

**CHASE COLLEGE OF LAW
NORTHERN KENTUCKY UNIVERSITY
FACULTY POLICIES AND PROCEDURES
HANDBOOK**

TABLE OF CONTENTS

PART ONE: FACULTY

I. DEFINITION OF FACULTY STATUS

A. INTRODUCTION	p. 1
B. FULL-TIME, TENURE-TRACK FACULTY	p. 1
C. FULL-TIME, NON-TENURE-TRACK, RENEWABLE FACULTY	p. 1
D. FULL-TIME, NON-TENURE-TRACK, TEMPORARY FACULTY	p. 2
E. PART-TIME FACULTY	p. 2
F. LIBRARIANS	p. 3
G. SPECIAL-APPOINTMENT FACULTY	p. 3
1. EMERITUS FACULTY	p. 3
2. VISITING FACULTY	p. 3
3. ADJUNCT FACULTY	p. 3
4. ENDOWED CHAIRS AND NAMED PROFESSORSHIPS	p. 4
5. DISTINGUISHED PRACTITIONER OR JURIST IN RESIDENCE [RESERVED]	p. 3
H. ADMINISTRATORS WITH FACULTY RANK	p. 4
1. FULL-TIME ADMINISTRATORS WITH ACADEMIC RANK	p. 4
2. COOPERATING FACULTY	p. 4
3. RETREAT RIGHTS	p. 4
J. QUALIFICATIONS FOR APPOINTMENT TO RANK	p. 4
DEFINITIONS OF RANK	p. 4
1. INSTRUCTOR	p. 5

2. ASSISTANT PROFESSOR	p. 5
3. ASSOCIATE PROFESSOR	p. 5
4. PROFESSOR	p. 5
5. LECTURER	p. 5
6. PART-TIME FACULTY	p. 6
K. GRADUATE FACULTY [RESERVED]	p. 6

II. CONTRACTS

A. ACADEMIC YEAR AND FACULTY CONTRACTUAL DUTIES	p. 7
B. INITIAL APPOINTMENT--PROBATIONARY	p. 7
C. REAPPOINTMENT--PROBATIONARY	p. 7
1. INSTRUCTOR - LAW LIBRARY INSTRUCTOR	p. 7
2. ASSISTANT PROFESSOR	p. 8
3. ASSOCIATE PROFESSOR	p. 8
4. PROFESSOR	p. 8
D. PART-TIME FACULTY	p. 8
E. PROBATIONARY CONTRACTS	p. 9
F. PROBATIONARY CONTRACTS WITH CONDITIONS TO BE REMOVED	p. 9
G. FACULTY WITH TENURE	p. 9
H. LOCUS OF CONTRACT APPOINTMENT	p. 9
I. UNIVERSITY BENEFITS	p. 9
1. DEFINITIONS	p. 9
2. RANGE	p. 10
3. INFORMATION	p. 10

III. FACULTY APPOINTMENTS

A. APPROVAL OF BOARD OF REGENTS	p. 11
B. FACULTY RECRUITMENT AND APPOINTMENT	p. 11
C. EMERITUS APPOINTMENTS	p. 11
D. JOINT APPOINTMENTS	p. 11

IV. EVALUATION

A. APPLICABILITY	p. 13
B. CRITERIA	p. 13
1. TEACHING EFFECTIVENESS	p. 13
2. SCHOLARLY AND CREATIVE ACTIVITY	p. 14
3. INSTITUTIONAL AND PUBLIC SERVICE	p. 17
4. SPECIAL FACTORS: LEGAL RESEARCH AND WRITING POSITION	p. 18
5. SPECIAL FACTORS: DIRECTOR OF THE LAW LIBRARY	p. 19
C. PROCEDURES FOR DECISIONS ON RETENTION, PROMOTION, TENURE	p. 20
1. TIME SCHEDULE	p. 20
2. INITIATION OF REQUEST	p. 21
3. DEPARTMENTAL COMMITTEE	p. 21
4. PROMOTION	p. 22
5. CHAIR	p. 22
6. DEAN	p. 23
7. PROVOST	p. 24
a. LAW TEACHING FACULTY	p. 24
b. LAW LIBRARY FACULTY	p. 24
8. PRESIDENT	p. 25
9. BOARD OF REGENTS	p. 25
10. NEGATIVE RECOMMENDATION	p. 25
11. NOTICE OF NON-REAPPOINTMENT	p. 25
12. TIME	p. 25
13. FORMAL RECONSIDERATION	p. 26
14. APPEAL PROCEDURE	p. 26
15. WITHDRAWAL OF APPEAL	p. 26

V. REAPPOINTMENT

A. ELIGIBILITY	p. 27
B. QUALIFICATION	p. 27
C. PROCEDURES	p. 27

VI. PROMOTION

A. QUALIFICATIONS	p. 28
1. TEACHING FACULTY	p. 28
a. PROMOTION TO ASSOCIATE PROFESSOR	p. 28
b. PROMOTION TO PROFESSOR	p. 28
2. LAW LIBRARIANS	p. 28

a. PROMOTION TO ASSISTANT PROFESSOR	p. 28
b. PROMOTION TO ASSOCIATE PROFESSOR	p. 28
c. PROMOTION TO PROFESSOR	p. 29
B. CRITERIA AND PROCEDURES	p. 29

VII. TENURE

A. DEFINITION OF TENURE	p. 30
B. GRANT OF TENURE	p. 30
C. PURPOSE OF TENURE	p. 30
D. ELIGIBILITY	p. 30
E. CRITERIA FOR TENURE DECISIONS	p. 30
LAW TEACHING FACULTY	p. 30
LAW LIBRARY FACULTY	p. 31
F. PROCEDURE	p. 31
G. TIME	p. 31
H. DENIAL OF GRANT OF TENURE	p. 31

VIII. LAW LIBRARIANS

A. DISTINCT RESPONSIBILITIES	p. 32
B. DEFINITIONS OF FACULTY STATUS AND RANK	p. 32
1. FULL-TIME, TENURE-TRACK FACULTY	p. 32
2. FULL-TIME, NON-TENURE TRACK, RENEWABLE FACULTY	p. 32
3. FULL-TIME, NON-TENURE TRACK, TEMPORARY FACULTY	p. 33
4. PART-TIME FACULTY	p. 33
C. POLICIES AND PROCEDURES	p. 33
D. RANKS FOR LAW LIBRARIANS	p. 34
E. QUALIFICATIONS FOR APPOINTMENT TO RANK	p. 34
1. INSTRUCTOR	p. 34
2. ASSISTANT PROFESSOR	p. 34
3. ASSOCIATE PROFESSOR	p. 35
4. PROFESSOR	p. 35
5. LECTURER	p. 35

F. CRITERIA FOR REAPPOINTMENT, PROMOTION AND TENURE	p. 35
1. CRITERIA FOR EFFECTIVE PERFORMANCE	p. 35
2. SCHOLARLY AND CREATIVE ACTIVITY	p. 36
3. INSTITUTIONAL AND PUBLIC SERVICE	p. 37

IX. PERFORMANCE REVIEW

A. PURPOSE	p. 39
B. CRITERIA	p. 39
C. PROCEDURES	p. 39
D. APPEAL PROCEDURE	p. 40

X. POST-TENURE REVIEW

A. PREAMBLE	p. 41
B. STATEMENT OR PURPOSE AND PRINCIPLES	p. 41
C. DEFINITIONS	p. 42
D. INITIATION OF POST-TENURE REVIEW PROCESS	p. 43
1A. LAW TEACHING FACULTY	p. 43
1B. LAW LIBRARY FACULTY	p. 44
E. CREATION OF A POST-TENURE REVIEW COMMITTEE	p. 44
1A. LAW TEACHING FACULTY	p. 44
1B. LAW LIBRARY FACULTY	p. 45
F. THE REVIEW PROCESS	p. 45
1A. LAW TEACHING FACULTY	p. 45
1B. LAW LIBRARY FACULTY	p. 48
G. PROCESS REVIEW	p. 51
1A. LAW TEACHING FACULTY	p. 51
1B. LAW LIBRARY FACULTY	p. 52

XI. SEPARATION

A. RESIGNATION	p. 53
B. RETIREMENT	p. 53

C. PHASED RESIGNATION PROGRAM	p. 53
1. PURPOSES	p. 53
2. DEFINITIONS	p. 53
3. ELIGIBILITY	p. 54
4. APPLICATION PROCEDURES	p. 54
5. OTHER REQUIREMENTS AND POLICIES	p. 55
D. RETIREMENT INCENTIVE PROGRAM	p. 57
1. PURPOSES	p. 57
2. DEFINITIONS	p. 57
3. APPLICATION PROCEDURES	p. 59
4. PROGRAM BENEFITS	p. 60
5. PROGRAM ADMINISTRATION	p. 62
6. MISCELLANEOUS	p. 63
E. NON-REAPPOINTMENT	p. 64
F. TERMINATION FOR MEDICAL REASONS	p. 64
G. PROGRAM REDUCTION AND FACULTY REASSIGNMENT	p. 65
H. FINANCIAL EXIGENCY POLICY	p. 67
1. FINANCIAL EXIGENCY POLICY	p. 67
a. PURPOSES	p. 67
b. PREPARATION AND PURPOSES OF THE POLICY	p. 68
c. ACADEMIC VALUES AND TENURE	p. 68
d. RESPONSIBLE UNIVERSITY MEANS	p. 68
e. CONTINUAL AND PERIODIC ANALYSES	p. 69
2. DEFINITIONS	p. 69
3. PRELIMINARY STATEMENT AND DETERMINATION OF FINANCIAL EXIGENCY	p. 70
4. ESTABLISHMENT AND OPERATION OF THE FINANCIAL EXIGENCY COMMITTEE	p. 70
a. COMMITTEE COMPOSITION	p. 70
b. COMMITTEE CHARGE	p. 71
c. COMMITTEE PROCESS	p. 71
5. PRESIDENT'S ACTION	p. 72
6. BOARD ACTION	p. 72
7. UNIVERSITY ACTION UPON DECLARATION OF FINANCIAL EXIGENCY	p. 72
8. TERMINATION OF FACULTY POSITIONS	p. 73
a. CONSIDERATION/OBLIGATION TO FACULTY	p. 73
b. NOTICE TO INDIVIDUAL FACULTY	p. 74
c. UNEMPLOYMENT COMPENSATION	p. 74
9. REVIEW OF INDIVIDUAL TERMINATIONS	p. 75

a. REQUEST FOR A HEARING	p. 75
b. CONDUCT OF THE HEARING	p. 75
c. PROCEDURE AFTER HEARING	p. 76
10. EXCLUSIVE PROCEDURE	p. 76
11. TERMINATION OF FINANCIAL EXIGENCY	p. 76
I. TERMINATION FOR CAUSE	p. 76
1. GROUNDS FOR TERMINATION	p. 77
2. PROCEDURES FOR TERMINATION	p. 77

XII. FACULTY DEVELOPMENT PROGRAMS

A. SABBATICAL LEAVES	p. 81
1. PURPOSE	p. 81
2. ELIGIBILITY FOR SABBATICAL LEAVES	p. 81
3. CONDITIONS	p. 81
4. REQUIRED REPORTING	p. 82
5. PROCEDURES	p. 83
B. FACULTY SUMMER FELLOWSHIPS	p. 83
1. PURPOSE	p. 83
2. ELIGIBILITY FOR FACULTY SUMMER FELLOWSHIPS	p. 83
3. STIPEND	p. 83
4. CONDITIONS	p. 84
5. REPORTING	p. 84
6. BEGINNING OF FELLOWSHIP	p. 84
7. PROCEDURES	p. 85
C. FACULTY PROJECT GRANTS	p. 85
1. PURPOSE	p. 85
2. ELIGIBILITY FOR FACULTY PROJECT GRANTS	p. 85
3. AWARD	p. 85
4. LIMITATIONS	p. 85
5. DISPOSITION OF PURCHASED PROPERTY	p. 86
6. GRANT ADMINISTRATION	p. 86
a. ADMINISTRATION AND ACCOUNTING	p. 86
b. FISCAL PROCEDURES	p. 86
7. FINAL REPORT	p. 86
8. PROCEDURES	p. 86
D. APPLICATION AND PROCEDURES	p. 87
1. APPLICATION	p. 87
2. EVALUATIONS AND RECOMMENDATIONS	p. 87
3. BY-LAWS	p. 88
4. EVALUATION	p. 88

E. REGENTS' PROFESSORSHIP AWARD	p. 89
F. FACULTY-INITIATED REASSIGNED TIME	p. 89
1. DEFINITION	p. 89
2. ELIGIBILITY FOR FACULTY-INITIATED REASSIGNED TIME	p. 89
3. PURPOSE AND SCOPE	p. 89
4. LIMITATIONS	p. 90
5. GENERAL	p. 90
6. PROCEDURE AND EVALUATION	p. 90
7. INTERVENING CIRCUMSTANCES	p. 91
G. ADMINISTRATIVE-INITIATED REASSIGNED TIME	p. 92
H. TUITION WAIVER	p. 92
I. TRAVEL FUNDS	p. 92

XIII. FACULTY LEAVES

A. LEAVES FOR FACULTY ON ACADEMIC-YEAR CONTRACTS	p. 93
B. JURY DUTY AND COURT APPEARANCES	p. 93
C. TEMPORARY MILITARY LEAVE	p. 93
D. EXTENDED MILITARY LEAVE	p. 93
E. PROFESSIONAL LEAVES	p. 93
F. PAID LEAVE FOR ILLNESS OR TEMPORARY DISABILITY, OR MATERNITY LEAVE	p. 94
G. UNPAID SICK LEAVE	p. 95
H. UNPAID LEAVE	p. 95
I. SPECIAL OR EMERGENCY LEAVE	p. 96
J. MANDATORY LEAVE	p. 97
K. FACULTY ON FISCAL-YEAR CONTRACTS	p. 97

XIV. FACULTY WORKLOAD POLICY p. 98

XV. GRIEVANCES

A. DEFINITION	p. 99
B. PEER REVIEW COMMITTEES	p. 99
1. MATTERS SUBJECT TO PEER REVIEW	p. 99
2. COMPOSITION OF PEER REVIEW COMMITTEES	p. 100
3. PROCEDURE	p. 101
C. COMPLAINT PROCESS	p. 107
1. PROCESS APPLICABILITY	p. 107
2. COMPLAINT PROCESS PROCEDURE	p. 107
3. ADVISORY COMMITTEE	p. 108

XVI. AMENDMENT TO THE NORTHERN KENTUCKY UNIVERSITY FACULTY POLICIES AND PROCEDURES HANDBOOK p. 109

PART TWO: FACULTY AND UNIVERSITY POLICIES

I. GENERAL

A. INTRODUCTION	p. 111
B. FACULTY AND UNIVERSITY POLICIES	p. 111
C. LEGAL DEFENSE AND INDEMNIFICATION/NOTICE REQUIREMENT	p. 111

II. PROFESSIONAL ETHICS AND RESPONSIBILITIES p. 112

III. ACADEMIC FREEDOM p. 115

**IV. INSTITUTIONAL POLICIES AND EXPECTATIONS
FOR OUTSIDE ACTIVITIES** p. 116

V. ADVISING OF STUDENTS p. 117

VI. PROGRESSIVE DISCIPLINE POLICY p. 118

VII. HUMAN SUBJECT POLICIES

A. GENERAL	p. 119
B. RESEARCH THAT INVOLVES HUMAN SUBJECTS	p. 120
C. RESEARCH THAT INVOLVES HUMAN SUBJECTS BUT DOES NOT NEED APPROVAL FROM THE INSTITUTIONAL REVIEW BOARD	p. 120
D. INVESTIGATOR'S LEGAL RESPONSIBILITY IN RESEARCH WITH HUMAN SUBJECTS	p. 121
E. APPLICATION PROCEDURES	p. 122
F. REVIEW OF THE APPLICATION BY THE INSTITUTIONAL REVIEW BOARD	p. 123
G. ACTIONS BY THE INSTITUTIONAL REVIEW BOARD	p. 124
H. DISPOSITION OF THE RECOMMENDATIONS	p. 124
J. RIGHTS OF APPEAL	p. 125
K. APPEAL DECISION	p. 125

L. RECORDS AND DOCUMENTATION OF THE INVESTIGATOR	p.125
M. INSTITUTIONAL REVIEW BOARD RECORDS	p.125
N. NORTHERN KENTUCKY UNIVERSITY POLICY FOR LIABILITY FOR INSTITUTIONAL REVIEW BOARD	p.126

VIII. SCIENTIFIC/RESEARCH MISCONDUCT

A. PREAMBLE & POLICY STATEMENT	p. 127
B. DEFINITION OF RESEARCH MISCONDUCT	p. 127
C. PROCEDURES	p.127
1. ALLEGATIONS OF RESEARCH MISCONDUCT	p.127
2. PRELIMINARY INQUIRY	p.128
3. FORMAL INVESTIGATION	p.129
4. DISCIPLINARY ACTION	p.131
5. APPEAL	p.131

IX. SEXUAL HARASSMENT/GENDER DISCRIMINATION

A. STATEMENT OF GENERAL POLICY	p.132
B. DEFINITION OF SEXUAL HARASSMENT	p.132
C. PREVENTION	p.132
D. LIMITATIONS OF THIS POLICY	p.132
E. PROCEDURE FOR REPORTING SEXUAL HARASSMENT	p.133
F. INFORMAL PROCESS	p.133
G. FORMAL PROCESS	p.134
H. APPEAL PROCESS	p.136
J. RESIDUAL RIGHTS AND PROCEDURAL COMMENTS	p.136

X. STATEMENT ON CONSENSUAL RELATIONSHIPS

A. GENERAL	p.137
B. POTENTIAL HARMS FROM CONSENSUAL RELATIONSHIPS	p.137

C. CONSENSUAL RELATIONSHIPS IN SITUATIONS INVOLVING DIRECT SUPERVISION p.137

D. CONSENSUAL RELATIONSHIPS NOT INVOLVING DIRECT SUPERVISION p.138

XI. EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, AND NEPOTISM p.139

XII. ACCOMMODATION PROCEDURES FOR EMPLOYEES WHO ARE DISABLED p. 140

XIII. APPROPRIATE TERMINAL DEGREES OF FACULTY p. 141

XIV. PUBLICATION AND PROMOTION OF COURSE OFFERINGS p. 142

XV. CANCELLATION OR POSTPONEMENT OF COURSES p. 143

XVI. STANDARDS FOR GRADUATE OFF-CAMPUS INSTRUCTION AND SPECIAL OTHER GRADUATE INSTRUCTION

A. GENERAL p. 144

B. ADMINISTRATION p. 144

C. FACULTY p. 144

D. STUDENTS p. 144

E. INSTRUCTION p. 144

F. ACADEMIC CREDIT p. 145

G. FACILITIES p. 145

VII. INTELLECTUAL PROPERTY POLICY

A. PREAMBLE	p. 147
B. OBJECTIVES OF POLICY	p. 147
C. DEFINITIONS AND COVERAGE	p. 148
D. RIGHTS AND EQUITIES IN INTELLECTUAL PROPERTIES	p. 149
E. ADMINISTRATIVE ACTIVITIES	p. 150

XVIII. INTELLECTUAL PROPERTY/REPRODUCTION OF COPYRIGHTED MATERIAL

A. GENERAL STATEMENT	p. 152
B. SCOPE	p. 152
C. DEFINITIONS	p. 152
1. COPYRIGHT	p. 152
2. FAIR USE	p. 152
D. PHOTOCOPYING	p. 153
1. UNAUTHORIZED PHOTOCOPYING	p. 153
2. GUIDELINES FOR AUTHORIZED PHOTOCOPYING	p. 153
3. COMPLIANCE	p. 153
a. INDIVIDUAL RESPONSIBILITY	p. 153
b. DEPARTMENT RESPONSIBILITY	p. 153
4. BOOKSTORE	p. 154
E. SOFTWARE	p. 154
1. GENERAL	p. 154
2. UNAUTHORIZED REPRODUCTION	p. 154
3. EXCEPTIONS	p. 154
F. PHONORECORDS, BROADCAST MATERIAL, VIDEO CASSETTES, AUDIO CASSETTES	p. 155
G. COPYRIGHT NOTICES	p. 155
1. EQUIPMENT NOTICE	p. 155
2. DISPLAY WARNING OF COPYRIGHT	p. 155
H. VIOLATION	p. 156
1. SANCTION	p. 156
2. DEPARTMENT RESPONSIBILITY	p. 156

XIX. HAZARDOUS WASTE POLICY p. 163

XX. DRUG-FREE WORKPLACE p. 164

XXI. UNIVERSITY ALCOHOLIC BEVERAGE POLICY AND REGULATIONS

A. INSTITUTIONAL STATEMENT OF POLICY p. 165

B. REGULATIONS CONCERNING ALCOHOLIC BEVERAGES p. 166

XXII. PROHIBITION OF HAZING p. 170

APPENDICES

APPENDIX A

POLICY ON ADMINISTRATORS RETURNING TO FACULTY STATUS p. 163

APPENDIX B

ARTICLE IV., REGENTS' BYLAWS p. 164

APPENDIX C

COLLEGIAL GOVERNANCE AT NKU p. 166

A. CHARACTERISTICS OF A COLLEGIAL SYSTEM OF GOVERNANCE p. 166

B. THE ROLE OF FACULTY BODIES IN THE COLLEGIAL SYSTEM p. 167

1. ACADEMIC MATTERS p. 167

2. ACTIVITIES FUNDAMENTALLY AFFECTING ACADEMIC PROGRAMS p. 168

3. ACTIVITIES WHICH MAY AFFECT ACADEMIC PROGRAMS p. 169

4. ACTIVITIES NOT NORMALLY AFFECTING ACADEMIC MATTERS p. 170

APPENDIX D

REGENTS PROFESSOR PROGRAM, amended p. 172

PART ONE: FACULTY

I. DEFINITION OF FACULTY STATUS

A. INTRODUCTION

Faculty are professionals employed by Chase College of Law ("the College of Law"), Northern Kentucky University ("the University") to perform teaching and other academic responsibilities commensurate with the missions and goals of the College of Law and of the University. "Professional" is construed to mean a person who, because of competence in a discipline, has the ability and responsibility to impart knowledge through effective teaching, other assigned activities, or both, and to engage in research and creative endeavors in an impartial and judicious manner.

The definitions set forth here apply to all provisions of this Handbook.

B. FULL-TIME, TENURE-TRACK FACULTY

Full-time, tenure-track faculty are probationary or tenured faculty who hold the academic rank of assistant professor, associate professor, or professor, and who teach a full course load as stipulated by the College of Law and the University, or full-time, tenure-track faculty whose academic assignment is more than 50 percent within an academic department or program. Department chairs who hold faculty status are full-time, tenure-track faculty. Reassigned time does not remove a person from full-time, tenure-track faculty status.

C. FULL-TIME, NON-TENURE-TRACK, RENEWABLE FACULTY

Full-time, non-tenure-track renewable faculty hold the rank of lecturer and perform full-time duties as stipulated by the University in their appointment form, but they are not appointed to a probationary or tenured position. At no point will appointees to these positions accrue time toward tenure.

Faculty holding a non-tenure-track, renewable appointment are generally appointed on a year-by-year basis following performance review. The performance review process is on the normal schedule, based upon duties as stipulated in the appointment form.

Notification of non-renewal of appointment must be made to the faculty member by March 31. Faculty holding non-tenure-track, renewable appointments are employed as the result of an internal or external search process.

At the end of five years in the position, a full-time non-tenure track Lecturer is eligible for promotion to Lecturer II. After five years in the position, a Lecturer II is eligible for promotion to Senior Lecturer. Criteria for promotion to Lecturer II and Senior Lecturer will be established in writing by each academic unit, subject to the approval of the appropriate dean (or program director). A record of satisfactory performance in teaching is a necessary requirement for promotion. The recommendation for promotion will be

made by the head of the academic unit, in consultation with the faculty, during the normal performance review in the fifth year (in the case of Lecturer II) and tenth year (in the case of Senior Lecturer) of the Lecturer's appointment, or in subsequent years in case of a negative recommendation. The recommendation (positive or negative) will be forwarded to the appropriate dean (or program director), who will make the final decision.

Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook by the Board of Regents shall retain that rank. After the adoption of this Handbook by the Board of Regents, non-tenure-track, renewable faculty shall hold only the rank of lecturer for the entire length of their appointment.

D. FULL-TIME, NON-TENURE-TRACK, TEMPORARY FACULTY

Full-time, non-tenure-track, temporary faculty hold the rank appropriate to their credentials and teaching experience. Normally the appointment rank will be lecturer, adjunct professor, or visiting professor. Temporary faculty will perform full-time duties as stipulated by the University, but they are not appointed to a probationary or tenured position. At no point will appointees to these positions accrue time toward tenure. These faculty are expected to carry a full course load, and to perform all of the duties associated with these teaching responsibilities. Departments may invite them to faculty meetings and may involve them in appropriate committees; they are expected to attend any meetings related to their teaching. Any other assignments or responsibilities should be specified by the Dean or department chair at the time of appointment and are subject to approval of the Dean or department chair. Departments may use this category to employ faculty who have no teaching responsibilities: e.g., grant supported researchers or postdoctoral associates.

Faculty holding a non-tenure-track, temporary appointment are appointed on a one-year basis. A temporary position appointment may be made as a result of consultation by the department chair and the Dean, with approval by the Provost. Library faculty holding a non-tenure-track, temporary appointment are appointed on a one-year basis. A temporary position appointment may be made as a result of consultation between the Associate Dean for Law Library Services and Information Technology and the Dean, with the approval of the Provost. Temporary appointments are one-year, temporary, terminal appointments that can be repeated for a maximum of three (3) years. No additional notice of non-renewal of appointment is necessary.

Non-tenure-track, temporary faculty are provided with Social Security contributions by the University. In addition, health insurance is provided by the University if the appointment is full-time for the complete academic year.

E. PART-TIME FACULTY

Part-time faculty are faculty members who teach less than a full course load each semester, as determined and assigned by the University. Part-time faculty may not be appointed to probationary or tenured positions. These faculty are expected to carry out

all of the teaching duties associated with their class(es), including grading and office hours. They may also be asked to meet with faculty who teach other sections of the course(s).

F. LIBRARIANS

Full-time librarians employed by the College of Law and the University in faculty positions are full-time, tenure-track faculty. (See Section I.B., Full-Time Tenure-Track Faculty.) Part-time librarians employed by the University in faculty positions are part-time faculty.

G. SPECIAL-APPOINTMENT FACULTY

1. EMERITUS FACULTY

Emeritus faculty are tenured faculty or administrators who hold faculty rank, who, upon retirement, and upon recommendation of the faculty of the College of Law, the Dean of the College of Law, the Provost, and the President of the University, have been conferred emeritus status by the Board of Regents. Such persons hold the title and rank held immediately prior to their retirement, followed by the title "emeritus."

2. VISITING FACULTY

Visiting faculty are persons who hold a temporary appointment for an academic year, a semester, or a shorter term, as designated in their letter of appointment. Normally such persons may hold a faculty appointment at another university or college. Such persons hold an appropriate rank preceded by the designation "visiting."

3. ADJUNCT FACULTY

Adjunct faculty are fully qualified faculty as described in the Adjunct Faculty Handbook.

4. ENDOWED CHAIRS AND NAMED PROFESSORSHIPS

A named professorship is a faculty position endowed partially or primarily by outside or University sources and awarded to an individual who meets all the criteria for the rank of professor and has acquired a national reputation for excellence in instruction and scholarship in the discipline in which the named professor is appointed.

5. DISTINGUISHED PRACTITIONER OR JURIST IN RESIDENCE.

[RESERVED])

H. ADMINISTRATORS WITH FACULTY RANK

1. FULL-TIME ADMINISTRATORS WITH ACADEMIC RANK

Full-time administrators with academic rank are members of the College of Law or the University administration who hold faculty rank in probationary or tenured positions. Such persons may be assigned teaching responsibilities. This provision is intended to encompass high-level administrators, e.g., the President, vice presidents, deans, and other similarly-situated persons.

2. COOPERATING FACULTY

Cooperating faculty are members of the College of Law or the University administration or staff who hold faculty rank but not in probationary or tenured positions. Such persons' rank shall be preceded by the designation "cooperating." Such persons may be assigned teaching responsibilities.

3. RETREAT RIGHTS

Full-time administrators with academic rank, upon approved resignation from their administrative positions, become full-time, tenure-track faculty, unless their initial contract of appointment requires them to resign their faculty position at the time they resign their administrative position. (Refer to Appendix A to this Handbook: Policy on Administrators Returning to Faculty Status.)

J. QUALIFICATIONS FOR APPOINTMENT TO RANK

The initial appointment of faculty shall be at the rank appropriate for the qualifications presented. These qualifications apply to promotion in rank. (See Part Two, Section XIII., Appropriate Terminal Degrees for Faculty.)

DEFINITIONS OF RANK

College of Law faculty members hired into permanent, tenure-track positions shall normally hold the rank of Assistant Professor of Law. However, upon the recommendation of the faculty and Dean, a law faculty member may be hired at the rank of Associate Professor of Law, or Professor of Law if he/she would satisfy the requirements for promotion to that rank within the College of Law.

Faculty members hired into temporary, non-tenure track positions shall hold the appropriate rank of Adjunct, Assistant, Associate or Professor of Law. Those persons hired into temporary visiting positions may hold the appropriate visiting rank. All persons must have completed either an LL.B or J.D. degree or other appropriate professional degree in order to qualify for appointment to the teaching faculty of the College of Law. All persons appointed to the Law Library faculty must have an MLS degree or other appropriate professional degree. Rank is separated from tenure.

1. INSTRUCTOR

[RESERVED]

2. ASSISTANT PROFESSOR

This is the usual entry rank. In addition to the degree requirement, such faculty members must demonstrate potential for, or a record of, teaching effectiveness, scholarly and creative ability, institutional and public service, as well as a commitment to the legal profession.

3. ASSOCIATE PROFESSOR

An associate professor holds all the qualifications of an assistant professor and has been judged effective in the following areas: as a teacher; in scholarly and creative activity; in institutional and public service activity; in institutional and public service activity. These criteria are listed in order of importance. In exceptional circumstances, a person may be given an initial appointment at this rank if he/she would satisfy the requirements for promotion to Associate Professor within the College of Law.

4. PROFESSOR

This rank signifies maturity and service. In addition to qualifications for Associate Professor of Law, this rank requires achievement of full maturity as a very effective teacher, a record of high-quality scholarly and creative activity, a record of significant contributions as a member of law faculty committees, and a record of participation in service and contributions to the College of Law, the University, the legal profession and the community. In addition, in the case of a member of the law teaching faculty at the College of Law promotion to the rank of Professor of Law normally would be with tenure.

5. LECTURER

6. PART-TIME FACULTY

Part-time faculty hold the rank of lecturer, or they may hold ranked adjunct positions.

K. GRADUATE FACULTY

[RESERVED]

II. CONTRACTS

A. ACADEMIC-YEAR AND FACULTY CONTRACTUAL DUTIES

The academic year refers to the time during which the teaching faculty fulfill their contractual obligations to the College of Law and the University.

1. Unless otherwise specified in writing, faculty fulfill their contractual obligations during the academic year, i.e., from one week before the first day of fall semester classes through two weeks after the last day of spring semester classes.
2. Unless otherwise specified in writing, faculty contractual duties refer to those duties specified in Section IV.A., Evaluation Criteria, and include teaching, scholarly/creative activity, and institutional/public service.
3. The academic year is normally 34 working weeks; the year usually starts in mid-August and ends in mid-May.
4. Faculty may teach or perform other specified duties for the College of Law and the University between academic years. Such activities are in addition to the academic-year contractual duties, and may be included as part of faculty evaluation processes (see Section IV., Evaluation) at the discretion of the individual faculty member.
5. Faculty are not required to perform academic-year contractual duties between academic years. However, faculty shall have full access to available College of Law and University resources between academic years to pursue activities related to evaluation processes specified in Section IV., Evaluation. Use of these resources is subject to Kentucky Revised Statutes.

B. 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.

C. REAPPOINTMENT--PROBATIONARY

1. INSTRUCTOR - LAW LIBRARY 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 Sections II.E., Probationary Contracts, and II.F., Probationary Contracts with Conditions to Be Removed.)

Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook may be reappointed at this rank beyond the seven-year limit. (See Sections I.C., Full-Time, Non-Tenure-Track, Renewable Faculty, and I.J.1., Instructor.)

2. ASSISTANT PROFESSOR

Reappointments of an assistant professor will be for one-year terms, provided, however, that the total time in probationary appointments, including recognized credit for prior service, does not exceed seven years. If an assistant professor does not receive grant of tenure before the end of the sixth year of probationary appointments, including 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.)

3. ASSOCIATE PROFESSOR

Reappointments of an associate professor will be for one-year terms, provided that the total time in probationary appointments, including 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 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.)

4. PROFESSOR

Reappointments of a professor will be for one-year terms, provided that the total time in probationary appointments, including 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 recognized credit for prior service, the contract for the seventh year shall be a terminal contract. Promotion to the rank of Professor from within the College of Law is normally accompanied by the granting of tenure for the College of Law teaching faculty. (See Sections II.E., Probationary Contracts, and II.F., Probationary Contracts with Conditions To Be Removed.)

D. PART-TIME FACULTY

The term of employment for part-time faculty shall not exceed one academic year.

E. 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 IV., Evaluation; V., Reappointment; VI., Promotion; VII., Tenure, and VIII., Appointment, Promotion and Tenure for Librarians. A person may not hold a probationary appointment for more than seven years, including recognized credit for prior service. If a person does not receive grant of tenure before the end of the sixth year of probationary contracts, including recognized credit for prior service, the seventh contract shall be a terminal contract.

F. PROBATIONARY CONTRACTS WITH CONDITIONS TO BE REMOVED

In addition to the provisions of II.E., Probationary Contracts, where a probationary reappointment is made with conditions to be removed (see Section V.A., Eligibility), the conditions shall adhere to College of Law standards and be specified in writing and conveyed to the faculty member by the authorized person or entity which recommends imposition of the conditions. The conditions shall be clearly stated on the contract. Following any three years of contracts with continued probation with conditions to be removed, the faculty member will be issued a one-year terminal contract for the subsequent year. Recommendations for exceptions can be made by Department Chair and the Dean of the College of Law to the Provost.

G. FACULTY WITH TENURE

Faculty with tenure have a continuing contract. (See Section VII., Tenure.)

H. LOCUS OF CONTRACT APPOINTMENT

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

I. UNIVERSITY BENEFITS

1. DEFINITIONS

a. "Benefits," as discussed in this section, refer to insurance, health, and welfare prerequisites that the University makes available to its employees.

b. "Employee" is a person, other than an independent contractor, who performs services for the University in exchange for compensation in the form of a salary paid by the University. Persons performing services under grants may or may not be University employees, depending upon the terms of the grant and the persons' contractual relationships with the University.

2. RANGE

A range of benefits is available to all University employees. Faculty may obtain information concerning available benefits through the University office of Personnel Services. In some instances, faculty benefits are different from those of other employees, e.g., TIAA-CREF.

3. INFORMATION

Faculty Development Program information is available through the office of the Faculty Senate and the Office of the Vice President for Academic Affairs and Provost. (See also Section XII., Faculty Development Programs.)

III. FACULTY APPOINTMENTS

A. APPROVAL OF BOARD OF REGENTS

All appointments are subject to approval by the Board of Regents.

B. FACULTY RECRUITMENT AND APPOINTMENT

The faculty recruitment procedures for the College of Law shall be such procedures as are adopted by the College of Law faculty and approved by the Dean and Provost.

The provisions of this Faculty Handbook govern all other appointments of faculty. (See, e.g., Part One, Section I., Definitions of Faculty Status, and Section II., Contracts; and Part Two, Section XIII., Appropriate Terminal Degrees for Faculty.)

C. EMERITUS APPOINTMENTS

The Faculty of the College of Law may nominate a retiring faculty member for appointment to emeritus status. In order to be nominated, the retiring person must hold faculty rank and tenure. Normally, a person will have served the University for a long period in order to be appointed to emeritus status. The nomination of the faculty of law will be given to the Dean, forwarded to the Provost, and then to the President. The Dean and the Provost may make their own recommendations. Emeritus status may be conferred only by the Board of Regents, and then only upon recommendation by the President. (See Section I.G.1., Emeritus Faculty.)

D. JOINT APPOINTMENTS

1. All proposed joint faculty appointments will be clearly articulated as such in writing by the cooperating departments with the written terms of the appointments stated as specifically as possible prior to the appointments. In addition to the usual contractual terms, joint-appointment terms should include:
 - a. the subject areas or disciplines in which the appointee is to teach;
 - b. the percentage of instructional time the appointee will be expected to devote to each subject area or discipline;
 - c. a clear statement of other duties to be performed for the programs in question, if duties other than instructional are to be performed; and
 - d. the department of primary support and accountability in matters of budget, but with the stipulation that each department will conduct a separate performance review and will provide for a separate reappointment, promotion, and tenure review.

2. For purposes of administrative support and accountability, the appointee will be housed in and counted on the roll of one department, which will be known as the academic unit of primary appointment. Each department will conduct a separate performance evaluation and will provide for a separate reappointment, promotion, and tenure review.
3. Joint appointments do not preclude the appointee's participation on reappointment, promotion, and tenure committees for any of the departments of appointment in which the appointed holds appropriate rank.
4. The department chairs, in accordance with departmental and other University policies, will conscientiously contribute to performance reviews of the appointee and to the recommendations resulting from the reviews with regard to retention, salary increases, promotion, and tenure.
5. It will be the responsibilities of the dean(s) in whose academic college(s) an appointment is to be made to monitor carefully the department procedures in the articulation, advertisement, recruitment, and appointment of all joint-appointment positions and in work assignments, evaluations, and professional recommendations of all joint appointees.

IV. EVALUATION

A. APPLICABILITY

The criteria and procedures set forth in this section of Part One apply to reappointment (see Section V., Reappointment), promotion (see Section VI., Promotion), and to tenure (see Section VII., Tenure). The criteria set forth in this section of Part One also apply to performance review (see Section IX., Performance Review).

B. CRITERIA

In making the evaluations required for reappointment, promotion, tenure, and performance-review decisions, three major categories of professional responsibility are to be used: teaching effectiveness, scholarly and creative activity, and institutional and public service. As is appropriate for a University committed primarily to undergraduate instruction, the major emphasis in evaluation of faculty at the College of Law is placed on classroom teaching effectiveness. The other fundamental category--scholarly and creative activity--shows a faculty member's commitment to professional growth and to remaining current in his/her field. The category of institutional and public service completes the basic requirements of faculty performance in contributing to the accomplishment of the College of Law, and University objectives.

It is the responsibility of every faculty member to know the various policies of the College of Law and the University, as set forth in this Handbook or as otherwise published. A failure to comply with a written College of Law or University policy that has resulted in disciplinary sanction of the faculty member may constitute unprofessional conduct and consequently may be relevant to evaluations related to reappointment, promotion, and tenure, or to performance review.

1. TEACHING EFFECTIVENESS

Evidence of teaching effectiveness must include all written peer evaluations and all statistical summaries of student evaluations and may include any one or more of the following (not listed in order of priority):

- a. course syllabi, including systematic organization of appropriate materials for presentation and communication to students of course objectives, plan of study, and means of student performance evaluation;
- b. presentations, whether by lecture, discussion, recitation, demonstration, [laboratory exercise,] practical experience or simulation, consultation, field trips, computer-assisted instruction or exercises, or other instruction methods;

- c. assessment procedures, such as tests, research and drafting exercises, grading practices, and student performance;
- d. fulfillment of professional responsibility, such as meeting classes in a timely manner, returning materials in a timely fashion, supervising students, treating students in a fair, impartial and professional manner;
- e. extent to which students are stimulated to develop critical and creative abilities and intellectual curiosity by such means as independent study, research projects, or student performances;
- f. textbooks, workbooks, manuals, software, tapes, slides, other print and non-print learning resources used for instruction;
- g. original teaching materials, including supplements, developed for classroom use;
- h. direction of internships and externships;
- i. grant writing for instructional activities;
- j. incorporation of new ideas, techniques, technology, and learning labs, etc., into new or existing courses; and
- k. written comments on student evaluations, if comments for individual courses are submitted by the faculty member, must be included in their entirety.

2. SCHOLARLY ACTIVITY

The College of Law is committed to the promotion of quality scholarship by its faculty members. Quality scholarship contributes to a faculty member's knowledge and to effectiveness of classroom teaching. The publication and dissemination of quality scholarship extends the reach of a faculty member's teaching to the profession and to the public. The benefits of the production of quality scholarship redound not only to the individual faculty member, but also to the law school, the university, and the community. For these reasons, a demonstrated record of rigorous analysis and continuing commitment to quality scholarly productivity throughout a faculty member's academic career is the goal of this policy.

a. Definitions

i. Quality Scholarship

Quality scholarship requires rigorous analysis, and thus must go beyond primarily descriptive information (i.e., what cases, statutes, regulations, or a body of literature say). The factors indicating quality scholarship include:

- a. The quality of the research and analysis. A significant publication demonstrates authoritative command of the chosen topic, familiarity with pertinent authorities, and careful evaluation of the authorities and issues.
- b. The originality and scope of the thought presented in the scholarship and the contribution to the field it covers.
- c. The scope of the chosen topic. A significant treatment of a narrow topic usually will be more detailed or contain deeper or more incisive analysis than might be required for a significant treatment of a broader topic.
- d. Reputation of the publisher.
- e. Impact. Among the indicia of a publication's impact are academics', judges, practitioners', or other professionals' use of the publication, frequency of citation, the publication's contribution to the candidate's reputation for scholarship, and its positive reception by an informed audience.
- f. National or international scope.

Although the quality, as opposed to the quantity, of a candidate's work is the most important factor in evaluating scholarship, suitable length of a law journal or article is normally a minimum of 30 printed pages, or 50 double-spaced, typewritten pages, often with significant footnote annotation.

ii. Qualifying Scholarship

A faculty member's record for scholarship is expected to consist of quality scholarship of suitable length and complexity in one or more of the following categories:

- (1) Articles in student-edited or peer-edited legal journals;
- (2) Original scholarly books and supplements or chapters thereof in the legal field;
- (3) Book reviews;
- (4) Articles published in non-legal periodicals circulated primarily within the legal profession; and

- (5) Drafting of official or unofficial explanations, comments, or descriptions of law reform proposals or statutory texts.

- iii. Co-Authored Scholarship

Co-authored quality scholarship of significant length and complexity meets the definition of qualifying scholarship.

A faculty member who has produced co-authored scholarship in one (or more) of the above categories must submit a signed memorandum to the Dean stating what percentage of that scholarship is attributable to the faculty member.

- iv. Publication

“Publication” in the case of categories ii(1)-(4) above includes manuscripts for which the candidate has received a written commitment for publication, as well as those already published. In the case of invited scholarship (*e.g.*, in symposia, *etc.*) “publication” occurs after the invitation has been made and the manuscript has been submitted. In the case of category ii(5) above, publication occurs upon dissemination of a draft among a group of practitioners, government officials or scholars seeking to ultimately distribute the work more broadly.

- v. Published

“Published” includes acceptance for future publication.

- vi. Student-edited Journal

A student-edited journal is a legal journal published by a U.S. accredited law school or its equivalent.

- vii. Peer-edited Journal

A peer-edited journal is a legal publication of which the editors are primarily lawyers or academics devoted to the study of law.

- b. Generally, non-tenured faculty members will be expected to have published and/or accepted for publication, three individually authored law review articles or the equivalent thereof of suitable length and quality, one for promotion to Associate Professor, and a total of three for promotion to full professor and grant of tenure. Scholarship considered for such promotions must conform with the recommendations adopted by the faculty on April 23, 2009.

3. INSTITUTIONAL AND PUBLIC SERVICE

Generally, faculty members may determine for themselves the type and extent of their service. However, certain forms of service must be performed by all faculty members: effective participation on College of Law committees; attendance at essential College of Law functions; required advising of students.

Within the qualifications noted above evidence of institutional and public service should be broadly defined and may include, but is not limited to, the quality of the following (unprioritized) items:

- a. service on College of Law or University committees, councils, senates; service on or advice to local, state, national, international or foreign governmental boards, agencies, or commissions; service on or advice to local, state, national, international or foreign professional organizations or committees or task forces thereof; service or advice to business, industry or labor or to private citizens as a technical expert or legal advisor; service as organizer or director of seminars, workshops, CLE programs or other conferences;
- b. participation in meetings, symposia, conferences, workshops and CLE programs; development and presentation of materials for public awareness through radio and television;
- c. direction of or advising professional associations, clubs and other organizations;
- d. advising student organizations and facilitating student events and activities;
- e. grants written for institutional or public service activities;
- f. academic and non-academic advising of prospective students, students and graduates, including assistance in preparation for the professional responsibility exam or bar exam;
- g. College of Law service other than on College of Law committees;
- h. editing professional journals;
- i. pro bono representation of clients, including preparation of memoranda of law and legal briefs;
- j. attendance at other College of Law functions;

- k. participation in local regional, national, or international religious or political organizations.

4. SPECIAL FACTORS: LEGAL RESEARCH AND WRITING POSITION

If tenure is conferred upon a person holding rank as a teacher of Legal Research and Writing at the College of Law, the contract between that person and the University which confers tenure shall contain a provision stating that such person's tenure is specific to teaching Legal Research and Writing at the College of Law. A person occupying a tenure-track Legal Research and Writing position shall have no right to make a lateral move from a Legal Research and Writing position into a non-Legal Research and Writing Law Faculty position. Such person may apply for a non-Legal Research and Writing Law Faculty vacancy by going through the Faculty Appointments process the same as any outside candidate. If a person holding a Legal Research and Writing position is approved by the Faculty and hired into a non-Legal Research and Writing Law Faculty position, that person shall be subject to all of the procedures and standards required for appointment, reappointment, promotion, and tenure required of a non-Legal Research and Writing Law Faculty appointee.

The reappointment, promotion, and tenure criteria used for law faculty shall apply to a person holding an appointment as a Legal Research and Writing teacher except as modified below:

- a. Because of the special time-intensive nature of teaching Legal Research and Writing, the primary basis for evaluation will be Quality of Teaching. A strong performance in the area of teaching effectiveness is mandatory. It is recognized that substantially more of the effective teaching of Legal Research and Writing will occur outside the classroom environment than in the teaching of other courses in the law school curriculum.
- b. Published scholarship may be different than that expected of a regular law teaching faculty member, e.g., focused on the area of teaching Legal Research and Writing, although it is not required to be. The quality and value of scholarly and creative activity, not the number of such activities, shall influence tenure and promotion recommendations for Legal Research and Writing faculty.
- c. In the area of Service, again, the quality and value of such activity, not the number of such activities, shall influence tenure and promotion recommendations for Legal Research and Writing faculty.
- d. Future promise is an important factor in evaluation of all faculty members. New, inexperienced faculty members should not be expected to excel in all areas at once. The first duty is to become an effective teacher. Therefore, this criterion may be of special importance in early evaluations.

5. SPECIAL FACTORS: ASSOCIATE DEAN FOR LAW LIBRARY SERVICES AND INFORMATION TECHNOLOGY

Ordinarily, the Associate Dean for Law Library Services and Information Technology will be a faculty member either with tenure or on a tenure track. This person is a specialist in two fields, performing as an educator specializing in library science.

If tenure is conferred upon the Associate Dean for Law Library Services and Information Technology, the contract between that person and the University which confers tenure shall contain a provision stating that such person cannot resign as the Associate Dean and retain the professorship with tenure unless, at the time of such recommendation, the tenured faculty shall vote to recommend the continuation of such tenured professorship, and the Dean, the Provost, the President, and the Board of Regents shall all accept that recommendation.

The tenure and promotion criteria used for law faculty should apply to the Associate Dean for Law Library Services and Information Technology except as modified below:

- a. In recognition of the fact that the Associate Dean for Law Library Services and Information Technology is hired in that position and not in a teaching position, the following factors shall replace the teaching component of the normal criteria: skills and performance as such Associate Dean, including effectiveness as a supervisor and administrator, design and maintenance of the Law Library collection, provision of services and resources for the law school and university communities, provision of classroom and curriculum support for faculty and students, training professional and para-professional staff who will provide these services, working with faculty and staff to see that research support for courses is adequate and timely, assistance to faculty in keeping up to date in their fields, exercise of creativity and imagination in the performance of these duties, and whatever other factors may be pertinent; and
- b. If the Associate Dean for Law Library Services and Information Technology does teach courses, the usual teaching criteria shall apply; and
- c. Scholarly and creative activity and performance which may be in the area of law librarianship. Published scholarship may be different than that expected of a regular law teaching faculty member, e.g., focused on the area of teaching Legal Research and Writing, although it is not required to be. The quality and value of scholarly and creative activity, not the number of such activities, shall influence tenure and promotion recommendations for the Associate Dean for Law Library Services and Information Technology.

C. PROCEDURES FOR DECISIONS ON RETENTION, PROMOTION AND TENURE

All persons involved in evaluation of faculty shall consider all information received as confidential unless disclosure is required by law. No disclosures shall be made to any person outside the evaluation process without the applicant's express permission unless required by law. The procedures set forth herein apply to applications for reappointment, promotion, and tenure. An applicant may request one or more actions.

1. TIME SCHEDULE

The Provost will issue a calendar that lists deadlines for the various steps in the evaluation process for the coming academic year. These deadlines shall conform to the deadlines set forth in this Handbook. This calendar will be included with each faculty appointment form for the coming academic year.

2. INITIATION OF REQUEST

The faculty member is responsible for initiating consideration by applying for reappointment, promotion, tenure, or a combination of them, supported by full documentation. A full-time administrator with academic rank may apply for tenure or promotion supported by documentation. The Provost will distribute with the calendar specific guidelines for full documentation. Information considered by the reappointment, promotion, and tenure committee must include, but may not be limited to, the faculty member's submissions. Performance reviews as defined in IX may be submitted to the committee at the faculty member's discretion. The faculty member shall include all student and peer evaluations and a list of all published articles, scholarly and creative activities.

All materials supporting a request for reappointment, promotion and/or grant of tenure must be included in the materials submitted to the Committee. Additional materials may be added up to the deadline for submission set by the Provost, and new materials may not be added after the deadline, except that faculty members in their first year of a tenure-track appointment who apply for reappointment, promotion or grant of tenure may add their fall semester compiled student evaluations and comments to the submitted materials after the deadline, but no later than 5:00 PM of the day prior to the date set for the meeting of the Tenured Faculty; earlier submission is encouraged. Material already in existence on the date of the deadline set by the Provost but inadvertently omitted from the materials in support of the request may be added to the materials submitted in support of the request no later than 5:00 PM of the date prior to the meeting of the Retention, Promotion and Tenure Committee at which the request will be considered and acted upon.

3. DEPARTMENTAL COMMITTEE

The College of Law teaching faculty and Law Library Faculty shall have separate reappointment, promotion and tenure committees, each consisting of at least five faculty members. Each committee shall be appointed by the Dean of the College of Law, who shall also appoint the Chair of each Committee. If the College of Law teaching faculty has five (5) or more full-time tenured members in the case of a tenure committee or five (5) or more members of appropriate rank in the case of a promotion committee, then the committee shall be formed from faculty within the College of Law teaching faculty. If the Law Library Faculty has five (5) or more full time tenured faculty members in the case of a tenure committee or five (5) or more members of appropriate rank in the case of a promotion committee, then the committee shall be formed from faculty within the Law Library Faculty. For the teaching faculty, in case there are fewer than five tenured faculty in the case of a tenure committee, or fewer than five full-time members of the teaching faculty of appropriate rank in the case of a promotion committee, the Dean, in consultation with the faculty, shall appoint a tenured faculty member of appropriate rank from another department to fill out the committee membership. In choosing members from other departments, preference shall be given to faculty with an affinity to the College of Law. For the law library faculty, at least four members of the committee shall be either members of the law library faculty or members of the law school teaching faculty, if possible, with preference to law library faculty, and one member may be a member of the library faculty of the Steely Library. Faculty of other departments may also be appointed, if needed, in consultation with the law library faculty. Upon agreement of the other committee members, the Dean, the Associate Dean for Law Library Services and Information Technology, and the faculty candidate, faculty of suitable rank and tenure external to the University may serve on the appropriate committee. The Dean shall not be a member of either committee, although she/he may meet with the committees for consultation. The Associate Dean for Law Library Services and Information Technology shall not be a member of the law library promotion and tenure committee although she/he may meet with the committee for consultation.

A quorum of a reappointment, promotion and tenure committee shall be four-fifths (4/5) of its members; a quorum is required in order for the committee to act. Each member shall have one vote; each member is expected to vote on each matter before the committee. A tie vote must be reconsidered. If there is a final tie vote, the person will not be recommended for reappointment, promotion, or tenure. The reasons for the recommendation, whether positive or negative, shall be included in the written recommendation.

In each case, the recommendation(s) of the committee shall be reported: in the case of teaching faculty, to the full tenured faculty, and in the case of law library faculty, to the Associate Dean for Law Library Services and Information Technology. The reasons for the recommendation(s), whether positive or negative, shall be reported in writing.

In the case of a teaching faculty member, the full tenured faculty shall meet, consider the recommendation(s) of the committee, and then vote its recommendation(s). All tenured faculty members are to be familiar with the applicant's file. A tie vote must be reconsidered. If there is a final tie vote, the person will not be recommended for reappointment, promotion, or tenure. The final vote of the tenured faculty shall be reported to the Dean.

The recommendation(s) of the tenured faculty shall be in writing. The reasons for the tenured faculty's recommendation(s), whether positive or negative, shall be included in the written recommendation(s). The written recommendation(s) shall be given to the Dean and a copy to the faculty member. The faculty member's file shall also be delivered to the Associate Dean for Law Library Services and Information Technology and then the Dean, in the case of a law library faculty member, and to the Dean, in the case of a law faculty member.

The College of Law Dean serves the dual roles of department chair and Dean for teaching faculty. The Associate Dean for Law Library Services and Information Technology serves as department chair for law library faculty, and forwards the recommendations to the College of Law Dean.

4. PROMOTION

In addition to the requirements of Section IV.C.3, Departmental Committee, for consideration of requests for promotion, the departmental Reappointment, Promotion, and Tenure Committee shall be composed of full-time, tenured faculty of rank equal to or higher than the rank sought by the faculty member seeking promotion. Committee members outside the department or program may be chosen as set forth in Section IV.C.3., Departmental Committee.

5. CHAIR

After receipt of the tenured faculty recommendation(s) and the faculty member's file, the department chair (the Dean of the College of Law in the case of law faculty, the Associate Dean for Law Library Services and Information Technology in the case of law library faculty) shall make his/her recommendation to the

Provost (as to law teaching faculty, to the Dean of the College of Law as to Law Library's Reappointment, Promotion and Tenure Committee). The department chair may consult with the College of Law tenured faculty as to law teaching faculty (the law library Retention, Promotion and Tenure Committee as to law library faculty), but not with faculty members individually. The reasons for the department chair's recommendation, whether positive or negative, shall be included in the written recommendation. If the department chair agrees with the tenured faculty's decision(s) (the Reappointment, Promotion and Tenure

Committee as to the Law Library faculty) and its reasons, he/she must either sign its letter (drafted by the chair of the Reappointment, Promotion and Tenure Committee or the Law Library Reappointment, Promotion and Tenure Committee as is appropriate) or write a separate recommendation. The department chair must write a separate recommendation if he/she disagrees with the tenured faculty's recommendation(s). The department chair shall forward his/her recommendation(s), the Retention, Promotion and Tenure Committee's, the tenured faculty's or the Law Library Reappointment, Promotion and Tenure Committee's recommendation(s), and the faculty member's file to the Provost (to the Dean of the College of Law in the case of law library faculty where the Associate Dean for Law Library Services and Information Technology acts as department chair). A copy of his/her recommendation shall be given to the faculty member. The department chair shall notify the tenured faculty or the Law Library Reappointment, Promotion and Tenure Committee of his/her decision.

6. DEAN

After receipt of the department chair's recommendation(s) as to a law library faculty member, the Law Library Reappointment, Promotion and Tenure Committee's recommendation and the law library faculty member's file, the Dean of the College of Law shall make his/her recommendation to the Provost in writing. The reasons for the Dean's recommendation(s), whether positive or negative, shall be included in the written recommendation. If the Law Library Reappointment, Promotion and Tenure Committee and the department chair agree, the Dean must either sign their letter or write a separate recommendation. If the Law Library Reappointment, Promotion and Tenure Committee and the department chair (the Associate Dean for Law Library Services and Information Technology) disagree, or have written separate letters, the Dean may sign either of their letters or may write a separate recommendation. The Dean may consult with the Law Library Reappointment, Promotion and Tenure Committee and/or the department chair prior to making his/her recommendation, but not with law library tenured faculty members individually. The Dean shall forward his/her recommendation(s), the department chair's recommendation(s), the Law Library Reappointment, Promotion and Tenure Committee's recommendation(s), and the law library faculty member's file to the Provost. A copy of the Dean's recommendation(s) shall be given to the faculty member. The Dean shall notify the Law Library Reappointment, Promotion and Tenure Committee and the department chair of his/her recommendation(s).

7. PROVOST

a. Law teaching faculty

In the case of law teaching faculty, the following shall occur.

After receipt of the Dean's recommendation, the tenured faculty's recommendation, the Reappointment, Promotion and Tenure Committee's recommendation, and the faculty member's file, the Provost shall make his/her written recommendation(s) to the President. The reasons for the Provost's recommendation(s), whether positive or negative, shall be included in the written recommendation(s). If the Committee, the tenured faculty, and the Dean agree, the Provost must either sign their letter or write his/her separate recommendation(s). If the Reappointment, Promotion and Tenure Committee, the tenured faculty, and the Dean disagree, or have written separate letters, the Provost must either sign one of their letters or write his/her separate recommendation(s). The Provost may consult with the Reappointment, Promotion and Tenure Committee, the tenured faculty, the Dean, or with any combination of them, but not with the Reappointment, Promotion and Tenure Committee members or tenured faculty members individually. A copy of the Provost's recommendation(s) shall be given to the faculty member. The Provost shall inform the Dean, the tenured faculty, and the Reappointment, Promotion and Tenure Committee of his/her recommendation(s).

b. Law library faculty

In the case of law library faculty, the following shall occur.

After receipt of the Dean's recommendation(s), the Associate Dean for Law Library Services and Information Technology's recommendation(s), the Law Library Reappointment, Promotion and Tenure Committee's recommendation(s), and the faculty member's file, the Provost shall make his/her written recommendation(s) to the President. The reasons for the Provost's recommendation(s), whether positive or negative, shall be included in his/her written recommendation(s). If the Committee, the Associate Dean, and the Dean agree, the Provost must either sign their letter or write his/her separate recommendation(s). If the Committee, the Associate Dean, and the Dean disagree, or have written his/her separate letters, the Provost must either sign one of their letters or write his/her separate recommendation(s). The Provost may consult with the Committee, the Associate Dean, the Dean, or with any combination of them, but not with Committee members individually. A copy of the Provost's recommendation(s) shall be given to the faculty member. The Provost shall inform the Dean, the Associate Dean, and the Committee of his/her recommendation(s).

8. PRESIDENT

The President will forward the Provost's recommendation to the Board of Regents.

9. BOARD OF REGENTS

Reappointment, promotion, and tenure may be granted only by the Board of Regents, and then only upon the recommendation forwarded by the President of the University. The Board shall act in accordance with statutory requirements and the By Laws of the Board of Regents.

10. NEGATIVE RECOMMENDATION

When a negative recommendation is first made, the faculty member shall be informed, in writing, of all appeal rights. This notice shall be given at the same time as the written recommendation by the tenured faculty or by the person who first makes a negative recommendation. Notice need not be given again if a negative recommendation is later made at a higher level.

11. NOTICE OF NON-REAPPOINTMENT

Notice of non-reappointment of a probationary contract must be in writing, by the Provost, and given:

- a. not later than March 1 of the first academic year of service;
- b. not later than December 15 of the second academic year of service;
- c. at least twelve (12) months before the expiration of an appointment after two or more years of service at the University.

12. TIME

Unless otherwise specified in these procedures, whenever any recommendation or notice is to be given or conveyed, it shall be given or conveyed within fifteen (15) University working days of receipt of the file by the person who is to take action, except that the action shall be taken within ten (10) University working days for the evaluation of probationary faculty in the first academic year of service.

13. FORMAL RECONSIDERATION

In the case of a negative recommendation concerning reappointment, promotion, tenure, or any combination of them, or in the case of continued probation with conditions to be removed, the faculty member has the right to a formal reconsideration only at the level of the initial negative recommendation. An "initial" negative recommendation is defined as the first negative recommendation given for a particular reason. If a negative recommendation is later given at a higher level for a different reason, it shall be considered an initial negative recommendation for the purpose of formal reconsideration.

Only material that existed prior to the submission date but that was omitted from the information submitted in support of the application may be considered as the basis for formal reconsideration.

In order to exercise this right, the affected faculty member must request the reconsideration in writing, with the omitted materials attached, within ten (10) University working days of receipt of notification of the negative recommendation. Upon receipt of such a request for reconsideration, the tenured faculty or the person who made the initial negative recommendation shall complete the reconsideration within ten (10) University working days and shall notify the faculty member, in writing, of the decision reached.

During such a reconsideration, the calendar for the recommendation is extended, and the next level of recommendation shall not consider the faculty member's application until reconsideration is completed. Once the decision regarding formal reconsideration is reached, the process shall continue at the next level.

14. APPEAL PROCEDURE

In the event the Provost makes a negative recommendation on an application for reappointment, promotion, tenure, or any combination of them, the applicant may appeal to the peer review committees using the procedures set forth in Section XV., Grievances. In order to exercise this right, the applicant must make his/her written request to the Provost, with a copy to the committee, within fifteen (15) University working days of receipt of the notice from the Provost. The applicant must follow all procedures set forth in Section XV., Grievances.

15. WITHDRAWAL OF APPEAL

A faculty member may withdraw an appeal at any time by request in writing. In that event, no further action may be taken concerning the appeal. In the case of denial of mandatory tenure, if an appeal from a negative recommendation or decision is withdrawn prior to a decision on the appeal, tenure cannot be recommended.

V. REAPPOINTMENT

A. ELIGIBILITY

A person who is making satisfactory progress toward grant of tenure is eligible for reappointment. A person who is making less than satisfactory progress toward grant of tenure may be terminated or may be reappointed to continued probation with conditions to be removed.

B. QUALIFICATION

A person seeking reappointment must present evidence of satisfactory progress in teaching effectiveness, scholarly and creative activity, and institutional and public service consistent with Section IV, Evaluation, of this Handbook.

C. PROCEDURES

The criteria and procedures in Section IV, Evaluation, apply to applications for reappointment.

VI. PROMOTION

A. QUALIFICATIONS

In order to be promoted to a particular rank the person seeking promotion must meet the requirements set forth in the sections that follow. In evaluating teaching effectiveness or job performance for law librarians, scholarly and creative activity, and institutional and public service, the criteria established in Section IV, Evaluation, and Section VIII, Law Librarians shall be applied.

1. TEACHING FACULTY

a. Promotion to Associate Professor

A candidate for promotion to associate professor must hold an LL.B., J.D., or equivalent degree(s), and must, in order of importance, be judged effective in each of the following areas, as shown by appropriate evidence: in teaching; in continuing scholarly and creative activity; in continuing institutional and public service.

b. Promotion to Professor

A candidate for promotion to professor must have the LL.B., J.D. or equivalent degree(s), and must, in order of importance, be judged very effective, in each of the following areas, as shown by appropriate evidence: in teaching; in continuing high quality scholarly and creative activity; and in continuing significant institutional and public service.

Promotion to the rank of Professor within the College of Law is normally accompanied by the granting of tenure.

2. LAW LIBRARIANS

a. Promotion to Assistant Professor

A person who is appointed as instructor and who completes the appropriate terminal degree as set forth in the initial contract of appointment and who is making satisfactory progress toward grant of tenure may be promoted to assistant professor effective with the next academic year. (See Section VIII.E.2., Assistant Professor.)

b. Promotion to Associate Professor

A candidate for promotion to associate professor must hold an appropriate terminal degree, and must, in order of importance, be judged effective, as shown by appropriate evidence, in job performance, in continuing

scholarly and creative activity, and in continuing institutional and public service.

c. Promotion to Professor

A candidate for promotion to professor must hold the appropriate terminal degree. In order of importance, the candidate must be judged very effective (as shown by appropriate evidence) in job performance, in continuing high quality scholarly and creative activity, and in continuing significant institutional and public service, and must have attained professional recognition in the library field.

B. CRITERIA AND PROCEDURES

The criteria and procedures specified in Section IV, Evaluation and Section VIII for Law Librarians, apply to applications for promotion.

VII. TENURE

A. DEFINITION OF TENURE

Tenure is the right of full-time faculty who hold academic rank to continuous full-time employment with the University without reduction in academic rank until separation from the University as defined in Section XI., Separation, of this Handbook, including such forms of separation as resignation, retirement, medical termination, program reduction, financial exigency, and termination for cause.

B. GRANT OF TENURE

Tenure at Northern Kentucky University is granted in accordance with the provisions of the laws of the Commonwealth of Kentucky and the By Laws of the Board of Regents and is normally granted after satisfactory progress during an appropriate probationary period. Tenure may be granted only by the Board of Regents. Tenure is granted in the department(s) to which the faculty member or administrator is assigned at the time tenure is granted, and can be granted only after formal review by that department's Reappointment, Promotion and Tenure committee as specified in Section IV.C.3., below.

C. PURPOSE OF TENURE

The Board of Regents of Northern Kentucky University grants tenure to full-time faculty members in order to:

1. create an atmosphere favorable to academic freedom and responsibility;
2. provide faculty members reasonable expectation of security so that the University is able to attract and retain a competent faculty; and
3. promote institutional stability by creating a faculty with a strong, long-term commitment to the University.

D. ELIGIBILITY

Unless tenure is received with an initial appointment, only full-time, tenure-track faculty who hold probationary appointments are eligible to receive tenure. Non-tenure-track faculty are not eligible to receive tenure.

E. CRITERIA FOR TENURE DECISIONS

LAW TEACHING FACULTY

In order to be eligible for tenure, the law faculty member must hold the L.B., J.D., or equivalent degree(s), and must, in order of importance, be judged very effective, in each of the following areas, as shown by appropriate evidence: in teaching; in scholarly and

creative activity; and in institutional and public service. The criteria set forth in Section IV, Evaluation, shall be applied to applications for grant of tenure.

LAW LIBRARY FACULTY

In order to be eligible for tenure, the law library faculty member must hold the appropriate terminal degree or its equivalent, and must be judged effective in the following areas: in job performance; in scholarly and creative activity; in institutional and public service. The criteria set forth in Section IV, Evaluation, and Section VIII Appointment, Reappointment, Promotion and Tenure For Librarians shall be applied to applications for grant of tenure.)

F. PROCEDURE

The procedures specified in Section IV, Evaluation, apply to applications for grant of tenure.

G. TIME

Normally a faculty member will be considered for grant of tenure during the faculty member's sixth year of probationary appointment, including University-recognized credit for prior service, upon the faculty member's application. A faculty member may request grant of tenure in an earlier year, but only faculty of extraordinary merit may be approved for early grant of tenure. Denial of early tenure is not a basis for non-reappointment.

Promotion to the rank of Professor within the College of Law is normally accompanied by the granting of tenure.

H. DENIAL OF GRANT OF TENURE

A faculty member who is not granted tenure during the sixth year of probationary appointment, including University-recognized credit for prior service, will receive a one-year terminal contract.

VIII. LAW LIBRARIANS

A. DISTINCT RESPONSIBILITIES

Law librarians have responsibilities different from those of other law faculty; they work on twelve-month contracts and devote specified hours each week to their professional assignments in the law library. Therefore, certain modifications have been made in criteria used in evaluation for reappointment, promotion, and tenure.

Full-time, tenured and tenure-track, law library faculty shall have the right to vote in faculty meetings of the College of Law on all issues affecting the library or library faculty in their capacity as librarians and on personnel matters affecting them as faculty members of the University generally. In preparing the agenda for faculty meetings, the Dean shall designate, in his discretion, those agenda items on which such law library faculty may vote.

B. DEFINITIONS OF FACULTY STATUS AND RANK

Law librarians at the College of Law have faculty status and rank. (See Section 1.F. Librarians). The master's degree in library science is the appropriate terminal degree and is necessary for appointment to a law library faculty position.

1. FULL-TIME, TENURE-TRACK FACULTY

Full-time, tenure track law library faculty are probationary or tenured faculty who hold the academic rank of instructor, assistant professor, associate professor, or professor, and who devote specified hours each week to their professional assignments in the law library. The Associate Dean for Law Library Services and Information Technology, who functions as Department Chair, holds faculty status as a full-time tenure-track faculty. Reassigned time does not remove a person from full-time tenure-track faculty status.

2. FULL-TIME, NON-TENURE-TRACK, RENEWABLE FACULTY

Full-time, non-tenure-track renewable faculty hold the rank of lecturer and perform full-time duties as stipulated by the College of Law in their appointment form, but they are not appointed to a probationary or tenured position. At no point will appointees to these positions accrue time toward tenure.

Faculty holding a non-tenure-track, renewable appointment are generally appointed on a year-by-year basis following performance review. The performance review process is on the normal schedule, based upon duties as stipulated in the appointment form. Notification of non-renewal of appointment must be made to the faculty member by March 31. Faculty holding non-tenure-

track, renewable appointments are employed as the result of an internal or external search process.

Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook by the Board of Regents shall retain that rank. After the adoption of this Handbook by the Board of Regents, non-tenure-track, renewable faculty shall hold only the rank of lecturer for the entire length of their appointment.

3. FULL-TIME, NON-TENURE-TRACK, TEMPORARY FACULTY

Full-time, non-tenure-track, temporary faculty hold the rank appropriate to their credentials and experience. Normally the appointment rank will be lecturer, adjunct professor, or visiting professor. Temporary faculty will perform full-time duties as stipulated by the Associate Dean for Law Library Services and Information Technology and approved by the Dean and the Provost, but they are not appointed to a probationary or tenured position. At no point will appointees to these positions accrue time toward tenure.

Faculty holding a non-tenure-track, temporary appointment are appointed on a one-year basis. A temporary position appointment may be made as a result of consultation between the Associate Dean for Law Library Services and Information Technology and the Dean, with approval of the Provost. Temporary appointments are one-year, temporary, terminal appointments that can be repeated for a maximum of three (3) years. No additional notice of non-renewal of appointment is necessary.

Non-tenure-track, temporary faculty are provided with Social Security contributions by the University. In addition, health insurance is provided by the University if the appointment is full-time for the complete academic year.

4. PART-TIME FACULTY

The part-time law library faculty workload is determined by the department. The part-time law library faculty may not be appointed to probationary or tenured positions.

C. POLICIES AND PROCEDURES

The policies and procedures for law faculty presented in Part One of this Handbook apply to law librarians as modified in this Section VIII. Effective performance on the job replaces the teaching effectiveness category. The Chase Law Library is considered to be a department with regard to implementation of the reappointment, promotion, and tenure process. The Associate Dean for Law Library Services and Information Technology of the Chase Law Library serves as a department chair. The Associate Dean for Law

Library Services and Information Technology of the Chase Law Library will forward reappointment, promotion, and tenure recommendations to the Dean who then forwards the recommendations to the Provost.

D. RANKS FOR LAW LIBRARIANS

Library faculty may be appointed to these ranks:

Instructor of Library Services,
Assistant Professor of Library Services,
Associate Professor of Library Services,
Professor of Library Services, or
Lecturer.

E. QUALIFICATIONS FOR APPOINTMENT TO RANK

The initial appointment of faculty shall be at the rank appropriate for the qualifications presented. These qualifications apply to promotion in rank.

1. INSTRUCTOR

An instructor holds the minimum of a master's degree (or equivalent, as determined by factors such as work experience, publications, and national or regional reputation in the field). An instructor shows potential for competent teaching or effective performance on the job, scholarly activity, and institutional and public service activity relevant to his/her educational or professional background and specified contractual obligations. An instructor who receives an appropriate terminal degree may apply for promotion to assistant professor. Non-tenure-track, renewable faculty holding the rank of instructor before the adoption of this Handbook by the Board of Regents shall retain that rank, but may not apply for promotion to assistant professor.

2. ASSISTANT PROFESSOR

An assistant professor holds an appropriate terminal degree (or the equivalent, as determined by such factors as work experience, publications, and national or regional reputation in the field). A person may be appointed as an assistant professor without holding the appropriated terminal degree or its equivalent, but if the terminal degree is required, it must be earned within the time stipulated in the initial contract of appointment. If an appropriate terminal degree is not received within the time set forth in the initial contract, the appointment at this rank will terminate. An assistant professor has demonstrated potential competence as a librarian and potential for scholarly and creative activity and institutional and public service activity.

3. ASSOCIATE PROFESSOR

An associate professor holds all the qualifications of an assistant professor and has been judged effective: as a librarian; in scholarly and creative activity; and in institutional and public service activity. These criteria are listed in order of importance.

4. PROFESSOR

A professor holds all the qualifications of an associate professor and is recognized as a very effective librarian; has a record of high-quality scholarly and creative activity; has demonstrated significant institutional and public service activity; and has attained professional recognition in the library field. These criteria are listed in order of importance.

5. LECTURER

A lecturer is professionally qualified appointee whose services are contracted primarily for teaching or some other area of library responsibility. Lecturer positions shall be non-tenure-track and non-tenure-earning. Lecturers are not eligible for membership in the Faculty Senate or for sabbatical leaves, faculty summer fellowships, or faculty project grants, but they may be eligible for University retirement under the terms of the appointment form. Lecturers with full-time appointments are eligible for participation in any appropriate University group insurance plans/benefits. Voting privileges within the law library faculty may be extended to a lecturer.

F. CRITERIA FOR REAPPOINTMENT, PROMOTION, AND TENURE

Librarians are evaluated for reappointment, promotion, and tenure on the basis of a continuing record of achievement and evidence of professional development. A strong record of effective job performance is mandatory and of primary importance. It is expected that librarians will also meet the standards of scholarly and creative activity, and institutional and public service. For librarians, scholarly and creative activity may also include activity in education, e.g., offering formal classroom instruction, conducting workshops, conferences, or other informal educational activities; consultation; and professional committee work.

1. CRITERIA FOR EFFECTIVE PERFORMANCE

Effective performance requires:

- a. meeting the responsibilities of the assigned position successfully and effectively;

- b. demonstrated successful job performance in:
 - i. innovation and initiative;
 - ii. ability to determine and assign work priorities and/or staff duties;
 - iii. ability to handle increased and new responsibilities; and
- c. integrating the area of responsibility with the library as a whole by showing:
 - i. understanding of overall library operations;
 - ii. commitment to the library's goals of education and service;
 - iii. knowledge of new developments in library science and technology; and
 - iv. willingness to use suggestions, criticism, and evaluations to improve performance.
- d. It is the responsibility of every law librarian with faculty rank to know the various policies of the Chase College of Law, as set forth in this Handbook or as otherwise published. A failure to comply with a written Chase College of Law policy that has resulted in disciplinary sanction of the law library faculty member may constitute unprofessional conduct and consequently may be relevant to evaluations related to reappointment, promotion, and tenure, or to performance review.

2. SCHOLARLY AND CREATIVE ACTIVITY

Evidence of creative and scholarly activity may include, but is not limited to, the quality of the following (unprioritized) items:

- a. publications, including books, monographs, articles, maps, bibliographies, indexes, catalogs, textbooks, and papers in professional journals, production or direction of non-print media work: reports to federal, state, or local agencies; cases;
- b. production of film and videotaped materials related to the library or the law profession.
- c. presentations of papers, cases, and media productions at professional and other scholarly meetings; discussant and panelist in scholarly meetings and juried shows;
- d. editing and reviewing of books, articles, and monographs for publication in scholarly journals;
- e. participation in studies, programs, and creative activity supported by extramural funds; attendance at professional meetings and leadership in

- professional meetings and in professional societies and organizations;
- f. inventorship or co-inventorship leading to United States or other patents or both;
- g. scholarship applied to teaching: development of new courses and enhancement of existing ones through introduction of new curriculum or curricular materials that are a result of scholarly endeavors;
- h. invitations to conduct research, lecture or display works at other universities or research-oriented agencies; preparation of questions for professional examinations;
- i. grants written for research activity or creative projects;
- j. continued progress in current research or creativity not yet resulting in publication, presentation, performance, or display;
- k. depth and breadth of knowledge in one's discipline and demonstrated growth in this regard.

3. INSTITUTIONAL AND PUBLIC SERVICE

Evidence of institutional and public service may include, but it is not limited to, the quality of the following (unprioritized) items:

- a. service on departmental, college or University committees, councils, senates; to local, state, or national governmental boards, agencies, commissions; to business and industry or private citizens as technical expert or member of a policy advisory committee; as organizer/director of seminars, workshops, or other conferences.
- b. participation in meetings, symposia, conferences, workshops; development and presentation of materials for public awareness through radio and television;
- c. work with schools through contact with teachers, administrators, students; through participation in events such as science fairs, college-day programs, lectures, performance, in-service programs; through advice on curricular matters and pedagogy;
- d. direction of professional clubs and other organizations;
- e. advising student organizations and facilitating student events and activities;

- f. grants written for institutional or public service activities;
- g. collegiality in fostering development of collegiate and program goals;
- h. academic advising of students and prospective students;
- i. departmental service other than service on departmental committees.

IX. PERFORMANCE REVIEW

A. PURPOSE

The purpose of the annual performance review is to assess the quality of faculty performance during that year and to measure attainment of the goals and objectives set for the year. This process applies to full-time, tenure-track faculty and to full-time, non-tenure-track renewable faculty. (See Section I. C regarding applicability to renewable faculty.)

B. CRITERIA

The criteria set forth in Section IV.B., Criteria , as modified by Section VIII. F (Criteria for Reappointment, Promotion and Tenure) in the case of librarians, shall be the criteria upon which a performance review is based. Any judgment, by a chair or director or Dean, that the overall performance of a tenured faculty member is unsatisfactory for the review period will be based upon and consistent with the statement of expectations for adequate performance approved by the faculty member's department or program

C. PROCEDURES

Performance review occurs during the spring semester. The period evaluated is the prior January 1 through December 31 calendar year.

The Dean or department chair, in consultation with the department or program faculty, will set the date for the faculty member's performance review. The performance review should take place no later than April 1 and no earlier than one week after receipt by all faculty in a department or program of fall semester student evaluations. Prior to that date the faculty member will prepare a written statement of his/her performance, including a statement of goals and objectives for the coming year. The Dean or department chair will meet with the faculty member to discuss the performance, assess attainment of goals and objectives, and set goals and objectives for the coming year. The Dean or department chair will be responsible for preparing a document summarizing the performance evaluation, goals and objectives assessment, and goals and objectives set for the coming year. Both parties will sign the document to verify that the review has occurred. If differences of opinion exist, they shall make every effort to resolve them. If the content of the summary is unsatisfactory to the faculty member, the faculty member is responsible for providing a written addendum stating the difference(s) of opinion. All performance review documents, including the faculty member's original written performance statement, shall become a part of the faculty member's personnel file maintained in the College of Law; a copy must be given to the faculty member, to the Dean, and to the Provost.

The faculty member may use his/her copy of the performance review to support applications for reappointment, promotion, tenure, or any combination of them, or in grievance procedures. Otherwise, the chair or director, Dean, and Provost must keep the

contents confidential. In the event that a post-tenure review is triggered, the faculty member's annual performance review materials from the most recent reviews, including the Dean's or chairperson's own evaluation letters, will be made accessible to the P-TR committee and can be used in evaluating that individual's performance and must remain confidential.

If circumstances change during the year, the faculty member and chair or director may agree to amend the goals and objectives for that year.

D. APPEAL PROCEDURE

A faculty member convinced that misevaluation is damaging his/her professional status or advancement may pursue one of the complaint processes as set forth in Section XV., Grievances.

X. POST-TENURE REVIEW

A. PREAMBLE

Northern Kentucky University's Chase College of Law has two major procedures in place for the thorough review of faculty productivity both before and after the granting of tenure. All tenure-track faculty members, both tenured and untenured, undergo a comprehensive annual performance review conducted by the Dean of the College of Law (for law teaching faculty) or by the Associate Dean for Law Library Services and Information Technology (for law library faculty). That performance review includes an evaluation of the contributions of each faculty member in the areas of teaching effectiveness (or job performance for law library faculty), scholarly and creative activity, and institutional and public service. This review forms a basis for the individual's performance goals and recommended salary for the following year. The annual performance review is an important means by which faculty members at the College of Law are held accountable for their efforts in fulfilling the missions and goals of the College of Law, the University, and their own professional responsibilities.

The process of granting tenure includes additional careful annual reviews of untenured faculty. This culminates in an evaluation of the faculty member's performance as documented in a portfolio covering a period of up to six years. This tenure process includes evaluation of the faculty member's productivity by a series of evaluators including the Retention Promotion and Tenure Committees of the College of Law, the tenured faculty of the College of Law (as to law teaching faculty), the Associate Dean for Law Library Services and Information Technology as to law library faculty, the Dean of the College of Law, and the University Provost, with final approval by the Board of Regents. Each faculty member who is granted tenure should in turn understand that with tenure comes a profound professional responsibility: the obligation to devote one's energies to fulfill the teaching, research, and service missions of the academy. The long-term best interest of the College of Law and the University must be foremost in the minds of its tenured faculty.

Post-tenure review at the College of Law is a natural extension of our system of annual assessment of faculty productivity.

It is the intention of this policy that post-tenure review should function in concert with, and as a possible consequence of, the current system of evaluation of faculty performance. Structured properly, post-tenure review can take place without undermining the concept and practice of tenure, without stifling faculty creativity, and without leading to increased bureaucracy.

B. STATEMENT OF PURPOSE AND PRINCIPLES

The goal of this system of post-tenure review is to provide appropriate intervention, useful feedback, timely and affirmative assistance, and effective evaluation for tenured faculty members to ensure that they continue to experience professional development and

accomplishment during the various phases of their careers.

This system and its implementation must be compatible with the concepts of academic freedom and tenure which are essential to the University and its mission. The intention of post-tenure review is not to abridge our long standing tradition and practice of academic freedom as stated in Part Two, Section III. of this Handbook, but rather to strengthen the responsibility of faculty to effectively perform their job duties. There is a presumption of competence on the part of each tenured faculty member as established by the rigorous process through which tenure is granted. Post-tenure review must conform to fair and reasonable expectations as recognized by the faculty of the College of Law. The process is to be conducted in a manner free of arbitrary, capricious, or discriminatory elements.

The post-tenure review system focuses on those tenured faculty who are judged by the Associate Dean for Law Library Services and Information Technology (as to law library faculty) or by the Dean of the College of Law (as to the law teaching faculty) to fall as provided herein, below the standard for satisfactory performance (see D1A.2 and D1B.2) established by the statement of expectations for the College of Law. The system is thus a supplement to, but not a replacement for, the annual performance review process.

Post-tenure review, as embodied in this policy, involves issues of faculty performance only. It does not directly address matters of professional misconduct. Standards of conduct and the obligations and responsibilities of faculty to students, colleagues, the College of Law, the University, and the community are stated in various University policies, many of which are included in Part Two of this Handbook. It is those specific policies that provide the procedures for resolving allegations of misconduct and the sanctions for violations.

C. DEFINITIONS

1. *Post-tenure review* is an extension of the performance review system in which a committee of peers (known as the Post-Tenure Review Committee) reviews and evaluates the performance of a selected faculty member and, when appropriate, creates a professional development plan in consultation with the faculty member and the Dean of the College of Law (as to law teaching faculty), or with the Associate Dean for Law Library Services and Information Technology (as to law library faculty). When such a plan is established, the committee will monitor its implementation and ultimately make a determination as to whether the objectives of the plan have been met.
2. It is recognized that the College of Law consists of two groups of faculty: the law teaching faculty and the law library faculty. The law library faculty report to the Associate Dean for Law Library Services and Information Technology, who in turn reports to the Dean of the College of Law. The law teaching faculty reports to the Dean. Consequently, each group of faculty will have its own Post Tenure Review Committee and its own implementation plan as further defined below.

Within each section, the term faculty refers to the faculty of that group.

3. The Post Tenure Review Committee for the law teaching faculty (hereinafter defined as P-TR) consists of five tenured faculty members, chosen as set forth below, who are charged with carrying out the responsibilities of the P-TR Committee specified in this policy.
4. The Post Tenure Review Committee for the law library faculty (hereinafter defined as P-TR Library) consists of three tenured faculty members, chosen as set forth below, who are charged with carrying out the responsibilities of the P-TR Library Committee specified in this policy.

D. INITIATION OF POST-TENURE REVIEW PROCESS

1A. LAW TEACHING FACULTY

1. The faculty will develop a narrative statement of expectations for satisfactory performance by tenured law faculty that will form the basis for annual performance reviews and for post-tenure review. Such statements will be consistent with the criteria for performance review specified in Section IX.B of this Handbook and will be as specific as possible without unduly restricting the diverse contributions of individual faculty. Each statement, and revisions thereof, must be approved by a majority of the tenure-track faculty and will be reviewed by the Dean and the Provost to assure it is consistent with the College of Law and University expectations for faculty performance and will the established missions of the College of Law and the University.
2. Post-tenure review will be triggered by the second annual performance evaluation of a tenured faculty member by the Dean that judges the faculty member's overall performance to be unsatisfactory. These unsatisfactory evaluations must be for two consecutive years, exclusive of leaves and exclusive of years with 50% or greater administrative assigned time. Exclusive means that if a faculty member takes a leave after receiving an unsatisfactory evaluation and then receives a second such unsatisfactory evaluation in the year of return that this process is initiated. Reassigned time for research, faculty development, or receipt of a sabbatical leave would not exclude faculty members from this process.
3. If the faculty member decides to pursue appeal of his or her most recent performance evaluation as outlined in Section IX.D of this Handbook, the remainder of this procedure will be delayed until the appeal process has been completed.

1.B LAW LIBRARY FACULTY

1. The faculty will develop a narrative statement of expectations for satisfactory performance by tenured library faculty that will form the basis for annual performance reviews and for post-tenure review. Such statements will be consistent with the criteria for performance review specified in Section IX.B. of this Handbook and will be as specific as possible without unduly restricting the diverse contributions of individual faculty. Each statement, and revisions thereof, must be approved by a majority of the tenure-track faculty and will be reviewed by the Dean and the Provost to assure it is consistent with the College of Law and University expectations for faculty performance and with the established missions of the College of Law and the University.
2. Post-tenure review will be triggered by the second annual performance evaluation of a tenured faculty member, by the Associate Dean for Law Library Services and Information Technology that judges the faculty member's overall performance to be unsatisfactory. These unsatisfactory evaluations must be for two consecutive years, exclusive of leaves and exclusive of years with greater than 50% administrative reassigned time. Exclusive means that if a faculty member takes a leave after receiving an unsatisfactory evaluation and then receives a second such unsatisfactory evaluation in the year of return that this process is initiated. Reassigned time for research, faculty development, or receipt of a sabbatical leave would not exclude faculty members from this process.
3. If the faculty member decides to pursue appeal of his or her most recent performance evaluation as outlined in Section IX. D. of this Handbook, the remainder of this procedure will be delayed until the appeal process has been completed.

E. CREATION OF A POST-TENURE REVIEW COMMITTEE

1. A LAW TEACHING FACULTY

1. At the beginning of every academic year the tenured faculty will elect a P-TR committee consisting of five members and two alternate members. Members and the alternate must be tenured faculty, excluding the Dean and any Associate Dean with faculty status, who are willing and able to carry out the responsibilities of the P-TR committee specified in this policy and who agree that all proceedings of the committee will be kept confidential.
2. The members of the P-TR committee will meet as soon as is practical to elect a chair. Should the P-TR process be initiated within the College of Law, the Dean will convene the P-TR committee to begin the review process. If one of the members of the committee is the faculty member to be reviewed, an alternate will serve on the committee in place of that faculty member.

3. Once a P-TR committee begins consideration of a particular case, it is expected that members will serve on that case until it is resolved. All proceedings are to be kept confidential by all members of the committee.

1.B LAW LIBRARY FACULTY

1. At the beginning of every academic year the tenured faculty will elect a P-TR (Library) committee consisting of three members and two alternate members. Members and the alternate must be tenured faculty, excluding the Associate Dean for Law Library Services and Information Technology, who are willing and able to carry out the responsibilities of the P-TR (Library) committee specified in this policy and who agree that all proceedings of the committee will be kept confidential. The members of the P-TR (Library) shall consist of at least three tenured members of the law library faculty and two alternates (unless there are insufficient numbers). Any remaining members or the alternates may be elected by the tenured law library faculty from either the tenured law teaching faculty or the tenured faculty from the Steely Library.
2. The members of the P-TR (Library) committee will meet as soon as is practical to elect a chair. Should the P-TR (Library) process be initiated within the College of Law, the Associate Dean for Law Library Services and Information Technology will convene the P-TR (Library) committee to begin the review process. If one of the members of the committee is the faculty member to be reviewed, an alternate will serve on the committee in place of that faculty member.
3. Once a P-TR (Library) committee begins consideration of a particular case, it is expected that members will serve on that case until it is resolved. All proceedings are to be kept confidential by all members of the committee.

F. THE REVIEW PROCESS

1.A LAW TEACHING FACULTY

1. The Dean will send a letter to the faculty member and to the chair of the P-TR committee. This letter must be delivered within one week (5 working days) of the completion of the individual's performance review but no later than April 1. The letter will state that the faculty member has received a second consecutive annual evaluation of unsatisfactory overall performance and direct the P-TR committee chair to begin the post-tenure review process. The faculty member will have five working days from receipt of the Dean's initiating letter to request that one (1) member of the P-TR Committee be removed. During that same time period, a member of the P-TR Committee may recuse herself or himself. In either case, an alternate Committee member(s) will serve so that the Committee consists of five members.

2. The Dean will provide the P-TR committee with the respondent's annual performance review materials from the two most recent reviews, including the Dean's own evaluation letters. The respondent will have two weeks (10 working days) from the receipt of the Dean's initiating letter to submit additional materials to the P-TR committee. The P-TR committee will normally have three weeks (15 working days) to review the materials. These periods may be extended in special circumstances (spring break, need to gather substantial supporting documents from abroad, etc.). However, the review should normally be completed by the end of the spring semester. The P-RT committee will make its judgments based on the department's written statement of expectations for adequate performance. However teaching effectiveness may not be excluded from consideration. All decisions of the P-RT Committee are to be by at least four members. Any dissenting member(s) may include a written statement, noting the reasons for the dissent, which will be placed in the file of this proceeding. Upon reaching its decision, the P-TR committee will notify the Dean and the respondent in writing of its decision that either:

- a. the respondent has, during the past two years, met the expectations for satisfactory faculty performance as identified by the College of Law; in this case, the post-tenure review process ends. Any new post-tenure review action by the Dean or the P-TR committee would need to be based on a non-overlapping two-year period.

OR

- b. the committee finds minor performance deficiencies based on the College of Law's statement of expectations for satisfactory performance and will meet with the respondent to discuss these difficulties and offer advice or assistance. Any future action would need to be based on a non-overlapping two -year period.

OR

- c. the committee finds major performance deficiencies based on the College of Law's statement of expectations for satisfactory performance and will meet with the respondent and the Dean to create a professional development plan to assist the faculty member in achieving the standards for satisfactory performance.

3. In the case of (c) above, the P-TR committee will notify the Dean of its intention to create a development plan. The committee will then meet with the faculty member and the Dean to formulate this plan.

The plan must identify specific deficiencies, define specific goals, outline activities to be undertaken to achieve the goals, set time lines for achieving these goals, indicate criteria and standards for annual progress reviews during the review period, and identify sources of funding necessary for the successful completion of the plan. This plan will be set forth in writing, with copies provided to the faculty member and the Dean.

The P-TR committee will consult regularly with the faculty member during the implementation period, which will be determined by the committee but will normally be no more than two years. The development plan shall be flexible and may need adjustment during the implementation period.

Plan development will normally be completed by October 15. Plan implementation will begin no later than January 1 of the following calendar year.

4. In the event that the faculty member disagrees with the development plan established by the P-TR committee, he or she may appeal to the peer review committees using the procedures set forth in Section XIV., Grievances, of this Handbook. In order to exercise this right, the appellant must make his or her written request to the Provost, with a copy to the P-TR committee, within ten (10) University working days of receipt of the plan from the committee. The appellant must follow all procedures set forth in Section XIV. The appellant may withdraw such appeal at any time by request in writing; in such event, no further action may be taken concerning the appeal.
5. During the implementation period, the faculty member will continue to undergo regular annual performance evaluation by the Dean, who will apprise P-TR committee of his or her assessment of the individual's progress.

The faculty member's progress in achieving the goals of the plan may be used in her or his annual performance statement.

6. At the end of the implementation period, the faculty member will prepare and submit a written report documenting his or her progress in completing the development plan.

The P-TR committee will then meet formally to determine whether the faculty member has satisfactorily completed the development plan. The decision of the committee will be in writing, with the reason(s) for its decision clearly stated. The committee's decision and justification will be delivered to the faculty member, who will have up to two weeks (10 working days) to prepare and submit a written response to the committee if he or she chooses to do so. The committee

will then deliver copies of the decision, justification, and the faculty member's response (if submitted) to the Dean. All decisions of the P-TR Committee are to be by at least four members.

If the P-TR Committee determines that the faculty member has not successfully completed the development plan, the faculty member may, by written request made within five working days of the P-TR committee's submission to the Dean as provided above, appeal the decision of the P-TR committee to the full tenured teaching faculty of equal or higher rank. If full tenured teaching faculty review is so requested, a meeting of the full tenured teaching faculty of equal or higher rank shall be convened by the Chair of the P-TR Committee within thirty (30) days of the request for such review. At this meeting, the P-TR Committee shall present its findings and the faculty member may respond. Thereafter a vote of the full tenured teaching faculty of equal or higher rank shall be held to either affirm or reverse the decision of the P-TR Committee, which vote shall be by majority vote of those faculty members present and voting. The numerical decision of the vote and the full record of the proceedings shall be transmitted to the Dean. Any dissenting faculty may include a written statement, noting the reasons for the dissent, which also will be transmitted to the Dean.

If the P-TR Committee (or the full tenured teaching faculty of equal or higher rank, if applicable) determines that the faculty member has successfully completed the development plan, the post tenure process ends. Any new post tenure review action by the Dean or the P-TR Committee would need to be used on a non-overlapping two-year period.

If the P-TR Committee (and the full tenured teaching faculty of equal or higher rank, if applicable) determine that the plan has not been satisfactorily carried out, the University normally will pursue termination for cause as set forth in Part One Section X.J. of this Handbook.

- 7 All matters concerning the review process are to be kept confidential by the Dean, by the members of the P-TR Committee, by the full tenured teaching faculty, if applicable, by University employees and officials except as necessary to pursue termination for cause.

1.B LAW LIBRARY FACULTY

1. The Associate Dean for Law Library Services and Information Technology will send a letter to the faculty member and to the chair of the P-TR (Library) committee. This letter must be delivered within one week (5 working days) of the completion of the individual's performance review but no later than April 1. The letter will state that the faculty member has received a second consecutive annual evaluation of unsatisfactory overall performance and direct the P-TR (Library) committee chair to begin the post-tenure review process.

The faculty member will have five working days from receipt of the Associate Dean for Law Library Services and Information Technology's initiating letter to request that one (1) member of the P-TR (Library) Committee be removed. During that same time period, a member of the P-TR (Library) Committee may recuse herself or himself. In either case, an alternate committee members(s) will then serve so that the committee consists of three members.

2. The Associate Dean for Law Library Services and Information Technology will provide the P-TR (Library) committee with the respondent's annual performance review materials from the two most recent reviews, including the Associate Dean for Law Library Services and Information Technology's own evaluation letters. The respondent will have two weeks (10 working days) from the receipt of the chairperson's initiating letter to submit additional materials to the P-TR (Library) committee. The P-TR (Library) committee will normally have three weeks (15 working days) to review the materials. These periods may be extended in special circumstances (spring break, need to gather substantial supporting documents from abroad, etc.). However, the review should normally be completed by the end of the spring semester. The P-RT committee will make its judgments based on the department's written statement of expectations for adequate performance. However teaching effectiveness may not be excluded from consideration. All decisions of the P-TR Library Committee are to be by majority vote. Any dissenting member may include a written statement, noting the reasons for the dissent, which will be placed in the file of this proceeding. Upon reaching its decision, the P-TR (Library) committee will notify the Associate Dean for Law Library Services and Information Technology and the respondent in writing of its decision that either:

- a. the respondent has, during the past two years, met the expectations for satisfactory faculty performance as identified by the College of Law; in this case, the post-tenure review process ends. Any new post-tenure review action by the Associate Dean for Law Library Services and Information Technology or the P-TR committee would need to be based on a non-overlapping two-year period.

OR

- b. the committee finds minor performance deficiencies and will meet with the respondent to discuss these difficulties and offer advice or assistance. Any future action would need to be based on a non-overlapping two -year period.

OR

- c. the committee finds major performance deficiencies based on the College of Law's statement of expectations for satisfactory performance and will

meet with the respondent and the Associate Dean for Law Library Services and Information Technology to create a professional development plan to assist the faculty member in achieving the standards for satisfactory performance.

3. In the case of (c) above, the P-TR (Library) committee will notify the Associate Dean for Law Library Services and Information Technology of its intention to create a development plan. The committee will then meet with the faculty member and the Associate Dean for Law Library Services and Information Technology to formulate this plan.

The plan must identify specific deficiencies, define specific goals, outline activities to be undertaken to achieve the goals, set time lines for achieving these goals, indicate criteria and standards for annual progress reviews during the review period, and identify sources of funding necessary for the successful completion of the plan. This plan will be set forth in writing, with copies provided to the faculty member and the Associate Dean for Law Library Services and Information Technology.

The P-TR committee will consult regularly with the faculty member during the implementation period, which will be determined by the committee but will normally be no more than two years. The development plan shall be flexible and may need adjustment during the implementation period.

Plan development will normally be completed by October 15. Plan implementation will begin no later than January 1 of the following calendar year.

4. In the event that the faculty member disagrees with the development plan established by the P-TR committee, he or she may appeal to the peer review committees using the procedures set forth in Section XV., Grievances, of this Handbook. In order to exercise this right, the appellant must make his or her written request to the Provost, with a copy to the P-TR committee, within ten (10) University working days of receipt of the plan from the committee. The appellant must follow all procedures set forth in Section X

5. During the implementation period, the faculty member will continue to undergo regular annual performance evaluation by the Associate Dean for Law Library Services and Information Technology, who will apprise P-TR (Library) committee of his or her assessment of the individual's progress.

The faculty member's progress in achieving the goals of the plan may be used in her or his annual performance statement.

6. At the end of the implementation period, the faculty member will prepare and submit a written report documenting his or her progress in completing the development plan.

The P-TR (Library) committee will then meet formally to determine whether the faculty member has satisfactorily completed the development plan. The decision of the committee will be in writing, with the reason(s) for its decision clearly stated. The committee's decision and justification will be delivered to the faculty member, who will have up to two weeks (10 working days) to prepare and submit a written response to the committee if he or she chooses to do so. The committee will then deliver copies of the decision, justification, and the faculty member's response (if submitted) to the Associate Dean for Law Library Services and Information Technology.

If the P-TR (Library) committee determines that the faculty member has successfully completed the development plan, the post-tenure process ends. Any new post-tenure review action by the department chairperson or the P-TR committee would need to be used on a non-overlapping two-year period.

If the P-TR (Library) committee determines that the plan has not been satisfactorily carried out, the University normally will pursue termination for cause as set forth in Section XI. I. of this Handbook.

7. All matters concerning the review process are to be kept confidential by the Dean, the Associate Dean for Law Library Services and Information Technology by the members of the P-RT (Library) committee, and by University employees and officials except as is necessary to pursue termination for cause.

G. PROCESS REVIEW

1.A. LAW TEACHING FACULTY

Upon completion of every post-tenure process, a brief written commentary on the process will be submitted to the Provost by the (a) individual being reviewed, (b) the P-TR committee for that case, and (c) the Dean. These comments shall address the policy itself and shall discuss how the policy did and did not work.

1.B LAW LIBRARY FACULTY

Upon completion of every post-tenure process, a brief written commentary on the process will be submitted to the Provost by the (a) individual being reviewed, (b) the P-TR committee for that case, and (c) the Dean and (d) the Associate Dean for Law Library Services and Information Technology. These comments shall address the policy itself and shall discuss how the policy did and did not work.

XI. SEPARATION

A. RESIGNATION

A teaching faculty member may resign effective at the end of an academic year or in December if notice is given no later than the end of the previous spring semester. A non-teaching faculty member may resign no earlier than 30 days after giving notice. A faculty member may resign effective at any other time for good cause shown. Good cause includes serious illness or other incapacity.

Notice of resignation should be given at an early time to permit the University to obtain a replacement.

B. RETIREMENT

A faculty member may retire at the end of a semester. A faculty member may retire at any other time for good cause shown. Good cause includes serious illness or other incapacity.

Except for unplanned retirements, notice of retirement should be given no later than the end of the previous semester. Notice of an unplanned retirement should be given as early as possible.

C. PHASED RESIGNATION PROGRAM

1. PURPOSES

The Phased Resignation Program at Northern Kentucky University (the University) is an entirely voluntary program with the following purposes:

- a. To allow for faculty members, who cannot or do not wish to end their teaching career immediately, to resign from University service over an extended period of time.
- b. To allow the University to continue to benefit from the services of the faculty member who, absent this program, would resign.

2. DEFINITIONS

- a. "Phased Resignation Program (PRP):" The PRP is a program whereby a tenured faculty member, of any age, who is accepted into the program may reduce his/her service during a period of two (2) or three (3) years. This program is designed to allow faculty to apply for phased termination of their tenured employment relationship with the University. Normally one

would expect three years at 50%, 50% and 25%. However, one could also negotiate 50%, 50% and out (2 years), or 50%, 25% and out (2 years), or possibly even 50%, 50%, 50% and out (3 years).

- b. "Resignation:" resignation means termination of the continuing employment relationship with the University. Tenure ends and a position is declared vacant at the time the faculty member's resignation becomes effective or if the level of faculty load in PRP falls below 50%.
- c. "Program Administrator:" program administrator means the individual designated by the President of the University to administer the program.

3. ELIGIBILITY

- a. All full-time tenured faculty who have had at least ten (10) years of continuous service at the University at the rank of at least assistant professor may apply for participation in the Phased Resignation Program.
- b. The PRP is available to otherwise eligible faculty members regardless of age.
- c. Participation in PRP is totally voluntary.

4. APPLICATION PROCEDURES

- a. Consideration for participation in the PRP is initiated by faculty request. A faculty member wishing to participate in the PRP must file a written request by application no later than January 31 of the calendar year which includes the first day of the requested phased resignation. Applications must be accompanied by a written resignation of the faculty member which provides that if the faculty member is accepted into the PRP then, effective on the first to occur of (i) the first day of a phased resignation contract year in which he/she has a faculty load less than 50%, and (ii) the end of his/her phased resignation, he/she will be considered to have irrevocably committed to resignation from the University, unless the University, in its sole discretion, asks this faculty member to remain beyond the resignation date.
- b. Faculty should submit PRP application packages to their department chair for endorsement. The request should proceed through the Dean of the College of Law and the Provost to the program administrator for an administrative recommendation of approval or disapproval. The program administrator makes the final administrative determination for the University. All applications approved by the program administrator and the President shall be submitted to the Board of Regents. Only PRP applications approved by the Board of Regents shall be effective.

- c. Should PRP participation be denied, the request may be re-submitted the following year.

5. OTHER REQUIREMENTS AND POLICIES

- a. An individual faculty member's participation in the PRP must be mutually agreeable to the University, acting on its best interests as determined by University administrators, and to the individual faculty member. This determination will be made on a case-by-case basis.
- b. The specific plan for the faculty member's participation in PRP will be set forth in an agreement between the faculty member and the University implementing the program for the faculty member.
- c. The period of time for the PRP is either two (2) or three (3) years. (See Subsection e., below.)
- d. Salary will be reduced on a pro-rata basis based on the participating faculty member's fiscal/academic year salary immediately prior to participating in the PRP, and the percentage reduction in the faculty member's teaching load. While a faculty member participates in PRP, he or she shall receive the benefits normally offered a full-time tenure-track faculty member. The specifics of the salary/benefit package will be set forth in the PRP contract (See Subsection b., above). Normally, a faculty member in PRP receives the same benefits currently offered to all full-time, tenure-track faculty members, with the exception that TIAA/CREF contribution is proportional to the pro-rata salary level.
- e. Participation in the PRP shall be for two (2) or three (3) years (academic and fiscal).
- f. If a faculty member has participated in the PRP and returned to full-time service he or she may not participate in the PRP again without explicit written permission of the President of the University.
- g. A participating faculty member's tenure and faculty position shall be considered vacant after the PRP period is completed, or on the first day of a PRP contract year in which the faculty member falls below 50% faculty load, whichever comes first.
- h. A faculty member who has resigned may not apply for retroactive participation in the PRP.

- i. Unused vacation (if applicable) and sick leave apply during participation in PRP.
- j. The University reserves the right to terminate a faculty member's participation in the PRP based upon the program needs of the University. A faculty member so affected must return to full-time University employment under the conditions of his or her previous contract. Such termination of participation is effected by written notice from an authorized University administrator to the affected faculty member with at least 90 days' notice. Termination of participation shall commence at the beginning of the next academic semester. If the University initiates termination of PRP participation, said faculty member may apply for future participation in PRP without penalty.
- k. A faculty member participating in PRP with at least a 50% faculty load may terminate his or her participation in PRP, and return to his or her faculty position with tenure. Such notice of termination of PRP participation must be given in writing to the Program Administrator at least six months prior to the academic year with respect to which the Participant will return to full-time employment at the University. A faculty member so affected must return to full-time University employment under the conditions of his or her previous contract. Termination of participation, and return to full-time employment, must commence at the beginning of the next academic year.
- l. Persons in the following circumstances are not eligible for participation in the PRP:
 - i. One who has received a written notice of suspension from the University or a notice of termination or non-renewal of contract.
 - ii. One who is terminating his or her employment under the provision of a long-term disability program.
- m. The University, following the guidelines of the Faculty Senate - Northern Kentucky University Collegial Governance Agreement, shall have the right to alter or amend this program, in whole or in part, at any time and from time to time. In addition, the University shall have the right to terminate this program. Immediate PRP program termination may occur following a declaration of financial exigency by the Board of Regents as described in Part One Section XI.H., FINANCIAL EXIGENCIES, of this Faculty Handbook. Otherwise, said program termination must first be reviewed by the Faculty Senate, and require a minimum of one year's notice.

- n. The program administrator shall report yearly to the Faculty Benefits Committee concerning the operation of the program. This report shall not compromise the privacy of any individual applying for the PRP program.
- o. The provisions of the program shall be governed and construed in accordance with the laws of the Commonwealth of Kentucky and of the United States.
- p. The invalidity or unenforceability of any particular provision of the program shall not effect any other provision thereof, and the program shall be construed in all respects as if such invalid or unenforceable provisions were omitted therefrom.

D. RETIREMENT INCENTIVE PROGRAM

1. PURPOSES

The Retirement Incentive Program at Northern Kentucky University ("University") is an entirely voluntary program of mutual benefit to the University and its faculty for the following purposes:

- a. To permit the University to effectively reallocate faculty resources to serve the future needs of the University.
- b. To provide faculty members who wish to change careers or end their teaching career at the University financial compensation for relinquishing their tenure and faculty position.

2. DEFINITIONS

For purposes of the program, unless the context requires otherwise, the following words and phrases shall have the meanings indicated:

- a. "Applicant" shall mean an eligible employee who files an application for a particular year within the time limits and as otherwise specified by the program administrator. The term "applicant" is subject to the provisions of Section 2.g., eligible employees.
- b. "Application" shall mean the form designated by the program administrator to be filed by an eligible employee who desires to participate in the program.
- c. "Base salary" shall mean:

- i. With respect to a faculty member, that faculty member's compensation from the University with respect to the University's "academic year" (as defined by the active Faculty Handbook) as stated on that faculty member's appointment form or salary notice letter for that year;
 - ii. With respect to an administrator, the compensation from the University with respect to the twelve-month period ending June 30, as stated in that administrator's salary notice letter for that year, converted to an "academic year" basis as defined by the then-current University policy.
- d. "Compensation" shall mean the base salary which an eligible employee shall be entitled to receive from the University during the twelve month period ending on the last day of June of the year with respect to which such eligible employee's application is being considered or the year in which he or she becomes a participant, as the case might be.
- e. "Contribution" shall mean the amount determined by the University to be available to provide cash benefits under the program with respect to eligible employees who become participants in that particular year, regardless of when the cash benefits will be paid under the program.
- f. "Retirement incentive pay" shall mean the single comprehensive payment paid to a participant pursuant to Section D.4.a. of this program.
- g. "Eligible employee" shall mean an employee of the University who is expected to satisfy all of the following requirements as of June 30 of the year in which application for participation in the program is being made:
 - i. The employee will be a full-time, tenured faculty member, including library faculty, or a full-time administrator who holds a tenured faculty rank;
 - ii. The employee will have a minimum 15 years of tenure or tenure-track collegiate service;
- h. "Participant" shall mean an eligible employee who is selected to participate in the program for a particular year pursuant to Section D.3.b. Tenure ends at the time the participant completes his or her duties pursuant to Section D.4.a.
- i. "Program" shall mean this Northern Kentucky University Retirement Incentive Program, as the same may be amended from time to time.
- j. "Program administrator" shall mean the individual designated by the

President of the University to administer the program.

3. APPLICATION PROCEDURES

- a. Each year the University, in its sole discretion, shall determine the contribution, if any, to the program with respect to such year. The program administrator shall decide who shall be recommended to receive retirement incentive pay. (See Subsection 3.b.3 below.)
- b. The program administrator shall determine the participants for a particular year as follows:
 - i. Normally, the program administrator shall make a call for retirement incentive applications from eligible faculty in the fall semester each year. The call shall also provide a decisional time table.
 - ii. Faculty who apply for participation in this retirement program must supply their department chair and college dean with a copy of their application no later than the date applications are due to the program administrator. This is to enable chairs and deans to prepare information for their written opinion (see 3.b.3 below) and to allow time for consultation between faculty applicants and a chair or dean if this is warranted.
 - iii. The program administrator shall solicit written opinion for each application from the department chair and Dean of the College of Law. Written opinion should include the probable effect of the proposed retirement to the College of Law, new hire salary data, suggested provisions for replacing applicant, and any other information deemed salient by the appropriate reviewer.
 - iv. The program administrator shall determine which, if any, of the retirement incentive applications will be recommended to the President for approval. The President will forward approved recommendations to the Board of Regents for acceptance. Notwithstanding any other provisions of the program, no decision shall be filed before January 1 of the year in which the applicant desires to be considered for participation in the program. The program administrator shall notify applicants of this determination no later than March 1 of the same year as application. Only retirement incentive program applications approved by the Board of Regents will be effective.
 - v. The program administrator shall determine the amount of retirement incentive pay (See Section D.4.a. of this program)

which each applicant would receive under the program if he or she were to become a participant and assuming he or she satisfies the conditions provided in Sections D.4.a. and D.4.c. of this program.

4. PROGRAM BENEFITS

- a. Each participant who completes his or her faculty and/or administrative duties through June 30 of the calendar year in which the participant becomes a participant and retires from the University during such calendar year shall receive retirement incentive pay over a three year period equal to:
 - i. fifty percent (50%) of the participant's compensation in the first year,
 - ii. twenty-five percent (25%) of the participant's compensation in the second year,
 - iii. twenty-five percent (25%) of the participant's compensation in the third year.
- b. Each participant entitled to a payment pursuant to Section D.4.a. shall receive the entire appropriate yearly payment, less all appropriate tax and other withholdings, within 30 to 60 days of his or her retirement or retirement anniversary from the University. While the University will endeavor to make available to participants relevant general information from the Internal Revenue Service regarding the tax implications of program benefits, each participant will be responsible for informing him-/herself regarding such implication for his/her personal situation. N.B., under tax law in force at the time the program was designed, 100% of the amount received by a participant under the program would be taxable in the year he/she becomes a participant even though not all of the benefits would be received in that year, and additional tax liability may be incurred as a result of receipt of certain benefits.
- c. Each participant who receives retirement incentive pay pursuant to this Section shall also be entitled to three years of the same health care, dental and life insurance benefits which are from time to time generally provided by the University to the full-time faculty of the University, as if such participant was then a full-time member of such faculty. All benefits which are modified or reduced for full-time faculty are also modified or reduced for each Participant. After said three years, unless specified below, the participant can participate in the health, dental and life insurance benefits generally given to full time faculty members, provided the participant pays for such benefits. At all times, unless specified below, the participant may include spouse and other dependents in health

coverage, provided the participant pays for such benefits.

- i. Health care benefits provided pursuant to this Section shall change when such participant is eligible for Medicare/Medicaid, whether or not the spouse of such participant is then eligible for Medicare/Medicaid. The University and the participant during the initial three years, or the participant thereafter, shall contribute toward the cost of the benefits provided by this Section in the same manner they would have contributed if such participant were then a full-time faculty member at the University, i.e., the University or participant shall pay the same amount or same percentage for participant as it is paying at the time for a full-time faculty member at the University. The participant shall pay the balance of the cost for such health care benefits as directed, from time to time, by the University; failure to pay such balance as directed by the University shall result in termination of the benefits provided by this Section.
- ii. Each time the University changes the health care benefits generally provided to the full-time faculty members of the University or changes the portion of such health care benefits paid by the University, the health care benefits and/or portion paid by the University and the participant during the initial three years, or the participant thereafter, shall automatically change accordingly. A participant's failure to pay such balance, as directed by the University, shall result in termination of the benefits provided by this Section.
- iii. The University's contribution toward the cost of the benefits provided by this Section shall be paid from sources outside of this program and no part of the contribution shall be used for this purpose.
- iv. If a participant is eligible for Medicare/Medicaid, but his/her spouse or dependent(s) are not yet eligible, said spouse or dependent(s) may continue to be enrolled in NKU health benefits, provided that the participant pays the full amount of the benefit coverage. A participant's failure to pay such balance, as directed by the University, shall result in termination of the benefits provided by this Section.
- v. After either a participant or his/her spouse is eligible for Medicare/Medicaid, he or she may continue health benefits provided to the participant or their spouse, provided that the

participant pays the full amount of benefit coverage. A participant's failure to pay such balance, as directed by the University, shall result in termination of the benefits provided by this Section.

- d. Each participant will be entitled to the parking, library, recreation, wellness, and other privileges normally attributed to a retired faculty member. These privileges shall exist throughout the faculty member's lifetime only insofar as they are then available to other retired faculty.
- e. Benefits specifically provided tenure/tenure-track faculty that are not provided as a benefit in this section include University contribution to TIAA/CREF, salary increases, tuition waiver, and any new benefits that faculty may receive after this agreement. The University, in its sole discretion, may grant new full-time faculty benefits to participants.

5. PROGRAM ADMINISTRATION

- a. The program administrator shall be responsible for the general administration of the program and for carrying out the provisions of the program. The program administrator shall have all such powers as may be necessary to carry out the provisions of the program, including the power to determine the eligible employees and to make recommendations concerning selection of participants to the President for approval and forwarding to the Board of Regents; to determine all questions relating to the amount of retirement incentive pay and all questions pertaining to claims for benefits; to resolve all other questions arising under the program (including any questions of construction); and to take such further action as it shall deem advisable in the administration of the program. Subject to the approval of the Board of Regents, the program administrator's actions taken, and the decisions made, hereunder shall be final and binding upon all interested parties; provided, however, that the program administrator may reconsider issues concerning the accuracy of his or her calculation.
- b. In selecting participants to recommend for the program from eligible employees, the program administrator shall seek the consultation of appropriate administrative agents.
- c. In exercising any discretionary or absolute authority under the terms of the program, the program administrator shall act in a consistent and objective manner. The program administrator shall report yearly to the Faculty Benefits Committee concerning the operation of the program. This report shall not compromise the privacy of any individual applying for the retirement incentive program.

6. MISCELLANEOUS

- a. The program is subject to review every year by the University. The University, following the guidelines of the Faculty Senate - Northern Kentucky University Collegial Governance Agreement, shall have the right to alter or amend this program, in whole or in part, at any time, and from time to time. In addition, the University shall have the right to terminate this program. Immediate program termination may occur following a declaration of financial exigency by the Board of Regents as described in Part One, Section XI.H., FINANCIAL EXIGENCIES, of this Faculty Handbook. Otherwise, said program termination must first be reviewed by the Faculty Senate, and require a minimum of one year's notice.
- b. Notwithstanding any other provision of this program, no such amendment, alteration or termination shall eliminate or reduce any benefits to which a participant is actually entitled at the time of such amendment, alteration or termination or amend, alter or terminate the University's obligation to provide health care benefits as required by Section 4.c. to individuals who are entitled to such health care benefits pursuant to Section 4.c. because such individual has received a lump sum benefit pursuant to Sections 4.a. and 4.b. (although such health care benefits may be amended, altered or terminated as provided in Section 4.c.).
- c. In the event a participant does not receive his or her retirement incentive pay because he or she fails to satisfy the conditions provided in Sections 4.a., 4.b and 4.c, or otherwise loses his or her entitlement to retirement incentive pay, the retirement incentive pay which would have been paid to such participant shall revert to the general assets of the University.
- d. Participation in this program is voluntary on the part of an eligible employee and no eligible employee shall be forced to become an applicant. Participation in this program as a participant shall not affect any other benefits which may then be available from the University as a result of the participant's retirement from the University.
- e. [RESERVED FOR BENEFITS IN EVENT OF DEATH OF PARTICIPANT.]
- f. The obligation of the University to make payments under the program merely constitutes the unsecured promise of the University to make such payments from its general assets as provided in the program, and no participant shall have any interest in, or a lien or prior claim upon, any property of the University. The University shall have no obligation to reserve or otherwise set aside funds for the payment of retirement incentive pay.

- g. The provisions of the program shall in no event be construed as giving any person, firm or corporation any legal or equitable right as against the University (except such rights as are specifically provided for in the program), its officers, employees, or Regents.
- h. The invalidity or unenforceability of any particular provision of the program shall not affect any other provision thereof, and the program shall be construed in all respects as if such invalid or unenforceable provisions were omitted therefrom.
- i. As used in the program, the singular forms of words shall be read as the plural, and vice versa, as appropriate.
- j. The provisions of the program shall be governed and construed in accordance with the laws of the Commonwealth of Kentucky and of the United States.

E. NON-REAPPOINTMENT

Non-reappointment procedures are specified in Section IV.C, Procedures for Decisions on Retention, Promotion and Tenure. The time for giving notice of non-reappointment is specified in Section IV.C.11., Notice of Non-Reappointment.

F. TERMINATION FOR MEDICAL REASONS

1. The University may terminate employment of a faculty member for reasons of medical disability only by showing that a medical condition prevents the faculty member from performing his/her duties. The University shall not pursue termination if a medical leave would provide a sufficient opportunity for the faculty member to resume his/her duties. The University must attempt to reasonably accommodate employees who are disabled before initiating termination proceedings.
2. If no reasonable accommodation exists and the faculty member is unable to perform his/her duties, the University shall first seek to achieve termination by negotiation with the faculty member or the faculty member's authorized representative. If the University is not able to achieve termination by negotiation, then non-tenured faculty who are unable to perform their duties shall be terminated. For tenured faculty unable to perform their duties, the University may drop its case or proceed toward termination by initiating a hearing before the Peer Review Hearing Committee, as set forth in Section XV.B., Peer Review Committees. After completion of the peer review process, the President may ask the Board of Regents to terminate the faculty member's appointment pursuant to the requirements of the Kentucky Revised Statutes. Termination shall be coordinated, as appropriate, with the University's disability program.

G. PROGRAM REDUCTION AND FACULTY REASSIGNMENT

1. Given the complex and interlocking nature of University academic programs, it is possible at times that a program will need to be reduced or terminated and provisions made for reassignment, or other arrangements, of the program faculty. This section deals with the initiation of the process and the mechanisms for accomplishing it. For purposes of this section, a program will be defined as any group of courses taught by University faculty. The program can be within an existing department or stand as an independent unit.

The basis for recommending program reduction for termination can arise from several possible sources of information including, but not limited to:

- a. relevant trends or priorities for program graduates;
 - b. lack of course offerings by the program on a timely basis;
 - c. a history of courses being dropped from the schedule of classes because of low enrollment.
2. The initial request to terminate or reduce a program may come from any of several sources, including: the program faculty, the program chair, the Faculty Senate, the appropriate dean of the program, the Provost, the President, or the Board of Regents. Regardless of the initial source of the request to reduce or terminate a program, it will be the Dean, the Provost, or the President who formulates the request in writing. The originator of the written request will formulate the request after consultation with the program faculty and the program chair. The request will not constitute a decision to terminate or reduce but will be a compilation of the various sources of information used as the basis for the request. The sources of information must include at least the following:
 - a. reasons for the request, including any data used to support these reasons;
 - b. the procedures for terminating or reassigning faculty;
 - c. the timetable for completing the reduction or termination, taking into account the time necessary to retrain or otherwise adjust the program faculty and to allow any current majors in this program to complete their studies in a reasonable time.
 3. If the request is to reduce or terminate a program, the originator of the request shall include projections as to whether program reduction or termination may be achieved through the normal attrition process of retirement, resignation, or early retirement.

4. If normal attrition will fail to bring about a sufficient reduction, then the University shall offer economic incentives (e.g., contract buy-outs or paid leave for retraining). The University shall offer reassignment or paid leave for retraining to tenured faculty affected by the program reduction or termination, and shall make every reasonable effort in the case of untenured faculty. In both reassignment and retraining, every effort should be made to utilize the past training and expertise of the faculty in question. The duration and term of a paid leave for retraining shall be negotiated with the Provost, taking into account such factors as:
- a. credentials (education and experience);
 - b. faculty rank; and
 - c. consistency in the application of this policy.

In all reassignment decisions, tenure shall be heavily weighed. To maintain the proper balance in curriculum offerings, however, it may be necessary to reassign faculty without regard to tenure.

5. If the desired reduction in the number of faculty is still not achieved, then the Dean, in consultation with the program faculty and chair, shall consider the following factors in preparing a list of professors to be terminated:
- a. tenure, rank, and seniority in that order of importance;
 - b. faculty performance over the last three years;
 - c. affirmative-action guidelines;
 - d. particular specialties of faculty and the continued needs of the program.

Every reasonable effort shall be made to preserve the positions of tenured faculty through reassignment or paid leave for retraining as outlined in Section XI.G.4., above, and Section XI.G.7., below. Given the University's commitment to tenure, tenured faculty will not be terminated except as provided in Section X.G.7, below.

6. The request will be forwarded to the University Curriculum Committee for decision. The University Curriculum Committee shall establish an appropriate College Program Review Committee to study the request and make recommendations for reduction or termination. This committee shall be made up of representatives of the college or colleges in which the program is administered. The committee will consider, in consultation with the program faculty and chair, items such as, but not limited to, the program's contributions to the teacher education and health programs and the general studies requirements of the University. The College Program Review Committee shall include the chair of the

General Studies Subcommittee, a representative of teacher education, and/or a representative from allied health programs, if the program under consideration is relevant to these areas.

The recommendation of the College Program Review Committee will be submitted in writing to the University Curriculum Committee for vote. The University Curriculum Committee will then prepare a formal written explanation of its recommendation to be forwarded to the Faculty Senate for final decision and approval. If approved by the Provost, he/she will administer the final plan. The decision-making process will at all stages be documented by the completion of a program reduction form similar to those used for the approval of new courses or programs.

7. The University shall offer reassignment to other academic programs, or offer a paid retraining leave to tenured faculty. If such reassignment or retraining leave is refused, then the faculty so refusing may be terminated. Tenured faculty would be terminated in accordance with the requirements of the Kentucky Revised Statutes.

Terminated faculty shall be notified in accordance with provisions that apply as provided in this Handbook and have the right to appeal the decisions to the Peer Review Advisory Committee. (See Section XV., Grievance.)

H. FINANCIAL EXIGENCY POLICY

1. FINANCIAL EXIGENCY POLICY

a. Purposes

At times, certain social and economic conditions affect colleges and universities adversely. Falling enrollments, reduced funding, externally imposed curricular or program restrictions, and other factors induce significant changes in an institution.

Any substantial decline in the state and national economies usually incurs reductions in the financial support of colleges and universities as well as other social institutions and their services. When the economic decline and accompanying reductions in support of an institution reach critical proportions, a magnitude that drastically impairs the operations and functioning of the University, serious measures are demanded to meet the emergency intelligently and effectively.

b. Preparation and Purposes of the Policy

Foresight and preparation before such measures are actually needed to address critical financial conditions help to lessen harmful effects on people and the University and to insure an orderly and fair process. The

fundamental preparation for any emergency measures consists of the formulation of policies and procedures through which a critical cutback in funding can be met. In this formulation three purposes are to be served:

- i. to maintain essential instructional and research services at a satisfactory level of quality;
- ii. to protect those faculty and staff who must deliver such services and the students who receive them; and
- iii. to preserve a capability of the University as a whole for continuance of services.

c. Academic Values and Tenure

Beyond these three purposes are certain academic values that must guide both policy and procedure development and their subsequent application when extraordinary financial stringencies are imposed upon the University. Of these academic values, a fundamental one undergirding several others is that of safeguarding tenure.

Tenure protects more than simply the right of individual faculty to a position or a property right. It insures that ideas, concepts, and doctrines may be examined without fear or favor; that fact and truth may be pursued in research without dictation; that teaching may be done without reprisals. In short, tenure protects the exercise of the basic functions of the University and the reasons for its being.

d. Responsible University Means

Any respectable university will, in its policies and procedures, provide means for faculty to express their personal and professional concerns and have due process. Moreover, any responsible university will invoke a state of exigency only after other means have been taken through the regular organizational and administrative structures to minimize a financial urgency. If dire cutbacks are faced unexpectedly, other appropriate university policies and procedures would be implemented simultaneously for all segments of the university. In the case of Northern Kentucky University, before the policy and process outlined subsequently are activated, other policies and processes of the University normally will have been exercised, including a review of non-academic programs and termination of non-faculty positions in accordance with the NKU Personnel Policy and Procedures Manual.

e. Continual and Periodic Analyses

The University maintains continual analyses and periodic examinations of all fiscal matters of the institution. These and other records will be immediately available to the Financial Exigency Committee (as defined in Section XI.H.2.c) should the activation of these policies and procedures become necessary.

2. DEFINITIONS

- a. "Termination for Financial Exigency" means the cessation of employment of a faculty position before the end of the appointment period for reasons of financial exigency. The non-reappointment of a faculty member on a specified term appointment is not a termination for financial exigency, and no objection to a non-reappointment may be filed under this procedure. The use of "termination" in this section (XI.H.) means termination for financial exigency unless otherwise stated.
- b. "Financial Exigency" means any imminent and extraordinary decline in the University's financial resources that compels a reduction in the current operating budget to the extent that the University would be unable to meet existing financial obligations that include, but are not limited to, contractual obligations.
- c. "Financial Exigency Committee" is a special committee, the purpose of which is to provide independent guidance and advice to the President and the Board of Regents on a declaration of financial exigency and alternative approaches in alleviating said exigency, to be formed in accordance with Section XI.H.4., Establishment and Operation of the Financial Exigency Committee.
- d. Except as otherwise specifically provided herein, "day" means every day including Saturdays and Sundays but shall not include official University holidays.

3. PRELIMINARY STATEMENT AND DETERMINATION OF FINANCIAL EXIGENCY

Board Authorization

If the President determines that circumstances indicate the University faces a financial exigency, he/she shall take immediate action to apprise the Board of Regents of the nature and extent of the financial crisis. He/she shall also present a general plan for how the exigency can be alleviated. The statement to the Board shall outline in terms as specific as the circumstances permit, the options readily apparent at the time. The President's statement to the Board shall include a request for authorization to investigate further the necessity for a declaration of financial exigency. The statement shall also include the nature and extent of conditions and an outline of expenditure categories and major department areas to be examined in projecting a course of action that would meet such an emergency. Once Board authorization has been secured, the President shall proceed in accordance with the procedures outlined in this policy.

4. ESTABLISHMENT AND OPERATION OF THE FINANCIAL EXIGENCY COMMITTEE

a. Committee Composition

The President shall, within five (5) days after the Board has authorized such action, establish a Financial Exigency Committee. The committee shall consist of ten (10) members representing various segments of the University and selected in the following manner and consistent with the University's Affirmative Action policies:

- i. Five (5) faculty members who are either tenured or tenure-track faculty to be appointed by the President from an existing pool of eight (8) faculty, who shall serve staggered three-year terms, chosen from all eligible faculty at a general election conducted annually by the Faculty Senate. The President shall in his selection ensure a broad representation of programs and departments. [The Faculty Senate is authorized to constitute the eight (8) elected faculty members as a continuing committee of the Senate to study the University's financial condition when a funding crisis may be imminent and to assess possible ways of meeting such a crisis.]
- ii. Three (3) administrative employees, one of whom is an academic chair, shall be appointed by the President.
- iii. One (1) staff representative shall be appointed by the President after consultation with Staff Congress.

- iv. One (1) student representative shall be appointed by the President after consultation with Student Government.
- v. A chair of the committee shall be appointed by the President from the ten (10) committee members.

b. Committee Charge

The Financial Exigency Committee shall make recommendations regarding:

- i. whether a declaration of exigency is warranted;
- ii. a review of expenditure categories and the major department areas as outlined in the President's statement to the Board of Regents; and
- iii. alternative considerations in the area of academic affairs.

c. Committee Process

- i. Once the committee has been formed pursuant to subsection a., but no later than five (5) days subsequent to the Board of Regents' action, the President shall submit to the committee the statement that outlines the necessity for a declaration of financial exigency, including establishment of a specific dollar amount necessary to alleviate the emergency, and a general plan indicating means by which the emergency can be alleviated. This statement shall include efforts already undertaken by the University in response to the financial emergency. Upon receipt, the committee shall evaluate the statement and plan, and prepare a recommendation for the President's review.
- ii. The committee shall review the information presented by the President and shall recommend whether a declaration of financial exigency is necessary. The committee shall also review the major departments, each department's percentage of the budget, and any general reductions proposed by the President in his/her statement. This review may include an examination of alternate approaches to alleviating the emergency including, but not limited to, increases in revenue, reallocation of current revenue, and use of University reserves to phase out activities. The committee may review the various expenditures of the University, including academic and non-academic departments and activities. The committee may also review alternative considerations.

- iii. The committee shall present its report and recommendations to the President within fifteen (15) days after receipt of the President's plan.

5. PRESIDENT'S ACTION

Upon receipt of the report and recommendations of the committee, the President shall transmit the report and recommendations, any committee minority reports, and any recommendations or comments he/she has to the Board of Regents for action. The President shall, upon receipt, also make this report available to the University community.

6. BOARD ACTION

The Board of Regents shall consider such recommendations as it receives from the committee, from any committee minority reports, and from the President. Faculty, students, staff, and others may request in writing permission to address the Board regarding any recommendations concerning financial exigency. The written request to address the Board shall contain a statement of the purpose and reasons for the address.

Within fifteen (15) days after it receives the report and recommendations of the committee, any committee minority reports, and the report and recommendations of the President, the Board shall determine if a declaration of financial exigency is necessary. Upon a declaration of financial exigency, the Board shall direct the President to act.

7. UNIVERSITY ACTION UPON DECLARATION OF FINANCIAL EXIGENCY

Upon receipt of the Board of Regents' declaration of financial exigency, the President shall submit his decision (and the reduction needed to alleviate the exigency) through normal channels, to the departments to be affected.

The department chair shall recommend to the appropriate dean ways in which the required savings shall be effected in that department; the Dean shall review this recommendation and submit his/her recommendation to the Provost; likewise, the Associate Dean for Law Library Services and Information Technology of libraries, after consulting with his/her staff, shall submit a recommendation to the Provost; the Provost shall review all recommendations and shall submit his/her recommendation to the President; the President shall review this recommendation for submittal to the Board for action.

8. TERMINATION OF FACULTY POSITIONS

a. Consideration/Obligation to Faculty

- i. If termination of faculty positions becomes necessary, due consideration shall be given to:
 - a. the missions of the University;
 - b. the criteria for faculty evaluation as established in this Handbook;
 - c. normal attrition of faculty;
 - d. program review documents;
 - e. cost analyses; and
 - f. the Affirmative Action policies of the University.
- ii. Northern Kentucky University recognizes that tenure constitutes a property right. Every effort shall be made to preserve the positions of tenured faculty. Such positions may be terminated only when financial exigency requires degree-program reduction or degree-program termination.
- iii. The full teaching load of a terminated faculty position shall not be assumed by part-time faculty.
- iv. The University shall make reasonable efforts to provide support for retraining, re-education, and/or reassignment within the University of a faculty member identified for termination.
- v. At the request of a terminated faculty member, the University shall provide reasonable and timely re-employment assistance.
- vi. The University may not fill a position in a discipline in which a tenured faculty member who has been terminated is qualified to teach and/or perform the job for a period of three (3) years from the date of the termination, unless the position is first offered to that faculty member. The University may not fill a position in a discipline in which a non-tenured faculty member who has been terminated is qualified to teach and/or perform the job for a period of two (2) years from the date of termination, unless the position is first offered to that faculty member. The offer shall be made by certified mail, restricted delivery, return-receipt requested, and the

acceptance of such offer must be made in writing. Each faculty member is responsible for providing the University with a current address. The address on file in the office of the Provost shall be deemed the current address for mailing notices required by this procedure. Failure to accept the offer in writing within fifteen (15) calendar days of receipt of the offer or rejection of the position eliminates the re-employment rights of the faculty member to the position. Such acceptance or rejection must be made in writing.

- vii. A faculty member who is recalled within the specified three- (3) year period for tenured faculty or two- (2) year period for tenure-track faculty shall have restored all sick leave accrued on the effective date of layoff. Tenured faculty shall be recalled with full tenure, and non-tenured faculty shall be recalled with the number of years of prior service at the University counting as part of the probationary period. Further, the salary for such positions filled through recall of terminated faculty shall be negotiable but in no case shall the faculty member receive less than he/she was paid at the time of termination.

b. Notice to Individual Faculty

If the Board of Regents' final action includes the termination of faculty, the President or his/her designee shall give written notice of that fact by certified mail, restricted delivery, return-receipt requested, to the faculty to be terminated. The notices shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data upon which the decision was based. A faculty member receiving such notice may request clarification. The President and the Board shall make every reasonable effort to ensure that notice to tenured or tenure-track faculty be given not less than seventy-five (75) calendar days before the effective date of termination. In addition, reasonable effort shall be made to ensure that no faculty appointment is terminated before the end of the academic year in which the financial exigency occurs.

c. Unemployment Compensation

Any faculty terminated shall be eligible for unemployment compensation if he/she meets the conditions of qualification for benefits defined in Chapter 341 of the Kentucky Revised Statutes. (See especially KRS 341.350.) Benefits are calculated in accordance with KRS 341.380 et seq.

9. REVIEW OF INDIVIDUAL TERMINATIONS

a. Request for a Hearing

- i. Within ten (10) days after receiving a notice of termination, a tenured or tenure-track faculty member may request a review of the action by the Board of Regents. Review may be had solely to determine whether the decision to terminate was made in accordance with established procedures with respect to that individual. The request for review must be in writing and addressed to the chair of the Board with a copy to the President. It must specify the grounds on which it is contended that the established procedures were abridged, and must include a short, plain statement of facts that the faculty member believes supports the contention.
- ii. Submission of such a request constitutes on the part of the faculty member, first, a representation that he/she can support this contention by factual proof, and, second, an agreement on the part of the faculty member that the University may offer in rebuttal any relevant data in its possession. The Board shall consider the request upon the transmission of the request by the President and shall grant a hearing if it determines that a prima facie case is presented by the statement. A denial of the request finally confirms the decision to terminate, and the Board shall so notify the faculty member. If the request is granted, a hearing shall be held within ten (10) days after the request is received; the faculty member shall be given at least five (5) days' notice of the hearing.

b. Conduct of the Hearing

- i. The hearing shall be conducted informally and in private, with only the members of the Board, the faculty member, the President, and such witnesses as may be called, in attendance. During the hearing, the faculty member and/or the President will be permitted to have an adviser who may give advice to that party but may not otherwise represent the party. A quorum for purposes of the hearing is a simple majority of the Board's total membership. If the faculty member asks for a transcript of the proceeding, the transcript shall be made and one copy provided to the faculty member free of charge. The Board may consider only such evidence as is presented at the hearing, and it need consider only the evidence that it considers fair and reliable. All witnesses may be questioned by the Board members, the faculty member, and the President.

- ii. Except as herein provided, the conduct of the hearing shall be under control of the chair of the Board of Regents. The hearing shall begin with the faculty member's presentation of contentions, limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer. The burden is on the faculty member to satisfy the Board by a preponderance of evidence that the procedures used to reach the decision to terminate were abridged. When this presentation is concluded, the Board shall recess to consider whether the proof offered in support of the contention establishes the contention, unless it is not rebutted. If it determines that the contention has not been so established, it shall notify the parties and conclude the proceedings. If it determines that rebuttal is desirable, it shall so notify the parties and the hearing shall proceed. The President may then present, in rebuttal of the faculty member's contention or in general support of the decision to terminate, such testimonial or documentary proofs as he/she desires to offer, including his/her own testimony. After the President completes his/her presentation, the Board shall consider the matter in executive session.

c. Procedure After Hearing

If the Board determines that the faculty member's contention has not been established, it shall issue a simple statement to notify the faculty member and the President. If the Board determines that the faculty member's contention has been established, it shall so notify him/her and the President by a written notice that states what corrective action must be taken.

10. EXCLUSIVE PROCEDURE

No other existing procedure for reconsidering or examining an employee termination or grievance is available for considering an issue that arises from a reduction in force. Similarly, no personnel action other than a reduction in force may be considered under this procedure.

11. TERMINATION OF FINANCIAL EXIGENCY

The financial exigency terminates when the University has, under the directions of the Board of Regents given to the President, reformulated the University budget to meet the specified financial constraints that imposed the emergency.

I. TERMINATION FOR CAUSE

1. GROUNDS FOR TERMINATION

The University may terminate a faculty appointment for cause only by using the grounds permitted by Kentucky Revised Statutes Section 164.360, as amended. The grounds for termination currently are "incompetency, neglect of or refusal to perform his [or her] duty, [or for] immoral conduct" (brackets added). Such termination shall never abridge faculty rights set forth in Part Two, Section III., Academic Freedom.

2. PROCEDURES FOR TERMINATION

The procedures set forth in KRS Section 164.360 shall apply. That section provides that "A . . . faculty member shall not be removed until after ten (10) days' notice in writing, stating the nature of the charges preferred, and after an opportunity has been given him [or her] to make defense before the board by counsel or otherwise and to introduce testimony which shall be heard and determined by the board" (brackets added). That section also provides that "charges against a faculty member shall be preferred in writing by the president unless the offense is committed in his [or her] presence" (brackets added).

- a. Adequate cause for a dismissal will be related, directly and substantially, to the fitness of the faculty member in his/her professional capacity as a teacher or scholar and as limited by KRS 164.360. Dismissal will not be used to restrain faculty in the exercise of their rights under the laws of the United States and the Commonwealth of Kentucky.
- b. Dismissal of a faculty member with tenure, or with a special or probationary appointment before the end of the specified term, will be preceded by:
 - i. discussion between the faculty member and appropriate administrative officers, seeking a mutual settlement;
 - ii. an informal fact-finding conference with the Peer Review Advisory Committee, which may, failing to effect a resolution, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; and
 - iii. a statement of charges, framed with reasonable particularity by the President or the President's delegate.
- c. With a statement of charges, the faculty member concerned will have the right to a formal hearing by the Peer Review Hearing Committee. Members deeming themselves disqualified for bias or interest will remove

themselves from the case, either at the request of a party or on their own initiative.

- i. Pending a final recommendation by the Peer Review Hearing Committee, the faculty member will be placed on mandatory leave, or assigned to other duties in lieu of mandatory leave, only if immediate harm to himself/herself or others is threatened by his/her continuance. Before placing a faculty member on mandatory leave, pending an ultimate determination of his/her status through the University's hearing procedures, the administration will consult with the Peer Review Advisory Committee concerning the propriety, the length, and other conditions of the leave. In the event that the Peer Review Advisory Committee is not able to convene a meeting, the President has the right to make a brief suspension of the faculty member's service before consulting the Peer Review Advisory Committee. A mandatory leave intended to become a termination is a dismissal at the conclusion of the leave period. Salary will continue during the period of the leave.
- ii. The Peer Review Advisory Committee may hold joint pre-hearing meetings with the parties in order to:
 - a. simplify the issues;
 - b. effect stipulation of facts;
 - c. provide for exchange of documentary or other information; and
 - d. achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.
- iii. Notice of the hearing, with specific charges in writing, will be made to the faculty member at least twenty (20) calendar days prior to the hearing by the chair of the Peer Review Hearing Committee. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him/her or asserts that the charges do not support a finding of adequate cause, the Peer Review Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

- iv. The hearing will be private, except at the request of the faculty member and as provided by law.
- v. During the proceedings, the faculty member and/or the University will be permitted to have an academic adviser and/or legal counsel.
- vi. A verbatim record of the hearing or hearings will be taken and one typewritten copy will be made available to the faculty member without cost, at the faculty member's request.
- vii. The burden of proof that adequate cause exists rests with the University and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- viii. The Peer Review Hearing Committee will grant adjournments to enable either party to investigate evidence for which a valid claim of surprise is made, if substantial prejudice would otherwise result.
- ix. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the Peer Review Hearing Committee in securing witnesses and making available documentary and other evidence subject to the laws of the Commonwealth of Kentucky.
- x. The faculty member and the administration will have the right to confront and cross-examine all witnesses.
- xi. In the hearing of charges of incompetence, the testimony will include that of qualified faculty members from Northern Kentucky University or other institutions of higher education.
- xii. The Peer Review Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- xiii. The findings of fact and the decision will be based solely on the hearing record.
- xiv. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided until the proceedings, including consideration by the Board of Regents, have been completed.

- xv. The President, other appropriate academic administrators, and the faculty member will be notified of the recommendation of the Peer Review Hearing Committee in writing with supporting reasons and will be given one copy of the record of the hearing.

- xvi. If the Peer Review Hearing Committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President. If the President disagrees with the report, he/she will state in writing his/her reasons for doing so, to the committee and to the faculty member, and will provide an opportunity for response before transmitting the case to the Board of Regents. If the Peer Review Hearing Committee concludes that adequate cause for dismissal has not been established by the evidence, but that an academic penalty less than dismissal would be more appropriate, it will so recommend, with supporting reasons.

XII. FACULTY DEVELOPMENT PROGRAMS

(See also Section XIII. for other faculty leaves.)

A. SABBATICAL LEAVES

1. PURPOSE

Sabbatical leaves are granted by Northern Kentucky University to promote the professional growth and effectiveness of the faculty. Sabbatical leaves are granted to enable recipients based on merit to devote time to scholarly activity and research, advanced study, or artistic performance – all in pursuit of academic objectives. The type of sabbatical which would best meet these objectives is to be determined by the faculty member applying for leave. The number of sabbatical leaves made available to the faculty for allocation each year will be equal to no less than 5.75% of the number of full-time faculty. Sabbatical leaves are normally not granted to prepare theses or dissertations to meet degree requirements. A sabbatical leave may be granted for the purpose of retraining a faculty member in a new academic field if this retraining is in the interests of the University.

2. ELIGIBILITY FOR SABBATICAL LEAVES

- a. Tenured, full-time faculty and department chairs are eligible to apply for sabbatical leaves and are governed by the procedure outlined in this Handbook. A non-tenured faculty member in the sixth year of a probationary appointment may apply for a sabbatical leave but must be granted tenure in order to receive the sabbatical leave.
- b. Accrual of time toward eligibility begins at the date of initial tenure-track appointment at the University, or July 1, 1970, whichever occurred later. After twelve (12) semesters of employment at the University, excluding summer terms, faculty are eligible to receive a sabbatical leave of one semester at full salary or of two semesters at 65% salary. Twelve semesters after the year or semester for which the sabbatical leave was awarded, a faculty member is again eligible for a sabbatical leave. Eligibility for subsequent leaves accrues in the same fashion. If a sabbatical leave is postponed by the administration, by the Department, or by the faculty member, the faculty member may elect to take the sabbatical leave when he/she chooses, in consultation with the chair; however, eligibility for a subsequent leave shall be calculated on the basis of the semester/year for which the leave was awarded, not when it was completed.

3. CONDITIONS

- a. Sabbatical leave of one semester carries full salary. A sabbatical leave of two semesters carries 65% salary.

- b. Recipients of sabbatical leaves who receive salary must agree to return to the University for at least one academic year immediately following the end of the leave or to repay the University the amount of the leave stipend.
- c. Faculty on sabbatical leave for one semester with full salary normally may not accept paid employment except where the purpose of the leave is for professional practice or experience that cannot be obtained without such employment. Faculty on two-semester sabbatical leaves at 65% salary may normally accept a paid position that compensates up to the remaining 35% of salary (excluding extraordinary personal expense) or may accept a part-time position. Faculty on sabbatical leave may accept money from fellowships or grants for study, research, or travel, all without prejudice to their University salary.
- d. Time spent on sabbatical leaves shall be considered a part of University service. The University will make its normal contributions to the faculty member's insurance (if continued coverage is permitted), to retirement plans, and to all other normally paid fringe benefits. Salary increments and any promotion increments for a year that includes a sabbatical leave shall be determined as if the faculty member were in residence during that period.
- e. Between the awarding of the sabbatical leave and the funding or initiation of the leave, in the event of intervening circumstances that prevent the recipient from fulfilling the terms of the sabbatical leave or the University from funding the leave, the leave will be postponed. If a sabbatical is postponed, that postponement will not reduce the number of sabbaticals made available to faculty in any subsequent year. (See Section XII.A.2.b.)

4. REQUIRED REPORTING

Within two months of returning from a sabbatical leave, the faculty member shall submit a report summarizing what she/he accomplished on the leave. A copy of this report must be submitted to the department chair or other appropriate supervisor, to the Dean of the faculty member's college, to the Provost, and to the chair of the Faculty Benefits Committee. A copy of the report will be placed in the faculty member's personnel file maintained in the Provost's office. Within one academic year following the end of a sabbatical leave, a sabbatical recipient will provide an opportunity for others in the NKU community to learn about the results of their work. There are a number of acceptable vehicles for this report including, but not limited to: formal and informal presentations, the dissemination of written information, a public show or performance.

5. PROCEDURES

The procedures set forth at Section XII.D., Application and Procedures, apply to applications for sabbatical leaves.

B. FACULTY SUMMER FELLOWSHIPS

1. PURPOSE

Faculty summer fellowships provide funds to support professional development during the summer months. The following are examples of the types of activities that may qualify the applicant for a faculty summer fellowship:

- a. improving teaching skills;
- b. individual research;
- c. scholarly writing;
- d. creative and artistic projects;
- e. preliminary studies and literature searches; and
- f. attending seminars or courses related to one's field or professional work.

2. ELIGIBILITY FOR FACULTY SUMMER FELLOWSHIPS

Full-time tenure-track or tenured faculty may apply for a faculty summer fellowship. A faculty member who receives a faculty summer fellowship will not be eligible to receive another faculty summer fellowship until the third summer following the prior fellowship. A faculty member who will receive a terminal contract is not eligible to receive a faculty summer fellowship.

3. STIPEND

- a. All recipients on an academic-year contract will receive the same stipend in a given summer. Each year the Provost, after consultation with the Faculty Benefits Committee, will announce the exact amount of the stipend for faculty summer fellowships prior to the application deadline.
- b. All recipients who are on a fiscal-year contract will receive 100 percent reassigned time for two months during the summer of the fellowship in addition to accrued vacation time. They shall continue to receive their regular salary during this reassigned time.
- c. Recipients of faculty summer fellowships on academic-year contracts will

receive 90 percent of their stipend at the beginning of the summer sessions. The remainder of the stipend will be paid only after the reporting requirements have been completed. Reports should be submitted no later than September 1, following the summer fellowship period.

4. CONDITIONS

- a. Faculty summer fellowships are not awarded to enable faculty to complete degree requirements.
- b. Recipients of faculty summer fellowships will not teach any summer courses or perform any other paid duties for the University during the term of the fellowship.
- c. Recipients of faculty summer fellowships must agree to return to the University for a minimum of one academic year following the fellowship or to repay the University the full amount of the fellowship stipend.
- d. Recipients of faculty summer fellowships must comply with the University's outside-activity guidelines during the term of the fellowship.
- e. In addition to the fellowship reassigned time, a recipient on a fiscal-year contract is entitled to one month of vacation between mid-May and mid-August.
- f. If, between the awarding of a fellowship and the funding or beginning of the fellowship, intervening circumstances prevent the recipient from fulfilling the terms of the fellowship or the University from funding the fellowship, the University is not obligated to fund the fellowship.

5. REPORTING

Within two months of completing a faculty summer fellowship, the faculty member shall submit a report summarizing what she/he accomplished on the faculty summer fellowship. A copy of this report must be submitted to the department chair - or other appropriate supervisor - to the dean of the faculty member's college, to the Provost, and to the chair of the Faculty Benefits Committee. A copy of the report will be placed in the faculty member's personnel file maintained in the Provost's office.

6. BEGINNING OF FELLOWSHIP

The beginning date for faculty summer fellowships is the Monday following spring commencement for recipients on academic-year contracts. Recipients on

academic-year contracts will receive 90 percent of their stipends at the beginning of the summer sessions. (Note: Stipends are normally made available during the first week of June.) The remainder will not be paid until after the Provost receives the final report, which should be no later than September 1.

7. PROCEDURES

The procedures set forth in Section XII.D., Application and Procedure, apply to applications for faculty summer fellowships.

C. FACULTY PROJECT GRANTS

1. PURPOSE

Faculty project grants are awarded to provide funds to pay expenses, purchase equipment, and to cover other financial needs for sabbatical leaves, faculty summer fellowships, and for other instructional, scholarly, and creative activities where financial support is not available through department budgets. Availability of department funds should be communicated by department chairs or program directors as part of their evaluation of the application.

2. ELIGIBILITY FOR FACULTY PROJECT GRANTS

Full-time tenure-track or tenured faculty may apply for a faculty project grant. A faculty member who will receive a terminal contract is not eligible to receive a faculty project grant.

3. AWARD

Normally the maximum amount for a faculty project grant will be the amount of a faculty summer fellowship. Especially worthy projects, however, may be funded with additional amounts. The period for expending grant funds is the University's fiscal year, which is limited to July 1 of the calendar year in which the award is made through June 30 of the following calendar year.

4. LIMITATIONS

- a. No salary or honorarium may be paid to any full-time faculty member from grant funds.
- b. Projects leading to completion of a terminal degree and student projects will not be funded.

5. DISPOSITION OF PURCHASED PROPERTY

All property, including equipment and art works, purchased with faculty project grant funds becomes the property of Northern Kentucky University. The Provost will make the final determination of assignment of all property purchased with grant funds.

6. GRANT ADMINISTRATION

a. Administration and Accounting

The Provost's office and the accounting office will coordinate administration and accounting for the grant. All expenditure authorizations must be approved by the accounting office prior to disbursement. The accounting office will provide the grant recipient a detailed monthly report of the account status. The Provost's office will provide information and assistance in complying with regulations of the University and the Commonwealth of Kentucky.

b. Fiscal Procedures

University fiscal policies and procedures are subject to change. Recipients of faculty project grants are expected to check with the accounting office to insure adherence to current practices.

7. FINAL REPORT

Upon completion of the grant, the faculty member will submit a report containing a description of completed goals. A copy will be given to the department chair or other appropriate supervisor, the appropriate dean, the Provost, and the chair of the Faculty Benefits Committee. A copy of the report will be placed in the faculty member's personnel file maintained in the Provost's office.

8. PROCEDURES

The procedures set forth in Section XII.D., Application and Procedures, apply to applications for faculty project grants. If, between the awarding of the faculty project grant and the funding or initiation of the project, there are intervening circumstances that would prevent the recipient from completing the project or prevent the University from funding the project, the University may revoke the grant.

D. APPLICATION AND PROCEDURES

1. APPLICATION

- a. No later than the first Tuesday in October, the faculty member shall submit his/her proposal for a specified faculty development program. A faculty member may apply for more than one program. The application must be given to the department chair or program director and to the chair of the Faculty Benefits Committee.
- b. Each application must comply with the proposal criteria and format established by the Faculty Benefits Committee and approved by the Faculty Senate.
- c. No later than April 30, the Faculty Senate shall provide copies of the application form, criteria, and format to each chair and director. These documents will be available to the faculty from each chair and director no later than May 1 of each academic year for use in the following fall semester.

2. EVALUATIONS AND RECOMMENDATIONS

- a. No later than the first Tuesday in October, the department chair or program director must evaluate all applications received and verify the eligibility of all applicants. The evaluation must include a summary of the applicant's stewardship of previous Faculty Development Awards. The evaluation must be forwarded to the chair of the Faculty Benefits Committee and the appropriate dean. Each applicant shall receive a copy of the evaluation of his/her application(s). In the event that a department chair is applying in a faculty development program, the appropriate dean will fill the role of the chair in the evaluation process.
- b. No later than December 1, the Faculty Benefits Committee will submit to the Provost a ranked list of all approved applications and a list of all unapproved applications.
- c. The Provost, after consultation with the appropriate dean, may change a recommendation of the Faculty Benefits Committee; such changes will be made in consultation with the committee. No later than December 24, the Provost will notify all applicants of the approval or disapproval of their faculty development program applications.
- d. The Provost maintains final responsibility for the dispersal of faculty development program funds.

3. BY LAWS

The Faculty Benefits Committee will maintain By Laws for the evaluation of faculty development program applications. These By Laws must be approved by the Faculty Senate and the Provost. Copies of the By Laws must be available to any faculty member from the chair of the Faculty Benefits Committee.

4. EVALUATION

In evaluating and ranking applications, the following are the primary factors that will be considered:

- a. how well the proposal meets the purposes of the program for which application is made;
- b. the value of the project to the applicant's growth and professional status;
- c. the value of the project to the scholarly community;
- d. the value of the project to the applicant's teaching responsibilities and students;
- e. the value of the project to the University;
- f. the value of the project to the non-academic community;
- g. the probability that the project will be carried out (to be measured in terms of the applicant's background, previous success, and attainability of the goals stated);
- h. the ability of the applicant to convey the content and importance of the project to those outside his/her own academic discipline;
- i. investigation of alternative funding sources, and/or the possibility of the project leading to future grants;
- j. other income the project has or may generate;
- k. the urgency of the project to be undertaken; and
- l. overall quality of the proposal.

Other things being equal, preference should be given, first, to a candidate who has not previously received a Program award; second, to a candidate without tenure; and, third, to a candidate who received a Program award the longest time ago.

E. REGENTS' PROFESSORSHIP AWARD

The Regents' Professorship Award was established May 9, 1990, by the Board of Regents of Northern Kentucky University.

The Regents' Professorship shall be awarded from time to time to those full professors who, at the apex of their careers, have a demonstrated record of academic achievements that have brought acclaim to the University. Upon selection, the Regents' Professor shall carry such title for six (6) years, and will be reviewed for renewal every six years while employed at Northern Kentucky University. Compensation for the award may include salary compensation, reassigned time, and other benefits as stipulated by the Board of Regents. Appropriate personnel should make the presentation of the Regents' Professorship to the person receiving the award at the appropriate college commencement in the spring prior to the first year of the initial Regents' Professorship term.

The Regents' Professorship selection process shall be administered by the office of the Vice President for Academic Affairs and Provost. Announcements regarding the award availability will be made to all full-time faculty.

F. FACULTY-INITIATED REASSIGNED TIME

1. DEFINITION

- a. Reassigned time is a reduction granted in the normal teaching load to faculty to allow them to pursue professional growth and improved teaching effectiveness, but it may be limited by budgetary or departmental considerations. A reduced workload may be granted to librarians for worthwhile projects but may be limited by budgetary or departmental considerations.
- b. Faculty-initiated reassigned time is reassigned time that is initiated by a faculty member. (See also Section XII.H., Administrative-Initiated Reassigned Time.)

2. ELIGIBILITY FOR FACULTY-INITIATED REASSIGNED TIME

This policy applies to all full-time, tenure-track faculty, except that faculty on terminal contracts are not eligible to receive faculty-initiated reassigned time.

3. PURPOSE AND SCOPE

A faculty member may request reassigned time for creative and scholarly activity, for research, for curriculum development, or for community research and service. The following are examples of the types of projects that may qualify; these descriptions are not intended to be all-inclusive:

- a. Faculty development, such as scholarly and creative activity as defined in Section IV.A.2.; research in developing experimental projects; research in improvement of teaching skills; holding a responsible, time-consuming office in a regional or national professional organization.
- b. Curriculum development, such as revising programs; developing multi-section courses or new courses that require extensive preparation; writing grant proposals--all of which would further objectives of the department.
- c. Community research and service, such as coordinating service projects; development and implementation of workshops, research and analysis, special training projects or conferences; writing or editing service publications; holding a responsible, time-consuming office in regional or national service organizations.

4. LIMITATIONS

Reassigned time will not be granted for paid consultation, for "normal" course revisions that are routinely required of all faculty, or for research or writing or course study to meet degree requirements. Award of reassigned time is conditioned upon signing a non-terminal contract for the academic year for which reassigned time is awarded.

5. GENERAL

The University may maintain funds for staffing departments that have faculty on faculty-initiated reassigned time. Where proposals are equally justifiable, the Dean will attempt to equitably distribute reassigned time among departments. Requests for reassigned time may be made for a one- or two-semester duration. The award will clearly state the amount of reassigned time. The amount of reassigned time will be stated as a percentage of the regular 12-hour teaching load, or percentage of normal workload for librarians, within the department. The maximum amount of reassigned time per person shall not normally exceed 50 percent. There is no restriction as to how often a faculty member may request reassigned time but, all other factors being equal, priority will be given to those who were not given reduced teaching loads in the previous semester.

6. PROCEDURE AND EVALUATION

- a. Faculty members initiate requests for reassigned time by submitting proposals in writing, using the appropriate form if one exists, to the chair or other appropriate supervisor, no later than the end of the seventh week of the semester prior to the semester for which reassigned time is requested.

- b. The chair or supervisor will recommend either approval or disapproval of the proposal and forward it to the appropriate dean.
- c. The Dean will either approve or disapprove the proposal. The Dean will use these criteria to evaluate each proposal:
 - i. explicitness of the goals;
 - ii. attainability of the goals in the time period;
 - iii. sufficiency of the applicant's background for attainment of the stated goals;
 - iv. contributions to one or more of the following:
 - a. the applicant's growth or professional status;
 - b. the program area;
 - c. the University;
 - d. the scholarly community;
 - e. the non-academic community; and
 - vi. the chair's recommendation.
- d. At the end of each semester, the Dean will send a list of all faculty granted faculty-initiated reassigned time to the department chair and to the Provost.

7. INTERVENING CIRCUMSTANCES

In the event circumstances develop, between the time of awarding reassigned time and the beginning of the reassignment, which prevent the faculty member from fulfilling the terms of the reassignment, or the University from funding the reassigned time, the University may withdraw the award of reassignment.

G. ADMINISTRATIVE-INITIATED REASSIGNED TIME

The administrative officers of the University may assign a faculty member to serve in an administrative or other capacity for a specified time. This assignment may be full-time or part-time for a limited period.

H. TUITION WAIVER

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 member 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 a 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 or NKU course work each semester without being required to take tuition. This benefit is not extended to the temporary full-time faculty member's spouse or dependents.

I. TRAVEL FUNDS

Each department and program may be allocated faculty travel funds. The chair or director is responsible for allocating these funds among faculty. The purpose of the travel funds is to enable faculty to travel for professional purposes, especially to enable faculty to present papers and to serve on professional panels. Each faculty member is responsible for securing proper authorization for travel and for submitting the proper forms and information for reimbursement of travel expenses.

XIII. FACULTY LEAVES

A. LEAVES FOR FACULTY ON ACADEMIC-YEAR CONTRACTS (See also Section XII.B., Sabbatical Leaves.)

This policy applies to full-time tenure-track faculty who receive academic-year contracts. Arrangements to provide for classes to be taught by a faculty member on leave will be made by the faculty member, upon approval of the department chair, or by the department chair, as appropriate.

B. JURY DUTY AND COURT APPEARANCES

Faculty will be granted time to serve on juries or to appear in court as witnesses if subpoenaed by anyone empowered by law to compel attendance by subpoena, all without loss of pay. The University will continue its normal contributions to insurance and other fringe benefits during such leave.

C. TEMPORARY MILITARY LEAVE

Faculty in the National Guard or in military reserve units of the United States shall be granted up to 10 working days of military leave each year. Insofar as possible, faculty shall attempt to have the leave scheduled at some time other than the academic year by making such a request of their military superiors. The University will pay the difference between the faculty member's normal salary and the military salary during this leave.

D. EXTENDED MILITARY LEAVE

Military leave of absence will be granted to any faculty member in the event of induction or voluntary enlistment. No salary or collateral fringe benefits of any kind shall be paid to the faculty member during the term of this leave. Upon return to the University position, the period of military service will be added to the length of service credit that the faculty member may have accumulated prior to induction or enlistment, except that time spent on extended military leave shall not be counted toward mandatory tenure consideration.

E. PROFESSIONAL LEAVES

Leaves of absence to attend professional meetings or other professional activities may be granted to faculty upon request. Such leaves shall not exceed five (5) consecutive working days. Requests must be filed with the department chair at least five (5) working days in advance of the anticipated leave.

Leaves of absence to carry out official University business, e.g., official visits to other campuses, off-campus meetings, etc., may be granted to faculty upon request. When possible, requests must be filed with the department chair at least five (5) working days in

advance of the anticipated leave.

F. PAID LEAVE FOR ILLNESS, TEMPORARY DISABILITY, OR MATERNITY LEAVE

1. Continuing faculty earn and accumulate sick leave with pay on the basis of one day per month credited on the first day of the contract year (twelve (12) days per contract-calendar year). An unlimited number of sick-leave days may be accrued.

Records regarding faculty sick-leave accumulation are maintained in the office of the Vice President for Academic Affairs and Provost.

2. New faculty having no accrued sick leave will have one-half the yearly total credited to them at the beginning of their annual appointment; the remaining six (6) days will be credited as they accumulate monthly for the remaining half of the contract year.
3. Faculty who suffer temporary illness or disability, thus making them unable to perform assigned duties, will be granted paid leave for the necessary period, not to extend beyond the period that can be covered by accumulated sick leave days or ninety (90) calendar days, whichever is greater.
4. A physician's written statement may be required by the faculty member's department and/or the office of the Provost at any time during a temporary disability leave.
5. Faculty on paid leave will receive their regular compensation during the period of leave, as well as any salary increases, promotion, award of tenure, or any other rights that they would have received individually or as a member of the faculty had they not been on such leave.
6. On the first day of the month following the completion of six (6) months of continuous total disability, the faculty member is eligible for benefits under the University's group total disability insurance plan.
7. A maximum of five (5) accumulated sick days per contract-calendar year may be used for absences necessitated by emergency or serious illness of an immediate member of family (parents, brother, sister, spouse, child, or other persons for whom the faculty member is responsible).
8. Faculty may use accrued sick leave for childbirth, adoption, or attending childbirth in the immediate family.
9. If a faculty member is ill, he/she is required to call the department chair's office as early as possible to report the absence and to make provisions to have his/her classes notified. If a faculty member anticipates an illness in excess of three (3)

consecutive teaching days, the department chair must be notified so that provisions can be made for covering the classes.

10. Unused faculty sick-leave allowance will not be paid upon termination or resignation.

G. UNPAID SICK LEAVE

1. After exhausting accrued sick leave, a faculty member may request additional unpaid sick leave. A request form for unpaid, extended sick leave must be filed and approved by the department chair, the Dean, the Provost, the President, and the Board of Regents.
2. Approval for unpaid extended sick leave will normally be granted to tenured faculty for up to two years. A non-tenured faculty member's request for unpaid extended sick leave will normally be granted for a period at least equal to the period specified for probationary faculty members in the termination policies of this Handbook.
3. Initial requests for extended unpaid sick leave will be granted for up to one year of unpaid sick leave. Extensions of unpaid sick leave beyond one year require submission and approval of an additional request.
4. Unpaid sick leave will not normally be granted to any faculty member for more than two consecutive years. After two consecutive years, if the case warrants, the University administration may implement the procedures for termination for medical reasons.
5. The University will continue its normal contributions to insurance and other paid fringe benefits up to one year of unpaid sick leave if permitted by the contract with the insurance carriers. (The University does not continue its contributions to TIAA in instances of unpaid leave.)
6. Accrual of sick-leave time does not continue during unpaid sick leave.
7. Unpaid sick leave will not count toward tenure accrual.

H. UNPAID LEAVE

1. Leaves of absence without pay may be granted to faculty for up to one year at a time. A request must be filed with the department chair at least two months in advance of the date upon which unpaid leave would begin except in case of emergency. Granting of unpaid leave requires the approval of the department chair, the Dean, the Provost, the President, and the Board of Regents. A second consecutive year of unpaid leave may be granted upon request. In no case will a second year of unpaid leave be automatically granted. Unpaid leaves may be

requested for the following purposes:

- a. personal;
 - b. childbirth, attending childbirth, adoption, child-rearing, or other related purposes; and/or
 - c. faculty professional development.
2. Specific conditions applying to recipients of unpaid leave:
- a. In the case of leave granted for faculty professional development, the following benefits will normally be granted:
 - i. accrued time toward tenure, promotion, and sabbatical leaves;
 - ii. across-the-board salary increases.
 - b. In the case of leave granted for child-rearing or personal reasons, none of the above benefits will normally be granted.
 - c. Faculty on unpaid leave other than unpaid sick leave may continue in the University's benefit programs if permitted by the contract with the insurance carriers, at the faculty member's expense.
 - d. Exceptions to this policy must be agreed to by the administration and affected faculty, and they must be stated in writing before the unpaid leave is granted.

I. SPECIAL OR EMERGENCY LEAVE

It is recognized that from time to time it may be advantageous to faculty and to the University to grant special or emergency leaves for purposes, for time periods, and under circumstances other than those described in the prior provisions of this Handbook. Such leaves may be granted, for example, to respond to personal emergencies, family responsibilities, or bereavement. Special or emergency leaves may be requested by the faculty member and granted upon approval of the department chair, the Dean, and the Provost. The Provost may also initiate and approve a special or emergency leave for faculty. The terms and conditions of such leaves will be mutually agreed upon by faculty and administration. All normal compensations will continue during the special or emergency leaves.

J. MANDATORY LEAVE

The President may place a faculty member on temporary, paid mandatory leave under appropriate circumstances.

K. FACULTY ON FISCAL-YEAR CONTRACTS
(See Section XII.B., Sabbatical Leaves.)

Full-time, tenured or tenure-track faculty on fiscal-year contracts, except for chairs, deans, vice presidents, the President, and any other administrative officer who holds faculty rank, may request all the leaves set forth above. In addition, these faculty accrue annual leave at the same rate as other fiscal-year employees, i.e., 2.08 days each month for a total of twenty-five (25) working days for a calendar year. These faculty members may use no more than twenty-five (25) working days of annual leave in any calendar year. No more than twenty (20) working days of annual leave may be carried into any calendar year. The dates of annual leave shall be mutually agreed upon by faculty and immediate supervisors. Annual leave time does not accrue while a faculty member is on any unpaid leave. Fiscal-year faculty should be on campus when the University is open for business after the end of the semester and prior to commencement.

Faculty who anticipate termination due to resignation, retirement, or other reason must use all accumulated annual leave prior to the date of termination. In the event of death of a faculty member who has accumulated annual leave, the final salary payment will include payment for such earned annual leave. Other payment of annual-leave time will not be made in the event annual-leave time is unused at termination unless use of the annual leave would result in undue hardship to the University.

XIV. FACULTY WORKLOAD POLICY

The credit hour is the recognized standard by which faculty teaching load is measured. The College of Law operates within the American Bar Association standard for teaching loads; the normal teaching load is the traditional six (6) semester credit hours. Regardless of external funding for research or other grant activities, faculty will normally teach a minimum of 50% time in a given academic year. The Provost/Executive Vice President may grant exceptions to this policy on a semester-by-semester basis.

XV. GRIEVANCES

A. DEFINITIONS

For the purposes of this Handbook, there are two categories of grievances:

1. major issues concerning a faculty member's professional appointment that are heard by the peer review committees (Section XV.B., below), and
2. all others (see Section XV.C., below, Complaint Process).

B. PEER REVIEW COMMITTEES

The Peer Review Process is confidential except as agreed to by the grievant faculty member and the University, through its appointed representatives, or as provided herein, or as may be required in a court of law.

1. MATTERS SUBJECT TO PEER REVIEW

Only the following matters, all of which affect a faculty member's professional employment at the University, may be appealed to or heard by the Peer Review Process:

- a. denial of reappointment, promotion or tenure;
- b. cases involving alleged illegal discrimination, except for cases of alleged sexual discrimination which are covered in part Two, Section IX., SEXUAL HARASSMENT/GENDER DISCRIMINATION, of this Handbook;
- c. cases involving alleged violation of professional ethics and responsibilities, as set forth in Part Two, Section II., PROFESSIONAL ETHICS AND RESPONSIBILITIES, in this Handbook;
- d. termination for medical reasons, as set forth in Part One, Section XI. F., Termination for Medical Reasons, in this Handbook;
- e. program reduction and faculty reassignment, as set forth in Part One, Section XI. G., of this Handbook;
- f. termination for cause, as set forth in Part One, Section XI. I., Termination for Cause in this Handbook; and
- g. cases involving disagreement with a post-tenure review development plan, as set forth in Part One, Section X. F. 1A.4 and 1B.4 in this Handbook.

The Peer Review Process will deal with appeals and grievances of matters listed only for persons who receive a faculty contract; no person who receives an administrative contract (e.g. director, dean, associate provost, vice president) may utilize the Peer Review Process. Section XV. C., COMPLAINT PROCESS, applies to all other complaints, grievances and appeals by faculty members.

2. COMPOSITION OF PEER REVIEW COMMITTEES

- a. There shall be two peer review committees. The Peer Review Advisory Committee shall consist of five members and five alternate members. The Peer Review Hearing Committee shall consist of five members and five alternate members. In the event that there is an insufficient number of alternate members as to any case, alternate members of the other Peer Review Committee may serve, provided that no person may serve on both the Peer Review Advisory Committee and the Peer Review Hearing Committee on any one case. If it is necessary, and to constitute a full committee, the Faculty Senate Executive Committee shall appoint persons to serve on these committees. Committee membership is for two year terms beginning on January 1 and ending after December 31 two years later, provided that committee membership shall continue in the event that no replacement member(s) have been elected, and no member shall be removed from a Committee until the conclusion of a proceeding which has already begun.
- b. The members of the Peer Review Committees will be elected at large by the full-time faculty of the University eligible to vote for Faculty Senators. The election shall be conducted by the Faculty Senate Elections Committee. Nominations shall be sought from all full-time faculty eligible to vote for Faculty Senators.
- c. Members of the Peer Review Committees must be tenured full-time faculty. They shall serve staggered four-year terms (July 1 to June 30) to provide continuity of membership. The alternates will serve two-year terms (July 1 to June 30).
- d. Elections shall be held during the first full week of November to fill membership terms which expire at the end of December 31 of that year. Members shall be elected by frequency of votes. In the event of a tie, the matter will be settled by the Elections Committee, with the advice and consent of the affected individuals and the President of the Faculty Senate. Membership on the Peer Review Committees should be from a broad representation of the University faculty; therefore no Department will be represented by more than one faculty member on each Committee.
- e. Each committee will elect a chair who shall serve for one year.

- f. No member of either Peer Review Committee shall serve in the appeal or review of any matter arising from the department(s) of his/her appointment, in any case in which the member participated in any way prior to referral to the Peer Review Committee on which the member participates, nor in any matter in which the member may legitimately be called as a witness. It is the responsibility of committee members to exclude themselves from participating on a committee in any proceeding in which they have any other conflict of interest.

3. PROCEDURE

- a. Any faculty member wishing to initiate a review by the Peer Review Process must file with the Provost one original and eight copies of a written petition. The petition must:
 - i. clearly state the nature of the grievance(s) as well as any/all attempts that the faculty member has made to resolve the grievances; only those grievances listed in Section XV.B.1 of the Handbook can be investigated by the Peer Review Committees. If the faculty member wishes to submit supporting documentation, one original and eight copies of the documentation must be included with the copies of the written petition to the Provost. Although decisions regarding the inclusion of supporting documentation are the sole responsibility of the faculty member, the Peer Review Committees discourage the submission of documents unrelated to the specific grievance(s);
 - ii. be filed within the time limits prescribed by the applicable section of this Handbook; for reappointment, promotion and/or tenure decisions the time limit is fifteen (15) University working days of receipt of the notice from the Provost (section IV.C14); if no time limit is prescribed elsewhere in this Handbook, the petition must be filed no later than 60 days of the date of the alleged grievous conduct; if a petition is filed after the prescribed time, it shall be dismissed.
- b. An aggrieved faculty member may withdraw a petition for Peer Review at any time prior to the completion of the Peer Review Process. The faculty member must file a written request with the Provost and Executive Vice President, asking that the petition be withdrawn. Withdrawal of the petition shall be effective on the date the written request is received in the office of the Provost and Executive Vice President, and all further consideration of the petition shall cease immediately.
- c. Within five (5) working days of receipt of a timely filed petition and any supporting documentation, the Provost and Executive Vice President shall

forward copies of the petition and any supporting documentation received from the faculty member to the Chair of the Peer Review Advisory Committee, the Dean of the College in which the aggrieved faculty member resides, the Department Chair, the Chair of the Reappointment, Promotion and Tenure Committee of the grievant faculty member's department, and/or any other legitimate respondent to the grievance.

- d. Upon receipt of a petition and any supporting documentation for Peer Review, the Dean of the College in which the faculty member resides, the Department Chair, the Chair of the Reappointment, Promotion and Tenure Committee, and/or other respondents may each file a written response to the petition, including supporting evidence, with the Peer Review Advisory Committee within ten (10) University working days of receipt of the faculty member's documentation. Any respondent filing a written response to the petition shall provide the grievant faculty member with a copy of said response. The grievant faculty member may respond in writing within ten (10) University working days of receipt of the response(s) from the Dean, Department Chair, Chair of the Reappointment, Promotion and Tenure Committee, and/or other respondents. The Chair of the Peer Review Advisory Committee will notify, in writing, all the parties described above of their right to submit a response and will provide each Advisory Committee member with copies of all correspondence.

Normally the Peer Review Advisory Committee will need no more than ten (10) University working days after receipt by the Committee's Chair of the petition and all of the responses described in the previous paragraph.

The Chair of the Peer Review Advisory Committee will convene the meeting of the Committee. A quorum of the Committee shall consist of four of the five members. Alternate members may be used as necessary. Based upon the written information it has received, the Committee members will determine whether a *prima facie* case for a hearing by the Peer Review Hearing Committee is presented. All committee members present shall vote. The Committee's determination shall be conveyed in writing to the petitioning faculty member and to the Provost and Executive Vice President, all within the University working days of the Committee's decision. If the Committee determines that no *prima facie* case was presented, the petition will be dismissed by the Committee, accompanied by written reasons explaining the Committee's decision. If the Committee determines that a *prima facie* case was presented, the case shall be returned to the Provost and Executive Vice President for further action. If there is a tie vote, the grievant faculty member's petition shall be forwarded to the Provost and Executive Vice President for further proceedings with a finding that a *prima facie* case is presented. The entire Committee file and record, including the petition and all copies of written

statements and documents, shall be forwarded to the Provost and Executive Vice President. If the petition has been dismissed, there shall be no further Peer Review proceedings. The Provost and Executive Vice President is responsible for safekeeping the record.

- e. In the event that the Peer Review Advisory Committee determined that a *prima facie* case was presented, the Provost and Executive Vice President may review the entire record to determine whether the petition might be resolved by negotiation. The Provost and Executive Vice President may consult with his/her staff, the Deans of the University's Colleges, and/or other appropriate persons while making this decision. In that event the entire record may be reviewed by those consulted so that the proper advice may be given.

If the Provost and Executive Vice President determines that negotiation might resolve the matter, he/she or his/her designee shall negotiate with the grievant faculty member for the purpose of seeking a mutually agreeable settlement. If such a settlement is reached, it will be reduced to writing and signed by the Provost and Executive Vice President and the faculty member. Such an agreement shall not become binding on either party until approved by the University President and the Board of Regents, if required. Approval of the Board of Regents is required only as to matters which the Board of Regents must approve, such as reappointment, promotion and grant of tenure.

- f. If the petition for Peer Review is resolved by negotiation, there shall be no further Peer Review proceedings. If negotiation was not pursued by the Provost and Executive Vice President or the matter was not successfully resolved by negotiation, the Provost and Executive Vice President shall expeditiously forward the petition to the Chair of the Peer Review Hearing Committee.
- g. The Provost and Executive Vice President may designate him/herself, a Dean of a College within the University, but not the College in which the grievant faculty member is assigned, or a Department Chair, but not the Department Chair of the Department in which the grievant faculty member is assigned, to be the University representative before the Peer Review Hearing Committee.
- h. The Peer Review Hearing Committee shall proceed expeditiously to schedule a hearing and reach a decision.
- i. Scope of Review
 - (i) When hearing a case involving denial of reappointment, promotion and/or tenure, the Peer Review Hearing Committee may receive

evidence and consider only the following in order to determine whether or not the faculty member's rights have been violated:

- (aa) whether or not the policies and procedures set forth in Part One, Sections IV (Evaluation), V (Reappointment), VI (Promotion), VII (Tenure), and/or VIII (Appointment, Reappointment, Promotion, and Tenure for Librarians) of this Handbook were correctly followed in reaching a decision affecting the faculty member's professional appointment;
 - (bb) whether or not the faculty member received a reasonable opportunity to present his/her side of the matter at issue; and/or
 - (cc) whether or not the decision affecting the faculty member's professional appointment was made in a fair and/or reasonable manner, i.e., whether there was some rational basis to support the decision.
- (ii) When hearing a case involving alleged illegal discrimination (except in cases of alleged sexual harassment/gender discrimination which are covered by different procedures and not with in the purview or responsibility of the Hearing Committee), the Hearing Committee shall determine whether there was illegal discrimination which affected the decision from which the appeal is taken, and if there was illegal discrimination, make a recommendation for a remedy.
 - (iii) When hearing a case involving alleged violation of professional ethics and responsibilities, the Hearing Committee shall be guided by Part Two, Section II. of this Handbook. The Hearing Procedures provided below apply.
 - (iv) When the Hearing Committee is hearing a case of termination for cause, the Committee shall be guided by Part One, Section XI. I., Termination for Cause. The Hearing Procedures provided below are modified in Part One, Section XI. I.
 - (v) When the Hearing Committee is hearing a case of termination for medical reasons, the Committee shall be guided by Part One, Section XI. F, Termination for Medical Reasons. The Hearing Procedures provided below apply.
 - (vi) When the Hearing Committee is hearing a case of program reduction and faculty reassignment, the Committee shall be guided

by Part One, Section XI. G., Program Reduction and Faculty Reassignment. The Hearing Procedures provided below apply.

j. Hearing Procedures

- (i) A quorum of the Committee shall consist of four of the five members. Alternate members may be used as necessary.
- (ii) Hearings involving non-reappointment or termination shall be given preference over all other cases.
- (iii) The Committee must request a written statement of the grievant's case and a written list of witnesses. The University's representative must be given an opportunity to respond with a written statement of the University's case and a written list of witnesses. These statements and witness lists must also be exchanged between the grievant and the University representative.
- (iv) Hearings shall be closed unless both the grievant faculty member and the University representative agree to an open hearing. That agreement must be in writing and signed by both the grievant faculty member and the University representative, and will be subject to approval by the Provost and Executive Vice President and the University President.
- (v) The grievant faculty member may bring a person, including an attorney, to serve as an advisor. This shall be at the grievant faculty member's expense. If the grievant faculty member intends to bring an advisor, that fact shall be communicated to the Hearing Committee and to the University representative within five University working days of the day on which the grievant faculty member is asked to give the Committee a list of witnesses. If the grievant faculty member brings an advisor, the University representative may bring an advisor, including an attorney if the grievant faculty member's advisor is an attorney. Neither advisor may address the Hearing Committee nor question any witness(es); the sole role of the advisor shall be to advise the person to whom they are the advisor.
- (vi) Hearings shall be non-adversarial in form and procedure. The Committee shall seek to learn the truth. The rules of evidence binding upon courts of law are not to be observed; however, the Committee shall seek to keep the evidence received pertinent to the issue(s) raised in the proceeding.

- (vii) The grievant faculty member may present evidence and call witnesses and submit documentation, all of which must be pertinent to the issue(s) raised. Thereafter, the University representative may present evidence and call witnesses and submit documentation, all of which must be pertinent to the issue(s) raised. The Committee may call any witness(s) and request any documentation it deems pertinent to its investigation. Upon his or her request, any legitimate respondent to the grievance shall have the right to be heard by and to submit documentation to the Committee. The grievant, the University representative, and the Committee shall all be given the opportunity to question each witness before that witness is excused.
 - (viii) A complete transcript of the hearing shall be made, including all written documents submitted by any person or witness. The transcript shall be reduced to writing.
- k. Following completion of the hearing, and upon receipt of the complete transcript, the Peer Review Hearing Committee shall promptly meet to deliberate and reach a decision. The decision shall be determined, following discussion, by simple majority vote, which may be by secret ballot, including the vote of the Committee Chair. A tie vote must be reconsidered. In the event that the final Committee vote is a tie vote, the grievant faculty member's petition shall be dismissed. The Committee may make the recommendation(s) it deems appropriate, within the scope of its charge as stated above. The decision and recommendation(s) shall be in writing. The decision and recommendation(s) must be based upon written findings of fact, which may be in a separate document or included in the decision and recommendation(s).
- l. The Peer Review Hearing Committee's written findings of fact, decision and recommendation(s) shall be delivered to the University President and to the grievant faculty member within five (5) University working days of reaching its decision. The President and faculty member shall each receive a copy of the complete transcript of the hearing, including all documents received in evidence.
- m. If the matter does not have to be presented to the Board of Regents for a decision, then upon receipt of the written findings of fact, decision and recommendation(s) of the Peer Review Hearing Committee, the President shall make a decision. If the matter requires action by the Board of Regents, the President shall formulate a recommendation to the Board of Regents. In doing so, the President may consult with the Provost and Executive Vice President, and with the Deans of the University's Colleges, and in that event the Provost and Executive Vice President and the Deans may have access to the complete transcript, documents received in

evidence, and to the written findings of fact, decision and recommendation(s). The President shall communicate his/her decision or recommendation to the grievant faculty member, to the Provost and Executive Vice President, and to the Board of Regents.

- n. If the decision must be made by the Board of Regents, the President shall forward his/her recommendation and all previous recommendations to the Board of Regents for final action. The Board of Regents shall deliberate the case and reach its decision. The Board of Regents shall communicate its decision to the President, the Provost and Executive Vice President, and to the faculty member, which may be through the President. The President shall implement the Board's decision.
- o. In the event that the case provides instruction to any aspect of the University and its procedures, the President may provide a means for that instruction to be communicated to appropriate persons, with confidentiality of the Peer Review Process otherwise maintained.
- p. The President is responsible for safekeeping the record.

C. COMPLAINT PROCESS

The following process will apply to all complaints other than those heard by the peer review committees and those not covered elsewhere in this Handbook.

1. PROCESS APPLICABILITY

A faculty member initiates the complaint process when a concern can no longer be resolved through informal discussion and is not governed by the peer review process.

2. COMPLAINT PROCESS PROCEDURE

The faculty member addresses the complaint in writing to his/her department chair, with copies to the appropriate dean and the Provost. The complaint should identify clearly the nature of the concern and record any earlier attempts to resolve the complaint through discussion.

If the matter remains unresolved at the chair's level, the faculty member may address the complaint in writing to the appropriate dean with copies to the Provost and the department chair.

If the matter remains unresolved at the Dean's level, the faculty member may address the complaint in writing to the Provost with copies to the department chair and the Dean.

The Provost or Associate Provost will provide oversight throughout the complaint process and will ensure that careful consideration is given to the complaint at every level without prejudice to the complainant.

The department chair, the Dean, and the Provost are required to respond to the complainant in writing.

3. ADVISORY COMMITTEE

Each college shall elect one at-large member to serve on the Advisory Committee. The members shall serve two-year terms (July 1 to June 30). This election will be conducted by the Faculty Senate at the time of other Faculty Senate elections. Members of the Advisory Committee will be full-time tenured faculty.

The vice president of the Faculty Senate shall be responsible for calling the first meeting of the committee, which will then choose a chair from among its elected members. The vice president of the Senate will also act as an alternate member of the Advisory Committee should one be needed because of illness or conflict of interest.

The Advisory Committee may be called on to review any complaint and make recommendations to either the department chair or the Dean during the procedure outlined in Section C.2., above. If the complaint is addressed in writing to the Provost, the Provost is required to consult the Advisory Committee, which will then make recommendations in writing to the Provost for resolution of the complaint. The complainant shall also receive a copy of the Advisory Committee's recommendations.

A member of the Advisory Committee may not hear a complaint if he/she is from the same department as the complainant. In this event, the vice president of the Faculty Senate will serve as alternate.

**XVI. AMENDMENT TO THE NORTHERN KENTUCKY
UNIVERSITY CHASE COLLEGE OF LAW FACULTY
POLICIES AND PROCEDURES HANDBOOK**

Amendments to this Handbook may be proposed by any member of the full-time, tenure-track faculty, by the Dean of the College of Law by the Provost, or by the President. The proposed amendment must be in writing and must be accompanied by the rationale for the change; it must point out all sections of this Handbook that would be altered or deleted if the amendment were to be adopted. The proposed amendment and supporting documentation must be presented to the full-time, tenure-track faculty, the Dean of the College of Law and to the Provost, simultaneously, for the purpose of initiating the amendment process.

The Dean may refer the proposal to a committee which shall report its recommendation to the faculty. If the proposed amendment is adopted by the Faculty of the College of Law, it shall be submitted to the Provost prior to seeking action by the Board of Regents. Normally, amendments to this Handbook will be submitted to the Board of Regents only at its regularly scheduled meeting in the spring.

No amendment to this Handbook shall be given any retroactive effect in any way unless otherwise stated in that amendment.

PART TWO: FACULTY AND UNIVERSITY POLICIES

I. GENERAL

A. INTRODUCTION

The policies that appear in Part Two of this Handbook are those ordinarily published in a faculty handbook and are representative policies. They are not intended to be all-inclusive.

B. FACULTY AND UNIVERSITY POLICIES

It is the responsibility of every faculty member to know the various policies of the University as set forth in this Handbook and in other recognized sources of University policy. Additional policies will be adopted from time to time that also require faculty participation or compliance, such as policies set forth in the Student Handbook, including the grade appeal and sexual harassment policies. It is the responsibility of the division that generates a new policy to notify all those to whom it applies. Each department and college is a depository of a complete set of University policies that apply to faculty.

At the time a faculty member is hired, he/she will receive copies of the then-current Faculty Handbook and Student Handbook. Thereafter, faculty will be notified of and have access to new or revised policies in a timely manner.

C. LEGAL DEFENSE AND INDEMNIFICATION/NOTICE REQUIREMENT

Article IV. of the By Laws of the Northern Kentucky University Board of Regents provides in the proper case that a faculty member "be afforded a legal defense and indemnification for any acts or actions taken in good faith and within the scope of his/her official duties while on the official business of the University." (See Article IV., By Laws of the Board of Regents of Northern Kentucky University, in Appendix B of this Handbook. Article IV. also includes requirements for timely notification by the faculty member; see Appendix B.) However, faculty are cautioned that conduct that is determined to be not within the scope of employment is not within the protection of that By Law.

II. PROFESSIONAL ETHICS AND RESPONSIBILITIES

- A. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him/her. The primary responsibility to the faculty member's discipline is to seek and to state the truth as he/she sees it. To this end, the professor devotes energies to developing and improving scholarly competence. The faculty member accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge as well as to practice intellectual honesty. Although subsidiary interests may be followed, these interests must never seriously hamper or compromise the faculty member's freedom of inquiry.
- B. As a teacher, the professor encourages in students the free pursuit of learning. The professor holds before students the best scholarly standards of the particular discipline. He/she demonstrates respect for the student as an individual, adheres to the proper role as an intellectual guide and counselor, makes every reasonable effort to foster honest academic conduct, and assures that the evaluation of students reflects their true merit. The faculty member respects the confidential nature of the relationship between professor and student. He/she avoids any exploitation of students for private advantage, acknowledges significant assistance from them, and protects their right to hold and support dissenting viewpoints in matters of opinion.
- C. As a colleague, the professor has obligations deriving from common membership in the community of scholars. He/she respects and defends the free inquiry of his/her associates. In the exchange of criticism and ideas the professor shows due respect for the opinions of others. The professor acknowledges academic debts and strives to be objective in professional judgment of colleagues. The faculty member accepts his/her share of responsibilities for the governance of the University.
- D. As a member of the University, the professor seeks above all to be an effective teacher and scholar. Although the faculty member observes the stated regulations of the University, provided they do not contravene academic freedom, he/she maintains a right to criticize and seek revision. The professor determines the amount and character of the work he/she does outside the University with due regard to his/her paramount responsibilities within it and in accordance with the requirements set forth in Section IV., Policies and Expectations for Outside Activities. When considering the interruption or termination of his/her service, the professor recognizes the effect of that decision upon the program of the University and gives due written notice of these intentions.
- E. As a member of the community, the professor has the rights and obligations of any person under the laws of the United States and the Commonwealth of Kentucky. The professor measures the urgency of these obligations in the light of his/her responsibilities to his/her discipline, students, profession, and to the University. When the professor speaks or acts as a private person, he/she avoids

creating the impression of speaking or acting for the University. As a person engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

- F. The primary professional obligation of a professor is to be an effective teacher and scholar. Other specific obligations of a faculty member in abiding by professional standards include, but are not limited to, the following:
- I. Obligations to students:
 - a. providing a syllabus for each course taught in accordance with the guidelines for syllabi contained in the Code of Student Rights and Responsibilities;
 - b. meeting classes as scheduled;
 - c. adhering to posted office hours as prescribed by departmental policies;
 - d. being available to advise, counsel, and/or assist students;
 - e. meeting the final the examination schedule;
 - f. refraining from coercing students into enrolling for his/her courses.
 2. Obligations to colleagues and the University:
 - a. defending and respecting academic freedom and respecting the opinions of others;
 - b. exercising responsibility for the governance of the University, including service on University and departmental committees and attendance at departmental and University-wide meetings;
 - c. keeping abreast of published policies and procedures, especially as they apply to promotion in rank and to tenure.
 3. Obligations to the community:
 - a. promoting conditions of free inquiry and furthering public understanding of academic freedom;
 - b. assisting the University in meeting its community-service mission.

Violation of professional ethics will subject a faculty member to disciplinary action. Alleged violations that are unresolved by informal means will be referred to the University peer review committees. Upon completion of an investigation by the peer review committees, the report will be forwarded to the appropriate

dean. Disciplinary action may include, but is not limited to: a warning, a reprimand, probation, or dismissal. Probation and dismissal actions shall be in accordance with due process and existing policies and procedures pertinent to such issues as described in this Handbook.

III. ACADEMIC FREEDOM

- A. Northern Kentucky University strongly adheres to the long-standing tradition and practice of academic freedom. In order for the University to fulfill its mission and be of service to society, the recognition of the free search for truth and its free expression is paramount. The University has an obligation to recognize and protect freedom of inquiry, teaching, and research in all facets of the academic community. The right of academic freedom will be the right of every faculty member.
- B. The University recognizes that all faculty members are private persons and members of their respective learned professions. When they speak or write as private persons, they have the same rights and obligations as other private persons. Although faculty members are free, in public activities and statements, to identify their University affiliation, they have special obligations to be accurate, prudent, and respectful of others so that no false impression of University sponsorship or endorsement is created.
- C. While the University will vigorously defend the concept of academic freedom, no special immunity from the law will be sought for administrators, faculty, students, or staff. The University does not, however, assume the authority of prosecutor or judge of criminal or civil misconduct that is beyond the jurisdiction of the University or that is not directly related to legitimate University interests. That is the prerogative and duty of appropriate law enforcement agencies and the courts.
- If anyone at the University violates the law, that person is subject to the penalties of the law as are all other persons. In general, the University will not impose administrative sanctions for acts that violate the law beyond the civil or criminal penalties imposed by the appropriate law enforcement agency or court. However, some acts that violate the law are also acts that endanger the physical or emotional safety and well-being of students, faculty, other members of the University community, or visitors, or are acts that endanger the safety of University property; persons who commit these acts may also be subject to appropriate University sanctions, consistent with due process.
- D. The University recognizes the need for all parties charged with the responsibility of allocating University resources (money, space, personnel, equipment, library resources, etc.) to make such decisions in a fair and unbiased manner, consistent with established University priorities. Resource allocations made with punitive motivations against an academic unit or individual faculty member for positions taken in controversies within or outside the academic community will be considered unauthorized and incompatible with academic freedom. The University will not condone or support such a decision and will make every reasonable effort to correct any inequity that such a decision produces.

IV. POLICIES AND EXPECTATIONS FOR OUTSIDE ACTIVITIES

- A. Northern Kentucky University recognizes that faculty are sometimes called upon by outside agencies, professional groups, and industries to provide consulting and other professional activities. Faculty are uniquely qualified to assist in meeting a variety of society's needs by way of sharing their knowledge and expertise outside the University. However, a full-time faculty member's obligation to the University must take priority over any such activity.
- B. Time spent on such outside activities must be in addition to, rather than part of, the normal full-time effort expected of members of the full-time faculty for University work. Outside activities must not interfere with a full-time faculty member's regular responsibilities at the University, including teaching, advising and helping students, attending meetings, and service on committees.
- C. Use of University resources, facilities, and property for outside activities is subject to administrative approval.
- D. For full-time faculty, consulting and other outside professional activities are limited to the equivalent of one day per academic week during periods when faculty are on full-time-pay status. Time spent on such outside activity must be in addition to, rather than part of, the normal full-time effort expected of members of the full-time faculty for University work. Faculty who engage in such outside activity shall report the activity in writing to their department chairs and deans. The deans will forward the reports to the Provost annually.

V. 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.

VI. PROGRESSIVE DISCIPLINE POLICY

[RESERVED]

VII. HUMAN SUBJECT POLICIES

A. 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 Services.

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 subjects' participation is voluntary as reflected on the consent forms; the degree and nature of the risk have been carefully explained to the human subjects; and there is a desirable balance between the potential benefits of the research and the risks undertaken by the human subjects. 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:

1. A human subject will not be exposed to unreasonable risk to health or well-being whether physical, psychological, or social.
2. 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.
3. 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.
4. The identity and personal privacy of human subjects and the confidentiality of information received will be protected.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

B. RESEARCH THAT INVOLVES HUMAN SUBJECTS

There is human-subject involvement when an investigator obtains:

1. data through intervention or interaction with the individual; and/or
2. 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 which 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.

C. 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:

1. is conducted in accepted educational settings, involving normal educational practices such as research on instructional strategies or classroom management methods;
2. involves the use of educational tests, if the information does not identify the subjects;
3. involves surveys or interviews, except when responses are identifiable with the individual subjects;
4. involves observations, except when observations are recorded in such a manner that the subjects can be identified; and/or
5. 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.

D. 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.

E. 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 Risks 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 it has not first been approved by the Institutional Review Board.

F. 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 continuing 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:

1. 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?
2. Are the rights and welfare of any such subjects adequately protected?
3. 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:

1. Risks to subjects are minimized.
2. Risks to subjects are reasonable in relation to anticipated benefits.
3. Selection of subjects is equitable.
4. Informed consent will be obtained from each prospective subject or the

subject's legally authorized representatives.

5. The informed consent will be appropriately documented.
6. Data will be regularly monitored to insure subjects' safety.

G. ACTIONS BY THE INSTITUTIONAL REVIEW BOARD

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

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.

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.

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.

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.

H. DISPOSITION OF THE RECOMMENDATIONS

Approvals, recommendations, restrictions, conditions, or disapprovals of applications 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.

J. 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.

K. APPEAL DECISION

The board may take one of the following actions:

1. approve;
2. require modification; or
3. disapprove.

L. 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.

M. 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 members of the Department of Health and Human Services at reasonable times and in a reasonable manner. These records are 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:

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

N. NORTHERN KENTUCKY UNIVERSITY 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 Part Two, Section I.C., Legal Defense and Indemnification/Notice Requirement, and Appendix B, Article IV., Regents' By Laws.)

VIII. SCIENTIFIC/RESEARCH MISCONDUCT

A. 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 VIII.B., below, is not condoned at Northern Kentucky University and allegations of such misconduct will be investigated in accordance with the procedures described below. The policy and procedures discussed herein do not restrict or limit any legal options available to any of the parties through appropriate courts and/or administrative agencies.

B. DEFINITION OF RESEARCH MISCONDUCT

Research "misconduct," as used herein, is defined as:

1. fabrication, falsification, plagiarism, or other serious deviations from those accepted practices in proposing, carrying out, or reporting results from research;
2. material failure to comply with federal requirements that are uniquely related to the conducting of research;
3. failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for insuring the welfare of laboratory animals; or
4. failure to meet other material legal requirements governing research.

C. PROCEDURES

1. ALLEGATIONS OF RESEARCH MISCONDUCT

It is the policy of Northern Kentucky University to treat fairly both the complainant and the accused. All allegations of research misconduct will be treated seriously and, to the extent possible, the confidentiality of those who submit

allegations will be maintained.

Allegations of research misconduct must be reported in writing to the dean of the college in which the alleged misconduct occurred. The written allegation should include sufficient detail to allow a preliminary inquiry to be conducted. The written allegation should be signed.

2. PRELIMINARY INQUIRY

The purpose of the preliminary inquiry is to determine if there are sufficient grounds to warrant a formal investigation of the charge of research misconduct. The inquiry will be conducted by the dean of the college in which the alleged misconduct occurred. If the allegation of misconduct is brought against a dean, the Provost will appoint another dean to conduct the inquiry. The dean will notify University Legal Counsel regarding the nature of the allegations. When deemed necessary, the dean may select one or two other individuals to assist in the inquiry. Any such individuals should have no real or apparent conflict of interest related to the case in question. A conflict of interest may include, but is not limited to, co-authorship on a paper or book, a professional or personal relationship, professional differences of opinion, financial ties, or contact regarding possible employment with either the accused or the complainant.

The inquiry should begin with an informal discussion with the complainant to verify that the allegation should be classified as possible research misconduct. Prior to the conclusion of the preliminary inquiry, there shall be an informal discussion with the accused regarding the allegations.

The inquiry should be completed within thirty (30) days of receipt of the written allegation of misconduct. If the preliminary inquiry determines that there are not sufficient grounds within the context of the definition of misconduct for a formal investigation, the accused and the complainant will be sent letters informing them of the results. All records will be sent to the office of the Provost.

If the preliminary inquiry determines that there are sufficient grounds for a formal investigation within the context of the definition of misconduct, the accused and the complainant will be sent letters informing them of this decision. The letter to the accused should include, but is not limited to, the following:

- a. that a formal investigation is to be conducted;
 - b. the nature of the allegation, including a summary of all evidence that currently exists and the right to review it;
 - c. that the accused will have an opportunity to respond to the charges;
- and

- d. that the accused has the right to be represented by an attorney.

In the event a formal investigation is deemed to be warranted, the following individuals and/or organizations should be informed: University Legal Counsel, chairs of any departments that may be involved, the Provost, and the agency sponsoring the research, if required by the agency or otherwise deemed appropriate.

If a formal investigation is judged to be unwarranted and it is determined that the charges were brought against the accused with malicious or dishonest intent such that the complainant had a clear understanding that they were probably untrue and that they were designed to harm the accused, the dean may recommend to the Provost that appropriate administrative action be taken against the complainant. Such appropriate administrative action shall be consistent with the University's governing and administrative regulations.

3. FORMAL INVESTIGATION

If it is determined that sufficient evidence exists to conduct a formal investigation, the dean shall appoint a three-person ad hoc investigative committee to initiate an investigation within thirty (30) calendar days of the completion of the preliminary inquiry. All committee members must be tenured faculty with sufficient expertise in the area of investigation to insure a sound base from which to evaluate the nature of the charges. One member of the committee may be from outside the University if necessary to insure an accurate and knowledgeable evaluation of the evidence. All committee members must be free of real or apparent conflicts of interest regarding the investigation. The dean shall document the rationale for selecting committee members based on their expertise and impartiality. All committee members shall be required to sign a statement that they will maintain the confidentiality of the investigation and the research involved in the investigation, and that they have no interest that would conflict with those of the accused, the complainant, the University, or the sponsoring agency for the research.

The investigative body shall seek the advice of University Counsel and may engage in, but is not limited to, the following investigative procedures:

- a. interviewing witnesses;
- b. examining research data (both published and unpublished);
- c. utilizing scientific experts from within and outside the University; and
- d. conducting a hearing in which the accused may respond to the charges, call witnesses, and question the complainant.

The investigative committee will provide the accused with copies of any new evidence that may be uncovered during the formal investigative process. The accused, prior to the conclusion of the formal investigation, will be given the opportunity to respond to the charges. A hearing may be called by the accused if he/she so desires.

The investigation should be completed within one-hundred and twenty (120) days of the letter informing the accused of the formal investigation. The committee must strive at all times to maintain confidentiality of information obtained during the investigation.

The investigative committee must notify the appropriate funding agency within twenty-four (24) hours of obtaining a reasonable indication of possible criminal violations. At any time during the investigation, the dean may suspend or restrict the activities of the accused related to the research areas under investigation if the nature of the alleged misconduct involves a serious potential threat to the health or safety of subjects, or in the interests of students, colleagues, or the University, or to protect federal funds and insure that the purposes of federal financial assistance are being carried out. A suspension or restriction of activities does not in any way imply that research misconduct has taken place. This action will be temporary and used as an interim measure prior to the conclusion of the formal investigation.

At the conclusion of the investigation, the committee should prepare a final written report in which it outlines its findings. The investigation will result in one of the following conclusions:

- a. a finding of research misconduct;
- b. a finding that serious research irregularities have occurred, but that the irregularities are insufficient to constitute misconduct; or
- c. a finding that no research misconduct or research irregularities were committed.

The dean shall inform the following of the committee's findings: the accused, the Provost, the chair of the affected department, the complainant, and University Legal Counsel. If the investigative committee finds that the allegations are substantiated and that misconduct has occurred, the agency sponsoring the research shall be promptly informed. In addition, publishers and editors of journals shall be informed if manuscripts emanating from fraudulent research have been submitted or published. All records pertaining to the formal investigation will be sent to the office of the Provost.

Regardless of the outcome of the investigation, it is the policy of the University that no individual who, in good faith, has reported apparent

research misconduct shall be subject to retaliation by the University or by any member of the University community. However, if it is determined that the charges were brought against the accused with malicious or dishonest intent such that the complainant had a clear understanding that they were probably untrue and that they were designed to harm the accused, the dean may recommend to the Provost that appropriate administrative action be taken against the complainant consistent with the University's governing and administrative regulations. The University shall make a good-faith effort to restore the reputations of persons alleged to have engaged in misconduct when the allegations are not confirmed.

4. DISCIPLINARY ACTION

Appropriate administrative action, consistent with the University's governing and administrative regulations, shall be determined and administered by the Provost.

5. APPEAL

The accused may appeal the decision of the investigative committee in writing to the Provost. The accused shall have thirty (30) days to file an appeal. A reinvestigation of the case will be warranted if one or more of the following conditions are judged by the Provost to exist:

- a. significant omission of new evidence that was not known or reasonably available at the time of the formal investigation;
- b. a member of the committee had a conflict of interest; or
- c. a member of the committee did not accurately interpret the evidence due to lack of expertise concerning the research topic.

The Provost must rule within fifteen (15) days of receipt of the accused's written appeal on whether or not an appeal is warranted. If the Provost determines that an appeal is warranted, a new investigative committee will be appointed by the Provost to reexamine the case. The Provost's ruling on the issue of appeal is final. The criteria for appointing members to the original investigative committee shall also apply to the qualifications of members of the new investigative committee. The procedures that applied to the original investigative committee will also apply to the new investigative committee. The new committee shall have one-hundred twenty (120) days to complete the investigation. The decision of this review committee is final.

IX. SEXUAL HARASSMENT/GENDER DISCRIMINATION

A. STATEMENT OF GENERAL POLICY

The University will not tolerate sexual harassment. In its policies and procedures the University seeks to deal effectively with the problem and to preserve the rights and privileges of all involved in cases of alleged sexual harassment.

B. DEFINITION OF SEXUAL HARASSMENT

1. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, physical, or non-physical conduct of a sexual nature when submission to such conduct is a basis for employment or academic decision, or such conduct unreasonably affects an individual's status and well-being by creating an intimidating, hostile, or offensive work or academic environment. The harasser may be faculty, staff, or a student.
2. Sexual harassment may be considered in these two major categories:
 - a. The first type of harassment is the quid pro quo overt pressure by another person in the workplace for sexual favors.
 - b. The second category of harassment is more subtle and by definition involves a cumulative effect that constitutes the harassment. Any single incident of this type might not be judged harassment, but continuation of the behavior creates an atmosphere that is uncomfortable and intimidating.
3. Sexual harassment is a form of sex discrimination and a violation of civil rights as covered under Title VII., 1964, Civil Rights Act, and Title IX., 1972, Educational Amendments. These federal acts protect the civil rights of employees and students in an educational institution. The University is, therefore, obligated to treat such complaints seriously.

C. PREVENTION

Prevention is the best method for eliminating sexual harassment. Every faculty member is encouraged to take all steps necessary to prevent sexual harassment from occurring such as by affirmatively raising the subject, expressing strong disapproval, and informing other faculty, staff, and students of their right to raise, and how to raise, the issue of sexual harassment.

D. LIMITATIONS OF THIS POLICY

This policy is limited to faculty members complaining of sexual harassment by another faculty member, a staff member, a student, or any other employee or affiliate of the University. If a staff member complains of sexual harassment by a

faculty member, the staff person should follow the procedures for initiating an informal and/or formal complaint using the procedures outlined in the Staff Handbook. If a student complains of sexual harassment by a faculty member, the student will follow the procedures outlined in the Student Handbook. The student must initiate this procedure through the Associate to the Vice President for Student Affairs and Enrollment Management. Additionally, the student may bypass the Associate to the Vice President for Student Affairs and Enrollment Management and report incidents of sexual harassment directly to the Dean of Student Development, University Legal Counsel or the Director of Affirmative Action and Multicultural Affairs (hereinafter referred to as the DAAMA). The student must follow the regulations of the informal, formal, and appeal processes as outlined.

E. PROCEDURE FOR REPORTING SEXUAL HARASSMENT

1. A faculty member who believes he/she has been sexually harassed (hereinafter referred to as the complainant) may seek redress through these established informal and formal procedures. The overriding goal of these procedures is to provide a prompt, equitable, fair, and rights-preserving method of handling sexual harassment complaints. At all times and at all stages of the process, confidentiality and privacy of the parties and proceedings will be maintained. The University will seek to protect the reputations of all parties involved and will seek to protect all parties involved from retaliation. The University will also assure a fair procedure and a fair hearing before members of a panel who are without bias or prejudice.
2. All records of the alleged sexual harassment will be maintained in confidential files only in the office of University Legal Services. During either the informal or the formal procedures for reporting sexual harassment, other members of the University community may be informed of the specifics of a complaint on a need-to-know basis. Such persons may include the University Legal Counsel, the Director of Affirmative Action and Multicultural Affairs, Dean of Student Development, department chair or academic dean.

F. INFORMAL PROCESS

1. If a faculty member experiences sexual harassment by another faculty member, a staff member, or a student, the faculty member (as complainant) has the right to report the incident to his/her chair, supervisor, and/or the DAAMA to determine what action might be appropriate. If a faculty member experiences sexual harassment from a contractor or a subcontractor, he/she should report the incident to the DAAMA. The complainant should begin this informal process as promptly as possible after the alleged incident. If the complainant requests assistance in resolving the matter, the chair/supervisor and/or the DAAMA will explain the University's sexual harassment policy and procedures and also inform the complainant that he/she may have other possible rights and remedies external to the University. The chair/supervisor and/or the DAAMA will:

- a. obtain from the complainant information on the specific nature of the complaint and the evidence that he/she has for making the complaint;
 - b. advise the complainant of all options available through this sexual harassment policy;
 - c. assist the complainant to clarify the resolution sought; and
 - d. review with University Legal Counsel any previous complaints that have been filed by the complainant or against the alleged harasser (hereinafter referred to as the respondent).
2. The chair/supervisor and/or the DAAMA will set up a confidential meeting with the respondent to inform him/her about the complaint.

The respondent has the option to request the presence of his/her immediate supervisor or another academic colleague. If the respondent is a student, he/she may request the presence of the Associate to the Vice President for Student Affairs and Enrollment Management or a representative from Student Government. If counsel is present for either party, the other may have counsel present too. The purposes of the meeting are:

- a. to inform the respondent of the details of the complaint;
 - b. to obtain the respondent's comments concerning the complaint; and
 - c. to attempt to reach a resolution of the complaint. Such resolutions may include, but are not limited to: an apology and assurance that the respondent's behavior toward the complainant will stop; a change in work assignments; or disciplinary action against the respondent.
3. If a resolution is obtained through the informal process, the chair/supervisor and/or the DAAMA will notify, in writing, both the complainant and the respondent. This notification must specify the actions necessary for the resolution of the complaint. If no resolution is obtained through this informal process, the chair/supervisor and/or the DAAMA will likewise notify, in writing, the complainant and respondent of this action. In either case, the chair/supervisor and/or the DAAMA must make this notification by certified mail within ten (10) working days of receiving the complainant's report of the alleged incident or incidents.

G. FORMAL PROCESS

1. If the informal process has not resolved the allegation of sexual harassment and the complainant wishes to proceed, he/she must file a formal written complaint with the DAAMA within ten (10) working days after receiving written notification from the chair/supervisor and/or the DAAMA. The DAAMA will form

a hearing panel to consider the complaint. The DAAMA will be an ex-officio, non-voting member of the panel. The DAAMA will be responsible for:

- a. providing the respondent with a copy of the written complaint;
 - b. forming a three-member hearing panel to consider the complaint (Composition of the panel will depend on whether the respondent is a member of the faculty, staff, or a student. If the respondent is a faculty member, the panel will be chosen from among the members of the Peer Review Advisory Committee. If the respondent is a staff member, the panel will be composed of two faculty members from the faculty pool and one staff member chosen from the pool of staff who have agreed to serve on such a panel. If the respondent is a student, the panel will be chosen from the faculty pool and one student recommended by Student Government.);
 - c. convening the hearing panel and selecting a chair;
 - d. advising (in consultation with University Legal Counsel) the hearing panel of the characteristics of sexual harassment and of standards for identifying whether sexual harassment has occurred;
 - e. scheduling sessions of the hearing panel;
 - f. calling and scheduling all witnesses requested by the hearing panel;
 - g. assuring that a record is made of all proceedings;
 - h. assuring that all deadlines and procedures are followed by the hearing panel; and
 - j. dismissing the panel at the conclusion of the hearing.
2. The hearing panel will:
- a. conduct an inquiry into the alleged sexual harassment incident(s) with the advice of the DAAMA. (The panel may request of University Legal Counsel records of previous complaints involving either the complainant or the respondent.);
 - b. make a determination of whether the allegation(s) are true or false and whether they constitute sexual harassment; and
 - c. prepare a written statement setting forth the determination and its basis.

If the hearing panel determines that the complainant has been sexually harassed, it may use any previous sexual harassment complaints documented by University Legal Counsel against the respondent as part of

their basis for sanction. Available sanctions include, but are not limited to, reprimand, suspension without pay, and termination of employment.

3. Within fifteen (15) days the chair of the hearing panel will communicate the written statement of the determination to both the complainant and the respondent by certified mail and to the appropriate vice president. The appropriate vice president will have the ultimate decision to impose sanctions, including those recommended by the hearing panel. The appropriate vice president will insure that any written documents concerning the case are filed with University Legal Counsel.

H. APPEAL PROCESS

1. Either party may appeal an adverse determination or recommendation to the respondent's vice president. The appeal must be written, state the basis of the appeal, and be filed within ten (10) working days of receipt of the notification of the adverse determination or recommendation. A copy of the appeal will be sent to the DAAMA. The DAAMA will inform all other parties that an appeal has been made. The appropriate vice president will make a determination on the hearing panel's decision. The decision of the hearing panel will be affirmed unless there is insufficient evidence in the record to support it.
2. The appropriate vice president will notify the parties involved, in writing, by certified mail, of the determination within ten (10) working days of receipt of the appeal.

J. RESIDUAL RIGHTS AND PROCEDURAL COMMENTS

The rights of either party to file a grievance under the Faculty Handbook, Staff Handbook, or Student Handbook shall not be impaired by using the Sexual Harassment Policy and Procedure.

X. STATEMENT ON CONSENSUAL RELATIONSHIPS

A. GENERAL

Consensual relationships are relationships in which both parties appear to have agreed to the partnership. The consensual relationships that are of concern to Northern Kentucky University are the amorous, romantic, or sexual relationships between faculty and students and between supervisors and employees. Although consensual relationships, by definition, are desired by both parties, they can nevertheless have consequences that are decidedly undesirable, both to the parties involved and to the University as a whole. The following statement is offered for the protection of members of the University community and for the health and productivity of the University in general.

B. POTENTIAL HARMS FROM CONSENSUAL RELATIONSHIPS

1. It is a generally accepted ethical principle in our society that one avoids situations in which one makes official evaluations of relatives, family members, spouses, or other persons with whom one has an intimate relationship. Such a relationship, combined with a responsibility for evaluation is considered a "conflict of interest." In this sense, the objectivity of a faculty member evaluating a student with whom he/she is involved would be considered suspect. Likewise, the fairness of a supervisor evaluating an employee with whom he/she is involved would be considered questionable. Evaluations made under such circumstances may threaten the credibility of a university's educational mission as well as the reputation of its working environment.
2. Because of the inherent power differential between faculty/staff and students, and supervisors and employees, there is also a danger that consensual relationships may evolve into coercive ones. The line between consent and harassment is a fine one, and perceptions of this boundary may not necessarily be shared. Thus it is possible that a party involved in what was believed to be a consensual relationship may become involved in what turns out to be a case of sexual harassment. There have also been cases in which parties involved in consensual relationships have been charged with sex discrimination.

C. CONSENSUAL RELATIONSHIPS IN SITUATIONS INVOLVING DIRECT SUPERVISION

1. Consensual relationships in situations involving direct supervision (e.g., between a faculty member and student in his/her class, or between a faculty member and student he/she is supervising in independent laboratory research, or between a supervisor who has the power to evaluate, promote, or grant raises and his/her employee) should be avoided. If such relationships arise, arrangements should be made to remove one of the

parties from the supervisory situation or to have evaluations of the supervised party made in another way.

- a. For example, in the case of faculty and student, the student should be placed in another course or be paired with another thesis or laboratory instructor. In cases where this is not possible, the department chair or the dean of the college should determine the best means for impartial evaluation of the student's work after consulting with the parties involved. Consideration should be given to having another faculty member evaluate the student's work.
 - b. Faculty members should also remove themselves from other situations (awards committees, etc.) in which their decisions may reward or punish students with whom they are currently (or with whom they have been previously) involved.
 - c. Likewise, in the case of a consensual relationship between a supervisor and an employee, the employee should be transferred to another work unit or, if that is not possible, the supervisor of both parties should determine the best means for impartial evaluation of the employee after consulting with the parties involved. Consideration should be given to having an outside evaluation of the employee's work.
2. In all situations of direct supervision, a consensual relationship should be reported to the faculty member's or supervisor's executive officer (e.g., department chair, unit director). Such notification may help insure that arrangements for unbiased evaluations are made and may help prevent later misunderstandings about the nature of the situation. Notification and any subsequent action taken should remain confidential insofar as the confidentiality is consistent with state and federal law.

D. CONSENSUAL RELATIONSHIPS NOT INVOLVING DIRECT SUPERVISION

Although less problematic, consensual relationships in situations not involving direct supervision (e.g., between faculty and students in separate academic units or supervisors and employees in separate work units), can have negative consequences. For instance, the campus reputation of both parties may be affected by the knowledge of the relationship or by speculation about it. Also, there is the possibility that one may suddenly be placed in a position of responsibility for or called upon to evaluate another. For instance, a student may change majors and join the faculty member's department, or a faculty member or supervisor may be asked to serve on a campus-wide admission, awards, or grievance committee. Members of the University community should be aware of such potential problems and should enter relationships with caution.

XI. EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, AND NEPOTISM

- A. Consistent with, and in addition to, federal and state law, Northern Kentucky University reaffirms its policy that discrimination on such bases as race, color, religion, national origin, sex, sexual orientation, age, physical or mental disability, or status as a disabled veteran of a foreign war will not be practiced in any of its activities. Furthermore, where past or present discrimination continues to have an adverse effect upon members of minority groups, veterans, women, and persons with disabilities, the University will take affirmative action to eliminate that effect.
- B. In accordance with this policy, the University, the administration, University administrative personnel, and faculty will not discriminate against any faculty member, applicant for employment, or student for reasons of race, color, religion, national origin, sex, sexual orientation, age, physical or mental disability, or status as a disabled veteran of a foreign war.
- C. Copies of the University's current affirmative action plan and procedures are located in the office of Human Resources and the office of Affirmative Action and Multicultural Affairs.
- D. Northern Kentucky University seeks to employ or promote the best-qualified person for a position. Therefore, decisions on selection, salary, promotion, and all matters pertaining to faculty employment will be made without regard to the relationship of an applicant or one employee of the University to another or the relationship of an applicant or employee to a member of the Board of Regents. No person shall be employed or promoted to a faculty position if the result would be that a head of an administrative unit and a member of his/her immediate family by blood or marriage would be members of the same administrative unit; in the University's best interest, however, exceptions may be made to this policy upon the recommendation of a majority of the members of the administrative unit, subject to approval by the Provost and the consent of the President. Relatives by blood or marriage include parents and children, husbands and wives, brothers and sisters, brothers- and sisters-in-law, mothers- and fathers-in-law, sons- and daughters-in-law, uncles, aunts, nieces and nephews, and step relatives in the same relationships. (See Section X., Statement on Consensual Relationships.)

XII. ACCOMMODATION PROCEDURES FOR EMPLOYEES WHO ARE DISABLED

- A. In accordance with University policy, Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112), and the Americans with Disabilities Act of 1991 (Public Law 101-313), Northern Kentucky University is committed to making reasonable accommodation for the known physical or mental limitations of an otherwise qualified applicant or employee who is disabled. Accommodations may include making facilities used by employees readily accessible to and usable by persons who are disabled, job restructuring through part-time or modified work schedules, acquisition or modification of equipment or devices, provision of readers or interpreters, or other similar actions. The University will not deny an employment opportunity to a qualified employee or applicant who is disabled if the basis for the denial is the need to make reasonable accommodation for the employee's or applicant's physical or mental limitations, unless it can be demonstrated that the accommodation causes an undue hardship for the University. All searches shall be conducted in accordance with the University's hiring procedures.
- B. At the time a person who is disabled is hired or an employee becomes disabled, needed accommodations will be determined through discussions between the employee and the department chair or unit head. The office of Personnel Services and the office of Affirmative Action and Multicultural Affairs are available to serve as resources. Specific accommodations agreed upon should meet the unique needs of each employee who is disabled and enable him/her to perform effectively the duties of his/her position. Requests for any necessary funding for these accommodations shall be processed through the major department head. A letter from the department chair or unit head will be sent to the employee describing these accommodations. A copy of this letter will be filed in the employee's official personnel file. At the request of an employee who is disabled, the University will make mutually-agreed-upon reasonable adjustments in accommodations to reflect the employee's current needs. The University will not make adjustments in accommodations or in any way change these accommodations without first consulting with the employee. A record of the accommodations and any adjustments will be maintained in the employee's personnel file.
- C. Costs of accommodations for a particular employee who is disabled will be borne by the University without adverse economic consequences for that employee. Sources of funds for both the recurring and nonrecurring costs for this purpose will be identified in the University's budget and will be reviewed annually in order to insure that accommodations are not compromised.

XIII. APPROPRIATE TERMINAL DEGREES FOR FACULTY

The appropriate terminal degrees for the College of Law are:
for teaching faculty - J.D.
for library faculty - M.L.S.

For all other Colleges and Disciplines, the appropriate terminal degrees are as listed in the Northern Kentucky University Faculty Policies and Procedures Handbook as it is amended from time to time.

Any faculty member employed before the effective date of these changes shall not be denied retention, promotion, or tenure except that the change was stipulated as a condition of continued employment in the contract the year prior to the change.

XIV. PUBLICATION AND PROMOTION OF COURSE OFFERINGS

- A. Promotion and publication of course offerings is the responsibility of University administrators in the regular course of their duties. Academic departments may supplement promotion by direct mailings to majors and prospective majors or by posting notices on departmental bulletin boards, subject to approval in accord with published policies in effect at the time of the promotion.
- B. The Vice President for University Relations and Development is responsible for promotion of courses through: publications such as the University Catalog, the Schedule of Classes, brochures, and posters. Promotion can include, but is not limited to: newspaper announcements, direct mailings, posting, admissions staff information services, and announcement and/or distribution in the classroom of relevant academic information on course content.
- C. Publication and promotion activities of individual faculty must first be approved by the faculty member's chair. Publication should follow the approved University stylebook.

Failure to comply with this policy may constitute a violation of professional ethics.

XV. CANCELLATION OR POSTPONEMENT OF COURSES

- A. A course at Northern Kentucky University may be canceled or postponed upon the administrative judgment of the appropriate chair, dean, and/or the Provost. Such judgment shall be based upon legitimate administrative and/or academic reasons including, but not limited to, one or more of the following:
1. insufficient enrollment;
 2. financial exigency;
 3. maintenance of full-time academic loads;
 4. reassigned time;
 5. update and revision of course offerings; and
 6. unavailability of an appropriate instructor.
- B. The decision to cancel or postpone a course should be made no later than the first day the course is scheduled to meet. Except in an emergency, no course shall be cancelled or postponed after this date. The decision to cancel or postpone a course shall be promptly communicated to the faculty member scheduled to teach the course and to the students enrolled in it.

XVI. STANDARDS FOR GRADUATE OFF-CAMPUS INSTRUCTION AND OTHER SPECIAL GRADUATE INSTRUCTION

A. GENERAL

Every university should be constantly concerned about the quality and excellence of graduate instruction, including special activities such as off-campus classes, short courses and workshops, media instruction, and evening classes.¹ It is essential that provisions for graduate instruction include certain qualitative standards. These standards must be applied by universities in generating graduate credits and in evaluating transfer work from other institutions.

B. ADMINISTRATION

Control of off-campus regular and special courses must be vested in the University administrative structure responsible for regular and special on-campus courses.² Off-campus instruction must be under the direct administrative supervision of the university granting the credit.

C. FACULTY

Instruction for off-campus and special courses must be provided by the University's regular graduate faculty or by carefully selected and approved full-time or adjunct faculty. Faculty for such courses must be recommended by the academic unit offering the courses and be approved according to the University's established procedures. If persons such as school administrators or business executives are assigned to teach off-campus or special courses, they should not teach a class in which a preponderance of the students would likely be their employees.

D. STUDENTS

The quality of graduate instruction is closely related to the quality of students.³ Since student quality is regulated by admission standards, the students enrolled in off-campus and special courses must follow normal admission procedures to the University's programs or be verified transient students from other institutions. The fully-employed student should attempt no more than six credit hours of course work per semester at one or more institutions.

E. INSTRUCTION

The credit-producing experience shall be taught by faculty with scholarly competence in the subject area. At the beginning of the course, the instructor should provide students with a statement of course requirements and expectations as well as the University's code of academic ethics for students.

The instruction for graduate courses should be distinctly graduate level. Research in its broadest sense is synonymous with graduate education.⁴

Consequently, every graduate course should include tangible evidence of independent work (paper, term report, research/creative projects, etc.).

Instructional standards for off-campus and special courses should be the same as those established for on-campus and regular courses. A comprehensive final examination will normally be required to assess the student's capability for scholarly thinking in the subject area. Practicum or laboratory courses should require other experiences of comparable rigor.

Graduate instruction should provide opportunity for meaningful interaction among students and between students and instructor.

F. ACADEMIC CREDIT

Graduate credit for special courses shall be awarded only for experiences that meet graduate instructional standards and that are clearly distinguishable from undergraduate work⁵ and from continuing-education activities.⁶ Within this context, graduate credit may be awarded for short courses, workshops, and seminars, but may not be awarded for attendance at conferences and institutes. This interpretation is based upon definitions provided by the Southern Association of Colleges and Schools.⁷ Graduate-credit-producing experiences, other than those which are independently directed, shall be based upon a minimum of 12.5 clock hours of contact per hour of graduate credit. Workshop courses, which characteristically combine instruction with laboratory or experimental activity and place more emphasis on skill training than on general principles, shall have a minimum of 25 clock hours of contact per hour of graduate credit. All credit-producing experiences shall be based upon a minimum of one week of instruction per hour of graduate credit.⁸

G. FACILITIES

Educational resources essential to graduate instruction include library, laboratory, computer, audio-visual, and provision for performance and field activities. Availability of these facilities as well as adequate classroom space will determine locations at which graduate courses can be offered.

References

1. Southern Association of Colleges and Schools, Commission on Colleges, Standards of the College Delegate Assembly (Atlanta, Georgia, n.p., December 14, 1977), pp. 30-44.
2. Ibid., p. 32.
3. Ibid., p. 40.
4. Ibid., p. 39.
5. Ibid., p. 41.
6. Ibid., p. 33.
7. Ibid., p. 37.
8. Conference of Southern Graduate Schools, Criteria for Evaluating Off-Campus

Graduate Programs, edited by Eleanor R. Gibbard (West Virginia University, n.p., 1980), p. 4.

XVII. INTELLECTUAL PROPERTY POLICY

A. PREAMBLE

Northern Kentucky University, hereinafter referred to as the "University," is dedicated to teaching, research, and the sharing of knowledge with the public. Faculty recognize as two of their major objectives the production of new knowledge and the dissemination of both old and new knowledge. Inherent in these objectives is the need to encourage the production of creative and scholarly works and the development of new and useful materials, devices, processes, and other inventions, some of which may have potential for commercialization. Such activities contribute to the professional development of the individuals involved, enhance the reputation of the University, provide additional educational opportunities for participating students, and promote the general welfare of the public at large.

Such creative and scholarly works and inventions that have commercial potential may be protected under the laws of various countries that establish rights called "Intellectual Property," a term that includes patents, copyrights, trade secrets, trademarks, plant variety protection, and other rights. Such Intellectual Property often comes about because of activities of University faculty who have been aided wholly or in part through use of facilities of the University. It becomes significant, therefore, to ensure the utilization of such Intellectual Property for the public good and to expedite its development and marketing. The rights and privileges, as well as the incentive, of the authors, creators, or inventors, hereinafter referred to as the "Originators," also must be preserved so that the use of their abilities and the abilities of others at the University to create may be further encouraged and stimulated.

In order to establish the respective rights and obligations of the University and its faculty in Intellectual Property of all kinds now and hereafter existing and of all countries, regions or other political entities, the University has established the following Intellectual Property Policy.

B. OBJECTIVES OF POLICY

1. To encourage the Originator to create and share with the public the harvest of knowledge;
2. To encourage research, scholarship, teaching and a spirit of inquiry to generate new knowledge;
3. To provide for equitable disposition of interest in the intellectual property among Originators, and University, and, when applicable, the Sponsor;
4. To provide incentives to Originators in the form of personal and professional development, recognition and financial compensation; and

5. To safeguard intellectual property with appropriate legal protection against unauthorized use.

C. DEFINITIONS AND COVERAGE

1. “Intellectual Property” refers to materials that may be patentable, copyrightable, trademarkable, or be software and trade secrets as covered by United States Intellectual Property laws.
2. “Patentable materials” refer to those processes which would apply under 35 United States Code 101.
3. “Copyrighted Materials” refer to and include 1) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests and proposals; 2) lectures, musical and/or dramatic compositions, scripts; 3) films filmstrips, charts, transparencies, and other visual aids; 4) video and/or audio tapes; 5) programmed instructional materials; 7) mask works; 8) research notes, data reports and notebooks; and 9) works of art including photographs, paintings and sculptures 10) other materials reasonably falling under the guidelines of the laws of the United States (see 17 U.S.C. 102).
4. “Software” refers to one or more computer programs existing in any form, or any associated operational procedures, manuals or other documentation whether or not protectable or protected by patent or copyright. The term Acomputer program@ refers to a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.
5. “Trademarks” refer to service marks, trade names, seals, symbols, designs, slogans or logotypes developed by or associated with the University.
6. “Trade Secrets” refer to information including, but not limited to, technical or nontechnical data, a formula, pattern, compilation, program, device, method, technique, drawing, process which: derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
7. “Mask Work” refers to a series of related images, however fixed or encoded: having or representing the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and in which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

8. "Originators" refers to the authors, creators, or inventors of new materials under this Intellectual Property Policy.

D. RIGHTS AND EQUITIES IN INTELLECTUAL PROPERTIES

1. Individual Efforts: This policy recognizes the longstanding custom and understanding that faculty members own copyright to their individual scholarly work. A member of the University is entitled to ownership of copyright and royalties or other income derived from such individual scholarly works. Individual work for faculty is defined as that scholarly work generally expected of faculty and incorporated into the regular recognitions and rewards processes of the University and not a University assigned effort. Individual work so defined, is automatically exempt from the formal review procedures of this policy.

The University recognizes that ownership of traditional scholarly activities that customarily have been excluded from claims will remain with the Originator. Such products include, but are not limited to, journal articles, textbooks, reviews, works of art including paintings, sculpture, and musical compositions; and course materials including but not limited to lecture notes, exams, syllabi, workbooks, and laboratory manuals.

2. University Assisted Individual Efforts: Materials or works will be subject to copyright by the Originator and/or the University as co-authors if the production cost is specifically shared by the Originator and the University and the material and works are not prepared in accordance with the terms of a contract or grant in which the University is a party or as a specific University Assignment. In every instance where co-authorship is claimed, the parties will negotiate the terms of ownership.

In general the provision of office space, routine use of library resources, use of office computers, supplies, equipment, facilities and personnel, for purposes of this policy, does not constitute University assistance.

3. University Assigned Efforts: Ownership of Intellectual Property developed by Originators through an assigned University effort will relinquish copyright to the University. Copyright able works created in the course of one=s employment are generally considered as works for hire under Copyright law and reside with the employer. However, creations of a faculty member who has the general obligation to produce scholarly and creative work does not constitute a work for hire or a specific university assignment. The receipt of a Professional Improvement Leave (sabbatical, fellowship or faculty grant), unless specified in an agreement to the contrary, does not constitute University Assigned Effort in this policy. Only those projects specifically assigned to the Originator by the University will apply. In cases of assigned efforts, sharing of royalty and other income between the Originator and the University may be authorized by the

Intellectual Property Committee as incentive to encourage development of copyrightable materials.

4. Sponsor Supported Efforts: Most sponsored project agreements specify provisions with respect to ownership of Intellectual Property developed during the course of such work, in which cases the terms of such agreements will establish ownership. When sponsored projects are silent on the matter, ownership will vest in the University. Income from such Intellectual property developed from such efforts shall be shared, subject to the sponsor's requirements.

Moral rights clause: Any originator, other than on government or other sponsored projects where grant agreements provide otherwise, will have a major role in the ultimate determination of how the creation is to be made public, whether by publication, by development and commercialization after securing available protection for the creation, or both.

E. ADMINISTRATIVE PROCEDURES

1. The administration of the policies set forth in this document is the responsibility of the Intellectual Property Committee, a standing committee appointed by the Provost in consultation with the Faculty Senate and comprised of no more than seven voting members, including at least one faculty representative from each college and one administrator selected in consultation with the Staff Congress. The Intellectual Property Committee will serve as custodian of intellectual property disclosure forms and contract forms, as reviewer of category of rights, and as arbiter in cases of disagreement regarding ownership.
 - a. Custodial function: The committee will develop disclosure forms, to be completed prior to public disclosure by Originators, describing their creative and scholarly works and new material, devices, processes, or other inventions that they consider may have commercial potential under any of the categories of rights described in this document. Disclosure is not required for works of authorship and for traditional scholarly activities as outlined in this document or in cases of instructional or research material for internal use only where there is no intent of commercialization even though the University clearly owns the rights.
 - b. Review Function: The Committee shall review faculty activities and disclosures for the purpose of classifying them into one of the rights categories outlined under section IV of this document, in an effort to determine which ownership arrangement and/or contract is most applicable.
 - c. Arbiter Function: In the event questions arise as to review and/or classification of works, equities, rights, divisions or any other

Intellectual Property related matter, the Intellectual Property Committee will consider appeals, interpret the policy and make recommendations to the Provost. An appeals panel shall consist of at least three members of the Intellectual Property Committee, and no member of the appeals panel shall be of the same department as the party initiating the appeal. An Originator or University appellant must file a written appeal, outlining its basis, with the Intellectual Property Committee within 30 days of knowledge of a conflict or knowledge of a misuse of Intellectual Property. Appeals of Intellectual Property Committee recommendations should be made to the Provost within 30 days of receipt of notice of the recommendations and written decision.

XVIII. INTELLECTUAL PROPERTY/REPRODUCTION OF COPYRIGHTED MATERIAL

A. GENERAL STATEMENT

Northern Kentucky University is committed to compliance with the United States Copyright Revision Act of 1976, as amended (Title 17 United States Code, Section 101 et seq.) relating to reproduction of copyrighted materials. The unauthorized reproduction of copyrighted material is a serious violation of University policy as well as federal law.

B. SCOPE

These procedures apply to all reproduction of copyrighted material either for a purpose related to the University or by or upon University facilities. Reproduction shall include, but not be limited to, copying or duplication by photocopying of printed material; copying of video, audio cassette, reel, or other broadcast material; or duplication of computer software. Reproduction for purposes related to the University shall include, but not be limited to, materials reproduced for teaching, research, course presentation, extracurricular activities, broadcast media, and the like. University facilities include, but are not limited to, all machines, devices, and media capable of copying, duplicating, or reproducing copyrighted material in any form.

C. DEFINITIONS

1. COPYRIGHT

A copyright is an intangible right granted by statute to the author or creator of certain literary or artistic works, whereby he/she is invested for a period of time with sole and exclusive rights of ownership to the work, which rights include the right to publish and reproduce the work. The ownership rights granted by a copyright are qualified by the doctrine of "fair use."

2. FAIR USE

Fair use is the privilege in one other than the owner of a copyright to use the copyrighted material in a limited and reasonable manner without the consent of the copyright holder and notwithstanding the monopoly granted by the copyright to the owner. In determining whether the use of a copyrighted work in a particular case is a fair use, the following must be considered:

- a. the purpose and character of the use, including whether such use is of commercial nature or is for non-profit educational purposes;
- b. the nature of the copyrighted work;

- c. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- d. the effect of the use upon the potential market for or value of the copyrighted work.

D. PHOTOCOPYING

1. UNAUTHORIZED PHOTOCOPYING

Unauthorized photocopying is a violation of federal copyright law and therefore a violation of University policy.

2. GUIDELINES FOR AUTHORIZED PHOTOCOPYING

The protection afforded by a copyright is subject to an exception for fair use of material, as set forth herein. Since a determination of fair use is made on the facts of the specific use, guidelines for fair use for classroom copying in not-for-profit educational institutions have been developed by the National Association of College Stores, Association of American Publishers, Association of American University Presses, Ad Hoc Committee on Copyright Law Revisions, and the Author-Publisher Group (Authors League, Inc.). These guidelines are adopted and included in this policy at Exhibit A, below. Photocopying pursuant to these guidelines conforms to University policy.

3. COMPLIANCE

a. Individual Responsibility

It is the individual requestor's responsibility to assure that all photocopies of copyrighted material that he/she reproduces or causes to be reproduced either fall within the doctrine of fair use or have been cleared for use with the holder of the applicable copyright. Each individual photocopying or requesting photocopying of any written material for any purpose associated with the University or utilizing any photocopying facilities of the University shall familiarize him-/herself with these University procedures and shall complete a "copy center request form." If any individual has any question as to whether his/her proposed photocopying constitutes a fair use of copyrighted materials pursuant to the attached guidelines, he/she shall request permission from the publisher. A sample permission form is set forth in this policy at Exhibit C., below.

b. Department Responsibility

Each department shall be responsible to insure that the University's photocopying procedures are disseminated to all appropriate

employees. All completed "reproduction of copyrighted material" forms for proposed photocopying on University facilities shall be approved by the requestor's supervisor or department head. (See also subsection H.2. of this policy, Department Responsibility, below.)

4. BOOKSTORE

The University bookstore shall comply with University photocopying procedures. The bookstore will obtain permission letters for all copyrighted components of anthologies that are assembled to be sold through the bookstore. The standard textbook-ordering deadlines must be met in order to allow the bookstore to secure permission for use of copyrighted material in anthologies.

E. SOFTWARE

1. GENERAL

A computer program is defined as a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

- a. A computer program, also known as computer software, is copyrightable and subject to the copyright laws of the United States. No person in possession of a particular copy of a computer program may, for the purposes of direct or indirect commercial advantage, dispose of, or authorize the disposal of, the computer program (including any tape, disk, or other medium embodying such program) by rental, lease, or lending, or by any other act or practice in the nature of rental, lease, or lending.
- b. The purchase of computer software entails the grant of a license to the purchaser and other authorized users to use the computer program consistent with the terms of the license. A violation of the terms of the license can be an infringement of the copyright of the owner of the computer program.

2. UNAUTHORIZED REPRODUCTION

Computer software used for University purposes may not be reproduced, nor may computer software be copied on University facilities, except as set forth below.

3. EXCEPTIONS

Computer software may be reproduced as follows:

- a. with express permission of the owner of the copyright, either as set

forth in the license accompanying the software or by direct authorization in writing from the copyright owner; and

- b. the authorized user(s) make one back-up copy to be held for his/her own use as an archival copy in the event the original fails to function and not inconsistent with the license. Provided, however, that backup copies may not be used on a second computer when the original is in use.

F. PHONORECORDS, BROADCAST MATERIAL, VIDEO CASSETTES, AUDIO CASSETTES

The requirements and limits under federal copyright laws for reproduction of PHONORECORDS, broadcast material, video cassettes, and audio cassettes by libraries and archives are specifically set forth in Title 17 United States Code, Sections 108 through 112. All University employees responsible for reproduction of these items shall familiarize themselves with the statutes. Federal law and University policy require copyright law notices to be conspicuously displayed and consistent with this policy.

G. COPYRIGHT NOTICES

1. EQUIPMENT NOTICE

A notice concerning copyright shall be conspicuously affixed to each piece of equipment capable of reproducing copyrighted material (with the exception of computers). The notice shall state the following:

"NOTICE

"The making of copies may be subject to copyright law. Violation of copyright law can subject the violator to civil and criminal penalties for copyright infringement."

2. DISPLAY WARNING OF COPYRIGHT

- a. A "display warning of copyright restrictions" shall be displayed at the places where orders for copies or phonorecords, or tapes (audio or visual) are accepted by University copying services, all campus libraries, media services, and archives. The text of the notice of warning is at Section G.2.c. of this policy, below.
- b. An "order warning of copyright restrictions" is a notice that shall be included on printed order forms supplied by campus libraries, copying services, archives, and media services and used by their patrons for ordering copies, phonorecords, or tapes (audio or visual). The text of the warning is at Section G.2.c. of this policy, below.

- c. The warning notices shall read as follows:

**"NOTICE WARNING CONCERNING
COPYRIGHT RESTRICTIONS**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be 'used for any purpose other than private study, scholarship, or research.' If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of 'fair use,' that user may be liable for violation of copyright law."

3. The display warning of copyright restrictions shall be printed on heavy paper or other durable material in type at least 18 points in size, and it shall be displayed prominently, in such a manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted.
4. The order warning of copyright restrictions shall be printed within a box located prominently on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

H. VIOLATION

1. SANCTION

Violation of these procedures constitutes a violation of federal copyright law and University policy, which may result in disciplinary action to include termination of student status, employment, or visitor status at the University.

2. DEPARTMENT RESPONSIBILITY

Each department shall be responsible to insure that these procedures are disseminated to all appropriate employees and students. All completed "reproduction of copyrighted material" forms for proposed copying on University facilities shall be approved by the requestor's supervisor or department head.

EXHIBIT A

AGREEMENT ON GUIDELINES FOR CLASSROOM COPYING IN
NOT-FOR-PROFIT EDUCATIONAL INSTITUTIONS
WITH RESPECT TO BOOKS AND PERIODICALS

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.B. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision; those types are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying that does not fall within the guidelines stated below may nevertheless be permitted under the criteria of fair use.

GUIDELINES

I. Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his/her individual request for scholarly research or use in teaching or in preparation to teach a class:

- A. a chapter from a book;
- B. an article from a periodical or newspaper;
- C. a short story, short essay, or short poem, whether or not from a collective work;
- D. a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.

II. Multiple copies for Classroom Use

Multiple copies (not to exceed in any event one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- A. the copying meets the tests of brevity and spontaneity as defined below;
and

- B. meets the cumulative-effect test as defined below; and
- C. each copy includes a notice of copyright.

DEFINITIONS

Brevity

- (I) Poetry: a) a complete poem if less than 250 words and if printed on not more than two pages or, b) from a longer poem, an excerpt of not more than 250 words.
- (ii) Prose: a) either a complete article, story, or essay of less than 2500 words, or b) an excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

[Each of the numerical limits stated in i. and ii. above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.]

- (iii) Illustrations: one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.
- (iv) "Special" works: Certain works in poetry, prose, or in "poetic prose," which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience, fall short of 2500 words in their entirety. Paragraph ii. above notwithstanding, such "special" works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than 10 percent of the words found in the text thereof, may be reproduced.

Spontaneity

- (I) The copying is at the instance and inspiration of the individual teacher; and
- (ii) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Cumulative Effect

- (i) The copying of material is for only one course in the school in which the copies are made.
- (ii) Not more than one short poem, article, story, essay, or two excerpts

may be copies from the same author; not more than three from the same collective work or periodical volume during one class term.

(iii) There shall be not more than nine (9) instances of such multiple copying for one course during one class term.

[The limitations stated in ii. and iii. above shall not apply to current news periodicals and newspapers and current sections of other periodicals.]

III. Prohibitions as to I. and II. Above

Notwithstanding any of the above, the following shall be prohibited:

- A. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- B. There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable materials.
- C. Copying shall not:
 - (1) substitute for the purchase of books, publishers' reprints, or periodicals;
 - (2) be directed by higher authority;
 - (3) be repeated with respect to the same item by the same teacher from term to term.
- D. No charge shall be made to the student beyond the actual cost of photocopying.

Agreed March 19, 1976

Ad Hoc Committee on Copyright Law Revision:

By Sheldon Elliott Steinbach.

Author-Publisher Group.

Authors League of America:

By Irwin Karp, Counsel.

Association of American Publishers, Inc.:

By Alexander C. Hoffman, Chairman,
Copyright Committee

GUIDELINES FOR EDUCATIONAL USES OF MUSIC

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.B. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may not be permissible in the future; and conversely that in the future other types of copying not permitted under the guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision; those types are stated in Section 107 of the Copyright Revision Bill. There may be instances in which copying that does not fall within the guidelines stated below may nevertheless be permitted under the criteria of fair use.

A. Permissible Uses

1. Emergency copying to replace purchased copies that for any reason are not available for an imminent performance, provided that purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole that would constitute a performance unit such as a section, movement, or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered, or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the recording.)

B. Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations,

or collective works.

2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like materials.
3. Copying for the purpose of performance, except as in A.1., above.
4. Copying for the purpose of substituting for the purchase of music, except as in A.1. and A.2., above.
5. Copying without inclusion of the copyright notice that appears on the printed copy.

EXHIBIT C

Copyrights and Permissions Department
Publishing Company
Address
City, State, Zip Code

Dear Sir/Madam:

I would like permission to copy the following for (use in my class next semester)/(use in an anthology to be distributed to my class):

author, editor, translator
file, edition, volume number of book or journal
copyright date
ISBN for books, ISSN for magazines and journals
material to be duplicated (pages, chapters, figures, and illustrations)
number of copies to be made
type of reprint (photocopy)
whether material will be used alone or combined with other materials
name of college or university
course name and number
semester and year in which material will be used
instructor's full name, address, and telephone number

I have enclosed a copy of this letter and a self-addressed, stamped envelope for your convenience in replying to this request.

Sincerely,

Faculty/Staff Member Signature

Permission granted:

Copyrights and Permissions Department

Date

XIX. HAZARDOUS WASTE POLICY

Reference copies are available through the office of the Provost.

XX. DRUG-FREE WORKPLACE

The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in and on Northern Kentucky University (NKU) owned or controlled property. Any NKU employee determined to have violated this policy may be subject to disciplinary action up to and including termination. A controlled substance, as defined in the federal Drug-Free Workplace Act of 1988 does not include alcohol. However, the use of alcohol while on NKU owned or controlled grounds, including meal periods and breaks, is absolutely prohibited except when authorized by the University for approved University functions. No employee will report to work while under the influence of alcohol or illegal drugs. Violation of this policy by an employee will be reason for mandatory evaluation/treatment for a substance use disorder or for disciplinary action up to and including termination of employment.

In order to comply with the federal Drug-Free Workplace Act of 1988 (41 USC 701 et seq.), NKU requires that as a condition of employment a University employee notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The University must notify any federal granting or contracting agency within ten (10) days of having received notice that an employee engaged in the performance of such grant or contract has had any criminal drug statute conviction for a violation occurring in the workplace. The University will impose a sanction on, or require the satisfactory participation in, a drug/alcohol abuse assistance or rehabilitation program by any employee who is so convicted.

Any employee engaged in the performance of a grant or contract from the United States Department of Defense will be required to meet the requirements of the Drug-Free Work Force regulations (48 CFR 223.75) and may be subject to drug testing, as prescribed by the funding agency.

XXI. UNIVERSITY ALCOHOLIC BEVERAGE POLICY AND REGULATIONS

A. INSTITUTIONAL STATEMENT OF POLICY

Students at Northern Kentucky University who are 18 years of age or older are legally adults capable of increasing their ability to manage their affairs. However, current Kentucky law prohibits the possession of alcohol for one's own use to those under 21 years of age. (See also the Student Handbook, Regulations Concerning Alcoholic Beverages, 3.B., 3.H., and 4.C.) Although the University does not condone violation of the law for persons of any age, neither does it operate in loco parentis with regard to students. The law, however, does require that universities exercise a duty of care in acting reasonably to provide a safe environment for their students. Northern Kentucky University's responsibility toward students is not to control their behavior, but rather to educate them to make appropriate and effective decisions in their own lives.

If members of the Northern Kentucky University community decide to consume alcoholic beverages, it is the policy of the University to encourage responsible use and to discourage the misuse and abuse of alcoholic beverages. The University recognizes that each person, within the limit of the law, has the right to decide freely whether or not to consume alcoholic beverages; however, no person has the right, under the influence of alcohol or otherwise, to abuse the rights or endanger the health, welfare, and property of self or others.

The University supports the following statements relating to the consumption of alcoholic beverages by all persons:

1. There are acceptable alternatives to drinking alcoholic beverages.
2. It is acceptable not to drink; each individual needs to make a personal, informed choice.
3. If an individual chooses to drink, he/she should do so responsibly and in moderation. Furthermore, he/she should adhere to state and local laws pertaining to the sale and use of alcohol and University policies and regulations.
4. Consumption of alcoholic beverages should not be the main focus of an event.
5. Accurate information about the consumption of alcoholic beverages is available.
6. Treatment is encouraged for the progressive disease of alcoholism.

Today's students live in a society in which alcohol is widely used and often abused. Attaining legal drinking age does not insure that individuals will be able to make wise decisions involving alcohol consumption. Northern Kentucky

University is committed to providing information in the form of discussions, displays, and programs promoting alcohol awareness and responsible decision-making. Members of the University community will be provided information and planning materials in order to promote positive social activities that do not emphasize the consumption of alcoholic beverages. Furthermore, the University will provide opportunities for learning the skills and developing the attitudes needed to handle alcohol use or non-use in ways that are beneficial to the self and to others.

B. REGULATIONS CONCERNING ALCOHOLIC BEVERAGES

1. The possession and/or consumption of alcoholic beverages on the campus of Northern Kentucky University is prohibited except as permitted by law (KRS 222.202, KRS 244.080, KRS 244.085) and institutional policy stated herein. See paragraph 3., below.
2. The possession and/or consumption of alcoholic beverages in Northern Kentucky University residence halls is absolutely prohibited. (See Student Housing Handbook and Housing Agreement terms and conditions, Section XI-B.)
3. Alcoholic beverages may be served and consumed at official University functions and approved non-University functions in the President's home, the Alumni-Reception Center, and other non-public areas of the NKU campus, as designated by the President, according to the following guidelines:
 - a. If alcoholic beverages are sold, all applicable sales and local permits must be obtained.
 - b. Alcoholic beverages shall not be sold or served to anyone under the age of 21.
 - c. No alcoholic beverages shall be sold or served to an intoxicated and/or disorderly person.
 - d. Public funds shall not be used to purchase alcoholic beverages.
 - e. Non-alcoholic beverages must be readily accessible in reasonable quantities and must be presented as appealingly as are the alcoholic beverages.
 - f. Reasonable quantities of snacks or food are required to be served with alcoholic beverages.
 - g. The serving of alcoholic beverages at open or cash bars should end no later than one-half hour before the scheduled end of the event.

- h. No person under the age of 21 years shall be permitted to sell or to serve alcoholic beverages.
 - j. No persons authorized to sell or serve alcoholic beverages may consume such beverages while they are so engaged.
4. Alcoholic beverages may be served and consumed at official University events held off-campus according to the following guidelines:
- a. All faculty, staff, and students must obey all applicable state and local laws and University regulations pertaining to the sale and use of alcoholic beverages.
 - b. The sale, serving, and consumption of alcoholic beverages are strictly prohibited except in areas and at times and dates licensed by the Kentucky Alcoholic Beverage Control Board, or similar agencies in other states.
 - c. Persons under 21 years of age shall not legally possess or consume alcoholic beverages in Kentucky. The furnishing of alcoholic beverages to underage persons is strictly prohibited both by policy of the University and by statute of the Commonwealth. Use of fraudulent identification to procure alcoholic beverages is also prohibited.
 - d. Adequate alternative beverages and snacks and/or food must be readily available at all functions where alcohol is served.
 - e. Sponsoring groups and organizations will be responsible for providing security to insure that guests conduct themselves properly and to assist with crowd control.
 - f. Alcohol shall not be consumed or carried in open containers on any street, sidewalk, alley, or in a motor vehicle.
 - g. Sponsors of an activity should cease serving alcoholic beverages at least one-half hour prior to the scheduled end of the activity.
 - h. No persons under the age of 21 years shall be permitted to sell or to serve alcoholic beverages.
 - j. No persons authorized to sell or serve alcoholic beverages may consume such beverages while they are so engaged.
 - k. Activity sponsors must examine the identification of all guests entering the activity. Guests under 21 years of age shall not be permitted to drink alcoholic beverages in the Commonwealth of Kentucky. If the activity is located in another state, all applicable state and local laws regarding alcoholic sales,

service, and consumption shall prevail.

- m. Littering, infringing upon the rights of others, and abuse of public or private property in connection with possession or consumption of alcoholic beverages are considered violations of this policy and of the disciplinary regulations law sections of The Code of Student Rights and Responsibilities.
 - n. Promotion and advertising of events where alcohol will be consumed should not encourage any form of alcohol abuse, nor should events be advertised which place emphasis on quantity and frequency of use of alcohol (e.g., chugging events).
 - o. Beverage alcohol (kegs, cases of beer, bottles of distilled spirits or wine) should not be provided as awards or prizes to individuals or campus organizations.
 - p. No alcoholic beverages shall be sold or served to an intoxicated and/or disorderly person.
5. Possible penalties for violations of these regulations include, but are not necessarily limited to, the following:
- a. legal action by individuals or governmental authorities, including possible sanctions or citation or arrest; or
 - b. University disciplinary action under the Student Code, Faculty Policies and Procedures Handbook, Salmon P. Chase College of Law Faculty Handbook, Handbook for Department Chairs, or NKU Personnel Policy and Procedures Manual.
 - c. In addition to a. and b. above, students and/or student organizations may be subject to these penalties:
 - i. loss, curtailment, or elimination of student social functions, and notifications to national organizations where applicable,
 - ii. loss of status as a registered campus organization.
6. Student organizations shall designate one person, perhaps an officer of that organization, to assume responsibility for assuring that there is knowledge of and compliance with these alcohol policies. It is recommended that this person participate in a special educational program offered by the Office of the dean of students.
7. Beer distributors, liquor companies, bars, and night clubs are not permitted to:

- a. advertise on campus;
 - b. co-sponsor an event with a student organization;
 - c. advertise on any schedule card, athletic brochure, or press guide, invitation, or other printed material; or
 - d. provide advertising for University events presented on radio or television.
8. Northern Kentucky University does not assume responsibility for unofficial events held off campus involving individuals or groups affiliated with the University.
9. Violations of alcohol-related University policies and regulations by any member of the NKU community shall be reported to one of the following University offices:
- a. students: dean of students
 - b. faculty: office of the Provost
 - c. staff: office of Human Resources
 - d. guests and all others: Department of Public Safety

XXII. PROHIBITION OF HAZING

- A. In accordance with Kentucky Revised Statutes, Section 164.375, Northern Kentucky University prohibits any action or situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.
- B. Penalties for violation of the above policy shall include, but are not limited to the following:
1. Student violators will be subject to suspension or expulsion from the University or other appropriate disciplinary action in accordance with the Code of Student Rights and Responsibilities.
 2. Faculty and staff violators will be subject to possible loss of employment or other appropriate disciplinary action in accordance with the Northern Kentucky University Faculty Policies and Procedures Handbook and the NKU Personnel Policy and Procedures Manual.
 3. Faculty, staff, or student organizations that authorize actions that violate this policy shall lose University authorization to operate on campus property.
 4. Visitors, licensees, and invitees to Northern Kentucky University who violate this policy will be ejected from University property and may be subject to prosecution.

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APPENDIX A

POLICY ON ADMINISTRATORS RETURNING TO FACULTY STATUS

An administrator with faculty tenure who is not covered by the Faculty Handbook or the Chair's Handbook may return to faculty status by resigning his/her position and having the resignation accepted by the appropriate vice president or the President in the case of vice presidents. The following conditions are applicable:

An administrator who has less than five (5) years of service may return to faculty status at a salary base to be determined according to the appropriate discipline and rank.

After five years of service as an administrator:

1. An administrator will be granted a one-semester's paid leave to prepare him/herself for other service to the University such as classroom teaching, special projects, etc. A description of the proposed project will be required to receive this leave, followed by a report on the project upon return to the University.
2. The administrator's salary will be reduced by 15 percent and his/her contract written for a ten-month period (if appropriate).
3. Any unused vacation days will be calculated and paid to the Administrator at the date of his/her last working day in an administrative capacity.

If an administrator has served in such a capacity for more than ten (10) years, he/she may be granted a full year of paid leave; the conditions listed above in Items 1, 2, and 3 will apply.

APPENDIX B

ARTICLE IV., REGENTS' BY LAWS

In the fall of 1976, the Board of Regents revised its By Laws to reflect the then-current crisis in insurance coverage for higher educational institutions. Article IV. of the Board of Regents' By Laws stated the Board's commitment to appropriate representation of its employees in situations involving litigation.

Article IV. of the By Laws of the Board of Regents, below, states the Board's commitment to the appropriate representation of its employees in situations involving litigation. Article IV. states as follows:

"The Board of Regents hereby adopts in its entirety for the benefit of all Regents, officers past, present and future), administrators, faculty, and staff and designated volunteers, and their heirs, executors and administrators (hereinafter, the "Class"), Kentucky Revised Statute 271B.8-500, et. seq. and its amendments or replacements, on the indemnification of the Class as if the terms of said statute were herein specifically set out. It is the purpose of this By-law to provide that any member of the Class be afforded a legal defense and indemnification for any acts or actions taken in good faith and within the scope of his/her official duties while on official business of the University.

In the absence of commercial insurance coverage secured by the University, the Class shall be indemnified and held harmless from and against all civil liabilities, including judgements, decrees, fines, penalties, expenses, fees, amounts paid in settlement or any other costs, losses (including but not limited to attorney's fees and court costs) not otherwise covered by the insurance coverage maintained by the University and arising or resulting from or in connection or association with, any threatened, pending or completed action, suit or proceeding (whether civil, administrative, investigatory or otherwise) and any appeals related thereto, under which said indemnified persons are parties or participants because of their actions or omissions perform in good faith and in any capacity during the course and in the scope of their employment on behalf of the University, whether incurred before or after the adoption of these By-laws, unless they are finally adjudicated to be liable for willful, wanton or malicious conduct or criminal conduct as defined by law or regulation of any state or national government. Indemnification must conform with state and federal statutes and regulations.

All requests for indemnification must be submitted in writing to University Legal Counsel. This must occur within five (5) calendar days of the receipt of any court documents related to a claim against a member of the Class, or within thirty (30) calendar days of actual notice, verbal or written, of any assertion of a claim against a member of the Class.

The administration is authorized to promulgate procedures that conform with this indemnification and defense policy."

APPENDIX C

COLLEGIAL GOVERNANCE AT NKU

The Faculty and Administrators of Northern Kentucky University endorse the "Statement on Government of Colleges and Universities" jointly formulated by the American Association of University Professors, Association of Governing Boards of Universities and Colleges, and the American Council of Education (as adopted by the AAUP on October 29, 1966 and revised in April 1990) as the most appropriate general statement on University Governance. The remainder of the position paper specifically addresses the role of faculty and faculty bodies in university governance, consistent with the aforementioned "Statement on Government of Colleges and Universities."

The Faculty and Administrators of Northern Kentucky University believe in a collegial system of university governance, based on a concept of authority and responsibility shared among colleagues, some who have primary duties as faculty and some who have primary duties as administrators. A collegial system has, as its fundamental principle, the concept of good faith consultation among these colleagues prior to decision making as stipulated below.

Under the collegial system, decision-making authority is delegated or assigned to the collegial group most expert in or responsible for the particular area in which the decision is made. However, the Board of Regents and Council on Postsecondary Education are statutorily responsible for the governance of the University, and this document does not abridge this responsibility or authority. All colleagues in the system, regardless of their respective roles as faculty or administrators, have an obligation to honor and support the decisions reached through the collegial process. If good faith consultation among colleagues exists, if decision-making authority is delegated appropriately, and if all participants are committed to the decisions made through the collegial system, non-productive adversarial relationships among groups are minimized, and university goals and objectives are more easily achieved.

A. CHARACTERISTICS OF A COLLEGIAL SYSTEM OF GOVERNANCE:

1. "Colleague" is defined as a university employee of faculty rank or of professional or administrative classification.
2. Leadership, reason, persuasion, and cooperation are the hallmarks of the collegial system.
3. All colleagues have the opportunity to participate, directly or through elected representatives, in the collegial process.
4. Good faith consultation and mutual respect among colleagues are fundamental principles of the collegial system. All university decisions are

preceded by dialogue among relevant constituencies, followed by appropriate rationale.

5. Academic freedom is an essential element of collegial governance.
6. When a decision is reached by the person responsible for making the decision, and that person has considered all recommendations made pursuant to this document, that decision is reached through the collegial process.
7. Colleagues are bound by the decisions relating to or affecting matters which are reached through collegial processes. Colleagues, therefore, ought to avoid using external political processes (e.g., legislature, CPE, governing board) to frustrate the decisions reached through the collegial process.
8. All colleagues are bound equally by the results of the system and seek to implement those decisions. Of course, a colleague is free to seek to change policy within the collegial system. Leaders of the faculty (e.g., president, provost, senate president, deans, chairs.) have a particular responsibility to implement the decisions of the system. To facilitate consensus on [the policy] policies and procedures, the procedures outlined in section B1 through B4 below shall be followed.

B. THE ROLE OF FACULTY BODIES IN THE COLLEGIAL SYSTEM:

"Faculty bodies" are defined as the collective members with faculty rank of an academic unit (such as) Department and College faculties, the Senate and its committees, and department and college faculty committees. As participants in the collegial system of university governance, all faculty bodies are obligated to make decisions and/or recommendations for the good of the university. Generally speaking, faculty bodies have primary responsibility for recommendations in matters directly related to academics, including curricula subject matter and methods of instruction, research, faculty status, and those aspects of student life which directly relate to the educational process.

1. Academic matters:

Faculty bodies have primary responsibility for recommendations in the following matters, and their recommendations should be implemented except for compelling reasons. Reasons for non-implementation of faculty recommendations should be clearly stated in writing, except where giving reasons in writing would contradict the faculty handbook, other pertinent university governance documents, or state or federal regulations. In cases where written notification is prohibited, reasons for non-implementation of recommendations should still be communicated in another manner to the

appropriate faculty bodies. Implementation or notification should occur in a timely fashion.

Examples:

- Admissions requirements
- Graduation requirements
- Graduation of students
- Program Curricula
- Approval of academic degree programs
- Policies regarding grading and student grievances associated with academic work
- Academic personnel policies
- Academic personnel decisions
- Dismissal of tenured faculty
- Policies (personnel policies) which result in dismissal of tenured faculty
- Faculty and academic grievances
- Approval of agreements with external organizations which directly affect academic matters
- Structure of faculty and collegial academic governance bodies
- Appointment and reappointment of academic officers
- Academic planning
- Issues related to academic freedom
- University policy statements related to the matters listed above

2. Activities fundamentally affecting academic programs:

Good faith consultation with faculty bodies is routine in the following matters. Faculty opinion in these matters should be strongly considered.

Examples:

- Selection of the President and Executive Officers
- Structure and organization of academic units (departments, divisions, colleges, and schools)
- Institutional Budget Priorities
- Building priorities and design of academic facilities
- Policies regarding academic administrators (e.g. job descriptions, performance reviews)
- Selection of academic administrative staff at the Director level and above
- Decisions regarding organization of academic administration
- Goals and objectives of major fund raising efforts as they may affect academic matters
- Foundation money for academic affairs
- General policies regarding intercollegiate athletics, to the extent that they involve academic concerns
- Policies concerning agreements with businesses and other entities which may affect academic matters
- University policy documents related to these matters

3. Activities which may affect academic programs:

Good faith consultation generally occurs in the following matters which are the primary responsibility of the administration, to the extent that they affect academic matters.

Examples:

- Structure of support services
- Scholarship policies
- Student non-academic discipline (policy and implementation)
- Long range planning not affecting academic matters

- Selection of major non-academic administrators
- Structure and authority of campus security/police services
- Policies concerning disposal of major assets of the university
- Foundation priorities
- Planning for support services related to academic functions
- University support services related to academic functions

4. Activities not normally affecting academic matters:

Consultation does not take place routinely in the following matters. When consultation does occur, the faculty act more as advisors or expert assistants than as colleagues. Decision-making or recommending authority generally is shared substantially with other groups (e.g. students, staff, the community), and in some cases other (non-faculty) groups may retain primary authority. Faculty bodies may feel free to give advice in these matters regardless of whether formal consultation occurs.

Examples:

- Management and investment of funds of the university and the foundation
- Implementation of budget priorities and policies
- Selection of contractors and vendors
- Routine operation of and planning for auxiliary enterprises
- Non-academic personnel policies (development and implementation)
- Staff personnel policies
- Selection of staff and lower level non-academic administrators
- Development and implementation of staff grievance policies
- Alumni and development structures and plans (not including academic matters)

- Selection of auditors and outside counsel
- Development and implementation of recreational policies
- Routine operation of intercollegiate athletics
- Development of lobbying and legislature efforts

Approved by NKU Faculty Senate February 23, 1998

APPENDIX D

REGENTS PROFESSOR PROGRAM Amended

1. The Regents Professorship established by the Board of Regents of Northern Kentucky University shall be awarded from time to time to those full professors who, at the apex of their careers, have a demonstrated record of academic achievements that have brought acclaim to the University. Upon selection, the Regents Professor shall carry such title for the remainder of his or her tenure at the University. Compensation in the sum of \$5000.00 per year for three years will be paid at the beginning of the appointment. For the next three years of the appointment the Regents Professor shall receive an annual salary supplement of \$2,500.00 per year. Such compensation should be separately paid and not be added to the base salary of the recipient. Additionally, the Regents Professor during the first six-year period of the award will receive reassigned time equivalent to 50% as an additional means of support for new or continuing academic projects. Appropriate personnel should make the presentation of the Regents Professorship to the person receiving the award at the appropriate college graduation in the spring prior to the first year of the initial Regents Professorship term.
2. The Board of Regents may establish a Regents Professorship selection committee to invite nominations in the fall of a year in which the professorship may be awarded. The Chair of the Board of Regents should forward a letter to the President of the University recommending that a nominating committee consisting of four faculty, the Provost, and one member of the Board of Regents be constituted. The nominating committee shall, prior to inviting nominations, select two professors from other institutions to meet and deliberate with the nominating committee. It is recommended that the Provost pay all reasonable travel expenses of such persons and honoraria as appropriate. This committee will solicit nominations and make recommendations to the Board of Regents regarding proposed recipients of the award.
3. The renewal of Regents Professorship reassigned time benefits beyond the initial six-year appointment may be considered by the Board of Regents at six-year intervals on the application of a Regents Professor who has reached the sixth year of his or her current appointment. The Regents Professor is under no obligation to apply for such renewal, but renewal can be considered only on the basis of his or her formal application. Such an application should be submitted by the Regents Professor through the Office of the Provost to the Board of Regents no later than January 15 of the sixth year of his or her appointment. This application should consist of the following:
 - a. A brief statement by the Regents Professor requesting the renewal of reassigned time benefits for a six-year term.

- b. Statements from the appropriate chair and dean indicating support for the requested renewal.
- c. A 2 - 5 page summary by the Regents Professor describing professional accomplishments during his or her appointment as Regents Professor with emphasis on those accomplishments made possible by the terms of his or her appointment as Regents Professor together with representative evidence for these accomplishments. Where possible, the Regents Professor should indicate how these accomplishments have enhanced his or her teaching.
- d. A brief description by the Regents Professor of his or her professional aspirations for the term of renewal.

When the Regents Professor committee meets to consider applications for initial appointment, the committee will consider also any request for renewal of the reassigned time benefit and will recommend to the Board of Regents at its next meeting that renewal be granted or not granted. The applicable criteria for renewal will be those defined for the initial appointment (*supra.*, para. 1).

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