

Motion: The Faculty Senate of Eastern Kentucky University hereby makes it known that we

- ...strongly support our President and Board of Regents in their continued leadership of Eastern Kentucky University,
- ... strongly support the actions of the ECU Board of Regents' members who urged the Governor to veto SB 152,
- ... protest the actions of the Kentucky State Government including:
 - not validating the claim that there was broad-based constituency support for changing residency requirements for Board members
 - not getting input from the University communities affected by this legislation
 - enacting "emergency" legislation specifically aimed at removing the Chair of the ECU Board of Regents,
- ... strongly encourage the Governor to make University Board appointments based on an individual's abilities and commitment to the University and not determined by residency or undue political influence
- ... strongly encourage the Legislature not to further restrict Board members to only those with Kentucky residency
- ... urge the Council on Postsecondary Education, the Council of Presidents, and the Coalition of Senate Faculty Leadership to recommend criteria for appropriate selection of university regents/trustees.

Rationale: SB 152 (see Attachment 1 below) was passed by the Kentucky State Legislature without the knowledge of the ECU Board of Regents, administration or faculty and was signed into law over the protests of members of the ECU Board of Regents, ECU faculty leaders, and the Commonwealth's major newspapers (see Attachment 2 below - Courier Journal editorial). The legislation has been interpreted as a direct attack on the Chair of the ECU Board of Regents. The bill requires any regent/trustee of a regional university to be a resident of the 50 states. The reason given for this emergency legislation was that numerous requests had been received by legislators asking for its passage. At this point, no individual(s) has been identified as making this request. A letter to this effect (see Attachment 3 below) was signed by seven of ten ECU Regents, the ECU Faculty Senate Chair, and ECU COSFL Representative and faxed to the Governor urging him to veto the bill. The Governor signed SB 152 into law on March 10, 2003.

SB 152 and the proposed regent/trustee Kentucky resident requirement are direct threats at higher education reform. They represent a return to the 'old ways' of doing business in Kentucky. They disenfranchise willing, able, motivated, and skilled alumni from potential service as a regent/trustee at Kentucky regional comprehensive universities.

The ECU Faculty Senate cannot allow this situation to persist without recognizing the threat that it poses. In the near future, the Governor will be filling two to three vacancies on the ECU Board of Regents, at a time when the Legislature is placing unneeded and undesirable restrictions on his selections. This is the time for the Faculty Senate to go on record in support of President Glasser and our Board of Regents, and to protest the passage of SB 152.

ATTACHMENTS

ATTACHMENT 1: SB 152 (BR 1620) - L. Casebier

AN ACT relating to the qualifications of Kentucky Board of Education members and declaring an emergency.

Amend KRS 156.040 to clarify the specific qualifications for members of the Kentucky Board of Education; delete the reference to the same qualifications of local school board members.

SB 152 - AMENDMENTS

SFA (1, L. Casebier) - Amend KRS 164.321 to require that a member of the board of regents of a regional university or KCTCS shall lose his or her eligibility to serve if he or she assumes residency outside the 50 United States.

SFA (2/Title, L. Casebier) - Make title amendment.

HFA (1, M. Rader) - Permit a board of regents appointee to continue to serve or be reappointed if he or she changes residency but lives in one of the United States, the District of Columbia, or in a U.S. territory.

Feb 11-introduced in Senate

Feb 14-to Education (S)

Feb 19-reported favorably, 1st reading, to Calendar

Feb 20-2nd reading, to Rules

Feb 26-floor amendments (1) and (2-title) filed

Feb 27-posted for passage in the Regular Orders of the Day for Friday, February 28, 2003

Feb 28-3rd reading, passed 31-0 with floor amendments (1) and (2-title)

Mar 3-received in House; to Appropriations and Revenue (H); posting waived

Mar 4-reported favorably, 1st reading, to Calendar

Mar 5-2nd reading, to Rules; posted for passage in the Regular Orders of the Day for Thursday, March 6, 2003; floor amendment (1) filed

Mar 6-3rd reading, passed 77-11; received in Senate

Mar 10-enrolled, signed by each presiding officer; delivered to Governor; signed by Governor

ATTACHMENT 2: Courier Journal Editorial

Destructive meddling (CJ editorial from 3/12/03)

BEFORE the General Assembly slithered out of Frankfort, it turned its dyspeptic attention to higher education.

And faster than you can say, ''Maybe we deserve to be at the bottom, our lawmakers passed a spanking new state law aimed at resolving an unspecified grudge by removing a single regent from the board of one state university.

The case for such mischief was complicated by an inconvenient obstacle: The regent in question, C. Fred Rice, chairman of Eastern Kentucky University's board, had apparently done nothing wrong. Indeed, seven regents and other important folks on campus wrote to urge the defeat of the bill.

To no avail. Senate Minority Leader Ed Worley, apparently acting in collusion with House Budget Committee Chairman Harry Moberly, both Democrats from EKV's hometown of Richmond, pushed the bill through.

A docile Paul Patton, who once aspired to make higher education his legacy as governor, signed the bill, highlighting his political depletion.

And the content of this nonsense? The bill would require regents at regional universities to live within the 50 states, thus disqualifying Mr. Rice (and apparently only Mr. Rice). He still owns property in Kentucky, but he moved last year from Florida to the U.S. Virgin Islands.

This would be comical if it were just a couple of self-aggrandizing legislative poohbahs making fools of themselves.

But this sort of political meddling in the governance of public universities risks great harm.

So, Frankfort, take note, one more time: Universities are not designed to be playgrounds -- not for basketball and certainly not for petty, local political intrigue. They exist to generate the teaching, learning and research necessary to produce an educated citizenry and to create an environment for economic and social growth.

Many other states, responding to a shrinking world and a global economy, are reaching out to attract more regents from beyond their borders.

But not Kentucky. Here, the message is that provincialism and political interference continue unabated to smother universities.

And top faculty, administrators and students -- who could brighten Kentucky's future incalculably by coming to Kentucky campuses -- will take note, and be justifiably wary.

ATTACHMENT 3:
March 9, 2003

Open Letter to Governor Paul Patton

As individuals involved with governance of Eastern Kentucky University we would like to express our outrage at the recent action (SB 152) by the Kentucky Legislature to modify rules for Board of Regent/Trustee membership-- and to ask you to take a stand for education by vetoing this legislation.

We have heard that this bill emerged from concerns raised by the University community and is so urgent in nature as to require an emergency amendment and immediate implementation. As the leadership of this University we disagree with this portrayal. We have not heard any discussions about the inappropriateness of the Chair of the Board continuing as a Regent following his move to the U.S. Virgin Islands. Furthermore, prior to the vote last week, none of us had been approached by any member of the Kentucky Legislature or any other person concerning this issue.

While respecting the Legislature's authority to establish broad education policy for Kentucky, we reject its interference with the self governance of any individual institution and its specific membership. Such activity, as we know you will agree, has significant negative implications for not only that institution but for education throughout the Commonwealth. How can any university attract and retain qualified professionals when its self governance is undermined? How can it implement education reform? Even the accreditation of our programs and the University is potentially threatened by legislative interference of this nature. You must not let this happen.

We support Eastern Kentucky University's mission of being a school of opportunity which provides quality education and enriches the lives of Kentuckians and the communities in which they live. We strongly support our president, Joanne Glasser, and have confidence in her ability to lead our University forward in these challenging times. However, this legislative action significantly undermines the University's potential to do this.

We deeply appreciate your leadership role in implementing Kentucky's nationally recognized education reform. Endorsing the process by which SB 152 has been approved and enacting it into legislation would reverse many of the gains which have been made. It would cripple Eastern Kentucky University's capacity to participate in education reform. We urge you to veto this bill.

Signed by:

Dr. Daisy French, Vice Chair, Board of Regents

Mrs. Jane Boyer, Member of Board of Regents

Ms. Penny Greer, Member of Board of Regents

Ms. Mary Hall, Student Representative on Board of Regents

President of Student Government Association

Mr. Ernest M. House, Member of Board of Regents

Dr. Pam Schломann, Faculty Representative on Board of Regents

Mr. David Williams, Staff Representative on Board of Regents

Mr. Keith Johnson, Chair, Faculty Senate

Dr. Carolyn Siegel, ECU Representative to Coalition of Senate and Faculty Leadership