

## PART I

## THE UNIVERSITY OF KENTUCKY (DEFINITION)

A. Statutory Definition

1. The term University of Kentucky refers to the institution described in the Kentucky Revised Statutes (KRS) in Chapter 164. KRS 164.100 states that the University of Kentucky is hereby recognized as established and maintained. The legislation states that the University of Kentucky is the institution that was founded under the land grant of 1862 by the United States Congress under the corporate designation and title of "Agricultural and Mechanical College of Kentucky." Further, KRS 164.100 provides that the University shall be maintained by the state with such endowment, 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, while embracing instruction as well as research.
2. Legislation in KRS 164.120\* states that that the colleges, schools, divisions, department, bureaus and offices that are now established and maintained or that in the future may be established by the Board of Trustees shall constitute the University of Kentucky. The legislation also notes that the branches of learning required by the Land Grant Act of Congress approved July 2, 1862, shall be integral and indispensable courses of instruction at the University.
3. Through KRS 164.125, the legislation provides that 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. Further, this legislation states that (a) the University's research and service

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\* The dates of establishment of the colleges listed in the statute are: *Arts and Sciences* (1908), *Agriculture* (1908), *Law* (1908), *Education* (1925), *Graduate* (1912), *Engineering* (1918, as the merger of the College of Civil Engineering, the College of Mechanical Engineering, and the College of Mines and Metals), and Commerce (1925, renamed the College of Business and Economics February 18, 1966; renamed the *Gatton College of Business and Economics*, 1996). In accordance with this statute, the following colleges have been subsequently established by the Board of Trustees: *Pharmacy* (July 1, 1947), *Medicine* (June 1, 1954), *Dentistry* (May 28, 1956), *Nursing* (May 28, 1956), Architecture (separated from Engineering as a School July 1, 1964; raised to a college May 5, 1970; renamed *Design*, October 29, 2002), Allied Health Personnel (as a separate school January 1, 1966; raised to a college, May 5, 1970, renamed Allied Health Professions, January 20, 1967; renamed *Health Sciences*, April 30, 2002), Home Economics (separated from the College of Agriculture, 1916; merged back into College of Agriculture, 1917; separated from Agriculture as a school July 1, 1967; raised to a college May 5, 1970; renamed Human Environmental Sciences, January 22, 1991; merged into the College of Agriculture July 1, 2003 as a *School of Human Environmental Sciences*), Library Science (separated from Arts and Sciences as a school April 2, 1968; raised to a college May 5, 1970; renamed Library and Information Science, April 6, 1982; merged with Communications and renamed *Communications and Information Studies*, June 22, 1993), Social Professions (separated from Arts and Sciences as a school June 24, 1968; raised to a college May 5, 1970; renamed *Social Work*, May 6, 1980), Communications (May 4, 1976; renamed *Communications and Information Studies*, June 22, 1993), and *Fine Arts* (separated from Arts and Sciences May 4, 1976).

programs of a statewide nature, as noted in KRS 164.125, shall be programs requiring the establishment and operation of facilities or centers outside of the primary service area of the institution; (b) 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; (c) 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; and (d) the University may enter into joint research and service activities with other universities in order to accomplish its statewide mission. The legislation specifically notes that nothing contained in KRS 164.125(2) shall limit the authority of the Council on Postsecondary Education to establish instructional programs that are consistent with the strategic agenda.

B. University Programs and Requirements

1. The University of Kentucky shall provide:

(a) Upon approval of the Council on Postsecondary Education, 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. (KRS 164.125)

2. The Board of Trustees is an independent agency and an instrumentality of the Commonwealth of Kentucky with exclusive jurisdiction, power over and control of appointments and terminations, qualifications, salaries and compensation, as well as promotions, relations and retirement benefits of all employees of the University.

C. Vision, Mission and Values

The University of Kentucky Board of Trustees adopted the following Vision, Mission and Values Statement on April 1, 2003.

1. Vision

The University of Kentucky will be one of the nation's 20 best public research universities, an institution recognized world-wide for excellence in instruction, research, and service and a catalyst for intellectual, social, cultural, and economic development.

2. Mission

The University of Kentucky is a public research-extensive, land grant university dedicated to enriching people's lives through excellence in instruction, research, and service.

The University of Kentucky:

- facilitates learning, informed by scholarship and research;
- expands knowledge through research, scholarship and creative activity; and
- serves a global community by disseminating, sharing and applying knowledge.

The University, as the flagship institution, plays a critical leadership role for the Commonwealth by promoting human and economic development that improves lives within Kentucky's borders and beyond. The University models a diverse community characterized by fairness and social justice.

3. Values

The values of the University guide our decisions and behavior. Our core values are:

- integrity;
- academic excellence and freedom;
- mutual respect and human dignity;
- diversity of thought, culture, gender, and ethnicity;
- personal and institutional responsibility and accountability;
- shared governance;
- a sense of community;
- sensitivity to work-life concerns; and
- civic responsibility.

D. Ethical Principles and Code of Conduct

The Board of Trustees adopted the document, Ethical Principles and Code of Conduct, on January 27, 2004.

1. Ethical Principles

(a) The University of Kentucky Ethical Principles and Code of Conduct are intended to document expectations of responsibility and integrity. 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.

- (b) The following core values guide our decisions and behavior:
- integrity
  - academic excellence and freedom
  - mutual respect and human dignity
  - diversity of thought, culture, gender, and ethnicity
  - personal and institutional responsibility and accountability
  - shared governance
  - a sense of community
  - sensitivity to work-life concerns
  - civic responsibility
- (c) 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
  - demonstrate stewardship of University property and resources

## 2. Code of Conduct

Those acting on behalf of the University of Kentucky have a duty to conduct themselves in a manner that will maintain the public's trust in the integrity of the University and to act compatibly with their obligation to the University. The 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 as a general guide 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. In addition to the

Code, University members are generally subject to all University codes, regulations, and policies and state and federal law. Violations of this code will be subject to appropriate penalties.

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

(a) Nondiscrimination Policy

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 and will not discriminate on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, 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 *Human Resources Policy and Procedures Number 2.0*)

(b) 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.

(c) 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 use or allow the use of the name of the University or identify themselves as employees of the University of Kentucky in the public promotion or advertising of commercial products without prior written approval. Individuals writing or speaking publicly in a professional or expert capacity may identify themselves by their relationship with the University, but if so identified then in all instances where the individual might give even the appearance of speaking on behalf of the University, care must be taken to emphasize that any views expressed are their own and are not representative of the University of Kentucky. University members are encouraged to contribute to public debate as citizens. In instances where University members comment publicly as part of their official University duties, they should do so using University

stationery and e-mail accounts; when commenting as citizens, University members must use personal stationery and personal e-mail accounts.

(d) University Resources

University members should be responsible stewards of University resources. University members are entrusted with protecting the property, equipment, and other assets of the University and exercising responsible, ethical behavior when using the University's resources. University assets are intended for University activities. Limited personal use of fixed University resources, such as computers and telephones, which does not result in a charge to the University is permitted as long as the use does not interfere with assigned job duties. In some instances, a University member may use University equipment outside of the realm of his or her professional duties when the goals of the individual and the University coincide. Any such use must have the prior, written approval from the dean or appropriate administrator where the resources are located, and must provide that the University will be reimbursed for the full cost of the use of the equipment. Such use must not interfere with the University of Kentucky's uses, and must occur outside of the University member's regular employment assignment. The Office of the University Legal Counsel can provide an appropriate form of agreement.

(e) Sexual Harassment

To foster an environment of respect for the dignity and worth of all members of the University community, the University is committed to maintain a work-learning environment free of sexual harassment. The policy of the University of Kentucky, approved by the Board of Trustees, prohibits sexual harassment of or by students, faculty, and staff and assures that complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirements. The University policy and procedures on sexual harassment can be found in *Administrative Regulation II-1.1-9*.

(f) Personal Relationships

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

The University strongly urges those individuals in positions of authority not to engage in conduct of an amorous or sexual nature with a person they are, or are likely in the future to be, in a position of evaluating. The existence of a power differential may restrict the less powerful individual's freedom to participate willingly in the relationship. If one of the parties in an

apparently welcomed amorous or sexual relationship has the responsibility for evaluating the performance of the other person, the relationship must be reported to the dean, department chair or supervisor so that suitable arrangements can be made for an objective evaluation of the student or employee (*Administrative Regulation II-1.1-9*).

(g) Employment of Relatives

In order to assure independence of judgment that is free from conflicting interest and to avoid relationships that could be perceived as conflicts of interest, no relative of the President shall be employed in a position at the University. Similarly, no relative of the Provost, or any executive vice president, vice president, or any associate provost or associate vice president shall be employed in a position in that officer's administrative area. The Board of Trustees on a stated temporary basis may permit waiver of the above regulation, not to exceed two years, when it is otherwise impractical to fill a position with another 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 employee of the University may be appointed to any position in the University over which the related employee 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 (*Governing Regulation X-1*). The University shall employ no relative of a member of the Board of Trustees. 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.

(h) Intellectual Property

University members should be responsible stewards of University resources. 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 or staff of the University who produces such intellectual property using University funds, facilities, or other resources shall assign personal rights to the property to the University, or its designate. The traditional products of scholarly activity which have customarily been considered the unrestricted property of the originator, such as journal articles, textbooks, reviews and monographs, and which have been created without involving a material use of University resources, shall be the unrestricted property of the author (*Administrative Regulation II-1.1-3*).

(i) Conflict of Commitment

Decisions and the judgment upon which the decisions are based must be independent from conflicting interests and must hold the best interest of the University of Kentucky foremost. Conflicts of commitment relate to an individual's distribution of effort between University appointment and outside activities. The University of Kentucky permits external employment or self-employment in an employee's profession or specialty (with the exception of employees participating in a practice plan) where there is not a conflict of interest or commitment. Faculty

and professional administrative employees are expected to devote their primary professional loyalty, time, and energy to University of Kentucky teaching, research and service endeavors; activities outside the University must be conducted without detracting from these primary commitments. A conflict of commitment generally occurs when the pursuit of outside activities interferes with obligations to students, to colleagues and to the missions of the University. These conflicts may become apparent in regular performance reviews, in connection with annual salary decisions and scheduled reviews incident to promotion, reappointment or tenure decisions and should be addressed by the appropriate department head. The University policy and procedures on outside consulting can be found in *Administrative Regulation II-1.1-1*.

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

(j) Conflict of Interest

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

*Administrative Regulation II-4.0-4 Conflict of Interest and Financial Disclosure Policy – Research* sets forth specific relationships and activities that pose a potential conflict of interest for faculty, staff, and students involved in research and related activities. The University recognizes that actual or potential conflicts of interest may occur in the normal conduct of research and other activities. A conflict of interest can also arise if an employee's professional judgment is or may appear to be influenced by personal interests. It is essential that potential conflicts be disclosed and reviewed by the University. After disclosure, the University can make an informed judgment about a particular activity and require appropriate oversight, limitations, or prohibitions in accord with this policy. It is important to remember that each relationship is different, and many factors often will need to be considered to determine whether a conflict of interest exists.

(k) Financial Advantage



Members of the University community must exhibit personal integrity, honesty and responsibility in all actions. Official position or office shall not be used to obtain financial gain or benefits for oneself or members of one's family or business associates. Any action that creates the appearance of impropriety should be avoided. Purchases and contracts shall not be made with an employee of the University of Kentucky for any item of supply, equipment, or service, nor may an employee have any interest, directly or indirectly, in any purchase made by the University of Kentucky (*Business Procedures Manual B.2.C*). An indirect interest may be defined as a real or perceived use of a university position or office with respect to a purchase or contract, leading to financial or other benefits to the individual or a member of his or her family. An indirect interest includes situations where a business owned or controlled by a family member does business with the University area where the employee is assigned.

(l) Acceptance of Gifts or Benefits

University members' decisions and actions should be based on the best interest of the University. No member should accept any type of reward, monetary or non-monetary, if there is an explicit or implicit assumption that influence has been exchanged for the favor. When no favor is asked for or gained, gifts of nominal value or moderate acts of hospitality, such as meals, in relation to one's position with the University may be accepted. The following guidelines should be observed:

- Gifts or acts of hospitality valued up to \$50 annually from any one source need not be reported
- Gifts or acts of hospitality valued between \$50 to \$200 should be reported to the supervisor prior to acceptance
- Acts of professionally related hospitality above \$200 must be specifically justified and reported through the chain of command. Written approval for acceptance must be provided by the Provost or executive vice president, in advance.
- Individuals may not accept gifts valued above \$200. These gifts or benefits acknowledged and accepted on behalf of the University should be directed to the Executive Vice President for Finance and Administration, where they can be acknowledged and accepted on behalf of the University.

(m) Clarifications and Reporting Violations

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

3. University members are expected to report violations of this policy to an appropriate individual. The University will not tolerate any retaliation against a University member who makes a good faith report of a violation.

E. Kentucky Ethics Statutes

1. No employee 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 (2) faculty members and the one (1) staff employee who are members of the Board of Trustees. (KRS 164.131)

2. 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. (KRS 45A.340(7))

F. Diversity

The University is committed to diversity as a vital characteristic of an optimal education and workplace. The University maintains a firm conviction that it must strengthen the diversity of its communities, support free expression, reasoned discourse and diversity of ideas; and take into account a wide range of considerations, including but not limited to, ethnicity, race, disability, and sex, when making personnel and policy decisions. The University is committed to periodically evaluating progress made toward diversity and to communicating the results of such evaluations. Based upon these assessments, the University will give diversity factors consideration to ensure achievement of its mission of instruction, research and service and gain the broadest benefits for the University community.

G. Shared Governance

The diverse expertise collectively available to the University in its faculty, administration, staff employees, and students is a valuable resource. The University as a whole will be able to function at maximum effectiveness where there is an environment in which the sharing of this expertise is valued and promoted. If this expertise is shared, it will enable policy-makers at every level of the organization to make better decisions. To achieve this objective in an environment of shared governance, faculty bodies and administrators will reciprocally solicit and utilize the expertise of the other as each makes decisions in their respective areas of policy-making authority. Through these empowering processes of shared governance, the administration, faculty members, staff employees and students all share the responsibility of attainment of the University's goals.

H. Civic Responsibility of the Individual

In their roles as citizens, staff employees and faculty members have the same freedoms as other citizens, without institutional censorship or discipline, although they should be mindful that accuracy, forthrightness, and dignity befit their association with the University. (Also see D.,

above.) When staff employees or faculty members speak or write as citizens, they should indicate that they are not speaking for the University.

#### I. Order of Communication and Reports

All University faculty members and staff employees 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 faculty member or staff employee shall be sent by the individual to the individual's immediate supervisor. When requested, the supervisor shall transmit such recommendations or communications, with the supervisor's own comments and recommendations to that supervisor's own immediate supervisor.

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

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

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

#### J. 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 or by the administrative officer to whom the President has delegated this responsibility in accordance with these *Governing Regulations*, *Administrative Regulations*, and *University Senate Rules*.

#### K. Political Activity

The University cannot endorse, support or promote any political candidate or any partisan political activity. Therefore, University facilities shall not be used for conventions, rallies, or any campaign activities that would further the interests of a political party\* or of a candidate or candidates for public office. The facilities of the University may be used for public forums to

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\*"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.

which all legally qualified candidates for a public office are invited to speak provided that all such candidates are given equal access and opportunity to speak.

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

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 to the Commonwealth of Kentucky, University facilities shall not be used to advance or inhibit religion.