Faculty Senate

Northern Kentucky University

Highland Heights, KY 41099
(606) 572-6400

FACULTY SENATE MEETING AGENDA
MONDAY MARCH 27, 1995
U.C. BALLROOM

I. Call to Order
II. Approval of Minutes-Jan. 23 & Feb. 27 Meetings
III. Additions to, and/or Deletions from, Agenda
IV. Old Business

15 minutes A. Library Letter Status [information only]
15 minutes B. Curriculum Survey [information only; see enclosed materials] 15 minutes
1. Executive Committee Proposal
15 minutes C. Senate Credibility Survey [information only; see enclosed materials]
1. Executive Committee Proposal
D. Senate Officers [information only]
1. Reassigned time for Senate Officers
2. Election [information only; see enclosed materials]
10 minutes E. RPT Liability Memo [information only]
5 minutes F. HRS Policy Issues Work Group [information only]

V. University Curriculum Committee

20 minutes total A. History 106 &107 (new course/GS) [voting item]
B. History (program change) [voting item]
C. Art (program change) [voting item]
D. Core Curriculum [information item; see materials sent earlier]

VI. Budget & Commonwealth Affairs Committee

30 minutes A. Budget Priorities [voting item; see enclosed materials]

VII. Faculty Benefits Committee

15 minutes total A. Sabbatical Leaves [information only]
B. Health Care Utilization Committee [information only]
C. Student Scholarship Subcommittee [information only]
D. Feedback on Benefit Decisions [information only]

VIII. New Business

5 minutes A. Evaluation of Administrators [information only]

IX. Adjournment

Faculty Senate

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FACULTY SENATE MEETING

March 27, 1995
University Center Ballroom

The strangest of all the doctrines of the cult of competition is that the result of competition is good for everybody...that altruistic end can be met by a system without altruistic means or altruistic ends. To those who still uphold the traditions of religion and political thought that influenced the shaping of our society and the founding of our government, it is astonishing...and...discouraging...to see economics...elevated to the position of the ultimate justifier and explainer of all affairs of our life and competition enshrined as the sovereign principle and ideal of economics.

Wendell Berry What Are People For?

Senators present : M. Artzer. T. Cate (Vice Pres,), P. Cooper, Y. Datta, S. Dessner, S. Duggal, L. Ebersole, R. Enzweiler, N. Firak (Pres.), S. Forman, C. Frank (Fac. Ben.), C. Furnish, D. Gronefeld, M. Huelsman, M. Jang, D. Kelm (Sec'y.), R. Kelm, P. Knepper, Y, Kuwahara, P. McCartney, C. McCoy, D. Miller (Parli.), D. O'Keefe, L. Olasov *ex officio* (Univ. Curric.), T. Pence, K. Schnapp,J. Smith, L. Smith, M. Stavsky, B. Thiel, J. Thomas, T. Weiss (B. Vitz)
Senators absent : S. Chicurel, P.Koplow, A. Rini (Prof. Concerns), K . Verderber
Guests : C. Chance, M. Huening, R. Mauldin, B. Oliver, M. Winner

I. **CALL TO ORDER** : The meeting was convened at 3:03 pm.

II. **APPROVAL OF THE MINUTES** :

A. **Motion to Accept**--Cate/Datta--the Minutes of the January meeting as presented. **Passes**

B. Minutes of the February meeting were corrected so that on page 2 under Motion I No. 2 "suggestion's" should read as "suggestions". **Motion to Accept as Corrected** R. Kelm/Artzer **Passes**

III. **ADDITIONS TO / DELETIONS FROM THE AGENDA** : None

IV. **OLD BUSINESS** :

A. Library Letter Status [**FYI**]

Motion to Remove the Letter from the Table R.Kelm/Furnish **Passes.** The Professional Concerns letter with its three part recommendation concerning the Library was re-introduced.

Discussion : J. Thomas stated that the Budget Committee was in the midst of passing a document which dealt with this subject and would be brought before the Senate at the April meeting and suggested that the concerns of the Professional Concerns letter be put aside. M. Stavsky verified this.

Motion : To Postpone consideration of the letter from Professional Concerns C. Frank **No Second**

Motion : To Table Indefinitely consideration of the Letter from Professional Concerns Thomas/O'Keefe

Discussion : Library representatives indicated their agreement with this motion. Motion **Passes**

*N.B. B. Curriculum Survey [**FYI**: Senators are instructed to notify their constituency.]
Concerning the responsibilities of the University Curriculum Committee this document suggests improvements to the present manner in which the committee functions.

*N.B. C. Senate Credibility Survey [**FYI:** Senators are instructed to notify their constituency.]
This document proposes that Faculty Senate consider the way it conducts business and adopt one of four possible methods of approach: a] Stay the course and hope for the best b] make minor changes to the Constitution c] make radical changes to the Constitution and d] Disband the Senate. The Senate Executive Committee supports alternative "c". **Please read the document.

*N.B. D. Senate Officers [**FYI:** Senators are instructed to notify their constituency.]
This proposal moves the operation of the Senate to a Calendar year cycle from an annual year cycle. Again the Executive Committee supports this recommendation. **Please read the document.

E. RPT Committee Liability Concerns [**FYI:** Senators are instructed to notify their constituency.]
In an extended memo Sheila Bells outlined the university's position towards protection of those performing their duties as University employees. It's basically affirming. **Please read this document.

F. HRS Policy Work Group Issues [Informational]

V. **COMMITTEE REPORTS** :

A. University Curriculum (Linda Olasov) **"Quality Education By Legislation"**

1. History 106 and 107 : new courses fulfilling Gen'l Studies

Motion to Table McCartney/O'Keefe : The motion was made, citing that people had not received information on this issue. The point was made that the information had been handed out before the last Senate meeting. Point was also made that Senators received their agenda well in advance of the Senate meeting and should call the Senate office, if they found that they were lacking materials. Motion **Fails 11 to 18**

2. Changes in the History Program were approved.

3. Changes in the Art Progam were approved.

4. re: Core Curriculum: The State legislature required that all universities in Kentucky have a common core of general studies totalling 33 hrs. This core would then be transferrable without question. At present this does not legislate that a university may not require more than 33 hours of transferring in are not subject to the local university policy in the number of hours required for General studies. Figure the permutations.

B. Budget and Commonwealth Affairs (Mark Stavsky)

1. Budget Priorities Recommendation: A document ranking the priorities for '95-'96 was submitted for acceptance.

a. **Motion to Amend:** the first recommendation by adding the phrase "full time and part time" so the document would read "Increase the faculty salary pool amount for *full time and part time* faculty and staff..." D.Kelm/Miller

Discussion: One senator expressed the sentiment that he could not see why we should not allow part time faculty to continue to teach for the usual amount currently received. Citing as partial reason for his observation the fact that all of the part time instructors hired by his department made more than the academics of his department.

Motion to Close Debate: D.Kelm/McCoy **Passes**

Motion to Amend **Passes**

b. **Motion to Amend**: the fifth recommendation by adding the phrase " including leasing of equipment and services so the document would read "Provide funding for technology advancement *including leasing of equipment and services...*" R.Kelm/Datta **Passes**

c. **Motion to Accept the Recommendations as Amended** : Stavsky **Passes**

C. Faculty Benefits (Charles Frank)

1. Sabbatical Leaves : **[FYI]** On the matter of Sabbatical Leave the Provost would appear to be saying that the number of Sabbaticals will be limited from now on. In a revised statement the Provost stated that he would not limit the number of Sabbaticals but that limited funding would be available. While acknowledging that the office of the Provost handles funding for such things and that the Senate cannot impact on such funding but only make recommendation on Sabbatical Leave requests, the question remains as to whether there is some erosion of principle and advocacy in the manner the office of the Provost is approaching the matter. Discussions will continue.

2. Health Care Utilization : **[FYI]** The state sponsored health insurance benefits mandated for all state schools seem to be coming down to the facts that there may be lots of choice as to coverage but there will be greater costs to the insured. Try to react with surprise. The state commissioner of insurance is "...reviewing cost and policies..."

VI. **NEW BUSINESS** :

A. Evaluations of the Deans, Provost and President : Please complete and return.

B. Students' Rights and Responsibilities: Faculty are requested to contact Bill Lamb if they are willing to serve on this committee.

C. Summer Pay :

1. The 28% withholding is automatic and will remain in effect until Summer '96

2. If grades are submitted by noon on the day of final exam, checks will be given. No grades no early check. No early final exams, please.

3. No direct deposit of checks in '95. Perhaps in '96

VII. **ADJOURNMENT** : The meeting was adjourned at 4:46 pm.

Respectfullly submitted,

Don Kelm

Don Kelm, Sec'y

M E M O R A N D U M

TO: DR. GASTON
FR: PROF. FIRAK
DA: JAN. 17, 1994

RE: STATUS REPORT ON "UCC LIBRARY LETTER"

This is a status report on the so-called "UCC library letter." The UCC's October 21, 1994 draft of this lengthy document was circulating in the other Senate committees when the UCC sent its revised November 7, 1994 final version directly to ~~you~~. Provost

The following are results of Senate committees' consideration of the issue:

1. The Budget Committee's minutes of November 16, 1994 state:

   "The status of the draft letter from the Curriculum Committee regarding priority for Library funding was discussed. Many spoke in support of increased finding for the libraries, and lamented the straits that previous budget shortages had imposed on the libraries.

   "Nevertheless, there were many reservations about the process followed in forwarding the letter to the Provost.

   "It was commented that the Budget Committee and the Senate have given relatively high priority to Library funding, but that there has not been much money forthcoming. Suggestions were made for considering a student fee targeted for the library.

   "There seemed to be a consensus, though no vote was taken, that the concerns raised in the letter be taken into account during the normal budget process this spring."

more recently budget CC considered question during prioritization process. Results before you today.

2. The Faculty Benefits Committee judged this to not be a matter within its jurisdiction and declined to consider it.

3. The Professional Concerns Committee developed a document which contained a motion which was tabled by the Faculty Senate at its December 19, 1994 meeting. This matter will be discussed again at the January 23, 1995 Senate meeting.

The Executive Committee will discuss the above consequences at its Feb. 13 meeting. I will communicate again with you at that time.

Faculty Senate

Northern Kentucky University

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originally presented at Dec. 1994 Fac Sen meeting. tabled there on 1/95 agenda

December 7, 1994

TO: Nancy Firak

From: Alice G. Rini

Re: Professional Concerns Committee Motion

On November 17, 1994 the ProfessionaL Concerns Committee discussed the Library issue regarding the inadequacy of holdings and the letter the Curriculum Committee sent to the Provost and the Student Government. The Professional Concerns Committee expressed the opinion that this was a Budget Committee issue, and did not wish to make any recommendation for direct action. There was, However, a motion passed asking that the Faculty Senate direct the Executive Committee to address this issue on behalf of the Senate and the faculty.

Motion to take off table failed

The Motion is as follows:

1) The Budget and Commonwealth Affairs Committee recommend budget priorities to the Faculty Senate;

2) It is the opinion of the PCC that the administration is not committed to enhancing the quality of academic programs through appropriate financial support;

3) The Executive Committee is requested to address this latter concern with the administration.

The motion was passed unanimously.

Please place this motion on the agenda for the next Senate meeting. Thank you.

3/95 - off table then placed back on table

placed on March agenda to see if will be taken off table

Agenda Item IV.B

TO: All Faculty

FR: The Executive Committee of the Faculty Senate

DA: March 10, 1995

RE: Responsibilities of the Curriculum Committees

1. During Fall 1994 Tom Cate was directed by the Executive Committee of the Faculty Senate to survey the general faculty, the Council of Chairs and the Council of Deans. The purpose of the survey was to identify ways by which the existing curriculum process could be improved. A copy of the instrument used in the survey is attached to this memorandum.

2. The results of the survey suggest that the existing curriculum process can be improved by transferring to the College Curriculum Committees some of the duties now performed by the University Curriculum Committee. Given the results of this survey the Executive Committee directs the University Curriculum Committee to incorporate the following changes in its duties into The Curriculum Manual:

A. The responsibility of the University Curriculum Committee to review and to make recommendations to the Faculty Senate shall include the following: new degree programs, new minors, new certificate programs, honors courses (adding new courses to the curriculum, changing existing courses and deleting existing courses from the curriculum), general education courses (adding new courses to the curriculum, changing existing courses and deleting existing courses from the curriculum), and to return to the proposing academic unit all requests for new courses for which the library or the computer center had indicated that the existing resources are inadequate.

B. The responsibility of the College Curriculum Committees to review and to make recommendations to the faculty of their respective colleges include the following: changing requirements in existing degree programs, deleting existing degree programs from the curriculum, changing requirements of existing minors, deleting existing minors from the curriculum, changing requirements of existing certificate programs, deleting existing certificate programs from the curriculum, regular courses (adding new courses to the curriculum, changing existing courses and deleting existing courses from the curriculum), experimental courses (adding new courses to the curriculum, changing existing courses and deleting existing courses from the curriculum), non-traditional courses (adding new courses to the curriculum, changing existing courses and deleting existing courses from the curriculum), and to return to the proposing academic unit all requests for new courses for which the library or the computer center has indicated that the existing resources are inadequate.

3. **Rationale and Consequences:** the directed changes in responsibilities of the University and College Curriculum Committees is based (1) on the results of the Curriculum Survey, (2) on the need to move responsibility for some curricular topics closer to the appropriate academic unit, and (3) on the need to reduce the costs (financial, time, etc.) associated with the curriculum approval process. Some consequences which following from implementing this course of action include (1) revising the Curriculum Manual, (2) devising and printing new curriculum forms, and (3) relying on the faculty of academic units to notify in a timely manner their colleagues of proposed additions to, changes in, and deletion from the existing curriculum.

Curriculum Survey

The purpose of this survey is to improve the flow of paperwork associated with the curriculum process. For each item check all that is appropriate. **An Example:** suppose an individual who teaches ECO 200, Principles of Macroeconomics, proposes some changes in the prerequisites to the course. Specifically, this individual proposes that the prerequisites be changed to Sophomore Standing and MAT 112. At present, there are not prerequisites to the course. Who should have final approval for the proposed changes? The answer to that question has elements of "turf" - the department should have final approval - and "collegiality" - the members of the university community trust the department to disseminate the approved changes in a timely fashion.Please indicate any additional changes which you believe would improve the flow of paper work. (Be specific.)The results of this survey will be used by the University Curriculum Committee as input into its deliberations about curriculum reform. Thank you for your cooperation.

(1): final action should be taken by the appropriate academic unit.
(2): final action should be taken by the appropriate college curriculum committee.
(3): final action should be taken by the University Curriculum Committee and/or the Graduate Council.
(4): final action should be taken by the Faculty Senate.

Curriculum Item	(1)	(2)	(3)	(4)
Programs				
new	___	___	___	___
program change	___	___	___	___
program deletion	___	___	___	___
Minors				
new	___	___	___	___
changes	___	___	___	___
deletion	___	___	___	___
Certificates (of 30 hours or more)				
new	___	___	___	___
changes	___	___	___	___
deletion	___	___	___	___
Courses				
new	___	___	___	___
regular	___	___	___	___
honors	___	___	___	___
general studies	___	___	___	___
experimental	___	___	___	___
non-traditional	___	___	___	___
changes	___	___	___	___
regular	___	___	___	___
honors	___	___	___	___
general studies	___	___	___	___
experimental	___	___	___	___
non-traditional	___	___	___	___
deletion				
regular	___	___	___	___
honors	___	___	___	___
general studies	___	___	___	___
experimental	___	___	___	___
non-traditional	___	___	___	___

Curriculum Survey

Tom will prepare a memo that sets out the Ex. EE. proposal. Memo will include history of the proposal, as well as a rationale in support of it, including examples, safeguards discussed, and the role/responsibility of chairs. It will be included as an informational item with the March Sen. Agenda. It will be placed on the April agenda as a voting item.

Should we include the summary of results?

Senate Credibility Survey & Change in Election of Officers

Nancy will place this item on the March Sen. Agenda as another informational item. It will be supported by the summary of the results of the Senate survey, along will Tom's "Food for Thought" memo.

Tom may do a "walk through" of the "Food for Thought" document at the Senate meeting but because it is being presented for the first time, and because it is only a starting point for discussion within departments, and Ex. EE., very little time for discussion will be allowed. Tom will say that all comments should be in writing, directed to the Executive Committee and sent to Peg Goodrich.

Tom will tell the Senate that the Ex. EE. has a time table for perfecting a solid proposal for reform of Senate which will include at least a modification the election of officers and in-waiting president. Our time-table is basically this: that we will discuss, in light of any comments received and our own experience, the way in which Senate could most productively be restructured. At the April Faculty Sen. meeting, the Ex. E will distribute concrete proposals for change, which will subsequently be discussed in departments and then voted on at the May Senate meeting. Changes voted on in May will be implemented in general faculty meetings and through procedures for changes to Senate Constitution during the next academic year.

Tom can safely represent that the entire Executive Committee thinks that there are problems in Senate that need to be addressed.

agenda Item IV. C

Responses to the Senate Survey

1. What is the most important issue facing the Faculty Senate this year?

quality of faculty worklife

salaries - salary equity
benefits - impact of Kentucky insurance plan - lobby needed
- expand summer school opportunities
other - managing the race/gender perspective requirement, including professional development opportunities for faculty as well as assessment
- stop acting like a guild for the full-time faculty; overuse of part-time faculty; poor salary and benefits of part-time faculty
- recognizing faculty teaching
- the looming pressure of financial exigency and the need to unionize the faculty
- parking
- seeing that the rules and regulations of the new handbook are implemented
- expansion of the membership to include all faculty

curriculum

- getting control over the curriculum - review of general studies
- less control over the curriculum
- restructure the UCC

the new strategic planning policy (growth vs. quality)

- academic computing - wiring the campus 1, - bringing us up to the level which high schools enjoy - our library materials budget is desperately underfunded - NKU $44 per undergraduate student, EKU $66, KSU $119, MoSU $64, MSU $113, WKU $92, UK $185, and UL $227 - this is appalling. The library supports resource sharing with other libraries but should not expect to depend on other libraries for a core collection that we should have to support our basic curriculum - our president has never understood the difference between resource sharing and owning a core collection.

administration

- developing an effective power base for influencing the administration
- fending off the legislative attack on higher education and helping to obtain better funding levels 1,
- need to control the growth of the administration
- does the Senate serve the faculty or the administration

other

- nothing
- credibility
- justifying its continued existence

2. During the past three years, what are three positive contributions which the Faculty Senate has made?

mentioned most frequently

- retirement plan
- handbook
- diversity requirement
- faculty grants and salary and benefits
- newsletter

other

- exemption from area of concentration/minor
- good presidents
- stand on library budget

3. In what three areas can the image of the Faculty Senate be improved?

composition

- service from senior faculty
- speak on behalf of all faculty
- term limits
- require that 1/2 membership be professors
- no untenured faculty include chairs and deans
- represent the faculty

administration

- more assertive against the administration
- Boothe is ineffective and out of touch
- Bell is the de facto CEO and should not be

meetings

- look less foolish during meetings
- one page agenda to all faculty
- meet more often
- be timely
- tackle real issues: underprepared students, access to computers
- be prepared for the meeting

perceptions

- be more informative
- less self-serving, reduce turfitis
- more involved in the tenure process
- more open-minded on race/gender
- cut red tape

other

- build an image
- has image of ass-kissers
- disband
- faculty must take senate seriously
- include faculty senate president in more formal functions

4. What are three things which you find irksome about the monthly meeting of the Faculty Senate?

people

- senators not prepared
- people who talk just to hear themselves talk
- much talk with no persuasion
- some people are always negative

process

- rehash of subcommittee meetings
- too much time on small items/i dead issues
- controlled by a closed mind group
- lack of attention to the plight of the junior faculty
- too long too boring lack of continuity
- issues not explained in writing before meeting
- not dealing with issues in a timely manner
- the late starting time
- better time management
- poor quality of presentation of the voting items, too much rewriting of voting items on the senate floor
- too many senators, too many committees too little accomplished
- the lack of guts

5. What are three things which you find irksome about the regularly scheduled meetings of the University Curriculum Committee?

people

- some people speak too much
- attendance
- obstruct just for the hell of it

process

- nit picking level of discussion
- lack of honest discussion
- too many forms/copies
- turf issues, departments do not own knowledge
- general studies' philosophy
- poor results
- senate duplicates UCC decisions or reverses them

- when was the last time a course was disapproved
- not student oriented
- time management
- has no standards, pass everything enforce nothing

6. What are three things which you find irksome about the regularly scheduled meetings of the Professional Concerns Committee?

- does not represent all faculty
- lack of honest discussion people who obstruct just for the hell of it
- lack of results
- self-serving nature of the issues discussed
- lack of discussion of important educational concerns
- autocratic meetings
- administration expects us to drop all work and attend to their request immediately
- decisions rarely taken seriously

7. What are three things which you find irksome about the regularly scheduled meetings of the Faculty Benefits Committee?

- fall is crunch time
- results: A/S gets everything
- lack of attention to the issue of faculty salaries
- lack of attendance
- lack of increase in the dollars awarded
- represents the administration and not the faculty

8. What are three things which you find irksome about the regularly scheduled meetings of the Budget and Commonwealth Affairs Committee?

- going through the motions with no impact
- has not analyzed in a thorough manner NKU"s budget
- plays no real role in the budget process
- the administration does not seek the committee's input
- Frankfort deals the hand

9. There are few faculty senators who decline to sit on any of the subcommittees of the Faculty Senate. This refusal is a violation of Article VII. Committees of the Faculty Senate Constitution. What action should be taken by either the Senate Executive Committee or the Faculty Senate?

- remove from the Senate

Agenda Item IV D

Northern Kentucky University
Economics, Finance, and Information Systems
College of Business
(606) 572 - 5799 (O) 572 - 6581 (S)

TO: Nancy Firak

FR: Tom Cate

DA: January 24, 1995

RE: Election of the Officers of the Faculty Senate

1. With the annual ritual of getting blood from a stone otherwise known as locating individuals who are willing to serve as Officers of the Faculty Senate a thought occurred to me. I am not sure why this thought is so late in expressing itself but the obvious is not always intuitive. My thought is: the election of Officers must take place at an earlier date in the calendar year.

2. This thought triggers this proposal for revising the Constitution of the Faculty Senate:

a) the election for members of the new Faculty Senate is held during the last two weeks of the Fall semester;

b) the election of the Officers of the Faculty Senate is conducted during a special meeting of the new Senate during the first week of the Spring semester; and

c) the new Officers take over upon their election. or May 1st w/ty of new Senate

3. This proposal moves the operation of the Senate to a Calendar Year cycle from an Annual Year cycle. The motivation for this change is as follows. At present elections for the Senate are held in May **after** potential candidates for office have committed themselves to teaching schedules and other activities for the upcoming Academic Year. My proposal has elections for the Senate are held in January **before** potential candidates for office have committed themselves to teaching schedules and other activities for the upcoming Academic Year. The transition period may become a cause of concern for some and I recognize this aspect of the proposal. However, I believe that the proposal represents a step in the right direction.

Nunn Drive
Highland Heights, KY 41099 - 0503
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Agenda Item IV E

Northern Kentucky University
Office of Legal Services

MEMORANDUM

March 8, 1995

TO: Nancy Firak
President, Faculty Senate

FR: Sheila Trice Bell
University Legal Counsel

RE: RPT Committee - Liability Concerns

I. Introduction

This memorandum is a response to your request for a discussion of the legal issues surrounding the faculty's concern about liability which may arise for members of Reappointment, Promotion and Tenure (RPT) Committees. Thank you for discussing this matter with me recently and clarifying some of the areas of response which the faculty may find most helpful. My discussion follows.

II. General Issues

The annual reappointment, promotion and tenure process is an essential element in the faculty's evaluation of colleagues. Through this process members of the academy work to determine who will be engaged in the academic enterprise as tenured faculty and to recognize the accomplishments of tenured colleagues through the promotion process. RPT Committees also provide necessary and valuable counsel to colleagues.

The creation of reasons in writing for committee's decisions is a source of potential liability for members of RPT Committees. Nevertheless, even without providing reasons in writing members of the committees are subject to potential liability for engaging in the RPT decision-making process. How such liability might arise is discussed below.

The University provides legal defense for its faculty, administrators and staff who are engaged in performing their duties as University employees. That is, so long as a faculty member is acting within the scope of his/her NKU employment, the University will provide legal defense against any asserted claims. Please note that I have used the term "asserted claims" rather than a narrower reference to defense in the event of a lawsuit. This is an important distinction. An asserted claim against a faculty member arises when a potential claimant puts the University and the faculty member on notice that the claimant intends to file a claim with an external governmental agency or a lawsuit against the University and the faculty member. In such cases it is appropriate

and, in my opinion, usually necessary to engage the services of legal counsel to evaluate the claim and provide an appropriate response to the claimant. Before I list some of the potential legal theories for liability in an RPT Committee evaluation situation, I will discuss the University's defense policy and procedures for its employees.

III. Northern Kentucky University's Policies and Procedures Concerning Legal Defense of Employees

During the mid-80's, Universities across the country were faced with an insurance crisis because many commercial carriers had abandoned the market which provided the type of insurance which the University now carries. During that crisis, the Board of Regents for Northern Kentucky University formally assured its employees that it would provide defense for employee's actions taken within the scope of their employment. The Board's formal assurance of defense is contained in Article IV of its By-Laws. A copy of that By-Law is Attachment 1 to this memorandum. Please note that the second paragraph of Article IV requires that all requests for defense must be submitted in writing to the University Legal Counsel. Moreover, there is a time limit on providing such notice. During the years since this Article was enacted, several faculty members have provided me with timely written notice of claims which have been asserted against them.

Also note that the Kentucky Constitution prohibits public entities from using state revenues to indemnify anyone. Nevertheless, state agencies can purchase liability insurance.

The University provides liability insurance coverage for various activities of University employees. The required activities of the RPT Committee, as described in the Faculty Handbook, are covered by the University's insurance policy through the Cincinnati Insurance Company for various "wrongful acts." A "wrongful act" is defined as meaning "any actual or alleged error, omission, act, misstatement or breach of duty" by the insured entity and individuals "in the discharge of duties to or on behalf of" the University. More specifically, wrongful acts include the following:

A. Discrimination against any person or any violation of a person's civil rights;
B. Sexual harassment;
C. Wrongful employment practices, including discrimination in the terms and conditions of employment, failure to hire or promote, failure to grant tenure or the wrongful termination of tenure, wrongful termination of employment or breach of the employment contract;
D. Educational malpractice or failure to educate;
E. Infringement of copyright, trademark or patent;
F. Plagiarism or idea misappropriation;

G. Oral or written publication of material that slanders or libels a person or organization or violates the right to privacy or disparages a person's or organization's goods, products, services, character or reputation;

H. False arrest, wrongful detention, or malicious prosecution; or wrongful entry into or eviction of a person from a room, dwelling or premises a person occupies;

I. Any misstatement, misleading statement, or libel, slander or any other defamation in any book, newspaper or other publication of the "Educational Entity", or broadcast over any radio, cable or television station owned and/or operated by the "Educational Entity", or

J. Failure to grant due process.

For your information, this listing of wrongful acts is contained in the "Amended Wrongful Act Endorsement" of the University's current insurance policy concerning such matters. The actions listed under sections A,B, C and G are more likely to be asserted against members of an RPT committee.

It is important to distinguish "wrongful acts" which are included in the University's liability insurance coverage from willful, intentional misconduct, which is not included. See Section IV C, below.

IV. The process of providing defense through the NKU Office of Legal Services.

During our discussion of this matter you had indicated that it would be helpful to describe the process by which the University provides faculty members with defense against asserted claims arising from their actions taken within the scope of their employment. Accordingly, an outline of the process follows:

A. Legal Services receives a telephone call and/or written notification from a faculty member that s/he has received an asserted claim against him/her pertaining to actions which s/he took as a University employee. **It is important to remember that the Regent's By-Laws require that such notification be given in writing.**

B. The University Legal Counsel or the Associate Legal Counsel meets with the faculty member who has received the claim to discuss the nature of the claim and determine whether it is appropriate for Legal Services to respond to the asserted claim.

C. If, in the opinion of Legal Counsel, it is appropriate for University Legal Counsel to respond to the asserted claim, the faculty member is asked whether s/he wishes for the University to respond on his/her behalf. If so, the University Counsel provides the faculty member with a letter of representation to sign. An

example of a representation letter is Attachment 2. Please note that the University's provision of defense is conditional upon the faculty member's having acted within the scope of his/her employment. The University retains the ability to withdraw defense if, in the University's judgment, the faculty member has acted outside the scope of his/her employment. An example would be a situation in which the University has provided defense for a faculty member in an illegal discrimination case. If facts amass themselves in such a way that it appears that the faculty member willfully engaged in illegal discrimination, **it is within the University's discretion to** withdraw its defense of the faculty member. Moreover, it is important to remember that the knowing commission of a wrongful act is specifically excluded from the University's insurance coverage.

D. It is important to note that the University has provided defense to faculty unless there has been an internal University evaluation or investigation of the matter resulting in a determination that the faculty member violated the law or institutional policies through his/her actions when such actions are the basis for a claim. NKU has <u>not</u> provided defense in those situations in which there has been an internal determination through a formal hearing process that a faculty member did not act in accordance with University policy and procedures. Nevertheless, the University's insurance company may determine that it will provide defense for a faculty member in such a situation until there is an adjudication by a court or an external governmental agency of whether s/he acted within the scope of his/her University employment.

It is important to note that in any lawsuit it is possible for a University faculty member to be sued not only in his/her professional capacity "as a University representative," but also in his/her <u>individual</u> capacity. Insofar as a faculty member is sued in his/her individual capacity and the claimant is attempting to obtain monetary damages, the faculty member's personal property is theoretically at risk. In such a situation, the University would provide defense for the faculty member in both his/her professional and individual capacities, provided that the University determines that the claim arose from actions take by the faculty member within the scope of his/her employment as a Northern Kentucky University faculty member.

If the University determines that the faculty member acted outside of the scope of his/her employment, then his/her personal assets are at risk. Moreover, the insurance carrier may make such a determination. I mention these possibilities because faculty need to know that while the risk of no defense by the University may be remote--it does exist. Therefore faculty should evaluate their personal liability coverage. For example, they may wish to purchase economical professional coverage through a professional organization.

V. Potential Areas of Liability for Individual Members of RPT Committees

The listing of wrongful acts which appears earlier in this memorandum indicates areas of potential liability for RPT Committee members. In your memorandum to me you raised some specific concerns relative to the following situations:

A. A negative RPT decision which was reversed by an administrator or by a court;
B. Circumstances which would lead to abandonment of individual committee members by the University and to personal liability for such members and;
C. Possibility of the University providing instruction to members of RPT Committees that would assist them to make RPT decisions consistent with existing law.

Relative to the issue of the potential for personal liability of RPT committee members for a negative RPT decision which is reversed by an administrator or a court, it is always possible for a non-tenured, tenure track faculty member to assert the violation of a liberty interest under the federal constitution which s/he may allege was violated by the negative action of the RPT committee. As you know, a non-tenured faculty member has no property interest in his/her employment position at the University. However, from a practical legal perspective, it is important to remember that the RPT committee's decision is in the form of a recommendation. If that recommendation is reversed by an administrator, then the University's decision would, by definition, be positive and the faculty member would probably not wish to bring a claim against the University because there would not be sufficient damage to his/her reputation to convince the court that any liberty interests had been abrogated. Correspondingly, while the faculty member may wish to assert that he or she has been defamed by the negative recommendation of the RPT committee, a reversal of that decision by a University administrator would presumably right any alleged wrong and make the assertion of a wrong moot so long as the faculty member was continued unconditionally in a tenure track position.

Relative to a tenured faculty member whose request for promotion has been denied by the RPT committee, that faculty member has no property interest in promotion, even though he or she does have a property interest in the tenured position. Again, from a practical perspective, if the negative RPT recommendation is overturned, then there is probably no alleged wrong to be redressed, unless the faculty member is asserting that the RPT committee's negative recommendation is a form of illegal discrimination. However, if a court overturns the negative RPT recommendation, then the litigation process may very well result in personal liability for a member of the RPT committee. If a court were to determine that the faculty member acted outside of the scope of his or her employment by engaging in illegal discrimination, then the University, as stated above, would not protect the individual from personal liability. However, up until the

point of a determination of such liability, the University could make a decision that it would provide defense.

Your question concerning circumstances which would lead to the abandonment of individual committee members by the University and to personal liabilities is discussed above. If the faculty would like for me to provide more information concerning this matter, please let me know.

Relative to the issue of the University's providing instruction to members of RPT committees that would assist them to make RPT decisions consistent with the law, I strongly support such a process. I believe that a good workshop on issues of legal liability for RPT committees would be extremely instructive and helpful to faculty members. I understand that many faculty are aware of areas of potential liability and the procedures which they should follow to provide fair evaluations of their colleagues. However, I think that it is always helpful to give oneself an opportunity to become more familiar with procedures which may minimize liability.

VI. Conclusion

Faculty members who discharge their duties as members of University RPT committees are subject to allegations that their actions on the committee abrogated the legally recognized rights of colleagues who were evaluated by the RPT committee. However, if they discharged their duties in accordance with University policies and procedures (which, by definition, include adherence to statutory and common law requirements) then the University will provide legal defense for the RPT committee members, even if they are sued in their individual capacities for actions performed in their professional capacities.

Faculty members must adhere to University policies of providing written notice of asserted claims. The University reserves the right to withdraw defense if NKU determines that the employee acted outside of the scope of his/her employment.

Attachments

c: Paul L. Gaston
Carla S. Chance

020-4277

Appendix C
Approval Form For A New Degree / Minor Certificate Program Over 30 Hours, Or Change / Deletion Of A Program

1. Department Submitting Proposal: History and Geography

2. Action Proposed: (a) __New Degree/Program (b) __New Minor/Certificate (c)XXProgram Change (d) __Program Deletion

3. Title of Proposed New Degree/Minor or Program to be Changed or Deleted:

   Addition of two ~~xxxxxx~~ survey courses, 106 and 107, as options to 102 and 103 for the History major

4. Proposed Date of Initiation (Semester and Year): Fall 1995

5. Originator(s) of Proposal: Michael Washington

Approvals

Departmental Curriculum Committee	✓Approved	__Disapproved	[illegible] 10/21/94 Date
Departmental Chair	✓Approved	__Disapproved	[illegible] 10/21/94. Date
Teacher Education Committee Chair (if appropriate)	__Approved	__Disapproved	Date
College Curriculum Committee Chair	✓Approved	__Disapproved	[illegible] 3-2-95 Date
Dean	✓Approved	__Disapproved	[illegible] 3/7/95 Date
University Curriculum Committee Chair	__Approved	__Disapproved	Date
Graduate Council Chair (if appropriate)	__Approved	__Disapproved	Date
Faculty Senate President (if appropriate)	__Approved	__Disapproved	Date
Provost	__Approved	__Disapproved	Date
President (if appropriate)	__Approved	__Disapproved	Date
Board of Regents (if appropriate)	__Approved	__Disapproved	Date

Distribution: Univ Editor, Provost, Registrar, Department Chair, Dean, UCC Chair, Graduate Council Chair (if appropriate).

This form replaces all previous forms dealing with new degree programs/minors, certificates over 30 hours or changes/deletions of a program (Appendix D - 7/87). Publication date: 5/93.

Appendix H
Catalog Information and New Course Form

DISCIPLINE HISTORY NUMBER 106

1. PROPOSED CATALOG INFORMATION: (To be exactly as it is to appear in catalog, double-spaced, complete, etc.; limit course description to 50 words. If course has been taught previously as an experimental course, the experimental course must be discontinued.)

HIS 106 The History of African-Americans to 1877 (3,0,3)

XXXXXX A survey of the major trends of African-American history from its 15th
XXXXXX
XXXXXX century West and Central African heritage to enslavement and ultimate
XXXXXX
XXXXXX emancipation in the late 1870s; in particular the course will explore the
XXXXXX
XXXXXX conditions and contributions of African-American men and women within the
XXXXXX
XXXXXX American experience.
XXXXXX
XXXXXX

University Editor Signature

2. JUSTIFICATION (if appropriate attach syllabus): This course would satisfy the general studies requirement for History by offering a unique perspective on American history. It also would expose students to knowledge of non-white, non-European cultures and enrich their understanding of cultural diversity.

3. ADDITIONAL RESOURCES REQUIRED: None

4. THE PROPOSED COURSE IS A: (Check where appropriate)

University Honors ____ Departmental/Program Honors ____
Major/Minor Requirement x Free Elective ____
Major/Minor Distribution Area ____ General Studies Credit x
If general studies, specify area(s) : History
(Be sure to note if non-western, historical or race/gender perspective)

5. SPECIFY SEMESTER / YEAR COURSE INSTRUCTION TO BEGIN: Fall 1995

Appendix H
Catalog Information and New Course Form

DISCIPLINE History NUMBER 107

1. PROPOSED CATALOG INFORMATION: (To be exactly as it is to appear in catalog, double-spaced, complete, etc.; limit course description to 50 words. If course has been taught previously as an experimental course, the experimental course must be discontinued.)

HIS 107 The History of African-Americans since 1877 (3,0,3)

XXXXXX The major trends of African-American history from the end of Reconstruction;
XXXXXX
XXXXXX significant topics include the responses of African-American men and women
XXXXXX
XXXXXX to Jim Crow, their participation in twentieth century wars, and their
XXXXXX
XXXXXX contributions to the civil rights movement.
XXXXXX
XXXXXX
XXXXXX
XXXXXX

University Editor Signature

2. JUSTIFICATION (if appropriate attach syllabus): This course would satisfy the general studies requirement for History by offering a unique perspective on American history. It also would expose students to knowledge of non-white, non-European cultures and enrich their understanding of cultural diversity.

3. ADDITIONAL RESOURCES REQUIRED: None

4. THE PROPOSED COURSE IS A: (Check where appropriate)

University Honors ____ Departmental/Program Honors ____
Major/Minor Requirement x Free Elective ____
Major/Minor Distribution Area ____ General Studies Credit x
If general studies, specify area(s) : History
(Be sure to note if non-western, historical or race/gender perspective)

5. SPECIFY SEMESTER / YEAR COURSE INSTRUCTION TO BEGIN: Fall 1995

Department of Art

INTERMEMO

TO: Curriculum Committees, and other interested persons
FROM: Barbara Houghton, Chair Art Department
DATE: 2/15/95
RE: Program Change in BA/Studio Art options Studio and Art Education

The Department of Art is requesting a small change in our BA degree in Studio Arts for two of the options offered. Presently these options require that students take less than 6 hours of upper division art courses. (Studio option now requires 3 and art ed requires 6.) The students are required to take electives within these options. It is possible for someone to transfer in from a junior college with an associate's degree and have no more upper division courses than are now required. Most students will take upper division courses, however, others may choose to generalize and not take them. We feel that upper division courses in art are necessary to provide the rigor of a university degree program.

Therefore, we have decided to specify a minimum number of upper division hours within the options where appropriate. This will bring the total number of upper division hours within these options up to within an acceptable range. The total number of hours required is not changed, only the amount of the upper division hours within the total. In the other unchanged BA/Studio Arts option of Applied Photography, the program dictates specific courses and therefore, specific upper division hours. We request the following to clarify our intent:

Present catalog copy:

Studio Arts (Studio Option)

Freshman year required core courses

ART 111	Concepts in Art	3
ART 121	Two-dimensional Visual Studies	3
ART 122	Three-dimensional Visual Studies	3
To be taken after freshman year core		
ART 101, 102, 103	Survey of Western Art I, II, III;	
ART 104	Survey of Asian Art (any 3)	9
ART 210	Drawing I	3
ART 299	Portfolio Review	0
Elective in upper-division art history		3
Studio concentration: electives in this area must include at least 3 semester hours in two-dimensional studio arts and at least 6 semester hours in three-dimensional studio arts		18
ART 497	Senior Exhibition	0
	Total semester hours in program	42

Requested catalog copy:

Studio Arts (Studio Option)

Freshman year required core courses

ART 111	Concepts in Art	3
ART 121	Two-dimensional Visual Studies	3
ART 122	Three-dimensional Visual Studies	3
To be taken after freshman year core		
ART 101, 102, 103	Survey of Western Art I, II, III;	
ART 104	Survey of Asian Art (any 3)	9
ART 210	Drawing I	3
ART 299	Portfolio Review	0
Elective in upper-division art history		3
Studio concentration: electives in this area must include at least 3 semester hours in two-dimensional studio arts and at least 6 semester hours in three-dimensional studio arts **9 sem. hrs. must be upper division.**		18
ART 497	Senior Exhibition	0
	Total semester hours in program	42

Present catalog copy

Studio Arts (Art Education Option)

Students pursuing an art education/secondary education curriculum should review that portion of the undergraduate catalog relating to education and health/physical education. Upon deciding to pursue the teacher education program, students must schedule an appointment with the coordinator of certification and advisement in the School of Education. Students must meet art, education, and general studies requirements.

Freshman year required core courses		
ART 111	Concepts in Art	3
ART 121	Two-dimensional Visual Studies	3
ART 122	Three-dimensional Visual Studies	3
To be taken after freshman year core		
ART 101, 102, 103 Survey of Western Art I, II, III; ART		
	104 Survey of Asian Art (any 3)	9
ART 210	Drawing I	3
ART 280	Public School Art	3
ART 299	Portfolio Review	0
ART 310	Intermediate Drawing	3
ART 380	Art Education: Curriculum and Instruction	3
Electives		
Studio concentration		15
Studio explorations (to include one course from each of the studio areas excluding the studio concentration)		9
ART 497	Senior Exhibition	0
	Total semester hours in program	54

Requested catalog copy:

Studio Arts (Art Education Option)

Students pursuing an art education/secondary education curriculum should review that portion of the undergraduate catalog relating to education and health/physical education. Upon deciding to pursue the teacher education program, students must schedule an appointment with the coordinator of certification and advisement in the School of Education. Students must meet art, education, and general studies requirements.

Freshman year required core courses		
ART 111	Concepts in Art	3
ART 121	Two-dimensional Visual Studies	3
ART 122	Three-dimensional Visual Studies	3
To be taken after freshman year core		
ART 101, 102, 103 Survey of Western Art I, II, III; ART		
	104 Survey of Asian Art (any 3)	9
ART 210	Drawing I	3
ART 280	Public School Art	3
ART 299	Portfolio Review	0
ART 310	Intermediate Drawing	3
ART 380	Art Education: Curriculum and Instruction	3
Electives		
Studio concentration **9 sem. hrs. must be upper division**		15
Studio explorations (to include one course from each of the studio areas excluding the studio concentration)		9
ART 497	Senior Exhibition	0
	Total semester hours in program	54

NORTHERN KENTUCKY UNIVERSITY
Office of Curriculum & Assessment

MEMORANDUM

February 28, 1995

TO: Faculty Senate Executive Committee

FR: Bob Appleson RA

RE: Policy on General Education Transfer

This is to provide a copy of the preliminary correspondence to the Ad Hoc Transfer Module Committee. We are required to respond to CHE on this matter, but we are trying to maintain as much faculty consultation as possible.

The membership of this committee consists of Barb Thiel, Linda Olasov, Dan Kent, Joe Conger, Fred Rhynhart and myself. The inclusion of Linda Olasov, Barb Thiel and me is designed to encourage coordination with the more general review of general studies now being undertaken by Barb Thiel's committee. It was the wish of that committee, however, that the issue of the transfer module be handled separately from the general review..

TO ALL FACULTY SENATORS:

I understand questions related to this matter were raised at the Senate meeting on 2/27/95.

Linda Olasov has provided this material for your information.

I am distributing it in advance of the March Faculty Senate meeting agenda to give you the opportunity to discuss it in your departments prior to that meeting. N. Frank

NORTHERN KENTUCKY UNIVERSITY
Office of Curriculum & Assessment

MEMORANDUM

February 23, 1995

TO: Ad Hoc Transfer Module Committee

FR: Bob Appleson RRA

RE: Soon to be implemented policy on general education transfer

At its meeting next month, the Council on Higher Education is scheduled to put into effect the policy described in the attachment. In short, this policy will require Kentucky public universities to accept general education certification from a Kentucky public university or community college for a transfer student entering with 60 hours or an associate degree. This certification will attest to the student's having completed a 33-hour general education "transfer module". The acceptance of this certification will mean that the student cannot be required to complete further lower division hours for general studies at the receiving university. In other words, the only further general education coursework that such a student can be required to complete will be upper division.

In line with the implementation of this policy, each institution has been asked to identify for CHE the coursework that will constitute its 33-hour module. (Notice that the categories of coursework have been set out in the policy.) Beyond this identification of coursework for the module, we must also decide what, if any, additional hours we will require of transfers from Kentucky public institutions. These are the two tasks of our committee, and we are expected to complete them by the end of this semester. As you know, our first meeting is scheduled for **Monday March 6 at 11:00 a.m. in room 501 of the Administrative Center.** Thank you for your willingness to undertake this responsibility. I look forward to working with you.

cc: Paul Gaston

COMMONWEALTH OF KENTUCKY
COUNCIL ON HIGHER EDUCATION
1050 U.S. 127, SOUTH
FRANKFORT, KENTUCKY 40601

GARY S. COX
EXECUTIVE DIRECTOR

PHONE: (502) 564-3553

MEMORANDUM

TO: Members, General Education Transfer Committee

FROM: Michael J. Gardone Mike
Deputy Executive Director
Academic Affairs

DATE: September 8, 1994

SUBJECT: Final Version General Education Transfer Committee Report

The Committee's report has been forwarded to each president for review. The final version of the report reflects some polishing and fine-tuning since the July 25 edition.

First, we have revised the format of the report to integrate the section headed General Education Transfer Principles with the section headed Council on Higher Education Transfer Policy. The report still contains a section headed Council on Higher Education Transfer Policy, but its format and content parallels that used for the former principles section. We felt that the principles section was stated clearly, and it would be too repetitive to include it in its entirety in the Council policy. We made sure that all the points made in either section have been incorporated in the Council policy. In summary, it's a newly designed package with the same content.

Second, we incorporated the changes that were summarized in our September 1 memo. In order to clarify the meaning of lower division general education requirements and upper division general education requirements as distinguished from the courses which may be taken to meet those requirements, we have added a definitions section near the beginning of the Council policy.

We hope the streamlined format and additional explanations are helpful to you as you guide this document through your institutional approval process. We appreciate your hard work and cooperative spirit in working through all the issues.

MJG/tw

Enclosure

September 9, 1994

GENERAL EDUCATION TRANSFER COMMITTEE REPORT

Introduction

The General Education Transfer Committee was established in January 1994 to develop a policy to implement the recommendation concerning the transfer of general education courses presented in the *SJR 36 Final Report*. The *Final Report* was adopted by the Council on Higher Education and presented to the Joint Interim Committee on Education of the General Assembly in November 1993. The text of *SJR 36 Final Report* recommendation addressed by the committee is as follows:

> The Council on Higher Education and the institutions will develop a general education core transfer component which will reflect the distribution of discipline areas universally included in university-wide lower division general education requirements for the baccalaureate degree. Specific courses used to fulfill the requirement for each discipline will be those identified by each institution as meeting its own lower division general education requirements.

The general education recommendation in the *SJR 36 Final Report* was supported by several assumptions. This recommendation and its underlying assumptions provided the initial basis for the deliberations of the General Education Transfer Committee. The assumptions are repeated here to provide the context for the General Education Transfer Committee's work.

> That there is sufficient commonality in the lower division portion of the basic general education requirements currently offered among all universities to develop a common general education component, using the block transfer approach, which is portable across institutions.
>
> That each institution is willing to recognize the professional integrity of all other public institutions in the acceptance of the general education core transfer component.
>
> That the general education core transfer component will be similar, but not identical, to each institution's lower division general education requirements in that the transfer core will be composed of an array of discipline areas common to all institutions.
>
> That the specific courses comprising the general education core transfer component will be those identified by each university to fulfill its own university-wide lower division general education requirements in a discipline. Thus, the general education core transfer component will be similar to a university's existing general education requirements, but will not be identical in that the specific courses may differ.

Each institution's general education requirements, including any upper division general education requirements, will not be affected by the adoption of a general education core transfer component as meeting institutional requirements.

That each institution is willing to accept the general education core transfer component.

That the general education core transfer component be accepted whether or not it is part of an associate degree.

General Education Transfer Concepts

In its initial organizational meeting, the General Education Transfer Committee reiterated its intent to address institution-wide lower division general education requirements for the baccalaureate degree as opposed to the general education requirements for specific majors. Institution-wide general education requirements apply to all baccalaureate students within a given institution and serve as the framework for determining specific general education courses in each baccalaureate major. For example, calculus and physics may be designated as fulfilling the general education requirements in mathematics and science for engineering majors; whereas, college algebra and general biology may fulfill these requirements for agriculture majors. As such institution-wide lower division general education requirements will serve as the starting point for developing transfer programs for specific majors. It also was noted by the Committee that institution-wide general education requirements differ among institutions and that these differences provide opportunities as well as challenges in developing a workable and efficient transfer mechanism.

The General Education Transfer Committee reaffirmed the validity of the assumptions underlying the concept of a general education transfer component as presented in the *SJR 36 Final Report*. This reaffirmation resulted from thorough and deliberate discussions of several issues and principles affecting the transfer of courses in general and the transfer of general education courses in particular. Several themes recurred throughout these discussions: the integrity of the sending institution's lower division general education requirements, the concept that the competencies developed by general education programs are more important than individual courses, the liberal acceptance of general education courses by the receiving institution to meet its degree requirements, the autonomy of an institution to develop its own general education program including those aspects which make them unique, and the concept of "whole to whole" or block transfer. These themes are interrelated and reinforce each other when merged into a conceptual framework.

Acceptance of the integrity and validity of the sending institution's institution-wide lower division general education requirements as meeting the institution-wide lower division

general education requirements for the baccalaureate degree at the receiving institution implies a reciprocity in which each institution is recognized as both a sending and receiving institution. Consequently, for an institution's general education program to be recognized and accepted by its peers, it must also be willing to recognize and accept the general education program of other institutions.

A parallel theme is that each institution has the autonomy to include areas of study which make its general education program unique. These apparently dichotomous views were reconciled by agreeing that the competencies developed in general education programs are of more importance than individual courses and by emphasizing the concept of "whole to whole." When similar competencies are developed through various general education programs and when these competencies are emphasized, it is then feasible to accept that the "whole" lower division general education program of the sending institution should meet the "whole" lower division general education requirements of the receiving institution. The acceptance of the "whole to whole" concept for the entire lower division general education program was framed in the context of an Associate in Arts or Associate in Science program designed for transfer. However, the concept of "whole to whole" can also be applied by the receiving institution when all of the lower division general education requirements for a baccalaureate degree at the sending institution are completed even though an associate degree is not earned.

The concept of the AA/AS transfer program assumes a program of study in which there is a significant general education block. Two factors influenced the Committee in its decision to recommend acceptance of a block transfer approach to the general education courses. First, research on the success of students transferring from community colleges to universities indicates that students who complete an associate degree (AA/AS) or 60 or more credit hours in a transfer program perform as well as and are as likely to earn a bachelor's degree as native students. Second, it is anticipated that recognition of the AA/AS transfer program by receiving institutions would make that degree more valuable to students. When the Committee related the concept of "whole to whole" to the success of students who transfer with an associate transfer degree or completion of 60 or more credit hours, the principle of accepting an AA/AS transfer program as meeting the institution-wide lower division general education requirements and for admitting AA/AS degree holders and completers of 60 or more credit hours as juniors at the receiving institution was strengthened.

While transferring with an AA/AS degree is preferable, the Committee also recognized that completion of blocks or categories of related coursework prior to transfer is preferable to transferring individual courses. In order to provide some incentive for students to complete categories of related coursework, the Committee decided to develop a General Education Transfer Component using the themes presented above. A detailed review of the current institution-wide lower division general education requirements revealed that there are five broad categories of instruction offered by all institutions even though they are not identified as such at each institution. Thus, completion of the requisite number

of credit hours in each category should serve as a guarantee to the student that the hours in each completed category will be counted by the receiving institution toward meeting its lower division course requirements in the same category. The General Education Transfer Component (5 categories = 33 hours) would permit each university to require transfer students who have not earned a degree or completed 60 or more qualifying hours to complete additional hours in any of the five categories or to require those areas of study which make the receiving institution's general education program unique. However, transfer students would not lose any hours and would not be required to take more hours to graduate than native students.

Council on Higher Education General Education Transfer Policy

This policy on the transfer of general education courses among the public institutions of higher education is intended to be the first in a series of policy statements on the transfer of credit in response to the recommendations presented in the *SJR 36 Final Report*. The policy incorporates the transfer principles developed by the General Education Transfer Committee.

Effective Date

This policy on the transfer of general education courses will be effective for students transferring for the fall 1995 semester. A detailed implementation timeframe is included in this policy.

Definitions

Lower division general education requirements are those general education requirements which usually are fulfilled by taking designated lower division courses, but also may be fulfilled by taking upper division courses as designated by the institution.

Upper division general education requirements are those general education requirements which can only be fulfilled by taking the upper division courses designated by the institution.

Transfer of Associate in Arts or Associate in Science Degrees or Equivalent

1. Students are encouraged to complete an Associate in Arts (AA) or Associate in Science (AS) transfer program prior to transfer. Universities will recognize the completion of an approved AA/AS transfer degree by admitting students to junior standing and accepting the related credits as meeting all institution-wide lower division general education requirements. AA and AS transfer degrees, whether offered by community colleges or universities, recognized for this purpose must contain a minimum of 48 hours of lower division general education including the 33-hour general education transfer component

consisting of communications (9 hours), humanities (6 hours), social/behavioral sciences (9 hours), natural sciences (6 hours), and mathematics (3 hours). AA and AS transfer degrees offered by universities must meet the sending institution's lower division general education requirements for the baccalaureate degree. AA and AS transfer degrees offered by University of Kentucky community colleges must contain, in addition to the 33-hour component, at least nine additional hours in the humanities or social sciences, for a combined total of 24 hours in these two categories, and must include at least three additional hours in the natural sciences or in mathematics at a level higher than college algebra. The Associate in Science transfer degree must also include at least one natural science course with a laboratory experience.

2. Students completing 60 or more hours without earning an associate degree should be accorded the same status as students who complete an AA or AS transfer program when the following conditions are met: the 60 or more hours include 48 hours of lower division general education, the 33-hour general education transfer component (as specified above) is incorporated into the general education coursework, and a 2.0 GPA overall is earned for the hours taken. For universities, the 48 hours of general education must meet the sending institution's lower division general education requirements for the baccalaureate degree. For the University of Kentucky community colleges, the 48 hours of general education must be consistent with the distribution for approved AA/AS transfer degrees.

3. Recognition of the integrity and validity of the general education program at each sending institution results in acceptance of a general education program which is comparable, but not identical, to the general education program at the receiving institution.

4. AA/AS transfer programs with their 48 hours of institution-wide lower division general education will serve as the starting point in developing transfer programs for specific majors which are mentioned in the *SJR 36 Final Report*.

5. Since general education requirements differ in magnitude among the institutions, accepting 48 hours of transfer work in fulfillment of institution-wide lower division general education requirements may create difficulties in completing specific programs of study. If a receiving institution's lower division general education program exceeds 48 hours, acceptance of 48 hours in place of this higher number would create a gap in a student's program of study in that additional hours must be taken to acquire the total hours required for graduation. These additional hours may be used at the discretion of the receiving institution in formulating a student's program of study. Likewise, if any institution requires less than 48 hours of lower division general education, acceptance of 48 hours of general education will likely create a surplus of total

hours when all other requirements are completed unless the surplus general education hours are used as electives.

Transfer of General Education Component for Non-Degreed Students

1. The general education transfer component stresses the commonality of some general education requirements among universities for the baccalaureate degree, but provides for flexibility so that the remaining portion of an institution's general education program can be accommodated. Consequently, the general education transfer component includes fewer lower division credit hours than would typically be required at any university for a baccalaureate degree, thereby providing the flexibility for receiving institutions to include those requirements which complete their general education programs and which make their general education programs distinctive.

2. The common aspects of institution-wide lower division general education requirements have been organized into five categories with the number of hours to be completed in each category shown in parentheses: Communication (9 hours), Humanities (6 hours), Social/Behavioral Sciences (9 hours), Natural Sciences (6 hours), and Mathematics (3 hours) for a total of 33 hours. The courses which meet the requirements in each of these categories are those designated by the sending institution to fulfill its institution-wide lower division general education requirements. The criteria for each category are contained in Appendix 1.

3. The general education transfer component should be supplemented by an institutional commitment that, to the extent possible, the transfer of any remaining credit hours beyond the general education transfer component to the receiving institution will be treated as liberally as possible to maximize the transferability of credit toward meeting degree requirements.

4. Students must attain an overall grade point average of 2.0 (4.0 scale).

5. Completion of the 33-hour general education transfer component, or completion of any of its categories in accordance with the criteria for the category, will guarantee that courses in the category will be counted as a block toward meeting institution-wide lower division general education requirements at the receiving institution. That is, the nine hours (6 written, 3 oral) taken to complete the communications category will not be evaluated on a course-by-course basis but will be accepted as a block of nine hours in meeting the receiving institution's communications requirement. However, if the receiving institution requires more than 9 hours in communications, it may require non-degreed transfers and those with less than 60 hours to take additional hours in communications. An assessment of individual courses may be necessary

to determine which general education requirements remain to be completed at the receiving institution.

6. Receiving institutions will, to the extent possible, treat the transfer of credit hours beyond the general education transfer component as liberally as possible to maximize the transferability of credits toward meeting degree requirements.

Institutional Responsibility

1. Academic advisors and other institutional staff concerned with transfer should have an interinstitutional communications link, e.g., through electronic mail, for easier communication among institutional staff addressing similar issues.

2. The general education transfer policy and the courses which meet general education requirements should be easily accessible to students. The transfer policy should be included in each institution's catalog for easy reference.

3. The general education transfer policy and the courses designated for completion of general education requirements should be reviewed by a committee of the Council on Higher Education and institutional representatives no later than January 1996. Subsequent reviews should be scheduled on a regular basis.

Student Responsibility and Access to Transfer Information

1. Students are encouraged to complete their lower division general education requirements during the first two years of study.

2. Students who transfer without an associate degree must request a general education audit from the sending institution so that the sending institution can verify which lower division general education requirements have been met.

Designation of Courses Meeting General Education Requirements

In order to identify courses which meet the general education requirements at the sending institution, courses must be designated for each of the general education transfer categories by each institution. These designations must be available to students and academic advisors at the sending institution for effective transfer program planning. Further, the general education category designations for individual courses must also be available to receiving institutions for accurate transcript evaluation. Eventually, category designations may be printed on the student's transcript; however, since this is not possible at this time, the Council will modify its Course Inventory to include general education category designations. Institutions will be responsible for providing general education category designations and updates as part of the Council's regular data

reporting process no later than spring 1995. Council staff will distribute the general education transfer category designations to the Director of Admissions at each institution for each fall and spring semester.

General Education Transfer Implementation Timeframe

Sept. 1 - Nov. 15, 1994	Institutional review of Committee Report and proposed Council policy
Sept. 1994	Institutions submit general education course codes
Nov. 1994	CHE staff provides list of general education course codes to all Admissions Offices
Nov. 16, 1994	Institutional responses received at Council
January 1995	Council action on General Education Transfer Policy
January 1995	Institutions submit general education course codes
Jan.- April 1995	Institutions submit Associate of Arts and Associate of Science programs for approval as transfer programs (effective for fall 1995 transfers)
March 1995	CHE staff provides final list of general education course codes to all Admissions Offices
Spring 1995	Institutions evaluate transcripts using General Education Transfer Policy
Fall 1995	General Education Transfer Policy becomes effective
January 1996	Schedule review of General Education Transfer Policy

APPENDIX 1

GENERAL EDUCATION TRANSFER COMPONENT

The general education transfer component consists of five categories and totals 33 credit hours.

Communications - 9

Written Communications - 6
Oral Communications - 3

Humanities - 6

The discipline(s) represented in this category must be different from those in Behavioral/Social Sciences.

Courses may be chosen from, but not necessarily limited to, the following:

Fine Arts (excluding studio and performance)
Philosophy
Literature
History
Foreign Language (same language)
Cross-Cultural
Inter/Multi-disciplinary

Behavioral/Social Sciences - 9

At least two disciplines must be represented and must be different from those in Humanities. Students transferring to UK should include a cross-cultural course in this category.

Courses may be chosen from, but not necessarily limited to, the following:

Psychology
Sociology
Economics
History
Anthropology
Geography
Political Science
Cross-Cultural
Inter/Multi-disciplinary

Natural Sciences - 6

Courses may be chosen from, but not necessarily limited to, the following disciplines:

- Biology
- Chemistry
- Physics
- Astronomy
- Geology
- Physical Science

Mathematics - 3

Minimum college algebra (For individuals not completing an AA/AS degree or 60 or more qualifying hours, acceptance of college algebra at NKU will be reviewed on a case by case basis.)

Agenda Item VI. A

MEMORANDUM

TO: Faculty Senate

FROM: Mark Stavsky, Chair
Budget and Commonwealth Affairs Committee

DATE: March 9, 1995

RE: Budget Priorities Recommendation

On March 8, 1995, the Budget and Commonwealth Affairs Committee adopted the following list of ranked budget priorities for the 1995-1996 academic year.

We recommend that the following priorities be adopted, as ranked, by the Faculty Senate.

BUDGET PRIORITIES RECOMMENDATION
1995-1996

1. Increase the salary pool amount for faculty and staff, at the very least, on the basis of the average increase in the cost of living.

2. Maintain the current level of support for a quality benefits package including health, life and dental insurance and the wellness program.

3. Increase the operating budgets in the colleges.

4. Fund a campus network. This includes completing the connections to faculty offices, libraries and classrooms and providing the hardware and software necessary to access Internet.

5. Increase the funding level for the NKU libraries to maintain a core collection of books and periodicals that is able to support the teaching and research needs of the faculty and students. Provide funding for technology advancement within the libraries that also supports the teaching and research goals of the university.

6. Provide additional funds for the purchase and repair of instructional equipment. Since instructional equipment costs are recurring, funding needs to be continued by student fees and/or a permanent budget line.

7. Increase the number of permanent full-time faculty and support staff in the academic departments and the libraries.

8. Increase level of funding for summer fellowships and project grants. These faculty development programs have not had funding increases in over a decade. There should be adequate support for sabbaticals, as well.

9. Provide a continued commitment to compensate the "average" faculty (i.e. the faculty of average performance history and median years in rank holding the appropriate terminal degree) to 100% of current CUPA [or agreed equivalent] salary standard for an individual's relevant discipline and rank. Faculty salaries and distribution should be fair and equitable among the colleges, libraries and departments.

10. Increase summer school compensation.

Agenda Item VI A

MEMORANDUM

March 9, 1995

To: Nancy Firak
President, Faculty Senate

From: Jim Niewahner
Professor of Chemistry

Re: Direction of the University

This memo is being written to express my concern about several issues that need to be addressed immediately. Most of these issues are old issues which the administration has apparently chosen to ignore over the past several years; consequently, matters have only gotten worse.

1. The operating budgets of many of the academic programs are simply inadequate. Increasing the operating budgets of the academic departments was one of the goals set forth in the Strategic Plan in 1989, yet little or no effort has been made to effectively meet this goal. In the 1989 Institutional Strategic Plan (the brief version) it states on p.16 that funding of most of the initiatives will be derived from resources reallocated within the university. It is my understanding that at the open budget meeting yesterday, the President discussed reallocation. Given the fact that nothing has been done during the past six years, it is doubtful that reallocation will be done any time soon unless there is a strong demand made by the deans, chairs, and faculty to get this done. It seems to me that when a university spends less than 50% of its budget on academic programs, which are the primary mission of the university, those in control of the budget have their priorities out of line with the university's mission. Furthermore, it does little good when the Faculty Senate Budget Committee places Increased Operating Budgets as 6th on their list of priorities.

2. The sad state of affairs with regard to instructional equipment has been known by the President for several years. While funds from the recently approved fees will certainly help, the backlog of need is phenomenal and must also be addressed. I find it almost irresponsible for the administration to make a commitment to spend $1.2 million dollars over the next five years to upgrade administrative computing equipment and software while the academic programs are so under equipped. One has to wonder how serious the President is when, in his state of the university addresses, he talks about the importance of preparing our students for the world in which they will compete for jobs upon graduation. It is my understanding that the President announced yesterday that the 1995-96 budget will include approximately $30,000 for instructional equipment. This is a pathetic show of commitment to enhancing the quality of the academic programs; $30,000 represents about 0.05% of the annual budget and it is considerably less than the $1.2 million committed to administrative computing needs. Increased funding for instructional equipment was also a goal set

forth in the Strategic Plan. Why has it taken 6 years for the President to make even this paltry gesture? Unfortunately, the Faculty Senate Budget Committee has placed the need for instructional equipment funding in 5th. place. If neither the administration nor the faculty place the academic programs as the highest priority, then this university is doomed to mediocrity at best.

All too often, the President has excused the administration's poor progress in the above areas on inadequate funding from the state. It is my opinion that this shows a lack of imagination and a lack of commitment to the goals set forth in the Strategic Plan.

3. Why is there little or no relationship between the budget process and the Strategic Plan? Why should we bother with developing a Strategic Plan or any other such plan if there is no commitment to these plans by the administration? Why should departments now be pressed to establish enduring goals when the administration has made little or no effort in the past to accomplish the goals of the Strategic Plan? It appears to me that the administration is more interested in the administration of higher education than in higher education itself. Why do the deans, chairs, and faculty have no effective input into the budget process? Whatever became of the concept of shared governance? During the past 2 or 3 years the budget for the upcoming year has been announced by the President before there has been much input from the academic side of the university.

I hereby propose that the Executive Committee of the Faculty Senate, along with several other senior faculty members of the University at large, meet with the President and the Provost immediately to discuss these and other related issues in an attempt to move our university forward as quickly as possible. We must not allow the university to continue to languish.

NORTHERN KENTUCKY UNIVERSITY
DEAN OF STUDENTS

March 15, 1995

MEMORANDUM TO: Vice Presidents
President's Staff
Academic Deans
Academic Department Chairs
Student Affairs Directors
Administrative Affairs Directors
Student Government Association
Faculty Senate
Staff Congress

RE: Changes to "Code of Student Rights and Responsibilities"

You, and others in your respective areas of responsibility, are invited to recommend improvements to the "Code of Student Rights and Responsibilities." Attached for your review is a copy of the current "Code of Student Rights and Responsibilities."

Changes currently under consideration include:

1. Enhancement of various sections of the current code relating to computer security, computer data bases, system usage, the internet, E-Mail, online media, etc.

2. Expand deadlines (number of days to file appeal) for all appeals. Existing parameters are sometimes difficult for part time faculty and staff to meet.

All additional recommended revisions and/or areas of concern should be forwarded to the Dean of Students office by April 12, 1995. Recommended revisions will be reviewed by governing groups, President's staff, Legal Counsel, and Deans Council during late April.

Thank you for your assistance.

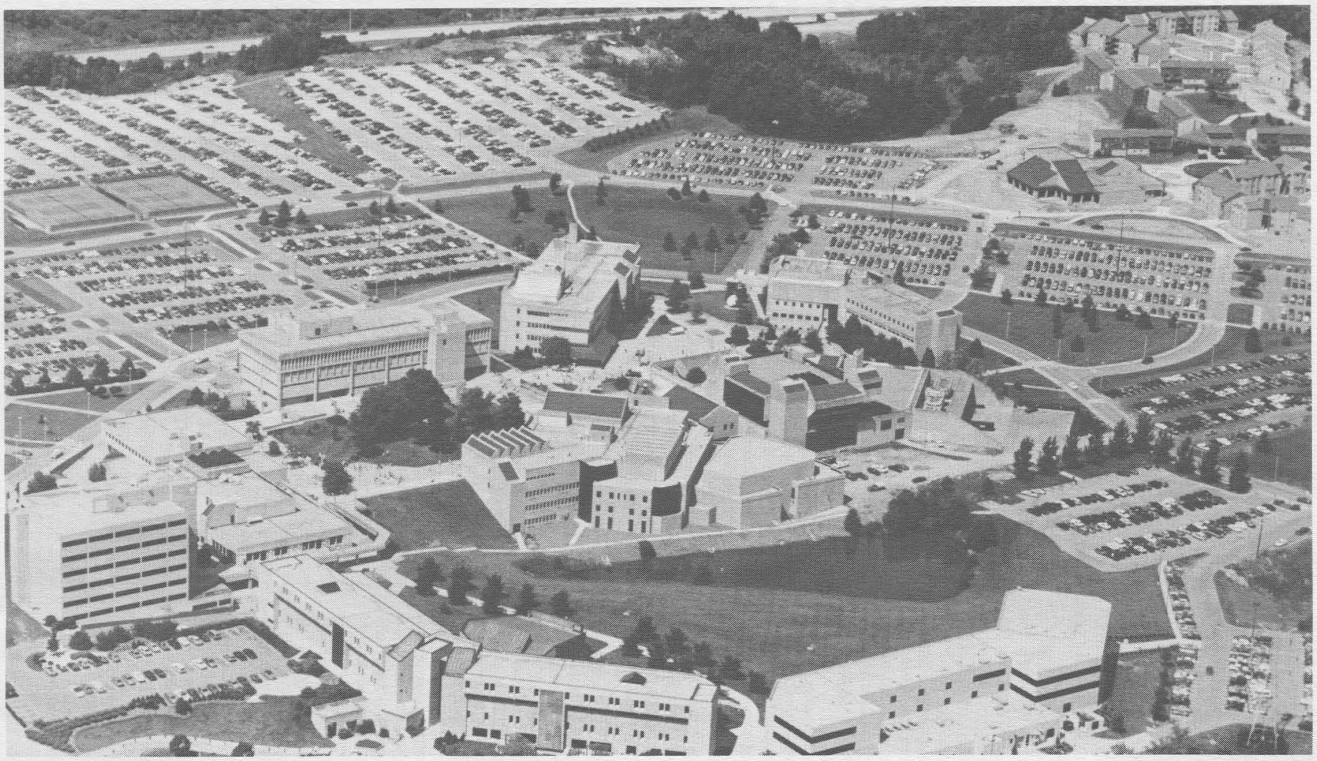
Bill Lamb

Bill Lamb
Dean of Students

Get faculty involvement

cc: Dr. Pomerantz

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES



Preamble

Throughout history, but particularly in the Modern Age, enlightened people have struggled to establish societies built on rational and equitable principles, to eliminate unreasonable privilege based on birth or wealth, and to free mankind from capricious dictates of irresponsible rulers. The rights and responsibilities of citizenship have been extended to include the bulk of ordinary citizens in all of the western democracies.

Many of the important principles of a free and rational society are embodied in the United States Bill of Rights, which became part of the Constitution of the United States as the first ten amendments, on December 15, 1791. Among the significant rights guaranteed by the bill are the freedoms of speech and press, the right of peaceable assembly, the right to freedom of conscience, the right to freedom of harassment, the right to petition for redress of grievances, and the right to a fair and speedy hearing of charges made against one.

Universities traditionally have been among the most ardent exponents and defenders of these and other principles of a rational society. Scholars in the United States and elsewhere have suffered in times of prejudice and intolerance to ensure that these principles be retained. These principles are essential to the ultimate mission of any university, which is to seek knowledge and transmit it to others for the well-being of society. Knowledge cannot be gained if the mind or tongue is fettered by unjust restrictions; free inquiry and free expression are indispensable to the academic community. All the freedoms guaranteed in the Bill of Rights are provided in the governance of Northern Kentucky University. The code of student rights and responsibilities that follows is designed to ensure that students shall enjoy intellectual freedom, fair and legal treatment, and a responsible participation in the molding of their educational environment.

Rights imply responsibilities. For the concept of academic freedom to succeed — indeed, for any organization based on reason to function, its members must show both initiative and restraint. Students at NKU are treated as adults; in response, they must act maturely. For example, students must take the initiative in expressing opinions when they feel these will benefit the University in some way, but they must restrain themselves from the expression of views or taking of action that will in some way damage or infringe upon the rights of others. All members of the academic community must be committed to reason and responsibility if the University is to function as an agent of enlightenment in society.

It is incumbent upon students to be aware of the academic regulations of the University (as stated in the University Catalog), library rules and procedures (posted in the library), and campus parking regulations (provided to the students upon vehicle registration.) Ignorance of these or other University regulations does not excuse students from adherence to them. Student Government, faculty members, and University administrators, though they are not responsible, should endeavor to inform students of University rules, regulations, and policies, whenever the circumstance is applicable.

UNIVERSITY STATEMENT ASSERTING RESPECT FOR HUMAN DIVERSITY

Northern Kentucky University is a multicultural community of diverse racial, ethnic, and class backgrounds, national origins, religious and political beliefs, physical abilities, ages genders, and sexual orientations. Our educational activities and everyday interactions are enriched by our acceptance of one another; and, as members of the university community, we strive to learn from each other in an atmosphere of positive engagement and mutual respect.

Because of the necessity to maintain this atmosphere, bigotry will not go unchallenged within this community. We will educate each other on the existence and effects of racism, sexism, ageism, homophobia, religious intolerance, and other forms of invidious prejudice. When such prejudice results in unlawful harassment, intimidation, or violence against persons or property, we will not tolerate such behavior.

All who work, live, study, and teach in the Northern Kentucky University community should be committed to these principles which are an integral part of Northern Kentucky University's focus, goals, and mission.

FREEDOM OF ACCESS TO THE UNIVERSITY

The admissions policy of the University is stated in the University Catalog. Under no circumstances are students barred from admission to NKU on the basis of race, color, sex, religion, age, national origin or disability. Entrance into the University, however, does not guarantee acceptance into specialized programs or courses that may have additional entrance requirements.

Students seeking admission to NKU graduate programs or the graduate programs of other universities on the NKU campus must meet the spe

(continued inside)

cific admission requirements of those programs as stated in graduate bulletins, the University Catalog, or other official publications of the institution.

Individual programs may have student handbooks that detail policies and procedures specific to those particular programs.

Illegal Discrimination

The University will not engage in illegal discrimination against any student on the basis of race, color, sex, religion, age, national origin, or disability.

Sexual Harassment

Sexual harassment by any member of the University community is a form of sexual discrimination. Sexual harassment is any unwelcome sexual advance, any request for sexual favor and any other verbal or physical conduct of a sexual nature when submission is explicitly or implicitly a basis for classroom or student evaluation or when such conduct has the purpose or effect of unreasonably interfering with the student's performance or created an intimidating, hostile or offensive educational environment. The Sexual Harassment Policy is contained in Section VII.

THE CLASSROOM

The professor is primarily responsible for determining course content, choice of reading materials, and type and size of written and oral assignments. This information should be provided in a course syllabus. The syllabus should be given to students within the first two class meetings of the academic term. Evaluation of academic achievement of students in a course is the responsibility of the professor. In order to maintain an atmosphere conducive to learning, the professor may take disciplinary measures judged appropriate to protect the learning environment.

Freedom of Expression

The professor has an obligation to encourage free discussion, inquiry, and expression. He/she may not evaluate student performance based on opinions (such as religious belief or political views) or conduct in matters unrelated to academic standards. Should students feel that their performance has not been judged on solely academic grounds or that their grade does not reflect the quality of their work, they may appeal the professor's decision using the Academic Appeals Procedure outlined subsequently.

Student Evaluation of the Professor

Students have the opportunity, through a questionnaire distributed toward the end of each semester, to assess the performance of the professor in carrying out his/her academic responsibilities. Data from these questionnaires, along with other data, are used by the University in making decisions on faculty promotion, tenure and salary, and by the professor in improving his/her teaching effectiveness.

What the Professor May Expect of the Student

While students are free to take reasoned exception to data or views offered in any course of study and to reserve judgment about matters of opinion, they are responsible for learning the content of any course in which they are enrolled. Also, at the same time that students have protection through procedures against prejudiced or capricious academic evaluation, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled. In order to maintain an atmosphere conducive to learning, disruptive student behavior will not be tolerated. If a student becomes disruptive, the professor may take disciplinary measures judged appropriate to protect the learning environment, including dismissal from the course. Students are also responsible for respecting the rights of fellow students in the classroom.

Class Attendance

Classroom participation is essential to the educational process in many disciplines. Therefore, when the instructor indicates in the course syllabus that class participation is essential to the educational goals of the course, the instructor may lower a student's final grade because of excessive absences.

Students are responsible for familiarity with material disseminated in class and are not released from this responsibility because they cease to attend. It is assumed that students will be aware of the calendar deadline for officially withdrawing from a course. If a student does not officially withdraw prior to this deadline, and fails to complete successfully the required course work, a failing grade will be recorded.

UNIVERSITY DISCIPLINARY ACTION

Example, counseling, guidance, and admonition play a more important role in developing responsible student conduct than does disciplinary action. At the same time, the University has the duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for students and through the regulation of the use of institutional facilities and property.

The President of Northern Kentucky University as chief executive officer is vested with the power to reprimand, suspend, or expel any student for violation of University rules or regulations, to delegate such power, and to establish policy, procedures, and guidelines for the hearing of any such charges brought against any student by University faculty or officials.

University Authority and Civil Power

Disciplinary powers of the University usually should not be used to impose penalties for infringements of local, state, or federal law where such infringements are subject to penalties prescribed and enforced by civil authorities. Only where the institution's interests as an academic community are distinctly and seriously threatened should the special power of the University be asserted; it should never be asserted simply because of community pressure.

Where it is necessary for members of the University Department of Public Safety, in their capacity as police officers, to investigate the conduct of students or detain or arrest students, all of the legal safeguards of personal rights guaranteed to citizens must be observed. Except in cases of extreme physical hazard or medical emergency, the personal possessions of students should not be searched unless appropriate authorization has been obtained, according to state and federal laws. Students detected or arrested in the course of infractions of state or federal law must be informed of their rights.

DISCIPLINARY REGULATIONS AND VIOLATION OF LAW

Students may be accountable to both civil and criminal authorities and to the University for acts which constitute violation of law and of this code. Those charged with violations are subject to University disciplinary proceedings even if criminal proceedings are pending and may not challenge university proceedings on the grounds that criminal charges for the same incident have been dismissed, reduced, or are not yet adjudicated.

Harassment

No form of harassment should be used by University officers to coerce admissions of guilt or information about conduct of other suspected persons in any case involving violation of the law or University regulation.

Status of Students Pending Final Action In Legal or Institutional Proceedings

Pending action on charges, the status of students should not be altered, nor their right to be present on campus and to attend classes suspended, except for reasons relating to their physical or emotional safety and well-being of students, faculty, or University property.

Prohibited Conduct

The following misconduct is subject to disciplinary action:

a. Intentionally or recklessly causing physical harm to any person on University property or at University-sponsored activities off campus, or intentionally or recklessly causing reasonable apprehension of such harm.
b. Unauthorized use, possession, or storage of any weapon on University premises or at University-sponsored activities.
c. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency on University premises or at University sponsored activities.
d. Intentionally or recklessly interfering with normal University functions or University-sponsored activities including but not limited to, studying, teaching, research, University administration, or fire, police, or emergency services.
e. Knowingly violating the terms of any disciplinary sanction imposed by any University Official.
f. Intentionally or recklessly misusing or damaging fire safety equipment.
g. Unauthorized distribution, or possession, or use of any controlled substance or illegal drug, as defined by the Kentucky Revised Statutes, chapter 218A, on University premises or at University-sponsored activities.
h. Forgery, alteration, or misuse of any University document or instrument of identification.
i. Intentionally, substantially, and inappropriately interfering with freedom of expression of others on the University premises or at University-sponsored activities.
j. Theft or misuse of property or of services on University premises, at University-sponsored activities, or from University organizations or groups, or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organizations or groups.
k. Intentionally or recklessly destroying or damaging University property or the property of others on University premises or at University-sponsored activities.
l. Failure to comply with the directions of University officials acting in the performance of their duties.
m. Violation of published University regulations or policies as approved and compiled by the officers of the University. Such regulations or policies shall include but not be limited to the **Code of Student Rights and Responsibilities**, the residence hall contract, as well as those regulations relating to entry and use of University facilities, traffic regulations and parking, and misuse of student identification cards. Disciplinary procedures for violation of residence hall regulations are set forth in the **Student Housing Handbook** and subsequently in Section V of Hearing Procedures.
n. Unauthorized presence on or use of University premises, facilities, or property.
o. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials on University premises or at University-sponsored activities.
p. The use or possession of alcoholic beverages on University property except as authorized by University policy.
q. Misrepresenting information or furnishing false information to the University.
r. Harassing, annoying, or alarming another person, attempting or threatening to strike, kick, or otherwise subject another person to physical contact, making an offensive coarse utterance, gesture or display, addressing abusive language to any person, following a person in or about in a public place or places, or engaging in a course of conduct or repeatedly committing acts that alarm or seriously annoy another person.
s. Engaging in sexual harassment.
t. Taking any action or creating any 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 or group.
u. Intentionally exposing genitals, buttocks, or breasts in a public place on the University premises or at University-sponsored activities without University authorization.
v. Appearing in a public place on University premises or at University sponsored activities manifestly under the influence of a controlled or other intoxicating substance to the degree that there is danger to self, others, or property or there is unreasonable annoyance to persons in the vicinity.
w. Unathorized access to and/or use of information contained in university records and/or computer files.
x. Aiding or abetting any conduct described above.

HEARING PROCEDURES

Hearings are nonadversarial in form and procedure. Participants may bring a person to serve as an adviser. This adviser will not be permitted to address or question the parties to the hearing.

I. Appeal of Academic Matters

A. When a student believes that an instructor has violated his/her rights in the classroom (e.g., late syllabus, failure to follow stated grading policy or other procedures and objectives as outlined in the syllabus, discrimination in evaluation of individual achievement, illegal discrimination or harassment) the student should adhere to the following procedure:
   1. The student will discuss the matter with the course instructor within ten working days (i.e., full days when the business offices of the University are in operation) of the receipt of the grade, or the occurrence of any other incident being appealed. If the student is unable to contact the instructor, he/she is to seek the aid of the department chairperson in contacting the instructor. The student will provide the course instructor with a written statement that expresses the concern in very specific terms. The instructor will respond in writing to the student within five working days. This written communication will be forwarded to the appropriate chairperson with an explanation from the student should an appeal be requested.
   2. If the matter cannot be resolved, the student should complete the "Appeal of Academic Matters" form within ten working days after receipt of the instructor's response and submit it to the chairperson. The chairperson will forward the original of the appeal to the student, a copy to the course instructor, and will retain a copy in the department files. In a case involving a graduate student, the chairperson will seek the advice of the respective director or dean of the graduate program before making the formal response.
   3. Should no resolution be possible at the department level, the student or the course instructor may formally appeal in writing to the appropriate dean, within ten working days of receipt of the chairperson's response. The appeal to the dean will be accompanied by a transmittal to the dean of the completed appeal form. Upon receipt of the appeal, the dean will notify all parties involved of the receipt of an appeal and will then attempt to resolve the dispute.

      If a resolution is not possible, the dean will convene the appeals panel and ask it to determine if a prima facie case (sufficient by itself to prove the grounds for appeal unless contradicted) for a hearing procedure is in evidence. At this time, the dean will convey to the appeals panel the entire file of the case for its use in making this determination.

      In reviewing appeals of matters relating to receipt of grades, the panel will be concerned entirely with alleged violations of institutional policy or procedure rather than with content or matters of judgement.

      If the panel determines that a prima facie case is not evident, it will so report to the dean. The ruling of the panel that the prima facie case is lacking is final. Upon receipt of the panel's report of the lack of a prima facie case, the dean will notify the department chairperson, the course instructor, and the student.

      If the panel determines that a prima facie case is in evidence, the panel will proceed to a full hearing of the appeal.

      The Appeals Panel, selected in accordance with the Affirmative Action Policy of the University will consist of the following:
      a. Two faculty members chosen by the dean at the beginning of the academic year. These choices will be made from a group comprised of one representative from, and chosen by, each department responsible to the dean.
      b. One faculty member chosen by the dean from the department in which the appeal was initiated. Should this department already be represented on the panel, the dean will select the third faculty panel member from the original group of department representatives referenced above. The faculty member whose decision is in question (i.e., the course instructor of the department chairperson) may not sit on the panel. Other panel members will be excused when a conflict of interest exists.
      c. Two students. These panel members plus an alternate will be chosen from the academic college by Student Government at the beginning of the academic year and the names will be given to the appropriate dean at that time. If these students are unavailable, the dean will select two student panel members and an alternate student to serve on the committee. The student initiating the appeal may not sit on the panel. Student panel members will be excused when a conflict of interest exists.
      d. In cases involving a graduate student, the respective graduate program director will be a standing member of any panel assembled to consider an appeal, except in instances where the program director is also the instructor in question.
      e. The dean will appoint a chairperson from among the panel members for each case. The panel will collect evidence by research and interview. Insofar as possible, all persons directly involved in the appeal will cooperate by honoring the panel's requests for information. Both the faculty member and the student will have the right to answer charges made. It is extremely important that all information relevant to an appeal be held in strict confidence during the appeal procedure. Public disclosure of such information can negatively affect due process and thereby jeopardize success of the appeal. Public disclosure of information may also violate state and federal, civil and criminal laws. The panel will make a written report of its findings to the dean within five working days of the formal hearing. The dean will make a determination in this case based on the findings and will send notification of this determination to the student, the course instructor, the department chairperson, and the Provost.

      If the student or the course instructor is not satisfied with the dean's determination, he/she may appeal the case to the Provost. The appeal must be in writing and submitted to the Provost within five working days of the date of notification of the dean's determination. The entire file of the case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence which was presented to the appeals panel either oral or written. The Provost will notify those persons involved of the determination.

B. When a student feels that he/she has been unjustly penalized due to catalog discrepancies, the student should complete the "Appeal of Academic Matters" form and submit it to his or her dean. Upon receipt of the appeal, the dean will notify all parties involved of the receipt of an appeal and will then attempt to resolve the dispute. If resolution is not possible, the dean will convene the appeals panel in accord with (3) above and follow the procedures outlined therein.

   If a student is not satisfied with the dean's determination, he/she may appeal the case to the Provost. The appeal must be in writing and submitted to the Provost within five working days of the date of notification of the dean's determination. The entire file of the case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence contained in the file. The Provost will not hear additional evidence either oral or written. The Provost will notify those persons involved of the determination.

II. Cheating and Plagiarism

The maintenance of academic standards and integrity includes the obligation not to cheat or plagiarize. A student who uses a dishonest or deceitful means to obtain a grade is guilty of cheating; a student who submits another's work as one's own without adequate attribution is guilty of plagiarism.

A. A course instructor who has sufficient evidence that a student has cheated or plagiarized will confront the student with the evidence within ten working days from the date of discovery of the alleged cheating or plagiarism.
   1. If the student admits to the charges, the instructor may lower the student's grade or give the student a failing grade in the course. The instructor will recommend to the chairperson any additional sanctions to be imposed. The chairperson will review the recommendation and make a recommendation to the dean of the college in which the course was taught. The dean will review the recommendation and impose an appropriate sanction for the student. If suspension or expulsion is recommended by the dean, this recommendation will be transmitted to the Provost, who will review and determine whether to impose the recommended sanction or a lesser sanction.
      a. Only in the case of suspension or expulsion will the student have a right to appeal to the President. The appeal must be in writing and must be submitted within ten working days of receipt of the decision of the Provost.
      b. Should the student be dissatisfied with the President's decision regarding suspension or expulsion, the student may appeal in writing to the Board of Regents within five working days of receipt of the President's determination.
   2. Should the veracity of the allegation be challenged by the student, the instructor will forward the written charges to the chairperson, with a copy to the student within ten working days of the meeting.
   3. The chairperson will review the charges and meet with the student. If resolution of the matter is not possible, the student may request a hearing. Such a request will be made in writing to the appropriate dean within ten working days of the meeting with the chairperson. Upon receipt of a request for a hearing, the dean will convene a hearing panel.

B. The hearing panel will consist of the following members:
   1. Two faculty members chosen by the dean at the beginning of the academic year. These choices will be made from a group comprised of one representative from, and chosen by, each department responsible to the dean.
   2. One faculty member from the department in which the cheating or plagiarism occurred. Should this department already be represented on the panel, the dean will select the third faculty panel member from the original group of department representatives, referenced above. The faculty member whose decision is in question (i.e., the course instructor or the department chairperson) may not sit on the panel. Other panel members will be excused when a conflict of interest exists.
   3. Two students. The panel members plus an alternate will be chosen from the academic college by the Student Government Association at the beginning of the academic year and the names will be given to the appropriate dean at that time. If the students are unavailable, the dean will select two student panel members and an alternate student to serve on the committee. The student accused of cheating or plagiarism may not sit on the panel. Student panel members will be excused when a conflict of interest exists. In cases where the student charged is a member of a minority group or is a woman, every effort will be made to place a minority or a woman on the panel.
   4. In cases involving a graduate student, the respective graduate program director will be a standing member of any panel assembled to consider a request for a hearing, except in instances where the program director is also the instructor in question.
   5. The dean will appoint a chairperson from among the panel members for each case.

C. The panel will collect evidence by research

(continued on next page)

and interview. Insofar as possible, all persons directly involved in the action will cooperate by honoring the panel's requests for such information relevant to a hearing be held in strict confidence during the hearing procedure. Public disclosure of such information can affect due process and thereby jeopardize the fairness of the process. Public disclosure of information may also violate state and federal, civil and criminal laws.

The panel will make a written report of its findings to the dean within five working days of the formal hearing. The dean will make a determination based on the findings and will send notification of this determination to the student, the course instructor, the department chairperson, and the Provost.

If the student or the course instructor is not satisfied with dean's determination, he/she may appeal the case to the Provost. The appeal must be in writing and submitted to the Provost within five working days of the date of notification of dean's determination. The entire file of the case must be forwarded to the Provost's office at the time the appeal is made. The Provost's determination will be final and will be based upon the evidence contained in the file. The Provost will not hear additional evidence either oral or written. The Provost will notify those persons involved of the determination.

D. Where suspension or expulsion is recommended, the Provost will make the final determination. The student's right of appeal to the President and Board of Regents is outlined in part II, section A. 1 a-b. In cases where the evidence at the hearing established that cheating or plagiarism has not occurred, the original grades earned in the course will be placed in the student's record.

III. Appeal of Non-Classroom Matters

A. Except in the case of penalties for parking violations (appeals of which are heard directly by the University Parking Appeals committee), and Residence Hall violations (appeals of which are heard according to Residence Hall Judicial Procedures contained in section II herin), when a student feels that he/she has been unjustly penalized for a non-academic offense the following appeal process must be initiated within ten working days after imposition of the penalty:

1. The student should appeal his/her case to the immediate head of the unit imposing the penalty. Upon completion of this meeting, the head of the unit shall prepare an informal written summary of the discussion. This summary shall be made available to the student and the appropriate administrative officer.
2. If no satisfactory agreement can be reached, the student should formally appeal the matter in writing, and within ten working days, to the vice president in charge of the area.
3. Upon receipt of appeal, the vice president will attempt to resolve the dispute. If resolution is not possible, the vice president will convene the Appeals Panel (composition of this panel is described below) and ask it to determine if a prima facie case for a hearing procedure is in evidence. The vice president will convey to the Appeals Panel the entire file of the case for its use in this determination.
4. If the panel determines that a prima facie case is not in evidence, it will so report to the vice president, who will notify the student, and the unit head. If the panel determines that a prima facie case is in evidence, it will proceed to a full hearing of the case.

B. The appeals panel will consist of the following members:

1. Two members of the University community area involved in the imposition of the penalty. These members will be chosen by the vice president, at the time of the appeal. One of the two members chosen at the time of appeal must be the representative from the unit that imposed the penalty. University personnel directly involved in imposition of the penalty, however, may not sit on the panel.
2. Three students. These three panel members, plus an alternate, will be chosen by Student Government at the beginning of the academic year, and their names will be given to each vice president at that time. If these students are unavailable, the Vice President will select two student panel members and an alternate student to serve on the committee. A student initiating an appeal may not sit on the panel. Student panel members will be excused when a conflict of interest occurs.
3. A panel chairperson will be chosen by the vice president upon formation of the panel.

C. The panel will collect evidence by research and interview. Insofar as possible, all parties directly involved in the appeal will cooperate by honoring the panel's request for such information relevant to an appeal be held in strict confidence during the appeal procedure. Public disclosure of such information can affect due process and thereby jeopardize success of the appeal. Public disclosure of information may also violate state and federal, civil and criminal laws.

The panel will make a written report to the vice president. The Vice President will not hear additional evidence, either oral or written. The vice president will make a determination in the case based on these findings and will send notifications of the decision to the student, the unit head, and the President. This decision will be final.

IV. Breach of Student Code/University Regulations not covered in "Appeal of Classroom Matters," "Appeal of Non-Classroom Matters," or "Cheating and Plagiarism."

A. Should a student be accused of any breach of the Student Code, University regulations, or dishonesty not covered by Sections 1, 2, or 3, the party who has knowledge of this alleged action will place charges in writing for the Dean of Students within ten working days of knowledge of the alleged incident. The Dean of Students can also bring charges against students.

B. Upon receipt of the charges, the Dean of Students or his/her delegate will meet with the student, explain the charges, and grant the student an opportunity to respond to the charges.

1. If the student admits to the charges, the Dean of Students will impose an appropriate sanction for the student. If suspension or expulsion is recommended by the Dean of Students, this recommendation will be transmitted to the Vice President for Student Affairs, who will review and determine whether to impose the recommended sanction, a greater or a lesser sanction. The Vice President for Student Affairs will communicate his/her decision to the student within five working days of the receipt of the Dean of Students recommendation.
   a. A student will have a right to appeal suspension or expulsion in writing to the President within ten working days of receipt of the decision of the Vice President for Student Affairs.
   b. Should the student be dissatisfied with the President's decision regarding suspension or expulsion, the student may appeal in writing to the Board of Regents within five working days of receipt of the President's determination.
2. Should the veracity of the allegation be challenged by the student, he/she will have the right to a hearing. A request for a hearing will be in writing and must be made within three working days of the meeting with the Dean of Students or his/her delegate.
   a. The Hearing Committee will consist of:
      1. Two faculty members chosen by the Dean of Students from the pool of faculty identified for Hearing Committees.
      2. One faculty member from the student's department. If the student is an undeclared major a third faculty member shall be appointed in accordance with Section a, 1., above.
3. Two students. A pool of students from each college shall be selected at the beginning of each year by Student Government. If these students are unavailable, the dean will select two student panel members and an alternate to serve on the committee. Every effort will be made to ensure that women and minorities are present in the pool. The student requesting the hearing may not serve on the Hearing Committee. In cases where the student initiating the appeal is a member of a minority or a woman, every effort will be made to place a minority or a woman on the panel. Student panel members will be excused when a conflict of interest occurs.
   b. The Committee will collect information by research and interviews.
   c. The Committee will make a written report of its findings to the Dean of Students within ten working days of formation of the Committee. This report will contain recommendations of any actions and/or sanctions.
   d. The Dean of Students will review the report and recommendations and inform the student of the action to be taken sanction to be imposed. If suspension or expulsion is recommended, such recommendations will be transmitted to the Vice President for Student Affairs in accordance with section 2F of this part.
   e. The Vice President for Student Affairs will be the final level for appeal except in instances where the student is suspended or expelled.
   f. In instances where expulsion or suspension from the University is recommended, the Vice President for Student Affairs will review and make the final determination. The student's right of appeal to the President and the Board of Regents is outlined in Part IV, Section B. 1. a.-b.

V. Residence Hall Judicial Procedures

A. Northern Kentucky University seeks to protect the rights, safety, and property of all of its resident students (hereinafter referred to as "residents"). Additionally, the University is committed to the principle that all residents may use and enjoy its educational and social activities free from harassment or intimidation on the basis of their sex, race, religion, sexual orientation, national origin, disability or participation in the armed services during the Vietnam era.

In a residence hall setting, each resident has certain responsibilities to the other residents and to the University. We believe that all residents should be held responsible for their actions. Residence hall judicial procedures are established for those instances when a resident's rights or residence hall policy are allegedly violated, or when some kind of harm is done to a resident, resident's property, or University property.

The Residence Hall Judicial Process is exclusive of the University Judicial Process or any prosecution in a court of law. However, violation of residence hall policies and rules may be a basis for disciplinary action under the general University Judicial Process as described in this "Code of Student Rights and Responsibilities."

While most residents hold values that would cause them to abide by University policies, even if they were unwritten, the Residence Hall Judicial Process has been designed to discourage and to eliminate unacceptable conduct in the Northern Kentucky University residence halls.

It is the responsibility of all members of the University community to report violations of residence hall policies and procedures. Violations can be reported to any member of the residence life staff. All violations which occur on the premises of the residence halls (including but not limited to outdoor grounds, parking areas and outdoor recreation areas) will be adjudicated by the Office of Residential Life. Once a resident has been notified by a member of the residence life staff of an alleged violation, either verbally or in writing, that resident has three business days to have a disciplinary conference with the Residence Hall Director (or the designee of the Office of Residential Life). A business day is defined as a day when the business offices of the University are in operation. **It is the students' responsibility to schedule a disciplinary conference with the Residence Hall Director.**

In addition to the University judicial procedures described above, violation of local, state, and federal codes and statutes are subject to criminal prosecution, and/or civil suit in the appropriate court.

B. Disciplinary Conference

During a disciplinary conference the following will occur:

1. The charges will be explained to the resident along with the range of possible sanctions that may be imposed if the resident is found to be in violation of residence hall policies and procedures.
2. The resident may be offered the opportunity to resolve the charges in the form of an informal hearing with the Residence Hall Director. If the resident so desires, the matter can be referred to the Office of Residential Life for a formal hearing by the Residence Hall Judicial Board.

   The most serious sanctions which may be imposed by the informal adjudicator and the Residence Hall Judicial Board are relocation to another room, suspension from the residence halls for a period of time, or expulsion from the residence halls.

   If a resident fails to schedule or appear for a disciplinary conference or hearing, the adjudicator or Residence Hall Judicial Board will hear the case *in absentia* and, based on the information available, make a decision. The decision may include the imposition of a sanction. The resident will be notified of the decision, in writing, within two business days of the *in absentia* conference or hearing.

C. Informal Hearing

If a resident desires to expedite resolution of an alleged violation(s) then he/she may choose an informal hearing, with the Residence Hall Director or his/her designee (the adjudicator). The informal hearing can take place during the disciplinary conference or it can be scheduled at another date and time. The informal hearing must occur within five business days of the disciplinary conference unless a later time is mutually agreed upon.

1. If the resident desires an informal hearing then he/she will be required to sign an Informal Hearing Agreement Form which indicates that the resident understands the informal hearing process and waives his/her right to a formal hearing.
2. During the informal hearing, the resident will then present his/her view of the events and may include the testimony of any witnesses to the event.
3. Once the incident has been discussed, the adjudicator may either render an immediate decision of "in violation" or "not in violation" of the alleged charges, or may delay notification no more than three business days. If the resident is found to be in violation, then sanctions will be imposed as described in the Residential Life Sanction Guidelines.
4. If a resident found in violation questions either the adjudicator's decision or the sanctions imposed, then he/she may direct an appeal to the Director of Residential Life within two business days after receiving the results of the informal hearing. A resident will be considered "notified" when he/she has been informed of the decision in person or at the time a notification letter, or notice of a letter, has been placed in his/her campus mailbox. Verbal notification will be followed by written notification within two business days of verbal notification.

D. Formal Hearing

Should the veracity or nature of the allegation be challenged by the resident, he/she will have the right to a hearing by the Residence Hall Judicial Board (hereinafter referred to as "Board"). A request for a formal hearing must be directed in writing to the Director of Residential Life and must be made within two business days of the disciplinary conference with the Residence Hall Director.

1. The Board will consist of a minimum of five students, including a student chairperson and a University staff advisor. All students on the Board will be current residents of the residence hall and selected by the Assistant Director of Residential Life or his/her designee according to guidelines set forth in the Residence Hall Judicial Board Procedures.
2. The Board will collect appropriate information by research and interviews.
3. The resident and those who reported the incident (i.e., another student, residence hall director, etc.) will be afforded the opportunity to address the Board and present witnesses to the incident.
4. The Board will make a written report of its findings to the Director of Residential Life within five business days of the final Board meeting. This report will contain recommendations of any actions/sanctions to be taken.
5. The Director of Residential Life or designee will review the report and recommendations will not receive additional evidence and will inform the resident of the sanction to be imposed.
6. If a resident found in violation questions either the adjudicator's decision or the sanctions imposed, then he/she may direct an appeal to the Dean of Students within two business days after he/she is notified of the results of the formal hearing. A resident will be considered "notified" when he/she has been informed of the decision in person, or has had a notification letter placed in his/her campus mailbox. Written notification will be given within two business days of the verbal notification." The decision of the Dean of Students if final.

   NOTE: The Dean of Students and the Director of Residential Life reserve the right to adjudicate serious violations outside of these prescribed procedures if the welfare and safety of students is in jeopardy. This includes events that involve serious infractions of residence hall conduct codes and/or violations of the "Code of Student Rights and Responsibilities" which occur in the residence halls or elsewhere on the NKU campuses.

E. Residential Life Sanction Guidelines

If the resident is found to be in violation of University or Residence Hall policy, the hearing adjudicator will determine the sanction or sanctions to be imposed. It is important to note that the sanction guidelines are intended to be a recommended format for the adjudicator. It is possible that an adjudicator may choose to deviate from these guidelines.

Subsequent or repeated violations of policy may result in more serious sanctions. If a resident has a subsequent violation of residence hall policy, previous violations will be taken into consideration when imposing sanctions. Serious violations of residence hall Conduct Codes (see Part V, Section F, herein) and the "Code of Student Rights and Responsibilities" will be reported to the Director of Residential Life and/or Dean of Students.

Depending on the category of the offense, residents will normally be sanctioned in a sequential order beginning with a written reprimand or residence hall probation along with other sanctions, as deemed appropriate by the adjudicator.

Sanctions include:

1. **Written Reprimand** (Normally for first-time Category A offenses)
2. **Residence Hall Probation** (Normally for second-time Category A offenses and for first-time Category B offenses)
3. **Residence Hall Relocation, Expulsion or Suspension** (Normally for second-time Category B offenses and for first-time Category C offenses) Relocation to another room assignment in the residence halls or expulsion from the residence halls may be imposed when a resident is found to be in violation of policy while on residence hall probation, or when the seriousness of an event requires such action.

Additional Sanctions include:

A. **Loss of Privileges** - a resident may be denied privileges which may include, but are not limited to: visitation rights; use of residence hall facilities; restriction from specific residence hall areas.
B. **Educational/Development Activity** - a resident may be required to participate in an educational or developmental activity which may include, but is not limited to: mandatory counseling; letter of apology; organizing a residence hall activity.
C. **Restitution for Damages** - a resident may be required to reimburse the University and/or individuals for damages caused by his/her actions.

In certain cases a resident may be immediately removed from housing if the Director of Residential Life or the Dean of Students feels that temporary removal is in the best interest of the resident for his/her physical or emotional safety or the well-being of the resident population. Temporary removal shall not become permanent removal until the resident has had the opportunity to exercise his/her right to a hearing as prescribed in the Residence Hall Disciplinary Procedures.

If a student is found in violation of more than one Conduct Code, then sanctioning will be determined by the judgment of the adjudicator. For example, if a student is found in violation of noise and visitation (which are both category A offenses) then the adjudicator may sanction a written reprimand or possible residence hall probation.

F. Conduct Codes

Category A Offenses (a written reprimand will usually be sanctioned for a first-time Category A offense)

1. **Appliances** - Residents are prohibited from possession and use of those appliances specified in the *Student Housing Handbook*.
2. **Unauthorized Room Change** - Residents are prohibited from residing in a residence hall room which is not their assigned space. All room changes or moves must be made with the written consent of the Residence Hall Director.
3. **Improper Disposal of Trash** - Residents must remove all personal trash to areas designated for disposal (dumpsters). Trash may not be left in hallways, bathrooms, common areas, or on residence hall grounds.
4. **Pets** - Residents are prohibited from possessing any pets, other than fish in an approved aquarium.
5. **Solicitation** - Residents, or guests of residents wishing to engage in solicitation, sales, or fund raising must comply with the NKU sales and solicitation policy. Interested parties should contact the Student Activities office for details and to obtain a sales and solicitation permit.
6. **Quiet Hours** - Residents are prohibited from violation of policies regarding quiet hours as described in the *Student Housing Handbook*.
7. **Visitation** - Residents are prohibited from violation of any provision of the visitation guidelines as described in the *Student Housing Handbook*.
8. Residents are prohibited from parking in the circular driveway, fire lanes, or in reserved spaces around the residence halls and commons building.

Category B Offenses (Residence Hall Probation will usually be sanctioned for a second-time Category A offense and for a first-time Category B offense)

1. **Persistent Violation of a Category A Offense** - Repeated, multiple, or continual violations listed in category A will be treated as a category B offense.
2. **Alcohol** - Residents and their guests may not possess, consume, or distribute alcoholic beverages in the residence halls.
3. **Contempt of the Judicial Process** - A resident who fails to abide by a judicial sanction or takes action to influence or coerce testimony in a judicial proceeding, may be found in contempt of the judicial process.

This includes any resident who knowingly provides false information in an investigation of an incident or in a judicial proceeding.

4. **Disorderly Behavior** - Residents are not to engage in any behavior which by reasonable community standards would be considered lewd, indecent, obscene, disorderly, harmful or potentially harmful to self or others.
5. **Disregarding Reasonable Directives** - Residents are not to disregard the reasonable directive, verbal or written, or any university official or member of the residence hall staff. Residents are not to obstruct a university official or member of the residence hall staff in the conduct of assigned duties.
6. **Disrupting Residence Hall Functions** - Conduct which, by itself or in conjunction with the conduct of others, disrupts or impairs the carrying on of normal residence hall functions is prohibited.
7. **False Information** - Residents are not to use or provide false information in any form, written or verbal, to university officials (including members of the residence hall staff).
8. **Fire or Severe Weather Evacuation** - Failure to evacuate the residence halls whenever a fire or severe weather alarm sounds is strictly prohibited.
9. **Fire Safety** (Minor) - Any activity or the use of any object which causes an open flame or is considered by the hall staff to be a safety hazard (which includes, but is not limited to, unsafe room decorations, candles, incense, oil and kerosene lamps and obstruction of fire escape routes such as hallways and stairwells).
10. **Guest Responsibility** - Residents are directly responsible for the behavior of their guests while on or in the premises of the residence halls.
11. **Key Usage** - Residents are prohibited from possessing residence hall keys that have not been issued in that resident's name or lending residence hall keys to another person for any reason.
12. **Property Damage** - A resident shall take no action which damages or threatens to damage public or private property of another.
13. **Unauthorized Use of Property** - Residents are to refrain from the unauthorized use, possession or removal from a designated area, of property belonging to the residence halls, its community members, guests, or vendors.

Category C Offenses (Residence Hall Relocation, Expulsion or Suspension will usually be sanctioned for a second-time Category B offense and for a first-time Category C offense)

1. **Persistent Violation of a Category B Offense** - Repeated, multiple or continual violations of an offense listed in category B will be treated as a category C offense.
2. **Drugs** - Residents are not to possess, use, or distribute any state or federally controlled substance. This includes unauthorized distribution, possession, and use of prescription drugs.
3. **Fire Safety** (Major) - Intentionally causing a fire, fire hazard, or the unauthorized alteration, misuse, or abuse of any fire fighting equipment and safety equipment is strictly prohibited. This includes, but is not limited to, misuse of fire extinguishers, damage to exit signs, propping open fire doors, and damage to fire hose pipes.
4. **Forced Entry** - Forced or unauthorized entry into any residence hall building, wing, or room is prohibited.
5. **Physical Assault** - Residents are not to engage in any behavior which inflicts, or is intended to inflict, bodily harm upon any person, including taking reckless action which results in harm to another person.
6. **Rape** - Residents are prohibited from conduct which subjects another person to sexual intercourse by forcible compulsion or while the person is incapable of consent or when the person in under the influence of a substance which impairs his/her ability to consent.
7. **Sexual Assault** - Residents are prohibited from conduct which subjects another person to sexual contact by forcible compulsion or while the person is incapable of consent or when the person is under the influence of a substance which impairs his/her ability to consent.
8. **Reporting Emergencies** - The intentional false report of a bomb, fire, or other emergency in a residence hall facility or on University property is strictly prohibited, This includes misuse of fire pull alarms and the intentional activation of smoke detectors.
9. **Threatening Behavior** - Residents are not to engage in actions (including verbal or physical) which threaten, intimidate or which have the specific purpose of subjecting another person to harassment or intimidation.
10. **Violation of State, Federal, or Municipal Law** - Any resident who violates any state, federal, or municipal law or statute, whether specifically mentioned in this document or not, while on or in the premises of the residence halls, shall be subject to the residence hall judicial system. The adjudication of such violations may proceed independently of state, federal, or municipal agencies.
11. **Weapons and Firearms** - The possession of or use of any firearm, ammunition, explosive device (including fireworks), or other weapon on residence hall property is strictly prohibited. Weapons include, but are not limited to, martial arts weapons, knives (other than cooking utensils), bows and arrows, air guns, rifles, shot guns and BB guns.

VI. Appeal of Discrimination Complaints

Appeals of matters relating to illegal discrimination will follow the procedures outlined in Part III, 1. (Appeal of Academic Matters) or Part III, 3. (Appeal of Non-Academic Matters), as appropriate.

a. Any student who feels that he/she has been illegally discriminated against may contact the Special Assistant to the President for Affirmative Action and Multicultural Affairs. All information will be kept confidential, and the student will not be required to initiate a complaint.
b. The student may also at any time seek advice from the Dean of Students, an academic chairperson, the appropriate academic dean, or other University administrators as appropriate. They may, with the consent of the student, informally investigate and attempt to resolve the grievance. Unless the student so consents, all information will be kept confidential and the student will not be required to initiate a formal complaint.
c. The student also has the option of filing a complaint with the Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 330C Street Southwest, Room 5000, Washington, D.C. 20202-1100.

VII. Sexual Harassment Policy and Procedures

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 individuals involved in cases of alleged sexual harassment.

Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, physical, or non-physical conduct of a sexual nature when:

> submission to such conduct is a basis for employment or academic decisions, or such conduct unreasonably affects your status and well-being by creating an intimidating, hostile, or offensive work or academic environment. The harasser may be faculty, staff or a fellow student.

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.

Procedure For Reporting Sexual Harassment

The overriding goal of this procedure is to provide a prompt, equitable, fair, and rights-preserving method of handling sexual harassment complaints. At all times and at all stages the confidentiality and privacy of all the parties and proceedings will be maintained. Those who file complaints will be protected from retaliation. The University will seek to protect the reputations of all parties involved and will assure a fair procedure and a fair hearing before members of a panel who are without bias or prejudice.

The Assistant Vice President for Student Development or his/her designee will act as the initial contact for students who feel they have been sexually harassed. All records of the alleged sexual harassment will be maintained in confidential files in the Office of Student Development. During either the informal or 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 University Legal Counsel, Special Assistant to the President for Affirmative Action and Multicultural Affairs, Dean of Students, department chair, or academic dean. An annual statistical report of sexual harassment complaints will be prepared by the Assistant Vice President for Student Development. The report will not include any information which may identify any person involved in an alleged sexual harassment incident.

A. Informal Process
   1. A student who feels that he/she has been subject to sexual harassment is encouraged to seek the assistance of the Office of Student Development. If the student chooses to report a sexual harassment complaint, the Assistant Vice President for Student Development, his/her designee and/or the Office of Student Development will offer support and advice on how to resolve the problem informally. This office will be responsible for guiding the student through the sexual harassment complaint process (see A.2). The informal procedure is the first step in filing a complaint. If possible, a counselor of the student's own gender will be provided at the student's request, but in any event counseling will be made available to the student.

      The student should begin the informal process as promptly as possible after the alleged incident but normally no later than thirty (30) days after the incident or incidents. Whether this time limit should be extended shall be determined by the Assistant Vice President for Student Development.
   2. The Office of Student Development will assist the student in the following ways:
      a. provide the student with an explanation of the University's internal sexual harassment policy and procedures and also inform the student that he/she may have other possible rights and remedies external to the University's procedures.
      b. obtain from the student information on the specific nature of the complaint and the evidence which he/she has for making the complaint.
      c. after consideration of the evidence and other information presented by the student, advise the student of all options, available through internal grievance procedures, including procedures for reporting academic and non-academic complaints, if those procedures might be more appropriate.
      d. help the student articulate how the alleged sexual harassment has made him/her feel or how it has affected him/her academically, physically, or personally.
      e. assist the student to clarify the resolution sought. For example, the student may want the offensive conduct to stop, may wish an apology, may request a change in his/her instructional arrangement, or disciplinary action against the alleged harasser.
   3. The Assistant Vice President for Student Development sets up a confidential meeting with the respondent (i.e., alleged harasser) to inform him/her about the complaint. The faculty or staff respondent has the option to request the presence of his/her immediate supervisor. The student respondent may request the presence of a representative from Student Government. The informational basis of this meeting will be the complainant's account of the event or events alleged to be sexual harassment, how this made him/her feel and the resolution sought. A written copy will be made available to the respondent. The purpose of the meeting is:
      a. to inform the respondent of the details of the complaint.
      b. to attempt to reach a resolution to the complaint.
   4. If a resolution is obtained through the informal process, the Assistant Vice President for Student Development will notify the student and facilitate the implementation of the resolution. When a resolution is accepted by both parties, the Office of Student Development will prepare a written statement of the resolution. A copy of this statement is available to both parties on request. Once implementation is complete, the file will be closed. Records will be maintained confidentially in the Office of Student Development.
   5. The student must be notified in writing by certified mail if the Assistant Vice President for Student Development is unable to resolve the allegations of sexual harassment within ten (10) working days after the Assistant Vice President's initial contact with the respondent.

B. Formal Process
   1. If the informal process has not resolved the allegation of sexual harassment and the student wishes to proceed, he/she must file a formal, written complaint with the Special Assistant to the President for Affirmative Action and Multicultural Affairs within ten (10) working days after he/she has received written notification from the Office of Student Development. Counseling and assistance from the Office of Student Development will be available to the student throughout the formal process.
   2. Upon receipt of the written complaint, the Affirmative Action Coordinator, a non-voting member of the hearing panel, will be responsible for:
      a. counseling the complainant on whether the Sexual Harassment Grievance Process (as opposed to other available grievance processes) appears to be appropriate;
      b. providing the respondent with a copy of the written complaint;
      c. forming the three-member hearing panel from the pool of faculty and staff available for grievance reviews and from recommendations of students by Student Government, (one faculty member, one staff member, and one student);
      d. convening the hearing panel and selecting a chair;
      e. advising (along with Legal Counsel) the hearing panel of the characteristics of sexual harassment and of standards for identifying whether sexual harassment has occurred;
      f. scheduling the sessions of the hearing panel;
      g. calling and scheduling all witnesses requested by the hearing panel;
      h. assuring that a record of all proceedings is made;
      i. assuring that all deadlines and procedures are followed by the hearing panel;
      j. dismissing the panel at the conclusion of the hearing.
   3. The hearing panel will:
      a. conduct the inquiry into the alleged sexual harassment incident(s) with the advice of the Special Assistant to the President for Affirmative Action and Multicultural Affairs;
      b. make a determination of whether the allegation(s) are true or false and whether they constitute sexual harassment;
      c. prepare a written statement, setting forth the determination and its basis. If the hearing panel determines that sexual harassment has occurred, it will make recommendations for resolution of the sexual harassment and sanctions, if any, against the respondent. Available sanctions include, but are not limited to, reprimand, suspension without pay, and termination of employment.
   4. Within fifteen (15) days, the chair of the hearing panel will communicate the written statement on the determination to both parties (by certified mail) and to the respondent's vice president. In addition the Special Assistant to the President for Affirmative Action and Multicultural Affairs will forward the complete file to the respondent's vice president. For faculty respondents the appropriate vice president is the Provost and Vice President for Academic Affairs; for staff, either the Vice President for Administrative Affairs or the Vice President for Student Affairs; for students, the Vice President for Student Affairs. The appropriate vice president is responsible for expeditiously implementing the recommendation and/or imposing the sanctions recommended by the hearing panel as is consistent with the exercise of good and sound judgment.

C. The 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 for the appeal, and must be filed within five (5) working days of receipt of the notification of the adverse determination or recommendation. A copy of the appeal will be sent to the Special Assistant to the President for Affirmative Action and Multicultural Affairs.
   2. The Special Assistant to the President for Affirmative Action and Multicultural Affairs will inform all other parties that an appeal has been made.
   3. The appropriate vice president will make his/her determination on the record. The decision of the hearing panel will be affirmed unless there is insufficient evidence on the record to support it.
   4. The appropriate vice president will notify the parties involved of his/her determination within five (5) working days of the receipt of the appeal.

Residual Rights and Procedural Comments

The rights of either party to file a grievance under the *Faculty Handbook*, the *Personnel Policies and Procedures Manual*, or the *Student Handbook* shall not be impaired by using the Sexual Harassment Policy and Procedures.

Throughout the Formal and Informal Processes, the University officials involved are obligated to use their best efforts to explain the options available to the student. However, the University and its employees are in no way obligated to provide legal advice to the student.

The student is responsible for deciding which option among available options to pursue.

Any student or other person who knowingly files a false complaint or who knowingly provides false information may be disciplined under the *Faculty Handbook*, the *Personnel Policies and Procedures Manual*, or the *Student Handbook*.

In the event the allegations are not substantiated, the University will take reasonable steps to restore the reputation of the respondent.

Once a formal sexual harassment complaint is resolved, the closed file will be maintained in the confidential records of the Legal Counsel for the University.

Student Records

NKU keeps no records reflecting the political activities or beliefs of students; academic, disciplinary and health records are kept. Disciplinary files are held by the Dean of Students. Academic records may be maintained in the offices of Admissions, Registrar, deans, chairpersons of departments, and directors of graduate and interdisciplinary programs. Health records are kept by the Student Health Services office.

University policy, the federal Family Educational Rights and Privacy Act of 1974 (Buckley Amendment) and Section 164.283 of the Kentucky Revised Statutes strictly control the information that may be given out about students. There are civil and criminal sanctions for violations of confidentiality statutes. Unless students specifically waive their rights under these statutes, only the following directory information may be released:

1. Name
2. Address
3. Telephone Number
4. Date and place of birth
5. Major field of study
6. Participation in officially recognized activities and sports.
7. Weight and height (members of athletic teams)
8. Dates of attendance
9. Degrees and awards received while in attendance
10. The most recent previous educational agency or institution attended.
11. Other similar information (the University has defined this to include at least the following:
    the year of attendance in school, e.g., freshman; day or evening student).

Directory information may be given out on all of these topics unless students complete a Family Educational Rights and Privacy Act Form specifying which information they do not wish to be released. This form may be obtained from the Registrar's Office and should be returned to that office upon completion.

In addition, educational information may be released to certain categories of persons acting in an official capacity, e.g., faculty members or other University officers; federal, state, local law enforcement agents; and officers of any court of law. Certain records may be released to appropriate officials in situations which are life threatening.

To have educational records released in all other cases, students should contact the Office of the Registrar for advice to insure that the confidentiality of their records is properly protected.

Information about student views, beliefs, and political associations that professors or University officers acquire in the course of their work should be considered confidential. Protection against improper disclosure is a serious professional and legal obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of students.

Right to Inspect Records

Under the federal Family Educational Rights and Privacy Act of 1974 (Buckley Amendment), students have the rights to inspect and review any and all official records, files, and data pertaining to them (with specific exceptions, a list of which may be obtained from the Registrar).

Students have the opportunity for a hearing to challenge the contents of these records to ensure that the records are accurate and are not in violation of any rights of students. Students have the right to an explanation and interpretation of these records. In the event that any student believes that the records are inaccurate, misleading, or in violation of his/her privacy, the student may request the University to amend these records at that time. If the holder of the records decides at that time or within a ten-day period not to amend the file, the student may do either or both of the following:

1. Cite in writing the information believed to be inaccurate, misleading, or in violation of privacy and submit amended data; this material will be added to the student's file.
2. Request a hearing before the NKU Educational Rights, and Privacy Hearing Committee. The hearing request should be submitted in writing to the Vice President for Student Affairs. Within a reasonable time, not to exceed thirty calendar days, a hearing will take place; the student will have a full and fair opportunity to present evidence. The student may be represented by a person of his/her own choosing. A written decision, based upon the evidence taken at the hearing, will include a summary of the evidence and the reasons for the decision.

The President of the University will appoint to the three-member committee a representative from the student body selected by the president of Student Government, an administrative officer without direct interest in the outcome of the hearing and a tenured faculty member of the University.

In the event that the student is not satisfied with the decision of the NKU Educational Rights and Privacy Hearing Committee, he/she may appeal to

(continued on back page)

the Office of the Review Board of the Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

STUDENT PARTICIPATION IN UNIVERSITY AFFAIRS

Whenever possible, students should be involved in planning and making recommendations for institutional development — the exercise of this responsibility forms part of their education. Furthermore, there is a greater likelihood of responsible student involvement when students participate in institutional development. This is not to say that students can be given ultimate authority to make and carry out decisions. In the Commonwealth of Kentucky, university authority legally cannot be shared; authority is vested in Board of Regents appointed by and responsible to the Governor, who holds ultimate authority. However, this does not mean that students are denied a voice in matters of importance to their educational development; the advice of students is actively sought through formal and informal channels.

Academic Programs

Whenever possible, students should be consulted on decisions regarding the development of already existing programs. The distribution of night and day classes, calendar arrangements, library policy, and similar academic matters affect the ability of students to do academic work, and student opinions should be weighed seriously.

Other Institutional Affairs

Students have a right to be heard on questions involving the University's budget, its physical resources, and its missions and goals.

Students have primary responsibility for activities sponsored by the student body, e.g., cultural programs sponsored by the student body, student political affairs, and student publications. The advice of students should be actively sought in planning the distribution of funds for student activities. And where a student organization is given an annual budget, it should be responsible for spending the allotted funds, subject only to the usual auditing procedures employed by the University.

There are many ways through which the above principles may be properly implemented. The primary task of assuring that the diversity of student interests and opinions is adequately represented must fall upon the students themselves; individuals must take responsibility for making their views known. Students may present ideas and opinions orally or in writing to an individual faculty member, to an appropriate committee or chairperson, or to an administrative officer. Many academic units have formal arrangements for gaining advice from students through student representation on committees. A further vehicle for expression is provided through professional societies. *The Northerner* also provides a forum, notably through its letters column. Finally, to conform to the University's commitment to free expression, and to guarantee the constitutional right of free speech as outlined in the first amendment, a specific physical location on the campus has been designated as a forum area. Members of the University community wishing to avail themselves of this facility should consult the Dean of Students and the appropriate Administrative Regulations of the University.

Student Government

A most important function in enabling students to participate in the molding of the University is played by the Student Government. The objectives of Student Government, as stated in Article II of the Student Government Constitution, are:

1. To protect and promote the rights of individual students.
2. To provide for the formation of an official body to express student opinion.
3. To coordinate, maintain, and support a well-balanced social and academically oriented program for the student body.
4. To communicate ideas and coordinate activities with other colleges and universities. In its legislative capacity, Student Government passes upon issues of importance to students and to the University and then makes recommendations to the proper faculty or administrative officers.

At least once a semester the Student Forum holds meetings that are called and presided over by the Executive Council of Student Government. All registered students at NKU have the right to participate in a Forum and have the ethical obligation to attend a meeting if they have views that they believe should be brought to the attention of the student body. Any action by the Student Forum that is not ratified by the Representative Assembly is not enacted, except by general referendum (see Student Government Constitution, article VIII). The Forum is an extremely valuable vehicle for the registration of views held by members of the student body; attendance at it is a serious obligation.

The Representative Assembly consists of thirty representatives-at-large (representatives of the general student body), the chairperson of the Residential Hall Council, and those non-voting members appointed by the Student Government President. All representatives in the Assembly are required to have a GPA of at least 2.00. Representative Assembly members largely provide membership of Student Government standing committees (Governmental Affairs, Grievance and Affirmative Action, Special Events, University Affairs), though these committees are open to all students. Representatives are elected through open elections supervised and monitored for fairness by the Judicial Council (See Student Government Association Constitution, Article V). Regular meetings of the Representative Assembly are open to the academic community, and any person present may participate in the discussion and raise any questions. Meetings are presided over by the Student Government President with the assistance of the Executive Council.

The Executive Council — the President (Student Regent), Vice-President, Secretary of External Affairs, Office Administrator, and Public Relations Director — is commissioned to be the administrator of the Student Government actions.

While the Student Government, like the Faculty Senate, has no power to enforce enactments (this power being vested entirely in the Board of Regents should not be underestimated). The student body also has representation on the Board of Regents; the President of Student Government is automatically a voting member of the Board with full power to introduce and pass upon University matters.

Professional, Political, Religious, and Social Organizations

Students are free to organize and join organizations to promote their common interests, subject to the Administrative Regulations promulgated by the University. It is usually of benefit to each organization to register with the University, because all recognized organizations have the right to sponsor events, to invite off-campus speakers and guests, to use poster and sign-making equipment, and to request or reserve University facilities.

All registered organizations must have a faculty or staff sponsor. Each organization is free to choose its own sponsor. The sponsor may advice an organization in the exercise of responsibility but does not have authority to control policies of the organization.

The University asks that each organization update its membership roster annually; submission of a membership list is a condition of institutional recognition.

Campus organizations are open to all students without respect to race, age, creed, sex (with the exception of fraternities and sororities), disability or national origin. Students are free to form religious organizations, but a particular creed or philosophy may not receive special or unusual privileges or status from the University.

STUDENT MEDIA

Student publications, the student press, and other student media are valuable aids in establishing an atmosphere of free and responsible discussion and of intellectual exploration on campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating student opinion on various issues on campus and in the world at large. Student media at NKU include *The Northerner*, *Collage*, WNTV, WRFN, and the *Northern Kentucky Cause*.

Student media at NKU are sponsored by the University. Therefore, Northern Kentucky University will avoid prior restraint and will not take action unless the material to be published would materially and substantially interfere with the operation of the University.

Student editors are free to develop their own editorial policies and news coverage. Editors may not be arbitrarily suspended or removed. Only the Vice President for Student Affairs may suspend or remove an editor. Before such suspension or removal takes place, the reasons for the contemplated action are to be placed before a Publications Hearing Panel composed of one member of the University community appointed by the Dean of Students, two faculty members appointed by the Faculty Senate, and two students appointed by Student Government. The panel will assemble all pertinent information through research and interview. The student in question has the right to be informed in writing of the nature of the charges against him/her and by whom they were made. The student has the right to view evidence collected by the panel, including statements made by witnesses. He/she has the right to make a statement and present evidence to the panel. The panel will then make a report to the Dean of Students recommending a course of action in the case. The Dean will forward the recommendation to the Vice President for Student Affairs.

A student editor or contributor will not be suspended or removed simply because his/her editorial policy or writings are disapproved of by students, faculty, administrative officers, or members of the public. It must be clearly shown that he/she has deliberately and significantly violated the canons of responsible journalism through obscenity, libel, defamation of character, or harassment and innuendo.

Summary

This Code is intended to provide students with a guide to their major rights and responsibilities as members of the University community. It is designed neither to be exhaustive nor to encompass all possible relationships between students and the institution. For example, there is an increasing body of law relating to students as consumers that because of its complexity, cannot be dealt with in a document of this length.

The Code should not be seen as a series of rules imposed from above. The document was designed largely by and for students. It is endorsed by the Student Government. The Code is not rigid or unchangeable. As the relationship between students and the University continues to grow, it may be necessary to add or to modify the document. Such a change can be accomplished smoothly and efficiently if the need for it is made clear to the appropriate persons in an intelligent manner. Students need not feel that they are victims; they are creators of their own fates.

Note: Chase College of Law students should review the Chase College of Law Code of Student Conduct and Student Handbook for procedures specific to law students. As Northern Kentucky University students, they are also subject to the provisions of this handbook.

The contents of this publication are current as of October, 1992
This publication was prepared by Northern Kentucky University and was printed with state funds (KRS 57.375).
Northern Kentucky University is an Equal Opportunity/Affirmative Action Institution. 02S111

Margo file

C/Nancy Frank
We are working on this issue/csc 2-2-95 & 4 & 2-3

Received
FEB 0 2 1995
Vice President for Administration

MEMORANDUM

TO: Mary Ryan
Director of Faculty Administration

FROM: Barbara Herald
Benefits Manager

RE: Pay Schedule for Summer Sessions

Date: February 1, 1995

Payroll changes, Personnel Action Requests, etc., for the regular Summer School are due in the Office of Personnel Services as follows:

	Classes Begin	Par in Personnel	Par in Payroll	Pay Day	Final Grades Due + historical pay day	
Intersession	5-15	5-16	5-24	6-5	6-2	6-5
Eight Weeks First Half	6-5	6-12	6-14	6-30		
Second Half				7-31	7-28	7-31
First Five Weeks	6-5	6-12	6-14	7-10	7-7	7-10
Second Five Weeks	7-10	7-27	7-31	8-14	8-11	8-14
Six Weeks	6-12	6-19	6-21	7-24	7-21	7-24

Note: If a faculty member is hired to teach a summer course and does not complete the session, it is the responsibility of the Dean or Department Chairperson to issue new PAR's with the salary calculated for the person leaving as well as the new person who is hired to finish the course.

Thank You!

cc: Margo Ferrante
Karen Ogburn
Dolores Thelen
Decca Buechle
Mary Perkins

7. Supplemental Wages

Supplemental wages are compensation paid to an employee in addition to the employee's regular wages. They include, but are not limited to, bonuses, commissions, overtime pay, accumulated sick leave, severance pay, awards, prizes, backpay and retroactive pay increases for current employees, and payments for nondeductible moving expenses. Other payments subject to the supplemental wage rules include taxable fringe benefits and expense allowances paid under a nonaccountable plan.

If you pay supplemental wages with regular wages but do not specify the amount of each, withhold income tax as if the total were a single payment for a regular payroll period.

If you pay supplemental wages separately (or combine them in a single payment and specify the amount of each), the income tax withholding method depends partly on whether or not you withhold income tax from your employee's regular wages:

- If you withhold income tax from an employee's regular wages, you can use one of the following methods for the supplemental wages:

  a. Withhold a flat 28%.

  b. Add the supplemental and regular wages for the most recent payroll period this year. Then figure the income tax withholding as if the total were a single payment. Subtract the tax already withheld from the regular wages. Withhold the remaining tax from the supplemental wages.

- If you did not withhold income tax from the employee's regular wages, use method **b.** (This would occur, for example, when the value of the employee's withholding allowances claimed on Form W-4 is more than the wages.)

Regardless of the method you use to withhold income tax on supplemental wages, including bonuses, supplemental wages are subject to social security and Medicare taxes.

Tips treated as supplemental wages.— Withhold the income tax on tips from wages or from other funds the employee makes available. If an employee receives regular wages and reports tips, figure income tax as if the tips were supplemental wages. If you have not withheld income tax from the regular wages, add the tips to the regular wages. Then withhold income tax on the total. If you withheld income tax from the regular wages, you can withhold on the tips by method **a** or **b** above.

Vacation pay.—Vacation pay is subject to withholding as if it were a regular wage payment. When vacation pay is in addition to regular wages for the vacation period, treat it as a supplemental wage payment. If the vacation pay is for a time longer than your usual payroll period, spread it over the pay periods for which you pay it.

Backpay under a statute.—Treat backpay as wages and withhold and pay employment taxes as appropriate. If backpay was awarded by a court or government agency to enforce a Federal or State statute protecting an employee's right to employment or wages, special rules apply for reporting those wages to the SSA. These rules also apply to litigation actions, and settlement agreements or agency directives that are resolved out of court and not under a court decree or order. Examples of pertinent statutes include, but are not limited to, the National Labor Relations Act, Fair Labor Standards Act, Equal Pay Act, Civil Rights Act, and Age Discrimination in Employment Act. Get **Pub. 957,** Reporting of Backpay Awards to the Social Security Administration, for details.