

PR 3

Office of the President
January 29, 2013

Members, Board of Trustees:

PROPOSED REVISION TO GOVERNING REGULATION: ELIGIBILITY TO VOTE
FOR STAFF REPRESENTATIVE TO THE BOARD OF TRUSTEES

Recommendation: that the Board approve the attached revision to Governing Regulation (GR) II, relating to the election for the Staff Representative to the Board of Trustees. This proposed revision was received for preliminary consideration as PR 5 on December 11, 2012.

Background: As the University is adjusting to the new economic trends, many staff employee positions have been adjusted from fulltime FTE 1.00 to a FTE .75. It is in the best interest of the University and the Staff Senate that those employees be able to participate in electing the Staff Representative to the Board of Trustees.

As a housekeeping measure, the GR is also revised to clarify the administrative positions, consistent with KRS164.131(4), who are eligible to serve as Staff Trustee and who are eligible to vote in Staff Trustee elections.

A revised copy of the relevant section of GR II is attached. Proposed additions are underlined; proposed deletions are lined through.

These revisions are supported by the President and the Staff Senate.

Action taken: Approved Disapproved Other _____



UNIVERSITY OF
KENTUCKY[®]
Regulations

Governing Regulation, Part II

Responsible Office: Board of Trustees

Effective: 6/19/2012

Supersedes Version: 12/13/2011

Governance of the University of Kentucky

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A. Introduction

The governance of the University of Kentucky is vested by law in the Board of Trustees (KRS 164.131). Within the limits set by the State Constitution and the federal and state laws,* the Board of Trustees is the final authority in all matters affecting the institution and exercises jurisdiction over the institution's financial, educational, and other policies and its relation with the state and federal governments.

These *Governing Regulations* describe the composition, powers, and duties of the Board of Trustees of the University of Kentucky, as defined by Kentucky Revised Statutes, and establish policies and procedures for the performance of its functions. In these *Governing Regulations*, the Board of Trustees delegates certain responsibilities to the President, the University Senate, the Staff Senate, the Student Government Association, the Graduate Faculty, and the faculties of educational units in order to provide for the responsible and efficient administration of the University and the accomplishment of its goals.

As the chief administrative officer of the University, the President is authorized by the Board of Trustees to promulgate the *Administrative Regulations* including the *Human Resources Policies and Procedures* and the *Business Procedures Manual*, to provide interpretation and implementation of these *Governing Regulations*, and of the *Minutes of the Board of Trustees*, and to delineate policies within the sphere of delegated responsibility. Chief administrative officers are authorized to establish unit policies and procedures attendant to their delegated administrative responsibilities.

At an institution-wide level, the University Senate, as a primary educational policy-forming agency of the University, establishes the broad academic policies of the University. Within the limits set by the Board of Trustees and the University Senate, the Graduate Faculty is delegated jurisdiction over programs leading to graduate degrees and has the responsibility to safeguard, promote and assist in the development of research in all fields. Within the limits set by the institution-wide policies of the Board of Trustees, the University Senate, and the Graduate Faculty, the respective faculties exercise the governance role of policy-making responsibility for the instructional, research and service programs of their educational units. The University Senate, the Graduate Faculty, and the faculties of educational units are authorized to issue rules concerning the policy and procedure-making responsibilities that are attendant to their delegated educational policy-making role.

Where appropriate, the rules and regulations appearing in the *Administrative Regulations*, *Human Resources Policy and Procedures*, *Business Procedures Manual*, and *University Senate Rules* should refer to the source or sources in these *Governing Regulations* or *Minutes of the Board of Trustees*.

B. Board of Trustees - Membership

1. Definition

The Board of Trustees is a body corporate, under the name of Board of Trustees of the University of Kentucky, with the usual corporate powers, and possesses all the immunities, rights, privileges, and franchises usually attaching to the governing bodies of educational institutions. It may receive, hold, and administer, on behalf of the University, subject to the conditions attached, all revenues accruing

* The Council on Postsecondary Education in Kentucky (KRS 164.020) has powers and duties that relate to the governance of the University of Kentucky.

from endowments, appropriations, allotments, grants or bequests, and all types of property. (KRS 164.160)

2. Membership

The Board of Trustees of the University of Kentucky consists of sixteen members appointed by the Governor, two (2) University faculty members who shall have the right to vote on all matters except that of faculty compensation, one (1) University staff employee, and one (1) University student.

(a) Appointed Members

The Governor shall make the appointments so as to reflect proportional representation on the Board of the two leading political parties of the Commonwealth based on the state's voter registration and to reflect no less than proportional representation of the minority racial composition of the Commonwealth. Appointments to fill vacancies shall be made for any unexpired terms in the same manner as provided for the original appointments. (KRS 164.131)

The terms of the appointed members shall be for six (6) years and until their successors are appointed and qualified. Three (3) of the appointments shall be graduates of the University and may include one (1) graduate of the institution who may reside outside the Commonwealth; three (3) shall be representative of agricultural interests; and ten (10) shall be other distinguished citizens representative of the learned professions. Each graduate member is appointed by the Governor from a list of three (3) names submitted by the alumni of the University according to a method prescribed by the Board of Trustees, upon recommendation of the UK Alumni Association, pursuant to KRS 164.131(2)(a); KRS 164.140. The prescribed methods are published in the *Minutes of the Meetings of the Board of Trustees* (May 6, 2003).

(b) Elected Members

The number of faculty members, staff employees, and student members elected to the Board of Trustees shall not exceed four (4). (KRS 164.131)

- (i) The two (2) faculty members representing the University shall be members of the faculty of the rank of assistant professor or above, elected by secret ballot by faculty members of the rank of assistant professor or above.

In accordance with KRS 164.131(3), faculty members eligible to vote and eligible to serve as elected members of the Board of Trustees shall be those regular, full-time employees conferred with a faculty title and a rank at the level of assistant professor (or its equivalent, librarian III) or above, and who do not have an administrative assignment at or above the level of department chair, and as otherwise defined in *Human Resources Policy and Procedure Administrative Regulation Number 4.0: Employee Status*.

The faculty members shall serve for terms of three (3) years and until their successors are elected and qualified. They are eligible for reelection but are ineligible to continue to serve as members of the Board of Trustees if they cease to be members of the faculty. Elections to fill vacancies for any unexpired terms shall be held in the same manner as for the original elections.

The authority to develop procedures for the election of faculty members to serve as members of the Board of Trustees, in accordance with the provisions of KRS 164.131(3), is hereby delegated to the University Senate.

- (ii) The staff employee representing the University shall be a regular, full-time staff employee as defined in the *Human Resources Policy and Procedure Administrative Regulation Number 4.0: Employee Status*, excluding the President, Provost, executive vice presidents, vice presidents,

~~and~~ academic deans, academic department chairpersons, vice provosts, and equivalent positions. The staff trustee shall represent all University staff employees.

The staff member shall serve a term of three (3) years and until a successor is elected and qualified. The staff member shall be eligible for reelection, but is ineligible to continue to serve as a member of the Board of Trustees if the staff employee ceases to be an employee of the University. Elections to fill vacancies shall be for any unexpired term and shall be held in the same manner as provided for the original election.

The staff trustee shall be elected by secret ballot by the regular, ~~full-time~~ staff employees with a 0.75 or greater full time equivalency (FTE), as defined in the Human Resources Policy and Procedure Administrative Regulation Number 4.0: Employee Status, including the President, Provost, executive vice presidents, vice presidents, ~~and~~ academic deans, academic department chairpersons, vice provosts, and equivalent positions.

The authority to develop procedures for the election of a staff employee to serve as a member of the Board of Trustees, in accordance with the provisions of KRS 164.131(4), is hereby delegated to the Staff Senate.

- (iii) The student member shall be the President of the Student Government Association during the appropriate academic year and may be an out-of-state resident. If the student member does not maintain the position as President or status as a full-time student at any time during that academic year, a special election shall be held to select a full-time student. The authority to develop procedures for the election of a student of the University to serve as a member of the Board of Trustees, in accordance with the provisions of KRS 164.131(5), is hereby delegated to the Student Government Association.

(c) Non-voting Members

Pursuant to KRS 164.170 and 164.131(1)(e), the Board of Trustees may from time to time designate persons as nonvoting honorary members of the Board of Trustees, with responsibilities and privileges as it may deem appropriate, except for the power to vote.

(d) Removal of Members

Pursuant to KRS 164.131(1)(d), "Board members may be removed by the Governor for cause, which shall include neglect of duty or malfeasance in office, after being afforded a hearing with counsel before the council and a finding of fact by the council." The "Council" is defined in KRS 164.001(8) as the Council on Postsecondary Education.

3. Officers

The Chair, Vice Chair, Secretary, and Assistant Secretary of the Board of Trustees shall be elected annually at the first fall meeting of the Board of Trustees. (KRS 164.180) The Chair of the Board of Trustees shall be limited to no more than four (4) consecutive terms as Chair. In the absence of the Chair, the Vice Chair presides at meetings of the Board of Trustees and the Executive Committee.

The Secretary keeps the minutes of all meetings, issues notices of meetings, and provides for the publication and distribution of the minutes in accordance with instructions from the Board of Trustees. The Secretary is responsible for the maintenance of an official revised copy of these Governing Regulations and for the publication of revisions. The Assistant Secretary is empowered to perform the duties of the Secretary when the Secretary is not present. The Assistant Secretary need not be a member of the Board of Trustees.