

AACR 1

Office of the President

February ??, 2004

**Draft**

Members, Board of Trustees:

TRANSFER OF LCC

Recommendation: that the Board of Trustees approve the following resolution that would effect the transfer of management responsibilities for the Lexington Community College from the Board of Trustees of the University of Kentucky to the Board of Regents of the Kentucky Community and Technical College System.

DELEGATION OF MANAGEMENT RESPONSIBILITIES FOR

THE UNIVERSITY OF KENTUCKY

LEXINGTON COMMUNITY COLLEGE

TO THE BOARD OF REGENTS

OF THE KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

**Recommendation:**

**(1) That the Board of Trustees delegate to the Board of Regents of the Kentucky Community and Technical College System the management responsibilities for the University of Kentucky Lexington Community College, effective July 1, 2004. These responsibilities include, but are not limited to, management of facilities and grounds, assets, liabilities, revenues, personnel, programs, financial and accounting services, and support services.**

**(2) All funds that are appropriated to the University of Kentucky or funds that are allocated in the University of Kentucky budget for administering the Lexington Community College shall be transferred and allotted to the board of regents for the benefit of the Lexington Community College.**

**(3) All personal property, including instructional and other moveable equipment of the Lexington Community College and the University of Kentucky designated for the use of Lexington Community College shall be transferred and allotted to the board of regents for the benefit of Lexington Community College**

**(4) All real property of the Lexington Community College and University of Kentucky designated for use by the Lexington Community College shall remain the real property of the University of Kentucky.**

**(5) Restricted gifts, endowments, and sponsored projects designated for the use and benefit of Lexington Community College shall be transferred and allotted to the Board of Regents for the benefit of the Lexington Community College.**

**(6) The Kentucky Community and Technical College System shall reimburse the University of Kentucky at a reasonable cost for any services and facilities, including debt service applicable to Lexington Community College facilities, provided to the system.**

**(7) That the employees in the Lexington Community College as of July 1, 2004 shall be governed by the University of Kentucky administrative regulations and any subsequent changes made by the university, except that appeals shall be to the board of regents or to the boards designee. The following provisions shall apply:**

- (a) Accumulated sick leave, compensatory time, and annual leave as of the effective date of the transfer shall be retained by each employee;
- (b) Employees with tenure shall retain their tenure. Employees without tenure shall earn tenure based on personnel policies in effect at the time of their employment. New employees without tenure shall earn tenure based on the policies established by the board of regents of the Kentucky Community and Technical College System;
- (c) Employees shall maintain a salary not less than their previous salary as of July 1, 2004; and
- (d) All employees hired before July 1, 2004 shall be provided the same benefit package available for other University of Kentucky employees as the University of Kentucky may modify it for all employees.
- (e) A person employed as of the effective date of the transfer in the Lexington Community College may elect to participate in the Kentucky Community and Technical College personnel system. An employee who elects to accept this option may not return to the previous personnel policy. The employee shall have the right to exercise this option at any time.
- (f) A regular full-time employee may, with prior administrative approval, take one (1) course per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.
- (g) New employees hired on or after July 1, 2004, in the Kentucky Community and Technical College System for the Lexington Community College shall be governed by the rules established by the board of regents.
- (8) Students enrolled in the University of Kentucky Lexington Community College as of July 1, 2004 shall continue to have all of the responsibilities, privileges, and rights accorded to them as University of Kentucky students as of that date. The privileges shall include, but not be limited to, tickets to athletic events, homecoming queen contests, the Great Teacher Award Contest, and the University of Kentucky scholarship programs.**

**(9) That the University administration be authorized to execute an agreement between the Board of Trustees of the University of Kentucky and the Board of Regents of the Kentucky Community and Technical College System relating to the Trust Indenture covenants of the UK Consolidated Educational Buildings Revenue Bonds;**

**(10) That the University administration be authorized to negotiate and enter into an agreement with the Kentucky Community and Technical College System in connection with services and facilities which the University will continue to provide to the Lexington Community College and other administrative and legal issues related to the delegation of managerial responsibility, and that the agreement be reported to the Board;**

**(11) That if any conflict arises between the University of Kentucky board of trustees and the Kentucky Community and Technical College Board of Regents relating to the delegation of authority from the University to the Board of Regents or the management of the University of Kentucky Lexington Community College within the Kentucky Community and Technical College System, the Council on Postsecondary Education shall resolve the conflict.**

Background: This transfer would enable Lexington Community College to be 1) a separately accredited institution by the Southern Association of Colleges and Schools (SACS) and 2) a member institution of the Kentucky Community and Technical College System.

In November 2000, the Reaffirmation Committee of the Commission on Colleges, Southern Association of Colleges and Schools (SACS) reviewed the Self Study report of the Lexington Community College and made a visit to campus. In July 2001, SACS reaffirmed LCCs accreditation and requested a follow-up report addressing several recommendations, including the separation of functions between LCC and UK.

A second follow-up report was requested and LCC submitted it in July 2002. In June 2003, SACS continued LCCs accreditation for another year, but placed it on probation for 12 months for failure to satisfy accreditation criteria concerning the issue of whether LCC had sufficient autonomy from UK to justify separate accreditation. A third follow-up report was requested six weeks prior to a visit in the spring of 2004.

In August 2003, Dr. Todd appointed a 14 member Special Task Force on Options for SACS Accreditation of the Lexington Community College. The committee was charged with considering three options: 1) LCC maintains its relationship with UK, but institutes changes that would convince SACS that it has sufficient autonomy and independence to justify being separately accredited; 2) LCC is not separately accredited, but is included as a component of the accreditation of the University of Kentucky; and 3) LCC is accredited as a separate community college, either as a freestanding institution or as part of the Kentucky Community and Technical College System.

After carefully considering all options, the Task Force unanimously agreed to recommend to Dr. Todd that LCC be transferred to the Kentucky Community and Technical College System and maintain its separate accreditation as an institution of higher education. The Task Force also recommended that the decision on LCCs future be made as soon as possible, to allow LCC to meet the SACS deadline for responding to the July 2003 letter and to allow the maximum time for implementing whatever decision is made.

The Staff Senate and the University Senate reviewed and discussed the report of the Task Force, acknowledging it as a complex issue, one without a perfect solution. If the Task Force recommendation is accepted, the Staff Senate and University Senate strongly believes that LCC students, staff and faculty must be afforded the same rights and privileges that were enjoyed by the students, staff and faculty of the other community college when they became part of KCTCS six years ago.

After careful consideration of the process, deliberations, and recommendations, the President and the Provost recommend the transfer of Lexington Community College to the Kentucky Community and Technical College System.

Action taken: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Other \_\_\_\_\_

