

Item "A"

UNIVERSITY OF KENTUCKY



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29 January 2001

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, 12 February 2001.
Proposal to amend the University Senate Rules, Section I - 1.1.0,
Authority to Waive Rules

Proposal [New section is underlined]

1.1.0 AUTHORITY

The *Rules of the University Senate* describe the composition of the Senate and procedures for the conduct of its functions as authorized by the Board of Trustees in the *Governing Regulations* of the University of Kentucky, Part IV, *THE UNIVERSITY SENATE* (University System), December 8, 1992. It further describes academic policies for the University and procedures for their implementation. These Rules may be waived by the Senate Council or by the Senate Council Chair if the decision is necessary before the next meeting of the Senate Council. Any waiver by the Chair must be reported to the Senate Council and all waivers, whether by the Chair or by the Senate Council, must be reported to the Senate at its next meeting. These *Rules* may be amended by the University Senate.

Background:

In January, 1999, the Rules and Elections Committee met to consider a problem raised by the Chair of the Senate Council regarding waiver of Senate Rules. The Chair reported that he is frequently asked to waive rules, and would appreciate some consistency in the waiver procedure. He asked the Rules Committee to draft a rule permitting such waivers. The Rules Committee discussed a draft rule, but concluded that waiver as a general matter was inappropriate. The Rules Committee recommended that the appropriate action would be to make clear that the Rules cannot be waived.

In response to the Rules Committee recommendation, the Senate Council directed the Chair to send out a survey to all deans, associate deans and assistant deans, asking whether they favored or opposed the creation of a Senate Rule that would allow waivers or not, and, under what circumstances if the former. Few individuals responded, but, of

those who did, all favored a mechanism to accommodate rule waivers in unusual circumstances.

At the request of the Rules Committee, the issue was returned to the Senate Council for consideration. The Senate Council did not adopt the Rules Committee position, but amended the Rules to accommodate some flexibility.

When the Senate Council's proposed amendment was on the agenda for last March's Senate meeting, a point of order was made that Senate Rule 1.3.1.1.B required the Council to forward the original proposal to the Senate floor unchanged (although it could make a negative recommendation). Chair Moore then referred the proposal back to the Rules Committee.

The Rules Committee reconsidered the proposal at its October 18th meeting. It voted to withdraw its earlier "no waiver" proposal and to accept the Senate Council's as its own, but with an additional sentence regarding notification.

The Senate Council voted to forward this rule to the University Senate for adoption.

Implementation: Upon passage

Note: If approved, the proposal will be forwarded to the Rules Committee for codification.

US Agenda: Authority-Rule Waiver I- 1.1.0.doc 2.12.01