

[University of Kentucky](#)**MINUTES OF THE UNIVERSITY SENATE, May 17, 1999**

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The University Senate met in special session at 3:00 p.m., May 17, 1999 in Room 201 of the Nursing Health Sciences Learning Center.

Professor Roy Moore, Chairperson of the Senate Council presided.

Members absent were: Eileen Abel, James Applegate*, Anthony Baxter, Jeffrey Bieber, Lars Bjork, Deborah Blades, Iva Boyatt*, Fitzgerald Bramwell, Joseph Burch, Laretta Byars, James Campbell, Sandra Carey, Ben Carr, Jordan Cohen, Charles Coultson*, Robert Dahlstrom*, Mary Davis, George DeBin, Henri DeHahn, Richard Furst, Jonathan Golding*, Philip Greasley, Howard Grotch, Debra Harley*, Craig Infanger, Mike Inman, David Johnson, Jamshed Kanga, Scott Kelley*, James Knoblett, Thomas Lester, Jane Lindle*, C. Oran Little*, Donald Madden, David Mohney, Robert Molzon, Peter Mortensen, Phyllis Nash, William O'Connor*, James Parker, Thomas Robinson, Avinash Sathaye, Claire Schmelzer, Robert Schwemm, Robert Shay, David Stockham, Thomas Troland, Henry Vasconez, Retia Walker, Charles Wethington*, Carolyn Williams, Lionell Williamson, Emery Wilson, Linda= Worley.

=B7 Absence Explained

Chairperson Roy Moore called the meeting to order under Senate Rule Section I-1.2.3 and welcomed everyone to the meeting. He stated that all voting members should have received blue cards with which to vote.

The Chair introduced Cindy Todd, Secretary to the Senate Council; Gifford Blyton, the Parliamentarian; Don Witt, the University Registrar, and Michelle Nordin from the Registrar's Office.

Chairperson Moore said that there were two resolutions that were forwarded by the University Senate Council without recommendation. Those are the only matters that can be brought before the meeting today under the rules. All Senators and anyone who speaks out needs to identify themselves. It is very important. The discussion will be limited initially to those who are voting members or members of the Senate, voting and nonvoting. I ask anyone who speaks to be very succinct and brief in his or her comments, so that everyone who wants an opportunity can be heard. If you are not a member of the Senate, it is important that you realize you are not a voting member and therefore not vote. Under the rules, I am going to extend the general privilege to those of you who are not members of the Senate and give you an opportunity to speak as well. We will try to limit discussion to a half-hour per proposal, so there will be an opportunity to discuss each of them. We will consider the proposals separately; they will not be discussed together. It is important to keep that in mind.

The Chair introduced Lee Meyer, Vice-Chair of the Senate Council, to introduce the first resolution. This resolution comes to the floor of the full Senate without a recommendation, which means that it will require a second before it can be discussed.

Hans Gesund (Engineering) asked for a point of order. He did not receive the information until Friday, May 14, 1999. They are required to have ten days circulation. He did not get that, only three days circulation, two of which were weekend. He therefore does not believe that the meeting is=

legal.

The Chair stated that he was overruling the ten-day circulation requirement. Senate Rule 1.2.3., Section I, says that the ten-day circulation period can be waived where impractical. The Senate Council and he determined it was impractical for this to have been circulated for ten days.

Lee Meyer stated that there are two resolutions before the Senate today. The first resolution focuses on the process behind the decision and that is why this resolution is first. The second resolution focuses both on the process and on the results of the decision. The Council decided that it is better to vote on the latter first and the second resolution which was brought to the Council by the Futures Committee second. Following the May 4, 1999 decision, he started the process of responding to the Board. From his perspective, the Board's decision was made in great haste. Faculty were extremely upset about being excluded from the process and folks that he talked to around the State that he had contact with watch how we do our business, and he sensed that they were upset too. For that reason, they could not feel that this is their University of Kentucky. For these reasons, he took the responsibility of drafting a letter that Senators have received, with the intent to represent the concerns and motions from the faculty members that he had talked to, to the Board of Trustees. This letter has had significant input from other members of the Council. At last week's Council meeting it was decided to bring the resolution to the full Senate without the bias of the Council. The Council wanted this to be an open and unbiased process in which the Senators could make an unbiased decision. The following is the draft letter:

Members

University of Kentucky Board of Trustees

At its meeting on May 4, the Board of Trustees voted to extend the contract of the current President of the University of Kentucky despite the fact that University Administrative Regulations, approved by an earlier Board of Trustees in 1988 require university employees who are bona fide executive officers at the rank of dean or above to retire from their administrative positions by the end of the fiscal year in which they reach age 65. As the elected representatives of the faculty and students of this University, the members of the University Senate Council request that you reconsider that decision because of the manner in which it was reached.

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As members of Kentucky's flagship university, it is our duty to openly and honestly serve the citizens of the Commonwealth. Regardless of our positions, this requires us to act with integrity, honesty, and according to the proper regulations and procedures. Even appearances can cause us to lose the citizens' trust. The decision to exempt de facto the President from the University's Administrative Regulations was made without any opportunity for advice from citizens, students, faculty, alumni or other administrators. It was not even included on the meeting's agenda. It appeared that some Board members had prior information about pending considerations while the majority did not. For these reasons, it looks to outsiders as if prior arrangements had been made.=20

As the Commonwealth's University, opinions should be welcomed for a decision as important as extending the tenure of the President beyond the regular term. The extremely rapid nature of this decision prevented this from happening.

Many have stated that a great university requires a great faculty, staff and student body as well as skilled administrative leaders. Great faculty and students expect to be included in important decisions affecting their

professional and educational lives. In order for UK to reach top 20 status, faculty must be enthusiastic. Faculty who are leaders in their professions want to be involved in the leadership of the University. The Board can help move our University toward top 20 status by reconsidering its decision and by receiving opinions from faculty, staff, students and others. To act otherwise diminishes faculty morale, encourages faculty to find positions elsewhere and makes it difficult to recruit the internationally leading scholars we need.

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We respectfully request that you take the following actions. First, we request that the Board place the issue on the June 8, 1999 agenda. Second, vote to reconsider the previous decision to extend the President's contract. Third, provide a forum to receive opinions from the University community regarding the exemption of the President from the mandatory retirement regulation. Fourth, take a new vote on the issue of extending the President's contract/exemption from mandatory retirement regulation following the acceptance of input and with the vote included as part of the Board's published agenda.

Respectfully Requested,=20

University of Kentucky Senate=20

Lee Meyer asked the Senate to please focus on this resolution's intent. What is done today is extremely important. It is important that specific actions are taken like the ones called for in this letter. Many hours could be spent editing the statement. This is not a proposed regulation. He sees this as a letter of intent to express to the members of the Board of Trustees the feelings of the University community. As a member of the Senate Council, he is asking the Senate to decide if this letter expresses their sentiments and, if so, please support it. Personally, he does not see how as professionals they can stand by and let decisions be made in a way that damages this fine Institution in the eyes of faculty, staff, and our public. They have a duty to request that the Board of Trustees rescind its May 4, 1999 decision and so demonstrate the integrity and principles of a publicly serving land grant University.

The Chair stated that the motion had been made and asked for a second. A second came from the floor.

Brad Canon (Political Science) said that he had a friendly amendment. What they want if the amendment passes is that it goes on the Board of Trustees agenda. In order to do that, they have to specifically request that it be put on the agenda. He moved that in the last paragraph where it says "we respectfully request that you take the following actions that" first we request that the Board put on the agenda for it's June 6, 1999 meeting an item reconsidering the extension of the President's contract.

The amendment was accepted as a friendly amendment.

David Durant (English) made a friendly amendment that the language saying the "Senate Council" should say "Senate."

Kaveh Tagavi (Engineering) made a friendly amendment to add "staff" in the second paragraph or just say "University Community."

Hans Gesund (Engineering) said he wanted to oppose the whole thing. This to him is a clear indication of age discrimination. It is hypocrisy for a group of tenured faculty members who can not be forced to retire to propose that the President of the University be held to a fixed retirement age. Some people are very good at age 90, and others are senile at age 50. As

long as the President has the confidence of the Board of Trustees-- and the President has his confidence too, he does not think that age limits should be imposed. As far as he knows, the process the Board used in extending the contract this time was the same as it has used in the past for Dr. Wethington's contract, Dr. Singletary's contract and the contracts of previous presidents. There has been no change in that. One reason, he is sure that this was done in haste and quietly was to prevent the political hacks in Frankfort from interfering. We do not need them doing that and yet apparently they were on the verge of doing so. As far as he is concerned, the President should remain as long as he has the confidence of the Board of Trustees. It should not matter what age he is. The wording of the resolution is an embarrassment as far as the English is concerned. This is going to be a public document, it is going out over the news media and, at the very least, a circulation from the University Senate and the University Senate Council should be in decent English. It is not. "Beyond the regulated term" should have been "regular term." "Welcome for a decision" should be "welcome a decision." We do not have very many members of the Senate here because it is after May 15th. Most of the students are gone. Of those on nine-month contract, many are not here because they have other commitments. There was no reason to have a special meeting of the Senate. The President has begun an important task. He is raising a lot of money.

An unidentified Senator raised a point of order. Hans Gesund is continuing to talk about items that are not in the resolution. The resolution speaks only to the process and not the decision that was made.

Hans Gesund responded that the process and the decision are all one. It is a matter of age discrimination. The President is doing a good job putting us on the road to being a top twenty university and if they try to change administrators now we are just putting potholes in that road.

Louis Swift (Dean Undergraduate Studies) said that he gathered there were pros and cons in the Senate Council's deliberations on this. Can those be shared?

Lee Meyer said that there were pros and cons. The two resolutions were discussed somewhat together, although separate votes were taken. His interpretation of the vote was that it was to not bring them forward with a recommendation but that they should simply go forward.

Bill Fortune (Law) said that his feeling was that there were two resolutions and that this one is almost unassailable. He did not see how anyone could defend the process by which the Board of Trustees reached its decision. The other resolution, on the other hand, is more controversial. He felt personally that it would be best not to bring either resolution forward with a recommendation because that might infer that they as a Council preferred one and did not prefer the other. He thought it best personally if they were heard without recommendation for that reason. If it had only been this particular resolution, he would have voted to bring it forward with a positive recommendation.

Jesse Weil (Physics) said that he had been a long time member of AAUP, which has one of its main penances promoting faculty governance. He saw the procedure that was followed here in the Board's action as undercutting any faculty input into a very important governance matter and felt very strongly that they should pass this resolution and request that the Board rescind its action and do the process properly in a way that the faculty can have input, which it is entitled to and should have.

Alvin Goldman (Law) stated that Hans Gesund made a couple of very nice suggestions for improving the language and wondered why a member of the

Senate does not accept those as a friendly amendment.

Joe Anthony (LCC) said that Hans Gesund raised a question of a quorum, and was there a quorum?

The Chair asked that everyone who was a voting member of the Senate raise his or her card. There were seventy voting members present. The Chair announced there was a quorum.

Lou Swift asked if the Senate Council had thought about what would happen if the Board chooses not to do this? Are the faculty and the Board of Trustees going to be at loggerheads, while the university is trying to move forward as a top twenty institution? Is this going to benefit or harm that effort? We seem to be on the verge now after more than thirty years of trying to become a first rate institution, and now have all these opportunities. Did the Senate Council talk about this as an eventual result of the action?

Chairperson Moore said that he did not recall the Senate Council discussing that. There will be a meeting of the Senate Council a week from today and his guess is that the matter will come up. There are lots of suggestions that have been made. The Council itself has not at this point discussed those options.

Joachim Knuf (Communications) felt there were two different things that this document is trying to accomplish. One deals with the issue of what or was there a violation of governing regulations in terms of the age limitation, which seems like a straight forward point of fact. Had the Board of Trustees in the past granted extensions and waivers of this regulation and under what circumstances were they done? The second point seems to be that there is a concern with the process of communication, and the publicness of that act of communication is at the core of this. There is also a third issue and that has to do with what one in general thinks about the performance of the President. He felt these were three things that should be considered quite separately so that one does not become a vehicle for something else. He thought that they stand to confront these things and attempt to critique a mechanism for something that has a different purpose. Perhaps, the request for information would be to see if anyone has any knowledge that says there have been extensions of this nature before, waivers of the age limit and how has that been handled in the past? Is this completely new and highly uncommon or is this something that has routinely happened?

Loys Mather (Agriculture) said that in the five and a half years that he has been on the Board, he recalled that happening two or three times. In both cases this was handled as a published item in advance of the Board meeting. All the board members had it in advance of the meeting. He would also like to note that he would be abstaining in this vote by virtue of the fact that it is addressed to a body of which he is a member.

Ray Forgue (Family Studies) stated he would like to make two friendly amendments. The first one is to change the word "entails" to "requires." The other has to do with "regulatory" and change it to "regular."

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This was accepted as a friendly amendment.

Kaveh Tagavi stated that he had a borderline friendly amendment. Maybe, they don't want to muddy the issues. If the Board has exempted sixty-five and above in the past and they did not complain and if the problem is that there was not enough time, that becomes a procedural problem--the same as not asking your opinion. Would they consider dropping any reference to sixty-five and above?

The Chair replied that Lee Meyer did not accept that as a friendly amendment. It can be proposed as an amendment and voted on.

Kaveh Tagavi asked if anyone knew if this is definitely against the law? Is it unwise or is it illegal?

Bill Maloney (Engineering) stated that the Age Discrimination Appointment Act specifically allows organizations to establish sixty-five for forced retirement of their chief executives. =20

Kaveh Tagavi said that his question was beyond that. Did the Board of Trustees have the authority to suspend this rule? If they have the authority, he did not feel that they want to question their authority at the same time that they are telling them "why didn't you ask us" because these are different. He made the amendment to drop the part of the first paragraph that refers to "sixty-five and above."

Chairperson Moore said that the amendment has been made and seconded by Dr. Holsinger. The discussion would be on the amendment.

David Durant (English) said that since they wanted more input on the decision to go beyond sixty-five, getting rid of the sixty-five causes the whole issue to disappear.

Alvin Goldman felt that the amendment is misreading what is in the paragraph. The paragraph that refers to age sixty-five is simply describing the events under which this issue was presented to the Board. It is not making any judgments about the correctness, the wisdom, the merits, or even the legality of age sixty-five triggering the point at which the Board must determine whether to extend a contract.

Mike Cibull (Medicine) felt that the wording was inflammatory. He would read it the way the prior senator read it--that it is as much an attack on the fact the President is sixty-five as it is on the process. They want to attack the process. There is nothing to support firing the President just because he is sixty-five. The wording of this, despite the fact that the Administrative Regulations provide for it, makes it sound like something is wrong. Suspending that regulation is not necessarily doing anything wrong. The manner in which the meeting was held is what is wrong. He supports leaving, or at least modifying, that statement to make it clear that they are not necessarily extending the contract beyond the age of sixty-five.

An unidentified Senator said that the word "process" is not in here even though the process is being discussed quite a bit. Rather than saying "regardless of our positions, this entails us," it should say "regardless of our positions, this requires us."

Chairperson Moore said he was out of order because the amendment was on the floor.

Mike Adelstein (Emeritus English) said as he read this, it explains the University Administrative Regulations. It explains that the Regulations require that the employees in a certain rank retire at age sixty-five. It tells what the University's regulations state. There should be no quarrel with what the Regulations state. Therefore, he would suggest that it remain as it has been proposed.

The Chair said that the question had been called and asked all those in favor of ending discussion on this amendment signify by holding up your blue cards. The vote to end discussion of the amendment passed. All those in favor of the amendment as proposed by Dr. Tagavi, please signify by

holding up the blue cards. The amendment failed.

An unidentified Senator asked to make a friendly amendment in the paragraph where it says "regardless of our positions this entails us to act with integrity and honesty"-- changing this to "this requires us to act with integrity, honesty, and according to the proper regulations and procedures."

Chairperson Moore said that was accepted as a friendly amendment.

Joan Callahan (Women's Studies) said she was a nonvoting member, but had a friendly amendment to attach to Brad Canon's friendly amendment. It seems that they need to add language in the last paragraph where they requested a forum be provided-- that the forum be provided when faculty who are on nine month contracts will be on board. The forum should not take place any sooner than the middle of August.

Someone asked to hear discussion on the friendly amendment.

The Chair stated if they wanted to hear discussion, this would need to be in the form of a motion. =20

A Senator moved to make this an amendment. The motion was seconded.

Chairperson Moore said the discussion would take place only on the amendment.

An unidentified Senator asked to make a friendly amendment to the amendment. Speaking of faculty and as a representative of the students here, if they are going to do this in the middle of August, they should wait until the first of September when students are back and classes are in session and they can attend the forum.

Chairperson Moore asked if this was acceptable by the person who made the amendment and by the person who seconded the amendment? =20

The friendly amendment was accepted by both.

Bill Fortune wanted to know if there was anyone who had some sense of the timing of all this. The Board of Trustees obviously felt that there was some necessity in acting when they did. Is there anyone who could address that issue--whether or not there is some need for the Board of Trustees to have this forum this summer or whether it can wait until fall. =20

Loys Mather said that they were really not privy to why it was to be decided as quickly as it was, in May. He did not know if they could give an answer as to whether the timing will be critical.

Bill Maloney asked if some of the Board members were going to be replaced in June with Governor Patton's new appointees.

Lee Meyer said he was very sympathetic to that motion. It is very important, and that is why he drafted this letter. He does not want to micromanage and go too far in terms of determining how this is to be done. There are faculty who show by their presence here today they would be accessible. There are a lot of students around. If the Board truly sought input, that could be done even though people are not on campus. They could go to parts of the State.

Joan Callahan said that since the Board felt urgent about getting this decision made, they might be very urgent about having a forum done and over with in a very short amount of time. They could have it when faculty are not around and say no one came. It does not have to be this actual version

of the amendment, but they need to ensure that faculty and students are available for input.

Brad Canon said that timing is everything, as they say. He was sympathetic to Joan's idea, although what could happen would be that the Board would decide this in June and say that they do not need a forum because they don't want it in September. One thing that they could do is ask that this be put on the Board's agenda at the next statutory meeting. The next full meeting of the Board would be in September, and that would fit in well within the sense of Joan's motion. If this motion passes, he would hope instead of the June 6th meeting, which is the next Board meeting, they would use the September 1999 statutory meeting instead.

An unidentified person asked if that is not a statutory meeting in June could they rescind this action? They certainly do not want to delay their rescinding the action.

Chairperson Moore asked all those in favor of this amendment to signify by raising their blue cards. The amendment failed. The discussion will now return to the main motion.

Joachim Knuf said since we started reading the last paragraph, it is in the spirit of this document to broaden the reference here to the extension of the President's contract to senior administrators of the University. He is still struggling with the image that for various purposes here working with one another and perhaps contending with one another, one is to basically say that this is bad process, one is to say that it is not a process that respects the regulations, and then for reasons he did not wish to explore is taking this as an opportunity to censure a senior administrator. It would be valuable to keep those different things in mind because, the purpose of this is to say that they would not like to have the President staying in office for a couple of years, then there is a very simple way in which they can do that and just express that. If the concern is about the process, then it should be focused on the process and should be dealt with in such a fashion that it would be extendable to other situations of a similar nature.

The Chair asked if that was a motion? The motion failed for lack of a second. A motion was made to end debate. The vote to end debate passed. They will be voting on the main motion with the friendly amendments. The motion as amended passed in a vote of 58 for, 6 opposed, and 3 abstentions.

The Chair recognized Lee Meyer for introduction of the second motion.

Lee Meyer said the second resolution was brought to the Senate Council by the Futures Committee. The Futures Committee is a committee of the Senate Council that was asked to look at the long-range scope of the University. They met for several months and because of that had a particular concern with this issue. This resolution was made and seconded.

Judith Lesnaw stated she was a member of the Futures Committee. The Chairman, George Herring could not be in attendance and asked that she read a statement from him. She will read the statement from George Herring then one of her own and finally the resolution.

Written statement from George Herring

I deeply regret not being able to attend this most important debate this afternoon. I have a long-standing commitment on the West Coast that could not be rearranged at the last minute. I have therefore asked Judy Lesnaw to present this resolution on behalf of the Senate Council's Futures Committee.

As many of you may not know, the Senate Council early this year appointed a committee to take a look at the future of the University of Kentucky, to get a sense of where we would like to be in the next century, and, assuming a presidential transition in 2001, the sort of person we would like to have to get us there.

This was in every sense a blue ribbon committee, composed of a truly dedicated and outstanding group of faculty, staff, and students, people who have devoted many years to the university and care deeply about it's= welfare.

We began our work this spring semester and made good progress. We were in the process of mapping out a strategy to conduct a campus wide dialogue next fall on the issues that concerned us. We had begun to accumulate data for our task. We had brought in several experts on higher education to hear their views. Speaking for myself, at least, I can say that I was beginning to get a handle on the issues we should be concerned with and to form some tentative views. I am confident that we would have produced a useful report.

By sheer coincidence, our last meeting was scheduled for Wednesday May 5. It was not a coincidence, I suspect, that the meeting was one of the best attended, 12 of the 14 active members were in attendance. I assumed that the committee had been rendered irrelevant by the events of the proceeding day, and saw no need to proceed with our established agenda. The committee members persuaded me to remain, to discuss the board's recent decision, and possibly to take action. The result is the resolution you have before you.

It is strongly worded! Those words reflect our feelings of the week of May 4. Speaking for myself, at least, they still reflect my feelings today.

I think that they speak for themselves--they don't require any explanation or elaboration.

I would like to emphasize, regarding paragraph two of the resolution, that we felt very strongly that we should protest the consequences of the decision as well as the way it was made.

For the most part, the board's arguments on this issue have gained currency by default. We have not been persuaded. We see no major problems with the change of leadership in 2001. Indeed we think that it might be a good time for such a change. The capital campaign would be well under way and might itself serve as an inducement to attract a good new president. One of the conclusions the committee was moving toward was that to move toward top twenty status it would be desirable to have leaders who have been associated with such institutions of higher learning, who know what they are about and how to get there. Given our goals, there is something to be said for getting this type of leadership when the opportunity presents itself--2001. We see no compelling reasons why in this case though the words should have made an exception to the rules it approved.

I and the majority of the committee did feel very strongly that we must speak out on this question. Silence on the part of the University of Kentucky faculty will certainly be seen as an acceptance and acquiescence.

The Senate is the proper place for such action to be taken, and we urge that you adopt our proposal or some variant thereof. We urge you to act.

Judith Lesnaw made the following remarks.

The University of Kentucky's goal of achieving top twenty status has been

embraced with great enthusiasm by our faculty, our staff, and our students.

Realizing our goal will take an enormous commitment from each of us. Our successes will forge the ultimate of goals of our institution. It seems most fitting that our ideas and opinions be heard along the way. Irrespective of when President Wethington retires, a worthy successor must be found. The challenges of generating resources through our capital campaign and the opportunity to apply those resources to a vision of a top twenty university would well attract an outstanding individual. In this spirit, I ask that the University Senate adopt our resolution.

Resolution adopted by the University Senate
17 May 1999

We, the University Senate of the University of Kentucky, wish to express our dismay and outrage with the actions taken by the University's Board of Trustees at its meeting on Tuesday May 4, 1999. In extending the contract of President Charles Wethington beyond the mandatory retirement date of June 30, 2001, the board acted without prior notice and without consideration for the opinions of the various constituencies that make up the university. The procedures used to make this decision violated the spirit and the letter of university regulations and the open process by which a university should be run.=20

We have serious reservations as to whether the extension of President Wethington's contract beyond the mandatory retirement age is in the best interests of the university, and we deplore the methods used to reach this decision.=20

We urge the Board of Trustees to reverse this decision at its next meeting.=20

The Chair asked for a motion to adopt the proposal. The motion was made and seconded by Luke Riddle (Student-Communications) and William Wagner (Agriculture).

Joe Anthony said he would like to amend the next to the last paragraph and replace the language with "We have serious reservations as to whether the extension of President Wethington's contract beyond the mandatory retirement age is in the best interests of the university, and we deplore the methods used to reach this decision."

Chairperson Moore stated a motion had been made and seconded. The discussion would be on the amendment.

Kaveh Tagavi said the biggest complaint was they were not asked their opinion in making the decision and yet they are making an opinion of their own, by saying this is not in the best interests. They are not asking the faculty as a whole. He asked that the entire paragraph be dropped.

Joe Anthony stated that was the purpose of rewording the language was so they did not come to a conclusion but had addressed the issue of their decision. They have serious reservations, but have not come to a conclusion.

Kaveh Tagavi said you should start and end your reservations with a strong point and this is not a strong point.

The Chair asked those in favor of changing the wording on the original amendment to signify by holding up the blue cards. The amendment to change the language passed 28 for and 26 against.

Kaveh Tagavi felt it was somewhat unseemly to pick on this minor thing of age when the Board of Trustees has done this before and they have the right to do it. Why complain about A and B when B could be easily refuted and

give the quarrel to the other side to say that B is refuted. The request should be made very clear. He moved to drop that entire paragraph as amended starting with "We do not believe=85."

The Chair asked for a second. The motion was seconded, and the discussion would be on the amendment.

An unidentified senator said the only thing he had to say about this is that this paragraph says that the contract beyond the mandatory retirement age is in the best interest of the university. Whether it is a mandatory retirement age or whether it is a contract, that is a stipulation of the contract. It happens to be his retirement age. How could that be an issue of age? That is just the end of the contract, and we are just stating that in this paragraph. There is no reason to drop the paragraph.

Brad Canon stated that this paragraph is the heart of this resolution. They have already passed a resolution saying in effect that they deplore the methods by which the Board reached its decision. The first paragraph of the Futures Committee resolution says the same thing. The only difference between the two is in the paragraph where reservations are expressed about the wisdom of this. If they vote for the motion, they might as well not pass this resolution at all. It seems that basically if they want this resolution to fail, vote for the motion. If they want the resolution to pass, vote against it.

An unidentified senator asked if they weren't contradicting themselves when they made a resolution that the University community should be involved in such an important decision. They need to discuss it and the Board of Trustees has not done this properly. The resolution goes on to say in the second paragraph that they don't think the University president's contract being extended is in the best interest of the university. A small body is saying that, after having said there should have been university-wide discussion.

Dave Olster said it seemed to him that there have been many fine words about faculty involvement and faculty opinion being given to the Board. But point in fact the Senate, which actually represents the faculty as an institution, now has the opportunity to actually make a statement regarding the opinion of the faculty. If the faculty did not have the Senate, there would be no need to have a resolution at all. The purpose of the Senate is to represent the faculty and taking the final paragraph out of the resolution would mean advocating the responsibility to make a decision one way or another--saying that you have an opinion about what the Board is doing on behalf of the faculty. He is not a member of the Senate, but certainly hopes the Senate takes the responsibility as representatives of the faculty seriously.

Kaveh Tagavi said it seemed contradictory. One resolution calls for a forum so they could express their views and then immediately says they already talked. It does not look good if they pass these two resolutions. On one hand, they are saying ask for our views and then we tell them exactly what we think, so there is no need for a forum. Our minds have already been made up.

Luke Riddle (Student-Communications) felt it should be left as is. It is not contradictory as to whether there should be a forum. As amended, it says "we have serious reservations." The forum would allow students, faculty and staff to express what sort of reservations they have and what their feelings are towards it. If they strike that, it will be like a forum for what? If this is taken out, it takes out the heart of resolution.

Chairperson Moore called for a vote on the amendment. The amendment failed

in a vote of 6 for and not enough nos to count.

An unidentified senator proposed an amendment to the second paragraph. Though it seemed obvious, maybe it is good to state that in view of the discussion about the last amendment. Add "we the Senate as representatives of the faculty do not believe that the extension of President Wethington's contract" since they have talked about involvement-- maybe explicitly stating that they as representatives of the faculty.

The Chair said that was not accepted as a friendly amendment. The motion failed for lack of a second. A motion was made to cut off debate.

Chairperson Moore stated that the motion had been made to cut off debate and required a second and a two-thirds vote. There was a second. The motion to cutoff debate. The motion, as amended, passed in a vote of 41 for, 20 against, and 5 abstentions.

The meeting was adjourned at approximately 4:50 p.m.

Don Witt
Secretary, University Senate =20

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