

# PR 4

Office of the President  
May 8, 2015

Members, Board of Trustees:

## PROPOSED REVISION TO GOVERNING REGULATIONS: NONDISCRIMINATION

Recommendation: that the Board of Trustees approve the attached revisions to Governing Regulation (GR) X and GR XIV, which were received for preliminary consideration as PR 6 on March 16, 2015. The revisions are intended to update the University's nondiscrimination statement to conform to current law by adding gender identity, gender expression, pregnancy, marital status, genetic information, and whether the person is a smoker or nonsmoker.

Background: This revision will demonstrate the University's commitment to nondiscrimination and ensure compliance with the federal and state constitutions, applicable federal and state laws, and recent guidance from the Department of Education regarding Title IX. The revisions also will help the University attract talented and dedicated faculty, staff, and students looking for an inclusive community. The ability to thrive in a safe and inclusive environment is a cornerstone of student, staff, and faculty success and retention. The change will put UK in line with many of its benchmark institutions and other Southeastern Conference universities.

Contingent on Board approval, other existing University regulations and policies related to nondiscrimination also shall be amended to reflect this change.

This revision is supported by the General Counsel, Associate Vice President for Institutional Equity, Vice President for Diversity, Vice President for Human Resources and the Lesbian/Gay/Bisexual/Transgender/Questioning (LGBTQ) Taskforce. In accordance with Governing Regulation XIII, the University Senate, Staff Senate and Student Government Association have reviewed and support the proposed revisions.

Relevant sections of the GRs showing the proposed revisions are attached.

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



UNIVERSITY OF  
**KENTUCKY**  
Regulations

**Governing Regulation, Part X**

Responsible Office: Board of Trustees

Date Effective: [DRAFT6/11/2013](#)

Supersedes Version: [6/11/2013](#)  
[6/14/2011](#)

## Governing Regulation, Part X Regulations Affecting Employment

### Major Topics

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- A. [General](#)
  - 1. [Merit as the Basis for Appointment](#)
  - 2. [Employment of Relatives \(Nepotism\)](#)
  - 3. [Intellectual Property](#)
  - 4. [Representation and Attendance at Meetings](#)
  - 5. [Retirement](#)
  - 6. [Social Security](#)
  - 7. [Group Insurance](#)
  - 8. [Workers' Compensation](#)
  - 9. [Employee Disability Program](#)
- B. [Employment of Faculty](#)
  - 1. [Appointment of Faculty](#)
  - 2. [Conditions of Employment](#)
  - 3. [Miscellaneous](#)
- C. [Employment of Staff Employees](#)
- D. [Opportunity for Hearing](#)
- E. [Matters Affecting Faculty and Staff](#)

### A. General

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- 1. [Merit as the Basis for Appointment](#)

The University of Kentucky complies with the federal and state constitutions, and all applicable federal and state laws, regarding nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of University employment. All appointments shall be made strictly

on the basis of merit. An applicant for a position shall not be discriminated against ~~because of on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking. (see also *Governing Regulation XIV.B.1, Nondiscrimination Policy*)~~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 disability in regard to any position for which the applicant for employment is qualified.

## 2. Employment of Relatives (Nepotism)

- a. Nepotism is generally inconsistent with the University's longstanding policy of making employment decisions based solely on unit needs and individual qualifications, skills, ability, and performance. Nepotism is generally prohibited within the University community. Nepotism means actions by a member of the University community that directly influence, benefit, or detriment the University employment (e.g., hiring, promotion, supervision, evaluation, and determination of salary) of any other University member who is a relative. Relative means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law, and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, student employment and work-study, and graduate and other assistant programs.
- b. No member of the Board of Trustees, except those elected to the Board of Trustees as faculty or staff representatives, shall be employed by the University. (KRS 164.131(7)) No relative of a member of the Board of Trustees shall be employed by the University. (KRS 164.225)
- c. No relative of the President or any person reporting directly to the President shall be employed in a position in that person's administrative area, unless approval is granted by the Board of Trustees. Approval by the Board shall only be granted upon a determination that:
  - (1) The employment is in the best interest of the University;
  - (2) The Board has been informed of the selection process and all University regulations and policies regarding hiring and employment qualifications have been followed; and
  - (3) The Board has reviewed and approved a written management plan, including an agreement concerning supervisory and other management arrangements. The management plan shall ensure that employment decisions are made impartially and that neither employee is disadvantaged. The management plan shall ensure that the possibility of nepotism and the appearance of impropriety are eliminated and shall be consistent with *Human Resources Policy and Procedures 19.0, Nepotism*.
- d. In general, no relative of any employee of the University shall be employed in any position in the University over which the related employee exercises supervisory or line authority. In some cases, however, when it is in the best interest of the University, potential conflicts can be managed through prompt disclosure of the relationship and approval by the appropriate senior administrator. Senior administrator means the person reporting directly to the President and having supervisory authority for the area where the conflict or potential conflict exists. Approval by the Senior Administrator shall only be granted upon a determination that:
  - (1) The employment is in the best interest of the University;
  - (2) The Senior Administrator has been informed of the selection process and all University r



UNIVERSITY OF  
**KENTUCKY**  
Regulations

**Governing Regulation, Part XIV**

Responsible Office: Board of Trustees

Effective: DRAFT [6/11/2013](#)

Supersedes Version: [6/11/2013](#) ~~New GR~~

## Governing Regulation, Part XIV Ethical Principles and Code of Conduct

### Major Topics

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- A. [Ethical Principles](#)
- B. [Code of Conduct](#)
  - 1. [Nondiscrimination Policy](#)
  - 2. [Confidentiality of Information](#)
  - 3. [Use of the University's Name](#)
  - 4. [Civic Responsibility of the Individual](#)
  - 5. [Discrimination and Harassment](#)
  - 6. [Personal Relationships](#)
  - 7. [Employment of Relatives \(Nepotism\)](#)
  - 8. [Intellectual Property](#)
  - 9. [Conflict of Commitment](#)
  - 10. [Conflict of Interest](#)
  - 11. [Auditing Services](#)
  - 12. [University Resources](#)
  - 13. [Fiscal Responsibility](#)
  - 14. [Financial Advantage](#)
  - 15. [Compliance Responsibilities](#)
  - 16. [Compliance \(Whistle Blower\) Protection](#)
  - 17. [Truth, Honesty, and Integrity](#)
  - 18. [Acceptance of Gifts or Benefits](#)
  - 19. [Clarifications and Reporting Violations](#)

# Introduction

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The University of Kentucky Ethical Principles and Code of Conduct document the University's expectations of responsibility and integrity by its members.

## A. Ethical Principles

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Exemplary ethical conduct is critically important in our relationships with colleagues, trustees, students, volunteers, contractors, and the public. This statement reflects the values of the University approved by the Board of Trustees on January 27, 2004 and modified on March 27, 2012.

1. The following core values guide our decisions and behavior:

- Integrity;
- Excellence;
- Mutual respect and human dignity;
- Diversity and inclusion;
- Academic freedom;
- Personal and institutional responsibility and accountability;
- Shared governance;
- A sense of community;
- Work-life sensitivity;
- Civic engagement; and
- Social responsibility.

2. Each member of the University must endeavor to:

- Promote the best interests of the University of Kentucky;
- Foster the Vision, Mission, and Values of the University;
- Preserve the public's respect and confidence in the University of Kentucky;
- Exhibit personal integrity, honesty, and responsibility in all actions;
- Provide an environment of mutual respect, impartiality, and collaboration;
- Maintain confidentiality in all matters deemed confidential;
- Assure independence of judgment free from conflicting interests;
- Ensure that relationships that constitute or could be perceived as conflicts of interest are fully and properly disclosed and University guidelines are followed;
- Comply with the policies and procedures of the University of Kentucky and applicable state and federal laws and regulations; and
- Demonstrate stewardship of University property and resources.

## B. Code of Conduct

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

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

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

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

### 1. Nondiscrimination Policy

The University of Kentucky complies with the federal and state constitutions, and all applicable federal and state laws, regarding nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of University operations, and does not discriminate on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking.

~~Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment and education practices without regard for economic or social status, race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity, gender expression, marital status, or age. The University does not discriminate on the basis of uniform service, veteran status, or physical or mental disability when an individual otherwise meets the minimum qualifications for application or participation.~~

All University members are expected to comply with the institution's nondiscrimination policy. The President is responsible for the development of an affirmative action plan by which full implementation of this policy shall be effected in the University. (See AR 6:1 and HRP&P 2.0.)

### 2. Confidentiality of Information

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

### 3. Use of the University's Name

University members have a public association with the University, but are also private citizens, thus care must be taken to appropriately differentiate between the two roles. University members may not