

Faculty Senate Constitutional Revision Request:

09/23/2016

Sent by

Faculty Senator & TEEC Chair

Christopher Lawrence

B. The ~~Faculty Evaluation~~, General Education and Teaching Enhancement and Effectiveness Committees shall consist of at least one member from each College. Representatives to these committees shall be chosen by the Faculty Senate President in consultation with the Senate Executive Committee.

D. Reassigned time or stipends shall be allotted to the following members of the Executive Committee:

President – 50% reassigned time

Curriculum Chair – 25% reassigned time

Faculty Benefits Chair – 25% reassigned time for Fall Semester

Professional Concerns Chair – 25% reassigned time

Budget Committee Chair – 25% reassigned time

Evaluation Committee Chair – 25% reassigned time

General Education Committee Chair – 25% reassigned time

Teaching Enhancement and Evaluation Committee Chair – 25% reassigned time

Faculty Advocate – 25% reassigned time

Vice President – stipend (amount set by Provost)

Secretary – stipend (amount set by Provost)

Parliamentarian – stipend (amount set by Provost)

I. The following duties shall be the specific responsibility of the Faculty Evaluation Committee:

1) It shall review, evaluate, and make recommendations concerning policies relating to matters pertaining to faculty evaluation, including reappointment, tenure, promotion, post-tenure review, and annual faculty performance evaluations.

L. The following duties shall be the specific responsibility of the Teaching Enhancement and Effectiveness Committee:

1) It shall review, evaluate, and make recommendations on the evaluation and enhancement of teaching.

**Commented [IT1]:** Not sure whether this stays, given the as-needed nature of the committee.

## **Northern Kentucky University Faculty Senate**

WHEREAS, the Faculty Senate of Northern Kentucky University values the contributions of Emeritus Faculty to the growth and success of The University, and

WHEREAS, the Faculty Senate believes in the value of continued involvement of Emeritus Faculty with The University.

LET IT BE RESOLVED that the Faculty Senate of Northern Kentucky University supports the formation of an Emeritus Faculty Society.

## **16.5. ADVISING OF STUDENTS**

Faculty should be familiar with the University's academic requirements, policies, and procedures as outlined in the University Catalog, including the Classification of Admissions Policy and the Placement Policy. Faculty should also be familiar with the Philosophy of Advising statement in the admissions section of the University Catalog. The catalog can be found online at: <https://catalog.nku.edu>.

## **16.6. HUMAN SUBJECT POLICIES**

### **16.6.1. GENERAL**

The Northern Kentucky University Institutional Review Board for the Protection of Human Subjects is appointed by the provost, who has administrative responsibility for safeguarding the rights and welfare of human subjects involved in research. The board consists of at least five members with varying academic backgrounds and at least one who is not an employee or agent of the University. Membership of the board will be reviewed annually by the provost, who will report any changes to the United States Secretary of Health and Human Service.

University policies and federal regulations regarding research with human subjects are implemented by the board and the University Office of Research, Grants, and Contracts, which serves as the administrative arm to the board and the provost.

The protection of human subjects from unnecessary risks can be achieved when: the human subject's participation is voluntary as reflected on the consent forms; the degree and nature of the risk have been carefully explained to the human subject; and there is a desirable balance between the potential benefits of the research and the risks undertaken by the human subject. The board has the sole responsibility to approve research with human subjects performed under the auspices of the University.

In reviewing all biomedical and behavioral research that involves human subjects conducted at Northern Kentucky University, the Institutional Review Board for the Protection of Human Subjects will utilize the following principles:

- A human subject will not be exposed to unreasonable risk to health or well-being whether physical, psychological, or social.
- Commensurate with the principle of protection of human subjects, the procedures for assessing and minimizing risk to human subjects shall respect and protect the academic freedom of the University's faculty and students in their pursuit of knowledge.
- The risks to an individual must be outweighed by the potential benefit to him/her or by the importance of the knowledge to be gained.

- The identity and personal privacy of human subjects and the confidentiality of information received will be protected.
- The nature of the research, the procedures to be followed, and the possible risks involved must be carefully and fully explained to the subject, parent or guardian, as appropriate. ~~The investigator must be satisfied that the explanation has been understood and consent in writing obtained without duress or deception.~~ The investigator must be satisfied that the explanation has been understood and obtain consent in writing, unless documentation of informed consent has been waived, without duress or deception.
- Voluntary participation is essential in all projects. No information concerning a project may be withheld from a potential subject in order to increase the willingness of the subject to participate in the project.
- A subject may request at any time that his/her participation in the experiment be terminated, and the request shall be honored promptly and without prejudice.
- It shall be the responsibility of the individual investigator to decide when he/she does not have adequate knowledge of the possible consequences of his/her research, or of research done under his/her direction. When in doubt, he/she shall obtain the advice of others who do have the requisite knowledge.
- Potentially hazardous research procedures must be preceded by laboratory and animal experimentation or other scientifically established procedures that offer reasonable assurance that the safety of human subjects will be preserved.
- Remuneration may be offered to an individual for the time involved in a study, provided the investigator is satisfied that under the circumstances the remuneration is not so large as to constitute an undue or unreasonable inducement.
- It shall be a responsibility of Northern Kentucky University to ensure that research involving human subjects conducted by faculty, students, and employees of the University shall be performed carefully and with regard to the above principles.

#### **16.6.2. RESEARCH THAT INVOLVES HUMAN SUBJECTS**

There is human-subject involvement when an investigator obtains:

- Data through intervention or interaction with the individual; and/or
- Identifiable private information.

“Intervention” includes both physical procedures from which data are gathered and manipulations of the subject or the subject’s environment that are performed for research purposes.

“Interaction” includes communication or interpersonal contact between investigator and subject.

“Private information” includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place and information that has been provided for specific purposes by an individual will not be made public. Private information must be individually identifiable.

All research conducted on human subjects—whether supported partly or wholly by external funds, University funds, or without funds—must have prior approval by the Institutional Review Board.

All proposals that request external support for activities involving human subjects under the auspices of the University must be submitted through the office of Research, Grants, and Contracts to the funding agency.

#### **16.6.3. RESEARCH THAT INVOLVES HUMAN SUBJECTS BUT DOES NOT NEED APPROVAL FROM THE INSTITUTIONAL REVIEW BOARD**

~~Approval from the Institutional Review Board is not required when the research:~~

- ~~• Is conducted in accepted educational settings, involving normal educational practices such as research on instructional strategies or classroom management methods;~~
- ~~• Involves the use of educational tests, if the information does not identify the subjects;~~
- ~~• Involves surveys or interviews, except when responses are identifiable with the individual subjects;~~
- ~~• Involves observations, except when observations are recorded in such a manner that the subjects can be identified; and/or~~
- ~~• Involves the collection or study of existing data, documents, records, diagnostic specimens, if these sources are publicly available or if the information is recorded in a way that cannot be identified with the subjects.~~

In pursuit with CFR 46.101, federal guidelines state that only the IRB can determine the status of a proposed study. Because of this mandate, all potential research studies involving human participants or identifiable records must be submitted to the IRB for review before being started.

One narrowly defined study type is recognized as an exception to this policy. IRB review and approval is not needed for:

1. Studies in undergraduate classes or graduate seminars that involve human participants and are:

a. conducted solely for instructional purposes, and

b. not intended to contribute to general knowledge.

When a study is designed to provide a learning experience for students and when the instructor and student investigator(s) have no plan, intention, desire, or hope to publish, present, or report the findings of this study in any off-campus setting (e.g., journal, report, conference, other off-campus outlet, etc.) the activity will not be considered to be research, and will not require IRB review.

In this instance, faculty instructors are wholly responsible for classroom projects by students in their classes, and for ensuring that these student projects treat human participants ethically.

All research proposals with human-subject involvement must be reviewed by the board chair or board reviewer designated by the chair to assess and confirm exempt status.

#### **16.6.4. INVESTIGATOR'S LEGAL RESPONSIBILITY IN RESEARCH WITH HUMAN SUBJECTS**

The investigator is legally responsible for any research or related activities that involve human subjects conducted under the auspices of the University and/or that utilize University time, facilities, resources, and/or students. The University's legal counsel has the responsibility for resolution of any legal questions.

#### 16.6.5. APPLICATION PROCEDURES

Principal investigators are required to submit a protocol describing the proposed research project to the Institutional Review Board for review and approval.

~~The principal investigator should provide the board with a protocol for each new research project involving human subjects. In addition, all supporting documents should be included, such as: questionnaires, signed letters of participation and agreement by institutions participating with Northern Kentucky University, consultants, physicians, sponsors, faculty advisers, personal interview statements, and debriefing procedures. A single stapled copy, in accordance with board guidelines, should be submitted to the board chair for exempt or expedited review. If a full board review is necessary, ten (10) additional copies will be required. The protocol should be limited to ten (10) pages or fewer. Grant proposals for external support are usually too long and frequently do not address the concerns of the board.~~ The Principal Investigator should provide the board with a protocol for each new research project involving human subjects. In addition, all supporting documents should be included, such as: questionnaires, signed letters of participation and agreement by institutions participating with Northern Kentucky University, personal interview statements, and debriefing procedures. In accordance with board guidelines, a single copy should be submitted to the IRB Administrator for review. Please note, grant proposals for external support should not be used as the protocol because they are often too long and frequently do not address the concerns of the board.

The investigator should discuss the need for the research, its objectives, the methods to be used to accomplish the objectives, the risks involved, and the procedures used to protect the subjects from, or minimize, the risks. ~~Risks may be classified as physical, psychological, social to individuals, and social to groups.~~ The risk of participating in research may arise directly or indirectly. Direct risks include threats to physical health/well-being or psychological/emotional health. Indirect risks stem from unauthorized access to identifiable data or inadvertent release of identifiable data into the public domain.

These are defined as follows:

Physical Risk: The extent to which physical injury is a possibility from physical activity, injections, or stimuli from electrical apparatus, fumes, light, noise, etc.

Psychological Risk: The extent to which research interrupts the normal activity of human subjects resulting from immediate or long-term stress. Stress includes any situation that threatens one's desired goals.

Social Risk to Individuals: The extent to which a subject is deprived of formal or informal relationships within social groups.

**Social Risk to Groups:** The extent to which a subject group, either formal or informal, is exposed to factors that may reduce the group's viability.

Any research proposing to place any individual at risk is obligated to obtain and document legally effective informed consent. Informed consent is the knowing consent of an individual, or his/her legally authorized representative, who is able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion.

Research that has been approved by the board may be reviewed, approved, or disapproved by University officials. They may not, however, approve the research if the Institutional Review Board has not first approved it.

#### **16.6.6. REVIEW OF APPLICATION BY THE INSTITUTIONAL REVIEW BOARD**

~~All protocols are screened for completeness by the board chair prior to the conduct of a formal review.~~ All protocols are screened for completeness during IRB Pre-Review by the IRB Administrator prior to the conduct of a formal review. A board member may not cast a vote, or be otherwise involved, in either the initial or conducting review or any activity in which he/she has any conflicting interest, or any involvement, except to provide information requested by the board. The review performed by the board will determine whether subjects will be placed at risk. The policy criterion for determining risk is defined as follows:

"Subject at risk" is any individual who may be exposed to the possibility of injury, including physical, psychological, or social injury, as a consequence of participation as a subject in any research, development, or related activity that departs from the application of established and accepted methods necessary to meet his/her needs or that increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service.

If risk is involved, the answers to the following questions will be considered:

- Are the risks to the subject too outweighed by the benefits to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks?
- Are the rights and welfare of any such subjects adequately protected?
- Is legally effective informed consent obtained by adequate and appropriate methods in accordance with the provisions of federal regulations?

The board may use expedited review procedures for certain kinds of research involving no more than minimal risk and for minor changes in research protocols having prior board approval. Such review will be conducted by the board chair or by one or more experienced board reviewers designated by the chair. Under the expedited procedure, the reviewer(s) may exercise all the



authorities of the board except that of final disapproval of the research. All board members will be notified of all research approved in the expedited review procedure. Any protocol not approved under the expedited procedure will be referred to the full board for review.

Approval of research will necessitate that the board determine that the following requirements are satisfied:

- Risks to subjects are minimized.
- Risks to subjects are reasonable in relation to anticipated benefits.
- Selection of subjects is equitable.
- Informed consent will be obtained from each prospective subject or the subject's legally authorized representative.
- The informed consent will be appropriately documented.
- Data will be regularly monitored to insure subjects' safety.

#### 16.6.7. ACTIONS BY THE INSTITUTIONAL REVIEW BOARD

~~After review and discussion of the protocol, the board will take one of the following actions: In pursuit with 45 CFR 46, after review and discussion of the protocol, the board will take one of the following actions:~~

##### **16.6.7.1. CLASSIFY THE RESEARCH AS NO-RISK- CLASSIFY THE SUBMISSION AS NOT RESEARCH**

~~No risk projects are those that involve no danger whatever to the subjects. This includes procedures such as standard classroom activities or interviews on non-threatening topics. Projects that do not involve changes in the ordinary risks of daily life or in recognized occupational risks are also considered no risk. Written informed consent is required in no risk projects. This includes quality improvement projects taking place in the classroom with no intention to present or publish collected data.~~

##### **16.6.7.2. APPROVE THE RESEARCH AS RISK APPROVE THE RESEARCH AS EXEMPT**

~~The research may involve some risk to the subjects, but is not unreasonable. The potential benefits of the research outweigh the risks, and risk management procedures have been taken to minimize the risks. Exempt studies are those that involve little or no risk to the subjects. This includes procedures such as standard classroom activities or interviews on non-threatening topics. Projects that do not involve changes in the ordinary risks of daily life or in recognized occupational risks are also no-risk. Written informed consent is required in exempt IRB studies. No need for IRB oversight unless changes are made to the protocol.~~

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**16.6.7.3. ~~CONDITIONALLY APPROVE THE RESEARCH AS RISK~~  
~~APPROVE THE RESEARCH AS EXPEDITED~~**

~~The board will require minor modifications to a part of the proposed research. The modifications required by the board may include such items as revising the consent form to explain the procedures more clearly, restricting use of a certain procedure, or requiring use of specified safeguards necessary for the protection of human subjects. The board may request the investigator to be present to discuss the research proposal. The research may involve some risk to the subjects, but is not unreasonable. The potential benefits of the research outweigh the risks, and risk-management procedures have been taken to minimize the risks. This approval requires oversight by the IRB and annual continuations must be submitted if the study will continue past the one year approval date.~~

**16.6.7.4. ~~DISAPPROVE THE RESEARCH~~ FULL BOARD APPROVAL**

~~The board is of the opinion that the potential benefits of the research do not outweigh the risks to the subjects. A Full Board Review approval requires quorum approval of the IRB. The board may request the investigator to be present to discuss the research proposal. This may occur when the IRB finds the research to have more than minimal risks and as defined by federal regulations, the elements, procedures or interventions require additional provisions or safeguards.~~

**16.6.7.5 ~~DISAPPROVE THE RESEARCH~~**

~~The board is of the opinion that the potential benefits of the research do not outweigh the risks to the subjects. Some modifications or clarifications might be requested of the PI in all types of research. The modifications required by the board may include such items as revising the consent form to explain the procedures more clearly, restricting use of a certain procedure, or requiring use of specified safeguards necessary for the protection of human subjects.~~

**16.6.8. DISPOSITION OF THE RECOMMENDATIONS**

Approvals, recommendations, restrictions, conditions, or disapprovals of application are communicated to the investigator by the board chair. If an application is disapproved for nonconformity with the policies of the board and the University, the board shall forward to the investigator a statement setting forth in detail the reasons for the nonconformity and recommendations of the board for modification of the research proposal.

#### **16.6.9. RIGHTS OF APPEAL**

If the investigator believes that the proposal has been disapproved because of incorrect, unfair, or improper evaluation by the board, the investigator may appeal to the appropriate dean who then may request a reconsideration and hearing of the proposal by the board. Within ten (10) days after a negative decision, the affected investigator must show cause in writing or at a designated hearing as to why the board's decision should be reversed.

#### **16.6.10. APPEAL DECISION**

The board may take one of the following actions:

- Approve;
- Require modification; or
- Disapprove.

#### **16.6.11. RECORDS AND DOCUMENTATION OF THE INVESTIGATOR**

The investigator is required to obtain and keep documentary evidence of informed consent of the human subjects or their legally authorized representatives. ~~Such forms must be retained by the investigator (or faculty advisor) for a minimum of three (3) years after termination of the project.~~ Such forms must be retained by the investigator (or faculty advisory) for a minimum of six (6) years after termination of the project. If the records are part of a misconduct investigation, all records must be retained for a minimum of seven (7) years after the termination of the project.

#### **16.6.12. INSTITUTIONAL REVIEW BOARD RECORDS**

The board is required to keep copies of all documents presented or required for initial and continuing review by the board. These include copies of all research proposals received, scientific evaluations (if any accompany the proposals), approved sample consent documents, progress reports submitted by investigators, and reports of injuries to subjects. Minutes of board meetings shall reflect meeting attendance; actions taken by the board; votes on actions, which will show the number of members voting for, against, and abstaining; the basis for requiring changes in or for disapproving research; and written summaries of discussions about controverted issues and their resolution. Other documents will include records of continuing review activities; copies of all correspondence between the board and investigators; a list of board members; written procedures; statements of significant new findings; reports of injuries; progress reports; and unanticipated problems.

# CONSTITUTION OF THE FACULTY SENATE NORTHERN KENTUCKY UNIVERSITY

(last revised March 18, 2016)

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## ARTICLE I. FUNCTIONS AND PURPOSES

A. The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University.

B. The purposes of the Faculty Senate are to:

- 1) Provide a forum for the faculty to propose policy ~~and/or~~ to discuss all matters relating to the ~~wellbeing~~well-being of the University.
- 2) Allow the faculty to participate effectively in the enactment of university policies.

~~33) Provide efficient channels for the faculty to meet its obligations in implementing policies adopted by the Faculty Senate.~~

3) Conduct studies deemed essential to the progress of the University.

~~45)~~ Evaluate university policies, programs, and practices and recommend such improvements as seem warranted.

C. As the representative of the General Faculty, the Senate ~~shall will~~ be a counselor to the University president in ~~those~~ matters of ~~traditional~~ faculty concern. When the University president disagrees with a recommendation of the ~~S~~senate, he/she may request the ~~S~~senate to reconsider its decision at its next regular meeting or at a special meeting called for that purpose. The University president or his/her designee ~~shall will~~ provide the Senate with the reasons for his/her disagreement. The ~~Senate shall~~senate will reconsider its decision, giving due weight to the University president's reasons. If the Senate and University president cannot agree, the University ~~P~~resident, at the request of the Senate, ~~shall will~~ report the Senate's views to the Board of Regents.

## ARTICLE II. POWERS

A. The General Faculty assembled in meeting ~~assembled~~ has all powers necessary to implement the functions enumerated in ARTICLE I.

B. All powers of the General Faculty are exercised through the Faculty Senate, except as limited by ARTICLE VIII, B and H.

### ARTICLE III. MEMBERSHIP

- A. The General Faculty~~general faculty~~ shall consist of all tenured, tenure-track, and "full-time, non-tenure track renewable faculty." ~~faculty members holding rank of lecturer or instructor or higher.~~
- B. For the purpose of election to, and service on, the Faculty Senate- Faculty is defined as ~~full time teaching and research members of the~~ General Faculty who spend 25% or less of their time in an administrative appointment and who have held a faculty appointment for at least one academic year before assuming a Senate seat.
- C. All questions of eligibility for the senate membership ~~shall~~will be resolved by the Executive Committee of the Faculty Senate.

### ARTICLE IV. ~~SELECTION OF MEMBERS~~

- A. All members of the General Faculty are eligible to vote in Faculty Senate elections.
- B. Members of the Faculty Senate shall be elected as follows:
  - 1) The Senate consists of representatives from each department and at-large representatives of the colleges and schools. (In further descriptions, any reference to *college* shall also refer to *school*.) For election purposes, Learning Assistance~~University~~ Programs, First Year Programs, and Honors ~~shall which are in the office of the Provost or his/her designee, will~~ be considered a single department not affiliated with a college or school. The Stealy Library faculty shall be given the same status as a college for voting purposes. The College of Law, including the Law Library, shall be considered an academic college. It ~~shall~~will be entitled to one Senator plus additional Senators as determined by the Executive Committee. Any Professional Colleges which may be added to the University in the future ~~shall be treated in a similar fashion. Graduate Programs shall be entitled to one Senator, chosen by a vote of the graduate faculty in an election conducted by the Graduate Council. Only full-time faculty who have taught at least one graduate course in the preceding two semesters are eligible to serve as the Graduate Programs representative. will be treated in a similar fashion.~~
  - 2) The number of at-large Senators from each college shall be proportional to the total faculty as determined by the Executive Committee by September 15th of each year based on the Fall Semester faculty roster. For purposes of calculating numbers of Senators, only faculty eligible to vote for Senators shall be counted. Department Senators ~~shall~~will make up 2/3 of the Senate and ~~shall~~will be seated immediately upon the formation of a new academic department for their specified term of office. The total number of at-large Senators ~~shall~~will be adjusted to make-up 1/3 of the Senate and ~~shall~~will be elected in the normal elections cycle. Deviations from the 2/3 department, 1/3 at-large representational ratio ~~shall~~will be corrected through the normal elections cycle.

-3) Within each college, every department elects one Senator. Eligible colleges elect additional Senators to fill out their allocations of at-large Senators. ~~University Programs collectively elects one Senator.~~

4) All Senators shall serve for two-year terms, with approximately one-half being elected each year. The term of office shall run from July 1st through June 30th.

5) Election of faculty Senators other than those elected by departments shall be presided over by the Elections Committee of the Faculty Senate.

6) By no later than the tenth week of the Fall semester, those departments whose Senator's term ~~shall~~<sup>will</sup> expire on June 30<sup>th</sup> of the next calendar year shall elect, from those not already elected to the Faculty Senate, a representative from among their faculty. One may not serve concurrently as both an at-large Senator and as a departmental Senator.

7) By no later than the twelfth week of the Fall semester, the Elections Committee shall provide all eligible faculty members with ballots listing those faculty members within their college who, in writing, have consented to stand for election to the Faculty Senate as an at-large Senator. Each eligible faculty member may vote for as many candidates as there are available seats in his/her college. The Elections Committee shall tabulate the ballots and submit the results to the Faculty Senate by the December meeting of the Faculty Senate.

8) All newly elected ~~senators~~<sup>representatives</sup> shall assume office on July 1st.

a) Vacancies in departments shall be filled by a vote of their respective faculty. Notification of the results shall be made in writing to the president of the Faculty Senate.

b) Vacancies in at-large positions shall be filled from the election results of the most recent election in that respective college. In case of a tie the selection shall be by a coin flip conducted by the Chair of the Elections Committee in the presence of the tied candidates. If no candidates are available from that college then the position shall remain vacant until the next election.

c) Vacancies of less than one semester shall be filled by the absent Senator appointing an alternate. This alternate must be a full-time faculty member from the same constituency the absent Senator was elected to represent.

d) Vacancies of one semester or more shall be filled through a special election.

~~e) Temporary vacancies shall be filled by alternates.~~

## ARTICLE V. OFFICERS

A. The Officers of the Faculty Senate shall be President, Vice President, Secretary,

Faculty Advocate~~Parliamentarian~~, and the Chairpersons of all standing committees elected as ~~hereinafter~~ provided herein. The Vice President shall serve as presiding officer in the absence of the President.

B. Ex Officio, non-voting Officers of the Faculty Senate shall be the Faculty Regent, Parliamentarian, and Chairperson of the Graduate Council.

~~B.C.~~ -The Officers of the Faculty Senate shall serve in their respective positions as the officers of the General Faculty.

~~C.D.~~ Officers serve at the pleasure of the Faculty Senate. An officer may be removed by a two-thirds vote of Senators present and voting. Any vacancy created by the removal or resignation of an officer should be filled by special election of the Faculty Senate.

~~D.E.~~ The President of the Faculty Senate shall serve as the Grand Marshall of the University. The Chase College of Law selects its own Grand Marshall.

~~E.F.~~ The President of the Faculty Senate, upon assumption of office, shall serve as representative of the General Faculty to the Senate. The departmental, independent program, or college membership vacancy created shall be filled in accordance with Article IV, B. 140.

## ARTICLE VI. SELECTION OF OFFICERS

A. Before~~During~~ the first ~~meeting~~two weeks of the Spring ~~S~~semester the incumbent President of the Faculty Senate shall call and preside at a special session of the newly elected senators and senators whose terms do not expire at the end of the current Senate session. ~~These newly elected senators and continuing senators compose the membership of the next Senate session.~~ The purpose of this special meeting is to elect Faculty Senate officers for the next session. Nominations may be submitted to the incumbent President of the Faculty Senate prior to the special meeting or may be made from the floor during the meeting. Terms of office shall be for one year. A session for the Faculty Senate and its officers begins on July 1st.

B. Before the final meeting of the Spring Semester, the Elections Committee shall conduct an election to choose the Faculty Advocate for the following year. The Elections Committee shall issue a call for nominations at least one month before the election. All full-time, tenured faculty are eligible to run for the position of Faculty Advocate.

## ARTICLE VII. COMMITTEES

There shall be ~~eight~~five standing committees of the Faculty Senate: the Executive

Committee; the Budget ~~& Commonwealth Affairs~~ Committee; the University Curriculum Committee; the Faculty Benefits Committee; the Faculty Evaluation Committee;~~and the Professional Concerns Committee;~~ the General Education Committee; and the Teaching and Student Affairs Committee. Every senator shall be assigned to ~~at least one committee.~~ If necessary; assignments shall be made by the Executive Committee.

A. ~~, where possible, based upon preferential lists submitted by each senator.~~ The Budget Committee, University Curriculum Committee, Faculty Benefits Committee, and Professional Concerns Committee may include one remainder of each committee shall be composed of elected representatives from each academic department,~~those departments~~ or independent programs not already represented by a senator.

B. The Faculty Evaluation, General Education, and Teaching and Student Affairs Committees shall consist of at least one member from each College. Representatives to these committees shall be chosen by the Faculty Senate President in consultation with the Senate Executive Committee.

~~B.C.~~ The Executive Committee shall consist of the officers of the Faculty Senate and it shall be chaired by the President of Faculty Senate.

~~C.D.~~ Reassigned time or stipends shall be allotted to the following members of the Executive Committee:

President – 50% reassigned time

Curriculum Chair – 25% reassigned time

Faculty Benefits Chair – 25% reassigned time ~~for Fall Semester~~

Professional Concerns Chair – 25% reassigned time

Budget Committee Chair – 25% reassigned time

Evaluation Committee Chair – 25% reassigned time

General Education Committee Chair – 25% reassigned time

Teaching and Student Affairs Committee Chair – 25% reassigned time

Faculty Advocate – 25% reassigned time

Vice President – stipend (amount set by Provost)

Secretary – stipend (amount set by Provost)

Parliamentarian – stipend (amount set by Provost)

~~D.E.~~ The following duties shall be the specific responsibilities of the Executive Committee:

- 1) It shall function as the official representative body of the faculty when the Faculty Senate is not in session and may take whatever emergency action it deems necessary. Such action shall be presented for approval to the Faculty Senate at its next regular meeting.
- 2) It shall cause matters approved by the Faculty Senate to be conveyed to the president of the University for appropriate action, and shall report the action



taken to the Faculty Senate.

- 3) It shall serve as a committee on committees to work with the administration in forming university committees and in appointing their membership when appropriate.
- 4) It shall receive the written reports of the committees of the Faculty Senate.
- 5) It shall refer such matters as are designated by the Faculty Senate for action by the appropriate committee.
- 6) It shall prepare the agenda for meetings of the Faculty Senate. Committee recommendations intended for Senate action shall be so designated on the agenda.
- 7) It shall insure that nominations and elections are carried out as specified in the Constitution.
- 8) ~~F~~It shall make committee assignments, taking into account preference of Senators, by the regular August meeting, and notify those departments and independent programs, which still require representation on the standing committees.

F. ~~E~~. The following duties shall be the specific responsibility of the Budget ~~and Commonwealth Affairs~~ Committee:

- 1) It shall review, analyze, receive updates on, recommend and report to the Faculty Senate on all matters pertaining to the budget, including the following:
  - a) The Council on Postsecondary Education's (CPE) biennial budget development process and the University's input into it, including the CPE's capital and operating recommendations for funding NKU and each of the public institutions.
  - ~~a) The University's biennial budget proposal.~~
  - b) The University's annual operating budget in at least the preliminary, intermediate and final stages of its development.
  - c) Salary data relating to the university salary policy and appointment.
  - d) Major capital expenditure proposals submitted by the administration.
- 2) ~~It shall keep the Faculty Senate informed of the actions and proposals of the Legislature, Governor's Office, Council on Higher Education, and other agencies, public and private, which might affect aspects of the university programs and governance for which the Faculty Senate has responsibility~~
- 3) ~~2)~~ It shall serve as an advisory board to the Executive Committee and our representative to the Coalition of Faculty Senate Leadership (COSFL) to ensure that faculty~~our~~ interests are represented by COSFL at the state level.

G~~F~~. The following duties shall be the specific responsibility of the University Curriculum

committee.

- 1) It shall make recommendations to the Faculty Senate, and through it to the University administration, in all areas of curriculum policies and procedures and curriculum-related definitions with the exception of those policies and procedures that fall under the purview of the Chase College of Law.
- 2) It shall periodically review, evaluate, and make recommendations concerning such policies and procedures. In examining proposals it shall apply criteria including pedagogy, academic quality, staffing, and available resources.
- 3) Recommendations~~All recommendations~~ of the University Curriculum Committee do not require full Faculty Senate ~~are subject to the approval of the Faculty Senate~~ except for changes to the general education program (including new general education courses), new programs, substantive program changes and changes ~~those matters specifically delegated to that committee by the UCC bylaws. Senate.~~ No curriculum changes may be made without approval by the regular curriculum process.

HG. The following duties shall be the specific responsibility of the Faculty Benefits Committee:

- 1) ~~It~~The Faculty Benefits Committee shall review, evaluate, and make recommendations concerning those policies, procedures, and programs related to faculty benefits; such as in particular ~~those~~ policies dealing with insurance, retirement, salary schedules, academic leaves, summer fellowships, institutional project grants, deferred compensation, the credit union, travel allowance, and reassigned time.
- 2) It shall process applications of and make recommendation on candidates for Faculty Sabbatical Leaves, Faculty Project Grants, Faculty Summer Fellowships and other programs assigned by the Faculty Senate.

I. The following duties shall be the specific responsibility of the Faculty Evaluation Committee:

- 1) It shall review, evaluate, and make recommendations concerning policies relating to matters pertaining to faculty evaluation, including reappointment, tenure, promotion, post-tenure review, and annual faculty performance evaluations.

J. The following duties shall be the specific responsibility of the General Education Committee:

- 1) It shall review, evaluate, and make recommendations concerning policies relating to matters pertaining to General Education, including revisions to and assessment of General Education.

K.H. The following duties shall be the specific responsibility of the Professional Concerns Committee:

- 1) It shall provide a forum for the faculty to propose policy and to discuss all matters relating to the wellbeing of the University.
- 2) It shall review, evaluate, and make recommendations concerning policies relating to the general academic and professional concerns of the faculty, both full and part-time.
- 3) It shall review, evaluate, and make recommendations regarding all concerning the various university policies procedures and practices related to governance of the university.

L. The following duties shall be the specific responsibility of the Teaching and Student Affairs Committee:

- 1) It shall review, evaluate, and recommend policies regarding the on all matters of faculty responsibilities, tenure, promotion, and performance evaluation and enhancement of teaching. -
- 2) It shall review, evaluate, and recommend student policies regarding all matters of professional concern to the faculty.

M. The following duties shall be the specific responsibility of the Faculty Advocate:

- 1) He or she shall provide assistance in resolving faculty complaints review, evaluate, and concerns.
- 2) He or she shall consult with faculty from each department and school on campus throughout the year in order to better understand faculty concerns. These consultations shall remain confidential unless faculty agree to waive confidentiality.
- 3) He or she shall make policy recommendations to the Executive Committee as appropriate, while at regarding all times maintaining the confidentiality of his or her interactions with individual faculty, unless faculty agree to waive confidentiality. policies and procedures related to governance of the university.
- 4) He or she shall meet with appropriate administrators as needed.
- 5) It shall periodically review and make recommendations concerning the Faculty Policies and Procedures Manual, Part time Faculty Handbook, Student Handbook, Handbook for Department Chairpersons, and other policies and procedures documents relevant to professional concerns of the faculty.

N.I. No later than September 20 of each year, the president of the Faculty Senate shall appoint a member of the general faculty from each college offering degrees to

constitute an Elections Committee. Members of the Election Committee may not be candidates for election to the Faculty Senate. This committee shall preside over all elections sponsored by the Faculty Senate.

## ARTICLE VIII. MEETINGS

- A. The general faculty shall meet as appropriate, the meeting to be convened by the President of the Faculty Senate, the President of the University, the Provost, or the Executive Committee of the Faculty Senate.
- B. Should a petition, signed by at least 10 percent of the General Faculty as exhibited on the official roster, requesting a meeting of the General Faculty and indicating proposed items of business be filed with the President of the Faculty Senate, the Executive Committee shall call a meeting of the General Faculty to consider those matters. Such a meeting shall be held not later than fourteen calendar days, exclusive of holidays, from the filing date of the petition. The filing of a petition challenging Senate action shall be interpreted as a declaration that the General Faculty is asserting its jurisdiction.
- C. No meeting of the General Faculty called by the Executive Committee shall be held unless an agenda prepared by that committee is distributed to all members of the General Faculty at least five business days~~one week~~ prior to the meeting date.
- D. The Faculty Senate shall meet at least once each month during the academic year, unless deemed unnecessary by the Executive Committee, ~~during both semesters and the summer sessions~~. Special meetings may be called at any time during the course of the year, including the summer, by the President of the Faculty Senate or its Executive Committee. Regular meetings shall ordinarily be on the fourth~~third~~ Monday of each month; emergency changes of date may be made by the Executive Committee.
- E. The Executive Committee shall appoint a temporary chairperson should neither the President nor the Vice-president be in attendance.
- F. All meetings of the Faculty Senate shall be open to the University community. Any member of the General Faculty present shall receive floor privileges upon request; however, these privileges shall~~will~~ not include the right to introduce or second motions or to vote. Other members of the academic community may be granted floor privileges with the same restrictions by a majority vote of the Senate. Only duly elected senators or their designated alternates in attendance may introduce or second motions or vote.
- G. Agenda items and supporting information shall be submitted to the Executive Committee at least fourteen calendar days prior to the scheduled Senate meeting. Items may also be placed on the agenda by the Executive Committee on its own

motion of any member of the ~~S~~senate, or by petition signed by at least ten members of the general faculty at least five business~~seven calendar~~ days in advance of the Faculty Senate meetings.

- H. Minutes of the previous meeting of the Faculty Senate and an agenda for the next meeting shall be distributed to all members of the Faculty Senate at least five business~~seven calendar~~ days prior to the subsequent Senate meeting. A second copy shall be sent to each senator for posting and review by all faculty. Actions of the Faculty Senate shall become final fourteen calendar days, exclusive of holidays, following the official distribution of said minutes, unless the General Faculty asserts its jurisdiction.

#### **ARTICLE IX. FACULTY REGENT**

The Faculty Regent shall report regularly to the Faculty Senate, and through it to the General Faculty, on those matters, which are coming before the Board of Regents and shall report action taken on such matters.

#### **ARTICLE X. RULES OF ORDER**

A majority vote is defined as a majority of those present and voting. An abstention shall not count as a vote. In the absence of any other special rules of order, which the General Faculty or the Faculty Senate may adopt, Robert's Rules of Order Newly Revised (latest edition) shall govern the conduct of the meetings.

#### **ARTICLE XI. QUORUM**

A quorum for a Faculty Senate meeting shall be 50 percent of its members.

#### **ARTICLE XII. STANDING COMMITTEE'S BYLAWS**

Each standing committee shall maintain its own bylaws. All amendments are subject to the approval of Faculty Senate.

#### **ARTICLE XIII. SEVERABILITY**

The invalidation of any portion of this constitution shall not affect the validity of any other portion of the constitution.

## ARTICLE XIV. EFFECTIVE DATE

This constitution becomes effective upon approval by the Board of Regents and becomes part of the Faculty Policies and Procedures Manual.

## ARTICLE XV. AMENDMENTS

This constitution may be amended at any meeting of the General Faculty by a two-thirds majority of those present and voting, provided the proposed amendment was included in the agenda and was available to the members of the General Faculty for one week prior to the meeting. The approved amendment becomes operative upon ratification by the Board of Regents.

## ARTICLE XVI. FACULTY SENATE STANDING RULES

1. The vote required in the Faculty Senate to adopt curriculum-based programs is a two-thirds vote of those present and voting. ~~(Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.)~~

~~2.~~ 2. The vote required in the Faculty Senate to adopt amendments and revisions to the General EducationStudies Program is a two-thirds vote of those present and voting. ~~(Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.)~~

\* These rules may be amended or rescinded with previous notice and 2/3 vote (present and voting), or without notice, a vote of a majority of the entire membership of the Faculty Senate. ~~(see Roberts Rules p. 301)~~

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~~REVISED JANUARY 1985 AMENDED APRIL 1987~~

~~AMENDED JULY 26, 1995:~~

- ~~\*—Article IV. Selection of Members B.5, B.7, B.8 & B.9.~~
- ~~\*—Article VI. Selection of Officers~~

~~AMENDED NOVEMBER 20, 1996~~

- ~~\*—Article IV. Selection of Members B.5, B.10.b.~~
- ~~\*—Article VI. Selection of Officers~~

~~AMENDED NOVEMBER 22, 1999~~

- ~~Article XVI Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.~~

**~~AMENDED OCTOBER 30, 2001~~**

- ~~Article IV. Selection of members B.1, B.2.~~
- ~~Article VII. C. Reassigned time for Professional Concerns Chair~~
- ~~Article X. Rules of Order~~
- ~~Article XVI. Faculty Senate Standing Rules~~

**~~AMENDED JANUARY 24, 2005~~**

- ~~Article IV. B. Selection of members B.2., B.3.~~

**~~AMENDED OCTOBER 24, 2005~~**

- ~~Article III. B. Membership, A~~
- ~~Article IV. Selection of Members~~

**~~AMENDED APRIL 27, 2015~~**

- ~~Article VII. C. Committees (Ratified by Board of Regents 09-09-2015)~~

Faculty Senate Constitutional Revision Request:

*09/23/2016*

Under Article VII, we would like to propose the phrase: "Every senator shall be assigned to at least one committee. If necessary, assignments shall be made by the Executive Committee." to be replaced by:

"Departments and Colleges will determine which faculty serve on these standing committees."

Sent on behalf of

Faculty Senator:

Stephen E. Johnson

Lecturer of Communication Studies

Department of Communication

Northern Kentucky University

Highland Heights, KY 41099

Griffin Hall 437

859-572-7678

[johnsonste@nku.edu](mailto:johnsonste@nku.edu)



## Graduate Grade Appeals

<b>Policy Number:</b>	<b>Reserved for future use</b>
<b>Policy Link:</b>	
<b>Responsible Official:</b>	<b>Samantha Langley</b>
<b>Responsible Office:</b>	<b>Vice Provost for Graduate Education, Research &amp; Outreach</b>
<b>Effective date:</b>	<b>Spring 2017 Semester</b>
<b>Next review date:</b>	<b>N/A</b>
<b>Supersedes policy dated:</b>	<b>N/A</b>
<b>Approved by:</b>	<b>Choose an item.</b>

### I. Policy Statement

Any graduate student who believes his/her final course grade is inaccurate, or based on factors that were not included in the grading policy, may appeal the grade. To be considered, the grade appeal must meet one or more of the following conditions:

1. The method for determining the final course grade conflicts with the grading policy per the course syllabus or other announced grading policies.
2. There is an alleged mathematical error in calculating the final course grade.
3. There is evidence that the final course grade is based on something other than performance in the course.

Grades on individual assignments cannot be appealed.

If a student wishes to appeal a course grade, the procedure below should be followed:

1. The student must initiate the appeal of the grade no later than fifteen (15) working days after the last date for faculty to submit grades. To facilitate the discussion, the student shall provide the faculty member with a written statement (email or letter) that outlines the grade appeal. If the student is unable to reach the faculty member, he/she should seek assistance in making contact through the chair of the department for which the course was taught. After considering the student's appeal, the instructor must respond in writing to the student within five (5) working days from the receipt, stating whether or not the appeal is granted and stating the instructor's rationale for the decision.
2. If the student and the faculty member are unable to resolve the matter at Step 1, and the student wishes to continue to pursue the appeal, the student must submit a letter of appeal within five (5) working days of the instructor's decision to the chair of the department for which the course was taught. The department chair will review the issue in consultation with the student and faculty member. The department chair may uphold the decision of the faculty member or recommend a different solution. The chair shall submit a written response to the student and the instructor within 5 working days following the receipt of the student's letter of appeal. The instructor shall respond in writing within five (5) working days to all parties whether

he/she agrees with the chair's recommendation. If a grade change is agreed, the record change shall be initiated by the instructor within 2 working days.

3. If no mutually satisfactory decision was reached at Step 2, the student may appeal to the dean of the college (or designee) that houses the course. The written appeal must be submitted within five (5) working days of receipt of the instructor's response. The dean (or designee) shall review the recommendation and respective documentation, and provide, in writing, to all parties a recommendation for the solution of the problem within five (5) working days following receipt of the written appeal. The instructor shall respond in writing within five (5) working days to all parties whether he/she agrees with the dean or designee's recommendation. If a grade change is agreed, the record change shall be initiated by the instructor within 2 working days.

4. If the student is dissatisfied with the results of the appeal in Step 3, the student may submit a written appeal requesting a hearing with the Grade Appeals Panel to the Vice Provost for Graduate Education, Research, and Outreach, within five (5) working days of the instructor's response to the dean's recommendation. The Vice Provost will convene a Grade Appeals Panel as soon as practical.

### **Grade Appeals Panel**

1. Membership: The Grade Appeals Panel shall be comprised of a dean or designee not involved in the appeals process, two faculty members from graduate programs other than the one involved in the appeal (selected by the Vice Provost for Graduate Education, Research, and Outreach), and two graduate students (selected by the Vice Provost for Graduate Education, Research, and Outreach). The Vice Provost (or designee) convenes the panel and serves as a non-voting member.

2. Determination of Merit: The Grade Appeals Panel shall receive copies of the written appeal and all prior documentation. Thereafter, neither new evidence nor changes shall be introduced before the Grade Appeals Panel. The Grade Appeals Panel shall review the file to determine if the student's case meets any of the grounds for appeal. If the panel determines that the appeal does not meet any of the grounds, the appeal will not be considered. The ruling of the Grade Appeals Panel is final and must be communicated to all parties within 2 working days of the decision.

3. Hearing Meeting: If the Grade Appeals Panel determines that the case meets any of the grounds for appeal, the Panel will proceed to a full hearing of the appeal. All previously involved parties (instructor, student, chair and dean (or designee) have the right to attend the meeting and offer evidence or rebuttal. Both student and instructor may request to be accompanied by advisors during the hearing. Advisors may only consult and interact privately with the student and instructor during the hearing and will not be allowed to address the Grade Appeals Panel. The Vice Provost for Graduate Education, Research, and Outreach or her/his designee will notify the parties of the exact date, time and location of the hearing at least five (5) working days before the hearing. During the hearing, both student and instructor shall be granted time to present their case.

4. Deliberation and Decision: The Grade Appeals Panel shall deliberate confidentially and arrive at a decision by majority vote. If the Grade Appeals Panel finds that an academic evaluation based upon anything other than a good-faith judgment of a student's work has been proved, it will approve a grade change to the academic record. The Grade Appeals Panel shall provide a written report of its ruling to the student, the instructor, the department chair, and the dean of the college within five (5) working days of the hearing. The decision of the Grade Appeals Panel is final and binding. If a grade change is approved, the Vice Provost for Graduate Education, Research, and Outreach will forward the information to the Registrar's Office.

This policy is a NEW policy specific to graduate student grade appeals. Previously graduate grade appeals were addressed through the Code of Student Rights and Responsibilities V.G. Academic Policies and Procedures – Student Academic Grievance Process.

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## **II. Entities Affected**

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Graduate Students and faculty, department chairs, college deans, and VP GERO. All parties concerned must be cognizant of the impact that grade appeals may have on the student's academic progression or graduation. This policy does not apply to Chase Law students.

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## **III. Authority**

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N/A

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## **IV. Definitions**

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A "working day" is any day when Northern Kentucky University is officially open.

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## **V. Responsibilities**

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It is the responsibility of campus departments/graduate program directors/Office of Graduate Education to communicate this policy when it takes effect.

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## **VI. Committee**

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NA

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## **VII. Procedures**

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NA

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## **VIII. Reporting Requirements**

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NA

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**IX. Exceptions**

If the instructor is not on contract or in residence on the campus or no longer employed by the University, the student may appeal in writing directly to the department chair of the department for which the course is taught.

If the procedure would normally occur during the summer and the student is not enrolled in any summer session, or the faculty member is not on campus, the procedure may be deferred until the fall semester at the student's or faculty member's written request, with copy to the department chair.

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**X. Training**

NA

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**XI. Communications**

NA

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**References and Related Materials**

References:  
Related Policies:  
Related Forms:  
Revision History:

## **16.5. ADVISING OF STUDENTS**

Faculty should be familiar with the University's academic requirements, policies, and procedures as outlined in the University Catalog, including the Classification of Admissions Policy and the Placement Policy. Faculty should also be familiar with the Philosophy of Advising statement in the admissions section of the University Catalog. The catalog can be found online at: <https://catalog.nku.edu>.

## **16.6. HUMAN SUBJECT POLICIES**

### **16.6.1. GENERAL**

The Northern Kentucky University Institutional Review Board for the Protection of Human Subjects is appointed by the provost, who has administrative responsibility for safeguarding the rights and welfare of human subjects involved in research. The board consists of at least five members with varying academic backgrounds and at least one who is not an employee or agent of the University. Membership of the board will be reviewed annually by the provost, who will report any changes to the United States Secretary of Health and Human Service.

University policies and federal regulations regarding research with human subjects are implemented by the board and the University Office of Research, Grants, and Contracts, which serves as the administrative arm to the board and the provost.

The protection of human subjects from unnecessary risks can be achieved when: the human subject's participation is voluntary as reflected on the consent forms; the degree and nature of the risk have been carefully explained to the human subject; and there is a desirable balance between the potential benefits of the research and the risks undertaken by the human subject. The board has the sole responsibility to approve research with human subjects performed under the auspices of the University.

In reviewing all biomedical and behavioral research that involves human subjects conducted at Northern Kentucky University, the Institutional Review Board for the Protection of Human Subjects will utilize the following principles:

- A human subject will not be exposed to unreasonable risk to health or well-being whether physical, psychological, or social.
- Commensurate with the principle of protection of human subjects, the procedures for assessing and minimizing risk to human subjects shall respect and protect the academic freedom of the University's faculty and students in their pursuit of knowledge.
- The risks to an individual must be outweighed by the potential benefit to him/her or by the importance of the knowledge to be gained.

- The identity and personal privacy of human subjects and the confidentiality of information received will be protected.
- The nature of the research, the procedures to be followed, and the possible risks involved must be carefully and fully explained to the subject, parent or guardian, as appropriate. The investigator must be satisfied that the explanation has been understood and consent in writing obtained without duress or deception.
- Voluntary participation is essential in all projects. No information concerning a project may be withheld from a potential subject in order to increase the willingness of the subject to participate in the project.
- A subject may request at any time that his/her participation in the experiment be terminated, and the request shall be honored promptly and without prejudice.
- It shall be the responsibility of the individual investigator to decide when he/she does not have adequate knowledge of the possible consequences of his/her research, or of research done under his/her direction. When in doubt, he/she shall obtain the advice of others who do have the requisite knowledge.
- Potentially hazardous research procedures must be preceded by laboratory and animal experimentation or other scientifically established procedures that offer reasonable assurance that the safety of human subjects will be preserved.
- Remuneration may be offered to an individual for the time involved in a study, provided the investigator is satisfied that under the circumstances the remuneration is not so large as to constitute an undue or unreasonable inducement.
- It shall be a responsibility of Northern Kentucky University to ensure that research involving human subjects conducted by faculty, students, and employees of the University shall be performed carefully and with regard to the above principles.

#### **16.6.2. RESEARCH THAT INVOLVES HUMAN SUBJECTS**

There is human-subject involvement when an investigator obtains:

- Data through intervention or interaction with the individual; and/or
- Identifiable private information.

“Intervention” includes both physical procedures from which data are gathered and manipulations of the subject or the subject’s environment that are performed for research purposes.

“Interaction” includes communication or interpersonal contact between investigator and subject.

“Private information” includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place and information

that has been provided for specific purposes by an individual will not be made public. Private information must be individually identifiable.

All research conducted on human subjects—whether supported partly or wholly by external funds, University funds, or without funds—must have prior approval by the Institutional Review Board.

All proposals that request external support for activities involving human subjects under the auspices of the University must be submitted through the office of Research, Grants, and Contracts to the funding agency.

#### **16.6.3. RESEARCH THAT INVOLVES HUMAN SUBJECTS BUT DOES NOT NEED APPROVAL FROM THE INSTITUTIONAL REVIEW BOARD**

Approval from the Institutional Review Board is not required when the research:

- Is conducted in accepted educational settings, involving normal educational practices such as research on instructional strategies or classroom management methods;
- Involves the use of educational tests, if the information does not identify the subjects;
- Involves surveys or interviews, except when responses are identifiable with the individual subjects;
- Involves observations, except when observations are recorded in such a manner that the subjects can be identified; and/or
- Involves the collection or study of existing data, documents, records, diagnostic specimens, if these sources are publicly available or if the information is recorded in a way that cannot be identified with the subjects.

All research proposals with human-subject involvement must be reviewed by the board chair or board reviewer designated by the chair to assess and confirm exempt status.

#### **16.6.4. INVESTIGATOR'S LEGAL RESPONSIBILITY IN RESEARCH WITH HUMAN SUBJECTS**

The investigator is legally responsible for any research or related activities that involve human subjects conducted under the auspices of the University and/or that utilize University time, facilities, resources, and/or students. The University's legal counsel has the responsibility for resolution of any legal questions.

### 16.6.5. APPLICATION PROCEDURES

Principal investigators are required to submit a protocol describing the proposed research project to the Institutional Review Board for review and approval.

The principal investigator should provide the board with a protocol for each new research project involving human subjects. In addition, all supporting documents should be included, such as: questionnaires, signed letters of participation and agreement by institutions participating with Northern Kentucky University, consultants, physicians, sponsors, faculty advisers, personal interview statements, and debriefing procedures. A single stapled copy, in accordance with board guidelines, should be submitted to the board chair for exempt or expedited review. If a full board review is necessary, ten (10) additional copies will be required. The protocol should be limited to ten (10) pages or fewer. Grant proposals for external support are usually too long and frequently do not address the concerns of the board.

The investigator should discuss the need for the research, its objectives, the methods to be used to accomplish the objectives, the risks involved, and the procedures used to protect the subjects from, or minimize, the risks. Risks may be classified as physical, psychological, social to individuals, and social to groups. These are defined as follows:

Physical Risk: The extent to which physical injury is a possibility from physical activity, injections, or stimuli from electrical apparatus, fumes, light, noise, etc.

Psychological Risk: The extent to which research interrupts the normal activity of human subjects resulting from immediate or long-term stress. Stress includes any situation that threatens one's desired goals.

Social Risk to Individuals: The extent to which a subject is deprived of formal or informal relationships within social groups.

Social Risk to Groups: The extent to which a subject group, either formal or informal, is exposed to factors that may reduce the group's viability.

Any research proposing to place any individual at risk is obligated to obtain and document legally effective informed consent. Informed consent is the knowing consent of an individual, or his/her legally authorized representative, who is able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion.

Research that has been approved by the board may be reviewed, approved, or disapproved by University officials. They may not, however, approve the research if the Institutional Review Board has not first approved it.



#### **16.6.6. REVIEW OF APPLICATION BY THE INSTITUTIONAL REVIEW BOARD**

All protocols are screened for completeness by the board chair prior to the conduct of a formal review. A board member may not cast a vote, or be otherwise involved, in either the initial or conducting review or any activity in which he/she has any conflicting interest, or any involvement, except to provide information requested by the board. The review performed by the board will determine whether subjects will be placed at risk. The policy criterion for determining risk is defined as follows:

“Subject at risk” is any individual who may be exposed to the possibility of injury, including physical, psychological, or social injury, as a consequence of participation as a subject in any research, development, or related activity that departs from the application of established and accepted methods necessary to meet his/her needs or that increases the ordinary risks of daily life, including the recognized risks inherent in a chosen occupation or field of service.

If risk is involved, the answers to the following questions will be considered:

- Are the risks to the subject too outweighed by the benefits to the subject and the importance of the knowledge to be gained as to warrant a decision to allow the subject to accept these risks?
- Are the rights and welfare of any such subjects adequately protected?
- Is legally effective informed consent obtained by adequate and appropriate methods in accordance with the provisions of federal regulations?

The board may use expedited review procedures for certain kinds of research involving no more than minimal risk and for minor changes in research protocols having prior board approval. Such review will be conducted by the board chair or by one or more experienced board reviewers designated by the chair. Under the expedited procedure, the reviewer(s) may exercise all the authorities of the board except that of final disapproval of the research. All board members will be notified of all research approved in the expedited review procedure. Any protocol not approved under the expedited procedure will be referred to the full board for review.

Approval of research will necessitate that the board determine that the following requirements are satisfied:

- Risks to subjects are minimized.
- Risks to subjects are reasonable in relation to anticipated benefits.
- Selection of subjects is equitable.
- Informed consent will be obtained from each prospective subject or the subject’s legally authorized representative.
- The informed consent will be appropriately documented.
- Data will be regularly monitored to insure subjects’ safety.

### **16.6.7. ACTIONS BY THE INSTITUTIONAL REVIEW BOARD**

After review and discussion of the protocol, the board will take one of the following actions:

#### **16.6.7.1. CLASSIFY THE RESEARCH AS *NO RISK***

*No risk* projects are those that involve no danger whatever to the subjects. This includes procedures such as standard classroom activities or interviews on non-threatening topics. Projects that do not involve changes in the ordinary risks of daily life or in recognized occupational risks are also considered *no risk*. Written informed consent is required in *no risk* projects.

#### **16.6.7.2. APPROVE THE RESEARCH AS *RISK***

The research may involve some risk to the subjects, but is not unreasonable. The potential benefits of the research outweigh the risks, and risk-management procedures have been taken to minimize the risks.

#### **16.6.7.3. CONDITIONALLY APPROVE THE RESEARCH AS *RISK***

The board will require minor modifications to a part of the proposed research. The modifications required by the board may include such items as revising the consent form to explain the procedures more clearly, restricting use of a certain procedure, or requiring use of specified safeguards necessary for the protection of human subjects. The board may request the investigator to be present to discuss the research proposal.

#### **16.6.7.4. DISAPPROVE THE RESEARCH**

The board is of the opinion that the potential benefits of the research do not outweigh the risks to the subjects.

### **16.6.8. DISPOSITION OF THE RECOMMENDATIONS**

Approvals, recommendations, restrictions, conditions, or disapprovals of application are communicated to the investigator by the board chair. If an application is disapproved for nonconformity with the policies of the board and the University, the board shall forward to the investigator a statement setting forth in detail the reasons for the nonconformity and recommendations of the board for modification of the research proposal.

#### **16.6.9. RIGHTS OF APPEAL**

If the investigator believes that the proposal has been disapproved because of incorrect, unfair, or improper evaluation by the board, the investigator may appeal to the appropriate dean who then may request a reconsideration and hearing of the proposal by the board. Within ten (10) days after a negative decision, the affected investigator must show cause in writing or at a designated hearing as to why the board's decision should be reversed.

#### **16.6.10. APPEAL DECISION**

The board may take one of the following actions:

- Approve;
- Require modification; or
- Disapprove.

#### **16.6.11. RECORDS AND DOCUMENTATION OF THE INVESTIGATOR**

The investigator is required to obtain and keep documentary evidence of informed consent of the human subjects or their legally authorized representatives. Such forms must be retained by the investigator (or faculty advisor) for a minimum of three (3) years after termination of the project.

#### **16.6.12. INSTITUTIONAL REVIEW BOARD RECORDS**

The board is required to keep copies of all documents presented or required for initial and continuing review by the board. These include copies of all research proposals received, scientific evaluations (if any accompany the proposals), approved sample consent documents, progress reports submitted by investigators, and reports of injuries to subjects. Minutes of board meetings shall reflect meeting attendance; actions taken by the board; votes on actions, which will show the number of members voting for, against, and abstaining; the basis for requiring changes in or for disapproving research; and written summaries of discussions about controverted issues and their resolution. Other documents will include records of continuing review activities; copies of all correspondence between the board and investigators; a list of board members; written procedures; statements of significant new findings; reports of injuries; progress reports; and unanticipated problems.

These records shall be retained for at least three (3) years after completion of the research and shall be available to authorized member of the Department of Health and Human Services at reasonable times and in a reasonable manner. These records will be continually reviewed by the Office of Research, Grants, and Contracts with follow-up concerning conditions of approvals, additional information requested, etc.

The records of the board pertaining to individual research activities are not accessible to persons outside the board other than the records of projects supported by external funds that are subject to inspection by federal employees.

Except as otherwise provided by law, information acquired in connection with a research, development, or related activity that refers to or can be identified with a particular subject will not be disclosed except:

- With the consent of the subject or a legally authorized representative; or
- As may be necessary for the Secretary of Health and Human Services to carry out his/her responsibilities under federal regulations.

#### **16.6.13. POLICY FOR LIABILITY FOR INSTITUTIONAL REVIEW BOARD**

Due to the privilege of sovereign immunity, the University, as an institution, is protected through the State Board of Claims. In addition, the University maintains a professional liability policy covering most actions of the faculty and staff. In the event the professional liability policy should fail, the University Board of Regents, in its By Laws adopted August 27, 1976 and revised August 13, 1992, insured that if any legal action is taken or claims filed against any faculty or staff member, he/she will be provided legal defense and indemnification for any acts or actions taken while on official business of the University (see Section 1.3, Legal Defense and Indemnification/Notice Requirement, and Appendix B, Article IV, Regents' By Laws).

### **16.7. SCIENTIFIC/RESEARCH MISCONDUCT**

#### **16.7.1. PREAMBLE AND POLICY STATEMENT**

The preeminent principle in all research is the quest for truth. The credibility of such research must be above reproach if the public trust is to be maintained. Any compromise of the ethical standards required for conducting academic research cannot be condoned. While breaches in such standards are rare, these must be dealt with promptly and fairly by all parties in order to preserve the integrity of the research community.

A critical element of any policy on research misconduct is that it be a fair and effective process for distinguishing instances of genuine and serious misconduct from insignificant deviations from acceptable practices, technical violations of rules, or simple carelessness. The policy defined in this Handbook will allow such distinctions to be made in a manner that minimizes disruption and protects the honest researcher from false or mistaken accusations.

Research misconduct, as defined in Section 8.2, below, is not condoned at Northern Kentucky University and allegations of such misconduct will be investigated in accordance with the

At the Faculty Senate meeting on 8/29/16, a number of Senators had questions concerning traffic and parking during the first week of classes. I contacted Interim NKU Police Chief John Gaffin about this, and received the following response:

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Hello Dr. Baranowski,

Thank you for the opportunity to respond and for your service on Faculty Senate. I'm currently serving my second term on Staff Congress and can appreciate the effort and time commitment required by our shared governance organizations.

Much like you, I was on the receiving end of spirited feedback during the first two weeks of the semester. I'll first address the issue of restricted access to lots. The only faculty/staff lot impacted by any sort of restriction was parking lot E, located in close proximity to the Baptist Student Center and Landrum Hall. In short, no traffic was permitted to turn onto or out of Carroll Drive to or from Kenton Drive during times of peak traffic flow.

It has been our practice to do this for approximately the last 5 years. The rationale behind doing so is that we negate the traffic impeding effects of the intersection of Kenton and Carroll Drives. The concurrence of limited infrastructure and heavy traffic volumes experienced throughout the day, particularly on Kenton Drive, dictates that officers periodically manually control traffic at certain points on campus. In the absence of the restriction described above, all traffic on Kenton Drive must be stopped to allow traffic from Carroll Drive to proceed. The flow of traffic onto Kenton Drive via Three Mile Road and I-275 does not stop while we allow traffic from Carroll Drive to flow. Under these circumstances, and usually only during the first few weeks of the semester, traffic will back up onto I-275 eastbound. This creates a substantial danger both to motorists coming to NKU and those simply passing through via I-275. By restricting access to the lot in question, we are ultimately able to more continuously move vehicles down Kenton Drive and into parking lots along Kenton Drive, avoiding the hazard of stopped vehicles on the interstate.

Having said all of the above, faculty/staff lot E, as well as student lot F and open lot I which are also impacted by this restriction, remained accessible from Nunn Drive. You probably noticed that we issued, via Chris Cole, a communication stating this the morning of Thursday August 24, 2016. I received a number of complaints the previous day and thought that communicating the closure would ameliorate concerns on all sides. It seemed, at least anecdotally, that the communication had the desired effect. Clearly, we'll send the communication prior to the semester starting next year. Not doing so was simply an oversight on my behalf and identified as "low hanging fruit" for improvement moving

forward. Please feel free to relay a /mea culpa /for this omission//to concerned faculty on my behalf. My staff and I remain committed to continuously improving our service delivery and forging strong relationships with our stakeholders here at the University.

I'm afraid your second concern is more difficult to address. I'm not aware of any regular practice, outside of traffic control for large events at the BB&T Arena, whereby we restrict where someone can travel via roundabout. We do routinely control the flow of traffic at the roundabout located at the intersection of University and Nunn Drives by alternating which lane of travel is allowed to enter the roundabout, however, drivers can use whichever exit they'd like. If you're interested, I also have a detailed explanation of why we do this. I'm happy to send it along, but it doesn't seem especially relevant to the concern at hand.

On a positive note, our hope at University Police is that the construction of the long-awaited connector road and subsequent changes to the traffic patterns on campus ultimately resolve the congestion problems we encounter. I'd also ask that stakeholders have empathy for our police staff who all too often personify NKU's struggles with traffic and parking. They face quite a bit of hostility as a result of situations over which they ultimately have very little control. Long-term infrastructure decisions are obviously not theirs and yet much of the fault is attributed to them in the heat of the moment.

I hope this eases the concerns of your fellow faculty. I recognize that this is a quite wordy email with a somewhat technical explanation. If you'd like to meet or have a phone conversation to further discuss this matter, I am happy to do so.

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*[I replied, asking Lieutenant Gaffin for more information about why NKU police direct traffic at the roundabout. His response is below.]*

I've previously received feedback regarding officers directing traffic at the roundabout at Nunn and University and how that seems contrary to the concept behind a roundabout. Here is the explanation I provide:

I received your communication about officers directing traffic in the roundabout. While I concur with your thoughts in theory, the practical implications of the roundabouts on our specific traffic patterns are somewhat more challenging.

Here's my best shot at explaining it briefly: The roundabout at the intersection of Nunn and University Drives collects a large majority of its traffic during the mornings from Nunn Drive via US 27 and University Drive from Three Mile Rd/I-275. In the absence of manual

control of traffic flow, the vehicles from Nunn Drive create a steady flow of traffic which precludes any flow of traffic from University Drive into the roundabout. In just a few minutes' time, traffic from University Drive grinds to a halt and begins to back up. This in turn impedes flow from University onto Kenton and even creates a log jam all the way back to I-275. Thus, we have to control traffic to allow vehicles from University Drive to enter the roundabout and prevent a domino effect of gridlock. And once we've stopped traffic to allow a particular side to proceed, the flow has been disrupted to the extent that the roundabout requires manual control to prevent the same thing from happening as soon as we step away. I understand it seems somewhat contrary to roundabout concept, but I hope this clears things up.

For what it's worth, it also doesn't help that this particular roundabout (at Nunn/University) is smaller than the typical roundabout which would service a similar amount of traffic. I assure you, our preference would be to not have to direct traffic at the roundabouts!

I think that just about covers our most frequent traffic concerns! Please don't hesitate to reach out if I can ever be of assistance in the future.

Best,  
John

Lieutenant John Gaffin  
Interim Chief of Police

Faculty are not required to perform academic-year contractual duties between academic years. However, faculty shall have full access to available University resources between academic years to pursue activities related to evaluation processes specified in Section 3, Evaluation. Use of these resources is subject to Kentucky Revised Statutes.

## **2.2. INITIAL APPOINTMENT—PROBATIONARY**

Ordinarily an initial appointment will be for one year for all ranks. If a person is appointed to the faculty during an academic year, the term of his/her contract will end at the end of that academic year.

## **2.3. REAPPOINTMENT—PROBATIONARY**

### **2.3.1. INSTRUCTOR**

An instructor who is reappointed shall receive a one-year contract, which may be renewed. No person shall hold the rank of instructor for more than seven years. If an instructor does not qualify for promotion before the end of his/her sixth year in rank, including any University-recognized credit for prior service, the contract for the seventh year shall be a terminal contract (see Section 2.5, Probationary Contracts). Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook (1994) may be reappointed at this rank beyond the seven-year limit.

### **2.3.2. ASSISTANT PROFESSOR**

Reappointments of an assistant professor will be for one-year terms, provided, however, that the total time in probationary appointments, including university-recognized credit for prior service, does not exceed seven years. If an assistant professor does not receive tenure before the end of the sixth year of probationary appointments, including university-recognized credit for prior service, the contract for the seventh year shall be a terminal contract (see Section 2.5, Probationary Contracts).

### **~~2.3.3. ASSOCIATE PROFESSOR~~ *(Note: Deletion needs to be approved by Faculty Senate)***

~~Reappointments of an associate professor will be for one-year terms, provided that the total time in probationary appointments, including university-recognized credit for prior service, does not exceed seven years. If an associate professor does not receive grant of tenure before the end of the sixth year of probationary appointments, including university-recognized credit for prior service, the contract for the seventh year shall be a terminal contract. (See Sections II. E., Probationary Contracts, and II. F., Probationary Contracts with Conditions To Be Removed.)~~

### **~~2.3.4. PROFESSOR~~**



~~Reappointments of a professor will be for one year terms, provided that the total time in probationary appointments, including university recognized credit for prior service, does not exceed seven years. If a professor does not receive grant of tenure before the end of the sixth year of probationary appointments, including university recognized credit for prior service, the contract for the seventh year shall be a terminal contract. (See Sections H. E., Probationary Contracts, and H. F., Probationary Contracts With Conditions To Be Removed.)~~

## **2.4. PART-TIME FACULTY**

The term of employment for part-time (non-tenure-track or non-tenured) faculty shall not exceed one academic year.

## **2.5. PROBATIONARY CONTRACTS**

Faculty who have probationary contracts do not have tenure. Reappointment to a probationary contract is conditioned upon successful performance and recommendation for reappointment as specified at Sections 3, Evaluation; 4, Reappointment; 5, Promotion; 6, Tenure, and 7, Appointment, Promotion and Tenure for Librarians. A person may not hold a probationary appointment for more than seven years, including university-recognized credit for prior service. If a person does not receive tenure before the end of the sixth year of probationary contracts, including university-recognized credit for prior service, the seventh contract shall be a terminal contract.

## **2.6. FACULTY WITH TENURE**

Faculty with tenure have a continuing contract (see Section 6, Tenure).

## **2.7. LOCUS OF CONTRACT APPOINTMENT**

A faculty member will be appointed to a position in a stated department(s) or program(s) (see Section 2.12, Joint Appointments).

## **2.8. UNIVERSITY BENEFITS**

### **2.8.1. DEFINITIONS**

#### **2.8.1.1. BENEFITS**

“Benefits,” as discussed in this section, refer to insurance, health, and welfare perquisites that the University makes available to its employees.

#### **2.8.1.2. EMPLOYEE**

“Employee” is a person, other than an independent contractor, who performs services for the

## MEMORANDUM

To: Faculty Senate  
From: PCC  
Re: **Tuition Waiver Benefit – Faculty Handbook Amendments**  
Date: Oct 6, 2016

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By unanimous vote, the PCC recommends amending Section 11.8 of the NKU Faculty Handbook (“Tuition Waiver”) to now provide as follows:

### **11.8. TUITION WAIVER**

Each full-time regular faculty member may take up to six (6) credit hours of NKU course work per semester/entire summer session without being required to pay tuition. Each full-time regular faculty will be provided with a tuition waiver benefit of six (6) semester hours of NKU course work each semester for the faculty member’s spouse and each dependent. “Full-time regular faculty” is defined as tenured full-time faculty, tenure track full-time probationary faculty, and non-tenure track renewable full-time faculty.

Analogous tuition waiver benefits shall be made available to temporary non-tenure track full-time faculty members and to part-time faculty members, and may be made available to spouses and dependents of such faculty members. Specific details of tuition waiver benefit programs may vary from time to time. The current NKU Tuition Waiver Benefit policy shall be maintained by the Department of Human Resources and shall be published on the Human Resources website (<https://hr.nku.edu/benefits/waiver.html>).

The text of current Section 11.8 is set forth on the next page. This amendment leaves the first paragraph of current Section 11.8 unchanged. This paragraph describes the tuition-waiver benefits available to full-time regular faculty members and their spouses and dependents. The amendments to the second paragraph provide that tuition waiver benefits will also be available to temporary non-tenure track full-time faculty members and to part-time faculty members, and may be made available to spouses and dependents of such faculty members. These amendments authorize the administration to determine the details of benefits for such faculty members and their spouses and dependents, and to change those details from time to time without further need to amend the Faculty Handbook. **The proposed amendment will be recommended to Faculty Senate.**

#### 11.8. TUITION WAIVER (current handbook text)

Each full-time regular faculty member may take up to six (6) semester hours of NKU course work each semester without being required to pay tuition. Each full-time regular faculty will be provided with a tuition waiver benefit of six (6) semester hours of NKU course work each semester for the faculty member's spouse and each dependent. "Full-time regular faculty" is defined as tenured full-time faculty, tenure track full-time probationary faculty, and non-tenure track renewable full-time faculty.

After one year of continuous service a temporary full-time faculty may take up to six (6) semester hours of NKU course work each semester without being required to pay tuition. This benefit is not extended to the temporary full-time faculty member's spouse or dependents.