

## Brothers, Sheila C

---

**From:** Communicate with faculty RE: trustee election [FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU] on behalf of Jones, Davy [djones@UKY.EDU]  
**Sent:** Friday, January 06, 2012 1:17 PM  
**To:** FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU  
**Subject:** Announcement: Beginning of Faculty Trustee Election Process  
**Attachments:** Nomination Petition.docx

### Members of the University Faculty,

The UK Board of Trustees is the highest governing body of the University and establishes the various policies directly affecting the programs created by, employment conditions of, and the academic careers of, the University Faculty.

**Faculty Trustee Joe Peek resigned from his seat on the UK Board of Trustees, effective December 31, 2011.** Under state law,<sup>1</sup> an election must be held to determine a member of the University Faculty body who will fill the seat for the remainder of its unexpired term, through June 30, 2013. The UK Board of Trustees has delegated to the University Senate the authority to conduct the election,<sup>2</sup> and the University Senate has in turn delegated the certification of candidate and voter eligibilities in the election to the Senate's Rules and Elections Committee.<sup>3</sup> **This announcement briefly explains the election process that is now commencing.** The objective is to complete the election in time for the new Faculty Trustee to be sworn in and attend the next scheduled Board of Trustees meeting on Feb. 21, 2012.

**A. Persons Eligible to Submit Nominations.** The Senate Council Office will receive (either hand-delivered to 203E Main Bldg. or by color pdf scan to [sbrothers@uky.edu](mailto:sbrothers@uky.edu)) nominations of candidates submitted by any faculty employee of any title, rank series, or administrative assignment; whether full-time, temporary or part-time; and including those who may not be a member of the formal College Faculty body of their college. The deadline for submitting the petition is noon Friday, January 20, 2012. The faculty employee taking responsibility for submitting the petition is responsible to (1) confirm that at least ten (10) persons signing the petition are eligible to vote in the election, (2) confirm that the individual being nominated is eligible to be elected and (3) confirm the individual nominated is willing to serve. Persons may self-nominate. A petition form provided by the Senate Council Office must be used (a copy is also attached to this email). Submitted petitions will not be opened and certified until after the above deadline for submission of petitions. Petitions not satisfying one or more of the above requirements will not be certified and the nominated person will not be placed on the ballot.

### **B. University Faculty Members Eligible to Sign Nominating Petitions and Vote.**

Persons eligible to sign nominating petitions and vote in the election must be a member of the University Faculty (i.e., a member of the faculty body of one of the colleges), who are in a status of regular, full-time employment in the Regular Title Series, Special Title Series, Extension Title Series, Librarian Title Series, Clinical Title Series<sup>5</sup> or Research Title Series<sup>6</sup> or at or above the rank of Assistant Professor, who have not been appointed to an administrative position at/above the level of department chair,<sup>4</sup> and who are not on phased retirement.

**C. University Faculty Members Who are Eligible to be Elected.** Under current state law and University regulations, persons eligible to be elected must be a member of the University Faculty (i.e., a member of the faculty body of one of the colleges), who are in a status of regular, full-time employment, and with a rank of Assistant Professor (or its equivalent) or higher, in either the Regular

Title Series, Special Title Series, Extension Title Series or Librarian Title Series, (but who have not been administratively appointed to a position at/above the level of department chair<sup>4</sup> nor are on phased retirement). Also note, the University by state law is not allowed to employ a relative of a Faculty Trustee<sup>7</sup>.

The election of a representative of the University Faculty to the UK Board of Trustees is an important authority afforded directly to the members of the University Faculty through state law enacted by the Kentucky Legislature. All individuals eligible to participate in any of the above election capacities are strongly urged to do so, to ensure the quality of the election and thereby maximize the stature and presence of the chosen University Faculty representative on the Board of Trustees.

**Davy Jones, Chair  
Senate Rules and Elections Committee**



<sup>1</sup> KRS 164.130(3); web link: <http://www.lrc.ky.gov/KRS/164-00/131.PDF>

<sup>2</sup> GR II.A.2.b(1); web link: <http://www.uky.edu/Regs/files/gr/gr2.pdf>

<sup>3</sup> Senate Rule 1.4.2.1; click this [link](#)

<sup>4</sup> HRPP 4.1.1.1, web link: <http://www.uky.edu/HR/policies/hrpp004.html> ; reviewed in detail [here](#), but summarized briefly below.

<sup>5</sup> Admin. Reg. 2:6, web link: <http://www.uky.edu/Regs/files/ar/ar2-6.pdf>

<sup>6</sup> Admin. Reg. 2.5, web link: <http://www.uky.edu/Regs/files/ar/ar2-5.pdf>

<sup>7</sup> KRS 164.225; click this [link](#)

---

**Brief Summary of Status of Faculty Members Who are Administratively Appointed to Positions At/Above the Level of Department Chair:**

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 Attorney Generals 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 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 Senate Council, President, Provost, and deans agreed in 2009 that the University should henceforth determine voting eligibility by hierarchical 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.<sup>4</sup>

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 hierarchical rank was 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's position depends on higher administrators, the administration and the Senate agreed that, for the purpose of election of a Faculty Member to serve on the Board of Trustees, and as Faculty Senator to serve in the University Senate, it was more appropriate to group chairs with administrators rather than with regular faculty.

See [here](http://www.uky.edu/Faculty/Senate/files/Status%20of%20Academic%20Administrators%20as%20Faculty%20Members.pdf) (<http://www.uky.edu/Faculty/Senate/files/Status%20of%20Academic%20Administrators%20as%20Faculty%20Members.pdf>) for a more detailed description of the process by which the current situation developed. It also lists the many faculty privileges that chairs, deans, and other faculty administrators otherwise still retain.