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## ELIGIBILITY TO NOMINATE, RUN, AND VOTE IN FACULTY TRUSTEE ELECTIONS

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### Senate Rules and Elections Committee (SREC)

February 5, 2020

#### 1. Authority

The Board of Trustees in Governing Regulation [GR II.B.2.b.1](#) delegates the University Senate the authority to conduct the election of Faculty Trustees. State law [KRS 164.131\(3\)](#), Governing Regulation [GR II.B.2.b.1](#), Attorney General opinions, Administrative Regulations, and other Board decisions establish certain eligibility criteria for persons to nominate, run, and vote in Faculty Trustee elections. The University Senate has delegated to the Senate Rules and Elections Committee ([SR 1.5.2](#)) certification of faculty member eligibility in Faculty Trustee elections ([SR 1.4.2.1](#)).

#### 2. Eligibility to Nominate

To nominate in a Faculty Trustee election, you must be a faculty employee as defined by Human Resources Policy & Procedure Administrative Regulation #4 ([HRPP AR 4.0](#)). Such faculty employees may be on phased retirement, may have regular, temporary, or part-time employment, or may be in administrative positions at or above the level of department chair, including appointments as directors of multidisciplinary research center or equivalent educational units ([GR VII.B.1](#); [GR VII.C.1 and 5](#)).

A list of persons eligible to nominate in a Faculty Trustee election will be posted on the Senate Council website and available at the Senate Council office during the nomination period of each Faculty Trustee election.

#### 3. Eligibility to Run

To run in a Faculty Trustee election, you must satisfy two requirements. One, you must be a regular, full-time faculty employee as defined by Human Resources Policy & Procedure Administrative Regulation #4 ([HRPP AR 4.0](#)). Two, you must also be a tenured or tenure-eligible member of a college faculty body ([GR VII.E.3.a](#)) with academic rank within that college at or above the level of assistant professor or its equivalent (e.g., Librarian III). Please note that according to [HRPP AR 4.0](#) faculty employees are ineligible to run in Faculty Trustee elections if they have either a 50% or more total administrative assignment or any appointment at or above the level of department chair, including appointment as director of a multidisciplinary research center or equivalent educational unit ([GR VII.F](#); [GR VII.B.1](#); [GR VII.C.1 and 5](#)).

A list of persons eligible to run in a Faculty Trustee election will be posted on the Senate Council website and available at the Senate Council office during the nomination period of each Faculty Trustee election.

#### 4. Eligibility to Vote

To vote in a Faculty Trustee election, one of the following must be true: (1) you are eligible to run in the election, (2) you are a tenured faculty employee on phased retirement ([SR 1.5.2](#)), or (3) you are a regular, full-time faculty employee as defined by [HRPP AR 4.0](#) in the Research Title Series or Clinical Title Series at or above the level of assistant professor, have been extended membership in your college faculty body in accordance with [AR 2:5.II](#) and [AR 2:6.VII.C](#), and do not have either a 50% or more total administrative assignment or any appointment at or above the level of department chair, including appoint as director of a multidisciplinary research center or equivalent educational unit ([GR VII.F](#); [GR VII.B.1](#); [GR VII.C.1 and 5](#)).

A list of persons eligible to vote in a Faculty Trustee election will be posted on the Senate Council website and available at the Senate Council office during the nomination and voting periods of each faculty Trustee election.

#### 5. Eligibility of Administrative Officers to Participate

Human Resources Policy & Procedure Administrative Regulation #4 ([HRPP AR 4.0](#)) states that “faculty employees with administrative assignments at or above department chair are not eligible to participate in the election” of faculty trustees or in other elections to “faculty governance bodies above the college level.”

##### What constitutes participation in an election?

For many years, the SREC has opined that persons at or above the level of department chair may nominate in faculty trustee elections, even though these persons are not eligible to vote or run in these elections ([HRPP AR 4.0](#)).

##### What positions are “at or above department chair”?

[GR VII](#) defines the organizational structure of the university and identifies two types of “administrative officers” ([GR VII.F](#)). There are “general” administrative officers ([GR VII.B.2](#) and [GR VII.F.1](#)), and there are administrative officers of “educational units” ([GR VII.B.1](#) and [GR VII.F.2](#)). The former group includes the President and those persons who, according to [AR 1.1](#), report directly to the President, namely the Provost, the Executive Vice President for Finance and Administration, the Executive Vice President for Health Affairs, other vice presidents, the General Counsel, and the Director of Athletics. The latter group includes the Dean of the Graduate School, the Dean of the Honors College, the Dean of the Libraries ([GR VII.C.5](#)), deans of the colleges, directors of schools, chairs of departments, and directors of multidisciplinary research centers and institutes ([GR VII.C.5](#)).

[GR VII](#) establishes that all of the above-named administrative officer positions are at or above the level of department chair. The SREC interprets that all assistant-, associate-, vice-, deputy-, and other similar positions attached to the above-named administrative officers are also administrative positions at or above the level of department chair and as such are likewise ineligible to participate in faculty trustee elections ([HRPP AR 4.0](#)).

The SREC interprets that persons employed in any of the above-named positions on an interim or acting basis are also ineligible to participate in faculty trustee elections.

## **6. Limits on Administrative Activities**

According to Human Resources Policy & Procedure Administrative Regulation #4 ([HRPP AR 4.0](#)), faculty employees are ineligible to vote or run in faculty trustee elections if they have a 50% or more total effort assigned to administrative activities. The percent of one's appointment time that is assigned to administration or to other activities is recorded on the faculty employee's annual distribution of effort (DOE) form.

The SREC assumes that the DOE percentages from the faculty employee's online DOE form accurately reflect effort assigned to those various activities, including administration. The SREC further assumes that administrators have characterized (e.g., on the online DOE forms) faculty activities in the areas of service and administration using the same criteria that the SREC uses (see Section 6 of the "Eligibility in Faculty Trustee Elections" document at the Senate website).

### What are administrative activities?

In general, if the President, other administrative officer, or persons in administrative positions identified in section 5 above delegate to a faculty employee on a regular or reoccurring basis any portion of their assigned authorities or responsibilities (see [GR III.A](#)), then effort spent to fulfill those delegated authorities or responsibilities is administrative effort for the purposes of determining election eligibilities. Such efforts count towards the 50% limit on administrative effort.

### What are not administrative activities?

When faculty employees serve in positions that are elected, appointed, or created by faculty governance bodies pursuant to established regulations or faculty rules (e.g., University Senators, Senate Officers, or parallel college positions) or that result from short lists of candidates submitted by such faculty governance bodies to administrative officers (e.g., Academic Area Advising Committee members), the SREC characterizes such efforts in such positions as service, not administration. Such efforts do not count towards the 50% limit on administrative effort.

## **7. Disputing Election Processes or Eligibility Determinations**

Persons may challenge SREC assumptions, SREC election processes, or SREC eligibility determinations (one's own or another's) using the "Procedures for Disputing Election Procedures or Eligibilities" that are posted on the [Senate website](#).