

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
DIVISION
CASE NO. _____

Ramsi A. Woodcock,

Plaintiff,

v.

University of Kentucky,
Eli Capilouto (in his official and individual capacities),
Robert DiPaola (in his official and individual capacities),
William Thro (in his official and individual capacities),
James C. Duff (in his individual capacity);

Defendants.

COMPLAINT AND REQUEST FOR INJUNCTIVE RELIEF

NOW COMES the Plaintiff, Ramsi A. Woodcock, by counsel, and for his complaint against the defendants for breach of contract; violation of the Campus Free Speech Protection Act; violation of sections 1, 2, 3, 5, 8, and 14 of the Kentucky Constitution; and violation of the Kentucky Civil Rights Act; alleges as follows:

INTRODUCTION

1. The University of Kentucky (“the University”) has suspended, banned from the law building, and launched an investigation against one of its tenured law professors, Ramsi A. Woodcock, because he posted a Petition for Military Action Against Israel to online discussion groups hosted by the Association of American Law Schools on July 6, 2025.
2. The University’s actions violate its employment contract with Professor Woodcock as well as the Kentucky Campus Free Speech Protection Act. Plaintiff seeks injunctive relief to end his

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Presiding Judge: HON. KIMBERLY BUNNELL (622203)

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suspension and banishment, an injunction to halt the discriminatory investigation against him, and declaratory judgments and damages.

PARTIES

3. Ramsi Woodcock (“Plaintiff” or “Professor Woodcock”) is Edward H. Metcalf Jr. Professor of Law at the J. David Rosenberg College of Law of the University of Kentucky (“the College of Law”). He received tenure in 2022 and was promoted to full professor on July 1, 2025.
4. At all times relevant hereto, the University of Kentucky (“University”) was and is a public educational institution established and maintained by the Commonwealth of Kentucky pursuant to Chapter 164 of the Kentucky Revised Statutes. The University is governed by a Board of Trustees.
5. Eli Capilouto is the President of the University of Kentucky. As such he is the “chief executive officer” of the University. The University of Kentucky Board of Trustees (“Board”) has delegated to him “full authority and responsibility over [the University’s] administration” including “the authority to . . . appoint . . . all employees”, “promulgate and implement Administrative Regulations”, “supervise and administer all phases of the University”, and “take all measures necessary to comply with state and federal law as well as the requirements of all accrediting bodies.” Governing Reg. III —The President § B.
6. Robert DiPaola is the Provost of the University of Kentucky. As Provost, DiPaola “is the chief academic officer for the University”, “is responsible for faculty employee functions”, and “has the authority to manage the employment” of “the faculty.” Admin. Reg. 1:1 § IV.F (possibly superseded by Admin. Reg. — Univ. Org.). He “reviews and recommends to the President and the Board of Trustees on faculty appointment, reappointment, and tenure matters.” *Id.*
7. William Thro is the General Counsel of the University of Kentucky. As such, he “is the chief legal advisor for the University”. Admin. Reg. 1:1 § IV.E (possibly superseded by Admin. Reg. —

Univ. Org.). He “provides proactive strategic policy advice on issues confronting all University administrators,” “advice on the legal implications of proposed policies and actions,” and “counsel on compliance with state and federal laws and University regulations[.]” He is responsible for the “the selection and retention of outside legal counsel.” Bus. Proc. Man. § E-1-6.I.

8. James C. Duff was Dean of the College of Law from July 1, 2025 to June 30, 2026. The Dean is the chief academic and executive officer of the College of Law and speaks for the College.

JURISDICTION & VENUE

9. This Court has subject-matter jurisdiction over this action pursuant to Section 112(5) of the Kentucky Constitution, KRS 23A.010, KRS 418.040 (Declaratory Judgment Act), KRS 164.348(3) (Campus Free Speech Protection Act), KRS 344.450 (Kentucky Civil Rights Act), and KRS 45A.245 (Waiver of Sovereign Immunity for Written Contracts). The matter in controversy exceeds the minimum jurisdictional limits of the Circuit Court, and Plaintiff seeks declaratory relief, temporary and permanent injunctive relief, expungement, and monetary damages.
10. This Court has personal jurisdiction over Defendant University of Kentucky because it is a public postsecondary educational institution organized under the laws of the Commonwealth of Kentucky, with its principal educational facilities, College of Law, and administrative offices located in Fayette County, Kentucky. This Court has personal jurisdiction over Defendants Capilouto, DiPaola, Thro, and Duff because at all relevant times they were acting in their official and individual capacities as university administrators, officers, and employees residing, employed, or transacting state business within Fayette County, Kentucky.
11. Venue is proper in the Fayette Circuit Court. Plaintiff challenges the constitutionality of Kentucky Senate Joint Resolution 55 (Count IX) and University policies and administrative actions enforcing state directives, and seeks declaratory and injunctive relief against state officials

and agencies. Because Plaintiff is a resident of Fayette County, Kentucky, venue for these claims is expressly authorized and mandated in Fayette Circuit Court under KRS 452.005(2)(a).

Plaintiff's claims under the Kentucky Civil Rights Act (Count VIII), the Campus Free Speech Protection Act (Count II), and state constitutional torts arise out of employment actions, administrative suspensions, facility bans, and alleged discriminatory conduct that occurred entirely within Fayette County, Kentucky, where Defendants reside and maintain their primary workplace. So venue for these claims is appropriate under KRS 452.450 and KRS 452.460. Plaintiff's breach of contract claim (Count I) arises out of his employment relationship executed and performed in Fayette County. To the extent KRS 452.005 applies "notwithstanding any other statute to the contrary," and under Kentucky Rules of Civil Procedure 18.01 and 20.01, all counts arise out of the identical nucleus of operative facts and administrative enforcement actions, making joinder of all claims in Fayette Circuit Court proper and efficient.

FACTUAL ALLEGATIONS

A. Applicable University Policies

12. The University hired Professor Woodcock as an Assistant Professor at the College of Law on August 1, 2018. It granted him tenure and promoted him to Associate Professor on July 1, 2022, and promoted him to full Professor on July 1, 2025 on the unanimous recommendation of the College of Law's promotion and tenure committee and the then-Dean. Ex. 1.
13. Professor Woodcock's employment is governed by a written contract consisting of his appointment letters and all applicable University policies, including the University's Governing Regulations and Administrative Regulations.
14. The University's Governing Regulations and Administrative Regulations and policies were available on its website at all times relevant hereto.

15. Governing Regulation I establishes shared governance as “a bedrock principle and a value of the University” and describes it as “a system of mutual responsibility in which students, faculty and staff take part in the decision-and-policymaking process through advice and counsel to the President.” Ex. 2.
16. Governing Regulation V grants the Faculty Senate authority to “advise the President as to the ethical and professional standards applicable to members of the University’s faculty.” Ex. 3.
17. Governing Regulation IV specifies that faculty have primary responsibility over the curriculum. Ex. 4.
18. The University also professes to protect the academic freedom of its faculty. Its policies envision and promise a university environment in which faculty apply their expertise to the creation and dissemination of “new ideas,” not only for the benefit of students and other scholars but also for the benefit of the general public. Administrative Regulation 3:8 states, “[t]he University serves students and scholars from across the Commonwealth as well as from beyond its borders. Across a wide variety of areas and disciplines, the University provides an environment in which new ideas are fostered.” Ex. 5.
19. At the time of Professor Woodcock’s suspension—or “reassignment,” as the University refers to it—there were a number of University policies in force that the University has since revoked or replaced.
20. The Regulations Affecting Employment permitted suspension or “assignment to other duties in lieu of suspension” only where “immediate harm to the faculty member or others is threatened by the faculty member’s continuance,” and only after the President consulted with the Faculty Senate Advisory Committee on Privilege and Tenure. In the month after Woodcock alerted the University that it was violating this policy by suspending him, the University removed the suspension section of the Regulations Affecting Employment. Ex. 6.

21. The University subsequently unilaterally adopted the Administrative Regulation — Due Process (Interim) policy. Ex. 7. At the time, Administrative Regulation 1:6 required that, prior to the amendment or adoption of a regulation, the University seek feedback from “units that have an interest in the policy” and from the University Senate. President Capilouto did not seek feedback before adopting Administrative Regulation — Due Process (Interim). Administrative Regulation 1:6 only allowed for interim changes to regulations “[w]hen a new regulation or substantial revision to a regulation is needed within a time-period that does not allow for complete drafting and review of the policy document as outlined in this regulation.” Ex. 8. There was no reason the new Administrative Regulation — Due Process could not be vetted according to the requirements of Administrative Regulation 1:6. President Capilouto subsequently revoked Administrative Regulation 1:6.
22. Administrative Regulation — Due Process (Interim) provides that “[w]hen a[n] . . . employee is accused of a violation of any regulation or policy, and when there is a determination by the appropriate administrator that the allegations, if true, make the . . . employee a threat to the safety and well-being of others, then an appropriate administrator will suspend the . . . employee pending investigation and ultimate resolution.” Ex. 7. This new regulation authorizes the Provost to suspend faculty members. It also authorizes the “executive director of the Office of Equal Opportunity” to suspend “employees” “where federal regulations govern the administration of federal discrimination law.” It does not authorize a dean of a college to suspend a member of the faculty.
23. The University’s Office of Equal Opportunity (“OEO”) also subsequently issued an Office of Equal Opportunity Policy (“OEO Policy”). Ex. 9. That policy authorizes the executive director of the Office of Equal Opportunity to impose a suspension based on a written “individualized safety and risks analysis” of an employee that concludes that the employee “present[s] a threat to

the physical health or safety of an individual or the University Community.” Ex. 10 at § VI. The policy does not authorize a dean of a college to suspend a member of the faculty.

24. The OEO Policy “applies to all University programs and activities and includes employees, students and visitors who engage or attempt to engage in these programs and activities. This policy addresses the reporting of and response to concerns related to discrimination and harassment on the basis of a protected characteristic within the University’s programs and activities.” The policy further states that “[c]oncerns regarding discrimination or harassment not covered by this policy should be referred to the . . . Employee Relations Office (Employee Cases).” The policy also states that “[w]hile anyone may submit reports to Equal Opportunity, those who are not members of the University Community may not serve as Complainants in a resolution process.”
25. According to the OEO Policy the typical case is “Complainant driven. This means that generally a Complainant can decide if they wish to have Equal Opportunity initiate an investigation.” The policy states that “[w]hen requested by the Complainant or deemed necessary by Equal Opportunity, Equal Opportunity will conduct an investigation.” OEO may “consolidate multiple reports” “where the allegations arise out of the same facts”. The policy states that “any individual designated as” an “investigator” or “decision-maker” must “not have a conflict of interest or bias for or against complainants or respondent generally or an individual complainant or respondent”.
26. The OEO Policy provides that after the investigation the OEO “Executive Director” “determines [if] the elements of Probable Cause are met to refer to a hearing.” Probable cause is defined as “a reasonable basis for believing that a violation of this policy may have occurred”.
27. If the OEO executive director refers the case to a hearing, the Administrative Regulation — Due Process (Interim) regulation and the Due Process — Equal Dignity policy, which was adopted

alongside the Administrative Regulation — Due Process (Interim) regulation will apply. The Due Process — Equal Dignity regulation provides that prior to the convening of a disciplinary hearing, the respondent will be provided with a statement of charges that includes the “final investigative report.” The hearing panel will be selected by the University’s Executive Vice President for Finance and Administration according to a procedure that may result in no faculty members sitting on the panel. At the hearing, the University’s general counsel will serve as prosecutor. Universities policies do not provide a recommendation of sanctions at any point during the investigation stage, or as part of the determination of probable cause by the OEO director. Sanctions are not considered until after the hearing panel has heard the case and decided whether there has been a violation of University policy. Thereafter the hearing panel convenes a “supplemental processing to determine the sanction(s)”. The respondent has a right of appeal to an appeals panel, which is selected in the same fashion as the hearing panel and may have no faculty members sitting on it.

28. The Administrative Regulation — Due Process (Interim) regulation further provides that “[i]n those instances when only the Board of Trustees may terminate the employee, the employee will still be given a hearing and an appeal through the appropriate process. Ex. 7. However, instead of being final, the decision of the appellate panel is only advisory to the President.” The policy further states that “[i]f the President, in their sole discretion, decides to pursue termination, the Board of Trustees will conduct the proceedings according to the Kentucky Revised Statutes.”
29. Administrative Regulation 3:8 requires that all faculty within a unit have comparable workloads. Ex. 5. The College of Law’s workload policy sets minimum and maximum percentages for teaching, research, and service. Ex. 10. According to the College of Law’s Faculty Rules, faculty are expected to devote 40-55% of their time to teaching and 5-25% of their time to service to the University and broader profession. *Id.* at p. 25. Administrative Regulation 3:8 further

provides that a dean may alter workloads to the end of “maximizing the application of faculty expertise” or by “consider[ing]” “1. Difficulty, scope, size, and level of courses taught[; and] 2. Research responsibilities and/or service expectations.” Ex. 5 at p. 2. Nothing in the policy authorizes a dean to alter a faculty workload to address safety concerns during an investigation.

30. Administrative Regulation — University Organization provides that a dean “shall seek the advice of the faculty of the college” “in connection with” “the assignment of duties to all personnel”. The dean did not seek the counsel of the law faculty before reassigning and banning Professor Woodcock.

31. Administrative Regulation — Employee Code provides that all employees of the University “must comply with applicable . . . [University] Administrative Regulations” and “accreditation requirements”. The code also directs an employee to “be responsible for [his] own actions and . . . recognize [his] obligation to ensure a University-wide culture of compliance.” All employees “must report incidents that may constitute a violation of any . . . Administrative Regulations.” Ex. 12. Failure to do so can result in “suspension without pay and up to separation of employment.” Governing Regulation I, which tasks the President with adopting the Employee Code, further provides that “the University community shall be guided by the core values of . . . personal and institutional responsibility and accountability[.]” The University’s President, Provost and Dean of the College of Law are all employees of the University.

32. The University’s accreditor, SACSCOC, requires that the University “publish[] and implement[] policies on the authority of faculty in academic and governance matters[.]” Ex. 13. The right of the faculty to be consulted by the dean in relation to the “assignment of duties to all personnel,” which is provided in Administrative Regulation — University Organization, is a “polic[y] on the authority of faculty in academic and governance matters[.]” Accordingly, SACSCOC requires that the University “implement[]” that policy.

33. The Policy on Discrimination and Harassment, another contractual administrative regulation, prohibits adverse or different treatment based on political belief. Ex. 14. The University's Administrative Regulation — Equal Dignity (interim), which was adopted after Professor Woodcock's reassignment, similarly prohibits "discriminat[ion] on the basis of race," "national origin", "ethnic origin", "creed", or "political belief."
34. The University's Institutional Statements Policy, which was in effect when Professor Woodcock was reassigned, declares that "[a]s a learning institution, the dissemination of ideas, debate, and open inquiry are essential to" the University's "mission." The University's Institutional Neutrality Policy, which was issued after the reassignment, repeats this language and further states that "[t]his policy prohibits discrimination on the basis of an individual's political or social viewpoint and promotes intellectual diversity within the institution."

B. Statute

35. Kentucky Senate Joint Resolution 55 ("SJR 55") directs Kentucky's "public postsecondary education institutions" to "adopt policies to combat antisemitism within their institutions that use as guidance the definition of 'antisemitism'" of the International Holocaust Remembrance Alliance (IHRA). In accordance with the law, the University claims to interpret its discrimination policies using the IHRA definition.

C. Contract

36. The University's rules and policies, including the governing and administrative regulations, are part of Woodcock's employment contract. The offer letter that Woodcock and the law school dean signed when Woodcock joined the faculty in 2018 describes the position to which the University appointed Woodcock using terms that are only defined in University regulations (e.g.,

it appoints him “Assistant Professor” in “our Regular Title Series”, two terms that are defined only in Administrative Regulation 2.1-1 § V.A. and Administrative Regulation 2.2-1 § III.B.1(a)) and states that his “responsibilities” are “as outlined in the . . . University of Kentucky rules and regulations.” Both the offer letter and the governing and administrative regulations concern the rights and duties of employees. Woodcock has worked continuously for the University since 2018 while various iterations of the governing and administrative regulations, along with other written policies, have remained in effect. The language of the governing and administrative regulations use phrases such as “shall be” and “must comply”. Moreover, the Faculty Handbook refers to “the contract between the faculty member and the institution” and states that “[s]pecific questions regarding the rights and duties of University employees - including faculty employees - can only be resolved by reference to the appropriate official documents”, which the Faculty Handbook describes as including “the Governing Regulations, and the Administrative Regulations[.]” And Woodcock was granted tenure under this agreement in 2022.

D. Petition and Public Disparagement

37. Starting in November 2024, Professor Woodcock maintained on his personal website a Petition for Military Action Against Israel that he had drafted.¹ On July 6, 2025, Woodcock posted links to the petition to discussion groups of law professors maintained by the Association of American Law Schools. The petition observed that Israel is a Western colony that “has committed genocide, extermination, and forced displacement against the native population of Palestine since her inception in 1948,” and that it has greatly accelerated these actions since October of 2023. The petition says that the only way to end this colonization and extreme violence is for “every country in the world make war on Israel immediately and until such time

¹ *Petition for Military Action Against Israel*, ANTIZIONIST L. STUD. MOV'T.
<https://antizionist.net/petition-for-military-action-against-israel/>.

as Israel has submitted permanently and unconditionally to the government of Palestine everywhere from the Jordan River to the Mediterranean Sea.” The petition invited “[l]aw scholars” to sign the petition and noted that “Institutional affiliations are listed for informational purposes and do not imply institutional endorsement of this statement.”

38. Rather than engage with what Professor Woodcock’s statement was advocating, Defendants pretended Professor Woodcock was calling for genocide against Jewish people (as opposed to decrying and calling for cessation through force of Israel’s genocide of Palestinians) and then denounced that imaginary call for genocide.
39. For instance, on July 18, 2025, University of Kentucky President Eli Capilouto sent to the entire “[c]ampus community” an electronic mail message claiming that he had been made aware of “an online petition calling for the destruction of a people based on national origin.”
40. President Capilouto went on to say that because he was concerned that the statements could “threaten the safety and well-being of the university’s students and staff, we are obligated to act to protect our community and our people,” and announced that Professor Woodcock had “been removed, pending an investigation, from any teaching and classroom responsibilities.”

E. Suspension and Investigation

41. On that same day, July 18, 2025, and without prior notice and without a hearing, Dean James Duff notified Professor Woodcock by letter that, “to protect both [Professor Woodcock] and the University,” Dean Duff was immediately reassigning Professor Woodcock from his usual workload of 45% teaching, 50% research, and 5% service to “100% professional development,” that he was not to come to the College of Law building, that he could not supervise any students or staff, and that he could not serve as a faculty advisor for any student organization. He is denied access to his office, his research materials, and the College of Law building. Thus,

Professor Woodcock was suspended from his job and banned from his office and the building where his colleagues and students are located on campus. Dean Duff's letter further stated that the reassignment and ban would last for the duration of an investigation that the University was initiating into Professor Woodcock's speech.

42. Defendant Thro later stated that "[t]he Dean has absolute authority to determine the assignments of a faculty member." Consistent with this position, Duff stated in sworn testimony in federal court in December that although he acted in "consultation" with "people throughout the university", "[i]t was my judgment. It was my authority to" order the reassignment and that it was a "judgment call" on his part to take that action. Defendant Thro also stated that the basis for the ban was that "[a]s [Professor Woodcock] has no teaching assignments, there is no reason for him to be present in the law school building."
43. That same day, Defendant Thro informed Woodcock that "your writings on certain websites, your conduct at academic conferences, and your postings on American Association of Law Schools list serves, and other actions" might "create a hostile environment for Jewish members of the university community or otherwise constitute harassment as defined by the Supreme Court. The University has concerns that your actions may violate Title VI of the Civil Rights Act of 1964, the equivalent state laws, and various university policies. Consequently, the University is launching an investigation." The letter further stated that "[b]ecause the allegations require the involvement of multiple university offices, the University has decided to engage outside counsel to conduct the investigation in coordination with the appropriate university offices. Specifically, Farnaz Farkish Thompson of the Washington office of McGuire-Woods LLP will lead the investigation." Thompson is listed as a contributor to Project 2025, a document produced by the partisan thinktank Heritage Foundation that calls for plans to "[s]ustain support for Israel".

Another project of Heritage Foundation, Project Esther, calls for a coordinated campaign to bring about the removal of pro-Palestine faculty on the nation's campuses.

44. In his letter, Dean Duff stated that he had decided to impose the reassignment and ban in “consultation with the Provost’s office”. He later testified that “the counsel’s office of the university, and then the provost and president” were involved in the decision to launch the investigation. Dean Duff also suggested that he had a role in the decision to launch the investigation, stating that “[i]t was not my sole decision to launch an investigation.” He also stated that he had been “in agreement with the decision to pick an independent investigator.”
45. Neither the University, Duff, Capilouto, DiPaola, nor Thro consulted the Faculty Senate Advisory Committee on Privilege and Tenure before deciding to launch the investigation, suspension, and ban. None of them consulted with the law faculty before acting, either. None of them had received a complaint from any University student or faculty member about Professor Woodcock. Both the Dean and the Director of the Office of Equal Opportunity have confirmed this. None of them alleged, and none of them had any basis to allege, that Professor Woodcock’s presence on campus threatened harm to anyone.
46. The stated basis for the “reassignment” was an investigation into Professor Woodcock’s speech at academic conferences, on academic listservs, and on his personal website regarding Israeli colonialism, apartheid, and genocide. All eight allegations underlying the investigation concerned his speech. None alleged that he mistreated any member of the University community, threatened anyone, or denied anyone access to University resources.
47. Although Defendant Capilouto’s email had identified Professor Woodcock’s Petition as the trigger for the investigation, reassignment, and ban, and Defendant Thro’s letter had identified the sole motivation for launching the investigation as concern that Professor Woodcock’s writings might “create a hostile environment for Jewish members of the university community or

otherwise constitute harassment as defined by the Supreme Court”, the “notice of investigation” issued by Thompson to Professor Woodcock four days later, on July 22, 2025, did not allege that Professor Woodcock had created a hostile environment. Instead, the letter stated that the University “received reports about your conduct from four professors who have attended academic conferences where you allegedly spoke in your capacity as a University of Kentucky Law Professor or who are part of listserves with you.” None of these professors were members of the University faculty. According to the notice, these professors had reported that at two conferences, one at George Mason University in Virginia in February 2024, and the other in Hong Kong in May 2025, Professor Woodcock had claimed that Israel is a “colony”, practices “apartheid”, or commits “genocide”. According to the notice, these professors had also reported that Professor Woodcock had “spammed” listservs maintained by the Association of American Law Schools with “your personal viewpoints concerning the Israeli-Palestinian conflict”. Finally, the letter stated that they had alleged that Professor Woodcock had “us[ed] the University’s resources to circulate an online petition, Petition for Military Action Against Israel.” The notice also stated that Professor Woodcock’s conference statements had been made “in your capacity as a University of Kentucky Law Professor.” And the notice told Woodcock to “stop immediately” “doing anything that *might* violate University policy” (emphasis added).

48. The notice then cited the University’s Ethical Principles and Employee Code of Conduct policy, which the notice stated “establishes guidelines for professional conduct for those who act for the University, including . . . those using University resources . . . and representatives acting as agents of the University.” The notice next cited the Institutional Statements Policy and stated that “the University does not” “issue public statements” and that the policy “applies to administrative and academic units across the University.” The notice next cited the Use of Technology Resources policy and stated that it “prohibits” “sending unsolicited mass mailings or

‘spamming.’” Finally, the notice cited the Policy on Discrimination and Harassment and stated that it applies to “harassing written materials (hard copy or electronic).” The notice also stated that it the Policy on Discrimination and Harassment “incorporates the International Holocaust Remembrance Alliance’s definition of anti-Semitism.”

49. On September 8, 2025, Thompson sent Professor Woodcock an Amended Notice of Investigation. The Amended notice did not cite any new University policies and it repeated the statement that the Policy on Discrimination and Harassment “incorporates the International Holocaust Remembrance Alliance’s definition of anti-Semitism.” The notice stated that it was “amending” the original notice to “include” additional allegations. It stated that the additional allegations were “based” on “reports” “by four students, some of whom are Jewish”. The notice stated that “Professor Woodcock created a hostile environment on the basis of race, color, or national origin” through four actions. The first two were that Woodcock had “us[ed] his official position as a University of Kentucky professor to call for violence against Israel, the genocide of Israeli people who are predominantly Jewish, and the ultimate destruction of Israel” and “call[ed] for violence against Israel, the genocide of Israeli people, and the ultimate destruction of Israel in a manner that uses anti-Semitic tropes”. The notice did not provide any examples of such statements. The third was that Professor Woodcock had stated at “an optional lecture” that he “does not need to invite or include any speakers or guest lecturers with a pro-Israeli viewpoint because such speakers are pro-genocide” and that this was an example of a set of otherwise undisclosed “anti-Semitic and anti-Israeli remarks” made during the lecture. The final action listed by the notice was that Professor Woodcock had “shout[ed], ‘Free Palestine,’ while driving a car with University of Kentucky law students who won a bid during a fundraiser for the Student Public Interest Law Foundation to spend time with Professor Woodcock.”

50. Defendant Thro later stated that “[t]he basis for the continuation of [Professor Woodcock’s] reassignment is all aspects of Ms. Thompson’s first and second notices of investigation. If she were to issue a third notice of investigation, those aspects would an additional basis for the reassignment as well.” No more notices or amended notices of investigation have been issued even though, by December, the investigator had carried out more than twenty witness interviews.
51. On August 25, 2025, Thompson sent Professor Woodcock a letter outlining an ad hoc process for the investigation that differed in several respects from the process for discrimination investigations outlined in written University policies. According to the letter, the investigatory report that Thompson would produce would be “an attorney-client privileged report to the University of Kentucky’s General Counsel who will share the report with only people who have a need to know to receive legal advice. The attorney-client privilege belongs to the University, and only the University may waive the attorney-client privilege.” The Due Process — Equal Dignity regulation provides that prior to the convening of a disciplinary hearing, the respondent will be provided with a statement of charges that includes the “final investigative report.” Thompson’s letter also stated that after the investigation Defendant Capilouto will issue a letter to Professor Woodcock determining whether disciplinary charges should be filed against him and identifying sanctions for his conduct. Under OEO Policy, it is the responsibility of the executive director of the OEO to make the determination whether there is probable cause to file charges. And the Due Process — Equal Dignity regulation further provides that sanctions are determined by the hearing panel after adjudicating liability and after formal charges have been filed, not as part of the decision whether to file charges.
52. According to Thompson’s letter, after Thompson completes her interviews, Professor Woodcock will be invited to answer questions. Thereafter he will have two opportunities to

review “evidence in electronic format through a program that gives you and Professor Woodcock read-only access to the evidence”, after which the investigation will conclude.

Thompson sent Woodcock forty two open ended questions on December 1, 2025. One asked Professor Woodcock to provide “any facts, legal arguments, names of witnesses, or any other information you deem relevant to this investigation.”

53. Professor Woodcock brought federal claims against the Defendants in federal district court on November 13, 2025. He challenged the investigation, reassignment, and ban. The U.S. District Court for the Eastern District of Kentucky abstained under the doctrine of *Younger v. Harris*. Thompson has assented to Professor Woodcock’s requests to postpone his deadline for responding to the questions until after the resolution of his motion for a preliminary injunction and appeal thereof, which is currently schedule for oral argument in the U.S. Court of Appeals for the Sixth Circuit on July 28, 2026 (Case No. 26-5057). On information and belief, the investigation otherwise remains ongoing. Professor Woodcock remains reassigned and banned from the law building.

54. In September 2025, Professor Woodcock wrote to Defendant Thro to challenge the reassignment on statutory and constitutional grounds. Professor Woodcock also argued that the reassignment violated the Regulations Affecting Employment, Section B(1)(f)(3). On October 27, 2025, the University indirectly responded to Professor Woodcock’s challenge by deleting the policy and replacing it with Administrative Regulation – Due Process (Interim). This policy lowers the threshold before suspending a tenured professor. However, the new and lower-threshold policy still does not authorize a dean to suspend a professor and still requires, before any suspension pending an investigation, that the University determine, based on the allegations at issue, that the employee is “a threat to the safety and well-being of others.”

55. The University did not determine, and had no basis to allege, that Professor Woodcock's presence on campus threatened anyone with immediate harm, or threatened anyone's safety or well-being. The administration did not consult the Faculty Senate Advisory Committee or the law faculty before suspending Professor Woodcock.
56. There is no reasonable basis to infer that the speech contained in Professor Woodcock's petition, which triggered the investigation, suspension, and ban posed a threat to anyone's health or well-being. The petition merely made political statements that offended some faculty at other schools as well as President Capilouto.
57. As a result of the suspension, Professor Woodcock lost his teaching, research, service, and governance privileges. The University canceled his Fall 2025 and Spring 2026 Semester courses and has declared that his suspension will remain in place as long as the investigation continues. He has been denied access to his office, research materials, and the College of Law building and library.
58. Defendants' actions have inflicted much harm on Professor Woodcock. He has been deprived of the ability to teach, interact with students and colleagues in the law building, and use the research facilities contained in the law building, including his office and the law library. Professor Woodcock accepts a substantially smaller salary than he would command in the legal services market in exchange for the opportunity supplied to him by the University to teach, interact with students and colleagues in the setting of the law building, and use the law building's research facilities. Defendants' actions have also caused Professor Woodcock to self-censor. He has stopped posting to an academic blog on the Antizionist Legal Studies Movement website. His rate of posting to Twitter/X and other platforms fell as a result of the Defendants' actions. Speaking, writing, and publishing on Palestine have come sources of anxiety, fear, anguish as a result of Defendants' actions. Professor Woodcock has also been prevented from speaking to his

students in his classes and from speaking with his students and colleagues outside of class, because they are easily accessible to him primarily in the law building from which he is banned. Professor Woodcock's family members have suffered fear, anguish and anxiety regarding their future, Professor Woodcock's ability to continue to provide for them, and their ability to remain in Lexington, where they have close community ties. Some of Professor Woodcock's mentors in academia both on campus and at other schools have shunned him. A hiring committee at another school expressed concern that their school would be unable to hire him as a lateral due to Defendants' actions. Professor Woodcock fears that if he publishes academic articles about his research conclusions about Palestine, the University will amend the notice of investigation to include those publications as allegations against him. In February, University lawyers suggested that if he published an article about Palestine in law reviews by submitting it to journals that spring through regular University channels, and sought to rely on the article for promotion and tenure purposes, the University might file disciplinary charges against him. Professor Woodcock did not submit the article to journals. The Defendants' actions caused Professor Woodcock reputational harm, emotional distress, and financial loss, and, as a result of Defendants' actions, Professor Woodcock faces an imminent risk of termination.

59. Israel is an American-backed colonization project committing apartheid and genocide at the heart of the Arab world, which is predominantly Muslim. Professor Woodcock is an Arab American and a Muslim of Algerian national origin. Like the vast majority of Arab Americans and Muslims the world over, he opposes the existence of Israel.
60. Faculty at the University of Kentucky regularly call for war against states, including war that will end states. For four years, the College of Arts and Sciences has maintained a University-branded webpage soliciting donations for the Ukrainian military, which aims destroy the Russian-backed Donetsk People's Republic and the Russian-backed Luhansk People's Republic. The University

has not investigated the faculty responsible for the webpage for creating a hostile environment for Russian members of the University community because, in contrast to Professor Woodcock, the faculty promoting the destruction of Donetsk and Luhansk are perceived as having European descent or national origin or belonging to the Christian or Jewish faiths.

61. Faculty in the Department of Political Science have delivered defenses of Israel's commission of genocide in Gaza in the classroom, causing severe distress for Arab American and Muslim students in those classes. The University has not opened an investigation into the faculty responsible for this conduct, reassigned, or banned them because, in contrast to Professor Woodcock, they are perceived as having European descent or national origin or belonging to the Christian or Jewish faiths.

LEGAL CLAIMS

Count I

Breach of Contract

Against the University

62. Each paragraph of this Complaint is incorporated as if fully restated herein.
63. Professor Woodcock's employment contract with the University includes his written appointment record and the University's governing and administrative regulations, faculty rules, and other policies. These are incorporated by reference into the terms of his appointment by the University's representation that they govern all aspects of the faculty-employment relationship. They are also part of his contract because they represent a written personnel policy and because Professor Woodcock has tenure.
64. The University breached this contractual relationship with Professor Woodcock in numerous ways, including the following.

65. The University lacked authority under the contract to suspend and ban Professor Woodcock.

Professor Woodcock did not present a threat sufficient to meet any of the University's various threat standards for imposing a suspension or ban. Indeed, he presented no threat at all. The University did not consult with the law faculty or appropriate University faculty committees prior to suspending and banning Professor Woodcock. The contract prohibited the University from reassigning Professor Woodcock to a workload that was not comparable to that of colleagues and for reasons related to protection as opposed to Professor Woodcock's scholarly and teaching expertise. The ad hoc process employed by the University's investigator violates the OEO Policy's prohibition on investigator bias and requirement that the OEO director decide probable cause. It also violates the requirement that the investigator's report be disclosed to the respondent.

66. The suspension, building ban and investigation also violate the University's Policy on Discrimination and Harassment and the Equal Dignity regulation, which prohibit subjecting an employee to negative or differential treatment based on race, religion, national origin, and political belief. The University suspended, banished, and investigated Professor Woodcock because of his political views about Israel and Palestine, his Arab American identity, and his Muslim faith in violation of that policy.

67. The University's revocation of the Regulations Affecting Employment, Section B(1)(f)(3) and the Policy on Discrimination and Harassment in October 2025 after Professor Woodcock raised these breaches does not cure the breach. A party cannot retroactively eliminate a contractual obligation it has already violated, particularly where, as here, the deletion was made without following the required amendment procedures and in direct response to a legal challenge. In addition, the investigation, suspension and ban are ongoing violations of University policies that

are currently in force such as the University's workload policy which requires that faculty workloads be comparable.

68. As a result of these breaches, Professor Woodcock has lost the teaching, research, service, and governance rights central to his tenured appointment, suffered reputational harm, emotional distress, and financial loss, and faces the threat of termination.
69. Plaintiff seeks a declaration that the University breached its contract with Professor Woodcock, injunctive relief restoring him to the full workload and privileges of a tenured professor including course assignments and access to the law building, expungement of any record of the suspension and investigation from his personnel file, and damages as permitted by KRS 45A.245.

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000023 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

COM : 000023 of 000046

Count II**Violation of KRS 164.348, the Campus Free Speech Protection Act**

70. Each paragraph of this Complaint is incorporated as if fully restated herein.
71. KRS 164.348 requires public postsecondary institutions to adopt policies ensuring that faculty are granted the broadest possible latitude to speak on any issue, that ideas are not suppressed because administrators find them offensive or disagreeable, and that the institution does not retaliate against faculty for protected expression.
72. The statute also requires the adoption of policies that ensure “the free exchange of ideas is not suppressed because an idea put forth is considered by some or even most of the members of the institution’s community to be offensive, unwise, disagreeable, conservative, liberal, traditional, or radical.”
73. KRS 164.348(3)(a) grants a private right of action to any person aggrieved by a violation of those required policies, including reasonable attorney’s fees.
74. The University violated these requirements when it suspended Professor Woodcock, banned him from the College of Law building, and subjected him to an ongoing investigation all because the University administrators found his views on Israel and Palestine repugnant. That is precisely the suppression of faculty speech based on its content and viewpoint that KRS 164.348(2)(a)(b) and (c) prohibits.
75. The University also violated sections 2(a) and (b) of the statute when it issued its directive on July 22, 2025 through the outside investigator’s Notice of Investigation instructing Professor Woodcock to “stop immediately” the speech identified in the notice, which is protected expression, and any other speech that “might” violate University rules, which includes protected expression.

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000024 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

COM : 000024 of 000046

76. The University further violated the statute because it adopted and applied the definition of antisemitism which characterizes broad categories of political speech in opposition to Israel as antisemitic and used the definition as a basis for investigating and suspending Professor Woodcock in violation of KRS 164.348(2)(c)'s requirement that the institution not suppress ideas because they are considered offensive or disagreeable.
77. As a result of these violations, Plaintiff has suffered loss of his position, reputational harm, emotional distress, and attorney's fees and costs.
78. Plaintiff seeks damages pursuant to KRS 164.348(3)(c), plus reasonable attorney's fees and costs pursuant to KRS 164.348(3)(a).

Count III

Retaliation for Protected Speech

(Kentucky Constitution Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

79. Each paragraph of this Complaint is incorporated as if fully restated herein.
80. The speech that motivated Defendants' actions—specifically, Professor Woodcock's circulation of the Petition for Military Action to AALS online discussion groups—addressed matters of profound public concern, including international conflict, foreign policy, and human rights in Palestine.
81. When circulating the Petition, Professor Woodcock spoke in his capacity as a private citizen and academic scholar, not pursuant to any official job duties or as a spokesperson for the University or the government.

82. As a university teacher and scholar, Professor Woodcock possesses a vital constitutional interest in engaging in robust public debate and academic inquiry under Section 8 of the Kentucky Constitution.
83. Professor Woodcock's exercise of protected speech did not disrupt University operations, impair workplace harmony, or interfere with the performance of his duties. Indeed, no members of the University community submitted complaints regarding the Petition, and any interest Defendants had in avoiding controversy or discomfort is outweighed by Professor Woodcock's rights under Section 8.
84. Defendants Capilouto, DiPaola, Thro, and Duff, acting in concert under color of state and university authority, engaged in a series of adverse actions against Professor Woodcock—including reassigning, suspending, and banning him from the College of Law, and subjecting him to a retaliatory investigation—mere days after he posted the Petition. Defendants Capilouto and Thro explicitly cited the Petition as the motivation for these actions.
85. These retaliatory actions would deter an individual or employee of ordinary firmness from exercising their right to free expression under the Kentucky Constitution.
86. Defendants took these actions with the specific intent to punish Professor Woodcock for his protected speech, to suppress further expression on these issues, and to isolate him from his students and professional peers. In doing so, Defendants acted arbitrarily and abused their official power, in direct violation of Section 2 of the Kentucky Constitution.
87. Professor Woodcock's constitutionally protected speech was a substantial and motivating factor in Defendants' decision to suspend, ban, and investigate him.
88. But for Professor Woodcock's protected speech under Section 8 of the Kentucky Constitution, Defendants would not have taken the adverse actions alleged herein.

89. As a direct and proximate result of Defendants' unlawful retaliation and arbitrary exercise of power, Professor Woodcock has suffered and continues to suffer irreparable harm to his constitutional rights, professional reputation, and academic standing, entitling him to declaratory and injunctive relief.

Count IV

Violation of the Kentucky Constitution—University Policies; Overbreadth

(Kentucky Constitution, Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

90. The University's Ethical Principles and Employee Code of Conduct (GR XIV) ("Ethical Principles"), Institutional Statements, Institutional Neutrality, spam, and antisemitism policies encompass speech that is fully protected under Section 8 of the Kentucky Constitution.
91. The academic speech of faculty pursuant to their official duties as public university employees, as well as the speech of faculty as private citizens, is protected by Section 8 of the Kentucky Constitution so long as it addresses a matter of public concern. Faculty speech in public, limited public, and nonpublic fora is likewise protected. The Ethical Principles and Institutional Statements/Neutrality policies violate Section 8 of the Kentucky Constitution in numerous ways, including as follows:
92. Compelled Speech: Section 8 prohibits the government from compelling speech. The policies compel faculty to state that their views are their own when exercising their rights under Section 8 to engage in academic speech or speech as a private citizen. They further require faculty speaking as private citizens to use personal email accounts while requiring faculty engaging in academic speech to use university email and stationery. Section 8 protects faculty academic speech and faculty speech as a private citizen on matters of public concern when using university resources, as well as faculty speech in public, limited public, and nonpublic fora hosted by the University.

93. Unlawful Restraints on University Resources: To the extent that the requirement of “ethical behavior” with University resources and the statement that “University assets are intended for University activities” prohibit protected speech on campus, in university facilities, via university IT networks, during funded travel, or in other circumstances in which protected speech touches on the use of university resources, the policies violate Section 8.
94. Infringement on Assembly and Electronic Fora: Section 8 protects faculty academic and private citizen speech on matters of public concern, the freedom of faculty to associate, and the right of faculty to speak in limited public, public, and nonpublic fora, including digital fora. To the extent that the spam policy prevents faculty from exercising these state constitutional rights, it violates Section 8.
95. The policies are unconstitutionally overbroad under the Kentucky Constitution because they encompass protected speech and implicate freedom of association, and there are a substantial number of instances where the policies cannot be applied consistent with Section 8.
96. The policies also objectively chill protected speech and expression by predicting negative consequences based on whether a faculty member follows complex, arbitrary rules regarding which email account they are authorized to use for a particular statement, when they are required to issue a pro forma “views are my own” disclaimer, whether they are permitted to disclose their job title or university affiliation, whether they benefit from any university resources while speaking, and whether they are communicating electronically with too many people at once. This regulatory burden creates an unconstitutional incentive for faculty not to speak publicly, access protected fora, or digitally associate with other faculty.
97. In adopting, maintaining, and enforcing these overbroad and arbitrary policies in their official capacities, Defendants Capilouto, DiPaola, Thro, and Duff have exercised arbitrary power in

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000028 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

COM : 000028 of 000046

violation of Section 2 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief invalidating these policy provisions.

Count III

Violation of the Kentucky Constitution—University Policies; Prior Restraint

(Kentucky Constitution, Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

98. Each paragraph of this Complaint is incorporated as if fully restated herein.
99. Under Section 8 of the Kentucky Constitution, prior restraints on expression are subject to a heavy presumption against their constitutionality. A prior restraint exists when government or public officials deny the use of a forum in advance of actual expression, or require prior administrative permission before speech may occur.
100. The University's spam policy is a classic prior restraint. It prevents the sending of "mailings" "without proper authorization and coordination with UK Public Relations and Marketing." Furthermore, the University's directive to Professor Woodcock in its August 22, 2025 Notice of Investigation to "stop immediately" conduct that by implication included statements at conferences, posts to faculty and AALS listservs, and circulation of a petition for military action constitutes an unconstitutional prior restraint on protected speech under Section 8.
101. The spam policy grants University officials unbridled discretion to grant or deny requests to communicate with multiple individuals at once, while failing to impose any narrow, objective standards or time limits for making such determinations. The absence of concrete, objective standards invites arbitrary suppression of speech, violating both Section 8 (Freedom of Speech) and Section 2 (Prohibition of Arbitrary Power) of the Kentucky Constitution.

102. Similarly, the directive instructing Professor Woodcock to “stop immediately” his protected speech regarding Palestine articulates no narrow, objective, or clear constitutional standards, serving as an impermissible blanket gag order and prior restraint.
103. Faculty who violate the spam policy face severe administrative discipline. The University further emphasized this coercive threat in its August 22, 2025 Notice of Investigation, warning that if the University uncovers additional speech or conduct it deems impermissible, it may bring additional allegations and impose further discipline.
104. In adopting and enforcing the spam policy and imposing the directive to “stop immediately,” Defendants Capilouto, DiPaola, Thro, and Duff acted in their official capacities as state university officials, exercising arbitrary power in direct violation of Sections 1, 2, and 8 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count IV

Violation of the Kentucky Constitution—University Policies; Void for Vagueness

(Kentucky Constitution, Sections 1, 2, and 8)

Against Defendants Capilouto, DiPaola, Thro and Duff

105. Each paragraph of this Complaint is incorporated as if fully restated herein.
106. Under the Kentucky Constitution, administrative rules and public policy restrictions must define prohibitions with sufficient definiteness that ordinary people can understand what conduct is prohibited, and in a manner that does not encourage arbitrary and discriminatory enforcement.
107. Numerous provisions in the University's Ethical Principles, Institutional Statements, spam, and antisemitism policies are impermissibly vague, ambiguous, and subjective under Sections 2 and 8 of the Kentucky Constitution, including the following:

108. The distinction maintained in the Ethical Principles and Institutional Statements/Neutrality policies between those speaking “in a professional or expert capacity,” “commenting publicly as part of their official duties,” or speaking as a “scholar or subject matter expert” versus speaking as a “citizen” or “private individual” is amorphous and subjective.
109. Terms such as “public statement,” “institutional statement,” and statements regarding “societal issues and events” lack objective definitions or operational boundaries.
110. Unclear carve-outs for “academic freedom” and the right to speak as a private citizen create intractable uncertainty as to what is permitted, prohibited, or required. The requirement to “emphasize” that views are one’s own whenever there is an “appearance” of speaking for the University relies entirely on subjective perception.
111. The prohibition against using University signatures or titles in personal communications directly conflicts with provisions authorizing the use of the University name to establish subject-matter expertise when making personal statements.
112. The spam policy contains no definition of “spam” or “mass mailing,” leaving faculty to guess whether sending two emails, ten emails, or a hundred emails triggers disciplinary sanctions.
113. Directives requiring “ethical behavior” regarding University property, along with statements that University resources are “intended for University activities,” articulate no objective standards, leaving faculty exposed to arbitrary disciplinary enforcement.
114. The antisemitism policy fails to state whether the IHRA examples are binding or advisory. The core definition of antisemitism as “a certain perception of Jews, which may be expressed as hatred” is inherently subjective. Furthermore, references in the examples to “double standards,” behavior “expected” of other “democratic nations,” “comparisons” with Nazis, “racist endeavor,” and the “right to self-determination” (without defining that term and without

clarifying whether it applies in Palestine or globally) fail to provide clear notice of what speech constitutes a policy violation.

115. Because these policies force faculty members to guess at their meaning and grant University administrators broad, unbridled discretion to enforce them arbitrarily, the Ethical Principles, Institutional Statements, spam, and antisemitism policies are void for vagueness under Sections 2 and 8 of the Kentucky Constitution.

116. In adopting, maintaining, and enforcing these vague policies in their official capacities, Defendants Capilouto, DiPaola, Thro, and Duff have exercised absolute and arbitrary power over Plaintiff in direct violation of Section 2 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count V

Violation of the Kentucky Constitution—Preference of Religion and Infringement on Rights of Conscience

(Kentucky Constitution, Sections 1, 2, and 5)

Against Defendants Capilouto, DiPaola, Thro and Duff

117. Each paragraph of this Complaint is incorporated as if fully restated herein.

118. By adopting the IHRA definition of antisemitism, which favors the Jewish faith by branding as hate speech criticism of claims that adherents to that faith are entitled to political rights specifically by virtue of their religious affiliation, Defendants, acting in their official capacities as state university officials, have violated and will continue to violate Section 5's explicit command against conferring governmental preference on any religious denomination or religious-based doctrine.

119. Defendants do not treat as hate speech the denial of a right of self-determination to any other religious or secular group. Indeed, in other contexts, Defendants would treat support for a

right to self-determination based on adherence to a specific religion as impermissible speech. Defendants' adoption and enforcement of the IHRA definition fails to further any compelling governmental interest and is not narrowly tailored under Section 5 of the Kentucky Constitution.

120. Plaintiff is being coerced to suppress expression of his beliefs and rights of conscience—including in his work as a member of the faculty of the College of Law—via the continuing sanctions of suspension, banishment, and investigation, along with the threat of permanent sanction up to and including termination, imposed by Defendants on the ground that he may have violated University rules to which Defendants apply the IHRA definition's self-determination example. Plaintiff is being further coerced to suppress his expression and rights of conscience to avoid the institutional disapproval of members of the University community influenced by the University's adoption of the IHRA definition.
121. Under Kentucky law and historical tradition, there is no precedent or tradition of endorsing an abstract right of a religious group to form a government, nor is there a historical practice or tradition of state officials punishing criticism thereof or treating such criticism as actionable hate speech. Section 5 of the Kentucky Constitution was adopted precisely to prevent state institutions from taking sides in theological disputes or enforcing orthodoxy concerning religious-based political claims.
122. The IHRA definition's self-determination example facially differentiates among religions by singling out a Jewish-faith-based right of self-determination for special institutional protection against academic and political criticism. Defendants' official adoption and enforcement of the example impermissibly entangles the state university with religious doctrine and confers governmental endorsement on a specific religious polity, in direct violation of Section 5.

123. The suspension, banishment, and investigation of Plaintiff enforce special administrative rules regarding criticism of a religious-faith-based right of self-determination, violating Section 5's strict prohibition against asserting a preference for one religious denomination or system of ecclesiastical polity over others.

124. In adopting and enforcing these preference-based rules and penalizing Plaintiff's exercise of conscience and scholarly inquiry, Defendants Capilouto, DiPaola, Thro, and Duff have exercised arbitrary power in direct violation of Section 2 and Section 5 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief.

Count VI

Violation of the Kentucky Constitution—Procedural Due Process and Arbitrary Deprivation of Liberty and Property

(Kentucky Constitution, Sections 1, 2, and 14)

Against Defendants Capilouto, Thro, DiPaolo, and Duff

125. Each paragraph of this Complaint is incorporated as if fully restated herein.

126. Plaintiff possesses protected property and liberty interests in his tenured faculty position at the University of Kentucky under Kentucky law and University regulations.

127. Acting in their official capacities as state university officials, Defendants deprived Plaintiff of his property rights by “reassigning” him to a non-existent position with zero duties for the Fall semester of 2025 and continuing into subsequent academic terms.

128. Defendant Capilouto violated Plaintiff's constitutionally protected liberty interest in his reputation and professional standing by publicly announcing his suspension, publicly attributing it to reasons that seriously impugn his morality and professional competence, and banning him from accessing the College of Law building. Although Defendant Capilouto did not explicitly

name Plaintiff in his public communication, members of the University community and the public readily inferred Plaintiff's identity.

129. Teaching, research, service, and presence on campus are among the fundamental duties, privileges, and property entitlements of tenured faculty members.

130. While Dean Duff possesses limited administrative discretion in determining workload and course assignments, that discretion does not permit the complete elimination of a tenured professor's teaching, research, and service duties. According to the University's Administrative Regulation 3:8, which guides aspects of University governance, workload assignments must be made "to assure fairness in the distribution of responsibility among faculty employees," and procedures must "assure that all faculty employees within the unit have comparable workloads."

131. Elaborating on this standard, the College of Law developed a policy establishing minimum and maximum faculty workloads in the three main areas of faculty responsibility, setting the minimum teaching workload for law faculty at 40% and the maximum at 55%.

132. Defendants' summary suspension and banishment of Plaintiff was baseless, arbitrary, unwarranted, and served no legitimate government interest, in direct violation of Section 2 of the Kentucky Constitution.

133. Prior to suspending Plaintiff from his faculty position and banning him from the law building, Defendants failed to provide him with basic procedural due process guaranteed by Sections 2 and 14 of the Kentucky Constitution. Specifically, Defendants failed to provide Professor Woodcock with timely oral or written notice of the specific allegations against him, failed to disclose the evidence supporting those allegations, and failed to afford him an opportunity to present his defense before an impartial decision-maker prior to imposing deprivation.

134. Acting jointly and in concert with one another, Provost DiPaola participated in the decision to suspend Professor Woodcock and ban him from the law building, Dean Duff executed the decision, and President Capilouto and General Counsel Thro reviewed and approved it.
135. Before speaking with Professor Woodcock or conducting a fair and objective investigation, Defendants predetermined that his suspension and banishment were appropriate, thereby forfeiting their status as neutral or impartial adjudicators.
136. Furthermore, Defendants actually and imminently threaten to deprive Professor Woodcock of his property and liberty interests in his tenured position through additional sanctions—including termination, suspension without pay, salary reduction, or permanent banishment—via an administrative process tainted by a high probability of bias.
137. Defendants, having initiated the investigation and publicly accused Professor Woodcock of advocating the destruction of a people, harboring repugnant views, and expressing hate, intend to serve as the final decision-makers regarding liability and sanctions.
138. In addition, the administrative framework is structural and personally biased:
139. The institution Defendants lead faces significant financial pressures regarding federal funding conditioned on suppressing specific academic expression, creating a structural conflict of interest.
140. Defendant Capilouto harbors personal and ideological bias.
141. Defendants appointed an investigator with personal and financial conflicts of interest due to her public political advocacy and her law firm's client associations.
142. Due to this investigative and adjudicative bias, the outcome of the administrative process is predetermined and futile, depriving Plaintiff of the fair and impartial tribunal required by Sections 2 and 14 of the Kentucky Constitution.

143. In implementing and approving Plaintiff's summary suspension, banishment, and biased administrative process without notice or a hearing, Defendants Capilouto, DiPaola, Thro, and Duff exercised absolute and arbitrary power over Plaintiff's liberty and property, in direct violation of Sections 1, 2, and 14 of the Kentucky Constitution, entitling Plaintiff to declaratory and injunctive relief, including immediate reinstatement and a stay of all biased proceedings.

Count VII

Race, Religion and National Origin Discrimination in Violation of State Equal Protection Guarantees

(Kentucky Constitution, Sections 1, 2, and 3)

Against Capilouto, Thro, DiPaola, and Duff

144. Each paragraph of this Complaint is incorporated as if fully restated herein.
145. Sections 1, 2, and 3 of the Kentucky Constitution guarantee equal protection of the laws to all persons within the Commonwealth, strictly prohibiting state officials from subjecting individuals to discriminatory classifications, unequal treatment, or arbitrary governmental action based on race, ancestry, or national origin.
146. Defendants publicly condemned, suspended, banished, and initiated an investigation (under threat of termination) against Plaintiff based on his Arab ancestry, Muslim faith, and Algerian national origin.
147. University administrators were well aware of Plaintiff's ancestry and national origin, and explicitly associated his protected speech regarding Palestine with his background—a political and academic perspective held disproportionately by individuals of Arab or Algerian heritage.
148. Defendants' adverse actions were motivated by, and but-for caused by, Plaintiff's Arab ancestry and Algerian national origin. Defendants took no adverse action against speakers of

non-Arab ancestry or national origin who expressed support for military action in Palestine, but singled out Plaintiff for summary suspension, banishment, and retaliatory investigation.

149. Furthermore, Defendants' severe, pervasive, and objectively offensive conduct created an unconstitutional hostile working and academic environment for Plaintiff based on his race and national origin. By publicly vilifying Plaintiff, barring him from College of Law facilities, causing colleagues to shun him, cutting off his access to students and research facilities, and preventing him from teaching, conferring with colleagues, or participating in service and faculty governance, Defendants deprived Plaintiff of the equal protection of the laws and the equal enjoyment and privileges of his employment.

150. In singling out Plaintiff for discriminatory treatment, public vilification, and administrative punishment based on his race, ancestry, and national origin, Defendants Capilouto, DiPaola, Thro, and Duff, acting as state officials, exercised absolute and arbitrary power in direct violation of Sections 1, 2, and 3 of the Kentucky Constitution.

151. As a direct and proximate result of Defendants' unlawful and discriminatory actions, Plaintiff has suffered emotional distress, humiliation, isolation, severe damage to his professional reputation and career, attorney's fees, and consequential damages, entitling him to declaratory and injunctive relief (including immediate reinstatement, rescission of the banishment, and cessation of the biased investigation).

Count VIII

Race and National Origin Discrimination and Hostile Work Environment

(Kentucky Civil Rights Act)

Against All Defendants

152. Each paragraph of this Complaint is incorporated as if fully restated herein.

153. At all relevant times, Plaintiff was an "employee" and the University of Kentucky was an "employer" within the meaning of the Kentucky Civil Rights Act.
154. Plaintiff is an Arab of Algerian ancestry and national origin and a Muslim. On information and belief, Plaintiff is the only Arab faculty member at the College of Law.
155. Support for Palestinian human rights and liberation is disproportionately associated with individuals of Arab ancestry and national origin. University administrators were aware of Plaintiff's protected status (Muslim, Arab ancestry and Algerian national origin) and explicitly associated his protected academic speech with his ancestry and national origin.
156. University and College of Law administrators subjected Plaintiff to discriminatory comments regarding his ancestry, ethnicity, and background, including:
157. A College of Law administrator making derogatory stereotyping remarks regarding North African attire (joking about giving Plaintiff a "fez");
158. Administrators pointedly questioning Plaintiff regarding his religious practices and holidays; and a senior faculty colleague repeatedly attributing Plaintiff's views on Palestine to his mother's Algerian descent and urging him to emphasize his Algerian background publicly.
159. Plaintiff and the University of Kentucky are parties to an employment contract whereby the University employs Plaintiff as a tenured law professor.
160. Defendants "reassigned" or approved the reassignment of virtually all of Professor Woodcock's job duties, stripping him of teaching, research, and service obligations, and imposing restrictive terms and conditions of employment that Defendants do not impose on non-Arab, non-Algerian tenured faculty.
161. Defendants discriminated against Plaintiff in the terms, conditions, and privileges of his employment because of his race, ancestry, and national origin.

162. But for Plaintiff's race and national origin, Defendants would not have taken the adverse employment actions alleged herein. Defendants tolerate, protect, and participate in campus speech supporting military action in Palestine, but enforced a unique "both sides" policy specifically tailored to censor pro-Palestinian speech. Defendants actively exploited anti-Arab and Islamophobic tropes—stereotyping Plaintiff as bloodthirsty, genocidal, and anti-Christian—to justify stripping him of his faculty position and subjecting him to administrative sanctions.

163. Defendants' severe, pervasive, and objectively offensive conduct created a hostile work environment for Plaintiff based on his race and national origin. Defendant Capilouto's false public statements branding Plaintiff as expressing hate and seeking to destroy a people, combined with his public suspension, banishment, and investigation, invited public vilification, caused colleagues to shun him, cut off his access to students, and generated threatening communications. This harassment unreasonably interfered with Plaintiff's work performance and deprived him of the benefits and privileges of his employment.

164. Defendants Capilouto, DiPaola, Thro, and Duff, acting in their individual and official capacities, jointly conspired, aided, abetted, and willfully engaged in acts of discrimination and harassment against Plaintiff on account of his race and national origin.

165. As a direct and proximate result of Defendants' unlawful discrimination and hostile work environment under the KCRA, Plaintiff has suffered humiliation, embarrassment, mental and emotional distress, severe damage to his professional reputation, loss of career opportunities, and attorney's fees, for which he is entitled to compensatory damages, injunctive relief (including immediate reinstatement), and reasonable attorney's fees.

Count IX

Unconstitutionality of Kentucky Senate Joint Resolution 55

(Kentucky Constitution, Sections 1, 2, and 8)

Kentucky Attorney General

166. Each paragraph of this Complaint is incorporated as if fully restated herein.
167. Kentucky Senate Joint Resolution 55 (“SJR 55”) directs Kentucky’s public postsecondary education institutions to “adopt policies to combat antisemitism within their institutions that use as guidance the definition of ‘antisemitism’” promulgated by the International Holocaust Remembrance Alliance (IHRA). This legislative directive serves as the predicate for public university policies—including the University of Kentucky’s antisemitism policy—used to suspend, ban, investigate, and threaten the termination of faculty members, including Professor Woodcock.
168. Impermissible Viewpoint Discrimination: SJR 55 directs public universities to engage in viewpoint-based censorship in violation of Section 8 of the Kentucky Constitution. The IHRA examples incorporated into the definition sweepingly characterize political critiques of Zionism and Israeli government policy as impermissible speech, without regard to whether such speech is motivated by hostility toward Jewish people. Section 8 strictly prohibits state legislative directives that mandate viewpoint discrimination in public higher education.
169. SJR 55 is unconstitutionally overbroad under Section 8 of the Kentucky Constitution because it mandates the suppression of speech that is fully protected under state law. It directs public universities to restrict core political, academic, and scholarly speech by faculty, where Section 8 protections are at their zenith, and there are a substantial number of applications where SJR 55 cannot be applied consistent with the Kentucky Constitution.
170. SJR 55 objectively chills protected expression across Kentucky public universities by commanding institutional sanctions (“combatting”) predicated on failure to adhere to an

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000041 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

COM : 000041 of 000046

expansive, speech-restrictive definition. This legislative mandate creates a severe deterrent effect, causing public university faculty to self-censor core academic and political expression.

171. SJR 55 is unconstitutionally vague under Sections 2 and 8 of the Kentucky Constitution. It forces universities and faculty to guess at the legal boundary of permissible speech:

172. It fails to define whether the IHRA illustrative examples are binding regulatory standards or advisory criteria; the core IHRA definition of antisemitism as “a certain perception of Jews, which may be expressed as hatred” is inherently subjective and amorphous; and key terms within the illustrative examples—including “double standards,” behavior “expected” of other “democratic nations,” “comparisons” with Nazis, “racist endeavor,” and the “right to self-determination” (without clarifying its geographic or political application)—lack objective legal standards.

173. By commanding state postsecondary institutions to adopt standardless, vague, and viewpoint-discriminatory speech restrictions against public university faculty, SJR 55 represents an exercise of absolute and arbitrary power over speech, thought, and academic inquiry in direct violation of Section 2 of the Kentucky Constitution.

174. Defendant in his official state capacity, maintains, enforces, and threatens the enforcement of SJR 55 against public postsecondary institutions, entitling Plaintiff to declaratory relief invalidating SJR 55 under the Kentucky Constitution and injunctive relief prohibiting its implementation or enforcement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests:

1. A declaration that the University breached its employment contract with Professor Woodcock through its suspension, building ban and investigation into his political speech;
2. A declaration that the University violated KRS 164.348;
3. An injunction ordering the University to cease the investigation into Professor Woodcock's political speech;
4. An injunction ordering the University to restore Professor Woodcock to the full workload and privileges of a tenured professor in the College of Law, including course assignments, access to the law building, and participation in faculty governance;
5. An injunction ordering the University to expunge any record of the suspension, banishment, and investigation from Professor Woodcock's personnel file;
6. A declaratory judgment that Defendants' suspension, reassignment, banishment, and investigation of Plaintiff violate Sections 1, 2, 5, 8, and 14 of the Kentucky Constitution.
7. A declaratory judgment that Defendants' summary suspension and banishment of Plaintiff without pre-deprivation notice, an opportunity to be heard, or an impartial tribunal constitute an arbitrary exercise of power prohibited by Section 2 of the Kentucky Constitution.
8. A declaratory judgment that the University of Kentucky's Ethical Principles, Employee Code of Conduct, Institutional Statements, Institutional Neutrality, spam, and antisemitism policies are unconstitutional, overbroad, vague, prior restraints, and impermissibly viewpoint-discriminatory under the Kentucky Constitution.

9. A declaratory judgment that Kentucky Senate Joint Resolution 55 is unconstitutional, void, overbroad, vague, and impermissibly commands viewpoint discrimination in violation of the Kentucky Constitution.
10. A declaratory judgment that Defendants' adoption and enforcement of the International Holocaust Remembrance Alliance (IHRA) definition's self-determination example violates the Kentucky Constitution's prohibition against conferring official governmental preference on any religious denomination or religious-based doctrine, and impermissibly infringes upon rights of conscience.
11. Preliminary and permanent injunctions enjoining Defendants from continuing the pending investigation against Plaintiff, bringing further administrative charges against Plaintiff based on protected academic or political expression, or enforcing any disciplinary sanctions against him.
12. Preliminary and permanent injunctions restraining Defendants from enforcing the unconstitutional provisions of the Ethical Principles, Institutional Statements, spam, and antisemitism policies against Plaintiff or other university faculty.
13. Preliminary and permanent injunctions enjoining the Commonwealth and University Defendants from implementing or enforcing Kentucky Senate Joint Resolution 55.
14. An award of compensatory damages against all Defendants, jointly and severally, for economic loss, emotional distress, embarrassment, humiliation, and damage to professional reputation resulting from unlawful discrimination, hostile work environment, and retaliation.

15. An award of reasonable attorneys' fees, litigation expenses, and costs of this action as authorized by law.
16. Monetary damages for reputational harm, emotional distress, and financial loss as permitted under KRS 45A.245;
17. Monetary damages under KRS 164.348(3)(c);
18. Attorneys' fees and costs;
19. Pre- and post-judgment interest; and
20. Such other relief as law and justice allow.

JURY DEMAND

Plaintiff requests a trial by jury with respect to any issues so triable.

Respectfully Submitted,

/s/ Soha Saiyed
Soha Saiyed
KBA #91619
Saiyed Law LLC
101 N. 7th Street, Suite 807
Louisville, Kentucky 40202
Phone: (502) 557-4010
Email: sts@slawky.com

/s/ Joe F. Childers

Joe F. Childers & Associates
The Lexington Building
201 West Short Street
Suite 300
Lexington, Kentucky 40507
Phone: 859-253-9824
Joe@Jchilderslaw.com

CERTIFICATE OF SERVICE

Pursuant to KRS 452.005(3), as this action challenges the constitutionality of state legislation (SJR 55) and seeks declaratory relief invalidating administrative regulations and state policy directives, I hereby certify that on 20th day of July, 2026 a copy of the foregoing Complaint and Request for Injunctive Relief has been served via email to the following:

Russell Cameron, Attorney General
Office of the Attorney General
The Capitol
700 Capitol Avenue
Frankfort, Kentucky 40601
E: servethecommonwealthy@ky.gov

/s/ Soha Saiyed
Counsel for Plaintiff

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000046 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

COM : 000046 of 000046



College of Law
Office of the Dean

February 13, 2018

Ramsi Woodcock
1016 Howell Mill Rd NW Apt 3501
Atlanta, GA 30318

Dear Ramsi,

This letter will confirm our conversations regarding your future employment at the University of Kentucky.

You have accepted a position on the faculty of the University of Kentucky College of Law as an Assistant Professor without tenure starting August 1, 2018. Your salary will be \$116,000 on an annualized basis. In addition, you are eligible for summer research support (for summer of 2019) and curriculum development funding of \$20,000, provided University rules permit you to receive the amount as an overload. Your first paycheck will be received on August 31, 2018. This appointment is made without tenure in our Regular Title Series which is tenure eligible. Your initial appointment is for the standard two year term.

As an Assistant Professor, you will be provided with the same support we provide other members of the faculty. This includes secretarial assistance, computer, travel and a research assistant if you choose to utilize one.

Your responsibilities as Assistant Professor are as outlined in the College of Law and University of Kentucky rules and regulations and as determined by the Dean of the College of Law. For your convenience, I am including the guidelines that the College of Law plans to use to determine your future eligibility for promotion and tenure.

The University of Kentucky provides a range of employee benefits to its faculty. There are a number of health care plans available. You are also eligible to participate in the University's retirement plan. Essentially, the University will deduct five percent of your salary and contribute it to the plan of your choice (among several investment alternatives), and the University contributes an additional ten percent to the plan. You will fully vest in the university contributed funds after three years of employment. A number of other insurance policies are available to faculty members. We can help you obtain further information on these benefits

see blue.

209 Law Building | Lexington, KY 40506-0048 | P: 859-257-1678 | F: 859-323-1061 | law.uky.edu

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Page 2

from Human Resources, or you can go to their website for additional information (www.uky.edu/hr/benefits). You will also be reimbursed for your moving expenses not to exceed \$10,000 and \$2,000 in house-hunting expenses. The moving expenses can be paid directly by the College of Law or you can be reimbursed for your receipts. The house hunting expenses will be paid on your 1st paycheck on August 31, 2018. The College will also provide up to \$2,000 in reimbursement of reasonable expenses associated with your attendance at the AALS new law teachers meeting, if you choose to attend that meeting.

You, Associate Dean for Academic Affairs Doug Michael, and I have discussed your teaching package. You will teach no more than three courses each year while you remain untenured. The courses will be Business Associations, Antitrust, and a third course, not to exceed 3 credit hours, which will likely be either Contracts I, Contracts II, or Securities Regulation, to be decided later. A fourth course (likely Securities Regulation, if either Contracts I or Contracts II was taught pre-tenure, or either of Contracts I or Contracts II, if Securities Regulation was taught pre-tenure) will be added for the first academic year after you are tenured.

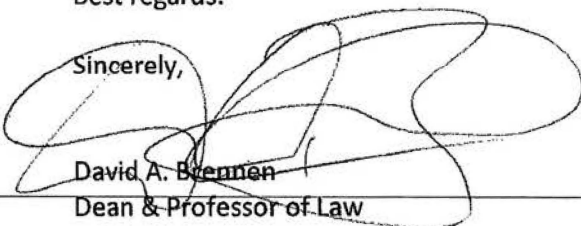
Your appointment is subject to the satisfactory completion of the standard criminal background check required by Kentucky statute and approval by the University Provost and the University Board of Trustees.

All of us at the College of Law are excited about your decision to join our faculty. You bring a wealth of strengths to our program. Personally, I look forward to having you as a colleague.

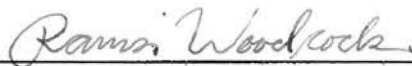
If I can answer any questions about this letter or any other aspect of your new position, please do not hesitate to ask. If the terms as outlined reflect our understanding, please indicate your agreement by signing at the bottom of this page and returning one original to me.

Best regards.

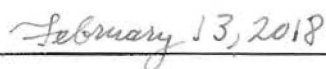
Sincerely,


David A. Brennan
Dean & Professor of Law

Signed:



Dated:



DAB/apb

Governing Regulation I — Declaration of Principles

The University of Kentucky is a promise — a promise to the people of the Commonwealth to advance the state through education, service, research and care. The *Governing Regulations*, along with its implementing *Administrative Regulations*, articulate principles for how policy is created, how authority and responsibilities for executing those policies are distributed and, ultimately, how they are operationalized to ensure the successful management of the institution.

To those ends, the Board of Trustees declares these principles to guide all aspects of the governance of the University.

A. The Board of Trustees Holds the Final Authority for the University

1. The Board of Trustees Is the Representative Body of the People

The General Assembly, as the People's agents, created the University as an independent body politic of the Executive Branch. Complying with the federal mandate to establish a land grant institution,¹ the General Assembly defined the powers, mission and scope of the University.² Through the democratic process, the Legislature or the People themselves may alter the University or its mission.

To ensure accountability to the People, the General Assembly established the Board of Trustees to serve as the People's Representatives.³ Sixteen Trustees are appointed by the Governor — an elected constitutional officer — and confirmed by the state Senate, elected representatives of the People.⁴ Four of the 20 Trustees are chosen through democratic elections involving various parts of the University community.⁵ To continue accountability after the appointment or election, in certain circumstances, the Governor may remove any Trustee or all appointed Trustees.⁶

2. The Board Has Final Policymaking Authority and Final Administrative Authority

Subject to the limitations by the Constitutions and the law, the Board — as the People's Representatives — has final authority over all matters including financial, educational and other policies of the University. This reflects the original understanding of the Board's role. Indeed, the original *Governing Regulation I*, adopted in 1917, declared the Board “is the final authority in all matters affecting the institution and exercises jurisdiction over its financial, educational and other policies, and its relation with the state and federal governments.”⁷

The Board's final authority encompasses both policymaking authority and administrative authority. The Board decides the policies for the University, and it delegates responsibility for the implementation of those policies to the President.⁸

In adopting this *Governing Regulation*, the Board explicitly withdraws all earlier delegations of its policymaking authority.

Consistent with the principles of the institution's accrediting body, the Board, after hearing recommendations from the President, will decide the policies of the University. In formulating recommendations, the President shall consult with students, faculty and staff as the President deems appropriate.

3. The Board Delegates Administrative Authority to the President

As the University is complex, it is necessary for the Board to delegate administrative authority over day-to-day operations to the President.⁹ In exercising administrative authority, the President is accountable to the Board. The Board may remove the President at any time in accordance with the President's contract.

It is necessary for the President to further delegate some administrative authority to the President's subordinates. These individuals will have significant authority but will always be subject to the ongoing supervision of the President.

This delegation of administrative authority to the President is consistent with the University's accrediting body. Indeed, "[t]he chief executive officer has ultimate responsibility for, and exercises appropriate control over, the institution's educational, administrative, and fiscal programs and services."¹⁰ Furthermore, "[the chief executive officer] oversees an organizational structure that includes key academic and administrative officers and decision makers with credentials appropriate to their respective responsibilities."¹¹ "Generally this oversight is done through a structural arrangement whereby key officers of the institution report directly to the [chief executive officer], or to a chief operating officer who in turn reports to the chief executive officer."¹²

B. Shared Governance

Shared governance is a bedrock principle and a value of the University. It is critical to how the University meets its mission. The Board shall set the policy direction for the institution. The President shall implement policy. In doing so, the President shall seek the counsel of students, faculty and staff, particularly within their respective domains of expertise.

More specifically, subordinate to the Board, governance of the institution is best understood as the President of the University managing the operations of the institution and setting forth a long-term direction for the University, based on the policies established by the Board. To ensure success, the President, directly or through delegated subordinates, will regularly consult with the students as represented in the Student Government Association, the faculty as represented in the Faculty Senate and the staff as represented in the Staff Senate.

Such shared governance is a system of mutual responsibility in which students, faculty and staff take part in the decision-and-policy-making process through advice and counsel to the President. A structure and ethos of shared governance exist to provide avenues for voices to be heard and represented in ways that establish a sense of mutual respect and collaboration aimed at University improvement and productivity, centered on the mission of advancing the Commonwealth and the students of the University.

A part of shared governance is the primary role of the faculty — particularly at the department, schools and college levels — in the review, development and implementation of the institution's credit-bearing and non-credit bearing curriculum in academic colleges. As such, the University's educational programs must reflect appropriate input and participation of constituencies. Faculty members should have a substantive role in the development and review of academic policies.

C. Academic Freedom

The University "is deeply committed to safeguarding academic freedom, which is of transcendent value" for the entire institution."¹³ *All* members of the University community "must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die."¹⁴ An intellectually vibrant academic community is one that fosters civil dialogue and respectful debate, irrespective of ideology, identity, perspective or point of view.

While all members of the University community have academic freedom, it is particularly important to faculty members. Regardless of tenure status or tenure eligibility, faculty academic freedom covers all speech in a formal instructional setting related to the subject of the course and all scholarly speech related to the faculty member's area or expertise.¹⁵

Yet, as sacrosanct as the value of academic freedom is, it is important to also delineate what it is not. During formal instruction, faculty members should be free — and must be free — to express their views and perspectives on issues relating to their academic expertise. Formal instruction does not allow for faculty members to impose their personal viewpoints on students or engage in promotion of ideas outside their domains of expertise. Formal instruction is for learning and discussion, not indoctrination. Nevertheless, students must be prepared to accept that the subject matter of a course may challenge their beliefs and even cause them discomfort.

D. All Members of the University Community Have Equal Dignity

The University follows both the federal and state Constitutions as well as all applicable federal and state laws on nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of institutional operations,

and does not discriminate on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status or whether the person is a smoker or nonsmoker, as long as the person complies with University regulation concerning smoking.

E. The University Must Operate with Ethical Principles

Exemplary ethical conduct is critically important. To that end, the President, in consultation with the appropriate shared governance bodies, will develop applicable codes of conduct and promulgate as *Administrative Regulations*.

The decisions and behaviors of members of the University community shall be guided by the core values of integrity, excellence, mutual respect and human dignity, academic freedom, personal and institutional responsibility and accountability, shared governance, a sense of community, work-life sensitivity, civic engagement, social responsibility and bringing together many people, one community.

F. Supremacy of the Governing Regulations

Subject to the limitations imposed by the federal and state Constitutions as well as federal and state law, the *Governing Regulations* are the supreme policy of the University.

Conclusion and Adoption of these Principles

The University of Kentucky is a promise, an enduring oath established at the institution's founding in 1865 to advance the Commonwealth that is its namesake.

That promise has never changed but it has necessarily evolved.

The institution has grown, and the needs of the Commonwealth and the world have increased in both scale and complexity.

A multi-faceted mission for the University of Kentucky is now embodied in a commitment to service and engagement that occupies a presence in every county of the state, that extends access to specialty care to more people, that conducts research and ignites discovery into the challenges that most confront communities and in which students are educated in ways that prepare them to thrive in an interdependent, complex world.

The *Governing Regulations* enumerated above and in the pages that follow establish guiding principles — and the basis for clear rules and regulations — for a University

community that continually seeks to inform and enliven that promise, today and into the future.

The Board adopts these principles on this ____ day of ____ in the year two thousand twenty-four and of the University the one hundred and sixtieth.

¹ [7 U.S.C. §§ 301 et seq.](#)

² [KRS §§ 164.100 et seq.](#)

³ See [KRS § 164.131\(1\)\(a\)](#).

⁴ [KRS § 164.131\(1\)\(e\)](#).

⁵ [KRS § 164.131\(1\)\(e\)](#).

⁶ [KRS § 164.131\(1\)\(d\)](#). The statute allows removal of an individual Trustee for cause under [KRS § 63.080\(2\)](#); one or more Trustees for non-compliance with statutory requirements concerning membership under [KRS § 63.080\(3\)](#); and the entire appointed board membership for cause under [KRS § 63.080\(4\)](#).

⁷ [1917 Governing Regulation I](#) (reprinted in the Board of Trustees Minutes for December 10, 1917).

⁸ [SACSCOC Principle 4.2.b](#).

⁹ See [KRS § 164.220\(1\)](#).

¹⁰ [SACSCOC Principle 5.2.a](#).

¹¹ *Rationale and Notes for SACSCOC Principle 5.2.a*, in [SACSCOC RESOURCE MANUAL FOR THE PRINCIPLES OF ACCREDITATION 35 \(4th ed. 2024\)](#) (alteration in original).

¹² *Id.*

¹³ [Keyishian v. Board of Regents of Univ. of State of New York](#), 385 U.S. 589, 603 (1967).

¹⁴ [Sweezy v. New Hampshire](#), 354 U.S. 234, 250 (1957).

¹⁵ See [Meriwether v. Hartop](#), 992 F.3d 492, 507 (6th Cir. 2021).

Governing Regulation V — Shared Governance Bodies

As set forth in *Governing Regulation I*, the Board of Trustees has final authority over all aspects of the University. Further, as set out in *Governing Regulation I*, the Board delegates administrative authority to the President. Nevertheless, the President shall regularly and consistently seek counsel from the University's students, faculty and staff in keeping with the fundamental commitment to shared governance as described in *Governing Regulation I*.

To facilitate this consultation, the Board establishes shared governance bodies for the students, the faculty and the staff, respectively. Each shared governance body plays a vital role by informing and influencing the President.

The shared governance bodies (Student Government Association (SGA), Faculty Senate and Staff Senate) may establish policies pertaining to the internal organizational structure and operation of its particular body and such policies shall be promulgated as an *Administrative Regulation*. Policymaking and administrative responsibilities of the University fall to the respective and appropriate offices as determined by the President.

A. The Student Government Association

The Student Government Association is the official representative body of the students at the University. Subject to the limitations imposed by the law, the *Governing Regulations* or *Administrative Regulations*, the Student Government Association, through the SGA President, shall on an ongoing basis: (1) represent the views of the student body to the President and other shared governance bodies; (2) be formally engaged in and consulted about relevant matters important to students such as tuition, the student code of conduct, student services, student fees, attendance and absence policies, student employment and student life matters; (3) promote the general well-being of students within the University; (4) foster mutual respect, collaboration and cooperation between students, faculty and staff; and (5) provide services to the students, faculty and staff.

The administrative liaison to the Student Government Association shall be the Vice President for Student Success or that officer's designee.

B. The Faculty Senate

The Faculty Senate is the official representative body of the faculty of the University. Subject to the limitations imposed by the law, the *Governing Regulations* or *Administrative Regulations*, the Faculty Senate shall on an ongoing basis: (1) be formally engaged in and consulted about relevant matters important to faculty to ensure the credit-bearing and non-credit bearing curriculum in academic colleges aligns with the University's mission, which would include academic degree-program

reviews, approvals and closures, attendance and absence policies, as well as the general education program requirements; (2) advise the Provost on University-wide criteria, policies and procedures for performance review, appointments, reappointments, promotions, granting of tenure, career progression, compensation and benefits to faculty in the University; (3) advise the President on measures necessary to preserve and protect the University's deep commitment to free speech and academic freedom as set forth in *Governing Regulation I*; (4) advise the President as to the ethical and professional standards applicable to members of the University's faculty; and (5) represent the views of the faculty to the President and other shared governance bodies.

The administrative liaison to the Faculty Senate shall be the Provost or that officer's designee.

C. The Staff Senate

The Staff Senate is the official representative body of the staff of the University. Subject to the limitations imposed by the law, any *Governing Regulation* or any *Administrative Regulation*, the Staff Senate shall on an ongoing basis: (1) recommend and advise the President of the University on the broad personnel policies of the University, including University-wide policies that are required by governmental or accreditation agencies; (2) be formally engaged and consulted about relevant matters important to staff such as career progression, compensation, benefits, infrastructure, purchasing, travel, budget and human resources; (3) advise the President as to the ethical and professional standards applicable to members of the University's staff; and (4) represent the views of the staff to the President and other shared governance bodies.

The administrative liaison to the Staff Senate shall be the Executive Vice President for Finance and Administration or that officer's designee.

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Presiding Judge: HON. KIMBERLY BUNNELL (6222203)

EXH : 000002 of 000002

Governing Regulation IV — The Faculty's Primary Responsibility for the Credit-Bearing and Non-Credit Bearing Curriculum in Academic Colleges

Subject to the approval of the Board and in keeping with the shared governance principles established in these *Governing Regulations*, the faculty has primary responsibility for the content, quality and effectiveness of the credit-bearing and non-credit bearing curriculum in academic colleges.¹

Because faculty members at the department, school and college levels have the greatest expertise as to what is needed within respective disciplines, these faculty members should make recommendations to the Provost, the President and the Board of Trustees on credit-bearing and non-credit bearing curricula, degrees, courses, certificates and diplomas in academic colleges offered at the University. The Provost — or that official's designee — shall consult with the Faculty Senate on credit-bearing and non-credit bearing curriculum issues in academic colleges to ensure academic quality and further transdisciplinary collaboration, including disputes between and among colleges to mitigate against unnecessary duplication and establishment or closure of degree-granting academic programs.

A. Role of the Faculty, at the College Level, in the Conferral of Degrees

Before conferring an academic degree, the Kentucky Revised Statutes requires the Board to obtain a recommendation from the faculty.² The President shall establish procedures for obtaining the recommendation of the faculty of the college that is granting the degree and that is most familiar with the student's work.

The Board may grant degrees to graduates of the university, prescribe the conditions upon which postgraduate honors may be obtained, and confer such honorary degrees, upon the recommendation of the faculty of the university, as it thinks proper.³

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Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000001 of 000002

¹ See, *Rationale and Notes for SACSCOC Principle 10.4*, in SACSCOC RESOURCE MANUAL FOR THE PRINCIPLES OF ACCREDITATION 96 (4th ed. 2024).

² KRS § 164.240.

³ *Id.*

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Presiding Judge: HON. KIMBERLY BUNNELL (6222203)

EXH : 000002 of 000002

**Administrative Regulation 3:8**

Responsible Office: Provost

Date Effective: 3/2/1993

Supersedes Version: No prior version

Administrative Regulation 3:8

Faculty Workload Policy Statement (Approved by the Board of Trustees)

Index

[Introduction](#)[Faculty Workload](#)[Implementing Faculty Workload Policies](#)[Expectations and Outcomes](#)

I. Introduction

The University of Kentucky is the Commonwealth's primary land grant institution, and its three-fold mission of instruction, research, and service is unique among the public colleges and universities in Kentucky. The faculty is responsible for the discovery, creation, and transmission of knowledge and skills across the generations as well as the advancement of culture in our society. The University serves students and scholars from across the Commonwealth as well as from beyond its borders. Across a wide variety of areas and disciplines, the University provides an environment in which new ideas are fostered. Its faculty employees disseminate that knowledge to students in baccalaureate through graduate and professional degree programs, and in continuing education at all levels.

Because the University is a comprehensive teaching and research institution, the academic units, faculties, programs, and students are heterogeneous. The students served by its programs, the qualifications and responsibilities of faculty employees who provide instruction, and the many benefits to the Commonwealth are not easily categorized.

To provide the breadth of academic programs required of the University, the faculty performs a complex combination of duties. In this document these collective duties are termed WORKLOAD. Workload may be defined as all faculty activities related to essential professional activities and responsibilities: teaching, research and creative activity, interacting with students, clinical care, institutional and professional service, service to the community, and professional development. The essential character of workload is established for all the diverse types of faculty appointments in the guidelines for reappointment, promotion, and tenure within the University and in the distribution of effort agreement that directs each faculty employee's working schedule. Workload management requires the realistic assignment of a faculty employee's time and University resources.

Faculty employees are independent professionals without prescribed working hours. For some, the work period fits a conventional workday, five days a week. For most, the workday is more flexible, and ultimately more time

consuming. Commonly, heavy time commitments to teaching, grading, and research fill days, late nights, and weekends during the fall and spring semesters. During the summer months many faculty employee commit to rigorous research or academic preparation schedules. Because of the flexible, overlapping, and complex nature of academic work, and because many faculty employees are able to set their own schedules within a class-time framework, time spent in any one of the three areas of teaching, research, and service varies from day to day and may change markedly from semester to semester.

Many studies indicate that most University faculty employee work an average of fifty-five hours per week. [See, for example, Harold E. Yaker, Faculty Workload: Research, Theory, and Interpretation ASHE-ERIC Higher Education Research Report No.10. (Washington, DC: Association for the Study of Higher Education, 1984)]. The work week includes activities in a multitude of environments such as libraries, laboratories, and formal and informal settings around the University and elsewhere. Such activities include teaching and advising, constructing and scoring examinations, reading and grading papers, mentoring graduate students, directing graduate thesis and dissertation research, administrative duties, governance work, research and creative work, keeping abreast of developments in one's professional field, and providing professional services. The faculty work year ranges from nine to twelve months. Many faculty employees are not compensated for some months each year, yet they spend these months preparing new courses, in professional development, and preparing research or creative projects for publication, exhibition, or performance.

Faculty workload includes formal classroom instruction, from undergraduate through postdoctoral levels, which may be measured by semester credit hours; laboratory, studio, and clinical contact hours; and informal non-classroom teaching. Workload includes research, or those activities that have as their goal a specific scholarly production, whether it be non-sponsored, individual research, or organized research supported by extramural funding. Workload also includes external service activities performed by faculty employees on behalf of the general public, and internal service, or work on behalf of colleagues, students, and University units, and professional activities. While teaching, research, and service may be regarded as separate activities, in practice, these three workload components are rarely distinct. Administrative flexibility is required to assign and assess research, service, and teaching. Therefore, workload assignments should be determined by educational unit administrators who understand the abilities and interests of their individual faculty employees.

The standard for teaching-only working assignments for regular-title appointment faculty employees is twelve undergraduate credit hours per semester, or the equivalent effort in teaching-related responsibilities. The workload standard for research- or service-only assignments would be equivalent in time and effort to the teaching-only assignment. Most faculty employees will not have such singular focus assignments but will divide their time among teaching, research, and service responsibilities. Specific guidelines for determining credit hour workload equivalents should be developed at the educational unit level and should recognize the variability of teaching assignments, such as class size and level; research involvement; and service responsibilities.

Appropriate workload management by educational unit administrators would best meet the educational unit and college responsibilities by maximizing the application of faculty expertise through a Distribution of Effort or DOE. The rationale for a DOE stems from the recognition that the University's three-part mission is an aggregate institutional mission, not necessarily the mission of each individual faculty employee. The DOE will permit the educational unit administrator, with approval by the dean, to assure fairness in the distribution of responsibility among faculty employees. The merit evaluation system should reflect the reality of workload distributions and the amount of effort that constitutes a full load equivalent.

II. Faculty Workload

A. Teaching

One role of the University is to offer course work and degree programs to students which are on a par with those at the leading public universities in the country. Teaching is broadly defined to include formal classroom instruction, which may be measured by semester credit hours, but also includes laboratory, studio, and clinical contact hours. Courses may consist of lectures, discussion and quiz sections, laboratory exercises, field studies, industrial and clinical practice, and seminars. Formal classroom teaching includes conception, design, and preparation; research, performance; individual tutoring and mentoring; and evaluation of student

accomplishment.

Teaching extends beyond the formal classroom setting. Since some of the most valuable teaching frequently occurs in one-on-one sessions outside the classroom, every contact between students and faculty employees is a teaching opportunity. In these settings, formal credit hours do not measure the actual contact hours faculty employees spend with students, yet such instruction often accounts for a major portion of the work week for the faculty employees involved. Much undergraduate laboratory, studio, and field work is informal. At the graduate level most education combines informal and formal classroom teaching. Beyond-the-classroom education has many aspects of an apprenticeship. For example, students in the health care professions learn from faculty as they treat patients. For these students, such experience may be the single most important component of the educational process.

Teaching also includes advising, whether it be advising undergraduate students, graduate students working on thesis or dissertation research, supervision of internships, or guidance given students enrolled in professional programs. Teaching and advising may merge in many programs to become one process. Therefore, the teaching portion of the overall workload will vary among individuals, from program to program, and from semester to semester, depending upon the teaching duties of each person. Faculty employees may teach fewer courses when actual contact hours substantially exceed formal credit hours, as they usually do in laboratory, studio, clinical, and field work assignments.

Professional development is also of primary importance since to be effective teachers it is mandatory that faculty employees know and understand the intellectual and practical status of each subject they teach, and follow disciplinary advances through the professional literature and other appropriate creative forums. This workload component cannot be measured by the number of courses or credit hours taught. Nevertheless, it is at the heart of all University academic programs.

B. Research and Other Creative Activity

Because the University is the Commonwealth's primary research institution, faculty employees are expected to maintain research programs on a par with those at the best benchmark institutions. Therefore, most faculty employees are selected on the basis of their ability to make original research contributions. Research includes those activities that have as their goal a specific scholarly production and may be non-sponsored, individual research, or organized research supported by extramural funding. Research results in a collective advancement of knowledge which may have applied, theoretical, or aesthetic attributes, and it has a central role in enhancing teaching. An effective research program also underwrites professional development.

Research styles and methods vary widely from one discipline to another. For example, the historian may spend long hours in the University library and in bibliographic collections across the globe in order to interpret our heritage. The engineer may form an academic-industry team to enhance robot design and thereby improve workplace productivity. The musician, artist, poet, and architect create sounds, visions, words, and structures which will uplift community spirit.

Research output can be measured by quality and number of productions or publications, and, in some fields, by awards, contracts, and grants received.

C. Service

Based upon the faculty employee's professional expertise, service includes activities established and maintained by the University on behalf of the general public, or external service. Also included is internal service or work on behalf of University units, and professional activities.

The University is committed to providing public service to the Commonwealth and its residents. Specific examples of such external service include agricultural extension work; diagnostic and regulatory activities whereby faculty employees bring agricultural information and research findings to farming communities, agribusiness, and the general public. Also included are health care services; service on committees that support the implementation of the Kentucky Educational Reform Act; and advising county governments,

student or civic organizations.

The University depends upon its faculty employees to provide many academic governance functions, and this work comprises a part of their internal service. For example, faculty employees serve on admission committees, faculty search committees, review panels, reappointment, promotion and tenure committees, budget and program task forces, minority recruitment committees, and many others. Faculty employees may serve in formal administrative positions for a period, but they are expected to maintain active research programs and teach.

Faculty employees are also responsible for service to their professional disciplines. They edit and manage journal publications and serve on editorial boards that evaluate the quality of research manuscripts submitted for publication. They serve as officers of professional organizations, constitute groups that advise state and federal governments, sit on national panels that select research grant applications for funding, organize and chair scholarly and public meetings and symposia, and serve in advisory capacities to government, industry, and social service organizations.

D. Interactions Among Teaching, Research, and Service

Individual faculty employees' workloads consist of three separate components: teaching, research, and service. For most academic disciplines, these components are rarely clearly distinct. Teaching and research become one for most physical science, life science, social science, humanities, and engineering faculty projects, where research by the faculty employee is inseparable from teaching research methods to graduate students and postdoctoral fellows. Research and service are inseparable when the research involves issues relevant to the community or the Commonwealth, such as programs to assess drug abuse or improve the health of Kentucky farmers. Teaching and service are one when the teaching is in a community health care center or a demonstration school. Research and teaching missions are often combined in programs other than those leading to baccalaureate and graduate degrees. For example, a faculty employee may be doing research on reading which affects teaching in the secondary education classroom or is applied to adult literacy programs in the community.

III. Principles for Implementing Faculty Workload Policies

- A. Each educational unit is responsible to its dean or appropriate administrator for contributing to three mission areas: teaching, research, and service. The educational unit administrator best knows and understands unit needs and the abilities and interests of their faculty employees. Therefore, individual faculty workloads (be they regular-, extension-, special-, clinical-, or research-title series; librarian series; or adjunct series), are determined by, or in consultation with, the educational units most familiar with those responsibilities. Unit administrators should be allowed latitude in making individual workload assignments, and care should be taken that all of a faculty employee's contributions to the institution be considered.
- B. Policies and practices must assure that full-time, regular-title series faculty employees have comparable total effort; individual distributions of teaching, research, and service may vary but should not result in reduced effort for some individuals within an educational unit. By their nature, other title series faculty appointments carry more definitive workload specifications.
- C. The workload for an individual faculty employee would be equivalent to:
 1. A teaching-only assignment in which the person would teach some combination of classes and engage in associated teaching-related activities that, given the qualifications in Section II.A above, would be equal to twelve undergraduate credit hours. At the University, the standard teaching-only workload is twelve undergraduate credit hours per semester, or the equivalent in other teaching, research, and service responsibilities.
 2. A research-only assignment equivalent to teaching twelve undergraduate credit hours in which the person would direct research activities, supervise research team employees, administer grants and contracts, prepare grant proposals and/or engage in other research activities as described in Section II.B above,

sufficient to maintain a vigorous research program comparable to successful full-time researchers in the same or comparable fields at the best of our benchmark institutions.

3. A service-only assignment in which the person would engage in activities, such as those described in Section II.C above, for the equivalent of teaching twelve undergraduate credit hours.

In practice, few faculty employees with regular-title appointments would have such a singular focus but would combine teaching, research, and service responsibilities, such that their aggregate workload would be equivalent to any one of these assignments.

University faculty employees are the products of rigorous graduate and post graduate education, and possess unique talents and abilities. Appropriate workload management by educational unit administrators would seek to best serve student interests and meet departmental responsibilities by maximizing the application of faculty expertise through a Distribution of Effort or DOE. The rationale for a DOE stems from the recognition that the University's three-part mission -- teaching, research, and service -- is an aggregated institutional mission, not necessarily the mission of each individual faculty employee. Therefore, to implement a DOE, workload should be conceived of as variable individual efforts which, when aggregated at the educational unit level, allow that unit to meet its academic responsibilities and contribute to the overall University mission. To enhance the ability of a particular educational unit to meet its academic responsibilities, individuals may be assigned asymmetrical workload distributions that emphasize one or two mission areas, rather than all three. Because of promotion and tenure requirements, a DOE heavily weighted toward one area would normally be inappropriate for untenured faculty employees who are full time and regular-title series, since there is an expectation that excellence be demonstrated in each of the three mission areas.

The DOE should also permit the educational unit administrator, with approval by the dean, to assure fairness in the distribution of responsibility among faculty employees. For example, since the University is the Commonwealth's primary research institution, and faculty employees are expected to establish research programs, an individual whose research has produced an internationally recognized body of work and has obtained external funding support may be assigned to teach one or two courses per semester. Their remaining academic effort would be allotted to research and service. This effort would constitute a full academic workload, and the definition of full load and contact hour will vary across departments. The educational unit administrator might assign another faculty employee, whose research program and service responsibilities are limited, to teach three or four courses. Such an assignment would be reevaluated on a regular basis, in conjunction with a regular faculty review period.

These are examples, and many other DOE combinations are possible. The merit evaluation system should reflect the reality of workload distributions and the amount of effort that constitutes a full load equivalent.

D. Considerations for adjusting workload distributions for an individual should relate to:

1. Difficulty, scope, size, and level of courses taught (e.g., number of preparations, development of new courses or revisions of existing courses, type of instruction, class size, use of teaching assistants, advisement and mentoring activities, etc.);
2. Research responsibilities and/or service expectations.

- E. Research, service, and non-classroom teaching are more difficult to quantify than formal classroom teaching but are, nevertheless, assessed according to merit evaluation and reappointment, promotion, and tenure guidelines. Policies and practices must assure that full-time faculty employees have comparable total effort, although individual distributions of teaching, research, and service may vary.

IV. Expectations and Outcomes

In support of this workload policy, the University will operate in consideration of the following:

A. Expectations

1. That faculty employees in each educational unit should participate fully with unit administrators in determining appropriate specific guidelines and procedures for assigning workloads;
2. That faculty employees should participate fully at the college and university levels to develop and implement general workload guidelines;
3. That each academic unit should clarify and formalize their criteria and procedures to assure that all faculty employees within the unit have comparable workloads;
4. That reappraisals of workload policy within educational units should occur at regular intervals to respond to university and college missions and to adjust to changes in size, structure, and curricular demands; and,
5. That those policies and practices should be made clear to all faculty employees each year.

B. Outcomes

1. On behalf of the Commonwealth of Kentucky, the University faculty aspires to accomplish a three-part mission: to create knowledge through research; to preserve and disseminate knowledge through teaching; and to serve the public and academic community through the application of learning and expertise. This workload statement seeks to achieve these ideals through the realistic management of faculty time and University resources.
2. The University faculty places high value upon the process and product of scholarship, and seeks to make University students and Commonwealth residents the chief beneficiaries of that scholarship. Teaching must be informed by research that has currency; to do otherwise would be to offer outdated ideas and solutions to tomorrow's problems. Faculty employees will seek to underwrite their own research programs through proposals to external funding sources. Research awards will enhance those resources provided by the Commonwealth and, in addition to supporting research, will greatly benefit teaching and service productivity.
3. University teaching and research programs will provide students studying at the University at all levels -- undergraduate through postdoctoral -- with the best educational experience that faculty and resources can provide. Thus, a university education will foster a cadre of graduates who will be informed and skilled citizens, providing leadership for the Commonwealth's business, industry, professions, and government.
4. University programs will also contribute to the life of the community by helping individuals to define and pursue personal goals which enrich their own lives, and which ultimately contribute to the well-being of the Commonwealth's citizens.
5. Given these commitments on the part of university faculty employees, this workload statement seeks to assure the faculty, in turn, that their assignments will be equitable, and recognition and reward will be based upon the quality of their accomplishments.

Revision History

No previous versions. (4/5/2013 Updated Terms and Titles), (8/11/2022 Updated Terms)

For questions, contact: [Office of Legal Counsel](#)

Administrative Regulation — Regulations Affecting Employment (Formerly GR X)

A. General

1. Merit as the Basis for Appointment

The University of Kentucky complies with the federal and state Constitutions, and all applicable federal and state laws, regarding nondiscrimination. The University provides equal opportunities for qualified persons in all aspects of University employment. All appointments shall be made strictly on the basis of merit. An applicant for a position shall not be discriminated against on the basis of race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking.

- a. Nepotism is generally inconsistent with the University's longstanding policy of making employment decisions based solely on unit needs and individual qualifications, skills, ability and performance. Nepotism is generally prohibited within the University community. Nepotism means actions by a member of the University community that directly influence, benefit or detriment the University employment (e.g., hiring, promotion, supervision, evaluation and determination of salary) of any other member of the University community who is a relative. Relative means a person's father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, student employment and work-study and graduate and other assistant programs.
- b. No member of the Board of Trustees, except those elected to the Board of Trustees as faculty or staff representatives, shall be employed by the University. No relative of a member of the Board of Trustees shall be employed by the University.
- c. No relative of the President or any person reporting directly to the President shall be employed in a position in that person's administrative area, unless approval is granted by the Board of Trustees. Approval by the Board shall only be granted upon a determination that:
 - (1) The employment is in the best interest of the University;
 - (2) The Board has been informed of the selection process and all University

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Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000001 of 000019

regulations and policies regarding hiring and employment qualifications have been followed; and

- (3) The Board has reviewed and approved a written management plan, including an agreement concerning supervisory and other management arrangements. The management plan shall ensure that employment decisions are made impartially and that neither employee is disadvantaged. The management plan shall ensure that the possibility of nepotism and the appearance of impropriety are eliminated and shall be consistent with *Human Resources Policy and Procedures 19.0, Nepotism*.
- d. In general, no relative of any employee of the University shall be employed in any position in the University over which the related employee exercises supervisory or line authority. In some cases, however, when it is in the best interest of the University, potential conflicts can be managed through prompt disclosure of the relationship and approval by the appropriate senior administrator. Senior administrator means the person reporting directly to the President and having supervisory authority for the area where the conflict or potential conflict exists. Approval by the Senior Administrator shall only be granted upon a determination that:
- (1) The employment is in the best interest of the University;
- (2) The Senior Administrator has been informed of the selection process and all University regulations and policies regarding hiring and employment qualifications have been followed; and
- (3) The Senior Administrator has reviewed and approved a written management plan, including an agreement concerning supervisory and other management arrangements. The management plan shall ensure that employment decisions are made impartially and that neither employee is disadvantaged. The management plan shall ensure that the possibility of nepotism and the appearance of impropriety are eliminated.

3. 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 it's 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 Regulations* on intellectual property (See AR 7:6 and AR 7:7).

4. 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.

5. 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. 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* (See AR 3:1).

6. 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.

7. 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 in accordance with and 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.

8. 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.

9. 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.

(1) 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.

- (2) 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.

- (3) 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* (See AR 2:1 and AR 3:1).

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 except where required by state or federal law or this *Administrative Regulation*. 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. 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. 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, shall automatically be granted a one-year delay of the probationary period by the dean of the respective college. A faculty member who qualifies for this 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.

In addition, a probationary faculty member who assumes significant responsibilities for the care of a relative or domestic partner may request consideration of a one-year delay of probationary period based on extenuating circumstances. These extenuating circumstances for a delay related to significant care responsibilities must be clearly beyond those experienced by most probationary faculty. Documentation explaining the extenuating circumstance of the care-giving situation shall accompany the request. This request shall be routed through the normal administrative channels and will be considered for approval by the Provost.

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.

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 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. Further, extension years shall not be counted towards sabbatical. 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 promotion and tenure, should circumstances warrant such action.

d. 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.

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Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000007 of 000019

e. 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 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 Faculty Senate concerning procedural matters, privilege or allegations of violation of academic freedom must be initiated in writing by the concerned faculty member within =60 days after being notified in writing by the dean about non-renewal of appointment.

f. Termination of Appointment

(1) 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, 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 Faculty 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 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.

(2) 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 Faculty 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 Faculty Senate Hearing Panel (Privilege and Tenure).

The faculty member shall be informed in writing by the President regarding specific charges at least 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 rejects the report, the President shall provide reasons in writing to the Hearing Panel and the faculty member. 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. 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. 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.

(3) 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 Faculty Senate Advisory Committee on Privilege and Tenure. Salary shall be continued during the period of suspension.

g. Claims of a Violation of Academic Freedom

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 *Administrative Regulations* they must present their allegations in writing to the Faculty Senate Advisory Committee on Privilege and Tenure within 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 Faculty 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 these *Administrative Regulations* 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.

h. 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 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.

(1) 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.

(2) 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, 10-month, 11-

month and 12-month bases.

b. Vacation Leave

All full-time faculty members on a 10-month, 11-month or 12-month assignment basis shall be entitled to 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 shall be taken in the assignment period in which it is earned, or the vacation leave shall be forfeited. Exceptions may be granted in accordance with *Administrative Regulations*.

Additional detailed information on faculty vacation leave is provided in the *Administrative Regulations*.

c. Professional Practices

(1) General Policies

During their annual assignment period (whether academic year, 10 months, 11 months or 12 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 education, research, service and care. 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 education, research, service and care, 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* (See AR 3:9), 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* (See AR 3:9) and the provisions of Ethical Principles and Employee Code of Conduct.
- (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.

- (f) Service Plans

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

d. Leaves of Absence

(1) 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 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, 10-month or 11-month assignments) at one-half salary or six (6) months' sabbatical leave (academic semester for appointees on academic year, 10-month or 11-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, 10-month or 11-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 10-month or 11-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 12-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.

(2) 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.

(3) 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 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 30 days require approval of the Board of Trustees.

(4) 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.

(5) Educational Leave

To pursue an advanced degree at the University of Kentucky 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.

(6) 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.

(7) Entrepreneurial Leave

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000079 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (6222203)

EXH : 000016 of 000019

The University encourages faculty employees to engage in entrepreneurial activities and strives to support the efforts of faculty who wish to commercialize their discoveries. Therefore, the pursuit of entrepreneurial endeavors is a valid reason for application for a faculty leave of absence.

The request for entrepreneurial leave, submitted by the faculty person to his or her unit administrator, shall be accompanied by a completed and signed "Entrepreneurial Leave" form and all attachments. The period of the leave shall not normally exceed one academic year. However, the leave may be extended for a second and final year by the Provost upon the recommendation of the dean. The Entrepreneurial Leave form enumerates additional terms and conditions of such leaves. The unit administrator shall review the proposal and forward the materials to the dean of the college along with their recommendation. The dean shall forward his or her recommendation to the Provost for approval. Entrepreneurial Leaves shall be reported to the Board of Trustees.

Time spent on entrepreneurial leave shall not apply toward eligibility for sabbatical leave or count as probationary period service unless the University in granting the leave and the individual accepting it agree to the contrary. Time spent on entrepreneurial leave shall not otherwise be considered as an interruption of continuous service.

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

As described in GR I, faculty have academic freedom. Like other citizens, faculty members are free to engage in political activities. 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.

C. Employment of Staff Employees

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.

1. 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.

2. Emeritus Ranks

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.

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 Faculty 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 Faculty 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.

For questions, contact: Office of Legal Counsel

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Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000019 of 000019

Administrative Regulation — Due Process (Interim)

I. The University Must Provide Due Process

Consistent with its constitutional obligations, before imposing a disciplinary action against a student, student organization or employee, the University will provide due process. In all circumstances, the accused student, student organization or employee is presumed innocent, and the University has the burden of proof.

However, the level of due process provided will depend upon the circumstances as detailed below.

A. When a Formal Hearing Is Required

The University will provide a formal hearing, using the procedures detailed in this *Administrative Regulation*, whenever a student, student organization or employee is facing a significant suspension, expulsion of a student or other significant violation of the *Academic Code*, cancelation of a contract to live in University-controlled housing, revocation of status as a registered student organization, termination of faculty appointment before the expiration of the appointment, deprivation of a constitutionally protected property interest or where explicitly required by state or federal law.

When the formal hearing results in a finding of responsibility for a student, student organization or employee, the student, student organization or employee may appeal either the finding of responsibility or the sanction or both. If there is finding of no responsibility, then the University may not appeal. In some instances involving violations of *Administrative Regulation — Equal Dignity*, federal law requires that the Complaining Witness will also have the right to appeal.

B. Instances When a Formal Hearing is not Required

In instances when a formal hearing is not required by this regulation, the University will provide due process in the form of notice of the allegations to the student, student organization or employee and an opportunity for that student, student organization or employee to be heard before a neutral party. The exact procedures for this notice and opportunity to be heard will vary depending upon context.

C. Investigation Before Determining Whether a Formal Hearing is Required

Prior to determining whether a formal hearing is required, the University will conduct an investigation using the procedures established by the appropriate offices. The identification of the appropriate codes and/or policies will be context specific. In some instances, the University's investigation may involve multiple University

offices, external entities or individuals retained by the institution. Except where an appeal is required by federal regulation, the decision of the University regarding whether a formal hearing is required is final.

D. Interim Suspension During Investigation and Ultimate Resolution

1. Circumstances Justifying Interim Suspension

When a student, student organization or employee is accused of a violation of any regulation or policy, and when there is a determination by the appropriate administrator that the allegations, if true, make the student, student organization or employee a threat to the safety and well-being of others, then an appropriate administrator will suspend the student, student organization or employee pending investigation and ultimate resolution. Suspensions of employees will be with pay.

The appropriate administrators are the dean of students (students or student organizations), the Provost (faculty employees), the Executive Vice President for Finance and Administration (staff employees) or, in those instances where federal regulations govern the administration of federal discrimination law, the executive director of the Office of Equal Opportunity (students and employees). The appropriate administrators periodically will reassess whether continuing the interim suspension is appropriate.

2. Appeal of Interim Suspension By a Student or Student Organization

As required by state law, if a student or student organization receives an interim suspension from the dean of students or the executive director of the Office of Equal Opportunity, they may appeal to the Vice President for Student Success.¹

II. Hearing and Appeal Procedures

A. Applicability of Hearing and Appeal Procedures

These hearing and appeal procedures apply whenever a formal hearing is required for an alleged violation of any of the following:

- *Student Codes*
- *Academic Code*
- *Administrative Regulation — Equal Dignity*
- *Administrative Regulation — Administration of Research Activities*
- *Administrative Regulation — Employee Code (Faculty)*

- *Administrative Regulation — Employee Code (Staff)*

B. Decision-Makers in Hearings and Appeals

Although all hearings and appeals will utilize similar procedures, the hearing/appeal boards, who are the decision-makers in each hearing and appeal, will vary depending upon context.

C. Establishment of Hearing/Appeal Boards

The University establishes a hearing/appeal board and designates responsible cabinet members to appoint and oversee as follows:

- *Student Codes* (Vice President for Student Success)
- *Academic Code* (Provost)
- Equal Dignity (Executive Vice President for Finance and Administration)
- Research Misconduct (Vice President for Research)
- Employee Code — Faculty (Provost)
- Employee Code — Staff (Executive Vice President for Finance and Administration)

D. Composition of Hearing Boards, Hearing Panels and Appeal Panels

1. Appointment of Hearing/Appeal Boards

The cabinet members responsible for each hearing/appeal board will appoint at least 15 or more individuals to serve on hearing/appeal boards. In making appointments, the cabinet members should consult with the Faculty Senate, Staff Senate or Student Government Association, as appropriate. Members will serve one-year terms and may be reappointed for up to two (2) additional terms. The responsible cabinet members will ensure that all hearing board members are trained for their service.

2. Selection of Hearing Panels

For each hearing, three (3) members of the hearing/appeal board will be randomly chosen to serve as the hearing panel for that particular hearing. Panel members may serve on only one hearing or appeal panel at a time.

In the event a hearing panel member cannot serve for any reason (e.g., a conflict of interest), a replacement member of the hearing board will be randomly selected.

After serving on the hearing panel for a particular hearing, the hearing/appeals board member is eligible to be randomly selected for future hearing panel or a future appeals panel in a different case.

3. Selection of Appeal Panel

For each appeal from a decision of the hearing panel, three (3) members of the hearing/appeal board will be randomly chosen to serve as the appeal panel for that hearing. Individuals who served on the hearing panel are ineligible to serve on the appeal panel. Panel members may serve on only one hearing or appeal panel at a time.

In the event an appeal panel member cannot serve for any reason (e.g., a conflict of interest), a replacement member of the hearing board will be randomly selected.

After serving on the appeal panel for a particular hearing, the hearing/appeals board member is eligible to be randomly selected for future hearing panel or a future appeals panel in a different case.

4. Conflicts of Interest

Any member of a hearing/appeals panel who has a conflict of interest must immediately recuse themselves by notifying the respective hearing clerk/officer. Conflicts of interest include, but are not limited to, personal knowledge of the facts and circumstances of the allegations or having a familial, personal, faculty/student or professional relationship with the respondent.

If the University or the respondent believes a hearing/appeals panel member has a conflict of interest, the party may file a formal request for recusal. If the hearing/appeals panel member refuses to recuse, the party requesting recusal may submit the request to the general counsel who will make the final decision.

In the event a hearing/appeals panel member recuses for any reason, the respective hearing/appeals officer will randomly select a replacement.

E. Establishment of Hearing and Appeals Policies

Because of subtle differences in the statutory and regulatory requirements concerning due process in different areas of the University, the responsible cabinet member for each area will adopt policies detailing how hearing and appeals will be conducted in that area. Due process hearing and appeals policies will be adopted in the following areas:

- *Due Process — Student Codes* (Vice President for Student Success)
- *Due Process — Academic Code* (Provost)
- *Due Process — Equal Dignity* (Executive Vice President for Finance and Administration)
- *Due Process — Research Misconduct* (Vice President for Research)
- *Due Process — Employee Code (Faculty)* (Provost)
- *Due Process — Employee Code (Staff)* (Executive Vice President for Finance and Administration)

F. Termination Proceedings Involving the Board of Trustees

In those instances when only the Board of Trustees may terminate the employee, the employee will still be given a hearing and an appeal through the appropriate process. However, instead of being final, the decision of the appellate panel is only advisory to the President. The President will evaluate all aspects of the matter to determine whether to submit a termination recommendation to the Board of Trustees.

Before making this decision, the President shall consult with the Faculty Senate Chair, the Provost, the faculty employee's dean and such other faculty members as the President deems appropriate. The President shall also ask the faculty employee to provide written reasons as to why termination should not be pursued.

If the President, in their sole discretion, decides not to pursue termination, a lesser sanction will be imposed such as a suspension without pay, a permanent reduction in salary or other appropriate sanction.

If the President, in their sole discretion, decides to pursue termination, the Board of Trustees will conduct the proceedings according to the Kentucky Revised Statutes.²

¹ [KRS 164.370.](#)

² [KRS 164.230.](#)

**Administrative Regulation 1:6**

Responsible Office: President / General Counsel

Date Effective: 4/24/2019

Supersedes Version: 1/4/2019

Administrative Regulation 1:6

Formulation and Issuance of University Governing Regulations and Administrative Regulations

Index

[Introduction](#)[Authority](#)[Entities Affected](#)[Definitions](#)[Policy](#)[Regulation Template](#)[Regulation Review Committee \(RRC\)](#)[Institutional Responsibilities](#)[Procedures and Approval](#)

I. Introduction

This *Administrative Regulation* establishes the policies and procedures for drafting, reviewing, revising, withdrawing, approving, announcing, and archiving official University regulations. This Regulation also defines the roles and responsibilities of the participants in the regulation development process and establishes the Regulation Review Committee.

II. Authority

KRS 164.200 and 164.180 authorize the Board of Trustees to establish regulations for the governance of the University. The *Governing Regulations* are promulgated by the Board of Trustees to establish the broad policies and procedures for the operations of the University and to delegate certain responsibilities to the President, the University Senate, the Staff Senate, the Student Government Association, the Graduate Faculty, and others. The Board of Trustees generally delegates to the President the authority to promulgate *Administrative Regulations*, which include the *Human Resources Policies and Procedures* and the *Business Procedures Manual*. Some *Administrative Regulations* are promulgated by the Board of Trustees when required by state or federal law, external accrediting agencies, or other similar requirements. Chief administrative officers are authorized to establish unit policies and procedures consistent with their delegated administrative responsibilities. (See *Governing Regulation, Part XIII.B* and *Governing Regulation, Part II*)

NOTE: The *Human Resources Policies and Procedures* and the *Business Procedures Manual* are not subject to the review requirements of this *Administrative Regulation*.

III. Entities Affected

This regulation applies to all employees, students, and units of the University.

IV. Definitions

A. University Regulations

“University regulations” mean the policies that contain the official governing principles and procedures of the University. University regulations are distinguished from procedures and unit-level policies. University regulations are the *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures* and *Business Procedures Manual*.

University regulations:

1. Mandate requirements for the University community and provide procedures for implementation;
2. Have broad application throughout the University;
3. Facilitate the University’s mission, mitigate institutional risk, promote operational efficiency, and ensure compliance with applicable laws, regulations, or accreditation requirements;
4. Are approved by the Board of Trustees or President, or his/her designee, in accordance with the *Governing Regulations, Part II and Part XIII*; and
5. Are administered by at least one responsible official and a responsible office.

B. Interim Regulation

“Interim regulation” means a provisional regulation issued when a University regulation is needed within a time period too short to complete the process described in Section VIII.B.

C. Unit-Level Policies

“Unit-level policies” means policies, procedures, or guidelines established by an educational or administrative unit which are not required to go through the review process enumerated here. Unit-level policies must be consistent with, and not in conflict with, University regulations. Unit-level policies may be more detailed or restrictive than University regulations, but cannot be less restrictive. In the event of a conflict between a University regulation and a unit-level policy, the University regulation supersedes the unit-level policy.

D. Procedures

“Procedures” mean detailed statements that provide for orderly implementation of established policies through specific, prescribed actions. Procedures are generally not included in a regulation unless required by law or by an external agency.

E. Regulations Review Committee (RRC)

“Regulations Review Committee” (RRC) means the standing committee appointed by the President to review

and provide advice on new and existing University regulations.

F. Responsible Official/Responsible Office

"Responsible official/responsible office" means the University employee and unit charged with overseeing the administration of the regulation, including but not limited to developing, implementing, and enforcing the regulation. Depending on the scope of its subject matter, a regulation may have more than one responsible official or office.

V. Policy

The University requires regulations to communicate institutional expectations and requirements, support and compel compliance with laws and regulations, mitigate institutional risk, and enhance the University's productivity. To fulfill these requirements, the University has a clear and transparent process, as delineated in this regulation, for drafting, reviewing, revising, withdrawing, approving, announcing, and archiving regulations.

All *Governing Regulations* and *Administrative Regulations* must be promulgated in accordance with the standards and procedures set forth in this regulation. *Governing Regulations*, which are broad University policies, are created by the Board of Trustees. All *Administrative Regulations* must be created with the input of the responsible department and administrator and reviewed by the Regulations Review Committee.

VI. University Regulation Document Template

- A. The University utilizes a standard regulation document template and review process to facilitate consistency and compliance with regulations. The *Governing Regulations*, *Administrative Regulations*, *Human Resources Policies and Procedures*, and *Business Procedures Manual* may each have a unique template.
- B. Depending on the subject matter, a regulation may include any or all of the sections described below, but at a minimum the regulation must include the following sections: Regulation Information, Introduction, Entities Affected, and Policy. Additional sections described below may also be included as appropriate for each individual regulation. The responsible official determines the appropriate sections for a regulation.
1. *Regulation Information*: contains basic information about the regulation, such as the regulation's title, responsible official(s), responsible office(s), latest effective date, and next regular review date.
 2. *Introduction*: briefly describes the regulation's purpose, its core provisions or requirements, and why the policy exists. The Introduction typically identifies the institutional risk, University mission or value, or any legal or regulatory requirements the policy addresses.
 3. *Authority*: describes any specific delegation or mandate to the University from a state or federal agency, governing body, or accrediting agency.
 4. *Entities Affected*: describes the people, units, or other constituencies to which the regulation applies.
 5. *Definitions*: includes terms that are important or unique to the regulation.
 6. *Policy*: details the regulation's core provisions and requirements.
 7. *Responsibilities*: describes the obligations of those who are affected by the regulation or responsible for implementing and managing it.
 8. *Committee*: If the regulation establishes a committee, this section describes the committee's purpose, responsibilities, and composition.

9. *Procedures*: describes the actions required to fulfill the regulations requirements. Procedures should be included in a regulation to the extent that is necessary for the implementation and management of the regulation and will vary depending on the subject matter.
10. *Reporting requirements*: describes any required regular reports related to the subject of the regulation and the University official or external agency to which the report must be provided.
11. *Exceptions*: describes when exceptions are allowed, the process by which the exceptions are granted, and the University official who is authorized to grant an exception.
12. *Appendix*: consists of supplemental documents attached to the regulation that expand on and illustrate the regulation requirements, such as a flowchart, chart, matrix, detailed procedures, or a form. Appended materials are considered part of the regulation and subject to the review required by this *Administrative Regulation*.
13. *References*: provides citations to any sources of authority for the regulation (e.g. state or federal law, the *Governing Regulations*, *Minutes of the Board of Trustees*, an external accreditation agency, etc.) as well as a list of any other regulations affected by the regulation.
14. Revision history: provides the dates of previous iterations of the regulation.

VII. Language Protocols

For ease of interpretation of regulations and consistency throughout the University's body of regulations, the following language protocols apply:

- A. Use of the verb "must" for actions which are mandatory;
- B. Use of the verb "may" for actions which are discretionary;
- C. Use of the verbs "shall" and "should" must be avoided;
- D. Use of "University" for the University of Kentucky; and
- E. Use of the plural pronoun "their" for his, her, or his/her.

VIII. Regulations Review Committee (RRC)

A. RRC Membership

1. The RRC is appointed by the President and comprised of representatives from the major units within Office of the Provost and the offices of the executive vice presidents, each of the vice presidential areas, the Office of Legal Counsel, the University Senate, and the Staff Senate. In order to achieve appropriate University-wide representation, the President may also appoint additional faculty and staff employees.
2. The chair is designated by the President.
3. The Committee members have staggered three-year appointments, and members may be reappointed for consecutive terms.

B. RRC Responsibilities

The RRC serves as a regulations advisory group to the President, the Provost, the executive vice presidents, and vice presidents. The RRC reviews new and existing regulations for practicality, clarity, and the impact of the regulation on the University. The RRC eliminates conflicts between University regulations and ensures that regulations are consistent with laws, other external requirements, and the University's mission.

IX. Institutional Responsibilities

A. Responsible Official/Responsible Office

The responsible official for a regulation may assign an office within their area of operations to be responsible for the regulation's review, implementation and management. Duties of the responsible office or designee include:

1. Identifying the need for and purpose of a regulation in relation to a responsibility that falls under their jurisdiction;
2. Determining the extent that comments from other units or university members should be incorporated into a regulation;
3. Reviewing and recommending approval of the final draft of the regulation before it is presented to the President;
4. Communicating with and training appropriate areas or individuals regarding the regulation's requirements;
5. Establishing any support systems necessary to achieve ongoing compliance with the regulation; and
6. Reviewing and revising the regulation when it is due for renewal.

B. Office of Legal Counsel

The Office of Legal Counsel's responsibilities for *Governing Regulations* and *Administrative Regulations* include:

1. Guiding regulations through the drafting, review, and revision processes, and assisting the responsible officials and responsible office with the regulation development process;
2. Providing administrative and legal support for the RRC and chairing the RRC meetings;
3. Overseeing the form, wording, and structure of regulations to assure clarity, consistency, and coherence;
4. Establishing a calendar for regular review of all regulations (regular review is generally recommended to occur every five (5) years);
5. Ensuring that the appropriate units are provided an opportunity to comment on the regulation;
6. Assisting with obtaining final approval by the Board of Trustees or President or designee;
7. Assisting the Office of the President in issuing the University-wide announcement to promulgate or, where appropriate, withdraw a University policy; and
8. Maintaining the University's regulations website (<https://www.uky.edu/regsl/>).

X. Procedures and Approval Processes*

***Note:** There are some regulations that predate this policy, and so, as yet, have not been through the entire process outlined below. They remain official University policies and, in time, are expected to complete this process.

A. Minor Updates

The Office of Legal Counsel may make routine changes (such as new contact names, position titles, correction of typographical errors, and email or Web addresses) to an existing *Administrative Regulation*. Such changes do not require vetting or final approval of the President. The Office of Legal Counsel will record the details and dates of changes on the regulation document.

B. Substantive Revisions and New Regulations

1. A University unit or official may propose a new regulation or a change to an existing regulation. The Provost, executive vice president, or vice president who is designated as the responsible official must be notified about any new or revised policy proposal. Additionally, the Office of Legal Counsel initiates reviews of existing regulations based on a regular review schedule. The responsible official must be notified when a regulation is due for review.
2. After the responsible official has completed their review of the new or amended regulation, the RRC must then review the new or revised regulation in accordance with section VI.B of this regulation.
3. The Office of Legal Counsel must seek comments from units that have an interest in the policy. The responsible official will determine the extent to which comments and proposed edits will be incorporated.
4. *Governing Regulations* can only be amended in accordance with the procedure delineated in *Governing Regulation XIII, University Regulations*, in which a *Governing Regulation* must be presented to the Board of Trustees in its proposed and final form, with at least one-month elapsing between the proposal of any amendment and its final passage. The President, the University Senate, the Staff Senate, and the Student Government Association will have an opportunity to make recommendations on all amendments to a *Governing Regulation* before final action by the Board of Trustees.
5. The Office of Legal Counsel will seek final approval for *Administrative Regulations* from the Board of Trustees (in cases where Board of Trustee approval is appropriate) or the President. The existing regulation must be shown along with the revised regulation.
6. The responsible official or responsible office and new effective date must be recorded in the header section of the regulation's header.
7. The Office of Legal Counsel, in coordination with the Public Relations and Marketing, is responsible for assisting the Office of the President with announcing new, substantially revised, or withdrawn regulations to the University community.
8. The responsible official and responsible office are responsible for disseminating and implementing the regulation in the affected areas.

C. Withdrawing a Regulation

A responsible official may recommend the withdrawal of an existing regulation or its consolidation with another regulation. In such a case, the responsible official will inform the RRC of the recommendation and the reason. The Board of Trustees or the President, as appropriate, must approve the action. An

announcement of the withdrawn or consolidated policy will be issued. The responsible official will deliver any additional communication to appropriate units.

D. Interim Administrative Regulations

1. When a new regulation or substantial revision to a regulation is needed within a time-period that does not allow for complete drafting and review of the policy document as outlined in this regulation, the responsible official may request that the RRC review a regulation and seek approval for it from the President on an interim basis.
2. Interim regulations are effective for up to twelve months. Extensions beyond this period may be approved by the President in additional six-month increments, with timely notice to the Regulation Review Committee and affected units.
3. In order to become a standard University regulation and be included in the regular regulations review cycle, the interim regulation must complete the process outlined in section VIII.B of this regulation.

E. Posting Regulations

1. The Office of Legal Counsel maintains the website of current *Governing Regulations* and *Administrative Regulations* at www.uky.edu/regs/. The Office Human Resources maintains the current *Human Resources Policies and Procedures* at www.uky.edu/HR/policies/. The EVPFA maintains the current *Business Procedures Manual* at www.uky.edu/ufs/business-procedures-manual.
2. Any unit-level web pages that incorporate or refer to any University-wide regulation must link directly to the site listed above and must not post their own versions.
3. Printed versions of regulations may be included in the student handbook, faculty handbook, staff handbook, announcements, and other publications, but must include a disclaimer that the official University regulations website www.uky.edu/regs/ should be consulted for the latest version.

F. Regulation Templates

Contact the [Office of Legal Counsel](#) for the most current version of the regulation template(s).

References and Related Materials

KRS 164.180 - Officers of board -- Bylaws, rules, or regulations

KRS 164.200 - Regulations for university -- Physical training and discipline of students

Governing Regulation II - Governance of the University

Governing Regulation XIII - University Regulations

Revision History

5/6/2011, 4/24/2019

For questions, contact: [Office of Legal Counsel](#)



Office of Equal Opportunity Policy

Table of Contents

I.	Policy Scope & General Definitions	3
A.	Policy Scope	3
B.	General Definitions	3
C.	Federally Required Coordinator	5
D.	Recordkeeping	6
II.	Reporting Procedures and Confidential Resources	6
A.	Mandatory Reporting	6
B.	Confidential Resources	6
C.	Reporting Allegations	7
III.	Response to Reports and Formal Complaints	7
A.	Supportive Measures	7
B.	Intake Meetings	8
IV.	Resolution of Complaints	8
A.	Informal Resolution	9
1.	Employee Coaching	9
2.	Facilitated Informal Resolution	9
3.	No Action Requested	9
B.	Investigation	10
1.	General Counsel Certification	10
2.	Notice of Investigation	10
3.	Right to Consolidate Complaints	10
4.	Investigative Meetings	11
5.	Relevant Document and Information Review	11
6.	Closure of Investigation	11
7.	Accepted Resolution	12
C.	Appeal Rights	12
V.	Rights of Complainant and Respondent	13
A.	Role of an Advisor	13
B.	Rights of a Complainant	13



C.	Rights of Respondent	14
VI.	Interim Remedies	15
VII.	Discrimination and Harassment on the Basis of Sex including, Sexual Harassment and Misconduct	15
A.	Definitions.....	15
B.	Initiating a Complaint	18
C.	Complaint Resolution	18
1.	Investigation of Complaints of Title IX Sexual Harassment.....	18
D.	Dismissals of Sexual Harassment Formal Complaints under Title IX.....	19
VIII.	Allegations Regarding Employment Settings	20
IX.	False Allegations and Statements	20
X.	Corrective Actions and Disciplinary Procedures.....	20
A.	Allegations Against Students	20
B.	Allegations Against Employees	21
XI.	Regulation References	21

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000096 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000002 of 000021



I. Policy Scope & General Definitions

A. Policy Scope

This policy applies to all University programs and activities and includes employees, students and visitors who engage or attempt to engage in these programs and activities. This policy addresses the reporting of and response to concerns related to discrimination and harassment on the basis of a protected characteristic within the University's programs and activities as defined in the [Administrative Regulation - Equal Dignity \(Interim\)](#).

Reports of alleged discrimination or harassment not based on a protected characteristic are not managed by the Office of Equal Opportunity. Concerns regarding discrimination or harassment not covered by this policy should be referred to the [Office of Student Conduct](#) (Student Cases) or the [Employee Relations Office](#) (Employee Cases).

B. General Definitions

The Office of Equal Opportunity ("Equal Opportunity") refers to the [Administrative Regulation - Equal Dignity \(Interim\)](#) for definitions including definitions of discrimination, harassment, protected characteristics and retaliation. Additionally, for the purpose of this policy, we will use the following terms generally:

- Advisor- means an advocate or other individual who may attend both an investigative meeting or live hearing to provide advice, support or guidance to either Respondent or Complainant. An Advisor may be an attorney, though this is not required in non-hearing settings. Non-attorney Advisors may not directly participate in the hearing because participation in a live hearing may be regarded as the practice of law in Kentucky. An Advisor may not be a witness at the hearing of the matter for which they are serving as an advisor.
- Antisemitism- the Office of Equal Opportunity utilizes the definition of antisemitism established by the International Holocaust Remembrance Alliance and recognized by Kentucky 2021 Regular Session Senate Resolution 67: Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.
- Complainant- refers to the person who is the recipient of or impacted by the behavior in the alleged violation.
- Employee- refers to a faculty employee or staff employee, regardless of employee type (i.e. regular or temporary), as defined in [HR Policy and Procedure # 4: Employee Status](#).
- False Allegation- means an allegation that was made in bad faith, e.g. an allegation that the person making knew to be untrue at the time it was made. The mere fact an investigation concluded, but did not reach a finding of responsibility does not mean the allegation was made in bad faith.



- Force or Coercion- means : (a) threats of serious physical, emotional, or psychological harm to or physical restraint against any person, (b) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person, or (c) threats of employment or academic repercussions for failing to engage in the requested behavior.
- Formal Complaint- refers to a written document required in cases related to Title IX of the Education Amendments of 1972 that is filed with the Office of Equal Opportunity for the purpose of initiating an investigation. This is detailed further in the [Sexual Harassment and Misconduct](#) section of these policies and procedures.
- Harassment- is a type of discrimination and is behavior based on a protected characteristic as defined in [Administrative Regulation - Equal Dignity \(Interim\)](#). The University defines harassment using the definition set by the Supreme Court of the United States: behavior that is “so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims’ educational [or employment] experience and that the [victims] are effectively denied equal access to an institution’s resources and opportunities.”¹ In some cases federal law or federal guidelines may require the University to use a broader definition of harassment. Such examples are further defined within this policy.
- Incapacitated- means a person is impaired to such a level that they lack the physical and/or mental ability to make informed, rational judgments and/or cannot appraise or control their own conduct or make decisions with the degree of understanding they typically possess. A person may be impaired by an intoxicant, by mental illness or deficiency, or by physical illness or disability to the extent that personal decision-making is impossible. A person can be intoxicated without being incapacitated. A person who is below the statutory age of consent is incapacitated.
- Intake Meeting- is a meeting held by Equal Opportunity with either the Complainant or Respondent. This meeting is not an investigative meeting or interview, but rather serves to offer information about the process, answer questions and provide opportunity to request supportive measures.
- Investigative Meeting- is a meeting Equal Opportunity holds with a party to an investigation including but not limited to the Complainant, Respondent, and/or Witnesses for the purpose of gathering information regarding the allegation. These meetings are also referred to as interviews.
- Members of the University Community- This refers to the faculty, staff, students and volunteers, as well as customers and visitors to the University.
- Probable Cause- means a reasonable basis for believing that a violation of this policy may have occurred

¹ Davis Next Friend LaShonda D. v. Monroe Cnty. Bd. Of Educ., 526 U.S. 629, 651, (1999).



- Reporter- refers to the person who submits a report of alleged discrimination or harassment to the Office of Equal Opportunity. Reporters may not be informed of action taken after a report is submitted and/or outcome.
- Respondent- refers to the person who is alleged to be engaging in behavior that may be a violation of [Administrative Regulation - Equal Dignity \(Interim\)](#).
- Sanction- means any educational or disciplinary measure provided to encourage self-reflection regarding Respondent's policy violation, to stop further inappropriate behavior, and to deter any subsequent violations. Sanctions should be appropriately connected to the violation. Sanctions may also be referred to as Restorative Actions.
- Sexual Assault- is a form of Sexual Harassment or Sexual Misconduct. This is further described in the [Sexual Harassment & Misconduct](#) portion of these Policies and Procedures.
- Sexual Harassment or Misconduct- is a form of sex discrimination. This is further described in the [Sexual Harassment & Misconduct](#) portion of these Policies and Procedures.
- Student- "Student" means any person who is defined as a student in the [Code of Student Conduct](#). Student status continues whether or not UK's academic programs are in session.
- Supportive Measures- are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to Complainant or Respondent. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter Discrimination and/or Harassment. A party does not need to initiate an investigation or a formal complaint to receive supportive measures. More details can be found in the [Supportive Measures](#) section of these policies and procedures.

C. Federally Required Coordinator

Certain Federal regulations and laws require that the university name a coordinator to facilitate compliance with the named regulation.

Title IX and 1557 Coordinator:

Sarah Mudd

Executive Director, Office of Equal Opportunity

18th Floor, Patterson Office Tower

(859) 257-8927

sarah.mudd@uky.edu



D. Recordkeeping

Equal Opportunity adheres to all University, State and Federal requirements regarding recordkeeping. This includes maintaining for at least a period of seven years records related to Title IX Sexual Harassment as required by 34 CFR 106.45(b)(10).

II. Reporting Procedures and Confidential Resources

A. Mandatory Reporting

Unless specifically noted as a Confidential Resource in this policy, all University of Kentucky employees are mandatory reporters and are required to report information related to possible violations of Equal Dignity to the Office of Equal Opportunity as soon as reasonably possible. Mandatory reporters may not submit reports anonymously. Reports of behavior that constitute an immediate threat to the safety or security of the person experiencing the behavior or the University community should be made to the UK Police Department (UKPD). Please see [Administrative Regulation- Equal Dignity \(Interim\)](#) regarding expectations of mandatory reporters.

Reports can be made by contacting the Office of Equal Opportunity at the locations below. The fastest way to submit reports is using the “Make a Report” form on the Equal Opportunity website.

Office of Equal Opportunity
18th Floor, Patterson Office Tower
Phone: 859-257-8927 Fax: 859-562-0607
Email: equalopportunity@uky.edu
Website: oeo.uky.edu
Reporting Form: <https://go.uky.edu/ieeo-report>

B. Confidential Resources

The following are designated confidential resources for students and employees. Confidential offices can provide support and referrals to parties without the requirement to report allegations of discrimination and/or harassment to Equal Opportunity. Additional community resources can be found on the Equal Opportunity [website](#).

[TRACS \(Triage, Referral Assistance, Crisis Support\)](#) *(students only)*

Students must access TRACS before Counseling Center

Gatton Student Center, East Wing, 2nd Floor

859-218-7227

TRACS@uky.edu

[UK Counseling Center](#) *(students only)*

Gatton Student Center, Suite C330

859-257-89011



[University Health Services](#) *(students only)*

830 S. Limestone
859-323-2778

[Violence, Intervention, and Prevention \(VIP\) Center](#) *(students and employees)*

Multidisciplinary Science Building (MDS), Suite 401
859-257-3574
vipcenter@uky.edu

[UK Work-Life and Well-Being](#) *(employees only)*

106 Bosworth Hall
859-257-9555
humanresources@uky.edu

Anonymous reports may be made to Equal Opportunity utilizing the [Make a Report form](#). However, the University has limited ability to address anonymous reports.

C. Reporting Allegations

Any person can report discrimination and harassment, including sexual harassment and misconduct, regardless of whether the person reporting is the person alleged to be the victim of conduct that could constitute a violation of university regulations and policies. A report may be made in person, by mail, by telephone, by electronic mail, using the contact information listed for the Title IX or 1557 Coordinator, or via Office of Equal Opportunity [reporting form](#) on the Equal Opportunity website. There is no statute of limitation for reporting behavior that may be in violation of Equal Dignity, however time passed may limit options for response or resolution. While anyone may submit reports to Equal Opportunity, those who are not members of the University Community may not serve as Complainants in a resolution process. Those who are not members of the University Community may not serve as Complainants in a resolution process.

III. Response to Reports and Formal Complaints

Equal Opportunity will review and respond to all reports submitted in a timely manner. In most cases the first step is to send outreach to the Complainant. This outreach will include an offer to meet with a member of the Equal Opportunity staff to discuss the report, the Complainant's resolution options and any supportive measures that the Complainant may need.

A. Supportive Measures

Both Complainant and Respondent may access supportive measures at any time by contacting the Equal Opportunity. An investigation does not have to be requested for supportive measures to be provided. Supportive measures are non-disciplinary, non-punitive, individualized services that are intended to restore or preserve equal access to University programs and activities. Supportive measures are things reasonably available to a party without fee or charge and without unreasonably burdening the other party.



These may include measures designed to protect the safety of all parties or the University's educational environment or deter discrimination or harassment.

Examples of the range of Supportive Measures that may be initiated at any time and are not dependent on there being an investigation or an outcome of the case include, but are not limited to:

1. Counseling;
2. Extensions of deadlines or other course-related adjustments;
3. Modifications of work or class schedules;
4. Campus safety or security escort services;
5. Mutual restrictions on contact between the parties;
6. Changes in work or housing locations;
7. Leaves of absence;
8. Increased security and monitoring of certain areas of the campus; and
9. Other similar appropriate measures.

Supportive measures are confidential to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Executive Director of the Office of Equal Opportunity & Title IX Coordinator or their designee, is responsible for coordinating the effective implementation of supportive measures.

B. Intake Meetings

If a Complainant engages with outreach from Equal Opportunity, they will be asked to schedule an intake meeting with a member of the Equal Opportunity team. During this meeting Equal Opportunity staff will discuss reporting options including formal complaints with Equal Opportunity where appropriate or required, information on pursuing criminal or other legal action and support measures available to the individual. Equal Opportunity may also ask questions of the Complainant regarding the allegations to gather more information and better inform resolution options.

With respect to Sexual Harassment under Title IX, the Title IX Coordinator shall:

- promptly contact the Complainant to discuss the availability of Supportive Measures,
- consider the Complainant's wishes with respect to Supportive Measures,
- inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and
- explain to the Complainant the process for filing a Formal Complaint.

IV. Resolution of Complaints

Typically, Equal Opportunity resolution steps are Complainant driven. This means that generally a Complainant can decide if they wish to have Equal Opportunity initiate an investigation or if they wish to pursue an informal resolution option. However, there are some cases where Equal Opportunity must initiate an investigation and in those cases the Complainant will be notified and offered the opportunity to participate. Examples of these cases include but are not limited to allegations that present a health or safety threat to the campus, when Equal Opportunity has multiple reports that may indicate a pattern of behavior or certain reports regarding employees.



A. Informal Resolution

In some cases, resolving a report via informal resolution is an option. Informal resolution provides an opportunity for the conduct in question to be addressed outside of a formal investigation process. The goal of informal resolution is to stop alleged conduct that may be a violation of university policy and provide restorative options to the impacted party. Informal resolution is not an option in cases where a Sexual Harassment or Misconduct formal complaint is brought by a student against an employee. The University has the right to determine that informal resolution is not appropriate in any given case.

1. Employee Coaching

In some complaints against an employee, a Complainant may request that Equal Opportunity conduct an Employee Coaching conversation to resolve the report. Additionally, Equal Opportunity can elect to address a report where a Complainant does not engage with Equal Opportunity via Employee Coaching. When a case is managed via Employee Coaching, that conversation serves as a resolution of the report and the case cannot be reopened unless new actions arise. A written closing letter is sent to the Respondent, and if engaged, Complainant, to document the closure, but there is no finding of responsibility.

2. Facilitated Informal Resolution

In some cases, the Complainant may request that Equal Opportunity address the report via Facilitated Informal Resolution. The Respondent must also agree to engage in Facilitated Informal Resolution for this to be a resolution option. The University must also agree that the case is appropriate for resolution in this manner. Facilitated Informal Resolution is not an option in cases where a Sexual Harassment or Misconduct formal complaint is brought by a student against an employee.

During Facilitated Informal Resolution, a member of the Equal Opportunity team will meet with parties individually to address and attempt to resolve the concerns outside of a formal investigation. This process is voluntary, and both parties can elect to withdraw from this process at any point before a final agreement is reached. The process to reach agreement through Facilitated Informal Resolution may vary by case and is decided through an interactive process with the parties.

The Complainant, Respondent and University must agree to the final terms of the resolution. When a case is resolved via Facilitated Information Resolution both parties will receive a signed copy of the final agreement. The final agreement serves as a resolution of the report and the case cannot be reopened unless new actions arise.

3. No Action Requested

In some cases, the Complainant may not wish to engage with one of the aforementioned Informal Resolution options or an Investigation but rather may simply wish to have their concerns noted on record. In these cases, the Complainant will receive written notification of this request and can elect to reopen the case at a future time. Additionally, the University may either be required to either proceed with an investigation or review of the matter without the Complainant's participation at the time of the report or reopen the case if additional details or reports arise that may indicate a possible pattern of behavior or a



health or safety threat to the campus. If the University reopens the report or proceeds in the absence of the Complainant, the Complainant will be notified.

B. Investigation

When requested by the Complainant or when deemed necessary by Equal Opportunity, Equal Opportunity will conduct an investigation into reports or formal complaints. When conducting an investigation, Equal Opportunity will take the following steps. Equal Opportunity may consolidate multiple reports or formal complaints where the allegations arise out of the same facts or circumstances. Any individual designated as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondent generally or an individual complainant or respondent.

1. General Counsel Certification

In some cases, Kentucky State law requires certification of an investigation by the University's General Counsel. More details regarding this can be found in the Bias Incident Policy.

2. Notice of Investigation

Equal Opportunity will send to both parties a notice of investigation. This includes:

- general information regarding the allegations sufficient to allow the Respondent the ability to prepare a response to the allegations;
- opportunity to meet with the investigator for an intake meeting to discuss procedures and answer procedural questions;
- general information regarding the investigation process including statements that:
 - Respondent is presumed not responsible for the alleged conduct;
 - A determination for responsibility is made at the conclusion of the process;
 - Parties may have advisors of their choice, as outlined in the [Advisor portion](#) of these policies and procedures;
 - Knowingly submitting false statements or knowingly submitting false information is grounds for University discipline under [Administrative Regulation- Employee Code](#) and/or [Code of Student Conduct](#).
 - If the University discovers any additional allegations about Complainant or Respondent that are not included in the original notice, the University will provide additional notice of allegations to the parties;
 - Respondents will have at least two (2) business days prior to their first investigative meeting to prepare a response to the allegations. Any such response may be, but is not required to be, submitted in writing.

3. Right to Consolidate Complaints

Equal Opportunity may consolidate complaints as to allegations of [Administrative Regulations- Equal Dignity \(Interim\)](#) against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.



4. Investigative Meetings

The Equal Opportunity Investigator will meet with parties to the case to gather information regarding the allegations. Parties to the case may include the Complainant, Respondent and/or witnesses. Equal Opportunity cannot compel parties to participate in Investigative Meetings but will make multiple efforts to schedule with parties. If a party does not participate in investigative meetings, Equal Opportunity will proceed in their absence. Both the Complainant and Respondent may provide the Equal Opportunity Investigator with names of individuals to serve as witnesses. When providing witness names, they must also provide contact information and a brief description of what information the Witness is expected to provide. The Equal Opportunity Investigator has the discretion to only interview Witnesses with relevant first-hand information regarding the allegation at hand and generally Equal Opportunity does not interview character witnesses. The Equal Opportunity Investigator may also call additional witnesses identified through the investigation that are not named by either the Complainant or Respondent.

5. Relevant Document and Information Review

During the investigation the Equal Opportunity Investigator may collect additional documentation or information relevant to the allegations. The Complainant and Respondent have the opportunity to submit relevant documentation and information to the Equal Opportunity Investigator for consideration. The Investigator has the discretion to provide a reasonable deadline for submission of such information that will be no less than three business days following the date of an Investigative Meeting. When submitting information for consideration, the Complainant and Respondent, must provide information regarding why the information is relevant to the specific allegations. The Equal Opportunity Investigator will provide the parties with instructions on how to submit this information. To conclude investigations in a timely manner, Equal Opportunity may not be able to accept submission of materials on an ongoing basis during the investigation.

Equal Opportunity will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Equal Opportunity cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Equal Opportunity obtains the party's voluntary, written consent to do so.

6. Closure of Investigation

If at the conclusion of the investigation either the result of a finding of a policy violation is sufficiently severe that it may result in the suspension of an employee for a period greater than five days, termination of employment, removal of a student from housing, or the suspension or expulsion of a student, the case will be referred to the Equal Opportunity Hearing Board. All charges related to Sexual Harassment as defined in [section VII.A](#) of this policy will be referred to the Equal Opportunity Hearing Board regardless of severity and without any probable cause review.

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000105 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000011 of 000021



If at the conclusion of the investigation, the Equal Opportunity Investigator believes the allegations would meet the requirement to hold a hearing, they will refer the final investigation materials to the Equal Opportunity Executive Director, or their designee, for probable cause review. If the Executive Director determines the elements of Probable Cause are met to refer to a hearing, [Administrative Regulation - Due Process \(Interim\)](#) and [Policy- Due Process: Equal Dignity](#) will be followed. In some cases, the referral of a case to a hearing panel requires certification by the University's General Counsel as noted in the Bias Incident Policy. All charges related to Sexual Harassment as defined in [section VII.A](#) will be referred to the Equal Opportunity Hearing Board without any probable cause review.

With respect to all charges that are not related to Sexual Harassment as defined in [section VII.A](#), if the Equal Opportunity Investigator determines that the conduct would not warrant referral to an Equal Opportunity Hearing, they will issue a closing letter to both parties. The closing letter will outline the allegations investigated, the finding regarding responsibility and rationale for the finding. If a Respondent is found responsible for a violation of University regulations and/or policies, the Equal Opportunity Investigator will also issue recommended sanctions. In cases where the Respondent is an employee, the recommended sanctions are issued to the Respondent's supervisor for documentation and application. In cases where the Respondent is a student, recommendations are referred to the Office of Student Conduct.

7. [Accepted Resolution](#)

In some cases, the Respondent may elect to accept responsibility for a violation and accept an agreed sanction recommended by Equal Opportunity. If the Respondent accepts responsibility, they waive their right to an investigation, hearing and/or appeal. At the time of an agreed resolution, the case will be closed, and the appropriate unit administrator(s) will be notified as noted in [IV.B.4](#).

C. [Appeal Rights](#)

Cases referred to an Equal Opportunity Hearing have appeal rights as outlined in [Administrative Regulation - Due Process \(Interim\)](#) and [Policy- Due Process: Equal Dignity](#). Cases resolved via an Informal Resolution may not be appealed.

Complainants or respondents in cases resolved via investigation with a decision being issued by the Equal Opportunity Investigator may request reconsideration by the Executive Director of the Office of Equal Opportunity. This request must be made in writing within five (5) business days of the issuance of the closing letter. The request must outline the reason for appeal. The Executive Director will review the request, materials gathered during the investigation, interview notes or transcripts and issue a written outcome. The Executive Director can uphold the original outcome, reduce recommended sanctions and/or reverse the original outcome. The Executive Director cannot increase recommended sanctions. This reconsideration outcome is final and may not be appealed.



V. Rights of Complainant and Respondent

A. Role of an Advisor

Both parties have the right to have up to two advisors present during any investigation, pre-hearing meeting or hearing. Generally, advisors may communicate privately with the individual they are supporting but may not respond on their behalf. During an Investigative Meeting, Equal Opportunity will direct questions to the Complainant or Respondent and their advisor(s) may not respond on their behalf or offer their own perspective on the investigation. If a party wishes to have an advisor who is an attorney present during any meeting, they are required to notify the Office of Equal Opportunity of the advisor's name and that they are an attorney no later than two business days before the meeting. Equal Opportunity reserves the right to have a member of the Office of Legal Counsel present when a party brings an attorney advisor. Should a party bring an attorney advisor without advance notice to Equal Opportunity, the meeting may need to be rescheduled.

If an investigation results in a hearing, the Respondent will have an attorney advisor question witnesses and/or Complainant on their behalf. More information about the role of an advisor during a hearing may be found in [Policy- Due Process: Equal Dignity](#).

B. Rights of a Complainant

- In most cases, the Complainant has the right to choose whether to initiate an Equal Opportunity investigation.
- Complainant has the right to access supportive measures regardless of whether they file a Formal Complaint.
- In addition to pursuing administrative penalties and remedies, the Complainant maintains the right to pursue criminal or other legal action.
- Both the Complainant and Respondent have the right:
 - To have the University respect their rights provided by the United States and Kentucky Constitutions;
 - To be treated with respect by University officials;
 - To take advantage of campus support resources;
 - To experience a safe living, educational, and work environment;
 - To have up to two (2) Advisors, including attorneys, present during any investigation, pre-hearing meeting, or hearing;
 - To have an attorney represent them at any hearing;
 - To refuse to have an allegation resolved through conflict resolution procedures;
 - To receive amnesty for certain student misconduct, such as alcohol or drug violations, that occurred ancillary to the incident;
 - To be free from retaliation for reporting violations of this regulation or cooperating with an investigation;
 - To have complaints heard in accordance with University procedures;



- To be informed in writing of the outcome/resolution of the complaint, any sanctions where permissible, and the rationale for the outcome where permissible;
 - To have minimal interaction or contact with Respondent or Complainant; and
 - To request supportive measures from the University to ensure minimal interaction or contact with Respondent or Complainant.
- The University will keep private to the extent possible the identity of any individual who has made a report or complaint of discrimination or harassment, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment or Sexual Misconduct, any Complainant, any individual who has been reported to be the perpetrator of discrimination or harassment, any Respondent, and any witness. The University may be required to disclose the identity of individuals when necessary to provide due process to the Respondent or to comply with federal or state regulations or laws.

C. Rights of Respondent

- Respondent has the right to be presumed innocent. It is the University's responsibility to prove that Respondent engaged in behavior that violated university regulations or policies.
- Both the Complainant and Respondent have the right:
 - To have the University respect their rights provided by the United States and Kentucky Constitutions;
 - To be treated with respect by University officials;
 - To take advantage of campus support resources;
 - To experience a safe living, educational, and work environment;
 - To have up to two (2) Advisors, including attorneys, present during any investigation, pre-hearing meeting, or hearing;
 - To have an attorney represent them at any hearing;
 - To refuse to have an allegation resolved through conflict resolution procedures;
 - To request resolution of allegations through an accepted resolution;
 - To receive amnesty for certain student misconduct, such as alcohol or drug violations, that occurred ancillary to the incident;
 - To be free from retaliation for reporting violations of this regulation or cooperating with an investigation;
 - To have complaints heard in accordance with University procedures;
 - To be informed in writing of the outcome/resolution of the complaint, any sanctions where permissible, and the rationale for the outcome where permissible;
 - To have minimal interaction or contact with Respondent or Complainant; and
 - To request supportive measures from the University to ensure minimal interaction or contact with Respondent or Complainant.
- The University will keep private to the extent possible the identity of any individual who has made a report or complaint of discrimination or harassment, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment or Sexual Misconduct, any Complainant,

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000108 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000014 of 000021



any individual who has been reported to be the perpetrator of discrimination or harassment, any Respondent, and any witness. The University may be required to disclose the identity of individuals when necessary to provide due process to the Respondent or to comply with federal or state law.

VI. Interim Remedies

The Executive Director, or their designee, may impose interim suspension on a Respondent in cases where the allegations present a threat to the physical health or safety of an individual or the University community. Before doing so, the Executive Director must: undertake an individualized safety and risks analysis; and determine that an immediate threat to the physical health or safety of any individual arising from the allegations justifies removal. The Executive Director's analysis, determinations, and notice must be in writing. Additionally, the University may place a non-student employee on administrative leave during the pendency of a grievance process. Additional information regarding Interim Suspension can be found in [Administrative Regulation - Due Process \(Interim\)](#).

VII. Discrimination and Harassment on the Basis of Sex including, Sexual Harassment and Misconduct

This section outlines procedural steps related to claims of discrimination and harassment on the basis of sex which includes reports of Sexual Harassment and Misconduct. These reports include a variety of behaviors including quid pro quo sexual harassment, hostile environment sexual harassment, sexual assault, domestic violence, dating violence, stalking and/or sexual exploitation.

A. Definitions

Consent- Consent means a voluntary expression of willingness, permission or agreement to engage in a specific sexual activity throughout a sexual encounter. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other to engage in the sexual activity. Consent cannot be inferred from the absence of a "no"; consent, verbal or otherwise, must be obtained. Consent cannot be granted by an individual who: (1) is incapacitated as defined by this Policy; (2) has been compelled by force or threat of force; or (3) is coerced by supervisory or disciplinary authority.

Dating Violence- "Dating Violence", is a form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 U.S.C. 12291(a) (10), which defines Dating Violence as violence committed by a person— (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) Where the existence of such a relationship is to be determined based on a consideration of the following factors: a. The length of the relationship. b. The type of relationship. c. The frequency of interaction between the persons involved in the relationship.

Discrimination on the Basis of Sex- is an action or behavior that results in negative or different treatment of an individual based upon their sex.

Domestic Violence- "Domestic Violence" is a form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 U.S.C. 12291(a)(8), which defines Dating Violence as felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000109 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000015 of 000021



victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kentucky, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Kentucky.

Formal Complaint – “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the University investigate the allegation of Sexual Harassment. “Document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

Sexual Assault- “Sexual Assault” is a form of Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition 20 U.S.C. 1092(f)(6)(A)(v), which defines Sexual Assault as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.² A sex offense is any act directed against another person, without the consent of the second person, including instances where the second person is incapable of giving consent.

1. **Sexual Assault: Rape** is defined as penetration, regardless of how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, or by a sex-related object. This definition covers cases where the victim cannot provide consent due to temporary or permanent mental or physical incapacity (including resulting from drugs or alcohol) or due to age. Physical resistance by the victim is not required to establish lack of consent.
2. **Sexual Assault: Unwelcome Sexual Contact** is defined as the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
3. **Sexual Assault: Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Sexual Assault: Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Sexual assault also includes sex offenses as stated in Kentucky Revised Statutes 510.010 through 510.140.

² Because Title IX Regulations require the use of the FBI definition of sexual assault, the current FBI standard at the time of the formal complaint will be used. Should that FBI definition differ from what is listed in the Equal Opportunity Policy, Equal Opportunity will defer to the origin definition.



Title IX Sexual Harassment- involves allegations that fall under Title IX of the Education Amendments of 1972 and is conduct on the basis of sex that occurs in the University's educational program or activity and satisfies one or more of the following:

- **Quid Pro Quo Sexual Harassment-** is when an employee of the University conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.
- **Title IX Hostile Environment Sexual Harassment-** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
- **Sexual Assault, Dating Violence, Domestic Violence, or Stalking-** as defined herein.

Sexual Exploitation- "Sexual Exploitation" means taking non-consensual or abusive sexual advantage of another and includes situations in which the conduct does not fall within the definitions of Sexual Harassment or Sexual Assault, Dating Violence, Domestic Violence, or Stalking. Examples of sexual exploitation include, but are not limited to the following:

1. Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give affirmative consent to sexual activity;
2. Allowing third parties to observe private sexual activity from a hidden location (e.g., a closet) or through electronic means (e.g., via Skype or live streaming of images);
3. Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts, or buttocks) in a place where that person would have a reasonable expectation of privacy);
4. Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
5. Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts, or buttocks) without consent;
6. Using artificial intelligence to create sexual images of another person without their consent or distributing consensually created images without consent;
7. Human Trafficking; and
8. Knowingly exposing another person to a sexually transmitted infection or virus without the other's knowledge.

Sexual Misconduct- "Sexual Misconduct" includes Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Sexual Exploitation when that behavior does not meet the jurisdictional requirements to constitute Title IX Sexual Harassment.

Stalking- "Stalking" is a form of Title IX Sexual Harassment or Sexual Misconduct. The federal regulation uses the definition in 34 USC § 12291(a)(30), which is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.



Course of conduct means two (2) or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the person who alleges stalking.

B. Initiating a Complaint

Making a report of Discrimination and Harassment on the Basis of Sex is not the same thing as filing a Formal Complaint. In complaints regarding allegations of Discrimination on the Basis of Sex as defined above, a formal written complaint is not required.

Complaints Regarding Title IX Sexual Harassment and/or Sexual Misconduct must have a Formal Complaint to initiate an investigation or informal resolution. At the time of filing the Formal Complaint, a Complainant must be participating in or attempting to participate in the University's education program or activity. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. The Formal Complaint will be provided in the Notice of Investigation and Investigative Report.

C. Complaint Resolution

Complaints of Discrimination and Harassment on the Basis of Sex and Sexual Misconduct may be resolved using any of the resolution options [outlined above](#).

1. Investigation of Complaints of Title IX Sexual Harassment

Investigations regarding complaints of Title IX Sexual Harassment vary slightly from [investigative procedures](#) outlined above.

a) Preliminary Report & Evidence Review

Prior to the conclusion of the investigation, the University will provide both parties an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence. The University will also provide both parties and their advisors with an electronic or hard copy of the Preliminary Investigative Report, including all the evidence directly related to the allegations raised in the formal complaint. This does not include information related to supportive measures provided to individuals that do not impact the other party in a matter and does not include any investigative notes of the investigator. The parties will have at least 10 days to submit a written Rebuttal or Supplementation to the Preliminary Investigative Report to the Equal Opportunity Investigator.



b) Investigative Report

At the conclusion of an Investigation the Complainant and Respondent will receive a Final Investigative Report. Investigator will consider the written responses to the preliminary investigation report and the evidence review before completing the Final Investigative Report and will include the written responses in the Final Investigative Report to the Title IX Coordinator, Respondent and Complainant. The University must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. This will be sent to parties no sooner than ten (10) days before referral to an Equal Opportunity Hearing. Both parties may provide a written response to the Final Investigative Report and evidence as a part of their submission of information outlined in [Policy- Due Process: Equal Dignity](#).

c) Referral to Equal Opportunity Hearing Board

At the conclusion of the investigation, charges of a violation of Title IX Sexual Harassment will always be referred to the Equal Opportunity Hearing Board, regardless of the potential recommended sanctions unless they are dismissed under the guidelines [below](#). Equal Opportunity Hearings are conducted live as outlined in [Policy- Due Process: Equal Dignity](#).

Charges of Sexual Misconduct and Discrimination on the Basis of Sex will follow the steps outlined in [Section IV.B.4](#) of these Policies and Procedures.

D. Dismissals of Sexual Harassment Formal Complaints under Title IX

In some cases, regulations regarding Title IX require that the University dismiss formal complaints of Title IX Sexual Harassment.

The Title IX Coordinator, or their designee, must dismiss a formal complaint of Title IX Sexual Harassment if the conduct alleged in the formal complaint:

1. Would not constitute Title IX Sexual Harassment even if proven;
2. Did not occur in the University's education program or activity; or
3. Did not occur against a person in the United States.

The Title IX Coordinator, or their designee, may dismiss the Formal Complaint or any allegations in the Formal Complaint if:

1. At any time during the investigative process, Complainant notifies the Title IX Coordinator that Complainant would like to withdraw the Formal Complaint or any allegation in the Formal Complaint;
2. Respondent is no longer enrolled in or employed by the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to make a determination as to Probable Cause

If a formal complaint of Title IX Sexual Harassment is dismissed due to one of the above reasons, the University may refer it for consideration under other University regulations, policies and procedures including other charges under the [Administrative Regulation: Equal Dignity \(Interim\)](#).



VIII. Allegations Regarding Employment Settings

In some cases, Federal Law, specifically Title VII of the Civil Rights Act of 1964, requires that the institution use a different definition of harassment. When allegations of harassment based on protected characteristics occur solely within the context of employment at the university, Equal Opportunity may define harassment as: unwelcome conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This includes allegations of sexual harassment that fall outside the definition of Title IX-Sexual Harassment but occur within the employment setting.

IX. False Allegations and Statements

Knowingly submitting intentionally false allegations of discrimination or harassment or intentionally false statements to Equal Opportunity is prohibited. If Equal Opportunity becomes aware that a person may have knowingly submitted false allegations or statements, Equal Opportunity may investigate that as a separate violation of this Policy. Additionally, if a party believes that a person knowingly submitted false information for an Equal Opportunity investigation, they can submit a report to Equal Opportunity outlining the information they believe was knowingly false. The mere fact an investigation concluded with a finding of not responsible or no probable cause does not mean the allegation was made in bad faith or was knowingly false. Additionally, if an individual makes a false allegation to a Mandatory Reporter, the Mandatory Reporter does not make a false report for fulfilling their reporting obligations.

X. Corrective Actions and Disciplinary Procedures

If an Equal Opportunity investigation results in a finding that a violation of the policy did occur and a hearing is not required, Equal Opportunity will make recommendations to the appropriate party regarding corrective action or sanctions. The goal of corrective actions and sanctions is to remedy the impact of the violation on the Complainant and prevent recurrence of violations. Both the Complainant and Respondent will be informed of the outcome of the corrective action or disciplinary process, though the Complainant will only be notified of sanctions that impact them directly.

A. Allegations Against Students

With respect to allegations that do not concern Title IX Sexual Harassment as defined in [Section VII.A](#), the range of sanctions for students that Equal Opportunity may impose without a hearing includes disciplinary probation, counseling assessment, social restrictions, social suspension and suspension of five days or less. With respect to allegations against students concerning Title IX Sexual Harassment as defined in [Section VII.A](#) or any Equal Dignity violation referred for a hearing, sanctions may only be imposed after a hearing and following any determination of responsibility; the range of sanctions includes disciplinary probation, counseling assessment, social restrictions, social suspension, removal from campus housing, suspension, or expulsion. Additional educational sanctions also may be imposed when appropriate.



B. Allegations Against Employees

Recommended range of sanctions for employees that Equal Opportunity may impose without a hearing includes counseling, probation, written or oral warnings and suspension of five days or less. With respect to allegations against employees concerning Title IX Sexual Harassment as defined in [Section VII.A](#) or any Equal Dignity violation referred for a hearing, sanctions may only be imposed after a hearing and following any determination of responsibility; the range of sanctions includes counseling, probation, written or oral warnings, suspension, or termination. Additional educational sanctions may be imposed when appropriate.

XI. Regulation References

TITLE IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 - 1688

Title VI of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964

Department of Education, Title IX regulations, 34 C.F.R. § 106.1, et seq.

Higher Education Act of 1965, 485(f) (20 U.S.C. 1092(f)), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Violence Against Women Reauthorization Act of 2013, (Pub. Law 113-4)

Administrative Regulation 6:7, Policy on Disclosure of Campus Security and Crime Statistics

Section 1557 of the Affordable Care Act

House Bill 4- in final version

SJR 55

**UNIVERSITY OF KENTUCKY
J. DAVID ROSENBERG COLLEGE OF LAW
LAW FACULTY RULES AND POLICIES**

Revised June 30, 2024

These rules are intended to be consistent with the Governing Regulations and Administrative Regulations of the University of Kentucky and the laws of the Commonwealth of Kentucky and of the United States of America. In the event that these rules are inconsistent with or contrary to those regulations and laws, then those regulations and laws control.

Table of Contents

1. Meetings of the Faculty and Faculty Committees	3
2. Dean's Consultation with Faculty and Executive Committee.....	4
3. Class Scheduling	5
3A. Determination of Credit Hours for Coursework.....	6
4. Student Class Performance	8
5. Outside Employment	9
6. Withdrawal by Students	9
7. Completion of Course Work and I Grade.....	11
7A. Externships	12
8. Examinations	12
9. Grades	13
10. Requirements for Graduation.....	16
10A. <i>Pro Bono</i> Recognition	22
11. Part-Time Students.....	23
12. Visiting Committee	24
13. Faculty Performance Expectations.....	25
14. Procedures for Appointment, Reappointment, Tenure and Promotion	29
A. Introduction.....	29
B. Faculty Appointments.....	29
C. Progress Toward Tenure and Reappointments	30
D. Promotion and Tenure	30
E. Provisions Governing the Director of the Legal Clinic	33
F. Provisions Governing the Director of the Law Library	35
G. Provisions Governing Law Library Faculty (Excluding the Director of the Law Library).....	37
H. Provisions Governing the Director of the Legal Research and Writing Program	45
I. Provisions Governing the Position of Legal Research and Writing Faculty...	47
15. Kentucky Law Journal	53
16. Kentucky Journal of Equine, Agriculture & Natural Resources Law.....	55
17. Joint Appointments.....	56
18. Interdisciplinary Fellows.....	58
19. Honor Code	59
20. Distribution of Law Faculty Rules and Policies.....	63
21. Approval and Modification of Law Faculty Rules and Policies	63
Appendix: Parental Modified Duties Policy: Draft Recommendation.....	64

EXH : 000002 of 000066

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000117 of 000213

1. Meetings of the Faculty and Faculty Committees

1. Meetings of the Faculty and Faculty Committees**A. Scheduling of faculty meetings**

The Dean shall schedule regular monthly faculty meetings during the academic year at a time reserved for such meetings on the class schedule. The Dean shall schedule additional faculty meetings as needed.

B. Notices of meetings

The Dean or the Dean's designate shall post notices of all faculty meetings and Chairs of faculty committees shall post notices of committee meetings on the College of Law website.

C. Quorum for faculty and committee action

A quorum for the transaction of business at a meeting of the faculty or a faculty committee shall be fifty percent of those eligible to vote at the meeting.

D. Rules of order

Those presiding over faculty and committee meetings shall conduct business according to Robert's Rules of Order.

E. Procedures**1. Minutes**

(a) The secretary of the faculty shall record and report transactions of faculty meetings, including key points made in the deliberations.

(b) The faculty secretary shall distribute faculty meeting minutes to the faculty by e-mail within a reasonable time after the meeting. In addition, the Dean or the Dean's designate shall maintain a file of electronic and printed copies of the minutes.

2. Proxies

(a) Faculty members may vote at faculty and faculty committee meetings only if actually present, with the following exceptions:

(I) When less than 24 hours notice is given of a faculty meeting scheduled for the regular weekly faculty meeting period or less than 72 hours notice is given of a faculty meeting at another time, a written proxy may be given to the Dean.

(II) When a faculty meeting is called for a period other than the regular weekly faculty meeting period, and the meeting conflicts with a regularly scheduled class of a faculty member, that member may leave a written proxy with the Dean.

(III) If a faculty committee chairman chooses to allow proxies, and within a reasonably short time after his or her appointment notifies each committee member that proxies will be permitted, and a majority of the committee does not object, a committee member may leave a written proxy for meetings of that committee with the chairman.

1. Meetings of the Faculty and Faculty Committees

(IV) The faculty or a faculty committee may accept a written proxy by unanimous consent.

(b) Any proxy must be specific as to the decision to which the proxy shall apply and shall indicate how the proxy shall be voted.

(c) Nothing in this policy precludes absent faculty members from having their statements read at meetings.

(d) Nothing in this policy precludes absent faculty members from having minutes amended to indicate how they would have voted.

(e) This policy does not preclude the tenured faculty or full professoriate from adopting a different rule for proxies for their votes in the tenure and promotion process.

F. Student opinion

1. There is established in the College of Law a Student Advisory Council composed of the following five members:

President of Student Bar Association
Vice President of Student Bar Association
First Year Class Representative
Second Year Class Representative
Third Year Class Representative

2. The Student Advisory Council shall select two of its members (hereinafter called Faculty Representatives) to present student opinion to the Faculty.

3. The Faculty Representatives shall forward to the Faculty any views submitted in writing by students to the Student Advisory Council, which views are within the competence of the Student Advisory Council as defined herein.

4. The Faculty Representatives shall also be entitled to appear at "regular" (i.e., not "tenured") Faculty Meetings so as to present written or oral information and advice on agenda items which are within the competence of the Student Advisory Council as defined herein.

5. The Dean's Office, except in extraordinary circumstances, shall make available to members of the Student Advisory Council, an agenda for scheduled Faculty Meetings. The Student Advisory Council will receive notice of the agenda the same time the faculty does.

6. The competence of the Student Advisory Council and its Faculty Representatives shall extend to presenting student opinion with regard to the development of educational policies.

2. Dean's Consultation with Faculty and Executive Committee

A. Faculty performance and salary recommendations

If the Dean is required by the Governing or Administrative Regulations of the University of Kentucky to seek the advice of members of the law faculty, individually or as a group, or an advisory committee of the faculty, on matters of the periodic evaluation of faculty performance or salary recommendations, then the Dean shall obtain the advice of the Faculty Executive Committee on those matters.

2. Dean's Consultation with Faculty and Executive Committee

B. Budget recommendations

Before submitting the College of Law budget proposal to the University, the Dean shall notify the faculty of the proposal under consideration and provide an opportunity for the faculty to present their recommendations.

3. Class Scheduling

A. Policy

Classes should be scheduled without reference to the convenience or inconvenience of student employment schedules.

B. Capping

Normally, an upper level course will not have more enrolled students than a number equal to half the size of a class. Enrollment in upper level courses may be capped at a lower number at the discretion of the instructor, in consultation with the Associate Dean for Academic Affairs, after consideration of such factors as: (1) room size and availability, (2) course availability, and (3) the distribution of the teaching load. This determination should be made early enough to be noted in the Curriculum Planning Guide.

C. Curriculum Planning Guide

It is the sense of the faculty that the listing of the subjects tested by the Kentucky Bar Examination may be misleading to students considering their course selection in the upper levels and it should be deleted from the Curriculum Planning Guide.

D. Schedules and elective courses

Law courses are either required or elective and are planned to provide a well rounded curriculum of such content as to give the student a balanced legal education. To this end, term programs are based on groups of courses for each "category" of students. Normally a category is composed of all students who first entered upon law during a given semester. Any student desiring to substitute in a particular term any course not offered to his category must obtain the permission of the Dean or the Dean's designate for approving schedules.

E. SBA Forum hours

No classes will be scheduled during an SBA Forum hour.

F. Make up classes

No make up classes will be scheduled on any of the last ten calendar days (i.e., including weekends) preceding the final day of regularly scheduled classes, except where necessary to make up a class missed during those ten days.

4. Student Class Performance

3A. Determination of Credit Hours for Coursework

Standard 310(a) of the American Bar Association Standards and Rules of Procedure for Approval of Law Schools requires that: "A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework." These policies and procedures are intended to comply with Standard 310.

A. Credit Hour Calculation and Tracking

For courses of all types, a minimum of 42.5 hours of academic work per credit hour is required. The manner of documenting and tracking this work will vary depending upon nature of the course. The following sections outline default procedures for the most common types:

1. Traditional Lecture Courses with Final Examinations

Lecture courses with final exams should require "not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week" per credit hour over fifteen weeks, exam period included. Fifty minutes of classroom time shall satisfy the hour of required instruction; student hours of out-of-class work shall be sixty minutes.

As guidance for determining the length of time to complete reading assignments, academic literature indicates that an average law student reads ten to thirty pages per hour (60 minutes), depending on the difficulty of the material.

Any faculty member who must miss a regularly scheduled class session for any reason must schedule the equivalent amount of work over the semester. For terms other than the standard fall and spring, the calculated distribution of required times shall conform to the session length rather than for the default fifteen weeks.

2. Legal Research and Writing Courses, Seminars, and Simulations

Classroom time for legal research and writing courses, seminars, and simulations may be scheduled so that class meeting times may be achieved through class meetings or direct faculty instruction and may vary from week to week. The combined total of 42.5 hours of academic work includes time spent in class or under direct faculty instruction, time preparing for class or simulations, and time completing required assignments or simulations.

Ways of calculating out-of-class student work time include: by conducting a review of scholarly literature on the topic; by having a group of students log the time required to complete assignments; by having students report the amount of time spent on written assignments when they submit the assignments; or by having students report the amount of time spent on coursework during the semester when they complete end-of-term course evaluations.

3. Clinical Courses and Externships

Students enrolled in clinical courses and academic externships must complete required hours and submit time keeping records in accordance with established clinic and externship policies. Credit may be withheld for any student who fails to comply with recordkeeping and reporting requirements.

4. Independent Studies (Research Problems)

Students shall submit detailed timesheets to their primary supervising faculty member every two weeks. Students must complete a minimum of 85 hours of research and writing work for two units of

3A. Determination of Credit Hours for Coursework

credit. Credit may be withheld for any student who fails to comply with recordkeeping and reporting requirements.

5. Co-Curricular Courses

Students shall submit detailed timesheets to their faculty advisor every month, unless the faculty advisor indicates in writing that student work product (outputs) will be used to determine hours of work related to credit(s) earned. Students must complete a minimum of 42.5 hours of related work for each unit of credit. Credit may be withheld for any student who fails to comply with recordkeeping and reporting requirements.

B. Readings and other assignments shall be indicated on the course syllabus.

1. By the last day of classes in a given semester, all course instructors shall submit their course syllabi to the Associate Dean of Academic Affairs. In so doing, a course instructor certifies that out-of-class student work for the course meets the requirements of Standard 310(b)(1).

2. The Associate Dean of Academic Affairs shall keep all course syllabi on file and review them on a regular basis to determine whether assignments of out-of-class work comply with Standard 310(b)(1).

C. Courses Taken in Other Colleges at the University of Kentucky

1. As part of the approval process for allowing a non-dual-degree College of Law student to enroll in a course in another college at the University of Kentucky, the student shall provide to the Associate Dean of Academic Affairs a copy of the course syllabus and written certification from the course instructor that it complies with Standard 310(b).

2. For non-law courses within the dual degree programs offered by the College of Law and other schools at the University of Kentucky for which College of Law students will receive credit toward the J.D. degree, the student shall provide to the Associate Dean of Academic Affairs the syllabi of such courses and written certification from the course instructors that the courses comply with Standard 310(b). The student shall provide these materials to the Associate Dean of Academic Affairs prior to the start of the semester in which the student is enrolled in said courses.

D. Courses Taken at Another Law School

1. As a condition of approval of a College of Law student's application to visit away at another ABA-approved law school, the Associate Dean of Academic Affairs or the dean's designee must obtain a written assurance from the school offering the course that the units of credit for the course(s) comply with Standard 310(b).

2. As a condition of approval of transfer credits by the College of Law, the Associate Dean for Academic Affairs or the dean's designee must obtain a written assurance from the school from which an applicant is seeking to transfer that the units of credit for the courses taken comply with Standard 310(b).

E. Course Approval

All proposals for new courses must include a paragraph justifying the number of units of credit to be awarded. The Associate Dean of Academic Affairs shall keep these justifications on file. In approving new courses, the College of Law Curriculum Committee and Faculty will determine whether the number of units of credit to be awarded complies with Standard 310(b).

4. Student Class Performance

4. Student Class Performance**A. Class attendance**

Every student must maintain attendance satisfactory to the instructor in each of his classes. A student may be excluded from any course for excessive absences upon the recommendation of the instructor, with the concurrence of the Dean.

B. Excessive absence rule

Whenever any student has been absent from 25% of the total of any class meetings in any course, in any term, for whatever reason, he shall be disqualified to take the final examination in such course or to receive credit therefor. For the purposes of this rule, the following numbers of absences shall be deemed to constitute 25%: 4 absences in any 1-hour course, 7 absences in any 2-hour course, 11 absences in any 3-hour course, 14 absences in any 4-hour course. Absences in classes that meet for longer than 50 minutes shall count as absences in a number of classes determined by the proportion that the number of minutes the missed class bears to 50 (for example, an absence from a class that meets for 75 minutes shall count as an absence from one and one-half class meetings). Instructors may require special makeup assignments for absences not amounting to 25%, and may take unexcused absences into account in the final grade of the student along with the quality of daily work done, provided that the instructor acts in a manner consistent with a written policy distributed to the student in the first or second class meeting.

C. Procedure on violation of Rule IV.B.

Whenever an instructor determines that a student has exceeded the number of absences permitted by Rule IV.B. above, the faculty member shall notify the Dean or Dean's designate of the violation and shall request that the Dean or Dean's designate notify the student that they have been disqualified from taking the final examination in the course and from receiving credit therefor. Such notification shall be by letter to all addresses for the student on file with the University Registrar. In addition, the Dean or Dean's designate shall make other reasonable efforts to notify the student. Upon notification, the student must initiate withdrawal by requesting the Dean or the Deans designate to permit withdrawal with a grade of W. If the student fails to initiate the withdrawal or cannot be located, the Dean, the Dean's designate, or the faculty member may initiate withdrawal. If the withdrawal is initiated during the first half of the semester, the student may withdraw with a grade of W without the approval of the Dean or Deans designate or faculty member. During the last half of the semester, withdrawal requires the approval of the Dean or Deans designate after consultation with the faculty member. If withdrawal is not initiated or approved as provided herein, the student shall remain enrolled in the course and shall earn a grade of E for the course.

D. Class preparation

Effective instruction in the College of Law requires preparation of daily assignments by students. The case and problem method cannot be effectively used when students are not prepared. Therefore, the instructor may exercise wide discretion in taking action deemed necessary to ensure that classroom performance will be maintained at a high level.

6. Withdrawal by students

5. Outside Employment**A. Policy**

Employment during the school semester often impairs a student's ability to devote the time needed for full time law school study. Accordingly, the law faculty strongly urges first-year law students not to undertake any employment, except in extraordinary circumstances and only after consultation with and approval by the Associate Dean for Academic Affairs. The Associate Dean should generally decline to approve the request of a first-year student to work for more than ten hours per week. In no event may the Associate Dean approve employment, nor may a first-year student work, for more than twenty hours per week during the academic year.

Students in second and third year need not seek approval by the Associate Dean before undertaking employment during the school semester. Second- and third-year students are prohibited from working for more than twenty hours per week during the academic year.

This policy applies to employment outside of the law school and to employment by the College of Law.

B. Notice of policy

1. The faculty rule regarding outside employment shall be communicated to students through, inter alia, (1) in the College of Law Bulletin; (2) materials provided to entering students; (3) the Curriculum Planning Guide; (4) first year Orientation; and (5) a notice posted on the bulletin board of the Career Services Office; and (6) the College of Law web site.

2. The Career Development Office shall inform employers who advertise for term-time student workers through Career Development Office about this rule.

C. Enforcement of Policy

1. The Career Services Office shall inform any employer of this rule if the employer seeks to employ a law student for more than twenty hours per week during the term.

D. Scholarship and grant funds

A concerted effort should be made to increase scholarship and grant funds, as well as other financial aid, for law students; prospective entering students should be apprised of the available aid.

6. Withdrawal by Students**A. General policy**

All students at the College of Law are expected to complete their degree requirements without interruption other than for regularly scheduled vacation periods. It is expected that students will complete all courses or seminars in which they are enrolled. The following rules govern the situations where exceptions to this policy are necessary.

B. Withdrawal from the College and University

1. First year students are expected to complete their first year of law study without interruption. If a student withdraws from the College and University during his or her first year of law study, readmission is not automatic. If a student withdraws during the first semester of law study,

6. Withdrawal by Students

applications for readmission will be referred to the Admissions Committee; if a first year student withdraws during the second semester, applications for readmission will be referred to the Academic Status Committee; provided that in either of the above withdrawal situations, the Dean or the Dean's designate may grant a special leave of absence for the balance of the academic year for reasons relating to extended illness or equivalent distress.

2. After completion of all required first year courses, a student who withdraws from the College of Law and the University is subject to the rules stated herein regarding readmission after a leave of absence and grades for students who withdraw. To officially withdraw from the College of Law, a student must report to the University Registrar's Office to obtain a withdrawal card; this card must be signed by the Dean of the College of Law or the Dean's designate. If a student plans to complete a semester, but not reenroll for the subsequent semester, he or she must give the Dean or the Dean's designate written notice of such intention.

C. Withdrawal from individual courses or seminars

A second year student, a third year student, or a first year student with special permission of the Dean or the Dean's designate may withdraw from any course or seminar within the first half of a semester or summer session. To withdraw from a course or seminar within the first half of a semester or summer session, the student must obtain permission of the Dean or the Dean's designate. A student may withdraw from a course or seminar during the last half of a semester or summer session only on petition certifying reasons relating to extended illness or equivalent distress. This petition must be approved by the Dean or the Dean's designate, with notice to the instructor after withdrawal. The instructor must assign a grade of W if the petition is approved.

D. Readmission after a leave of absence

1. If a student withdraws from the College and University or does not continue enrollment and has complied with paragraph B(2) of this rule, the student will routinely be readmitted to the College provided that the student is in good standing and the absence was not longer than two semesters plus one summer term. No student will be readmitted pursuant to this paragraph more than one time.

2. A student who intends to remain away from the College for more than two semesters plus one summer term must request permission for a Leave of Absence. These requests are not routinely granted and will be referred to the Academic Status Committee for recommendation to the Dean.

3. Readmission for students who are not entitled to readmission pursuant to paragraphs B, D(1), or D(2) of this rule is not automatic. Applications for such readmission will be referred to the Academic Status Committee for a recommendation to the Dean. The Academic Status Committee may consider all relevant facts and circumstances, including the length of time out of the College and reasons for the absence. The Committee and Dean will normally not approve readmission for any student who has been away from the College for six regular semesters. Reasonable conditions, including the repetition of courses for no credit, may be imposed if readmission is approved.

7. Completion of Course Work and I Grades

7. Completion of Course Work and I Grades**A. Completion of course work**

Students in all courses, seminars, and other College of Law programs are expected to complete their course work within the semester during which the course is offered. In examination courses, this means taking the exam at the regular scheduled time. In courses where papers comprise all or part of the course work, such papers must be submitted at the times fixed by the instructor but in no event later than the last day of the scheduled exams for the semester. In clinical courses, all work must be completed at the times fixed by the instructor. Failure to complete College of Law work within the limits described in this paragraph shall result in an E grade unless the student withdraws from the course or receives an I grade. An I grade shall be awarded only as provided below.

B. Alternative dates for examinations

Alternative dates for examinations are governed by Rule 8.B., below.

C. Late papers

A student unable to submit a paper by the scheduled time for submission because of urgent reasons relating to illness or extraordinary circumstances may request permission from the faculty member to submit a paper after the regular scheduled time for submission. Such a request shall be made or confirmed in writing and shall particularize the reasons for the request. Evidence of the reasons for the student's inability to submit the paper at the scheduled time may be required. The faculty member may:

1. Permit a delay in submission until any date prior to the last day of the examination period for the semester; or
2. Recommend to the Dean or Dean's designate a delay in submission until a specified date subsequent to the last day of the examination period; or
3. Deny the request.

D. I Grades for incomplete work

1. Faculty members may submit an I grade for students who fail to complete required course work. Submission of I grades is governed by (update with new cross-reference).
2. Effect of Incompletes on Academic Status

The Faculty of the College of Law, the Law Faculty Academic Status Committee, or the Dean may act with regard to a student's status without reference to the presence of one or more I grades on the student's record.

7A. Externships**A. Definition; standards**

Externships are opportunities for students to obtain legal experience outside of the traditional classroom under the supervision of licensed attorneys. All externship employers must be government

7A. Externships

or nonprofit entities. A student may not receive compensation for externship work for which the student receives credit, but reasonable out-of-pocket expenses related to the externship may be reimbursed.

B. Credit hours

Academic credit granted shall be commensurate with the time and effort required of and educational benefit received by each student. It is expected that students will devote at least 50 hours of work (excluding travel time) in an externship for each credit hour granted.

C. Approval

An externship must be approved by the faculty through the Curriculum Committee, as with any new course. An externship may be approved on an experimental basis, to be offered no more than twice without permanent approval. Externship proposals must contain: (1) a clear statement of the goals and methods of the program and how the program is structured to achieve those goals and objectives; (2) the name and qualifications of the faculty member (who may be an adjunct faculty member) responsible for the course; (3) provisions for evaluation of the student's academic performance by the faculty member and the field supervisor (where extant); (4) opportunities for student reflection and academic discussion through seminars, tutorials, guided reflection, or other methods.

D. Supervision and Evaluation

All externships shall be supervised by a full-time faculty member or the Associate Dean of Academic Affairs. This supervision will include an on-site evaluation before the externship is approved and periodically thereafter as the Associate Dean determines is necessary and appropriate. Each student shall be given the opportunity to anonymously evaluate the externship course. At the end of each academic year, the Associate Dean or faculty Director of Externships shall prepare a written report on and evaluation of each externship, which shall be kept on file at the College of Law and will be shared with the faculty member responsible for the externship instruction.

8. Examinations

A. Monitoring

Some system of monitoring examinations is highly desirable. The Dean should strongly recommend that individual faculty members monitor their examinations or trade off with other teachers so that all examinations will be monitored by a faculty member. Another option is to hire persons (other than law students) to serve as proctors.

B. Alternative dates

The applicable examination rule in the College of Law will be (?) Update with new cross reference.

C. Lost examination papers

Loss or theft of a professor's examination books was treated as follows in February, 1975: students whose papers were not recovered were awarded a grade equal to their cumulative average including work through and including the fall semester 1974, and given the option of taking another examination if they wish to try to achieve a higher grade. Those exercising the examination option would make a binding election and would have to abide by the results of the examination rather than choosing the higher of the two grades afterward.

9. Grades

9. Grades

A. Average grades

1. General rule. The average grade in each course shall be in the range of 3.0 to 3.2.

2. Exceptions.

a. Specified courses. The average grade shall be in the range of 3.0 to 3.5 in courses defined in Rule 10(B)(3) and the graded courses that satisfy the Experiential Course Requirement in 10(C)(1). The average grade shall be in the range of 3.0 to 3.3 in the first-year Legal Research and Writing course.

b. Small-enrollment courses. In any other course, not described above, with enrollment of 16 or fewer, the average grade shall be in the range of 3.0 to 3.4.

c. Incoming high grade point average. In any other course, not described above, in which the grade point averages of the enrolled students (weighted equally) average to 3.2 or more, the average grade shall not exceed that average. An instructor wishing to take advantage of this exception must request this calculation from the College of Law Registrar before the last day of classes for the term in question.

d. Research Problems (Independent Study). In Research Problems (Independent Study), there is no required average grade.

e. First-year courses. The average grade shall be in the range of 2.9 to 3.1 in first-year courses other than Legal Research and Writing.

3. Procedure. When an instructor submits grades, the College of Law Registrar will calculate the class grade point average. If it is not within the required range, the Registrar shall return the grades to the instructor. Grades that do not meet the requirements of this rule are not "submitted" for purposes of the grade deadline in part C of this rule.

B. Anonymity

For each course the faculty member will designate whether grading of examinations is to be anonymous or non-anonymous and the students will be advised of this prior to submitting graded work, and if possible, prior to registration.

C. Deadline for submission of grades

Grades are due in the Dean's Office as follows:

1. Not later than midnight five days before the beginning of the Spring Semester for Fall Semester grades. Because the Spring Semester generally begins on a Monday, this deadline will generally fall on the Wednesday of the week before the Spring Semester begins.
2. Not later than three weeks after the conclusion of exams for Spring Semester grades.
3. Not later than two weeks after the conclusion of the course for Summer Semester grades.

(Rule 9.C was approved by vote of the Faculty on November 16, 2022.)

Commented [JB1]: This change was approved at the faculty meeting on September 30, 2021. Not sure if that edit date should be included here.

Commented [JB2]: We no longer have any law students who matriculated before Fall 2020. Any student who sought readmission if they had started before 2020 would be ineligible for graduation, based on the 84 month rule. Therefore, I believe it is appropriate to delete the section describing the rules applicable to students who began before Fall 2020.

9. Grades

D. Probation, Suspension, Repetition of Courses**1. Probation.**

a. Placement on probation. A student is placed on probation in any of the following circumstances.

i. After completion of the first semester, the student's grade point average is below 2.0.

ii. After completion of any other semester, the student's cumulative grade point average is below 2.2.

b. Consequences of probation. A student on probation:

i. Must have all course enrollments approved by the Associate Dean for Academic Affairs;

ii. May not have outside employment;

iii. Must raise his or her grade point average as follows:

(A). In the first following Fall or Spring semester to 2.2 for that semester, and, by the end of the second following semester, to a cumulative average of 2.2; or

(B). If the first following Fall or Spring semester is intended to be the student's final semester, to a cumulative average of 2.2 by the end of that semester.

iv. Must enroll in and attend all Academic Success classes offered during the period of probation.

v. May not graduate from the College of Law.

c. Removal from probation. A student who meets requirements (i) through (iv) of subsection 1(b) of this rule shall be removed from probation.

2. Suspension.

a. Placement on suspension. A student is suspended from the College of Law if

i. The student is on probation and fails to meet the requirements (i) through (iv) of subsection 1(b) of this rule within the time frame provided; or

ii. The student's cumulative grade point average is below 2.2 at the end of any Fall or Spring semester after having been removed from probation under subsection 1(c) of this rule.

b. Consequences of suspension. A student on suspension may neither attend nor graduate from the College of Law.

c. Removal from suspension. A student may not be removed from suspension except upon approval of the College of Law faculty (after consideration by the Academic Status Committee) and the Dean. The faculty may impose additional academic standards in individual cases, and in any case may impose other reasonable conditions of readmission including, but not limited to, specification of schedule of study (including specification of particular courses and limitation of hours), and the limitation of extracurricular activities. The faculty may also require the repetition of courses either with or without substitution of the grades awarded in the courses retaken. The student may have an opportunity to be heard at any Committee or faculty meeting hereunder. A student removed from suspension is placed on probation for the student's next semester or summer term but is not thereby subject to subsection 2(a)(ii) of this Rule. A student suspended for a second time may not be removed from suspension.

3. Repetition of courses. Any student who receives a grade of E in a required course must reregister for the course and complete all requirements therefor. A student who receives a grade of "D+" or lower in any first-year class must repeat that class until the student receives a grade of "C-" or better. When such a required course is retaken or when a student elects to repeat an elective course in which the student received a failing grade, both the initial and subsequent grade will be reflected on the student's record and counted in the computation of grade point average for purposes of this Rule and Rule 10(A).

Commented [JB3]: The addition of "fall and spring" in these three places was approved by the faculty at the meeting on 9/30/21. Not sure if we should add the edit date here.

9. Grades

E. Calculation of averages

Wherever an average is calculated under this Rule or Rule 10(A), it shall be carried to the tenths place. This means that the digit in the tenths place will be increased by one if the hundredths digit is 5 or greater, but the digit in the tenths place will be unchanged if the hundredths digit is 4 or less. All digits beyond the tenths place will otherwise be ignored.

[Rule 9(E) added on May 9, 2019]

10. Requirements for Graduation**A. Juris Doctor degree**

Students admitted to the College of Law are eligible for the degree of Juris Doctor (J.D.) upon completion of a minimum of three academic years (six full time semesters or equivalent) of residence and 90 semester hours of courses in the College of Law with a grade point average of at least 2.2. All courses in the first year of law study are required, as is a course in professional responsibility, an upper division writing course, six upper division substantive courses, and six credit hours of experiential courses.

B. Upper Division Writing Course

1. To graduate from the College of Law, a student must successfully complete an upper division course that has an approved writing component.

2. A course with an approved writing component must require the following:

(a) The completion of a written document or documents that comprise, in total, at least 25 double-spaced pages, inclusive of footnotes and endnotes, for a two-credit course, or at least 40 double-spaced pages, inclusive of footnotes and endnotes, for a three-credit course. At least fifty percent of the student's final grade must be based on the student's written submission. The student's written submission must demonstrate substantial independent research and original thought.

These documents may include traditional legal research papers or one or more memoranda or other transaction-related or litigation-related writings, so long as the student's work is the result of substantial independent research, and the student's written work product totals at least 25 or 40 pages, inclusive of footnotes and endnotes, as outlined above in this section B(2)(a)

(b) The submission of at least one preliminary draft of the document or documents, on which the Faculty Member will make detailed criticisms, suggestions, and comments, with a particular view toward improving the forcefulness, effectiveness, methodological soundness, and/or persuasiveness of the student's written expression. During the course of the semester, the Faculty Member must have at least one private consultation with each student to discuss the student's draft.

3. Courses that satisfy this writing requirement shall include:

(a) Seminars, which are courses with limited enrollment of no more than sixteen students, the primary focus of which is the preparation of a substantial research paper and the oral presentation and defense of that paper to the entire class. In extraordinary circumstances,

10. Requirements for Graduation

the Dean may increase or decrease the enrollment in a seminar. All courses approved as seminars are deemed to satisfy the Upper Division Writing Requirement.

(b) Other courses that have, as their focus, the completion of a substantial writing project (or projects) that satisfy the requirements listed in subsection (B)(2)(b) of this rule. The faculty must specifically approve each non-seminar course as satisfying the Upper Division Writing Requirement under this rule.

(c) The course in Research Problems (often referred to as "independent study") if the course satisfies the requirements listed in subsection (B)(2)(b) of this rule, unless the course is taken in the student's final semester of legal studies. A faculty member may not supervise more than three (3) independent study projects in one semester without the prior approval of the Dean.

B1. Upper Division Substantive Courses

A student must successfully complete Professional Responsibility as well as six of the following courses: Administrative Law, Business Associations, Constitutional Law II, Criminal Procedure, Evidence, Family Law, Secured Transactions, Taxation I, Trusts and Estates.

C.1. Experiential Course Requirement

1. A student must successfully complete one or more "experiential" courses totaling at least six credit hours. An experiential course is a simulation course, law clinic, or externship, and is designated as such in the law school's official course catalog with faculty approval. To "successfully complete" the course means to receive a final grade other than E or F.

2. A course may be designated as "experiential," and added to the law school's official course catalog, as contemplated in sub-section (1) above, if the faculty determines that the course meets the requirements of 2015-16 ABA Standards 303(3), 304 and 305 and Interpretation 305-3, or any successor Standards or Interpretations. A course may be deleted from the list of "experiential" courses in the course catalog by the Dean (or the Dean's designate) if he or she determines that the course no longer meets these requirements or if the course is no longer offered.

D. Pass-fail courses

In determining the number of hours credited toward the requirement for the J.D. degree:

1. No more than 6 hours of graduate courses outside of the College of Law shall be counted. All such courses must be approved by the faculty in advance. The College of Law will assign a grade if P if a student receives an A or B in the course; the College of Law will assign a grade of E if the student receives a C, D or E.

2. No more than 9 hours of courses in the law school that are offered on a pass-fail basis shall be counted.

3. No more than 12 of the total number of pass-fail credit hours, whether earned under 1. (above) or under 2. (above) shall be counted.

4. No more than one graduate school course outside the law school, graded on a pass-fail basis, may be credited in any one semester.

10. Requirements for Graduation

Students in joint degree programs may only take up to nine pass-fail course credit hours in the College of Law and may take no courses outside the College of Law for credit toward the J.D.

D1. Mandatory Pass/Fail Grading for Spring 2020 Courses

Commented [JB4]: Perhaps it is time to delete this rule? Or leave it in for reference if anything like this ever happens again?

- (1) All courses in the Spring 2020 term will be graded on a pass-fail basis.
- (2) Credits awarded in courses which are currently taken pass-fail will be counted for purposes of the limitation on pass-fail hours in Faculty Rule 10(D). All other pass-fail credits awarded under this rule will not be counted for purposes of the limitation on pass-fail hours.
- (3) All students will be evaluated by the instructor as if this rule were not in effect. The instructor will assign a letter grade for each student in the course (unless the course is already designated pass-fail in the catalog). The registrar will substitute a grade of "P" for any grade other than "E" or "I." The grades of "E" or "I" will not be changed by this rule. The grading information reported by the instructor of each course shall not be communicated to the student. The student will receive only the grade of P when the student is determined to have passed the course. The award for the highest grade in the class will not be awarded in any class for the Spring 2020 semester.
- (4) All requirements for class attendance and participation remain unaffected by this rule.
- (5) When providing transcripts to students who completed courses during the Spring 2020 semester, the Registrar shall provide a statement to students explaining that, because of the unprecedented effects of the Covid-19 pandemic, the College of Law faculty with University approval required that all courses be graded on a pass/fail basis.
- (6) Notwithstanding the terms of other faculty rules, the conditions imposed on students readmitted to the College who are not in good academic standing are suspended for the Spring 2020 semester because of the unprecedented effects of the Covid-19 pandemic.
- (7) Students will be informed that they have the academic right under University Senate Rule 6.1.3.2 "to receive fair and just grades." This rule states that "[s]tudents have the right to receive grades based only upon fair and just evaluation of their performance in a course as measured by the standards announced by their instructor(s) in the written course syllabus at the first class meeting." College of Law faculty have decided, based on the emergency conditions arising from the Covid-19 pandemic and its unprecedented impact on the College, University, and community, that mandatory pass-fail grading for all courses is the fair and just method for evaluating student performance in all such courses. If any student believes that the grade received is not a fair and just evaluation, the student has the right to appeal the grades received. That appeal will proceed without the student being advised of any of the letter grades that were awarded, because such an appeal would relate to the award of the grade of pass or fail, rather than the particular letter grade. The student will receive the letter grade awarded if the student prevails in this appeal. In that event, the student would retain the right to appeal the letter grade received.

[Adopted by the faculty, March 26, 2020; approved by the University Senate, March 30, 2020.]

E. Evaluation of College of Law Clinic

The Law Clinic will be evaluated on a yearly basis by the Dean and Associate Dean of the College of Law after consultation with the Faculty and other appropriate groups and individuals. A written report

10. Requirements for Graduation

based on this evaluation will be made and will be provided to the Faculty and other interested parties. This yearly evaluation and report will include a determination of whether and to what extent the goals of the clinic are being achieved and a review of these goals to determine whether any change is needed in these goals for the upcoming year

F. Credit for Foreign Study

The faculty of the College of Law believe that the study of international law, as well as the study of the legal systems and cultures of other countries, contributes to and enhances students' legal education. When the College of Law has an opportunity to develop a relationship with a foreign law school so that interested students may have an opportunity to study abroad at the foreign law school, the College of Law should seek to develop that relationship to permit qualifying students to study abroad. Such foreign study should be approved only when it is determined that the study will enhance a student's legal education. Any such foreign study is subject to the following requirements:

(1) Foreign study is available only to students eligible to receive a J.D. degree from the College of Law and in good standing at the College of Law. Such students are permitted to study abroad only after the completion of their first year of study and may spend no more than two semesters of study at any foreign institution;

(2) A proposed course of foreign study must be approved in advance by the Associate Dean for Academic Affairs. The course of study must comply with the ABA Criteria for Student Study at a Foreign Institute (the ABA Criteria);

(3) Students may earn no more than 35 credit hours toward the J.D. degree outside the College of Law. This includes credit hours from foreign institutions (which may not exceed 30 credit hours), other ABA-approved law schools as a visiting student, and graduate-level courses taken outside the College of Law;

(4) In order to count credit hours earned under this rule toward the J.D. degree, students must earn a grade of C or higher (or the equivalent grade) in each course. Credit hours will be applied toward the J.D. degree on a pass-fail basis, and grades earned at the foreign institution will not be reflected in a student's College of Law GPA or class rank;

(5) No more than six students may undertake study at any particular foreign institution(s) within a three-year period that includes the current academic year and the two previous academic years;

(6) A full-time faculty member at the College of Law familiar with the course of study at the foreign institution must act as sponsor of the student's foreign study. This faculty sponsor is responsible for performing the review of the student's course of study in accordance with the ABA Criteria;

(7) Courses taken at a foreign institution shall not satisfy the upper division writing requirement or the Professional Responsibility course requirement;

(8) Credit will be given only for approved academic coursework at the foreign institution. Credit will not be provided for participation in foreign externships and any other program foreclosed by the terms of the ABA Criteria;

(9) Student study at a foreign institution must comply with all other rules promulgated from time to time by the College of Law administration for purposes of compliance with the ABA Criteria.

10A. *Pro Bono* Recognition**10A. *Pro Bono* Recognition****A. Pro Bono Award**

Upon the completion of 50 hours of independent law-related public service, a student shall receive the College of Law Pro Bono Award. While many of the components of recognition of this award should lie within the discretion of the Dean, at a minimum, the award should include a certificate and recognition of the students who have received the award at the College of Law graduation ceremony. A record of the award should be retained in the student's permanent record at the College of Law.

B. Total Hours and Time Period

In order to receive the award, a student must complete 50 total hours of independent law-related public service as defined in Part C below. Except as provided in Part E below, the work must be completed after the student has completed his or her first year.

C. Definition of Pro Bono Activities

"Pro bono activities" are defined as independent law-related public service activities.

1. "Independent" means activities for which the student:

- (a) does not receive compensation;
- (b) does not receive a Summer Public Interest Law Stipend; and
- (c) has not received academic credit.

2. "Law-related public service" means public service that attempts to alleviate social problems relating to legal processes, or otherwise addresses problems that attorneys and law students are well equipped to solve using legal skills or other skills that lawyers normally utilize. Such law-related public service can be provided to the following: one or more individuals; organizations seeking to secure or protect civil rights, civil liberties or public rights; or charitable, religious, civic, community, government and educational organizations in matters in furtherance of their organizational purposes. Such law-related public service must be conducted under the supervision of a licensed attorney and the participating student must comply with the requirements of Parts D. and E. below.

D. Activity Pre-approval and Reporting Requirements

Independent law-related public service hours may be earned in 1) a College of Law sponsored pro bono activity or 2) in an activity developed by individual students with the prior approval of the Dean or his designate. All hours earned must be reported to the Dean or his designate at the time and in the manner prescribed.

E. First Year Student Participation in Pro Bono Program

First year students may participate in the pro bono program only through College of Law sponsored pro bono programs that are approved for first year participation by the Dean or his designate.

11. Part-Time Students

11. Part Time Students

A. Full time study

Because the study of law at the University of Kentucky is a full-time pursuit, all law students are expected to carry a full academic program (15 semester hours) and to devote their full time to the study of law.

B. Policy

There is no part time curriculum in the College of Law. Otherwise qualified students may be admitted by the Admissions Committee to take less than a full first year course load only in the following circumstances:

1. with appropriate contingent conditions, one of which will require that the first year course of study be completed in a period not to exceed two academic years; and

2. after the committee has considered all factors special to the situation, including but not limited to:

(a) the policy of the University to provide educational opportunities for U.K. employees;

(b) any extraordinary personal circumstances;

(c) the applicant's ability to provide diversity to the student body.

C. Reporting

At the beginning of each semester, the Associate Dean will supply to the faculty a listing of any first year students who were not taking the full load and why; and to update that listing to show first year students who drop more than one course during the semester.

12. Visiting Committee

A. Purpose and function

The purpose for the Visiting Committee is to enlist the interest and support, and to gain the insights, of a group of distinguished alumni and lawyers who serve on a voluntary basis. The Committee is asked to visit the College of Law at least once each year, for one to two days. During these visits, the Visiting Committee is to become acquainted with the faculty and representative segments of the student body, and familiarize itself with the program and goals of the College of Law, as well as with any problems it faces. At the conclusion of its visit, the Visiting Committee is be asked to formulate suggestions in the form of recommendations concerning improvements, new directions, and available means for the solution of any existing problems. The Visiting Committee communicates its recommendations to the Dean, the President, Provost and/or the Board of Directors of the Law Alumni Association.

The Visiting Committee should not encroach upon the functions of the Law Alumni Association Board, even if the latter should decide annually to hold one of its periodic meetings at the College of Law, setting aside a day for that purpose in order to "visit" the school.

12. Visiting Committee

B. Structure

The Visiting Committee is composed of at least 35 members appointed to four-year terms by the President of the University. Terms are renewable for up to four additional years. No member shall serve for more than eight years, unless he or she is serving beyond eight years as Chair or Vice-Chair or rolls off of the Visiting Committee for at least one year after eight years of continuous service. Nominations may be suggested to the President by the Dean, the Law Alumni Association Board of Directors and the Faculty. In order to create staggered terms which will provide a measure of continuity coupled with a steady inflow of new ideas, periodic adjustment of the membership may be made by the President, upon recommendation of the Dean. The Visiting Committee will regularly elect a Chair and Vice-Chair, each to serve for a coterminous term of two years, renewable for up to two additional years.

The President of the Law Alumni Association will serve as a member, ex officio, of the Visiting Committee during his or her term of office.

Committee members will bear their own traveling expenses in attending the annual meeting.

C. Selection Criteria

Each member of the Visiting committee should be a law trained person who has attained a high level of achievement in his or her chosen career, and who enjoys the respect of the legal community. While status as an alumnus of the College of Law will weigh in favor, it is not a condition of selection. Nominees may be persons who have demonstrated an especial interest in the College, but can also be persons whose involvement and interest the College seeks to cultivate. Effort will be made to seek diversity among the members in order to reflect the diversity of law practice and law related careers engaged in by the Alumni of the College.

13. Faculty Performance Expectations

A. Teaching

The primary mission of this law school is to provide a high quality legal education for its students. Effective teaching, therefore, is the most important element of an individual's performance as a member of the faculty. It takes substantial time to acquire and maintain a thorough understanding of course materials and to plan for an effective presentation of those materials in the classroom. It takes additional time to meet the educational needs of students outside the classroom.

The amount of time necessary for accomplishing effective teaching, however, is in part dependent upon the experience of the individual faculty member. For a year or two after initial appointment to the faculty a conscientious attempt to satisfy this responsibility may take most or all of a faculty member's available time. For a short span of years thereafter, while the individual masters the fields of law in which he or she teaches, the teaching responsibility may continue to make a more substantial demand on time and energy than all other faculty responsibilities combined. At the end of this period of years (which, for most, will be approximately five years depending upon prior experience), and certainly by the time a faculty member has achieved the rank of full professor, the demands on time and energy to meet the teaching responsibility are usually much less severe than before. The teaching of a new course, the use of a novel approach in an old course, or an unusually heavy course load can alter the situation. In general, however, it must be recognized that a beginning teacher and a moderately experienced one will typically need to invest more of his or her total work effort in the teaching responsibility than will an established teacher.

The burden of satisfying the teaching responsibility can never be spread among the faculty with total uniformity. Some courses and teachers will consistently attract more students than will others. Some

13. Faculty Performance Expectations

courses will always experience more dramatic and frequent change in content than will others. Some courses will require a more time-consuming approach than others. In varying degrees these differences affect the kind of work effort needed to satisfy the teaching responsibility. Nevertheless, the faculty expects each of its members to shoulder a fair share of the institution's obligation to provide quality teaching.

B. Research

The existence of an obligation to teach effectively and conscientiously a full load of courses is a matter which is taken for granted by the faculty. The same should be true with respect to the existence of an obligation to engage in productive research and creative scholarship. The advancement of legal knowledge broadly defined is an obligation of every good law school. Scholarship provides insights and new knowledge which enhance teaching effectiveness. Furthermore, the quality and quantity of a faculty's published research are frequently the only public measure of a law school's worth and reputation. Every member of the faculty of every rank, therefore, has a responsibility to engage in activity directed toward scholarship and research. This responsibility is second in importance only to teaching as an element of an individual's performance as a member of the faculty. And it should be regarded as a very close second.

Research and scholarly activity of the faculty as a whole take many forms. The most common manifestation of such activity is the law review article. Contributions may be made in many other ways (for example, the publication of casebooks and textbooks, papers and speeches, legal development surveys, book reviews, law reform proposals, etc.). No faculty member should feel pressured to engage in a particular kind of research activity or to seek any particular kind of outlet for his or her scholarly effort. No faculty member, however, should feel free to ignore the obligation to engage in serious and continuous scholarly activity and to reduce the results of that activity to writing so that others may benefit from it.

It is difficult to describe with accuracy the magnitude of an adequate research effort by a member of the faculty. In 1966 the faculty adopted a statement of policy concerning the criteria for promotion and tenure. Several observations in that statement of policy speak to the matter of faculty research expectations. The following ones seem to offer the most specific guidance on the issue:

The law teaching profession expects that an Associate Professor of Law will have conducted serious scholarly research. After the first few years in teaching, the traditional expectation, as was noted by the late Dean Roscoe Pound, is for a law teacher to publish one article every other year. (Pound, Law Teachers and Law Teaching, 3 J. of Legal Ed. 519, 532 (1951).) He may have in print any number of speeches, panel remarks or publicly delivered papers, but these are considered embellishments to his research efforts and not the primary manifestation of his work. Absent publication of serious and worthwhile law review articles, no quantity of these lesser quality publications suffice to evidence mature research capability

However, there are many forms of research activity deemed functionally equivalent to such a stream of law review articles. Long-term research in the form of work on a scholarly book, delivery of a series of exceptional lectures, or papers or speeches, preparation of casebooks or other types of law teaching materials may involve several years of work, and are deemed "functionally equivalent" to short-term research culminating in law review articles Continuous work compiling legal materials for publication in a purely commercial context to be sold to practitioners may be deemed functionally equivalent to the above-stated norm, if it embodies new ideas, concepts, organizational principles or research data.

(P)romotion to full Professor is a determination that the individual's meritorious attainments during his associateship demonstrate clearly his mature research and professional potential in the field of legal

13. Faculty Performance Expectations

education. Full professorship in law teaching is not so much a reward for past achievements as it is recognition of the mature research potential thereby evidenced in a manner designed to spur incentive for developing that potential.

High quality scholarship is only slightly less important to the overall mission of the law school than high quality teaching. The faculty expects each of its individual members to shoulder a fair share of the institutional obligation to engage in quality research. It expects each member of the faculty to have a continuous program of research and to produce creative scholarship on a regular basis.

C. Service

Service to the law school, the University, and the public is the third component of faculty performance. While not constituting as significant a portion of a faculty member's responsibility as teaching and research, such service is nonetheless a substantial element of each faculty member's obligation to the institution.

Each member of the faculty is expected to participate regularly and responsibly in the processes through which institutional policy is formulated and implemented. In addition each member is expected to share in the demands on time and energy that result from the routine operation of the school. At a minimum a faculty member should regularly attend faculty meetings, perform committee assignments responsibly, attend law school functions appropriate for faculty (such as student banquets, graduation, etc.), help with the supervision of student groups and organizations (such as the law journal staff, the moot court board, etc.), and bear part of the burden of informal advising of students on their professional and educational problems.

Service to the institution includes service to the University. The faculty recognizes its obligation to participate fully as an important component of the larger institution. A faculty member should bear a reasonable share of the duties inherent in the law school's full participation in the operation of the University. Such service is valuable to the University and the law school and is to be encouraged.

Service to the profession and public is also a part of this third component of faculty performance. Members of the faculty should seek opportunities for involvement in professional and public affairs that relate to their work at the University. Such activities should not be permitted to impinge on the capacity of the faculty member to perform the principal responsibilities of teaching and research at a high level. But distinguished professional and public service, particularly continuing legal education, pro bono legal representation, and law reform efforts, is highly valuable to the school and to the faculty members who provide it.

D. Full-time effort

The law school is and should continue to be staffed with faculty members who are full-time teachers and scholars. Indeed the accreditation policies of the Association of American Law Schools provide that a "faculty composed largely of full-time teachers is the very heart of a successful program of legal education." Part-time instruction in certain specialty areas, such as bankruptcy, litigation skills, and legal writing is a valuable part of the school's overall program. Additionally, part-time instruction may be necessary on a temporary basis to fill a program need created by the absence of regular faculty. In general, however, the faculty is fully committed to the AALS policy regarding full-time faculty members.

The AALS provides the following guidelines as to the meaning of full-time faculty status:

Full-time teachers are those who devote substantially their entire time to their responsibilities as teachers, scholars, and educators. This does not preclude professional activities outside the law

13. Faculty Performance Expectations

school if so limited as not to divert the faculty member from his primary interest and duty as a legal educator.

The faculty expects that each of its members, in accordance with the AALS guideline, will devote substantially all of his or her efforts during the contract period of employment to the performance of his or her responsibilities to the institution.

Professional activities outside the law school, in the form of consultation or professional practice, can be valuable to the institution and compatible with the demands of full-time faculty status. Such activities frequently enable faculty members to perform their teaching and research responsibilities at a higher level and enhance the reputation of the institution and of the individual faculty members involved. On the other hand such activities have an almost limitless potential to undermine the performance and competence of the faculty as a whole. If not properly limited, they can adversely affect the quality of teaching and attention given law students as individuals, the scholarly interest and performance of the faculty, the participation of faculty in important law school functions, and much more. Consequently both the Dean and the faculty are obligated to do whatever is necessary to keep such activities within proper limits.

University regulations place at least two significant limitations on outside professional activities of faculty members: (1) such activities may not be undertaken without prior approval of the Dean and Provost; and (2) such activities may not exceed 39 days during the academic year of August 15 through May 15. Additional limitations on outside professional activities result from the institution's obligations under the following AALS policy:

In determining whether outside professional activities are properly limited, the following factors, among others, are of great importance:

- i. The extent to which the field of outside activity coincides with the full-time teacher's major fields of interest as a scholar and teacher;
- ii. The character of the professional activity as a source of novel and enriching experience that can be directly utilized in his capacity as an educator;
- iii. The degree to which the demands of the outside activity interfere with the teacher's regular presence in the law school and with his availability for consultation and interchange with students and colleagues;
- iv. The extent to which the outside activity may properly be characterized as public service, as distinct from the pursuit of private purposes.

The foundation underlying these limitations is the fundamental notion that full-time teachers should not engage in professional activities outside the law school that divert them from their primary interests and duties as legal educators. The faculty of this college is wholeheartedly committed to this notion. Consequently it expects each of its members to abide by the above-stated limitations carefully and completely.

E. Work Effort Distribution Model

This model is applicable to all faculty members in their fifth or subsequent year of law teaching. The below ranges are not intended to define or restrict the amount of time to be devoted to the various areas of performance. For purposes of performance evaluations, each such faculty member may designate the weighting factor to be used in evaluating performance in each of the three following categories:

13. Faculty Performance Expectations

1. TEACHING: Minimum 40% - Maximum 55%.

This area of performance includes classroom teaching, preparation (including research) for classroom teaching, clinical supervision, and student advising.

2. RESEARCH: Minimum 35% - Maximum 50%.

This area of performance includes research for publication and for public presentations (speeches, law reform work, and so on) of a substantial scholarly nature.

3. SERVICE: Minimum 5% - Maximum 25%.

This area of performance includes service to the law school, university, and profession, as well as uncompensated public service of a legal nature.

Those faculty members with less than five years of law teaching experience and other faculty members for whom the above model is unrealistic due to extraordinary circumstances, shall determine their work effort distribution by agreement with the Dean. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Dean.

DISTRIBUTION OF EFFORT FORM

Name

In accordance with the faculty's action of April 29, 1985, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year ____.

I. TEACHING: (Minimum 40% - Maximum 55%) _____

II. RESEARCH: (Minimum 35% - Maximum 50%) _____

III. SERVICE: (Minimum 5% - Maximum 25%) _____

Other values for those faculty members with less than five years of law teaching experience and other faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Dean. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Dean.

Signature - Faculty Member

Signature - Dean

14. Procedures for Appointment, Reappointment, Tenure and Promotion

A. Introduction

13. Faculty Performance Expectations

The University of Kentucky Administrative Regulations ("Administrative Regulations") provide policies and procedures concerning faculty appointments, promotions, grants of tenure, and related matters. The College of Law's procedures for Appointment, Reappointment, Tenure and Promotion contained herein ("College of Law Procedures") describe the manner in which the College complies with the Administrative Regulations. Within the College's committee structure, the Retention, Promotion and Tenure Committee ("RPT Committee") is the committee charged with the general responsibility for implementing the College of Law Procedures. The Dean of the College or Chair of the RPT Committee shall provide each new faculty member with a copy of the College of Law Procedures during their first semester of service. A set of the current Administrative Regulations shall be accessible in the Dean's Office to all faculty. All faculty should familiarize themselves with the College of Law Procedures and Administrative Regulations and should feel free to seek guidance concerning them from the Dean of the College or the Chair of the RPT Committee.

B. Faculty appointments

The Administrative Regulations provide policies and procedures concerning the appointment of faculty at various levels and ranks.

1. Regular faculty appointment. The Appointments Committee is a part of the College's committee structure and is the advisory committee concerned with initial Regular faculty appointments. It is this committee's function to search for and screen candidates for initial appointment to the Regular faculty at the rank of Assistant Professor or higher, and to make recommendations concerning such appointments to the Regular faculty. In the College of Law all initial appointments to the rank of Assistant Professor or higher are made after the Regular faculty has been consulted and collectively made a recommendation to the Dean. Normally the RPT Committee is not concerned with initial appointments. However, the terms of an initial appointment may be relevant to matters within the scope of the RPT Committee. For example, an initial appointment might be made with tenure.

2. Law Library and Clinical appointments. The search for and screening of candidates for initial appointment to the Law Library and Clinical faculty shall be done by ad hoc search committees appointed as necessary when vacancies occur.

3. Temporary faculty appointments. Temporary faculty are those faculty not covered in the above two categories. Initial appointments of temporary faculty shall be done by the Dean (or Dean's designate) with input from the faculty or a committee of the faculty as appropriate. Where time or other circumstances do not allow faculty consultation prior to considering candidates for a position, the Dean (or Dean's designate) will give faculty notice of an intended hiring of a temporary faculty member.

4. Faculty in all title series shall be invited to be present at the research and other presentations by candidates for positions in other faculty title series and shall be allowed an opportunity to offer comments on the candidates to the relevant search committee.

C. Progress toward tenure and reappointments

The Administrative Regulations provide policies and procedures concerning progress towards tenure and reappointment of faculty. In the College of Law the tenured members of the faculty will meet during the course of each academic year to consider the performance of all non-tenured faculty members. The tenured faculty will consider the progress of each non-tenured faculty member based on information supplied by that faculty member to the Dean's Office including the Performance Information Forms provided pursuant to the Annual Merit Review and such other information as is developed by the Dean and the RPT Committee. The RPT Committee shall report to the tenured faculty

14. Procedures for Appointment, Reappointment, Tenure and Promotion
B. Faculty Appointments

concerning the progress towards tenure of each non-tenured faculty member and may further make a recommendation that the individual be offered reappointment for the following academic year or years, given notice of termination, or offered a terminal reappointment. After due deliberation the tenured faculty shall report to the Dean regarding the progress of each non-tenured faculty member and may further recommend that the individual be offered reappointment for the following academic year or years, given notice of termination, or offered a terminal reappointment. After the tenured faculty has made a report or recommendation concerning a non-tenured faculty member and a decision has been reached, the Dean will advise the latter of his or her status. If a decision not to reappoint or to offer a terminal reappointment is made, the Dean will, at the affected faculty member's request, discuss the circumstances surrounding the decision.

D. Promotion and tenure

1. Responsibility for evaluation

The Administrative Regulations provide policies and procedures concerning promotion and tenure. They require, inter alia, that a recommendation to promote and/or grant tenure originate with the Dean of the College of Law and that in preparing a recommendation the Dean consult with appropriate faculty.

In the College of Law the members of the faculty who will be consulted and who collectively shall make a recommendation to the Dean concerning a promotion will be those members of the faculty holding a rank equivalent to or higher than the rank for which the individual is being considered. In the case of a tenure decision the tenured members of the faculty will be consulted and collectively shall make a recommendation to the Dean. For each recommendation to promote and/or grant tenure the Administrative Regulations require, inter alia, the written judgment of each faculty member consulted.

The Retention, Promotion and Tenure (RPT) Committee is the college advisory committee on promotion and tenure referred to in the Administrative Regulations. It is the RPT Committee's function to develop and administer procedures to assist in the evaluation of non-tenured faculty and of candidates for promotion and/or tenure. The committee will advise the Dean with or without a recommendation for promotion and/or tenure as it deems appropriate. The RPT Committee will administer the preparation of materials, including preparation of the promotion and tenure file and dossier prepared in connection with the promotion and/or tenure decision.

The RPT Committee also constitutes the college advisory committee on reappointment of temporary faculty, as defined in part B(3) of this rule. It will develop and administer procedures to assist in the evaluation of these faculty members for recommendation for reappointment as appropriate.

2. Promotion and tenure file

The RPT Committee will maintain in the Dean's office a "promotion and tenure" file on each non-tenured faculty member and on each associate professor. The following materials should be included in the promotion and tenure file, and should be updated annually by the faculty member, in cooperation with the Dean. Unless otherwise indicated, the file should include all relevant items since the faculty member's initial appointment or most recent promotion, whichever is later.

- (1) Notices of Academic Appointment and Assignment
- (2) A curriculum vitae as of the beginning of the most recent academic year
- (3) Performance information forms and distribution of effort forms
- (4) The most recent teaching portfolio
- (5) Student evaluations: a compilation of all numeric score averages for the professor and for the faculty as a whole for each semester. Narrative comments need not be provided.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
D. Promotion and Tenure

- (6) Reports of peer classroom visits
- (7) Publications
- (8) Any other material the faculty member wishes the Committee, the faculty, and the Dean to consider.

3. Teaching ability and potential

In developing information regarding the teaching ability and potential of a faculty member the RPT Committee will employ one or more of the following methods.

(a) Periodic formal student evaluation normally occurring at the conclusion of a particular course. Normally faculty before the rank of full professor with tenure will be evaluated in at least one course per semester. Normally a course shall be evaluated not later than the third time that it is taught. In each semester faculty members have the option of being evaluated in a seminar instead of a course. It is normally expected that temporary faculty members will be evaluated in every course.

(b) Evaluation by randomly selected recent graduates. This evaluation will not relate to particular course(s) or seminar(s) and will be developed through the use of a questionnaire containing two or three questions designed principally to obtain a narrative description of teaching performance and perhaps a judgment relating the individual's teaching performance to the performance of law teachers in general.

(c) Class visitation of non-tenured faculty by other faculty members. Except for temporary faculty, normally such visitations will not be scheduled during a non-tenured faculty member's first and second semesters of teaching. Thereafter, visits shall be scheduled during each semester until a decision not to retain or to recommend tenure has been reached. All of the non-tenured faculty members' courses shall be visited, but normally visits will be limited to one course per semester. The committee will select "visitors" from among the faculty, and all faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. Every effort shall be made to include among the visitors all faculty members with expertise in the subject areas of the non-tenured faculty member's courses. Any faculty member whose class is to be visited shall have an opportunity to object to the choice of a particular visitor and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitor and reasons therefore shall be noted in the faculty member's promotion and tenure file at his or her request. After the visitors have been selected they will consult with the teacher to be visited to obtain course assignments and to reach an understanding concerning the times of visitation. Normally two visitors will observe a particular course for two class hours during a semester but one visitor may be used in the case of temporary faculty. The visitors will file individual written evaluations with their names thereon in the Dean's office for inclusion in the promotion and tenure file. The committee will make copies of the evaluations without the name of the visitor available to the visited teacher upon request. In each semester faculty members may request to be evaluated in a seminar instead of a course, and the RPT Committee shall consider that request in selecting the course or seminar to be evaluated.

(d) Class visitation of tenured but not-fully-promoted faculty by other faculty members. Class visits will be scheduled once every academic year for tenured faculty members who have not been fully promoted. Two visitors will evaluate one course for one class session each academic year. The committee will select the course to be evaluated in consultation with the faculty member. The committee will select "visitors" from among the fully-promoted faculty, and all fully-promoted faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. Any faculty member whose class is to be visited shall have an opportunity to object to the choice of a particular visitor and have the objection and reasons therefore considered by the

14. Procedures for Appointment, Reappointment, Tenure and Promotion
D. Promotion and tenure

committee in selecting visitors. The objection to the visitor and reasons therefore shall be noted in the faculty member's promotion file at his or her request. After the visitor has been selected the visitor will consult with the teacher to be visited to obtain course assignments and to reach an understanding concerning the times of visitation. The visitor will file an individual written evaluation with his or her name thereon in the Dean's office for inclusion in the promotion file. The committee will make copies of the evaluations without the name of the visitor available to the visited teacher upon request. Faculty members may request to be evaluated in a seminar instead of a course, and the RPT Committee shall consider that request in selecting the course or seminar to be evaluated.

4. Scholarly productivity

The RPT Committee will employ the following methods to evaluate and to assist others in evaluating the scholarly productivity of a faculty member who is a candidate for promotion and/or tenure. Normally the process of evaluation will commence prior to the academic year in which the candidate is recommended for promotion and/or tenure.

(a) The members of the committee, within the limits of their own competence, will study and evaluate the candidate's scholarship.

(b) The committee will give other members of the faculty, especially those who have special competence in the candidate's field, the opportunity to submit a written evaluation of the candidate's scholarship. Any faculty member may submit to the committee a written evaluation of the candidate's work. Such written evaluation if submitted shall be in addition to the overall evaluation of the candidate required by AR 2:1-1.

(c) In consultation with the Dean and the candidate the committee shall solicit letters of evaluation from persons outside the College of Law who are familiar with the candidate's area(s) of scholarship. The solicitation shall comply with the requirements of the Administrative Regulations for letters solicited by the Dean from qualified persons outside the University and the letters shall be included in the dossier in the event that one is prepared.

(d) While the committee recognizes that it is impossible to compile an exhaustive list of criteria by which another's scholarly effort should be measured, it believes that the following are among the more important indications of a substantial research effort:

- (1) The work delineates the problem area.
- (2) The work appraises the reader, when appropriate, of the current state of inquiry with respect to the problem.
- (3) The work demonstrates a mastery of knowledge considered relevant to the particular problem.
- (4) The work demonstrates a high level of analytical proficiency.
- (5) The work reveals a capacity to synthesize ideas and data from diverse sources and disciplines.
- (6) The work demonstrates that the author commands the research tools appropriate to the task.
- (7) The work demonstrates the skillful use of analogy, factual and theoretical.
- (8) The work reflects a well-developed critical capacity.
- (9) The work reflects ability to develop new models or make additions to previously developed models.
- (10) The work reflects a capacity to be creative, imaginative, and original.

(e) In addition to requesting an evaluation of the candidate's scholarship, the solicitation shall also ask the referee's judgment on the candidate's teaching and service. The

14. Procedures for Appointment, Reappointment, Tenure and Promotion
D. Promotion and Tenure

solicitation shall include the candidate's teaching portfolio and statement on service to permit evaluation of these areas.

E. Provisions Governing the Position of the Director of the Legal Clinic

[NOTE: This Rule 14E applies only to appointments or reappointments made prior to July 1, 2024.]

1. Appointment in Clinical Title Series.

The Director shall be appointed in the clinical title series under the University of Kentucky's Administrative Regulations (AR II- 1.0-1, Page IX-1). All appointments and promotions under the clinical title series are without tenure.

2. Criteria for Appointment, Retention, Promotion, and Performance Evaluation

Three areas of activity are important in the evaluation for individuals for initial appointment to the position of, and in retention, promotion, and annual performance reviews of the Director. These areas of activity are: (a) administration, teaching, and legal representation relative to the Legal Clinic's operation and program, which area of activity shall constitute the majority of the Director's responsibilities; (b) professional status and activity; and (c) College of Law, University, and public service. The criteria for evaluation in performance in these areas of activity include:

(a) Administration and teaching: Demonstrated ability and competence in the administration of the Legal Clinic (including securing external funding), in teaching of the Legal Clinic course (Law 959) and related skills courses (including classroom instruction, individual instruction, advising, and informal influence on students – academic and professional growth), and in providing high quality legal representation to clients of the Legal Clinic.

(b) Professional status and activity: Demonstrated interest and achievement in participating in and attaining recognition outside the University for law-related activities involving legal educational organizations and bar, professional, civic and other associations, including participation in continuing legal education programs and speaking and writing on topics related to clinical legal education.

(c) College of Law, University, and public service: Demonstrated interest and achievement in service to the College of Law, University, and the public. Such service includes participation in faculty activities and meeting, committee work, and other activities related to the operation of the College of law, in University committee work as assigned, and in law reform and other law-related activities on behalf of the public interest.

3. Procedures for Evaluation of Performance

As a non-tenured faculty member, the Director shall be evaluated annually in writing by the Dean using the Faculty Performance Information Form and Distribution of Effort Form and applying the criteria provided in Paragraph II.

4. Ranks and Their Criteria Within the Clinical Title Series

The academic ranks applicable to the Director shall be: (a) assistant clinical professor of law; (b) associate clinical professor of law; and (c) clinical professor of law. The criteria for these ranks are as follows:

14. Procedures for Appointment, Reappointment, Tenure and Promotion
E. Provisions Governing the Position of the Director of the Legal Clinic

(a) Assistant Clinical Professor of Law: Initial appointment to the position of Director shall generally be made at the rank of assistant clinical professor of law and require at a minimum a degree in law, substantial practice experience in the range of legal problems of the needy, proven administrative abilities and experience, capacity for success in securing external funding, and potential for productivity, service, and professional growth.

(b) Associate Clinical Professor of Law: Appointment to the rank of associate clinical professor of law shall be made upon demonstration that the individual under consideration, in addition to possessing the minimum requirements for initial appointment at the rank of assistant clinical professor of law, has shown continuous productivity and achievement in the areas of activity of the Director sufficient to have attained regional recognition for excellence.

(c) Clinical Professor of Law: Appointment to the rank of clinical professor of law shall be made upon the demonstration that the individual under consideration, in addition to possessing the minimum requirements for appointment as associate clinical professor of law, has shown continuous outstanding productivity and achievement in the areas of activity of the Director sufficient to have attained national recognition for excellence.

5. Limitation

Appointment, retention, and promotion within the clinical title series create no entitlement to any claim or justifiable expectation regarding temporary or permanent appointment to the Faculty of the College of Law in the regular or special title series.

6. Participation in Faculty Governance

The Director may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings, with the exception of decisions on appointment, retention, promotion, tenure, and termination of faculty in the regular or special title series.

7. Non-Compensatory Perquisites

The Director shall be provided the same non-compensatory perquisites as provided for tenure-track faculty, including administrative assistance, support for professional activities, library and technology support, and travel funds, but not including sabbatical leaves.

8. Period of Appointment

Appointment of the Director shall be on a twelve-month basis.

9. Term of the Contract

The initial appointment of the Director shall be for a term not to exceed three years, which shall serve as a probationary period. The appointment may thereafter annually be renewed for one more or additional terms each not to exceed five years.

10. Termination of Employment

After the initial appointment, the employment of the Director shall be terminable during the term of an appointment only for good cause. Good cause for termination includes the discontinuation or material modification of the Legal Clinic. Notice of termination of employment at the end of a term of appointment, other than for good cause, shall be given to the Director at least one year prior to that termination.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
E. Provisions Governing the Position of the Director of the Legal Clinic

11. Modification

The provisions contained in this Section 14.E. shall only be subject to modification by the Dean upon recommendation of the Faculty of the College of Law.

F. Provisions Governing the Position of Director of the Law Library

1. Appointment

a. Nature of Appointment

The Director of the Law Library holds an appointment in the College of Law as a Professor of Law (Assistant, Associate, or full Professor).

b. Appointment Procedures

When a vacancy occurs in the position of Director of the Law Library, the Dean shall appoint an ad hoc committee to search for and screen candidates for the position and to make recommendations to the Regular and Law Library faculties. After receipt of the committee's recommendation, the Regular faculty and the Law Library faculty shall make separate collective recommendations to the Dean regarding the appointment. Appointment of the Director of the Law Library shall be made by the Dean after consideration of these recommendations.

2. Criteria for Reappointment

The Dean and faculty of the College of Law will evaluate the Director of the Law Library for reappointment according to the procedures in subpart C of this Part 14 and the substantive standards in subpart F(4) below.

3. Criteria for Promotion and Tenure

The Dean and faculty of the College of Law will evaluate the Director of the Law Library for promotion and tenure according to the procedures in subpart D of this Part 14 and the substantive standards in subpart F(4) below.

4. Standards for Reappointment, Promotion and Tenure

The performance of the Director shall be evaluated by reference to the following standards.

a. Library Administration and Teaching. This means: administrative, professional and intellectual competence. Competent library administration and classroom teaching are the principal components of this standard. Other standards include: creativity and initiative in the performance of professional responsibilities; effectiveness in applying subject knowledge and bibliographic techniques in organizing library collections; professional skill in pursuing user needs and in stimulating faculty and student utilization of library services and resources through individual and formal instruction; and a willingness to consider and to accept new ideas and alternative approaches to library services. This standard includes elements of the first and third areas of activity for promotion and tenure in the regular title series.

b. Research. This means: awareness of current developments in the law library profession and appropriate subject fields; scholarly accomplishments as demonstrated by research and publication; and application of library innovations to the organization and operation of the law

14. Procedures for Appointment, Reappointment, Tenure and Promotion
F. Provisions Governing the Position of Director of the Law Library

library. This standard includes elements of the second area of activity for promotion and tenure in the regular title series.

c. Professional, University or Community Service. This means: active participation in improving the law library profession, and other service related to the general welfare of the University or community. This standard includes elements of the third area of activity for promotion and tenure in the regular title series.

5. Work Effort Distribution Model

This model is applicable to the Law Library Director. Percentage ranges are intended as guidelines for the amount of time to be devoted to the various areas of performance. For purposes of performance evaluations, the Law Library Director, in consultation with the Dean, may designate the weighting factor to be used in evaluating performance in the following categories described in subsection 4 of this section:

- 1) Library Administration and Teaching (Minimum 65% - Maximum 80%)
- 2) Research (Minimum 15% - Maximum 35%)
- 3) Professional, University or Community Service (Minimum 5% - Maximum 20%)

DISTRIBUTION OF EFFORT FORM – LAW LIBRARY DIRECTOR

Name

In accordance with the College of Law faculty rules, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year ____.

- I. LIBRARY ADMINISTRATION AND TEACHING: (Min. 65% - Max. 80%) _____
- II. RESEARCH: (Min. 15% - Max. 35%) _____
- III. PROFESSIONAL, UNIVERSITY OR COMMUNITY SERVICE: (Min. 5% - Max. 20%) _____

Signature – Law Library Director

Signature – Dean

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

1. Appointment

a. Nature of Appointment

Law library faculty hold Librarian faculty appointments in the Librarian Series (i.e., Librarian IV, III, II or I), with such ranks being analogous to the academic titles of Instructor, Assistant Professor, Associate Professor, and Full Professor, respectively. AR 2:7. Effective July 1, 2010, the rules in this subpart G apply to all law library faculty except the Director of the Law Library.

b. Appointment Procedures

When a vacancy occurs in the Law Library faculty, the Director of the Law Library shall appoint an ad hoc search committee after consultation with the Dean. It is this committee's function to search for and screen candidates for the position and to make recommendations to the Law Library faculty. After receipt of the committee's recommendation, the Law Library faculty shall make a collective recommendation to the Director of the Law Library regarding the appointment. Appointment to a position on the Law Library faculty shall be made by the Dean after consideration of this recommendation and consultation with the Director of the Law Library.

2. Criteria for Reappointment

Initial tenure-eligible appointments at the ranks of Librarian IV, III, and II shall be made on a two year basis. Subsequent renewal appointments for non-tenured law library faculty will normally be made on a two year basis, subject to annual review, and the processes will be generally parallel to those applicable to regular title series faculty members of equivalent academic rank. The Dean of the College of Law, in consultation with the Director and the Law Library Faculty Retention, Promotion and Tenure (LLFRPT) Committee, will evaluate the law library faculty for reappointment according to the procedures in subpart C of this Part 14, and the expectations, criteria and standards in subparts G(3)-(5) below.

3. Faculty Performance Expectations

The Law Library serves the broad educational mission of the University of Kentucky College of Law, supporting the curriculum and research needs of the College's students, faculty, and staff. As a primary source of legal information in Kentucky, the Law Library also supports the state judiciary, legal practitioners, and citizens of the Commonwealth.

Law Library faculty are expected to perform in their primary roles, as well as to conduct their professional development and service activities, in ways that support the Library's and the College's overall mission and operations.

a. Primary Librarianship Responsibilities

Law library faculty should, as applies to individual positions, competently and creatively perform their professional responsibilities; effectively apply subject knowledge and bibliographic techniques to building, organizing, and maintaining library collections; skillfully meet user needs; facilitate and encourage use of library resources; or, develop, sustain, and grow any applicable administrative skills necessary to competently perform their responsibilities.

b. Professional Growth and Development

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

An obligation to maintain and sustain a level of professional growth and development, including scholarly activity, informs the core activities and principles that comprise librarianship. Law library faculty members have a role to play in the advancement, use, and implementation of legal information. That role can take many paths, such as exploring techniques of and models of research, furthering the study of the organization and selection of resources, or providing insights into how future technologies will have an impact upon legal information and its role in the legal profession.

Activities in this area can take many forms, including scholarly research, professional engagement, or continuing education. Law library faculty should, as applies to individual positions, contribute to the advancement of the law librarianship profession by actively participating in professional organizations at the state level or higher, and demonstrating an interest in current developments and trends in the profession.

c. University or Community Service

Service to the College, to the institution, or to the community is an obligation of each law library faculty member. Conscientious participation in institutional governance and policy-making not only informs librarianship but benefits the Law Library and the College. As such, institutional service is a foundational requirement that should only be augmented by community service; it should not be replaced by it.

Service and institutional activities include participating in institutional governance, contributions to the College's educational curriculum, or university or community service in the interest of law librarianship or information science, studies, or technology.

d. Work Effort Distribution Model

This model is applicable to law library faculty (excluding the Law Library Director). Percentage ranges are intended as guidelines for the amount of time to be devoted to the various areas of performance. For purposes of performance evaluations, law library faculty members, in consultation with the Law Library Director, may designate the weighting factor to be used in evaluating performance in the following categories:

1) Primary Librarianship Responsibilities (Minimum 65% - Maximum 80%)

This area of performance includes competent performance of regular library duties, including Reference/Information Service; Library Instruction; Technical Services; Information Technology; Collection Management; Administration; Other Primary Activities.

2) Professional Growth & Development (Minimum 15% - Maximum 35%)

This area of performance includes research for publication and for public presentations, and participation in professional organizations.

3) Service (Minimum 5% - Maximum 25%)

This area of performance includes service to the law school, university, and law library professions, as well as uncompensated library- or information-related nature.

Other values for those faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Law Library Director.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

DISTRIBUTION OF EFFORT FORM – LAW LIBRARY FACULTY

Name

In accordance with the College of Law faculty rules, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year ____.

- I. PRIMARY LIBRARIANSHIP RESPONSIBILITIES: (Min. 65% - Max. 80%) _____
- II. PROFESSIONAL GROWTH & DEVELOPMENT: (Min. 15% - Max. 35%) _____
- III. SERVICE: (Min. 5% - Max. 25%) _____

Other values for those faculty members for whom the above model is unrealistic due to extraordinary circumstances, must be determined by agreement with the Law Library Director. Similarly, those faculty members who find their actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of their work effort distribution by agreement with the Law Library Director.

Signature - Faculty Member

Signature – Law Library Director

Signature – Dean

e. Promotion and tenure file.

The requirement of a promotion and tenure file as specified in Section 14, part D, subpart 2 shall also apply to law library faculty. The following materials should be included in the file and should be updated annually. Unless otherwise indicated, the file should include all relevant items since the faculty member's initial appointment or most recent promotion – whichever is later – related to the following:

- 1) Notices of Academic Appointment and Assignment
- 2) A curriculum vitae as of the beginning of the most recent academic year
- 3) Performance information forms and distribution of effort forms
- 4) Research
- 5) Publications
- 6) Presentations
- 7) Library Service
- 8) Public & University Service
- 9) Professional Activity & Service
- 10) Professional Development
- 11) Awards or other recognition

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

12) In the case of promotion with tenure, peer review letters from tenured law library faculty of higher rank. In the case of promotion without tenure, peer review letters from law library faculty of higher rank

13) Any other material, such as a personal statement, that the faculty member wishes the Committee, the law library faculty, and the Dean to consider

4. Criteria for Promotion and Tenure

Areas of consideration for promotion in the Librarian Series include the librarian's assigned duties, as well as professional activities and general professional development)AR 2:7(IV)(A) and(B))

4A. Participation in Faculty Governance

Law Library faculty may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings, with the exception of decisions on appointment, retention, promotion, tenure, and termination of faculty in the regular or special title series. Procedures related to Law Library faculty appointment, retention, promotion, and tenure are set out separately at G.5-7 below.

[4A. Added by Faculty vote to amend on 9/17/16.]

5. Standards for Appointment, Reappointment, Promotion and Tenure

Law library faculty performance shall be evaluated by referencing the following standards:

a. Primary Librarianship Responsibilities

For law library faculty without administrative responsibilities, this means professional and intellectual competence. Law Library faculty with administrative responsibilities will also be evaluated for administrative competence. Competent performance of regular library duties is the principal component of this standard. Library duties include providing public and reference service; collection cataloguing; collection management; materials acquisition, maintenance, and processing; or other activities related to participation in the operation of the library. Specific duties vary by Law Library position, so individual Law Library faculty members will not be expected to engage in all the above to the same extent.

Evidence of excellence in library duties includes but is not limited to:

- 1) Developing library resources through the selection and acquisition of library materials;
- 2) Instruction of library users on effective use of library resources;
- 3) Extending access to library resources through bibliographic control;
- 4) Using bibliographic tools to assist users in information acquisition, use, or analysis;
- 5) Organizing bibliographic information;
- 6) Developing programs which facilitate the delivery or use of information or library services or resources;
- 7) Extending access to library resources through technological devices or means; and
- 8) Improving unit performance or effectiveness through initiative and creative problem-solving.

In addition to the library duties described above, all dual-degreed Law Library faculty shall teach Legal Research as part of the LRW program. Law Library faculty members will normally teach one or more sections of 1L legal research per year, with the exact teaching load to be determined by the Dean upon the recommendation of the LRW Director in consultation with the Instructional

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

Services Librarian and the Law Library Director. Law Library faculty members may also teach upper level research courses. Teaching ability and potential will be assessed as part of Law Library faculty primary librarianship.

In developing information regarding the teaching ability and potential of a Law Library faculty member, the following methods will be employed:

- 1) Periodic formal student evaluation normally occurring at the conclusion of a particular course. In 1L Legal research, formal student evaluation will also occur at the midpoint of the course at the end of the fall semester. It is normally expected that Law Library faculty members will be evaluated in every course.
- 2) Class visitation of non-tenured Law Library faculty by other Law Library faculty members or the Law Library Director. Normally, such visitations will not be scheduled during a non-tenured Law Library faculty member's first year teaching. Thereafter, visits shall be scheduled during each semester until a decision not to retain or to recommend tenure has been reached. Each visitation period shall include two visitors, though they need not visit the same class session. The LLFRPT committee will select the "visitors" from among the tenured Law Library faculty, and all Law Library faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. In the event that not enough appropriately senior Law Library faculty are available, the Law Library Director will serve as a visitor. In the event that not enough visitors are available amongst both the tenured Law Library faculty and the Law Library Director, the visited teacher may elect to either receive a sole visitor or to request a second visitor from amongst the tenured Law faculty. Any Law Library faculty member whose class is to be visited shall have an opportunity to object to the choice of particular visitors and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitors and reasons therefore shall be noted in the faculty member's promotion and tenure file at his or her request. After the visitors have been selected they will consult with the teacher to be visited to reach an understanding concerning the time of visitation. Normally one class hour of one course will be observed. The visitors will file individual written evaluations with their names thereon in the Dean's office for inclusion in the promotion and tenure file. The LLFRPT committee will make copies each evaluation without the name of the visitor available to the visited teacher upon request.
- 3) Class visitation of tenured but non-fully-promoted Law Library faculty by other Law Library faculty members or the Law Library director. Class visits will be scheduled once every academic year for tenured Law Library faculty members who have not been fully promoted. Each visitation period shall include two visitors, though they need not visit the same class session. The LLFRPT committee will select the course to be evaluated in consultation with the Law Library faculty member. The LLFRPT committee will select the "visitors" from among the fully-promoted Law Library faculty, and all Law Library faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. In the event that not enough appropriately senior Law Library faculty are available, the Law Library Director will serve as a visitor. In the event that not enough visitors are available amongst both the fully-promoted Law Library faculty and the Law Library Director, the visited teacher may elect to either receive a sole visitor or to request a second visitor from amongst the fully-promoted Law faculty. Any Law Library faculty member whose class is to be visited shall have an opportunity to object to the choice of particular visitors and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitor and reasons therefore shall be noted in the faculty member's promotion and tenure file at his or her request. After the visitors have been selected they will consult with the teacher to be visited to reach an understanding concerning the time of visitation. Normally one class hour of one course

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

will be observed. The visitors will file individual written evaluations with their names thereon in the Dean's office for inclusion in the promotion and tenure file. The LLFRPT committee will make copies of each evaluation without the name of the visitor available to the visited teacher upon request.

[Subpart 5(a) amended November 30, 2017.]

b. Professional Growth and Development.

This means: awareness of current developments in the law library profession and appropriate subject fields; continuing scholarly growth as exemplified by research and publication; or active participation in improving the law library profession.

Evidence of excellence in the profession includes but is not limited to:

- 1) serving as an officer of a professional organization;
- 2) serving upon or chairing a committee of a professional organization;
- 3) receiving recognition or honors related to professional activities;
- 4) creating programming for a workshop or professional meeting or conference;
- 5) pursuing continuing education or professional development in information science or other relevant fields through course work, seminars, or workshops; and
- 6) participating in continuing education or professional development activities as a presenter or speaker.

Evidence of excellence in scholarly productivity includes but is not limited to:

- 1) publication in professional scholarly journals dedicated to the areas of information science, study or technology, law librarianship, librarianship, or legal education, theory, or practice;
- 2) publication in law reviews and other scholarly journals concerned with legal or policy issues.
- 3) contributions as an author, editor, or indexer in any format; and
- 4) preparation of substantial bibliographies, guides, or other resources designed to enhance access or widen use of library resources, or legal information resources, generally.

Additionally, the following are among the more important indicators of excellence in research activity in the area of information science, study or technologies, or law librarianship:

- 1) The work delineates the research area.
- 2) The work appraises the reader, when appropriate, of the current state of inquiry with respect to the research area.
- 3) The work demonstrates a mastery of knowledge considered relevant to the particular research area.
- 4) The work demonstrates a high level of analytical or bibliographic proficiency.
- 5) The work reveals a capacity to synthesize ideas and data from diverse sources and disciplines.
- 6) The work, if non-bibliographic, demonstrates the skillful use of analogy, factual and theoretical.
- 7) The work, if bibliographic, demonstrates that the author commands expertise and skill in employing and analyzing the research tools appropriate to the task.
- 8) The work reflects a well-developed critical capacity.
- 9) The work reflects ability to develop new models or make additions to previously developed models.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

10) The work reflects a capacity to be creative, imaginative, and original.

c. Service

This means: excellence as judged by the effectiveness with which the service is performed, its relation to the general welfare of the University or community, or its effect on the development of the individual.

Evidence of excellence in performance in this area includes but is not limited to:

- 1) participating in or assuming a leadership role in a library committees or working groups;
- 2) participating in or assuming a leadership role in university governance, including a committee, an advisory board, a working group, a commission, or a task force;
- 3) participating in or assuming a leadership role in a College- or university-sponsored community project;
- 4) guest teaching or presenting in a classroom setting;
- 5) pursuing continuing education or professional development in information science or other relevant fields through course work, seminars, or workshops; and
- 6) participating in continuing education or professional development activities as a presenter or speaker.

6. Structure and procedure of the Law Library Faculty Retention, Promotion and Tenure Committee (LLFRPT)

a. The LLFRPT Committee consists of all tenure-track librarians in the Law Library, regardless of rank. The Committee will consider and discuss the qualifications of candidates for contract renewal, promotion, and tenure, or a combination of these. The Dean of the College of Law, in consultation with the Law Library Director, shall appoint a chair at the beginning of each academic year. The chair will ensure that required procedures are followed, and will conduct review meetings, except the chair's own review.

b. The LLFRPT Committee must have at least four members of the tenured law library faculty present in order to vote on promotion or tenure decisions. If at least four members of the tenured law library faculty are not eligible or available to vote on a particular renewal, tenure or promotion matter, the Dean of the College of Law may appoint one or more tenured faculty members from the College of Law to participate in the tenure or promotion decision.

[subparagraphs a-b as amended by the Faculty August 22, 2013]

c. All reviews will be conducted at a meeting of the LLFRPT Committee and will be based on the criteria set forth in The University of Kentucky Guide to Policies and Procedures for Contract Renewal, Promotion, and Tenure of Academic Law Librarians. Each LLFRPT Committee meeting requires a two-thirds majority of its library's faculty to achieve a quorum. Librarians on sabbatical or approved university leave are not counted when determining quorum if they are not present at the meeting.

d. The meeting of the LLFRPT Committee shall discuss evidence in the candidate's file as well as considerations presented by members of the committee. All law library faculty (with the exception of the candidate currently under consideration, and any member of that candidate's immediate family) along with the Director shall participate in review meetings.

e. A report summarizing the committee's decision will be made to each librarian being considered within one week of any review meeting. The report may be made orally, at the discretion of the committee.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
G. Provisions Governing Law Library Faculty (excluding the Director of the Law Library)

7. Voting

a. Except as otherwise provided, a vote can be taken by voice, by rising, by show of hands, or by unanimous consent. A vote by ballot can be ordered by a majority vote. In all cases, votes must be tallied and added to the Committee's report. Neither the Director, immediate family members of the candidate, nor the candidate may vote on the candidate's contract renewal, promotion, or tenure.

b. Voting is restricted as described below:

Contract Renewal and Promotion: Tenured library faculty and untenured library faculty of higher rank than the candidate being reviewed are eligible to vote on recommendations for contract renewal and promotion,

Tenure: Tenured library faculty of equal or higher rank than the candidate being considered are eligible to vote on recommendations of tenure.

Before a vote is taken, those members of the LLFRPT Committee not eligible to participate in the vote will be excused from the meeting.

c. Votes will be counted and recommendations made according to the majority vote.

d. The chair shall appoint a reporter for the proceeding who shall prepare a report. The report shall be reviewed by all members of the LLFRPT Committee before the final version is approved by the Chair.

8. Procedure of the Law Library Director

The candidate's file and the report of the LLFRPT Committee shall be submitted to the Law Library Director. The Director shall thereafter make an independent assessment of the librarian being reviewed, and submit a recommendation separate from the report of the Committee to the Dean of the College of Law.

9. Procedure of the Dean of the College of Law

a. The report of the Committee and the recommendation of the Director shall be forwarded, along with the file, to the Dean of the College of Law.

b. The Dean of the College of Law shall make an independent determination and prepare an evaluative letter and recommendation on the granting of tenure and/or promotion. The Dean may refer the file back to the Committee for further proceedings.

c. The Dean shall forward the Committee's report and the candidate's file, along with his or her evaluative letter, to the Provost.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
H. Provisions Governing the Position of the Director of the Legal Research & Writing Program

H. Provisions Governing the Position of the Director of the Legal Research & Writing Program

[NOTE: This Rule 14H applies only to appointments or reappointments made prior to July 1, 2024.]

1. Program Appointment in Clinical Title Series

The Director shall be appointed in the "clinical title series" under the University of Kentucky's Administrative Regulations (AR 2:6). All appointments and promotions under the clinical title series are without tenure.

2. Criteria for Appointment, Retention, Promotion, and Performance Evaluation

Three areas of activity are important in the evaluation of individuals for initial appointment to the position of Director, and in retention, promotion, and annual performance reviews of the Director. These areas of activity are: (1) administration and teaching relative to the College of Law's LR&W program, including recommendations to the faculty of curricular design and staffing for the College of Law's LR&W Program and oversight and implementation of the approved curriculum design and staffing model, which area of activity shall constitute the majority of the Director's responsibilities; (2) professional status and activity; and (3) College of Law, University, and public service. The criteria for evaluation of performance in these areas of activity include:

a. Administration and teaching: Demonstrated ability and competence in the administration of the LR&W Program, in teaching of one or more Legal Writing sections (as determined by the Dean) and related courses, recommending to the faculty curricular design and staffing for the LR&W Program and oversight and implementation of the approved curriculum design and staffing model, and regular supervision and performance review of LR&W faculty and staff (including support staff) as directed by the Dean.

b. Professional status and activity: Demonstrated interest and achievement in participating in and attaining recognition outside of the University for law-related activities involving legal educational organizations and bar, professional, civic and other associations, including participation in continuing legal education programs and speaking and writing on topics related to legal research and writing.

c. College of Law, University, and public service: Demonstrated interest and achievement in service to the College of Law, University, and the public. Such service includes participation in faculty activities and meetings, committee work, and other activities related to the operation of the College of Law, in University committee work as assigned, and in law reform and other law-related activities on behalf of the public interest.

3. Procedures for Evaluation of Performance

As a non-tenured faculty member, the Director shall be evaluated annually in writing by the Dean using the Faculty Performance Information Form and Distribution of Effort Form and applying the criteria provided in Paragraph II.

4. Ranks and Their Criteria Within the Clinical Title Series

The academic ranks applicable to the Director shall be: (1) assistant professor of legal research and writing; (2) associate professor of legal research and writing; and (3) professor of legal research and writing. The criteria for these ranks are as follows:

14. Procedures for Appointment, Reappointment, Tenure and Promotion

H. Provisions Governing the Position of the Director of the Legal Research & Writing Program

a. Assistant Professor of Legal Research and Writing: Initial appointment to the position of Director shall generally be made at the rank of assistant professor of legal research and writing and require at a minimum a degree in law, some practice experience in the range of legal problems, proven administrative abilities and experience, and potential for productivity, service, and professional growth.

b. Associate Professor of Legal Research and Writing: Appointment to the rank of associate professor of legal research and writing shall be made upon demonstration that the individual under consideration, in addition to possessing the minimum requirements for initial appointment at the rank of assistant professor of legal research and writing, has shown continuous productivity and achievement in the areas of activity of the Director sufficient to have attained regional recognition for excellence.

c. Professor of Legal Research and Writing: Appointment to the rank of professor of legal research and writing shall be made upon the demonstration that the individual under consideration, in addition to possessing the minimum requirements for appointment as associate professor of legal research and writing, has shown continuous outstanding productivity and achievement in the areas of activity of the Director sufficient to have attained national recognition for excellence.

The Director will be evaluated by the RPT committee in the same manner as regular LR&W faculty as described in 14.I.4.

5. Limitation

Appointment, retention, and promotion within the clinical title series create no entitlement to any claim to or justifiable expectation regarding temporary or permanent appointment to the Faculty of the College of Law in the regular or special title series.

6. Participation in Faculty Governance

The Director may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings, with the exception of decisions on appointment, retention, promotion, tenure, and termination of faculty in the regular or special title series.

7. Non-Compensatory Perquisites

The Director shall be provided the same non-compensatory perquisites as provided for tenure-track faculty, including administrative assistance, support for professional activities, library and technology support, and travel funds, but not including sabbatical leaves.

8. Period of Appointment

Appointment of the Director shall be on a twelve-month basis.

9. Term of the Contract

The initial appointment of the Director shall be for a term not to exceed three years, which shall serve as a probationary period. The appointment may thereafter be renewed for one or more additional terms each not to exceed five years.

10. Termination of Employment

14. Procedures for Appointment, Reappointment, Tenure and Promotion

H. Provisions Governing the Position of the Director of the Legal Research & Writing Program

After the initial appointment, the employment of the Director shall be terminable during the term of an appointment only for good cause. Good cause for termination includes the discontinuation or material modification of the Legal Research & Writing Program. Notice of termination of employment at the end of a term of appointment, other than for good cause, shall be given to the Director at least one year prior to that termination.

11. Modification

The provisions contained in this document shall only be subject to modification by the Dean upon recommendation of the Faculty of the College of Law.

I. Provisions Governing the Position of Legal Research & Writing Faculty

[NOTE: This Rule 14I applies only to appointments or reappointments made prior to July 1, 2024.]

1. Appointment in Clinical Title Series

Each full-time faculty member of the College of Law who regularly teaches a section of the Legal Research & Writing (LR&W) course and who is not appointed in the "library title series" shall be appointed in the "clinical title series" under the University of Kentucky's Administrative Regulations (AR 2:6). All appointments and promotions under the clinical title series are without tenure.

2. Criteria for Appointment, Retention, Promotion, and Performance Evaluation

Three areas of activity are important in the evaluation of individuals for initial appointment to the position of LR&W faculty, and in retention, promotion, and performance reviews of LR&W faculty. These areas of activity are: (a) teaching and programmatic contributions relative to the College of Law's LR&W Program, which area of activity shall constitute the primary criteria in evaluating LR&W faculty; (b) professional status and activity; and (c) College of Law, University, and public service. The criteria for evaluation in these areas of activity, as well as the work effort distribution model, are set forth below, provided, however, that an individual appointed to the position of LR&W faculty may engage in other regular administrative and skills-based teaching duties on behalf of the College of Law that are assigned and evaluated by the Dean separate and apart from the activities described herein.

a. Teaching and programmatic contributions: These primary criteria for evaluation include the LR&W faculty member's demonstrated ability in and potential for excellence in teaching one or more Legal Writing sections (as determined by the Dean) and related courses, and contributions to the College of Law's LR&W Program. Evaluation of teaching includes consideration of classroom instruction, development of course materials and writing problems, evaluation of student work, and conducting of student conferences. Evaluation of programmatic contributions includes contributions to and compliance with LR&W Program development, objectives, and administration.

b. Professional status and activity: Demonstrated interest and achievement in participating in and attaining recognition outside of the University for law-related activities involving legal educational organizations and bar, professional, civic and other associations, including participation in conferences and continuing legal education programs and speaking and writing on topics related to legal research and writing.

c. College of Law, University, and public service: Demonstrated interest and achievement in service to the College of Law, University, and the public. Such service includes participation in faculty activities and meetings, committee work, and other activities related to the

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

operation of the College of Law, in University committee work as assigned, and in law reform and other law-related activities on behalf of the public interest.

d. Work Effort Distribution Model

This model is applicable to LR&W faculty (excluding the Director of the LR&W Program). Percentage ranges are intended as guidelines for the amount of time to be devoted to the various areas of activity. For purposes of performance evaluations, each LR&W faculty member may designate the weighting factor to be used in evaluating performance in the following categories, which are discussed in more detail in (a)-(c) above:

Teaching and programmatic contributions (Minimum 65% - Maximum 80%)

Professional status and activity (Minimum 15% - Maximum 35%)

College of Law, University, and public service (Minimum 5% - Maximum 25%)

Other values for a LR&W faculty member for whom the above model is unrealistic due to extraordinary circumstances or because the faculty member also engages in other regular administrative and/or skills-based teaching duties on behalf of the College of Law must be determined by agreement with the Dean. Similarly, a LR&W faculty member who finds his/her actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of his/her work effort distribution by agreement with the Dean.

DISTRIBUTION OF EFFORT FORM – LR&W FACULTY

(Name)

In accordance with the College of Law faculty rules, I would like my performance in each of the following areas to be weighted as indicated for my merit evaluation for calendar year ____.

a. Teaching and programmatic contributions (Min. 65% - Max. 80%) _____

b. Professional status and activity (Min. 15% - Max. 35%) _____

c. College of Law, University, and public service (Min. 5% - Max. 25%) _____

Other values for a LR&W faculty member for whom the above model is unrealistic due to extraordinary circumstances or because the faculty member also engages in other regular administrative and/or skills-based teaching duties on behalf of the College of Law must be determined by agreement with the Dean. Similarly, a LR&W faculty member who finds his/her actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of his/her work effort distribution by agreement with the Dean.

Signature – Faculty Member

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

Signature – Director of LR&W Program

Signature – Dean

3. Procedures for Annual Performance Evaluation

As a non-tenured faculty member, an LR&W faculty member shall be evaluated annually in writing by the Dean using a Faculty Performance Information Form and Distribution of Effort Form and applying the criteria provided in paragraph 2. In conducting an annual evaluation, the Dean may consult the Director of the LR&W Program.

4. Procedures for Appointment, Retention & Reappointment, and Promotion

a. Initial Appointment. A candidate for initial appointment as a LR&W faculty member under this provision must demonstrate the potential for excellence as a teacher of legal research and writing, as shown by educational achievement, prior practice of law, prior teaching, or other relevant achievements and skills and according to the criteria set forth below in paragraph 5 for the appropriate rank at time of hire. The Appointments Committee shall search for and screen candidates for initial appointment as LR&W faculty under this provision and shall make recommendations concerning such appointments to the Regular and Clinical Title Series faculty. On matters pertaining to the hiring of a LR&W faculty member, the Director of the LR&W Program and/or another LR&W faculty member (as determined by the Dean) shall serve as a member of the Appointments Committee. A LR&W faculty member shall be initially appointed by the Dean only after the Regular and Clinical Title Series faculty have been consulted and collectively made a recommendation to the Dean.

b. Evaluations for Retention & Reappointment. A LR&W faculty member shall be subject to evaluation by the RPT Committee during the year preceding the end of any term of appointment. This evaluation should be in writing and should be based on information provided in the LR&W faculty member's portfolio (which should be updated annually by the faculty member in cooperation with the Dean), including all Faculty Performance Information Forms, Distribution of Effort Forms, evaluations (if any) by the Director of the LR&W Program, and such other information as is deemed relevant by the Dean, the RPT Committee, and/or the Director of the LR&W Program for evaluating the criteria provided in paragraph 2 above, including classroom visits by faculty members. On matters relating to the review of a LR&W faculty member's performance for purposes of retention and reappointment, the Director of the LR&W Program shall serve as an ex officio member, without voting rights, of the RPT Committee, providing a written report to the committee that sets forth guidance on ways to effectively evaluate ability in and potential for excellence in teaching legal research and writing and that advises on the LR&W faculty member's performance in regards to the criteria set forth in paragraph 2(a) and 2(b). Upon request by the RPT Committee or Dean, the Director's report shall also include an evaluation of the LR&W faculty member's performance in regards to the criteria set forth in paragraph 2(c) or in regards to any other pertinent information.

The RPT Committee shall review all relevant materials presented in connection with the evaluation and then provide a report or recommendation to the Regular and Clinical Title Series faculty together regarding reappointment, provided that each Clinical Title Series Faculty member shall be teaching

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

pursuant to a five-year contract. After the report or recommendation has been made to the Regular and Clinical Title Series faculty together and a decision has been reached, the Dean shall advise the LR&W faculty member of his or her status for reappointment.

c. Evaluations for Promotion. A LR&W faculty member shall be subject to evaluation by the RPT Committee during any year in which that LR&W faculty member requests promotion. The LR&W faculty member may consult with the Dean and the RPT Committee regarding the decision to seek promotion and the timing of that decision. These evaluations should be in writing and should be based on information provided in the LR&W faculty member's portfolio (which should be updated annually by the faculty member in cooperation with the Dean), including all Faculty Performance Information Forms, Distribution of Effort Forms, report(s) (if any) by the Director of the LR&W Program to the RPT Committee and such other information as is deemed relevant by the Dean, the RPT Committee, and/or the Director of the LR&W Program for evaluating the criteria provided in paragraphs 2 and 5, including classroom visits by faculty members. On matters relating to the review of a LR&W faculty member's performance for purposes of promotion, at least one LR&W faculty member who holds a rank equivalent to or higher than the rank for which the individual is being considered shall serve as a member of the RPT Committee. If there is no such other LR&W faculty member at the time of the review and the composition of the faculty makes Committee service possible, at least one Clinical Title Series faculty member (which could include the Director of the LR&W Program) who holds a rank equivalent to or higher than the rank for which the LR&W faculty member is being considered shall serve as a member of the RPT Committee for matters relating to the review of the LR&W faculty member's performance for purposes of promotion.

The members of the faculty who shall be consulted and who collectively shall make a recommendation to the Dean concerning promotion of an LR&W faculty member will be those members of the Regular and Clinical Title Series faculty holding a rank equivalent to or higher than the rank for which the individual is being considered (e.g., only Regular and Clinical Title faculty holding a rank of Associate Professor or Professor will vote on promotion of an Assistant Professor to Associate Professor in the Clinical Title series). The RPT Committee will review all materials relevant to the evaluation for promotion and then provide a recommendation to the Regular and Clinical Title Series faculty regarding promotion. After the recommendation has been made to the Regular and Clinical Title Series faculty and a decision has been reached, the Dean shall advise the LR&W faculty member of his or her status for promotion.

d. Class visitation

The RPT Committee will be responsible for coordinating class visits of LR&W faculty who have not been fully promoted. Normally, no visits will occur during a LR&W faculty member's first and second semesters of teaching. Thereafter, visits shall be scheduled each semester until a decision has been reached not to retain the faculty member or to promote the faculty member to Associate Professor. Two visitors will visit one course for two class sessions each semester until the faculty member has been promoted to Associate Professor. Once a LR&W faculty member has been promoted to Associate Professor, visits will occur once a year until a decision has been reached to fully promote the LR&W faculty member. Two visitors will visit one course for one class session once each academic year in the case of a LR&W faculty member who has been promoted to Associate Professor. The committee will select "visitors" from among the fully-promoted tenured and fully-promoted LR&W faculty, and all such faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. Any faculty member whose class is to be visited shall have an opportunity to object to the choice of a particular visitor and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitor and reasons therefore shall be noted in the faculty member's promotion file at his or her request. After the visitor has been selected the visitor will consult with the teacher to be visited to obtain course assignments and to reach an

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

understanding concerning the times of visitation. The visitor will file an individual written evaluation with his or her name thereon in the Dean's office for inclusion in the promotion file. The committee will make copies of the evaluations without the name of the visitor available to the visited teacher upon request.

5. Ranks and Their Criteria Within the Clinical Title Series

The academic ranks applicable to a LR&W faculty member shall be: (a) assistant professor of legal research and writing; (b) associate professor of legal research and writing; and (c) professor of legal research and writing. The criteria for these ranks are as follows:

a. Assistant Professor of Legal Research and Writing: Initial appointment to the position of LR&W faculty member shall generally be made at the rank of assistant professor of legal research and writing and require at a minimum a degree in law, some practice experience in the range of legal problems, potential for excellence in teaching, commitment to teaching legal writing and making contributions to the College of Law's LR&W Program, and potential for productivity, service, and professional growth.

b. Associate Professor of Legal Research and Writing: Appointment to the rank of associate professor of legal research and writing shall be made upon demonstration that the individual under consideration, in addition to possessing the minimum requirements for initial appointment at the rank of assistant professor of legal research and writing, has shown continuous productivity and achievement in the areas of teaching, professional development, and service sufficient to have attained regional recognition for excellence.

c. Professor of Legal Research and Writing: Appointment to the rank of professor of legal research and writing shall be made upon demonstration that the individual under consideration, in addition to possessing the minimum requirements for appointment as associate professor of legal research and writing, has shown continuous outstanding productivity and achievement in the areas of teaching, professional development, and service sufficient to have attained national recognition for excellence.

6. Limitation

Appointment, retention, and promotion within the clinical title series create no entitlement to any claim to or justifiable expectation regarding temporary or permanent appointment to the Faculty of the College of Law in the regular or special title series.

7. Participation in Faculty Governance

A LR&W faculty member may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings. Such participation will be in accordance with these provisions governing the position of LR&W faculty. LR&W faculty will not, however, participate in decisions on appointment, retention, promotion, tenure, and termination of faculty in the Regular or Special title series.

8. Non-Compensatory Perquisites

A LR&W faculty member shall be provided the same non-compensatory perquisites as provided for tenure-track faculty, including administrative assistance, support for professional activities, library and technology support, and travel funds, but not including sabbatical leaves.

9. Period of Appointment

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

Appointment of a LR&W faculty member shall be on a nine-month basis.

10. Term of the Contract

The initial appointment of a LR&W faculty member shall be for a term not to exceed three years, which shall serve as a probationary period. The appointment may thereafter be renewed for one or more additional terms each not to exceed five years.

11. Termination of Employment

After the initial appointment, the employment of the LR&W faculty member shall be terminable during the term of an appointment only for good cause. Good cause for termination includes the discontinuation or material modification of the College of Law's LR&W Program.

Notice that an initial appointment or subsequent reappointment is not to be renewed by the College of Law will be given in advance of the expiration of the current term and not later than January 15 of the terminal year of the contract at issue.

12. Modification

The provisions contained in this document shall be subject to modification only by the Dean upon recommendation of the Faculty of the College of Law.

J. Appointment, Renewal, and Promotion in the Clinical Title Series

[NOTE: This Rule 14.J. applies to all appointments and reappointments in the Clinical Title Series made after July 1, 2024, and thereby replaces Rules 14.E., 14.H., and 14.I.]

1. Appointment in Clinical Title Series

The College may appoint clinical faculty under the Clinical Title Series according to the provisions of the University of Kentucky's Administrative Regulation 2:6. All appointments and promotions in this series are without tenure. Within the College of Law, clinical faculty will be appointed in specific areas as indicated below.

This rule shall be used for all Clinical Title Series appointments, renewals, and promotions after April 17, 2024.

2. Criteria for Appointment, Renewal, Promotion, and Performance Evaluation

(a) Teaching and programmatic contributions relative to the program with which the faculty member is or will be associated. This activity shall constitute the primary activity for evaluation. Criteria for evaluation may include:

(1) for faculty in the College's Legal Clinics area: Demonstrated ability and competence in clinical instruction and in providing high quality legal representation to clients of the Legal Clinic with which the faculty member is associated.

(2) for faculty in the College's Legal Research and Writing area: teaching and programmatic contributions relative to the College of Law's Legal Research and Writing (LR&W)

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

Program. Evaluation of teaching includes consideration of classroom instruction, development of course materials and writing problems, evaluation of student work, and conducting of student conferences. Evaluation of programmatic contributions includes contributions to and compliance with LR&W Program development, objectives, and administration.

(3) for faculty in the College's Academic Enhancement area: teaching and programmatic contributions relative to the College of Law's academic orientation, retention, counseling, and bar preparation programs.

(4) Other program areas may be established by amendment to this rule only by the Dean upon recommendation of the faculty, which includes for this purpose Regular, Librarian, and Clinical Title Series faculty members.

(b) Professional status and activity. Criteria for evaluation may include: demonstrated interest and achievement in participating in and attaining recognition outside the University for law-related activities involving legal educational organizations and bar; professional, civic and other associations, including participation in continuing legal education programs; and speaking and writing on topics related to the faculty member's area of appointment.

(c) College of Law, University, and public service. Criteria for evaluation may include: demonstrated interest and achievement in service to the College of Law, University, and the public. Such service includes participation in faculty activities and meetings, committee work, and other activities related to the operation of the College of Law, and in law reform and other law-related activities on behalf of the public interest. University service may not be required of any clinical faculty member, but any clinical faculty member may occasionally include such service if they so choose and the Dean concurs.

(d) Faculty may engage in other regular administrative and programmatic duties on behalf of the College of Law that are assigned and evaluated by the Dean apart from the activities described above.

(e) Work Effort Distribution Model

Percentage ranges are intended as guidelines for time to be devoted to the various areas of activity. For purposes of performance evaluations, each Clinical faculty member may designate, in an annual written agreement with the Dean, the weighting factor to be used in evaluating performance in the following categories, which are discussed in more detail in (a)-(d) above:

- Teaching and programmatic contributions (Minimum 60% - Maximum 80%)
- Professional status and activity (Minimum 15% - Maximum 35%)
- College of Law and public service (Minimum 5% - Maximum 25%)
- Other administrative and programmatic duties (determined by agreement with the Dean, with proportionate adjustment to the percentages in the other categories).

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

A faculty member who finds his/her actual distribution of effort during a calendar year to vary significantly from that submitted may seek amendment of his/her work effort distribution by agreement with the Dean.

3. Procedures for Evaluation of Performance

Each clinical faculty member shall be evaluated annually in writing by the Dean using the Faculty Performance Information Form and Distribution of Effort Form and applying the criteria provided in Paragraph 2 of this rule. In conducting an annual evaluation, the Dean may consult the Director (if any) of the faculty member's program area.

4. Procedures for Appointment, Renewal, and Promotion

(a) Initial appointment.

A candidate for initial appointment as clinical faculty member must demonstrate the potential for excellence by educational achievement, prior practice of law, prior teaching, or other relevant achievements and skills and according to the criteria set forth below in paragraph 5 for the appropriate rank at time of hire. An *ad hoc* search committee appointed for this purpose shall search for and screen candidates for initial appointment and shall make recommendations to the Regular and Clinical Title Series faculty. The Director of the appropriate program area (if any) shall serve as a member of this committee. A clinical faculty member shall be initially appointed by the Dean only after the Regular and Clinical Title Series faculty have been consulted and collectively made a recommendation to the Dean.

(b) Evaluations for Renewal.

(1) A clinical faculty member shall be subject to evaluation by the RPT Committee during the next-to-last academic year of the appointment. This evaluation should be in writing and should be based on information provided in the faculty member's portfolio (which should be updated annually by the faculty member in cooperation with the Dean), including all Faculty Performance Information Forms, Distribution of Effort Forms, evaluations (if any) by the Director of the appropriate program area, and such other information as is deemed relevant by the Dean, the RPT Committee, and/or the Director of the appropriate program area, for evaluating the criteria provided in paragraph 2 above, including classroom visits by faculty members.

(2) On matters relating to the review of a clinical faculty member's performance for purposes of renewal, the Director of the appropriate program area (if any) shall serve as a member, without voting rights, of the RPT Committee (unless the evaluation is of the Director). The Director shall provide a written report to the committee that sets forth guidance on ways to effectively evaluate ability and potential for excellence in regards to the criteria set forth in paragraphs 2(a) and 2(b) above, and that advises on the clinical faculty member's performance in regards to those criteria. Upon request by the RPT Committee or Dean, the Director's report shall also include an evaluation of the faculty member's performance in regard to the criteria set forth in paragraph 2(c) or in regard to any other pertinent information.

(3) The RPT Committee shall review all relevant materials presented in connection with the evaluation and then provide a report and recommendation to the Regular and Clinical Title

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

Series faculty together regarding renewal. After the report or recommendation has been made to the Regular and Clinical Title Series faculty together and a decision has been reached, the Dean shall advise the faculty member of his or her status for renewal.

(c) Evaluations for Promotion.

(1) The RPT Committee shall prepare a report by the end of each academic year on each clinical faculty member's progress toward promotion. The RPT report should be in writing and should be based on information provided in the faculty member's portfolio (which should be updated annually by the faculty member in cooperation with the Dean), including all Faculty Performance Information Forms, Distribution of Effort Forms, report(s) (if any) by the Director of the appropriate program area (if any) to the RPT Committee and such other information as is deemed relevant by the Dean, the RPT Committee, and/or the Director of the appropriate program area (if any) for evaluating the criteria provided in paragraph 2, including classroom visits by faculty members as provided in part (d) below. At least one clinical faculty member who holds a rank equivalent to or higher than the rank for which the individual is being considered shall serve as a member of the RPT Committee that prepares the report. The clinical faculty member should, if possible, be from the same program area as the faculty member seeking promotion. Based on the RPT report, the Dean in consultation with the faculty shall decide whether the clinical faculty member should be considered for promotion during the next academic year.

(2) If the Dean and the clinical faculty member decide to proceed with the promotion process, the RPT Committee will solicit the necessary outside review letter, review all materials relevant to the evaluation for promotion and then provide a recommendation to the Regular and Clinical Title Series faculty regarding promotion. The members of the faculty who shall be consulted and who collectively shall make a recommendation to the Dean concerning promotion of a clinical faculty member will be those members of the Regular and Clinical Title Series faculty holding a rank equivalent to or higher than the rank for which the individual is being considered. For example, only Regular and Clinical Title faculty holding a rank of Associate Professor or Professor will vote on promotion of an Assistant Professor to Associate Professor in the Clinical Title series. After the recommendation has been made by the Regular and Clinical Title Series faculty and a decision has been reached, the Dean will make a final decision about recommending promotion and shall advise the faculty member of the recommendation.

(d) Class visitation. The RPT Committee will be responsible for coordinating class visits of clinical faculty who have not been fully promoted. Normally, no visits will occur during a faculty member's first and second semesters of teaching. Thereafter, two visitors will visit one course for two class sessions each semester until the faculty member has been promoted to Associate Professor. Thereafter, two visitors will visit one course for one class session once each academic year until the faculty member has been promoted to Professor. The committee will select class visitors from among faculty in any title series holding a rank higher than the rank of the individual whose class is being reviewed, and all such faculty members have an obligation to make reasonable efforts to serve as a visitor when called upon. Any faculty member whose class is to be visited shall have an opportunity to object to the choice of a particular visitor and have the objection and reasons therefore considered by the committee in selecting visitors. The objection to the visitor and reasons

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

therefore shall be noted in the faculty member's promotion file at his or her request. After the visitor has been selected, the visitor will consult with the teacher to be visited to obtain course assignments and to reach an understanding concerning the times of visitation. The visitor will file an individual written evaluation with his or her name thereon with the Chair of the RPT Committee. The report shall be included in the promotion file. The visitor may provide a copy of the evaluation to the clinical faculty member. The committee will make copies of the evaluations without the name of the visitor available to the visited teacher upon request.

5. Ranks and Their Criteria Within the Clinical Title Series

The academic ranks in the Clinical Title Series shall be: Assistant Clinical Professor, Associate Clinical Professor, and Clinical Professor. The criteria for these ranks are as follows.

(a) Assistant Clinical Professor. Initial appointment shall generally be made at this rank. Minimum requirements shall be a *Juris Doctor* or equivalent degree, some practice experience in the program area, and potential for productivity, service, and professional growth.

(b) Associate Clinical Professor. Appointment to this rank shall be made upon demonstration of the minimum requirements for initial appointment at the rank of Assistant Clinical Professor, plus continuous productivity, achievement, and creative contributions in the faculty member's program area sufficient to have attained regional recognition for excellence.

(c) Clinical Professor. Appointment to this rank shall be made upon demonstration of the minimum requirements for appointment as Associate Clinical Professor, plus continuous outstanding productivity and achievement in the faculty member's program area sufficient to have attained national recognition for excellence.

6. Limitation

Appointment, renewal, and promotion within the clinical title series create no entitlement to any claim to or justifiable expectation regarding temporary or permanent appointment to the Faculty of the College of Law in the Regular or Special title series.

7. Participation in Faculty Governance

Clinical faculty members may participate fully on issues of faculty governance and College of Law policy, including voting at faculty meetings, except for decisions on appointment, retention, promotion, tenure, or termination of faculty in the Regular or Special title series.

8. Non-Compensatory Perquisites

Clinical faculty shall be provided the same non-compensatory perquisites as provided for tenure-eligible faculty, including administrative assistance, support for professional activities including summer research grants, library and technology support, and travel funds, but not including sabbatical leaves.

9. Period of Appointment

Clinical faculty shall be appointed on a nine-month basis.

14. Procedures for Appointment, Reappointment, Tenure and Promotion
I. Provisions Governing Faculty in the Clinical Title Series

10. Term of the Contract

The initial appointment of a Clinical faculty member shall be for a term not to exceed three years, which shall serve as a probationary period. The contract may thereafter be renewed for additional terms each not to exceed five years.

11. Termination of Employment

After initial appointment, the employment of a Clinical faculty member shall be terminable during the term of an appointment only for good cause. Good cause for termination includes the discontinuation or material modification of the faculty member's program area. Notice that a contract will not be renewed will be given during the next-to-last academic year of the appointment.

12. Modification

This rule may be modified only by the Dean upon recommendation of the faculty, which includes for this purpose Regular, Librarian, and Clinical Title Series faculty members.

15. Kentucky Law Journal

Many recent changes to Journal policy resulted from recommendations made by the Journal Committee, which issued a report on April 19, 1989. The Journal Committee was comprised of several faculty members and the then current Editor-in-Chief to look for ways of improving the Journal's operations.

A. Eligibility for membership

The Journal accepts members through a writing competition open to all students who have completed their first year of full-time study at the University of Kentucky College of Law and to students who transfer to the University of Kentucky College of Law after completing their first year at another school.

The Editorial Board shall issue membership invitations to those students who complete their first year of full-time study at the University of Kentucky College of Law in the top ten percent of their class and whose writing competition submission evidences a good faith effort pursuant to standards set by the Board. In addition, the Editorial Board shall issue membership invitations to those students who submit writing exercises that meet the standards of Journal membership.

The Editorial Board may offer an alternate Writing Competition to accommodate students on a non-traditional law school schedule.

A student offered membership on the Journal may request deferral for one year upon written application to the Editor-in-Chief. The Editor-in-Chief may grant the request if the student will spend the ensuing year out of the College of Law or for other extraordinary reasons.

B. Loss of journal membership

15. Kentucky Law Journal

1. A student may lose Journal membership for the following reasons:

- a. Failure to perform administrative duties adequately.
- b. Failure to meet writing or editorial requirements.
- c. Failure to remain in the top one-third (1/3) of the class if the student graded-on and has not written a publishable Note.

2. Removal

- a. Editor-in-Chief exercises discretion as to the initiation of removal procedures.
- b. Editor-in-Chief makes a recommendation to the Faculty Advisor.
- c. A joint decision of the Editor-in-Chief and the Faculty Advisor is final.
- d. The Faculty Advisor and Dean have authority to remove an editor that is not fulfilling his duties.

Previously, removal from the Journal required a recommendation by the Editor-in-Chief to the Faculty Advisor, agreement as to removal and the convening of a faculty committee to consider the matter. In 1989 the Journal Committee found this process cumbersome and recommended an expedited approach.

C. Duties of membership

1. Writing

Each second-year staff member is required to write a Note. Each Note must reach the "publishable" standard.

Prior to the Journal Committee's report in 1989, second-year staff members would write a Note, while third-year staff members would prepare a Comment. The committee recommended that staff members be required to write only one piece in their second year. The purpose for the recommendation was to encourage staff members to produce papers of publishable quality during their second year. In the third year, staff members are assigned as Associate Editors for the second-year Notes.

2. Editing

All staff members are expected to do source & cite edits for the Journal. Third-year staff members edit Notes written by second-year staff members.

3. Administrative work

Each staff member must schedule two 2 1/2 hour time blocks per week to be available for administrative work. Members are subject to further administrative assignments as needed during the summer, vacations, weekends and nights. Each staff member will be responsible for as many as seventy-five hours of administrative work per semester.

D. Academic credit

15. Kentucky Law Journal

All Journal staff members receive three (3) hours of pass/fail credit upon the successful completion of Journal duties. Journal members may apply for academic credit during the last semester of study at the University.

The 1989 committee report recommended the change from awarding letter grades to Journal members to a pass/fail system. The committee reported that letter grades are not necessary for effective evaluation of staff member work. Instead, feedback from editors concerning the quality of work was viewed as likely to induce more efforts from staff members than grades.

E. Editorial Board

1. General

The Editorial Board is responsible for planning and directing all Journal operations for one year and for publishing one volume of the Journal, comprised of four issues. All editors are expected to work full-time for at least one week at the beginning of the summer and to contribute substantial amounts of time throughout the summer. The Editor-in-Chief and Managing Editor are required to work substantially full-time for one-half of the summer or half-time for the full summer. Outside employment is allowed for the Editorial Board during the summer but not during the school year. Each editor receives a stipend of \$800 for the year of editorship.

The 1989 committee report recommends that the \$800 per year stipend to the Editorial Board be raised to a full-tuition scholarship. In that regard, the Kentucky Law Journal Alumni Association was established to solicit funds for this and other Journal matters privately. The Law School currently provides funds for the \$800 stipends.

Commented [JB5]: Update this with the accurate information or delete it?

2. Selection of Editorial Board

The Editorial Board is selected in the spring term by the preceding Board with the consent of the faculty on the basis of the following factors:

- a. total Journal performance.
- b. interest and willingness to make sacrifices for the Journal.
- c. demonstrated editing and writing abilities.
- d. law school grades.
- e. suitability for particular Board responsibilities.

To assist in the selection of a new Editorial Board, the new Editor-in-Chief is selected shortly after the spring semester begins. The new Editor-in-Chief has one (1) vote on any ballot taken by the preceding Board in selecting the balance of the new Board

16. Kentucky Journal of Equine, Agriculture & Natural Resources Law

[On March 26, 2009, the Faculty approved the change to the current name from "The Journal of Natural Resources and Environmental Law." The title of the journal and the abbreviations used herein have been changed to conform.]

16. Kentucky Journal of Equine, Agriculture & Natural Resources Law

A. The Mineral Law Center, University of Kentucky, College of Law sponsored periodical dealing with mineral law is established and is entitled "The Kentucky Journal of Equine, Agriculture & Natural Resources Law " (hereinafter referred to as KJEANRL).

B. The KJEANRL would be organized along similar lines as the Kentucky Law Journal and would demand similar high quality for publication.

C. The KJEANRL staff will consist of an Editor-in-Chief, an Executive Editor, a Managing Editor, an Articles and Notes Editor, and a Comments Editor, with total student staff of up to 20 students. Five of the students will be designated to serve as support staff for the "Kentucky Mineral Law Handbook" and the remaining fifteen students will perform staff duties for the KJEANRL. In the start-up phase the Editor-in-Chief will use discretion and select students only when it appears there is a need and opportunity to do meaningful activities.

D. The Editor-in-Chief/ KJEANRL Faculty Advisor will be the Director of the Mineral Law Center in order to provide faculty support and direction. The other four editorial positions would be student positions.

E. A statement of editorial policy will be written before the Journal begins publication.

F. The staffing of the Journal would be left "flexible" so that the Editor-in-Chief and the Mineral Law Advisory Committee could start with a smaller staff than allowed by the proposal and then enlarge it as the workload of the Journal increased.

G. The timing of the "write on" competition should parallel that of the Kentucky Law Journal.

H. The Journal ultimately would be refereed by an Editorial Advisory Board consisting of a panel of experts from both inside and outside academia.

I. The mix of articles for the Journal generally would follow that of the KLJ.

J. The editorial staff should consist of: a) students from the top 25% of the class invited to join on the basis of their grades, and b) candidates who submit a "Publishable" comment. There should be two write-on programs, one starting in January on the second day of the regularly scheduled classes, and the other starting in June on the first day of summer session classes, each to run exactly 5 weeks. A student would have one chance to write on.

K. Students would not be eligible to serve on both KLJ and KJEANRL. However, the Faculty Advisor/Editor-in-Chief would have the discretion to approve a transfer from the KLJ and in this event the student grade would be based upon the concurrence of the KJEANRL Faculty Advisor/Editor-in-Chief and KLJ Faculty Advisor.

L. Academic credit for staff members should also follow the former Kentucky Law Journal model in that all staff members shall receive three (3) hours of credit upon the successful completion of their KJEANRL duties. KJEANRL members may apply for credit only during the last semester of study at the University of Kentucky College of Law. Each staff member, regardless of the number of hours needed for graduation, must apply for his or her KJEANRL credit hours. This requirement cannot be waived except with the written permission of the KJEANRL Faculty Advisor/Editor-in-Chief. Grading for the KJEANRL should deviate from the former one of the KLJ in that the Faculty Advisor/Editor-in-Chief will be responsible for any grading of subjective matters. The student Editorial Board will be responsible for grading strictly on objective criteria such as meeting attendance and time requirements.

15. Kentucky Law Journal

M. The duties of the various editorial positions should initially parallel those set out in the KLJ Organizational Manual. A KJEANRL Manual was developed during the first year of operation and has been updated periodically.

17. Joint Appointments

A. The law faculty supports creation of a category of "jointly appointed" law faculty members. One or more members of the faculty of other UK departments would thereby become law faculty members as well. The advantage to the law school would be the addition of an enriching course to the regular law school curriculum, as well as the increased interaction between local experts from other disciplines and law school students and faculty. The advantage to the joint appointee would be his or her ability to use the joint law school appointment as a credential.

B. Functions and duration.

1. The joint appointee's salary (as well as secretarial support unrelated to the law school class) would be funded entirely by his or her original department.

2. The joint appointee would not vote or take part in law school committees or faculty governance.

3. The joint appointee would teach or team-teach at least one law school class every other year in the law school.

4. The joint appointment would only be for so long as the joint appointee continues to teach one law school class every other year (except that sabbatical leaves and comparable absences would not discontinue the appointment).

5. Joint appointments would be reviewed at regular periods of not less than two years. Joint appointments hereunder are not tenured appointments to the faculty of the College of Law.

C. Criteria

1. The law school personnel committee would consider applicants for such a joint appointment, and make recommendations for faculty approval.

2. Inasmuch as a joint appointee would be teaching a course for which law school graded credit will be awarded (which a law student could take in addition to the 6 units of non-law-school pass-fail credit which now can be used toward the law degree), the personnel committee should evaluate joint appointment applicants with scrutiny comparable to that used for regular law school funded appointments.

3. The personnel committee will normally not consider for a joint appointment an applicant whose most recent academic degree is a J.D.

4. A joint appointee would normally hold the rank of full professor in the home department.

5. A joint appointee should have a distinguished published research record in an area of close relevance to the law school curriculum.

17. Joint Appointments

6. Joint appointees normally should also have previously established a record of working with law school faculty members in common endeavors. This would enable such law faculty members to evaluate first-hand the suitability of the joint appointee to teach a class for which law school credit is awarded.

D. Procedures

1. The joint appointee would normally either teach a course not currently in the curriculum, or team-teach a course with a regular member of the faculty.

2. The personnel committee should refer to the curriculum committee any proposed new course, to be considered by the curriculum committee under its existing standards, prior to the personnel committee making a recommendation to the faculty regarding the joint appointment.

3. The faculty would normally consider the curriculum committee's recommendation regarding a new course at the same time that it considers the personnel committee's recommendation.

4. Apart from the case of team-teaching, the personnel committee would normally not consider having a joint appointee teach a course already in the curriculum, unless it is otherwise not feasible to fill the need to have the course taught through the normal appointment process.

18. Interdisciplinary Fellows

A. The law faculty supports the creation of a position whereby one or more members of the faculty of other UK departments, or faculty members of other Kentucky Colleges and Universities, or other local experts, would become "interdisciplinary fellows." The advantage to the law school would be the addition of enriching expertise to the curriculum, as well as increased interaction between local experts from other disciplines and law school students and faculty. The advantage to the "interdisciplinary fellow" would be his or her ability to use the appointment as a credential.

B. Functions and duration.

1. The "interdisciplinary fellow's" salary (as well as secretarial support unrelated to the law school class) would be funded entirely by his or her original department.

2. The "interdisciplinary fellow" would not vote or take part in law school committees or faculty governance.

3. The "interdisciplinary fellow" would participate in law school teaching by providing a lecture or lectures, or other teaching contribution, in at least one law school class during each two-year period of appointment.

4. Any appointment will only continue for so long as the "interdisciplinary fellow" continues to participate in the manner set forth in paragraph 3. above.

5. An appointment to the position of "interdisciplinary fellow is not a "joint appointment" or a tenure-track appointment to the faculty of the College of Law. Any appointment will be reviewed by the sponsoring faculty member (see Section 18.C.2) at least once during the period of appointment.

C. Procedures

17. Joint Appointments

1. The law school personnel committee would consider applicants for appointment to the position of "interdisciplinary fellow," and make recommendations for faculty approval.

2. Nominations for the appointment of an "interdisciplinary fellow" may be made to the personnel committee by a sponsoring faculty member, a sponsoring faculty member being a regular faculty member interested in having the appointee participate in the teaching of the regular faculty member's course or seminar.

3. Any committee recommendation regarding the appointment of an "interdisciplinary fellow" will be subject to faculty approval. The name of any "interdisciplinary fellow" may be included in appropriate law school literature, including the masthead of the Kentucky Law Journal.

19. Honor Code

19. Honor Code

[Note: The following Honor Code was approved by the University Senate on February 10, 2003.]

Preamble

The faculty and the students of the University of Kentucky College of Law establish this Honor Code in order to foster integrity and honor within the legal profession, to encourage an atmosphere of mutual trust and confidence within the College of Law, and to promote respect for the College of Law among those who work and study there and among the public generally.

Article I The Honor Code

A law student shall not lie, cheat, steal, interfere with another student's academic pursuits, falsify or misuse academic records, or fail to report another student's breach of these rules.

Article II Violations

The conduct specified in the following six paragraphs is a violation of the Honor Code only if (1) the conduct is intentional, and (2) it relates to any work intended to result in or lead to completion of work for academic credit from the College of Law, while using the placement resources and facilities, or on or in connection with an application for admission to the College.

(A) Lying. Lying is deliberate misrepresentation of a fact, or deliberate omission of facts making an otherwise true statement a misrepresentation.

(B) Cheating. Cheating is giving or receiving unpermitted aid in any course or assignment. Law students should assume that no aid is permitted, from other persons or materials of any kind, unless specifically authorized by the professor. Cheating specifically includes plagiarism as defined in the University Senate Rules.

(C) Stealing. Stealing is taking without permission any property belonging to another in order to obtain an academic advantage.

(D) Interference with academic pursuits. Interference with academic pursuits is any conduct which makes it difficult or impossible for other law students to perform academic work. It must be done with the intention of hindering other students' academic success.

(E) Falsification or misuse of academic records. An "academic record" is any paper or electronic version, official or unofficial, of the student's academic record, transcripts, application documents, admission credentials, and academic record transaction documents. "Falsification or misuse" is unauthorized access, use, disclosure, or alteration.

(F) Failure to report a breach of the Honor Code. Failure to report a breach of the Honor Code is (1) failure to report, pursuant to Article IV(A), actual knowledge that another student has committed a violation of the Honor Code or (2) failure to appear and testify truthfully as a witness in any Informal Hearing conducted under Article IV(C).

(G) Exception for good faith reporting of alleged offenses. The good faith reporting of an Honor Code violation, whether or not the alleged violator is later charged or convicted with any offense under the Honor Code, may not itself be punished as a violation of the Honor Code.

19. Honor Code

Article III - Administration

The students and faculty of the College of Law shall be jointly responsible for implementing the Honor Code. An Honor Council shall be responsible for administering the Honor Code in accordance with its purpose, scope and procedures.

A. Honor Council Composition

1. Student Members. The Student Bar Association of the College of Law each year shall invite all interested students to submit their names as candidates for Honor Council positions. Each year during the month of March the Dean shall choose from the among these candidates 12 students who shall serve as Honor Council members. The Honor Council shall include at least four members of the prospective third year class and four members of the prospective second year class. If for any reason there is an insufficient number of candidates, the Dean shall select sufficient members from among those in the student body willing to serve on the Honor Council. Student members shall serve one year terms from April 1 through March 31, and are eligible for re appointment. If a student Honor Council member is unable to complete his or her one year term, the Dean shall appoint a replacement to serve until the end of the term. If for any reason a student Honor Council member is not available for a session, the Honor Council Chair shall select a temporary alternate from the available student body.

2. Faculty Members The Dean shall appoint four faculty members to the Honor Council. Faculty members shall serve a two year term on the Honor Council on a staggered basis, and are eligible for re appointment. If a faculty Honor Council member is unable to complete his or her two year term, the Dean shall appoint a replacement to serve until the end of the term. If for any reason a faculty Honor Council member is not available for a session, the Dean shall select a temporary alternate from the faculty.

B. Honor Council Chair

The Dean shall appoint one of the student members of the Honor Council to serve as Chair. It shall be the duty of the Chair to preside at all meetings of the Council, to receive all complaints and allegations of violations of the Honor Code, to address the first year class concerning the existence and importance of the Honor Code and its procedures, and to perform all duties required by the office.

C. Student Agreement

Upon entering the College of Law, each law student shall be required to sign the following statement:

I, [Student's Name], have read the College of Law Honor Code, understand it, and agree to abide by its provisions.

Signature

Date

Article IV - Procedures

A. Report of Suspected Violations

A law student or faculty member having actual knowledge that a law student has committed a violation of the Honor Code shall report such knowledge by a signed written complaint filed with the Chair of the Honor Council. In addition, any student or other person who believes there has been a violation of the Code may bring the alleged violation to the attention of the Chair by filing a signed written

19. Honor Code

complaint. The complaint should include a brief account of the facts describing the incident and shall be submitted no later than 30 days after the complainant becomes aware of the incident.

B. Preliminary Determination

Upon receipt of a complaint, the Chair of the Honor Council shall consult with the Associate Dean for Academic Affairs and then shall determine whether the complaint alleges a violation within Article II of the Honor Code. The Chair shall inform the complainant in writing of this decision and the rationale for it and shall provide the Dean with a copy of the complaint and of the written response to the complainant. If the Chair believes the reported act falls within Article II of the Honor Code, he or she shall inform the accused person (the "Respondent") of the complaint and furnish him or her with a copy of the Honor Code. A determination by the Chair that the complaint fails to state a violation within Article II of the Honor Code does not preclude a contrary conclusion upon a subsequent complaint based on new evidence.

C. Informal Hearing

Within a reasonable time after the Chair's notice to the Dean that the complaint alleges a violation within Article II of the Honor Code, the Dean shall convene an Informal Hearing on the matter before the Dean and a Hearing Committee.

1. Hearing Committee - The Hearing Committee shall consist of two student members and two faculty members of the Honor Council. The student members shall be selected by the Honor Council Chair.

2. Notice to Respondent - The Dean shall inform the Respondent of the time and place of the Informal Hearing.

3. Objectives - The purpose of the Informal Hearing is to inform and advise the Dean in reaching a conclusion on the issue of guilt and on the appropriate penalty for the offense, if any. The Informal Hearing shall be conducted to permit the Dean and the Hearing Committee to hear the facts underlying the complaint, the Respondent's defense to the allegations, and any aggravating or mitigating factors that may affect the penalty.

4. Procedures - The proceeding shall be conducted informally. In addition to the Dean and the Hearing Committee, only the Honor Council Chair, the Respondent and his or her legal representative, if any, and, while they are testifying, any necessary witnesses may be present at the hearing. All matters discussed at the hearing are to be held confidential by those present. The Informal Hearing shall be recorded on tape by the Dean, and only the Dean and the Respondent and his or her legal representative, if any, shall have access to the tape recording without appropriate legal process. The Dean shall be responsible for the security of all taped records and shall make a proper disposition of them when they are no longer needed. The Dean will preside over the proceeding to elicit a complete record of the incident and may adjourn the proceeding to obtain further evidence relevant to the matter if necessary. The Dean and the Hearing Committee may question the complainant, the Respondent, and any other witnesses present. The Respondent shall have the opportunity to present evidence and to question witnesses. The formal rules of evidence shall not apply.

5. Decision. At the conclusion of the Informal Hearing, the Hearing Committee shall deliberate on the issue of guilt and, if guilt is found, the appropriate penalty. In deciding the question of guilt, the preponderance of the evidence standard shall be applied by the Hearing Committee. A decision by a vote of at least three Hearing Committee members on the issue of guilt and/or on the appropriate penalty shall be considered a recommendation to the Dean and shall be

19. Honor Code

overridden by the Dean only if he or she considers the recommendation to be clearly erroneous based on the evidence adduced at the Informal Hearing. If the Hearing Committee splits evenly on the issue of guilt or the appropriate penalty, the Dean shall decide the question(s) based on his or her own view of the preponderance of the evidence adduced at the Informal Hearing.

6. Penalties - In determining the penalty to be recommended and applied, the Dean and the Hearing Committee shall include in their consideration the seriousness of the violation, the degree of willfulness and premeditation, and the truthfulness of the Respondent throughout the Informal Hearing. If the penalty is suspension, a student may be suspended for a reasonable amount of time, which may include the time required for treatment or rehabilitation. Possible penalties for each of the categories of Honor Code violations are as follows:

a. Lying - Penalties may include a failing grade in the course and also may include a written reprimand from the Dean, the loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

b. Cheating - Penalties shall include a failing grade in the course, and may also include a written reprimand from the Dean, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

c. Stealing - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

d. Interference with Academic Pursuits - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

e. Falsification or Misuse of An Academic Record - Penalties may include a written reprimand from the Dean, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

f. Failure to Report a Breach of the Honor Code - Penalties may include a written reprimand from the Dean, a failing grade in the course, loss of privileges to participate in placement office programs, and suspension or expulsion from the College of Law.

D. Final Action

At the conclusion of the Informal Hearing, the Dean shall reach his or her determination on the issue of guilt and, if guilt is found, on the appropriate penalty. Within a reasonable time, the Dean shall inform the Respondent, the complainant, the Academic Ombud, and, if the penalty involves a failing grade, the University Registrar of this determination. If the penalty imposed includes suspension or expulsion from the College of Law, the matter shall be forwarded to the Chancellor for further action.

E. Appeals

A Respondent found guilty of a violation of the Honor Code may appeal the finding of guilt and/or the penalty imposed by filing a written notice of appeal with the Academic Ombud within 10 working days of receiving notice of the Dean's determination in the matter. Appeals will proceed before the Academic Ombud and University Appeals Board under University Senate Rules 6.4.7 and 6.4.8. The student will have the right of class participation and attendance during the consideration of any appeal.

19. Honor Code

F. Confidentiality

In all matters arising under this Honor Code, faculty members and students are expected to show due consideration for legitimate concerns regarding confidentiality. Faculty members and students are generally expected to refrain from disclosing the identities of students who have alleged, reported, or been charged with violations of the Honor Code. Disclosure of the identity of such a student should only be made with the student's consent, in response to legal process, in seeking advice from legal counsel, or when necessary to further the policies underlying this Honor Code.

20. Distribution of Law Faculty Rules and Policies

The Dean or the Dean's designate shall distribute faculty rules of procedure by electronic distribution using the college's computer network at least annually. In addition, the Dean or the Dean's designate shall maintain a printed copy of the rules of procedure.

21. Approval and Modification of Law Faculty Rules and Policies

These rules have been created and approved by the faculty of this college pursuant to the authority granted by the Administrative and Governing Regulations of the University of Kentucky. These rules do not become effective until and unless approved by the Dean and Provost as indicated by their signatures below. Any modifications to these rules must also be approved by the Dean and Provost before the modifications take effect. A current copy of the approved rules for this college is available in the offices of the Dean of the College and the Provost. A copy of these approved rules will be posted online at the University Senate website.

Appendix

Appendix: Modified Duties Following Birth, Adoption, or Guardianship: Draft Recommendation

Dean's comments: The University has a Temporary Disability Leave policy for faculty at the following website: http://www.uky.edu/ofa/sites/www.uky.edu.ofa/files/uploads/Faculty_TDL_Policy.pdf. Given my authority within University regulations to determine work assignments for all faculty, I will view the draft policy as advisory until such time as the faculty is able to formally vote on this matter.

A full-time faculty member in the regular, clinical or library title series at the College of Law who becomes a parent may request one semester's relief from teaching. Parental modified duties may only be granted for the semester in which the faculty member becomes a parent, in the semester immediately following the semester in which the faculty member becomes a parent, or at some other reasonable time that is approved by the Dean. The faculty member who is granted parental modified duties must have at least co-equal caregiving responsibilities for an infant or adopted minor child. The modified duties period is designed to permit the faculty member time for adjustment to parenting needs. During the parental modified duties period, the faculty member's salary will not be reduced as a result of the modified duties. The faculty member is relieved from teaching responsibilities during the parental modified duties period but is expected to fulfill all other responsibilities, including, but not limited to, service, research, and administrative responsibilities. The total effort for these other University related responsibilities on the faculty member's DOE should amount to 100% effort on behalf of the University during the parental modified duties.

A faculty member on parental modified duties cannot be employed by another institution during the period of modified duties. A faculty member is eligible for parental modified duties immediately upon employment in the College of Law. In considering the timing and approval of the requested parental modified duties, the Dean may consider, at a minimum, the following factors: adjustment of teaching schedules of other faculty not affected by the modified duties, a reasonable adjustment to the tenure/promotion clock or long term contract of the faculty member who is granted modified duties, consideration of the title series of the faculty member who is requesting parental modified duties, and overall impact of the proposed parental modified duties (or timing thereof) on the College of Law.

A faculty member who wishes to take a semester of parental modified duties should, as early as possible prior to becoming a parent, submit a written request to the Dean for parental modified duties with a copy to the Associate Dean of Academic Affairs. The request should state the reason for the parental modified duties, the semester for which the modified duties are being requested, and the non-teaching University related responsibilities the faculty member expects to perform during the modified duties.

This benefit is in addition to any other applicable leave for which the faculty member may be eligible.

[Adopted by the Faculty Executive Committee Feb. 13, 2015 and modified May 31, 2017.]

Administrative Regulation — University Organization (*Formerly GR VII*)

Introduction

This Administrative Regulation defines educational and administrative units and their composition within the University organization; delineates the role and responsibilities of the faculties of the colleges, the Graduate School, the Honors College, the Libraries, schools, departments and multidisciplinary centers and institutes; and outlines the authority, duties and expectations of the administrative officers of each unit.

A. Policy

The administrative organization of the University is determined by the educational organization of the University and the education, research, service and care of the University. The educational and administrative organization of the University shall be such as to minimize duplication of effort and to enable the University to operate as a single, closely integrated institution. To administer the various programs of the University, there shall be established educational and administrative units within the University.

B. Definitions

“Educational unit” means any existing or proposed unit that has as its primary mission the performance of educational activities in instruction, research and service and that has or will have at least one full-time (tenured or tenure-eligible) faculty appointment or its time equivalent is assigned to perform instruction, research and service in that unit. This assignment provision excludes solely administrative assignments such as the chief administrative officer of the unit.

“Administrative unit” means any unit not meeting the definition of an educational unit.

C. Educational Units and Their Chief Administrative Officers

1. Departments, schools, colleges, graduate centers, multidisciplinary research centers and institutes and interdisciplinary instructional programs are the basic educational units of the University that deliver education, research, service and care including extension activities.
2. Major educational units of the University are the colleges, the Graduate School and the Libraries. For purposes of this *Administrative Regulation*, the Libraries is equivalent to a college.

3. Schools are administratively responsible to a college, and departments are directly responsible to a college or sometimes directly to a school within their college.
4. Some instructional programs draw faculty exclusively from one department, school or college whereas interdisciplinary instructional programs, such as in the Honors College, draw faculty from different departments, schools or colleges.
5. A graduate center is an interdisciplinary educational unit that delivers graduate education degree programs, is equivalent to a department and is located administratively in the Graduate School unless the administrative responsibility specifically has been delegated otherwise.
6. A multidisciplinary research center or institute is an educational unit established to provide multidisciplinary programs, which are primarily research in nature. Such an educational unit is administratively responsible to the Vice President for Research unless the administrative responsibility specifically has been delegated otherwise.
7. The chief administrative officer of a major educational unit is a dean. The chief administrative officer of a graduate center, school or multidisciplinary research center or institute is a director. The chief administrative officer of a department or an interdisciplinary instructional program is a chair.

D. Academic Ranks

1. Academic ranks in the University consist of lecturer and senior lecturer in the lecturer series, and instructor, assistant professor, associate professor, professor or the equivalent to these recognized in the librarian title series of librarian IV, librarian III, librarian II and librarian I, respectively.
2. The President establishes academic title series, the ranks within each series and a description of the qualifications for each after consultation with appropriate shared governance bodies. Emeritus ranks for retired faculty members and the rights of holders of emeritus titles are established by the President after consultation with appropriate shared governance bodies.
3. The establishment of new academic title series or ranks and major changes in criteria for ranks shall have the approval of the Board of Trustees.

E. The Faculties

1. The Graduate Faculty

a. Membership

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The membership of the Graduate Faculty shall consist of the dean of the Graduate School, associate or assistant deans of the Graduate School and regular faculty and associate faculty members.

Graduate Faculty members shall possess the following qualifications:

- A doctoral degree or its equivalent in scholarly reputation;
- The rank of assistant professor (or equivalent) or higher;
- Scholarly maturity and professional productivity as demonstrated by publications, editorial services, research surveys, creative work, patents and research in progress at the time of appointment; and
- Definite interest in graduate work and the willingness to participate in the graduate program.

The dean of the Graduate School confers membership in the Graduate Faculty. The appointments are made following review by the Graduate Council of the qualifications of the persons proposed for membership by the college deans, department chairpersons and directors of graduate study, upon the recommendation of the Graduate Faculty of the respective graduate program.

Associate and other classes of members in the Graduate Faculty may be appointed by the dean of the Graduate School, with appropriate duties and privileges, as provided by the *Rules of the Graduate Faculty*.

b. Officers, Committees and Councils

The Graduate Faculty may perform its functions directly, through the Graduate Council or through standing or special committees which it may appoint or authorize for appointment, or through delegation to college, school, departmental or center graduate program faculties. Councils of the Graduate School may be appointed by the dean of the Graduate School or elected, as prescribed by the *Rules of the Graduate Faculty*. Copies of minutes of Graduate Faculty meetings and of meetings of Graduate Faculty committees and councils shall be made available to all members of the Graduate Faculty.

c. Graduate Faculty Functions

Within the limits established by the *Governing Regulations*, the Graduate Faculty shall have jurisdiction over all programs leading to graduate degrees and within those limits shall establish *Rules of the Graduate Faculty* necessary for the performance of its credit-bearing curriculum functions. Copies of these rules shall be made available to Graduate Faculty members and filed with the Graduate Faculty dean and the Provost. It is the responsibility of the Graduate Faculty to safeguard, promote and assist in the development of research in all

fields. The Graduate Faculty may make recommendations to college or department faculties, to the President or other administrative officers.

The Graduate Council shall have the authority and responsibilities delegated to it by the dean of the Graduate School and the Graduate Faculty.

2. The Honors Faculty

a. Membership

The membership of the Honors Faculty shall consist of the dean of the college, associate or assistant deans holding professorial faculty rank (i.e. assistant, associate or full professor) and who have assignment in the college and regular associate faculty members.

Regular members of the Honors Faculty are tenured or tenure-eligible faculty members with primary appointment in another college who have a recurring, dedicated assignment in Honors College, reflected in their Distribution of Effort (DOE).

Associate members of the Honors Faculty are those with primary appointment in another college who have an occasional assignment to provide instruction in the Honors curriculum, and lecturers with primary appointment in the Honors College and a regular assignment to provide instruction in the Honors curriculum.

The above members of the Honors Faculty shall possess the following qualifications:

- A doctoral degree or its equivalent in scholarly reputation;
- The rank of lecturer or senior lecturer in the Lecturer Series, or the rank of assistant professor (or equivalent) or higher in any other series.
- Demonstrated excellence in teaching and mentoring of undergraduate students; and
- Demonstrated interest in honors students and the willingness to participate in the Honors College.

The dean of the Honors College confers membership in the Honors Faculty. The appointments of regular members are made upon recommendation of Regular Honors Faculty after review of the qualifications of the persons proposed for membership by the dean of the college of primary appointment. The dean of the Honors College may appoint, with appropriate duties and privileges, associate members in the Honors College Faculty in accordance with the *Rules of the Honors College*.

b. Officers, Committees and Councils

The Honors Faculty may perform its functions directly or through the Honors College Council, as prescribed by the *Rules of the Honors College Faculty*. The dean of the Honors College shall preside over meetings of the Honors Faculty, except as the dean may delegate that function. Copies of minutes of Honors Faculty meetings and of meetings of Honors Faculty committees and councils shall be made available to all members of the Honors Faculty.

c. Honors Faculty Functions

Within the limits established by the University regulations, the regular members of the Honors Faculty shall have jurisdiction over the curricular requirements leading to the Honors credential, and within those limits shall establish *Rules of the Honors Faculty* necessary for the performance of its credit-bearing and non-credit bearing curriculum functions in academic colleges. For these purposes, voting privileges may be extended or withdrawn by the regular members to the associate members, or to other persons assigned to the college for administrative, instruction, research, extension, clinical or librarian work. Copies of these Rules shall be made available to Honors Faculty members and filed with the dean of the Honors College and the Provost.

It is the responsibility of the Honors Faculty to promote the academic achievements of Honors students and to assist the colleges in the development of undergraduate excellence in all fields. The Honors Faculty may make recommendations on matters related to honors education, to college or department faculties, to the President or to other administrative officers.

The Honors Faculty/Council shall have the authority and responsibilities delegated to it by the dean of the Honors College.

3. Faculties of Colleges

a. Membership

The membership of the faculty of a college shall consist of its dean, associate and/or assistant deans and regular full-time faculty having the rank of assistant professor, associate professor or professor in the regular, special title or extension series or librarian III, II or I in the librarian title series. Membership, with or without voting privileges, also may be extended or withdrawn by the above college faculty to any other person assigned to the college for administrative, instruction, research, extension, clinical or librarian

work. An individual may be assigned to more than one college; in this instance, one assignment shall be designated primary by the Provost.

b. Officers, Committees and Councils

The faculty shall hold regularly scheduled meetings at which the dean shall preside except as the dean may delegate that function. In addition, it shall meet in special session on the call of the President, the Provost, the dean of the college or at the request of a prescribed number of its voting membership. Each college faculty shall establish the quorum for the transaction of business. Copies of minutes of college faculty meetings and of meetings of college faculty committees and councils shall be made available to all members of the faculty of the college.

The faculty of each college shall establish its own rules, including a committee or council structure, necessary for the performance of the faculty's functions on the credit-bearing and non-credit bearing curricula in academic colleges. After approval of these rules by the Provost for consistency with the *Governing Regulations*, the *Administrative Regulations* and *Rules of the Graduate Faculty*, copies of the rules and a description of the committee or council structure shall be made available to members and filed with the dean of the college and the Provost.

c. College Faculty Functions

Within the limits established by the *Governing Regulations*, *Administrative Regulations* and *Rules of the Graduate Faculty* of the University, the faculty of a college shall determine the academic requirements, credit-bearing curricula, course offerings, undergraduate, graduate and research programs, professional programs and service functions.

In consultation with the college faculty, the dean shall establish procedures used at the level of the college concerning: (1) recommendations on faculty appointments, promotions, reappointments, terminal appointments, post-retirement appointments, the granting of tenure and decisions not to reappoint; (2) the faculty performance evaluations; and (3) faculty input in the evaluation of the performance of school directors and department chairs during the interval between periodic reviews. It may make recommendations to, the Graduate Faculty, school/department faculties within the college, the President or to other administrative officials.

The faculty of a college may delegate some responsibilities to an assembly of the college, which consists of the faculty, staff and designated student representatives.

In addition to the functions and responsibilities described above, the faculty of a college without departments shall have any other functions and responsibilities which are delegated to a departmental faculty.

4. Faculties of Schools

a. Membership

The membership of a faculty of a school shall consist of the dean of its college of which it is an administrative unit, the director who is the chief administrative officer of the school and the members of the faculty of the college who have been assigned regular, full-time duties in the school. Membership, with or without voting privileges, also may be extended or withdrawn by the above faculty of the school to any other person assigned to the school for administrative, instruction, research, extension, clinical or librarian work. An individual may be assigned to more than one school; in this instance, one assignment shall be designated primary by the Provost.

b. Officers, Committees and Councils

The faculty of a school shall hold regularly scheduled meetings at which the school director shall preside, except as the director may delegate this function. In addition, it shall hold special meetings on the call of the dean of the college, the director of the school or by a prescribed number of its voting faculty. The school director shall preside over school faculty meetings, except as the director may delegate this function. Copies of the minutes of school faculty meetings and meetings of committees and councils of the school faculty shall be made available to all members of the faculty of the school.

The faculty shall establish its own rules and determine its own committee structure that are necessary for its functions on the credit-bearing and non-credit bearing curricula in academic colleges and shall prescribe the quorum necessary for the transaction of business. After approval of these rules by the dean of the college and by the Provost for consistency with the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* and college faculty rules, copies of the school faculty's rules and a description of its committee structure shall be made available to its members, and a copy shall be filed with the director of the school, the dean of the college of which it is a unit, with the Provost.

c. School Faculty Functions

Within the limits established by the *Governing Regulations, Rules of the Graduate Faculty* and the rules of the faculty of the college of which it is a unit, the faculty of a school shall determine the academic requirements, credit-bearing curricula, course offerings, undergraduate, graduate and research programs, professional programs and service functions, to the extent that this responsibility has not been delegated to a department faculty. It shall be responsible for functions and duties assigned to it by the faculty of the college. For these purposes, it shall make recommendations to the faculty of the college on matters that require the approval of that body. It may make recommendations on other matters to, the Graduate Faculty, the college faculty and the faculties within the school and the dean or other administrative officers. The academic or scholastic requirements of a school may exceed, but not be lower than, those established by the college faculty.

In addition to the functions and responsibilities described above, the faculty of a school without departments shall have any other functions and responsibilities which are delegated to a department faculty.

5. Faculties of Departments

a. Membership

The membership of a faculty of a department shall consist of a chair and the regular, full-time members of the department who are members of the faculty of the school and/or college of which the department is a part. Membership, with or without voting privileges, also may be extended or withdrawn by the above department faculty to any person assigned to the department for administrative, instruction, research, extension, clinical or librarian work. An individual may be assigned to more than one department; in this instance, one assignment shall be designated as primary by the Provost.

b. Officers and Committees

The department faculty shall hold regularly scheduled meetings, at which the department chair shall preside except as the chair may delegate this function. In addition, it shall hold special meetings on the call of the dean of the college, the chair of the department or by a prescribed number of its voting faculty. The department chair shall be an ex officio member of all departmental committees. Copies of minutes of departmental faculty meetings and of meetings of department committees shall be made available to all members of the faculty of the department.

The department faculty shall establish rules, procedures and a committee structure concerning credit-bearing curricula in academic college matters over

which it has jurisdiction and responsibility and shall establish its quorum for the transaction of business. These proposed rules, procedures and committee structure shall be submitted to the director of the school (if appropriate), the dean of the college and the Provost for approval for consistency with the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty*, rules of the college and (if appropriate) rules of the school faculty. Copies of the approved rules, procedures and committee structure shall be made available to the members of the departmental faculty and shall be filed with the director of the school, (if appropriate) the dean of the college of which the department is a unit and the Provost.

c. Department Faculty Functions

Within the limits established by the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* or the rules of the faculties of the school or college of which the department is a part, the department faculty has jurisdiction over the implementation of the credit-bearing and non-credit bearing curricula in academic colleges.

The department faculty has primary responsibility for the development of policies on such matters as academic requirements, courses of study, course offerings, graduate and research programs and service functions. Jointly with the department chair, the department faculty shall establish procedures to be used within the department concerning (1) recommendations on faculty appointments, promotions, reappointments, terminal appointments, post-retirement appointments and the granting of tenure and decisions not to reappoint; (2) the faculty performance evaluations; and (3) preparation of budget requests. The procedures in (1) and (2) above shall include consultation with directors of multidisciplinary research centers and institutes for those faculty members who are or shall be associated with such centers or institutes.

The department faculty shall develop statements describing the evidences of activity in education, research, service and care that are appropriate to their field(s) for use in guiding evaluations for promotion and tenure. If developed and approved by the department faculty, those statements shall be submitted by the chair of the department to the dean for review and final approval before the statements are made operative in the department. Revisions to a department's statements, upon approval of the department faculty, shall also be submitted by the department chair to the dean for review and final approval.

The academic or scholastic requirements of a department may exceed, but not be lower than, those of the school and/or college of which the department is a part.

6. Faculty of Multidisciplinary Research Centers and Institutes

a. Faculty Membership and Functions

The faculty of a multidisciplinary research center or institute that is responsible for implementing the credit-bearing and non-credit bearing curriculum in academic colleges shall consist of: (1) a director who also shall be a faculty member of a department, school or college; (2) faculty members with recurring, formally assigned instructional, research and/or service duties in the unit. In addition, membership, with or without voting privileges, may be extended and withdrawn by the above center or institute faculty to any other person assigned to the unit for administrative, instructional, research, extension, clinical or librarian work.

Academic rank shall not be conferred by a multidisciplinary research center or institute, nor tenure acquired solely through activities performed in such a unit.

b. Officers and Committees

A multidisciplinary research center or institute shall be administratively responsible to the Vice President for Research unless specifically designated to another chief academic officer. A faculty advisory committee shall be appointed for each research center or institute by the officer to whom the unit is administratively responsible.

7. Student and Staff Participation

Rules of procedure in educational units of the University shall provide, when appropriate, for participation of students and staff.

F. Administrative Officers

1. Administrative Officers — General

Each administrative officer, other than the President, is responsible to the President, directly or through one or more superior officers, for the efficient operation of the organizational unit or functions for which the administrative officer is responsible. The duties of administrative officers reporting directly to the President shall be those delegated by the President. Each administrative officer is expected to recommend to the appropriate next superior officer the administrative organization necessary to carry out assigned duties. The positions of deans, directors and chairs of educational units, and their major duties assigned, are described below.

Each administrative officer is authorized to establish and enforce such policies and procedures as are attendant to delegated administrative duties and to establish administrative or advisory committees to aid in the performance of assigned functions.

2. Administrative Officers of Educational Units

a. Dean of the Graduate School

The dean of the Graduate School is chair of the Graduate Faculty and of the Graduate Council and serves as an ex officio member of all committees of the Graduate School. Under the broad direction of the President and the Provost, the dean provides general planning, guidance, review coordination for all of the University's endeavors in graduate education. The dean appoints regular and associate members of the Graduate Faculty. The dean also recommends on budgets as these may affect graduate education and shall have the same authority and responsibilities as those of a dean of a college in the administration of educational units that might be transferred to or developed under the Office of the Dean of the Graduate School.

The dean shall speak for the Graduate Faculty. In the event that the dean believes it necessary to depart from the recommendations of the Graduate Faculty, the dean shall communicate the Graduate Faculty's recommendation as well as the dean's recommendation, stating the reasons for differing from the Graduate Faculty's opinion, and notify the Graduate Faculty of such action.

b. Dean of the Honors College

The dean of the Honors College is chair of the Honors Faculty and serves as an ex officio member of all councils and committees of the Honors College. Under the broad direction of the President and the Provost, the dean provides general planning, guidance, review and coordination for all of the college's endeavors in undergraduate education. The dean also recommends on the college budget and shall have the same authority and responsibilities as those of a dean of a college in the administration of the Honors College.

In connection with the above administrative functions, the dean shall seek the advice of the faculty of the college (1) individually, (2) as a whole, (3) through the elected college faculty council or (4) through the faculty advisory committees.

The dean shall speak for the Honors Faculty. In the event that the dean believes it necessary to depart from the recommendations of the Honors

Faculty, the dean shall communicate the Honors Faculty's recommendation as well as the dean's recommendation, stating the reasons for differing from the Honors Faculty's opinion and notify the Honors Faculty of such action.

The Honors College shall establish an External Advisory Board. This body shall be consultative, governed by by-laws established under the direction of the dean of the college and approved by the Provost for its operation. The Honors External Advisory Board shall offer advice and recommendations on matters brought forward by the dean and leadership of the university, reserving matters of the credit-bearing and non-credit bearing curriculum in academic colleges, personnel and internal operations to the Honors Faculty and administrative leadership.

c. Deans of the Colleges

A dean is the chief administrative officer of a college and is responsible for the enforcement of the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty* and the rules of the college faculty. The dean is authorized to establish and enforce such policies and procedures as are attendant to the administrative management of the operations of the college.

The dean is the chair of the college faculty and an ex officio member of all college committees. The dean is charged with overseeing the educational work of the college and its efficient conduct and management in all matters not specifically charged elsewhere. The dean is responsible for the implementation of the credit-bearing and non-credit bearing curricula of the academic college, for ensuring through the faculty the quality of instruction given therein, for the assignment of duties to all personnel and for the service provided by the faculty of the college, individually and as a whole. The dean shall review faculty performance evaluations submitted by the department chairs and shall be responsible for recommendations on salaries, salary changes, appointments, reappointments, terminal appointments, post-retirement appointments, promotions and granting of tenure and decisions not to reappoint for members of the college or for ultimate action thereon when such authority has been delegated by the President or the Provost.

The dean shall submit the budget request for the college and administer the budget when it is approved. The President or Provost may delegate further administrative responsibilities to the dean. These responsibilities may vary from college to college.

In connection with the above administrative functions, the dean shall seek the advice of the faculty of the college (1) individually, (2) as a whole, (3) through the elected college faculty council or (4) through the faculty advisory

committees. In addition to the roles and responsibilities described above, the dean of a college without departments shall have any other roles and responsibilities which are delegated to a department chair. Staff employees shall be consulted, when appropriate, in the development of administrative policies and decisions that directly affect staff employees.

The dean shall speak for the college. In the event that the dean believes it necessary to depart from recommendations of the college faculty, the dean shall communicate the college faculty's recommendation as well as the dean's recommendation, stating reasons for differing from the college faculty's opinion and notify the college faculty of such action.

d. Directors of Schools

The director of a school serves as chair of the faculty of the school in the performance of its assigned functions and is an ex officio member of all committees of the school.

The director's administrative responsibilities shall be those delegated by the dean of the college of which the school is a part.

In connection with the above administrative functions, the director shall seek the advice of the faculty of the school: (1) individually, (2) as a whole, (3) through the elected school faculty councilor (4) through faculty advisory committees. In addition to the roles and responsibilities described above, the director of a school without departments shall have any other roles and responsibilities which are delegated to a department chair. Staff employees shall be consulted by the school director (or associate director), when appropriate, in the development of administrative policies and decisions that directly affect staff employees.

The director shall speak for the school. In the event that the director believes it necessary to depart from the recommendations of the school faculty, the director shall communicate the school faculty's recommendation as well as the director's recommendation, stating reasons for differing from the school faculty's opinion and notify the school faculty of such action.

e. Chairs of Departments

The department chair leads the department faculty in its development of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs and service functions. The chair presides at all department meetings, except as the chair may delegate this function and is an ex officio member of all department committees. The chair

has administrative responsibility for implementing the department's policies and programs within the limits established by the *Governing Regulations*, the *Administrative Regulations*, *Rules of the Graduate Faculty*, the rules of the college and the rules of any school of which it is a part.

The department chair is responsible for recommendations on the appointment of new faculty employees of the department, promotions, reappointments, terminal appointments, post-retirement appointments, the granting of tenure and decisions not to reappoint.

Procedures used in preparing recommendations shall be those established by the University, the college and the department faculty. At a minimum, on matters relating to decisions not to reappoint, reappointment, terminal reappointment or the granting of tenure of persons in any title series, the department chair shall consult with all tenured faculty members of the department. At a minimum, on matters relating to appointment or promotion of any persons in any tenure-eligible title series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department, with a rank at or above the rank to which the individual being considered would be appointed or promoted. At a minimum, on matters relating to appointment, decisions not to reappoint, reappointment, terminal reappointment or promotions of persons in any tenure-ineligible series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department. On matters relating to appointment or promotion in the Clinical Title Series, Research Title Series or Lecturer Series, the department chair shall also consult with all full-time faculty employees in the series of the individual under consideration who are at or above the rank to which the individual would be appointed or promoted. All recommendations on matters listed above, excluding reappointments and post-retirement appointments, shall include the written judgment of each consulted member of the department and of each director of any multidisciplinary research centers or institutes, or graduate centers with which the individual is, or would be, associated, along with the recommendation of the chair.

On matters relating to appointment or promotion in the Clinical Title Series, Research Title Series or Lecturer Series, the department chair shall also consult with all full-time faculty employees in the series of the individual under consideration who are at or above the rank to which the individual would be appointed or promoted. Faculty employees in the tenure-ineligible series shall not be consulted on matters relating to appointment, reappointment, terminal reappointment, decisions not to reappoint, promotion or the granting of tenure of faculty employees in the tenure-eligible title series, except by invitation of the department faculty as provided below.

A department faculty may establish policies that extend the above minimum consultation requirements in faculty personnel matters to include the specified participation of other full-time faculty employees in any series in the department. Once these policies on extended participation privileges are approved by the department and reviewed by the department chair, the dean and Provost for consistency with the *Governing Regulations, Administrative Regulations* and rules of the college, these policies shall be incorporated into the rules document of the department.

The following exceptions may be made: (1) faculty employees on approved leave of absence or with a primary administrative, service or other assignment outside the department, who are otherwise eligible to participate, may, but are not required to, provide written judgments on all recommendations; (2) faculty employees at the rank of instructor in any title series participate only upon the granting of participation privileges by the department faculty; and (3) in a large and diverse department, upon prior recommendation by the department faculty and approval of the dean and the Provost, consultation with faculty employees may be restricted to those associated with the concerned, previously-defined academic division or program area in the department.

The department chair is responsible for the periodic evaluation of department members by procedures and criteria established by the University, the college and the department faculty.

The department chair submits the budget request for the department and administers the budget after its approval. The chair also is responsible for making recommendations on salaries, salary changes and distribution of effort.

In connection with the above major administrative functions, the chair shall seek the advice of members of the department, individually or as a group, or of advisory committees that the chair may appoint. Staff employees shall be consulted, when appropriate, by the chair, in the development of administrative policies and on decisions that directly affect staff employees.

The chair shall speak for the department. In the event that the chair believes it necessary to depart from the opinion of the department faculty, the chair shall communicate the department faculty's opinion as well as the chair's recommendation, stating reasons for differing from the department faculty's opinion and notify the department faculty of such action.

f. Directors of Multidisciplinary Research Centers and Institutes

The administrative officer of a multidisciplinary research center or institute is a director, who also shall be a faculty member in a department, school or

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000196 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (6222203)

EXH : 000015 of 000017

college. The director of a multidisciplinary research center or institute is charged with the planning, implementation, coordination and efficient management of the program and activities of the center or institute. The director shall have the same responsibilities as those of a department chair relative to faculty members and staff employees with assigned duties in the center or institute. The director shall provide recommendations and advice to appropriate educational unit administrators concerning space, financial and other resources, as well as the identification of faculty members for assignment of duties in the center or institute. The director shall submit the core budget request for the center or institute and administer this budget after its approval. In addition, the director may have other responsibilities delegated by the Vice President for Research or other academic administrator to whom the center or institute is administratively responsible.

In connection with the above major administrative functions, the director shall seek the advice of the faculty members of the center or institute, individually or as a group, or of advisory committees that may be appointed by the director of the center or institute or by the administrator to whom the center or institute is administratively responsible. The director shall speak for the center or institute and be an ex officio member of all its committees and shall transmit the recommendations of the consulted faculty along with the director's recommendation if these recommendations are different. Staff employees shall be consulted, when appropriate, by the director, in the development of administrative policies and on decisions that directly affect staff employees.

g. Dean/Director/Chair of Interdisciplinary Instructional Programs

The dean/director/chair of an interdisciplinary instructional program shall be a member of one of the academic departments participating in the program.

The dean/director/chair shall be responsible to the dean(s) of the college(s) in which the program is located and advise the dean(s) on personnel and other needs of the program in connection with budget planning. For these administrative purposes, the director/chair shall rely upon the advice of a committee drawn from faculty members participating in the courses composing the credit-bearing and non-credit bearing curriculum in academic colleges and shall transmit the recommendations of the consulted faculty along with the director/chair's recommendation, if these recommendations are different. Staff employees shall be consulted by the director/chair, when appropriate, in the development of administrative policies and on decisions that directly affect staff employees.

For questions, contact: Office of Legal Counsel

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000198 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000017 of 000017

Administrative Regulation — Employee Code

I. Expectations of Employees

This Employee Code provides guidance highlighting the University's expectations of employees, including faculty, staff and student employees, which are set out in more detail in this and other University *Administrative Regulations*, policies, procedures, processes and accreditation requirements.

A. Integrity and Excellence

Employees must hold themselves to the highest standards of integrity and excellence in everything they do for the University, including work related to teaching and learning, research and discovery, service, promotion of health and deep community engagement. As members of the University community, employees must understand that their behavior reflects not only the reputation of the individual, but also that of the University.

B. Mutual Respect and Human Dignity

Consistent with the discussion of equal dignity in *Governing Regulation I — Declaration of Principles*, employees must treat every individual with a commitment to mutual respect, regardless of one's position, status or level of responsibility at the University.

Employees must likewise engage in conduct that demonstrates an understanding of our core value, as set out in *Governing Regulation I — Declaration of Principles*, that while this is a University composed of many people, we must work together as one community to achieve the University's mission, vision and strategic plan.

C. Academic Freedom

Consistent with the discussion of academic freedom in *Governing Regulation I — Declaration of Principles*, employees must respect the academic freedom of all members of the University community.

D. Personal and Institutional Accountability

Employees must be responsible for their own actions and must recognize their obligation to ensure a University-wide culture of compliance. Specifically, employees must comply with applicable constitutional provisions, laws, federal and state regulations, *Governing Regulations*, *Administrative Regulations*, policies, procedures, processes and accreditation requirements.

E. Duty to Report Misconduct

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000199 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (6222203)

EXH : 000001 of 000003

1. Mandatory Reporters

Consistent with *Administrative Regulation — Equal Dignity*, employees — unless explicitly exempted in writing — must report all incidents that may constitute discrimination. For more information and/or to report incidents, see [Office of Equal Opportunity](#).

Employees must report incidents that may constitute a violation of any constitutional provisions, laws, federal and state regulations, *Governing Regulations*, *Administrative Regulations*, policies, procedures, processes and accreditation requirements.

2. Failure to Report

Any employee who fails to report as required by this *Administrative Regulation* may be subject to corrective action, including possible suspension without pay and up to separation of employment.

F. Relationship Status and Prohibitions

1. Faculty and Undergraduate Students

Faculty employees and those employees engaged in instructional activity are prohibited from engaging in romantic or sexual relationships with undergraduate students. The Provost may grant exceptions for relationships that existed prior to the student's enrollment at the University.

2. Faculty and Graduate or Professional Students

Faculty employees and those employees engaged in instructional activity are prohibited from engaging in romantic or sexual relationships with graduate or professional students within the faculty employee's or employee's college or any college where the faculty employee or employee teaches. The Provost may grant exceptions for relationships that existed prior to the student's enrollment at the University.

3. Employees and Subordinates

Supervisors are prohibited from engaging in any romantic or sexual relationship with their subordinates. If employees are engaged with one another in a romantic or sexual relationship, and one becomes a supervisor of the other, the supervisor may not evaluate the performance of the other. Instead, the President's cabinet member for the employee's area will arrange a new supervisory relationship.

G. Academic Misconduct

All employees must refrain from research misconduct, plagiarism, falsification of data, intellectual dishonesty, violations of the intellectual property rights of others, misuse of university resources, abuse of authority and other forms of academic misconduct.

II. Violations of the Employee Code

Any employee who violates the *Administrative Regulation — Employee Code* may be subject to discipline, including possible suspension without pay up to separation from employment.

If the University seeks to impose a suspension without pay of longer than five (5) days, or if the University seeks to terminate a faculty appointment, then the University will provide a hearing as set out in *Administrative Regulation — Due Process*.

D6872114-55F9-4F6D-A3C6-C02322A3EED2 : 000201 of 000213

Presiding Judge: HON. KIMBERLY BUNNELL (622203)

EXH : 000003 of 000003

RESOURCE MANUAL

for the Principles of Accreditation:

Foundations for Quality Enhancement

1866 Southern Lane
Decatur, GA 30033-4097
www.sacscoc.org



Southern Association of Colleges and Schools
Commission on Colleges

Fourth Edition
Published: 2024

Vincent Riggs, Fayette Circuit Clerk

Exhibit 13

10.4

The institution (a) publishes and implements policies on the authority of faculty in academic and governance matters, (b) demonstrates that educational programs for which academic credit is awarded are approved consistent with institutional policy, and (c) places primary responsibility for the content, quality, and effectiveness of the curriculum with its faculty.
(Academic governance)

Rationale and Notes

Because faculty are generally responsible for ensuring the achievement of appropriate student learning and academic program outcomes, it is imperative that an institution establish policies that explicitly delineate the responsibilities and authority of its faculty in academic and governance matters. These published policies clarify the role of the faculty in relation to other constituencies regarding these fundamental aspects of the institution. It is recognized that the authority of faculty in academic and governance matters varies widely across different types of institutions due to differences in organizational structure, mission, and tradition. Nonetheless, all institutions should have clear policies and should act in accordance with these policies.

The tradition of shared governance within American higher education recognizes the importance of both faculty and administrative involvement in the approval of educational programs (degrees, certificates, and diplomas). Approval by the faculty ensures that programs, including programs offered through collaborative arrangements, contain appropriate courses reflecting current knowledge within a discipline and include courses appropriate for the students enrolled. Approval by the administration affirms that educational programs are consistent with the mission of the institution and that the institution possesses both the organization and resources to ensure the quality of its educational programs.

Institutional policies concerning the role of faculty in academic matters should make clear that the faculty has primary responsibility for the content, quality, and effectiveness of the curriculum. Documentation should include evidence that faculty actively assume these responsibilities. While department chairs may take a major role in these processes, the evidence should show broad faculty involvement in what are considered fundamental faculty roles.

Questions to Consider

- What are the institution's policies regarding the authority of faculty in academic and governance matters?
- Where are these policies published? Are they accessible to all who are affected by them?
- Are the policies consistently followed?
- How are these policies approved and updated?
- What is the process for developing and approving educational programs?
- Who is responsible for the process?



UNIVERSITY OF KENTUCKY®

Regulations

Administrative Regulation 6:1

Responsible Office: Institutional Equity and Equal Opportunity

Date Effective: 7/01/2008 (Updated 7/1/2016)

Supersedes Version: 2/18/1999

Policy on Discrimination and Harassment

Major Topics

[Definitions](#)

[Prohibited Acts and Sanctions](#)

[Examples](#)

[Procedures](#)

I. Introduction

The University, in its efforts to foster an environment of respect for the dignity and worth of all members of the University community, is committed to maintaining an environment free of prohibited discrimination, which includes sexual and other forms of harassment. Discrimination and harassment are prohibited between members of the University community and shall not be tolerated.

II. Definitions

- A. **Discrimination**. Discrimination is an action or behavior that results in negative or different treatment of an individual based upon race, color, national origin, ethnic origin, religion, creed, age, physical or mental disability, veteran status, uniformed service, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, social or economic status, or whether the person is a smoker or nonsmoker, as long as the person complies with University policy concerning smoking.
- B. **Harassment**. Harassment, a form of discrimination, is unwelcome conduct that is based on the statuses noted in section II.A above. Harassment becomes a violation of University policy when:
 1. The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a University course, program, or activity; or
 2. The conduct is sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive.
- C. **Sexual harassment**. Sexual harassment, a form of sex discrimination, may or may not take place in situations of a power differential between the individuals involved. Sexual harassment includes

unwelcome* sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature and becomes a violation of University policy when:

1. The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a University course, program, or activity; or
 2. The conduct is sufficiently severe, pervasive, or persistent to interfere with an individual's work, academic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive.
- * Conduct of an amorous or sexual nature occurring in an apparently welcome relationship may be unwelcome due to the existence of a power difference which restricts a subordinate's freedom to participate willingly in the relationship.

If one of the parties in an apparently welcome 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. (*Governing Regulation I.D.2(f)*)

- D. Retaliation. Retaliation occurs when an adverse action is taken against a covered individual because he or she engaged in a protected activity, i.e. reporting discrimination or participating in an investigation of a discrimination report.
- E. Members of the University Community. Members of the University Community are its faculty, staff, students, and volunteers, as well as customers and visitors of the University.

III. Prohibited Acts and Sanctions

- A. Every member of the University community is prohibited from:
1. Engaging in discrimination;
 2. Retaliating in any manner against any individual who reports discrimination or who participates in an investigation of a discrimination report; and,
 3. Making an intentionally false accusation of discrimination through the University's procedures.
- B. Any member of the University community who engages in a prohibited act against any other member of the University community shall be subject to disciplinary action and appropriate sanctions up to and including termination or expulsion. If an individual has more than one role or status at the University, e.g. an employee also enrolled as a student, the individual's status at the time the alleged incident occurred and the capacity in which the incident occurred are used to determine the appropriate sanctions.

IV. Examples of Harassment

A. Sexual Harassment

Conduct prohibited under this policy may include, but is not limited to the following: sexual or physical assault; unwelcome physical contact such as touching; direct solicitation of sexual activity; sex-related behavior accompanied by promise of reward or threat of punishment; conduct which interferes with participation in or benefit from work or academic performance; unwelcome sexual remarks about a person's clothing or body; offensive sexual questions, jokes, anecdotes and stories; display of sexually

offensive posters, pictures, words or messages; introduction of sexually explicit materials into the classroom or into the workplace without an educational or work-related purpose.

B. Other Forms of Harassment

Conduct prohibited under this policy may include, but is not limited to the following: offensive jokes, slurs, epithets or name calling; physical assaults or threats; intimidation, ridicule or mockery; insults; offensive objects or pictures; and any other conduct that interferes with or limits the ability to participate in or benefit from services or privileges provided by the University.

V. Procedures

- A. The Office of Institutional Equity and Equal Opportunity is the University office charged with handling reports of discrimination and for developing procedures for the investigation and resolution of reports.
- B. Members of the University community are encouraged to contact the Office of Institutional Equity and Equal Opportunity for additional information regarding the investigation and resolution procedures or to report discrimination, harassment, or retaliation. There may be findings of retaliation, even in the absence of discrimination or harassment findings. Reports should be made as soon as possible after the alleged incident to facilitate the most effective investigation and resolution.
- C. A report of discrimination may also be initiated by contacting any dean, director, faculty member, department head, manager, supervisor, or other individual with administrative responsibility. Any such individual who receives a report of discrimination shall contact the Office of Institutional Equity and Equal Opportunity as soon as possible after receiving the report.
- D. In determining whether conduct constitutes discrimination or harassment, University officials shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the incident(s) occurred. A determination is made from the facts on a case-by-case basis.

VI. References and Related Materials

Title VII of the Civil Rights Act; 29 C.F. R. Part 1604.11; The Age Discrimination in Employment Act; The Americans with Disabilities Act

KRS 344.040; KRS 61.165

Governing Regulation: Part I

Administrative Regulation: 6:5

Revision History

11/1/1984, 2/10/1994, 2/18/1999, 7/1/2016 (Updated to new University nondiscrimination statement)

For questions, contact: [Office of Legal Counsel](#)