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**Subject:** Procedures for Disputing Eligibility in an Election  
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## All University Faculty Members:

The Senate Rules and Elections Committee (SREC) will use the procedures described below to respond to faculty members who believe an error has been made in determining his/her eligibility in an election. Some background information and a rationale for the new procedure is also provided.

Thank you for your continuing interest in this Faculty Trustee election.

**[Davy Jones, co-Chair, Senate Rules and Elections Committee](#)**

**[Joan Mazur, co-Chair, Senate Rules and Elections Committee](#)**

**[Roger Brown, Chair, Elections Subcommittee](#)**

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### Procedures for Disputing Eligibility in an Election

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#### Rationale

Pursuant to state law KRS 164.131(3) and Attorney General interpretations of state law, the Board of Trustees in Governing Regulation II.B.2.b.(1) has directed the University Senate to conduct the election of Faculty Trustees, and has directed the University Senate to apply the qualifications criteria specified in GR II.B.2.b.(1), AR 4.0 and other Board actions. Under the criteria specified in the Governing Regulations and HRPP AR 4.0, the eligible voters are the regular, full-time faculty employees with academic rank at or above the level of assistant professor, who are members of a college faculty and who do not have an administrative assignment at or above the level of department chair and who do not have 50% or more DOE assignment of administrative duties.

The University Senate, and its instrument the Senate Rules and Elections Committee (SREC), do not independently generate or possess the faculty employment information that is required to ascertain which faculty employees are eligible to vote in the Faculty Trustee election. The Board of Trustees is quite specific that *“(t)he University Senate is not assigned any management or administrative functions.”* The Senate Rules and Elections Committee has previously noted that the Board of Trustees in GR VII.F.2.(c) requires *“(t)he dean is responsible ... for the assignment of duties to all personnel.”* The SREC also notes that the Provost has

implemented GR VII.F.2 by way of the 05/24/2014 policy memo that prescribes entry of faculty DOE into the electronic database and the dean's final signature on DOE and revisions to DOE:

*"The version 1 DOE form must be signed by the faculty member, department chair or director, and dean. Subsequent changes to the detailed effort require the form be signed by the faculty member, department chair or director, and dean."*

[http://www.uky.edu/eForms/forms/dae\\_provost\\_inst.pdf](http://www.uky.edu/eForms/forms/dae_provost_inst.pdf)

Accordingly, the SREC initially attempted a method of exercise of the above framework to determine voter eligibilities. This initial method has apparently not become effectuated as sought by the SREC. Therefore, the SREC had approved the following modified method for the final round of voting.

### Procedures

If a faculty member (Petitioner) believes that an error has been made in determining his/her eligibility in an election, the Petitioner shall follow the following steps:

STEP 1: If voting is not currently underway, go to STEP 2. If voting is currently underway, the Petitioner shall immediately complete and submit a Provisional Ballot located at the Senate Council's Election Information webpage or the Senate Council Office before voting ends.

STEP 2: The Petitioner shall email the SREC chair and the SREC Elections Subcommittee chair as soon as practicable to notify them that a suspected error in election eligibility has occurred. The SREC Elections Subcommittee chair or his/her designee shall respond to the Petitioner via email as soon as practicable with the specific reason(s) the Petitioner is not eligible or with a statement that an SREC error was made and corrected. If an SREC error was made and corrected, go to STEP 5; otherwise, go to STEP 3.

STEP 3: If the Petitioner believes that the cause of the Petitioner's ineligibility results from incorrect information on which the SREC relies (e.g., erroneous data about the Petitioner's DOE in the Faculty Database), the Petitioner shall provide incontrovertible evidence of the error (e.g., an email statement from the Petitioner's Dean) via email to the SREC Chair and the Chair of the SREC Elections Subcommittee before voting ends.

STEP 4: The SREC Elections Subcommittee shall review the Petitioner's submitted evidence and reassess the Petitioner's eligibility as soon as practicable. If the SREC Elections Subcommittee determines that the Petitioner's evidence is not incontrovertible, the Petitioner may return to STEP 3. If the voting period begins and

the SREC Elections Subcommittee has not yet made a determination, the Petitioner shall submit a Provisional Ballot (see STEP 1) before voting ends.

STEP 5: If the SREC Elections Subcommittee determines that the Petitioner is eligible, the SREC Elections Subcommittee chair shall arrange for the online voting system to be updated accordingly if practicable or, if not, direct the Petitioner to submit a Provisional Ballot (see STEP 1) before voting ends.

STEP 6: When voting ends, the SREC Elections Subcommittee shall review all Provisional Ballots and evidence submitted before voting ended and, if appropriate, add those results to the vote totals from the online voting system before determining the final results of the election.