

What are the voting rights of department chairs and other faculty administrators at UK?

State law reserves to “the Faculty” the power to recommend candidates for degrees to the Board of Trustees. With regard to the election of faculty trustees, state law says,

The two (2) University of Kentucky faculty members shall be of the rank of assistant professor or above. They shall be elected by secret ballot by all University of Kentucky faculty members of the rank of assistant professor or above.

The Commonwealth’s Attorneys General have interpreted these laws to mean that “faculty members” are those who perform teaching and research, rather than duties of an administrative nature, more than 50% of their working time.

Until 2009, the Board of Trustees required the University to use Distribution of Effort forms (DOEs) to determine who were “faculty members” in the above sense of the law. However, serious problems arose in using DOEs:

- The chair of the University Senate’s Rules & Elections Committee had to examine the DOE of every potentially eligible employee to ascertain their primary duties.
- Some administrators, upon being informed of the 50% threshold for voting eligibility, changed their DOE from 50% or more administration to 49.9%, with no corresponding change in their duties.
- Some department chairs’ DOEs listed 0% administrative duties.

As a result of these problems, and in order to more closely adhere to the intent of the state law, the Provost, deans, President, and Senate Council all agreed in 2009 that the University should henceforth determine voting eligibility by rank, and that, for purposes of determining voting eligibility under the state laws mentioned above, “faculty members” should be those in a rank below the level of department chair or director. The Board of Trustees and the President subsequently incorporated this new policy into the University’s Governing and Administrative Regulations.

Everyone understands that most department chairs, especially those in colleges where the tradition is to serve a short time as chair and then return to the ranks of the “regular” faculty, think of themselves as faculty first and administrators only incidentally. Nevertheless, the University and its components must adhere to state law, which requires that they ascertain each faculty member’s “primary duties,” and the collective decision of the University’s policy-making bodies (both faculty and administrative) in 2009 was that rank was far superior to DOE for this purpose. The question then became, where should the University’s regulations draw the line between “regular” and “administrative” faculty for the purpose of determining eligibility to vote in matters reserved by state law to “the Faculty?” Because a chair has significant authority over faculty in his or her unit, and because the chair is beholden to higher administrators for his or her position, the administration and the Senate Council agreed that it was more appropriate to group chairs with faculty administrators rather than with regular faculty for this purpose only.

For a more detailed description of the process by which the current situation developed, please see this [report](#). The report also lists the many faculty privileges that chairs, deans, and other faculty administrators otherwise retain.