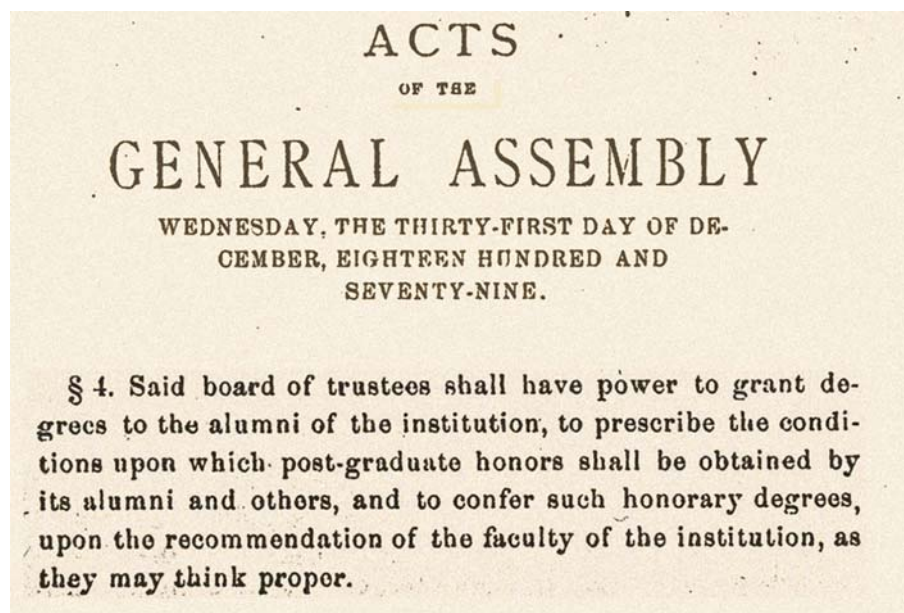


## THE *FACULTY*

## AND THE UNIVERSITY OF KENTUCKY SENATE:

### A JOURNEY IN EDUCATIONAL POLICY-MAKING

1865-2005



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## PREAMBLE

In 1862, the federal government, by way of the ‘land grant act,’ enabled each state government to assent to certain conditions under which the state would be provided with particular federal resources in support of an agricultural and mechanical college. “**A leading object**” of each A&M College would “*be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts, in such manner as the Legislature of the States may respectively describe in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.*”

In assenting to this federal legislation concerning “education,” the Kentucky Legislature, and in turn the future governing board(s) of the new College, would be compelled to formulate a manner of educational policy-making that would promote the federal mandate of a “liberal and practical education.” Toward that end, in its assenting legislation of 1865, the Kentucky Legislature determined to establish a responsible governing board, and that also “*to effect the said leading object, there shall be established therein the competent number of professorships ... which professorships shall be filled by able and competent professors.*” That is, the legislature determined that the members of the governing board alone could not fulfill “the leading object” of the federal enactment, rather, a corps of professors possessing the necessary “competen[ce]” was indispensable. What remained to be formulated was extent to which the combination of state legislation, and delegation from the governing board, would assign the faculty with the authority to establish educational policy of the institution. The parameters and scope of this faculty authority over the next decades would be swung, even to diametrical opposites, sometimes dependent on changes to state law, sometimes dependent on changes in the mission of the institution, and sometimes (for better or worse) dependent on the temperament of either particular board trustees or of institutional administrators. There follows here a review of this Faculty’ s long and arduous journey in educational policy-making.

## I. The First Policy-Making Faculty Body – The A & M College of Kentucky University – 1865-1878

The institution “Kentucky University” was established by legislative act of 1858, several parts of which eventually became codified in state laws that today that define the role of the University of Kentucky faculty in educational policy-making. That 1858 legislation establishing the Kentucky University specified<sup>1</sup> that the

*“[Board of] Curators, **upon the recommendation of** the President and the **Faculty**<sup>2</sup> of the University, **shall have the power** to grant such literary honors<sup>3</sup> as are usually granted by the best colleges and universities in the United States, and such other honors **as the Board and the Faculty may think necessary**, and in testimony thereof, to give suitable certificates or diplomas ...”<sup>4</sup>*

Note that the state law referred to “the Faculty” both in capitalization and in the singular tense (that is, the hired individual professors have a status under state law to exercise authority as a body). Note also the language (that will echo to the later state laws on the University of Kentucky) that the Board of Curators could only act to grant literary honors, certificates and diplomas “*upon the recommendation of*” the Faculty – that is, the Faculty had a final disapproval power under that state law to control which names of persons reach the Board for action. Finally, note that in reference to other honors, the phrase “*as ... may think necessary*” refers to both the Board and the Faculty as ‘thinking it necessary.’ All of these phrases of description of authority being provided to the Faculty by this law were used again in state laws 15 years later concerning an independent A&M College.

By legislative act in February 1865, Kentucky University was consolidated with Transylvania University, under the final name of “Kentucky University.”<sup>5</sup> By another act of February 1865 the Kentucky Legislature assented to the Federal land grant act of July 2, 1862, “establishing the Agricultural and Mechanical College as one of the colleges of Kentucky University.”<sup>6</sup> (The legislature created a “Board of Visitors”<sup>7,8</sup> to monitor and advise (and if necessary direct) the Board of Curators<sup>9</sup> on conditions to support the A&M College, and to make biennial reports to the General Assembly<sup>10,11</sup>). The federal legislation prescribed that “the leading object” of the A&M College would be “to **teach** such branches of learning...,” i.e., the only area of educational policy that needed to be made at that time was for teaching (not research or public service). Hence, the state legislature in turn specified on the competence of the necessary professorships related to teaching:

*“there shall be established therein the competent number of professorships **for the teaching** ...which professorships shall be filled by able and **competent professors**, aided by such **assistants, tutors** and other **instructors** as shall, from time to time, be necessary...”<sup>12</sup>*

The state laws establishing Kentucky University also contemplated there would be activities

*“in **prescribing the studies** and exercises [of the College] ... and persons engaged in the conducting of its studies and exercises.”<sup>13,14</sup>*

(These same state laws made no provision that it was necessary for there to be appointed a chief executive officer of the faculty (President) in order for the leading object of the federal mandate to be fulfilled). The “General Plan of the University,” promulgated by the Kentucky University Board of Curators to implement these particular provisions of the state law, was that the Faculty of each college would prescribe a required course of study among its subjects that would lead to a student’s attainment of the status of “graduate”:

*“The University embraces several Colleges, each under the **immediate government**<sup>15</sup> of its own **Faculty** and Presiding Officer<sup>16</sup> .... the responsibility of carrying on the entire system of government and instruction in the several Colleges devolves on their respective **Faculties as bodies**<sup>17</sup>... “No Professor shall have the right to make change of the text-books or **course of study** in his School, without the **approval of the Faculty** to which he belongs<sup>18,19</sup> ...a student may **graduate** [when] he shall have been at least one year a student of the University, and that he shall have **completed** in a satisfactory manner all **the required studies**<sup>20</sup> ...”*

*“the **Faculties** of the several colleges shall frequently assemble as one body, under the name of the **Senate of the University**”<sup>21</sup>*

In summary, the model of educational policy-making established by state law and the governing board to fulfill the federal mandate was that “the Faculty” would determine the immediate government of the college, the courses of study leading to degrees, the instruction (including text-books), as well as make decisions on student discipline.<sup>22</sup>

## II. The Faculty Body of the Agricultural and Mechanical College in Statutory Transition – 1878-1880

*“Resolved that a Committee ... be appointed to enquire & report whether any of the Professors in the University are open and avowed Infidels or Skeptics ... adopted.” Minutes, KY University Board of Curators<sup>23</sup>*

Kentucky University.<sup>27</sup>

The A&M College continued for the next four years to use the physical resources of Kentucky University at the estates of Ashland and the “Woodlands” (the homestead of Henry Clay), while a legislative commission secured a new physical location. In the meantime the A&M College “Board of Visitors”<sup>28</sup> acted as the governing board of the A&M College, but professed to the Governor that it, *“with only the meagre income from the Congressional fund, found itself unable, during the provisional management”* to do any more than *“carrying on, as economically as possible, the operations of the College as they found it.”*<sup>29</sup>

The portion of the 1865 law on the role of the Faculty in educational policy-making and internal government of the A&M College not having been repealed, the Board of Visitors promulgated an implementation of the 1878 laws (where the spawning 1878 joint legislative committee report specifically referred to “the Faculty” of the A&M College) to the effect that the conditions prescribed for degrees by the Faculty under the 1865 laws would continue.<sup>30</sup> Similarly, the Board of Visitors directed a continuation of the governmental organization in which *“the Faculty of the A&M College should consist of a President and six Professors,”* and *“Power is hereby given to the President and Faculty to adopt such by-laws for the government of the College in all its departments, and to establish and execute such rules for the practical operation of the Institution as may be necessary.”*<sup>31</sup> (Remembering, that up till this time Patterson had been “Presiding Officer” of “the Faculty” body, not the “President” of an institution – John Bowman, Regent of Kentucky University, had been the chief executive officer). The following year, the authority of the Faculty under the continuing force of the 1865 laws concerning granting of degrees was reflected in the action of the Board of Visitors, where its minutes record

*“Upon the recommendation of the Faculty the Degree of Bachelor of Science is hereby conferred to [student names]”*<sup>2,32,33</sup>



Adapted from the cover page of Board of Visitors report to the Governor, fall 1879

## III. Decision-Making by the The Faculty Body of a Now-Independent A&M College: New State Law -1880

The institution of higher education that we know today as the University of Kentucky began its independent status (as the “Agricultural and Mechanical College of Kentucky”) under a series of laws passed in March<sup>34</sup> (and amended in April<sup>35</sup>) of 1880. Those laws established the “Board of Trustees” that we have today, and made express statements specifying for which actions the Board was with endowed with “power” to act, e.g., to receive and administer money, to sue and be sued, to contract and be contracted with, to determine *“the number of departments of which the college shall comprise... the relation which each department ... shall sustain to each other...[and] to devise the means required for their effective instruction.”*<sup>34</sup> The Board was also expressly empowered to appoint and dismiss *“presidents, professors, assistants and tutors”* and to *“establish proper regulations for the government of the college.”*<sup>35</sup> While the 1880 laws (and their re-enactment in 1893<sup>36,37</sup>) provided that the Board “may” appoint “presidents” the legislature again did not make that to be an educational policy requirement for fulfillment of the federal mandate. However, other provisions of those 1880 laws the legislature (again) made it mandatory that there exists a body, “the Faculty,” (notice capitalization in the law below) that makes educational policies and educational decisions. In fact, the legislature used the same terminology as had been used in the 1865 laws:



"The **Faculty** of the Agricultural and Mechanical College **shall have the power** to grant certificates to teachers, students of the college..." and

"only those students who [have] **attained the prescribed standard of proficiency** in the regular **course of studies... shall receive a diploma** from the college" and

"Said board of trustees shall have power

**to grant degrees** to the **alumni**<sup>38</sup> of the institution, ["alumni" was changed to "graduates" in 1934]

to prescribe the conditions upon which post-graduate **honors** shall be obtained by its **alumni** and **others**, and to confer such **honorary** degrees,

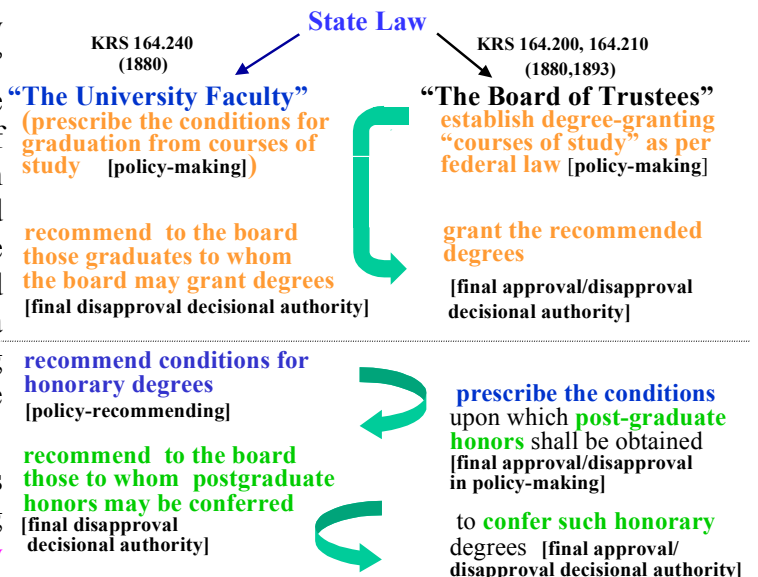
**"upon the recommendation of the faculty"**<sup>2</sup> of the institution,<sup>39</sup> as they may think proper

**State Law: Granting 'Regular' Degrees:** The above statutory provisions established several distinct conceptual steps in exercise of authority: (1) **determination that a student had finished a prescribed standard of proficiency in the regular course of studies** (i.e., had attained a status of "**alumnus**" or "**graduate**"; note that the meaning of the word "alumnus" as placed in the law by the legislature did not mean a person who had already been conferred a degree, nor did it mean only a matriculate<sup>38</sup>), (2) the **subsequent** decision to grant to the alumnus/graduate a **degree**, (3) the documentation of which is then the provision of a **diploma**. Importantly, under the state law above the authority of the Board of Trustees was limited, and that of "the faculty" was conferred, in several ways. First, while the Board had the authority to finally grant **degrees**, it could do so only upon the recommendation of the faculty, i.e., the faculty have a final disapproval authority in deciding what names of **alumni/graduates** it will recommend to the Board for **degrees**. Second, in the above law the Board of Trustees is not assigned the function to determine which students have attained a prescribed standard of proficiency, i.e., which students have reached "alumnus/graduate." Notice that this omission of authority to the Board on prescribing the standard of proficiency for the regular course of studies has the effect of controlling that persons on the BOT who do not themselves have that proficiency (e.g., do not have a graduate degree), are not then prescribing the course standards for proficiency (for a graduate degree). Indeed, the new Executive Committee of the Board met for the first time on June 1880 (below) to promulgate the March/April 1880 state law into policy, and its minutes for that meeting contain the entry:

*"For the degrees of M.S. and M.A., a satisfactory examination is required on a **course of postgraduate studies prescribed by the Faculty**..."*<sup>30</sup>

**State Law: Conferring of "Honors."** That 1880 law prescribed two kinds of recipients of "honors" connected with degrees (a) persons who were "**alumni**," (i.e. students who had completed a course of study but had not yet been conferred the degree, e.g., in the 1880's-1890's each year the Faculty recommended to the Board which graduating top students would be conferred by the Board with "First Honors" and "Second Honors"<sup>41</sup>) and (b) "**other**" recipients such as a distinguished citizens who were not just-finishing students. The 1880 state law then defined that the conferring of either is to confer an "**honorary** degree."

Under the 1880 law, the Board has both roles **honorary** degrees: (3) of final authority in prescribing the conditions that determine eligibility for **honorary** degree and (4) then conferring the **honorary** degree upon individuals who have met the conditions. Yet, the Board cannot perform either final action except "upon the recommendation of the faculty," giving the Faculty final disapproval authority to limit what the Board can act upon for either policy conditions or individual case awards.



As to the ending phrase in the law “as they may think proper,” the usage of this phrase in the section of 1865 law from which the 1880 law was wordsmithed (see page 1 above) shows that the “they” is not referring to the Board of Trustees as a plural, nor to “the faculty of the university” as a plural, but rather the plurality is its reference to the two entities, “the Board of Trustees” and “the faculty of the university,” each being a party to the decision.<sup>42</sup>

#### IV. The Faculty Body of the A&M College - Designated in the Minutes of the Board of Trustees - 1880

The new Board of Trustees of the A&M College held its first meeting in June 1880, where it hired the first six professors.<sup>43</sup> In continuing the internal governance organization of the previous 13 years within Kentucky University, the Board of Trustees made each of those professors the head of, and the only professor assigned to, six respective departments.<sup>43</sup> That is, there did not exist a separate apparatus called “the administration.” Each professor, by himself, was the total faculty component of the department of which he was also the administrative head, and himself delivered instruction in the department, assisted in that instruction by “tutors” and “assistants.” These minutes of the first meeting of the Board also show it reflecting the nomenclature about faculty in the new state law, where the Board refers in the singular tense and capitalization to “the Faculty.” Those first minutes of the new Board also show what the minutes term as “the Faculty” exercising one of the faculty’s statutory roles of recommending to the Board the names of individuals for the award of degrees, which the Board then approved.<sup>43</sup> It was also necessary for the Board to approve the establishment of courses of study leading to degrees at the independent A&M College that would fulfill the mandate of the federal Act of 1862.<sup>44,45</sup>

#### V. Policy-Making Status of “the Faculty” of the A&M College as Codified in New Board Regulations- 1882

When the Board in June 1882 promulgated (with input on the draft from “the Faculty”<sup>46</sup>) its first “Governing Regulations,” to implement the 1880 state law,<sup>47,48</sup> it formally codified the statutory assignment of “the Faculty” (capitalized) as a body.<sup>49</sup> Those new Governing Regulations of 1882 articulated powers deriving to “the Faculty” by state law, as well as other functions (academic and managerial) derived to the Faculty by delegation from the Board. For the first time, educational policies under the responsibility of the Faculty as a body were articulated in the context of both the quality of the instruction given, as well as the substantive content of the “courses of study” (i.e., the “degree programs,” in today’s vernacular) that were established by the Board. The Faculty body was to make the decisions on a number of educational policies as related to the federal mandate concerning “teaching”:<sup>50</sup>

- how the content would be different for the “Scientific” versus the “Classical” courses of study (notice these two names are drawn from the federal legislation),<sup>51</sup>
- what levels of rigor would distinguish the advanced versus non-advanced groupings (“sections”) of students who were members of the same class year cohort,<sup>52</sup>
- when a necessary quality of instruction would compel that a Professor (i.e, Head of a Department) would render the instruction versus reliance on assistants,<sup>53</sup>
- make decisions on the qualifications of advanced students to provide competent teaching and tutoring,<sup>54</sup>
- what level of qualifications for admission would yield classes of students capable of completing the courses of study with necessary proficiency within four years.<sup>55</sup>

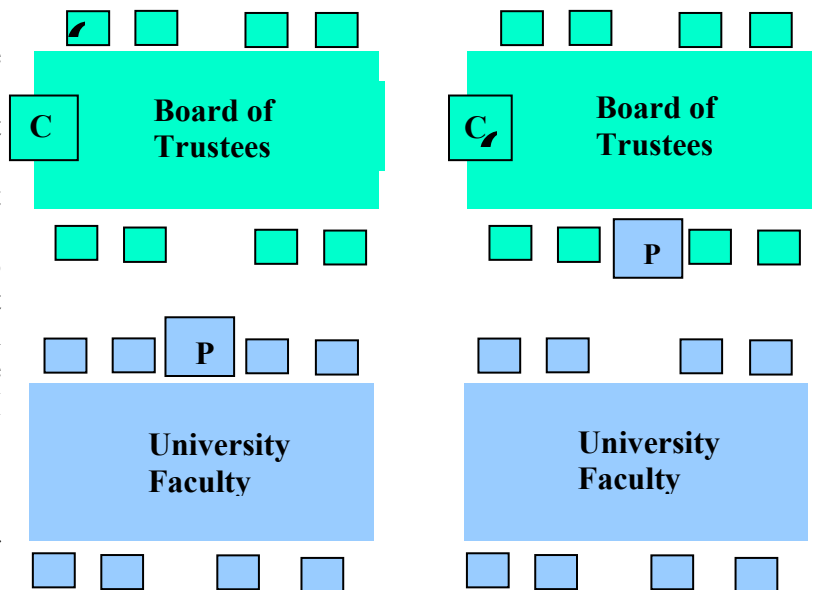
The 1880 state law established that the Board member served as Chair of the Board, but that law in referring to “presidents” and “professors,” did not establish the *relationship* between the President (also a professor) and “the faculty of the university.” Hence, the 1882 Governing Regulations of the Board defined:

“The **immediate government**<sup>56</sup> and instruction of the College shall be administered by the President and **the Faculty** ... **The Faculty** shall be composed of the **President** [who had 50% the instructional responsibility of the other professors<sup>57</sup>] and **Professors** ... He is the *ex officio* President of the Faculty, and the executor of its decrees.”<sup>58,59</sup>



Earliest (ca. 1878) picture of “the Faculty”<sup>55</sup>  
Back Row: Howell, Helveti, Pickett(?), White  
Front Row: Peter, Patterson, Schackleford, Crandall(?)

Thus, when the President was sitting at the table of a meeting of the Board, the “faculty of the university” thereby was also at that table. That is, the President was not a layer separating the Board from “the Faculty,” rather, the President as a member of the Faculty and its Chair was the representative from the Faculty directly to the Board. This relationship has important implications that have reverberated through the decades down to the present day. For the Faculty of the newly independent A&M College, and for the institution itself, it was pivotal on how Patterson would choose to leverage his dual status as (a) chief executive officer (President) versus (b) Presiding Officer of the supposed-to-make-policy Faculty...



## VI. “The Faculty” Exercises for the Next Two Decades its Status as the Institution-level Faculty Body 1882-1898

Areas of Educational Policy-Making. The A&M College Faculty body, previously one of the five colleges of Kentucky University, with Patterson as the Faculty’s Presiding Officer, and as subject to the administration of Regent John Bowman, had then in 1878 transitioned to instead being empowered as the statutory “Faculty” body of an independent institution, but with Patterson newly empowered as not only the Presiding Officer, but also as the administrative chief executive officer, the President. At stake in this arrangement was what educational policy for the institution would become made, not only concerning the didactic “teaching” component, but also for the investigatory “research” component (“public service,” as we use that term today, was not a concept in the mission vision of the institution at that time). John Bowman and James Patterson expressed diametrically opposed views on what educational policy was required by the federal and state mandates that a “*leading object*” of the college would “*be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanical arts...*”



John Bowman<sup>60</sup> “If the [1862] enactments contemplated Polytechnic Colleges, in the widest sense, embracing all arts and trades, then the means appropriated [by government] for their endowment were altogether inadequate ... The character of the education to be given is equally well defined. It was to be liberal, and yet **practical**. The **prominent** aim should be to teaching the sciences related to Agriculture and the Mechanical Arts, **not including other scientific and classical studies**, but including, of course, a thorough knowledge of **our own English language** and literature, and other studies which form the basis of a **practical** business education... the law of Congress evidently contemplated the establishment of Colleges throughout the country different from and in contradiction to, the regular literary and classical Colleges in the land, the types of old Oxford and Cambridge, whose foundations were laid away back in the dark ages, and far beyond our civilization.” –Bowman 1868<sup>11,51</sup>



James K. Patterson

Q: “I see in the agricultural course **history** and **political economy**.”

JKP: “Those are integral parts of the course.”

Q: “...lectures given on agriculture and horticulture ... prior to [1888] none were given?”

JKP: “No sir.”

Q: “Why is it that this course was left out and substituted with **German language, literature...**?”

JKP: “...there has always been associated with it studies to give them breadth.”

Q: “Will you explain to me what relation astronomy has to agriculture?”

JKP: “Only that it is part of the education of every American gentleman.”

Q: “What has the **German language** and literature got to do with agriculture?”

JKP: “The study of those gives breadth to a mind.”

JKP: “When the act was passed in 1862 ... that **does not require** those agricultural colleges to teach either agriculture or mechanics...The language [in the 1862 law] is this: To teach those branches **relating** to agriculture and the mechanical arts.”

Q: “Do you see the distinction?”

7 JKP: “Yes.” – Patterson during 1890 deposition<sup>52</sup>



By the time that the A&M College left the control of John Bowman and Kentucky University in 1878, a joint legislative committee had determined “*the Agriculture Department has not proven a success ... [t]he Mechanical Department is not now in operation at all, having been discontinued,*” but that the “*corps of professors, all of whom are eminently and perfectly competent to the full discharge of the duties incumbent upon them. Whatever else may have contributed to the apparent decline in the prosperity of the institution, certainly no part of it can be traced to inefficiency in the teachers employed by the University.*”<sup>63</sup>

After the next ten years, with instead Patterson as the institution’s chief executive officer, the next joint legislative committee (whose majority report made great effort to find no fault with Patterson’s performance) could report in 1890 no better than that “*strenuous efforts are being made to develop and build up an agricultural course*” and that the engineering course “*has been in existence only two years.*”<sup>64,65</sup> That majority report itself also could not avoid commenting that Patterson’s educational philosophy was that there was a “*radical and complete*” distinction between ‘*those branches of learning which are related to agriculture and the mechanical arts*’ versus the ‘*agriculture and the mechanical arts,*’ themselves. That is, Patterson contended that the federal mandate did not require the teaching of agriculture or mechanical arts -- only “related” fields.

However, a minority report signed by one house member of the legislative committee (who determinedly interrogated Patterson individually) characterized the outcome of Patterson’s educational philosophy differently: “*... we have what may properly be denominated as a Literary College ... So far from being an agricultural and mechanical college there is absolutely no department of agriculture or mechanics therein ... the department of practical mechanics in the A. and M. College is now entirely a catalogue department.*”<sup>66</sup> Although the state law and the Board’s own regulations appeared to place educational policy-making authority with the Faculty, the minority report was astutely cognizant that there did not exist a law to protect the employment of those faculty whose views on educational policy differed from President Patterson: several faculty who dissented from Patterson and thereby “*put themselves out of sympathy with the executive management*”<sup>67</sup> had come to no longer be employed by the A&M College (see also footnote 68). That minority report pointed out the example of the educational philosophy of one of those faculty (Robert Peter, a chemist) as that the A&M College “*so far as I understand the objection of the institution, I think it would be better to devote more time, labor, and instruction to the studies for which the college was organized ... there ought to be more industrial sort of education.*”<sup>69</sup> Another such (former) faculty member (A. R. Crandall, assigned to the Mechanical Department to “*put it on its feet*”) repeated to the legislative committee his view that the Mechanical Department was “*a name only ... a nominal department*” because “*the management is not in sympathy with that sort of instruction .. Agricultural and Mechanical Colleges are intended to meet the conditions which grow out of the acknowledged benefits to the industrial arts of scientific investigations.*”<sup>70</sup> The minority report further observed that “*the primary effect of the Agricultural and Mechanical Colleges has not been realized in practice, for the reason that they have fallen under the executive management of men who either have no adequate conception of the importance of scientific works, or who are not able to break away from the trammels of the classic system.*”<sup>66</sup> Finally, this 1890 minority report, in remarkable prophesy, stated what took another 70 years to become the expressly codified university governance policy: for the institution to fulfill both its teaching and research missions, the decisions on academic programs in the respective academic fields must be made by the experienced faculty in the respective fields. “*...there has never been a time when it could be said that the faculty of the State College has been united under the president for ... the purposes of building up an Agricultural and Mechanical College. This has been prevented by a disposition to rule by shrewdness amounting to sharp practice ... [t]he effect of this has been to prevent the continuance in the departments or the colleges of men of experience and training, and especially of teachers who have definite knowledge of what their departments ought to be and to do.*”<sup>66</sup>

The Composition of the Policy-Making ‘Faculty’ Body. From 1882, the Board’s Governing Regulation #6 had codified the organization developed under the 1865 legislation in which the faculty of the institution was embodied in the professorial members of the institution: “*The Faculty shall be composed of the President and Professors.*” At that time, “Professor” was the only expressly recognized professorial rank, and such individuals were helped in their teaching by “assistants” and “instructors” and “tutors.” By the mid-1880’s, references in the minutes of the BOT show that at least some of these “assistants” were conceptualized as “assistant professors.”<sup>71</sup> The Faculty in 1893 adopted By-Laws for its meetings, including a new practice of having the



assistant professors “sit” with the meetings of “the Faculty” but not vote.<sup>72-73</sup> The Faculty composition did gain some new members during the second and third decade of the institution, where on several occasions particular administrators were made *ex officio* members, for which their voting was restricted to the particular matters of their administrative area.<sup>74-76</sup> When the legislature in 1908 raised the A&M College to the level of a University, thereby raising some departments to a college level, the professorial department heads became deans of the several new colleges, and these deans became in essence *ex officio* voting members of the Faculty.

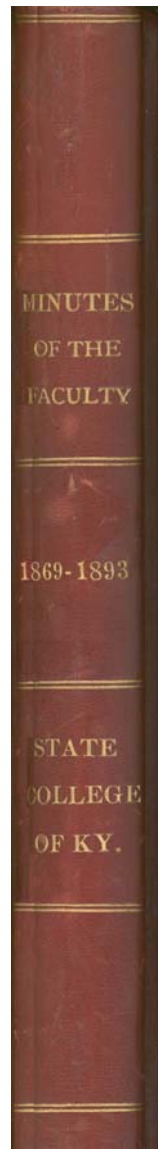
During the earlier period that the A&M College was one of five colleges controlled by Kentucky University, each college had its own “Faculty,” and the five college faculties cumulatively constituted the Kentucky University “Senate.” When the A&M College separated from Kentucky University, for reasons of historical inertia, the professors of the A&M College continued with their designation of the previous 13 years as “the Faculty,” and did not take on a new designation as “the Senate” of the newly independent institution. Their designation as “the Senate” of the University did not come for another four decades (see below).

Meetings, Minutes and Parliamentary Conduct of “the Faculty.” From their first meeting as a faculty of an institution separated from Kentucky University, their minutes show their meetings being recorded as meetings of “the Faculty.” The monthly meetings were typically held in “the President’s room” of the Main Building, with votes being recorded on matters of educational policy, recommendations to the Board for award of degrees, and on policies for student discipline and athletics.<sup>77</sup> Under the BOT’s 1880 (and 1890) Governing Regulations 6 and 7,

*“In the absence of the President from any meeting, the **Faculty** may choose one of its members to act as chairman for that meeting. It shall meet under the direction of the President, who shall call a meeting at the request of any two professors. All questions shall be decided by vote, and each member shall be entitled to one vote” and “The **Faculty** shall keep a book of records, and appoint a Secretary or Clerk, who shall enter in it an accurate statement of the transactions of the **Faculty**, which book shall be laid before the Board of Trustees at each annual meeting, and before the Executive Committee whenever called for.”<sup>78</sup>*

The minutes of the Board show that through the next several decades, the minutes of the Faculty were “laid before the Board”, through President Patterson, though after the first several years the Board established a Board committee that was responsible for reporting to the Board the content of the minutes and the recommendations from the Faculty to the Board contained therein.<sup>79</sup> Upon the urging of President Patterson,<sup>80</sup> the University hired a registrar (Professor Ezra Gillis),<sup>81</sup> who in November 1913 was elected by the Faculty to serve as the Secretary for minutes of meetings of “the Faculty.”<sup>82</sup> This arrangement of the Registrar as Secretary for the Faculty was codified several years later by the Board of Trustees, and continued to be the codified arrangement until 1999<sup>83</sup>).

Relationship of “the Faculty” of the University to the Faculties of “Courses of Study” and (later) Colleges. During the first decade, with only one Professor assigned to each department (as its Head),<sup>43</sup> there were not meetings of department faculties, only formal meetings of all the Professors as “the Faculty” of the university. Each “course of study”<sup>84</sup> drew upon the teaching contributions of several different departments, and each course of study was administratively overseen by a “dean” (who was also a professor heading one of the departments). The Professors who taught courses that contributed to a given “course of study” were collectively the “Special Faculty” of the given course of study.<sup>85</sup> At an 1895 meeting of “the Faculty,” President Patterson urged that each “Special Faculty” begin formally meeting and addressing issues relevant to the particular course of study of the respective Special Faculty.<sup>86</sup> By 1897 (and through 1907), the Scientific Faculty were formally organized, held regular meetings, kept minutes, and made educational policy recommendations to “the Faculty,” as well as recommendations to “the Faculty” on which graduates of that course of study ought be recommended by the Faculty to the BOT for the award of degrees.<sup>87</sup> Hence, the Board committee through which faculty minutes were vetted became a “Board Committee on Minutes of the Faculty and Minutes of the Special Faculties”<sup>88-91</sup>



“The Faculty” of the independent A&M College first exercised their function under state law to recommend names of “alumni” (=“graduates”) to the Board for the award of “degrees” at its May 1880 meeting.<sup>92</sup> At the first meeting of the new Board of the A&M College the next month, it approved this recommendation of “the Faculty”.<sup>93</sup> These exercises of authority under state law (today’s KRS 164.240) reflected the distinction made in the state law where (1) the Faculty makes a final decision that any student had (in the vernacular of the day) ‘completed’ or ‘demonstrated proficiency’ in ‘the prescribed conditions for course of study’ (i.e., had met all academic requirements to attain a status of “alumni” (1880 law language) or “graduate” (1934 language)) *versus* (2) the Faculty’s subsequent action to recommend to the Board as to which of these alumni/ graduates ought to be granted a degree by the Board.<sup>94</sup> For example, the 1881 minutes of the Faculty show the entries

*“ [students names] presented themselves as candidates for **graduation** and for the **degree** of Bachelor of Arts ... On motion they were all recommended for the degrees named, provided that they render **satisfaction to the several professors** in whose departments they have not completed the **prescribed courses of study**.”*<sup>95,96</sup> (underlinings added here)

Exercising Statutory Authority Concerning Conditions for Conferring “Degrees With Honors” to **students** and “Honorary Degrees” to **others**. Over its first two decades as “the Faculty” of an independent A&M College, the Faculty repeatedly exercised its statutory authority in relation conditions for award of “**degrees with honors**” to **graduating students** and of [capitalized] “**Honorary Degrees**” to **others**.

Concerning the honors for academic performance as a student of the A&M College, Faculty committees were appointed “*to arrange a basis upon which **honors** should in the future be determined*”<sup>97</sup> and “*to prepare a plan for better determination of **graduation honors***,”<sup>98</sup> the policy recommendations becoming adopted,<sup>99</sup> and applied to individual cases: “*On ballot for first **honor** Miss Adams received five votes, Hobdy six. The latter was declared **valedictorian***.”<sup>100</sup> Some of the policy discussions on conditions for **honors** for **graduates** were quite animated.<sup>101</sup>

Concerning the **honors** for “**others**” whose meritorious activity was not in a capacity as an A&M College student, in 1892 the Faculty voted that “*a committee of five be appointed for the purpose of considering methods for the conferring of **Honorary Degrees***.”<sup>102</sup> It early developed on policies about recommendations “*for the **honorary degree** of M.S. As under the regulations, the Faculty could make no recommendation for the degree except in cases where prescribed work has been done, no action was taken*.”<sup>103</sup> Similarly, the Faculty decided “*that it is inexpedient at present for this college to confer the degree of Ph.D. but that if the degree of D. Sc. would be acceptable to [potential nominee], the faculty should recommend to the Board of Trustees that this degree be conferred upon him as an **honorary degree***.”<sup>104</sup> The Faculty also considered that persons to receive Honorary Degrees ought to attend the Commencement award ceremony,<sup>105</sup> and at the urging of Professor A. M. Miller, “*the faculty prepare[d] resolutions setting forth their estimate of the services*” of persons being recommended for honorary doctorates (e.g., LL.D.)<sup>106</sup>

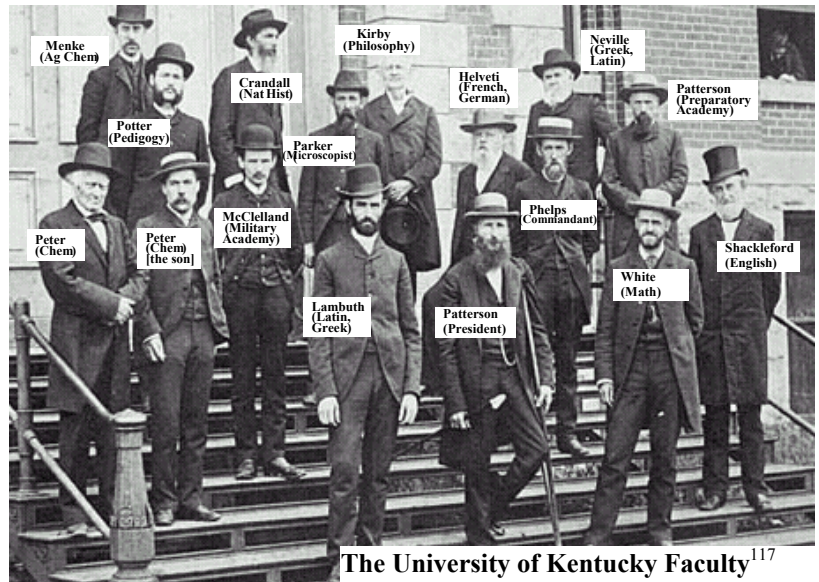
Diplomas. During this time the Faculty also made decision on policies concerning the content of Diplomas.<sup>107</sup> Their decisions involved the size and form<sup>108</sup> (adopting the John Hopkins format<sup>109</sup>), and the date and class year.<sup>110</sup>

## **VII. The Faculty Reacts to the Board’s Encroachment on the Faculty’s Statutory Authorities 1898-1916**



The Faculty’s exercise of their above, statutory roles in relation to the Board of Trustees then continued consistently in the above manner for the next 20 years, until the appointment of new Board of Trustees member **Richard C. Stoll**.<sup>111,112</sup> Closely coincident with Stoll’s appointment to the Board, and his appointment as Chair of its Executive Committee, the Board (and especially its Executive Committee), increasingly departed from an ambiance of working with the Faculty, and moved instead to an aggressive posture of escalating managerial encroachment. Subsequent to an on-site inspection of classes being conducted, a Board committee reported “*We found in most if not all of the section rooms a mingling of the sexes, and an expression of companionship which in our opinion is not appropriate in the College. In one case a male and a female student were studying in the same book ... The seats of the two sexes should be distinctly apart, and on opposite sides of the room*.”<sup>113</sup> In his first year of appointment, the Board was requiring that each Professor regularly submit to the Board books of the daily records of student grades and demerits.<sup>114,115</sup> The Faculty in turn resisted complying with the increasingly micromanagement. In response to this Faculty resistance, 1904 the Board unanimously voted (with President Patterson’s approval) an aggressive admonishment to the Faculty, including:

*"The Board of Trustees of the A. and M. College of Kentucky having had under consideration the sinister reports affecting the reputation of the College in relation to morals and discipline regret to record that they find the evidence upon which these reports rest too strong to be ignored. They believe that this laxity in morals and discipline is due in great measure to the indifference and neglect of certain members of the Faculty who have disregarded the Regulations of the Board ... If any Professor or instructor thinks that he cannot or will not heartily cooperate with the governing authorities of the College in the attainments of the ends proposed, the Board will unhesitatingly accept his resignation and hereby invite him to tender it."*<sup>116</sup>



The University of Kentucky Faculty<sup>117</sup>

In a further escalation instigated two years later by the Board's Executive Committee (and remembering that a tenure system did not exist at that time<sup>68</sup>) the Executive Committee informed the Faculty that it wanted the Faculty to approve the conferring of a degree and diploma to a former Mechanical Engineering student that the Faculty in 1905 had suspended in a disciplinary action (a student personally supported by Richard Stoll). The Faculty, chaffed that this was not the governance posture of the Faculty under the state law concerning award of degrees to graduates, then appointed a subcommittee (that included Professor Arthur M. Miller,<sup>118</sup> who would become the second A&S Dean), to draft a resolution of response, which the Faculty in October 1906 adopted and that stated:

*"As a faculty we are nevertheless constrained to believe that in such cases as that of Mr. [name], now under discussion, such would be gained in unanimity of purpose and effectiveness of results, if a fuller understanding could be reached, as to the relative duties and responsibilities of the Board and the Faculty. The faculty believes that in general, after several years of intimate daily association with their pupils, they are in a position to best judge the intellectual and moral fitness of our **graduates** to receive the honor of a **degree**. [t]his view, we think, is the one manifestly taken by **section 3 of the charter** [state law] of the college, under which both our **bodies** operate, and which clearly indicates, as its intent, that the Board of Trustees is **only authorized** to confer degrees **upon the recommendation of the Faculty**. We submit further that this usage is the universally accepted one in all similar institutions of learning throughout the country."*<sup>119</sup> (Appendix I)

On advanced (graduate) degrees and honorary degrees, there was further contest between the Board and the Faculty. Under the state law, the Board could prescribe conditions for honorary degrees (i.e, educational policy on conditions of merit and circumstance), and confer the honorary degrees (decisions on individual cases) only "upon" the Faculty's recommendation to the Board for Board final action. However, it was becoming an increasingly frequent practice of the Board not to await receipt of recommendations that the Faculty had developed and approved for transmittal to the Board, but instead the Board on its own would identify potential honorary degree recipients and seek that the Faculty would perfunctorily endorse the award.<sup>120</sup>

*"President Patterson then presented to the faculty the names of the following persons concerning whom it was Mr. Stoll's wish that **the faculty** should take action looking to the conferring of **honorary degrees** in June next ...[ three names listed] In an informal discussion which followed some **objection was raised**, not to the specific candidates named, but to the procedure which seems to increasingly prevail of having recommendations for such degrees come from members of the Board of Trustees rather than **originate with the faculty**, in whom **the charter** [i.e., state law] explicitly vests the right of naming the candidates for such degrees."*<sup>117,121,122</sup>



The Faculty were also disturbed by the increasing practice of seeking the Faculty's *pro forma* concurrence to confer **honorary** graduate-level degree titles (e.g., honorary M.A.) when those same degrees would be awarded to students only after completion of prescribed academic work in residence, e.g., when "*Pres. Patterson nominated Hon. A. C. Stanley to be recommended to the Board of Trustees for the honorary degree of Master of Arts.*"<sup>123</sup> The next time such a proposal was made to the Faculty, "*Professor Miller entered a protest against the practice of awarding the M.A. degree as an honorary degree while we are at the same time conferring it for University work.*" The Board "Committee on Minutes of the Faculty"<sup>124</sup> (through which the minutes were "laid before the Board") in June 1908 endorsed to the Board of Trustees a resolution from the Faculty

*"relating to advanced degrees, that it be the sense of this board that the awarding of **advanced degrees** in this institution be placed upon the higher plane, in accordance with the practice of the most advanced universities in this country; that **such degrees** should be given only in recognition of work accomplished under the direct supervision of the **University faculty**, except in the case of those which are customarily bestowed as **honorary degrees** in recognition of distinguished public services or scholarship."*<sup>125</sup>

The above reference by the Faculty to "distinguished public service or scholarship" is the earliest extant explicit record in the Board of Trustees minutes of the statutory body "the faculty of the university" exercising its role under the state law to recommend to the Board about conditions (here, conditions of merit) for honorary degrees.

### VIII. The "Faculty," Deans Council and Board as Governance Bodies in a New "University" 1908-1918

In 1908, the state legislature approved a change in name and concept of the institution from the "A&M College" (where the mission of a college is to teach existing knowledge to students) to the "State University" of Kentucky (where the mission of a university is not only to **teach** existing knowledge, but that its faculty by **research** create new knowledge).<sup>126</sup> Raising the A&M "College" to a "University" made the opportunity to create separate "colleges" in the University, with departments in each college. With this action the bodies called "Special Faculties" in the various "courses of study" (i.e., 'programs leading to degrees') that were established under, or subsequent to, the 1889 organization, gave way to faculty bodies of the colleges as the foci of faculty governance below the University-level of "the Faculty."<sup>127,128</sup>

Upon the urging of President Patterson, the Board in 1909 established a policy authorizing the college faculties "*to hold monthly meetings, and to keep a record of their proceedings, and to submit the minutes of their proceedings to the Board of Trustees at each session of the Board.*"<sup>129</sup> What would typically happen was that the respective dean of the college would appear before the Board and submit a college report, including the minutes of the college faculty meetings. The latter would be referred to a Board Committee on Minutes of the Faculty, which in turn would report to the Board its compliments, criticisms and opinions on the recommendations contained in the respective minutes of the Faculty and of the college faculties.

The new institutional status as the University continued into 1910 as a flux seeking an equilibrium in its governance structure, especially as to the division of policy-making between the Board, the (expanding professorial membership in the) Faculty and the rising administrative posture of the college deans. The Board of Trustees thus empowered its Executive Committee to reorganize the governance structure.<sup>130</sup> Six months later, the Board appointed an *ad hoc* committee comprised of the Deans to prepare a proposal<sup>131</sup> for new regulations that would become effective upon approval by the President and the Executive Committee.<sup>132</sup> Under the new academic organization provided by the new regulations that were finally adopted, this *ad hoc* committee of Deans, (appointed to draft regulations for a new academic organization), managed to accomplish that that *ad hoc* committee of Deans itself would continue in existence as a standing, official administrative governance body of the University. The muscular powers of the Faculty, rooting from their authority as a body in state law, were described as

*"The **Faculty** shall prescribe all rules pertaining to the discipline of students, **entrance requirements** to the University, **determine courses of study** in the various Colleges, **make and enforce** all rules and regulations pertaining to the government of the student body and shall formulate recommendations to the Board of Trustees for all degrees to be granted...It shall be the duty of **each Dean to formulate courses of study** for the various Schools and Departments in his College and submit the same to the Council [of Deans],<sup>133</sup> which, if approved by it, shall be recommended to the **Faculty** for adoption and when approved by the Executive Committee shall become a regulation of the University...The University shall transact as much of the general business as possible through ... standing Committees, appointed annually by the President, who shall report their findings back to the **Faculty** for approval."<sup>134</sup>*

However, when this proposed state of governance organization was submitted to the Executive Committee, perhaps not unexpectedly Stoll made the motion and accomplished that the opening sentence would be amended to state:

*The **Faculty** shall, **subject to the approval of the Executive Committee**, prescribe all rules ...*<sup>134</sup>

Because state law did not define *per se* which University employees constituted the members of the statutory body, “the faculty of the institution,” it was necessary for the Board of Trustees (or its statutory delegate, the Executive Committee) to again define the membership of that body Under the new organization (and with several amendments over the next year) “the Faculty” would be composed of “*the Council [of Deans], President Emeritus [Patterson], full professors, directors of physical education, the military commandant and the registrar*”<sup>134</sup> and *Associate Professors*,<sup>135</sup> with the further qualification that membership was dependent upon teaching at least 15 hours per week.<sup>136</sup> **President Barker** (who himself later became a target of Stoll) several months later explained to the full Board his contemplation of this academic structure, using phrasing from the state law in describing the Faculty’s role to approve or reject recommendations offered by the Council:



President Barker<sup>133</sup>

*“the several Deans constitute what is called a Council, being the advisors of the President with the power to make recommendations to the **[F]aculty** as may seem good to them, the **[F]aculty** having the power of adopting or rejecting these suggestions **as they may see proper**”<sup>138</sup>...The Council can be of great service to both the President and the **[F]aculty** by suggesting from time to time needed changes and improvements, and also carrying into successful operation such of their suggestions as may be adopted”<sup>139</sup> (i.e., Deans operationally implement Faculty policy).*

The above 1911 new governance structure, while appearing to clarify the roles of the Faculty and the Council (of Deans), actually contained an Achilles’ heel for both the Faculty and Council, that would in short time cause grief for both. The University-level Faculty, while clearly conferred with educational policy-making authority above that of the Council in relation to admission, courses of study, decisions recommendations for degrees to the Board, nonacademic student life and student discipline, was also charged to **enforce** the policies it made concerning student discipline, which is more of an administrative management function. The Deans in turn were conferred with the educational policy-making authority to formulate the courses of study in their colleges, instead of that authority being unambiguously placed in the hands of the respective college faculties.

Against the above backdrop additional tension continued during this remainder of the Barker Presidency as to whether other actions of the Executive Committee improperly encroached upon or abrogated the authority derived directly by state law to “the faculty of the university.” For example, when the Board of Trustees directed the Executive Committee to act upon the recommendation of the Council of Deans<sup>140</sup> (which was in turn responding to a recommendation of the Faculty<sup>141</sup> that a Graduate School be established,<sup>142</sup> the outcome that the full Board was asked to approve that December included a proposed regulation that

*“All recommendations for the conferring of post-graduate and honorary degrees and honors shall be made **by the Graduate School to the Board** of Trustees through the President,”*<sup>143</sup>

which appears to contradict the state law under which recommendations to the Board concerning honorary degrees shall be from “**the faculty of the institution**.” In fact, the Board’s minutes for the 1916 conferral of honorary degrees at the University’s Golden Jubilee celebration record that:

*“President H. S. Barker stated that the object of the meeting was, first, to pass on the recommendation of honorary degrees **by the Faculty**, and endorsed by the Executive Board [Executive Committee], to be conferred on the occasion of the Golden Jubilee exercises of the University, so that there would be no question raised as to the **legality** of the act.”*<sup>144</sup>

Finally, in December 1916 the full Board of Trustees directed that there be an exhaustive, external assessment of the governance and functioning of the University.<sup>145</sup> The two-stage assessment was comprised of a “Survey Commission” that surveyed the faculty, administration, staff, alumni and citizens of the state, and which submitted its report to the “Investigating Committee” that, incorporating the report, in turn made formal recommendations to the Board of Trustees.<sup>146</sup> The Survey Commission report opened with the declaration

*“The Survey Commission has been forced to the conclusion that many of the difficulties in which the University has found itself have resulted from a maladjustment of the central legislative and administrative machinery, comprising the Board of Trustees, the Council, the **Faculty** (considered collectively as a legislative body), and the offices of the President, Business Agent and Registrar. ... The Executive Committee, by an action taken on March 25, 1911 [made that] the Faculty is not only to make regulations on many subjects, but to enforce them. In other words it is assigned administrative as well as legislative functions ... the ‘Committee of Deans’ has inevitably tended to handle some of the business which under the existing regulation belongs to the Faculty, and dissatisfaction and conflict of authority have resulted.... We beg leave to recommend ... [t]hat the **Faculty** be explicitly recognized as the **legislative** body, and the Council as the administrative body of the teaching staff [and t]hat the Council [of deans/senior administrators] be charged with the administration of the requirements and regulations established by the **Faculty**; with the distinct provision that the Council shall not have legislative functions”* (black bold face in original text).

With an apparent eye on the previous usurpation of the statutory role of “the faculty of the institution” to make the recommendations to the Board on honorary degrees (i.e., not that the recommendation goes straight from the Graduate School to the Board), the Survey Commission wrote:

*“...the legislative functions which properly belong to the **Faculty** would be clarified and safeguarded. The **Faculty** should, of course, make recommendations to the Board of Trustees for **all degrees** to be granted, in accordance with the present provision, **including honorary degrees**.”*

The final recommendations of the Investigating Committee included the recommendations for the Board of Trustees to promulgate new regulations specifying

*“(24) That the **Faculty** be officially recognized as the **legislative** body, and the Council as the administrative body of the teaching staff.*

*“(25) That the Council [of deans/administrators] be charged with the administration of the requirements and regulations established by the **Faculty**, with the distinct provision that the Council shall not have legislative functions, i.e., shall not have power to make or amend rules, though it may in its capacity as an administrative body suspend the action of a rule in an individual case.”*

Recommendation 25 was the Survey Commission’s endorsement of codified a developing institutional philosophy that no individual faculty member, or administrator, but instead a committee, should carry the responsibility of individual disciplinary decisions against a student. Here, the 1911 policy was continued that it ought be an administrative committee, rather than a Faculty committee. The recommendations also included that assistant professors be made members of “the Faculty;” that the Council [of deans/higher administrators] be given the exclusive and final jurisdiction over all cases of discipline, and that a five-faculty-membered Executive Committee on Graduate Work be in a policy-advising capacity to the Faculty on requirements and regulations for advanced degrees, and recommendations to the Faculty on doctoral Honorary Degrees. In a poetically fitting exercise of that authority, the Faculty apparently thumbed its nose at the increasingly irrelevant former President Patterson (who as President had never supported the level of Faculty empowerment as urged by the external Survey Commission), by the Faculty approving recommendation to the Board of the award of a Doctor of Sciences Honorary Degree to A.R. Crandall, whose public dissent from Patterson on the educational policies of the University 30 years earlier had cost Crandall his career at the A&M College.<sup>147</sup> (Alas, the Board of Trustees did not approve that recommendation).



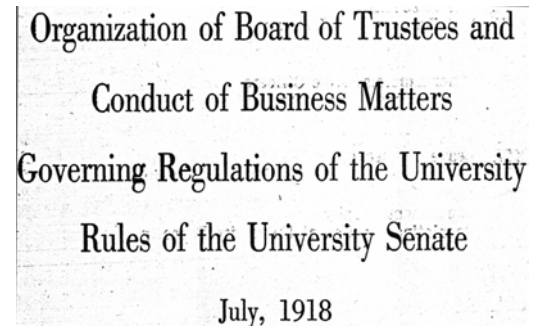
## IX. “The Faculty” as the Officially Legislative “Senate” for Educational Policy of the University- 1917-1941



President  
McVey<sup>101a</sup>

The Board of Trustees in June of 1917 adopted all of these recommendations.<sup>148</sup> That summer, with the recommendation of a search committee (that the Board of Trustees organized to be five Board members, and three faculty members elected from and by the Faculty<sup>149</sup>), the Board hired new President **Frank McVey**.<sup>150</sup> President McVey immediately appointed a committee to codify, with the input of the Faculty, the Board actions of June 1917 into an updated publication of Governing Regulations to be framed as a “Constitution” for the University.<sup>151</sup> The Board of Trustees on December 10, 1917 the approved the new regulations,<sup>152</sup> which were published in the form of a manual in July 1918.

The resulting Governing Regulations show the significant impact of individuals who wanted specific changes to be made that fundamentally changed (in favor of the Faculty’s authority) the governance relationships between the Board, the Faculty, the President and the administrative management (i.e., the Council), and who must have been in a position of authority or influence to cause those outcomes. The new Governing Regulations on 1917, concerning these governance relationships, is from beginning to end a near verbatim hybrid of the 1915 draft of a “Constitution” of the University of Illinois and of the “University of North Dakota Constitution,” as it existed in 1917. Clearly, McVey brought with him in August 1917 the University of North Dakota Constitution, and the occasion of the revisions to the University of Kentucky Governing Regulations provided a ripe moment for him to have codified at UK a governance structure with which he was already familiar and comfortable. However, the recommendations of the Survey Commission lodged to the Board of Trustees in June of 1917, before there was even a search for a new UK President, already contained recommendations for recasting “the Faculty” as a “Senate” that would be the “legislative body” of the University (a feeling that had already been brewing in the Faculty<sup>153</sup>), in language very similar to that in the draft Constitution of 1915 for the University of Illinois. As it turns out, a member of the Survey Commission was the Registrar at the University of Illinois and had participated in the drafting of the 1915 document at the University of Illinois. (Still unclear however, is who at the University of Kentucky wanted a Survey Commission work product that would have the kind of the governance structure of the University of Illinois 1915 draft Constitution and who with that intent would have been in a position to cause that University of Illinois individual to be appointed to the Survey Commission? Whoever that person was, though, found (or perhaps) created that the new President that was hired was very sympathetic to these new kinds of governance relationships).



Cover of Published Manual of  
Revised Board Governing Regulations<sup>157</sup>

In a reflection of the intent that “the faculty of the university” possesses a strong posture as the legislative policy-making body of the University, the name of “the Faculty” in the new Governing Regulations was changed to “the University Senate.”<sup>154</sup> Those new Governing Regulations provided for the legislative powers of the University Senate as follows. Indicated on the right are the sentences taken from the University of Illinois 1915 draft Constitution (UI) or from the already existing University of North Dakota Constitution (ND):

“The **Senate** is the **legislative body** of the University.”<sup>154</sup> It consists of the President, the Deans of the various colleges... Professors, Associate Professors, the Business Agent, the Librarian...the Registrar, and Assistant Professors. The Senate has jurisdiction over all matters involving **general University policy**, so far as these are not reserved to the Board of Trustees or to the President.<sup>155, 156, 157</sup> It exercises **legislative** functions touching the same, and makes such rules and regulations as it may deem advisable to promote the educational interests of the University ... [and] has **jurisdiction** over:

} UI, ND  
} ND  
} UI

- “ (a) *Requirements and methods for admission...*
  - (b) *Requirements for degrees and certificates.*
  - (c) *Determination of curricula, authorization of new courses of study and changes in courses of study*
  - (d) *Bulletins, including the catalog.*
  - (e) *Prizes, honors and honorary degrees.*
  - (f) *General relations and interests of students...*
  - (g) *the Library “*
- } ND
- “The Senate recommends to the Board of Trustees *candidates for* diplomas, *degrees* and *certificates* which are conferred by the President under the authority of the Board of Trustees”
- } UI

Notice that all 60<sup>158</sup> professors and associate professors, and the 15 assistant professors, have been made members of the University Senate, including the Deans who themselves hold a rank of professor. That is, the vote of each dean in the decision-making votes of Senate has no greater weight than the dean’s status as an individual professor among the entire professorial contingent (i.e., one vote out of 75). Notice also that the regulations distinguish between prescribing the “*requirements for degrees and certificates*” versus “*determination of curricula.*” The Board in these new Governing Regulations also re-established the existence and role of the administrative Council of deans.<sup>159</sup> Further, it was prescribed that the Registrar “*presents to the Senate ... those [students] who have completed the requirements for degrees [and] furnishes a list of candidates for degrees to the Senate for recommendation to the Board of Trustees.*”<sup>160</sup> The “Faculty” of each college for the purposes of voting on “general policy” of the college was the dean, professors, associate professors, assistant professors and instructors, whereas the role of a deans as the chief administrative officers of the colleges was to “*recommend , from time to time, to the faculties of their respective colleges, or to the University Senate, changes in the curriculum or methods of procedure.*”<sup>161</sup> Each “departmental staff” was composed of all professorial ranks, instructors and “*teaching fellows*” and “*recommends to the Dean and Faculty of its college new courses...*”<sup>162</sup>

The Investigating Committee, through its recommendations adopted by the Board, above, as new Governing Regulations, believed that it had solved the problem identified by the Survey Commission of inappropriate charge to the Faculty of administrative functions to enforce in individual cases its educational policies and of the inappropriate activities of the body of Deans to become overinvolved in educational policy matters better reserved to the Faculty. However, there was a provision in these new Governing Regulations that all issues of “*general University policy*” must be routed through the University Senate before the President could submit the issue to the Board of Trustees. While from one perspective this added codified musculature to the Faculty’s governance posture, because “general policy” could include matters of noneducational policy (e.g., managerial policy), there remained the seed for a future calamity of wholly unimagined proportions (below).

As Presiding Officer of the University Senate, President McVey appointed a University Senate committee to codify the educational policies, adopted theretofore by “the Faculty,”<sup>163</sup> into a publication – that publication, (copublished in a July 1918 manual side-by-side with the Governing Regulations of the Board of Trustees<sup>159</sup>) was the first manual of “University Senate Rules” of the University as those Rules are known in the present day.<sup>164</sup> As to what those 1918 Governing Regulations meant by “*requirements for degrees*” as distinguished from “*determination of curricula,*” we have the direct historical record of the understanding of their meaning by those contemporary persons most responsible to know – the members of the 1918 University Senate. The Senate Rules compiled and ‘legislated’ in 1918 that “*requirements for degrees*” meant policies of the nature of the University-level “*Requirements for Graduation,*”<sup>165</sup> that were applicable to all colleges, on the number of credits needed, and on residency requirements, for a degree. This specific responsibility to the 1918 University Senate on graduation requirements dovetails closely to the statutory assignment (see above and KRS 164.240 today<sup>166</sup>) to “the faculty of the university” to adduce what students have attained a proficiency in courses of study such as to render them as “graduates,” upon whom the Board of Trustees ought next “grant degrees.” “*Requirements for Graduation,*” as implemented by the 1918 University Senate, did not include policies on the particular courses of study leading to a degree in a particular department or college, nor did it include policies

controlling the behavior of the instructor, such a the maximum number of hours permitted for a final examination. President McVey much more publicly expressed his value of the faculty as a “vital force” than did Patterson or Barker, and he coupled that valued with his strong view on the importance of faculty-driven University research. In that vein, McVey supported in 1925 the elevation of the graduate school from that of a faculty committee to a faculty body equivalent to a college faculty body with a dean <sup>167</sup> (that faculty body being named the “Graduate Council”). In 1936 McVey supported a reorganization into the current form, in which the faculty body is named the “Graduate Faculty” and its executive committee is the “Graduate Council.” In addition, McVey promulgated in 1918 policies supporting sabbatical research leave and codified a policy for travel to conferences. <sup>167a, 167b</sup>

## C. RULES OF THE UNIVERSITY SENATE

### I. REGISTRATION AND ASSIGNMENT TO CLASSES

#### Registration First Semester

Registration for the first semester of each year shall begin on the third Monday in September.

#### Late Registration

No student shall be permitted an enter a class of the University later than two weeks after registration day, without the special permission of the head of the department concerned. This rule applies also to change of courses.

### Opening paragraphs of the first published manual of University Senate Rules, July 1918

The above academic organization for educational policy-making at the University of Kentucky continued until the most unanticipated event occurred, as fate would have it, on April Fool’s Day, 1941.

## X. It Really Happened: University Senate is Abolished and Replaced with an Administrative Council – 1941

The beginning of the end started in 1935, when President McVey needed to replace deceased Dean of Engineering Paul Anderson, <sup>168</sup> and was having a difficult time so doing. <sup>169</sup> The President in a confluence of circumstances encountered James Graham (a colonel from World War I with no previous academic management experience), Graham volunteered himself for the position, and McVey accepted his offer. <sup>169</sup> In contrast to the governance organization of the military with which Graham was experienced, Graham encountered upon his arrival at UK a governance system in which the Board’s Governing Regulations required (since 1918) that “*no recommendations covering any general policy may be made to the Board of Trustees (by the President) without first consulting the Senate.*” In addition to this roadblock to the rapid military decision-making with which he was accustomed, he also had tenured vocal critics among the University faculty, such as Lester O’Bannon, the chair of Mechanical Engineering (in a case in academic freedom that boiled with fury over into the University Senate <sup>170</sup>). As Thomas Clark described it to this author, Graham viewed the faculty as bothersome “ants,” <sup>171-173</sup> which may also have been the way that the Board’s Executive Committee prior to 1918 viewed the Faculty. However, the written policy of the Board of Trustees in its Governing Regulations (re-promulgated in 1936) was that the University Senate (comprised of all professorial faculty, who were numbering close to 300 <sup>174</sup>), was the legislative policy-making body of the University – and it was officially responsible not only for educational policy but also for all other University policy that had not been expressly reserved to the Board and the President. <sup>175</sup>

The second event precipitating the calamity to come was the retirement of President McVey, which he announced in Nov. 1939 and scheduled for June 1940. <sup>176</sup> The professorial faculty in the University Senate were quite irritated with that the Board of Trustees rejected using for that Presidential Search the same format of Presidential Search as was used in 1917. In that 1917 search process, the University Faculty directly elected their 3 members to the search committee, and the Board Chair named four Board members to complete the committee. <sup>149</sup> For the 1940 process the Board Chair (the Governor) appointed a “nominating committee” composed entirely of Board members (five), to be chaired by none other than Richard Stoll. <sup>176</sup>

The final event which set the stage for Machiavalian intrigue and the assassination of the University Senate was the appointment of an Acting President (Cooper, Dean of Agriculture) for the 1940-1941 academic year, <sup>177</sup> In contrast to the presence of the 23-year President McVey in the Main Building, the presence of an Acting President (who saw his role more as a caretaker <sup>178</sup>) created a relative power vacuum in the central administration. In that vacuum, Dean Graham maneuvered around Acting President Cooper (who did not know what mischief was afoot) and cahooted directly with Vice Chair of the Board of Trustees Richard Stoll to effectuate a secret change in the Board’s Governing Regulations. <sup>179</sup>





**Colonel Graham  
Dean, Engineering**

(viewed faculty as “ants”)

**Governor Johnson,  
ex officio Chair,  
Board of Trustees**

**Hermann Donovan New  
UK President in July  
1941<sup>180</sup>**



**Judge Richard Stoll  
Vice Chair,  
Board of Trustees<sup>181</sup>**

Keep in mind that against the backdrop of the overriding state law that “*The board of trustees may grant degrees to graduates of the university... upon the recommendation of the faculty of the university*,” the following event happened at the April 1, 1941 meeting of the Board of Trustees, University of Kentucky.

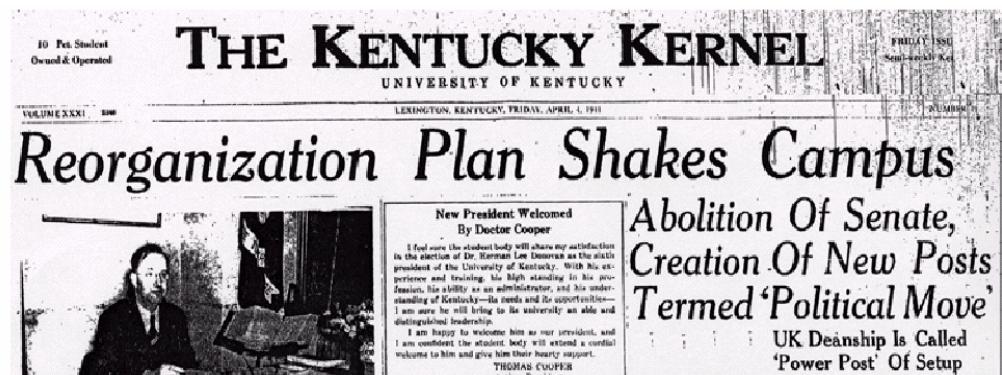
“... a motion was made ... that the meeting go into Executive Session (which ran President Cooper out of the room) ... and the following resolution was offered:

*“That the faculty of the University shall consist of the President, the Comptroller, Dean of the University, the Deans of the several colleges, the Dean of the Graduate School and the Director of the Summer School, and as such shall be the final authority of the University in all matters pertaining to the curricula and the recommending of the granting of degrees by the University, subject only to the Board of Trustees. “The...regulations shall become effective when the President of the University is elected and assumes the duties of his office.”*”

“Judge Stoll then moved the adoption of the resolution ... it was adopted...

Judge Stoll then reported on behalf of the Nominating Committee that said Committee desired to recommend that Dr. H. L. Donovan, Richmond, Kentucky, be elected as President of the University ... The chairman then put the motion and all voted “Aye” on roll call, and Dr. H. L. Donovan was declared elected unanimously as President of the University of Kentucky.”<sup>182</sup>

Hence, by the above clandestine action, in closed session, and without prior announcement of intent to either the Acting President Cooper or the University Senate, the Board of Trustees abolished the University Senate (comprised of all the ca. 300 professorial full-time faculty) and replaced it with a body comprised totally of administrators. (It was essentially the same body as the administrative Council that had been re-established and expressly charged in 1917



Striking with blitzkrieg rapidity, the Board of Trustees Wednesday revealed a University reorganization plan which abolished the 63-year-old Senate and created a new executive position. The action, which was made known less than 12 hours after the selection of a new president and the appointment of a comptroller, set the campus buzzing with rumors and conjectures among faculty and student body as to the significance of such a drastic reorganization.

The move came as a complete surprise to most of the faculty. The Kernel learned early Wednesday that abolition of the Senate was being considered, and checked with Acting President Thomas P. Cooper, who was completely unaware of any such consideration. The Kernel was informed later that Doctor Cooper was not told of the plan, which was approved Tuesday but withheld from the public until Wednesday.

to not to perform educational policy-making). Yet this body, which did not contain a single full-time faculty member, for the purposes of appearing to satisfy the requirement of state law, was now named as “the University Faculty.”<sup>178</sup> The new President Donovan (from ECU, a teaching institution with essentially no environment of faculty governance in decision-making<sup>184</sup>) thus entered office on July 1, 1941 with no faculty “ants” to have to deal with. The retired President McVey was livid at what Dean Graham had wrought: “*How can you run a university when you’ve got your faculty locked up in the back lot like a bunch of dry cattle?*”<sup>185</sup>

When the Kentucky Kernal (the university student newspaper) several days later published news of the *coup de etat*, the professorial faculty<sup>186</sup> in the assassinated Senate were outraged at this outcome of subterfuge. A major leader of the University Senate, the Chair of the Senate Curriculum Committee **Ralph Weaver**, spearheaded a resolution that stated in part:



“WHEREAS, The Board of Trustees, on the face of the record, appears not to have had called to its attention the Constitutional<sup>187</sup> requirement in section xxii of the Governing Regulations...that amendments can be made by the Board of Trustees only after notice shall have been given “to the President and Senate...”

WHEREAS, The resolution referred to seeks fundamentally to modify the functions of the University Senate;

RESOLVED, That the Senate respectfully petition the Board of Trustees for a reconsideration of its action of April 1 in so far as it affects the Senate and its powers, and be it further

RESOLVED, That the Secretary is hereby directed to forward to each member of the Board of Trustees a copy of this resolution.”<sup>188</sup>

Donovan himself later described that this “University Faculty” body (containing no full-time faculty and composed primarily of deans) was actually an “Administrative Council.”<sup>189</sup>

## **XL. A First Step Back to Faculty Governance: Elected Faculty Membership to the “University Faculty”– 1943**

Although the Board on April 1, 1941 had attempted to circumvent requirements of state law by labeling this administrative council with the statutory phrasing of “the faculty of the university,” it was clear to the full-time faculty that a group of appointed administrators did not constitute “the faculty of the university” within the legislative meaning of state law.<sup>190</sup> Donovan, could not avoid seeing that he had an enraged faculty at the outset of his new administration.<sup>191</sup> Several persons (Thomas Clark, Prof. of History; J. W. Martin, Prof. of Economics; Evans, Dean of Law) met personally with President-Elect Donovan before his term started on July 1, 1941 to impress upon him the gravity of the situation.<sup>192</sup> Clark, years later in an oral history to the UK Archives, described the Board’s abolition of the Senate as “*just completely asinine.*”<sup>193</sup> Donovan had to identify a way to undo this new governance organization that shut the full-time faculty out of University-level educational policy-making, but he also had to contend with those Board members and deans who were quite satisfied with this arrangement.

To find a way out of the contradiction, President Donovan announced to the Board in September 1942 that he was appointing a “Committee of Fifteen” (Chaired by Dean Cooper) to make recommendations for a resolution.<sup>194,195</sup> Its recommendations, submitted by President Donovan to the Board of Trustees in April 1943,<sup>196</sup> recommended the election of forty faculty members to this “University Faculty,” so that it would at least contain some persons actually performing full-time faculty duties. The minutes of that Board meeting record in part:

“This report ... I am please with the recommendations contained therein ...The points of difference [with the Board’s April 1, 1941 change to the University organization] are (a) the **Faculty of the University** has been enlarged **to include professors** as well as administrative officers and (b) **a clear-cut line of demarcation between administrative functions and policy-making functions** has been drawn...

“the **University Faculty** has and shall exercise jurisdiction over all matters of general University policy University educational policy...The membership of **the Faculty** shall consist of the President, who shall be ex officio chairman; the Vice President, who shall preside in the absence of the President....the dean of each college...and **40 elective members** of .... the rank of **assistant professor or above**...It is

authorized to make regulations ... with respect to... (a) studies ... (b) admission and ... **requirements for graduation**; (c) approval of curricula and courses...No **degree** shall be conferred except **upon recommendation of the University Faculty**....**It has no management or administrative functions... administrative matters being expressly reserved to the President...**" [also has jurisdiction over "(d) the University libraries; (e) commencements and other convocations; (f) student discipline, including nonattendance; (g) student social life and extracurricular activities; (h) the awarding of honors..."]

"The President...may authorize in extraordinary cases suspending...a rule of the **University Faculty**, except a condition of admission and except the number of credits and quality points required for graduation." [note: *State Law reserves the latter policy-making to the faculty of the university, hence President cannot suspend that faculty rule*]

"The recommendation of President Donovan.. was moved, seconded and ...approved"<sup>197</sup>

This Board action was a seminal moment in the beginning of the framework upon which the present University of Kentucky governance organization is scaffolded. First, it constitutes the birth of the elective University-level governance body that today is called the University of Kentucky Senate. President Donovan described that "[t]he **elected faculty members represent the faculties of the several colleges.**"<sup>189</sup> Second, it is the first time in the official University regulations that the term "**educational policy**" is used. Third, although the 1918 Governing Regulations had attempted to make a policy distinction between the "legislative" role of the University-level faculty body from the "managerial" role of the administrative officers, the 1918 Governing Regulations still required that all matters of general policy must be routed by the President through the University Senate before presentation to the Board of Trustees. Here, in the 1943 regulations, that phrasing suggesting University Senate jurisdiction over "general policy" is stricken and replaced by phrasing delimiting jurisdiction of the University Faculty to "educational policy." This introduction of this new term "educational policy" immediately begs a definition of the scope of reach of this more delimited sphere of faculty jurisdiction. The enumerated areas of courses of study; admission and graduation requirements; curricula and courses suggest that in the minds of Donovan, Stoll and the other members of the Board of Trustees, the circumference of the sphere of educational policy making only reached the areas that today we would call "instructional policy-making" (but see below).

## **XI. Educational Policy-making Without an Environment of Academic Freedom: Good Educational Policy?**

The above "educational policy"-making jurisdiction for the intramural body labeled "the University Faculty" (a now mixed composition body of *ex officio* administrators and elected full-time faculty representatives) remained the official University-level governance organization for the next several decades. There continued a tension between the faculty's concern to recover lost areas of legitimate university-level responsibility for "the faculty of the university" *versus* the view of the administrative apparatus to firmly prevent any faculty encroachment upon the sphere of administrative management.

Academic Environment During the Donovan Administration. The academic freedom of the faculty to express their views about educational and public policy continued to be tested during the remainder of the Donovan administration. During the drafting of revision of the Governing Regulations (finally adopted in 1947<sup>198</sup>), it was noted to Donovan that under the University's 1918 "Constitution" (and also repromulgated in the 1920, 1923, 1927 and 1936 published manuals of the Governing Regulations) before a person could be demoted or dismissed the person entitled to "*a fair trial before a committee of the Senate.*"<sup>198</sup> But Donovan said "*this was no protection for a good professor and that the poor ones did not need to be protected. Why should they be?*" He thought that the privilege should be limited to a hearing before the Board of Trustees,<sup>200</sup> and that became the new Governing Regulation in 1947.<sup>201</sup> The outcome of that kind of academic policy-making environment was acutely felt by both untenured and tenured faculty. Untenured English Professor William Sutherland expressed critical view of President Donovan, at a 1946 legislative hearing, concerning the University and a research laboratory it established with the patronage of a Nazi sympathizer (Axel Wenner-



Gren) who had been officially blacklisted several years earlier by the U.S. State Department. As the Board of Trustees minutes record several months later: “*President Donovan reported that he was submitting a list of appointments and other staff changes, and that the name of Professor W. R. Sutherland did not appear,*” and the he, as President of the University, was “*not recommending the reappointment of Dr. Sutherland.*” – and Professor Sutherland’s University career abruptly ended.<sup>202</sup> Lester O’Bannon a tenured professor Engineering, also expressed a dissenting view of educational policy at that legislative hearing, concerning the quality of decisions by College of Engineering Dean, Colonel James Graham, and that “*The appointing of a man [Graham] who had no previous university teaching or administrative experience to such a responsible position as a deanship could do nothing but make a mockery of the whole field of university training and professional education.*” Under intense pressure from the Board of Trustees and the University administration, Professor O’Bannon resigned his tenure position in 1947, ending his University career.<sup>203</sup> Several years later, Board of Trustees itself further restricted the academic freedom of the University faculty by (again) acting without prior notice to the University Senate (as required by the Board’s own Gov. Regs.) to alter the provisions for academic freedom in the Governing Regulations. As Ralph Weaver described to a new University President a decade later, one of “*the most disastrous incidents in the modern history of the University [was when] the section on Academic Freedom and Political Activity was amended in very objectional fashion. These amendments were later compromised after considerable difficulty*” late in the Donovan administration.<sup>204</sup> The disinterest of the Board of Trustees in communication with the faculty of the university spurred the UK Chapter of the AAUP to implore the Board (then being chaired, for the second time, by Governor A. B. Chandler) to establish a joint Board-Faculty committee that would provide a format to facilitate such communication.<sup>205</sup> However, no such committee was formed during the Donovan administration. (In a similar spirit, the Board, which always held its meetings closed to both the faculty and the public, rebuffed a request from the newspapers to open its meetings).<sup>206</sup>

Academic Environment During the Dickey Administration. The academic freedom of faculty to express views on educational and public policy that was different from the administration or state government of was also severely tested during the administration of President **Frank Dickey**, who succeeded Donovan in 1956. In 1957 Gladys Kammerer, a(n elected “A&S Distinguished) Professor with tenure in the Dept. of Political Science who specialized in child welfare, publicly criticized actions of the Governor A B. Chandler (who was also was also the Chair of the UK Board of Trustees) as being counter to effective role of research in effective public policy,



“policy in child welfare ... should be **derived from research findings** and professional standards and methods and not from glittering generalities found in party platforms ... [and the position of]...chief administrator [of child welfare services] is a technical one requiring a high degree of professional competence which a board of professional(s) ... is better equipped to judge in appointment than is a governor or other political chief.”

The response of UK President Dickey was that “*Dr. Kammerer criticized the present state administration, and others before it*” and “[t]he decision in evaluation of service for merit increase is based upon cumulative data and over a period of time certain negative attitudes have been created toward the university by some of her statements” – and that this was a basis of his decision that she would not receive a salary increase. Eventually, the President admitted that his decision “*was in error,*” but Dr. Kammerer resigned.<sup>207</sup> One positive outcome for the university faculty in the Kammerer case was the re-establishment of a joint Board-Faculty committee, at least partly composed of representatives elected from the university faculty, and several trustees, that would hear faculty case issues prior to full Board action (i.e., re-establish the kind of faculty hearing committee Donovan had abolished).<sup>208</sup>

Several years later, this structure for a joint Board-Faculty committee would indeed save the career of another UK faculty member whose tenured position was jeopardized in another precedent-setting academic freedom case. During the early 1960’s, the cold war was at its height, and the federal government had attempted to compel that university faculty employees would each sign an oath as to the nature of political organizations to which they belonged. In that environment, Dr. Abby Marlatt, a tenured professor and Director of the School of Home Economics, was personally involved in, and mentored UK students on how to be involved in, social issues such as

racial equality. In 1962, Dr. Marlatt, and an untenured UK English Instructor, Dr. Morin, handed out a downtown locations pacifist literature concerning nuclear weapons, the contents of which infuriated some members of the public who lodged a request to the Board of Trustees that it should fire Drs. Marlatt and Morin. The Board of Trustees Chair (i.e, Governor Combs) himself publicly stated that *“They should be fired for incompetence.”* President Dickey privately wrote a recommendation for the Board that *“the Board of Trustees should terminate immediately the appointments of Dr. Abby Marlatt and Mr. Edwin Morin.”* After a hearing, the joint Board-faculty committee voted 4-2 in favor of Marlatt and Morin (all three faculty members voting in favor of Marlatt and Morin), saving Marlatt’s career as a tenure faculty member,<sup>209</sup> although Morin’s untenured faculty position (as with Sutherland in 1946<sup>202</sup>) was not renewed.<sup>209a</sup> Dr. Marlatt was the next year removed by President Dickey from her administrative position as Director of Home Economics.<sup>209</sup>

## **XII. Full Educational Policy Governance Posture of the University- and Unit-Faculties Restored: 1963-1970**

Status of the University at the End of the Donovan-Dickey Era. By the early 1960’s the University of Kentucky was still primarily a teaching institution without national recognition, but the national environment of higher education at that time was placing renewed emphasis on (what President Patterson had stressed 60 years earlier as) the role of universities to conduct research as well as to teach. The launching of Sputnik in 1957 had ignited much concern at the national levels that the United States was falling behind in research, and the universities were under much expectation to spur the highest quality of research endeavor among its faculty and in the training of its students by those faculty. If the system of higher education, including the University of Kentucky, were to propel the system of higher education into posture of prominence, it would be dependent upon the university faculties to provide that research energy and vision.<sup>210</sup> However, at the University of Kentucky, the University-level mixed-membership body “the University Faculty” had for the last 20 years been organized in a way that focused its attention on that part of educational policy-making that might be characterized a “curricular” or “instructional” policy-making – and that the body had even lost its way within that mandate. A 1959 University Faculty report made a study of the minutes of the University Faculty and concluded that

“a very great majority of Faculty actions are ... of such a routine nature as to be considered by most Faculty members as trivia ... it can only be concluded that the Faculty, either as a body or through its committees, has seldom come to grips with the major problems facing the University”<sup>211</sup>

Several years later, another analysis of the “University government,” commissioned by the President, reported the status of the University Faculty continued to be that

“...the University Faculty appears somewhat moribund as a legislative body. Its recent history has once again become that of routine approval of requests for readmissions of students and approvals for changes in rules and regulations in which it has had little policy-making voice.”<sup>212</sup>

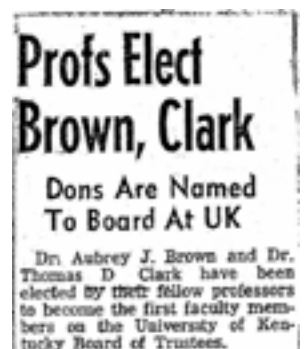
Status of College and Department Faculties. The role of the faculties of colleges and departments also became further reduced during the decades of the Donovan and Dickey administrations, while the deans and departments heads were correspondingly increasing their grip on unit policy-making – a grip made all the more encompassing by their having secured the policy that deans were tenured for life into their administrative positions.<sup>213</sup> Under the Governing Regulations promulgated in 1918 and republished periodically through 1936,<sup>214</sup> the governance role of the college faculty was to vote on matters of college “general policy” and its relationship to “the faculty of the university” was to make recommendations on college curriculum to the University Senate – the membership of which had contained all professorial university faculty. However, under the 1943 Governing Regulations<sup>207</sup> the college faculty’s role was reduced from “general policy” to determining “educational policy” of the college within the limits of the University Faculty Rules. By 1955, the posture of the department faculty had become even more eviscerated. They were not the “department faculty,” but rather officially termed the “department staff,” who served under a life-time-appointed department “head.”<sup>216</sup> It was the “department head,” not the “department staff”<sup>217</sup> who *“shall have general supervision over ... courses of*

*study, class schedules ... within the policies of the University Faculty.*"<sup>218</sup> President Frank Dickey appointed in 1960 a "Committee of 15" (Chaired by Thomas Clark) to analyze and recommend on University organizational issues, which reported a strong faculty sentiment that "....

"There has been considerable criticism of deans and heads of departments ... [so] the subcommittee then decided to send a questionnaire to all members of the faculty of professorial ranks ... A majority also felt that departmental policies should be decided not by the head alone, but by the whole department..."<sup>219</sup>

Change Starts at the Level of the Board of Trustees. During the 1950's the same University faculty leaders whose independent expressions of opinion that the Board, President Donovan, and President Dickey had found so exasperating, published a detailed analysis of University governance that concluded with a number of recommendations, one being that there ought to be representation of "the faculty of the university" on the Board of Trustees.<sup>220</sup> The University's experience of the previous two decades had clearly evidenced the calamity that could and had befallen the University when the Board of Trustees ceased to have direct communication and perspective from the faculty of the university. In 1960, the General Assembly voted to establish two positions for nonvoting trustees who were "**members** of the faculty of the University of Kentucky."<sup>221</sup> The new state law did not define specifically which faculty employees are "members" of the body "the faculty of the university" (e.g., does it include part-time faculty employees? full-time but temporary faculty employees? lecturers and instructors? professorial ranks? administrators with also professorial rank?). The only voting restriction made by the new state law was that (whoever were the "members" of the body "the faculty of the university") it was only those "members" who had rank at or above assistant professor who were eligible to vote in the election. In its first Governing Regulations, in 1882, the Board had determined that "the President and the Professors" constituted the statutory body "the faculty of the university," but the University was now more complex, e.g., there now existed more than one professorial rank. By its statutory authority under KRS 164.220 (dating from 1880) to appoint "professors, assistants, tutors and other personnel **and determine the** compensation, duties and **official relations of each,**" the Board of Trustees was the authorized entity to determine which faculty employees constituted the "members" of "the faculty of the university" in 1960, as long as the Board's definition did not contradict the state law (e.g., it could not define that assistant professors are not "members of the faculty of the university"). In its Governing Regulations of 1955, the Board provided a definition of "members" of each college faculty, which, collectively, constituted the body "the faculty of the university," and that definition fortunately did include all full-time, nontemporary faculty whose rank is at or above that of assistant professor.<sup>222</sup>

The election of the first faculty trustees in 1960 was the first occasion since June 1940, and was the last occasion in the history of the University, on which all the members of "the faculty of the university" were called to a meeting to perform an official governmental action, the authority for which was derived from state law, this time the new trustee election law. President Dickey called a March 24, 1960 meeting of the "members of the faculty of the university" at which the faculty members determined the procedures to be used for this first-time exercise of the trustee election process.<sup>223,224</sup> Eventually, Drs. Aubrey Brown (Agricultural Economics) and Thomas Clark (History) were elected as the first two faculty trustees.<sup>225</sup> For the first time since 1918, there existed mandated contact between members of the Board of Trustees and members of the faculty of the University (other than the President). (Twelve years later (1972) the state law was amended and the two faculty trustees became voting members of the Board of Trustees<sup>226</sup>).



Concern to Revitalize the University Faculty. The 1959 report mentioned above,<sup>211</sup> that found such a status of nonfunction by the University Faculty, recommended a solution.

[Because] a thoroughly informed, responsible Faculty is necessary in the wise guidance of the present and future programs of the University ... [w]e recommend that the University Faculty be ..



considered as the body through which the **educational policy** of the institution is determined in the **broadest sense** of the term... [its] major functions contained within the concept, “educational policy,” should be ... carefully delineated in order that the Faculty will in fact fully discharge its authorized role. These functions should include all matters pertaining to long-range University planning and development (such as development of the future physical facilities or planning the composition of the future student body [i.e., enrollment management]) together with ... utilization of general University resources... Many of the recurring duties [of the University Faculty] should be delegated to appropriate standing committees empowered to act ... on behalf of the University Faculty but enjoined to report at stipulated times on actions taken ... Specific responsibilities of the University Faculty .. would include all of the areas listed in Article III of the University Governing Regulations (April 1955 edition) , on page 9 thereof (see list in footnote 227), and in addition, those responsibilities essential to the performance of the enlarged role of the Faculty...”

The following year, the Board of Trustees amended its Governing Regulations concerning the University Faculty to incorporate the above recommendations, by changing the University Faculty jurisdiction from “educational policy” to that of the “**broader academic** policy” that contained both the previously enumerated specific areas of responsibility (from the 1955 Governing Regulations) and the areas of expanded concern identified in the 1959 report.



It was in the background of the above environment that the Board of Trustees in 1963 was persuaded by various parties of the importance that the new University President (to replace Frank Dickey, who resigned effective June 1963<sup>228</sup>) must be effective in leading the University out of the governance organization into which it had ossified. At its May 1963 meeting, the Board of Trustees hired from the University of California **John W. Oswald**<sup>229</sup>, who immediately upon his arrival and with the Board’s support, initiated a reorganization over the next 5 years to substantively increase the decision-making profile of the faculty of the University at every level.

At the University-level of Educational Policy-making. Shortly before the arrival of President Oswald, a growing lack of satisfaction of the faculty with the performance of the University Faculty (the 1943-established predecessor of today’s University Senate) was expressly identified in a “Spindletop Faculty Conference” in September 1961.<sup>230</sup> As one solution toward the goal of reinvigorating the University Faculty to be involved in substantive University policy-making, it was proposed in a conference report to the University Faculty that it approve the creation from its membership of an executive council, the “University Faculty Council.” In January 1962, the University Faculty approved that

“That the University Faculty create from its members a Faculty Council whose major purpose shall be to enable the University Faculty to render more effectively its major responsibility, namely, to formulate the comprehensive educational policy of the University...that in reviewing proposals for new courses and curricula and for changes in these, it have the power to act, provided it report its actions and its reasons for them regularly to the University Faculty”

and directed that a Committee on Committees prepare a specific proposal to effectuate the creation of a Faculty Council with a specific statement of charge.<sup>230</sup> That proposal was presented to the University Faculty in May 1962, which included the power of the (nine-membered) Faculty Council to act for the University Faculty on course and curriculum changes.<sup>231</sup> The Faculty Council was to be aided in that activity by the establishment of and course/curriculum recommendations from a new standing “Committee on Curriculum,” the membership of which was one representative from each of the 11 university colleges (four representatives from four areas in Art and Sciences). The Faculty Council was charged with the “*special duty ... to promote and implement total University objectives*” under which special duty the Faculty Council members “*shall act as representatives of the total Faculty and total University, rather than representatives of their particular colleges,*” and to “*maintain close liaison with the President.*” The Faculty Council then met for the first time that July 1962, and elected Ralph Weaver as its first Chairman.<sup>232</sup>

President Oswald then arrived at UK the following year, and at the very first meeting with the University Faculty in September 1963 he

“stated that while he appreciated his *ex officio* position as Chairman of the University Faculty he preferred not to chair but rather to attend the meetings as a resource person to the group; that **he had asked the Chairman, University Faculty Council, to chair the Faculty meetings** so that it might be **in the hands of a faculty member**; and that he looked forward very much to working with the Faculty.”<sup>233</sup>

The new President worked immediately with the Faculty Council in establishing new faculty committees that would for the first time provide advice at the University-level to the President on promotion and tenure. These would be called “Area” Committees. The minutes of the University Faculty Council record for October 1963:

“Dr. Weaver reported the President had notified him by phone ... that he was asking the Faculty Council to think about membership to the four **Area Committees**, that these committees **would be the Council’s committees** but that he wished to have the privilege of discussing the membership before the final recommendations were made to him by the Council.”<sup>234</sup>

Within his first year, President Oswald called a meeting of the “Faculty of the University” - the last occasion in University of Kentucky history on which specifically the body “the faculty of the university,” has been called into a meeting of itself.<sup>235</sup> The agenda item was “*the academic analysis of the University for the next decade...*” that would serve as “*a basis for discussion and action by the faculty and administration*” for which President Oswald exhorted “*must, therefore, be characterized by faculty leadership in thoughtful planning and decision for the University’s future.*”<sup>236</sup> In a symbolic representation of the intended role of the University Faculty to make substantive University policy (and in an echo of the similar moment 70 years earlier), the President “*endorse[d] enthusiastically*”<sup>237</sup> the recommendation of the University Faculty Council<sup>238</sup> that the body “University Faculty” be renamed (for the second time) as the “University Senate.” The Board of Trustees adopted that change stating:

“the official name of the university-wide **faculty governing body** was authorized changed from the University Faculty to the University Senate”<sup>239</sup>

President Oswald then asked the University Senate to recommend on how the Board’s Governing Regulations on its composition and organization could be changed to enable it to better perform its fuller, substantive policy-making contribution to the higher University goals of becoming a nationally recognized University.<sup>240</sup> Toward that end, the University Senate in December 1967 voted to recommend to the Board of Trustees on the role of *ex officio* administrators in the Senate, that “*an ex officio membership is to supply information and viewpoints on problems being considered by the Senate. For this purpose it shall include the President, all Vice Presidents, all Deans...*” i.e., not to vote, thereby making in essence a **Faculty-voting Senate**.<sup>241</sup>

At the level of the department faculties, in October 1963, the Board of Trustees approved his recommendation (that followed upon recommendations developed by faculty groups in the several years prior to his arrival<sup>242</sup>) that the permanent, lifetime appointments of department “heads” be changed to a system of reviews and fixed term appointments of department “chairmen,” and that the college deans would also be periodically reviewed.<sup>243</sup> The President recommended and the Board approved amendment to its Governing Regulations to require that the department chairmen would transmit up recommendations of the department faculties, including when the position of the department faculty was different than that of the chairman.<sup>244</sup> (This organizational mentality was strongly opposed by Medical Center VP William Willard, who *specifically* objected to the concept that an academic department faculty body would have any official role to lodge its “vote” as a body on any departmental policy matter – a pre-Oswald administrative mentality whose reverberations can still be detected in the College of Medicine forty years later.<sup>245,246</sup> In a further example, under Willard’s practices, for years the

College of Medicine “Faculty Council” was not a body of elected faculty representatives, but was instead a body whose membership was automatically only the chairs of the departments<sup>247</sup>). The University Faculty Council in late 1964 began drafting a corresponding revision to the section of the Governing Regulations on the definition and authorities of department faculties.<sup>248</sup>

The major revisions to the Board’s Governing Regulations to reflect correcting the Donovan/Dickey era overswing of governance pendulum, to bring it back toward its more effective center, was initiated by the appointment in 1965 of a Board-Faculty joint committee to draft such a revision.<sup>239</sup> However, the process stalled and moved slowly until President Oswald was advised to appoint Dr. Ralph Weaver in a “special assignment” to the Office of the President for 1968.<sup>248</sup> Weaver, in consultation with President Oswald, with the President’s Administrative Council [of deans and academic Vice Presidents], and with the University Senate Council<sup>249</sup>) assembled the first draft of the first comprehensive revisions to the Board’s Governing Regulations since 1941-1943.<sup>250</sup> This draft<sup>251</sup> was subjected to review by the University Senate, yielding over the next month a version which expressed in modern parlance the University’s mission and the roles toward that mission of the University Senate, the Board of Trustees and of the University President, as well as the more muscular role of the college faculties and department faculties. In essence, educational policy-making was clarified to be composed of policy-making for all three mission areas of instruction, research and public service. The University Senate and the Board of Trustees being designated as the two University-level “educational policy-making agencies” of the University. The composition of the University Senate essentially as a **Faculty Senate**, with an advisory but no voting role for the *ex officio* administrators (as per the Senate’s December 1967 action). The President could make educational policy recommendations to that body, but the President would have no authority as President to establish educational policy.

“The President is responsible for fostering and promoting **instruction, research, and service** as the primary functions of the University. In this connection the President may make policy recommendations to the Board of Trustees and **the University Senate**, which are recognized as the primary **educational policy-forming agencies** of the University”<sup>252,253</sup>

Further, all educational policy-making not exercised by the Senate would be reserved to the college faculties and the department faculties. At the department faculty level:

“The **departmental faculty has jurisdiction** over matters concerning its **internal educational policies**, insofar as these policies do not conflict with those of other departments or with the rules of the University Senate or the faculties of the school or college of which the department is a part... **It...** shall establish rules”

“**It** has **primary responsibility** for the development of **policies** on such matters as academic requirements, courses of study, class schedules, graduate and research programs, and service functions.”<sup>254</sup>



As explained to **Paul Oberst** (the chair of the joint Board-Faculty Committee) by Ralph Weaver “*Department Faculty and Department Chairmen: These sections have been **almost completely rewritten** in an attempt to differentiate functions. In my opinion, **these are the most important changes being suggested**.”<sup>255</sup> In educational policy-making at the levels of the University Senate, the college and the department faculty, the academic role of the President, the deans and the department chairs was to be that of leadership and as parliamentary presiding officer, but these administrators would not possess a decision-making role to stop or overturn on academic merit an educational policy decision by the respective faculty body.*



Ralph Weaver

This drafting of the Governing Regulations during 1968-1970 underwent four draft stage(s) of comment and re-revision,<sup>256</sup> and were finally adopted in force by the Board of Trustees on May 10, 1970. President Oswald



was no longer present see these governance changes, that he initiated, finally come to that fruition, having in April 1968 submitted his intent to resign effective that August.<sup>257</sup> The changes in the governance organization of the University that he was leading, and he adamant defense of the academic freedom of faculty and students to express their dissent, encountered resistance from some very conservative forces in the Kentucky political scene (unfortunately, including a new Governor (Nunn) as the new Chairman of the UK Board of Trustees in 1968). In April 1968, a Fayette County Grand Jury investigated President Oswald's administration's for permitting on the UK campus of a "National Convention" meeting of the "Students for a Democratic Society" (SDS). The Grand Jury wrote in its final report: *"The fact that it was permitted to organize and exist on the University campus is a source of great concern to this Grand Jury... It would further appear that it receive little or no responsible faculty supervision ... We believe in academic freedom but require that its practice be generally recognized and in accordance with the uniform standards of decency and honest educational purpose...We recommend that the Board of Trustees ... try to encourage and develop in the Institution an attitude more compatible with the desires of the Alumni and general public."*<sup>258</sup> In a stirring defense of faculty and student academic freedom before the Board of Trustees on May 7, 1968, President Oswald responded with a statement of philosophy on "The Nature and Purposes of a University."<sup>259</sup>

*"If Kentucky citizens expect the University to contribute to progress, our teachers and students must be permitted and encouraged to investigate any theory, challenge any premise, engage in political and social debate, and express their dissent – without jeopardy to their academic careers .... Moreover, if society is to assure itself of a new generation trained to understand the world in which it will live, it must not impose restrictions on exploration of ideas. Ideas, popular and odious, are a part of the world in which our students live, and cannot be understood without discussion and critical evaluation. Historically, universities have been a primary instrument for providing society with independent criticism and advice. It is out of this need that society has provided freedom for scholars .. even when the criticism, the advice and the results of research were unpalatable to many...Regrettably, history abounds with instances of hostility to universities, purging and silencing of faculty and students who exercised their right, and duty , to express religious, intellectual and political ideas that were unpopular or seemed dangerous to some groups... If the citizens of our State will continue to mobilize behind the institution informed understanding, active support, tolerance, and protection from unwarranted attacks, the University will continue to fulfill its vital purposes. "*

8 – THE KENTUCKY KERNEL, Friday, May 3, 1968



President Oswald addresses faculty, staff and students in front of the Patterson Office Tower, the day after his academic freedom speech to the Board of Trustees.

All but one member (A. D. Chandler) of the Board of Trustees voted "yes"<sup>260</sup> to endorse this policy statement made by President Oswald. Although he was no longer with the University when the Board of Trustees in May 1970 adopted the new Governing Regulations that embodied his vision of enhanced faculty governance in educational policy-making, those new Governing Regulations did use his speech to the Board on academic freedom as the source of its language, that we still have today, as the University's policy on academic freedom for faculty .<sup>261</sup> Governor Nunn, widely considered by the faculty as having 'run off' President Oswald, was not recommended for an honorary degree in this first year in office (spring 1968) as had been the traditional honor for some time for the Kentucky Governors<sup>262</sup> Nor, in fact, was he recommended to the Board for an honorary degree in his second year (during the one-year Presidency of A. B. Kirwin). It was not until his third year, and new President Otis Singletary was hired (fall 1969) that Governor Nunn in spring 1970 received an honorary degree.<sup>262,263</sup>

### **XIII. The University Senate's de Facto "Faculty Senate" is Abolished - Again – Fall 1970**

The new Senate of voting Faculty Senators had barely the opportunity to take its first breath of life in the fall of 1970 before the pendulum of calamity again swung its way. Nearly concurrent with the Board's action in May 1970 to create the University Senate to be a *de facto* Faculty Senate was a student riot on the University campus over issues of social protest (an ROTC building on campus was burned down and the new President

Singletary called in the National Guard<sup>264</sup>). In fact, for the very May 5, 1970 meeting at which the Board of Trustees approved the Governing Regulations, the Board minutes read:

“Mr. Clay apologized for the increasing disruption of the meeting caused by the disorderly conduct of the students outside the Board Room. At this point Mr. Bright [the Student Trustee] was asked to speak with these students in an attempt to restore some semblance of order.”<sup>265</sup>

Within a few short months the UK student body (aided by the Kernal, the student newspaper, which asserted that the matter was an issue of “student sovereignty” and employed what today would be considered as very ethnically offensive language<sup>266</sup>) browbeat the faculty Senators into agreeing that students should be made voting members at a number **20%** of the total voting membership.<sup>267</sup> With such a ratio, the faculty senators could be voting on a degree qualification issue with a vote of 99 for and 61 against, and still have that clear faculty majority reversed by the student senator vote. As one faculty Senator (with the state law in mind) protested to no avail:

“This will give people who have no degree a voice in making decisions about the requirements for a degree, among other things.”<sup>268</sup>

However, by the time the proposal reached the Board of Trustees, the Board itself even balked at such a large proportion of the Senate vote being controlled by students, with the final number being made 17 voting student Senators (one for each college) to the 160 voting faculty Senators.<sup>269</sup>

The tsunami did not stop there. The document of recommendation that proposed the large increase in voting student Senate membership specifically appeared to calm ruffled feathers of suspicion that the next event would be the ex officio academic administrators becoming voting members, further diluting the role of the faculty Senators in making University educational policy. However, that proposal document emphasized the reassurance:

“... the committee does not believe it necessary or particularly desirable to make major administrators voting members ... These persons are needed as a source of information, and its currently appears that this can be achieved through ex officio nonvoting membership...[if they were voting members it] would endow top-level administrators with a double dose of power and responsibility – one dash for their role as administrators of policies established (that power inherent in administering policy) and another dash for their role as [voting members of the Senate].”<sup>270</sup>

... but just two months after the insertion of voting student members into the Senate, the ex officio academic administrators had also become voting Senate members.<sup>271</sup>

The downward spiral of the faculty’s Senate-posture continued in several respects...

... with respect to control over development of its recommendations on degrees. In the fall of 1981, the Senate Council became alarmed that “*no graduation list since 1980 has been approved by the Senate or Senate Council ... following brief discussion, it was decided to ... be alert to the situation henceforth and forever more.*”<sup>272</sup> However, by summer 2003, no list of graduate was being submitted to the Senate Council for its action to develop the statutory recommendations to the Board on which graduates ought to be granted degrees. A practice had developed during 1990’s in which the Registrar directly submitted the list directly to the President for Board of Trustees its action and merely copied the Senate Council for its information.<sup>273</sup>

... with respect to control over the development of its recommendations on honorary degrees. During the 1980’s and 1990’s, the participation of full-time faculty on a Senate-established committee relating directly to the statutory function of “the faculty of the university” (the Honorary Degree Committee) became progressively fewer while at the same time the number of ex officio administrators (including from Public Relations) on the Honorary Degree Committee steadily increased, to the point where the faculty became outnumbered by the *ex officio* administrators and trustee. By 2005, the full-time faculty had been reduced to just 3 out of the 11 committee members.<sup>274</sup> Unless it is envisioned that “the faculty of the university” are able to add its own generated names (say, on the Senate floor) to the list that would be recommended to the Board of Trustees, then “the faculty of the university” has lost control of its own

statutory process, --- the statute does not make any restriction that “the faculty of the university” can only approve to forward those nominees that are offered from a committee numerically controlled by ex officio administrative staff.

...with respect to the relative number of faculty Senators. In a reorganization of the University Senate in 1980, the 160 elected faculty Senators became reduced to 85, with no reduction in the number of student senators.<sup>275,276</sup> The combined numbers of voting student Senators and ex officio administrative voting Senators created the condition that the faculty Senators could have a voted position of 2:1 on a particular educational policy issue, but then have that outcome numerically overturned by the votes of the student and ex officio administrative Senators. Under this arrangement, the “Senate” vote on a divisive issue is not clear at all on what is “the faculty” position on that issue.

Other examples also transpired.<sup>277</sup>

In ironic opposite to the trajectory since May of 1970 away from a “Faculty Senate,” all during the while of the above three decades of diminution of the faculty’s control within and authority pursuant to the University Senate apparatus, many members of the University Board of Trustees (including a Faculty Trustee) continued to refer to “the Faculty Senate” as though such a body exists at the University ... but no such equivalent elective faculty body has existed at UK since 1970.<sup>278,279</sup> The Board’s Governing Regulations since 1970 have specified that the elected student Senators in the Student Government Association represent the opinion of the student body to the Board<sup>280</sup> and that similarly the elected staff Senators in the Staff Senate represent the opinion to the Board of the staff opinion.<sup>281</sup> But once students and administrators gained voting status in the University Senate, there was no longer a body of elected faculty designated by the Board of Trustees to represent to the Board the opinion of “the faculty of the university.”

#### **XIV. The “University Faculty” (Partially) Regains a Discrete Posture With the University Senate-2005**

In 1997, the Kentucky General Assembly passed House Bill 1, which removed the Community College System (except for Lexington Community College) from the jurisdiction of the University of Kentucky Board of Trustees. That legislation also established a renewed goal of research excellence for the University of Kentucky, which became commonly referred to as the goal to achieve status as a “Top 20” research university. In July, 2001 the UK Board of Trustees’ Executive Committee approved that the University would reorganize as a “Provost System.” That reorganization prompted a revision of the Board’s Governing Regulations to reflect both the goal of attaining “Top 20” and the new Provost system. The occasion of that revision provided a occasion for a new discussion as to the role of the faculty of the university under a Provost model, and what decision-making role the faculty would have at the level of the University, the college and the departments, and how the Governing Regulations could be rephrased to better express this role of the faculty. The Board of Trustees, with advice from the University Senate, in June 2005 adopted the revised Governing Regulations.<sup>282</sup>

Those regulations, which are the regulations in effect today, provide that the statutory body “the faculty of the university” is officially recognized as an empowered body, that is its composed collectively of the faculties of the colleges, and that only the elected faculty Senators to the University Senate (and no other Senate members) perform for “the faculty of the university” the statutory functions of “the faculty of the University. These regulations restored in practical terms a ‘faculty Senate’ for the purposes of the functions that the state law assigns to “the faculty of the university”:<sup>283</sup>

#### **The statutory body, “the faculty of the university,” expressly recognized; comprised of all college faculties.**

*“[The Board shall] Grant degrees to graduates of the University, prescribe conditions for the award of honorary degrees, and confer such honorary degrees, upon the recommendation of **the faculty of the University**, as it deems proper. (KRS 164.240)” (GR II.A.6.e)*

*“The [Board Academic Affairs Committee] reviews the list of candidates for academic degrees approved by **the faculty of the University** through the University Senate for submission to the Board of Trustees.” (GR II.A.5.b)*



*“The ninety-four (94) elected faculty shall be **full-time faculty** elected **from** and by **the** respective **college faculties**. The elected faculty representatives of the University Senate have the authority assigned to **“the faculty of the University”** under **KRS 164.240** to recommend to the Board of Trustees the conferral of earned degrees from the University and the conditions for and award of honorary degrees.” (GR VI.A)*

### **The elected faculty senators recognized to represent the statutory faculty body**

*“The University Senate functions include the following:*

- 8. **Determine** the conditions for admission and for degrees, other than honorary degrees, in the University, **pursuant to KRS 164.240**.*
- 9. Recommend to the Board of Trustees all candidates that have been approved for degrees in the University, **pursuant to KRS 164.240**.”*

With respect to the faculties of the colleges and departments, the voting memberships were further clarified (tenured and tenure-track at assistant professor of higher). Very importantly, their authority to make educational policy of their units more clearly stated, and the definition of educational policy more fully elaborated, especially for the college faculties, to include all three mission areas of instruction, research and service:

### **College faculty bodies: redefined composition and authority.**

*“The membership of **the faculty of a college** shall consist of its dean, associate and/or assistant deans, and regular full-time faculty having the rank of assistant professor, associate professor or professor in the” tenure-track title series... “Within the limits established by these Governing Regulations, Administrative Regulations, Rules of the University Senate, and Rules of the Graduate Faculty of the University, the faculty of a college **shall determine the educational policies** of that college, **including** primary responsibility for the development of policies on such matters as academic requirements, curricula, course offerings, undergraduate, graduate and research programs, professional programs, and service functions, to the extent that the responsibility has not been delegated to a school or department faculty.” (GR VII.A.4)*

*“... the respective **faculties** exercise the governance role of **policy-making responsibility** for the **instructional, research** and **service** programs of their educational units.”(GR II.A.1)*

### **Department faculty bodies: redefined composition and authority.**

*The membership of a **faculty of a department** shall consist of a chair and the regular, full-time members of the department who are members of the faculty of the school and/or college of which the department is a part ... **Within the limits** established by these Governing Regulations, the Administrative Regulations, University Senate Rules, Rules of the Graduate Faculty, or the rules of the faculties of the school or college of which the department is a part, the department **faculty has jurisdiction** over matters concerning its **educational policies**. The department faculty has primary **responsibility** for the **development of policies** on such matters as academic requirements, courses of study, course offerings, graduate and research programs, and service functions.” (GR VII.A.6)*

The phrasing “Within the limits” expresses a particular educational philosophy as to the relationship of the (college faculty and) department faculty to the higher (college faculty and) University Senate. It is not that a department faculty is only empowered to make those educational policy-decisions overtly delegated to it by the college faculty or University Senate. Rather, a department faculty is the body empowered to make all internal educational policy of the department (for all three mission areas), except to the extent that it would be contrary to the policies of the higher framework. Stated another way, all educational policy-making (in all three mission areas) of a department (college) that is not expressly possessed by the University Senate (or college faculty) is possessed by the department faculty.

The references and appendices for the above report are contained in the web-posted version of this report at:  
<http://biology.uky.edu/djones/PDF/4/History%20of%20the%20University%20of%20Kentucky%20Senate%2007-18.doc>

## REFERENCES

- <sup>1</sup> Section 12 of 1858 enactment. Section 3 of the 1858 enactment specified “*For the purpose of promoting the cause of education in all its branches ... the [Board of] Curators ... shall have power, from time to time, to establish and endow fully, in said University, and department and professorships which they may deem necessary ... They shall also have full power to select and employ .. such president, professors, instructors, and tutors, as they may, from time to time, consider necessary...*”
- <sup>2</sup> The phrasing in this statute on Kentucky University, and the phrasing in the 1880 statute on the A&M College (today’s KR 164.240) that pivots the Board’s granting of degrees and honorary degrees to the approval of the faculty of the university was not inadvertent. During that period of establishment of land-grant institutions many of the various state legislatures used specifically this grammatical structure to define the role of the faculty in the decision-making as to award of degrees. (See Appendix I)
- <sup>3</sup> The phrasing about “grant such literary honors as are usually granted by the best colleges and universities in the United States” appears to have been a commonly used phrase in the early to mid-19<sup>th</sup> century in statutes establishing institutions of higher education, especially denominationally-sponsored institution (see Appendix III).
- <sup>4</sup> In its regulations to implement this particular part of the state law, the Kentucky University Board of Curators distinguished between determination by the faculty of A&M College of whether the given student had completed with sufficient proficiency the A&M College’s required course of instruction (that is, had “graduated”) *versus* the subsequent stage of process of the student then receiving a degree. This distinction was made clear by the following provisions of the regulations:

“a student may **graduate** in any school of any department on the following conditions: ...that [with at least one year’s residence] he shall have **completed** in a satisfactory manner all **the required studies** of said school, or **what the Professor thereof may judge to be a fair equivalent** [and t]hat he shall have habitually observed all the rules and regulations. [] He shall be entitled to a certificate of **graduation**, signed by the Professor, in which may be stated his grade of scholarship...”

“*Provided*, That he shall have paid all dues, and that he shall have faithfully complied with the laws and regulations ...

“**[w]hen** any student shall **have graduated** ... in the Agricultural and Mechanical College, **he may**, under the like provision, **receive**, free of charge, **the degree** of Bachelor of Science...At the annual meetings of the Board of Curators, the proper **Faculties** shall recommend to them for the regular **degrees**, such students of the University as shall have **completed** in a **satisfactory** manner **the studies prescribed**, and have faithfully observed all the other rules and regulations.”

(From pages 32-34 of “The Charter and the Other Acts of the Legislature Relating to Kentucky University: Together with the Statutes and Laws, as Revised and Adopted by the Board of Curators, July 12, 1866”)

- <sup>5</sup> February 28, 1865 Legislation to consolidate Transylvania University with Kentucky University
- <sup>6</sup> February 22, 1865 Legislation to establish A&M College (Section 3 of enactment)
- <sup>7</sup> According to the new law, the Board of Visitors was to be six-membered, with each member serving a term of 2 years each, and each to remain on the Board of Visitors until their replacement was appointed. The first Board of Visitors was appointed by the Governor and consented to by the Senate Feb. 14, 1866 (J. of the Senate, pg. 460-461; L. J. Bradford, A. Allen, R. Alexander, W. A. Dudley, W. H. Grainger, T. Z. Morrow). As per the 1865 law, in Feb. 1868, the Governor newly appointed the membership of the Board of Visitors as L. J. Bradford, S. M. Hobbs, B. J. Webb, D. Y. Lytle, T H. Corbett and D. A. Sayre (J. of the Senate, 1868, pg. 577). There is no record in the legislative record of any appointment of any new members for the next 10 years (at least, there is no listing in the indices of the Journal of the Senate for that decade that lists to a page showing the advise and consent action to the Governor appointing named new members). However, the June 1878 Minutes of the Board of Visitors lists members that are different (other than L. J. Bradford) than those

members appointed in 1868. However, Merry Lewis Pence, lists in appendix \_\_\_ of his book additional persons appointed to the Board of Visitors, but does not cite the specific references.

<sup>8</sup> On the basis of statements made in a May 13, 1879 “Report of the Chairman of the Board of Visitors to the Governor” and of a report apparently with a shortly earlier date from President Patterson to the Board of Visitors, the present author infers there existed an “Executive Board” of the Board of Visitors that performed the brunt of the work of the Board of Visitors (both reports were submitted together under the cover of May 31, 1879 letter of President Patterson to the Governor). The Board of Visitors then submitted to the Governor “and through [the Governor] to the General Assembly” a report styled as only authored by the Board of Visitors without a separate component expressly signed by President Patterson (but of a style of presentation as later annual reports expressly authored by Patterson). That report is dated as printed 1879, but contains a reference to a Board of Visitors meeting Oct. 10, 1879. The May 31, 1879 and October 10, 1879 publications may suggest that during the period of 1866 through 1877, an executive body of the Board of Visitors was doing the close monitoring of conditions of the A&M College; that the Board of Visitors may have submitted its biennial reports to the General Assembly through the Governor (who may or may not have expressly provided each report to the respective General Assembly, see footnote 10 below); and that some part of each report to the Governor incorporated text likely penned to the Board of Visitors by Patterson. However, no compiled collection of Board of Visitors reports to the Governor (prior to 1879) nor any compiled collection of reports of Patterson to the Board of Visitors (prior to 1879) has been located.

<sup>9</sup> According to the Feb. 22, 1865 statute, the Board of Visitors was to report to each biennial meeting of the General Assembly on the status of the A&M College, as well as to instruct the Kentucky University Board of Curators on actions to take in the interests of the A&M College. Curiously, the minutes of meetings of the Board of Curators, from 1865 to 1877 make no mention of any direct contact between the Board of Visitors and the Board of Curators, nor of the Board of Curators even receiving a copy of the reports of the Board of Visitors to the General Assembly.

<sup>10</sup> The first Board of Visitors apparently submitted its first report to the Senate Jan. 16, 1868 (J. of the Senate. pg. 197; Legislative Document No. 23). The next Board of Visitors report submitted to the General Assembly after its 1868 report and after the 1868 set of new appointments was not until March 27, 1873 (J. of the House of Representatives, pg. 793, Legislative Document 19). After the 1873 Board of Visitors report, the next and final of such reports of the Board of Visitors while the A&M College was a part of Kentucky University was submitted Feb. 4, 1878 (J. of the House of Representatives; Legislative Document no. 22). The University of Kentucky Archives is not in possession of any of these three reports.

<sup>11</sup> During the five years between the 1868 and 1873 Board of Visitors’ reports to the legislature, John Bowman, the Regent of Kentucky University, did submit to the legislature in Dec. 28, 1868 a glowing and actually visionary report on the status of and prospects for the A&M College; perhaps this report was intended by Bowman to preempt and make unnecessary a report from the Board of Visitors the following year. He also submitted a report to the legislature in 1872 (J. of the House of Representatives, pg. 512, Legislative Document No. 17). According to the legislative record, in 1866 there was also received by the legislature a report from “the trustees” of the A&M college, which this author interprets to mean the Board of Curators for Kentucky University.

<sup>12</sup> Specifically, the regulation of the Board of Curators stated: “*Each College is divided into several schools or Departments of Study and each School is under the immediate government and instruction of a competent professor, assisted when necessary, by subordinate Instructors and Tutors,*” pg. 14 of “The Charter and the Other Acts of the Legislature Relating to Kentucky University: Together with the Statutes and Laws, as Revised and Adopted by the Board of Curators, July 12, 1866.” The statutory language of “professors”, “assistants”, “tutors”, instructors,” and the implementation that each school/department consisted of one professor who was its head, assisted by assistants, tutors and instructors would all become echoed 15 year later in state laws for the independent A&M College.

<sup>13</sup> February 22, 1865 Legislation to establish A&M College (Section 4 of enactment)

<sup>14</sup> Statutes in other states also use language that provides for the faculty of the university to prescribe the conditions for the graduation from courses of study (see examples in brown font in Appendix I).

<sup>15</sup> See APPENDIX II: EXCERPTS FROM LAWS OF OTHER STATES CODIFYING STATUTORY ROLES OF THE FACULTY IN UNIVERSITY GOVERNMENT



<sup>16</sup> Page 14 of “The Charter and the Other Acts of the Legislature Relating to Kentucky University: Together with the Statutes and Laws, as Revised and Adopted by the Board of Curators, July 12, 1866”).

<sup>17</sup> *ibid*, page 19

<sup>18</sup> *ibid*, page 20

<sup>19</sup> The Minutes of the Faculty of the A&M College, 06-05-1876 show the Faculty body exercising this authority to decide that a particular course of study (followed by a student of President Patterson) was sufficient for the award of a Master of Arts degree: “*Mr. T. R. Hardin, a graduate of this College in June 187, having taken an extra course of study privately with Pres. Patterson, asked that the degree of Master of Science be conferred on him. It was resolved to recommend him to the Board of Curators as a suitable person for this degree.*”

<sup>20</sup> *ibid*, pages 32-33

<sup>21</sup> *ibid*, page 21

<sup>22</sup> *ibid*, page 18, Those policies of the Board of Curators also specified

“Each **Faculty** shall have power to make such rules and regulations, not conflicting with the statutes and laws of the University, as may be necessary for its own government, and for the welfare of the College under its charge” *ibid*, page 19

While each College Faculty prescribed the courses of study that would lead to a degree, there was also a preparatory academy, for remedial preparation, that was separate from the five colleges. Hence, its course of study was prescribed by the higher Kentucky University Senate:

“...an Academy of Preparatory Instruction shall be organized in connection with the University ... the **course of study** [for the Academy] ... shall be determined by the University Senate.” *ibid*, page 15.

<sup>23</sup> 11-21-1871 Minutes of the Board of Curators, Kentucky University

<sup>24</sup> 03-18-1872 Report submitted to the General Assembly by joint legislative committee “to visit the Kentucky Agricultural College.

<sup>25</sup> 02-05-1874 J. of the House of Representatives recording joint resolution of the General Assembly to appoint a joint committee “whose duty it shall be to inquire into the expediency and propriety of several the Agricultural and Mechanical College from Kentucky University ...”

<sup>26</sup> Report of Legislative Commission, Journal of the House of Representatives. It recommended a Commission on the Agricultural and Mechanical College to find a “convenient and suitable place” to physically locate the A&M College. That Commission’s report was presented to the House of Representatives Jan. 3, 1880, “the reading dispensed with, and referred to the Committee on Education.” On April 6, 1880, another Joint Committee to visit the A&M College submitted its report with legislative recommendations, which prompted legislation enacted on April 13, 1880 that amended the March 1880 legislation, in part to create a “Normal School” (see below and footnotes 25 and 26). The report also identified six departments as “immediate necessities.” These were the six departments and corresponding six department chairships established and filled by the Board of Trustees June 1880 (see footnote 30).

<sup>27</sup> Section 1 of the March 13, 1878 enactment.

<sup>28</sup> 07-11-1878 Minutes Board of Visitors: J. P. Metcalfe (Chair), Colonel L. J. Bradford, Hugh A. Moran, Esq., Charles A Hardin, Esq., Judge W. B. Hoke, G. P. Breckinridge (Secretary).

<sup>29</sup> “Report of the Chairman of the Board of Visitors of the Agricultural and Mechanical College for the Biennial Period July 1, 1878 – July 1, 1880 to His Excellency L. P. Blackburn, Governor of Kentucky,” 1879

<sup>30</sup> 07-11-1878 Minutes Board of Visitors: “*The Professor of Chemistry is requested to furnish in addition to the Course of Instruction heretofore followed in the school of Chemistry and Physics...*” (the minutes themselves misstate the title of the body as “Board of Directors). In addition, the printed “Announcement” (= today’s “Undergraduate Bulletin”) for the 1878-1879 academic year states: “*The course of study will continue substantially the same as that heretofore embraced in the published announcements of the college...*”

<sup>31</sup> 06-10-1879 Minutes of Board of Visitors

<sup>32</sup> On the basis of the research conducted to date by this author, this phrase in the minutes of the Board of Visitors is the earliest locatable use in Kentucky of the exact phrase “upon the recommendation of the

Faculty,” that is clearly the predecessor to the language written the following year into the March 1880 state law on the statutory authority of “the faculty of the university.” Although it was physically penned into the minutes by Board Secretary G. P. Breckinridge, the minutes do not record what person actually made the motion in those words or in discussion before the motion offered that phrase. (See also footnote 2 and Appendix I)

<sup>33</sup> The minutes of the meeting of the Faculty for May 15, 1878 contains the reflections that graduation occurs upon ascertainment of completion of the required course of studies, whereas the award of the degree, evidenced by provision of a diploma at commencement, are subsequent-occurring steps: “A communication from Pres. Smith of the Commercial College was read. This communication asked that the faculty of this college appoint the valedictorian **for commencement** exercises. The Secretary was instructed to reply to the communication stating that we decline making the appointment, first because it is not our time in regular succession and second because our **graduates** have already prepared their orations.” The subsequent meeting of June 1878 contained a similar reflection “Messrs [names of students] having finished the **course of study prescribed for graduation** in this College, on motion it was resolved that we recommend these gentlemen to the board of curators as prepared to receive the degree of Bachelor of Science.”

<sup>34</sup> March 4, 1880 March enactments of the Kentucky Legislature

<sup>35</sup> April 23, 1880 enactments of the Kentucky Legislature

<sup>36</sup> 05-09-1893 enactments of the Kentucky Legislature. These enactments, which essentially reenacted the 1880 laws, were prompted or made necessary by the new Kentucky Constitution that was adopted in 1892.

<sup>37</sup> That 1893 legislative action even further strengthened the statutory profile of the faculty by requiring that a “normal department or course of instruction ... to qualify teachers for common or other schools... and an academy or preparatory department to prepare students for the regular courses of study in the college, shall be established and maintained in connection with the college, each under a competent principal and assistants, and **under the general supervision and control of the faculty thereof.**”

<sup>38</sup> That “**alumnus**” as used in the state law and vernacular of the time had this meaning (of having “attained the prescribed standard of proficiency”) is reflected in the 06-02-1914 Minutes of the Faculty, where the following is recorded: “... the meeting was called to reconsider the granting of a degree to George B. Carey, and offered the motion that Mr. Cary’s thesis for the degree of Mechanical and Electrical Engineering be accepted by the faculty and entered on the books in the Registrar’s office. Prof. Weaver asked whether the **acceptance of this thesis** by the faculty would not technically make Mr. Cary an **alumnus** of the institution., Prof. Allen replied that it would.”

<sup>39</sup> “the institution” was changed to “the university” in 1942

<sup>40</sup> 06-30-1880 Minutes, Board of Trustees Executive Committee

<sup>41</sup> In other examples of the kind of honors associated with a degree, within the meaning of the state law (now KRS 164.240) the Minutes of the Faculty for 06-01-1885 record that the Faculty met “to examine the standing of candidates for graduation and to determine what student would be entitled to the Governor’s medal... The record of the candidates for the Governor’s medal having been examined, it was found that Cadet Wm. Prewitt had the highest average standing in four daily recitations through the year, namely 14.75 out of a possible 15. On motion he was therefore awarded the Governor’s Medal.” The minutes of the 04-07-1886 record the Faculty vote that “it was decided that he, Thos. H. Morgan, is to receive first honors, and deliver the Valedictory.”

<sup>42</sup> “as they may think proper” was changed to “as it may think proper” in 1942

<sup>43</sup> 06-09-1880 Minutes, Board of Trustees

<sup>44</sup> For example, Sept. 12 and 16, 1881 minutes of the Faculty contain the record of the faculty preparing for proposal to the Board for the several courses of study (‘degree programs’ in today’s vernacular): “Prof. Crandall as Chr. of Committee on Schedule of Study submitted his report which in substance [was] “that as now arranged it is satisfactory to all the Professors” and “after a through (sic) examination and discussion was adopted. ... A Schedule of Studies was presented, in which provision was made for certain elective subjects. After some discussion the Schedule was recommended to the Board of Trustees for adoption.”

<sup>45</sup> Upon the legislative act of 1880 to separate the A&M College from Kentucky University, to be financially supported in part by a one half of one percent tax, the A&M College was beset by detractors who beseeched the legislature, and who found some comfort therein, that such state government subsidy of one University thereby harmed Kentucky education by detracting from the success of private universities. Several members

of the UK Board of Trustees submitted to the state legislature in 1882 a passionate rebuttal. That report vigorously defended that the A&M College would fulfill the federal land grant act of 1862.

<sup>46</sup> 04-21-1882 Minutes of the Faculty: “*On motion of Prof. Peter, a committee of three, viz: Profs. Peter, White and Kirby, was appointed to examine and report such amendments to the Regulations as thought desirable.*” 05-01-1882 Minutes of the Faculty: “Faculty met ... The committee on revision of Regulations made the following report which was adopted: Resolved: That the first regulation be amended so as to read as follows ...” )

<sup>47</sup> 06-30-1882 Minutes of the Board of Trustees

<sup>48</sup> Board action to adopt revised GRs 1890

<sup>49</sup> In fact, Governing Regulation number 1, in quoting a section of the state law, introduced a further capitalization not found in that section of the law, where the Governing Regulation purports to be quoting the law as: “*to grant degrees to the Alumni of the Institution; to prescribed the conditions upon which post-graduate honors shall be obtained by the Alumni and others, and to confer such honorary degrees, upon the recommendation of the Faculty of the Institution, as they may think proper.*”

<sup>50</sup> In contrast to Kentucky University, the Board of Trustees of the A&M College reserved to itself final approval over text-books selected by the Faculty, and prescribed the minimum score that would distinguish pass from fail for the classes offered in each department. Student non-academic discipline continued to be administered by the Faculty.

<sup>51</sup> Board Governing Regulations 1882; regulation number 38.

<sup>52</sup> Board Governing Regulations 1882; regulation number 40.

<sup>53</sup> Board Governing Regulations 1882; regulation numbers 10 and 46.

<sup>54</sup> Board Governing Regulations 1882; regulation number 13.

<sup>55</sup> Board Governing Regulations 1882; regulation number 39.

<sup>57</sup> Note the parallel phrasing “immediate government” of this 1882 regulation to its predecessor issued in 1866 by the Board of Curators for the colleges, of Kentucky University (see page 1, above and footnote 10)).

<sup>58</sup> E.g., “Annual Report of the Board of Trustees” to the Governor, 1880

<sup>59</sup> Board of Trustees 1882 Governing Regulations 5 and 6.

<sup>60</sup> The Board of Trustees re-promulgated the Governing Regulations in 1890, but there were no changes to the particular regulation numbers concerning authority of the Faculty in educational policy-making. In 1908, the legislature enacted statute 5574, modifying the 1880 state law that entitled each county in the state to “*send to said university each year one or more properly prepared students*” free of tuition and other related charges. The 1908 legislation expanded on determination of “*properly prepared*” by stating the selection of the students in each county would be by “*competitive examination, on subjects prepared by the faculty of the university...*”.

<sup>55</sup> Picture is from the University of Kentucky Archives, due to the appreciated assistance of Frank Stanger

<sup>61</sup> The language of John Bowman here appears to this writer to be a direct criticism of the nature of curriculum favored by James Patterson, indeed, a direct criticism of Patterson’s own scholarly field. This writer infers that this particular language by Bowman to the General Assembly in December 1868, coupled with his other strong advocacy in that same document for how he intended that Kentucky University would develop an experimental farm for the A&M College for practical agricultural and mechanical investigation, was a direct reaction to the curriculum that the A&M College had established when its program opened (as a part of Kentucky University) in the fall of 1866. That is, instead of being primarily focussed on the practical side of agriculture and mechanical arts, the curriculum was primarily courses in “classical” education (i.e., arts, literature, european languages including German, Greek and Latin). It appears from Bowman’s articulation of his vision of the A&M College within the Kentucky University in that 1868 document that he viewed such coursework ought to be provided by the other colleges of Kentucky University, instead of the A&M College, and that the A&M College ought instead be focussing on courses in practical agriculture and mechanical arts. The present author senses a frustration on Bowman’s part about what the present author speculates was that Patterson managed to convince the Board of Visitors that this classical course of study was what the A&M College ought to teach --- with the 1865 laws having directed that the Board of Curators of Kentucky University essentially defer to the direction of the Board of Visitors as to what was best for the A&M College, once Patterson brought the Board of Visitors to support Patterson’s thinking, Bowman could but stand helplessly by as the A&M College developed its own classical course of study in direct opposite to what Bowman thought ought to be happening. Perhaps Bowman submitted



the (apparently unsolicited) report to the General Assembly in 1868 with the hope that the legislature (the one entity to which Patterson and the Board of Visitors would have to submit) would endorse Bowman's recommendations for what ought to be the focus of efforts of the A&M College and its relationship to the rest of Kentucky University.

<sup>62</sup> "Report of the Committee on the A&M College to the General Assembly Session 1889-1890." Excerpted from "Minority Report," pgs. 196-200.

<sup>63</sup> J. of the Senate, Feb. 20, 1878, pg. 479.

<sup>64</sup> "Report of the Committee on the A&M College to the General Assembly Session 1889-1890." Excerpted from "Majority Report," pgs. 9-10.

<sup>65</sup> The 1880 Annual Report of the A&M College to the Governor shows only two "courses of study" leading to degrees, the "Scientific Course" and the "Classical Course." In 1884, an "Agricultural Course" was approved by the Board and included in the Annual Report (and in the "Catalogue" which in 1904 was changed in name to the "Bulletin" that we have today). However, the courses included in the course of study for the "Agricultural Course" were almost identical with those for the "Classical Course." Similarly, a "Mechanical Course" was established by the Board, the courses for which were again very similar to the "Classical Course" of study.

<sup>66</sup> "Report of the Committee on the A&M College to the General Assembly Session 1889-1890." Minority Report dated May 26, 1890, pages 20, 23, 24.

<sup>67</sup> *Ibid.* page 24.

<sup>68</sup> The following faculty had been dismissed or induced to resign under Patterson:

06-\_\_-1887 The Board, by the ploy of merging the Dept. of Chemistry (Head: Robert Peter) and the Dept. of Agriculture (Head: A. E. Menke), and then declaring the position of head of this new department as vacant, effectuated the dismissal of Robert Peter, but which the Board disguised in its minutes with the expression of regret that it had been compelled "*to dispense regretfully with the services of Professor Peter...*"

06-06-1888 Minutes of the Board of Trustees: "*On motion ordered that the Secretary notify Professors Potter and Schweinitz that the Board of Trustees do not consider that the best interests of the College will be served by the further continuance of their connection with the institution and that the connection hitherto existing cease and determine from date hereof.*"

06-05-1889 Professor A. R. Crandall (Head: Dept. of Natural History) had been quoted in a newspaper earlier that year making very critical comments about President Patterson (Published in the Lexington Daily Press, Feb. 23 and 24, 1889. Cite book...

06-03-1893 Minutes of the Board of Trustees show the Board voting that Professor Nelson be "asked" for his resignation. "*On motion of Mr. Flournoy ordered that in the event Professor Nelson fails to offer his resignation, the Executive Committee be authorized to declare the Chair of Civil Engineering vacant, and to fill the place on the advice of the President.*"

12-13-1904 Minutes of the Board of Trustees show the Board voting to strike Professor R. L. Blanton from the budget being adopted. Blanton had been on the bad side of the Board of Trustees for a number of years, the most recent being shown in the 06-03-1903 minutes of the Board where the Board initially did not reappoint Blanton because of an allegation that he had forged a name on a check.

<sup>69</sup> "Report of the Committee on the A&M College to the General Assembly Session 1889-1890." Testimony of Robert Peter, page 37

<sup>70</sup> "Report of the Committee on the A&M College to the General Assembly Session 1889-1890." Testimony of A. R. Crandall, pages 56-69

<sup>71</sup> Minutes, Board of Trustees, June 1909. President Patterson stated "... I recommend that J. M. Davis be promoted from the position of first assistant in Mathematics to the position of Associate Professor of Mathematics..."

<sup>72</sup> 02-02-1894 Minutes of the Faculty; A typed transcription of these Bye-Laws is posted at: [Bye Laws of the Faculty of the A&M College](#); President Patterson in 1895 called at least one meeting of "the Faculty" at which assistant professors attended at his request. See 09-15-1895 Minutes of the Faculty

<sup>73</sup> In the University Archives is a copy of the Bye-Laws of the Faculty that is apparently the Bye-Laws of the meeting of 02-02-1894, however, the copy in the Archives shows the handwriting of Trustee D. C. Buell

heavily editing and revising the Bye-Laws. A copy of this edited version is posted at: [Revision of "Bye Laws of the Faculty of the A&M College](#)

<sup>74</sup> cite librarian made member of Faculty

<sup>75</sup> cite gymnasium made member of Faculty

<sup>76</sup> cite the one other example....

<sup>77</sup> 02-20-1882 Minutes of the Faculty: "*The Faculty met for the first time in the new College Building, in Prest. Patterson's room.*") . 04-24-1885 Minutes of the Faculty: "*Faculty met in regular monthly meeting at 1 P.M. in the President's room.*"

02-06-1884 Minutes of the Faculty "*Faculty met in called meeting at 12 M. in the President's room.*"

09-7-78 Minutes of the Faculty; April 15, 1881 total minutes are "*Overhuls R. B. cited for neglect of his grammar: required to pay more attention to his grammar. Adjourned.*"

01-09-1890 "*Faculty called to consider the case of Cadet Patrick charged with using brass knucks upon Cadet Norman. Prof. White moved to dismiss Patrick ... The case of Cadet Norman charged with carrying razor for the purpose of using it upon the person said Norman was dismissed.*"

05-31-1893 BOT : "*The following Resolution was offered by Mr. Gibson and was adopted. Resolved that the Athletic Association be under the jurisdiction & control of the Faculty; that is shall prepare and present to the Faculty for approval a code of regulations for the government of its members; that a list of its members be submitted to the Faculty at the beginning of each collegiate year with any additions which may from time to time be added thereto; that no student below the grade of Freshman be allowed membership without the consent of the Faculty previously obtained & that any member who fails to maintain a creditable class standing in consequence of time devoted to Athletic sports be required to withdraw from the Athletic Association.*"

<sup>78</sup> Compare to the phrasing of 1866 regulations for Kentucky University that stated for its Senate "*It shall be his [the Secretary's] duty to keep a full record of the proceedings of the Senate, which shall be open to the inspection of the Board of Curators, or any member thereof, at any time.*" From page 21 of "The Charter and the Other Acts of the Legislature Relating to Kentucky University: Together with the Statutes and Laws, as Revised and Adopted by the Board of Curators, July 12, 1866")

<sup>79</sup> For example: 06-04-1884 BOT Minutes: '*The President of the College James K. Patterson was then called upon for his report which with the report of the Professors was read by him...The Minutes of the Executive Committee and of the Faculty were also submitted for the inspection of the Board.*' 06-03-1890 BOT Minutes: "*The Report of the President of the College was then read and with the accompanying reports of the heads of the Departments was referred to a committee consisting of Col. Gibson, Capt. Spurr and Philemon Bird with instructions to report thereon at the meeting on Wednesday morning.*" 06-06-1901 BOT pg. 40-41 BOT committee on reading of minutes reports on minutes of Faculty and of special faculties; recommends adoption of degree list contained; approved by BOT; 06-04-1902 BOT pg. 116-117 reading of the Minutes of the Faculty; approval of degree list it contained; approved as read without reference to a committee; reading of minutes of Special Faculties dispensed with; 06-09-1904 BOT pg. 259 reading of Minutes of the Faculty; referred to Committee on Minutes of the Faculty; also referred minutes of "The Scientific Department" and "the Academy"; referred minutes of other special faculties; 12-12-1906 BOT pg. 131 BOT Committee on Minutes of the Faculty and Daily Grade Reports; 08-05-1912 BOT pg. 39 New order of business for board meetings; includes "Report of Faulty" ; committee on Minutes of the Faculty

<sup>80</sup> 05-31-1909 Minutes, Board of Trustees, President Patterson describes the need for a Registrar.

<sup>81</sup> citation of hire of Ezra Gillis

<sup>82</sup> 11-07-1913 Minutes of the Faculty – election of the Registrar, Ezra Gillis, as Secretary of the Faculty

<sup>83</sup> Cite 1999 action that removed Registrar from Senate Secretary

<sup>84</sup> In 1884 and with revision in 1888-9, the Board approved the establishment several "courses of study" (what we would call "programs" today) leading to undergraduate degrees (i.e., initially a "Classical" course of study, a "Scientific" course of study; the precursors to the later College of Arts and Sciences; and an "Agricultural" course of study. The Catalogs (= today's Undergraduate Bulletin) from those times also referred to "Courses of Instruction," by which it meant the courses or sequence of courses offered by a particular department (e.g., Mathematics). The courses or sequences of courses offered by a department, such as Mathematics, was a part of the "Scientific Course of Study" leading to a degree of Bachelor of Science.

- <sup>85</sup> See Hopkins, J. E. "The University of Kentucky. Origin and Early Years", University of Kentucky Press, Lexington, Kentucky, page 230.
- <sup>86</sup> 06-02-1897 Minutes of the Board of Trustees
- <sup>87</sup> 06-02-1897 Minutes of the Board of Trustees records: "Order *"that the following faculties, viz: The classical, scientific, Civil Engineering, Mechanical Engineering and Normal school faculties be and they are hereby directed to hold monthly meetings under the chairmanship of their respective Deans. Said faculties shall elect a Secretary who shall record and keep the records thereof, which records or minutes shall in connection with the proceedings of the General Faculty be submitted to the Board of Trustees at the regular meeting thereof."*
- <sup>88</sup> 12-14-1909 Minutes Board of Trustees, pg. 59
- <sup>89</sup> 06-01-1898 Minutes Board of Trustees: "Your committee which was appointed to examine the minutes of the Faculty beg leave to report the following: ..The proposed schedule for the Scientific course, presented by the Special Committee from the Scientific Faculty, and approved by the general or whole faculty, is approved and recommended."
- <sup>90</sup> 05-30-1899 Minutes Board of Trustees, pg. 228 refers to minutes of **classical** faculty
- <sup>91</sup> 12-13-1899 Minutes Board of Trustees, pg. 264 records the order of the BOT that Principal of the Academy [the department training individuals for teacher certification] and his assistants be constituted as a **faculty body**
- <sup>92</sup> 05-21-1880 Minutes of the Faculty "The Faculty met in the President's room and recommended Alfred R. Peter, Mr. N. J. Weller, Mr. George C.[Croghan] Whatley, and Mr. James Crawford to the Board of Trustees for the degree of Bachelor of Science."
- <sup>93</sup> 06-08-1880 Minutes Board of Trustees " On motion of L. J. Bradford the recommendation of the Faculty as contained in the President's [annual] report that the degree of Bachelor of Science be conferred upon James Crawford, Alfred Meredith Peter, Nicholas John Weller and George Croghan [Whatley] whereby is approved and confirmed, and the Faculty is authorized to confer such degrees on said persons."
- <sup>94</sup> To the extent that a condition of admission in part defines the proficiency possessed by the student when the student then completes the prescribed course of studies, the BOT minutes also show the Board expressing that prescribing policy for the conditions of admission is a governance function of the faculty and not the Board or administration. For example, the minutes of the 12-13-1900 Board meeting record: "Ordered...Second. That the faculty be directed to revise the conditions of admission to the Freshman class in English, mathematics, Latin and Greek and to adopt and publish a standard of admission as high as the existing conditions in Kentucky will allow to the end that this College may be place din advance of the other colleges of the Commonwealth and may be brought into line with the best colleges organized under the Act of 1862."
- <sup>95</sup> 09-16-1881 Minutes of the Faculty
- <sup>96</sup> Several examples of the Faculty development of educational policy on "schedules" for "courses of study" (i.e, for degree programs) are provided here:
- 06-03-1881 Minutes of the Faculty "A letter was received [from] a former student asking if he could graduate from the College at present taking the degree, M.A. ... Prof. White was instructed to say to him that he may be able to do so by complying with **the conditions laid down in the Catalogue...**"
- 01-28-1884 Minutes of the Faculty: "Prof. White moves that a Committee be appointed by the President to determine more definitely the **conditions for graduating**. Motion seconded and carried."
- 05-22-1884 Minutes of the Faculty: "The Faculty met in a called meeting at 12 M. in the President's room to hear the report of the committee on schedule on studies for attaining the degree of A.B. – S. B. for the ensuing year. Prof. White, chairman of the committee exhibited schedule for a classical, a scientific and an agricultural course [of study]."
- 05-23-1884 Minutes of the Faculty: "Present: The President and all the Professors. the schedules for the three courses, as amended and exhibited by Prof. White were adopted by vote. (See Catalogue of A. and M. college for 1884-85. ) The Faculty then adjourned."
- 06-04-1884 Minutes of the Board of Trustees: "Professor Patterson submitted and explained a schedule of studies for the several courses in the College, Agricultural and Mechanical, Scientific, Classical work the branches obligatory and optional in each for the several degrees conferred by the College, and the hours for recitation in each Department respectively. The schedule of classification with adjustment of time was adopted and all existing regulations in conflict therewith repealed. The schedule will benefit from part of the Annual Catalogue.")



06-02-1898 Minutes of the Board of Trustees “*The President reported that R. B. Hamilton had not passed his final examination in history and that he had failed to submit his thesis, that he had been recommended by the faculty for his degree on the supposition that this work would be accomplished before commencement. That R. L. Gordon, a candidate for the Master’s degree was in much the same condition, though the case was not so aggravated. Voted on motion of Mr. Boswell seconded by Mr. Kennedy that the degrees be conferred on R. B. Hamilton and R. L. Gordon, but that their diplomas be withheld until all the work required of them be accomplished.*”

12-XX-1915 Minutes Board of Trustees (pg. 247)

“the **Faculty** recommended to the Board that the President be authorized to confer upon the following named persons the following degrees they **having completed** satisfactorily the **work prescribed by the [A&M] college** leading to said degrees and to **give to said persons diplomas certifying to same.**”<sup>38a</sup> (underlining in original)

Date:

“The secretary [of the BOT] read the minutes of the Faculty and the following report with reference to granting of degrees:

“*The **Faculty** of the State University having received satisfactory evidence that the following persons **have completed the course of study outlined** for the degrees named, respectfully **request that the degrees be granted** as indicated below ...*”<sup>38b</sup> (underlining added here)

<sup>97</sup> 03-31-1893 Faculty Minutes

<sup>98</sup> 10-27-1893 Faculty Minutes

<sup>99</sup> 03-09-1894 Faculty Minutes

<sup>100</sup> 03-31-1893 Faculty Minutes; see also 3-23-1894 Faculty Minutes and 03-26-1894 Faculty Minutes

<sup>101</sup> Faculty Minutes dated 04-03-1896, 04-15-1896, 04-22-1896

<sup>102</sup> 05-31-1892 Faculty Minutes

<sup>103</sup> Faculty Minutes dated 06-01-1894

<sup>104</sup> 02-06-1896 Faculty Minutes

<sup>105</sup> Faculty Minutes 05-29-1908

<sup>106</sup> Faculty Minutes dated 06-07-1900

<sup>107</sup> 06-02-1900 Minutes of the Faculty: “*On motion of Prof. Miller ordered that a committee be appointed to prepare a new diploma plate. The chair appointed the Deans of the several courses of study.*”

<sup>108</sup> 09-15-1904 Minutes of the Faculty: “*Prof. Anderson called attention to certain improvements that he believed might be made in the size and form of the diploma of graduation, and moved that a committee of three be appointed to devise and submit to the faculty such a new form...motion carried.*”

<sup>109</sup> 02-26-1904 Minutes of the Faculty: “*Prof. Anderson, chairman of the committee appointed to recommend to the faculty a new and improved form of college diploma, reported that his committee recommended the form which has been issued by the John Hopkins University, a copy of which was shown...adopted*”

<sup>110</sup> 12-11-1916 Minutes of the Faculty: “*The Secretary [Registrar] asked to be instructed as to what date should be put on the diplomas granted December 12<sup>th</sup>. by the Board of Trustees. On vote of the faculty it was decided to date the diplomas December 12<sup>th</sup>, 1916 and that they be considered members of the Class of 1916.*”

<sup>111</sup> This is the same Richard Stoll, 1895 graduate of the A&M College, who established the law firm presently known as Stoll, Keenon and Park; see [http://www.skp.com/firm\\_profile](http://www.skp.com/firm_profile) and <http://www.ukalumni.net/distinguishedalums/stollRC.htm>. He was a member of the Board of Trustees for 46 years (1898 to 1946 (except for 1903-1906) and served for most of those years as Chair of the Board’s Executive Committee and for many of those years as Vice Chair of the Board of Trustees).

- <sup>112</sup> Photograph kindly provided by Stoll, Keenon and Parks; an email circulated to employees shortly after the death of Mr. Hoolihan (a partner in the firm and longtime associate of Stoll) explained to the employees that the correct pronunciation of Stoll is as “Stall” and not “Stole”.
- <sup>113</sup> 06-02-1897 Minutes of the Board of Trustees
- <sup>114</sup> 05-31-1899 Minutes Board of Trustees. The Board adopted a statement scolding the Deans, Professors and Instructors for not submitting reports to President Patterson of daily records of student grades and demerits. It voted to require that in the future such books of records be submitted to the Board of Trustees. By 1906, the Board had expanded its “Committee on Minutes of the Faculty” to a “Committee on Minutes of the Faculty and Daily Grade Reports.”
- <sup>115</sup> 06-01-1912 and 12-08-1914 Minutes of Board of Trustees. At Stoll’s instigation, the Board’s Executive Committee adopted a policy that all Professors must, in addition to class preparation time and in addition to research time, must teach at least 15 class hours per week. In addition it voted require that reports be submitted to the Board showing “at a glance” the number of class hours taught by Deans, Professors and Instructors.
- <sup>116</sup> 06-10-1904 Minutes of the Board of Trustees
- <sup>117</sup> 1885 photograph of the Faculty of the A&M College, provided through the appreciated assistance of Frank Stanger
- <sup>118</sup> Professor Miller arrived to the A&M College in 1892, having been academically trained at Princeton, which at that time had a strong Faculty governance component. Throughout his time at UK, as a Professor and as a Dean, he was particularly stalwart in defense of the Faculty’s governance posture.
- <sup>119</sup> 10-18-1906 Minutes of the Faculty
- <sup>120</sup> In 1909, the Board of Trustee voted to confer the LL.D. to three individuals, and the Faculty were summarily informed after the fact that they were expected to concur. In addition, the Board voted to confer an honorary M.A. onto another individual, but the M.A. was a degree already being awarded by the University for scholarly work performed in residence, so Prof. A. M. Miller expressly protested that the M.A. should not be awarded as an honorary degree (06-01-1909 Minutes of the Board of Trustees; 06-01-1909 Minutes of the Faculty).
- <sup>121</sup> 02-01-1910 Minutes of the Faculty
- <sup>122</sup> On several occasions, sitting members of the Faculty themselves were conferred honorary degrees that the Board minutes did not clearly state to be honorary degrees. The Minutes of the Faculty for 06/04/1888 show the Faculty approving that their colleagues J. G. White and F. M. Helveti be awarded an M.A., which was a substantive degree being offered following Courses of Study by the A&M College. The Board of Trustees on 06-06-1888 approved those degrees. However, the official “Annual Register” (now today’s undergraduate “Bulletin” during the 1880’s would each year list all matriculates in the college, and neither White nor Helveti were ever listed as matriculates, so their M.A. degrees can only have been honorary degrees. In 1896, the Board of Trustees conferred an M.A. to President Patterson’s brother, Walter K. Patterson, who was the head of the Normal School, and conferred an LL.D. to another faculty member, Maurice Kirby. There is no record in the Minutes of the Faculty that the Faculty approved these two honorary degrees.
- <sup>123</sup> 05-23-1907 Minutes of the Faculty
- <sup>124</sup> 05-28-1909 Minutes of the Faculty
- <sup>125</sup> 06-03-1908 Minutes Board of Trustees pg. 271
- <sup>126</sup> 06-02-1908 Minutes of the Board of Trustees, pg. 216. President Patterson makes a statement to the Board of Trustees commenting on that the General Assembly had changed the name of the institution to State University of Kentucky: *“The average American College and mis-named universities neither do, nor attempt to do, nor could they do the research work and the original investigation which the university proper may and can undertake to do. This indeed is the distinction between college and university work. The college, through its various departments, aims to communicate to its matriculates a body of knowledge more or less complete. Its object is to familiarize its students with facts which have come down to the present generation ... as a legacy of knowledge to be mastered and assimilated by the pupils. The University upon the other hand, while making provision for collegiate work in its undergraduate courses, should if it be worthy of the name, attempt to go far beyond this ... it endeavors to each out by the original investigation and discovery into the unknown.”*

- <sup>127</sup> New University regulations adopted by the Board's Executive Committee characterized colleges faculties as *"It shall be the duty the special faculty of a college to properly coordinate the work of all the departments in that college."* 03-20-1911 Minutes of the Board of Trustees
- <sup>128</sup> 04-01-1910 Minutes of the Faculty. *"Professor Miller ... summing up his remarks by an expression of opinion as to certain changes that were needed in the State University organization as follows: First, that the State University needs a rational system of grading to replace the present antiquated methods now in vogue, which are ill-adapted to our present conditions.... Third, the University needs a registrar..."*
- <sup>129</sup> 06-02-1909 Minutes of Board of Trustees pg. 48
- <sup>130</sup> 05-31-1910 Minutes Board of Trustees *"That the President or Acting President, with the approval of the Executive Committee, shall have the power to reorganize and consolidate the teaching, business and administrative forces, as the requirements of classes become evident in order to secure a more efficient and uniform amount of department work between the professors and the instructors."*
- <sup>131</sup> 12-12-1910 Minutes Board of Trustees page 133. The Chair of the Committee was Vice President White, who was acting President of the University until January of 1911 when President Barker took office.
- <sup>132</sup> The committee of Deans submitted its draft of the new regulations for the University's organization to the Board of Trustees' Executive Committee's February 1911 meeting, and were finally approved by the Executive Committee in March 1911).
- <sup>133</sup> The function of the Council of Deans, which included all the deans and the President and Vice President, was prescribed as being *"an advisory board to the President in all matters pertaining to the University administration."* 03-25-1911 Minutes of Executive Committee, page 153. However, from its full charge, it appears that the individual college dean, not the college faculty, was the focal point of authority to "formulate courses of study" for submission above the college for approval.
- <sup>134</sup> 03-25-1911 Minutes of Executive Committee, page 153. The phrasing in the first sentence, referring to approval by the Executive Committee, was a last moment amendment added upon the motion of Board member Richard Stoll.
- <sup>135</sup> 04-17-1911 Minutes BOT Executive Committee, page 3 (interestingly, this change was initiated by the newly established "Council of Deans")
- <sup>136</sup> 08-05-1912 BOT pg. 44
- <sup>137</sup> Photograph of President Barker – From: "Henry Stites Barker. A Selection of Speeches & Other Writings by the Second President of the University of Kentucky." By Ezra Gillis, University of Kentucky Press
- <sup>138</sup> Compare this phrasing to the statute (today's KRS 164.240) that at that time ended with the phrase, "upon the recommendation of the faculty of the institution, **as they may think proper.**"
- <sup>139</sup> 05-30-1911 Minutes of the Board of Trustees, page 183
- <sup>140</sup> 04-12-1912 Minutes of the Council (of Deans)
- <sup>141</sup> 11-12-1909 Minutes of the Faculty, page 538. Recommendation to the Faculty from the Committee on Diplomas and Degrees that a Graduate School be established. The Faculty adopted the motion that the recommendation be transmitted to the Board of Trustees.
- <sup>142</sup> 04-12-1912 Minutes Board of Trustees p. 10
- <sup>143</sup> 12-10-1912 pg. 87
- <sup>144</sup> 10-13-1916 Minutes Board of Trustees, pg. 47
- <sup>145</sup> The 1917 full-blown investigation of the 'status of the University,' initiated by the Board of Trustees (with Kentucky's new Governor as the Chair of the Board) was actually one of the rawest exercises in academic politics that the University has ever experienced. At work were a number of self-interested forces: a political apparatus that had come to power in Frankfort in the recent statewide elections that did not like and that still remembered (Judge) Barker's ruling in a case involving the 1905 election; former President Patterson (who himself was in litigation against UK on the terms of his retirement contract) and who was fervently determined to undermine President Barker, making Patterson thereby useful for the moment to the political apparatus in charge of state government; Richard Stoll, the micromanaging Vice Chair of the Board of Trustees whose dissatisfaction with Barker was exceeded only by his dissatisfaction with Patterson, but whose own reappointment to the Board was at the pleasure of the Governor. As was summarized later by the University's first Registrar, Ezra Gillis, this external review at its instigating core was a masterful exercise in political chicanery aimed at removing President Barker. (See: pages 17-24 of "Henry Stites Barker: A Selection of



Speeches and Other Writings by the Second President of the University of Kentucky” by Ezra Gillis, published by the University of Kentucky Press). Although Gillis did not elaborate many of the specific sordid details, the research of the present author encountered that one of the members of the Survey Commission (that was appointed by the Investigating Committee), Thomas F. Cane, shortly after his spring 1917 visit to UK for the Survey Commission exercise, then in January 1918 became President at the University of North Dakota. It turns out that the person who had resigned as President of the University of North Dakota, thus opening that position, was none other than Frank McVey, who had resigned the UND position to become President of the University of Kentucky in September 1917, where the UK position had become open after the resignation of UK President Barker following the June 1917 publication of the Survey Commission’s (with member Thomas Kane) 1200 pages of findings. The UND archives collection reports the interesting coincidence that McVey in fact highly recommended Kane for McVey’s vacated position at UND. (see <http://www.library.und.edu/Collections/og41.html>).

<sup>146</sup> The Investigating Committee report’s was published as “Bulletin of the University of Kentucky, Vol. 9, No. 5, July 1917.”

<sup>147</sup> 04-09-1917 Minutes of the Faculty

<sup>148</sup> 06-8-1917 Minutes Board of Trustees

<sup>149</sup> Cite Board minutes on date of appointment of presidential search committee post-Barker

<sup>150</sup> Cite Board minutes for its date of hiring McVey

<sup>151</sup> At the 09-15-1917 Minutes of “the Council” (this was the first session of the newly revived body “the Council,” and it was the first meeting of “the Council” attended and presided over by newly elected President McVey): “*On motion of Doctor Boyd, it was voted that the Chairman appoint a committee to draft a constitution for the guidance of faculty and students. President McVey appointed Messrs. Boyd, Melcher, Freeman and Noe members of the committee.*” Boyd = Paul Prentice Boyd, Ph.D., Professor of Mathematics; Melcher = Columbus Rudolph Melcher, A.M., Professor of German and French; Freeman = William Edwin Freeman, A.B., M.B.E., Professor of Electrical Engineering; Noe = James Thomas Cotton Noe, A. M., Professor of Education (see: <http://www.wvu.edu/~lawfac/jelkins/lp-2001/noe.html> and <http://www.kdla.ky.gov/resources/kypoetlaureate.htm> ). The Faculty met in special session in October 1917, with new President McVey presiding, and heard the Chairman “the Committee on Constitution” [i.e., the Governing Regulations] make a report in reference to the progress of the work. President McVey stated that “*the report would be sent to every member of the faculty for their consideration before it was presented and asked that it be given their careful attention*” (10-18-1917 Minutes of the Faculty ). Two months later, the committee submitted its final draft to “the Council” [of Deans] which “unanimously” accepted the recommended draft, with several suggested adjustments to merger of or reporting of several departments (12-03-17 Minutes of “the Council”) that were incorporated (12-07-17 Minutes of “the Council”). That same day, the Chairman of the committee reported to a meeting of “the Faculty” the recommendations on the draft made by the Council of Deans. “The Faculty” approved that version of the of the draft Governing Regulations, that was submitted to the Board of Trustees for final approval (12-07-17 Minutes of the Faculty).

<sup>152</sup> 12-10-1917 Minutes of the Faculty

<sup>153</sup> The first reference recorded in minutes of either the Board of Trustees, its Executive Committee, the “Council,” or “the Faculty” to the body “the Faculty” as a “legislative” body of the University was a year earlier, in the 11-17-1916 Minutes of the Faculty. Interesting, the reference was made by Arthur Miller, Professor of Geology and the Dean of Arts and Sciences. The minutes record: “On motion of Professor Miller the following resolution was adopted: ... BE IT RESOLVED That a committee of five, including the Registrar, be appointed on the classification of proposed **Faculty Legislation**. It shall be the duty of this committee to receive and classify all propose **Faculty Legislation**, seperating (sic) routine business from subjects which are likely to require discussion. This proposed **legislation**, thus classified, will then be mimeographed and a copy be furnished to each member of the faculty at least one week in advance of the regular faculty meeting. When the faculty meets, the President will first call for a report of this committee, and members of the faculty will be given an opportunity to move for the transfer of business from the routine to the debatable class. The routine schedule of business with the transfers stricken out will then be presented en bloc for faculty approval...”

<sup>154</sup> The Investigating Committee did not recommend that the body “the Faculty” be renamed as “the University Senate,” only that “the Faculty” be recognized as “the legislative body” of the University. The first official

recommendation for the name change was in the draft Governing Regulations prepared in the late fall of 1917 that were approved by “the Faculty” and the Board of Trustees in December 1917. However, apparently, well before the fall 1917 drafting of the new Governing Regulations, it was already known to the Survey Commission (or at least to the individual who drafted the Survey Committee report) that this name change would be proposed. In a perhaps ‘Freudian slip,’ at the end of its section on review of “the Faculty” (page 23), where the Survey Commission is discussing the functions of a different body (“the Assembly”), the text states that the Assembly would have “authority to consider any matters affecting the University at its pleasure, and to make recommendations to [the Senate](#), the Council, or the President ...”

<sup>155</sup> 06-09-1919 Minutes of the Board of Trustees formally adopting the July 1918 printing of the “Constitution” and “By-Laws” of the Board of Trustees.

<sup>156</sup> The driving force behind the change of name of “the Faculty” to the “University Senate,” and the new charge to the University Senate to be expressly the “legislative body” of the University is not clearly stated in the extant record. However, it is the inference of this author that primary credit is due to one of the three members of the Survey Commission, Charles Maxwell McConn. Several possible sources, or combinations of sources, are possibly hinted at. When the Investigating Committee rendered its final report, and therein listed the members and credentials of the Survey Commission, it specifically took the time when listing Charles Maxwell McConn’s credentials to describe that he had previously at the University of Illinois (Urbana) held the offices of “*Clerk of the University Senate and of the Council of Administration (cabinet of deans) ... Secretary of the Executive Faculty of the Graduate School... Secretary of Senate Committee on Organization and Efficiency (which drafted a proposed constitution for the University of Illinois).*” These offices held by McConn at the University of Illinois are offices quite sympathetic to the notion of the creation of a University “Senate” at UK, with simultaneous cognizance of its relationship to an administrative body of deans. Of note is that even today the University of Illinois Board of Trustees regulations for its “Senate” expressly label that Senate as a “legislative body” of the University, in much the same language as the UK Board’s Governing Regulations came to refer to the UK Senate in 1917. Another supporting clue along that line is that the first reference to the Governing Regulations of UK (first promulgated in 1880) as being a “constitution” for UK did not occur until the fall of 1917, immediately after the June 1917 submission of the Survey Commission report, when President McVey appointed a committee whose purpose was to draft a “constitution” for UK (i.e., revised Governing Regulations) which contained, as it turns out, the new regulation for “the Faculty” to be renamed as “the University Senate” and postured as the “legislative body” of the University. The arrival of McConn on the Survey Team bearing this governance philosophy would have found a likely ally in Dean of Art and Sciences Arthur M. Miller, who the year before in 1916 was referring to the parliamentary handling of “legislation” passed by “the Faculty.” The present author in these clues detects an overlap at least in nomenclature among (1) Thomas Miller, A&S Dean, (2) the previous experience of Charles Maxwell McConn, a member of the Survey Commission, with a University “Senate” and writing of a University “constitution” (3) the Survey Commission’s premature reference to a “Senate” at UK and (4) the final language of the Governing Regulations. In fact, the careful partitioning in the new Governing Regulations on the functions of the University Senate as separate from the functions of the administrative “Council” also dovetail with the experience of Charles Maxwell McConn as simultaneously being a secretary to both kinds of groups at the University of Illinois.

<sup>157</sup> It is also true that former President Patterson, while President, had supported the designation of “the Faculty” as a body officially recognized by the Board for which he was the Presiding Officer, that in 1895 the “Special Faculties” would be officially recognized by the Board of Trustees as bodies that would meet, make minutes, and forward recommendations through “the Faculty” to the Board; that in 1909 the college faculty bodies would be officially recognized by the Board as bodies that meet, make minutes, and forward recommendations through “the Faculty” to the Board – thus, Patterson seemed supportive of the notion of faculty acting as a body, but by the time of the 1917 investigation he seems to have become consumed with getting Barker removed as President and with litigating the terms of his own retirement contract, which seem as though they would be a much larger issue to Patterson than the posture of “the Faculty” as a “Senate.” In addition, when Patterson, no longer President, on April 11, 1910 was losing a debate in the Faculty as to changes proposed to the Faculty in several courses of study, Patterson was quite willing to try to play the card that such changes ought require Board approval, which would not be true if the Faculty really comprised a legislative body. Finally, in contrast to the kinds of positive public language that President McVey or President Oswald would

use to expressly extol the role, even the necessity, of the faculty as a policy-making body, Patterson did not readily use such language in his public speeches. Rather, he would describe the fine education that students were receiving at the A&M College, without assigning any credit for that to any existence of, or need for, educational policy-making by the Faculty body.

<sup>158</sup> The Investigating Committee report's was published as "Bulletin of the University of Kentucky, Vol. 9, No. 5, July 1917," pages 21, 23.

<sup>159</sup> The Board Governing Regulations 1918 (published as "Bulletin of the University of Kentucky, Vol. 10, No. 7 July 1918) at section IV (page 16) stated "It is charged with the administration of the requirements and regulations established by the University Senate, but has no legislative functions, though it may in its capacity as an administrative body, suspend the action of a rule in an individual case. The Council is also given exclusive and final jurisdiction over all cases of discipline...The Council has jurisdiction over questions of scholarship and attendance, student changes in courses, co-ordination of outside activities, calendar and vacations." This is the same wording as recommended the previous year as recommendation number 25 of "Report of the Investigating Committee Presented to the Board of Trustees June 7, 1917" and published as "Bulletin of the University of Kentucky, Vol. 9, No. 5, July 1918." The Investigating Committee had correctly determined that shortly after its formation by action of the Executive Committee in 1911, it stopped meeting under the charge of that 1911 Executive Committee action, and instead began functioning as a committee of the Faculty to draft proposals to the Faculty on courses of study.

<sup>160</sup> Governing Regulations 1918 Section X.5 (page 20)

<sup>161</sup> Governing Regulations 1918 Section VIII (page 18)

<sup>162</sup> Governing Regulations 1918 Section IX (page 18)

<sup>163</sup> Minutes of the Faculty 1913

<sup>164</sup> "Rules of the University Senate" (published as "Bulletin of the University of Kentucky, Vol. 10, No. 7 July 1918)

<sup>165</sup> Rules of the University Senate 1918 Section IV

<sup>166</sup> KRS 164.240 – <http://www.lrc.ky.gov/KRS/164-00/240.PDF> "The board of trustees may grant degrees to graduates of the university, prescribe conditions upon which postgraduate honors may be obtained, and confer such honorary degrees, upon the recommendation of the faculty of the university, as it thinks proper."

<sup>167</sup> Governing Regulations 1918 Section X.4 (page 19). The Honorary Degree Committee, which itself was placed by "the Faculty" originally part of the title of the original graduate school committee, that was advisory to "the Faculty," by 1936 had become a committee of a small number of the total "Graduate Faculty," to which it was directly advisory, and the Graduate Faculty in turn was advisory to the University Senate on Honorary Degree nominees.

<sup>167a</sup> Governing Regulations 1918 Section XIV "Leave of Absence" and XV "Representation and attendance at meetings."

<sup>167b</sup> It was perhaps his misfortune of the University's history that these initiatives of McVey to promote acceleration of the University's faculty-driven research programs were stopped well-short of what they could have achieved by the Great Depression, i.e., the University had little if any resources to fiscally back-up these research policies. In fact, the fiscal situation was so bad that in 1932 the state government cut the University's general funding so severely that President McVey was forced to call a general meeting of the faculty and announce demoralizing salary cuts (of 10-20%) that the faculty never did get back.

<sup>168</sup> Dean F. Paul Anderson died in 1934. See: <http://www.engr.uky.edu/general/history.html>

<sup>169</sup> Oral History of Thomas Clark . **An interview conducted by Terry I. Birdwhistell in Lexington, Kentucky on January 13, 1986.**

<sup>170</sup> <http://biology.uky.edu/djones/PDF/5/5.xiii/5.XIII.A.pdf>

**The interview was conducted by William Cooper in Lexington, Kentucky on March 26, 1980.**

**CLARK:** *"But Pat [O'Bannon] had designed this, and he and Graham got crosswise terribly over the heating plant. And so crosswise that McVey transferred Pat over to the college of eng- . . . the college of agriculture. Well he had no more business in the college of agriculture than the head of the music department had in the college of agriculture. And that angered the faculty. One afternoon in the old university senate a question came up about electing members to the senate, and McVey was worn, and tired, and by that time beset by these problems. And they . . . the faculty was nominating various members to be members of the faculty. And [?] on the [chalk]board, these*



*nominations were by colleges. And somebody in the backroom said, "Which college does Pat belong to?" Well that was a loaded question of course. McVey, I can see him now, turned around to the blackboard and just for a moment hesitated and doodled on the board with a piece of crayon and finally wrote reluctantly "agriculture." Well if he had thrown a cup of gasoline in the fire he couldn't have lit things up more than that. From that time on, McVey never really enjoyed the full esteem of his faculty."*

**January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *"We [Clark and Donovan] talked about that . . . we also talked about some of the problems they would face in the matter of this [O'Bannon] case."*

<sup>171</sup> Thomas Clark to Davy Jones, personal communication, 05-23-2003

<sup>172</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

*"CLARK: He [Dean Graham] was an arrogant old bastard ... it was pretty clearly evident to anyone who had any insight into the situation that they were . . . had turned things over to Dean Graham, who was the worst man in the world that could have had to do with the University."*

**The interview was conducted by William Cooper in Lexington, Kentucky on March 26, 1980.**

*"CLARK: Well, there were all sorts of other things, and it became apparent that Graham was throwing entirely too much weight around in the faculty . . . in the University. He was aloof, he lived down in the Lafayette Hotel, and he wouldn't have anything to do with the faculty, walked right up to campus, you could meet him and the old bastard wouldn't even look at you and speak to you. He had some partisans on the campus. They were not very important partisans. One of the most important was Frank Peterson. Donovan had troubles of his own, and I'm sure he felt somewhat under the influence of Graham. But later on I think Donovan was less enthusiastic about Graham. Graham, you know, went with us through World War II, and he . . . he was one of the masters of a lot of the friction and division which came up in the University. ... Well, there were all sorts of other things, and it became apparent that Graham was throwing entirely too much weight around in the faculty . . . in the University."*

<sup>173</sup> In a telephone conversation, this author asked Thomas Clark whether the other Board members that just Stoll and the Governor were *"in on the abolition of the Senate."* He responded that it was his sense that although others may not have been instigators, that *"with bowed heads"* they cooperated with the Board's action to abolish the Senate.

<sup>174</sup> **Citation for 300 in Senate**

<sup>175</sup> Governing Regulations 1936 Section V

<sup>176</sup> 06-02-1939 Minutes of the Board of Trustees

<sup>177</sup> **Cooper made acting President**

<sup>178</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell**

<sup>179</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *Now I know this, not by first-hand information, but by very reliable second-hand information. [Gaile Starns] worked here in the University in the department of extension. And [Gaile] had some kind of a clerical job in the president's office. Anyway, somehow or other, he had access to some of the records. And he told me, right after this happened, that he saw the blueprint . . . Dean Graham had made a blueprint for the reorganization of the University.*

**BIRDWHISTELL:** *Hmm.*

**CLARK:** *And had taken it to Judge Stahl, Richard C. [Stahl], and chairman of the board, and he knew without a doubt that the board had that blueprint before it when they . . . when they appointed Donovan, that was a deal worked out among Judge [Stahl], Keen Johnson, and Dean Graham. And I think the trustee from Louisville, Mr. [Harverson], played a very active role in those days ..."*

**The interview was conducted by William Cooper in Lexington, Kentucky on March 26, 1980.**

**CLARK:** *"...then Graham got to the board of trustees with a blueprint telling the engineer with his infernal blueprint, went down and convinced Judge [Stahl] and members of the board that they should reorganize the University. One of the things it did was to get rid of the Senate, get that out of the University."*

<sup>180</sup> Picture adapted from a photograph in the University of Kentucky Archives, kindly made available by Frank Stanger

<sup>181</sup> Picture adapted from a portrait of Stoll hanging in the University of Kentucky Archives

<sup>182</sup> 04-01-1941 Minutes of the Board of Trustees

<sup>183</sup> **The interview was conducted by William Cooper in Lexington, Kentucky on March 26, 1980.**

*“But in doing that, they also unhorsed the faculty. And not knowing what they were talking about in the faculty, or not knowing what they were doing, they got rid of the faculty and appointed Donovan president and Frank Peterson, a business manager, Mr. D. H. P. retired as business manager. And had completely removed all authority that the faculty had. But they overlooked the fact that they couldn’t legally graduate a class, because the faculty had to approve the graduation. And that is the graduating list. That was little more than a formality, but it was a jealously guarded formality. Well, there were all sorts of other things, and it became apparent that Graham was throwing entirely too much weight around in the faculty . . . in the University.”*

<sup>184</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *“They were there to be seen. They certainly were. Well the appointment of Donovan came just like a thunderbolt. I remember I was in a graduate examination, and the secretary came and said, “I have a phone call.” It was Winston Coleman on the phone. Said, “Well, you’ve got a new president this afternoon.” And I asked him who. There was an [inaudible] rumor, you know, about that. Said, “Donovan of Eastern.” Well I somewhat felt like that expression when Chester A. Arthur became president of the United States. “Chester A. Arthur, president of the United States, good God!” Well I felt that way about Donovan. That was a very highly demoralizing thing within itself. The rumors had come to this campus that Donovan was quite autocratic at Eastern.”*

<sup>185</sup> **The interview was conducted by William Cooper in Lexington, Kentucky on March 26, 1980.**

*“Dr. McVey never talked about Donovan, and he never talked about what was happening at the University except to make just sort of casual remarks. One time he said to me, “How can you run a university when you’ve got your faculty locked up in the back lot like a bunch of dry cattle?” Well that was a pretty sharp statement for him to make. He . . . he went to his grave without ever saying much about the internal affairs. But he and Mrs. McVey became angry, angry, angry at Graham. There just wasn’t anything that they could say harsh enough. And as I said earlier, the last time I heard her speak in her natural voice was right here where we’re sitting just red-eyed in anger about Graham. I’d never seen the old man so angry about things as he was about that. “*

<sup>186</sup> See discussion about Charles McConn and “Constitution” in footnote 150.

<sup>187</sup> The publication documents of the 1920, 1923, 1927, and 1936 Governing Regulations contain at the very end the following statement: *“This constitution may be amended by the Board of Trustees. Notice shall be given to the President and Senate of the University when such amendments are under consideration by the Board of Trustees.”*

<sup>188</sup> 06-04-1941 Minutes of the University Senate. The entire text of the resolution is posted at: \_\_\_\_\_

<sup>189</sup> 09-15-1942 Minutes of the Board of Trustees

<sup>190</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *“Then, as you know, he came on in . . . as president and wrote, as I recall, his inaugural address was what I see from my window. He came here scared to death of this faculty. It took him three or four years to really feel comfortable with the faculty. He expected it to explode, and he had reason to expect it, at any moment.”*

<sup>191</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:** *“The second thing we talked about was this . . . this thing they created calling the faculty, had to be very careful with that, because that could cause an internal explosion.”*

**January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *“....the really crushing blow, and to me, personally, looking back on those days, those are . . . that seemed to me to be the most fundamental of all was the killing of the senate. That expressed no confidence in the faculty on the part of the board of trustees. It expressed more than that. It expressed an autocratic determination of the board of trustees to dabble in things that they had no business dabbling in. They were going to run the University, and by that time... Well the one thing that we [Clark and Donovan] talked about was somehow or other, he had to get around the killing of the senate. Some way he had to start an active campaign to reinstate some kind of faculty representation, true faculty representation. Here you had a faculty dealing with the instructional program of the University, but having absolutely no input in it....*

<sup>192</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *....So J. W. Martin, and Dean Evans, and I, we may have been appointed a committee, I don’t remember exactly how that came about. But we sat down, in about a half a dozen meetings, and*

*explored the situation, talked it over, and we finally got together some ideas, and presented them to Donovan.*

<sup>193</sup> **January 13, 1986 Oral History Interview with Thomas Clark by Terry Birdwhistell:**

**CLARK:** *It was just completely asinine. And it was unworkable."*

<sup>194</sup> 09-15-1942 Minutes of the Board of Trustees, page 4.

<sup>195</sup> *"It seems to me that you have put your finger on the real source of possible friction in the University's internal operation."* 09-21-1942 letter from Thomas D. Clark to President Donovan

<sup>196</sup> "Report of Committee of Fifteen on the University's Administrative Organization" submitted into the 04-06-1943 Minutes of the Board of Trustees. Dean Thomas Cooper, Chair of the Committee

<sup>197</sup> 04-06-1943 Minutes of the Board of Trustees

<sup>198</sup> 05-22-1947 Minutes of the Executive Committee of the Board of Trustees

<sup>199</sup> Section XIII (page 23) of the 1918 Governing Regulations of the Board of Trustees

<sup>200</sup> Notes taken by Leo Chamberlain ("Dean of the University") in an early 1943 conference with President Donovan

<sup>201</sup> Section X.5 of the 1947 Governing Regulations (page 25).

<sup>202</sup> For references to all facts cited, see <http://biology.uky.edu/djones/PDF/5/5.xiii/5.XIII.D.pdf>

<sup>203</sup> For references to all facts cited, see <http://biology.uky.edu/djones/PDF/5/5.xiii/5.XIII.A.pdf>; Perhaps coincidentally, both Dean Graham and Trustee Richard Stoll ended their University service that same year.

<sup>204</sup> 11-22-1963 letter from Senate Council Chair Ralph Weaver to President John Oswald.

<sup>205</sup> **AAUP Asks for communication**

<sup>206</sup> April 1954 Minutes of the Board of Trustees

<sup>207</sup> For references to all facts cited, see

<http://biology.uky.edu/djones/PDF/5/5.xiii/The%20Case%20of%20Gladys%20KammererIV.pdf>

<sup>208</sup> At its meeting of 09-17-1957, the Board of Trustees approved the recommendation of President Dickey (that he had jointly agreed to with the KY Chapter of the AAUP), that there would be established a joint Board-Faculty Committee, charged to consider general issues of academic freedom at the University of Kentucky, as well as specific individual grievance cases, such as the Kammerer case. This committee format, finally formed, would substantively affect the University for the next decade. It would help the Board of Trustees navigate through the difficult case of Abby Marlatt in the early 1960's. During President Oswald's administration, it began the very positive process of the Board and Faculty working together on a global revision of the Board's Governing Regulations, which the committee submitted to the Board in April 1970 and that the Board then smoothly adopted May 10, 1970.

<sup>209</sup> For all the cited facts, see <http://biology.uky.edu/djones/PDF/5/5.xiii/Marlatt2.1.pdf>

<sup>209a</sup> The last official action relating to Mr. Morin in the 06-04-1963 Minutes of the UK Board of Trustees, approving six final months of employment. In this authors personal phone call to Mr. Morin, he described that after his employment with UK was not renewed, he obtained a teaching position next in Cincinnati, Ohio, but never subsequently obtained a tenured faculty position anywhere.

<sup>210</sup> **cite Thelin**

<sup>211</sup> "Report of the Committee on Composition and Role of the University Faculty of the University of Kentucky" dated April 3, 1959

<sup>212</sup> page 195 from "Beginning a Second Century. the University of Kentucky Academic Program: Curricula, Policies and Organization." October 1965

<sup>213</sup> Governing Regulations 1955 GR IX.4 (page 26)

<sup>214</sup> Governing Regulations 1936 GR VIII (page 18)

<sup>215</sup> actually published in the Governing Regulations of 1947, Section V (page 9)

<sup>216</sup> no reference here

<sup>217</sup> Governing Regulations 1960 (published 1961 as the "red book") GR VIII (page 11)

<sup>218</sup> Governing Regulations 1960 (published 1961 as the "red book") GR IX.18 (page 20)

<sup>219</sup> "Report of the Subcommittee on Deans and Heads of Departments"; appointed by the President's Committee of Fifteen in December 1960, with the Faculty Trustee Thomas Clark as its Chairman.

<sup>220</sup> "Relationships Between State Government and the University of Kentucky. Report and Recommendations



adopted by the University of Kentucky Chapter of the American Association of University Professors.”

Lexington, March, 1951

<sup>221</sup> Senate Bill 271 and House Bill 518

<sup>222</sup> 1955 Governing Regulations, Section V (page 9)

<sup>223</sup> 03-20-1960 Memorandum from President Dickey calling for the meeting at 4:00 p.m. March 24, 1960 in Memorial Hall

<sup>224</sup> 03-22-1960 Press Release by UK Public Relations department

<sup>225</sup> 05-24-1960 Leader newspaper report (article caption shown at right)

<sup>226</sup> When the 1972 legislation was drafted, amending KRS 164.131 to no longer refer to the faculty trustees (or the student trustee) as nonvoting, the references 164.170 and 164.131(1)(e) that had also referred to nonvoting trustees on account of the previous status of the faculty and student trustees, were not similarly amended. Hence, today, those two sections of the state law still refer to nonvoting members of the Board, even though the state law no longer identifies any specific nonvoting members of the Board. However, the fossil relic reference to nonvoting trustee at KRS 164.170 and KRS 164.131(2)(e) provided the Board of Trustees its legal cover several decades later to confer a honorary nonvoting membership to the Board for A. B. Chandler.

<sup>227</sup> Those enumerated specific aspects of educational policy-making on page 9 of the 1955 Governing Regulations, subsumed within the new phrase “broader academic policies of the institution” were

“(a) studies, including schedules of classes, numbering and classification of courses, credit for foreign languages and extension work, probation, repeated failures, student load, transfer between curricula of different colleges, unsatisfactory scholarship and attendance, examinations, credits, marks, and student standing;

(b) admission and classification of students and requirements for graduation

(c) approval of curricular and courses;

(d) the University libraries

(e) commencement and other convocations

(f) student discipline, including penalties for nonattendance;

(g) student social and extracurricular activities;

(h) the awarding of honors’ and

(i) other matters, whether or not enumerated herein, concerning the educational program of the institution as a whole.”

<sup>228</sup> President Dickey announced his resignation (effective June 30, 1963) at the 09-18-1962 meeting of the Board of Trustees.

<sup>229</sup> The Board of Trustees announced its appointment of John W. Oswald as President at its May 31, 1963 meeting.

<sup>230</sup> 01-08-1962 Minutes of the University Faculty

<sup>231</sup> 05-14-1962 Minutes of the University Faculty

<sup>232</sup> 07-14-1962 Minutes of the University Faculty Council. Ralph Weaver was reelected as Chair for a second and third year, and is the only Faculty Council (or Senate Council) Chair to serve three consecutive elected terms.

<sup>233</sup> 09-16-1963 Minutes of the University Faculty

<sup>234</sup> 10-24-1963 Minutes of the University Faculty Council

<sup>242</sup> “Report of the Subcommittee on Deans and Heads of Departments”; appointed by the President’s Committee of Fifteen in December 1960, with the Faculty Trustee Thomas Clark as its Chairman.

<sup>243</sup> 10-23-1963 Minutes Board of Trustees

<sup>244</sup> BOT Minutes 09-15-1964

<sup>245</sup> 03-31-64 letter from VP William Willard to President Oswald re proposed changes in Governing Regulations: “*Personally, I would eliminate all references to voting.*”

<sup>246</sup> 04-10-64 letter drafted from President Oswald to VP William Willard re dissatisfaction with VP Willard’s attitude: “*I was most disappointed in the negative nature of your statement on the definition of department chairmen.*”

<sup>247</sup> E.g., “Committee Membership and Charges. College of Medicine. 1965-1966... Chairman: Associate Dean.. Membership: Department Chairmen ... Vice President ... Asst. Vice President ... Health Service [member] ...” and four additional “administrative staff” members.

<sup>235</sup> 09-10-1964 memorandum from the Registrar to the “Faculty of the University  
<sup>236</sup> 08-27-64 memo from President Oswald to the entire University faculty  
<sup>237</sup> 02-19-1965 note from President Oswald to Special Assistant to the President Paul Nagel  
<sup>238</sup> 02-26-1965 Minutes of the University Faculty Council; 03-08 1965 Minutes of the University Faculty  
<sup>239</sup> 05-06-1965 Minutes of the Board of Trustees  
<sup>240</sup> 09-11-1967 Minutes of the University Senate  
<sup>241</sup> 12-11-67 Minutes of the University Senate; there would be three student members in this body  
<sup>248</sup> 01-18-1968 letter from President Oswald to Samuel Conti, Director, School of Biological Sciences  
<sup>249</sup> 09-30-1968 cover letter to draft from Ralph Weaver  
<sup>250</sup> There had been revision to specific sections in the revisions of 1955 and 1960, but not revision of the entire text  
<sup>248</sup> 09-24-1964 Minutes of the University Faculty Council  
<sup>251</sup> 08-12-1968 “Preliminary Draft of Revised Governing Regulations” (later referred to as “version I)  
<sup>252</sup> 09-30-1968 “Proposed Revision of the Governing Regulations of the University of Kentucky” (later referred to as “version III”); quoted section is on page 15  
<sup>253</sup> Footnote President appoints. In addition, the role of the President to appoint members to Senate-established committees was not a requirement of regulation, but was rather in intramural parliamentary courtesy extended to the President as Chair of the Senate. Contrast this to Dickey  
<sup>254</sup> GR VII of 09-30-1968 “Version III” page 30. The same language was already present in Version I. Ralph Weaver had been waiting since 1964 for the opportunity to pen this change into the Governing Regulations. As shown in the \_\_\_\_ Minutes of the University Faculty Council, he was asked to draft a list of places in the Governing Regulations that would need updating because of the numerous changes in policy adopted by the Board of Trustees, including the change in department head to department chair. On that list he provided to the Senate Council, Weaver noted that the section on departmental “staff” would need to be “completely rewritten.” And, four years later, after getting the assignment from President Oswald to pen the first draft of the global update to the Governing Regulations, his 08-12-1968 cover letter to Version I noted that the section on department “faculty” had been “completely rewritten.” The present writer infers some satisfaction on the part of Ralph Weaver at that moment.  
<sup>255</sup> 11-20-1968 letter from Special Assistant to the President Ralph Weaver letter to Paul Oberst, Chair, joint Board-Faculty Committee to revise the Governing Regulations  
<sup>256</sup> 06-11-1969 letter from Ralph Weaver to Executive Vice President A.D. Albright explaining the series of draft that had culminated (at that time) in Version IV.  
<sup>257</sup> 05-07-1968 Minutes of the Board of Trustees  
<sup>258</sup> “Report of the Fayette County Grand Jury April 1968”  
<sup>259</sup> [President Oswald's Statement on University Free Speech, Presented to Board of Trustees May 7, 1968](#)  
<sup>260</sup> Trustee A. B. Chandler voted “no” on the motion to endorse the statement read by President Oswald on “The Nature and Purposes of University.” According to President Oswald’s statements in Oral History to the University of Kentucky Archives, A. B. Chandler was quoted to have made an off-the-record statement to the effect that he (Chandler) was not questioning Oswald’s patriotism, it was just that Oswald did not understand that in this state we have “Kentucky style patriotism.”  
<sup>261</sup> Governing Regulations II.B.3.II  
<sup>262</sup> List of all Honorary Degree recipients, copied from the UK Archives, and posted at:  
<sup>263</sup> It may also be relevant that in his last year in office, legislation reached Governor Nunn’s desk to sign, that changed the state law to abolish the Governor’s positions as member and Chair of the UK Board of Trustees.  
<sup>264</sup> **News account that UK ROTC building is burned down**  
<sup>265</sup> 05-10-1970 Minutes of the Board of Trustees  
<sup>266</sup> The Kentucky Kernal Editorial Page for 12-10-1970, ran an opinion statement of the newspaper editorial board entitled “***Urgent Need for Adoption of Senate Tripartite Report***” supporting the proposal to increase the number of voting student senators from 5 to 40 out of 200. That editorial included the following “*The report represents the very least the Senate can do for students. Its rejection would be a denial of student sovereignty ... some senators oppose the proposal as too radical. In an environment where students are regarded as [racial epithet] such an assertion is true.*”  
<sup>267</sup> 12-14-1970 Minutes of the University Senate.

- <sup>268</sup> 12-15-1970 “News from the University of Kentucky” Dept. of Public Relations press release)
- <sup>269</sup> 02-16-1971 Minutes of the Board of Trustees)
- <sup>270</sup> Appendix B to “*Report of the Senate Ad Hoc Tripartite Committee to Investigate the Role of Students, Faculty and Administrators in the University Senate*”
- <sup>271</sup> 04-06-1971 Minutes Board of Trustees
- <sup>272</sup> 09-21-1981 Minutes Senate Council.
- <sup>273</sup> <http://www.uky.edu/USC/SCMinutes/SC%20Minutes%208.25.03.htm> 08-25-2003 Minutes University Senate Council
- <sup>274</sup> President’s Memo “COMMITTEE ASSIGNMENTS FOR 2005-06” UK-web posted 08-17-2005
- <sup>275</sup> See 12-15-1981 Minutes, University Senate Council. October 1981 Minutes of University Senate (The “Kemp” report to the University Senate firmly recommended that all ex officio members be nonvoting. [see 09-21-1981 Minutes, Senate Council] The ex officio administrative Senate members were then invited to state whether they wanted to continue their voting status, which (surprise) they did, with the compromise that because the faculty numbers were cut in half, then only half of the voting ex officio members would have voting status in any one academic year- see 11-17-1981 Minutes, University Senate Council). (foot note extension).
- <sup>276</sup> April \_\_, 1982 Minutes of the Board of Trustees
- <sup>277</sup> ... with respect to the authority of the Senate in reorganizations of educational units. The Governing Regulations of 1970 had newly codified the practice initiated in 1963 by President Oswald that the President must consult the Senate Council on appointment of search committees for deans and for review committees for colleges. The Honors program (specified as an educational unit by the Governing Regulations) had for years been placed in the reporting relationship to the Dean of Undergraduate Studies. However, without first seeking a recommendation from the Senate Council, President Singletary decided to abolish the position of Dean of Undergraduate Studies, leaving the Honors program without a reporting relationship to an academic Dean. President Singletary justified his failure to consult the Senate Council by his interpretation: “The office of Dean of Undergraduate Studies [is not] classified as an ‘academic unit’ in the Governing Regulations ... I do not feel it necessary to seek a specific recommendation from the Senate Council.” 04-27-1981 memorandum from President Singletary to Senate Council Chair George Schwert. See also 05-08-1981 Senate Council minutes.
- <sup>278</sup> 02-10-2004 Minutes, Board of Trustees <http://www.uky.edu/Trustees/minutes/200402/minutes.pdf>
- <sup>279</sup> 12-11-2001 Minutes, Board of Trustees <http://www.uky.edu/Trustees/minutes/200112/minutes.PDF>
- <sup>280</sup> GR XI dated 12-11-2001 opens with the sentence: “*The University of Kentucky Student Government Association is recognized by the Board of Trustees, administration, and the University Senate as the official student body authority in University matters to insure a maximum of self-government.*”
- <sup>281</sup> GR V(A) dated 01-22-2002 opens with the sentence: “*The University of Kentucky Staff Senate shall be the official representative body of the staff of the University.*”
- <sup>282</sup> In the fall of 2003 the University Senate Council charged the Senate Academic Planning and Priorities Committee to initiate that discussion within the University Senate framework. The committee’s work product in the spring of 2003, as a first draft revision to the Governing Regulation, was adopted by the Senate Council,, then by the University Senate, and submitted to the President’s newly formed Task Force on the Governing Regulations. That Task Force’s work product, a further revised draft of the Governing Regulations, was submitted to the President in the spring of 2004. After a review by the Office of Legal Counsel, it was submitted to an ad hoc committee of the Board of Trustees in May 2005, was there approved and submitted to the Board of Trustees, which rendered final approval in June 2005.
- <sup>282</sup> In addition to the circumscription to the elected Faculty Senators of the authority of functions derived to “the faculty of the university” under state law, other expansion of decision-making powers in other areas was delegated by the Board to the all the voting members of the University Senate. These additional powers include, highlighted below: \_

“2. Approve all new academic programs and make **final academic decisions** on recommendations to changes of these programs.

3. Make **final decisions** for the University on curricula, courses, certificates and diplomas offered at the University and **on the termination** of academic programs.”

## APPENDIX I

### EXCERPTS FROM LAWS OF OTHER STATES

#### CODIFYING STATUTORY ROLES OF THE UNIVERSITY FACULTY IN DECISIONS ON DEGREES

##### UNIVERSITY OF MICHIGAN

"Act 151 of 1851 390.11 Authority of regents; president and faculty; degrees. Sec. 11.

... the regents shall have power to regulate the course of instruction, and **prescribe, under the advice of the professorships, the books** and authorities to be used in the several departments; and also to **confer** such **degrees** and grant such diplomas as are usually conferred and granted by other similar institutions."

*Reference source for this citation:* <http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=mcl-390-11&queryid=10519087&highlight=course>

##### UNIVERSITY OF ILLINOIS

"(110 ILCS 305/10) (from Ch. 144, par. 31)

Sec. 10. The **faculty** of the University **shall consist of the chief instructors** in each of the several departments. The trustees, **on recommendation of a majority of the faculty**, may authorize the regent of the University to issue certificates of scholarship under the seal of the University ... and **on like recommendation of the faculty**, the trustees may authorize the regent, as president of the University, to issue diplomas to such persons as shall have **completed satisfactorily the required studies**, and sustained the examinations therein, **conferring** such literary and scientific **degrees** as are usually conferred by universities for similar or equivalent courses of studies, or such as the trustees may deem appropriate... (Source: Laws 1877, p. 216.)"

*Reference sources for this citation:*

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1086&ChapAct=110%26nbsp%3BILCS%26nbsp%3B305%2F&ChapterID=18&ChapterName=HIGHER+EDUCATION&ActName=University+of+Illinois+Act%2>

##### UNIVERSITY OF RHODE ISLAND

"TITLE 16 Education CHAPTER 16-32 University of Rhode Island SECTION 16-32-10

**§ 16-32-10 Award of degrees – Curriculum and government.** – The board of trustees, **with the approval of** the president and **a committee of the faculty** of the university, shall **award** academic **degrees** and diplomas and confer honors in the same manner as is customary in American colleges. It shall also be the duty of the president and **a committee of the faculty**, with the approval of the board of governors for higher education, to **arrange courses of study** conforming to all acts of Congress, and **prescribe any qualifications for the admission** of students...."

*Reference source for this citation:* <http://www.rilin.state.ri.us/Statutes/TITLE16/16-32/16-32-10.HTM>

##### UNIVERSITY OF WASHINGTON

"RCW 28B.20.130

**Powers and duties of regents -- General.**

General powers and duties of the board of regents are as follows:

(5) With the **assistance of the faculty** of the university, **prescribe the course of study** in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(6) **Grant** to students such certificates or **degrees** as **recommended** for such students **by the faculty**. The board, **upon recommendation of the faculty**, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art, or science..."

*Reference source for this citation:*

<http://www.leg.wa.gov/RCW/index.cfm?section=28B.20.130&fuseaction=section>

##### INDIANA UNIVERSITY

(Indiana University) IC 20-12-23-7 Faculty; powers

Sec. 7. The **president, professors and instructors** shall be styled "**the faculty**" of said university, and shall have power:

Third. To **confer**, with the consent of the trustees, such literary **degrees** as are usually conferred in other universities, and, in testimony thereof, to give suitable diplomas, **under the** seal of the university and **signature of the faculty**. (Formerly: Acts 1852, 1RS, c.114, s.7.)



Reference source for this citation: <http://www.in.gov/legislative/ic/code/title20/ar12/ch23.html>

### **MONTANA UNIVERSITY SYSTEM**

**“20-25-301. Regents' powers and duties.** The board of regents of higher education shall serve as regents of the Montana university system, shall use and adopt this style in all its dealings with the university system, and: (4) shall **grant** diplomas and **degrees** to the graduates of the system **upon the recommendation of the faculties** and have discretion to **confer honorary degrees** upon persons other than graduates **upon the recommendation of the faculty of the institutions;**”

### **OREGON STATE UNIVERSITY SYSTEM**

“(3) The board may, for each institution under its control:

(f) Confer, **on the recommendation of the faculty** of any such institution, such **degrees as** usually are conferred by such institutions, or as they deem appropriate.”

Reference source for this citation: <http://www.leg.state.or.us/ors/351.html>

### **SOUTH DAKOTA STATE UNIVERSITY**

“13-53-7. Degrees and honors conferred by board--Faculty recommendation. The Board of Regents is authorized to **confer** all scholastic honors and **degrees** usually granted by such boards; and all degrees, diplomas, and certificates of graduation shall be issued and conferred in its name and by its express authority. In conferring degrees the board shall conform as nearly as may be to the best and most reputable current practice in such matters. Students shall be **graduated** from each institution by the Board of Regents **upon recommendation of the faculty** of such institution.”

Reference source for this citation:

<http://legis.state.sd.us/statutes/index.cfm?FuseAction=DisplayStatute&txtStatute=13-53-7&FindType=Statute>

### **UNIVERSITY OF TENNESSEE**

“ (2)(d) (1) The trustees at their stated sessions shall have full power and authority to elect a president, and such **professors, tutors** and other officers in the university as they may judge necessary.

(4) (f) The **president and professors** of the university, with the advice and consent of a majority of the board, shall have **full power and authority**, at any stated session of the board, to **confer** on any student in the university, or any other person they may think proper, the **degrees** of Bachelor of Arts, Master of Arts, or any other degree known and used in any college or university, in any of the United States.

[Acts **1807**, ch. 64, §§ 1-8; 1839-1840, ch. 98, §§ 4, 5; **1868-1869**, ch. 88, § 1; 1879, ch. 85, § 1; 1909, ch. 48, § 1; Shan. §§ 369, 373a1; Code 1932, § 573; modified; Acts 1971, ch. 352, § 1.]”

Reference source for this citation:

<http://198.187.128.12/tennessee/lpext.dll/Infobase/2833d/2aba6/2ac4f/2ac90?f=templates&fn=document-frame.htm&2.0>

### **WASHINGTON STATE UNIVERSITY**

#### **RCW 28B.30.150**

#### **Regents -- General powers and duties.**

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(6) With the **assistance of the faculty** of the university, **prescribe** the **courses** of instruction in the various colleges, schools, and departments of the institution and publish the necessary catalogues thereof.

(14) **Grant** to students such certificates or **degrees**, as **recommended** for such students **by the faculty**.

(15) **Confer honorary degrees** upon persons other than graduates of the university in recognition of their learning or devotion to literature, art, or science **when recommended thereto by the faculty**:

Reference source for this citation:

<http://www.leg.wa.gov/RCW/index.cfm?section=28B.30.150&fuseaction=section>

### **DELAWARE STATE UNIVERSITY**

§ 6506. Faculty; powers.

“The **faculty** of the University, composed of the teachers whom the trustees shall employ, 1 of whom shall be President of the University and, ex officio, a member of the Board of Trustees ... shall have **authority**, with the approbation of the Board, to **confer degrees** and grant diplomas.”

Reference source for this citation:

[http://198.187.128.12/delaware/lpext.dll/Infobase/14f4d/1698d/1698f?f=templates&fn=document-frame.htm&2.0#JD\\_t14ch65](http://198.187.128.12/delaware/lpext.dll/Infobase/14f4d/1698d/1698f?f=templates&fn=document-frame.htm&2.0#JD_t14ch65)

## APPENDIX II

### EXCERPTS FROM LAWS OF OTHER STATES

#### CODIFYING STATUTORY ROLES OF THE FACULTY IN UNIVERSITY GOVERNMENT

##### UNIVERSITY OF MICHIGAN

“Act 151 of 1851 390.11 Authority of regents; president and faculty; degrees. Sec. 11.

The **immediate government** of the several departments shall be entrusted to the president and the **respective faculties**;...”

*Reference source for this citation:* <http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=mcl-390-11&queryid=10519087&highlight=course>

##### Montana

**20-25-301. Regents' powers and duties.** The board of regents of higher education shall serve as regents of the Montana university system, shall use and adopt this style in all its dealings with the university system, and: (11) shall confer, at the regents' discretion, upon the **president and faculty** of each of the units of the system for the best interest of the unit authority relating to the **immediate control and management**, other than financial, and the selection of teachers and employees;”

##### INDIANA UNIVERSITY

(Indiana University) IC 20-12-23-7 Faculty; powers

Sec. 7. The **president, professors and instructors** shall be styled "**the faculty**" of said university, and shall have power:

First. To **enforce** the regulations adopted by the trustees for the **government** of the students.

Second. To which end they may reward and censure, and may suspend those who continue refractory until a determination of the board of trustees can be had thereon.

... (Formerly: Acts 1852, 1RS, c.114, s.7.)

*Reference source for this citation:* <http://www.in.gov/legislative/ic/code/title20/ar12/ch23.html>

##### New Hampshire University System

**“187-A:16 Authority of the Trustees.** – The trustees shall have the management and control of all the property and affairs of the university system of New Hampshire, the university of New Hampshire ... In addition to this general authority, the trustees are authorized to:

VI. Appoint a **faculty** of instruction, prescribe their duties, and invest them with such powers for the **immediate government** and management of each institution as the trustees may deem conducive to the best interests of each institution and the university system.”

*Reference sources for this citation:* <http://www.gencourt.state.nh.us/rsa/html/XV/187-A/187-A-16.htm>

##### UNIVERSITY OF RHODE ISLAND

“TITLE 16 Education CHAPTER 16-32 University of Rhode Island SECTION 16-32-10

**§ 16-32-10 Award of degrees – Curriculum and government.** – ... It shall also be the duty of the president and a **committee of the faculty**, with the approval of the board of governors for higher education, to ... **prescribe** ... any rules of study, exercise, discipline, **and government** as the president and committee may deem proper.”

*Reference source for this citation:* <http://www.rilin.state.ri.us/Statutes/TITLE16/16-32/16-32-10.HTM>

##### UNIVERSITY OF WASHINGTON

**RCW 28B.20.200**

**Faculty -- Composition -- General powers.**

The **faculty** of the University of Washington shall consist of the **president** of the university and **the professors** and the said faculty shall have charge of the **immediate government** of the institution under such rules as may be prescribed by the board of regents.

*Reference source for this citation:*

<http://www.leg.wa.gov/RCW/index.cfm?section=28B.20.130&fuseaction=section>

## **ARIZONA UNIVERSITY SYSTEM**

"15-1601. **State universities; location; faculty powers**

A. The Arizona board of regents shall maintain state universities at Flagstaff in Coconino county, at Tempe in Maricopa county and at Tucson in Pima county, and the universities are respectively designated northern Arizona university, Arizona state university and the university of Arizona...

B. The universities shall have colleges, schools and departments and give courses of study and academic degrees as the board approves. Subject to the responsibilities and powers of the board and the university presidents, the **faculty members** of the universities, through their **elected faculty representatives**, shall share responsibility for academic and educational activities and matters related to faculty personnel. The **faculty members** of each university, through their **elected faculty representatives**, shall participate in the **governance** of their respective universities and shall actively participate in the development of **university policy**."

*Reference source for this citation:*

<http://www.azleg.state.az.us/search/oop/qfullhit.asp?CiWebHitsFile=/ars/15/01601.htm&CiRestriction=faculty&CiBeginHilite=<b>&CiEndHilite=</b>&CiHiliteType=Full>

## **DELAWARE STATE UNIVERSITY**

§ 6506. Faculty; powers.

"The **faculty** of the University, composed of the teachers whom the trustees shall employ, 1 of whom shall be President of the University and, ex officio, a member of the Board of Trustees, shall have the care, **government** and instruction of the students, subject, however, to the bylaws.

*Reference source for this citation:*

[http://198.187.128.12/delaware/lpext.dll/Infobase/14f4d/1698d/1698f?f=templates&fn=document-frame.htm&2.0#JD\\_t14ch65](http://198.187.128.12/delaware/lpext.dll/Infobase/14f4d/1698d/1698f?f=templates&fn=document-frame.htm&2.0#JD_t14ch65)

## APPENDIX III

### **EXCERPTS FROM LAWS OF OTHER STATES, AND FROM OTHER DOCUMENTS BEARING ON THE MEANING OF “LITERARY HONORS” THAT A UNIVERSITY MAY CONFER**

#### **The University of San Francisco:**

“On April 30, **1859**, the State of California issued a charter under the title of "Saint Ignatius College," empowering the College to confer degrees "with such **literary honors** as are granted by any university in the United States.” “

[http://www.usfca.edu/acadserv/catalog/usf\\_history.html](http://www.usfca.edu/acadserv/catalog/usf_history.html)

#### **The Indiana Asbury University**

"The Indiana Asbury University," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the **literary honors** of said university, according to their merit,”

<http://www.in.gov/legislative/ic/noncode/1837.pdf>

#### **West Tennessee Baptist Institute**

**1854**, Chapter 194, pages 607-609):

Sec. 58 ..... A. McDerson, J. R. Rutlage and their successors, be, and they are hereby constituted a body politic and corporate, by the name and style of the 'Trustees of the West Tennessee Baptist Institute', Sec. 62. Be it enacted, That said board of trustees shall have full power and authority to fill all vacancies that may occur in their body from death, resignation or otherwise and in connection with the faculty to use a cosmos seal which shall always be deposited with the president and confer all such **literary honors** and **degrees** upon any student of the institution or other persons as are usually conferred by any institution of learning in this State or in the United States.

<http://www.tngenweb.org/records/madison/smith/gmmc2-05.htm>

#### **SOUTHERN BAPTIST UNIVERSITY** – (Established **1878**; chartered by the state 1879)

##### **From the Charter:**

##### **“ARTICLE XII DIPLOMAS AND DEGREES**

Section 1 The said University may grant diplomas, certificates, or honorary testimonials and may confer such **literary honors**, **degrees**, and diplomas as are usually conferred by institutions of like grade in the United States; and the same shall entitle the possessor to all the immunities and privileges allowed by usage or statute to the possessor of like diplomas from any institution of like grade in this state.”

[http://www.sbuniv.edu/academics/Faculty/faculty\\_appendix1.pdf](http://www.sbuniv.edu/academics/Faculty/faculty_appendix1.pdf)

#### **Theological Seminary of Hanover**

Inaugural Address, Delivered January 1, **1833**

. There is not a religious denomination in our free and happy country without its literary and theological seminaries. In most of the states, these institutions have been smiled upon and fostered by legislative enactments. All this is as it should be. And as the world stands at this time, to talk of breaking down a sectarian spirit, or preventing the influence of any denomination by denying to any institution the facilities of conferring **literary honors**, to say the least of it, is an infringement upon equal liberty.

It is intended that the Theological Seminary of Hanover shall be, to the churches in the West, what Princeton is to the churches in the East. At South Hanover young men may commence or complete their literary course, and progress with their theological studies, without changing their location, and under able and approved professors,

<http://history.hanover.edu/hhr/hhr5-5.html>

#### **FORDHAM UNIVERSITY**

AN ACT to incorporate St. John's College, Fordham

Passed April 10, **1846** by a two-third vote.

5. The said corporation may grant to students under its charge, diplomas or honorary testimonials, in such form as it may designate. It may also confer such **literary honors**, **degrees** and diplomas, as are usually granted by any university, college or seminary of learning in the United States.



<http://www.fordham.edu/acadh/Images%20and%20Other%20Resources/PDF%20Files/Statutes.pdf>

### **Oklahoma Baptist University**

Oklahoma Baptist University satisfies each of the General Institutional Requirements established by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools, as demonstrated below. ...The Charter of Oklahoma Baptist University authorizes Oklahoma Baptist University "to grant such **literary honors** and **degrees** as are usually granted by like institutions, and to give suitable diplomas" (Article Four). <http://www2.okbu.edu/selfstdy/introduction.pdf>

### **Madison College and Augusta College**

From the close of the General Conference of 1828 to the beginning of the General Conference of **1832** After some general statements on the number and character of the literary institutions then in existence under the patronage of the Methodist Episcopal Church, the report, the production of the late Dr. Fisk, contains the following very just and timely remarks: —

"In review of the whole, we find the efforts and successful operations in different conferences to promote the cause of literature and science have increased very considerably since the last General Conference. There are now six or seven promising institutions in successful operation, two of them having college charters, namely, Madison College and Augusta College, which are already prepared to take students through a regular course, and confer on them the ordinary **degrees** and **literary honors** of such institutions, and hold out encouragements and assurances that authorize us to recommend them to the patronage of our friends.

<http://www.ccel.org/ccel/bangs/history4.ii.ii.i.html>

### **THE UNIVERSITY OF CHICAGO** – articles of incorporation

1. The name by which said corporation shall be known in law is

**"THE UNIVERSITY OF CHICAGO"**

2. (As amended September 13, 1934.) The particular objects for which said corporation is formed are to ... grant such **literary honors** and **degrees** as are usually granted by like institutions, and to give suitable diplomas; Filed with the Secretary of State, September 10, **1890**. Amended July 12, 1923, Amendment filed October 10, 1923. Amended November 11, 1926, Amendment filed December 8, 1926. Amended July 10, 1930, Amendment filed July 14, 1930. Amended September 13, 1934, Amendment filed September 14, 1934. Amended May 13, 1937, Amendment filed May 17, 1937. Amended July 13, 1944, Amendment filed July 14, 1944.

<http://trustees.uchicago.edu/articles/statutes.pdf>

### **TRINITY COLLEGE**

"THE CHARTER, STATUTES AND STANDING RULES OF THE BOARD OF TRUSTEES OF TRINITY COLLEGE

...VI. Resolved That the said Trustees and their successors shall have power and authority to grant all such **literary Honors** and **Degrees** as are usually granted by any University, College, or Seminary of learning in this State, or in the United States; and in testimony of such grant, to give suitable Diplomas, under their seal and the signatures of the President and Secretary of the Board, which Diplomas shall entitle the possessors respectively to all the immunities and privileges which, either by usage or by statute, are allowed to possessors of similar Diplomas from any other University, College, or Seminary of learning."

Approved May, **1823**, Vol. 1, Special Acts, State of Conn., Page 468 Amended May, 1845, Vol. 2, Special Acts, State of Conn., Page 67 Amended June 23, 1857, Vol. 5, Special Acts, State of Conn., Page 79 Amended March 21, 1883, Vol. 9, Special Acts, State of Conn., Page 739 Amended March 7, 1889, Vol. 10, Special Acts, State of Conn., Page 809

<http://www.trincoll.edu/prog/facman/appendix-c.1-c.3/c.1.html>

### **OHIO STATE UNIVERSITY**

Ohio University is the oldest university west of the Alleghenies. It was established in **1804** in anticipation of the educational needs of the first settlers of the Northwest Territory in the Post-revolutionary era 1. The stated purpose was: ... for the instruction of youth in all the various branches of the liberal arts and sciences, for the promotion of good education, virtue, religion and morality, and for the conferring of all degrees and literary honors granted in similar institutions.

<http://www.ohiou.edu/provost/StudentLearningOutcomesAssessment/Engineering/EECSASSESSMENTREPORT2001.doc>

## APPENDIX IV

### **EXCERPTS FROM UNIVERSITY OF KENTUCKY DOCUMENTS TRACING THE EARLY HISTORY OF THE STATUTORY CONFERRING OF DEGREES WITH “POST-GRADUATE HONORS”**

**1882-** The first recorded action in the Minutes of the Faculty of the independent A&M College concerning “degrees with honors” for graduates was its vote on Feb. 27, 1882 for a Valedictorian and a Salutatorian (both of whom speak at the Commencement).

**1884-** The following year the minutes of the June 4, 1883 meeting of the Faculty record the academic parameters of merit used by the Faculty to decide who is “entitled” to “the Governor’s Medal.” At the Faculty’s April 8, 1884 meeting the Faculty met to decide the “awarding of honours among the seven graduates” and a Valedictorian and a Salutatorian were chosen. In addition “[s]ome of the Professors having agreed to give medals in their departments to the most meritorious student” it was decided eight medals were to be given by the following Professors “President Patterson (History) Prof. White (Mathematics) Prof. Neville (Greek and Latin), Prof. Menke (Agriculture) Prof. Pete (Chemistry), Prof. Shackleford (English), Prof. Helvetti (French and German), Prof. Kirby (Ethics and Pol. Econ.).”

**1885-** In 1885, the April 3 Minutes of the Faculty show the identification of the measures for award of Valedictorian and Salutatorian as being “their standing and their general merit.” On June 1, 1885 the Faculty met to select from “the records of the candidates for graduation” the person “entitled to the Governor’s medal” (the person selected had “the highest average standing in four daily recitations throughout the year.”

**1886-** On April 7, 1886, the Faculty voted that “he, Thos. H. Morgan is to receive first honors, and deliver the Valedictory while Wm. Prewitt receives second honors and is to deliver the Salutatory.” But on April 30, 1886 voted to discontinue the practice of giving medals at the end of the school year and that there would be no Governor’s medal that year.

**1893-** On March 31, 1893 the Faculty voted for the first honor of Valedictorian and the second honor of Salutatorian, and that a committee would “arrange a basis upon which honors should in the future be determined.”

**1894-** That report was heard and considered in detail on March 23, 1894, and referred back to committee. On March 26 1894, the Committee on the Determination of College Honors reported its selection of the Valedictorian and that it could not finally settle on a Salutatorian.

**1895-** On March 5, 1895, “the matter of graduation and selection of honor men, was referred to a committee consisting of the Deans of Departments and heads of courses, who should report...”

**1896-** On April 3, 1896, “The committee on awarding the honors then reported [on the basis of “marks”] that they recommended the first honor to be given to Mr. Dean; the second honor to be divided between the other three graduates mentioned...approved ... Professor Anderson then offered the following resolution: That the faculty [request the Board of Trustees at its next meeting to change the method of awarding class honors](#) to conform to the following: 1<sup>st</sup>. That the faculty of each separate course of study be allowed to name its honor man. 2<sup>nd</sup> that each graduating class be allowed to select its valedictorian and salutatorian, and that the same be purely class honors. The consideration of this resolution was postponed to an adjourned meeting...”

**1899-** On March 17, 1899 “The Deans of the courses of study were appointed to determine the class honors.” On May 22, 1899 the report (re March 17) was to “beg leave to recommend that we have no second honor and that a first honor student be selected by each of the several faculties, Mechanical Engineering, Civil Engineering, Classical, Scientific, Normal and Agricultural, from the graduates in their respective courses of study – the selection t be governed by the following conditions [listed]...adopted”

**1900-1903 -** No record in the Minutes of the Faculty that the Faculty as a body made any decision as to Honors, which could be evidence that the final authority had been delegated to the respective Faculties of the Courses of Study.

**1904-** Commencement Program : “Honor Graduates ... Honors are given in each department of the College to those students attaining an average of 14 out of a possible 15” [actually, not departments, but courses of study].

**1910-1912** Commencement Program: “Honor Graduates ... Honors are given in each Department of the University to those students attaining an average of 14 out of a possible 15” [actually, not departments, but Colleges]. April 7, 1911 Minutes of the Faculty: “Professor Mackenzie called attention to the fact that our present

method of having Senior orations at commencement time was now becoming somewhat antiquated and thought that the time had come to abolish all these orations. Professor Roberts moved that the sending of presents to the rostrum on commencement day be abolished.”

**1913-1914** Commencement Program: “Honor Graduates: ...” [listed by college, the criteria for honors not given]

**1915-1916** Commencement Program: “Honor Graduates: To be eligible for “Commencement honors” a student must have been in attendance at this University three full years. No student shall be eligible who has incurred a condition, or who has not maintained the following minimum standard in scholarship: 50 per cent – A’s 40 per cent – B’s 30 per cent – C’s The names of those students who have maintained the required standard in scholarship are submitted by the Registrar to the faculties of their respective colleges. Each faculty considers carefully the character and personality of each candidate and reports to the Registrar its selection of honor graduates.”

**1917** Commencement Program: “Honor Graduates: [listed by college, the criteria for honors not given]; Board of Trustees adopts at its December 10, 1917 meeting new Governing Regulation that expressly delegate to the “Senate” its “jurisdiction over *“Prizes, honors and honorary degrees” with the additional provision that “The Senate recommends to the Board of Trustees candidates for diplomas, degrees and certificates which are conferred by the President under the authority of the Board of Trustees.”* There is no subsequent record in the Minutes of the Board of Trustees as to the Board approving policies on the conditions for conferring of those post-graduate honors that are the “Graduation Honors” or “Commencement Honors,” even though these conditions were being changed every several years by the “University Senate.”

**1918** Commencement Program: “Honor Graduates: [listed by college, the criteria for honors not given; additional prizes listed]

**1919-1920** Commencement Program: “Commencement Honors 1. Students are graduated “With High Distinction” who attain a standing for the course of 2 3/8 or higher. 2. Students are graduated “With Distinction” who attain a standing of 2 1/8, up to 2 3/8.”

**1923** Commencement Program: ““Commencement Honors 1. Students are graduated “With High Distinction” who attain a standing for the course of 2.6 or higher. 2. Students are graduated “With Distinction” who attain a standing of 2.4 up to 2.6. A student may receive the appropriate commencement honors who attain a standing of .2 greater than the above named for his last two years.”