



UNIVERSITY
OF KENTUCKY

Libraries

Office of the Dean
1-85 William T. Young Library
Lexington, Kentucky 40506-0039
859.257-500 x 2087
www.uky.edu/Libraries/

December 21, 2009

Dean David A. Brennen
College of Law
University of Kentucky

Dear David,

We are writing to express our support for the transition of the Law Library from UK Libraries administration to the College of Law administration. We understand that the national trend has been for law libraries to report directly to deans of their law college. While we believe that the libraries reporting structure has been very successful, we fully support the change here at UK at this time. However, we look forward to continuing our close partnership with the Law Library in the years ahead as we seek to provide the highest level library service to our students, faculty, and staff.

We have worked closely with Helene Davis through this transition and we stand prepared to help in any way needed to complete the task.

Sincerely,

Carol P. Diedrichs

Carol Pitts Diedrichs
Dean of Libraries

Terry L. Birdwhistell
Interim Dean of Libraries (1-5-2010)

Brothers, Sheila C

From: Brennen, David A
Sent: Saturday, January 30, 2010 2:04 PM
To: Randall, David C
Cc: Davis, Mary J; Greissman, Richard; Brothers, Sheila C
Subject: Re: Law School Faculty Vote on Law Library Transfer

Dear Professor Randall:

The UK College of Law faculty voted unanimously on Thursday, January 21, 2010, to accept the transfer of the UK Law Library unit (faculty and budget) from the UK University Libraries to the UK College of Law as of July 1, 2010. Please let me know if you require additional information at this time. dab

David A. Brennen
Dean & W.T. Lafferty Professor of Law
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620 S. Limestone
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Office of the Dean
College of Law
209 Law Building
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January 28, 2010

Provost Kumble Subbaswamy
103 Main Building
Lexington, KY 40506

Re: Transfer of the College of Law Library from the University Libraries to the College of Law

Dear Provost Subbaswamy:

I write to advise you that the College of Law faculty has unanimously voted, on January 21, 2010, to accept 1) the transfer of the Law Library administrative unit from the University Libraries and 2) the Library faculty housed in the College of Law as Law Library faculty for promotion and tenure, for appointments, and as participants in the governance of the College of Law. The evidence of this vote in the form of College of Law faculty meeting minutes (to be approved at our February 2010 faculty meeting) is attached. At that meeting, the College of Law faculty discussed and approved, with the participation of the affected Law Library Faculty, the criteria, evidences and process by which the College of Law Library faculty will be evaluated once the transfer takes place.

As you know, for the past several years, the College of Law and the University Libraries have discussed the advisability of transferring the faculty and operations of the College of Law Library to be housed entirely within the College of Law. Only six out of 200 United States law schools have an administrative structure for Law Library operations similar to our current structure. This structure has raised concerns for our ABA accreditation process in the past because of the ABA's requirement of autonomy. In addition, the College of Law has been hampered in national searches for Law Library Director because of the current reporting structure. After consultation with and the full support of the Dean of the University Libraries, we propose to you that the time is appropriate to transfer the Law Library entirely to the College of Law.

On September 29, 2009, I tasked the College of Law Appointments; Retention, Promotion and Tenure ("RPT Committee"); and Library and Technology Committees to assess the College of Law rules, gather input from the Law Faculty and the Law Library faculty, study alternatives, and make a determination on how to integrate the Law Library faculty into the College of Law. The RPT Committee distributed its proposed College of Law Faculty Rules changes at the

December 17, 2009, faculty meeting. The Appointments Committee circulated its proposed Faculty Rules changes on January 15, 2010, and the Library and Technology Committee distributed its proposed Faculty Rules addition on January 21, 2010, at the faculty meeting. Law Library faculty members were present and participated at the December 17, 2009, and January 21, 2010, College of Law faculty meetings where the proposed transfer and Rules changes were thoroughly vetted and approved unanimously by the College of Law faculty.

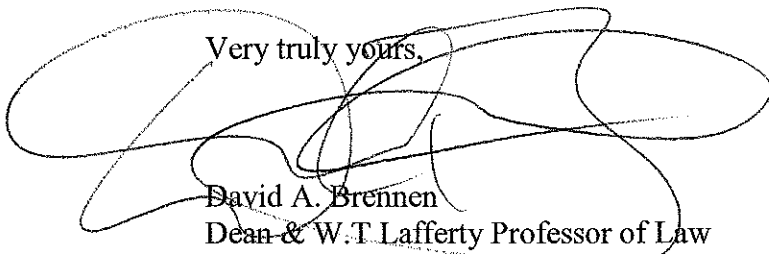
Subsequent to the January 21, 2010, College of Law faculty meeting, I had individual meetings with the members of the Law Library faculty and a group meeting with law library staff to provide an additional opportunity for the law library faculty and staff to voice their opinions about the transfer. Those meetings, held on January 22, 2010, revealed that every single member of the law library faculty and staff I spoke to fully supports this transfer.

I also consulted with former Dean Carole Diedrichs and current acting Dean Terry Birdwhistell of the University Libraries on this proposed transfer, both of faculty and budget resources. As reflected by the attached joint letter from them, they emphatically support this transfer. The College of Law has also consulted with Associate Provost Heidi Anderson, and, Assistant Provost for Program Support Richard Greissman, to insure that the transfer of this administrative unit complies fully with the University's Governing and Administrative Regulations. Further, we are in contact with the University Senate Council to inform it about the history of the need for and the process regarding the proposed transfer. A meeting is scheduled with the Senate Council on February 1, 2010.

In addition, a Memorandum of Understanding between the University Libraries, the College of Law and the Provost's office is also being drafted that will elaborate on the transfer of operations and the expectation of a continuing strong working relationship between the College of Law Library and the University Libraries. A copy of the current draft of the Memorandum of Understanding is attached for your information.

Finally, at a recent national meeting earlier this month of law school faculty in New Orleans, I informally polled several law librarians from other law schools, including one former University of Kentucky Law Library Director and the person who is slated to be President of the nationally recognized American Association of Law Libraries. Without question, each of the persons I spoke to informed me that this transfer is essential if University of Kentucky College of Law is to attract the very best talent for the soon-to-be-vacant College of Law Library Director position. I recommend that you approve the transfer of the College of Law Library faculty. Please let me know if you need additional information on this proposed transfer.

Very truly yours,


David A. Brennan
Dean & W.T Lafferty Professor of Law

DAB/es

**Memorandum of Understanding
Concerning Transfer of University of Kentucky
Law Library From University Libraries to College of Law**

I. Purpose

The purpose of this memorandum of understanding (hereinafter MOU) is to preserve and define the nature of the relationship between the College of Law Library, the College of Law, and the University Libraries (hereinafter the UK Libraries) pursuant to the designation of the Law Library as a unit of the College of Law, effective July 1, 2010. As of that date, the Law Library will no longer be administered as part of the UK Libraries, notwithstanding certain collaborative, cooperative, and necessary relationships which shall be preserved as noted below.

Nothing in this MOU is intended to disturb existing cooperative and collaborative relationships or commitments, or the goodwill that currently exists between Law Library faculty and staff and the faculty and staff of the UK Libraries, or between the UK Libraries and the College of Law. We recognize that as libraries at the University of Kentucky we will always have some objectives, interests, and stakeholders in common. We commit to continuing to work together where it is mutually beneficial, feasible, and practical, given our respective goals and resources.

II. Background

To date, the University of Kentucky Law Library has been administered as part of the UK Libraries. Under this structure, the Dean of the College of Law, the Director of the Law Library, and the law faculty have been responsible for the determination of basic law library policies related to meeting the reference, instructional, research, and service needs of the College of Law and its faculty, staff, and students. The operational and personnel procedures have been dictated by the policies and processes of the UK Libraries. Also under this structure, Law Library faculty appointments have been to the UK Libraries educational unit, Law Library staff were employees of the UK Libraries, and the Law Library Director had joint appointments, with the primary appointment being in the College of Law and the secondary appointment being in the UK Libraries.

Previous agreements memorialized the working relationship -- including the most recent agreement pre-dating this MOU, the Agreement of 2005 -- which specified the relative operational, personnel, and budgetary relationships between the Law Library as a unit of the College of Law and the UK Libraries¹.

III. Governance

¹ The College of Law Agreement of 2005 superseded a 1999 agreement, formally titled "*The University of Kentucky College of Law Library: Its Relationship to the University of Kentucky Library System – September 1999 (January 2000 Revision).*"

Effective July 1, 2010, certain relationships will be redefined as noted below.

Budget. The Law Library budget will be administered as part of the College of Law budget. A one-time transfer of personnel, operating, and materials funds equal to the FY 2009-2010 allocations² will be made to Law Library accounts associated with the College of Law, as established by the UK Libraries and College of Law Deans through their respective budget officers **based on the following calculation: _(TBD)_**. Such transfer will take place in accordance with institutional practices and regulations that apply on the effective date of this transfer. Upon the one-time transfer, the Law Library will operate under the budget and operational procedures of the College of Law and the Law Library Director shall retain primary responsibility for the Law Library's budget, subject to review and approval by the College of Law Dean.

Status and Reporting. All Law Library faculty and the Law Library Director shall carry sole faculty appointment -- in their respective title series -- in the College of Law, and be subject to the policies, standards, and procedures of the College of Law.

The Law Library Director's sole reporting relationship shall be to the Dean of the College of Law. All other Law Library faculty and staff shall report, in accordance with the Library's organizational structure, to the Law Library Director and ultimately to the College of Law Dean.

All Law Library faculty and staff shall be employees of the College of Law.

Personnel, Hiring, Retention, and Promotion. Law Library faculty appointments -- and the requisite hiring, retention, evaluation and promotion of Law Library faculty -- shall be made pursuant to the College of Law faculty rules and procedures. Law Library faculty will have no role in the UK Libraries' retention, promotion, and tenure processes, and UK Libraries' faculty will have no role in the retention, promotion, and tenure process of Law Library faculty. Law Library staff hiring, retention, evaluation, and promotion shall be the responsibility of the Law Library Director, subject to review and approval by the College of Law Dean.

Facilities. The Law Library facility will continue to be under the control of the College of Law.

IV. Endowments and Development

A. University of Kentucky Endowment Resources

Background and Intentions. The University historically has had three types of endowments relating to its libraries; endowments for the benefit of the Law Library exclusively, endowments the beneficiaries of which include the Law Library among others, and endowments the

² The FY2009-2010 state allocations -- totaling \$1,682,774 -- were as follows: Personnel, \$540,578; Library materials, \$1,083,427; Current Operating, \$61,369; and, [Projected] Income, \$2,600. **[NOTE: THE FINAL AMOUNT IS YET TO BE DETERMINED. THIS IS ONLY A PRELIMINARY CALCULATION.]**

beneficiaries of which exclude the Law Library. This agreement extends earlier agreements to give the Law Library as a unit of the College of Law the exclusive benefit of endowments designed to benefit the Law Library exclusively; to give the Law Library as a unit of the College of Law an agreed upon share of the benefit from the endowments designed to benefit the Law Library non-exclusively; and to exclude the Law Library as a unit of the College of Law from participation in the benefit from the endowments designed to exclude the Law Library. (See Appendix A for endowments and designations.)

College of Law Dedicated Library Endowments. The College of Law Dedicated Library Endowments shall continue to be managed within the general University of Kentucky library system endowment, and the income from the College of Law Dedicated Library Endowments shall be used for the benefit of the Law Library, at the direction of the Law Library Director and subject to review and approval by the College of Law Dean, within University, UK Libraries, and College of Law policies of general application.

Non-College of Law Dedicated Library Endowments. It is acknowledged that the income from the Non-College of Law Dedicated Library Endowments shall not be available for the benefit of the Law Library.

General Library Endowments. It is the intention of the parties that the Law Library will continue to receive the previously agreed upon fair and predictable portion of the income from the General Library Endowments. The parties continue to agree that the Law Library shall annually be allocated 8.67% of the income from the General Library Endowments which the endowment committee authorizes for expenditure.

B. Ongoing Development Efforts

With this agreement, excluding the exceptions as delineated above, the Law Library and the College of Law undertake the primary responsibility for library-specific fund-raising and development efforts. Development professionals in both the College of Law and the UK Libraries may find it necessary to collaborate and cooperate on fundraising activities, and nothing in this agreement is intended to foreclose those efforts.

V. Areas of Continued Cooperation

As a library on the University of Kentucky campus, the Law Library will necessarily continue to cooperate and interact with the UK Libraries in several areas:

1. The Law Library will continue to participate in the integrated library system (ILS) used campus-wide, including InfoKat, the library catalog, and all software and hardware modules and programs that support or enhance the ILS.
2. The Law Library will continue to participate in UK Libraries purchasing programs, as mutually agreed upon by all parties.

3. The Law Library will continue to participate in system-wide programs and service initiatives, e.g., Library Express, to the extent necessary and as mutually agreed upon by the parties.
4. The Law Library will continue to participate in committees and forums related to areas that affect both the Law Library and the UK Libraries, to the extent necessary and as mutually agreed upon by the parties.
5. The Law Library will continue to collaborate with the UK Libraries on the acquisition and management of system-wide electronic resources, to the extent necessary and mutually agreed upon by the parties.

Nothing in this section is intended to foreclose future agreements regarding collaboration or cooperation between the Law Library and the UK Libraries.

VI. Miscellaneous

Effective Date; Existing Agreement Superseded. As of July 1, 2010, this Memorandum of Understanding is effective and the July 1, 2005, College of Law Agreement is terminated.

Agreed as of this date: _____

University of Kentucky Libraries

By: _____
Terry Birdwhistell, Interim Dean

University of Kentucky College of Law

By: _____
David A. Brennen, Dean

University of Kentucky Law Library

By: _____
Helane E. Davis, Director

Appendix A UK Libraries and College of Law Endowments

College of Law Dedicated Library Endowments.

1. RPW Law Library Endowment
2. Holbrook Law Library Endowment

General Library Endowments.

1.	Library Endowment	(est. 1986)	5-35056
2.	Toyota Endowment	(est. 1989)	5-35488
3.	NEH Endowment	(est. 1990)	5-35740
4.	Faculty Endowment	(est. 1991)*	5-35855
5.	Student Endowment	(est. 1991)*	5-35859
6.	Young Endowment	(est. 1999)**	5-37435
7.	Toyota (Young) Endowment	(est. 2001)**	5-38020
8.	Ashland Endowment	(est. 2001)**	5-38002

* Part of the NEH Endowment Campaign

** Under Young Endowment Campaign

Non-College of Law Dedicated Library Endowments.

1.	Am. Music Library Fd.	Fine Arts
2.	Bryan Lib. Endowment	Engineering
3.	Claiborne	SCA
4.	Clark Fund	SCA
5.	Ctr on Aging – Lib.	MCL
6.	Fixtures Furniture	Human Development
7.	Frymire, William H.	MCL
8.	Holliday Memorial	History
9.	Islamic Book Endowment	Islamic
10.	Ky Econ Devt Endow	STM
11.	Lecky, Emma Lou	SCA
12.	Little Library Endow	Fine Arts
13.	Markey Cncl Ctr – Lib	MCL
14.	Maxson Library Fund	Chemistry
15.	MC Library Quasi	MCL
16.	Patterson	British History
17.	Peal Collection	SCA

18. Pirtle Library Fund	Geology
19. Rosenthal B&E Lib En	B&E
20. Sachatello Library	MCL
21. Sheikh Book Endow	Islamic
22. Thompson Library Fnd	SCA
23. Thurston R C B	SCA
24. Whayne Supply Book	Engineering
25. Wilson Library Fund	SCA
26. Wilson Lou Emma	Mexicana
27. Young STM Lib End	STM

Memorandum of Understanding

Law Library Governance

I. Purpose

The purpose of this memorandum of understanding is to preserve and define the nature of the relationship between the College of Law Library, the College of Law, and the University Libraries pursuant to the designation of the Law Library as a unit of the College of Law, effective July 1, 2009. As of that date, the College of Law Library will no longer be administered as part of the UK Libraries, notwithstanding certain collaborative, cooperative, and necessary relationships which shall be preserved as noted below.

Nothing in this MOU is intended to disturb existing cooperative and collaborative relationships or commitments, or the goodwill that currently exists between Law Library faculty and staff and the faculty and staff of the UK Libraries, or between the UK Libraries and the College of Law. We recognize that as libraries, and as units at the University of Kentucky, that we have many objectives, interests, and stakeholders in common and commit to continue working together where it is mutually beneficial, feasible, and practical, given our respective goals and resources.

II. Background

Prior to July 1, 2009, the University of Kentucky Law Library was administered as part of the UK Libraries with the Dean of the College of Law, the Director of the Law Library, and the Law Faculty being responsible for the determination of basic law library policies. Previous agreements memorialized the working relationship -- including the most recent agreement pre-dating this MOU, the Agreement of 2005 -- which specified the relative operational, personnel, and budgetary relationships between the Law Library and the UK Libraries¹.

III. Governance

As of July 1, 2009, certain relationships will be altered as follows:

Budget. The Law Library budget will be administered as part of the College of Law budget. A one-time transfer of personnel, operating, and materials budget funds equal to 11.23 % of the UK Libraries' FY 2008-2009 budget will be made to Law Library accounts associated with the College of Law, as designated by the applicable UK Libraries and Law faculty and staff. Such transfer will take place in accordance with institutional practices and regulations,

¹ The College of Law Agreement of 2005 superseded a 1999 agreement, formally titled "*The University of Kentucky College of Law Library: Its Relationship to the University of Kentucky Library System – September 1999 (January 2000 Revision)*."

effective as of FY 2009-2010. The Law Library will operate under the budget and operational procedures of the College of Law.

Endowments. The Law Library will continue to receive endowment funds intended exclusively for its benefit. The Law Library will also receive a fair and predictable portion of the income from general library endowments in the amount of 8/67%. The Law Library will not receive funds from endowments designed to exclude the Law Library from their benefit. (See Appendix A for endowments and classifications.)

Personnel, Hiring, Retention, and Promotion. All Law Library faculty, including the Director, shall carry a sole faculty appointment in the College of Law, and be subject to the policies, standards, and procedures of the College of Law. All Law Library support staff shall be employees of the College of Law. Law library faculty appointments (and the requisite hiring, retention, evaluation, promotion, and removal) shall be made pursuant to the College of Law faculty rules and procedures. Law library faculty will have no role in the UK Libraries' retention, promotion, and tenure processes, and UK Libraries' faculty will have no role in the retention, promotion, and tenure process of law library faculty. Law library staff hiring, retention, evaluation, promotion, and removal shall be delegated to the Law Library director.

IV. Areas of Continued Cooperation

As a library on the University of Kentucky campus, the Law Library will necessarily continue to cooperate and interact with the UK Libraries in several areas:

1. The Law Library will continue to participate in the integrated library system (ILS) used campus-wide, including InfoKat, the library catalog, and all software and hardware modules and programs that support the ILS.
2. The Law Library will continue to participate in UK Libraries purchasing programs, as mutually agreed upon by all parties.
3. The Law Library will continue to participate in system-wide programs, e.g., Library Express, to the extent necessary and as mutually agreed upon by the parties.
4. The Law Library will continue to participate in committees and forums related to areas that affect both the Law Library and the UK Libraries, to the extent necessary and as mutually agreed upon by the parties.
5. The Law Library will continue to collaborate with the UK Libraries on the acquisition and management of system-wide electronic resources, to the extent necessary and mutually agreed upon by the parties.

Nothing in this section is intended to foreclose future agreements regarding collaboration or cooperation between the Law Library and the UK Libraries.

V. Miscellaneous

Effective Date; Autonomy Agreement Superseded. As of July 1, 2009, this Memorandum of Understanding is effective and the July 1, 2005 College of Law Agreement is terminated.

Agreed as of the 1st day of July, 2009.

University of Kentucky Libraries

By: _____
Carol Pitts Diedrichs, Dean

University of Kentucky College of Law

By: _____
Louise E. Graham, Interim Dean

University of Kentucky Law Library

By: _____
Helane E. Davis, Director

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Non-College of Law Dedicated Library Endowments.

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2.	Bryan Lib. Endowment	Engineering
3.	Claiborne	SCA
4.	Clark Fund	SCA
5.	Ctr on Aging – Lib.	MCL
6.	Fixtures Furniture	Human Development
7.	Frymire, William H.	MCL
8.	Holliday Memorial	History
9.	Islamic Book Endowment	Islamic
10.	Ky Econ Devt Endow	STM
11.	Lecky, Emma Lou	SCA
12.	Little Library Endow	Fine Arts
13.	Markey Cncl Ctr – Lib	MCL
14.	Maxson Library Fund	Chemistry
15.	MC Library Quasi	MCL
16.	Patterson	British History
17.	Peal Collection	SCA
18.	Pirtle Library Fund	Geology
19.	Rosenthal B&E Lib En	B&E
20.	Sachatello Library	MCL
21.	Sheikh Book Endow	Islamic
22.	Thompson Library Fnd	SCA
23.	Thurston R C B	SCA

24. Whayne Supply Book
25. Wilson Library Fund
26. Wilson Lou Emma
27. Young STM Lib End

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