<p align="center">Faculty Senate Agenda
March 14, 2011
3:30 p.m.</p>

Call to order

Approval of Minutes

February 7, 2011 Minutes

President's Report: Senator Whitlock

New Business:

- Laptop Admin Issue – Mona Isaacs (Informational only)
- Rights & Responsibilities/Rules Committee Motion on Promotion & Tenure
- Report from Council on Academic Affairs
  (CAA agenda is included in the Senate packet.)
  (See separate PDF file for the curriculum forms. – 51 pages)

Report Overview & Questions:

Executive Committee Chair: Senator Taylor
Faculty Regent: Senator Frisbie
COSFL Representative: Senator McKenney
Provost: Senator Vice
Student Government Association: Caleb Armbrust
Financial Planning Council: Senator Taylor
Strategic Planning Council: Senator Noblitt

Standing Committees:
    Academic Quality Committee: Senators Shordike or Schmelzer, Co-Chairs
    Budget Committee: Senator Johnson, Chair
    Committee on Committees: Senator Butler, Chair
    Elections Committee: Senator Nelson, Chair
    New Senators Orientation Committee: Senator Rainey, Chair
    Rights and Responsibilities Committee: Senators J. Palmer or McKenney, Co-Chairs
    Rules Committee: Senator McKenney, Chair
    Welfare Committee: Senator Eser, Chair

Adjournment

The Faculty Senate of Eastern Kentucky University met on Monday, February 7, 2011, in the South Ballroom in the Keen Johnson Building. Senator Taylor called the fifth meeting of the academic year to order at approximately 3:30 p.m.

The following members were absent:
A. Back*, L. Bosley*, Z. Eser*, D. Whitlock*, T. Hartch, K. Johnson*, K. Krampe*, J. Lowry, C. Palmer*, G. Potter*, C. Schmelzer*, T. Schneid*, C. Smith*, L. Wray*^

*indicates prior notification of absence
^ ALT Connie Lamb attended for L. Wray

Visitors to the Senate: Tina Davis, Registrar; Jerry Pogatshnik, Graduate Education & Research; Sherry Robinson, Provost Office

APPROVAL OF MINUTES:
The January 10 minutes were approved as written.

REPORT FROM THE PRESIDENT: Senator Whitlock
Senator Whitlock is in Houston, Texas for the SACS on-site reaffirmation visit at Texas Southern University and sends his regrets for missing the Senate meeting.

Senator Whitlock shared the following in his written report to the Senate.

The Legislative session is in full swing. The biggest issue to affect Eastern Kentucky University is the discussion to amend the statute to authorize comprehensive universities to offer advanced practice doctorates. If enacted, this would mean the legislature would no longer have to act on specific degree programs as it did last year on EKU's Doctoral of Nursing Practice.

The Board of Regents met on January 26. The Board advised on positive results of a feasibility study on the proposed public and private partnership for a hotel conference center near the performing arts center. The University's only tangible contribution to this project will be a long-term land lease. No University funds will be used in the development of this project.

The Board also discussed and passed a resolution in support of the University submitting a proposal to become the fixed base operator at the Madison County Airport.

NEW BUSINESS:

Rules Committee Election. Senator May was nominated and accepted by acclamation to fill the vacancy on the Rules Committee.

Academic Quality Committee Recommendation. Based on feedback from the AQC survey, the Academic Quality Committee previously recommended changing the date of mid-term grades to the seventh week of the semester and moving the last day to drop a class to the eighth week of the semester. After further discussion on the issue, Senator Taylor requested that the AQC bring the recommendation back to the Senate in the form of a motion for the March meeting with a vote anticipated at the April meeting.

<u>Report from Council on Academic Affairs.</u> - Senator Vice

New Program
1. Minor in Land Surveying

Program Revisions
2. Technology A.A.S.
    Reduce the total number of credit hours from 64 to 60. In the Digital Imaging Design option, drop CSC 160, TEC 190 and NET 303, and add GBU 204 and GCM 318. In the Computer Aided Drafting option, drop AEM 192 and CON 303 and add AEM 338 (4) and CON 294.
3. Technical Agriculture A.A.S.
    Allow a broader array of courses in the humanities area. Revise Supporting Course requirements from "three hours of general education humanities" to "three hours from General Education block IIIA, IIIB or IIIA/B".*
4. Associate of General Studies Concentration in Broadcasting and Electronic Media
    Establish a Concentration in Broadcasting & Electronic Media for the Associate of General Studies degree program.
5. General Dietetics B.S.
    a. incorporate course revisions to NFA 325 Quantity Food Production and NFA 326 Field Experiences in Quantity Food Production (increase hrs from 2 to 3 for both courses)
    b. add supporting courses BIO 171 Human Anatomy, EHS 380 Food Hygiene, and EMC 105 Survey of Medical Terminology
    c. delete major courses NFA 321 Meal Management and NFA 415 Seminar in the Dietetics Profession
    d. delete supporting course BIO 273 Clinical Microbiology
6. Community Nutrition M.S.
    Clarify the difference between Option 1 and Option 2 for the MS in Community Nutrition. Remove subscripts from all course numbers listed, as suggested by the Grad Council.
7. Health Education B.S.
    Change name of major from Health Education to Public Health. Correct a number in Worksite Health Promotion Option from HEA 360 to HEA 460. That course number was changed last year but was missed in the revised catalog.
8. Master of Public Health
    Add HEA 856 to MPH program electives for Health Education.
9. Occupational Therapy M.S.
    Add the revised text "or OTS 855S" to reflect the creation of service-learning courses within the program.
10. Correctional/Juvenile Justice Studies M.S.
    Revise the existing Correctional/Juvenile Justice Graduate Studies Program into the Adult Juvenile & Community Corrections Leadership Graduate Program, revise the Certificate in Adult/Juvenile Correctional Leadership, and revise/create/delete courses.

<u>**Action Items**</u>
The Council approved the following item in the December 16, 2010, CAA meeting. This item was reviewed as information in the January Faculty Senate meeting:

11. Declaring a Program of Study/Change of Major

The Council approved the following item in the January 20, 2011 meeting. This item was reviewed as information in the January Faculty Senate meeting:

12. Academic Integrity, Policy Revision

Senator Richardson moved approval of item 1, seconded by Senator DeBolt. Motion carried.

Senator Vice moved approval of items 2-10, seconded by Senator Wade. Motion carried.

Senator Vice moved approval of item 11, seconded by Senator May. Motion carried.

Senator Vice moved approval of item 12, seconded by Senator Noblitt. Motion carried.

REPORT FROM SENATE CHAIR: Senator Taylor
The Faculty Senate Executive Committee met on January 24th and agreed to list changing the time of midterm grades and the last day to drop as an informational item for today's agenda. A vote on this issue is anticipated in the Senate's April session. The Executive Committee agreed that the Academic Quality Committee should continue to review the issue of posting syllabi and bring a motion to the Senate with their recommendation.

The AAUP has responded to the EKU Promotion and Tenure draft policy. The information is very useful and notes several key areas that need attention. Below are six of the areas included in the AAUP response:
1. crediting of prior service at other institutions
2. "Bona fide financial exigency" as a possible basis for termination of a tenured appointment
3. affording faculty members the opportunity for a pre-termination hearing before an elected body of peers
4. that it is not at all typical for an administrator, qua administrator, to be granted faculty tenure
5. the omission in the draft policy of any mention, as possible grounds for an appeal, based on alleged violations of academic freedom or of governing policies forbidding improper discrimination
6. limited sharing of the final report with anyone other than the president

Senator Taylor thanked Senators Nancy McKenney and Jerry Palmer and their committees for their work on promotion and tenure.

During the January 21st Financial Planning Council meeting the FPC discussed the Mid Year Financial Update, 2011-2012 Fixed Cost Projections (pay raises were included under this area), Graduate Tuition Recommendations, Tuition Models and Enrollment Management Implications, Capital Funding Requests and Fund Availability, and the Spring 2011 Budget Timeline. Included on the agenda for Future Discussion: the Drop Fee, Course Repeat Fee, Online Depository of Course Syllabi, and Revenue Sharing of online tuition.

REPORT FROM FACULTY REGENT: Senator Frisbie
The Board met on January 26, 2011 for a regular quarterly meeting.

The Board approved the following:
1. Fifty curriculum items involving program revisions, creation of concentrations within the Associate of General Studies degree program, and certificate programs.

2.   Policies governing the use and care of animals in research and human subjects
3.   Addition of veterans to the list of student populations eligible for early registration
4.   Eleven sabbatical leave proposals
5.   Seven Retirement Transition Program proposals beginning in the fall
6.   Authorization of Crowe-Horwath to carry out the University's audit in FY11.

On the financial front, VP Newsom reported that the University is on track, when compared to last year at this time, with regard to both revenue and expenditures. Tuition revenue is running ahead of budget by approximately $3 million. This is largely due to changes in fees for online instruction combined with growth in online credits produced.

The Board heard a report delivered by Sarah Coen, VP with Noel-Levitz. EKU has engaged Noel-Levitz as consultants on enrollment management. Ms. Coen explained that Noel-Levitz is analyzing data and creating predictive models in three areas: 1) student recruitment, 2) "bang for our bucks", and 3) retention.

The Board also heard a presentation about the Financial and Strategic Planning processes and progress. The draft strategic plan is in a second public comment phase. The President shared with the Board a draft of the CPE's Strategic Agenda for postsecondary education in Kentucky. It looks as though EKU's strategic plan will mesh fairly neatly into the Strategic Agenda, which is organized into four headings: college readiness; student success; research, economic and community development; and efficiency and innovation.

The Board received two feasibility assessments. The first concerns the advisability of the University seeking to become the Fixed Base Operator for the Madison County Airport. The benefits from becoming the FBO accrue to the University in the potential to grow and strengthen the aviation program and in increasing regional stewardship. The Board passed a motion of support for submission of a proposal to the Airport board. The second feasibility study concerns the potential viability of a hotel/conference center to accompany the soon-to-be-completed performing arts center. The analysis suggests that such an endeavor has the potential to be financially successful and to allow the University to expand the impact of many of its resources, including the performing arts center, planetarium, athletic facilities, and academic expertise. The University's involvement in this venture would entail offering favorable land lease terms. An outside party would undertake construction and operation of the facility. The University intends to issue a request for proposals.

The President advised the Board that Executive VP Moberly retired on December 31, and announced that James Street has been appointed as Acting Executive VP for Administrative Affairs. Mr. Street continues also to serve in the role of Associate VP for Capital Planning and Facilities Management.

The Board will next convene in April, 2011 for a regular quarterly meeting.

REPORT FROM COSFL: Senator McKenney

Senator McKenney shared two resolutions that were written based on discussions from the November COSFL meeting. She presented the resolution dealing with university tuition rates at the February 3rd CPE meeting. The resolution stated:

> "… any policy developed for the purpose of setting tuition rates for the universities within the oversight of the CPE be sufficiently flexible to allow adjustments of tuition rates to meet individual institutional roles including unfunded mandates such as higher graduation rates and research expectation, that only fees directly related to academic performance be considered in any formulation and that extreme caution be urged when defining performance metrics as the individual schools are already outcome driven but resource limited."

The second resolution was developed to encourage the CPE, the Kentucky Department of Education and the Kentucky Virtual Library to find a way to continue to provide electronic databases to all K-12 libraries in the Commonwealth of Kentucky, regardless of their ability to pay. This resolution is still in the draft stage.

REPORT FROM PROVOST: Senator Vice

On Thursday, February 3, the CPE Council approved its 2011-2015 Strategic Agenda. On behalf of the other presidents, President Whitlock spoke to the Council in support of the new Agenda. He noted how well EKU's new Strategic Plan aligns with their Agenda.

The General Education Committee has agreed to lead in a review of EKU's General Education Program. Provost Vice has asked the Committee to pursue this charge in a way that:

1. Builds on the success of EKU's current General Education Program.
2. Follows an aggressive timeline. (The most substantive modifications must be in place by Fall 2012.)
3. Follows a process that is transparent, inclusive, and unifies rather than divides the academic community.
4. Engages faculty, staff, students, the academic leadership (chairs, associate/assistant deans, deans, and other administrators), and other stakeholders as needed.

EKU is participating with the Higher Education Research Institute (HERI) at UCLA in the *HERI Faculty Surve*y. The results of this survey will be helpful in providing a faculty perspective on planning and policy analysis, enhancing faculty development, and improving student learning. Participation is voluntary. The invitation to participate will be emailed on February 8.

The Fall 2010 Report for the Noel Studio for Academic Creativity will be sent to Faculty Senate members electronically along with the February Provost report. The inaugural semester was very successful. The academic programming has been well received by students, faculty, and staff —enhancing written and oral communication skills and research methodology.

Faculty Senators are invited to lunch on the Wednesday following each Faculty Senate meeting to continue discussion from the Senate or open new topics to discuss. This month's luncheon will be on Wednesday, February 9, 11:45 a.m. – 1:00 p.m. across from the Faculty Dining Room, Powell Building. Please sign in with either cashier.

STUDENT GOVERNMENT ASSOCIATION: Caleb Armbrust

Mr. Armbrust shared the following in his written report to the Senate.

1. Planning for the Rally for Higher Education is going well (March 1st).
2. The service challenge is taking place up until the game against Morehead on the 16th. Students can turn service hours in to Bryan Perry.
3. Student Senate is preparing for the appropriations meeting to take place on February 22nd.
4. A dozen students plan to attend a leadership conference at NKU.
5. RLC has received a bid to host a conference.
6. SAC is planning for the upcoming spring concert on May 1st.
7. Current officers are ensuring that transition this spring will be smooth and that the incoming officers will be able to proceed on issues as soon as the fall semester begins.

STRATEGIC PLANNING COUNCIL: Senator Noblitt

Senator Noblitt announced that there are a number of resources available on the Institutional Effectiveness website which will help with the departmental strategic plan development process. There are also sample plans available for review.

Academic Quality Committee: Senator Shordike asked for additional feedback on the issue of posting faculty syllabi. Please send comments to her or to Senator Schmelzer.

Committee on Committees. Senator Butler reported that the committee will be sending out the memo for self-nominating for university committee vacancies later this month.

Elections Committee. Senator Nelson reported that the committee is looking at the process of faculty regent elections at benchmark universities. The committee plans to meet jointly with the Rules Committee in the near future to discuss this issue further.

Rules Committee. Senator McKenney reported that the committee met on Monday, January 31. Committee members shared information gathered on the faculty regent election policies of sister institutions in Kentucky and also examined several Kentucky Attorney General decisions with attention to the matter of who is legally eligible to vote for faculty regent.

The Committee's findings and recommendation will be shared with the Committee on Elections so that a joint report can be made at the March Faculty Senate meeting.

The Committee also discussed the need for an election to be held to replace committee member Ann Chapman, who retired at the end of last semester.

ADJOURNMENT

Senator Vice moved to adjourn at approximately 4:30pm.

Enterprise Desktop Management

Current state

In 2010, the IT helpdesk booked 349 software trouble tickets relating directly to viruses and other malware problems. In addition to the problems reported by telephone, the helpdesk averages between 20 and 30 laptop walk-ins per week with malware issues, mostly faculty laptops. A malware issue usually results in a computer being out of service 1 or 2 days for repair.

While the number of malware trouble tickets is only 20% of our telephone call volume, this pervasive problem consumes as much as 70% of our helpdesk resources. In addition to the time devoted by our IT staff to resolve these issues, there are more than 2000 days of computer use lost by faculty and staff as a direct result of malware problems. This has been a growing problem each year, and an end is not in sight.

Over the years the problem has not only grown more pervasive, but the stakes are higher. Ten years ago, a hacker was a smart techie, looking to make a name for himself or to impress someone. Today, the source of most malware is criminal in nature and global in perspective. International crime syndicates are searching for SSN's, credit card numbers, and identities to hijack. The risk is very real, and the stakes are much higher for individuals and institutions.   As more instruction and resources go online, the risk increases and the demand for support to resolve malware issues also increases.

As the university puts more resources toward online programs and technology resources, there is an increased need for IT support. As more instruction and resources go online, the risk increases and the demand for support increases. In order to meet those needs, IT needs to be able to redirect our resources from fixing malware problems to providing more support for instruction and academic needs. We cannot make this transition if we must continue to spend 70% of our time and energy on malware.

Goal for new model of Supporting Desktop Environments

A proactive support model with preventative measures to protect individual and institutional data from all forms of malicious intrusion.

The current reactive strategy cannot meet the growing demands malware places on the existing IT support systems.

Expected Benefits

- More staff resources for academic technology support.
- Reduced downtime and lost productivity due to malware infestations.
- Increased security of desktop by preventing Trojan horses, Bots, and key logger types of malware.

More Expected Benefits

- Up to date software. Increased up time and security resulting from managing software upgrades proactively, AFTER they have been adequately tested.
- Proactively address desktop/laptop problems, BEFORE they affect the user.
- Help ease the burden of desktop management for users. You shouldn't need to be a computer specialist or security analyst to protect your PC. Our current environment puts the burden on the user. The result is one to two days without your computer.
- It isn't IT's responsibility to tell you what software to use. It should IT's responsibility to make sure what you install is clean of malware.

Misconceptions

This problem cannot be 'trained' away. Training has been ongoing for many years, but the amount of malware infestations continue to increase.

Software licensing is not a motivating factor for enterprise desktop management. All software must have a legal license to be installed, but we do not police licenses. If we find illegal installations we deal with them appropriately. To our knowledge, there is not a large issue with faculty and staff using illegal software.

Next Steps

We have currently distributed 300 staff desktop PC's with the new configuration. There have been a few bumps along the journey, but we will continue to smooth out those issues as we come to them. There will be many changes in the way IT supports these computers, and we are now working on making sure we identify what those changes need to be and implement them. Input from the university community will be a big part of those changes.

This next year, IT will distribute approximately 600 more PC's and laptops to staff. During this year, IT's focus will be to make sure we are meeting the goal of this project and maintaining the quality of customer service the university expects from IT.

Changes in the configuration of faculty laptops will begin with laptop replacements scheduled for 2012. During the next 18 months, we will have the support model implemented to make this transition as easy and unobtrusive as possible.

We do not have all the solutions in place yet and we will continue to depend on input from the university community to help us make this transition as smooth and effective as possible. As this progresses and the laptop replacement comes closer, IT will communicate more details to the university regarding this new initiative and how it will affect users.

To: Faculty Senate

From: The Senate Rights and Responsibilities Committee and the Senate Rules Committee

Date: 2/25/2011

The Senate Rights and Responsibilities Committee and the Senate Rules Committee request that the Faculty Senate adopt the following motion at its meeting on 3/14/2011

MOTION:

We ask the Senate to approve the following policy statement for EKU's faculty Promotion and Tenure Policy (4.6.4).

Eastern Kentucky University, as a matter of principle, complies with the American Association of University Professors and Association of American Colleges & Universities "1940 Statement of Principles on Academic Freedom and Tenure." The AAUP and AAC&U statement addresses policy and procedural expectations for a wide variety of institutions of higher education.

(PURPOSE)This policy ensures that EKU Colleges and Departments shall establish specific, objective criteria and processes by which tenure and promotion decisions will be made. EKU's policy ensures that criteria and processes are clearly articulated and published and are available to all persons in the university community. EKU's policy for tenure and promotion respects the uniqueness of disciplines within the University and provides for appropriate professional flexibility at college and department levels.

JUSTIFICATION OF THE MOTION:

The above statement will replace the current one, below. It was agreed upon by the Drafting Team, the Senate Rules Committee, and the Senate Rights and Responsibilities Committee. All felt the proposed statement to be more clear.

Eastern Kentucky University, as a matter of principle, complies with the AAUP standards for faculty promotion and tenure. These standards establish basic policy and procedural expectations for a wide variety of institutions of higher education and for disciplines within universities while providing for appropriate professional flexibility at departmental levels. It is with this understanding that the following statements of principles and procedures are set forth to guide the faculty and the administration.

(PURPOSE)This policy ensures that the University has established criteria and processes by which the awarding of tenure and/or promotion may be evaluated. The policy ensures that these criteria are clearly articulated and that all processes related to the evaluation of those criteria are transparent and accessible to all persons in the university community.

EASTERN KENTUCKY UNIVERSITY

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TO: Members of the Faculty Senate

FROM: Janna P. Vice, Chair
             The Council on Academic Affairs

DATE: March 3, 2011

SUBJECT: CAA Agenda for Faculty Senate

As a result of the Council on Academic Affairs' meeting on February 17, 2011, the following items are presented for the Faculty Senate's agenda on March 14, 2011.

Curriculum Proposals

Eastern Kentucky University is an Equal Opportunity/Affirmative Action Employer and Educational Institution

Program Revisions Continued…

Program Suspension

Action Items

The Council approved the following items in the February 17, 2011, meeting:

Kentucky
UNBRIDLED SPIRIT

Eastern Kentucky University is an Equal Opportunity/Affirmative Action Employer and Educational Institution

The Senate Rules Committee has completed the following of its charges:

    1. Examine and determine the qualifications necessary to be able to serve as a faculty regent for Eastern Kentucky University.
    2. Examine and determine the qualifications necessary to be able to vote in the election of faculty regent for Eastern Kentucky University.

The Senate Election Committee had similar charges which have also been completed through this report:

    1.Examine faculty senate rules, university policy and state law and clarify the qualifications necessary to be able to serve as a faculty regent for Eastern Kentucky University.
    2.Examine faculty senate rules, university policy and state law and clarify the qualifications necessary to be able to vote in the election of faculty regent for Eastern Kentucky University.

In regard to these committee charges, a specific question had arisen as to whether an administrator holding faculty rank would be eligible to vote in a faculty regent election.

Members of the Rules Committee and Elections Committee conducted an investigation of EKU's policies, relevant state statutes, and also policies and practices of our sister Kentucky public institutions of higher education which we could locate on their websites. The following is a summation of what we found:

EKU Policy
The Faculty Handbook (2010-2011) under Part Two (Organization and Administration of the University) states:

> "The faculty regent shall be a teaching or research member of the faculty of the rank of assistant professor or above and shall be elected by secret ballot. All faculty members of the rank of assistant professor or above, or librarians holding comparable ranks, are eligible to vote. The faculty regent shall serve for a term of three years and until a successor is elected and qualified. The faculty regent shall be eligible for reelection but shall not be eligible to continue to serve as a member of the Board if no longer a member of the teaching staff of the University. Elections to fill vacancies shall be for the unexpired term and shall be held in the same manner as the original election."

Ky. State Statute 164.321
Boards of Regents of Eastern Kentucky, Morehead State, Murray State, Western Kentucky, Kentucky State, Northern Kentucky Universities, and Kentucky Community and Technical College System– Membership–Terms.

> "6 (a) The faculty member of a comprehensive university shall be a teaching or research member of the faculty of his or her respective university of the rank of assistant professor or above. The faculty member shall be elected by secret ballot by all faculty members of his or her university of the rank of instructor, assistant professor, or above. The faculty member shall serve for a term of three (3) years and until his successor is elected and qualified. The faculty member shall be eligible for reelection, but he or she shall not be eligible to continue to serve as a member of the board if he or she ceases being a member of the teaching staff of the university. Elections to fill

vacancies shall be for the unexpired term in the same manner as provided for the original election."

This statute was amended in 2010 to allow faculty at the rank of instructor to vote for faculty regent. Previously the requirement was that faculty had to hold at least the rank of assistant professor in order to vote. The statement in the EKU Faculty Handbook thus needs to be updated to reflect this change.

Policies or Practices of Other KY Universities
Most schools simply quote the state statute and do not give any elaboration as to how to interpret it with regard to whether administrators holding faculty rank may vote for regent.

The University of Louisville has an interesting practice of automatically designating the "chief executive of the faculty senate" as its faculty representative on the Board of Trustees. KCTCS states that two members of its Board of Regents must be "members of the teaching faculty (elected by faculty)".

The University of Kentucky's Human Resources Policy and procedure Number 4.0: Employee Status provided the following helpful information:

> Note: Faculty employees with administrative assignments 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). Chairs and directors may run for election and serve in the University Senate as an elected representative of their constituent faculty, if their administrative service as chair or director concludes before the term of their service as a University Senator commences.

Office of Attorney General Opinions Regarding the Statute
The listserv of the Coalition of Senate and Faculty Leadership for Higher Education (COSFL) proved to be an invaluable resource for addressing the question of whether administrators with faculty rank may vote for faculty regent. Davy Jones at the University of Kentucky provided the following detailed answer to the question,

"What do the statutes intend as far as ‚Administrative Faculty' in relation to election of Faculty Trustee/Regent?"

> "Now, what about tenured faculty who then become department chairs, deans, vice presidents, president, etc.? The Attorney General has issued several opinions that when it comes to voting for Board representatives, while dept. chairs or deans may be "members of the faculty" for intramural purpose, for the purposes of the statutory election of Faculty representatives those ‚administrative faculty' are not eligible if their primary duties are not ‚faculty-like' in nature (i.e., teaching, research). In brief summary:
>
> 1968 (OAG 68-611)–Attorney General distinguishes "faculty member" from employee of the institution"/ Attorney General defines the "faculty of a college" as a "body", e.g., "[t]he teaching body"; Attorney General approves as consistent with state law the distinction of a "faculty member" as one "who spends over one-half of his working time in teaching and/or research and directly related activities...[and is t]hus distinguished from that of an administrative officer."

1974 (OAG 74-632)–Attorney General reiterates that eligibility criterion for election of being a "teaching or research" faculty member...means that the person's duties must be teaching or research as opposed to administrative.

1994 (OAG 94-25)–Attorney General opinion confirms that faculty of the University of Kentucky are officially organized as legally recognized discrete bodies, as members of faculties of colleges.

2004 (OAG 04-006)–Attorney General reaffirms 1968 AG opinion that distinguishes "faculty member" from "employee of the institution" in which Attorney General defines the "faculty of a college" as a "body", e.g., "[t]he teaching body"; and approves as consistent with state law the distinction of a "faculty member" as one "who spends over one-half of his working time in teaching and/or research and directly related activities...[and is t]hus distinguished from that of an administrative officer."

Prof. Davy Jones further states: "The above Attorney General opinions led to an intramural UK '50% rule,' i.e., if the Administrative Faculty employee, who was also a faculty member, had 50% or more assignment in administrative duties, then the individual was not eligible in election for Faculty Trustee (or for University Senate)."

The EKU Senate Rules Committee has the full text of the above Attorney General Opinions and can provide them upon request.

Conclusion
In view of the evidence summarized above, members of the Senate Rules Committee and the Senate Elections Committee believe that full-time administrators with faculty rank would not be eligible either to run for faculty regent, nor would they be eligible to vote in the faculty regent election.

Recommendation: It may be advisable to put forward a motion adding a statement similar to the U.K. Human Resources Policy note to our EKU Faculty Handbook, so that this question will not arise in the future.

Senate Rules Committee
Nancy McKenney, Chair
Margaret Foote
Julie Hensley
Jane Rainey

Senate Elections Committee
Larry Nelson, Chair
Faridah Awang
Richard Day
Benjamin Freed
Shane Redmond