

CHAPTER 50**(HJR 214)**

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:

Section 1. The University of Kentucky Board of Trustees is directed 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, with the following provisos:

- (1) That these responsibilities include, but are not limited to, assets, liabilities, revenues, personnel, programs, financial and accounting services, support services, workers compensation claims, unemployment claims, and retirement benefits.
- (2) That all funds appropriated by the General Assembly of the Commonwealth of Kentucky to support the Lexington Community College in the 2004-2006 State/Executive Branch Budget Bill, 2004 House Bill 395, shall be transferred and allotted to the Board of Regents of the Kentucky Community and Technical College System for the benefit of the Lexington Community College.
- (3) That all personal property, including instructional and other moveable equipment of the Lexington Community College and the University of Kentucky designated for the use of Lexington Community College shall be transferred and allotted to the board of regents for the benefit of the Lexington Community College.

- (4) That the Lexington Community College shall continue to use its current facilities including buildings, grounds, and parking areas.
- (5) That restricted gifts, endowments, and sponsored projects designated for the use and benefit of Lexington Community College shall be transferred and allotted to the board of regents for the benefit of the Lexington Community College. These funds shall be managed in a manner that is consistent with any applicable donor or sponsor agreements.
- (6) That the Kentucky Community and Technical College System shall reimburse the University of Kentucky at a reasonable cost for any benefits and services, including debt service applicable to Lexington Community College facilities, provided to the system. The Kentucky Community and Technical College System shall reimburse the University for the actual cost of expenditures of the health care plans and the long-term disability plan for Lexington Community College employees and retirees who are enrolled in the plans or who are beneficiaries of the plans as of July 1, 2004, and thereafter.
- (7) That the employees in the Lexington Community College as of July 1, 2004, shall be governed by the University of Kentucky regulations and any subsequent changes made by the university, except that appeals shall be to the board of regents or to the board's designee. The following provisions shall apply:
 - (a) Sick leave and annual vacation leave accruals as of the effective date of the transfer shall be retained by each employee.
 - (b) Employees with tenure, as of the effective date of the transfer, shall retain their tenure. Employees without tenure, as of the effective date of the transfer, shall earn tenure based on personnel policies in effect at the time of their employment. New employees without tenure, as of the effective date of the transfer, shall earn tenure based on the policies established by the Board of Regents of the Kentucky Community and Technical College System.
 - (c) Employees shall maintain a salary not less than their previous salary as of July 1, 2004. The amounts paid to part-time and adjunct faculty per credit hour shall not be less than previously paid.
 - (d) All employees hired before July 1, 2004, shall be provided the same benefit package available for other University of Kentucky employees as the University of Kentucky may modify, change, consolidate, or eliminate it for all employees.
 - (e) A person employed as of the effective date of the transfer in the Lexington Community College may elect to become an employee in the Kentucky Community and Technical College System and be subject to the human resources policies and procedures of the Kentucky Community and Technical College System. The employee shall have the right to exercise this option at any future time after the effective date of the transfer. An employee who elects to accept this option and who remains an employee of the Kentucky Community and Technical College System may not reverse this option.
 - (f) A regular full-time employee may, with prior administrative approval, take up to six (6) credit hours per semester or combination of summer sessions on the University of Kentucky's campus or at a community college during the employee's normal working hours. The University of Kentucky shall defray the registration fee up to a maximum of six (6) credit hours per semester or combination of summer sessions.

- (g) New employees hired on or after July 1, 2004, in the Kentucky Community and Technical College System for the Lexington Community College shall be governed by the regulations established by the board of regents.
- (8) That students enrolled in the Lexington Community College through June 30, 2006, shall have all of the responsibilities, services, privileges, and rights accorded to them as University of Kentucky students. The privileges shall include, but not be limited to, tickets to athletic events, homecoming queen contests, the Great Teacher Award, and the University of Kentucky scholarship programs. These students shall pay the mandatory University of Kentucky student fees through June 30, 2006. On July 1, 2006, and thereafter, Lexington Community College students may elect to participate in student services and activities provided by the University of Kentucky and shall pay the appropriate fees for these services and activities to include the following fees: athletics, student government association, WRFL student radio, student activities, student center, student health plan, technology fee, Seaton Center fee, and student affairs. Lexington Community College students shall continue to be provided access to University of Kentucky residence halls.
- (9) That students enrolled at Lexington Community College on or before September 1, 2004, shall have six (6) years to complete the degree program in which they are enrolled and receive a diploma conveyed by the University of Kentucky Board of Trustees.
- (10) That the university administration is authorized to execute an agreement between the University of Kentucky Board of Trustees and the Kentucky Community and Technical College System Board of Regents relating to the Trust Indenture Covenants of the UK Consolidated Educational Buildings Revenue Bonds.
- (11) That the university administration is authorized to negotiate and enter into an agreement with the Kentucky Community and Technical College System and Lexington Community College in connection with services which the university will continue to provide to the Lexington Community College and other administrative and legal issues related to the delegation of managerial responsibility, and that the agreement is to be reported to the board of trustees, the board of regents, and the Lexington Community College Advisory Board.
- (12) That the Lexington Community College Advisory Board shall continue to serve in an advisory capacity.
- (13) That the university administration and the Lexington Community College administration continue to develop a transfer plan to expand the legacy of students transferring from the community college to the university.

Section 2. The chief executive officer of the University of Kentucky, the Lexington Community College, and the Kentucky Community and Technical College System shall appoint a transition team, with an equal number of members representing each of these three (3) organizations, to oversee the implementation of the provisions of this resolution. The transition 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 upon request.

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

Section 4. Whereas it is necessary that the governance and management responsibilities for the Lexington Community College be delegated to the Kentucky Community and Technical

College System at the beginning of the fiscal year, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 2, 2004