

7.0 Section VII Code Of Faculty Responsibilities

7.1.0 APPLICABILITY

This Code shall apply to all faculty members associated with the University System of the University of Kentucky and to all graduate students or other personnel having teaching or research assignments in that System, hereinafter referred to as the teaching and research personnel.

7.2.0 RESPONSIBILITIES

The teaching and research personnel of the University System of the University of Kentucky hereby subscribe to the following specific responsibilities which can be enforced under this Code.

7.2.1 GENERAL RELATIONS

- A The teaching and research personnel shall respect the rights of all campus members to pursue their academic and administrative activities.
- B They shall respect the rights of all campus members to free and orderly expression.
- C They shall act with propriety in all dealings with members of the University community.
- D They shall respect the right of any member of the University community to privacy, including privacy of desk, carrel, and office space, and refrain from improper or false disclosure of such member's social or political views or activities. (It is not improper for a faculty member to make a disclosure upon request of a person entitled to such information.)
- E They shall respect the rights of all campus members to be given fair treatment and to be judged on basis other than race, religion, political belief, age, or sex. Sexual harassment is considered by the University of Kentucky to be one form of sexual discrimination. (See Board of Trustees Minutes, March 1, 1983.) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical actions of a sexual nature constitute sexual harassment when:

Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment, promotion, or academic standing; as a basis for employment, promotion, or academic decisions; or substantially interferes with an individual's work or academic performance, or creates an intimidating, hostile, or offensive academic environment. (US: 4/11/83)

7.2.2 ADMINISTRATIVE RELATIONS

- A The teaching and research personnel shall utilize the property of the University in accordance with the official rules.
- B They shall comply with the *Governing Regulations*, the *Administrative Regulations*, and the rules and regulations promulgated and approved by the University Senate.

- C They shall engage in consulting outside the University assignment only in accordance with the established provisions.
- D They shall state, when speaking as a private person and the institutional affiliation is mentioned, that he or she does not speak for the University of Kentucky.

7.2.3 STUDENT RELATIONS

- A The teaching and research personnel shall uphold the student academic rights as set forth in the *Rules of the University Senate* (see Section VI).
- B They shall present the subject matter of a course as announced and approved by the faculty in accordance with the procedures set forth by the University Senate, and to avoid the persistent intrusion of material which has no relation to the subject.
- C They shall meet classes as scheduled in accordance with University regulations. (Absences caused by illness or emergencies are clearly excusable; absence owing to attendance at scholarly meetings, occasional professional service, pedagogical experimentation, and the like, are exceptions which should be approved by the department chair and, where appropriate, substitution or reschedulings should be arranged.)
- D They shall be available to students for advising and other conferences, preferably by posting office hours and/or by allowing students to arrange for appointments at other mutually convenient times.
- E They shall arrange for appropriate interaction and communication with graduate students in the direction of their theses.
- F They shall return to, discuss with, or make available to students all papers, quizzes and examinations within a reasonable period of time, unless the confidentiality of the examination precludes. If any of the records mentioned above are not returned to the students, they shall be retained by the instructor until 365 days subsequent to the conclusion of the academic term in which the problem occurred. In addition, student records and grading policy procedures including roll books, syllabi and attendance records (if applicable)--or copies of this information--shall be on file with the instructor or the department office whenever the instructor will no longer be available.(US: 10/16/89)
- G To give final examinations in accordance with procedures approved in Section V., 5.2.4.6.
- H They shall inform students when their individual or collective efforts are to be used for professional or personal advancement of a faculty member, or when the student(s) is (are) to be used as research subject(s), and in either case, to ensure that the student may elect not to participate without prejudice to his or her academic standing; and to recognize appropriately any significant contribution by the student(s).
- I They shall know the academic requirements and the various degree programs of the University affecting students whom they advise.

7.3.0 ENFORCEMENT

Any member of the University community (faculty, staff member, or student) with a complaint about an alleged violation of these responsibilities shall process it through normal channels. Accordingly, the process should begin with discussion with the person

accused of the violation. If a satisfactory solution between the parties cannot be accomplished, then the accused's immediate supervisor or, if the complainant is a student, the Academic Ombud should be asked to mediate. If such mediation proves unsuccessful then the matter should be forwarded to the next Administrative level with a written report concerning the matter with copies of the report to the parties involved. This process of mediation and report should follow normal channels up to and including the dean of the College to which the person accused of a violation is assigned.

If the academic offense involves research and/or extramural funding the administrative rule for handling the offense is outlined in Administrative Regulation II - 4.0.2. [US: 2/10/97]

- * Although the rules state that "the process should begin with discussion with the person accused of the violation", a student is not required to discuss his/her complaint with the faculty member before seeking mediation by the Ombud. (RC: 12/17/85)

In the event that after the appropriate processing through these channels the dean is unable to mediate satisfactorily between the parties, or in the event that the dean is the complaining party and is unable to accomplish a satisfactory solution with the accused, he/she shall make a written report containing his/her recommendations and findings and forward it to the Provost through the University Senate Advisory Committee on Faculty Code with copies to the accused and the complainant. Upon receipt of the report from the dean, the committee shall set a date for a hearing which must be within thirty (30) days of receipt of the Dean's report. The Committee shall then determine whether to hold closed or open hearing(s) after consultation with the parties in dispute. After the completion of the hearing(s), the Committee shall forward its recommendations to the Provost with respect to (1) whether or not the accused has violated the Code, and, if so, (2) the type of sanction, if any, which should be imposed. The Provost shall make a final decision after review of the report of the Committee. In any event, however, the accused shall have the normal right of appeal to the President and the Board of Trustees in accordance with established procedures.

7.4.0 SANCTIONS

Sanctions which may be recommended by the Committee include:

- A A warning that conduct violates the Code as interpreted.
- B A reprimand:
 1. Informal (to accused only);
 2. Formal (to accused with notice to his/her administrative superior).
- C Forfeiture of pay from present salary for actual monetary damage suffered by the University through unauthorized use of University property.
- D Recommendation for proceeding under KRS 164230, dismissal for reasons of "incompetency, neglect of or a refusal to perform his/her duty, or of immoral conduct" Note: Nothing in this document is intended to inhibit in any way the right of the Provost to initiate charges against a faculty member under KRS 164.230 in accordance with the procedures established by the *Governing Regulations* so long as no written report has yet been received by the Committee from the dean.

7.5.0 RIGHTS OF THE ACCUSED

A In all proceedings under this Code an accused member of the teaching and research personnel has the right:

1. to be heard in his or her own defense;
2. to be informed in writing of the complaint with full particulars and to be given at least 20 days before any action is taken to answer the complaint;

* The requirement that a faculty member be informed in writing of the complaint at least 20 days before any action is taken refers to a hearing before the Senate Advisory Committee on the Faculty Code, not to any step in the mediation process; the Advisory Committee has the responsibility for providing this information to the faculty member. (RC: 12/17/85; RC: 4/29/86)

3. to enjoy professional privileges while appealing or undergoing a hearing process. (This does not mean that a change of assignment cannot be made in accordance with the *Governing Regulations*.)

B With regard to all proceedings of the Committee, the accused member has the right:

1. to receive a copy of all rules and procedures governing the actions of the Committee in sufficient time to familiarize himself or herself with them;
2. to have counsel, and to question the witness(es) against the accused, to present evidence and/or witness(es) in his or her own behalf in all Committee processes;
3. to challenge the impartiality of anyone sitting on the Committee and to have up to two of the members of the Committee replaced;
4. to remain silent when testimony might tend to be detrimental to himself/herself, such refusal not to be used by the Committee in making its decision.

7.6.0 RIGHTS OF THE COMPLAINANT(US: 2/9/87)

No member of the University or community shall be penalized academically or professionally for filing or processing a complaint in good faith under this Code.

A In all proceedings under this Code, a complainant has the right:

1. to be heard as to her or his complaint;
2. to receive a copy of any responses from the accused to the complainant's charges;
3. not to be penalized academically or professionally for filing or processing a complaint in good faith under this code.

B With regard to all proceedings of the Committee, the complainant has the right:

1. to receive a copy of all rules and procedures governing the actions of the Committee in sufficient time to familiarize herself or himself with them;

2. to have counsel or other advisor present, to question the witness(es) of the accused, and to present evidence and/or witness(es) in her or his own behalf in all Committee processes;
3. to challenge the impartiality of anyone sitting on the Committee and to have up to two of the members of the Committee replaced.

7.7.0 LIMITATIONS

Any complaint processed under these procedures must be initiated within sixty (60) days of knowledge of the alleged violation of any of the listed responsibilities as stated herein, but in no event later than one year after the actual commission of the alleged offense.

- * The requirement that a complaint be initiated within 60 days is met if the student has communicated the complaint to the Academic Ombud within 60 days after the student discovers the problem. (RC: 4/29/86)

7.8.0 COMPOSITION OF COMMITTEE

7.8.1 BASIC AND SPECIAL PANELS

The Committee on the Faculty Code shall consist of:

- A a basic panel consisting of six regular and three alternate members together with a chair (who shall be non-voting except in the case of a tie vote), all of whom shall be tenured members of the University faculty of at least the rank of Associate Professor, and,
- B two separate panels, one of six undergraduate students who shall have at least junior status and one of six graduate and/or professional students including at least three with teaching or research responsibilities.

7.8.2 USE OF PANELS

When neither the complainant nor the accused is a student, the Committee shall operate solely with the basic panel. If, however, the complainant or the accused is a student, he or she shall have the right to have two members of the panel of the student's own status added to the basic panel. The two student members shall be chosen at random by the chair of the Committee. In the event that the accused and complainant are both graduate students, only two students from the graduate panel will be selected.

7.8.3 SELECTION OF PANEL MEMBERS

The chair, six regular basic panel members and the three alternates shall be selected by the President of the University from a list recommended by the University Senate Council in accordance with established procedure. The Committee members and alternates shall serve three year terms on a staggered basis. The student panel members shall be selected by the President from lists submitted by the Student Government Association in accordance with established procedures. In the case of the graduate students, the Student Government Association is directed to consult with the Graduate and Professional Student Association in making its recommendations. The

term of office for each student member shall be one year and the individual member may be reappointed once.

7.8.4 RECOMMENDATIONS OF THE COMMITTEE

The recommendation of the Committee shall be determined by majority vote. In the event of a tie vote, the tie shall be broken by the decision of the chair. The findings and recommendations of the Committee shall be transmitted to the complainant and the accused as well as to the Provost. The Provost shall thereupon make his/her decision and report it to the accused, the complainant, and the forwarding dean, with copies to the chair of the Committee.