

**Shared Governance Rights of Faculty on Phased Retirement**

Currently, there are references in the *Senate Rules* and in *Governing Regulation IV* (“The University Senate”) that prohibit faculty on phased retirement from participating in University Senate elections and faculty trustee elections. The repeated use of the phrase “full-time” restricts faculty on phased retirement from participating as a candidate and/or voting in Senate elections. An interpretation from the SREC allows faculty on phased retirement to vote in faculty trustee elections but prohibits them from serving as a candidate in a faculty trustee election.

KRS 164.131(3) states that the faculty trustees “...shall be of the rank of assistant professor or above.” The same statute also states that faculty trustees shall be “...shall be elected by secret ballot by *all* [emphasis added] University of Kentucky faculty members of the rank of assistant professor or above.” Therefore, the only restriction against full participation of faculty on phased retirement is language that is essentially in the purview of the Senate.

Without question, language from the Kentucky Revised Statutes (KRS) supersedes contradictory language in the *Governing Regulations (GRs)* and *Senate Rules (SRs)*. From a practical standpoint, however, it may be useful for the *SRs* and *GRs* to be more obviously compliant with applicable state law. Below are obvious references that would need to be reviewed if faculty on phased retirement were allowed to participate fully in both types of elections.

<b>FACULTY TRUSTEE Elections – Regs Prohibiting Participation</b>	
<i>Governing Regulations:</i>	(no applicable reference)
<i>Senate Rules:</i>	SR 1.5.2 (“Election: Two Voting University Faculty Members, Board of Trustees”)
	SR 1.3.1.3.A.7.b (“Senate Council Chair”)

<b>UNIVERSITY SENATE Elections – Regs Prohibiting Participation</b>	
<i>Governing Regulations:</i>	GR IV.A (“The University Senate,” “Membership”)
<i>Senate Rules:</i>	SR 1.1.1.C (“Definitions,” “Members of the University Faculty”)
	SR 1.2.2 (“Composition”)
	SR 1.2.2.1.A (“Elected Faculty Membership”)
	SR 1.3.1.3.A.7.c (“Senate Council Chair”)