

AACR 3

Office of the President
September 11, 2007

Members, Board of Trustees:

PROPOSED REVISION TO GOVERNING REGULATION: AUTOMATIC EXTENSION OF PROBATIONARY PERIODS

Recommendation: that the attached revision of Governing Regulation X (GR X) relating to employment, which was received for preliminary consideration as AACR 5 by the Board of Trustees on June 12, 2007, be approved. The revision implements an automatic one-year extension of the probationary period for regular, special, extension, and librarian title series faculty who become the parent of a child or children by birth, adoption, or guardianship, or who assume significant responsibilities for the care of a relative or domestic partner.

Background: In fall 2005 the Sloan Foundation published a report on family-friendly policies in higher education. The report found that 86 percent of Research I institutions offer a formal policy extending the probationary period upon the birth or adoption of a child. During summer 2005 Princeton University announced that it was implementing a new policy which would automatically extend the probationary period for faculty upon the birth or adoption of a child. Princeton's prior policy had functioned as most policies do: on a request-only basis. An institutional study revealed that most faculty members do not take advantage of the policy, fearing that the extension of time will be held against them during their tenure and promotion review. Other internal studies performed by Research I institutions (University of California System, University of Michigan) revealed similar findings. Thus, Princeton concluded that to make the policy as effective and universal as possible it must be granted automatically. Furthermore, the American Association of University Professors (AAUP) recommends that the extension policy should be in the form of a clear entitlement under institutional policies, rather than in the form of an individually negotiated agreement or informal practice.

At present, the University of Kentucky does not offer a policy to extend automatically the probationary period upon the birth or adoption of a child, yet both the university's Top 20 Business Plan and the Strategic Plan state that the university must recruit and retain the most talented faculty. Providing competitive benefits to faculty is a key to accomplishing the university's goals. Implementing a policy to extend the probationary period automatically, not only for the birth or adoption of a child, but also for assuming significant care responsibilities for a relative or domestic partner will provide the university with a competitive advantage among Research I institutions. The

implementation costs are relatively low, and the potential benefits are significant: more competitive recruiting, higher faculty morale, and stronger tenure/promotion dossiers.

The attached revision adds a new subsection, GR X.B.1(c), entitled “Automatic Extension of Probationary Periods,” and revises subsection GR X.B.1(b) to include an automatic extension of the probationary period as one of the factors that permit a faculty member’s probationary period to exceed seven (7) years.

The addition of an automatic extension of the probationary period has been endorsed by the University Senate, faculty, and the deans of the colleges. The revision is intended to become effective for the academic year 2007-08.

A revised copy of GR X is attached. Proposed additions are underlined; proposed deletions are lined through.

Action taken: Approved Disapproved Other _____

PART X

REGULATIONS AFFECTING EMPLOYMENT

A. General1. 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 disability in regard to any position for which the applicant for employment is qualified.

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

No relative of the President shall be employed in a position at the University. Similarly, no relative of the Provost, or any associate provost, executive vice president, vice president, or associate vice president shall be employed in a position in that officer's administrative area. Waiver of the above regulation may be permitted by the Board of Trustees. All changes in position and/or rank related to this waiver shall be approved by the Board of Trustees. No relative of any administrative officer of the University, or of any member of the University Faculty, may be appointed to any position in the University over which the related officer or staff employee exercises supervisory or line authority. Employment of relatives within the same department or division shall be approved specifically by the Provost or appropriate executive vice president or vice president. "Relatives," as used above, include parents and children, husbands and wives, brothers and sisters, brothers- and sisters-in-law, mothers- and fathers-in-law, uncles, aunts, nieces and nephews, sons- and daughters-in-law, and step-relatives in the same relationships. The employment of relatives of University employees, as described in this paragraph, whose relationship was not a violation of this section of these *Governing Regulations* prior to its amendment on April 10, 1984, does not constitute a violation of the amended policy provided the relatives are regular employees of the University and remain in the University employment positions which they held on April 10, 1984. However, the transfer of any such employees described in this paragraph (whose employment relationship was not a violation of

policy prior to its amendment on April 10, 1984) to any other regular University position shall require approval of the President.

2. Intellectual Property

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

3. Representation and Attendance at Meetings

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

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

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

4. Retirement

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

5. Social Security

All employees except those in Civil Service are covered by the Old-Age and Survivors Insurance of the National Social Security Program and are thus eligible for benefits in accordance with the

governing legislation. Each eligible employee of the University must, if the employee has not previously done so, secure a Social Security card and supply to the Office of the Treasurer a completed Treasury Form W-4 with the employee's social security number and other information necessary for withholding appropriate contributions.

6. Group Insurance

Regular full-time faculty members and staff employees who are employed by the University are insured under the Basic Life Insurance Program. This insurance may be increased optionally to a total of one (1), two (2), or three (3) times the employee's basic annual salary, up to the maximum amount contained in the University's contract with the insurer. The premium for the basic insurance is paid by the University, whereas that for the optional increase in insurance is paid by the employee.

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

7. Workers' Compensation

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

8. Employee Disability Program

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

B. Employment of Faculty

1. Appointment of Faculty

(a) Types of Faculty Appointments

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

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

a. One type of non-tenured appointment is that in which a faculty member is

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

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

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

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

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

a. One type is that in which retired faculty members may be appointed to perform duties for which fee schedules have been established and approved by the Provost.

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

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

(b) Probationary Periods

Probationary periods are applicable to non-tenured appointments of faculty members on a full-time year-to-year basis in the regular, special title, extension, or librarian title series. Such non-tenured appointments may be for one (1) year or for other stated periods, subject to renewal. The total non-tenure period, however, shall not exceed seven (7) years unless one of the following provisions applies: AR II-1.1-12 (Family Medical Leave); ~~GR X.C.7.~~ [GR X.B.3\(b\)](#) (Leave for Duration of an Election or Term of Office); ~~GR X.C.5.d.~~ [GR X.B.2\(d\)\(v\)](#) (Educational Leave); [GR X.B.1\(c\) \(Automatic Delay of Probationary Periods\)](#); or for other leaves of absence where the University, in granting the leave, and the individual, in accepting it, agree that time spent on the leave of absence shall not count as probationary period service. ~~Except as provided in Part X.C.5.d. and X.C.7., time spent on leave of absence shall count as probationary period service unless the University in granting the leave and the individual in accepting it agree to the contrary.~~ An individual initially appointed to the rank of full professor may be given non-tenure status for a period not to exceed one (1) year. An individual shall not remain at the rank of instructor in the University for more than three (3) years. If after that period, promotion to a higher rank cannot be justified, the individual's appointment with the University shall not be renewed.

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

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

(c) Automatic Delay of Probationary Periods

A probationary regular, special, extension, or librarian title series faculty member who becomes the parent of a child or children by birth, adoption, or guardianship, or who assumes significant responsibilities for the care of a relative (see GR X.A.1) or domestic partner shall automatically be granted a one-year delay of the probationary period by the dean of the respective college. The event or circumstances providing the basis for a delay related to significant care responsibilities must be clearly beyond those experienced by most probationary faculty. This provision is available to all probationary non-tenured faculty upon their official start date and up until the anniversary of their official start date in the year in which their tenure review is scheduled to occur.

A faculty member who qualifies for an automatic delay of the probationary period, shall submit to his or her department chair a signed and completed Faculty Tenure Delay Form (TDF) and supporting documentation, if required. A faculty member may waive the automatic delay only by completing the waiver section of the TDF. Upon receipt of the TDF, the chair shall prepare and submit to the dean and the Provost a revised Notice of Academic Appointment reflecting the change

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

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

(de) Appointment Record

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

(ed) Notification of Non-Renewal of Appointment: Non-Tenured Appointments

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

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

Any related appeal(s) to the Provost concerning procedural matters or privilege and/or to the University Senate Advisory Committee on Privilege and Tenure concerning procedural matters, privilege, or allegations of violation of academic freedom must be initiated in writing by the concerned faculty member within sixty (60) days after being notified in writing by the dean about non-renewal of appointment.

(f) Termination of Appointment

(i) Reasons for Termination

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

In a case of termination because of a financial emergency, the faculty member may have the issues reviewed by the University Senate Advisory Committee on Privilege and Tenure with the right of appeal to the President and the Board of Trustees for the University faculty member. The faculty member shall be given notice as soon as possible and never less than twelve (12) months notice. The released faculty member's position shall not be filled by a replacement within a period of two (2) years unless the released faculty member has been offered reappointment and given a reasonable time within which to accept or decline it.

(ii) Procedure

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

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

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

The Hearing Panel, in consultation with the President and the faculty member, shall exercise its judgment as to whether the hearing shall be public or private. During the proceedings the faculty member shall be permitted to have an academic advisor and a counsel of personal choice. At the request of either party or the Hearing Panel, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer. A full stenographic record of the hearing or hearings shall be taken and made available to the parties concerned. The

burden of proof that adequate cause for dismissal shall rest with the institution and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member's competence is in question, the testimony should include that of qualified faculty members from this and/or other institutions of higher education.

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

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

(iii) Suspension

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

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

recommends, the procedures set forth in *GR X.B.e.ii* shall be applied, except that the faculty members making the complaints are responsible for stating the grounds upon which they base their allegations and the burden of proof shall rest upon them. If *prima facie* cases are established via these procedures in favor of the faculty members, it becomes incumbent upon the persons who made the decisions not to reappoint, or who provided insufficient notice, to present evidence in support of those decisions.

(hg) Resignation

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

(ih) Administrative Personnel

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

(ij) Change of Assignment

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

2. Conditions of Employment

(a) Terms of Assignment

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

(b) Vacation Leave

All full-time faculty members on a ten-month, eleven-month, or twelve-month assignment basis shall be entitled to twenty-two (22) working days of vacation leave with pay per assignment period. With prior administrative approval, faculty members may take vacation leave at appropriate times during the period in which they are eligible to take such leave; however, each faculty member shall be in actual attendance at least until after Commencement and until all reports have been made, and at least three (3) days prior to the first day of registration for the fall semester, unless for special reason leave is approved. Vacation leave 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, a faculty member on a ten-month or an eleven-month assignment basis also may take unused vacation leave during the assignment period following that in which the vacation leave was earned. Pay for unused vacation leave shall be limited to a maximum of twenty-two (22) days at the end of employment.

(c) Professional Practices

(i) General Policies

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

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

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

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

c. All proposals to undertake outside employment shall be made in writing to the chairs whose recommendations shall be forwarded to the respective deans and thence, unless specified otherwise in the *Administrative Regulations* (AR II-1.1-1), to the Provost for final

action. Such proposals shall indicate the nature of the work to be performed, the estimated amount of time involved, the duration of the employment, and the scale of compensation. These proposals shall become a matter of record by the Provost who shall transmit quarterly to the President full information about those that have received approval and those that have been denied. The President, in turn, shall report periodically to the Board of Trustees.

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

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

d. Such employment shall be governed by time limitations stated in the *Administrative Regulations* (AR II-1.1-1) and the provisions of Ethical Principles and Code of Conduct (GR I-D).

e. Such employment must avoid creating a conflict of interest. Each faculty member shall be expected to exercise sound judgment in requesting approval of outside employment, keeping in mind with utmost care the matter of conflict of interest.

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

(ii) Service Plans (AR II-7)

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

(d) Leaves of Absence

(i) Sabbatical Leave

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

Faculty members who have full-time non-tenured or tenured appointments in the regular, special title, extension, or librarian series with the rank of assistant professor (or librarian III) or higher, are eligible for sabbatical leaves after six (6) years of continuous service in the rank of instructor

(or librarian III) or higher at the University, or for sabbatical leaves under a different option after three (3) years of continuous service. All such sabbatical leaves shall be approved by the President or the President's designee.

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

Sabbatical leave shall not be used as a means of augmenting personal income. A recipient may not accept gainful employment during a sabbatical leave (for an individual on an academic year assignment basis, this does not include the period of May 16 through August 15; for an individual on a ten-month or eleven-month assignment basis, this does not include the period of vacation and the one (1) or two (2) months outside the assignment period each fiscal year; for an individual on a twelve-month assignment basis, this does not include the one-month vacation period) except as follows:

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

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

In neither of the above instances shall a recipient's total income attributable to a sabbatical leave project exceed the individual's regular academic salary. Sabbatical leave shall be granted with

the understanding that the recipient, following the sabbatical leave, will continue service at the University for at least one (1) academic year.

(ii) Temporary Disability Leave

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

(iii) Leaves With Pay

Upon the recommendation of the appropriate administrative officers and approval of the Provost, a faculty member may be granted leave of absence with pay for a period not to exceed thirty (30) days for the purpose of permitting an appointee to attend a professional meeting, serve temporarily with an outside agency, serve in the military forces of the United States, or for other good cause. Such leaves of absence with pay for more than thirty (30) days require approval of the Board of Trustees.

(iv) Leaves Without Pay

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

(v) Educational Leave

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

(vi) Scholarly Fellowship Leave

To accept a scholarly fellowship which allows a faculty member to pursue a program of

research, and which the funding agency will not process through the University, faculty members may request leave with partial pay. If such leave is recommended by the dean and approved by the Provost, the faculty member shall be entitled to normal faculty benefits and privileges during the period of temporary change in status. Time spent on scholarly fellowship leave shall apply toward eligibility for sabbatical leave and count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary.

3. Miscellaneous

(a) Faculty Members as Candidates for Degrees

Faculty members having a rank higher than that of instructor may not be considered as candidates for degrees in the discipline in which they are employed and hold academic rank. Faculty members pursuing degrees above the master's degree at the University of Kentucky may not hold more than a half-time work assignment either during the two (2) full-time, consecutive resident semesters preceding the qualifying examination or during the two semesters of full-time dissertation study immediately following the qualifying examination.

(b) Faculty Members as Scholars and Citizens

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

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 shall not count as probationary service unless agreed to otherwise.

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

C. Employment of Staff Employees

1. The *Human Resources Policy and Procedures Administrative Regulations* are

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

2. Post-Retirement Employment

(a) A post-retirement appointment may be used in a very limited number of cases, when it is essential to a University program or office or when it is otherwise impossible practicably to fill a position with a fully qualified person. Such a part-time or full-time appointment is restricted to former staff employees who have elected to retire, requires specific prior approval by the Board of Trustees, and is made for a period not to exceed one (1) year.

(b) A retiree may be employed as a temporary employee to perform duties for which fee schedules have been established and approved by the Provost or the Executive Vice President for Finance and Administration.

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

D. Opportunity for Hearing

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

E. Matters Affecting Faculty and Staff

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