

Office of the President
May 4, 2004

Members, Board of Trustees:

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: that the Board of Trustees delegate the governance and management responsibilities for the University of Kentucky Lexington Community College to the Board of Regents of the Kentucky Community and Technical College System as required by House Joint Resolution 214 attached.

Background: On February 10, 2004 the Board of Trustees recommended, pending legislative approval, the delegation of management responsibilities for the Lexington Community College from the Board of Trustees of the University of Kentucky to the Board of the Regents of the Kentucky Community and Technical College System. House Joint Resolution 214 was passed by the 2004 General Assembly and was signed by Governor Ernie Fletcher on April 2, 2004. House Joint Resolution 214 directs the Board of Trustees "to delegate the governance and management responsibilities for the University of Kentucky Lexington Community College to the Kentucky Community and Technical College System, on or before July 1, 2004." The Resolution directs the appointment of a transition team by the chief executive officers of the University of Kentucky, the Lexington Community College, and the Kentucky Community and Technical College System. This team shall report to the Legislative Research Commission, the Interim Joint Committee on Appropriations and Revenue, the Interim Joint Committee on Education, and their subcommittees as requested. The resolution authorizes the parties to execute the appropriate agreements to complete the transition in accordance with the terms of the resolution.

Action taken: Approved Disapproved Other _____



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2004 REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 214

FRIDAY, MARCH 12, 2004

The following joint resolution was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 2, 2004
12:13pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adley

A JOINT RESOLUTION relating to the delegation of the governance and management responsibilities of the Lexington Community College to the Kentucky Community and Technical College System and declaring an emergency.

WHEREAS, for many years the Lexington Community College has provided comprehensive community college programs as an integral part of the University of Kentucky; and

WHEREAS, the Southern Association of Colleges and Schools, the Lexington Community College's accrediting agency, has given it probationary accreditation because it determined that Lexington Community College does not have enough autonomy to be considered a separate community college; and

WHEREAS, the University of Kentucky's board of trustees agreed that the management responsibilities of the Lexington Community College should be delegated to the Kentucky Community and Technical College System where it will be considered an autonomous institution; and

WHEREAS, it is critical that the presence of the Lexington Community College on the University of Kentucky campus be maintained for the benefit of the students and the involvement of the community; and

WHEREAS, many of the strong ties between the Lexington Community College and the University of Kentucky can be maintained through the careful development of agreements and contracts; and

WHEREAS, the transfer of the Lexington Community College to the Kentucky Community and Technical College System requires legislative action as evidenced by this joint resolution;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

- 1 Section 1. The University of Kentucky Board of Trustees is directed to delegate
- 2 the governance and management responsibilities for the University of Kentucky

- 1 Lexington Community College to the Kentucky Community and Technical College
2 system, on or before July 1, 2004, with the following provisos:
- 3 (1) That these responsibilities include, but are not limited to, assets, liabilities,
4 revenues, personnel, programs, financial and accounting services, support services,
5 workers compensation claims, unemployment claims, and retirement benefits.
 - 6 (2) That all funds appropriated by the General Assembly of the Commonwealth of
7 Kentucky to support the Lexington Community College in the 2004-2006
8 State/Executive Branch Budget Bill, 2004 House Bill 395, shall be transferred and
9 allotted to the Board of Regents of the Kentucky Community and Technical College
10 System for the benefit of the Lexington Community College.
 - 11 (3) That all personal property, including instructional and other moveable equipment of
12 the Lexington Community College and the University of Kentucky designated for
13 the use of Lexington Community College shall be transferred and allotted to the
14 board of regents for the benefit of the Lexington Community College.
 - 15 (4) That the Lexington Community College shall continue to use its current facilities
16 including buildings, grounds, and parking areas.
 - 17 (5) That restricted gifts, endowments, and sponsored projects designated for the use and
18 benefit of Lexington Community College shall be transferred and allotted to the
19 board of regents for the benefit of the Lexington Community College. These funds
20 shall be managed in a manner that is consistent with any applicable donor or
21 sponsor agreements.
 - 22 (6) That the Kentucky Community and Technical College System shall reimburse the
23 University of Kentucky at a reasonable cost for any benefits and services, including
24 debt service applicable to Lexington Community College facilities, provided to the
25 system. The Kentucky Community and Technical College System shall reimburse
26 the University for the actual cost of expenditures of the health care plans and the
27 long-term disability plan for Lexington Community College employees and retirees

1 who are enrolled in the plans or who are beneficiaries of the plans as of July 1,
2 2004, and thereafter.

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

7 (a) Sick leave and annual vacation leave accruals as of the effective date of the
8 transfer shall be retained by each employee.

9 (b) Employees with tenure, as of the effective date of the transfer, shall retain
10 their tenure. Employees without tenure, as of the effective date of the transfer,
11 shall earn tenure based on personnel policies in effect at the time of their
12 employment. New employees without tenure, as of the effective date of the
13 transfer, shall earn tenure based on the policies established by the Board of
14 Regents of the Kentucky Community and Technical College System.

15 (c) Employees shall maintain a salary not less than their previous salary as of July
16 1, 2004. The amounts paid to part-time and adjunct faculty per credit hour
17 shall not be less than previously paid.

18 (d) All employees hired before July 1, 2004, shall be provided the same benefit
19 package available for other University of Kentucky employees as the
20 University of Kentucky may modify, change, consolidate, or eliminate it for
21 all employees.

22 (e) A person employed as of the effective date of the transfer in the Lexington
23 Community College may elect to become an employee in the Kentucky
24 Community and Technical College System and be subject to the human
25 resources policies and procedures of the Kentucky Community and Technical
26 College System. The employee shall have the right to exercise this option at
27 any future time after the effective date of the transfer. An employee who elects

- 1 to accept this option and who remains an employee of the Kentucky
2 Community and Technical College System may not reverse this option.
- 3 (f) A regular full-time employee may, with prior administrative approval, take up
4 to six (6) credit hours per semester or combination of summer sessions on the
5 University of Kentucky's campus or at a community college during the
6 employee's normal working hours. The University of Kentucky shall defray
7 the registration fee up to a maximum of six (6) credit hours per semester or
8 combination of summer sessions.
- 9 (g) New employees hired on or after July 1, 2004, in the Kentucky Community
10 and Technical College System for the Lexington Community College shall be
11 governed by the regulations established by the board of regents.
- 12 (8) That students enrolled in the Lexington Community College through June 30, 2006,
13 shall have all of the responsibilities, services, privileges, and rights accorded to
14 them as University of Kentucky students. The privileges shall include, but not be
15 limited to, tickets to athletic events, homecoming queen contests, the Great Teacher
16 Award, and the University of Kentucky scholarship programs. These students shall
17 pay the mandatory University of Kentucky student fees through June 30, 2006. On
18 July 1, 2006, and thereafter, Lexington Community College students may elect to
19 participate in student services and activities provided by the University of Kentucky
20 and shall pay the appropriate fees for these services and activities to include the
21 following fees: athletics, student government association, WRFL student radio,
22 student activities, student center, student health plan, technology fee, Seaton Center
23 fee, and student affairs. Lexington Community College students shall continue to be
24 provided access to University of Kentucky residence halls.
- 25 (9) That students enrolled at Lexington Community College on or before September 1,
26 2004, shall have six (6) years to complete the degree program in which they are
27 enrolled and receive a diploma conveyed by the University of Kentucky Board of

1 Trustees.

2 (10) That the university administration is authorized to execute an agreement between
3 the University of Kentucky Board of Trustees and the Kentucky Community and
4 Technical College System Board of Regents relating to the Trust Indenture
5 Covenants of the UK Consolidated Educational Buildings Revenue Bonds.

6 (11) That the university administration is authorized to negotiate and enter into an
7 agreement with the Kentucky Community and Technical College System and
8 Lexington Community College in connection with services which the university
9 will continue to provide to the Lexington Community College and other
10 administrative and legal issues related to the delegation of managerial
11 responsibility, and that the agreement is to be reported to the board of trustees, the
12 board of regents, and the Lexington Community College Advisory Board.

13 (12) That the Lexington Community College Advisory Board shall continue to serve in
14 an advisory capacity.

15 (13) That the university administration and the Lexington Community College
16 administration continue to develop a transfer plan to expand the legacy of students
17 transferring from the community college to the university.

18 Section 2. The chief executive officer of the University of Kentucky, the
19 Lexington Community College, and the Kentucky Community and Technical College
20 System shall appoint a transition team, with an equal number of members representing
21 each of these three (3) organizations, to oversee the implementation of the provisions of
22 this resolution. The transition team shall report to the Legislative Research Commission,
23 the Interim Joint Committee on Appropriations and Revenue, the Interim Joint
24 Committee on Education, and their subcommittees upon request.

25 Section 3. The president of the University of Kentucky and the president of the
26 Lexington Community College are directed to notify the Southern Association of
27 Colleges and Schools of this resolution.

1 Section 4. Whereas it is necessary that the governance and management
2 responsibilities for the Lexington Community College be delegated to the Kentucky
3 Community and Technical College System at the beginning of the fiscal year, an
4 emergency is declared to exist and this Act takes effect upon its passage and approval by
5 the Governor or upon its otherwise becoming a law.

Jody Richards
Speaker-House of Representatives

Paul H. Williams
President of the Senate

Attest: Lis Oulliam
Chief Clerk of House of Representatives

Approved Janie Fletcher
Governor

Date 4/2/04