

1 **PAC-18 FACULTY RIGHTS & RESPONSIBILITIES**

2 **Policy:** PAC-18

3 **Subject:** Faculty Rights and Responsibilities

4 **Approval Date:** 07/01/85

5 **Revision Date:** 03/07/94; 08/08/19; 04/20/23

6 **Last Review Date:** 08/08/19

7 **PURPOSE:**

8 To define the procedures to be followed when issues involving faculty rights and responsibilities have not been  
9 resolved successfully through the normal channels of administrative responsibility and procedure.

10 **ELIGIBILITY:**

11 All individuals in the academic classification category (including librarians) plus those individuals in the  
12 administrative category who have tenure-eligible academic rank and who have grievances of an academic nature  
13 are eligible to submit a petition.

14 **SCOPE:**

15 The Committee on Faculty Rights and Responsibilities established by these procedures may review petitions from  
16 all faculty members and librarians (described under Eligibility above) in any situation in which a faculty member  
17 or librarian asserts that he/she has suffered a substantial injustice resulting from a violation of academic freedom,  
18 professional ethics, procedural fairness, or due process.

19 Formal claims of alleged discrimination are to be filed in accordance with PG-5 Affirmative Action/Equal  
20 Opportunity for Employment.

21 Disputes about the dismissal of a probationary tenure eligible faculty member or a fixed-term appointee before the  
22 end of the term of appointment or of a tenured faculty member are covered under Kentucky Revised Statutes  
23 (KRS 164.360 and KRS 164.365).

24 Any issue to be reviewed under these procedures must be presented by the particular faculty member or librarian  
25 who filed the grievance.

26 **COMMITTEE ON FACULTY RIGHTS AND RESPONSIBILITIES:**

27 The Committee on Faculty Rights and Responsibilities should consist of two tenured professors from each  
28 college, one tenured professor at large and one Librarian III or IV. It is preferred that committee members have  
29 prior service on the University Promotion or Tenure Committees or the Library Promotion Committee.

30 Nominees for faculty representatives for each college or the library shall be made by the Faculty Senate and voted  
31 on by the members of the faculty in that college or library. The Faculty Senate shall elect the faculty member at-  
32 large. The term of this member shall be for two years.

33 Terms for faculty members from each college and librarian shall be for two years with one-half being replaced  
34 each year. No member may serve for more than two consecutive terms. No member shall serve on the Library  
35 Promotion Committee, University Tenure, Promotion or Faculty Rights and Responsibilities Committees  
36 simultaneously.

37 **OPERATION OF THE COMMITTEE:**

38 A quorum of the Committee will be a majority of those remaining after any member is disqualified because of  
39 blood or marriage relationship to the aggrieved party or because of conflict of interest.

40 Upon receiving a petition, the Committee will make a preliminary determination as to the extent of its review of  
41 the matter. The Committee will reserve the right to dismiss without prejudice a complaint that it judges without  
42 merit or where it appears that other remedies should be sought before coming to the Committee.

43 The Committee may decide to have an information review or to establish a Hearing Board, in order to bring about  
44 a satisfactory settlement.

45 In the case of a grievance filed against the University President, the grievance shall be referred to a special-called  
46 committee consisting of the Presidents of Faculty Senate and Staff Congress, the Faculty and Staff Regents, and

47 the Chair of Chair's Council. All regulations outlined in the Faculty Rights and Responsibilities committee shall be  
48 followed by this special committee with the exception that recommendations will be submitted to the Chairperson  
49 of the Board of Regents.

50 A Hearing Board will be established only on the vote of a majority of membership of the Committee upon a  
51 determination that a prima facie basis for the complaint has been shown and may not reasonably be dealt with  
52 through an informal resolution process.

53 The burden of proof in establishing a prima facie case will be on the complaining party.

54 The Committee on Faculty Rights and Responsibilities should attempt to settle matters brought to it as quickly as  
55 possible without sacrificing fairness to all parties. Only in extraordinary circumstances or by mutual agreement  
56 should there be a time span longer than ~~30~~ 50 days between the receipt of a complaint by the Committee and a  
57 decision as to whether there will be a formal hearing.

58 The Committee shall not consider the substantive academic judgment aspects of such matters as promotion,  
59 tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional  
60 ethics, procedural fairness, or due process may be reviewed.

61 All materials submitted to the Faculty Rights and Responsibilities committee and/or the special-called committee  
62 shall be retained in the Office of Human Resources by the corresponding committee chair as confidential. Once a  
63 recommendation has been rendered, the documents/ evidence shall be retained by the University Archivist in  
64 accordance with the Kentucky statutes for Records Retention.

#### 65 THE HEARING BOARD:

66 For a particular case, a Hearing Board, consisting of all eligible members of the Committee will be established to  
67 hear the case. Members will remove themselves from a case if they deem themselves disqualified by reason of  
68 bias or conflict of interest.

69 If a specific hearing is scheduled, notice will be served with a specific statement of the complaint at least 20 days  
70 prior to the hearing. The party complained against may waive a hearing or may respond to the complaint in  
71 writing at any time before the hearing.

72 Hearings before a Hearing Board will not be public. Publicity and public statements about the case by either the  
73 complaining party or the Hearing Board will be avoided until the proceedings have been completed. The Hearing  
74 Board and both parties may have present at the hearing such assistance as each deems necessary. If such  
75 assistance is desired, the party will give notice of that intention to the other party and/or the Hearing Board not  
76 less than six (6) working days prior to the hearing date.

77 During the proceedings the parties will be entitled to have an advisor and counsel of their own choice. The  
78 Hearing Board will not be bound by strict rules of legal evidence and may admit any evidence of probative value  
79 in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence  
80 available and to avoid excessively legalistic procedures.

81 ~~An tape recording~~ audio recording of the hearings will be made and will be available to both parties.

82 The parties will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The  
83 University administration will make reasonable efforts to cooperate with the Hearing Board in securing witnesses  
84 and making available documentary and other evidence.

85 Parties will have the right to confront and cross-examine all witnesses.

86 The Hearing Board's findings of fact and conclusions will be based solely on the hearing record.

87 The Hearing Board shall not consider the substantive academic judgment aspects of such matters as promotion,  
88 tenure, compensation, and evaluation of performance. In such matters as these, academic freedom, professional  
89 ethics, procedural fairness, or due process may be reviewed.

90 The Hearing Board may not review any petitions which are being or have been processed in the courts, through  
91 the University's Affirmative Action/Equal Employment Opportunity Policy, federal or state agency, or through  
92 any other University appeal or grievance procedure.

93 The Hearing Board shall reach its conclusions by majority vote and shall submit these conclusions to the  
94 President of the University through the Chair of the Committee on Faculty Rights and Responsibilities. The  
95 President shall notify the Chair of the decision that has been reached. In the event the President's decision is not in  
96 accord with the conclusions of the Hearing Board, the reasons for that decision shall be specified to the Chair of  
97 the Committee on Faculty Rights and Responsibilities who will inform the Committee and the parties directly  
98 involved.

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