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**From:** UK University Senate [BE-UniversitySenate@UKY.EDU]  
**Sent:** Friday, December 16, 2011 5:10 PM  
**To:** Jones, Davy  
**Subject:** Announcing Faculty Trustee Election Process

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

**Faculty Trustee Joe Peek has submitted notification that he is resigning 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 will begin upon return from the holiday break.** 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. University Faculty Members Eligible to be Nominated as Candidates.** An individual qualified to be a candidate may be nominated by the submission to the Office of the Senate Council of a written petition that contains the supporting original signatures of at least 10 University Faculty members who themselves are eligible to vote in the election. The person submitting the petition is responsible to confirm in submitting the petition that the individual being nominated is on the list of those eligible to be elected, as well as that the individual nominated is willing to serve. (A petition form provided by the Senate Council Office must be used). A list of the members of the University Faculty who are eligible to be elected to serve as Faculty Trustee will be posted soon after the holiday break; a link to that list will be sent to all University Faculty.

**b. Persons Eligible to Submit Nominations.** The Office of the Senate Council will receive 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 will be communicated to all University Faculty immediately after the holiday break. The tentative deadline for the submission of a petition will be no earlier than noon on Friday, January 13, 2012.

**c. University Faculty Members Who are Eligible to be Elected.** Under current state law and University regulations, in order for an individual with a status as a faculty employee to be eligible for election, the individual must be a member of the College Faculty body of one of the colleges (which makes the individual thereby a member of the University Faculty body), who is 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

has not been administratively appointed to a position at/above the level of department chair,<sup>4</sup>). A list of those members of the University Faculty body who meet these qualifications for election will be posted soon after the holiday break; a link to that list will be sent to all University Faculty. (Also note, the University by state law is not allowed to employ a relative of a Faculty Trustee<sup>5</sup>).

**c. University Faculty Members who are Eligible to Vote.** Under current state law and University regulations, in order for an individual with a status of faculty employee to be eligible to vote, the individual must be a member of the College Faculty body of one of the colleges (which makes the person thereby a member of the University Faculty body), who is in a status of regular, full-time employment, and with a rank of Assistant Professor or higher, in the Regular Title Series, Special Title Series, Extension Title Series, Librarian Title Series, Clinical Title Series,<sup>6</sup> or Research Title Series<sup>7</sup> (but who has not been administratively appointed to a position at/above the level of department chair<sup>4</sup>). A list of those members of the University Faculty body who meet all of the qualifications for voting will be posted soon after the holiday break; a link to that list will be sent to all University Faculty.

The election of a representative of the University Faculty to the UK Board of Trustees is an important authority afforded directly to the University Faculty through state law enacted by the Kentucky Legislature. All individuals eligible to participate in any of the above 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**

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<sup>1</sup> KRS 164.131(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> KRS 164.225; click this [link](#)

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

<sup>7</sup> Admin. Reg. 2:5, web link: <http://www.uky.edu/Regs/files/ar/ar2-5.pdf>

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### **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](#) 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 retain.