

Office of the President
September 18, 1979

PR 4

Members, Board of Trustees:

Proposed Amendments to the Governing Regulations

Recommendation: that the following proposed amendments to the Governing Regulations of the University of Kentucky which were received and tabled at the August 24, 1979 meeting of the Board of Trustees be removed from the table and approved.

(Note: Proposed additions are underlined; proposed deletions are bracketed.)

First Amendment - Change the third paragraph of Part IV (page 11) to read:

The 160 elected faculty members shall be apportioned each spring among the colleges and the University Libraries according to the following two equally weighted factors based on data for the preceding fall semester: (1) the number of full-time teaching and/or research faculty, except those appointed in the research title or visiting series, with the rank of assistant professor or higher in the college or the University Libraries; (2) the number of full-time students enrolled in the college, computed so that students enrolled in the Graduate School shall be assigned to the college in which they are pursuing their studies. Each elected faculty member shall serve for a term of three years and shall be eligible for reelection for a second consecutive term, but ineligible for further reelection until one year has elapsed. If a faculty member of the Senate should at any time during his/her term become ineligible to serve (e.g., by reason of assuming an administrative title, resignation, or [by] official leave which precludes attendance), the administrative head of the group represented shall declare a vacancy and designate that member from the eligible faculty who at the last election received the next highest vote to serve for the duration of the elected faculty member's ineligibility.

Background: This change is consistent with the principle that full-time faculty members who hold appointments in the research title or visiting series are not eligible for membership in the University Senate.

Second Amendment - Change the first paragraph of Part VII,A,4 (page 20) to read:

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

Background: This change provides needed clarification about faculty who directly qualify as voting members in the faculty of a college.

Third Amendment - Change the first paragraph of Part VII,A,5 (page 21) to read:

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

Background: This change provides needed clarification about faculty who directly qualify as voting members in the faculty of a school and also about other persons who may be extended membership with or without voting privileges.

Fourth Amendment - Change the first paragraph of Part VII,A,6 (page 21) to read:

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

Background: This change provides needed clarification about faculty who directly qualify as voting members in the faculty of a department.

Fifth Amendment - Change the second paragraph of Part VII,B,6 (page 25) to read:
chairperson

The department [chairman]/is responsible for recommendations on the appointment of new members of the department, promotions, reappointments, terminal appointments, decision not to reappoint, post-retirement appointments [(X-C-8)] and the granting of tenure. Procedures and criteria used in preparing recommendations shall be those established by the University, the college and the departmental faculty. As a minimum, the procedures must include consultation with all tenured members of the department and with all [those] full-time non-tenured faculty members, except those appointed in the research title or visiting series, with the actual or equivalent rank of assistant professor or [equivalent] higher who have been members of the department for two years, except as noted below. All recommendations on matters listed above, excepting reappointments and post-retirement appointments, must include the written judgment of each consulted member of the department along with the recommendations of the [chairman] chairperson. The following exceptions may be made: (1) faculty members need not be consulted on recommendations for promotion affecting members with equivalent or higher rank, except that all faculty members with tenure shall be consulted on recommendations for granting of tenure; (2) faculty members without tenure need not be consulted on recommendation for granting of tenure; (3) the right to make recommendations on temporary appointments and/or appointments at the assistant professor level or below may be delegated, with these appointments to be reviewed by the tenured faculty of the department during the second semester of the first year of appointment; (4) in a large and diverse department, upon prior recommendation by the departmental faculty and approval by the President, consultation with faculty members may be restricted to those associated with the concerned, previously-defined academic division or program area in the department.

Background: This change is consistent with the principle that full-time, non-tenured faculty members who hold appointments in the research title or visiting series are not eligible to vote or to provide written judgments relative to recommendations on appointments, promotions, reappointments, etc., and, therefore, need not be consulted.

Sixth Amendment - Change Part X,B,1 (page 31) to read:

Types of Appointment

[Full-time academic appointments shall be of three kinds: (1) non-tenure appointments; (2) appointments with tenure; and (3) post-retirement appointments (X-C-8).]

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

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

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

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

A post-retirement appointment is a type of appointment which is used in a very limited number of retirement 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 an appointment may be part-time or full-time, requires approval by the Board of Trustees, and is made for periods not to exceed one year each, but in no case will such an appointment extend beyond the fiscal year in which the employee attains age 70.

Notwithstanding the prohibition relating to appointments beyond age 70, however, a former employee who has attained age 70 may be employed, subject to conditions specified in the Administrative Regulations (Section II.B.2 of AR II-8.0-4), to perform duties for which fee schedules have been established and approved by the President of the University.

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-8.0-4).

Background: An expansion of this section of the Governing Regulations has been needed to provide more information and better clarification on types of appointments.

Seventh Amendment - Change Part X,B,2 (pages 31 and 32) to read:

Probationary Periods

Probationary periods (or maximum non-tenure periods) are not applicable in cases where faculty members are appointed: (1) in the research, 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.

However, probationary periods are applicable to non-tenured appointments of faculty members on a full-time year-to-year basis in the regular, special title, extension, or librarian series of academic ranks and titles. Such non-tenured appointments may be for one year or for other stated periods, subject to renewal, but the total non-tenure period shall not exceed seven years, including previous full-time service with the rank of instructor or higher in other institutions of higher learning, provided that in the case of a faculty member with more than three years in the academic profession, who is called from another institution and appointed at the rank of associate professor or below, it may be required that he serve in a probationary status for a period not to exceed four years, even though thereby [his] the individual's total [probationary] non-tenure period in the academic profession is extended beyond seven years. However, in any case where a period of prior service of a prospective faculty member involves significantly different institutional

objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the maximum non-tenure period at the University of Kentucky. Except as provided in Part 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. Individuals initially appointed to the rank of full professor may be given non-tenure status for a period not to exceed one year. An individual shall not remain at the rank of instructor in the University for more than three years. If after that period, promotion to a higher rank cannot be justified, the individual's appointment at the University shall not be renewed.

Following appropriate probationary periods not exceeding in duration those described above, all persons of associate professor or higher rank shall be given tenure or shall not have their appointments renewed; all persons of assistant professor rank (or equivalent as adjudged by the President) shall: (1) be promoted to associate professor with tenure; [(2) be transferred to a non-research rank with tenure; or (3)] or (2) not have their appointments renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

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

Background: The changes in the first and second paragraphs are intended to provide better clarification about the non-applicability or applicability of probationary periods to various types of non-tenured appointments. The deletion in the third paragraph is in conformity with current University practice and provides consistency between the Governing Regulations and the Administrative Regulations.

Eighth Amendment - Change the first paragraph of Part X,C,2 (page 36) to read:

All full-time [appointees] faculty members on a ten-month or a twelve-month [academic] assignment basis shall be entitled to [a one month] one month of vacation leave with pay during an assignment period. Vacation leave cannot be accumulated from one assignment period to another, except to the extent that a faculty member on a twelve-month assignment basis may, with advance approval of the dean or the director of the college, take vacation either during the assignment period in which the vacation is earned or within the first two months thereafter. All members of the teaching faculty shall be in actual attendance at least until after commencement and until all reports have been made, and at least three days prior to the first day of registration for the fall semester unless for special reasons special leave is approved.

Background: This change is needed in some organizational units of the University to achieve better balance and more effective use of faculty resources throughout the summer period. In the Medical Center colleges, for example, patient care and some teaching requirements can be met better through having slightly greater flexibility in scheduling vacation leave.

Ninth Amendment- Change the second paragraph of Part X,C,5,a (page 38) to read:

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

Background: This changes provides better clarification about faculty members who are eligible to apply for sabbatical leave.

Action taken: Approved _____ Disapproved _____ Other _____

Date: _____, 1979