

UNIVERSITY OF KENTUCKY
SENATE

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Regular Session

December 8, 2003

3:00 p.m.

W. T. Young Library
First Floor Auditorium
Lexington, Kentucky

Dr. Jeffrey Dembo, Chair

An/Dor Reporting & Video Technologies, Inc.
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Lexington, Kentucky 40515
(859)254-0568

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JEFFREY DEMBO, CHAIR

GIFFORD BLYTON, PARLIAMENTARIAN

REBECCA SCOTT, SECRETARY TO SENATE COUNCIL

ROBYN BARRETT, COURT REPORTER

* * * * *

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1 CHAIR DEMBO: Welcome to the December
2 meeting of the University Senate.
3 This is where our flight will take
4 us today, starting off with the
5 minutes and an approximate time
6 allocation. My goal is that we
7 should head towards the Code of
8 Conduct and the faculty salaries
9 right about 4:00, and that may let
10 us out somewhere around 4:30 or so.
11 So to start with, we'll look at the
12 minutes from the last meeting. And
13 I want to point out to you, if you
14 look at the yellow sheets that
15 Ms. Scott has nicely copied for
16 everybody, the last page of the
17 yellow sheets, there's been a
18 modification made and I have it up
19 here on the screen as well, that the
20 words "a straw vote was taken" was
21 added to the minutes and the fact
22 that the motion will be sent to the
23 Senate Council for the formation of
24 rationale and the item will appear
25 as an action item on the December

4

1 agenda. Professor Blyton, our
2 parliamentarian, and I had a
3 conversation directly after the
4 meeting, and he alerted me to an
5 error in process that I'd like for
6 him to describe very briefly,
7 because in the end, I think it won't
8 make a difference here, but it was
9 significant enough I wanted him to
10 explain it to us.

11 BLYTON: There's one thing we all need
12 to understand about the way we
13 conduct business, and that's a
14 matter called "due notice," which is
15 extremely important in the
16 democratic way of doing business.
17 The last month, due notice applies
18 because the matter relative to
19 retiree benefits was listed on the
20 agenda as "for discussion only."
21 That means that everyone who
22 received a copy of that, and I
23 presume you received a copy before
24 the meeting, came to the meeting
25 with the idea that the matter would

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1 be discussed only and no action
2 would be taken on it. What happened
3 was a motion was made to negate or
4 disapprove; I don't know the exact
5 wording, but it was a motion to
6 disapprove of the report of the task
7 force. That's a violation of due
8 notice because no action was to be
9 taken on that task force report.
10 You could accept it, but you
11 can't -- and that's all you can do.
12 But a motion was made to deny it or,
13 in fact, negate it. That's a
14 violation of basic due notice
15 principle, and that's very important
16 to me personally because it means
17 those people who were absent were
18 not given the privilege to vote on
19 the motion because they were told no
20 action would be taken. Now, that's
21 about as clear as I can put it. Now
22 remember, as parliamentarian, I
23 don't make the rules. Sometimes I'd
24 like to, but I don't. I just
25 interpret them the way I see them.

6

1 Now, remember this about the
2 parliamentarian. You have the
3 motion -- I mean the right to appeal
4 the decision of the parliamentarian,
5 just as you have the right to appeal
6 the decision of the chair. Are
7 there any questions about this idea
8 of due notice as applied to the
9 meeting, the last meeting?

10 GAREN: I presume this invalidates the
11 motion? Is that the information
12 here?

13 BLYTON: Huh?

14 GAREN: Does this invalidate the
15 motion?

16 CHAIR DEMBO: Please identify yourself.

17 BLYTON: What happens, in effect, the
18 vote that you folks took last time
19 was a straw vote. It had no power,
20 no weight, because it violated the
21 due notice principle. I should have
22 caught it at the time, but I -- I
23 don't like to be too blunt about
24 these things and I didn't want to
25 break in. But anyway, it's

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1 tantamount to a straw vote, and I
2 think the minutes have been modified
3 to express that idea.

4 CHAIR DEMBO: Thank you, Gifford, for
5 the explanation. We appreciate it.
6 Who asked the question? Identify
7 yourself, please.

8 GAREN: John Garen, Business and
9 Economics.

10 CHAIR DEMBO: Thank you. Yes, sir,
11 Professor Govindarajulu.

12 GOVINDARAJULU: The purpose of the
13 meeting was -- what it was, they
14 could have sent us through an
15 e-mail.

16 NOONAN: It was to have been discussed.

17 CHAIR DEMBO: Well, what I could have
18 done differently, I should have done
19 differently, was to ask the Senate
20 to waive the ten-day rule to include
21 it as an action item. But on the
22 other hand, you can't do that for
23 every meeting, to slip things in and
24 make them action items. In this
25 case I think it was not a -- it was

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1 a trivial point since the
2 instruction was to send it back to
3 the Senate Council and you'll be
4 voting on the same thing today,
5 anyway, as an action item. I just
6 wanted the Senate to be aware of
7 this change and why this wording was
8 put in there. Any other --

9 BLYTON: The motion should have been
10 ruled out of order, if you want to
11 get technical about it, because it
12 was out of order.

13 CHAIR DEMBO: Are there any other
14 amendments to the minutes? So
15 without any objection to the
16 minutes, the minutes will stand
17 approved as written, including the
18 words "a straw vote was taken."
19 Next on the agenda we have two
20 memorial resolutions. The first
21 will be presented by one of our
22 faculty in Social, Pat Litzelfelner.

23 LITZELFELNER: Thanks, Jeff.

24 (WHEREUPON, PAT LITZELFELNER READ THE FOLLOWING
25 MEMORIAL RESOLUTION.)

9

1

Memorial Resolution

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Presented to the University of Kentucky Senate

3

December 8, 2003

4

John R. Ballantine

5

1941 - 2003

6

Professor Emeritus- College of Social Work

7

John R. Ballantine of Lexington, Kentucky died

8

May 12, 2003. He was preceded in death by his mother,

9

Bessie Puyear Ballantine and his friend Preston White.

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He is survived by his father, John Henry Ballantine

11

and his brother Hugh Ballantine both of Calhoun

12

Kentucky.

13

On behalf of the alumni, students, staff, and

14

faculty at the College of Social Work I offer the

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following memorial to John Ballantine.

16

John Ballantine was a native Kentuckian and proud

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of it. He was born in Owensboro, Kentucky and

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received his bachelor's of Social Work degree from

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Georgetown College. He obtained his Master's of Social

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Work from Tulane University and did doctoral work at

21

the University of Alabama.

22

Upon return to Kentucky, John was the Deputy

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Commissioner of Community Mental Health Services for

24

the State of Kentucky and was considered a leader in

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mental health services both at the state and local

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1 levels.

2 John joined the faculty at the College of Social
3 Work in 1974 and was a member of the faculty for 24
4 years until his retirement in 1999.

5 He was a leader in the College and several Deans
6 relied heavily on him for his wisdom and
7 straightforward advice. Throughout the years John
8 served on various College Committees and was the
9 Director of the Field Education Office for 8 years.
10 He was also the College representative to the Faculty
11 Senate for several terms.

12 He is remembered most for his commitment and
13 generosity to students. John took his role as educator
14 and mentor seriously and many students felt they could
15 talk to him openly about their ideas, fears, dilemmas
16 and other intellectual struggles. He taught students
17 to have compassion and an understanding for all people
18 especially the "poorest of the poor".

19 He was most proud of following the careers of his
20 former students and often said to me, when hearing of
21 the success of a former student, "he or she was one of
22 my students". He claimed the students. They were his.

23 He was a friend to many and a very generous man
24 who lived a good and honest life. His kindness and
25 empathy helped many clients, friends and colleagues

11

1 through difficult times.

2 John's friend and colleague Professor Jim Clark
3 states "Much is made of the 'immortality' of teachers,
4 but in John's case he will be remembered for his many
5 acts of generosity, not the least of which was the
6 constant encouragement to achieve important things for
7 the profession of social work and those we serve".

8 We will miss him.

9 CHAIR DEMBO: We'll have this moment of
10 silence for Professor Ballantine.
11 We have one more memorial
12 resolution. This one will be
13 delivered by Chuck Staben of the
14 College of Arts and Sciences.

15 STABEN: Thank you, Jeff, and I'm
16 presenting this on behalf of the
17 Department of Biology and Willem's
18 many colleagues at the university.

19 (WHEREUPON, CHUCK STABEN READ THE FOLLOWING MEMORIAL
20 RESOLUTION.)

21 Memorial Resolution Presented to the University of
22 Kentucky Senate
23 for presentation at the December 8th meeting
24 Professor Willem Meijer

25

1923-2003

1 Willem Meijer, Emeritus Professor of Biology,
2 died of heart failure at the age of 80 on October 22,
3 2003 in Lexington, Kentucky. He was born in The
4 Hague, The Netherlands in 1923 and received his Ph.D.
5 from the University of Amsterdam in 1951. From 1951
6 to 1968, Dr. Meijer worked as a botanist in Java, West
7 Sumatra, and North Borneo. He joined the faculty of
8 the then Botany Department at the University of
9 Kentucky as an Associate Professor in 1968, became a
10 Full Professor in 1983, and retired in 1993.

11 His interest in natural history began in the
12 early 1930's, and in 1939 he published his first
13 paper, which was an essay on some bryophytes from near
14 Amsterdam. During his early explorations of the
15 coastal dunes, moist meadows, fens, and wetlands of
16 The Netherlands, he developed a strong interest in
17 plant collecting and identification and in nature
18 conservation. He was talking about these passions on
19 the day of his death.

20 His work in Indonesia involved botanical
21 explorations (part of which are chronicled in *Flora*
22 *Malesiana*, Series I, Volume 5, pp. 68-70), teaching,
23 and development of herbaria. His research on
24 bryophytes and other plants not only resulted in many
25 publications but also thousands of specimens (over

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1 14,000 from Indonesia) that he deposited in various
2 herbaria, thus making the material available for study
3 by future generations of botanists. He was a
4 well-recognized authority on bryophytes,
5 Dipterocarpaceae (a family in southeast Asian rain
6 forests with many valuable timber trees), and
7 Rafflesia (a parasitic plant with the world's largest
8 flower).

9 At the University of Kentucky, Professor Meijer
10 enjoyed studying the flora and vegetation of Kentucky
11 and continuing his studies on tropical species. He
12 was a challenging teacher for many unsuspecting,
13 not-so-well-traveled undergraduates, who had no clue
14 as to what they should do with a class handout written
15 in German. He was avid about taking students on
16 fieldtrips and made a lasting impression (for the
17 better) on many of them. The students quickly
18 learned, however, that it was best if one of them
19 drove during fieldtrips, thereby allowing the
20 Professor to devote full attention to expounding on
21 the plants seen along the way. He organized a
22 "protest" and saved the Mathews Garden from becoming a
23 grassy lawn. Then, he worked to increase the number
24 of native species in the garden, making it a valuable
25 teaching resource. Dr. Meijer served as the major

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1 professor for eight M.S. and two Ph.D. students.

2 Professor Meijer's botanical travels took him not
3 only to Indonesia but also to Ceylon, Pakistan,
4 Celebes, West Papua New Guinea, west Africa,
5 Venezuela, and Panama. He was a Research Associate of
6 the Missouri Botanical Garden in St. Louis and was
7 involved in their tropical research efforts in
8 southeast Asia and Latin America.

9 Willem had a keen interest in people, places, and
10 natural history. He was constantly trying to motivate
11 people to do things for the sake of conservation,
12 including arguing with government officials in
13 Indonesia about logging the rain forests and urging a
14 Kentucky citizen to propagate thousands of oaks
15 seedlings for a restoration project:

16 Sometimes his demands really got on people's
17 nerves; however, no one held a grudge against this
18 innocent scholar. People greatly respected his wealth
19 of knowledge and realized that he was a kind and
20 caring person, who was deeply concerned about saving
21 the world's biota, especially plants. He worried out
22 loud on many occasions about the death of orangutans
23 as a result of the destruction of rain forests in
24 southeast Asia. He was a "friend" of all plants and
25 hated the idea that anyone would spray herbicides -

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1 even to kill dandelions in the lawn - and was not shy
2 about speaking against this practice. Dr. Meijer
3 touched many lives, and his sense of humor and his
4 passion for plants and nature conservation will not be
5 forgotten.

6 Professor Meijer is survived by a daughter,
7 Frederica, in Amsterdam, a son, Johan, and two
8 granddaughters in Portland, Oregon, and a son, George,
9 and two grandsons in Copenhagen, Denmark.

10 I ask that this resolution be made a part of the
11 minutes of the University Senate and that a copy be
12 sent to Professor Meijer's family.

13 CHAIR DEMBO: We'll have a moment of
14 silence for Professor Meijer.
15 Okay. Moving along the agenda, we
16 have a few announcements. As a
17 reminder, there's no University
18 Senate Meeting in January. The next
19 one will be February 9th, 2004.
20 Again, as a reminder, there will be
21 a joint University Senate/Staff
22 Senate holiday reception tomorrow,
23 18th Floor, Patterson. Rebecca,
24 what kinds of stuff are they going
25 to be serving?

16

1 SCOTT: All sorts of yummy and wonderful
2 food. Please come and eat a lot.
3 We don't want any leftovers.

4 CIBULL: Open bar?

5 SCOTT: No bar.

6 CHAIR DEMBO: Professor Cibull asked
7 about the open bar. You must
8 identify yourself. Here's something
9 to put in the list of things to
10 think about. Professor Jones, our
11 faculty trustee, his term will
12 expire June 30th of 2004 because he
13 filled the slot of somebody who
14 departed, Claire Pomeroy. So we're
15 going to have another Board of
16 Trustees election for that slot.
17 It'll be sometime after the first of
18 the year; probably mid-January is
19 when you'll start to hear something
20 about it. So start thinking about
21 folks that you might think would do
22 a good job in the Board of Trustees
23 faculty slot. Senate Council
24 elections were just completed, and
25 the three new members of the Senate

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1 Council are Kate Chard from the
2 College of Education -- Kate, can
3 you stand for a moment, please? And
4 Larry Grabau from the College of
5 Agriculture and Davy Jones from the
6 Graduate Center of Toxicology. You
7 can stand as well. Thank you. So
8 congratulations to you three; we
9 really enjoy having you onboard. We
10 look forward to working with you
11 after January 1st. And Senate
12 Council officer elections have been
13 held and your new Senate Council
14 Chair, as of June 1st, will be Ernie
15 Yanarella from the College of Arts
16 and Sciences. Ernie, will you
17 stand, please? (APPLAUSE) There's
18 been nothing ceremonial that's been
19 done upon the announcement of the
20 new Senate Council Chair, but to
21 make it a first, I'm going to
22 present you with your first copy of
23 the Senate Rules. Congratulations.

24 YANARELLA: Thank you, Jeff. I hope I
25 will have memorized these as well as

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1 you have.

2 CHAIR DEMBO: You'll get two other
3 things on May 31st: You'll get the
4 official gavel and, of course, the
5 key to the university car that they
6 give us. I'm proud to announce the
7 election of Vice Chair of the Senate
8 Council, Peggy Saunier from LCC.
9 Peggy, would you please stand?

10 SCOTT: Peggy's not here today.

11 CHAIR DEMBO: She's not here? I'm
12 especially proud to point out the
13 excellent working relationship that
14 we've had with LCC and particularly
15 with Peggy, who's been engaged and
16 involved and frequently knows every
17 rule there is and has been a
18 wonderful resource to us in many
19 aspects, so I'm proud to announce
20 her as Ernie's vice chair. First
21 item on the agenda now that we're
22 done with announcements will be the
23 Annual Ombud Report, and here to
24 give it is the ombud from last year,
25 Professor Scollay from the College

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1

of Education.

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SCOLLAY: Thank you, Jeff, and thank you

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for the opportunity to speak with

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you today. I'm very glad to be able

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to say publicly that I appreciated

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the opportunity to serve as the

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Academic Ombud last year and I'm

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also grateful for the opportunity to

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thank publicly several people

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without whom my year as Ombud would

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have been incredibly difficult and

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probably would have blown up in my

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face. Any success that I had as

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Ombud are due to a whole variety of

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people, most importantly, perhaps,

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Michelle Sohner, who is the

17

administrative assistant in the

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Academic Ombud Office. She works

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full-time; the Ombud works less than

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full-time, at least officially.

21

She's been there for 12, 15 years

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now, and she knows everything there

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is to know about ombudding. She

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went through Ombud 101 training, and

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she's incredible. Many of the

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1 students interact better with her
2 than they do with faculty members.
3 And without Michelle there, being
4 Ombud as a part-time role would be
5 virtually impossible. And I'd also
6 like to thank -- let you know, make
7 you aware that there's a network all
8 across campus of people who work
9 with students and faculty around
10 academic issues. Some of them are
11 faculty members and have academic
12 appointments, and some of them
13 aren't. But they're all critically
14 important, and some of them were
15 just essential for my year as
16 Academic Ombud. One is the
17 Registrar's Office, particularly Don
18 Witt and his Associate Director,
19 Cleo Price, but the entire staff of
20 the Registrar's Office was amazing.
21 The Dean of Students' Office,
22 particularly Victor Hazard, thank
23 you very much, Victor, and your
24 staff as well. Doug Kalika, Dean of
25 the Graduate School, was critically

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1 important. When a graduate student
2 comes to the Ombud Office, before
3 the Ombud intervenes, you have to
4 think very, very seriously about
5 it. I was DGS for nine years, and
6 so I know a little bit about how the
7 graduate school operates and how
8 graduate programs operate. But once
9 you intervene into a student's
10 graduate program, you change it
11 forever, and so you have to think
12 very carefully about intervening.
13 And having the Dean of the Graduate
14 School either be the one who makes
15 the formal intervention or advises
16 you before you do it is critically
17 important. I understand that Dean
18 Blackwell is serving the same role
19 for the current Ombud and it's just
20 really important. Other deans,
21 other associate deans, directors of
22 graduate study, directors of
23 undergraduate study, advisors and
24 Senate committee members,
25 particularly the Rules Committee,

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1 were very, very helpful for me. And
2 also former ombuds. There are times
3 when something comes to the office
4 that you can't talk with anyone else
5 about except a former ombud. They
6 won't understand, and if Michelle's
7 not there, you've got to call
8 somebody. And I called everyone
9 that we've had: Jeff, Lee Edgerton,
10 Gretchen LaGodna, Bill Fortune. Who
11 did I leave out? Anyway, I called
12 them all and they were all wonderful
13 and I appreciate it. I was asked to
14 give a report of the activities of
15 the Ombud office. And in the
16 context of that, Jeff asked me to
17 try to explain what the Ombud does,
18 in concern that some people don't
19 understand. And I think if you look
20 at this report of the activity,
21 you'll get a really good handle on
22 what the Ombud does. The Ombud
23 works part-time, two and a half days
24 a week as Ombud and then two and a
25 half days a week as your faculty

23

1 responsibility. You can see that we
2 keep records in two ways. We talk
3 about single contacts. That's a
4 phone call; that's a drop-in visit;
5 that's an e-mail message that is
6 handled in a single contact. It's
7 an information question. "Is it
8 okay if a faculty member does
9 this?" says a student, or a faculty
10 member calling and saying, "Is it
11 okay if I do that?" So information
12 dissemination or single contacts,
13 primarily. If you have more than
14 one contact with the person, it can
15 develop into a case. And if a file
16 is created, it becomes a formal
17 case. And you can see that most of
18 the activity is informal, though if
19 you divide the number of formal
20 cases by 52 weeks, you get five a
21 week and if you look at how many
22 work days in a week, that's about
23 one a day and if you're working
24 half-time, that's about one every
25 four hours. So it's a nice, hefty

24

1 load. Nobody gets bored doing it.
2 The kinds of cases and issues and
3 questions that come before the Ombud
4 and the Office of Academic Ombud
5 Services range all across the
6 academic life of the university.
7 The Ombud serves as an informal
8 mediator. As Ombud, I had
9 absolutely no official power to make
10 anybody do anything. I had the
11 power of persuasion, which works
12 sometimes and not others. I had
13 the -- that's about the only power I
14 had, actually. I had the power of
15 threat sometimes, but that didn't
16 work at all. I put the activity of
17 my year as Ombud in a ten-year
18 context because I was really curious
19 to see whether the function and
20 nature of ombudding had changed over
21 the last ten years, and I think you
22 can see rather readily that it
23 really hasn't. The top four, most
24 common four sets of issues that came
25 before the Ombud while I was serving

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1 in that role are the same as every
2 other year for the last ten years,
3 with one slight exception in the
4 order. I didn't give you all ten
5 years of the student by
6 classification, but there you can
7 see it; it doesn't vary much
8 either. If you have questions about
9 what is included in these
10 classifications, I'd be more than
11 happy to tell you. "Grades"
12 basically is grades at the end of
13 the semester. Second most common is
14 progress and promotion, and this is
15 anything from -- that has to do with
16 getting through the university
17 successfully with a degree at the
18 end. So not being accepted into an
19 upper division major, not being able
20 to get the courses that are required
21 by an upper division major,
22 withdrawing, getting your doctoral
23 committee to meet if you're a
24 doctoral student, responding to
25 drafts of your dissertation, those

1 kinds of things are all progress and
2 promotion. Third most common had to
3 do with instruction, and probably
4 the most common there had to do with
5 plain old poor instruction,
6 low-quality teaching. In the Senate
7 Rules, we explicitly have several
8 academic rights for students. The
9 right to high-quality teaching is
10 not one of them. So then by student
11 classification, then by originating
12 unit. This is the unit in which the
13 issue arose. Okay? And again, it
14 varies. What we don't have here is
15 the size of the unit, and that
16 explains a lot of the numbers, I
17 think. Then on the other side, by
18 student's academic unit, so this is
19 by the student's major. The numbers
20 are not synonymous with originating
21 unit because sometimes students have
22 problems in disciplines where they
23 weren't a major. I have added at
24 the bottom "formal resolution of
25 cases." And here again is a

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1 reinforcement that the vast majority
2 of the work of the Academic Ombud is
3 informal. There were very few
4 formal cases that went through to
5 the University Appeals Board, but
6 this is what they were about and
7 what happened to them. Finally,
8 there were 48 students charged with
9 an academic offense that never came
10 to the Ombud. They just accepted
11 their punishment and went on or left
12 school or whatever. In the lower
13 right-hand corner of the back page,
14 I make some recommendations. These
15 are not all that dissimilar from
16 recommendations made in the past. I
17 think the new twist is that our
18 student body is becoming more and
19 more complex. The Senate Rules
20 originated in a much simpler time,
21 when the vast majority of students
22 were undergraduates. They were less
23 than 24 years old. They lived on
24 campus. That's not the case anymore
25 and with distance students and

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1 online students all over the world,
2 we have a different reality that
3 we're dealing with and we need to
4 look at our Senate Rules governing
5 our academic enterprise to make sure
6 that they continue to be
7 appropriate. If you have questions,
8 I'd be happy to answer them;
9 otherwise, I took more than my five
10 minutes. Is Joe here? No. Okay.
11 Well, I think the Academic Ombud at
12 Lexington Community College does
13 about the same thing as I do, at
14 least we talked a lot and it seemed
15 like he did. Thank you very much.

16 CHAIR DEMBO: Thank you, Susan, very
17 much for taking the time. One of
18 the interesting parts of being in
19 the Ombud office that Susan didn't
20 mention, but she was clearly
21 well-qualified to handle, is you
22 don't always see the better side of
23 the university. And one has to be
24 exceedingly patient, understanding
25 of the scope of the university and

29

1 understanding that "fairness" is a
2 very broad word and needs to be
3 thought about from many different
4 aspects. I think Professor Anthony
5 said he was going to be teaching a
6 class. We have two ombuds at UK.
7 One is specifically to serve the LCC
8 community, and Joe Anthony has done
9 that very capably for a number of
10 years, so unfortunately I think he's
11 not here to give his report right
12 now. The next is an action item
13 regarding the December degree list.
14 The Senate Council had a discussion
15 some weeks ago that for some reason
16 the process had been altered over
17 the years such that this important
18 function no longer came to the
19 University Senate. And when you
20 think about the functions of the
21 Senate, one of it's most important
22 things -- roles is to grant degrees
23 to qualified candidates from the
24 institution. In fact, the Kentucky
25 Revised Statute says specifically

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1 that the only way the Board of
2 Trustees can grant degrees is upon
3 the recommendation of the faculty of
4 the university as it thinks proper.
5 This is reiterated in the governing
6 regulation stating specifically:
7 One of the functions of the Senate
8 should be to recommend to the
9 President, in his role as Chair of
10 the Senate, all candidates for
11 degrees in the university system.
12 So to bring back to the Senate this
13 important role, it was listed as an
14 action item and this occurs three
15 times a year. There'll be spring
16 degrees, which the Senate will see,
17 and then there's going to be summer
18 degrees. And since the Senate is
19 not in session over the summer, the
20 Senate Council will handle that,
21 acting on behalf of the University
22 Senate. So at this time we've
23 posted the list of degrees and the
24 numbers of candidates. I'll
25 entertain a motion from the faculty

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1 of the university that it's proper
2 to grant these degrees to the
3 students.

4 BLANDFORD: I'll do it.

5 CHAIR DEMBO: Okay.

6 SCOTT: Identification?

7 CHAIR DEMBO: Identification?

8 BLANDFORD: Blandford, Engineering.

9 CHAIR DEMBO: George Blandford.

10 Secoded?

11 JONES: Second.

12 CHAIR DEMBO: Davy Jones. Is there any
13 discussion? All in favor of
14 granting the degrees, please say
15 "aye." (AYE) Any opposed? Thank
16 you very much.

17 GESUND: A suggestion, Mr. Chairman.

18 CHAIR DEMBO: Yes, sir.

19 GESUND: In the future, I think it would
20 be wise if the names actually were
21 not read in here -- I'm not
22 proposing that -- but were
23 circulated to the departmental
24 faculties and that the departmental
25 faculties then notified the Senate

32

1 whether they approved. That way
2 there will be individual attention
3 paid, to make sure that the people
4 who should be getting degrees will
5 be. And that -- because this was
6 meaningless, the exercise we just
7 went through. We need to have this
8 done at department level and then
9 the departments can recommend to the
10 Senate.

11 CHAIR DEMBO: Okay. I can discuss with
12 the Registrar how we can accomplish
13 that.

14 GAREN: Mr. Chairman, John Garen,
15 economics.

16 CHAIR DEMBO: Yes, sir.

17 GAREN: Doesn't the university already
18 have enough safeguards to insure
19 that only students who are qualified
20 are getting degrees? And I would
21 suggest that this is probably not an
22 exercise that we ought to undertake
23 in the Senate.

24 JONES: Davy Jones. This is exactly an
25 exercise we should undertake in the

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1 Senate. This is one of the reasons
2 that protects -- the Senate exists.
3 The Senate -- the Senate is the
4 faculty's arm. The Board of
5 Trustees have identified that the
6 Senate is the arm of the faculty for
7 the purposes that come to state law,
8 come to the faculty. Now, very
9 often, just like with honorary
10 degrees, we don't give away the
11 authority to make recommendations on
12 honorary degrees because quality
13 recommendations usually come up.
14 But the moment we acquiesce away our
15 statutory for existence, then we're
16 existing at the discretion of
17 somebody, and that's not a role we
18 want to be in.

19 GAREN: Then I think it ought to be our
20 role to make sure those safeguards
21 are in place, that the university in
22 fact does have the safeguards that
23 only qualified candidates in fact do
24 receive degrees. But us sitting
25 here and voting on a list of a

34

1 thousand candidates, whether they
2 ought to get degrees, is really
3 ridiculous.

4 JONES: Well, again, it's my
5 understanding that those safeguards
6 are in place. But, you know, we are
7 acting as the higher body that has
8 delegated authority and then it
9 comes back up through us as the
10 delegating authority.

11 CHAIR DEMBO: The question becomes, I
12 think, how far should one
13 extrapolate? Because then the Board
14 of Trustees, by virtue of their less
15 familiarity with the university,
16 have even less of a possible way to
17 speak against any particular
18 candidate. So you could argue that
19 that's a rubber stamp as well,
20 although I think that while it may
21 be symbolic, it's still important
22 for us to retain that visible role
23 as the University Senate. Now, if
24 the Senate has a different idea in
25 the future about ways it would like

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1 to handle it, you can certainly
2 bring forth a proposal. But right
3 now what we're doing is basically
4 going back to what our defined role
5 is. Okay. The next item on the
6 agenda -- we voted, right? When we
7 last left the Resolution and
8 Rationales on the Retiree Health
9 Benefits Task Force, a few things
10 have happened since then. There
11 have been some letters sent forward
12 to the Employee Benefits Committee.
13 One is from the faculty and staff of
14 the College of Health Sciences; that
15 was approved, apparently
16 unanimously, to not endorse this
17 report. I believe the staff of the
18 College of Nursing have also sent
19 forward a document, and I think the
20 American Association of University
21 Professors Kentucky Chapter.
22 Professor Goldman, is there anything
23 you could add on that?

24 GOLDMAN: If I may walk to the front so
25 everyone doesn't have to crane their

1 necks. The AAUP decided that we
2 ought to have a mechanism by which
3 staff, as well as faculty, can
4 record their personal opposition in
5 the form of a petition. Some -- as
6 was pointed out, there have been
7 some units that have as a unit
8 expressed their opposition, but
9 there are many units of the
10 university that are -- do not have
11 the appropriate organization with --
12 through which that can be readily
13 done. And so we've prepared a
14 petition that has been circulating.
15 Many of you I hope have already seen
16 it. If you have not and you think
17 it should be circulated in your
18 department, I'll be outside at the
19 end of this meeting with copies of
20 the petition and a little
21 instruction sheet that just -- we
22 need to get them in by next Monday
23 and who to get them to. So please
24 see me afterwards if you're so
25 inclined. Let me just add that the

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1 petition in its substance covers
2 much of the ground, if not all of
3 the ground, that the Senate Council
4 proposal that you're going to be
5 discussing covers, though in
6 somewhat different wording. Thank
7 you.

8 CHAIR DEMBO: Thanks. The other thing
9 that's happened is that the Staff
10 Senate created an ad hoc committee
11 to respond to this report, and the
12 Staff Senate has come up with a
13 proposal and rationale that's in
14 many ways very similar to what the
15 University Senate has recommended.
16 The Senate Council instructed me, on
17 behalf of the University Senate, to
18 create a letter with the Chair of
19 the Staff Senate, Sheila Brothers,
20 to point out the areas of mutual
21 concern on the part of both
22 senates. And this will be sent to
23 the Employee Benefits Committee and
24 to the President. So now we're back
25 to where the Senate instructed the

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1 Senate Council to come up with a
2 rationale, and you have that as a
3 handout. We can talk about it one
4 by one, if you'd like, or we can
5 consider voting on it as a group:
6 University Senate does not endorse
7 the report and the recommendations
8 with the following bullet points.
9 Professor Gesund.

10 GESUND: I would like to offer an
11 amendment. It's friendly. So I
12 would like to add two more bullets.

13 BLYTON: You can't add anything. I
14 think we should observe some rules
15 relative to committee reports.
16 There are several things you can
17 do: One, you can file it, you can
18 move to file it. That means you
19 express no opinions on it; you just
20 put it away. Two, you can accept
21 the report; three, you can reject
22 the report or you can reject parts
23 of the report; three [sic], you may
24 substitute a minority report for the
25 major report. You may also refer to

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1 another board or to another
2 committee. You cannot amend the
3 report to add anything because, if
4 you do, that's making the committee
5 say something it didn't say.

6 GESUND: May I respectfully note that
7 this is a Senate Resolution, not a
8 committee report. Look at the
9 heading up there.

10 BLYTON: Oh, I'm sorry. I
11 misunderstood.

12 CHAIR DEMBO: That's okay. I think in
13 this case --

14 BLYTON: But what I said, they need to
15 know.

16 TAGAVI: Let me offer two amendments,
17 two additions, if I may. The first
18 one: Damage -- it's a bullet saying
19 "damage the reputation for integrity
20 of the university and its
21 administrators."

22 UNIDENTIFIED SPEAKER: That's not a
23 friendly --

24 TAGAVI: The first ethical principle,
25 incidentally, is integrity. And the

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1 other one is: Do not consider the
2 recent changes in Medicare and its
3 projections. That was not done by
4 that consultant, and yet the
5 Medicare thing has just changed
6 drastically and that will -- that
7 changes all the numbers.

8 CHAIR DEMBO: So let's back up one
9 second. The Senate Council was
10 instructed by the Senate to come up
11 and to enumerate the rationales for
12 not endorsing the report, so the
13 Senate Council has presented this.
14 It's on the floor for discussion,
15 and you're proposing that there
16 should be two additional bullet
17 points added to this.

18 GESUND: This is a resolution from the
19 Senate. It is open to amendment.

20 CHAIR DEMBO: Okay. So let's take them
21 one at a time --

22 GESUND: All right.

23 CHAIR DEMBO: -- Professor Gesund.

24 GESUND: First one: This will damage
25 the reputation for integrity of the

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1 university and its administrators.

2 CHAIR DEMBO: So you're offering that as
3 an amendment?

4 GESUND: Yes.

5 CHAIR DEMBO: Okay. Is there a second
6 for that?

7 HANSON: I'll second it. Mark Hanson.

8 CHAIR DEMBO: Professor Hanson. Okay.
9 So discussion about this amendment
10 to the proposed rationale.
11 Professor Grossman?

12 GROSSMAN: I think it's unwise to say
13 that because a committee came up
14 with a report on health benefits and
15 how the increased cost of health
16 benefits should be managed in the
17 future, that we should say that the
18 administration's integrity is in
19 danger of being damaged. I don't
20 think it's necessary. I think it's
21 an expression of anger rather than
22 reason and I strongly oppose that
23 amendment.

24 CHAIR DEMBO: Other discussion on the
25 amendment, the proposed amendment?

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1 Okay. So we're voting now on the
2 amendment proposed by Professor
3 Gesund.

4 UNIDENTIFIED SPEAKER: Say one more --

5 GESUND: Okay. Damage the reputation
6 for integrity of the university and
7 its administrators. And, you know,
8 it is the sense of the Senate that
9 the report and recommendations would
10 damage the reputation for integrity.

11 CHAIR DEMBO: Is there any question
12 about the motion? You're clear on
13 the wording that you'd be voting
14 on? So we need a show of hands.
15 All in favor of adding this
16 amendment, please raise your hands.
17 One, two, three, four, five, six.
18 Okay. All opposed? Okay. Any
19 abstentions? Okay. One abstention.

20 GESUND: My second amendment --

21 CHAIR DEMBO: This amendment fails.

22 Next amendment.

23 GESUND: Do not consider the recent
24 changes in Medicare and its
25 projections.

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1 CHAIR DEMBO: Okay. Is there a second
2 to that proposed amendment?

3 TAGAVI: Second.

4 CHAIR DEMBO: Professor Tagavi. Okay.
5 Discussion about this proposed
6 amendment?

7 YATES: Steve Yates, Chemistry. Isn't
8 that already contained in the
9 second?

10 CHAIR DEMBO: This one over here?

11 YATES: Yeah.

12 CHAIR DEMBO: Are grounded on
13 projections. Professor Gesund, do
14 you feel that this --

15 GESUND: Well, no. This is for eight to
16 ten years out. I agree it's a
17 slight redundancy there, but they
18 did not in their figures -- their
19 numbers are wrong since the new
20 Medicare law came out. And their
21 pure numbers are incorrect now.

22 TAGAVI: In fact, they could not have
23 because by the time they were
24 considering this, there was no
25 Medicare bill passed. So it's not a

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1 criticism; it's just a matter of
2 fact.

3 CHAIR DEMBO: Professor Bratt, you have
4 the floor.

5 BRATT: Carolyn Bratt, College of Law,
6 not a member of the Senate, have
7 been on prior occasions. I had a
8 similar one as Hans did and would
9 suggest that perhaps we could handle
10 this by putting it up in the top one
11 where it says "rests on a narrow and
12 possibly flawed foundations,
13 including but not limited to the
14 failure to take into account
15 recently enacted Social Security
16 prescription drug benefits." That
17 would leave you with the same number
18 of bullet points but actually point
19 out that the major thing that this
20 is based on, that has changed. And
21 I know from conversations that I had
22 with Joey Payne about why it costs
23 so much to insure our retirees, he
24 said that 60 percent of the cost
25 came from the fact that UK offered a

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1 prescription drug benefit and Social
2 Security did not. So I'm with
3 Hans. I think you need to
4 specifically state that nothing in
5 the report takes into account this
6 major change. Now, it may not be
7 the change we all wanted, but it
8 does do something about their
9 particular projections. So if I
10 could vote, I'd vote to do --

11 GESUND: I will accept your substitution
12 gladly, Carol.

13 BRATT: I can't make a motion because
14 I'm not a member.

15 GESUND: Well, I accept what --

16 CHAIR DEMBO: So if you were to have
17 reworded it, it would say the
18 following.

19 BRATT: It's that first sentence that
20 we're doing.

21 CHAIR DEMBO: The first bullet point.

22 BRATT: Rests on the narrow and possibly
23 flawed foundations, including but
24 not limited to the failure to take
25 into account the recently enacted

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1 Social Security prescription drug
2 benefit, comma.

3 CIBULL: All of Medicare reform, not
4 just the drug benefits.

5 BRATT: Okay. The reform, I take off
6 the drug benefits.

7 GESUND: Reform in the Medicare
8 regulations.

9 CHAIR DEMBO: So that's exactly what you
10 meant to say, Hans, right?

11 GESUND: Yes, that's fine. I'll defer
12 to an attorney any time.

13 CHAIR DEMBO: Professor Tagavi, you had
14 seconded it. I assume you're
15 comfortable with that?

16 TAGAVI: Yes.

17 CHAIR DEMBO: Okay. Professor Kennedy,
18 then Professor Grossman.

19 KENNEDY: The word "failure" may be a
20 little too strong or incorrect,
21 given that the task force made the
22 report before the Congress acted.
23 Can we fix it so that we're not
24 criticizing the task force for
25 failing to do something that

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1 couldn't be done?

2 CHAIR DEMBO: Do you have a suggestion
3 you'd like to make for the wording?

4 STATEN: Does not, does not reflect.

5 KENNEDY: Does not?

6 STATEN: Ruth Staten, College of
7 Nursing. That's part of the whole
8 problem, is that there are going to
9 be changes and we knew that one was
10 coming, but they did not consider
11 anything that might come in the
12 future.

13 CHAIR DEMBO: Hans, is that okay? We'll
14 read the whole motion after we're
15 ready to vote on it. Other --
16 Professor Grossman.

17 GROSSMAN: Yes. I have -- I have a
18 problem with people saying that
19 because things may change, we
20 shouldn't plan for the future
21 because we can't possibly know how
22 things will change.

23 GESUND: But they have already changed.

24 GROSSMAN: Yes, I understand that, and I
25 understand that they will continue

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1 to change in the future. And I
2 understand that these
3 recommendations that they make were
4 made before the Medicare bill
5 passed. On the other hand, that
6 doesn't mean that the process of
7 planning for continued increases in
8 health care costs is not one that
9 needs to happen. It needs to happen
10 now, even if we don't accept the
11 particular recommendations that the
12 task force made in the past. I
13 haven't seen the very end. I guess
14 there is not a final sentence in
15 this resolution, but what -- I would
16 like to suggest that we add a
17 sentence to the end of the
18 resolution stating --

19 GESUND: It's on the next page.

20 GROSSMAN: Is it? It hadn't ever made
21 it up on the screen there.

22 CHAIR DEMBO: Can I interrupt for a
23 second, Bob? Point of order. Does
24 this refer specifically to the
25 amendment from Hans or is this

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1 something slightly different?

2 GROSSMAN: Well, it --

3 CHAIR DEMBO: Because we can certainly
4 address that after we get the
5 amendment taken care of.

6 GROSSMAN: It does, but let's just take
7 care of the amendment.

8 CHAIR DEMBO: Is that okay? We'll get
9 back to it.

10 GROSSMAN: That's fine.

11 CHAIR DEMBO: Again, discussion
12 regarding the proposed amendment?
13 Could you read it back to us,
14 Ms. Scott?

15 SCOTT: This rests on narrow and
16 possibly flawed foundations,
17 including but not limited to the,
18 what, lack of consideration, maybe,
19 recently enacted Social Security --
20 of recently enacted Social Security
21 reforms and questionable assumptions
22 posited by the consulting firm that
23 developed the model and generated
24 the projections and proposed
25 options. I didn't really hear which

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1 exact wording you wanted us to use,
2 so I put in "lack of
3 consideration."

4 CHAIR DEMBO: So could I trouble you,
5 for my sake, read the point that
6 we're inserting over here.

7 SCOTT: Sure. Including but not limited
8 to the lack of consideration of the
9 recently enacted Social Security
10 reform.

11 UNIDENTIFIED SPEAKERS: Medicare reform,
12 Medicare reform.

13 CHAIR DEMBO: Okay. Any other questions
14 or discussion on the proposed
15 amendment? Okay. All in favor,
16 please raise your right hands. Any
17 opposed? There's two opposed. Any
18 abstentions? One abstention.
19 Okay. Professor Grossman, you want
20 to go back to your point.

21 GROSSMAN: I didn't see the paragraph at
22 the end there, but I do believe that
23 some of these resolutions are going
24 to -- some of these points in this
25 document are going to apply,

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1 regardless of any plan that comes
2 out of the task force. And so as a
3 result, I am -- I can't say that we
4 should reject this resolution, but
5 there are parts of it I'm
6 uncomfortable with. And I'm sorry
7 that I didn't think about it more
8 beforehand, but I did want to
9 express the fact that I'm
10 uncomfortable with -- we're
11 attacking a group that came up with
12 something that was trying to help
13 the university plan in the future,
14 which is something this university
15 has failed to do in the past and
16 that even though we may dispute some
17 of the recommendations, that the
18 sense that this is something that
19 needs to be planned for, I think, is
20 something that the resolution does
21 not express. Maybe someone else can
22 come up with a particular suggestion
23 about it.

24 CHAIR DEMBO: Other discussion about
25 this Resolution and Rationale?

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Professor Cibull.

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CIBULL: I guess I would disagree with

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that a little bit. I think that

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what we are doing is, we are giving

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a rationale for not endorsing this

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particular report. And it may be

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that some of these same reasons will

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be used to not endorse other

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reports, but I think what it will do

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is it will serve as sort of a

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guideline, hopefully, to the next

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body that comes up with a report

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that at least these things should be

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taken into consideration and

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addressed. Now, they may have been

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taken into consideration, but they

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certainly weren't presented and

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addressed as such. And I think that

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we owe it to that next committee to

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let them know what kind of issues we

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are going to expect them to answer

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when they come up with a report. I

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agree, it will not be a popular one,

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you know, a hundred people aren't

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going to vote yes to this. But I

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1 hope what it is, is one that
2 takes -- that is proposed after due
3 debate, that it isn't presented as a
4 report, but rather the input is
5 accomplished before the report
6 rather than after the report.

7 CHAIR DEMBO: Other discussion?

8 Professor Noonan.

9 NOONAN: Well, I think one of the things
10 that I think he was trying to say is
11 we perhaps should at least give some
12 kind of credit to the committee for
13 looking at this problem because it
14 is a problem that has to be
15 addressed. And so maybe you could
16 start out with "the University
17 Senate commends the Retiree Health
18 Benefit Task Force for trying to
19 come up with a solution to the
20 blah-blah, but..." and then go on
21 why we can't accept their
22 recommendation. Because, I mean,
23 there is a problem and they did do a
24 lot of work and we probably ought to
25 say something nice to them for doing

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1 all that work even if we don't agree
2 with their recommendations.

3 CHAIR DEMBO: Do you want to propose
4 that as an amendment now or let some
5 discussion occur first?

6 NOONAN: Some discussion before --

7 CHAIR DEMBO: Okay. Professor Staten
8 and then Professor Bailey.

9 STATEN: Ruth Staten, College of
10 Nursing. I could possibly go with
11 something at the top that says "we
12 acknowledge the problem and we
13 acknowledge the effort thus far."
14 That's where I would like to go with
15 it. We acknowledge that this is a
16 major issue and concern. We're
17 interested in working on it. We
18 acknowledge the work that's been
19 done.

20 CHAIR DEMBO: Okay. Would you like to
21 make that as a motion, an
22 amendment?

23 STATEN: Do we want discussion?

24 CHAIR DEMBO: You want to continue
25 discussion? Okay. Professor

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1 Bailey, you had your hand up next.

2 BAILEY: No.

3 CHAIR DEMBO: Okay. Professor Bratt.

4 BRATT: I would counsel against such a
5 statement. I've read the report,
6 and I've gone to the public
7 meetings. And I am not convinced
8 that there is the kind of critical
9 problem that justifies the kind of
10 solutions that are being presented.
11 And I think for me the most critical
12 thing that tells me that, if there
13 is a problem it isn't being
14 addressed by the proposal that was
15 put forward, is the fact that there
16 is nothing in the proposal that came
17 from the Health Benefit Task Force
18 that calls for the funding of the
19 university's liability for the
20 provision of retiree health
21 benefits. It is the fact that it's
22 an unfunded liability that may or
23 may not cause a problem. I read the
24 report. I went to those meetings.
25 I asked the question. There is no

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1 call for funding. Without funding,
2 anything that's proposed can come
3 back again next year because the
4 same problem continues to exist. We
5 have an unfunded liability. The
6 only way -- you recognize it under
7 Gatsby, but you deal with it by
8 funding it and it hasn't been
9 funded. And so one of my proposals
10 was going to be that the criticism
11 or the reason to reject it is
12 because they do not call for the
13 funding of UK's financial liability
14 for the provision of health benefits
15 for its retirees. And without that
16 call, we have nothing.

17 CHAIR DEMBO: So if there were to have
18 been a motion, you would have spoken
19 against it.

20 BRATT: I would have spoken against this
21 one, yes.

22 CHAIR DEMBO: Okay. There's another
23 hand up in the back.

24 MARTIN: Catherine Martin, Psychiatry.
25 We're acting as if this is an

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1 unmovable line, and there's nothing
2 in this committee that's addressed
3 the issue of preventive health or
4 anything and I wonder if we could
5 ask for expansion of the scope of
6 the committee.

7 CHAIR DEMBO: If I can push you ahead
8 just for a second, the next thing
9 you're going to be voting on is a
10 recommendation from the Senate
11 Council that the Senate did not
12 specifically ask for, but this is a
13 way by which we can sort of make
14 some forward progress. So perhaps
15 that may be appended to the
16 recommendation we'll be considering
17 in just a few minutes. So back to
18 the rationale, is there other
19 discussion?

20 GRABAU: Larry Grabau. Just a
21 suggestion, perhaps, Jeff, in your
22 letter that you communicate to the
23 task force and the President, you
24 could simply start with something
25 that is appropriate, thankful

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1 language for the effort they made
2 without -- you know, without
3 violating the spirit of what Carolyn
4 said, perhaps, of whether or not all
5 these issues are the appropriate
6 issues to address. In other words,
7 you know, the letter writing could
8 perhaps get us past this dispute
9 over whether or not we ought to say
10 nice things to them.

11 CHAIR DEMBO: So your suggestion is
12 instead of embodying something in
13 this specific rationale, that
14 something be included in the joint
15 letter that's going to be written by
16 the Chair of the Staff Senate and
17 the Chair of the University Senate
18 Council.

19 GRABAU: Yes.

20 CHAIR DEMBO: Okay. Professor Cibull.

21 CIBULL: I guess this is why Dr. Noonan
22 is a beloved faculty member of her
23 students and I am not. I don't
24 believe in giving, you know, grades
25 for effort, and the performance in

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1 this case was not good. I mean, as
2 I recall in the straw vote, it was a
3 unanimous vote not to endorse this.
4 I doubt if there was ever a vote
5 taken on this that wasn't
6 unanimously against this. This was
7 a closed process. The charge of
8 this committee was very narrow.
9 They did not address all of the
10 health care benefits, which is what
11 they should be addressing. I don't
12 see any reason to endorse this or to
13 praise the effort.

14 CHAIR DEMBO: Any other discussion about
15 this rationale? So Professor
16 Staten, it goes back to you or
17 Professor Noonan. Do you want to
18 make any other amendments at this
19 stage?

20 STATEN: I don't want one.

21 NOONAN: Put something nice in your
22 letter.

23 STATEN: But not -- you know,
24 acknowledging their effort.

25 NOONAN: I mean, they did work very hard

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1 and they tried to do a good job. We
2 just didn't like what they did.

3 CHAIR DEMBO: So the Senate will be
4 instructing me to go ahead and
5 include something in my letter,
6 then, which I'll be happy to do. So
7 hearing no other discussion, we're
8 voting now on this Resolution on the
9 Rationale as presented with the
10 amendment as specified before. Does
11 anybody need to have anything
12 reread?

13 UNIDENTIFIED SPEAKER: Did we vote on
14 the amendment?

15 CHAIR DEMBO: We did. So now we're
16 voting on the whole thing. All in
17 favor, please show of hands. Okay.
18 All opposed? Okay. There are none
19 opposed. Any abstentions? One,
20 okay, one abstention.

21 SCOTT: Two.

22 CHAIR DEMBO: Two. I'm sorry; I missed
23 it. Okay. And the Senate Council
24 also discussed the following
25 recommendation, that there should be

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1 some way to signify the type of
2 forward progress we'd like to see
3 happen, and so the Senate Council
4 recommends to you, the Senate, the
5 following: That in association with
6 the resolution, we, the Senate, make
7 the recommendation that a blue
8 ribbon committee equally
9 representative of and selected by
10 faculty, staff and administration be
11 formed to address the problem of
12 rising health care benefit costs.
13 So that's on the floor for
14 discussion. Professor Grossman.

15 GROSSMAN: I'd like to make a friendly
16 amendment that the words "blue
17 ribbon" be deleted since it's
18 meaningless and we're not
19 prize-winning pigs.

20 CHAIR DEMBO: Anybody from the College
21 of Agriculture that would like to --
22 how about somebody from the Senate
23 Council that would like to respond
24 to why "blue ribbon" was included.
25 Professor Cibull.

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1 CIBULL: Actually we discussed that very
2 point, but the reason was, is that
3 we wanted this committee to include
4 actually experts in this area. And
5 there are, I think, experts in this
6 area from the university.

7 GROSSMAN: Can I suggest the word "blue
8 ribbon" doesn't mean that,
9 necessarily, so perhaps another
10 sentence can be added that, you
11 know, we expect that the members of
12 this committee include experts in
13 this particular issue from the
14 university community. And that will
15 address both faculty, staff and
16 administration people should be
17 experts in this issue. So I would
18 like to add a sentence: The members
19 of this committee should include
20 members of the university community
21 who are experts in this area.

22 CIBULL: Should be composed of, not just
23 include.

24 GROSSMAN: So you're saying if someone
25 is not considered an expert, they

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1 shouldn't be on this committee at
2 all?

3 CIBULL: Yeah, that's pretty much what
4 I'm saying.

5 GROSSMAN: Well, I don't know how you
6 define an expert. One person's may
7 be an expert --

8 CHAIR DEMBO: Is being an expert
9 different from having expertise, or
10 is that the same thing?

11 GROSSMAN: Having expertise, I think, is
12 fine. I think included or largely
13 composed of. Largely composed of, I
14 think, is appropriate. Okay.
15 Should be largely composed of --

16 CHAIR DEMBO: Individuals?

17 GROSSMAN: -- individuals who have
18 expertise in this area.

19 CHAIR DEMBO: Okay. So you're offering
20 that as an amendment to this?

21 GROSSMAN: As an amendment.

22 CHAIR DEMBO: Is there a second to that?

23 ZENTALL: Yes. Tom Zentall,
24 Psychology.

25 CHAIR DEMBO: Okay. Discussion on the

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1 proposed amendment. And it's also
2 to include deleting the word "blue
3 ribbon"; is that correct?

4 GROSSMAN: Yes, please.

5 HARDWICK: Don Hardwick from LCC. Was
6 the last committee a blue ribbon
7 committee?

8 UNIDENTIFIED SPEAKER: No.

9 CHAIR DEMBO: That's a good question. I
10 suppose that if you asked the
11 President, you might get a different
12 answer. I don't know. Professor
13 Yanarella.

14 YANARELLA: In politics and political
15 science, the term "blue ribbon
16 committee" does not speak to pigs;
17 it speaks to people who have special
18 expertise in a particular area. It
19 also suggests that this committee is
20 going to be focusing on a critical
21 issue to a larger body, whether a
22 body politic or whomever. I like
23 the word "blue ribbon" because I
24 think that it's important to convey
25 a sense that this committee should

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1 be drawing upon the best of this
2 university to address an issue that
3 is of significant moment to us. The
4 criticism that many of us had in
5 regard to the task force was that
6 they effectively gave over to the
7 consulting firm, to Mercer, an
8 extraordinary amount of power and
9 influence and responsibility to
10 frame how this issue was to be
11 addressed. And in part, this
12 administration is dealing with the
13 consequences of that decision.
14 Seems to me, if this is an important
15 issue, as so many different bodies
16 have suggested it is, that it ought
17 to be addressed by a committee that
18 draws upon the best expertise within
19 this university so that we can buy
20 into whatever decision or whatever
21 proposal or set of proposals they
22 offer.

23 CHAIR DEMBO: You'll be second. No,
24 it's not your turn.

25 HARRISON: Anne Harrison, Health

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1 Sciences. It seems to me that -- my
2 concern is that by using the word
3 "expert," if we don't give some
4 definition of what expert is, then
5 expert will be all people who are,
6 for example, involved in the
7 business of economics and the
8 business of medicine. And it seems
9 to me that we need to probably
10 address somehow that we need medical
11 ethicists, we need medical
12 sociologists, we need somebody from
13 public health, that we need people
14 who represent the sociological
15 issues involved in this
16 recommendation. And that's what I
17 think they really were missing a lot
18 of on the previous task force.

19 CHAIR DEMBO: So, Anne, how does that
20 relate to the proposed amendment of
21 deleting "blue ribbon" and adding
22 "people with expertise?" Do you
23 have suggestions?

24 HARRISON: I was trying to think of a
25 way to phrase this, but I think we

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1 ought to say "people with expertise
2 in a variety of areas such as
3 medical sociology or medical ethics
4 or public health." I don't know.
5 We might be getting into too much
6 nitpicking, but yet I'm concerned
7 that we won't have a breadth of
8 representation on that committee if
9 we don't make some recommendations
10 about the types of specialties and
11 experts that we're talking about.

12 GROSSMAN: Can I just point out, we are
13 going to be selecting our own
14 faculty representatives to this,
15 correct?

16 CHAIR DEMBO: Yes.

17 GROSSMAN: So we can address that issue
18 in that -- staff can address that
19 issue and then administration will
20 do whatever they want.

21 CHAIR DEMBO: That's correct.

22 GROSSMAN: And hopefully they will do
23 that, but that's (inaudible) also,
24 but I think saying that it's
25 "largely composed of" should guide

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1 faculty and staff in making those
2 appointments accordingly.

3 CHAIR DEMBO: Thank you for the point of
4 clarification. Professor Jennings.

5 JENNINGS: You could clarify it by just
6 keeping "blue ribbon" in there and
7 then put in parentheses "not
8 composed of pigs."

9 GROSSMAN: But it doesn't address the
10 llama issue.

11 CHAIR DEMBO: Other discussion, on topic
12 this time. Professor Staten.

13 STATEN: Ruth Staten, College of
14 Nursing. I would hate for us to put
15 anything in there that looked
16 excluding rather than including, and
17 we're wordsmithing this to death,
18 but I want to -- the reason this has
19 had the impact that it's had on the
20 university committee is that it
21 affects everybody and we need to
22 make sure that we don't -- that we
23 give voice to all people who are
24 concerned about the issue on this
25 committee and not have it be solely

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1 experts, so I would just have it
2 be -- make sure we have some experts
3 on the committee and not "largely
4 made up of."

5 CHAIR DEMBO: Professor Cibull.

6 CIBULL: I think that those issues, the
7 issues of inclusiveness can be
8 addressed by how the committee does
9 its business, by who speaks to the
10 committee. I think the actual issue
11 is the cost of health care benefits,
12 and I think that that does require
13 expertise, that this should be --
14 this will largely be an unemotional,
15 hopefully not emotional,
16 recommendation. What goes into the
17 recommendation may be highly
18 emotional, but the bottom-line
19 recommendation better reflect the
20 best medical economics possible
21 because that's what we're going to
22 have to live with. So I think that
23 if the committee is smart, unlike
24 the previous committee, they will
25 get their input before they make

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1 their report rather than after. And
2 that's when all of us can put in our
3 two cents.

4 CHAIR DEMBO: So we're still discussing
5 the proposed amendment. Is this on
6 that, Michael?

7 KENNEDY: Yes.

8 CHAIR DEMBO: Okay.

9 KENNEDY: It isn't just the cost of
10 health care benefits but also the
11 impact of whatever plan we wind up
12 with has on recruiting, on retention
13 and that sort of thing, and I think
14 that ought to be represented as
15 well.

16 CHAIR DEMBO: Professor Bailey.

17 BAILEY: I like the simplicity of the
18 current word "blue ribbon." I think
19 that using that word will stimulate
20 this type of discussion as to who
21 ought to be on the committee. We're
22 nitpicking things; we're
23 wordsmithing; we're talking about
24 what types of expertise. I mean,
25 the logical end point is for us to

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1 create a list of people that we
2 consider expert and eligible to go
3 on it and include this in the
4 recommendation. I don't think
5 that's appropriate.

6 CHAIR DEMBO: Okay.

7 BAILEY: I think we should just stay
8 here.

9 CHAIR DEMBO: Okay. Again, something
10 about the amendment.

11 TAGAVI: Yes. I agree with the previous
12 two speakers. Nothing against
13 experts, but isn't it assumed that
14 we would make good decisions and we
15 would include experts? And I'd like
16 to have expert patients who need a
17 lot of prescriptions and, you know,
18 to go to doctors. So compare this
19 with how the United States Senate
20 and Congress made the decision for
21 us. They didn't have experts to
22 make the decisions. They had the
23 experts to give them the data, the
24 information, the input, and regular
25 folks made the decisions, so I agree

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1 with not tinkering with this.

2 CHAIR DEMBO: So Rebecca, could you read
3 the proposed amendment that we have
4 for this, please?

5 SCOTT: Sure. Just a moment, please.

6 The substituted -- the proposed
7 wording would be largely composed of
8 individuals who have expertise in
9 this area.

10 CHAIR DEMBO: And striking "blue ribbon"
11 was part of the amendment.

12 SCOTT: Striking "blue ribbon," right.

13 CHAIR DEMBO: Okay. So all in favor of
14 the amendment as specified, please
15 raise your hands. Ms. Saunier, I
16 think we need a hand count.

17 SAUNIER: 11. Is that what you got
18 too? 12.

19 CHAIR DEMBO: Okay. All opposed to the
20 amendment? A significant number.
21 Okay. So the amendment fails and
22 Professor Jennings, do we need to
23 start a committee on what is a pig,
24 to define?

25 JENNINGS: No, but Dr. Cibull could be

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1 an expert on such a committee.

2 CHAIR DEMBO: Okay. We're back to
3 talking about the actual
4 recommendation itself. Are there
5 any other points of discussion?
6 Professor Michael.

7 MICHAEL: I'm concerned about the
8 passive language. Everyone can read
9 this and think it's a great idea.
10 Who's supposed to bell the cat? We
11 need to direct a person to form the
12 committee and the word "promptly"
13 ought to be in there somewhere.
14 What was the Senate's idea about who
15 should form this committee?

16 CHAIR DEMBO: Anybody from the Senate
17 Council care to respond? What was
18 the question, again?

19 MICHAEL: Who is to form this committee
20 and to whom ought it answer or
21 report?

22 CHAIR DEMBO: Professor Bailey.

23 BAILEY: Wasn't it the -- all these
24 points are going to the Employee
25 Benefits Committee?

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1 CHAIR DEMBO: Right.

2 BAILEY: So isn't this the group that
3 we're asking to respond?

4 CHAIR DEMBO: All the recommendations
5 coming down the pike from all
6 different constituent groups are
7 going to the employee benefits
8 committee, which will then send its
9 advice to the President, so would
10 therefore, at this stage, if they
11 agree with our recommendation, then
12 they would recommend this to the
13 President who would then help us
14 form a committee.

15 MICHAEL: So this would be formed by the
16 task force, then?

17 CHAIR DEMBO: The task force is
18 defunct. It's finished. The
19 Employee Benefits Committee is a
20 standing administrative committee
21 that would consider this. Professor
22 Kennedy.

23 KENNEDY: But would the Employee
24 Benefits Committee appoint this --
25 seems to me this recommendation

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1 ought to just go to the President.

2 CIBULL: He is allowing the Benefits
3 Committee to handle this issue.
4 Their recommendation will go to
5 him. He has said that that's how he
6 wants this handled, at least in the
7 meeting that he had with us. So we
8 would be making a recommendation to
9 the Benefits Committee to appoint
10 this committee for them. They would
11 then take this recommendation
12 forward. That's the way
13 administratively he would handle it.

14 MICHAEL: So maybe the passive wording
15 is --

16 CHAIR DEMBO: Any more? Professor
17 Gesund.

18 GESUND: Well, the motion says
19 "committee equally representative of
20 and selected by faculty, staff and
21 administration." So it's clear
22 who's going to do it. Now, the
23 mechanics of it are sort of vague,
24 but perhaps the Senate Council could
25 select these people for -- on behalf

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1 of the faculty and the Staff Senate
2 Council could select the people from
3 the staff side. I don't see that
4 that's a big deal. I think we
5 should leave it to the councils to
6 do this and not have the Employee
7 Benefits Committee select the
8 people. I think let's keep the
9 administrators out of selecting our
10 faculty and staff representatives.

11 CHAIR DEMBO: Professor Jones.

12 JONES: I think that was the sentiment,
13 is that the mechanics of the
14 committee may be operated by the
15 President's Employee Benefits
16 Committee, but the literal
17 appointment comes from the
18 constituent group.

19 CHAIR DEMBO: Professor Michael.

20 MICHAEL: Doug Michael, College of Law.
21 With all due respect, I think the
22 mechanics are crucial. The
23 committee can look at this language
24 and say "I think it's a great idea."
25 The President can look at this

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1 language and say "it's a great
2 idea." Whose job is it to do? It
3 ought to say that. If you think
4 that it's clear that it ought to be
5 the Employee Benefits Committee,
6 then say so. I think perhaps, in
7 keeping with the idea of a blue
8 ribbon or expert committee, we ought
9 to say that the President appoint
10 the committee and that it answer to
11 the President. If he wants to
12 consider it on par with the Employee
13 Benefits Committee, he can jolly
14 well do that. But it gives it more
15 emphasis as a political document,
16 which mostly it is. You need to --
17 you need to say -- what happens if
18 nothing happens? You need to say:
19 We told you to appoint a committee
20 and you didn't do it. Who did we
21 tell? It ought to be in there.

22 CHAIR DEMBO: The routing of this will
23 be directly addressed to the
24 Employee Benefits Committee, and if
25 they would fail to send that

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1 recommendation forward to the
2 President --

3 MICHAEL: So it's clear from the context
4 this is -- there will be a cover
5 letter directed to the Employee
6 Benefits Committee?

7 CHAIR DEMBO: Yes. That's where all of
8 this will be directed because that's
9 the next logical step in the chain
10 of routing of the task force
11 proposals. Okay. So it's time to
12 vote on this as it is. There are no
13 other amendments, so all in favor of
14 this recommendation from the Senate
15 Council, please raise your hands.
16 Okay. All opposed? One? No?

17 UNIDENTIFIED SPEAKER: No.

18 CHAIR DEMBO: Okay. Any abstentions?
19 Okay. Thank you. The next item on
20 the agenda will be the Ethical
21 Principles and Code of Conduct.
22 I'll give you a very brief
23 background, but I certainly don't
24 have the expertise and that's why
25 Doug Boyd is here. In August there

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1 was a small group of individuals
2 around the university who received
3 the draft of a document from then
4 Chief of Staff Phyllis Nash. And
5 there were some iterations of this
6 very roughed-out draft that went
7 around. It eventually came back to
8 larger bodies, including Staff
9 Senate, Senate Council, where
10 additional changes were made based
11 on input there and now it's being
12 presented to both the University and
13 Staff Senates. I'd like for Doug
14 Boyd, who's the new Chief of Staff
15 to the President, to explain a
16 little more about this document and
17 from whence it came and where it's
18 going.

19 BOYD: Jeff, thank you. It's good to be
20 back, as a former administrator who
21 was a Senate member and then a
22 faculty member for a number of
23 years. Let me give you very, very
24 briefly some of the background on
25 what has sometimes been called the

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1 Code of Conduct and others has been
2 called the Code of Ethics. I think
3 we're kind of moving into the Code
4 of Ethics as to how we conduct
5 ourselves. But I think the ethics
6 issue is probably the one that is
7 most normally used in government.
8 December the 11th, 2001, then Board
9 of Trustees Chair, Billy Joe Miles
10 constituted an ad hoc committee to
11 look into bylaws having to do with
12 UK official operations. I think the
13 concern at the time was not only
14 board members but people who were
15 employed by the university becoming
16 involved in entrepreneurial areas
17 and, in particular, conflicts of
18 interest. On May the 28th, 2002,
19 the ad hoc committee provided a
20 report and recommendations. The ad
21 hoc committee report was submitted
22 and adopted by the Board of Trustees
23 on June the 11th, 2002. Initially
24 the group was chaired by Vice
25 President Joe Fink, who developed a

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1 draft of the code. And then that,
2 of course, was basically handed on
3 to Phyllis Nash, who agreed, as
4 Chief of Staff then, to work with
5 the President and other groups in
6 order to bring it along. On June
7 the 30th of this year, 2003, Phyllis
8 prepared a status report on the ad
9 hoc committee recommendations. The
10 status report was then forwarded to
11 the President and the Board of
12 Trustees. At the time the code was
13 a work in progress and it still is.
14 You've noticed that it is marked a
15 "draft." On August the 22nd, 2003,
16 the second draft was completed and
17 distributed to the President. And
18 then on November the 10th, the draft
19 was -- was submitted to a group of
20 people for various kinds of comment,
21 and we are at the point where we are
22 now. I'm speaking kind of generally
23 here because I'm a little new to the
24 process, but it seemed that while
25 the Medical Center and Athletics had

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1 a copy of this draft ethics, that it
2 came to light when the legal group
3 at the university looked at this
4 that the Medical Center may need to
5 have an amendment for additions
6 because, through the AMA or NIH Code
7 of Ethics, theirs might be more
8 restrictive. And also there's the
9 concern that perhaps, and I use the
10 word "perhaps," athletics may have
11 to have some amendments because
12 they're involved contractually with
13 certain companies in relation to the
14 Athletics Department. So this is
15 being sent to you for -- through the
16 normal process for your review and,
17 I suppose, comment. On the 11th
18 Sheila Brothers will take it to the
19 Staff Senate. The thought is that
20 comments will be recompiled and
21 considered by the committee sometime
22 in January, with the thought that
23 perhaps it will go to the Board of
24 Trustees in late January.

25 CHAIR DEMBO: So, Doug, I just want to

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1 ask before we have discussion about
2 it: You're asking the University
3 Senate, then, just for additional
4 comments on a work that's still in
5 progress. It's not necessarily our
6 feeling about this document or major
7 changes we'd like to see, or does it
8 encompass all of the above?

9 BOYD: I think it encompasses all of the
10 above. This is a university
11 document. It's a very, very
12 important one. It's not a lengthy
13 one, and I'm sure you've looked at
14 it. Much of the language, and
15 again, this is simply my opinion, is
16 very general. Toward the last it
17 has some very specific language with
18 regard to the kind of -- I'm going
19 to use the word hesitantly --
20 "gifts" that one can receive under
21 \$50 and then the reporting process
22 for gifts between \$50 and \$200. So
23 this is a draft. It's open to any
24 kind of comment, and the
25 administration would never send it

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1 forward without ample opportunity
2 for this body and the Staff Senate
3 to comment on it. Jeff, I don't
4 remember. I think I have the memo
5 here. I think this came to you, the
6 initial draft, on August the 10th,
7 and a number of other people. It
8 went to the Athletics Department,
9 the Medical Center, then the acting
10 Executive Vice President and the Med
11 Center, Athletics, Sheila Brothers,
12 and the Legal Department. So it's
13 been around for a while. Shall I
14 take questions or do you want to
15 field -- why don't you field.

16 CHAIR DEMBO: Well, I think first, is
17 there any question about the process
18 you want to ask Dr.Boyd.

19 JONES: By what deadline do you want
20 comments in, that if they come in
21 after that time, it's too late to
22 get them incorporated.

23 BOYD: I don't think we've addressed
24 that yet. In order to go to the
25 board meeting in January, and if

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1 memory serves, it's on the 27th,
2 then there would have to be some
3 lead time that might be by the
4 middle of the month. Would that be
5 too general, to say the middle of
6 January, to have the comments on? I
7 think certainly earlier would be
8 appropriate.

9 CHAIR DEMBO: Professor Lesnaw.

10 LESNAW: Judy Lesnaw, Biology. Can you
11 explain the difference between this
12 proposal and the university's
13 existing Code of Conduct or ethics?
14 Is this an amendment to existing
15 codes?

16 BOYD: I'm sorry. I don't know whether,
17 from the faculty handbook or
18 whatever, the problem -- and again,
19 I want you to know I'm speaking
20 very, very generally, almost on a
21 personal level, is that many of us
22 operate on codes of conducts because
23 of our various accreditations. In
24 the School of Journalism, of course,
25 we have one, and there is a sort of

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1 Code of Conduct. This is meant to
2 be a very, very general Code of
3 Conduct that would apply to
4 virtually everyone in the
5 university, maybe some more
6 restrictive than others, depending
7 on whether you're in the Medical
8 Center or not.

9 CHAIR DEMBO: If I could add one more
10 thing, Judy, when the very first
11 iteration came out and I took a look
12 at it, it basically looked like it
13 was a string of administrative
14 regulations that were just linked
15 together from different points and I
16 said, "What's the use of that? If
17 these are already in writing, where
18 does the ethics come into it?" So
19 at least at that point, there were a
20 number of sort of broad ethical
21 principles that were included.
22 That's just a little bit of where
23 it's been up to now, I think. Was
24 there something to ask in addition?

25 LESNAW: Yes. I have another question.

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1 You mentioned that there may be
2 further changes to this document or
3 additions coming from the Medical
4 School and one other unit that you
5 mentioned. Has there been any
6 effort to add to the
7 administration's Code of Ethics,
8 particularly as it pertains to
9 commitments?

10 BOYD: I'm sorry. I can't -- can't
11 answer that. I have no idea.

12 CHAIR DEMBO: Professor Gesund.

13 GESUND: Yeah. I have concern about
14 just one paragraph of this whole
15 document. It's on the second page,
16 and it's the second paragraph,
17 Nondiscrimination Policy. When I
18 read this, I wonder what this does
19 to affirmative action. We try very
20 hard to recruit -- and recruitment
21 is in here -- underrepresented
22 minorities and women. In the
23 College of Engineering we worry
24 about recruiting additional women
25 engineering faculty. We need them

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1 as role models for our women
2 students, but this would make it
3 impossible. This would make
4 impossible scholarships,
5 fellowships, et cetera, targeted
6 towards minorities and women. We
7 can't -- you know, it just isn't
8 right. If we pass this, affirmative
9 action is gone. And just recently,
10 couple of weeks ago, there was
11 something in the paper somewhere,
12 how proud the university was that it
13 was giving preferences to minority
14 contractors and female- and
15 minority-headed businesses in
16 getting supplies, buildings built,
17 et cetera, et cetera. That's all
18 down the tubes if this passes. We
19 can't do that. That paragraph has
20 to go or it has to be rewritten in
21 such a way that it does not destroy
22 affirmative action.

23 CHAIR DEMBO: Professor Tagavi.

24 TAGAVI: You might have already answered
25 my question, but I'm not sure. On

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1 the first paragraph -- well, not the
2 first paragraph. The paragraph
3 under Code of Conduct, it includes
4 the Board of Trustees. I think
5 that's a very forward-looking
6 addition. I appreciate that, but I
7 notice it doesn't say Athletics
8 Board, Hospital Board, other boards,
9 various affiliated corporations of
10 the university. Did you mean to
11 include those or not?

12 BOYD: I know that -- and I know I very
13 quickly sketched that brief history,
14 which will be pretty much a part of
15 your record here, but the original
16 concern, one of the original
17 concerns by Mr. Miles, who was then
18 the Board Chair, is that there
19 needed to be some kind of a code of
20 conflict [sic] for people, including
21 board people who served on a number
22 of corporations, affiliated or not
23 with the university. So I think
24 this certainly includes virtually
25 everyone, and I think that question

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1 is a good one. And probably part of
2 the feedback mechanism, not only the
3 reason that I'm here, but your
4 comments and Professor Gesund's
5 comments will go back to the
6 committee.

7 TAGAVI: I'd like to suggest to add
8 that, just put it in. My other
9 question is -- and that will be my
10 last one -- is I notice, you know,
11 we have 30-40,000 students, maybe
12 couple of thousand faculty. The
13 word "students" are missing from
14 here. I know it says students
15 here -- says the conduct of the
16 students is addressed in the
17 Students' Rights and
18 Responsibilities. But my question,
19 why not include students in the list
20 of -- when you say this applies to
21 trustees, executive offices,
22 faculty, staff and other
23 individuals, it just -- not putting
24 students in there is a little bit
25 strange. The other thing is, we as

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1 faculty, what you do more than
2 anything else in frequency is
3 evaluate students. In the
4 nondiscrimination policy, it doesn't
5 say in granting our grades or
6 evaluating of students. I know in
7 the Students' Right and
8 Responsibilities it does say that.
9 I know in the faculty Code of
10 Conduct, and perhaps that was what
11 the first speaker was talking about,
12 there is a faculty Code of Conduct
13 on the Web, which we don't know how
14 these two relate to each other. In
15 there it says that we have to be
16 nondiscrimination [sic] when it
17 comes to granting of grades, but for
18 that to be missing from this
19 document is a little bit strange.
20 You know, somebody might read this
21 and say, "Okay, if I go by this Code
22 of Conduct, I am fine" and then
23 conclude that, therefore, I can
24 discriminate in granting of grades
25 based on sexual orientation or race

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1 or national origin.

2 BOYD: I think that's absolutely right
3 to bring up this concern or
4 virtually any other that you have.
5 Is Victor still here? Victor came,
6 Victor Hazard, the Dean of Students.

7 CHAIR DEMBO: Yeah, he's in the back.

8 BOYD: Yes. Victor, any comment about
9 that? Would the student code
10 override this, or would there -- in
11 your kind of personal opinion?

12 HAZARD: I'm not convinced that that
13 would override it. It would not
14 hurt to include that if that was the
15 feeling of this group, but clearly
16 it is a document specifically for
17 and to address student behavioral
18 needs. I think it would be the
19 wisdom of this group as to whether
20 or not they want to include that
21 phrase for students.

22 CHAIR DEMBO: Judy, did you have your
23 hand up again? Then Tom.

24 LESNAW: I did, and I would like again a
25 clarification. You mentioned that

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1 originally Mr. Miles wanted this
2 document primarily to address
3 corporate issues. I ask, then, why
4 that should not be covered under the
5 typical conflict of interest rules
6 and regulations that we already have
7 at this institution. I think it
8 would be much cleaner to address
9 ethics and Code of Conduct in a more
10 general way, and I agree with those
11 that have asked for inclusion of
12 more categories under this. And I
13 say again, in addition to students
14 being missing, administrators are
15 missing from this document. So I
16 would hope that conflict of interest
17 be dealt with under our (inaudible)
18 mechanism.

19 CHAIR DEMBO: Professor Zentall.

20 ZENTALL: I would like to elaborate a
21 moment on Lesnaw and Tagavi's
22 comments about the relation between
23 this document and earlier
24 documents. Very often when changes
25 are made, the changes are made in

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1 the context of the earlier document,
2 so we can see what's being changed
3 and very often there is an argument
4 made for why the change is
5 necessary. That would be very
6 helpful for us to evaluate this new
7 document.

8 CHAIR DEMBO: Jeanmarie.

9 ROUHIER: Jeanmarie Rouhier Willoughby.
10 I have a question about the
11 Intellectual Property section. It
12 says (inaudible).

13 REPORTER: I'm sorry; I can't hear you.

14 Rouhier: I'm just reading it. The
15 traditional (inaudible) activity
16 which have customarily been
17 considered the unrestricted property
18 of the originator, journal articles,
19 et cetera, without involving a
20 material use of university
21 resources. It's not clear what a
22 material use of university resources
23 is. Does that mean I typed it in my
24 office on my computer? Does that
25 mean I took the university's salary;

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1 therefore, everything I produce here
2 belongs to the university? That
3 just needs some tightening up,
4 clarity.

5 CHAIR DEMBO: Since this is listed as an
6 action item, I guess it would be
7 nice to have some guidance as to
8 what you want to do with this now.
9 Do you want to just individually
10 send comments and then it go
11 somewhere and then you see it again
12 in its finished form? Do you
13 want -- I mean, where do you want to
14 go with this? Professor Staben.

15 STABEN: Chuck Staben, Biology. The
16 Senate's not meeting again till
17 February in the new year?

18 CHAIR DEMBO: Correct.

19 STABEN: And I think that the comment
20 was made that action might be
21 requested as early as January.
22 Those two aren't very consistent
23 with one another. If we're not
24 going to act on it today, then at
25 least as a Senate, we're not really

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1 going to act on it.

2 CHAIR DEMBO: So the two choices we'd
3 have either are to endorse it in its
4 current form or to hash out all the
5 details you've heard, plus probably
6 a lot more.

7 CIBULL: Here is another possibility.

8 CHAIR DEMBO: Professor Cibull.

9 CIBULL: And that would be to invite
10 members of the Senate or the faculty
11 in general to submit their concerns
12 to the Senate Council, let the
13 Senate Council collate them into
14 some sort of document and forward
15 that to the ethics -- or whoever's
16 doing this.

17 CHAIR DEMBO: Sure.

18 CIBULL: In other words, it would be --
19 and you can correct me here if I'm
20 wrong. It could be tabled with the
21 purpose of having the Senate Council
22 complete the process and forward it
23 with its recommendations. Is that
24 something you can do?

25 BLYTON: Well, that would mean that the

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1 Senate wouldn't have a chance to
2 vote on it.

3 CIBULL: That's correct. But they
4 don't -- unless it's voted right
5 now, they're not going to have a
6 chance to vote on it. It either has
7 to be voted up or down now, right?

8 CHAIR DEMBO: Well, just because -- I
9 mean, one of the actions the Senate
10 could take is to send it to the
11 committee or send it to the Senate
12 Council and instruct the Senate
13 Council to act on its behalf.

14 CIBULL: Right.

15 CHAIR DEMBO: If the Senate would like
16 to do that. Do you want to make
17 that a motion and see if it flies?

18 CIBULL: Yes. I move that.

19 YANARELLA: I second.

20 CHAIR DEMBO: Any discussion?

21 TAGAVI: Repeat the motion, please.

22 CHAIR DEMBO: So the motion was to
23 solicit comments from the University
24 Senate that will be collated by the
25 Senate Council who then, prior to

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1 the due date in January, will submit
2 the comments to Dr. Boyd and
3 whatever group --

4 CIBULL: With its recommendation
5 regarding this document.

6 BOYD: That would include the
7 suggestions and observations that
8 were made that are now part of the
9 record.

10 CHAIR DEMBO: Okay. Any other
11 discussion about that motion?
12 Kaveh?

13 TAGAVI: May I offer in friendly manner
14 to include -- to expand this to the
15 university faculty?

16 CIBULL: Yeah, I think I said that
17 originally.

18 TAGAVI: Well, when I said to repeat it,
19 it said University Senate.

20 CHAIR DEMBO: Okay. So the intent was
21 for the university faculty. Okay?
22 Any other discussion? All in favor
23 of the motion, please say "aye."
24 (AYE) Fooled you. Any opposed?
25 Any abstentions? Okay. Thank you,

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1 Doug.

2 BOYD: Thank you very much for your
3 time.

4 CHAIR DEMBO: We have two more very
5 quick things. Professor Anthony
6 from LCC has shown up. And, Joe, do
7 you think in a few minutes you'll be
8 able to give us an LCC Ombud
9 report?

10 ANTHONY: Sure.

11 CHAIR DEMBO: While you're coming up,
12 Joe, the final agenda item, the
13 Senate Ad Hoc Committee on Faculty
14 Salaries, what's the status of that
15 now, Ernie?

16 YANARELLA: The committee has
17 effectively finished its business,
18 and we have a final report. I
19 noticed at 2:45 that it had been put
20 on the agenda for today's meeting,
21 and that was not my intention in a
22 communication which I sent to Jeff
23 Dembo. My intention is to submit
24 that report to the Senate Council by
25 tomorrow morning and to request that

1 the Senate Council put the entire
2 report on the Senate Web page for
3 the entire faculty to have an
4 opportunity to review it. And I do
5 want to -- one last thing I would
6 like to do and that is I would like
7 to very quickly thank the committee
8 members who have spent almost three
9 months wrestling with this issue:
10 Alice Christ from Art, Richard First
11 from Business and Economics, Zakkula
12 Govindarajulu from Statistics, Mitzi
13 Johnson from Medicine, Kathi Kern
14 from History, Rob Lodder from
15 Pharmacy, Chuck Staben from Biology,
16 and Eric Thompson from Economics and
17 from the Senate for Business and
18 Economic Research. We have put
19 together a series of recommendations
20 relating to issues of COLA inequity,
21 issues relating to merit, issues
22 relating to benefits, which we hope
23 will help to catalyze a very serious
24 and (inaudible) discussion and
25 debate among faculty and

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1 administrators over this important
2 decision. Thank you.

3 CHAIR DEMBO: Professor Anthony, a brief
4 update on LCC.

5 ANTHONY: Okay, thanks. I'll be very
6 brief. Basically this is the third
7 full year where we've had a split in
8 the Ombuds, one serving the main
9 campus, one primarily LCC students.
10 And the great majority of students I
11 see are LCC students or UK students
12 taking LCC courses. It's almost
13 never that I see a straight UK
14 student or -- I didn't mean
15 straight. I'm sure I've seen
16 straight ones. There are lots of
17 regular disputes, grade disputes, et
18 cetera. A lot of them come from
19 record-keeping. A lot of them are
20 just without merit. One area I
21 might note is distance learning
22 disputes, which seem to be
23 increasing and are very difficult to
24 see through. I'm an English
25 professor, so it's not my area of

1 expertise, but I've literally spent
2 hours looking at when people have
3 posted things and thinking "is this
4 in my job description?" But I would
5 hesitate to recommend any changes
6 for distance learning instructors
7 since they're truly overburdened,
8 from what I can see. But if just --
9 if they were very explicit in their
10 explanations, in their instructions
11 as to when due dates are due and the
12 formats. We have a lot of formats,
13 and I'm truly over my head with that
14 one, so it would make things
15 easier. I see as -- in LCC, I don't
16 know if it's true in the main
17 campus -- that distance learning is
18 increasing tremendously and I can
19 see a nightmare situation with lots
20 and lots of complaints about
21 postings and formats. I deal with a
22 good number of personality
23 disputes. The other thing I'd like
24 to say there is, as we become
25 increasingly diverse, I see that

1 more and more of the disputes
2 involve different cultural
3 expectations of behavior, both by
4 instructor and by students. And
5 those are interesting to try and
6 mediate, which is what I try to do.
7 They involve different styles of
8 teaching, different styles of
9 discipline, and they're not just the
10 old ones that "I don't like this
11 instructor." They really involve
12 different expectations of classroom
13 decorum. The big thing I want to
14 talk about today -- I've got one
15 more minute or so -- is plagiarism
16 and academic offenses. It's my
17 unscientific observation that
18 problems are increasing, that the
19 Internet plagiarism is rampant, that
20 even my own students I have
21 "Googled" them and gotten up
22 examples and the original papers.
23 And academic offenses, there's a
24 whole Web site here, "Turn It In,"
25 which is selling its services, gives

1 quotes like 36 percent of
2 undergraduates have admitted to
3 plagiarizing. That's the ones who
4 have admitted. 97.5 percent have
5 admitted to sharing their work with
6 students. It's an old problem. I
7 just feel like it is getting worse.
8 Now, in LCC I have to say that my
9 general feeling and many of the
10 instructor's general feeling is as a
11 teaching college -- you're a
12 teaching college, too, but I mean
13 that it's a learning process. And
14 if it's straight panic, I have
15 templates I give instructors saying
16 "I'm sorry I did this, I accept a
17 zero," and we don't formally
18 charge. A lot of times we don't
19 formally charge and the student
20 signs my -- the template I've made
21 up for the instructor so they can't
22 come back to the instructor and say,
23 "if you thought I was guilty, you
24 should have charged me," you know,
25 to protect the instructor. And

1 basically it's because the formal
2 penalties, the minimum penalty is an
3 Academic Offense E. In other words,
4 it's identified as an Academic
5 Offense E and it's permanent on your
6 record. There's no repeat option.
7 And that seems, for a freshman who
8 has just panicked and been stupid,
9 rather harsh. But I think I'm
10 changing my mind because it just
11 seems like it is so rampant,
12 academic offenses, that it may be
13 out of control. So here's my
14 suggestion to the Senate, which is
15 that I urge you to appoint a task
16 force, another task force to examine
17 the question of academic honesty
18 among students, which I follow the
19 gentleman, ethical behavior for
20 professors, but -- my idea, of
21 course, would be an honors code, but
22 I think we're a long ways from that,
23 an enforceable one. But I think we
24 really need to try and change the
25 atmosphere where the atmosphere has

1 become, in my worst-case opinion,
2 one where it's like speeding. We
3 all speed and it's just bad luck to
4 be caught. It is one where we're
5 just cops and robbers and no one or
6 the great majority of students, I
7 feel, don't feel that it's really
8 morally or ethically wrong. And I
9 think we need to change -- or try
10 and change the culture that's
11 accepting of academic fraud as a way
12 of life. So I think there are ways
13 to do it, but I'm not wise enough to
14 tell you what they are. I really
15 think a task force should address
16 that. Most of the professors I know
17 are fairly ethical. I think this is
18 probably more important to address.
19 It is really increasing. I know
20 it's unscientific. I haven't taken
21 a poll, but I get cases every day,
22 practically, of fraud. So the rest
23 of it is basically the regular old
24 stuff I do as an Ombud, and I won't
25 waste your time. Thank you.

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1 CHAIR DEMBO: Thanks, Joe. I appreciate
2 it.

3 TAGAVI: Did somebody second that
4 motion?

5 CHAIR DEMBO: Well, there wasn't a
6 motion made.

7 NOONAN: Make a motion. We move to have
8 a committee.

9 CHAIR DEMBO: Is this something you'd
10 like --

11 NOONAN: No, he moved. Didn't he ask us
12 to have a committee?

13 CHAIR DEMBO: Is that a recommendation,
14 Joe, or a motion?

15 ANTHONY: Well, it's a recommendation
16 but I'm not a Senator, so --

17 CHAIR DEMBO: Can we make a motion off
18 the floor, Professor Blyton?

19 BLYTON: You can, but it was just a
20 recommendation.

21 CHAIR DEMBO: Okay. So the Senate
22 Council members have heard it and
23 maybe we can present something to
24 the Senate next time. Good. Okay.
25 So I think to our students, good

1 luck on all your finals. And to
2 everybody else, happy, healthy and
3 safe holiday season. Thank you very
4 much.

5 (MEETING CONCLUDED AT 4:45 P.M.)

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1 STATE OF KENTUCKY)

2 COUNTY OF FAYETTE)

3

4 I, ROBYN BARRETT, CSR, the undersigned Notary
5 Public in and for the State of Kentucky at Large,
6 certify that the foregoing transcript of the
7 captioned meeting of the University of Kentucky
8 Senate is a true, complete, and accurate transcript
9 of said proceedings as taken down in stenotype by
10 me and later reduced to computer-aided
11 transcription under my direction, and the foregoing
12 is a true record of these proceedings.

13 I further certify that I am not employed by nor
14 related to any member of the University of Kentucky
15 Senate and I have no personal interest in any
16 matter before this Council.

17 My Commission Expires: November 24, 2007.

18 IN TESTIMONY WHEREOF, I have hereunto set my
19 hand and seal of office on this the 9th day of
20 December, 2003.

21

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23

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25

ROBYN BARRETT, CERTIFIED SHORTHAND
REPORTER, NOTARY PUBLIC, STATE AT
LARGE, KENTUCKY