of the appropriate person or persons superior in rank to the appointees. The President shall report all appointments at Levels 47 through 49 in the Administrative and Professional Classification System to the Board of Trustees. The President ~~and the appropriate senior vice president~~ and the appropriate senior vice president ~~and the chancellors~~Provost/vice presidents may delegate the power to appoint personnel whose appointments are not made by the Board of Trustees to other appropriate administrative officers.

If the Board does not accept the recommendation of the President with respect to an appointment, it shall call upon the President to make another recommendation. Likewise, the President may refuse to approve a recommendation but, in each such case, the President shall ask for a new recommendation. The same principle shall apply at all levels of the administrative organization.

2. Acting Appointments

When vacancies occur in administrative positions other than the presidency, the President or, ~~if the officer is on appointment in a chancellor/vice president sector,~~ the ~~appropriate chancellor/~~Provost or the appropriate senior vice president may appoint acting officers to fill the positions until it is possible to make regular appointments by the established procedure. When the officer is one who does not report directly to the President, the President or ~~the Provost or a chancellor/~~ senior vice president, as appropriate, shall request a recommendation from that officer's superior. If the officer administers a college, school, department, or a community college the appropriate chancellor/vice president also shall request a recommendation from a committee which includes faculty representation from that unit. Acting appointments shall be for a maximum term of one year; however, reappointment may be made after a satisfactory review. All appointments of acting officers shall be reported to the Board of Trustees.

With the approval of the next higher administrative level, a regular administrative officer may designate a temporary officer to serve in an acting capacity for a period not to exceed four months while the regular officer is away from campus on University business or approved leave.

3. Search Committees

Recommendations on the appointment of the chief administrative officers of all educational units of the University shall be made after advice from search committees.

When vacancies in administrative positions are anticipated, search committees shall be appointed sufficiently in advance of the vacancy to avoid the appointment of an acting administrator. When unanticipated vacancies occur, search committees shall be appointed as soon as the established procedures for appointment can be carried out.

Search committees for deans of colleges shall be appointed by the appropriate ~~chancellor/~~Provost or Senior Vice President and Chancellor of the Medical Center after consultation with the Senate Council.

Search committees for directors of schools shall be appointed by the deans of the colleges after consultation with the appropriate faculty bodies within the colleges.

Search committees for chairpersons of academic departments shall be appointed by the deans of the colleges after consultation with (1) the associate dean or director of the school within the college if the department is in such a school; (2) the faculty of the department; and (3) the Dean of the Graduate School if the department is involved in a graduate program.

Search committees for directors of interdisciplinary institutes shall be appointed, after consultation with the Graduate Council, by the Vice President for Research, ~~and Graduate Studies~~ or other ~~specific~~ officer to whom administrative responsibility has been delegated.

A search committee for a president of the Lexington Community College shall be appointed by the ~~Chancellor of the Lexington Campus~~Provost after consultation with the faculty of the College.

Search committees for chairpersons in the Lexington Community College shall be appointed by the President of the College after consultation with at least the tenured faculty members of the appropriate divisions.

Search committees shall operate under procedures prescribed by the President after consultation with the Senate Council.

Recommendations of the search committee shall be transmitted to the President through the normal administrative channels, along with the recommendation of the administrative officer responsible for the appointment. Recommendations on the appointment or reappointment of a chairperson of an academic department or division shall be accompanied by written statements from at least the tenured members of the department or division.

4. Terms of Chairpersons and Directors

a. Department Chairpersons

The term of a department chairperson's appointment shall be four years, except in the Colleges of Agriculture, Dentistry, Human Environmental Sciences, Medicine, Nursing, and Pharmacy where it shall be six years. Ordinarily, a department member will be asked to serve as chairperson for only one term. A chairperson may be reappointed, however, when the faculty advisory committee appointed to review the work of the department (AR II-1.0-6) finds that the particular circumstances and needs of the department make such a reappointment desirable. Reappointment beyond the second term may occur under exceptional circumstances when it is deemed to be in the best interests of the University. This practice may vary from discipline to discipline.

b. Chairpersons of Interdisciplinary Instructional Programs

Insofar as applicable, the rules for the appointment and reappointment of a department chairperson shall apply also to the appointment and reappointment of a chairperson of an interdisciplinary instructional program.

c. Division Chairpersons (Lexington Community College)

The division chairperson shall be appointed for a term of three years and normally shall serve for no more than three consecutive terms. Reappointment beyond the third term may occur under exceptional circumstances when it is deemed to be in the best interest of the community college and has been recommended by a faculty advisory committee.

d. Directors of Multidisciplinary Research Centers and Institutes

The director of a multidisciplinary research center or institute shall be appointed for a term of six years. A director may be reappointed, however, when an ad hoc committee appointed

to review and evaluate the center or institute (AR II-1.0-6) finds that the particular circumstances and needs of the center or institute make such a reappointment desirable.

B. Academic Appointments, Reappointments, Promotions, and Granting of Tenure

All appointments and promotions of faculty to positions which involve (1) an actual or equivalent academic rank of associate professor or professor, (2) tenure, or (3) an initial salary above \$60,000 shall be made by the Board of Trustees, acting upon recommendation of the President. Appointments and promotions of faculty to positions which involve an actual or equivalent academic rank below associate professor and an initial salary not exceeding \$60,000 may be finally approved by the President who shall report such actions (except those relating to graduate teaching and research assistants) to the Board of Trustees. The President may delegate the power to make appointments and promotions that do not require approval by the Board. The President, following consultation with the Senate Council shall establish such review systems as are appropriate to assist the President, or other appropriate administrative officers designated by the President, in making informed judgments concerning academic appointments, promotions, and granting of tenure.

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 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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PART XI

STUDENT AFFAIRS

A. University of Kentucky Student Government Association

The University of Kentucky Student Government Association is recognized by the Board of Trustees, administration, and the University Senate as the official student body authority in University matters to insure a maximum of self-government and to create mutual respect and liaison between students and the faculty and administration. It shall provide services to the students, faculty, and administration of the University and represent student opinion to the faculty, administration, and Board of Trustees. It may have responsibilities delegated to it by the President, the Office of the ~~Vice Chancellor~~ Associate Provost for Student Affairs ~~for the Lexington Campus~~, and/or the University Senate.

The President of the University of Kentucky Student Government Association shall be considered to be the president of the student body of the University specified in KRS 164.130.

The University of Kentucky Student Government Association shall be representative of the student body of the University System of the University of Kentucky. It is authorized to develop rules for its composition and procedures which are consistent with rules and regulations of the University. Copies of these rules shall be supplied to all members of the student body of the University System, the Secretary of the University Senate, the ~~Vice Associate Provost~~ for Student Affairs ~~for the Lexington Campus~~, the President of the University, and the Secretary of the Board of Trustees.

For purposes of budget and other matters relating to finance, the University of Kentucky Student Government Association is responsible to an administrative officer designated by the President.

The student government in the University shall adhere to all rules and regulations adopted by the Board of Trustees.

B. Student-University Relationships

The non-academic relationships between University System students on the Lexington campus and Lexington Community College students and the University are covered in the document entitled, Student Rights and Responsibilities. Part I. Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships, which has been adopted by the Board of Trustees and may be amended only by that body.

The academic relationships between University System students and the University are incorporated in the document entitled, Student Rights and Responsibilities. Part II. Selected Rules of the University Senate Governing Academic Relationships. The rules in Part II have been adopted and may be amended by the University Senate.

Copies of the document, Student Rights and Responsibilities: Parts I and II, shall be made available to all students in the University System and the Lexington Community College. Registration by the student constitutes acceptance of these student-University relationships. In no case, however, shall this preclude legitimate efforts to obtain amendments to this basic document covering these relationships.

The non-academic relationships between Community College System students, excepting Lexington Community College students, and the University are covered in the document entitled, Code of Student Conduct: Rules, Procedures, and Responsibilities, which has been adopted by the Board of Trustees and may be amended only by that body. The academic relationships between Community College System students, including Lexington Community College students, and the University are defined in the Rules of the Senate of the Community College System (Section I, Student Academic Affairs). These rules have been adopted and may be amended by the Senate of the Community College System.

Copies of the documents discussed in the preceding paragraph shall be made available to all Community College System students, including Lexington Community College students. Registration by the student constitutes acceptance of these student-University relationships. In no case, however, shall this preclude legitimate efforts to obtain amendments to these documents covering these relationships.

Maximum efforts should be made by administrative officers, student government organizations, and the University Senate to maintain liaison through advisory and coordinating committees concerning student-University relationships.

~~PART XV~~

~~APPENDIX: POWERS AND DUTIES
OF THE COUNCIL ON POSTSECONDARY EDUCATION~~

~~164.020. POWERS AND DUTIES OF COUNCIL. The Council on Postsecondary Education in Kentucky shall:~~

~~(1) — Develop and implement the strategic agenda with the advice and counsel of the Strategic Committee on Postsecondary Education. The council shall provide for and direct the planning process and subsequent strategic implementation plans based on the strategic agenda as provided in Section 6 of this Act;~~

~~(2) — Revise the strategic agenda and strategic implementation plan with the advice and counsel of the committee as set forth in Section 4 of this Act;~~

~~(3) — Develop a system of public accountability related to the strategic agenda by evaluating the performance and effectiveness of the state's postsecondary system. The council shall prepare a report in conjunction with the accountability reporting described in Section 84 of this Act, which shall be submitted to the committee, the Governor, and the General Assembly by December 1 annually. This report shall include a description of contributions by postsecondary institutions to the quality of elementary and secondary education in the Commonwealth;~~

~~(4) — Review, revise, and approve the missions of the state's universities and the Kentucky Community and Technical College System. The Council on Postsecondary Education shall have final authority to determine the compliance of postsecondary institutions with their academic, service, and research missions;~~

~~(5) — Establish and ensure that all postsecondary institutions in Kentucky cooperatively provide for an integrated system of postsecondary education. The council shall guard against inappropriate and unnecessary conflict and duplication by promoting transferability of credits and easy access of information among institutions;~~

~~(6) — Engage in analyses and research to determine the overall needs of postsecondary education in the Commonwealth.~~

~~(7) — Develop plans that may be required for federal legislation. The Council shall for all purposes of federal legislation relating to planning be considered the "single state agency" as that term may be used in such federal legislation; provided, however, that when such federal legislation requires additional representation on any such "single state agency" the Council on Postsecondary Education shall establish such advisory groups as may be necessary to satisfy such federal legislative or regulatory guidelines.~~

~~(8) — Determine tuition and approve the minimum qualifications for admission to the state the postsecondary educational system. In determining the tuition for non-Kentucky residents, the~~

~~Council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions, and such other factors as the Council may in its sole discretion deem pertinent.~~

~~(9) — Devise, establish, and periodically review and revise policies to be used in making recommendations to the Governor for consideration in developing recommendations to the General Assembly for appropriations to the universities and the Kentucky Community and Technical College System. The council has sole discretion, with advice of the Strategic Committee on Postsecondary Education and the executive officers of the postsecondary education system, to devise policies that provide for allocation of funds among the universities and the Kentucky Community and Technical College System.~~

~~(10) — Lead and provide staff support for the biennial budget process as provided under KRS Chapter 48, in cooperation with the committee.~~

~~(11a) — Except as provided in paragraph b of this subsection, review and approve all capital construction projects covered by KRS 45.750(1)(f), including real property acquisitions, and regardless of the source of funding for projects or acquisitions. Approval of capital projects and real property acquisitions shall be on a basis consistent with the strategic agenda and the mission of the respective universities and the Kentucky Community and Technical College System.~~

~~(11b) — The organized groups that are establishing community college satellites as branches of existing community colleges in the counties of Laurel, Leslie, and Muhlenburg, and that have substantially obtained cash, pledges, real property, or other commitments to build the satellite at no cost to the Commonwealth, other than operating costs that shall be paid as part of the operating budget of the main community college of which the satellite is a branch, are authorized to begin construction of the satellite on or after January 1, 1998.~~

~~(12) — Require reports from the executive officer of each institution it deems necessary for the effectual performance of its duties;~~

~~(13) — Develop a university track program within the Kentucky Community and Technical College System consisting of sixty (60) hours of instruction that can be transferred and applied toward the requirements for a bachelor's degree at the public universities. The track shall consist of general education courses and pre-major courses as prescribed by the council. Courses in the university track program shall transfer and apply toward the requirements for graduation with a bachelor's degree at all public universities. Successful completion of the university track program shall meet the academic requirement for transfer to a public university as a junior. By fall semester of 1997, requirements for track programs shall be established for all majors and baccalaureate degree programs;~~

~~(14) — Define and approve the offering of all postsecondary education, technical associate, baccalaureate, graduate, and professional degree, certificate, or diploma programs in the public postsecondary education institutions. The council shall expedite wherever possible the approval~~

~~of requests from the Kentucky Community and Technical College System board of regents relating to new certificate, diploma, technical, or associate degree programs of a vocational technical and occupational nature. Without the consent of the General Assembly, the council shall not abolish or limit the total enrollment of the general program offered at any community college to meet the goal of reasonable access throughout the Commonwealth to a two (2) year course of general studies designed for transfer to a baccalaureate program. This does not restrict or limit the authority of the council, as set forth in this section, to eliminate or make changes in individual programs within that general program.~~

~~(15) — Eliminate, in its discretion, existing programs or make any changes in existing academic programs at the state's postsecondary educational institutions, taking into consideration these criteria:~~

~~———— (a) — Consistency with the institution's mission and the strategic agenda;~~

~~———— (b) — Alignment with the priorities in the strategic implementation plan for achieving the strategic agenda;~~

~~———— (c) — Elimination of unnecessary duplication of programs within and among institutions; and~~

~~———— (d) — Efforts to create cooperative programs with other institutions through traditional means, or by use of distance learning technology and electronic resources, to achieve effective and efficient program delivery;~~

~~(16) — Ensure the governing board and faculty of all postsecondary education institutions are committed to providing instruction free of discrimination against students who hold political views and opinions contrary to those of the governing board and faculty;~~

~~(17) — Review proposals and make recommendations to the Governor regarding the establishment of new public community colleges, technical institutions, and new four year colleges;~~

~~(18) — Postpone the approval of any new program at a state postsecondary educational institution, unless the institution has met its equal educational opportunity goals, as established by the council. In accordance with administrative regulations promulgated by the council, those institutions not meeting the goals shall be able to obtain a temporary waiver, if the institution has made substantial progress toward meeting its equal educational opportunity goals;~~

~~(19) — Ensure the coordination, transferability, and connectivity of technology among postsecondary institutions in the Commonwealth including the development and implementation of a technology plan as a component of the strategic agenda;~~

~~(20) — Approve the teacher education programs in the public institutions that comply with standards established by the Education Professional Standards Board pursuant to Section 66 of this Act;~~

~~(21) — Constitute the representative agency of the Commonwealth in all matters of postsecondary education of a general and statewide nature which are not otherwise delegated to one or more~~

~~institutions of postsecondary learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment;~~

~~(22) — Maintain procedures for the approval of a designated receiver to provide for the maintenance of student records of the public institutions of higher education and the colleges as defined in KRS 164.945, and institutions operating pursuant to KRS 165A.310 which offer collegiate level courses for academic credit, which cease to operate. Procedures shall include assurances that, upon proper request, subject to federal and state laws and regulations, copies of student records shall be made available within a reasonable length of time for a minimum fee;~~

~~(23) — Monitor and transmit a report on compliance with KRS 164.351 to the director of the Legislative Research Commission for distribution to the Health and Welfare Committee;~~

~~(24) — Develop in cooperation with each state postsecondary educational institution a comprehensive orientation program for new members of the council and the governing boards. The orientation program shall include, but not be limited to, the information concerning the roles of the council, the strategic agenda and the strategic implementation plan, and the respective institution's mission, budget, plans, policies, strengths, and weaknesses;~~

~~(25) — Develop a financial reporting procedure to be used by all state postsecondary education institutions to ensure uniformity of financial information available to state agencies and the public;~~

~~(26) — Select and appoint a president of the council under Section 5 of this Act;~~

~~(27) — Employ consultants and other persons and employees as may be required for the council's operations, functions, and responsibilities;~~

~~(28) — Promulgate administrative regulations, in accordance with KRS Chapter 13A, governing its powers, duties, and responsibilities as described in this section;~~

~~(29) — Prepare and present by January 31 of each year an annual status report on postsecondary education in the Commonwealth to the Governor, the Strategic Committee on Postsecondary Education, and the Legislative Research Commission;~~

~~(30) — Ensure that the state postsecondary system does not unnecessarily duplicate services and programs provided by private postsecondary institutions and shall promote maximum cooperation between the state postsecondary system and private postsecondary institutions;~~

~~(31) — Create advisory groups representing the presidents, faculty, nonteaching staff, and students the public postsecondary education system and the independent colleges and universities;~~

~~(32) — Develop a statewide policy to promote employee and faculty development in all postsecondary institutions through the waiver of tuition for college credit course work in the public postsecondary education system. Any regular full time employee of a postsecondary public~~

~~institution may, with prior administrative approval of the course offering institution, take a maximum of six (6) credit hours per term at any public postsecondary institution. The institution shall waive the tuition up to a maximum of six (6) credit hours per term; and~~

~~(33) — Exercise any other powers, duties, and responsibilities necessary to carry out the purpose of this chapter. Nothing in this chapter shall be construed to grant the Council on Postsecondary Education authority to disestablish or eliminate any college of law which became a part of the state system of higher education through merger with a state college.~~