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## PART I

## THE UNIVERSITY OF KENTUCKY (DEFINITION)

The University of Kentucky consists of two parts: (1) the University System and (2) the Community College System.

A. University System of the University of Kentucky

The term "University System of the University of Kentucky" refers to the institution described in the following statutes:

164.100 UNIVERSITY OF KENTUCKY RECOGNIZED. The University of Kentucky, located at Lexington, is recognized as established and maintained. It is the institution that was founded under the land grant of 1862 by the Congress of the United States under the corporate designation and title of "Agricultural and Mechanical College of Kentucky." The university shall be maintained by the state with such endowments, incomes, buildings and equipment as will enable it to do work such as is done in other institutions of corresponding rank, both undergraduate and postgraduate, and embracing the work of instruction as well as research.

164.110 ACTS ASSENTING TO ACTS OF CONGRESS FOR AGRICULTURAL EXPERIMENT WORK CONTINUE IN FORCE AND APPLY TO UNIVERSITY OF KENTUCKY. All Acts of the General Assembly giving assent to Acts of Congress providing aid for agricultural and mechanical colleges and for agricultural extension and experimental work, shall, unless heretofore repealed, remain in force and apply to the University of Kentucky. The revenue arising from such Acts of Congress shall continue to be made available to the University of Kentucky for its use in accordance with the provisions of such Acts. All regulations made by the Board of Trustees of the Agricultural and Mechanical College for its government, in accordance with Acts of the General Assembly, shall continue in force and apply to the government of the University of Kentucky, except to the extent set out in this chapter or specifically repealed.

164.120 COLLEGES MAINTAINED; WHAT CONSTITUTES UNIVERSITY OF KENTUCKY. The University of Kentucky includes the following colleges and schools: the College of Arts and Science, the College of Agriculture, the College of Engineering, the College of Law, the College of Education, the College of Commerce and the Graduate School. The colleges, schools, divisions, departments, bureaus and offices now established and maintained or which in the future may be established by the Board of Trustees of the university shall constitute the University of Kentucky. The branches of learning required by the Act of Congress approved

July 2, 1862, shall continue to be integral and indispensable courses of instruction at the university.\*

164.125 UNIVERSITY PROGRAMS, REQUIREMENTS.

(1) The University of Kentucky shall provide:

(a) Upon approval of the Council on Postsecondary Education, associate and baccalaureate programs of instruction;

(b) Upon approval of the Council on Postsecondary Education, master degree programs, specialist degree programs above the master's degree level, and joint doctoral programs in cooperation with other public postsecondary educational institutions in the state;

(c) Upon approval of the Council on Postsecondary Education, doctoral and post-doctoral programs and professional instruction including law, medicine, dentistry, education, architecture, engineering and social professions.

(2) The University of Kentucky shall be the principal state institution for the conduct of statewide research and statewide service programs and shall be the primary institution authorized to expend State General Fund appropriations on research and service programs of a statewide nature financed principally by state funds. As applied in this section, research and service programs of a statewide nature shall be programs requiring the establishment and operation of facilities or centers outside of the primary service area of the institution. In carrying out its statewide mission, the University of Kentucky shall conduct statewide research and provide statewide services including, but not limited to, agricultural research and extension services, industrial and scientific research, industrial technology extension services to Kentucky employers, and research related to the doctoral, professional, and post-doctoral programs offered within the University. The University may establish and operate centers and utilize state appropriations and other resources to carry out the necessary research and service activities throughout the state. The University may enter into joint research and service activities with other universities in order to accomplish its statewide mission. Nothing contained in this subsection shall limit the authority of the Council on Postsecondary Education to establish instructional programs that are consistent with the strategic agenda.

(3) The University of Kentucky shall provide comprehensive community college programs at the Lexington Community College. The Lexington Community College, as one of the fourteen (14) community colleges that composed the University of Kentucky Community Colleges on the effective date of this Act, shall be provided an equitable share of the funds appropriated to improve the funding levels of the community colleges for the 1997-98 fiscal year. Subsequent biennial budget requests for the Lexington Community College shall be

included in the University of Kentucky's budget requests, as a separate line item, and shall not be considered a part of the Kentucky Community and Technical College System requests.

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\* The College of Commerce has been renamed the College of Business and Economics (February 18, 1966) and, in accordance with this statute, the Colleges of Pharmacy (July 1, 1947), Medicine (June 1, 1954), Dentistry (May 28, 1956), Nursing (May 28, 1956), Architecture (July 1, 1964), Allied Health Personnel (January 1, 1966; renamed Allied Health Professions, January 20, 1967), Home Economics (July 1, 1967; renamed Human Environmental Sciences, January 22, 1991), Library Science (April 2, 1968; renamed Library and Information Science, April 6, 1982; renamed Communications and Information Studies, June 22, 1993), Social Professions (June 24, 1968; renamed Social Work, May 6, 1980), Communications (May 4, 1976; renamed Communications and Information Studies, June 22, 1993), and Fine Arts (May 4, 1976) have been established.

#### B. Community College System of the University of Kentucky

The University of Kentucky Community College System (UKCCS) consists of a system of community colleges located in various parts of the state at points established by statute (KRS 164.591). Adopted in the 1997 Extraordinary Session of the Kentucky General Assembly, the Kentucky Postsecondary Education Improvement Act of 1997 (HB 1) amended statutes relating to the operation of the University of Kentucky's Community College System (UKCCS). Section 111 of the Act established the Kentucky Community and Technical College System, with two branches, one of which is the UKCCS, with the exception of the Lexington Community College. Sections 19 and 111 of the Act authorized the Kentucky Community and Technical College System to administer the UKCCS and directed the University of Kentucky Board of Trustees to delegate to the Kentucky Community and Technical College System Board of Regents the management responsibilities for the UKCCS, including but not limited to management of facilities and grounds, assets, liabilities, revenues, personnel, programs, financial and accounting services, and support services. The effective date of the delegation is the date of the affirmative completion of the Southern Association of Colleges and Schools' Substantive Change process, but not later than July 1, 1998. Pursuant to the provisions of the Act, the University retains certain responsibilities relating to the UKCCS: all real and personal property continues to be owned by the University of Kentucky; UKCCS employees as of the effective date continue to be governed by University Governing and Administrative regulations and any subsequent changes to those regulations made by the University; students enrolled in the UKCCS continue to have all the responsibilities, privileges and rights accorded to UKCCS students on the effective date; UKCCS bonds continue to be the responsibility of the University; the Board of Trustees recommends nominees for four members of the Kentucky Community and Technical College System Board of Regents; the Board appoints the search committee for the Kentucky Community and Technical College System president; the Board appoints half of the Search Committee for any future chancellor to head the Community College System; the Board

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reviews the biennial budget request for the UKCCS; the Board receives appropriations for the UKCCS and transfers and allots these funds to the Kentucky Community and Technical College System Board of Regents for the benefit of the UKCCS; the Board approves the acquisition and disposition of real property for the UKCCS and major capital construction projects; and the Board reviews, makes recommendations and approves existing and new associate degree programs in the UKCCS for which the Board of Trustees awards degrees. The Board awards all associate degrees to students who complete requirements in the University of Kentucky Community College System which bear the University of Kentucky name.

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## PART II

## GOVERNANCE OF THE UNIVERSITY OF KENTUCKY

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

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

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

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

A. Board of Trustees

1. Definition

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

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

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

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

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

2. Membership

The Board of Trustees of the University of Kentucky consists of sixteen members appointed by the Governor, two members of the faculty of the University System who shall have the right to vote on all matters except that of faculty compensation, one member of the University System nonteaching personnel, and one member of the student body of the University of Kentucky. The terms of the appointed members shall be for six years and until their successors are appointed and qualified, except the initial appointments shall be as follows: two members shall serve one-year terms; two shall serve two-year terms, one of whom shall be a graduate of the University; three shall serve three-year terms; three shall serve four-year terms, one of whom shall be a graduate of the University; three shall serve five-year terms and three shall serve six-year terms, one of whom shall be a graduate of the University. Three of the appointments shall be graduates of the University and may include one graduate of the institution who resides outside the Commonwealth; three shall be representative of agricultural interests;

and ten shall be other distinguished citizens representative of the learned professions. The Governor shall make the appointments so as to reflect proportional representation on the Board of the two leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth. Appointments to fill vacancies shall be made for any unexpired terms in the same manner as provided for the original appointments. (KRS 164.131)

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

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

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

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

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

3. Meetings

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

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

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

The President of the University shall attend all meetings of the Board of Trustees and of its Executive Committee except when the Executive Committee is meeting as a hearing panel or as a performance review committee.

4. Officers

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

5. Committees

## STANDING COMMITTEES:

The purpose of standing and special committees is to assist the Board in its oversight role by gathering information, discussing, and providing advice on policy proposals prior to their coming before the entire Board. Membership of standing committees shall include at least five members of the Board including the committee chair and shall be appointed by the Chairperson of the Board soon after the election of officers in September. The Academic Affairs Committee shall not be chaired by either faculty trustee, the Student Affairs Committee shall not be chaired by the student trustee nor shall the Human Resource Committee be chaired by the staff trustee.

### a. EXECUTIVE COMMITTEE

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

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

The Executive Committee is required to submit to the Board of Trustees at each meeting, for the latter's consideration and approval, a complete record of the proceedings of the Executive Committee. The authority of the Board to amend the action of the Executive Committee does not extend to the rejection of any valid or authenticated expenditure of money by the Executive Committee. (KRS 164.190) The Executive Committee shall serve as a hearing panel in the event of a faculty, student or employee appeal coming to the Board. The Executive Committee shall also serve as a hearing committee in the event of a community member or group desiring to address the Board. (AR II-1.0-4)

The Executive Committee shall serve as the performance review committee for the President, setting and reviewing goals each fiscal year. The Executive Committee shall involve the entire Board in this evaluation process and shall also solicit input from the Executive Committees of the University Senate, Staff Senate, and Student Government Association.

### b. ACADEMIC AFFAIRS

Shall review recommendations to the Board on policy matters pertaining to the academic mission of the University in teaching, research, and public service as well as academic freedom and tenure and shared governance. Will review proposals from the President to ensure the academic programs are consistent with the University's mission, that resources are available

to achieve academic priorities as set forth in the Strategic Plan, that academic programs are appropriate for its student needs and that the University has a system in place for assessing the effectiveness of its academic programs. Will review new program proposals and changes in the academic units to ensure the program proposals and changes will effectively carry out the academic mission and provide information to the Board if needed when new programs or changes in academic units are recommended to the Board for approval. Shall review the list of candidates for academic degrees and provide information to the Board if needed when degree candidates are recommended for approval.

c. STUDENT AFFAIRS

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

d. HUMAN RESOURCES

Shall review recommendations to the Board regarding policies pertaining to employee benefits, rights and privileges requiring Board approval.

e. UNIVERSITY RELATIONS

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

f. INVESTMENT

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

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

g. FINANCE

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

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

h. NOMINATING

Shall nominate officers of the Board and members of the Executive Committee. Shall review and recommend the appointment of Trustees to the boards and committees of the University and its affiliated entities..

i. SPECIAL COMMITTEES

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

6. Powers and Responsibilities

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

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

It may determine from time to time the colleges, schools, divisions, departments, bureaus, and offices which shall comprise the University within the scope of the Acts of Congress approved July 2, 1862, and Acts supplementary thereto, and the relation which each division shall sustain to each other division and to the whole. It may devise, allot, and arrange

the distribution of divisions with the designation appropriate for each, and devise the means required for their effective instruction, administration, and governance. (KRS 164.210)

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

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

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

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

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

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\* See Parts X.A and XII.A



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

7. Order of Business

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

Call to Order

Invocation

Roll Call

Reading and Approval of Minutes with Necessary Modifications

Report of the President

Consideration of President's Recommendations for Action

Consideration of President's Discussion Items

Reports of Committees

Other Business

Adjournment

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

B. Community College Board of Directors

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

## PART III

## THE PRESIDENT OF THE UNIVERSITY

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

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

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

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

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

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

The President is responsible for fostering and promoting instruction, research, and service as the primary functions of the University. In this connection the President may make policy recommendations to the Board of Trustees and the University Senate, which are recognized as the primary educational policy-forming agencies of the University. The President must, of necessity, in the day-by-day direction of University affairs, interpret existing policies and, in

some degree, establish new policy with respect to both educational and business and financial matters. Such policy determination shall be within the scope of the President's authority.

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

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

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

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

## PART IV

## THE UNIVERSITY SENATE (UNIVERSITY SYSTEM)

The University Senate shall be composed of faculty, emeriti faculty, student and ex officio members.

The faculty members shall number 94, one member shall represent the emeriti faculty, and 19 members shall represent the student body. With the exception of emeritus and ex-officio representatives, senators shall be full-time faculty or students selected in accordance with the Rules of the University Senate. The one elected emeritus faculty member shall represent the University of Kentucky Association of Emeriti Faculty.

In even numbered academic years, the ex officio voting members of the Senate shall be composed of the following: Provost, Vice President for Research, Senior Vice President and Chancellor of the Medical Center, Director of Libraries, Director of Teaching Learning Center and Deans of the Colleges of Allied Health Professions, Architecture, Communications and Information Studies, Dentistry, Education, Engineering, Law, and Social Work. In odd numbered academic years, the ex officio voting members shall be the following: Provost, President of the Lexington Community College, Associate Vice President for Academic Affairs for the Medical Center, Dean of the Graduate School, Dean of Undergraduate Studies and Deans of the Colleges of Agriculture, Arts and Sciences, Business and Economics, Fine Arts, Human Environmental Sciences, Medicine, Nursing, and Pharmacy.

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

The Senate is authorized to develop rules for the conduct of its functions, copies of these rules being furnished to the President and the Board of Trustees. It may perform its functions directly, through the Senate Council\*, through standing or special committees which it may appoint or

authorize for appointment, or through delegation of authority and responsibility to the faculties of the Graduate School or the colleges. Standing committees of the Senate, responsible to the

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

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

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

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

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

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

The functions of the University Senate shall include the following:

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

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

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

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

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

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

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

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

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

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

## PART V(A)

### THE UNIVERSITY OF KENTUCKY STAFF SENATE

The University of Kentucky Staff Senate shall be the official representative body of the staff of the University. It shall strive to open lines of communication among all segments of the staff, as well as between staff, faculty and students of the University. The Staff Senate shall also act as a mechanism to disseminate information to the staff, and passing information from staff to other members of the University community.

The Staff Senate shall be composed of elected, appointed, and ex-officio membership.

The Staff Senate shall consist of no more than 175 Senators. Senators shall be regular, full-time staff elected from and by their respective areas in accordance with the By-Laws of the Staff Senate, unless they are At-Large Senators or ex-officio members appointed in accordance with the By-Laws of the Staff Senate.

Staff eligible to vote for Senators shall be regular, full-time staff of the University as defined in Human Resources Policy and Procedure Administrative Regulations. Staff eligible to vote shall also be eligible to stand for election as a Senator once they have completed one year of continuous employment. The term for a Senator shall be stipulated in the By-Laws of the Staff Senate.

Each Senator shall have one vote. No absentee ballots or voting by proxy shall be permitted. Ex-officio members shall be non-voting members of the Staff Senate.

Every Senator shall have reasonable release time from work to perform Senatorial duties.

The Staff Senate shall meet regularly as specified in the By-Laws of the Staff Senate.

The Staff Senate shall have officers and standing committees as specified in the By-Laws of the Staff Senate to facilitate the functioning of the Senate. Advisory committees will also be created as specified in the By-Laws of the Staff Senate to provide advice to the President and the Staff Representative to the Board of Trustees. The Staff Senate shall have no management or administrative functions either in itself or through the instrumentality of its committees.

The Senate is authorized to develop rules for the conduct of its functions, copies of these rules being furnished to the President and the Board of Trustees. The Staff Senate may address the President, or through the Staff Trustee, the Board of Trustees, regarding any matter affecting staff of the University.

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The Staff Senate Development Task Force, an advisory group convened by the current Staff Representative to the Board of Trustees, shall conduct the elections of Senators as well as all other processes necessary to facilitate the election and seating of the Staff Senate. The Chair of the Task Force shall preside at the initial meeting(s) of the Staff Senate until such time as the permanent officers are elected.

GR – Part V



## PART V(B)

## THE SENATE OF THE COMMUNITY COLLEGE SYSTEM

The Senate of the Community College System shall be composed of elected, ex officio, and appointed members.

The elected faculty membership shall consist of and represent proportionately the full-time faculty in the various community colleges, except that no college shall have fewer than three senators. Moreover, each community college shall elect an additional senator for each twenty-five (or major fraction thereof) full-time faculty members above the first twenty-five. At least one of the three senators shall have responsibility in the occupational program area and at least one shall have responsibility in the general education area. The faculty of each community college shall nominate candidates for senator(s) and elect the senator(s) by secret ballot during the month of April preceding the term of office beginning on August 15. Each elected senator shall serve for a term of two years and shall be eligible for re-election for a second consecutive term but ineligible for further re-election until one year has elapsed.

The ex officio membership shall include the Chancellor for the Community College System, the Vice Chancellor for Academic Affairs and Student Affairs for the Community College System, the chairperson of each advisory committee to the Senate, and the president of the student body at each community college. The term of office for a student member shall be one year. An advisory committee chairperson's term as senator shall be coterminous with that individual's term as chairperson of the committee. Ex officio members shall enjoy all the privileges of the elected membership.

The appointed membership shall consist of three community college presidents and three other administrators, each of whom shall be appointed by the Chancellor for the Community College System. In addition, any member of the Community College Council appointed by the Chancellor for the Community College System to correct an imbalance in the elected senators in terms of professional areas of specialization shall be a member of the Senate. The term of office and eligibility for reappointment for an appointed senator shall be the same as for an elected senator. Appointed members shall enjoy all the privileges of the elected membership.

In order that there be a continuity of membership, the present members of the Community College Council shall serve as senators until the expiration of their current terms. The Chancellor for the Community College System shall establish a procedure for initially electing or appointing some senators for other than two-year terms so that the terms of approximately one-half of the senators shall expire during each succeeding year.

A vacancy in an unexpired term on the Senate shall be filled in a manner consistent with the original selection process applicable to that member's category. Service of one year or more in an unexpired term shall constitute a full term.

Consistent with these regulations, the Senate of the Community College System is authorized to develop regulations for the conduct of its functions, which shall be known as the Rules of the Senate of the Community College System. Copies of these regulations shall be furnished the President of the Kentucky Community and Technical College System and the Board of Regents of the Kentucky Community and Technical College System. It may perform its functions directly, through the Community College Council, or through standing, special, or advisory committees which it may appoint or authorize for appointment. The Chancellor for the Community College System shall appoint the members of standing committees from the eligible members of the Senate; i.e., those not serving on the Community College Council. The advisory committees to the Senate of the Community College System (other than the Committee on Privilege and Tenure) shall be appointed by the co-chairpersons of the Community College Council.

The Community College Council shall be composed of one duly elected senator from each college to serve a two-year term; two students elected by and from the student senators to serve a one-year term; one president designated by and from the presidents who have been appointed to the Senate, for a one-year term; the Chancellor for the Community College System and the Vice Chancellor for Academic Affairs and Student Affairs for the Community College System, who shall serve as ex officio members; and the chairpersons of the standing committees, who shall serve as ex officio members. All Council members must be taken from the membership of the Senate. A Council member's term may not exceed that individual's term as a senator. In the event there is an imbalance in the duly elected senators in terms of professional area of specialization, the Chancellor for the Community College System is authorized to appoint to the Community College Council a maximum of three additional faculty members who shall become members of the Senate.

The Chancellor for the Community College System and a person elected from and by the membership of the Community College Council shall serve as co-chairpersons of the Community College Council.

The Chancellor for the Community College System shall be chairperson of the Senate of the Community College System and shall serve as presiding officer for all meetings except as the Chancellor may delegate this function.

The Senate shall meet annually in regular session at a time and place designated in a call by the Chancellor for the Community College System. Special sessions may be called by the Kentucky Community and Technical College System President, by the Chancellor for the Community College System, or by a petition from at least fifteen (15) senators to the Chancellor for the Community College System.

Full-time and part-time faculty, local board members, Community College System staff members, and Community College System students may attend Senate and/or Council meetings and request the privilege of the floor. They shall not have the right to vote.

The functions of the Senate of the Community College System shall include the following:

Approving academic policies and curricula for the Community College System.

Approving courses and other academic offerings in the Community College System not offered in the University System.

Approving policies and regulations governing admission, classification, probation, and dismissal of Community College System students.

Approving an academic calendar generally consistent with the University System calendar.

Recommending to the University Senate on courses offered in the Community College System which are also offered in the University System.

Recommending to the Chancellor for the Community College System on criteria for faculty appointments, reappointments, promotions, and granting of tenure in the Community College System.

Recommending to the President of the University of Kentucky all candidates for University of Kentucky degrees and certificates from the community colleges. The Senate may delegate this function to the faculties of the community colleges.

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

The Senate of the Community College System may communicate to the Chancellor for the Community College System or the Board of Regents of the Kentucky Community and Technical College System through the Chancellor and the President of the Kentucky Community and Technical College System regarding any matter of concern to the Community College.

PART VI

THE UNIVERSITY ASSEMBLY

The University Assembly shall consist of all members of the faculties of the University System, including emeritus members, and all members of the administrative staff who perform functions directly supporting academic affairs. It shall meet in special session on the call of the President or the University Senate. The President of the University or the President's authorized representative shall preside. The University Registrar shall be secretary of the Assembly and shall be responsible for adequate notice of meetings, including a statement of subject or subjects to be discussed.

The Assembly may express its views on any matter affecting the University to the University Senate to the President or, through the President, to the Board of Trustees.

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The University Assembly shall consist of all members of the faculties of the University System, including emeritus members, and all members of the administrative staff who perform functions directly supporting academic affairs. It shall meet in special session on the call of the President or the University Senate. The President of the University or the President's authorized representative shall preside. The University Registrar shall be secretary of the Assembly and shall be responsible for adequate notice of meetings, including a statement of subject or subjects to be discussed.

The Assembly may express its views on any matter affecting the University to the University Senate to the President or, through the President, to the Board of Trustees.

## PART VII

## UNIVERSITY ORGANIZATION

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

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

A. Educational Organization

1. Definition

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

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

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

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

A graduate center is an educational unit of an interdisciplinary or multidisciplinary nature, which is equivalent to a department, and is located administratively in the Graduate School. It is associated exclusively with graduate programs and their attendant courses and

research. Its faculty have primary appointments within a college or, in some cases, within the center.

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

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

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

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

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

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

## 2. Academic Ranks

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

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

Ranks and special titles and a description of the qualifications for each shall be established by the President after consultation with appropriate administrative and faculty groups, including the Senate Council and/or the Community College Council. Likewise, emeritus ranks for retired administrative and academic personnel and the rights of holders of emeritus titles shall be established by the President after consultation with the Senate Council

and/or the Community College Council. The establishment of new ranks and major changes in criteria for ranks shall have the approval of the Board of Trustees.

3. The Graduate Faculty (University System)

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

Graduate Faculty members must possess the following qualifications:

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

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

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

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

Membership in the Graduate Faculty is conferred by the Dean of the Graduate School. 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.

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

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

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

The Graduate Faculty may perform its functions directly, through the Graduate Council, or through standing or special committees which it may appoint or authorize for appointment.



The Graduate Council shall have the authority and responsibilities delegated to it by the Dean of the Graduate School, the Graduate Faculty, and the University Senate.

4. Faculties of Colleges (University System)

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

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

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

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

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

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

5. Faculties of Schools (University System)

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

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

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

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

6. Faculties of Departments (University System)

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

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

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

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

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

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

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

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

8. Faculty Organization in the Community College System and Lexington Community College

a. Faculties of Colleges

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

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

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

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

b. Faculty Assemblies

The faculty of a community college may organize a Faculty Assembly for the purpose of making recommendations relating to the professional welfare of its members. It shall prepare a set of rules which shall describe its organization and procedures for the performance of its functions. Full-time faculty members devoting more than fifty percent of their effort to

teaching, librarianship, and counseling are eligible for membership in the Faculty Assembly. Other members of the faculty may become members upon invitation of a majority of the members of the Assembly.

The rules of the Faculty Assembly of a community college shall be consistent with the Governing Regulations, the Administrative Regulations, and the Rules of the Senate of the Community College System and shall be adequate to allow the Assembly to perform its responsibilities. Copies of the rules shall be submitted to the president of the college, the Community College Council, and the Chancellor for the Community College System for review and approval before being made operational.

c. Faculties of Divisions

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

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

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

d. Lexington Community College

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

9. Student Participation

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

B. Administrative Organization

1. Definition

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

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

2. Dean of the Graduate School

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

The President, the Provost, the Vice President for Research, and the Dean of the Graduate School shall be ex officio members of all committees of the Graduate School. The

Senior Vice President and Chancellor of the Medical Center shall be an ex officio member of all Graduate School committees affecting the Medical Center.

3. Deans of the Colleges (University System)

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

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

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

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

4. Directors of Schools (University System)

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

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

The director shall speak for the school. In the event that the director believes it necessary to depart from the recommendations of the school faculty, the director shall

communicate the school faculty's recommendation as well as the director's recommendation and notify the faculty of such action.

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

#### 5. Department Chairpersons (University System)

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

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



year of appointment; and (5) in a large and diverse department, upon prior recommendation by the department faculty and approval of the dean and the Provost or Senior Vice President and Chancellor of the Medical Center, as appropriate, consultation with faculty members may be restricted to those associated with the concerned, previously-defined academic division or program area in the department.

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

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

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

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

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

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

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

In connection with the above major administrative functions, the director shall seek the advice of the staff of the center or institute, individually or as a group, or of advisory committees that may be appointed by the director of the center or institute or by the administrator to whom

the center or institute is administratively responsible. The director shall speak for the center or institute and be an ex officio member of all of its committees.

7. Chairpersons of Interdisciplinary Instructional Programs (University System)

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

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

8. Presidents of Community Colleges

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

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

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

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

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

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

9. Division Chairpersons (Community College System)

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

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

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

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

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

The division chairperson speaks for the division. In the event that the chairperson believes it necessary to depart from the opinion of the divisional faculty, the chairperson must communicate the divisional faculty opinion as well as the chairperson's recommendation or advice, stating reasons for differing from the divisional faculty opinion, and notify the divisional faculty of such action.

## PART VIII

### UNIVERSITY SYSTEM APPOINTMENTS

#### A. Administrative Appointments

##### 1. Regular Appointments

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

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

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

2. Acting Appointments

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

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

3. Search Committees

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

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

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

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

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

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

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

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

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

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

4. Terms of Chairpersons and Directors

a. Department Chairpersons

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

b. Chairpersons of Interdisciplinary Instructional Programs

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

c. Division Chairpersons (Lexington Community College)

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

d. Directors of Multidisciplinary Research Centers and Institutes

The director of a multidisciplinary research center or institute shall be appointed for a term of six years. A director may be reappointed, however, when an ad hoc committee appointed to review and evaluate the center or institute (AR II-1.0-6) finds that the particular circumstances and needs of the center or institute make such a reappointment desirable.

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

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



## PART IX

## REVIEWS OF EDUCATIONAL UNITS

The work of each educational unit in the University\* and of the unit's chief administrative officer shall be reviewed at regular intervals by an ad hoc committee. The review periods shall normally be from five to seven years, except (1) for educational units where the review period shall depend upon the term of office of the chairperson, the reviews being made so that the results are available when decisions to appoint or reappoint chairpersons are to be made, and (2) for units headed by acting administrators where the review period shall be one year. A review of the work of any educational 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. Ordinarily such a review shall be initiated if requested by a majority of the members of the unit.

Procedures for appointment of review committees and for conduct of reviews, which have been established by the President after consultation with appropriate administrative and faculty groups including the Senate Council are described in the Administrative Regulations (AR II-1.0-6). Such review committees shall be formed principally from faculty personnel, and shall normally include members internal and external to the unit being reviewed, and may include members external to the University.

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

## PART X

## REGULATIONS AFFECTING ACADEMIC EMPLOYMENT

A. Merit As the Basis for Appointment

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

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

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

B. Tenure

1. Types of Appointment

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

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

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

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

The term "joint appointment" shall apply in any case in which an individual holds two or more intra-University faculty appointments. In such an instance, one of the appointments shall be designated as the primary appointment by the dean of the college if the individual's appointments are associated with educational units in the same college, by the Provost or Senior Vice President and Chancellor of the Medical Center, as appropriate, if the appointments are with educational units in different colleges. The constituent appointments relating to a joint appointment may be processed simultaneously or at different times; however, each appointment should be processed independently and considered on its own merits. An individual's academic rank, though usually the same, may differ in the constituent appointments. The possibility of tenure applies only to the primary appointment. In case of termination of the non-primary appointment(s) leaving only the primary appointment for a full-time faculty member, the individual's assignment associated with the primary appointment shall become full-time.

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

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

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

## 2. Probationary Periods

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

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

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

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

## 3. Appointment Record

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

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

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

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

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

5. Termination of Appointment

a. Reasons for Termination

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

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

b. Procedure

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

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

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

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

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

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

c. Suspension

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

6. Academic Freedom of Non-Tenured Faculty

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

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

#### 7. Resignation

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

#### 8. Administrative Personnel

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

#### 9. Graduate Student Academic Staff

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

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

#### 10. Opportunities for Hearings

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



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

#### 11. Change of Assignment

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

#### C. Conditions of Employment

##### 1. Terms of Assignment

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

##### 2. Vacation Leave

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

##### 3. Professional Practices

###### a. General Policies

During their annual assignment period (whether academic year, ten months,

eleven-months, or twelve months) faculty and research staff members are expected to serve the University full-time. It is expected that they will be interested primarily in the work of their particular educational unit, giving their chief effort to the promotion of its needs.

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

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

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

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

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

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

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

(4) Such employment must avoid creating a conflict of interest. Each faculty member shall be expected to exercise sound judgment in requesting approval of outside

employment, keeping in mind with utmost care the matter of conflict of interest.

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

b. Services Plans

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

4. Intellectual Property

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

5. Leaves of Absence

a. Sabbatical Leave

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

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

leaves of absence shall be approved by the President or the President's designated representative.

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

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

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

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

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

b. Other Leaves with Pay

(1) Sick Leave for Faculty

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

(2) Miscellaneous

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

c. Leave Without Pay

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

d. Educational Leave

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

probationary period service.

e. Scholarly Fellowship Leave

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

6. Faculty Members As Candidates for Degrees

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

7. Faculty Members As Scholars and Citizens

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

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

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

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

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

#### 8. Retirement

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

#### 9. Social Security

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

#### 10. Group Insurance

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

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

#### 11. Workers' Compensation

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

#### 12. Employee Disability Program

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

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## PART X

## REGULATIONS AFFECTING ACADEMIC EMPLOYMENT

A. Merit As the Basis for Appointment

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

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

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

B. Tenure

1. Types of Appointment

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

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

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

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

The term "joint appointment" shall apply in any case in which an individual holds two or more intra-University faculty appointments. In such an instance, one of the appointments shall be designated as the primary appointment by the dean of the college if the individual's appointments are associated with educational units in the same college, by the Provost or Senior Vice President and Chancellor of the Medical Center, as appropriate, if the appointments are with educational units in different colleges. The constituent appointments relating to a joint appointment may be processed simultaneously or at different times; however, each appointment should be processed independently and considered on its own merits. An individual's academic rank, though usually the same, may differ in the constituent appointments. The possibility of tenure applies only to the primary appointment. In case of termination of the non-primary appointment(s) leaving only the primary appointment for a full-time faculty member, the individual's assignment associated with the primary appointment shall become full-time.

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

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

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

## 2. Probationary Periods

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

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

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

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

## 3. Appointment Record

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

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

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

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

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

5. Termination of Appointment

a. Reasons for Termination

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

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

b. Procedure

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

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

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

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

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

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

c. Suspension

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

6. Academic Freedom of Non-Tenured Faculty

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

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

#### 7. Resignation

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

#### 8. Administrative Personnel

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

#### 9. Graduate Student Academic Staff

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

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

#### 10. Opportunities for Hearings

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

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

#### 11. Change of Assignment

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

#### C. Conditions of Employment

##### 1. Terms of Assignment

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

##### 2. Vacation Leave

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

##### 3. Professional Practices

###### a. General Policies

During their annual assignment period (whether academic year, ten months,



eleven-months, or twelve months) faculty and research staff members are expected to serve the University full-time. It is expected that they will be interested primarily in the work of their particular educational unit, giving their chief effort to the promotion of its needs.

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

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

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

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

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

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

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

(4) Such employment must avoid creating a conflict of interest. Each faculty member shall be expected to exercise sound judgment in requesting approval of outside

employment, keeping in mind with utmost care the matter of conflict of interest.

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

b. Services Plans

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

4. Intellectual Property

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

5. Leaves of Absence

a. Sabbatical Leave

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

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

leaves of absence shall be approved by the President or the President's designated representative.

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

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

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

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

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

b. Other Leaves with Pay

(1) Sick Leave for Faculty

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

(2) Miscellaneous

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

c. Leave Without Pay

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

d. Educational Leave

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

probationary period service.

e. Scholarly Fellowship Leave

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

6. Faculty Members As Candidates for Degrees

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

7. Faculty Members As Scholars and Citizens

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

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

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

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

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

#### 8. Retirement

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

#### 9. Social Security

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

#### 10. Group Insurance

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

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

#### 11. Workers' Compensation

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

#### 12. Employee Disability Program

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

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## PART XI

### STUDENT AFFAIRS

#### A. University of Kentucky Student Government Association

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

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

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

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

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

#### B. Student-University Relationships

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

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



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

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

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

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

## PART XII

### MISCELLANEOUS

#### A. Equal Opportunity

Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices without regard to sex, race, ethnic origin, national origin, color, creed, religion, age, or political belief. Further, the University shall not discriminate against any employee or applicant for employment because of Vietnam-era veteran status, disabled veteran status, or physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified.

The President is responsible for the development of an affirmative action program by which full implementation of this policy can be effected in the University.

#### B. Policy on Sexual Harassment

It is the policy of the University of Kentucky that sexual harassment of students, faculty, and staff is prohibited. Complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirements. Definitions and procedures relative to handling complaints of sexual harassment are provided in the Administrative Regulations (AR II-1.1-9).

#### C. Solicitation of Funds

Various charitable organizations desire, from time to time, to conduct on-campus solicitations of contributions from faculty and staff. These charitable solicitations are carried out (1) through use of University mail service and (2) through access to the payroll deduction system.

The University does not intend to convert either its mail system or its payroll process into either a limited or unlimited public forum, but prefers to maintain its systems as a non-public forum.

The following criteria will be applied by the administration in determining which, if any, charitable agencies will be permitted to engage in the on-campus solicitation of faculty and staff:

1. Whether the charity maintains an affirmative action plan.
2. In cases where access to the payroll deduction is involved, whether the charity can demonstrate that at least thirty percent of the on-campus, University employees have given to the charity in four out of five years or that thirty percent of the on-campus, University employees intend to give to the charity in the current year.

3. In cases of federated or "umbrella" charities, whether the charity provides a health or human service in Fayette County, the University System or the appropriate local area for each college in the Community College System and the extent of such service in the local area.

4. Whether the charity maintains a local office or service center.

5. Whether the charity maintains a reasonable ratio (not more than 15% for administration and fund raising) of administrative expenses to program expenses.

6. In the case of federated or "umbrella" charities, whether the charity makes it a practice to submit to an annual review by local citizens of financial and program activity.

7. Whether the charity maintains, from year to year, an active board of local volunteers.

8. In the case of federated or "umbrella" charities, whether the federated charity requires its recipient agencies to maintain operational standards in order to maintain their status as recipients.

9. Require an annual audit and that the charity receives an unqualified audit opinion.

10. Whether the charity is a non-profit organization.

11. Whether the charity provides services on an annual basis to employees and/or students of the University.

D. Campus Sales

Solicitations for subscriptions, sales of merchandise of any kind whatsoever, publications, or services upon University property other than by the regularly authorized stores, food service places, departments, or divisions of the University are prohibited except upon written permission of the Dean of Students.

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

E. Use of University Facilities

Kentucky Revised Statutes 164.160 and 164.200 respectively grant to the Board of Trustees the power to receive, hold, and administer, on behalf of the University, all types of property and to establish proper regulations for the government of same.

By virtue of the above, University of Kentucky facilities shall be used only for educational, cultural or charitable purposes, or other purposes as determined by the President of the University or by the administrative officer to whom the President of the University has delegated this responsibility in accordance with the regulations of the University, the Rules of the University Senate, and the Rules of the Senate of the Community College System.

Specifically, University facilities shall not be used for meetings, conventions, rallies, or any campaign activities that would further the interests of a political party or of a candidate or candidates for public office. This is not to be construed as prohibiting meetings of registered student political organizations which are open in attendance only to students, faculty, and staff of the University and which are not open to the general public. Further, the University may from time to time invite candidates for public office to speak at University convocations.

"Political party" is defined as 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 119.010.

In accordance with the Constitution of the Commonwealth of Kentucky, the decisions of the United States Supreme Court, and the opinions of the Office of the Attorney General of the Commonwealth of Kentucky, University facilities shall not be used to advance or inhibit religion.

F. Motor Vehicle Traffic and Parking Regulations

Pursuant to the authority conferred upon the Board of Trustees by KRS 164.200, the Board delegates to the President of the University the responsibility for the development and enforcement of regulations for the control of motor vehicle traffic and parking on University property, such property to be defined as all real property owned or occupied and exclusively operated by the University.

G. Representation and Attendance at Meetings

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

In addition, all persons on the faculty are urged to become members and to participate in meetings of national, international, regional, and state organizations and associations in their own fields. Funds are set aside 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.

H. Order of Communication and Reports

All members of the faculty and staff of the University System shall 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 member of the University System faculty or staff shall be sent by the individual to the individual's immediate superior. The superior administrative officer shall, when so requested, transmit such recommendations or communications, with the officer's own comments and recommendations thereon, to the next higher officer.

All members of the faculty and staff of the University System shall be entitled to appeal any decision affecting terms of their employment by the University through regularly established channels.

This rule shall in no way limit the President in communicating with members of the faculty, nor shall it prevent communication between members of the faculty, staff, administrative officers, and the Board of Trustees for purposes other than the submission of official recommendations and communications.

PART XIII

UNIVERSITY OF KENTUCKY DEVELOPMENT COUNCIL

The University of Kentucky Development Council shall serve in an advisory capacity to the President and, through the President, to the Board of Trustees on matters relating to private fund development for the entire University. The Council shall consist of not more than 300 members.

Membership of the Council includes individuals appointed by the President and five ex officio members: the Chairperson of the Board of Trustees, the President, the Vice President for University Relations, the Associate Vice President for Development, and the Chairperson of the Student Development Council. The appointed membership may include alumni, non-alumni, residents of Kentucky and non-residents. Qualifications for appointed members are: (1) positions of leadership in a regional, state or national community or a profession; (2) willingness to support the University's role as a leading public university committed to excellence and nationally recognized for the quality of its teaching, research, service, and graduates.

The University of Kentucky Development Council shall be managed by a Board of Directors consisting of the ex officio members of the Council and up to 26 members elected by the Council. The elected members of the Board of Directors shall include at least fourteen alumni and at least two members of the Board of Trustees.

## PART XIV

## AMENDMENTS

These Governing Regulations may be amended at any regular or special meeting of the Board of Trustees provided at least one month has elapsed between proposal of the amendment(s) and final passage. The President, or the University Senate or the Student Government Association through the President, may recommend amendments of the Governing Regulations to the Board. The President, the University Senate and the Student Government Association, as appropriate, shall have an opportunity to recommend on all amendments before final action by the Board. The Senate of the Community College System and the Inter-community College Student Council, as appropriate, shall have an opportunity to recommend on amendments that relate specifically to the Community College System.

As the basic law of the University, these Governing Regulations supersede any previously approved rules or regulations in conflict therewith. Matters not specifically covered in the Governing Regulations, the Administrative Regulations, the Human Resources Policy and Procedure Manual, and the Rules of the University Senate are governed by administrative interpretation.