

Brothers, Sheila C

From: Jones, Davy
Sent: Monday, April 21, 2014 1:17 PM
To: FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU
Subject: Faculty Trustee Election - Start of First Round of Voting

Members of the University Faculty:

This email notification is being sent to all members of the University Faculty eligible to vote in Faculty Trustee elections.¹ State law establishes the positions of two Faculty Trustees on the University of Kentucky Board of Trustees.² The purpose of this notice is to announce the initial round of voting in the election of a new **Faculty Trustee**. Under University Senate Rules, there will be an initial voting round, from which the top three vote getters advance to the final round (unless a candidate receives more than 50% of the vote on the initial round).

The outcome of the recent nomination process resulted in the certification of seven candidates. The seven candidates in the initial round of voting (alphabetically, with college affiliation):

Alan Desantis (Communication and Information)

Robert Grossman (Arts and Sciences)

Paul Kearney (Medicine)

Joan Mazur (Education)

Frank Scott (Business and Economics)

Richard Underwood (Law)

Wally Whiteheart (Medicine)

Under the state law, the Faculty Trustee is to be elected by the vote of the members 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 Series⁵ or Research Title Series⁶ at or above the rank of Assistant Professor, or who are tenured phased retirement faculty, and who have not been either appointed to an administrative position at/above the level of department chair⁴ or assigned a 50% or greater administrative assignment. All University faculty employees, regardless of rank, title series or administrative assignment, as well as any of the elected College Faculty Councils, are here encouraged to urge their colleagues to turn out even more strongly in the one and only (final) round of voting that is beginning today.

The electronic voting process for voting in the preliminary round is now open (Monday, April 21, 2014) at the site provided below and will remain open through noon, Monday, April 28, 2014.

For the election site, click [HERE](https://sweb2008.uky.edu/USC/rnominate.php) (<https://sweb2008.uky.edu/USC/rnominate.php>).

Once you are at the site, to enter the voting page, you will need to enter your link blue ID/Password.

Our University is in a particularly sensitive time. New budgetary and programmatic policies are being formulated that will affect the careers and programs of every University Faculty member. A large turn-out by the University Faculty in this election will empower our elected representatives to the Board with a strong mandate to participate vigorously in the formation of these policies.

The voting process is simple and takes just a moment. Please visit the voting site by clicking [HERE](#) and cast your vote now. The Election Statement, Biosketch and Home Department Web Page of each of the candidates can be found within the election site, as well as on the University Senate's [election page](#).

Thank you very much for your participation in this election.

Davy Jones, Chair
University Senate Rules and Elections Committee



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

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

³ Senate Rule 1.4.2.1; click this [link](#)

⁴ HRPP 4.0, web link: <http://www.uky.edu/HR/policies/hrpp004.html>; reviewed in detail [here](#), but summarized briefly below.

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

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

From: Jones, Davy
Sent: Wednesday, April 02, 2014 7:50 PM
To: FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU
Subject: Faculty Trustee Election - Extension of Nomination Stage

Members of the University Faculty,

The period for submission of nomination of candidates for the election of Faculty Trustee has closed in accordance with the previous notice. Only one nomination petition was submitted, and the nominated individual certified as a candidate in the election.

According to the University Senate Rule 1.5.2.A

"if only one (1) person is nominated, the nomination period shall be extended by one (1) week with notification to all eligible faculty voters. If no other nominations are put forward at this point, the sole nominee shall be declared elected."

Therefore, the nomination period is being extended to 10 a.m. April 10, 2014. A nomination petition for is attached here. The nomination procedures during this extended period are the same as in the original nomination stage announcement (reprinted below).

Davy Jones, Chair
Senate Rules and Elections Committee

From: Communicate with faculty RE: trustee election [FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU] on behalf of Jones, Davy [djones@UKY.EDU]
Sent: Tuesday, March 25, 2014 11:48 AM
To: FACULTYTRUSTEEELECTION-L@LSV.UKY.EDU
Subject: Faculty Trustee Election - Initiation of Nomination Stage

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.

The term of Faculty Trustee Irina Voro on the UK Board of Trustees is ending June 30, 2014. Under state law,¹ an election must be held to determine a member of the University Faculty body who will fill the seat for the new term that begins July 1, 2014. The UK Board of Trustees has delegated to the University Senate the authority to conduct the election,² 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.³ **This announcement briefly explains the election process that will soon begin.**

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) 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 **10 a.m., April 2, 2014**. 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 Series⁵ or Research Title Series⁶ at or above the rank of Assistant Professor, or who are tenured phased retirement faculty, and who have not been either appointed to an administrative position at/above the level of department chair⁴ or assigned a 50% or greater administrative assignment. A list of University Faculty members eligible to vote is posted at the University Senate web site for this election (click [here](#)).

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), not on phased retirement, 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, and who have not been either appointed to an administrative position at or above the level of department chair⁴ or been assigned a 50% or greater administrative assignment. Also note, the University by state law is not allowed to employ a relative of a Faculty Trustee.⁷ A list of University Faculty members eligible to be elected is posted at the University Senate web site for this election (click [here](#)).

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



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

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

³ Senate Rule 1.4.2.1; click this [link](#)

⁴ HRPP 4.0, web link: <http://www.uky.edu/HR/policies/hrpp004.html>; reviewed in detail [here](#), but summarized briefly below.

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

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

⁷ KRS 164.225; click this [link](#)

Brief Summary by the SREC 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” must 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.⁴

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 still retain.