

SECTION 2

Human Resources Related Policies

2.0 Kentucky Community and Technical College System Employment

KCTCS employees under the terms of KRS 164.5807 continue to be covered by University of Kentucky personnel policies, and former Cabinet for Workforce Development employees under the terms of KRS 164.5805 retain coverage under Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, adopted by KCTCS unless and until they exercise an option into the KCTCS personnel system.

KCTCS employees under the University of Kentucky personnel system who accept other positions in any KCTCS college after June 29, 2001, retain coverage under University of Kentucky personnel policies until they elect to be covered by the KCTCS personnel policies. Former Cabinet for Workforce Development employees who accept other positions in any KCTCS college after June 29, 2001, retain coverage under Titles 101 and 780 of the Kentucky Administrative Regulations that were in effect on June 30, 1998, until they elect to be covered by the KCTCS personnel policies. The employee's option into the KCTCS personnel system shall be in writing and may be exercised at any time.

Positions in the KCTCS System Office shall be positions under the KCTCS personnel system; therefore, employees who choose to accept KCTCS System Office positions shall be governed by KCTCS personnel system policies.

KCTCS, at its option, may change, delete, suspend or discontinue any part or parts of policies at any time with prior notice as business, employment legislation, and economic conditions dictate. A demonstrated effort will be made to proactively communicate policy changes before they take effect.

Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked.

No one other than the KCTCS Board of Regents may alter or modify Board policies. No one other than the KCTCS President may alter or modify administrative policies and procedures. Any alteration or modification of policies must be in writing.

No statement or promise by a supervisor, immediate supervisor, or department head, past or present, may be interpreted as a change in policy nor will it constitute an agreement with an employee.

A. What You Can Expect From KCTCS

KCTCS believes in creating a harmonious working relationship among all employees. In pursuit of this goal, KCTCS has created the following employee relations objectives:

- Provide an exciting, challenging, and rewarding workplace and experience.
- Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religion, political affiliation, veteran status or a disability that does not prohibit performance of essential job functions.
- Compensate all employees according to their effort and contribution to the success of our organization.
- Review wages, employee benefits and working conditions regularly with the objective of being competitive in these areas consistent with sound business practices.
- Provide reasonable vacation, sick leave, paid time off and holidays to all eligible employees.
- Provide eligible employees with health and welfare benefits.
- Assure employees, after talking with their immediate supervisor, an opportunity to discuss any issue or problem with officers of KCTCS or its designee.
- Take prompt and fair action of any complaint that may arise in the everyday conduct of our affairs, to the extent that is practicable.
- Respect individual rights, and treat all employees with courtesy and consideration.
- Maintain mutual respect in our working relationship.
- Provide buildings and offices that are comfortable, orderly and safe.
- Promote employees on the basis of their ability and merit.
- Make promotions or fill vacancies from within KCTCS, to the degree possible consistent with an efficient and effective workforce.
- Keep all employees informed of the progress of KCTCS, as well as the organization's overall goals and objectives.
- Promote an atmosphere in keeping with KCTCS' vision, values, mission, and goals.

B. What KCTCS Expects From You

As a member of the KCTCS team, you will be expected to contribute your talents and energies to further improve the environment and quality of the services delivered to the citizens and employers of the Commonwealth.

- KCTCS needs your help in making each working day enjoyable and rewarding. Your first responsibility is to know your own duties and how to do them promptly, correctly and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and to maintain a positive team attitude.
- How you interact with fellow employees and those whom KCTCS serves, and how you accept direction can affect the success of your department and the organization. In turn, the performance of one department can impact the entire service offered by KCTCS. Consequently, whatever your position, you have an important assignment: perform every task to the very best of your ability.
- You are encouraged to grasp opportunities for personal development offered to you. This Policy Manual offers insight on how you can perform positively and to the best of your ability to meet and exceed KCTCS expectations. We strongly believe you should have the right to make your own choices in matters that concern and control your life.
- KCTCS believes in direct access to management. KCTCS is dedicated to making the System an organization where you can approach your immediate supervisor, or any member of management, to discuss any problem or question. KCTCS expects you to voice your opinions and contribute your suggestions to improve the quality of the System. Please take the initiative to communicate with each other and with management to improve KCTCS services.
- You help create the pleasant and safe working conditions that KCTCS intends, resulting in better performance for the organization overall and personal satisfaction for you.

2.0.1 Community College Employment Under the *Kentucky Postsecondary Education Improvement Act of 1997*

Employees in the University of Kentucky Community College System as of the effective date of the transfer of the management responsibilities of the University of Kentucky Community College System to the Kentucky Community and Technical College System shall be governed by the University of Kentucky Administrative Regulations as of the effective date of the transfer and any subsequent changes made by the University, except that appeals shall be to the Board of Regents or to the Board's designee. The following provisions shall apply: (a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee; (b) Employees with tenure shall retain their tenure. Employees without tenure shall earn tenure based on personnel policies in effect at the time of their

employment. New employees without tenure shall earn tenure based on the new policies established by the board; (c) Employees shall maintain a salary not less than their previous salary as of the effective date of the transfer; and (d) All employees hired as of the effective date of the transfer shall be provided the same benefit package available for other University of Kentucky employees as it may be modified by the University of Kentucky for all employees.

A person employed as of the effective date of the transfer described in the paragraph above in a University of Kentucky Community College may elect to participate in the new Kentucky Community and Technical College personnel system. An employee who elects to accept this option may not return to the previous personnel policy. The employee shall have the right to exercise this option at any time.

By a Memorandum of Agreement between the University of Kentucky and KCTCS, dated May 15, 1998, UK will continue to administer payroll and benefit services for UKCCS employees who were hired before the effective date and who have not exercised an option to be covered by the KCTCS personnel system pursuant to Section 19(4) of the Act. (Payroll and benefit services for UKCCS employees who are hired after the effective date and for UK employees who have exercised their option to be covered by the KCTCS personnel system will not be administered by UK.) KCTCS will administer all employment functions (other than administration of payroll and benefit services for UKCCS employees who remain UK employees) including but not limited to decisions relating to hiring, firing, employee discipline, wage and salary administration, employee training, wellness programs, and the I-9 certification process. UKCCS employees hired before January 14, 1998 who subsequently move to a different position within the UKCCS system shall retain their UKCCS employee status unless and until the employee has exercised the option to be covered by the KCTCS personnel system pursuant to Section 19(4) of the Act.

New employees hired after July 1, 1998 in the Kentucky Community and Technical College System shall be governed by the rules established by the Board. Faculty may also refer to *KCTCS Personnel Policy Manual*.

The administrative or staff responsibilities of faculty members with administrative or staff appointments are specified in the individual Notice of Primary Academic Appointment and Assignment of such faculty members.

2.0.2 Technical College Employment: Adoption of Personnel Rules Pursuant to KRS 164.5805 (1)(e)

This policy covers faculty and staff employees of the Cabinet for Workforce Development, Department of Technical Education who were hired into regular positions (not temporary appointments) before June 30, 1998.

KCTCS BOARD OF REGENTS POLICIES

In accordance with KRS 164.5805 (1) (e), the Board of Regents for the KCTCS hereby adopts rules that are the same as the administrative regulations under KRS Chapter 151B in effect on June 30, 1998, to govern the certified and equivalent employees who transfer from the Cabinet for Workforce Development, except that all grievances and appeals shall be to the Board of Regents or the Board's designee.

The Board of Regents hereby adopts rules that are the same as the administrative regulations under KRS Chapter 18 A in effect on June 30, 1998, to govern the transferred classified employees, except that all grievances and appeals shall be to the Board of Regents or to the Board's designee.

The rules referred to above (See Appendix I) are hereby incorporated into the personnel policies set by the Board of Regents to be effective July 1, 1998, as though fully set out in these policies.

Section 2.0 source: *KCTCS Personnel Policy Manual* adopted by KCTCS Board of Regents on June 22, 1998.

<u>4-30-99</u>	<u>6-29-01</u>	<u>6-29-01</u>
Date Approved by KCTCS Board of Regents	Date of Last Review	Date of Last Revision <i>(Include all dates in chronological order)</i>
<u>(SIGNED)</u>	<u>6-29-01</u>	<u>(SIGNED) 6-29-01</u>
Chair, Board of Regents	Date	President, KCTCS Date

2.1 Kentucky Community and Technical College System Definition of Faculty, Faculty Rank, and Faculty Titles

The faculty is comprised of all employees holding faculty rank with tenure or tenure-eligible status, as well as faculty employed on a contract basis. Specific contract types are described in administrative procedures Section 2.2.

2.1.1 Definition of Faculty, Faculty Rank and Faculty Titles–Community Colleges

2.1.1.1 Faculty Status Definition–Community Colleges

The faculty of a community college shall consist of all of the following: the President of the Community College, Dean of Academic Affairs, all full-time teaching faculty members, full-time ranked Professional Librarians, full-time ranked Professional Counselors and other personnel who have faculty rank and tenure status in the Community College so long as they hold their current appointments. Administrative personnel currently holding faculty rank and tenure status will be able to choose to be assigned to a teaching academic division or the Non-Division for faculty governance purposes.

All other administrative or professional personnel shall be considered non faculty in terms of this policy.

Within the limits established by the Kentucky Community and Technical College System Procedures and the *Rules of the Senate of the Community Colleges*, the faculty members of each community college shall determine the educational policies of that college.

A ranked faculty member is a full-time employee of the Community Colleges who has been appointed to one (1) of the four (4) regular academic ranks: Instructor in the Community Colleges, Assistant Professor in the Community Colleges, Associate Professor in the Community Colleges, or Professor in the Community Colleges; and others that are equivalent to the recognized ranks.

2.1.2 Definition of Faculty, Faculty Rank and Faculty Titles–Technical Colleges

2.1.2.1 Faculty Status Definition–Technical Colleges

The faculty of a technical college shall consist of all full-time teaching faculty members, full-time ranked Professional Librarians, and other personnel who have faculty status in the Technical Colleges so long as they hold their current appointments.

All other administrative or professional personnel shall be considered non faculty in terms of this policy.

Within the limits established by the Kentucky Community and Technical College System Procedures and the *Rules of the Senate of the Technical Colleges*, the faculty members of each technical college shall determine the educational policies of that college.

A ranked faculty member is a full-time employee of the Technical Colleges who has been appointed to one (1) of the four (4) regular academic ranks: Instructor in the Technical Colleges, Assistant Professor in the Technical Colleges, Associate Professor in the Technical Colleges, or Professor in the Technical Colleges; and others that are equivalent to the recognized ranks.

4-30-99	10-4-02	10-4-02
_____ Date Approved by KCTCS Board of Regents	_____ Date of Last Review	_____ Date of Last Revision <i>(Include all dates in chronological order)</i>
(SIGNED)	10-4-02	(SIGNED) 10-4-02
_____ Chair, Board of Regents	_____ Date	_____ President, KCTCS Date

2.7 Tenure (Community College Employees Hired on/or after January 14, 1998)

The Board of Regents may grant tenure to faculty upon recommendation by the President of KCTCS and the appropriate Chancellor. The President and the Chancellors will assure that the disciplines eligible for tenure are consistent across all units of KCTCS.

Full-time non-tenure appointments may be for one year or for other stated periods, subject to renewal, but the total non-tenure period shall not exceed seven years, including applicable previous full-time service with the rank of instructor or higher in other institutions of higher learning. A faculty member with more than three years in the academic profession, who is called from another institution and appointed at the rank of associate professor or below, may be required to serve in a probationary status for a period not to exceed four years, even though the faculty member's total probationary period in the academic profession is extended beyond seven years.

However, in any case where a period of prior service of a faculty member involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the non-tenure period at KCTCS. The time spent on leave of absence shall count as probationary period service unless the KCTCS in granting the leave and the individual in accepting it agrees to the contrary. Individuals initially appointed at the rank of professor may be given non-tenure status for period not to exceed one year.

Following appropriate review periods not exceeding in duration those described above, all persons of associate professor or higher rank shall be given tenure or shall not have their appointments renewed: all persons of assistant professor rank shall be promoted to associate professor with tenure or shall not have their appointments renewed. Established appointment, promotion and review procedures shall be followed in making these decisions.

Tenure is granted by discipline across KCTCS and not at any particular educational unit of the System.

<u>6-22-98</u>		
Date Approved by KCTCS Board of Regents	Date of Last Review	Date of Last Revision <i>(Include all dates in chronological order)</i>
(SIGNED)	6-22-98	(SIGNED)
Chair, Board of Regents	Date	President, KCTCS

2.7.1 Tenure Policy and Procedure (Community College Faculty Hired Prior to January 14, 1998)

2.7.1.1 Tenure in the Community Colleges

Tenure for faculty of the Community Colleges when granted by the Board of Regents in accordance with the Kentucky Community and Technical College System Procedures shall be in the Community Colleges and not at the individual educational unit of the Community Colleges.

2.7.1.1.1 Types of Appointment–Community Colleges

Full-time appointments shall be of three kinds: (1) non-tenured appointments, (2) tenured appointments, and (3) post-retirement appointments.

2.7.1.1.2 Appointment Records–Community Colleges

The precise terms and conditions covering each appointment shall be stated in writing on an official appointment record. Notice of reappointment shall be in the possession of the appropriate administrative officials and the appointee at least three (3) months before the renewed appointment begins when possible, or at the earliest date feasible in view of budget considerations.

2.7.1.1.3 Review Periods–Community Colleges

Full-time non-tenured appointments may be for one (1) year or for other stated periods, subject to renewal, but the total non-tenured or probationary period shall not exceed seven (7) years, including previous full-time service with the rank of instructor or higher in other institutions of higher learning. A faculty member with more than three (3) years in the academic profession, who is called from another institution and appointed at the rank of Associate Professor or below, may be required to serve in a probationary status for a period not to exceed four (4) years, even though the individual's total probationary period in the academic profession is extended beyond seven (7) years. However, in any case where a period of prior service of a faculty member involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the non-tenured period at the Kentucky Community and Technical College System. Except as provided in paragraph four below, time spent on leave of absence shall count as probationary period service unless the Community Colleges in granting the leave and the individual in accepting it agree to the contrary. Individuals initially appointed at the rank of full Professor may be given non-tenured status for a period not to exceed one (1) year.

The applicability of prior service to the probationary period of a faculty member in the Community Colleges shall be reviewed initially by the prospective faculty member and the concerned Division Chairperson and President. This review should occur either before and/or during the interviewing of the applicant and prior to the appointment of the applicant as a faculty member. The following questions shall be examined and serve as guidelines in making and considering requests for waiver or elimination of prior service:

1. Did the institution of prior service have similar expectations regarding formal criteria for promotion as those which prevail for the Community Colleges?
2. Were the measurable achievements of the faculty member at the institution of prior service such that they would be counted as part of the achievements to be evaluated by the Community Colleges in consideration for promotion and tenure?
3. Did the faculty member utilize the same knowledge and skills, and have the same career goals at the institution of prior service which the faculty member will be applying at the Community Colleges? and
4. Does employment in the Community Colleges involve a change of career and, therefore, a change in the expectations which should be placed upon measurable achievements within a particular period of time?

In any case of prior service involving significantly different institutional objectives or significantly different professional activity, a request that all or part of the prior service be eliminated from consideration in determining the probationary period at the time may be initiated by the prospective faculty member, the Division Chairperson, or the President. After seeking the advice of the College Advisory Committee on Appointment, Promotion, and Tenure, the President shall forward the request with the President's recommendation to the Chancellor of the Community Colleges who shall approve or disapprove the request.

Following appropriate review periods not exceeding in duration those described above, all persons of Associate Professor or higher rank shall be given tenure or shall not have their appointments renewed; all persons of Assistant Professor rank shall be promoted to Associate Professor with tenure or shall not have their appointments renewed. Established appointment, promotion, and review procedures shall be followed in making these decisions.

A tenured Associate Professor concerning whom a recommendation for promotion has not been forthcoming for six (6) years must be considered for promotion, and a recommendation by the President of the applicable community college, either affirmative or negative, shall be made to the Chancellor of the Community Colleges during the seventh (7th) year. If the recommendation of the President of the applicable community college is negative, the Chancellor will advise the

concerned faculty member of this decision to not recommend promotion and will give the faculty member an opportunity to submit a promotion file to the Community College Advisory Committee on Appointment, Promotion, and Tenure for evaluation. Within thirty (30) calendar days of notification by the Chancellor of the Community Colleges, the concerned individual shall reply in writing to the Chancellor of the Community Colleges either accepting or declining this opportunity for an evaluation of the individual's file by the Community College Advisory Committee on Appointment, Promotion, and Tenure. In the case of acceptance, the Advisory committee will review and evaluate the file and recommend to the Chancellor of the Community Colleges in the usual manner. In case of declination, the provision of another opportunity for consideration of the individual's promotion by the Advisory Committee shall not be mandatory until six (6) more years have passed.

2.7.1.2 Tenure for Librarians–Community Colleges

2.7.1.2.1 Types of Appointment–Community Colleges

Full-time Librarian appointments shall be of three kinds:

1. Non-tenured appointments;
2. Tenured appointments; and
3. Post-retirement appointments.

2.7.1.2.2 Appointment Records–Community Colleges

The precise terms and conditions covering each Librarian appointment shall be stated in writing on an official appointment record. Notice of reappointment shall be in the possession of the appropriate administrative officials and the appointee at least three (3) months before the renewed appointment begins when possible, or at the earliest date feasible in view of budget considerations.

2.7.1.2.3 Review Periods for Professional Librarians–Community Colleges

Full-time non-tenured Professional Librarian appointments may be for one (1) year or for other stated periods, subject to renewal, but the total non-tenured (or probationary) period shall not exceed seven (7) years, including previous full-time service as a Professional Librarian with the rank of Librarian IV or higher in other institutions of higher learning. An individual with more than three (3) years in the academic profession, who is called from another institution and appointed at the rank of Librarian II or below, may be required to serve in a probationary status

KCTCS BOARD OF REGENTS POLICIES

for a period not to exceed four (4) years, even though the individual's total probationary period in the academic profession is extended beyond seven (7) years. However, in any case where a period of prior service of a Librarian involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the probationary period in the Kentucky Community and Technical College System. Except as provided in Section 2.7.1.1.3, time spent on leave of absence shall count as probationary period service, unless the Community Colleges in granting the leave and the individual in accepting it, agree to the contrary. Individuals initially appointed at the rank of Librarian I may be given non-tenured status for a period not to exceed one (1) year.

The applicability of prior service to the probationary period of a Librarian in the Community Colleges shall be considered in the same manner as that for a regular faculty member (see Section 2.7.1.1.3).

4-30-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

4-30-99

Date

(SIGNED) 4-30-99

President, KCTCS

Date

2.7.1.3 Procedure for Promotion and Granting of Tenure in the Community Colleges (All Community College Faculty)

The College President:

1. Initiates the proposal;
2. Supervises the gathering of vita with the required and supporting material including the written opinions of the tenured faculty of the appropriate division;
3. Secures the advice of the Division Chairperson;
4. Secures the advice of the college's Advisory Committee on Appointment, Promotion, and Tenure;
5. Approves or disapproves the proposal at the level of Instructor to Assistant Professor. Notifies the individual and the Division Chairperson; and
6. Forwards to the Chancellor recommendations for promotions at the levels of Assistant Professor to Associate Professor and of Associate Professor to Professor. Promotion approval or disapproval from Instructor to Assistant Professor is delegated to the President of the applicable community college. Notifies the individual if the proposal is disapproved.

The roles of the College President and the Chancellor in a case of a tenured associate professor concerning whom a recommendation for promotion has not been forwarded for six (6) years is described in detail in the paragraph 2.7.1.1.3.

The Chancellor:

1. Reviews proposal for completeness;
2. Secures the advice of the Community College Advisory Committee on Appointment, Promotion, and Tenure;
3. Forwards recommendations for approval to the President; and
4. Notifies the College President if the proposal is disapproved. The College President shall notify the individual.

The roles of the College President and the Chancellor in a case of a tenured associate professor concerning whom a recommendation for promotion has not forwarded for six (6) years is described in detail in the paragraph 2.7.1.1.3.

The President of the Kentucky Community and Technical College System:

1. Reviews the proposals;
2. Submits recommendations for approval to the Board of Regents for final action;

KCTCS BOARD OF REGENTS POLICIES

3. Notifies the Chancellor if the proposal is disapproved. The Chancellor shall notify the College President who shall notify the individual and the Division Chairperson.

The Board of Regents:

1. Takes final action;
2. President of the Kentucky Community and Technical College System notifies Chancellor of action taken;
3. Chancellor notifies College President of action taken; and
4. College President notifies individual and Division Chairperson of action taken.

4-30-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

4-30-99

Date

(SIGNED) 4-30-99

President, KCTCS

Date

2.7.2 Tenure for Technical Education Faculty with Continuing Status

KCTCS is carefully considering the advantages, disadvantages and conditions under which technical education faculty that hold continuing or continued employment status might be converted to tenured status.

6-22-98

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

6-22-98

Date

(SIGNED)

President, KCTCS

2.8 Separation

At times, the KCTCS or individual faculty members may find it necessary to sever their contractual relationship. To protect the interests of both parties, categories of separation and the policies and procedures related to each are set forth below.

2.8.1 Separation–Community Colleges

2.8.1.1 Notification of Non-Renewal of Appointment; Non-Tenured Appointments–Community Colleges

Part-time, visiting, or temporary short-term appointments with explicit terminal dates of one (1) academic year or less terminate at the expiration of the term without notice. For those employed year-to-year on a fiscal or academic year basis, notification of non-renewal of appointment at the end of the first year of service shall be given not later than March 1, if the appointment expires at the end of that year or three months in advance if the one-year appointment terminates during the academic year. Notification of non-renewal of appointment at the end of the second year of service shall be given no later than December 15, if the appointment expires at the end of the year or six (6) months in advance if the appointment expires during the year. Notification of non-renewal of appointment after more than two (2) years of service shall be given at least twelve (12) months before expiration of the appointment.

In cases where a Division Chairperson's advice for reappointment for a specific term is rejected by the College President and a terminal reappointment is offered instead, the following procedure will be employed. If the tenured members of the division faculty and the Division Chairperson reaffirm their advice and so request by majority vote, the Chancellor of the Community Colleges will refer the matter to the Community College Advisory Committee for Appointment, Promotion, and Tenure (or an ad hoc advisory committee especially formed for the purpose). The committee in its deliberation will address itself to the potential of the individual as a faculty member in a comprehensive community college and the likelihood of an eventual tenured appointment, and will submit a written recommendation to the Chancellor. After considering the committee's report, the Chancellor will make a recommendation to the Kentucky Community and Technical College System President.

It is KCTCS policy not to provide written reasons in cases of non-renewal of appointment. However, in any such case upon the faculty member's request, the President of the college may meet with the faculty member and discuss informally the circumstances surrounding the non-renewal. If the faculty member is not satisfied with this conference, the faculty member may further request a related conference with the Chancellor of the Community Colleges. Any related appeals through administrative channels and/or the Community College Senate Advisory Committee on Privilege and Tenure must be initiated in writing by the faculty member within

sixty (60) days after being notified in writing by the College President about non-renewal of appointment.

2.8.1.2 Termination of Appointment–Community Colleges

2.8.1.2.1 Reasons for Termination –Community Colleges

Except in cases of financial emergency, the termination of a tenured appointment or the dismissal of a person prior to the expiration of a non-tenured appointment shall, in accordance with KRS 164.230, be only for reasons of incompetency, neglect of or refusal to perform duties, or for immoral conduct.

In the instance of termination because of a financial emergency, the faculty member may have the issues reviewed by the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges with the right of appeal to the President of the Kentucky Community and Technical College System and the Board of Regents. The faculty member shall be given notice as soon as possible and never less than twelve (12) months notice. The released member's place shall not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

2.8.1.2.2 Procedures–Community Colleges

Dismissal of a faculty member with continuous tenure or of a non-tenured member before the end of a specified term of appointment shall be preceded by discussions between the faculty member and an appropriate administrative officer or officers looking toward a mutual settlement. In the event of failure to arrive at an agreed upon settlement, the Chancellor of the Community Colleges shall be responsible for the preparation of a reasonably particularized statement of charges which shall be furnished to the faculty member and the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges. The committee shall make an informal investigation for the purpose of attempting to effect an adjustment and, in the case of failure, to recommend to the President of the Kentucky Community and Technical College System whether, in its opinion, dismissal proceedings should be undertaken. Its opinion shall not be binding upon the President.

If the President initiates dismissal proceedings, the individual concerned shall have the right to be heard initially by the Hearing Committee (Privilege and Tenure) of the Senate of the Community Colleges.

The faculty member shall be informed in writing by the President regarding specific charges at least twenty (20) days prior to the hearing. At least seven (7) days prior to the hearing, the

faculty member must answer the charges in writing. The faculty member may waive the hearing. If the faculty member waives the hearing but denies the charges or asserts that the charges do not support a finding of adequate cause, the hearing tribunal shall evaluate all available evidence and rest its recommendation upon the evidence in the record.

The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private. During the proceedings the faculty member will be permitted to have an academic adviser and counsel of personal choice. At the request of either party or the hearing committee, a representative of a responsible educational organization shall be permitted to attend the proceedings as an observer. A full stenographic record of the hearing or hearings will be taken and made available to the parties concerned. The burden of proof that adequate cause exists rests with the institution, and shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member's competence is in question, the testimony should include that of qualified faculty members from the institution or Community Colleges and may include that of qualified faculty members from comparable institutions of higher education.

Upon the conclusion of the hearing, the committee shall report to the President that adequate cause for dismissal has or has not been established by the evidence in the record. It may, in addition, recommend that, although adequate cause for dismissal has been established, an academic penalty less than dismissal would be more appropriate, giving supporting reasons for the recommendation. If the President rejects the report, the President shall provide reasons in writing to the committee and to the faculty member, and provide an opportunity for response before transmitting the case to the Board of Regents.

A decision adverse to the faculty member may be made only after an opportunity has been given for an independent third party appeal as required by the Kentucky Postsecondary Improvement Act of 1997. The Board will either sustain the recommendation of the appeal or return the proceedings to the President and the committee with specific objections. The committee or the President will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board of Regents will make the final decision after a study of the committee's reconsideration.

2.8.1.2.3 Suspensions—Community Colleges

Until the final decision upon termination of an appointment has been reached, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to the faculty member or others is threatened by the faculty member's continuance. Before suspending a faculty member, pending an ultimate determination of that individual's status through the hearing procedures, the President will consult with the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges. Salary will continue during the period of suspension.

2.8.1.2.4 Academic Freedom of Non-Tenured Faculty–Community Colleges

If faculty members on non-tenured appointments or faculty members on post-retirement appointments allege that decisions not to reappoint them were caused by considerations violative of academic freedom, they must present their allegations in writing to the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges within sixty (60) days after being notified in writing by the President of the decisions not to reappoint. Allegations so presented shall be given preliminary considerations by the Advisory Committee on Privilege and Tenure, which shall seek to settle the matter by informal methods. The faculty members' statements of allegations shall be accompanied by statements that they agree to the presentation, for the consideration of the committee, of such reasons and evidence as the Community Colleges may allege in support of its decisions. If the difficulty is unresolved at this stage and if the committee so recommends, the procedures set forth in paragraph 2.8.1.2.2 shall be applied, except that the faculty members making the complaints are responsible for stating the grounds upon which they base their allegations, and the burden of proof shall rest upon them. If prima facie cases are established via these procedures in favor of the faculty members, it becomes incumbent upon the persons who made the decisions not to reappoint to come forward with evidence in support of those decisions. (See KCTCS Academic Freedom Policy)

2.8.1.2.5 Resignation

Notice of resignation should be given early enough to obviate serious inconvenience to the Community Colleges. If faculty members desire to terminate existing appointments or to decline renewals in the absence of notices of non-renewal, they shall give written notice of not less than three (3) months if their rank is instructor or assistant professor, and not less than four (4) months if their rank is higher, before the end of their duties during an academic year (exclusive of a summer session) or thirty (30) days after receiving notification of the terms of their appointments for the coming year, whichever date occurs later. However, they may properly request a waiver of this requirement in cases of hardship or in situations where they would otherwise be denied substantial professional advancement.

2.8.1.2.6 Return of KCTCS Property

Any KCTCS property issued to you, such as office or computer equipment, keys, parking passes or credit cards must be returned to KCTCS at the time of your termination. You will be responsible for any lost or damaged items. The value of any property issued and not returned may be deducted from your paycheck, and you may be required to sign a wage deduction authorization form for this purpose.

2.8.1.2.7 Administrative Personnel

Administrative personnel who hold academic rank are subject to the foregoing procedures in their capacity as faculty members. Where administrators allege that considerations violative of academic freedom significantly contributed to decisions to terminate their appointments to administrative posts or not to reappoint them, they shall be entitled to the same procedures as those for non-tenured faculty who have alleged violation of academic freedom.

2.8.1.2.8 Opportunities for Hearings

In no case shall a member of the academic staff who has faculty status, who is not otherwise protected by the preceding procedures which relate to dismissal proceedings, be dismissed (terminated before the end of a period of appointment) without having been provided with a statement of reasons and an opportunity to be heard before the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges.

A member of such an academic staff who establishes a prima facie case to the satisfaction of the Advisory Committee on Privilege and Tenure of the Senate of the Community Colleges that a consideration violative of academic freedom significantly contributed to the member's non-reappointment shall be given a statement of reasons by those responsible for the non-reappointment and an opportunity to be heard by the committee.

2.8.1.2.9 Change of Assignment

When it is in the best interest of the institution, and if the professional status of an individual is not seriously jeopardized thereby, a change in the duties assigned to an individual may be made without such a change of assignment being regarded as a violation of the individual's privilege or tenure rights.

2.8.1.3 Retirement

The University of Kentucky Retirement Plan represents a consolidation of the original Retirement Resolution (April 7, 1964) and its numerous subsequent amendments into a unified statement of University policy and guidelines on retirement of employees in Group I, II, III, IV, and V. The University of Kentucky Retirement Plan has been adopted by the Kentucky Community and Technical College System.

A person employed as of the effective date of the transfer in a University of Kentucky Community College may elect to participate in the new Kentucky Community and Technical College System retirement personnel system. An employee shall have the right to exercise this option at any time. An employee who elects to accept this option may not return to the previous retirement personnel policy. New employees hired after July 1, 1998, in the Kentucky Community and Technical College System shall be governed by the personnel rules relating to retirement, established by the Board.

2.8.2 Separation–Technical Colleges

KCTCS is carefully considering the advantages, disadvantages and conditions under which technical education faculty that hold continuing or continued employment status might be converted to tenured status.

4-30-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

4-30-99

Date

(SIGNED) 4-30-99

President, KCTCS

Date

2.9.1.2 Kentucky Community and Technical College System Academic Freedom Policy

It is the policy of the Kentucky Community and Technical College System to maintain and encourage, within the law, full freedom in inquiry, discourse, teaching, research, and publication; and to protect members of the academic community against influences, from within or without, which will restrict them in the exercise of these freedoms in the faculty members' areas of scholarly interest. Teachers and students will be permitted and encouraged to investigate any theory, challenge any premise, engage in political and social debate, and express their dissent without jeopardy to their academic careers, provided their behavior is not in violation of the law and does not interfere with the normal operation of the educational programs of the Kentucky Community and Technical College System.

In their roles as citizens, faculty members and students have the same freedoms as other citizens, without institutional censorship or discipline, although they should be mindful that accuracy, forthrightness, and dignity befit their association with the Kentucky Community and Technical College System and their positions as persons of learning. When faculty members or students speak or write as citizens, they should indicate that they are not speaking for their college or the Kentucky Community and Technical College System.

KCTCS Technical College Branch faculty members and students who feel their rights have been violated may file a grievance through the proper channels as outlined in the *KCTCS Personnel Policy Manual* and the *Code of Student Conduct Handbook*. Community College faculty members who believe their academic freedom has been violated may present their concerns to the Advisory Committee on Privilege and Tenure of the Community College Senate.

2-12-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

2-12-99

Date

(SIGNED) 2-12-99

President, KCTCS

Date

**2.11.4 Kentucky Community and Technical College System
Policy on Salary Supplements* to KCTCS Employees
from Outside Sources**

KCTCS recognizes that the Board of Regents, in order to carry out its responsibilities, has been statutorily delegated the exclusive jurisdiction over salaries and compensation of KCTCS employees; and furthermore, that the Board of Regents is statutorily mandated to periodically evaluate the progress of every institution in KCTCS toward its mission and goals; and, in addition, that the Board of Regents has the statutory responsibility for holding officers and officials accountable for institutional missions and for progress on goals and objectives that are in accordance with the strategic agenda of each institution.

In order to fulfill its statutory duties and responsibilities, the Board of Regents reserves the right to review and approve all supplementary salary and compensation offered or provided to KCTCS employees by persons or entities outside KCTCS. From time to time, the Chair of the Board of Regents may, at his/her total discretion, call upon the KCTCS President to provide complete salary and compensation information regarding one or more KCTCS employees. This information may be evaluated by the Board to determine whether the salary supplements provided to KCTCS employees by outside persons or entities enhance progress toward the mission, goals, and objectives within the strategic agenda of the college and KCTCS. If the Board of Regents finds that the additional salary and compensation being received or offered is not enhancing progress and presents a true conflict of interest, then the Board may direct that the additional salary and compensation from the outside source or sources be forsaken by the employee. This policy shall not be used to force forfeiture of all additional salary and compensation paid to employees from outside sources. Salary supplements, which are deemed by the Board to benefit KCTCS in the furtherance of the approved institutional mission, goals, objectives, and strategic agenda, without a true conflict of interest, shall be approved by the Board of Regents.

* Salary Supplement -- Compensation under the Internal Revenue Code that must be included as gross income on individual tax returns and is compensation in addition to salary or compensation offered or received by a KCTCS employee for performance of his or her duties for KCTCS.

12-3-98

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

12-3-98

Date

(SIGNED)

President, KCTCS

2.15.1.2.1 Policy on Dues Deduction

The Kentucky Community and Technical College System (KCTCS) may allow professional dues payment for employee membership organizations through the payroll systems, provided that the process does not pose an undue administrative burden on system operations. Employee membership organizations must register with KCTCS and be approved by the KCTCS President in order to be considered for employee dues deduction.

The President is authorized to develop appropriate procedures, costs, and criteria in order to implement the policy delineated above.

5-20-98

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

5-20-98

Date

(SIGNED)

President, KCTCS

2.16.1 Open Communication Policy

KCTCS firmly believes in openly communicating issues that affect employees and our work environment. As a part of this, KCTCS encourages you to discuss any issue or dispute you might have with a coworker directly. If a resolution is not reached, please arrange a meeting with your immediate supervisor to discuss any concern, problem, or issue that arises during the course of your employment. Any information discussed in such meetings is considered confidential. Retaliation against any employee for appropriate usage of Open Communication channels is unacceptable. Please remember it is counterproductive to a harmonious workplace for employees to create or repeat rumors or office gossip. It is more constructive for an employee to consult his/her immediate supervisor immediately with any questions. Supervisors have the responsibility to respond promptly to these questions.

2.16.1.1 Suggestions

We encourage all employees to bring forward their suggestions and good ideas about how our new organization can be made a better place to work, our internal processes improved and services to our clientele enhanced. When you see an opportunity for improvement, please talk it over with your immediate supervisor. She/he can help you bring your idea to the attention of the people in the organization who will be responsible for possible implementing it. All suggestions are valued and listened to.

6-22-98

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

6-22-98

Date

(SIGNED)

President, KCTCS

**2.16.1.1.2 Communication–Community College
Employees Hired Prior to January 14, 1998**

All members of the faculty and staff of the Kentucky Community and Technical College System have full rights of communication with administrative officers of the Kentucky Community and Technical College System and Board of Regents through established administrative channels. Official recommendations and communications from any member of the Kentucky Community and Technical College System faculty or staff must be sent by the individual to that individual's immediate superior. That person, when requested, transmits these recommendations or communications, with any comments and recommendations, to the next higher officer.

Most faculty concerns or complaints can be resolved informally through normal collegial communication. Faculty members are encouraged to take complaints to their immediate supervisor in the spirit of problem-solving. Should these efforts be unsuccessful, the faculty member may elect to proceed to higher levels of administration or to the Community College Senate Advisory Committee on Privilege and Tenure, which has broad jurisdiction on all matters relating to professional privilege as well as tenure.

2.16.1.1.3 Communication–Technical Colleges

(Policy development is in progress.)

**2.16.1.1.4 Complaint Procedures–Community
College Employees Hired Prior to
January 14, 1998**

All members of the faculty and staff of the Kentucky Community and Technical College System are entitled to appeal any decision affecting terms of their employment by the Kentucky Community and Technical College System through regularly established channels. The Kentucky Community and Technical College System Procedures in no way limit the President from communicating with members of the faculty, nor do they prevent communication among members of the faculty, staff, administrative officers and the Board of Regents for purposes other than the submission of official recommendations and communications.

KCTCS BOARD OF REGENTS POLICIES

Each college and division in the Kentucky Community and Technical College System is expected to have developed and implemented rules of the faculty.

4-30-99

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

4-30-99

Date

(SIGNED) 4-30-99

President, KCTCS

Date

**2.16.1.1.6 Complaint Resolution Procedure
(Available to all KCTCS Employees)**

Kentucky House Bill 1 provides that regardless of the personnel policies to which they are subject all KCTCS employees have access to an appeal process "...to the board of regents or to the board's designee." The bill further provides that the Board "...shall establish a personnel dispute resolution system that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System."

The persons accountable for the delivery and quality of service, namely department heads and their immediate supervisors, have the primary responsibility to resolve work disputes. Therefore, any appeal or complaint process should emphasize resolution within the management system at the earliest possible level — and in the shortest possible time frame.

The steps in the process:

1. An employee may direct an oral complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation safety procedure or policy to the immediate supervisor within 10 days of occurrence or when a reasonable employee should have become aware of the issue. The supervisor will attempt to resolve the matter and respond to employee within ten working days. If not resolved —
2. The employee may then forward a written complaint, with full particulars including a description of the interaction with the supervisor, to the head of the institution within 10 working days of the time the employee receives an oral response to the complaint in Step 1. The institution head may choose to: (a) refer the matter to an intermediate immediate supervisor for investigation and recommended solution, or (2) assume direct responsibility. In either case, the head of the institution must give a written decision to the complaining employee within 10 working days of the receipt of the written complaint unless there is an agreed extension in writing. The employee will have 10 working days to accept the decision or appeal the matter to the Chancellor of the Branch in writing with a full description of the complaint and suggested remedy.
3. The Chancellor will take the matter under advisement, gather any additional information he/she deems necessary and render a decision within 20 working days. The employee will have 10 working days to accept the decision or appeal the matter to the Board of Regents in writing with a full description of the complaint and suggested remedy.
4. Upon receipt of the complaint by the Board, the matter will be directed to the President of KCTCS as the Board's designee to investigate the case. The President may request that the Board designate an alternative designee for any particular case. In either case, the designee will air the complaint, gather relevant evidence directly or through other parties, consider options for resolution of the complaint and reach a decision. The decision reached should be

KCTCS BOARD OF REGENTS POLICIES

based on its fairness to management as well as the employee, but most particularly that it be in the interest of providing quality service to the people of Kentucky. The designee will render a decision within 20 working days of the Board's receipt of the complaint unless there is an agreed extension in writing.

5. The decision of the Board's designee will be forwarded to the parties to the complaint and will be final, subject to the independent third party appeal process.

For system office employees, the same procedures and timelines apply, beginning with their immediate supervisor and proceeding through the normal chain of command.

The employee may have a representative at any step of the complaint resolution process.

Failure to forward a response to the complainant at any stage of the process within the set time frames shall be treated as a denial of the complaint at that stage.

Complaint resolution process steps are summarized in the table below:

Step	Response Due Within	Employee Must Appeal Within
Oral with supervisor	10 working days	10 working days
Written with Institution Head	10 working days unless extended in writing by mutual agreement	10 working days
Written with the Appropriate Chancellor	20 working days	10 working days
Board of Regents Designee (usually KCTCS President)	20 working days unless extended in writing by mutual agreement	Final, except for matters eligible for third party appeal.

6-22-98

Date Approved by
KCTCS Board of Regents

(SIGNED)

Chair, Board of Regents

Date of Last Review

6-22-98

Date

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

President, KCTCS

2.16.2.4 Independent Third Party Appeal Process

The law directs the Board of Regents to ". . . establish a personnel dispute resolution system that results, in the final state, in an independent third party appeal for all employees of the Kentucky Community and Technical College System." The key concepts recommending the implementation of that directive are:

The definition of "personnel dispute";

The meaning of "final state"; and

The meaning of "independent third party".

"Personnel Disputes" are defined as:

1. Disagreements between KCTCS and an employee regarding a formal, documented employment action for misconduct which results in a reduction of current salary.
2. Allegations that an adverse employment action, including transfer, was taken for reasons which constitute statutorily prohibited discrimination against members of a protected class of which the employee is a member.

Definitions applying to sections 1 and 2 above:

- a. Transfer means changing the campus on which the employee's main work reporting station is located or changing the employee's regular work reporting time by 8 hours or more (e.g., shift change).
 - b. Demotion means a change in position to another job classification having less discretion, responsibility and a reduction in salary.
3. Actions to terminate a faculty member of Institution President for reasons of incompetence, refusal to perform assigned duties or for immoral conduct.

Decisions to deny tenure or to decline to renew or extend an employment contract are not "personnel disputes" within the meaning of this policy provision. These faculty appointment decisions may receive third-party review at the direction of the Board of Regents. Decisions to terminate employees still in their introductory period are not considered "personnel disputes".

"Final stage" means the last step in an appeal process, the step from which there is no further appeal.

"Independent third party" means a neutral party not representing either the employee or KCTCS, the employer. The choice of this independent third party must be conducted in a manner to ensure independence.

An employee may request redress for a personnel dispute through this process provided that he/she has completed the [applicable] complaint resolution process and received a decision from the Board's designee and the request is filed within thirty (30) days of the completion of the complaint resolution process.

At this stage, the employee may choose either the independent third party appeal process or relief through the courts, but not both.

Any personnel dispute shall be settled through an independent third party appeal process such as the process used by the American Arbitration Association. The first step in an independent third party appeal process will be to determine if the appeal is within the definition of a personnel dispute. Professional fees and expenses of the third party hearing an appeal shall be shared equally by KCTCS and the appellant employee, with the employee share limited to 5% of the employee's annualized gross income from work at KCTCS. Each party pays for its own cost of representation.

2.16.2.4.1 Faculty Appointment Appeal Process (All Community College Faculty)

Tenure denials and decisions not to renew or extend faculty employment contracts are matters of academic governance. They may be appealed to the Board of Regents in accord with the regular appeal procedure; the Board normally will delegate the matter to the President of KCTCS as the Board's designee to investigate and decide the case. The President may refer the matter to the Faculty Committee on Appeals (for Community College faculty) or to a special advisory committee (for Technical Colleges), when a tenure policy covering Technical College faculty is in place, before making a recommendation to the Board of Regents. The appellant and the President, in consultation with the Committee Chair, shall agree in writing to a deadline by which Committee recommendations are to be referred to the President and the President's (or designee's) recommendation forwarded to the Regents.

Once the President has rendered the final decision denying tenure, the faculty member has thirty (30) days from the date of receipt of the decision to submit a written request to the President for an independent third party appeal. An independent third party appeal shall be provided in cases where the Board of Regents or its designee determines that there is sufficient evidence that a true issue exists with regard to whether the appropriate due process procedures were followed in the administrative appeals leading to the adverse decision. An independent third party appeal shall be provided by a panel of academic experts who are appointed by the appropriate Chancellor from outside KCTCS. The panel shall examine the record to determine whether the appellant received process that is due under rules adopted by the Board of Regents. The panel shall

KCTCS BOARD OF REGENTS POLICIES

recommend a finding to the president as soon as practical. The decision of the President (as Board of Regents designee) shall be final and shall be presented to the Board of Regents for ratification. Board of Regents' actions on tenure and contract renewals are final.

6-22-98

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

Chair, Board of Regents

6-22-98

Date

(SIGNED)

President, KCTCS

**2.18.7.1 Kentucky Community and Technical College System
Policy on Continued Employment Status**

KCTCS employees to whom the Introductory Period policy applies (those KCTCS employees who are not governed by employment contract, tenure contract, or superceding predecessor personnel system rules) may earn continued employment status. This status means that disciplinary actions shall be for just cause.

The President of KCTCS shall issue administrative procedures to implement this policy.

4-28-00

Date Approved by
KCTCS Board of Regents

Date of Last Review

Date of Last Revision
*(Include all dates in
chronological order)*

(SIGNED)

4-28-00

Chair, Board of Regents

Date

(SIGNED)

4-28-00

President, KCTCS

Date