

## Proposed Revision

### HR 4.1.1.1

#### SITUATION:

For certain employment purposes (e.g, vacation days, health benefits), the University regulations refer to “faculty” and “staff.” This situation requires employment definitions that distinguish between those whose status for employment purposes is “faculty employee” as distinct from “staff employee.” At present, HR 4.1.1.1 includes as staff those tenured faculty persons whose service as an academic administrator is equal to or greater than 50% of their assignment.

#### ISSUE

The Provost wishes to restore to the abovementioned class of academic administrators their status as faculty employees, albeit in a manner consistent with State statute and Board of Trustee policy with regard to faculty governance. For the purpose of elected University governance responsibilities (e.g., governing boards, faculty senates) the Attorney General,\* and the UK Board of Trustees in turn, has rendered a statutory distinction between “faculty” and “staff.” Hence, in the present case, care needs to be taken to ensure that a revised employment definition of “faculty” and “staff” also contains language to identify those faculty employees who by virtue of the preponderance of their administrative assignments are ineligible to vote for or be elected as a faculty representatives on higher University governance bodies for the duration of that or comparable administrative assignment.

#### INTENT

The Provost wishes to vet with the Senate Council the following revision of HR 4.1.1.1 policy, intended to clarify the employment status of faculty employees who serve as academic administrators but preserve the definition of which faculty employees are eligible to vote for or be elected as a faculty representatives on higher University governance bodies.

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\*E.g., In a 1968 opinion, reaffirmed in 2004, the Attorney General interpreted that for the purposes of establishment of a University faculty senate, and election to a University governing board, a “faculty member” would be defined as a person with academic rank and

“...who spends over one-half of his working time in teaching and/or research and directly related activities. His position is thus distinguished from that of an administrative officer of the University, or a member of the non-academic staff.” [2004 Opinion of Attorney General (OAG 04-006)]

Human Resources Policy and Procedure  
Number 4.0: Employee Status  
Revision ~~05/22/07~~ 10/XX/08

Purpose

To define the University's work force.

The University's work force consists of faculty, staff and student employees.

Policy

~~1~~ Staff employees are any employees of the University of Kentucky except

1. Tenured faculty;

~~2~~ Untenured Faculty who hold an academic rank of instructor, assistant professor, associate professor, professor in a Title Series or an equivalent faculty rank in the Librarian series ~~other rank that is equivalent to one of these recognized ranks in the University System~~ and whose primary [i.e., more than 50%] assignments are in teaching, research, and/or public service as defined in ~~University~~ Governing Regulations, Part VII.A.2 and ~~University~~ Administrative Regulations, AR II-1.0-1 and ~~AR II-5.0-2~~;

3. Lecturers as defined in AR II-1.0-1.

~~3~~ ~~4~~ 2 Postdoctoral scholars and postdoctoral fellows as defined in AR II-4.0-1;

~~4~~ ~~5~~ 3 Residents and clinical fellows as defined in AR II-7.0-7;

~~5~~ ~~6~~ 4 Teaching and research assistants as defined in AR II-1.0-7 (teaching and research assistants may have dual status, i.e., that of staff and that of student);

~~6~~ ~~7~~ 5 ~~Lecturers as defined in AR II-1.0-1.~~

Faculty employees with administrative assignment at or above department chair are not eligible to participate in the election of faculty representatives, or serve as the elected faculty representative, to faculty governance bodies above the college level (for example, but not limited to, Board of Trustees, University Senate, Graduate Council, Undergraduate Council and Health Care Colleges Council).