

<u>Year Law Enacted</u>	<u>STATE LAW</u>	<u>ATTORNEY GENERAL OPINION</u>	<u>UNIVERSITY OF KENTUCKY</u>
	<u>Status to Vote</u>	<u>Status to Serve</u>	<u>UK Board Gov. Regs.</u>
(<1960 -	“The board of trustees may grant degrees ... upon the recommendation of the faculty of the university ” KRS 164.240 (in effect from prior to 1960 – present))		1955 – Board amends Gov. Regs. to define that “The faculty of a college shall consist of its dean and all its personnel having the rank of assistant professor, associate professor, or professor. Membership , with or without voting privileges, may in addition be extended by a college faculty...” (Gov. Regs. V; reenacted 1960)
1960 -	Amendment to KRS 164.131 adds two faculty nonvoting members to UK Board of Trustees		1960- University President (Chairperson of the faculty of the University) calls meeting of “all faculty members of the University” with the rank of assistant professor or above [i.e., all de facto members of the faculties of all of the colleges] to decide election procedures, which was decided to include establishment of a special election committee to run the election
	1960 - “all faculty members of the university having the rank of assistant professor or above ” KRS 164.130(2)	1960 - “ <u>teaching and research members of the faculty of the University</u> of Kentucky having the rank of assistant professor or above” KRS 164.130(2)	
1968-	Amendment to KRS 164.131 adds nonvoting student member to UK Board of Trustees		1967- Univ. Senate adopts Election Rules that for both <i>voting</i> and to <i>be elected</i>: 1- must be asst prof or higher 2- must be engaged full-time in teaching and/or research 3- no administrative title (except chairman) 4- ineligible are librarian, extension faculty; CC System faculty (whose two-rank structure is “Instructor” , “Senior Instructor”)
		1968 - Attorney General distinguishes “ faculty member ” from “employee of the institution”; Attorney General defines the “faculty of a college” as a “ body ”, e.g., “[t]he teaching body ”; approves as consistent with state law the distinction of a “faculty member” as one “who spends <u>over one-half</u> of his <u>working time</u> in teaching and/or research and directly related activities.... [t]hus distinguished from that of an administrative officer” (OAG 68-611)	1970 – Board GRs expressly define faculty senators as “ full-time ” faculty, elected from the respective college faculties (Gov.Reg. IV)
1972-	Amendment to KRS 164.131 makes UK Faculty Trustees and Student Trustee gain voting member status on Board of Trustees		1970 – University Senate reconfirms 1967 election Rules
			1971 – University Senate amends Senate Rules to accommodate newly acquired status of assistant professor and higher ranks of CC System faculty as making them now eligible to vote and serve; amends Rules to include eligibility of Librarians to vote and serve; expands list of qualifying duties to alternatively include “librarian” or “counseling”; (note: still contradicts state law by imposing same eligibility qualifications for voting as for eligibility for election)
			1971 – Board GRs restructure CC System faculty ranks to be Instructor, Asst Prof, Asso. Prof., Prof. (Gov. Reg. VII.A.2)
			1972 – President’s Administrative Regulation for Librarians that implements Board’s 1966 action add phrase that faculty in Librarian Title Series possess same privileges as faculty of equivalent professorial ranks (AR II-1.0-1)

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(<1960 -	<p>“The board of trustees may grant degrees ... upon the recommendation of the faculty of the university...” KRS 164.240 (in effect from prior to 1960 – present))</p> <p>1960 “all faculty members of the university having the rank of assistant professor or above” KRS 164.130(2)</p>	<p>1960 “<u>teaching and research</u> members of the faculty of the University of Kentucky having the rank of assistant professor or above” KRS 164.130(2)</p>	<p>1970 Board reenacts GRs stating “The faculty of a college shall consist of its dean and all its personnel having the rank of assistant professor, associate professor, or professor. Membership, with or without voting privileges, may in addition be extended by a college faculty...” (Gov. Reg. VII.A.4)</p>
1980- Amendment to KRS 164.131 adds Community College System Faculty Trustee to UK Board of Trustees; the new language reiterates that the faculties of the community colleges comprise the faculty of the Community College System	<p>1980 “member of the <u>teaching</u> faculty of the Community College System” KRS 164.130(4)</p>	<p>1974- Attorney General reiterates that eligibility criterion for election of being a “teaching or research” faculty member ... means that the person’s duties must be teaching or research as opposed to administrative.” (OAG 74-632)</p>	<p>1979 - Board amends GRs to expressly state that “The faculty of a college shall consist of its dean ... and all <u>full-time</u> faculty personnel having the rank of assistant professor, associate professor, or professor, in the [tenure track] regular, special title or extension title series. Membership, with or without voting privileges, may in addition be extended by a college faculty...” (Gov. Reg. VII.A.4)</p>
- 1980 Adds third Faculty Trustee to UK Board of Trustees “ shall be elected by ... members of the community college faculties ” KRS 164.130(4)			<p>1976- University Senate amends Senate Rules to “conform to the state statute” by removing the criterion of teaching and/or research duties as a criterion of eligibility to <i>vote</i>, retaining that as a criterion of only eligibility to <i>serve</i>; this enabled Extension Title Series faculty to gain the status of voting eligibility within the letter of the law also amends Rules to express eligibility to vote in terms of the following criteria:</p> <ol style="list-style-type: none"> 1- assistant professor or higher rank 2- tenured or tenure-track position 3- eligible for Board-approved retirement program <p>(note: Criteria 1 and 2 are those defining the de facto “members” of college faculties, which also imbeds the qualification of fulltime status. Criterion 3 is designed to remove from voting eligibility full-time but transitory visiting faculty. Criteria 1-3 also accomplish removing from eligibility those doing only counseling activities, without removing Librarian faculty from eligibility)</p> <p>Oct. 1976 – University Senate amends Rules to clarify that “primary assignment in a faculty role” means “50% or more involvement in teaching, research and/or service.”</p> <p>1980 – Senate Council, without presentation to full University Senate, directs Rules Committee to codify intent of 1980 legislation concerning CC System Faculty Trustee</p>

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(<1960 -	“The board of trustees may grant degrees ... upon the recommendation of the faculty of the university...” KRS 164.240 (in effect from prior to 1960 – present))				
1984-	Amendment to KRS 164.131(3) removes extra criterion for eligibility to serve as faculty trustee; makes extension title series faculty now eligible to serve			1984 – Board amends GRs as per 1984 change to state law, to remove “teaching and research” duties as limiting criteria of eligibility to serve as Faculty Trustee (GR II)	1984 - Senate Rules are amended to reflect 1984 change to state law, by adding to Rules “service” to “teaching or research” as criteria for eligibility for election as Faculty Trustee
	1960 “all faculty members of the university having the rank of assistant professor or above” KRS 164.130(2)	1984 “ teaching and research members of the University of Kentucky having the rank of assistant professor or above” KRS 164.240 (in effect 1960 – present)			Nov. 1984 - In effort to remove transient visiting faculty, who are not members of college faculties , from being unintentionally included as eligible to vote in Faculty Trustee election, UK Senate amends Rules to add provision that persons on terminal contract are not eligible to vote (note: this provision also had effect of removing from eligibility members of college faculties who are on terminal contract, which violated state law because state law makes no provision to exclude such members of the faculty of the university).
1992 -	Nepotism provision added to KRS 164.225 concerning employment of a relative of a member of the Board of Trustees		1994 - Attorney General opinion confirms that faculty of the University of Kentucky are officially organized as legally recognized discrete bodies, as members of faculties of colleges (OAG 94-25)	1998 – Board amends GRs to define that Lexington Community College Faculty are part of University System; its faculty are a faculty of a college for purposes of voting for representative to UK Senate (Gov. Reg. IV)	1998 - UK Senate Rules and Elections Committee implements new Board GR that LCC faculty are a faculty of a college , by making interpretation that status as faculty of college makes the LCC faculty to be members of the faculty of the university , for purposes of Faculty Trustee election by the statutory body “the faculty of the university”; no new Rules language is needed
1997-	Community College System Faculty Trustee removed from UK Board of Trustees and moved to KCTCS Board of Regents (KRS 164.131(1)(3); KRS 164.321); - creates Staff Trustee member of Board; - defines President, Vice Presidents, Deans, Department Chairpersons as nonteaching staff personnel (KRS 164.131(4))				2001 – UK Senate is informed that the faculties of colleges containing individuals in the nontenure track Clinical Title Series (established 1986) and Research Title Series (established 1979) have extended membership privileges the individuals in those title series, which make those individuals thus “members of the faculty of the University.” However, because the Medical Center maintains them on sequential terminal contracts, the terminal contract criterion adopted in May 1984 improperly blocks their voting status. Senate amends election Rules to remove criteria of terminal contract and retirement program status
2004-	Lexington Community College is transferred from UK to KCTCS, thereby removing the LCC faculty body from membership, as a college faculty body, in “the faculty of the university.” (Joint resolution of General Assembly)		2004 - Attorney General reaffirms 1968 AG opinion that distinguishes “faculty member” from “employee of the institution”; in which Attorney General defines the “faculty of a college” as a “ body ”, e.g., “[t]he teaching body ”; and approves as consistent with state law the distinction of a “faculty member” as one “who spends <u>over one-half</u> of his <u>working time</u> in teaching and/or research and directly related activities ... [t]hus distinguished from that of an administrative officer” OAG 04-006		