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UNIVERSITY OF KENTUCKY

SENATE MEETING

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MAY 7, 2018

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KATHERINE MCCORMICK, CHAIR

ERNIE BAILEY, VICE-CHAIR

AL CROSS, PARLIAMENTARIAN

SHEILA BROTHERS, ADMINISTRATIVE COORDINATOR

BRENDA YANKEY, COURT REPORTER

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1 CHAIR MCCORMICK: All right. We're ready to
2 begin our May 7th University Senate Meeting. Thank
3 you for attending. I realize that many of you have
4 other things to do but we appreciate the opportunity
5 to meet one last time before the semester is over.
6 So, well go forward.

7 So again, following Robert's Rules of Order.
8 Always be civil. Try to be a good citizen in terms
9 of the representation, your voice is a
10 representation for your college. Please participate
11 and make sure you return your electronic device to
12 the table before you leave. So can I have the
13 attendance slide fairly quickly?

14 When the slide appears and the question is read,
15 you may vote. So, will your final grades be
16 submitted by tonights deadline? Yes, no, can we
17 have another week? Maybe, but we're just asking for
18 the program. The answer most of you are ready to
19 go. So the Faculty Trustees report was
20 unfortunately left off of todays agenda but the
21 trustees do have information to share with you.

22 I'd like to add it to the agenda in the normal
23 order unless there are objections now. Okay. All
24 right. So there were some editorial changes
25 received for the minutes and again unless objections

1 are heard now the minutes from April the 23rd will
2 stand approved as submitted by unanimous consent.

3 So, just some announcements quickly. We did
4 call a special meeting this past Thursday. The
5 Senate Council met for approximately an hour to
6 discuss the revisions of the proposed changes to AR
7 6.2 which is the Administrative Policy and
8 Procedures for addressing and resolving allegations
9 of sexual assault, stalking, dating violence and
10 domestic violence and well talk about this in just a
11 little while.

12 So these are the Senators whose terms are
13 ending, however many of you, I think, or some of you
14 will be willing to continue your service and we
15 appreciate the work that you've done already. This
16 is a large number but again some of them or some of
17 you have suggested that you're willing to stay again
18 and have been re-elected.

19 So, we had a number of research professors
20 recognized over the past weekend and one of them is
21 our very own Herman Daniel Farrell, III. And so we
22 really appreciate the opportunity to recognize him
23 along with his colleagues from the other colleges;
24 David Van Sanford, Matthew, Spook, Heidi, Nancy
25 Harrington, Jennifer Wilhelm and Jake as well as

1 Daniel Craft, Bryan Richard, Sharon Walsh, Mark
2 Williams, John and Heather Bush.

3 So these are your colleagues that were
4 recognized by you. Remember that the research
5 awards are nominated by the colleges and then are
6 forwarded to the president. So remember that during
7 the budget discussion that was some anxiety
8 particularly on staff regarding the bi-annual
9 budgets terminating a requirement.

10 Remember this had previously been a mandated
11 requirement that the university systems or the
12 colleges within the system were -- would share
13 resources in order for our students to move from one
14 college to -- from one university to another.

15 So in other words UK faculty, or UK staff, more
16 often staff than faculty would take courses at
17 Eastern or UL or others and so this was swept in
18 this last budget but the university. Our university
19 maintained that they would keep their own tuition
20 reimbursement and would for three years honor those
21 people who were enrolled in other universities.

22 And so I, like you, I suspect I work with a
23 number of staff who were almost finished Phd's and
24 really were unable or felt that they would be unable
25 to complete their work without some support.

1 So, for the next three years, we'll pay the
2 tuition for our employees taking classes at other
3 Kentucky institutions. Again President Capilouto
4 sent you an email in April about that.

5 We are working with the Provost Sustainability
6 Council and wed love to have some action for that to
7 be shared with you in the fall. The Core Review
8 Committee has completed its work and they're putting
9 together their final report and it should be again
10 available probably in the fall.

11 The Graduate Education Committee has some final
12 touches in terms of adding membership to that
13 committee and so that will begin work in the fall as
14 well. So just an update, we have a new Dean of
15 Engineering and that person begins July 1 and I know
16 were all appreciative to the hard work of that
17 search committee.

18 The Gatton College Dean search committee has
19 almost finished their work and they'll have a
20 consultation with the provost next week. The interim
21 Deans for Communication and Information and for
22 Education are underway. I know that in Education
23 today we received communication from the provost
24 asking if we would make two nominations or if we'd
25 chosen one or more.

1 MR. CROSS: And our college.

2 CHAIR MCCORMICK: And it's in your college as
3 well. Thanks Al. So both of those actually
4 happened today. The national searches for both of
5 those Dean positions will begin in the fall. Again,
6 I think you already received this information from
7 the provost that the Library's Dean search has been
8 suspended and it will begin in the fall as well.

9 So I try to do this every Senate meeting just to
10 remind you these dates. They are not because we
11 feel empowered to give you dates but because we know
12 how this calendar plays out in terms of getting our
13 proposals to CPE and to the Board of Trustees and so
14 again I don't see Margaret here -- Oh, there she is.

15 But again, we came to this date, again not
16 arbitrarily or capriciously, but trying to think of,
17 you know, the best time and the last time to give
18 you the most time to make sure that we could get
19 these forwarded to CPE.

20 So February 5th for new degree, March 15th for
21 other proposals that require a committee review,
22 April 15th for courses, all other program changes
23 and minors and then again just to remind you that
24 the process is it goes first to the academic
25 councils whether it's the graduate council, the

1 HCCC, or the undergraduate. They work on it. And
2 they move it forward to the Programs Committee and
3 then after that your colleagues on their faculty on
4 that committee work hard.

5 And they ask you sometimes to add some
6 information to provide some clarification and if
7 these come back to you and sometimes they languish
8 on your desk and so try to encourage your colleagues
9 who are moving these proposals forward to send them
10 forward as soon as possible so to respond to the
11 questions that are asked by these committees.

12 We do we have now, I think processed the
13 invoice for curricular's proposal or it was a
14 proposal from curricular. We're working with them
15 on your behalf and we have secured funding from the
16 Presidents office to move programs into the
17 curricular. So, we've moved courses. Many of you
18 have suggested that has worked well and were hopeful
19 that programs will work well as well.

20 So, we hoped that that would happen in May and
21 maybe but certainly well plan for rolling that out
22 for your use as early as fall. We do have the
23 authority to waive some Senate rules. We did that
24 for changes approved -- or changes from the College
25 of Medicine and so basically they needed another

1 date. Remember that the College of Medicine has
2 it's own calendar along with some of our other
3 professional colleges and so this is not part of the
4 university calendar.

5 But part of the calendar that they use to manage
6 their students matriculation and so we added May
7 31st as an additional graduation date so that
8 students who are one-course short for criteria of
9 their graduation could receive that diploma and be
10 ready to move forward for their next step.

11 So we've received Senate College election
12 results from these colleges. If your Deans office
13 or your faculty council haven't yet reported to you
14 the election and sent those results to us, please
15 encourage them to do so.

16 We'd like to be able to begin to populate our
17 committees soon and to let these new Senators know
18 that were good to go and were excited for them to
19 join us. So we hope that many of our letters of
20 appointment can go out, will go out this week and
21 people will start their term in August.

22 This past weekend we held four commencement
23 ceremonies for more than 5,000 graduates. I
24 received a thank you from President Capilouto and I
25 would like to share his remarks with you now. So he

1 begins: Thank you for representing the faculty at
2 the four graduation ceremonies and your role and
3 personally handing to me, on their behalf,
4 individual degree binders to thousands of graduates.

5 As we are closest to these graduates when they
6 receive these I think you'll agree that their faces
7 are filled with joy and gratitude that stick with
8 you. For this I am filled with thankfulness to the
9 faculty for their teaching, care, and nurture of
10 students that leads to this milestone.

11 I will appreciate you conveying to the faculty
12 and senate my deepest appreciation also for their
13 selection of honorary-degree recipients. The night
14 before the ceremonies begin Mary Lynn and I host
15 them, their family and close friends at a natural
16 place of dinner. In welcoming them to the start of
17 our meal I share in the spirit of full disclosure
18 that I had nothing to do with their selection.

19 I simply have the honor of informing them in a
20 phone call and extending hospitality. I further
21 share with them that they reflect the best values
22 and spirit of our faculty and that their lives have
23 rich purpose and meaning are what we hoped for in
24 our graduates.

25 As the order read their stories and respective

1 ceremonies, I felt as if our graduates and those in
2 the audience heard that high character and good deed
3 are still this country's greatest currency. It
4 filled Rupp Arena with a pride and mutual respect
5 that comes from being part of something unique and
6 bigger than oneself.

7 This is UK. This is the community of belonging
8 to which we aspire. Please let the senate know my
9 regard and appreciation for all their efforts and
10 for those chosen to receive our highest honor.
11 On that note please don't forget your Kleenex. I
12 didn't realize (LAUGHTER), but should you be swayed
13 by those kind words, you have until May 26th to
14 complete your evaluation. Remember that those
15 survey results are shared with the President and the
16 Board of Trustees.

17 So, on -- whenever the date the committee meets
18 Jennifer, and Margaret Schroeder and Connie Wood
19 will have the opportunity to share those results.
20 The President reads, I promise you, reads every one
21 of those survey comments. The Senate does not take
22 any action on the comments but we do aggregate the
23 quantitative work and I really appreciate the work
24 of Kristen McQuerry in the Department of Statistics
25 in helping us do that.

1 So again, we encourage if you haven't done it,
2 please complete the faculty survey and then
3 encourage your faculty colleagues. So, Jennifer?

4 MS. BIRD-POLLAN: Okay. Hi, I'm Jennifer
5 Bird-Pollan. I'm going to run the meetings next
6 year so you'll see me tomorrow but for now I am the
7 Vice Chair and I'm just going to take a minute
8 before I talk about the Outstanding Senator Award to
9 thank Katherine McCormick.

10 So, Katherine, as you know, has served as an
11 incredible Senate Council Chair for the past two
12 years. She's navigated complicated issues with
13 concern and attention. She has done an incredible
14 amount of labor on behalf of the entire UK faculty
15 and she has done it all with a smile and a good
16 nature.

17 She is liked and admired by faculty and
18 administrators alike and she has found a way to be
19 an advocate for faculty while also serving as a
20 mediator between faculty concerns and
21 administrations needs and everyone I've met over the
22 past few months as I prepare to step into this role
23 of Senate Council Chair has welcomed me and wished
24 me luck and nearly simultaneously told me how much
25 they'll miss Katherine. And how I have big shoes to

1 fill.

2 So, I personally am grateful to everything
3 Katherine has done to make me feel welcome on Senate
4 Council and to ease the transition to the Senate
5 Council Chair position and so as a small token of
6 the immense gratitude that we all feel for her, the
7 colleagues on the Senate Council have bought you
8 this plant, this Jasmine plant and also -- I'm not
9 going to make you hold it, it's a little heavy and a
10 little gift card to Total Wine and Spirits just to
11 -- (Applause)

12 MR. GROSSMAN: After July 1st you may need
13 the gift card. (LAUGHTER)

14 MS. BIRD-POLLAN: There will be another gift
15 card later. Okay. So now on to my task, the
16 Outstanding Senator Awards. So, the Outstanding
17 Senator Committee was composed of Margaret
18 Mohr-Schroeder, Connie Wood and myself. We received
19 several nominations so thanks to all of you who
20 wrote to us with your nominations.

21 We deliberated over the choices and unanimously
22 agreed that the person we chose hardly deserves an
23 award for the work that he's done on behalf of the
24 senate this year. Our Outstanding Senator was
25 tasked at the beginning of the year to Chair one of

1 the hardest working committees in the Senate.

2 You've seen him up here nearly every month this
3 year bringing proposals as the Chair of the Senate
4 Admissions and Academic-Standards Committee. The
5 committee started the year with six proposals
6 lingering from last year. It's taken on sixteen
7 additional proposals over the course of this year.

8 The Chair guided each of these twenty-two
9 proposals through the process working with proposals
10 from across the university, sitting through many,
11 many Senate Council meetings waiting patiently for
12 his turn to present the work on his committee.

13 We've heard from many people that he's worked
14 with, both his committee members and proposers who
15 worked with him that he's done his senate work with
16 a smile and pleasant demeanor. I'm personally very
17 glad he's agreed to stay on as Chair of the
18 committee for another year. Our Outstanding Senator
19 for 2018 holds a JD from MYU Law School, an MSA from
20 Columbia. He's a Chellgren endowed Professor and
21 Associate Professor in the Department of Theater and
22 Dance.

23 In addition, as we just learned, he was recently
24 named a university research professor for 2018-19.
25 We didn't know that before we made the report. So

1 please join me in congratulating our 2018
2 Outstanding Senator Herman Farrell. (APPLAUSE)

3 MR. FARRELL: I just would like to thank
4 Katherine first of all for coaxing me into taking
5 the position. It was a bit of a fight for a few
6 moments there, but also just with regard to
7 Katherine's service over the last couple of years,
8 I've gone through a couple of Chairs who have all
9 been wonderful and each one adds something to the
10 process.

11 And I think your candor and your demeanor and
12 your demand that we all engage in civil discourse, I
13 think has really made this process so much better
14 for all of us. I really appreciate that. I want to
15 also thank Sheila who also helps me all the time in
16 every little thing and last but not least I want to
17 thank the members of the committee.

18 Are the members of the committee here? Would you
19 mind standing so I could share this with you,
20 members of the Admissions and Academic Standards
21 Committee. There's a few of you here. They've been
22 working so hard. (APPLAUSE)

23 CHAIR MCCORMICK: All right, Al?

24 MR. CROSS: I have no Parliamentarian's
25 report.

1 CHAIR MCCORMICK: So, the Trustees report,
2 I think Bob and Lee have -- step on up.

3 TRUSTEE GROSSMAN: I'll start. Just
4 something real quick and then I'll move forward to
5 Lee. I mentioned last, at our last meeting that U
6 of K has bought that Kennedy Fazoli's property and
7 that no decision had been made on what to do with
8 it. Well, they have made a decision about what they
9 want to do with it which is to send out a request
10 for proposals to build a building that will have
11 offices or businesses on the first floor and parking
12 on floors above.

13 They are aware of the parking issues on campus.
14 The state has not let us build new parking garages
15 so they're hopeful that a public/private partnership
16 will allow some more parking spaces to be
17 constructed.

18 TRUSTEE BLONDER: Last week I sent an email
19 to all faculty concerning the May 1st Board of
20 Trustees meeting and our discussion of new
21 legislation on faculty employment. At this meeting
22 President Capilouto gave a report to the Board.
23 During his report the President reiterated his
24 commitment to academic freedom and his belief that
25 tenure is sacred.

1 Following the presidents comments Board Chair
2 Britt Brockman opened the floor for discussion. I
3 and Board Vice Chair Mark Bryant and Trustee David
4 Hawpe made statements in support of faculty and
5 tenure. I'd like to read those statements to you
6 now.

7 So, here I go: I want to address the
8 implications of the law that the Kentucky General
9 Assembly recently enacted regarding employment of
10 faculty. The portion of the law applicable to UK
11 reads as follows: Each Board of Regents or Board of
12 Trustees of a state funded university may reduce the
13 number of faculty, including tenured faculty, when
14 the reduction is a result of the board discontinuing
15 or modifying an academic program.

16 Upon compelling evidence the program changes are
17 in the universities or colleges best interests due
18 to low utilization, financial feasibility, budgetary
19 constraints or declaration of financial exigency.

20 When a faculty reduction occurs pursuant to this
21 section the board shall provide ten-days notice, in
22 writing, to the faculty member or members being
23 removed as a result of the reductions stating the
24 boards reasoning.

25 The provisions of this section supersede any and

1 all policies governing the faculty employment
2 approved by the Board of Trustees or the Board of
3 Regents.

4 It is my understanding that this law is
5 permissive, not mandatory, meaning that this law
6 does not compel the Board of Trustees to revise the
7 universities governing regulations, policies or
8 procedures; however under this law governing boards
9 have the legal authority to close or modify academic
10 programs and fire faculty including those with
11 tenure following ten-days notice.

12 This law has serious implications for faculty,
13 may violate due process, and erodes the very
14 principles upon which great universities are
15 founded. While President Capilouto has assured the
16 University Senate and the campus community that the
17 administration intends to follow our governing
18 regulations and procedures as written, it is the
19 Board of Trustees who is in fact invested with the
20 authority to enforce the law.

21 Today, meaning May 1st, we have an opportunity to
22 send a strong message to current and future faculty
23 and students that we too intend to continue to
24 follow our current GRs. At present current policy
25 states that except in cases of financial emergency

1 the termination of a tenured appointment or the
2 dismissal of a person prior to the expiration of a
3 non-tenured appointment shall be in accordance with
4 KRS 164.230, only for reasons of incompetence,
5 neglect of or refusal to perform duties, or for
6 immoral conduct.

7 With respect to the authority granted under this
8 law to eliminate or modify majors or degree program,
9 we, the Board of Trustees, under our current GRs can
10 trust the academic expertise of the University
11 Senate to determine the academic merit of each
12 degree program so that the board will not
13 academically close any degree except upon the
14 recommendation of the University Senate.

15 Other decisions on the academic status and
16 content of academic programs shall be made by the
17 University Senate pursuant to the procedures
18 contained in the University-Senate Rules.

19 The rules and regulations we currently abide by
20 reflect our commitment to our mission and core
21 values. At the April 2nd meeting the University
22 Senate Council passed a resolution to ask the
23 university administration to actively lobby against
24 the inclusion of tenure language in the future
25 budget because such language is not in the best

1 interest of faculty, staff, students or higher
2 education in Kentucky.

3 There are numerous reasons why it is imperative
4 that the board convincingly reassure faculty and
5 students that we intend to follow our current
6 forwarding regulations in matters relation to
7 program closures and firing of faculty, including
8 those with tenure.

9 I would like to highlight three. First, if
10 exercised, this law may have the potential to
11 jeopardize accreditation, not just by SAACS but also
12 by agencies that accredit our professional programs.

13 Second, if kept to carry out this law will most
14 certainly land the university on the list AAUP list
15 of censored institutions. Those that are not
16 observing generally recognized principles of
17 academic freedom and tenure endorsed by the AAUP,
18 the Association of American Colleges and
19 Universities, and more than 150 other professional
20 and educational organizations.

21 Third, as I think we would all agree faculty
22 made an enormous contribution to this university.
23 They teach, mentor, administer, conduct research,
24 engage in scholarly and creative activities, care
25 for patients and perform service to the university,

1 the community and beyond.

2 If our goal is to strive to be outstanding and
3 to retain and attract top faculty and students the
4 presence of this law may compromise our ability to
5 do so. Many faculty have choices as to where they
6 work including multiple offers from states and
7 institutions that do not have such a law on the
8 books.

9 In conclusion, in my role as a Faculty Trustee
10 with a fiduciary responsibility to this university,
11 I believe it is imperative that our Board of
12 Trustees go on record as President Capilouto has, to
13 affirm our commitment to the principles that sustain
14 higher education in the U.S including tenure,
15 academic freedom, shared governance and the
16 processes and core values we currently espouse in
17 our GRs. Thank you. (APPLAUSE)

18 CHAIR MCCORMICK: Any questions for Bob or
19 Lee? Michael?

20 MR. KENNEDY: Michael Kennedy, Emeritus. I
21 think this is an excellent statement and that the
22 senate ought to reinforce it. I therefore move that
23 the University Senate endorse Faculty Trustee
24 Blonder's statement concerning faculty employment
25 and programs and that the University Senates

1 endorsement be reported to the Board of Trustees
2 through President Capilouto.

3 CHAIR MCCORMICK: We have a motion and a
4 second.

5 MS. BRION: I second. Gail Brion,
6 Engineering.

7 MR. GROSSMAN: Too late.

8 CHAIR MCCORMICK: Well put you third.

9 UNIDENTIFIED MALE: Or more.

10 CHAIR MCCORMICK: Okay. Thank You, sir. We
11 have a motion on the floor. Is there any
12 discussion? Yes, sir?

13 UNIDENTIFIED MALE: I just want to speak in
14 favor of it and also just speak in favor of our two
15 Trustees, who I believe have done great work in
16 preparing the Board of Trustees to come to our aid.
17 It seems like last fall they were questioned after a
18 retreat about tenure and the necessity of it.

19 I was very pleased. I attended this Board of
20 Trustees meeting and I was very pleased to see that
21 two members of the Board of Trustees also had
22 prepared statements where they spoke in favor of
23 tenure. So, I think you both have done wonderful
24 work in terms of preparing for this battle and so I
25 really appreciate it.

1 CHAIR MCCORMICK: Thank you. Monica?

2 MS. VISONA: Monica Blackmun-Visona,
3 College of Fine Arts. I would like to say thank you
4 very much for underscoring the issues at hand. I had
5 been focused upon, as probably many of our
6 colleagues had been, upon the issue of tenure,
7 however your statement makes it very clear that we
8 are dependent upon the Board of Trustees whom I
9 hadn't really realized. The Board of Trustees, in
10 my understanding is appointed by the Governor. Is
11 that true?

12 TRUSTEE BLONDER: Well, the majority of the
13 members are. There's three alumni trustees and
14 they're also appointed after an election by the
15 alumnus organization by the Governor and then theres
16 the two elected faculty Trustees, the elected staff
17 Trustee and the President of Student Government is
18 an automatic student Trustee.

19 MS. VISONA: And the other trustees are
20 appointed by the Governor who can re-appoint them or
21 --

22 TRUSTEE BLONDER: They have six-year terms
23 and when their terms are up the Governor has an
24 opportunity to appoint a new trustee or reappoint
25 the former trustee.

1 MS. VISONA: Thank you.

2 TRUSTEE GROSSMAN: If I can just add
3 something about the trustees. Neither Lee nor I
4 have heard of any trustees who disagreed with Lees
5 statement. I mean, there are most -- only a few
6 trustees spoke up at that meeting but I know at
7 least one other who agreed with her statement but
8 had other reasons for not wanting to speak up.

9 So, currently we don't have any sense that the
10 Board has an agenda about tenure and I would also
11 say the board is very differential to President
12 Capilouto and President Capilouto has made very
13 clear repeatedly that he has no interest in changing
14 our rules around the dismissal of faculty.

15 CHAIR MCCORMICK: Yes, sir?

16 UNIDENTIFIED MALE: But in theory they could
17 right? I mean, if they vote against this motion? I
18 mean, if they have this motion to force the trustees
19 to force the trustees to vote on it I would like
20 that amended.

21 CHAIR MCCORMICK: No, I don't think that's
22 the interest. You want to --

23 TRUSTEE BLONDER: No, I think we just have the
24 motion on the floor here for the Senate to endorse
25 it, but there's no motion on the floor of the board.

1 There was no motion to endorse this.

2 UNIDENTIFIED MALE: Could we do that? Could
3 we ask the Board to put that on the agenda and vote
4 on it?

5 MR. CROSS: It would be an amendment to the
6 motion.

7 CHAIR MCCORMICK: Yeah, the current motion
8 is that we endorse the statement.

9 UNIDENTIFIED MALE: I know that, but -- a
10 different motion then.

11 TRUSTEE GROSSMAN: The short answer is we
12 cant tell the Board to do anything. They tell us
13 what to do.

14 CHAIR MCCORMICK: Davey?

15 MR. JONES: Davey Jones, Toxicology. What's
16 being done here is the University Senate is
17 exercising its authority, under the governing
18 regulations to bring to the attention of the board
19 any university matter and so now were able to let
20 them know the University Senates sentiment on this
21 matter.

22 CHAIR MCCORMICK: Thanks for the
23 clarification. Any other comments? So, what wed
24 like to do then is just have a show of hands for
25 those of you who are voting members of the senate

1 and so elected senators -- I'm sorry Chris?

2 MR. POOL: No, no, no, I was just eager to
3 vote.

4 CHAIR MCCORMICK: All right. I've got one
5 vote here. All right. So yes, do you need the
6 motion read or are you good with it?

7 TRUSTEE GROSSMAN: We're good.

8 CHAIR MCCORMICK: Okay. So, all those in
9 favor -- all right. And all those opposed. It
10 looks like the ayes have it. Thank you, Lee.

11 TRUSTEE BLONDER: Thank you.

12 UNIDENTIFIED MALE: Was that unanimous?

13 CHAIR MCCORMICK: Yes, it was.

14 MR. CROSS: No, it's without the Senate.

15 CHAIR MCCORMICK: It's without the Senate.
16 Monica do you have a question?

17 MS. VISONA: I was just going to ask if
18 that was by accli -- by university acclimation.

19 CHAIR MCCORMICK: Parliamentarian?

20 MR. CROSS: You have to make a motion to do
21 it by acclimation but effectively we've done that
22 already because you passed it without the senate.

23 UNIDENTIFIED MALE: Or we could just stand up
24 and make claim. Right?

25 MR. CROSS: You could do that too, but if

1 you want to make a motion, that's a motion but I
2 don't think it's necessary.

3 CHAIR MCCORMICK: Thanks. Okay. So Brian
4 Jackson or some representative? There he is. Thank
5 you Brian. So I do remind you that when we discuss
6 these Honorary Degrees we, and the information is
7 embargoed and the reason is that should you endorse
8 this then the President would like the opportunity
9 to make the phone call before the papers get it. It
10 is, should not be sent in.

11 MR. JACKSON: Good afternoon. May I begin by
12 offering my thanks to Katherine for her work in a
13 wise council in regard to all issues related to
14 graduate education. It's been an honor working with
15 you over the last two years. So, having heard
16 President Capilouto comments I feel a little more
17 pressure.

18 On behalf of the current members of the
19 University Joint Committee on Honorary Degrees, wed
20 like to put forward one name for your consideration
21 for an honorary degree for the fall commencement and
22 this would be Virginia G. Carter and wed be
23 recommending an Honorary Doctorate of Humanities.

24 Dr. Carter has served nearly twenty-five years
25 of Executive Director of the Kentucky Humanities

1 Council which has been funded primarily by the
2 National Endowment for Humanities and in a far
3 reaching way has provided humanities programming
4 across the state.

5 In 1992 Dr. Carter developed the Kentucky
6 Chautauqua and Chautauqua in the Schools Programs
7 which has provided more than 7,000 living history
8 performances and discussions in essentially all
9 Kentucky counties and these characters represent
10 many famous Kentuckians including Lincoln, Daniel
11 Boone, Henry Clay, Mary Todd Lincoln and more
12 contemporary Ephraim McDowell.

13 She is also -- was pivotal in developing the
14 Kentucky Humanity Council Speakers Bureau which is a
15 traveling scholars program providing communities
16 throughout the state with expert speakers on a range
17 of topics be it literature, history, folklore or
18 culture and civics, and even science.

19 She also solidified a partnership between the
20 Humanities Council and the Kentucky Department of
21 Libraries and Archives and this was able to bring
22 federally funded program prime-time to Kentucky and
23 this is designed to promote literacy and family
24 reading time in communities throughout the state.

25 She also often fundraised and managed Our

1 Lincoln, a musical drama with close to 400 local
2 performance and this was staged initially at the
3 Singletary Center to a sell out audience and then
4 ultimately was taken to the Kentucky Center in
5 Washington D.C. in 2009.

6 From an education point of view, Dr. Carter
7 received a PhD in Anthropology from U of K and also
8 a Masters from UK. She has taught history and
9 anthropology at UK throughout the 1970s and early
10 80s. So the Committee recommends that Virginia G.
11 Carter for an Honorary Doctorate of Humanities which
12 would, if approved, be presented at the December
13 2018 commencement.

14 CHAIR MCCORMICK: I'll list the motion from
15 the Graduate School Dean, Brian Jackson that the
16 elected Faculty Senators approve this nominee as the
17 recipient of an Honorary Doctorate of Humanities for
18 submission through the President to the Board of
19 Trustees. We have this motion. Any discussion?
20 Yes, Chris.

21 MR. POOL: Chris Pool, Arts and Sciences. I
22 just want to speak in favor of this motion.
23 Virginia Carter for two and a half decades was once
24 the most prominent supporters and promoters of
25 humanities in Kentucky, and I think, this is a very

1 good decision.

2 CHAIR MCCORMICK: All right. So I'd like for
3 you to cast your vote that you, the elected Faculty
4 Senators approve Virginia as the recipient of an
5 Honorary Doctorate of Humanities for submission to
6 the President through the Board of Trustees. The
7 motion passes. All right. Al Cross is the Chair
8 for our Academic Organization and Structure
9 Committee and he has a new proposal to share with
10 you.

11 MR. CROSS: This is a proposal for a
12 multidisciplinary research center to be called the
13 Center for Innovation and Public Health. Because
14 it's an MRDC it requires two motions. The first one
15 is that we approve the academic research program on
16 its academic merits and in the interest of time I
17 would just move that and be open to any questions.

18 UNIDENTIFIED FEMALE: Clarify the title.
19 The documents we have and what you just said, are
20 public health, but this says population health.

21 MR. CROSS: It is population health. That
22 is my error. The letter, I used the wrong word.

23 CHAIR MCCORMICK: Any other discussion? Okay
24 so the motion before you, this is the first of two
25 is that the Senate approve the new academic research

1 program of the proposed new Center for Innovation
2 and Population Health, a multidisciplinary research
3 center on its academic merit. The motion passes.

4 MR. CROSS: So the second motion is to
5 essentially is to endorse rather than approve,
6 right? Yeah, it's endorse, I'm sorry. It
7 recommends the Board of Trustees approve because
8 this is organizational, not academic we just make
9 the motion to endorse it. That is the motion from
10 the committee.

11 CHAIR MCCORMICK: So the motion reads that
12 the Senate endorse the new Center for Innovation and
13 Population Health, a multidisciplinary research
14 center on its administrative and organizational
15 merit and recommend that the Board of Trustees
16 approve the establishment of the Center for
17 Innovation and Population Health in the College of
18 Public Health effective July. Any discussion?

19 Hearing none, you're free to vote. This
20 motion also passes. Thanks Al Herman? Al Herman is
21 the Chair of our Admissions and Academic Standards
22 Committee.

23 MR. FARRELL: So the first proposal we have
24 before you is from the College of Engineering,
25 Department of Bio-systems and Agricultural

1 Engineering and this is along the lines of all the
2 engineering proposals that have been brought before
3 you over the last, I think, three months. This
4 proposal reduces down the total number of credit
5 hours to 128.

6 It also involves allows aligning courses to be
7 uses -- CE courses to be used to fill any courses
8 listed in the document. The committee confirmed
9 that the new courses have been approved and of
10 course changes affect another education unit have
11 been approved by those units.

12 CHAIR MCCORMICK: The motion is that the
13 Senate approve a proposal from the College of
14 Engineering, Department of Bio-systems and
15 Agricultural Engineering to change the credit hours
16 for graduation to 128. You have the motion from the
17 committee needs no second. Is there a discussion?
18 So you're free to vote. The motion passes.

19 MR. FARRELL: So the next proposal comes
20 from the College of Design, Department of Interiors:
21 Planning / Strategy / Design involving also a change
22 to total credit hours from 132 down to 128. This
23 change involves a reduction -- those total credit
24 hours down to 128. And it involves a variety of
25 different moving parts as we can describe it.

1 It involves removable four courses, the
2 reduction of credit hours, another course from 5 to
3 4 credit hours, a new sequencing of courses, moving
4 one course in a sequence from the second to the
5 third year, an addition of a capstone course in the
6 4th year, a reorganization and expansion of existing
7 professional practice sequence including the
8 addition of a new course.

9 And the addition of one directed-elective course
10 and the rationale for all of this is to create a
11 more effective reorganization of course content.
12 And to add new content across the curriculum to
13 reflect changes occurring in the profession and the
14 practice of interior design which will prepare
15 students for a broader range of increased job
16 options and opportunities.

17 CHAIR MCCORMICK: So unless there are
18 objections the presenters will serve as the acting
19 chair for the purposes of answering questions of
20 fact only. If you have questions? Herman will
21 answer those. Dr. Lucas is here from that
22 department as well. The motion comes from the
23 committee, needs no second. Does the Senate approve
24 the proposal from the College of Design, Department
25 of Interiors: Planning / Strategy / Design which

1 involves a change of the total credit hours from 132
2 down to 128. Herman shared with you the specifics
3 of that change. Any discussion? You're free to
4 vote. The motion passes.

5 MR. FARRELL: Next up comes a proposal from
6 the College of Nursing involving a change to the PhD
7 Program in nursing. This proposal involves the
8 elimination of separate post MSN and post BSN
9 admission pathways and reflects a significant
10 curriculum revision including new courses and course
11 changes that have already been approved.

12 There's no significant change to the admission
13 requirements other than eliminating these two
14 current entry options: Post BSN and post MSN. The
15 admission requirements and updating requirements to
16 be reflective of one entry option with a minimum of
17 a Bachelor of Science in Nursing.

18 As noted in the proposal they say they
19 recognized there was little difference between the
20 BSN entry and the MSN entry programs with the
21 exception of a clinical requirement and virtually
22 all students could waive and thus they changed the
23 requirements so that they would have only one entry
24 point regardless of BSN or MSN background and put
25 the same program requirements and this change

1 reflects all of that.

2 CHAIR MCCORMICK: So we have a motion from the
3 committee, it needs no second that the Senate
4 approve a proposal from the College of Nursing to
5 change the PhD program in Nursing by eliminating
6 separate post MSN and post BSN admissions pathways.
7 Herman can answer questions. We have our Dean of
8 Nursing here as well as other faculty administrators
9 if there are any questions. All right. Hearing
10 none, you are free to vote. The motion passes.

11 MR. FARRELL: And the last proposal coming
12 from the Admissions and Academic Standards Committee
13 is a proposal from the College of Pharmacy involving
14 changes to the technicals standards for admissions
15 to and completion of the Doctor of Pharmacy.

16 This involves a request for the approval of these
17 new technical standards that will provide to
18 perspective and continuing students clearer
19 definitions of standards and the milestones along
20 the way. The revisions involve upgrading language
21 to current usage in the field.

22 The proposal follows the curriculum changes
23 that have already been approved by the Senate. We
24 asked for a clearer statement of the rationale and
25 that was provided to us subsequently. The

1 University College of Pharmacy's technical standards
2 were designed and approved more than a decade ago as
3 this is the emphasis for the change.

4 Since that time there have been multiple changes
5 that have occurred including the Pharm-D program
6 accreditation standards have changed significantly.
7 The Professional Pharmacy and the corresponding
8 physical and mental abilities necessary to practice
9 have changed.

10 The curriculum has been revised as already
11 noted and the existing technical standards are
12 obsolete and could be viewed as inconsistent with
13 ADA, the Americans with Disabilities Act of 1990 as
14 well as the amendments of 2008. So for all these
15 reasons the SAASC voted unanimously in favor of this
16 proposal.

17 CHAIR MCCORMICK: The motion comes from
18 Herman's committee, it needs no second. The motion
19 is that the Senate approve the proposal from the
20 College of Pharmacy to make changes to the technical
21 standards for admission to and completion of the
22 Doctor of Pharmacy. Questions for Herman? You're
23 free to vote. The motion passes.

24 Mrs. Margaret Schroeder is the Chair of our
25 Senates Academic Programs Committee and she has some

1 information to share.

2 MS. SCHROEDER: Okay. First were going to
3 talk about the undergraduate certificate in Medical
4 and Behavioral Science in the Department of
5 Behavioral Science in the College of Medicine. It's
6 a twelve credit hour undergraduate certificate
7 designed to compliment the university's rigorous
8 pre-med curriculum and consists of three sequential
9 courses and a cross disciplinary elective.

10 The courses are uniquely focused on synthesizing
11 the psychological, social and biological dimensions
12 of health outcomes and behaviors. The objectives
13 are also aligned with the new behavioral science
14 section of the MCAT test and with international and
15 clinical medicine, the University of Kentucky's
16 mandatory behavioral science course for first year
17 medical students.

18 It's designed to provide students with an
19 in-depth study of medical behavioral science
20 concepts and offers experiential learning
21 activities. The primary audience for the
22 certificate are premed students at the University of
23 Kentucky. They anticipate enrolling ten new
24 students each year. Questions?

25 CHAIR MCCORMICK: Unless there are objections

1 I will allow Margaret to answer these questions and
2 serve as acting chair for purposes of answering
3 questions of fact only.

4 TRUSTEE GROSSMAN: It's not an objection,
5 Bob Grossman, Trustee. So, if an undergraduate
6 takes a certificate and then they enter medical
7 school here at UK, is -- are they going to have to
8 repeat the curriculum that they had here given that
9 its a mandatory course for medical students or is
10 that going to be a different course?

11 MS. SCHROEDER: The way that I, the
12 committee wrote it and we understood it is that the
13 undergraduate certificate prepared them to do well
14 within those courses.

15 TRUSTEE GROSSMAN: So these are different
16 courses?

17 MS. SCHROEDER: Yes.

18 TRUSTEE GROSSMAN: Thank you.

19 CHAIR MCCORMICK: Monica?

20 MS. VISONA: Monica Blackmun-Visona, College
21 of Fine Arts. I've had many premed students in my
22 classes and just in with the sort of informal
23 situations I gather that this would be the kind of
24 certificate which would apply to -- would be
25 interesting to all premed students trying to get a

1 leg up in the medical school admission process. Do
2 you think only ten students are going to take it?

3 MS. SCHROEDER: That's just based on the
4 number of enrolled students for our certificate
5 programs across the university. We usually average
6 around ten to fifteen a year. So, yes right now
7 they are anticipating about ten a year.

8 MS. VISONA: But these are premed students
9 who want to get into medical school?

10 MS. SCHROEDER: Yes.

11 MS. VISONA: Thank you.

12 MS. SCHROEDER: We're trying to be more
13 realistic at the university with our anticipation of
14 numbers in programs and so the office of strategic
15 planning and institutional effectiveness have been
16 working closer with proposers and trying to better
17 identify the number of students anticipated in each
18 of the programs, also for budgeting purposes.

19 CHAIR MCCORMICK: Any other questions? So
20 the motion from the Senate Council and from
21 Margaret's committee is that the Senate approve the
22 establishment of a new undergraduate certificate in
23 Medical Behavioral Science in the Department of
24 Behavioral Science in the College of Medicine.
25 Okay. You're free to vote. The motion passes.

1 MS. SCHROEDER: Okay. This next proposal is
2 the establishment of a 3 + 2 program between the BS
3 in Human Health Sciences and the MS Athletic
4 Training proposed by the College of Health Sciences.
5 Its proposal is to offer accelerated combination
6 between the two degrees as a combined effort between
7 the Division of Health Sciences and Education
8 Research and the Division of Athletic Training.

9 The 3 + 2 program called UKCAT connecting
10 Bachelors to Masters Degree in Athletic training
11 will enable students enrolled in the BSHHS
12 pre-athletic training track to earn a Bachelor's
13 Degree and an MS in Athletic Training in five years.

14 This would reduce the time to degree
15 completion by one year. Students would apply in
16 their Junior year for admission into the MS in
17 Athletic Training program and then begin taking
18 coursework during their fourth year. Students will
19 earn the BS upon 120 credit-hour completion and all
20 the requirements for the BS in the specific major
21 being met.

22 This program is responsive to the needs in the
23 Commonwealth and to national accreditation
24 requirements. It also aligns with the recent
25 changes that you voted on last month in the MS

1 Athletic Training Program. Employment need for
2 athletic trainers is expected to increase by 33% by
3 2024 and that documentation is included in the
4 proposal. Are there any questions?

5 CHAIR MCCORMICK: Dean Lephart from that
6 college is here as well. Discussion? All right.
7 The motion from Senate Council is that the Senate
8 approve the establishment of a new 3 + 2 program
9 between the BS Human Health Sciences and the MS
10 Athletic Training within the College of Health
11 Sciences. Hearing no discussion, you're free to
12 vote. That motion passes.

13 MS. SCHROEDER: This proposal is for a
14 proposed new University Scholars Program between the
15 BSCOE Computer Engineering and the MSEE in
16 Electrical Engineering in the Department of
17 Electrical and Computer Engineering within the
18 College of Engineering. It is a typical University
19 Scholars Program that allows twelve hours from their
20 MS degree to be counted toward the BSCOE Degree.

21 As written in the proposal they choose to use
22 500 level EE and CPE elective courses which is
23 typical in the College of Engineering. Are there
24 any questions?

25 CHAIR MCCORMICK: The motion from the Senate

1 Council is that the Senate approve the establishment
2 of a new University Scholars Program between the
3 BSCOE Computer Engineering and the MSEE Electrical
4 Engineering in the Department of Electrical and
5 Computer Engineering within the College of
6 Engineering. In case you didn't get it, about
7 engineering. No discussion? You're free to vote.
8 The motion passes.

9 MS. SCHROEDER: Okay. We have another one
10 from engineering. This is for an Undergraduate
11 Certificate in Production Engineering in the
12 Department of Mechanical Engineering within the
13 College of Engineering.

14 The production Engineering Certificate
15 encompasses the development of students experiences
16 and knowledge, application of engineering and
17 scientific principles and automotive manufacturing.
18 It will enhance Capstone senior design projects. It
19 is a unique undergraduate certificate in that it
20 will be established through a new UK / Toyota
21 collaboration.

22 The Toyota collaboration will allow the Toyota
23 engineers the opportunity to interact with UK
24 faculty and students to transfer the practical
25 knowledge to the classroom through team teaching of

1 the courses. It will also improve Kentucky's
2 workforce and economic development opportunities
3 through the targeted STEM training program embodied
4 within the certificate. They anticipate enrolling
5 approximately twenty students each year. Toyota
6 Engineering North America estimated funds to the
7 project as indicated in the proposal. Are there any
8 questions?

9 CHAIR MCCORMICK: So the motion from the
10 Senate Council is that the Senate approve the
11 establishment of a new Undergraduate Certificate in
12 Production Engineering in the Department of
13 Mechanical Engineering within the College of
14 Engineering. Hearing no discussion, you're free to
15 vote. The motion passes.

16 MS. SCHROEDER: Okay. This is for a new
17 Undergraduate Certificate in Food Systems and Hunger
18 Studies in the Department of Dietetics and Human
19 Nutrition within the College of Agriculture, Food
20 and Environment. It's a twelve-credit hour
21 certificate that provides students with cross
22 disciplinary approach to understanding the impact of
23 food systems on food security, hunger, and the
24 overall health and wellness of the community.

25 Their structured, experiential learning

1 opportunities and students will apply knowledge of
2 food systems and the environment to develop and
3 implement evidence based strategies to end hunger in
4 both the United States and globally. They
5 anticipate enrolling five to ten students per year.
6 Are there any questions?

7 CHAIR MCCORMICK: So the motion from Senate
8 Council is that the Senate approve the establishment
9 of a new Undergraduate Certificate in Food Systems
10 and Hunger Studies in the Department of Dietetics
11 and Human Nutrition within the College of
12 Agriculture, Food and Environment. Hearing no
13 discussion, you're free to vote. The motion passes.

14 MS. SCHROEDER: Okay. This is for your times
15 sake. Two and a half years ago Senate Council
16 office received a list and were notified that there
17 were numerous University Scholars Programs that were
18 operating at the university that had not received a
19 formal approval by the University Senate.

20 A handful of those did not have documentation
21 that they had received a formal graduate school or
22 graduate council approval. Many of these University
23 Scholars Programs have been in existence in one form
24 or another since the early 1980s.

25 So, as part of a clean-up act the Senate

1 Academic Programs Committee was tasked with trying
2 to find the best, easiest, fastest way to get these
3 approved at the University Senate level. You
4 approved such procedures in May of 2017 last year so
5 this year was our clean-up year and we received a
6 large number of proposals.

7 And so we would like to bundle them together
8 because they have been in existence and operating in
9 the departments for a while. The programs, the
10 University Scholars Programs that did not have
11 documentation that they were previously approved by
12 Graduate Council or the Graduate School were sent
13 through the Graduate Council and did receive
14 approval through the Graduate Council.

15 So, all thirteen programs that you see listed
16 here have all received Graduate Council or Graduate
17 School approval and now are awaiting Senate
18 approval. Are there any questions about any of the
19 thirteen individually listed programs for which I
20 will not read them all individually.

21 CHAIR MCCORMICK: There are some engineering.
22 All right. So the motion from Senate Council is
23 that the Senate approve the thirteen University
24 Scholars Programs listed on the prior slide. Is
25 there discussion? You're free to vote. I'm glad

1 that passed. Can you imagine one faculty saying, Oh
2 by the way.

3 MS. SCHROEDER: Now let's do the last one.
4 So, same thing there are two programs that had at
5 one time or another, have offered a University
6 Scholars Program for which we do not have
7 documentation that they were approved by the
8 University Senate; however, since they have
9 previously operated there is a need to take action
10 on the programs who wish to no longer offer a
11 University Scholars Program.

12 So, we decided at Senate Council to - that the
13 proper wording would be to suspend admissions into
14 these University Scholars Programs that at one time
15 or another have existed but do not want to exist
16 now. Are there any questions? There are letters
17 attached for Chemistry and Geography confirming they
18 in fact do not want to have the University Scholars
19 Program. Davey?

20 MR. JONES: Davey Jones, Toxicology. So
21 these are the two coupled programs that both do not
22 want to have the public program?

23 MS. SCHROEDER: Yes, this is another bundled
24 USP proposal. The rationale for the bundling is
25 found on your documentation on the Senate agenda.

1 Jennifer?

2 MS. BIRD-POLLAN: Jennifer Bird-Pollan,
3 College of Law. Just to clarify Senator Jones
4 question, these two did not, they were not bundled
5 together. Each of them had independent bundled USPs
6 which are suspending admission into. I didn't know
7 if that's what you were asking.

8 MR. JONES: Yeah, my question was were
9 these two linked or chemistry has some with other
10 departments and,...

11 MS. SCHROEDER: They're each their own. So
12 there was at one point a Chemistry University
13 Scholars Program and at one point a Geography
14 University Scholars Program.

15 MR. JONES: I see.

16 MS. SCHROEDER: Both of which do not want to
17 have the University Scholars Program any more. And
18 I should clarify that there are no students in these
19 programs.

20 CHAIR MCCORMICK: But should they apply in
21 the future?

22 MS. SCHROEDER: They need to submit a new
23 University Scholars Program.

24 UNIDENTIFIED FEMALE: Then they'll go
25 through it again?

1 MS. SCHROEDER: Yes.

2 CHAIR MCCORMICK: All. Right the motion
3 from Senate Council is the Senate suspend admissions
4 into the University Scholars Program in the
5 Department of Chemistry and the Department of
6 Geography, both within the College of Arts and
7 Science effective immediately. The Dean from Arts
8 and Science is here should you have questions that
9 Margaret needs help in answering. Not seeing any
10 questions you are free to vote. The motion passes.

11 This is an item regarding Administrative
12 Regulation 6.2. The President spoke with you
13 briefly about this at our last meeting and wed like
14 to move this conversation a little bit further and
15 so I've asked Jennifer Bird-Pollan to Chair a
16 committee for us to review this AR to talk with you
17 a little bit about what happened up to this time.

18 Martha Alexander is here from the Title 9
19 office. She is in fact our Title 9 coordinator and
20 shell also be willing and able to respond to any
21 questions. You received a number of informational
22 items regarding this and so I think you have in your
23 in-box the regulation as it was from the date of
24 2016. You have the most recent revision to that.
25 You have, I think, some communication from Dr.

1 Tagavi and then some other things that Jennifer sent
2 to you for review. Ready?

3 MS. BIRD-POLLAN: Hello again. Okay. So you
4 now have a lot of information about the new
5 Administrative Regulation 6.2 so just a reminder the
6 President spoke to you about the main points of the
7 new AR during our April 23rd meeting.

8 At that time I also provided you a brief summary
9 of the work the Senate Council Ad Hoc Committee had
10 done until then and you have another timeline up
11 here. The committee was charged by the Senate
12 Council in June and she asked other people to be the
13 Chair. And they said, No and I said Yes. And so we
14 met first in October 2016.

15 In December of 2016 the Senate Council actually
16 expanded the Committee structure. We were first
17 asked to consider just AR 6.2 and then we were asked
18 to consider an employment questionnaire that the
19 administration had considered using for all new
20 employees for the university including faculty
21 employees and also to consider the Administrative
22 Regulation 6.1 which is the Policy on Discrimination
23 and Harassment..

24 And so we did that and sort of all along there
25 between October of 2016 and June of 2017 we were

1 meeting weekly. We prepared a report and a draft, a
2 new AR to which you have copies of. At the end of
3 June 2017 we met with the Senate Council to discuss
4 it and in August of 2017 we took back their
5 suggestions.

6 And then did our draft AR and brought it back to
7 Senate Council in September of 2017 at which point
8 the Senate Council adopted our memo and our proposed
9 changes to the AR and also our memo -- endorsed our
10 memo about the questionnaire and at that point
11 Katherine, as Senate Council Chair submitted our
12 report to President Capilouto. Oh, sorry, that's
13 all for that.

14 And we met with him a couple of times as I
15 mentioned when we saw you in April. So now we want
16 to take our valuable time rehashing all the material
17 you have already seen but I do want to highlight
18 just a few things and one of the main things I
19 wanted to say is I think it's tempting to think of
20 the processes that we're talking about as analogous
21 to or a substitute for a set of criminal procedures.

22 But the existence of AR 6.2 is a response to a
23 requirement by a federal law which is so called
24 Title 9 to guarantee an educational experience that
25 is free from discrimination on the basis of sex.

1 So, if I read the actual text of the law that were
2 responding to so that we can sort of be on the same
3 page in terms of what we're trying to do.

4 So the law says, No person in the United States
5 shall, on the basis of sex, be excluded from
6 participation in, be denied the benefits of, or be
7 subjected to discrimination under any education
8 program or activity which receives federal financial
9 assistance. So that's what were trying to address.

10 We're trying to make sure that people on this
11 campus are not prohibited in participating in any
12 educational programs or activities on the basis of
13 sex and that's been interpreted by the Department of
14 Education and by the courts and by universities
15 across the country as including a freedom from
16 sexual assault, sexual harassment, sexual
17 discrimination, all those sorts of things.

18 So it's in that context that the university
19 receives complaints of sexual assault or sexual
20 harassment and response to those complaints.

21 So by the time the complaint rises to the level
22 of a hearing, the university has determined that it
23 has probable cause to believe that the respondent is
24 violating someones right to access an educational
25 program or activity at UK on the basis of that

1 persons sex.

2 So I do think it's, that having that background
3 in mind is useful as we think about what procedures
4 make the most sense and as we realize in many
5 instances the procedures the campus uses as it fills
6 its obligations under Title 9, will differ from
7 procedures that are used in a criminal trial.

8 So, I have a few points but I think that Martha
9 has them as well. So if I -- I'm happy to come back
10 up and talk about what I think are the central
11 points but this is really just a summary of what I
12 already sent you. You have a Word document with my
13 bullet points of what I think are the major elements
14 of the new rule. So, I'm going to yield the floor
15 to Martha Alexander now. I'm happy to come back up
16 and answer questions later.

17 MS. ALEXANDER: All right. Thanks for having
18 me and thank you Jennifer for that really great
19 summary of what Title 9 really is. So, again I'm
20 also not going to go line by line through this
21 policy with you. I think you've had time to review
22 it but there are several things I think that we do
23 want to point out.

24 The first is that this policy, and Jennifer
25 alluded to this, is really about ensuring that all

1 students have access to equal opportunities to
2 education and that that's not hindered by any form
3 of gender discrimination.

4 So one of the main things that our office does
5 and that this policy is designed to do is ensure
6 that students are safe. That they're able to move
7 freely about the campus and go to class and feel
8 safe in that class.

9 So with that in mind the things that I really
10 want to point out are that this new proposed policy
11 maintains the same standard of evidence as the last
12 one. So the performance of the evidence -- I think
13 you guys are probably all aware of the September
14 2017 Guidance from the OCR. Maybe? Sometimes I
15 forget that not everybody is on the same little
16 bubble that I am. Okay.

17 So the OCR is the Office of Civil Rights
18 enforcement for the Department of Education and they
19 are the department that interprets Title 9. So
20 every so often they send us some guidance that says
21 this is how we think Title 9 should be interpreted.

22 This is what we think you need to be doing to
23 comply with Title 9. So they did that September of
24 2017 and at that time they were concerned about it.
25 But they said that in terms of standard of evidence

1 you should use what is best for your case.

2 So we have been using preponderance of the
3 evidence and that is what the President is
4 recommending that we stay at. Now the thing to know
5 with this is that we also use preponderance of the
6 evidence for all other forms of discrimination and
7 harassment.

8 So when you're looking at like race
9 discrimination, were viewing that through the lense
10 of preponderance of the evidence. So this is
11 consistent with all other forms across the
12 university. I also want to point out that the
13 burden of proof remains with the university so for
14 example a respondent is not required to prove that
15 they did or did not do something.

16 The university is required to prove that the
17 behavior did violate the policy. I also want to
18 point out that another big change is that hearing
19 panel decisions have to be unanimous now.

20 Currently the process is that they are majority
21 so to kind of counterbalance the standard of
22 evidence we have now said that they have to be
23 unanimous. The other big change is the Bill of
24 Rights.

25 UNIDENTIFIED FEMALE: Unanimous in order to?

1 MS. ALEXANDER: Sorry. In order to find
2 someone responsible it has to be unanimous so we
3 have three member panel and all three members have
4 to vote yes. Good clarification. Okay. So the
5 other thing that I want to point out is the
6 appellant rights. Currently both parties can
7 appeal.

8 The proposed policy restricts that to respondent
9 only so if the respondent is found responsible they
10 can appeal that to the state misconduct appeals
11 board and the biggest perhaps change, I think, is
12 the fact that now if one of the parties has a
13 support person who is an attorney, that attorney can
14 actively participate in the hearing. All right.
15 I'll yield the floor back to Jennifer.

16 MR. TAGAVI: Can I ask a question?

17 CHAIR MCCORMICK: I think we're going to
18 take questions in a moment.

19 MS. BIRD-POLLAN: Okay. Those were the
20 major points I had as well. I just wanted to add
21 one additional point to what Martha mentioned which
22 is that now -- it used to be the case that the
23 university was represented in hearings by the Dean
24 of Students and now the university will be
25 represented.

1 I think this has been in practice true for a
2 while anyway, for officially according to the rules,
3 the university will be represented by outside
4 counsel, a university council now as opposed to the
5 Dean of Students.

6 So that's another thing I wanted to make sure
7 we mentioned. Oh, and with regard to unanimity for
8 finding a responsibility, you know, I just told you
9 that this is not a criminal procedure but this is
10 echoing the rules in a criminal hearing where the
11 vote in a criminal procedure must be unanimous by
12 the jury as well. So I think that was part of the
13 thinking behind creating anonymity.

14 CHAIR MCCORMICK: Do you want to share who
15 the members of your Ad-Hoc committee were?

16 MS. BIRD-POLLAN: Oh, geez. Do you have them
17 written up there? I can't remember, let's see. So
18 Martha Alexander came to every one of our meetings.
19 She was not a voting member of the committee but she
20 provided us a lot of assistance.

21 Same with Marcy Deaton from the legal office.
22 She was not a voting member of the committee but
23 provided a lot of useful guidance as we went through
24 this process. Voting members were Davey Jones, Jeff
25 Bosken from the Staff Senate, Garrett Bell was our

1 SGA representative, Willis Jones from the College of
2 Education, T.K. Logan, is she here today?

3 I had Ad-Hoc members on the committee, even those
4 who aren't currently on the University Senate to
5 come, T.K Logans, Diane Follingstad, Alice Christ.
6 Oh yes, Beth Cramer. We haven't met for like eight
7 months so I think that I got them all and we were
8 very hard working. Like I said we met weekly and
9 they brought a lot of different views.

10 We didn't agree about everything but we did have
11 pretty robust conversations and both Martha and
12 Marcy were there for all those discussions so they
13 were also able to convey our deliberation back to
14 the administration as well.

15 CHAIR MCCORMICK: So now do you want to stay
16 up here and --

17 MS. BIRD-POLLAN: Questions of fact first
18 before we debate and then well sit down for the
19 debate?

20 CHAIR MCCORMICK: Yes.

21 MR. TEGAVI: Kaveh Tegavi, Engineering.
22 Question for Ms. Alexander. I may be on the
23 senators one time. I have some minor suggestions.
24 Are you the right person in that position that I
25 should send them to?

1 MS. ALEXANDER: Almost definitely not.

2 MR. TEGAVI: Who should I send them.

3 MS. ALEXANDER: I think the right person to
4 send them to would be Bill Thro.

5 MR. TEGAVI: Bill Thro, thank you.

6 CHAIR MCCORMICK: Davey did you have a
7 question?

8 MR. JONES: No, behind me.

9 CHAIR MCCORMICK: Oh, Paul?

10 MR. KEARNEY: Paul Kearney, College of
11 Medicine. So this is probably a question for
12 senator the OCR group, who is that or are they and
13 my criticism only here is that we have a small
14 committee of people that don't answer to anybody and
15 they just sort of spew pronouncements downward it
16 sends it and then you're following stupid rules and
17 I want to stress the stupid part.

18 Sometimes they're very objective and balanced
19 but a lot of times they're just dumb and the moment
20 you are just spraying rules out the roof. So that
21 was my first question.

22 The second thing is what is the university, for
23 that matter the general counsel's office -- I read
24 the policy a couple of times -- the authority, the
25 authority because it's not in here anywhere, banned

1 somebody from campus and then issue a gag order that
2 they're not allowed to speak to anyone on campus.

3 I mean, that gets into the constitutional rights
4 and I want to stress since I've been a victim of
5 this that this is a common practice out of the
6 general counsel's office to ban somebody from
7 campus, put a gag order on them and tell them not to
8 speak to any of their colleagues, friends, anybody.

9 So I have a question about that, where is that
10 in the policy that allows you to do that?

11 MS. ALEXANDER: Well, I don't think I'm the
12 right person to answer the second question but as to
13 the first question OCR stands for Office of Civil
14 Rights Enforcement and every federal agency has one.
15 The Department of Education is the one that works
16 and controls Title 9.

17 There are other agencies as well. The
18 Department of Education as well, the OCR also covers
19 the section 504 so disabilities, they do other civil
20 rights acts in regard to education as well.

21 MR. KEARNEY: So, its coming from the federal
22 government and the state government, that's the
23 response?

24 MS. BIRD-POLLAN: Just the federal
25 government.

1 MR. KEARNEY: So --

2 MS. BIRD-POLLAN: I would just say on the
3 second question again if you think of the policy as
4 written to protect the right of students to
5 participate in educational experience without threat
6 of sexual -- without a threat based on their sex,
7 then the way the policy is written, the hearing
8 panel and the appeals board have the means to do
9 what it takes to enforce that.

10 So if that means the kind of things you're
11 describing then presumably that is the view of that
12 hearing panel, appeals board that those steps are
13 necessary. So whether they have the right to
14 enforce it as you suggest, people could say that it
15 violates their constitutional rights. And
16 presumably a federal court would say they can't do
17 it if they believed that. But I think that's the
18 rationale for it if it happened would be that its
19 protection of Title 9.

20 MR. KEARNEY: Well, this occurring before a
21 hearing, before a hearing when a person has a --

22 MS. BIRD-POLLAN: You're talking about an
23 interim rule?

24 MR. KEARNEY: Well, yeah.

25 MS. BIRD-POLLAN: Yeah.

1 MR. KEARNEY: Will that stand and if you
2 want, I'm going to take my case as an example. It
3 had nothing to do with sexual assault. They also
4 took the time to come to my faculty office and tell
5 all the senators who I had worked with for
6 twenty-five or thirty years and -- and other people
7 that I was hostile and potentially dangerous and I
8 should be reported to campus police.

9 MS. BIRD-POLLAN: So again, as a factual
10 matter, this policy, you should see an improvement
11 in this policy because there is the ability to
12 appeal in terms of the interim sanctions of any
13 kind.

14 So there are a few interim things. They're not
15 called sanctions. What am I thinking? Interim
16 remedies, yes. They're called interim remedies and
17 in the policy, if in the old policy there wasn't a
18 clear way for faculty and staff to appeal any
19 interim remedies, this policy creates -- you might
20 not like the remedies of appeal the way it exists
21 but there is now at least a procedural appeal
22 mechanism.

23 CHAIR MCCORMICK do we have other questions
24 from Board and come back to you Kaveh. Yes?

25 MS. ELAM: Carol Elam, College of Medicine.

1 So, I had a question about scope and talk about
2 university sponsored activities that would be off
3 campus that would also be covered and I guess I'm
4 just questioning or asking for clarification about a
5 university sponsored.

6 So if a faculty member was doing research off
7 campus for a field study in a certain area and this
8 included students or staff, would they be covered
9 too if they had an issue with a student?

10 MS. BIRD-POLLAN: Absolutely.

11 MS. NOLAND: Melanie Noland, College of
12 Education. I have a little similar question. I
13 didn't see it in here but in terms of turning in a
14 complaint like somebody has a complaint, it just
15 says they, I think it says turn it in as soon as
16 possible. Is there a time limit on that?

17 MS. BIRD-POLLAN: There's really not. It
18 really is as soon as you know about it. The best
19 thing to do is call us. As, I think it also makes
20 it clear why, once you guys know were on notice, we
21 need to do something to help whoever is experiencing
22 behavior. So as soon as we can do that the better.

23 CHAIR MCCORMICK: Yes?

24 MS. ODOM-FORREN: Jan Odom-Forren from the
25 College of Nursing. When I was involved, you said

1 the biggest change was having an attorney present.
2 I know when I was involved we did not have attorneys
3 present. So, how do you anticipate that that will
4 make a difference? I mean, will they be able to ask
5 questions of both or how will that work?

6 MS. BIRD-POLLAN: So in terms -- the reason
7 that, I feel pretty strongly about having attorneys
8 present and not just because I am an attorney. I'm
9 not just trying to create work for everybody, but my
10 experience in working with students primarily, it is
11 a really good idea to have somebody who is kind of
12 objective and slightly removed from the feelings of
13 the person.

14 And it's just really good in terms of the
15 ability to remind them of things that they wanted to
16 say. To help them really articulate their side of
17 the story. It's a really, it's just a great
18 benefit. So in terms of the hearing, they'll have
19 -- how it will work is the attorney takes on the
20 rights of the person that they are representing.

21 So, it's not like additional rights for, let's
22 say the respondent, is that the respondent gives
23 their right to speak to the attorney. So the
24 attorney would not get to cross examine the
25 complainant. They would still give their questions

1 to the hearing officer and allow the hearing officer
2 to read the questions. It's just a substitution, if
3 you will.

4 MS. ODOM-FORREN: Thank you.

5 CHAIR MCCORMICK: Margaret?

6 MS. MOHR-SCHROEDER: Margaret Mohr-Schroeder,
7 College of Education. As a follow-up question to
8 that, what about the cost associated with an
9 attorney? Not all of our, I'm thinking mainly of
10 our students would have opportunity and access to an
11 attorney that you just so highly recommended.

12 Is there a plan for the university to be able to
13 provide the opportunity for students especially, to
14 have an attorney present if they cannot financially
15 afford to do so?

16 MS. ALEXANDER: That is something that we
17 talked about in great detail on the committee and I
18 will say that I just recommended an attorney but
19 really it can be any objective third party, even a
20 parent is good to have. It's just somebody who is
21 not there as a person who is either making the
22 accusation or hearing that they've been accused, is
23 a really great help to the person involved.

24 MS. BIRD-POLLAN: I'll just say briefly that
25 that was a recommendation and our committees support

1 that there be a pool of money available and I think
2 it has to be specifically in the regulations in
3 order for the administration to do this. So while
4 it isn't here, I think the committee would still
5 encourage the administration to consider making such
6 a pool available.

7 CHAIR MCCORMICK: Davey?

8 MR. JONES: We spent a lot of time anguishing
9 over the secret files, the access to the secret
10 files that they are being quarantined to tell
11 somebody access to them because theres a complaint
12 against access. What has to be, give us the bottom
13 line. What's happened there? And Jennifer, what's
14 the most important thing that our committee
15 recommended that the President did not adopt?

16 CHAIR MCCORMICK: That sounds like a matter
17 of debate.

18 MR. KEARNEY: Oh, I'm sorry.

19 MS. BIRD-POLLAN you could ask about the
20 files, that is acceptable matter.

21 MS. ALEXANDER: Well, when you say secret
22 filed what do you mean? We talked about a lot of
23 files.

24 MR. JONES: The investigative file in if it
25 didn't go anywhere but theres still some record

1 there, who has access to that and we anguished a lot
2 about that. What's the bottom line?

3 MS. ALEXANDER: So are you talking about
4 files where we have a report received but there was
5 either not a complaint or not an investigation? So,
6 we still maintain those in our office. Obviously we
7 keep a record, the date it is and what we knew about
8 the report at the time it came in.

9 In terms of who can access it, the only person
10 outside of our office who could access that would be
11 the person about whom the file was. So, if, you know
12 Jane Doe made a complaint or we get a report about
13 Jane Doe, then Jane Doe can access that.

14 MR. JONES: But I never thought that we
15 recommended that: What if a third party accesses,
16 you know the President accesses or something then
17 the person complained against gets to see that too.
18 What happened to that provision?

19 MS. ALEXANDER: I don't remember that.

20 MS. BIRD-POLLAN: That provision is not in
21 the final draft.

22 UNIDENTIFIED MALE: Well, I want to comment
23 on that because --

24 CHAIR MCCORMICK: You're out of order.
25 You're out of order.

1 UNIDENTIFIED MALE: Okay.

2 CHAIR MCCORMICK: Did you have a question?

3 UNIDENTIFIED MALE: I had a very small
4 question.

5 SECRETARY BROTHERS: Name please?

6 UNIDENTIFIED MALE: I wondered why --

7 SECRETARY BROTHERS: Name please?

8 CHAIR MCCORMICK: Your name please?

9 MR. WHITAKER: Oh, Mark Whitaker, College
10 of Arts and Sciences. I wondered why visitors was
11 removed in the scope section. I wondered why
12 visitors was removed from the list of people to whom
13 the Administrative Regulation applies. It's on page
14 28 under scope.

15 MS. BIRD-POLLAN: Which version of the
16 document are you looking at?

17 MR. WHITAKER: I'm looking at the one with
18 the cross-outs that is the changes.

19 MS. BIRD-POLLAN: It's 3A, Scope.

20 MR. WHITAKER: In the original document
21 visitors was part of the list.

22 MS. BIRD-POLLAN: So I suspect that visitors
23 might have been a bit of an overreach. It might
24 have been a bit of an overreach for the university
25 to claim that it could enforce its regulations

1 against people who happened to be visiting campus.
2 That's my suspicion but maybe you have more insight
3 into that?

4 MS. ALEXANDER: I don't have more insight
5 into that.

6 CHAIR MCCORMICK: Are there any comments from
7 people who haven't already spoken? All right.
8 Kaveh and then Senator Kearney.

9 MR. TAGAVI: Kaveh Tagavi, Engineering. In
10 all fairness to my colleague senator from medicine
11 who spoke first on this. There are two section of
12 interim remedy. One section is appealable. One
13 section is not appealable.

14 In the section which is not appealable, the last
15 one says that we can award all appropriate sanctions
16 therefore my colleague is correct what he was
17 complaining could be under the second section under
18 other appropriate actions and it would not be
19 appealable.

20 CHAIR MCCORMICK: Yes.

21 MR. KEARNEY: Well, I know Martha and you
22 can't answer this correctly but I don't expect --

23 MS. ALEXANDER: Well, thank you.

24 MR. KEARNEY: But the -- I think it's
25 important the questions and maybe you talked about

1 it quote unquote that so I'm going to say for lack
2 of a better term they are secret files because when
3 we tried to get to the files that the prior person
4 in your position had we were told, she told us that
5 they were not accessible by a meeting. That they
6 were really prepared just for the general council
7 and I had to go to the general council for them.

8 Now, her explanation was that unless it landed
9 in my quote unquote confidential personnel file that
10 I was not permitted to access that information. The
11 only way that I could get that information was to go
12 to the general council office and get it.

13 It seemed a little not a problem for lack of a
14 better term. Has that changed in the policy? Or in
15 other words does the respondent or the accused have
16 any rights to get to those EEOC's. It's sort of a
17 two-process issue.

18 MS. BIRD-POLLAN: I think, I really think the
19 answer is no, but there is something --

20 MS. ALEXANDER: So in terms of what the
21 respondent is able to access and this is true for
22 complainants too. Once we've done a full
23 investigation that we've determined that were going
24 to go to a hearing on, we write an investigative
25 report and that investigative report contains all

1 the information that we gathered that was relevant.
2 So, all inculpatory material and all exculpatory
3 material is provided in this investigative report.

4 It includes summaries of meetings that we -- of
5 everyone we talked to, any documents that were
6 provided, all of that is included in the
7 investigative report to the party prior to the
8 hearing.

9 CHAIR MCCORMICK: Kim?

10 UNIDENTIFIED FEMALE: I'm worried --

11 SECRETARY BROTHERS: Name please?

12 MS. BRION: Gail Brion, College of
13 Engineering. I'm worried about a different matter.
14 Its when your office does an investigation but its
15 found it shouldn't go forward to a hearing. Is any
16 thought to purging those files at some time rather
17 than setting up a new-secret files to the respondent
18 who did not know they exists.

19 And yet they could be brought in at a later date
20 to establish some sort of pattern of activity and I
21 think that's what I'm most concerned about is that a
22 person never knows a complaint has been made against
23 them.

24 MS. ALEXANDER: This is something that we
25 also talked about pretty in depth with the committee

1 in terms of pattern of behavior. I will say that if
2 we do an investigation, the respondent will be
3 notified. They are. If we have a situation where a
4 complainant, or we have a report and the complainant
5 either doesn't come forward or comes forward and
6 says I don't want to do an investigation right now,
7 I just need X to be successful then we don't notify
8 the respondent.

9 If it comes up later that we have another
10 report that could potentially establish a pattern of
11 behavior, we investigate both of those complaints.
12 So one is just not as if were just assuming that
13 that first one was true. We begin investigating it
14 when we get the second one.

15 MS. BRION: But that does then establish a
16 separate sort of personnel file?

17 MS. ALEXANDER: I don't really know how to
18 answer that. They are files within our office but
19 they're not personnel files from my understanding.

20 MS. BRION: Well, but does the respondent
21 have an opportunity, when you tell them that theres
22 been a complaint filed, and it does not go to a
23 hearing, does the respondent have an opportunity to
24 view the original complaint and write a letter in
25 response?

1 MS. ALEXANDER: Well, we don't often receive
2 complaints in writing. So that's a first, but we do
3 give respondents the opportunity to know what the
4 allegations are, the allegations that were aware of
5 and if somebody wants to make a response to that in
6 writing, they are certainly welcome to do so.

7 UNIDENTIFIED MALE: It doesn't say it like
8 that in this draft.

9 SECRETARY BROTHERS: Name please?

10 MR. JONES: Davey Jones, sorry.

11 MS. BIRD-POLLAN: It's not part of the
12 formal procedures described in this document.

13 CHAIR MCCORMICK: So the Senate Council met
14 last Thursday and reviewed the proposed changes to
15 AR6.2 Policies and Procedures for addressing and
16 resolving allegations of Sexual Assault, Stalking,
17 Dating Violence and Domestic Violence.

18 This is our motion to you, is to move that
19 proposed revision to AR6.2 to the Senate with no
20 recommendation but with a comment that the Senate
21 Council will encourage the Senate to endorse the
22 proposed changes to AR6.2 if the four issues below,
23 and I'll share those with you, are addressed as
24 described.

25 So the first is the reference is to victim that

1 must remain -- if the reference is to victim that
2 must remain should be modified with the descriptor
3 alleged. In the regulation the word victim occurs
4 throughout and some instances may be more
5 appropriately described by using complainant or
6 complaining witness.

7 Second is to clarify that the Provost or
8 Associate Provost for Student and Academic Life and
9 the Vice President for Human Resources may reject or
10 amend a recommended sanction but may not reject or
11 amend a finding of responsible or a finding of not
12 responsible by either the Sexual Misconduct Hearing
13 Panel or the Sexual Misconduct Appeals Court.

14 The third is that the clarity, to clarify that
15 the entirety of the regulation, including the
16 appendix, will not be amended without first
17 consulting faculty, staff and students and fourth to
18 clarify that the college faculty representatives for
19 the Sexual Misconduct Hearing Panel pool are
20 appointed by the Dean after consultation with the
21 faculties council, or the College Faculty Council.
22 So this is a different motion. So comments on these
23 four? Yes, this is a different motion.

24 MR. JONES: How can we substantively discuss
25 content rather than asking fact?

1 MR. CROSS: It helps who has the motion.

2 CHAIR MCCORMICK: So, in fact, a motion will
3 help frame this discussion. Thank you Davey. Is
4 there a motion from the floor regarding the proposed
5 changes to AR6.2?

6 MS. BIRD-POLLAN: So maybe we should sit.

7 UNIDENTIFIED MALE: Just to move things along,
8 Ill move that we adopt the changes suggested by
9 Academic Council.

10 CHAIR MCCORMICK: All right. So the motion
11 is to adopt the revision brought or to AR6.2, to
12 endorse the revisions of AR6.2.

13 MR. TAGAVI: With the corrections.

14 CHAIR MCCORMICK: With the corrections or
15 with - the questions of clarity.

16 UNIDENTIFIED MALE: By the exceptions.

17 MR. CROSS: Can we clarify that? Is that a
18 motion to endorse the proposed AR6.2, if these
19 corrections are made?

20 UNIDENTIFIED MALE: If these corrections are
21 included.

22 MR. CROSS: All right. Wanted that clear.

23 CHAIR MCCORMICK: Bob?

24 TRUSTEE GROSSMAN: Bob Grossman, Trustee.

25 So, with respect --

1 MR. CROSS: Motion in --

2 TRUSTEE GROSSMAN: Oh, I'm sorry.

3 UNIDENTIFIED FEMALE: I second the motion.

4 CHAIR MCCORMICK: Okay. There's a second.

5 Now we can discuss.

6 TRUSTEE GROSSMAN: Okay. Sorry. So, it is
7 my understanding that item number 2 of these four
8 items, can you go back one? Yeah, this one here is
9 the intent of the administration but this is the
10 meaning and in fact they -- I don't think I'm out of
11 line here if I say I've talked to Bill Thro about
12 this and he said he thought that was what it said
13 already.

14 So that was definitely their intent. Whether
15 they will change the language is a different issue
16 but that is what they intended.

17 CHAIR MCCORMICK: Kaveh?

18 MR. TAGAVI: Kaveh Tagavi, Engineering.

19 14119 I have three points. I'm going to make them
20 very quickly. On the weekend one, I just want to
21 inform my colleagues that the Title 9 page itself
22 does not use that word even a single time. On number
23 2, it's fine.

24 What number 2 doesn't say is on the top of
25 page 18, item 19, it started saying the sanctions

1 will ultimately be given by the forward/other
2 people. After hearing panel has given sanction then
3 the provost would either increase or decrease --
4 realize my friends that the Provost is not even
5 privy to the deliberations according to our own
6 rule, this rule.

7 So it's totally not clear to me. And lastly
8 there are several -- the word appropriate appears on
9 this rule. The very purpose of this rule is to say
10 what is the range of sanction or action that the
11 university could take and then with just one word
12 appropriate, every one of those is out the window
13 because appropriate according to whom? So anything
14 else could be appropriate.

15 CHAIR MCCORMICK: Thank you, Kaveh. Davey?

16 MR. JONES: It says and now concurrent with
17 what Kaveh just said there separately. This,
18 there's this word suspension. I have such room to
19 talk about this. There's no authorizing language in
20 here. The scope of what suspension means and the
21 literal -- you're saying you are hereby suspended
22 and ordered to have no contact with any student, any
23 staff, any faculty member.

24 Now, what does that mean? Now for twenty years
25 I've walked my dog on Sunday morning and Dr. Tagavi

1 runs on the walk. Is that contact? I sit next to
2 the housed abortion. Is that contact? I'm standing
3 in line at the theater, am I allowed to say hello?
4 You know, what's the scope, what's the authorized
5 scope of no contact under this?

6 I will point out we had in here originally that
7 an appeal for an unreasonable scope of suspension
8 and no contact would lead to the Senates Advisory
9 Committee on privilege and tenure, your peers. Is
10 the scope of this suspension or no contact
11 commiserate with the situation? That was not
12 adopted by the President. Instead it'll be up to
13 the provost.

14 CHAIR MCCORMICK: Okay. All right. Bob?

15 MR. GROSSMAN: If I could just respond to
16 that last point, you're correct. It's not, Davey,
17 it's not in the rule, but nevertheless Senate
18 Council agreed that even in its absence from being
19 in the rule, a faculty member at least could still
20 appeal to the Senate Committee on privilege and
21 tenure.

22 CHAIR MCCORMICK: That's right. Is there
23 any other comment? All right. So we've --

24 MS. EKMAN: Lisa Ekman, College Account.
25 Why is it that we list Provost, Associate Provost,

1 is it the all of the above, one of the above, some
2 of the above, this person if that person is out of
3 town? Why is that list there? Why do we list all
4 of those?

5 CHAIR MCCORMICK: Because the Provost would
6 respond for faculty. The Associate Provost is for
7 Student and Academic Life would respond for students
8 and the Vice President --

9 MS. EKMAN: Would be the one for staff?

10 CHAIR MCCORMICK: Yeah, or that's my
11 understanding. I spoke. Is that correct? Terry's
12 here also.

13 MS. BIRD-POLLAN: I'd just like to speak in
14 favor of the motion. Actually I would've written
15 the motion a little differently. I would've made it
16 not contingent on adopting these but with the
17 recommendation that these be adopted. I might be
18 able to change the motion.

19 We'll have to see about that, but I believe that
20 this is a good faith effort on behalf of the
21 administration to improve what they are anyway
22 required to do. It's also possible that Betsy
23 DeVos, the Department of Education will be issuing
24 new guidance within months that will lead to a
25 revamping of this entire procedure.

1 I would like the faculty to remain involved in
2 that conversation, if it happens and I think the way
3 to signal our willingness to participate in this
4 process is to endorse what we have on the table
5 right now.

6 So, I don't see -- -- I think there are ways it
7 could've been improved. I wish that they had, you
8 know, just taken everything that we've written
9 wholeheartedly but I also didn't expect that was
10 going to happen.

11 So, I think this is really a genuine improvement
12 over what we had before. I will now answer Davey's
13 question earlier what I think the major thing I wish
14 they had adopted from our report that they didn't,
15 we had recommended importing all of the procedures
16 in place for AR6.2 into the procedures for AR6.1
17 which deals with discrimination and harassment.

18 And they didn't do that, but again I don't think
19 that means that it's not -- that it's off the table
20 entirely. I think we could have a conversation
21 about saying look we did all this work, you made the
22 procedures much better with regard to sexual
23 assault, let's think about the procedures could look
24 like for discrimination and harassment as well.

25 So, I just want to speak in favor. Actually, can

1 I make a motion now? I'd like to move on to an end.
2 How do I do that?

3 MR. CROSS: You want to take out the --

4 MS. BIRD-POLLAN: I'd like to amend that it
5 not be contingent on the adoption of these four
6 things but that we would move to endorse with the
7 recommendation that they consider these four points.

8 UNIDENTIFIED FEMALE: I second.

9 SECRETARY BROTHERS: Name please?

10 MS. MOHR-SCHROEDER: Margaret
11 Mohr-Schroeder, College of Education.

12 CHAIR MCCORMICK: So we vote on that?

13 MR. CROSS: Then have discussion and
14 debate.

15 CHAIR MCCORMICK: So, hearing no discussion
16 or deb -- I'm sorry.

17 UNIDENTIFIED MALE: I'm sorry, I have a
18 question. I'm still stuck on this interim remedies
19 -- so why is it that the interim remedies under
20 section B are not subject to appeal?

21 MS. BIRD-POLLAN: I'll stand up, that's not
22 a matter of fact.

23 MR. TAGAVI: That's not related to the
24 motion.

25 UNIDENTIFIED MALE: No. But -- well it's

1 a question about the whole substance of the
2 proposal.

3 MR. TAGAVI: We have a motion.

4 MR. CROSS: It's in order.

5 UNIDENTIFIED MALE: Thank you.

6 MS. BIRD-POLLAN: So, what I understand the
7 reason to distinguish among these interim remedies
8 the way that they are is the argument for that is
9 that some of these interim remedies -- well, Martha
10 maybe you can help me just answer that question.

11 MS. ALEXANDER: I can try.

12 MS. BIRD-POLLAN: Why are some of them not
13 appealable?

14 MS. ALEXANDER: Okay. So the ones that are
15 not appealable here under B. These are things that
16 are typically applicable to both parties. So like
17 the no contact order. When we do those for
18 students, we put them in place for both parties. Its
19 not a sanction at all.

20 It's -- they're both - we've discovered that we
21 have a complaint and the best way to make sure that
22 that behavior doesn't continue is to say you have no
23 contact with each other.

24 So because it affects both parties theres no
25 reason to -- there's no implication on due process

1 there. Does that answer it?

2 UNIDENTIFIED MALE: Yes, but since section
3 7 says other appropriate remedies based on each
4 individual situation. That really opens the door as
5 Kaveh had said to any kind of remedy.

6 It could be even worse than a suspension and so
7 if that's not appealable, I feel like we are
8 punishing anybody who would want to appeal that
9 because you're giving the power then to the
10 individual officer who makes that decision and
11 whoever is the victim of this -- I apologize for
12 that, but if its somebody who feels prejudiced by
13 that decision, doesn't have the right to be heard
14 and so that seems really problematic.

15 MS. BIRD-POLLAN: So I think that's a matter
16 of debate. I'm not going to answer that, but I will
17 just say that I think the rationale for this set of
18 rules and you can make a comment or suggestion about
19 the language was that 7, this is, you know,
20 despair -- there is a legal word for this that's
21 like ejusdem generis or something.

22 So where the 7th one is something that like the
23 other 6. Right? So, something that is specifically
24 appropriate in this circumstance but like the other
25 six. Not that they could put in as an interim remedy

1 which is not appealable suspension from the
2 university until we say otherwise because that is
3 not in any way like the things listed in 1 through
4 6.

5 So that's a matter of statutory interpretation.
6 I'm really a tax lawyer. So, I think that's what
7 that is supposed to mean. But I agree that it
8 doesn't say that right now.

9 CHAIR MCCORMICK: So that could be -- Bob and
10 then this is your second and then Paul.

11 MR. GROSSMAN: Okay. First of all, and I
12 just hypothesizing here that these interim
13 measures -- well, the whole process needs to be done
14 in sixty days, is that right? The federal
15 government wants every one of these issues, once
16 it's reported to be resolved one way or the other in
17 sixty days?

18 UNIDENTIFIED MALE: They removed the sixty
19 days.

20 MR. GROSSMAN: They removed the sixty days?
21 In an expedient manner? So, I have - these interim
22 measures are supposed to be in place for a very
23 brief time. Is that right? So that might be
24 another rationale for why they are not appealable if
25 they are only going to be in place until the hearing

1 can be organized. Then there's no reason to have an
2 appeal because it takes time to organize the appeal
3 while you're trying to organize the actual hearing.
4 It just doesn't make much sense.

5 CHAIR MCCORMICK: Dr. Kearney, did you have a
6 comment?

7 MR. KEARNEY: No, I've just beat it to
8 death. I think were beating it to death.

9 CHAIR MCCORMICK: All right. So we have a
10 motion, an amendment on the floor to the original
11 motion. We have a motion made by Senator
12 Bird-Pollan, seconded by Dr. Schroeder, Senator
13 Schroeder. We've had discussion.

14 MR. JONES: Could you restate that?

15 MULTIPLE PEOPLE: Yeah, that would be good.

16 CHAIR MCCORMICK: Okay.

17 MR. CROSS: The motion is to change the
18 underlying motion to make it make the endorsement
19 non-contingent on the recommended changes. So were
20 not saying were endorsing it conditionally, were
21 saying we are endorsing it. Then you'll have to
22 vote on the main motion.

23 MS. BIRD-POLLAN: So endorsed with
24 recommendations.

25 SECRETARY BROTHERS: So I'd like to add is

1 move to endorse the proposed changes with the
2 recommendation that the Senior leadership consider
3 the four points.

4 CHAIR MCCORMICK: Thanks Davey. Does that --
5 Did everybody hear that? All right. So we don't
6 have a clicker for this, I don't think, do we?
7 Because we prepared for a motion.

8 SECRETARY BROTHERS I can type one. I can
9 type a motion.

10 CHAIR MCCORMICK: All right. Let's just do
11 that since it's important.

12 SECRETARY BROTHERS: All right. There you
13 go.

14 CHAIR MCCORMICK: All right. So you've
15 heard the motion. We've had discussion. It's time
16 to vote and this is the motion on the amendment. 54,
17 9 against and 4 abstained.

18 SECRETARY BROTHERS: I'll have to do this
19 again.

20 CHAIR MCCORMICK: Give us just a minute.
21 So, Sheila can you read the original motion, now as
22 amended?

23 SECRETARY BROTHERS: The motion as amended is
24 to endorse the proposed changes with the
25 recommendation that Senior Leadership consider the

1 four points.

2 TRUSTEE GROSSMAN: Can we have a discussion?
3 Or are we voting yet?

4 CHAIR MCCORMICK: No, don't vote yet.

5 MR. TAGAVI: I'd like to make a motion to
6 amend. I'd like to amend provision number 2. Can
7 you please put up provision number 2? And since the
8 Provost et al do not have access to the
9 deliberation, that the Provost et al neither could
10 change the finding of this positivity nor the
11 sanction recommended by the panel. So my motion is
12 to add or alternative sanctions

13 CHAIR MCCORMICK: Okay. We have a motion. Do
14 we have a second? Okay. We have a motion and a
15 second.

16 SECRETARY BROTHERS: I'm sorry, who's the
17 second?

18 CHAIR MCCORMICK: Lee.

19 SECRETARY BROTHERS: Okay.

20 CHAIR MCCORMICK: Now discussion?

21 TRUSTEE GROSSMAN: I'd like to speak, well
22 I'd like to speak against this motion. The purpose
23 of allowing the Provost to change the penalties is
24 to make sure that the penalties recommended by the
25 appeals boards in different cases are similar in

1 terms of corresponding to the severity.

2 So without that you might have one appeals board
3 giving a slap on the wrist and another appeals board
4 giving a severe penalty for the same offense. The
5 appeals board is not a single group of people who
6 would be the same every time.

7 It's drawing from a pool of people like we have
8 in the University Appeals Board. So, I think that
9 its appropriate to allow the Provost or the any of
10 these people in the appropriate cases to modify the
11 penalty to smooth it out among different cases.

12 CHAIR MCCORMICK: Language against or for the
13 motion? Can he speak for his own admission?

14 UNIDENTIFIED MALE: Sure.

15 CHAIR MCCORMICK: Sure.

16 MR. TAGAVI: So, Kaveh Tagavi, Engineering.
17 In fact what my friend here, previous senator said
18 that he should be allowed in order to -- in order to
19 pass is not in the regulation. If it was, that
20 would be okay and maybe my colleague wants to
21 recommend what he just said into an amendment for
22 the motion.

23 CHAIR MCCORMICK: Jennifer?

24 MS. BIRD-POLLAN: Well, I'll speak up against
25 this motion because I think in addition to what Bob

1 Grossman mentioned I think another reason to allow
2 these three people the possibility to change the
3 sanctions is, because there might be maybe
4 circumstances that the hearing panel or the appeals
5 board don't know about,

6 So when we thought about this at the committee
7 level we thought a lot about the particular
8 circumstances that might arise in different peoples
9 situations and that might be different for different
10 people.

11 So in addition to wanting to unify sanctions
12 across different hearings or appeals, I also think
13 in certain circumstances there might be reasons why
14 for example the Vice President for Human Resources
15 might find that the appropriate sanction is not to
16 terminate the staff member but to put them in a
17 different office or something like that.

18 So there might be reasons why a different
19 sanction is appropriate in circumstances and I think
20 its true that a lot of this is about trusting that
21 the people in these positions have good judgment and
22 but that's a reality about most procedures including
23 our justice system at large and I think writing out
24 any judgment is just never going to happen.

25 CHAIR MCCORMICK: Any other comment on the

1 amendment or the proposed amendment? Hearing no
2 further discussion, can we vote on this Sheila? Are
3 you prepared to do this or should we do it by a show
4 of hands?

5 SECRETARY BROTHERS: Yeah, we can do it.

6 CHAIR MCCORMICK: If you'll just give us one
7 minute. Repoll. There you go. Try it now.

8 SECRETARY BROTHERS: I'm sorry.

9 CHAIR MCCORMICK: Okay. We'll just do it
10 by hand. By a show of hands. So those in favor of
11 the motion to add to the provision no ability to
12 change sanctions or findings, if you'll raise your
13 hand three. All those opposed. The amendment
14 fails. So now were back to Dr. Whitaker's original
15 amended proposal was to, can you read that to us
16 Sheila?

17 SECRETARY BROTHERS: Yes. The motion was to
18 endorse the proposed changes with the recommendation
19 that the senior leadership consider the four points.

20 UNIDENTIFIED MALE: Question for my
21 colleague Dr. Grossman back on appealing what the
22 faculty member considers to be an outrageous
23 suspension time or to the Senate Advisory Committee
24 for Privilege and Tenure so although this reg says
25 appeal to the Provost, it's your understanding that

1 by bringing it as a privilege issue, the faculty
2 member would also have access to the Senate Advisory
3 Committee on Privilege and Tenure?

4 TRUSTEE GROSSMAN: That's my understanding.
5 That was the sense of Senate Council when we
6 discussed this manner, yes. Well, yes there is that
7 issue. However I will also say that in my
8 discussions with the general counsel, he indicated
9 that if there was a hearing that the Senate Council
10 on Privilege and Tenure schedule a hearing.

11 And it is certainly possible to ask the general
12 council to allow the person on campus for that
13 hearing only. That is up to the judgment of the
14 general counsel but there is that possible avenue.

15 UNIDENTIFIED MALE: I think last year
16 actually we put into the Senate rule the shall not
17 be impeded with a persons access.

18 TRUSTEE GROSSMAN: Yes. Yes. Again, it does
19 depend on the nature of the -- and the nature of the
20 threat to campus about whether the general council
21 will allow something like that, but yes the
22 principle is that unless the circumstances are
23 really, really dire, the person should be allowed
24 access to the Senate Committee on Privilege and
25 Tenure.

1 CHAIR MCCORMICK: Was there any discussion
2 from someone who hasn't already spoken?

3 UNIDENTIFIED MALE: One small clarification
4 on point number 2. So, I don't know if legally
5 small is duly and logically but are we to understand
6 that any one of those three can --

7 CHAIR MCCORMICK: Dependent on?

8 MS. BIRD-POLLAN: Yeah, the regulation
9 clarifies. Our shorthand here was more short. The
10 regulation says the Provost is the person for
11 faculty. The ab-sol is the person for Student under
12 the ASR or the HR.

13 CHAIR MCCORMICK: Any further discussion?
14 All right. Then you are free to vote.

15 SECRETARY BROTHERS: It's not going to work.
16 I'm sorry.

17 CHAIR MCCORMICK: So, all in favor, raise
18 your hand.

19 SECRETARY BROTHERS: Please keep them up for
20 a minute. We've got to count.

21 CHAIR MCCORMICK: We're voting on the
22 proposal from --

23 SECRETARY BROTHERS: Keep them up and keep
24 them high.

25 TRUSTEE GROSSMAN: We've voting to endorse.

1 CHAIR MCCORMICK: So Laura, have you
2 counted? 43. All those opposed, 2. The motion
3 passes. Thank you for your time.
4 (WHEREUPON, the Senate Board Hearing concludes at
5 5:30 p.m..)

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CERTIFICATE

STATE OF KENTUCKY)

COUNTY OF OLDHAM)

I, BRENDA YANKEY, the undersigned Court Reporter and Notary Public in and for the State of Kentucky At Large, certify that the facts stated in the caption hereto are true, that at the time and place stated in said caption, that said proceedings were taken down in stenotype by me and later reduced to type writing, and the foregoing is a true record of the proceedings given by said parties hereto and that I have no interest in the outcome of the captioned matter.

My commission expires: January 31, 2020.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal of office on this day June 8, 2018.

Crestwood, Oldham County, Kentucky.

BRENDA YANKEY, NOTARY PUBLIC
STATE AT LARGE, KENTUCKY
NOTARY ID #546481