

Administrative Regulation — Significant Policies (*Formerly GR I*)

A. Vision, Mission and Values

1. Strategic Vision Statement

As Kentucky's indispensable institution, we transform the lives of our students and advance the Commonwealth we serve — and beyond — through our teaching and learning, diversity and inclusion, discovery, research and creativity, promotion of health and deep community engagement.

2. Mission Statement

The University of Kentucky is a public, land grant university dedicated to improving people's lives through excellence in education, research and creative work, service and health care. As Kentucky's flagship institution, the University plays a critical leadership role by promoting diversity, inclusion, economic development and human well-being.

The University of Kentucky:

- Facilitates learning, informed by scholarship and research;
- Expands knowledge through research, scholarship and creative activity; and
- Serves a global community by disseminating, sharing and applying knowledge.

The University, as the flagship institution, plays a critical leadership role for the Commonwealth by contributing to the economic development and quality of life within Kentucky's borders and beyond. The University nurtures a diverse community characterized by fairness and equal opportunity.

B. Order of Communication and Reports

All University employees have full rights of communication with administrative officers of the University and the Board of Trustees through established administrative channels. Official recommendations and communications from any faculty member or staff employee shall be sent by the individual to the individual's immediate supervisor. When requested, the supervisor shall transmit such recommendations or communications, with the supervisor's own comments and recommendations to that supervisor's own immediate supervisor.

All employees shall be entitled to appeal any decision affecting terms of their employment by the University through regularly established channels.

When a supervisory decision or reporting relationship involves a conflict of interest, the next higher-level administrative officer shall designate an alternative officer for the purpose of the decision or reporting.

This regulation shall in no way limit the President in communicating with employees, nor shall it prevent communication between employees and the Board of Trustees for purposes other than the submission of official recommendations and communications.

C. Use of University Property and Resources

University property and resources, including but not limited to real property, equipment, human resources and other tangible and intangible assets, shall be used only for educational, cultural or charitable purposes or other purposes as determined by the President or by the administrative officer to whom the President has delegated this responsibility.

1. Political Activity

The University cannot endorse, support or promote any political candidate or any partisan political activity. Therefore, University resources shall not be used for conventions, rallies or any campaign activities that would further the interests of a political party or of a candidate or candidates for public office¹. The resources of the University may be used for public forums to which all legally qualified candidates for a public office are invited to speak provided that all such candidates are given equal access and opportunity to speak.

University resources may be used by registered student organizations for meetings with a candidate or candidates for public office when meetings are open in attendance to students, faculty members and staff employees of the University.

2. Religious Activity

The University of Kentucky follows the First Amendment's Establishment Clause and Free Exercise Clause, the equivalent provisions in the Kentucky Constitution and the Kentucky Religious Freedom Restoration Act. Questions about specific application of these religious liberty provisions should be addressed to the Office of Legal Counsel.

4. Campus Sales

¹ "Political party" means a voluntary association of persons formed and organized for the purpose of nominating or electing candidates for public office. This definition includes, but is not limited to, the meaning of "political party" as defined in [KRS 118.015\(1\)](#).

Solicitations for subscriptions, sales of merchandise of any kind whatsoever, publications or services upon University property other than by the regularly authorized stores, dining locations, departments or divisions of the University are prohibited except upon written permission of the Executive Vice President for Finance and Administration.

Any person violating these provisions shall be subject, upon proper notice, to eviction from the University property.

For questions, contact: Office of Legal Counsel

Administrative Regulation — University Organization (*Formerly GR VII*)

Introduction

This Administrative Regulation defines educational and administrative units and their composition within the University organization; delineates the role and responsibilities of the faculties of the colleges, the Graduate School, the Honors College, the Libraries, schools, departments and multidisciplinary centers and institutes; and outlines the authority, duties and expectations of the administrative officers of each unit.

A. Policy

The administrative organization of the University is determined by the educational organization of the University and the education, research, service and care of the University. The educational and 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. To administer the various programs of the University, there shall be established educational and administrative units within the University.

B. Definitions

“Educational unit” means any existing or proposed unit that has as its primary mission the performance of educational activities in instruction, research and service and that has or will have at least one full-time (tenured or tenure-eligible) faculty appointment or its time equivalent is assigned to perform instruction, research and service in that unit. This assignment provision excludes solely administrative assignments such as the chief administrative officer of the unit.

“Administrative unit” means any unit not meeting the definition of an educational unit.

C. Educational Units and Their Chief Administrative Officers

1. Departments, schools, colleges, graduate centers, multidisciplinary research centers and institutes and interdisciplinary instructional programs are the basic educational units of the University that deliver education, research, service and care including extension activities.
2. Major educational units of the University are the colleges, the Graduate School and the Libraries. For purposes of this *Administrative Regulation*, the Libraries is equivalent to a college.

3. Schools are administratively responsible to a college, and departments are directly responsible to a college or sometimes directly to a school within their college.
4. Some instructional programs draw faculty exclusively from one department, school or college whereas interdisciplinary instructional programs, such as in the Honors College, draw faculty from different departments, schools or colleges.
5. A graduate center is an interdisciplinary educational unit that delivers graduate education degree programs, is equivalent to a department and is located administratively in the Graduate School unless the administrative responsibility specifically has been delegated otherwise.
6. A multidisciplinary research center or institute is an educational unit established to provide multidisciplinary programs, which are primarily research in nature. Such an educational unit is administratively responsible to the Vice President for Research unless the administrative responsibility specifically has been delegated otherwise.
7. The chief administrative officer of a major educational unit is a dean. The chief administrative officer of a graduate center, school or multidisciplinary research center or institute is a director. The chief administrative officer of a department or an interdisciplinary instructional program is a chair.

D. Academic Ranks

1. Academic ranks in the University consist of lecturer and senior lecturer in the lecturer series, and instructor, assistant professor, associate professor, professor or the equivalent to these recognized in the librarian title series of librarian IV, librarian III, librarian II and librarian I, respectively.
2. The President establishes academic title series, the ranks within each series and a description of the qualifications for each after consultation with appropriate shared governance bodies. Emeritus ranks for retired faculty members and the rights of holders of emeritus titles are established by the President after consultation with appropriate shared governance bodies.
3. The establishment of new academic title series or ranks and major changes in criteria for ranks shall have the approval of the Board of Trustees.

E. The Faculties

1. The Graduate Faculty

a. Membership

The membership of the Graduate Faculty shall consist of the dean of the Graduate School, associate or assistant deans of the Graduate School and regular faculty and associate faculty members.

Graduate Faculty members shall possess the following qualifications:

- A doctoral 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.

The dean of the Graduate School confers membership in the Graduate Faculty. The 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, upon the recommendation of the Graduate Faculty of the respective graduate program.

Associate and other classes of members in the Graduate Faculty may be appointed by the dean of the Graduate School, with appropriate duties and privileges, as provided by the *Rules of the Graduate Faculty*.

b. Officers, Committees and Councils

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, or through delegation to college, school, departmental or center graduate program faculties. Councils of the Graduate School may be appointed by the dean of the Graduate School or elected, as prescribed by the *Rules of the Graduate Faculty*. Copies of minutes of Graduate Faculty meetings and of meetings of Graduate Faculty committees and councils shall be made available to all members of the Graduate Faculty.

c. Graduate Faculty Functions

Within the limits established by the *Governing Regulations*, the Graduate Faculty shall have jurisdiction over all programs leading to graduate degrees and within those limits shall establish *Rules of the Graduate Faculty* necessary for the performance of its credit-bearing curriculum functions. Copies of these rules shall be made available to Graduate Faculty members and filed with the Graduate Faculty dean and the Provost. It is the responsibility of the Graduate Faculty to safeguard, promote and assist in the development of research in all

fields. The Graduate Faculty may make recommendations to college or department faculties, to the President or other administrative officers.

The Graduate Council shall have the authority and responsibilities delegated to it by the dean of the Graduate School and the Graduate Faculty.

2. The Honors Faculty

a. Membership

The membership of the Honors Faculty shall consist of the dean of the college, associate or assistant deans holding professorial faculty rank (i.e. assistant, associate or full professor) and who have assignment in the college and regular associate faculty members.

Regular members of the Honors Faculty are tenured or tenure-eligible faculty members with primary appointment in another college who have a recurring, dedicated assignment in Honors College, reflected in their Distribution of Effort (DOE).

Associate members of the Honors Faculty are those with primary appointment in another college who have an occasional assignment to provide instruction in the Honors curriculum, and lecturers with primary appointment in the Honors College and a regular assignment to provide instruction in the Honors curriculum.

The above members of the Honors Faculty shall possess the following qualifications:

- A doctoral degree or its equivalent in scholarly reputation;
- The rank of lecturer or senior lecturer in the Lecturer Series, or the rank of assistant professor (or equivalent) or higher in any other series.
- Demonstrated excellence in teaching and mentoring of undergraduate students; and
- Demonstrated interest in honors students and the willingness to participate in the Honors College.

The dean of the Honors College confers membership in the Honors Faculty. The appointments of regular members are made upon recommendation of Regular Honors Faculty after review of the qualifications of the persons proposed for membership by the dean of the college of primary appointment. The dean of the Honors College may appoint, with appropriate duties and privileges, associate members in the Honors College Faculty in accordance with the *Rules of the Honors College*.

b. Officers, Committees and Councils

The Honors Faculty may perform its functions directly or through the Honors College Council, as prescribed by the *Rules of the Honors College Faculty*. The dean of the Honors College shall preside over meetings of the Honors Faculty, except as the dean may delegate that function. Copies of minutes of Honors Faculty meetings and of meetings of Honors Faculty committees and councils shall be made available to all members of the Honors Faculty.

c. Honors Faculty Functions

Within the limits established by the University regulations, the regular members of the Honors Faculty shall have jurisdiction over the curricular requirements leading to the Honors credential, and within those limits shall establish *Rules of the Honors Faculty* necessary for the performance of its credit-bearing and non-credit bearing curriculum functions in academic colleges. For these purposes, voting privileges may be extended or withdrawn by the regular members to the associate members, or to other persons assigned to the college for administrative, instruction, research, extension, clinical or librarian work. Copies of these Rules shall be made available to Honors Faculty members and filed with the dean of the Honors College and the Provost.

It is the responsibility of the Honors Faculty to promote the academic achievements of Honors students and to assist the colleges in the development of undergraduate excellence in all fields. The Honors Faculty may make recommendations on matters related to honors education, to college or department faculties, to the President or to other administrative officers.

The Honors Faculty/Council shall have the authority and responsibilities delegated to it by the dean of the Honors College.

3. Faculties of Colleges

a. Membership

The membership of the faculty of a college shall consist of its dean, associate and/or assistant deans and regular full-time faculty having the rank of assistant professor, associate professor or professor in the regular, special title or extension series or librarian III, II or I in the librarian title series. Membership, with or without voting privileges, also may be extended or withdrawn by the above college faculty to any other person assigned to the college for administrative, instruction, research, extension, clinical or librarian

work. An individual may be assigned to more than one college; in this instance, one assignment shall be designated primary by the Provost.

b. Officers, Committees and Councils

The faculty shall hold regularly scheduled meetings at which the dean shall preside except as the dean may delegate that function. In addition, it shall meet in special session on the call of the President, the Provost, the dean of the college or at the request of a prescribed number of its voting membership. Each college faculty shall establish the quorum for the transaction of business. Copies of minutes of college faculty meetings and of meetings of college faculty committees and councils shall be made available to all members of the faculty of the college.

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 on the credit-bearing and non-credit bearing curricula in academic colleges. After approval of these rules by the Provost for consistency with the *Governing Regulations*, the *Administrative Regulations* and *Rules of the Graduate Faculty*, copies of the rules and a description of the committee or council structure shall be made available to members and filed with the dean of the college and the Provost.

c. College Faculty Functions

Within the limits established by the *Governing Regulations*, *Administrative Regulations* and *Rules of the Graduate Faculty* of the University, the faculty of a college shall determine the academic requirements, credit-bearing curricula, course offerings, undergraduate, graduate and research programs, professional programs and service functions.

In consultation with the college faculty, the dean shall establish procedures used at the level of the college concerning: (1) recommendations on faculty appointments, promotions, reappointments, terminal appointments, post-retirement appointments, the granting of tenure and decisions not to reappoint; (2) the faculty performance evaluations; and (3) faculty input in the evaluation of the performance of school directors and department chairs during the interval between periodic reviews. It may make recommendations to, the Graduate Faculty, school/department faculties within the college, the President or to other administrative officials.

The faculty of a college may delegate some responsibilities to an assembly of the college, which consists of the faculty, staff and designated student representatives.

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.

4. **Faculties of Schools**

a. Membership

The membership of a faculty of a school shall consist of the dean of its college of which it is an administrative unit, the director who is the chief administrative officer of the school and the members of the faculty of the college who have been assigned regular, full-time duties in the school. Membership, with or without voting privileges, also may be extended or withdrawn by the above faculty of the school to any other person assigned to the school for administrative, instruction, research, extension, clinical or librarian work. An individual may be assigned to more than one school; in this instance, one assignment shall be designated primary by the Provost.

b. Officers, Committees and Councils

The faculty of a school shall hold regularly scheduled meetings at which the school director shall preside, except as the director may delegate this function. In addition, it shall hold special meetings on the call of the dean of the college, the director of the school or by a prescribed number of its voting faculty. The school director shall preside over school faculty meetings, except as the director may delegate this function. Copies of the minutes of school faculty meetings and meetings of committees and councils of the school faculty shall be made available to all members of the faculty of the school.

The faculty shall establish its own rules and determine its own committee structure that are necessary for its functions on the credit-bearing and non-credit bearing curricula in academic colleges and shall prescribe the quorum necessary for the transaction of business. After approval of these rules by the dean of the college and by the Provost for consistency with the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* and college faculty rules, copies of the school faculty's rules and a description of its committee structure shall be made available to its members, and a copy shall be filed with the director of the school, the dean of the college of which it is a unit, with the Provost.

c. School Faculty Functions

Within the limits established by the *Governing Regulations, Rules of the Graduate Faculty* and the rules of the faculty of the college of which it is a unit, the faculty of a school shall determine the academic requirements, credit-bearing curricula, course offerings, undergraduate, graduate and research programs, professional programs and service functions, to the extent that this responsibility has not been delegated to a department faculty. It shall be responsible for functions and duties assigned to it by the faculty of the college. For these purposes, it shall make recommendations to the faculty of the college on matters that require the approval of that body. It may make recommendations on other matters to, the Graduate Faculty, the college faculty and the faculties within the school and the dean or other administrative officers. The academic or scholastic requirements of a school may exceed, but not be lower than, those established by the college faculty.

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.

5. Faculties of Departments

a. Membership

The membership of a faculty of a department shall consist of a chair and the regular, full-time members of the department who are members of the faculty of the school and/or college of which the department is a part. Membership, with or without voting privileges, also may be extended or withdrawn by the above department faculty to any person assigned to the department for administrative, instruction, research, extension, clinical or librarian work. An individual may be assigned to more than one department; in this instance, one assignment shall be designated as primary by the Provost.

b. Officers and Committees

The department faculty shall hold regularly scheduled meetings, at which the department chair shall preside except as the chair may delegate this function. In addition, it shall hold special meetings on the call of the dean of the college, the chair of the department or by a prescribed number of its voting faculty. The department chair shall be an ex officio member of all departmental committees. Copies of minutes of departmental faculty meetings and of meetings of department committees shall be made available to all members of the faculty of the department.

The department faculty shall establish rules, procedures and a committee structure concerning credit-bearing curricula in academic college matters over

which it has jurisdiction and responsibility and shall establish its quorum for the transaction of business. These proposed rules, procedures and committee structure shall be submitted to the director of the school (if appropriate), the dean of the college and the Provost for approval for consistency with the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty*, rules of the college and (if appropriate) rules of the school faculty. Copies of the approved rules, procedures 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 unit and the Provost.

c. Department Faculty Functions

Within the limits established by the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* or the rules of the faculties of the school or college of which the department is a part, the department faculty has jurisdiction over the implementation of the credit-bearing and non-credit bearing curricula in academic colleges.

The department faculty has primary responsibility for the development of policies on such matters as academic requirements, courses of study, course offerings, graduate and research programs and service functions. Jointly with the department chair, the department faculty shall establish procedures to be used within the department concerning (1) recommendations on faculty appointments, promotions, reappointments, terminal appointments, post-retirement appointments and the granting of tenure and decisions not to reappoint; (2) the faculty performance evaluations; and (3) preparation of budget requests. The procedures in (1) and (2) above shall include consultation with directors of multidisciplinary research centers and institutes for those faculty members who are or shall be associated with such centers or institutes.

The department faculty shall develop statements describing the evidences of activity in education, research, service and care that are appropriate to their field(s) for use in guiding evaluations for promotion and tenure. If developed and approved by the department faculty, those statements shall be submitted by the chair of the department to the dean for review and final approval before the statements are made operative in the department. Revisions to a department's statements, upon approval of the department faculty, shall also be submitted by the department chair to the dean for review and final approval.

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.

6. Faculty of Multidisciplinary Research Centers and Institutes

a. Faculty Membership and Functions

The faculty of a multidisciplinary research center or institute that is responsible for implementing the credit-bearing and non-credit bearing curriculum in academic colleges shall consist of: (1) a director who also shall be a faculty member of a department, school or college; (2) faculty members with recurring, formally assigned instructional, research and/or service duties in the unit. In addition, membership, with or without voting privileges, may be extended and withdrawn by the above center or institute faculty to any other person assigned to the unit for administrative, instructional, research, extension, clinical or librarian work.

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

b. Officers and Committees

A multidisciplinary research center or institute shall be administratively responsible to the Vice President for Research unless specifically designated to another chief academic officer. A faculty advisory committee shall be appointed for each research center or institute by the officer to whom the unit is administratively responsible.

7. Student and Staff Participation

Rules of procedure in educational units of the University shall provide, when appropriate, for participation of students and staff.

F. Administrative Officers

1. Administrative Officers — General

Each administrative officer, other than the President, is 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 duties of administrative officers reporting directly to the President shall be those delegated by the President. 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, directors and chairs of educational units, and their major duties assigned, are described below.

Each administrative officer is authorized to establish and enforce such policies and procedures as are attendant to delegated administrative duties and to establish administrative or advisory committees to aid in the performance of assigned functions.

2. Administrative Officers of Educational Units

a. Dean of the Graduate School

The dean of the Graduate School is chair of the Graduate Faculty and of the Graduate Council and serves as an ex officio member of all committees of the Graduate School. Under the broad direction of the President and the Provost, the dean provides general planning, guidance, review coordination for all of the University's endeavors in graduate education. The dean appoints regular and associate members of the Graduate Faculty. 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 dean shall speak for the Graduate Faculty. In the event that the dean believes it necessary to depart from the recommendations of the Graduate Faculty, the dean shall communicate the Graduate Faculty's recommendation as well as the dean's recommendation, stating the reasons for differing from the Graduate Faculty's opinion, and notify the Graduate Faculty of such action.

b. Dean of the Honors College

The dean of the Honors College is chair of the Honors Faculty and serves as an ex officio member of all councils and committees of the Honors College. Under the broad direction of the President and the Provost, the dean provides general planning, guidance, review and coordination for all of the college's endeavors in undergraduate education. The dean also recommends on the college budget and shall have the same authority and responsibilities as those of a dean of a college in the administration of the Honors College.

In connection with the above administrative functions, the dean shall seek the advice of the faculty of the college (1) individually, (2) as a whole, (3) through the elected college faculty council or (4) through the faculty advisory committees.

The dean shall speak for the Honors Faculty. In the event that the dean believes it necessary to depart from the recommendations of the Honors

Faculty, the dean shall communicate the Honors Faculty's recommendation as well as the dean's recommendation, stating the reasons for differing from the Honors Faculty's opinion and notify the Honors Faculty of such action.

The Honors College shall establish an External Advisory Board. This body shall be consultative, governed by by-laws established under the direction of the dean of the college and approved by the Provost for its operation. The Honors External Advisory Board shall offer advice and recommendations on matters brought forward by the dean and leadership of the university, reserving matters of the credit-bearing and non-credit bearing curriculum in academic colleges, personnel and internal operations to the Honors Faculty and administrative leadership.

c. Deans of the Colleges

A dean is the chief administrative officer of a college and is responsible for the enforcement of the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* and the rules of the college faculty. The dean is authorized to establish and enforce such policies and procedures as are attendant to the administrative management of the operations of the college.

The dean is the chair 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 implementation of the credit-bearing and non-credit bearing curricula of the academic college, for ensuring through the faculty 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 chairs and shall be responsible for recommendations on salaries, salary changes, appointments, reappointments, terminal appointments, post-retirement appointments, promotions and granting of tenure and decisions not to reappoint for members of the college or for ultimate action thereon when such authority has been delegated by the President or the Provost.

The dean shall submit the budget request for the college and administer the budget when it is approved. The President or Provost may delegate further administrative responsibilities to the dean. These responsibilities may vary from college to college.

In connection with the above administrative functions, the dean shall seek the advice of the faculty of the college (1) individually, (2) as a whole, (3) through the elected college faculty council or (4) through the faculty advisory

committees. 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 chair. Staff employees shall be consulted, when appropriate, in the development of administrative policies and decisions that directly affect staff employees.

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, stating reasons for differing from the college faculty's opinion and notify the college faculty of such action.

d. Directors of Schools

The director of a school serves as chair 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.

In connection with the above administrative functions, the director shall seek the advice of the faculty of the school: (1) individually, (2) as a whole, (3) through the elected school faculty councilor (4) through faculty advisory committees. 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 chair. Staff employees shall be consulted by the school director (or associate director), when appropriate, in the development of administrative policies and decisions that directly affect staff employees.

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, stating reasons for differing from the school faculty's opinion and notify the school faculty of such action.

e. Chairs of Departments

The department chair leads the department faculty in its development of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs and service functions. The chair presides at all department meetings, except as the chair may delegate this function and is an ex officio member of all department committees. The chair

has administrative responsibility for implementing the department's policies and programs within the limits established by the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty*, the rules of the college and the rules of any school of which it is a part.

The department chair is responsible for recommendations on the appointment of new faculty employees of the department, promotions, reappointments, terminal appointments, post-retirement appointments, the granting of tenure and decisions not to reappoint.

Procedures used in preparing recommendations shall be those established by the University, the college and the department faculty. At a minimum, on matters relating to decisions not to reappoint, reappointment, terminal reappointment or the granting of tenure of persons in any title series, the department chair shall consult with all tenured faculty members of the department. At a minimum, on matters relating to appointment or promotion of any persons in any tenure-eligible title series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department, with a rank at or above the rank to which the individual being considered would be appointed or promoted. At a minimum, on matters relating to appointment, decisions not to reappoint, reappointment, terminal reappointment or promotions of persons in any tenure-ineligible series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department. On matters relating to appointment or promotion in the Clinical Title Series, Research Title Series or Lecturer Series, the department chair shall also consult with all full-time faculty employees in the series of the individual under consideration who are at or above the rank to which the individual would be appointed or promoted. 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 any multidisciplinary research centers or institutes, or graduate centers with which the individual is, or would be, associated, along with the recommendation of the chair.

On matters relating to appointment or promotion in the Clinical Title Series, Research Title Series or Lecturer Series, the department chair shall also consult with all full-time faculty employees in the series of the individual under consideration who are at or above the rank to which the individual would be appointed or promoted. Faculty employees in the tenure-ineligible series shall not be consulted on matters relating to appointment, reappointment, terminal reappointment, decisions not to reappoint, promotion or the granting of tenure of faculty employees in the tenure-eligible title series, except by invitation of the department faculty as provided below.

A department faculty may establish policies that extend the above minimum consultation requirements in faculty personnel matters to include the specified participation of other full-time faculty employees in any series in the department. Once these policies on extended participation privileges are approved by the department and reviewed by the department chair, the dean and Provost for consistency with the *Governing Regulations, Administrative Regulations* and rules of the college, these policies shall be incorporated into the rules document of the department.

The following exceptions may be made: (1) faculty employees on approved leave of absence or with a primary administrative, service or other assignment outside the department, who are otherwise eligible to participate, may, but are not required to, provide written judgments on all recommendations; (2) faculty employees at the rank of instructor in any title series participate only upon the granting of participation privileges by the department faculty; and (3) in a large and diverse department, upon prior recommendation by the department faculty and approval of the dean and the Provost, consultation with faculty employees may be restricted to those associated with the concerned, previously-defined academic division or program area in the department.

The department chair 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 chair submits the budget request for the department and administers the budget after its approval. The chair also is responsible for making recommendations on salaries, salary changes and distribution of effort.

In connection with the above major administrative functions, the chair shall seek the advice of members of the department, individually or as a group, or of advisory committees that the chair may appoint. Staff employees shall be consulted, when appropriate, by the chair, in the development of administrative policies and on decisions that directly affect staff employees.

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

f. Directors of Multidisciplinary Research Centers and Institutes

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 chair relative to faculty members and staff employees with assigned duties 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 of faculty members for assignment of duties 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 or other academic 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 faculty members 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 its committees and shall transmit the recommendations of the consulted faculty along with the director's recommendation if these recommendations are different. Staff employees shall be consulted, when appropriate, by the director, in the development of administrative policies and on decisions that directly affect staff employees.

g. Dean/Director/Chair of Interdisciplinary Instructional Programs

The dean/director/chair of an interdisciplinary instructional program shall be a member of one of the academic departments participating in the program.

The dean/director/chair shall be responsible to the dean(s) of the college(s) in which the program is located and advise the dean(s) on personnel and other needs of the program in connection with budget planning. For these administrative purposes, the director/chair shall rely upon the advice of a committee drawn from faculty members participating in the courses composing the credit-bearing and non-credit bearing curriculum in academic colleges and shall transmit the recommendations of the consulted faculty along with the director/chair's recommendation, if these recommendations are different. Staff employees shall be consulted by the director/chair, when appropriate, in the development of administrative policies and on decisions that directly affect staff employees.

For questions, contact: Office of Legal Counsel

Administrative Regulation — University Appointments (*Formerly GR VIII*)

A. Administrative Appointments

1. Regular Appointments

The President is appointed by the Board of Trustees. The President shall appoint the Provost and the other members of the President's Cabinet.

2. Acting Appointments

When vacancies occur in administrative positions other than the presidency, the President or the Provost or the appropriate executive vice president or 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 an executive vice president or a vice president, as appropriate, shall request a recommendation from that officer's superior. Acting appointments shall be for a maximum term of one (1) year; however, reappointments 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 service in an acting capacity for a period not to exceed four (4) months while the regular officer is away from campus on University business or approved leave.

If the officer administers a college, center, school or department, the Provost also shall request a recommendation on matters of acting appointment or acting reappointment from a committee which includes faculty members from that unit.

In the selection of an acting Provost, the President shall request a recommendation from a committee which includes faculty members and also recommendations from the Faculty Senate.

The search processes for an acting provost or chief administrative officers of colleges, schools, departments and centers shall include the participation of staff employees of the unit and shall provide for the participation of other affected groups as appropriate.

3. Search Committees for Educational Units

Recommendations for the appointment of the Provost and 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. The selection of faculty members for membership on search committees for administrative appointments above the level of dean shall be made after consultation with the Faculty Senate.

Recommendations of the search committee shall be transmitted to the President through the established administrative channels, along with the recommendation of the administrative officer responsible for the appointment. Recommendations on the appointment or reappointment of a chair of an academic department or division, or for the dean of a college or the director of a school that does not contain departments or divisions, shall be accompanied by written statements from at least the tenured members of the college, school, department or division.

Search committees for deans of colleges shall be appointed by the Provost after consultation with the Faculty Senate, and either the faculty or elected faculty council of the college.

Search committees for directors of schools shall be appointed by the deans of the colleges after consultation with the appropriate bodies as these bodies are identified in the rules of the respective school faculty.

Search committees for chairs 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 research centers or institutes or interdisciplinary instructional programs shall be appointed, after consultation with the appropriate bodies, by the Vice President for Research or other officer to whom administrative responsibility has been delegated.

The search processes for a provost or for chief administrative officers of colleges, schools, departments and centers shall include the participation of staff employees of the unit and shall provide for the participation of other affected groups, as appropriate.

4. Terms of Chairs and Directors

a. Department Chairs

The term of a department chair's appointment shall be four (4) years, except in the Colleges of Agriculture, Dentistry, Medicine, Nursing and Pharmacy where it shall be six (6) years.

Ordinarily, a department faculty member will be asked to serve as chair for only one (1) term. A chair may be reappointed, however, when the faculty advisory committee appointed to review the work of the department (AR 1:4) 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. Chairs of Interdisciplinary Instruction Programs

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

c. Directors of Multidisciplinary Research Centers and Institutes

The director of a multidisciplinary research center or institute shall be appointed for a term of six (6) years. A director may be reappointed, however, when an ad hoc committee appointed to review and evaluate the center or institute (AR 1:4) 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

1. The Board of Trustees, acting upon the recommendation of the President, shall take final action on all appointments, reappointment and promotions of faculty members to positions which involve:
 - a. an actual or equivalent academic rank of associate professor or professor;
 - b. tenure; or
 - c. an initial salary above a set of monetary thresholds approved by the Board of Trustees.
2. The President, or the President's designee, shall take final action on appointments, reappointments and promotions that do not require approval by the Board of Trustees. Such final actions shall be reported to the Board of Trustees through the Office of the President.

3. The President, following consultation with the Faculty Senate, shall establish such review procedures as are appropriate to assist the President, in making informed judgments concerning faculty appointments, reappointments, promotions and the granting of tenure. Those procedures will be codified in the Administrative Regulations. Any delegation of presidential authority in faculty appointments, reappointments, promotions and the granting of tenure shall also be codified in the Administrative Regulations.

For questions, contact: Office of Legal Counsel

Administrative Regulation — Reviews of Organizational Units and Their Chief Administrative Officers (*Formerly GR IX*)

A. Program Review

The performance of each educational and administrative unit in the University* shall be reviewed comprehensively at regular intervals by an ad hoc committee. The review period shall normally be from five (5) to seven (7) years.

Ad hoc review committees for educational units shall be formed principally from faculty personnel, shall normally include members internal and external to the unit being reviewed, and may include members external to the University. Review committees for administrative units shall be formed from affected constituencies, including faculty and staff employees, shall normally include members internal and external to the unit being reviewed, and may include members external to the University.

*Includes departments, schools, graduate centers, colleges, interdisciplinary instructional programs and multidisciplinary research centers and institutes.

B. Review of Chief Administrative Officers

The performance of chief administrative officers shall be reviewed comprehensively at regular intervals. The reviews shall be designed to provide information to enhance leadership and unit effectiveness and to guide compensation and employment decisions.

Ad hoc review committees for chief administrative officers at the level of Provost, executive vice presidents and deans shall be formed with representatives from affected constituencies and may include members external to the unit or university.

C. Policies and Procedures for Reviews

Policies and procedures for conducting program reviews and reviews of chief administrative officers, as established by the President after consultation with appropriate shared governance bodies are described in the *Administrative Regulations*. Policies and procedures for conducting reviews of department chairs and school directors, as appropriate for the individual colleges, shall be established jointly by the dean and the college faculty.

A review of the performance of any unit at other than the regular interval may be initiated by the chief administrative officer of the unit, by an administrative officer responsible for the unit or by the President. A review of the performance of any chief administrative officer at other than the regular interval may be initiated by the

officer, the officer's supervisor or the President. Ordinarily such reviews also shall be initiated if requested by a majority of the faculty of an educational unit or the staff employees of an administrative unit. Such requests shall be submitted to the administrative officer to whom the unit reports, who shall provide a written explanation if the officer disapproves the request.

For questions, contact: Office of Legal Counsel

Administrative Regulation — Regulations Affecting Employment (Formerly GR X)

A. General

1. Merit as the Basis for Appointment

The University of Kentucky complies with the federal and state Constitutions, and all applicable federal and state laws, regarding nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of University employment. All appointments shall be made strictly on the basis of merit. An applicant for a position shall not be discriminated against on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking.

- a. Nepotism is generally inconsistent with the University's longstanding policy of making employment decisions based solely on unit needs and individual qualifications, skills, ability and performance. Nepotism is generally prohibited within the University community. Nepotism means actions by a member of the University community that directly influence, benefit or detriment the University employment (e.g., hiring, promotion, supervision, evaluation and determination of salary) of any other member of the University community who is a relative. Relative means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, student employment and work-study and graduate and other assistant programs.
- b. No member of the Board of Trustees, except those elected to the Board of Trustees as faculty or staff representatives, shall be employed by the University. No relative of a member of the Board of Trustees shall be employed by the University.
- c. No relative of the President or any person reporting directly to the President shall be employed in a position in that person's administrative area, unless approval is granted by the Board of Trustees. Approval by the Board shall only be granted upon a determination that:
 - (1) The employment is in the best interest of the University;
 - (2) The Board has been informed of the selection process and all University

regulations and policies regarding hiring and employment qualifications have been followed; and

- (3) The Board has reviewed and approved a written management plan, including an agreement concerning supervisory and other management arrangements. The management plan shall ensure that employment decisions are made impartially and that neither employee is disadvantaged. The management plan shall ensure that the possibility of nepotism and the appearance of impropriety are eliminated and shall be consistent with *Human Resources Policy and Procedures 19.0, Nepotism*.
- d. In general, no relative of any employee of the University shall be employed in any position in the University over which the related employee exercises supervisory or line authority. In some cases, however, when it is in the best interest of the University, potential conflicts can be managed through prompt disclosure of the relationship and approval by the appropriate senior administrator. Senior administrator means the person reporting directly to the President and having supervisory authority for the area where the conflict or potential conflict exists. Approval by the Senior Administrator shall only be granted upon a determination that:
- (1) The employment is in the best interest of the University;
 - (2) The Senior Administrator has been informed of the selection process and all University regulations and policies regarding hiring and employment qualifications have been followed; and
 - (3) The Senior Administrator has reviewed and approved a written management plan, including an agreement concerning supervisory and other management arrangements. The management plan shall ensure that employment decisions are made impartially and that neither employee is disadvantaged. The management plan shall ensure that the possibility of nepotism and the appearance of impropriety are eliminated.

3. Intellectual Property

As a general policy, all intellectual property conceived, first reduced to practice, written or otherwise produced by faculty members, staff employees or students of the University using University funds, facilities or other resources shall be owned and controlled by the University. Any faculty member, staff employee or student who produces such intellectual property using University funds, facilities or other resources shall assign personal rights to the property to the University, or it's designate, but shall have an interest in and a right to share in any financial returns from the commercialization of the property. Notwithstanding, it is a

specific policy of the University that the traditional products of scholarly activity, such as journal articles, textbooks, reviews, monographs, works of art, sculpture, music and course materials, shall be the unrestricted property of the author. The University shall exert no ownership claim of such works. A Standing Committee on Intellectual Property appointed by the President shall administer the policy and oversee implementation of the procedures, both as detailed in the *Administrative Regulations* on intellectual property (See AR 7:6 and AR 7:7).

4. Representation and Attendance at Meetings

In order that the University may be properly represented at the various gatherings or functions to which it is invited from time to time to participate, the President selects faculty members or staff employees to represent the institution. In addition, employees are urged to become members and to participate in meetings of international, national, regional and state and local organizations and associations related to their University employment.

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

5. 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. 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* (See AR 3:1).

6. Social Security

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

7. Group Insurance

Regular full-time faculty members and staff employees who are employed by the University are insured under the Basic Life Insurance Program. This insurance may be increased optionally in accordance with and up to the maximum amount

contained in the University's contract with the insurer. The premium for the basic insurance is paid by the University, whereas that for the optional increase in insurance is paid by the employee.

In addition, all regular full-time faculty members and staff employees are encouraged to participate in the University's basic health and other insurance programs that also may include coverage for dependents.

8. Workers' Compensation

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

9. Employee Disability Program

Regular full-time faculty members and staff employees, other than those covered by Civil Service or the Federal Employee Retirement System, are covered by the Long Term Disability Program. Coverage commences after the completion of one (1) year of employment unless the eligible employee, at the time of hire, satisfies the exception condition as outlined in the plan document in which case there is immediate coverage. This program provides income protection through a Long Term Disability Plan. Supplemental Long Term Disability coverage may be offered at the employee's expense.

B. Employment of Faculty

1. Appointment of Faculty

a. Types of Faculty Appointments

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

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

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

(b) A second type of non-tenured appointment is that in which a faculty member is appointed on a full-time, year-to-year basis in the regular, special, extension or librarian title series. In such an appointment, the

faculty member does not have tenure but may be considered for tenure if recommended for such by the appropriate University administrators.

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

The term "joint appointment" shall apply in any case in which an individual holds two (2) or more intra-University faculty appointments. In such an instance, one of the appointments shall be designated as the primary appointment by the dean of the college if the individual's appointments are associated with educational units in the same college or by the Provost if the appointments are with educational units in different colleges. The constituent appointments relating to a joint appointment may be processed simultaneously or at different times; however, each appointment, reappointment or promotion, shall be processed independently and considered on its own merits. An individual's academic rank, though usually the same, may differ in the constituent appointments. The possibility of tenure applies only to the primary appointment. In case of termination of the non-primary appointment(s) leaving only the primary appointment for a full-time faculty member, the individual's assignment associated with the primary appointment shall become full-time. When an individual under consideration for appointment to an administrative position is also to be considered for a faculty appointment, recommendations of committees on the two respective appoints shall be developed independently on their respective merits, in accordance with the respective established appointment procedures.

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

- (a) One type is that in which retired faculty members may be appointed to perform duties for which fee schedules have been established and approved by the Provost.
- (b) A second type of post-retirement appointment may be used in a very limited number of cases, when it is essential to a University program or office or when it is otherwise impossible practicably to fill a position with a fully qualified person. Such a part-time or full-time appointment is restricted to former employees who have elected to retire, requires specific prior approval by the Board of Trustees and is made for a period not to exceed one (1) year.

More detailed information on the various types of appointments is provided in the *Administrative Regulations* (See AR 2:1 and AR 3:1).

b. Probationary Periods

Probationary periods are applicable to non-tenured appointments of faculty members on a full-time year-to-year basis in the regular, special title, extension or librarian title series. Such non-tenured appointments may be for one (1) year or for other stated periods, subject to renewal. The total non-tenure period, however, shall not exceed seven (7) years except where required by state or federal law or this *Administrative Regulation*. 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. An individual initially appointed to the rank of full professor may be given non-tenure status for a period not to exceed one (1) year. An individual shall not remain at the rank of instructor in the University for more than three (3) years. If after that period, promotion to a higher rank cannot be justified, the individual's appointment with the University shall not be renewed.

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

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

c. Delay of Probationary Periods

A probationary regular, special, extension or librarian title series faculty member who becomes the parent of a child or children by birth, adoption or guardianship, shall automatically be granted a one-year delay of the probationary period by the dean of the respective college. A faculty member who qualifies for this automatic delay of the probationary period shall submit to his or her department chair a signed and completed Faculty Tenure Delay Form (TDF) and supporting documentation, if required. A faculty member may waive the automatic delay only by completing the waiver section of the TDF. Upon receipt of the TDF, the chair shall prepare and submit to the dean and the Provost a revised Notice of Academic Appointment reflecting the change in

probationary dates, along with the completed TDF and supporting documentation.

In addition, a probationary faculty member who assumes significant responsibilities for the care of a relative or domestic partner may request consideration of a one-year delay of probationary period based on extenuating circumstances. These extenuating circumstances for a delay related to significant care responsibilities must be clearly beyond those experienced by most probationary faculty. Documentation explaining the extenuating circumstance of the care-giving situation shall accompany the request. This request shall be routed through the normal administrative channels and will be considered for approval by the Provost.

This provision is available to all probationary non-tenured faculty upon their official start date and up until the anniversary of their official start date in the year in which their tenure review is scheduled to occur.

Notifications of all delays shall be made by the faculty member to his or her department chair as soon as possible after the qualifying event or circumstances (i.e., birth, adoption, guardianship or assumption of significant care responsibilities), but in no case later than six (6) months from the time of the qualifying event or circumstances or no later than the last day of the fifth year of the probationary period; whichever comes first.

The delay shall not be granted more than two (2) times within the probationary period of a faculty member. The faculty member shall be reviewed for tenure under the same academic standards as a candidate who has not extended the probationary period and shall not be penalized or adversely affected by the delay of the probationary period. Further, extension years shall not be counted towards sabbatical. A delay of the probationary period in no way limits the right of the University to terminate a probationary appointment prior to the time of the mandatory review for promotion and tenure, should circumstances warrant such action.

d. Appointment Record

The precise terms and conditions, excepting salary, covering each appointment shall be stated in writing on an official appointment record. Notice of reappointment shall be in the possession of the appropriate administrative officers and the appointee at least three (3) months before the renewed appointment begins, when possible, or at the earliest date feasible in view of budget considerations. It shall be the responsibility of the Provost to ensure compliance with this regulation.

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

Part-time, visiting or temporary faculty appointments have explicit one (1) year or less terminal dates that terminate at the expiration of the term without notice.

For those employed year-to-year on a fiscal or academic year basis, notification of non-renewal of appointment at the end of the first year of service shall be given not later than March 1 if the appointment expires at the end of that year or three (3) months in advance if the one-year appointment terminates during the academic year. Notification of non-renewal of appointment at the end of the second year of service shall be given no later than December 15 if the appointment expires at the end of the year or six (6) months in advance if the appointment expires during the year. Notification of non-renewal of appointment after more than two (2) years of service shall be given at least 12 months before expiration of appointment. Non-renewal decisions concerning regular, full-time faculty members shall be reported to the Board of Trustees.

Any related appeal(s) to the Provost concerning procedural matters or privilege and/or to the Faculty Senate 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 about non-renewal of appointment.

f. Termination of Appointment

(1) 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, 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 Faculty Senate Advisory Committee on Privilege and Tenure with the right of appeal to the President and the Board of Trustees for the University 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 (2) years unless the released faculty member has been offered reappointment and given a reasonable time within which to accept or decline it.

(2) Procedure

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

If the President initiates dismissal proceedings, the concerned individual shall have the right to be heard initially by the Faculty Senate Hearing Panel (Privilege and Tenure).

The faculty member shall be informed in writing by the President regarding specific charges at least 20 days prior to the hearing. At least seven (7) days prior to the hearing, the faculty member shall answer the charges in writing. The faculty member may waive the hearing. If the faculty member waives the hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the Hearing Panel shall evaluate all available evidence and base its recommendation upon the evidence in the record.

The Hearing Panel, in consultation with the President 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 Panel, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer. A full stenographic record of the hearing or hearings shall be taken and made available to the parties concerned. The burden of proof that adequate cause for dismissal shall rest with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member's competence is in question, the testimony should include that of qualified faculty members from this and/or other institutions of higher education.

Upon the conclusion of the hearing, the Hearing Panel shall report to the President 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 rejects the report, the President shall provide reasons in writing to the Hearing Panel and the faculty member. If the President accepts a report with a decision adverse to the faculty member, the President shall provide an opportunity for response by the faculty member before transmitting the case to the Board of Trustees. 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. The Board of Trustees shall either sustain the recommendations of the Hearing Panel and the President or return the proceedings to the President and the committee with specific objections. The Hearing Panel then shall reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Trustees shall make the final decision after a study of the Hearing Panel's reconsideration.

(3) 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 Faculty Senate Advisory Committee on Privilege and Tenure. Salary shall be continued during the period of suspension.

g. Claims of a Violation of Academic Freedom

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 violating academic freedom, or that they were given less advance notice than required in these *Administrative Regulations* they must present their allegations in writing to the Faculty Senate Advisory Committee on Privilege and Tenure within 60 days after being notified in writing by their respective deans of the decisions not to reappoint. Allegations so presented shall be given preliminary consideration by the Faculty Senate Advisory Committee on Privilege and Tenure, which shall attempt to settle the matter by informal methods. The allegations shall be accompanied by statements that aggrieved faculty members agree to the presentation, for the consideration of the committee, of such reasons and evidence as the University may allege in support of its decisions. If the difficulty is unresolved at this stage and if the committee so recommends, the procedures set forth in these *Administrative Regulations* 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, or who provided insufficient notice, to present evidence in support of those decisions.

h. Resignation

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

(1) Administrative Personnel

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

(2) Change of Assignment

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

2. Conditions of Employment

a. Terms of Assignment

Academic assignments are made on academic year nine-month, 10-month, 11-

month and 12-month bases.

b. Vacation Leave

All full-time faculty members on a 10-month, 11-month or 12-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 faculty member shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three (3) days prior to the first day of registration for the fall semester, unless for special reason leave is approved. Vacation leave shall be taken in the assignment period in which it is earned, or the vacation leave shall be forfeited. Exceptions may be granted in accordance with *Administrative Regulations*.

Additional detailed information on faculty vacation leave is provided in the *Administrative Regulations*.

c. Professional Practices

(1) General Policies

During their annual assignment period (whether academic year, 10 months, 11 months or 12 months) faculty members are expected to serve the University full-time. It is expected that they will be interested primarily in the work of their particular educational unit, giving their chief effort to the promotion of its needs.

A faculty member 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 education, research, service and care. Conditions under which such employment may be undertaken are as follows:

- (a) Such employment shall not interfere with the fundamental responsibility of the faculty member to meet regularly assigned duties and inherent obligations to education, research, service and care, 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.

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

(c) All proposals to undertake outside employment shall be made in writing to the chairs whose recommendations shall be forwarded to the respective deans and thence, unless specified otherwise in the *Administrative Regulations* (See AR 3:9), to the Provost for final action. Such proposals shall indicate the nature of the work to be performed, the estimated amount of time involved, the duration of the employment and the scale of compensation. These proposals shall become a matter of record by the Provost who shall transmit quarterly to the President 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 shall be specific. Approvals shall not be granted for blanket authorizations to consult or to engage in professional practice.

(d) Such employment shall be governed by time limitations stated in the *Administrative Regulations* (See AR 3:9) and the provisions of Ethical Principles and Employee Code of Conduct.

(e) 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 with the proviso that an adverse decision can be appealed to the Executive Committee of the Board of Trustees.

(f) Service Plans

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

d. Leaves of Absence

(1) Sabbatical Leave

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

Faculty members who have full-time tenured appointments in the regular, special title, extension or librarian series with the rank of assistant professor (or librarian III) or higher, are eligible for sabbatical leaves after six (6) years of continuous service in the rank of instructor (or librarian III) or higher at the University, or for sabbatical leaves under a different option after three (3) years of continuous service. All such sabbatical leaves shall be approved by the President or the President's designee.

After six (6) years of continuous eligible service, a faculty member may apply for one (1) year's sabbatical leave (academic year for appointees on academic year, 10-month or 11-month assignments) at one-half salary or six (6) months' sabbatical leave (academic semester for appointees on academic year, 10-month or 11-month assignments) at full salary. After three (3) years of continuous eligible service, an appointee may apply for six (6) months' sabbatical leave (academic semester for appointees on academic year, 10-month or 11-month assignments) at one-half salary. Normally "continuous service" is interrupted by a sabbatical leave; that is, no service prior to a sabbatical leave may be credited toward eligibility for future sabbatical leave. However, in the event that it becomes necessary for an individual to postpone a sabbatical leave at the request of and/or for the benefit of the University or one of its educational units, the period of postponement shall be counted as part of the six (6) years of service necessary for the individual to again become eligible for sabbatical leave. The request for and/or agreement that the sabbatical leave be postponed shall be made in writing by the dean and be approved by the Provost. The request or agreement shall specify the period of postponement and the reason for it. In no case shall cumulative sabbatical leave be granted for a single period longer than one (1) full year at full salary.

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 10-month or 11-month assignment basis, this does not include the period of vacation and the one (1) or two (2) months outside the assignment period each fiscal year; for an individual on a 12-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 shall promote the purpose of the leave and is approved by the President or the President's designee.

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

In neither of the above instances shall a recipient's total income attributable to a sabbatical leave project exceed the individual's regular academic salary. Sabbatical leave shall be granted with the understanding that the recipient, following the sabbatical leave, will continue service at the University for at least one (1) academic year.

(2) Temporary Disability Leave

Temporary Disability Leave (TDL) may be granted to faculty members by the Provost. Eligible faculty members who are totally disabled are entitled to six (6) months' TDL with pay. TDL with pay for more than six (6) months requires approval by the Board of Trustees.

(3) Leaves With Pay

Upon the recommendation of the appropriate administrative officers and approval of the Provost, a faculty member may be granted leave of absence with pay for a period not to exceed 30 days for the purpose of permitting an appointee to attend a professional meeting, serve temporarily with an outside agency, serve in the military forces of the United States or for other

good cause. Such leaves of absence with pay for more than 30 days require approval of the Board of Trustees.

(4) Leaves Without Pay

Upon the recommendation of the appropriate administrative officers and approval of the Provost, a member of the faculty may be given a leave of absence without pay. Ordinarily such leave shall not be granted for a period in excess of one year (12 months). However, such leave may be extended on application and approval by the appropriate administrative officers. The best interests of the University shall be a major consideration in granting an extension of any such leave. Leaves of absence without pay are not normally credited toward eligibility for sabbatical leave. However, exception may be made when the leave enhances the value of the individual to the University, e.g., a leave to accept a fellowship or a grant, service for professional organizations, etc. In no case shall the leave of absence without pay be considered as an interruption of continuous service.

(5) Educational Leave

To pursue an advanced degree at the University of Kentucky 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 and approved by the Provost, 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.

(6) 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 and approved by the Provost, the faculty member shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Time spent on scholarly fellowship leave shall apply toward eligibility for sabbatical leave and count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary.

(7) Entrepreneurial Leave

The University encourages faculty employees to engage in entrepreneurial activities and strives to support the efforts of faculty who wish to commercialize their discoveries. Therefore, the pursuit of entrepreneurial endeavors is a valid reason for application for a faculty leave of absence.

The request for entrepreneurial leave, submitted by the faculty person to his or her unit administrator, shall be accompanied by a completed and signed “Entrepreneurial Leave” form and all attachments. The period of the leave shall not normally exceed one academic year. However, the leave may be extended for a second and final year by the Provost upon the recommendation of the dean. The Entrepreneurial Leave form enumerates additional terms and conditions of such leaves. The unit administrator shall review the proposal and forward the materials to the dean of the college along with their recommendation. The dean shall forward his or her recommendation to the Provost for approval. Entrepreneurial Leaves shall be reported to the Board of Trustees.

Time spent on entrepreneurial leave shall not apply toward eligibility for sabbatical leave or count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary. Time spent on entrepreneurial leave shall not otherwise be considered as an interruption of continuous service.

3. Miscellaneous

a. Faculty Members as Candidates for Degrees

Faculty members 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 (2) full-time, consecutive resident semesters preceding the qualifying examination or during the two semesters of full-time dissertation study immediately following the qualifying examination.

b. Faculty Members as Scholars and Citizens

As described in GR I, faculty have academic freedom. Like other citizens, faculty members are free to engage in political activities. 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 shall not count as probationary service unless agreed to otherwise.

Elective and appointive part-time services on boards and commissions to which faculty members are prepared to provide exceptional amounts of time shall be governed by policies on professional practice.

C. Employment of Staff Employees

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

1. Post-Retirement Employment

- a. A post-retirement appointment may be used in a very limited number of cases, when it is essential to a University program or office or when it is otherwise impossible practicably to fill a position with a fully qualified person. Such a part-time or full-time appointment is restricted to former staff employees who have elected to retire, requires specific prior approval by the Board of Trustees and is made for a period not to exceed one (1) year.
- b. A retiree may be employed as a temporary employee to perform duties for which fee schedules have been established and approved by the Provost or the Executive Vice President for Finance and Administration.

2. Emeritus Ranks

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

D. Opportunity for Hearing

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

Committee.

E. Matters Affecting Faculty and Staff

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

For questions, contact: Office of Legal Counsel

Administrative Regulation — Student Affairs (*Formerly GR XI*)

A. Student-University Relationships

The non-academic relationships between University students and the University are articulated in *Administrative Regulation 4:10, Code of Student Conduct*.

The academic relationships between University students and the University are set out in *Administrative Regulation – Academic and Student Affairs*.

B. The University Appeals Board — Jurisdiction

There shall be a University Appeals Board (hereinafter UAB) with specific jurisdiction over student matters. The UAB shall be assigned either original or appellate jurisdiction over various students, as established by this *Administrative Regulation*, as follows:

1. Disciplinary Offenses

In cases of disciplinary offenses where the student is sanctioned with social suspension, disciplinary suspension or expulsion, the UAB shall have appellate jurisdiction.

2. Academic Offenses

- (a) In cases of academic offenses where the student contests guilt, the UAB shall have original jurisdiction.
- (b) In cases of academic offenses where the only issue is the severity of the sanction, the UAB shall have appellate jurisdiction.

3. Violation of Student Rights

- (a) In cases where a student claims a violation of student rights (outlined in the *Code of Student Conduct*), the UAB shall hear any case referred to it by the Dean of Students and may grant the written appeal of any student to hear a case not referred to it by the Dean of Students.
- (b) Registered student organizations that receive the majority of their regular operating budgets from allocations of student fee monies and/or University allocation shall have a hearing process which shall include final appeal to the UAB.
- (c) The UAB shall have jurisdiction over final decisions of University hearing agencies in which a student alleges a violation of student rights. In a case

involving a student election in which a candidate alleges that his or her student rights were violated, the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, or affirm or void the election. The jurisdiction of the UAB does not extend to the selection of the President of the Student Government Association.

4. Violation of Academic Rights

In cases where a student claims a violation of academic rights outlined in *Administrative Regulation – Academic and Student Affairs*, the UAB shall have original jurisdiction.

5. College Honor Code Offenses

The UAB shall hold appellate jurisdiction over the decisions of college honor councils or committees, except that if the hearing panel, by majority of those present, decides the student's rights have been substantially violated, the hearing panel has original jurisdiction on the issue of guilt.

6. Cases of Temporary Sanctions

When the Vice President for Student Success imposes temporary sanctions on a student, the UAB shall have appellate jurisdiction.

C. Composition of the University Appeals Board

1. The UAB shall consist of 30 members: 18 faculty members and 12 full-time students. A Hearing Officer shall be the Chair.
2. A hearing panel of the UAB shall consist of nine (9) members: at least five (5) shall be faculty members, and at least one (1) shall be a student. A Hearing Officer shall be the chair.
3. A quorum of the hearing panel for the conduct of business will be nine (9), including the Hearing Officer: at least five (5) faculty members (exclusive of the Hearing Officer) and at least one (1) student.

D. Appointments to the University Appeals Board

1. The Hearing Officer

The Hearing Officer shall be the Chair of the hearing panel and shall be a person with training in the law appointed by the President of the University for a three-

year term, subject to reappointment. The term shall begin on September 1 and end August 31. The Hearing Officer shall convene and preside at all meetings of the hearing panel, but does not vote as a member of the Board or have the authority to cast a tie breaking vote. All questions of the law, either substantive or procedural, and all procedural questions shall be addressed to and ruled upon by the Hearing Officer. The Hearing Officer shall have the authority to exclude any hearing panel member that the Hearing Officer determines has a conflict of interest or the appearance of a conflict of interest with a case. If the Hearing Officer cannot serve when needed, the President or, in the President's absence, the Provost shall appoint a temporary substitute.

2. The Student Members

- (a) The student membership of the UAB shall be appointed to one-year terms, subject to reappointment. Their terms shall begin September 1 and end August 31.
- (b) The student membership shall consist of four (4) graduate or professional students and eight (8) undergraduate students. The undergraduates must be full-time students and either sophomores, juniors or seniors in good standing. The graduate or professional student must be a full-time student, have been in residence at least one year and be in good standing.
- (c) The President shall appoint student members to the UAB from the recommendations submitted by the Student Government Association and the college deans. Six (6) student members shall be appointed from those names submitted by the Student Government Association and six (6) members from those names submitted by the college deans, totaling 12 student members.

3. The Faculty Members

Faculty members of the UAB shall be appointed to staggered three-year terms by the President of the University. All terms shall begin on September 1 and end on August 31. To minimize the possibility of a conflict of interest, faculty members with primary administrative appointments (more than 50% of their assignment allotted to administration) shall not be appointed to the UAB.

4. Temporary Appointments

- (a) If a sufficient number of the members of the UAB are not present or have been determined by the Hearing Officer to have a conflict of interest or the appearance of a conflict of interest at any time when that Board has duties to perform, the President of the University or, in the President's absence, the Provost, shall make such temporary appointments as are necessary to ensure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise

provided herein. However, in no case shall a faculty member replace a student member or a student member replace a faculty member.

- (b) If, at any time, in the judgment of the Hearing Officer, there are sufficient cases pending before UAB that it is unlikely that the pending cases can be processed within the time prescribed, the Hearing Officer shall notify the President of that fact. The President may, in accordance with this *Administrative Regulation*, activate additional boards and appoint a Hearing Officer for each such additional board, or appoint additional boards and hearing officers for designated cases and time periods.
- (c) The authority, jurisdiction and range of possible actions of, and the guaranteed rights of an accused person before any special board or panel appointed or activated under the terms of (a) or (b) above shall be the same as those applicable to the regularly constituted board or panel.

E. Procedures of the University Appeals Board

Additional procedures of the UAB shall be those prescribed by the *Administrative Regulation – Academic and Student Affairs* for academic cases, the *Code of Student Conduct* for non-academic cases or by the UAB to effectuate the orderly conduct of its functions.

F. Disposition of Cases — Authority

The University Appeals Board has authority to decide appeals of both academic and non-academic cases. With respect to the UAB's resolution of academic cases arising under either its original or appellate jurisdiction, the UAB operates within the *Administrative Regulation – Academic and Student Affairs* that define academic offenses, create a range of sanctions to be imposed upon a finding of guilt and establish the standard of proof, subject only to the limitations imposed by the Constitutions and statutes. With respect to non-academic cases, the range of sanctions and standard of proof are set out in the *Code of Student Conduct*, subject only to the limitations imposed by the Constitutions and statutes. The decisions of the UAB are final.

For questions, contact: [Office of Legal Counsel](#)

Administrative Regulation — Issuance of Administrative Regulations and Other Policies (*Formerly GR XIII*)

A. Regulations

As the chief administrative officer of the University, the President is authorized by the Board of Trustees to promulgate the *Administrative Regulations*, including the *Human Resources Policies and Procedures* and the *Business Procedures Manual*.

1. Administrative Regulations

The *Administrative Regulations* provide interpretation and implementation of University-wide policies set forth by the Board of Trustees in the *Governing Regulations*. *Administrative Regulations* promote the responsible and efficient administration of the University and the accomplishment of its goals. The President makes final approval of the *Administrative Regulations*.

2. Human Resources Policies and Procedures

The *Human Resources Policies and Procedures* define University employees and provide interpretation and implementation of University policies concerning University employment. The President, or designee, makes final approval of the *Human Resources Policies and Procedures*.

3. Business Procedures

The *Business Procedures Manual* includes information related to the purchasing of goods and services, payroll activities, accounting for financial transactions, presents policy statements to aid in decision-making and procedure steps for implementation and assists all University departments in handling their daily business transactions. The President, or designee, makes final approval of the *Business Procedures Manual*.

For questions, contact: [Office of Legal Counsel](#)

Administrative Regulation — Ethical Principles and Employee Code of Conduct (*GR XIV*)

A. Ethical Principles

Exemplary ethical conduct is critically important. To that end, each individual who acts for the University must comply with the following.

B. Employee Code of Conduct

Those acting on behalf of the University of Kentucky have a duty to conduct themselves in a manner that will maintain the public's trust in the integrity of the University and to act compatibly with their obligation to the University. The Employee Code of Conduct establishes guidelines for professional conduct for those who act for the University, including trustees, executive officers, faculty, staff and other individuals employed by the University, those using University resources or facilities and volunteers and representatives acting as agents of the University. The conduct of students is addressed in the Student Rights and Responsibilities.

The Employee Code of Conduct is intended to determine what conduct is expected and to help individuals to determine behaviors that should be avoided. Employees are strongly urged to consult with their supervisor to review and evaluate specific situations. Violations of this code will be subject to appropriate sanctions. In addition to the Code, those who act for the University are subject to all University regulations, policies and state and federal law. As applicable, those who act for the University shall comply with:

- Federal laws, regulations and policies;
- Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR);
- University and unit-level policies and procedures including, but not limited to, the *Governing Regulations (GR)*, *Administrative Regulations (AR)*, *Human Resources Policy and Procedure Manual (HRP&P)*, the *Business Procedures Manual (BPM)* and *Faculty Senate Rules*;
- Contract, grant and donor stipulations;
- Accreditation requirements; and
- Generally accepted accounting principles.

While this Employee Code of Conduct provides expectations and interpretation, additional guidance is found in other official University policy documents, such as the *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures*, *Business Procedures Manual* and *Faculty Senate Rules*.

1. Confidentiality of Information

Those who act for the University are entrusted with personal and institutional information that should be treated with confidentiality and used only for conducting University business. Respect for individual and institutional privacy requires the exercise of care and judgment. Unless required or permitted by law or University regulations, personal and official information provided by and about students, faculty and staff must not be given to third parties without the consent of the individuals concerned. When doubt exists regarding the confidentiality of information, those who act for the University should presume information is confidential until determined otherwise.

2. Use of the University's Name

Those who act for the University have a public association with the University, but are also private citizens, thus care must be taken to appropriately differentiate between the two roles. Those who act for the University may not use or allow the use of the name of the University or identify themselves as employees of the University of Kentucky in the public promotion or advertising of commercial products without prior written approval. Individuals writing or speaking publicly in a professional or expert capacity may identify themselves by their relationship with the University, but if so identified then in all instances where the individual might give even the appearance of speaking on behalf of the University, care must be taken to emphasize that any views expressed are their own and are not representative of the University of Kentucky. Those who act for the University are encouraged to contribute to public debate as citizens. In instances where those who act for the University comment publicly as part of their official University duties, they should do so using University stationery and e-mail accounts; when commenting as citizens, those who act for the University must use personal stationery and personal e-mail accounts.

3. Civic Responsibility of the Individual

In their roles as citizens, staff employees and faculty members have the same freedoms as other citizens, without institutional censorship or discipline. When employees speak or write as citizens, they should indicate that they are not speaking for the University.

4. Discrimination and Harassment

To foster an environment of respect for the dignity and worth of all members of the University community, the University is committed to maintain a work-learning environment free of prohibited discrimination and harassment, which includes sexual and other forms of harassment. The policy of the University of Kentucky, approved by the Board of Trustees, prohibits discrimination and

harassment of or by students, faculty and staff and assures that complaints of discrimination and harassment shall be treated and investigated with full regard for the University's due process requirements. In addition, allegations of discrimination and harassment by customers, visitors, contractors and employees of contractors will be investigated, and appropriate action shall be taken. The University policy and procedures on discrimination and harassment can be found in AR 6:1.

5. Personal Relationships

The quality of decisions may be affected when those making decisions have personal relationships with those who are the subjects and possible beneficiaries of these decisions. The critical concern is that personal relationships, whether positive or negative, should not inappropriately or unfairly affect decisions. Conflicts of interest may arise when people are involved in making decisions affecting any members of their families, relatives or those with whom they have or have had intimate relationships. Decisions affecting present or former business partners should also be avoided. Individuals with personal relationships should excuse themselves from such decision-making. In many cases, potential conflicts can be managed by candid but discreet disclosure of those relationships.

The University strongly urges those individuals in positions of authority not to engage in conduct of an amorous or sexual nature with a person they are, or are likely in the future to be, in a position of evaluating. The existence of a power differential may restrict the less powerful individual's freedom to participate willingly in the relationship. If one of the parties in an apparently welcomed amorous or sexual relationship has the responsibility for evaluating the performance of the other person, the relationship must be reported to the dean, department chair or supervisor so that suitable arrangements can be made for an objective evaluation of the student or employee.

6. Employment of Relatives (Nepotism)

This nepotism policy reflects the realities of today's multi-professional, dual-career families in a manner that addresses nepotism concerns but does not inhibit the ability of the University to hire the best qualified individuals. Nepotism is generally inconsistent with the University's longstanding policy of making employment decisions based solely on unit needs and individual qualifications, skills, ability and performance.

Nepotism is generally prohibited within the University community. Nepotism means actions by a member of the University community that shall directly influence, benefit or cause detriment to the University employment (e.g., hiring, promotion, supervision, evaluation and determination of salary) of any other

member who is a relative. Relative means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law and step-relatives in the same relationships.

The employment of relatives within the University is not precluded, if the employment is in compliance with all University policies regarding employment qualifications, performance, promotion and management of situations where nepotism or the appearance of nepotism, is possible.

7. Intellectual Property

Those who act for the University should be responsible stewards of University resources. All intellectual property conceived, first reduced to practice, written or otherwise produced by students, faculty and staff at the University of Kentucky using University funds, facilities or other resources shall be owned and controlled by the University. Any member of the faculty or staff 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. The traditional products of scholarly activity which have customarily been considered the unrestricted property of the originator, such as journal articles, textbooks, reviews and monographs and which have been created without involving a material use of University resources, shall be the unrestricted property of the author (See AR 7:6).

8. Conflict of Commitment

Decisions and the judgment upon which the decisions are based must be independent from conflicting interests and must hold the best interest of the University of Kentucky foremost. Conflicts of commitment relate to an individual's distribution of effort between University appointment and outside activities. The University of Kentucky permits external employment or self-employment in an employee's profession or specialty (with the exception of employees participating in a practice plan) where there is not a conflict of interest or commitment. Faculty and professional administrative employees are expected to devote their primary professional loyalty, time and energy to University of Kentucky teaching, research and service endeavors; activities outside the University must be conducted without detracting from these primary commitments. A conflict of commitment generally occurs when the pursuit of outside activities interferes with obligations to students, to colleagues and to the missions of the University. These conflicts may become apparent in regular performance reviews, in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and shall be addressed by the appropriate department head. The University policy and procedures on outside consulting can be found in AR 3:9.

A staff employee may be employed outside the University when the employment does not constitute a conflict with University interests and when the hours of outside employment do not coincide or conflict with hours of scheduled work or affect the employee's ability to perform satisfactorily. A staff employee may also perform outside employment while on vacation, holiday or special leave as long as the outside employment does not constitute a conflict of interest. Adherence with this policy is the responsibility of the staff employee who seeks outside employment; however, it is recommended the employee advise his or her department head of the outside employment.

9. Conflict of Interest

The public's respect and confidence in the University of Kentucky must be preserved. Confidence in the University of Kentucky is put at risk when the conduct of those who act for the University does, or may reasonably appear to, involve a conflict between private interests and obligations to the University. Those who act for the University shall avoid conduct that might in any way lead members of the general public to conclude that he or she is using an official position to further professional or private interests or the interests of any members of his or her family. In conducting or participating in any transaction, full disclosure of any real or perceived conflict with personal interests and removal from further participation in such matters is required.

AR 7:2, Financial Conflicts of Interest, sets forth specific relationships and activities that pose a potential conflict of interest for faculty, staff and students involved in research and related activities. The University recognizes that actual or potential conflicts of interest may occur in the normal conduct of research and other activities. A conflict of interest can also arise if an employee's professional judgment is or may appear to be influenced by personal interests. It is essential that potential conflicts be disclosed and reviewed by the University. After disclosure, the University can make an informed judgment about a particular activity and require appropriate oversight, limitations or prohibitions in accord with this policy. It is important to remember that each relationship is different, and many factors often will need to be considered to determine whether a conflict of interest exists.

10. Auditing Services

To effectively discharge their fiduciary and administrative responsibilities, the University's administration and the Board of Trustees are assisted by internal and external (independent) auditing services. These services provide independent, objective assurances and consulting services with respect to evaluating risk management, control and governance processes. It is a violation of University policy to mislead or give false information to or intentionally omit material facts

from internal or external (independent) auditor(s).

11. University Property and Resources

Those who act for the University shall be responsible stewards of University property and resources. Those who act for the University are entrusted with protecting the property, equipment and other assets of the University and exercising responsible, ethical behavior when using the University's resources. University assets are intended for University activities. Limited personal use of fixed University resources, such as computers and telephones, which does not result in a charge to the University is permitted as long as the use does not interfere with assigned job duties.

University property and resources shall not be used for personal business or commercial activities. However, in some instances, when the goals of the individual and the University coincide, a those who act for the University may use University equipment outside of the realm of his or her professional duties. Any such use must have the prior, written approval from the dean or appropriate administrator where the resources are located and must provide that the University will be reimbursed for the full cost of the use of the property and resources. Such use must not interfere with the University of Kentucky's uses and must occur outside of the regular employment assignment of those who act for the University. The Office of Legal Counsel may assist with an appropriate agreement.

12. Fiscal Responsibility

The University is committed to responsible stewardship. The Board of Trustees, President, executive officers, administrators, deans, department chairs, directors, principal investigators and all others functioning as area or unit heads are responsible for setting a tone of accountability and high ethical standards in financial matters. All employees are expected to comply with the requirements outlined in:

- GR I — Declaration of Principles;
- A01-005, UK HealthCare Code of Ethics;
- AR 3:9, External Consulting, Other Outside Employment and Internal Overload Activity;
- AR 7:2, Research Conflict of Interest and Financial Disclosure Policy;
- and
- AR 7:9, Institutional Conflicts of Interest Involving Research

All organizational units (e.g., administrative area, college, department, division, center or office) are expected to maintain a strong internal control environment

for the University as defined in the *Business Procedures Manual*. (See BPM E-1-3, Fiscal Roles and Responsibilities, and E-1-4, Internal Control.)

Each organizational unit head is accountable for the sound financial management of the unit and retains this fiscal responsibility if authority for transactional processing, record keeping, approving and monitoring is delegated to others.

13. Financial Advantage

Members of the University community shall exhibit personal integrity, honesty and responsibility in all actions. Official position or office shall not be used to obtain financial gain or benefits for oneself or members of one's family or business associates. Any action that creates the appearance of impropriety should be avoided. Except as specifically approved by the Board, purchases and contracts shall not be made with an employee of the University for any item of supply, equipment or service, nor may an employee have any interest, directly or indirectly, in any purchase made by the University. An indirect interest may be defined as a real or perceived use of a university position or office with respect to a purchase or contract, leading to financial or other benefits to the individual or a member of his or her family. An indirect interest includes situations where a business owned or controlled by a family member does business with the University area where the employee is assigned.

An employee seeking approval under this section shall first make an application to the University Ethics Committee by submitting in writing a full disclosure of all aspects of his or her relationship with the contracting company or business. The Ethics Committee shall make a recommendation to the President, who shall forward to the Board the Committee's recommendation together with his or her recommendation. In recommending approval of a contractual relationship, the Committee shall determine that:

- a. the contractual relationship is in the best interest of the University;
- b. the employee has taken whatever actions are necessary to avoid any conflict of interest or any appearance of a conflict of interest;
- c. if the conflict is subject to the provision of KRS Chapter 45A, the employee's contract shall be the lowest price bid or otherwise provides the best value to the University;
- d. the employee's interest in the contract does not present a conflict with the employee performing his or her job; and,
- e. the nature of the contract and the nature of the employee's interest in the

contract or business shall be fully disclosed to the University community by as broad communications as feasibly possible.

Action taken by the Board shall be in open session, by affirmative vote. The action item shall fully disclose the nature of the conflict, and the reasons for the action.

14. Compliance Responsibilities

a. University

The University is committed to sustaining a culture of ethical behavior, trust and compliance. This culture is one in which individuals are comfortable raising concerns when a good faith belief exists that the actions of those who act for the University or unit are not consistent with laws, regulations, policies or standards. The University shall ensure that appropriate actions are taken to resolve non-compliance and persons making good-faith reports of non-compliance shall not be subjected to retaliation.

b. Those Who Act for the University

Those who act for the University shall take appropriate measures to prevent, detect and report compliance violations or suspected violations. Those who act for the University shall, acting in good faith, report suspected compliance violations through the standard chain of command, through one's supervisor or, if not appropriate because of that individual's potential involvement, to a higher level of management, to Human Resources, to a compliance officer or to the University Ethics Committee. (See AR 1:7) It is the responsibility of all those who act for the University to know and abide by rules, laws, regulations, contracts and University policies and procedures that are applicable to the work or activity undertaken, including, but not limited to the following:

- Federal laws, regulations and policies;
- Kentucky Revised Statutes (KRS) and Kentucky Administrative Regulations (KAR);
- University and unit-level policies and procedures including, but not limited to the *Governing Regulations (GR)*, *Administrative Regulations (AR)*, *Human Resources Policy and Procedures (HRP&P)*, *Business Procedures Manual (BPM)* and *Rules of the Faculty Senate*;
- Contract, grant and donor stipulations; and
- Accreditation requirements.

15. Compliance (Whistle Blower) Protection

It is a violation of University policy to retaliate against an individual because she

or he has made, in good faith, a disclosure of noncompliance or has participated in an investigation, proceeding or hearing involving noncompliance of any of the above.

16. Truth, Honesty and Integrity

- a. Those who act for the University, with no exceptions, shall:
 - Act with high ethical and professional standards of conduct;
 - Be honest in performing their duties;
 - Propose, conduct and report research and transmit research findings with integrity and honesty;
 - Protect people and humanely treat animals involved in research and teaching;
 - Protect the intellectual property rights of individuals, the University and third parties; and
 - Respect the intellectual property rights of others.

- b. Those who act for the University, with no exceptions, shall not:
 - Fabricate information;
 - Change or knowingly omit information to misrepresent events, circumstances, results or outcomes in official University records or documents; or
 - Take credit for another's work or work product without appropriate permission.

17. Acceptance of Gifts or Benefits

Those who act for the University's decisions and actions shall be based on the best interest of the University. No member shall accept any type of reward, monetary or non-monetary, if there is an explicit or implicit assumption that influence has been exchanged for the favor.

When no favor is asked for or gained, gifts of nominal value or moderate acts of hospitality, such as meals, in relation to one's position or activities with the University may be accepted. The following limits shall be observed:

- a. Gifts or acts of hospitality valued up to \$50 annually from any one source need not be reported.

- b. Gifts or acts of hospitality valued between \$50 to \$200 should be reported to the supervisor prior to acceptance.

- c. Acts of hospitality above \$200 must be specifically justified and reported through the chain of command. Written approval for acceptance must be provided by the Provost or executive vice president, in advance.
- d. Individuals may not accept gifts valued above \$200. However, these gifts or benefits shall be directed to the Executive Vice President for Finance and Administration, where they can be acknowledged and accepted on behalf of the University.

UK HealthCare employees shall also abide by more stringent rules outlined in the Employee Code of Conduct Addendum. (See HealthCare Policy A01-005, UK HealthCare Code of Ethics.)

18. Clarifications and Reporting Violations

Like all policies, this policy could not possibly cover all possible situations. When any doubt about the propriety of an action exists, the University's policy requires a full and frank disclosure to an appropriate individual with sufficient authority to address the matter. For interpretation, counsel or advice regarding this policy, contact the Office of Legal Counsel.

Those who act for the University are expected to report violations of this policy to an appropriate individual. The University will not tolerate any retaliation against those who act for the University when making a good faith report of a violation.

For questions, contact: [Office of Legal Counsel](#)