

**To: Senate Council**  
**From: SREC**  
**RE: Proposal to Change to SR 1.5.2 and Proposal re: to GR X.A.2.b**

**1. Proposal: That the Senate Council approve changes in SR 1.5.2 and send to the Senate floor. The ' Note' in SR 1.5.2 be deleted as shown below.**

## **1.5.2 ELECTION: TWO VOTING UNIVERSITY FACULTY MEMBERS, BOARD OF TRUSTEES**

[See US: 10/12/88; US: 10/8/2001; US: 12/8/05; BoT: 6/2005]

As specified state law (KRS 164.131(1)(e) and implemented in the *Governing Regulations* (Part II.A.2.b.1) there shall be two (2) voting faculty members of the Board of Trustees who are "members of the faculty of the University." In accordance with KRS 164.131(3) and as implemented in GR II.A.2.b.1, the University Faculty members who are eligible to vote for, and eligible to serve as, elected members of the Board of Trustees shall be those members who are regular, full-time faculty employees with a rank at the level of assistant professor (or its equivalent, Librarian III) or above, whose primary assignments, i.e., more than fifty percent (50%), are in instruction, research, and/or public service, as defined in *Human Resources Policy and Procedure Administrative Regulation 4.0: Employee Status*. [GR II.A.2.b.(I)]

- \* For the purposes of election of Faculty Trustees, AR 3:2 is here interpreted to allow voting by, but not election of, faculty employees on phased retirement. [SREC: 12/17/13].

~~(NOTE: GR X-1 states that: Members of the Board of Trustees, except those elected to the Board as faculty, staff, or student representatives, and relatives of any member of the Board of Trustees are ineligible for employment at the University. "Relatives", as used above, include parents and children, husbands and wives, brothers and sisters, brothers and sisters-in-law, mothers and fathers-in-law, uncles, aunts, nieces and nephews, sons and daughters-in-law, and step-relatives in the same relationships. Employment includes regular and temporary full- and part-time employment, including student work-study and graduate assistant programs.)~~

**Rationale:** Pursuant to Kentucky Attorney General Opinion OAG15-009 issued April 16, 2015, "A person may be elected or appointed to a state college or university board of regents or trustees if that person has a relative who is employed by the college or university prior to the election or appointment of the regent or trustee." However, a relative of a trustee may not begin employment at the University during the trustee's term. SR 1.5.2 needs to be corrected to reflect the Attorney General's Opinion.

**2. Proposal:** Senate Council will transmit this proposed change to the Regulations Committee and urgently request that it review and propose revisions to GR X.A.2.b in light of the Attorney General's Opinion OAG15-009.

**Rationale:** Because the Governing Regulations are higher than the Senate Rules, then even if the Senate revises its Rules per OAG15-009 there still needs to be consistency between the GRs and SRs on faculty eligibility in Faculty Trustee elections.