University Senate Agendas, 2015-2016

All meetings are from 3:00 - 5:00 pm in the Auditorium of W. T. Young Library
unless otherwise noted.

AGENDA for Monday, October 12, 2015

1. Minutes from September 14, 2015 and Announcements

2. Officer and Other Reports

    a. Chair

    b. Vice Chair

    c. Parliamentarian

    d. Trustee

3. Degree Recipient

    a. Motion to Amend Something Previously Adopted (August 2009 Degree List): Bestow

      MM Music Performance and Rescind MA Music Performance for Student KA-06

4. Committee Reports

    a. Senate's Academic Planning and Priorities Committee (SAPPC) - Wally Ferrier, Chair

        i. Standardized Meeting Times for Classes

    b. Ad Hoc Committee to Review the Confucius Institute - Wally Ferrier, Chair

        i. Final Report

    c. Senate's Advisory Committee on Privilege and Tenure - Mary Kay Rayens, Chair

        i. 2014-15 Annual Report

    d. Senate's Retroactive Withdrawal Appeals Committee (SRWAC) - Tom Nieman, Chair

        i. 2014-15 Report

5. President Eli Capilouto - Conversation with the President

6. Other Business (Time Permitting)

    Next Meeting: November 9, 2015

University Senate
September 14, 2015

The University Senate met in regular session at 3 pm on Monday, September 14, 2015 in the Athletics Association Auditorium of W. T. Young Library. Below is a record of what transpired. All votes were taken via electronic voting devices unless indicated otherwise; specific voting information can be requested from the Office of the Senate Council.

Senate Council Chair Andrew Hippisley called the University Senate (Senate) meeting to order at 3:01 pm. He reminded senators to pick up their clickers.

The Chair called for an attendance vote and 70 senators registered their presence.

The Chair reminded senators that the Senate follows Robert's Rules of Order and asked senators to be civil with one another during discussions and be good citizens by taking relevant information from the meeting back to departments and colleges. He also asked senators to return clickers to the table in the back of the room prior to leaving.

1. Minutes from May 4, 2015 and Announcements
The Chair said that the minutes from May 4, 2015 were distributed the prior week. One editorial correction was received. There being **no objections**, the minutes from May 4, 2015 were **approved** as amended, by **unanimous consent**.

The Chair welcomed new senators and reminded them of President Eli Capilouto's "Welcome Back" reception on Wednesday afternoon at Maxwell Place. The Chair also welcomed Staff Senate president Jann Burks and Student Government Association President Austin Mullen.

There will be a conference on "Reimagining College: Higher Ed in C21" in Louisville on September 29, from 1 - 5:30 pm. Senators interested in attending can contact the Senate Council office.

The Senate Council office is working on the implementation of a new electronic curriculum management system. It will rebuild what is used currently but be much better and is expected to go live at some point during the academic year.

In the spirit of being good citizens, the Chair asked senators to pass the following information on to colleagues in senators' respective colleges. The spring semester deadlines for receipt of curricular items in Senate Council office are March 31 for things requiring committee review (new programs, changes to org structure, etc.) and April 15 for courses, program changes, and minors.

The Chair announced a full cohort of chairs for Senate committees and thanked them for their service.

- Academic Advising: Phil Kraemer (AS)
- Academic Facilities: John Nash (ED)
- Academic Organization and Structure: Ernie Bailey (AG)
- Academic Planning and Priorities: Wally Ferrier (BE)
- Academic Programs: Margaret Schroeder (ED)
- Admissions and Academic Standards: Scott Yost (EN)

- Admissions Advisory: Katherine McCormick (ED)
- Senate committee chairs, cont'd:
- Disability Accommodation and Compliance: Debra Harley (ED)
- Distance Learning and e-Learning: Roger Brown (AG)
- Institutional Finances and Resource Allocation: Jeremy Crampton (AS)
- Library: Kelly Vickery (LI)
- Research and Graduate Education: Mark Lauersdorf (AS)
- Retroactive Withdrawals: Tom Nieman (AG)
- Rules and Elections: Connie Wood (AS)
- Senate Advisory Cmte on Appointment, Promotion and Tenure: in process

Senators should be on the lookout for an all-faculty solicitation for membership on the Senate's Senate UK Core Education Committee and the University Honors Program Committee. The *Senate Rules* (SR) require (among other things) that solicitation of membership for these two committees go to all faculty, not just senators.

Senators should also expect to receive solicitations for faculty to serve on the periodic college-level reviews for the units below.
- Engineering (fall semester)
- Medicine (fall semester)
- Business (fall semester)
- Law (fall semester)
- Dentistry (spring semester)
- Health Sciences (spring semester)
- Libraries (spring semester)

The University has suddenly created an unconscious bias workgroup – the Chair described unconscious bias as something everyone has, but sometimes is not recognized by the person. The workgroup was created to make the issue more explicit. The Chair said that Claire Hart was heading up the initiative and any questions about it should be directed to her.

2. Officer and Other Reports
a. Chair
The Chair reported that the SC appointed three senators to serve on the Senate's academic councils:

- Mary Arthur (AG) to serve on Undergraduate Council
- Liz Debski (AS) to serve on Health Care Colleges Council
- Todd Porter (PH) to serve on Graduate Council

The SC reappointed Kate Seago from Libraries to serve as the Senate's parliamentarian.

On behalf of the SC and Senate, the Chair took action on the items below.

- Approved two calendar revisions (changes to 'see blue' orientation) for 2015-16 and 2016-17.
- Approved two calendar changes for College of Pharmacy calendar (2015-16 and 2016-17).
- Gave provisional approval for around 50 courses and 6 programs.

On behalf of the elected faculty senators of the Senate, the SC approved the second August 2015 degree list; the Board of Trustees (Board) meeting was erroneously scheduled to take place before the Senate met, requiring the SC to take that action to avoid a delay in students receiving their degrees.

On behalf of the elected faculty senators, the SC approved the inclusion of a student to the May 2014 degree list and removed the same student from the December 2014 degree list.

The SC charged the Senate's Rules and Elections Committee (SREC) with looking into a rule change to ensure that faculty have access at all times to the Senate's Advisory Committee on Privilege and Tenure (SACPT) to bring cases of complaint of violation of procedures, privilege, and academic freedom.

b. Secretary
There was no report from the Secretary.

c. Parliamentarian
The Parliamentarian offered senators a brief presentation on basic points of parliamentary procedure, who is eligible to serve as parliamentarian, and the website senators can visit to learn more about parliamentary procedure

d. Trustee
Trustee Wilson (ME) said that he would offer a brief report and then take questions. He noted that he and Trustee Grossman (AS) had sent an email to all faculty regarding a recent personnel issue for a faculty member for whom removal of clinical privileges was upheld by the Healthcare Committee of the Board. Wilson (ME) noted that within that letter was a statement, which mirrored suggestions from the staff trustee, Staff Senate chair, and Senate Council chair, in support of the implementation of a staff/faculty employee ombud who would not report to the administration, but rather could report to the Board or an independent body. Wilson (ME) commented that the longer he served as faculty trustee, the more valuable he thinks an employee ombud would be.

Brion (EN) asked if an ombud could serve as legal counsel for faculty. Wilson (ME) said that while many have asked that question, it would have to be very carefully considered; he was not willing to offer an opinion on what an employee ombud's responsibilities might look like. He referred to cases at other institutions where an external investigation finds something quite different from an internal investigation – Wilson (ME) opined that somewhere in that mix an institution needs a third party.

Wilson (ME) explained that contained in the letter he and Grossman sent to all faculty were comments and assertions that President Eli Capilouto disagrees with. Wilson (ME) passed along the President's request that any discussion of the details of that letter be delayed until the President attends the October Senate meeting, when the President will be in attendancein part due to some issues still being negotiated. ; gGiven the President's role as chair of the Senate, Wilson (ME) thought his the President's request to delay discussion about the email was reasonable.

The Board met recently and the meeting took place in Hazard KY. Wilson (ME) said it was a wonderful meeting in many respects, particularly having an opportunity to interact with folks in eastern Kentucky who so highly value the University. It was great to see the many opportunities for partnerships between Hazard and the University, particularly with respect to economic development in the region. The people were very hospitable.

At the September Board meeting, Wilson (ME) reported that a new slate of officers were elected. Wilson (ME) noted he was taking a moment to highlight the contributions of former Board chair Dr. Keith Gannon. Wilson (ME) commented that a variety of circumstances made it impossible for him to continue to serve as chair but Wilson (ME) wanted to thank Gannon for all his hard work on behalf of UK. Wilson (ME) said he will remain on the Board but will not serve as chair. Prior to his service as Board chair, Gannon also served as chair of the Board's Academic and Student Affairs Committee. Wilson (ME) said that regardless of the role Gannon was in, he was absolutely willing to be sure that faculty views were promulgated and made known. Wilson (ME) said he wanted to express his thanks for Gannon's efforts, on behalf of the faculty and the University. Gannon, although absent, was recognized for his service with a round of applause.

Wood (AS) commented that she had interacted with Gannon through her responsibility for overseeing the faculty's survey on the president's performance. She said she certainly concurred with Wilson's remarks. Wood (AS) **moved** that the Senate offer Gannon a resolution of appreciation.

> The University Senate expresses its sincere appreciation to Dr. Keith Gannon, 2014-2015 Chair of the University of Kentucky Board of Trustees, for his significant efforts in support of shared governance and the University Faculty. During his tenure as Chair of the Board's Academic and Student Affairs Committee, Dr. Gannon ensured that the recommendations of the Senate were fully considered on their merits. As Chair of the Board, Dr. Gannon clearly articulated the Board's determination to seek faculty input on issues of governance and to protect the ability of individual faculty members to exercise their academic rights as conferred and protected by the Board. The leadership exemplified by Trustee Gannon enabled the University Faculty to confidently and successfully accomplish the University's educational missions in instruction, research and service.

Brion (EN) **seconded**. The Chair asked for discussion. Brion (EN) asked if Wilson (ME) could elaborate on the reason for Gannon stepping down as Board chair. Wilson (ME) said it would not be appropriate to speak for Gannon and that the most he could say was that it became functionally impossible for Gannon to continue to serve as Board chair. The Chair commented that he could only say great things about Gannon, who remained in constant contact faculty leadership, including himself, Wilson (ME), and Grossman. He said he affirmed the content of Wood's resolution.

There being no additional discussion, a **vote** was taken on the resolution honoring Gannon and the motion **passed** with 71 in favor and seven abstaining. In response to a question from Blonder, Wilson (ME) explained that a past Board chair, Britt Brockman, was elected to serve as chair; Wilson (ME) opined that Brockman would be willing to interact with faculty again. C. B. Akins was elected to the position of vice chair and Kelly Holland was elected to the position of Board secretary. The Board's Executive Committee now includes Barbara Young, Mark Bryant, and Bob Vance.

Debski (AS) said she was very appreciate of the email that Wilson (ME) and Grossman sent to the faculty. She noted a subsequent event and asked if the Board was aware of what happened afterwards. Wilson (ME) said that following the letter to all faculty, some additional things occurred which raised issues in his mind about whether the dictates of the Board were being followed as intended; those issues were currently under discussion. Wilson (ME) said that he and Grossman asked for clarification on those things and when they have information to share, they will keep faculty fully informed about the complaints.

Wasilkowski (EN) said that in the past, many faculty and staff groups expressed the need for an employee ombud office, so where is the obstacle to its creation? Wilson (ME) said that the administration does not feel that it is necessary or wise to have an ombud and said he could not explain their rationale beyond that.

3. Degree Recipients
a. Honorary Degree Nominee - Interim Graduate School Dean Susan Carvalho
Guest Brian Jackson, senior associate dean for academic administration in the Graduate School, presented senators with a nominee from the University Joint Committee on Honorary Degrees (UJCHD) for an honorary degree to be bestowed in December. There were no questions from senators.

Whitaker (AS) **moved** that the elected faculty senators approve MC as the recipient of an Honorary Doctor of Engineering, for submission through the President to the Board of Trustees, as the recommended recipient of an honorary degree to be conferred by the Board and Rohr (PH) **seconded**. A **vote** was taken and the motion **passed** with none 66 in favor and one opposed. The Chair reminded senators that although it was a public meeting, he hoped senators would keep the name and degree confidential.

4. Proposed Change to *Senate Rules 1.2.3* ("Meetings") - Addition of Reference to Electronic Voting Records
The Chair explained the proposed changes to senators. The primary intent was to add reference to electronic voting records from Senate meetings but there was also an editorial change to reflect that minutes are no longer kept in hard copy. The **motion** from SC was to recommend that the Senate approve the revisions to *Senate Rules 1.2.3*. Because the motion came from SC, no **second** was required.

Debski (AS) commented that "however" in the second sentence of the paragraph with the changes was unnecessary and should be deleted. Debski asked why records of votes would be kept. Wood (AS) explained that the requirement was in state law. Cross (CI) added that because the Senate is a public agency, how senators vote should be part of the public record. Debski (AS) then asked if the law covered meetings of the Board of Trustees and Wilson (ME) responded that it did – while many votes by the Board were unanimous, anytime anyone voted against a motion, the name of that trustee was reflected in the Board's meeting minutes.

Ferrier (BE) asked if the state law was new, because prior to using electronic voting there was no individual voting accountability. The Chair explained that the Senate was not in compliance with state law prior to implementing electronic voting. He added that the student senate and Staff Senate had already begun using electronic voting.

Tagavi (EN) asked if the language of the rule should also be changed because meeting minutes do not have the action items appended to the end of the minutes. The Chair said that the minutes documented every action taken and the copy of each action is a separate document.

The Chair asked senators if the removal of "however" could be treated as an editorial correction and there were no objections. Debski (AS) had additional questions about the circumstances under which a person can request voting records. In response to Brion (EN), the Chair explained that if a request was made for voting records, the Senate Council office did not have the authority to deny such a request. In

response to Calvert, the Chair said that voting records for individual senators were only available dating back to the time when electronic voting was implemented, in September 2014.

When there were no further comments or questions, a **vote** was taken and the motion **passed** with 75 in favor, six opposed and one abstaining.

5. <u>Changing Times of December Commencements - Proposed Change to Senate Rules 5.2.4.7 ("Final Examinations")</u>
The motion in front of the Senate pertained to allowing students who would be on the December degree list to request a change in their exam time if the exam time conflicted with attending the December commencement ceremony.

Guest John Herbst, executive director of student services, introduced his colleagues from the Commencement Committee, Guests Terry Malone (HS/Rehabilitation Sciences) and Drew Crawford (graduate assistant, Commencement logistics). Herbst explained that after the Senate approved a winter commencement about three years ago, the ceremony has grown in stature. The ceremony takes place in Memorial Coliseum and at the December 2015 Commencement ceremony for undergraduates, it was standing room only. Because of that space issue, as well as the construction and associated loss of parking near Memorial Coliseum, a decision was made to move future December ceremonies to Rupp Arena. Herbst receives many positive comments about the December ceremony, but one negative, recurring comment pertains to the unpredictable weather in December. The other recurring comment has been about the time of the 6 pm evening ceremony. December commencement is held on the Friday (last day) of finals week and travel time for families of degree recipients has been mentioned as troublesome. Family members and students would like to attend commencement and those with extensive travel needs want to get home at a reasonable hour. Therefore, the Commencement Committee proposed changing the time of the undergraduate ceremony from 6 pm to 3 pm.

There were a number of questions and comments from senators, including the comments below.

- Alternative parking arrangements could be made to alleviate parking concerns.
- Undergraduate students might apply to be on a degree list just to get their exam time rescheduled.
- The ceremony could be moved from Friday to Saturday.

Wilson (ME) **moved** that the Senate revise *SR 5.2.4.7* to allow a third reason for legitimate final exam conflicts and Webb (AG) **seconded**. The change to the *SR* would involve adding the sentence below as the new, third paragraph in SR 5.2.4.7, Students.

> Any student whose name is on the approved degree list who has a conflict between a final exam scheduled by the Registrar and a University-sanctioned commencement ceremony may reschedule their final examination for another time agreed to by the Instructor of Record during the final examination period. The notice to reschedule must be given to the class instructor no later than two weeks prior to the scheduled examination.

There were additional comments from senators.

- The language should be tightened up to ensure the exam time truly would conflict with commencement.
- Moving the ceremony to Saturday would be an improvement.
- The ceremony should stay on Friday because that Saturday is a mad house in terms of local traffic and last-minute holiday shopping.
- A student is on the degree list but does not plan to participate in the ceremony could also request a changed final exam time, which would be completely unnecessary.
- Final exam week could be changed so that all final exams would be finished by the time the 3 pm ceremony begins.
- If 847 undergraduates participated in the ceremony in December 2014, and the Registrar reports that about 1.8% of them will have conflict between a final exam time and the ceremony, that is only about 15 students, total.
- The *SR* already allow for faculty to use their discretion in rescheduling a student's exam in cases of undue hardship.
- The *SR* describe University-sanctioned events as being excused absences, so that would be another way a student could get their final exam time rescheduled and it would not require a change to the *SR*.

Calvert (EN) pointed out that the specific wording of the advance notice could result in a faculty member only getting about a week's notice – he offered a friendly amendment to change the language. The Chair said the amendment would significantly change the language and would need to be a formal amendment. Calvert (EN) **called the question** and Hulse (BE) **seconded**. A **vote** was taken via a show of hands and the motion **passed** with none opposed.

A **vote** was taken on the motion to revise *SR 5.2.4.7* and the motion **passed** with 45 in favor, 37 opposed, and two abstaining. Tagavi (EN) raised a point of order and asked if only the elected faculty senators should have voted on the motion. It was determined that only votes on degree lists exclude students and ex officio voting members.

6. Ombud Michael Healy - Report for 2014-2015
Healy (LA), the academic ombud, gave a report on the activities of his office for the 2014-15 academic year. There were no questions from senators.

7. International Travel Risk Management - Jason Hope, Manager of International Health, Safety and Security (10 minutes)
Jason Hope, Manager of International Health, Safety and Security in UK's International Center, offered senators a presentation on UK's new international offerings, including international insurance and an international travel registry. There were many questions from senators.

8. Other Business (time permitting)
The Chair invited senators to raise issues for future discussion, but no senator did so.

McGillis (ME) **moved** to adjourn and Calvert (EN) **seconded**. Senators voted with their feet and the meeting was adjourned at 4:32 pm.

Respectfully submitted by Katherine McCormick,
University Senate Secretary

Invited guests present: Drew Crawford, Morris Grubbs, John Herbst, Jason Hope, and Terry Malone.

Absences: Allen, Arnett, Arthur[*], Bada, Bailey*, Biery, Bird-Pollen, Birdwhistell, T., Birdwhistell, M., Blackwell, Bondada*, Brennen, Burks, Capilouto, Carvalho*, Cassis, Christ, Clark, Cofield, Cox*, Crist, de Beer, Doolen, Folmar, Grossman*, Huja, Jones, Jung*, Kennedy, Kyrkanides, Lauersdorf*, Loven, Martin, McCulley*, Mullin, Nash, O'Connor*, O'Hair, D.*, O'Hair, M.J., Peffer, Rice*, Richey, Rohr, Sachs, Schoenberg, Sekulic, Shelton, Smith*, Swanson*, Tick, Tracy*, Vail, Vernon, Vosevich, Walz, Wilson, J., Wilson, M.*, Wilson, K., Witt, Wood, Yeager.

Prepared by Sheila Brothers on Wednesday, September 30, 2015.

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[*] Denotes an explained absence.

September 9, 2015

TO: Dr. Andrew Hippisley, Chair University Senate

FROM: Cleophus V. Price, Assistant Dean, Graduate Academic Services,
            The Graduate School CVP

SUBJECT: Incorrect degree awarded

1. Student Name: KA-06
2. Student Number ███████████
3. Student Degree and Major: MM in Music Performance
4. Expected Degree: August 2009
5. Student KA-06 has satisfied the degree requirements
6. Student KA-06. applied for a summer 2009 degree and Graduate School Staff
    entered the card manually
7. The wrong major was chosen from the drop down menu by the asst dean when
    manually entering the degree card.
8. The MA was awarded August 2009.
9. Graduate School staff nor Registrar's Office staff were able to identify the error
    when conferring the degree
10. Due to the aforementioned administrative error, the Graduate School does not feel
    student KA-06 should be penalized in any way and should be awarded the
    August 2009 MM degree.

SCAPP-endorsed Proposal for Standardized Meeting Times

Policy: Three credit-hour classes that are scheduled to meet in centrally-controlled (by registrar) classrooms shall follow the standardized meeting pattern listed below. Three credit-hour classes that are scheduled to meet in a department/college-controlled (by deans) classroom are strongly encouraged to follow the standardized meeting pattern below. Once department/college-controlled classrooms and timeslots have been assigned in a given semester, residual classrooms will be transferred to the Registrar to be included in the general pool.[1]

The Registrar's Office defines a standardized meeting pattern in terms of the following 20 class meeting times.

MWF 8:00-8:50 AM		TR 8:00-9:15 AM
MWF 9:00-9:50 AM	MW 3:00-4:15 PM	TR 9:30-10:45 AM
MWF 10:00-10:50 AM	MW 4:30-5:45 PM	TR 11:00 AM-12:15 PM
MWF 11:00-11:50 AM	MW 6:00-7:15 PM	TR 12:30-1:45 PM
MWF 12:00-12:50 PM	MW 7:30-8:45 PM	TR 2:00-3:15 PM
MWF 1:00-1:50 PM		TR 3:30-4:45 PM
MWF 2:00-2:50 PM [2]		TR 5:00-6:15 PM
		TR 6:30-7:45 PM
		TR 8:00-9:15 PM

Requests for exemptions are granted on a semester-by-semester basis, and must be approved by the dean of the college in which the department of the course resides. The instructor of the course must provide a brief justification, in writing, to the college dean.[3] If approved, the exemption will be transmitted to the Registrar.

Classes that meet once weekly at or after 3:00PM or that are designated as a laboratory, studio, or clinic are exempt from the standardized meeting pattern. Professional schools are also exempt. However, classes in these categories should start and end at at standard times.

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[1] In the event that department/college-controlled classrooms and timeslots are out of compliance with the proposed policy, residual classrooms and timeslots transferred to the Registrar for general use will also likely be out of compliance and, therefore, of little use to the Registrar.

[2] Classrooms are widely available beginning at 3:00 each Friday for faculty/staff use, study hall, co-curricular activities, etc.

[3] Exemptions could include, but are not limited to: Unique course pedagogy, asynchronous on-line courses, courses in programs with regularly scheduled off-campus activities (e.g., student teaching), instructor hardship, etc.

Distance learning classes with synchronous instructor-student interactions scheduled to occur between 8:00 a.m. and 9:15 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays shall follow the standardized meeting pattern.[4]

Should conflicts arise as a result of multiple requests for a particular classroom for a particular time slot, priority will be given to:
- Courses with great enrollment (vs. fewer students enrolled)
- Undergraduate courses (vs. graduate courses)
- Required courses (vs. electives)
- Lower level courses (vs upper level)

Rationale: Classroom availability has become an increasingly large issue at the University of Kentucky. This is due in large part to the use of non-standardized meeting patterns, which drastically lowers the utilization efficiency of a classroom and often places severe constraints on students' ability to schedule needed classes at overlapping times. According to Registrar, roughly 30% of classes scheduled in a given semester do not meet in a "standardized" meeting time. Further, adherence to standardized meeting times for department/college-controlled classrooms would allow for a more congruent scheduling process once they are released to the Registrar for general use (after departments have had the opportunity to schedule their own classrooms).

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[4] With the obvious difference in physical vs. virtual classroom space, synchronous on-line classes that are out of compliance place similar constraints on student scheduling as do classes held in brick and mortar classrooms. Asynchronous on-line courses are exempt from the policy.

Report of the ad hoc Committee to Review the University of Kentucky Confucius Institute

Given the recent nationwide attention and selected campus controversies directed towards Confucius Institutes that operate at nearly 100 universities and colleges across the United States and Canada, UK's Associate Provost for International Programs and the Director of University of Kentucky's Confucius Institute (UKCI) requested that Senate Council form an ad hoc committee to review the UKCI. The motivation to request such a review was to ensure that the UKCI is sufficiently transparent, has sufficient oversight by non-UKIC faculty, has sufficient autonomy vis-a-vis the Confucius Institute Headquarters of China (HANBAN), and does not impinge upon academic freedom.

Wide criticism and debate about Confucius Institutes was sparked by a June 2014 statement of protest by the American Association of University Professors (AAUP). Chief among the AAUP's concerns is that "...the Confucius Institutes function as an arm of the Chinese state and [is] allowed to ignore academic freedom…North American universities permit Confucius Institutes to advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate."[1] The ad hoc Review Committee was charged by the Senate Council with conducting an analysis of these concerns, investigating how they relate to UK's CI, and recommending any steps necessary to preserve academic freedom.

The UKCI Review Committee members include the following UK faculty:

> Walter Ferrier (chair), Associate Professor, Gatton College of Business & Economics
> Ernest Bailey, Professor, Department of Veterinary Science
> Anna Brzyski, Associate Dean, Professor, College of Fine Arts
> Liang Luo, Associate Professor, Department of Modern & Classical Languages
> Katherine McCormick, Professor, College of Education
> Ernest J. Yanarella, Professor, Department of Political Science

The Review Committee was provided with a wide range of materials -- facts, opinions/news, staffing, programs, budgets, structure, leadership, etc. -- related to CIs, in general, and the UKCI, in particular. The Review Committee subsequently met with and interviewed UKCI Director, Dr. Huajing Maske, and UK Associate Provost, Dr. Susan Carvalho. The Committee Chair, Prof. Ferrier, subsequently met with Dr. Carvalho to glean additional information and insights.

In an effort to ensure that UKCI's academic and non-academic programs and activities (whether conducted on or off campus) sustain principles of academic freedom in relation to third-party (HANBAN) influence, the Review Committee provides the following observations, analysis, and recommendations. This report focuses on the following issues, and is principally concerned with the University of Kentucky's Confucius Institute, and not CIs in general:

1. Transparency
2. Faculty Oversight
3. Political Interference
4. Coursework and Instructional Staffing
5. Budgetary Autonomy

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[1] AAUP Statement, June 2014: http://www.aaup.org/report/confucius-institutes

ISSUE 1 -- TRANSPARENCY

The AAUP statement on CIs directs attention to agreements/contracts between HANBAN and some host universities that "...feature non-disclosure clauses and unacceptable concessions to the political aims and practices of the Government of China…" that severely limit transparency and compromise academic freedom.[2] Further, critics of CIs likewise call attention to the likelihood that "...China-studies faculty may be unaware of the negotiations to establish a Confucius Institute in charge of teaching Chinese language and culture in their own university...."[3]

Observations

A review of published literature and materials suggests that these conditions appear to be limited to some private universities and special cases (e.g., prohibition of Falun Gong-sympathetic staff members at a Canadian university) that are not generalizable to other universities (particularly state universities).

The agreement between HANBAN and UK is publicly and freely available, and does not appear to contain concepts, language, or covenants -- explicit or implied -- that could be construed as a non-disclosure agreement, a restriction of academic freedom, or as support for the political aims of the Chinese government.

Also, owing to the fact that membership of UKCI's Steering Committee (to be discussed more fully below) has been drawn from departments of language, education, and art, UK faculty in these areas are likely to have been fully aware of UK's initial negotiations and ongoing relationship with HANBAN. Mechanisms to ensure greater transparency and awareness however should be developed and enhanced by appropriate administrators overseeing the UKCI.

Recommendations

In an effort to strengthen transparency and institutional awareness, the Review Committee recommends the following:

- *Future HANBAN-UK agreements should maintain the intent and spirit of the language articulated in the 2010 agreement signed by then-president Lee Todd*
  - Yet, although the exact language and use of contractual terms may vary…
    - Future agreements shall not contain non-disclosure covenants
    - Future agreements should contain language to provide safeguards to academic freedom

- *The UKIC Director shall provide faculty in the core academic areas -- language, education, and art -- with an annual update and status report of relevant UKCI activities in department- and/or college-level faculty meetings*

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[2] AAUP Statement, June 2014: http://www.aaup.org/report/confucius-institutes
[3] Chronicle of Higher Education, July 2014:
http://chronicle.com/blogs/letters/penumbra-of-silence-often-surrounds-confucius-institutes

- ***The UKIC Director shall provide relevant University Senate committees -- Programs
  Committee and Academic Planning and Priorities Committee -- with an annual update and
  status report of relevant UKCI activities.***

- ***UKCI shall publish a list of faculty affiliates, and UK faculty having taught in China in UKCI-
  linked programs***
  - see for example should   UK's Center for Poverty Research faculty affiliates
    http://www.ukcpr.org/about-us/faculty-affiliates

ISSUE 2 -- FACULTY OVERSIGHT

With specific regard to the preservation of academic freedom of CIs operating within U.S. universities,
the AAUP statement recommends that host institutions have complete control over all academic matters,
including recruitment of instructors, determination of curriculum, and choice of texts. A critical
mechanism for institutional control is to establish strong faculty oversight and governance.

Observations

In contrast to UKCI's Board which is largely responsible for UKCI's broad agenda and priorities, and
provides general oversight, the Steering Committee is responsible for a wide range of programmatic and
operational functions that include, but are not limited to: staffing, campus and off-campus programs and
activities, budgetary decision, etc. It currently consists of seven members: three UK faculty-
administrators, two UK faculty, and two public school administrators.

Beth Goldstein Associate Professor, Chair of Department of Education Policy, College of Education
Anna Brzyski, Associate Dean, College of Fine Arts
Susan Carvalho, Associate Provost for Internationalization
Jeanmarie Rouhier-Willoughby, Professor and Department Chair of Modern and Classical Languages
Theodore Schatzki, Professor and Associate Dean, College of Arts and Sciences
Jacque Van Houten, World Language Coordinator, Jefferson County Public Schools
Alicia Vinsen, World Language Coordinator, Fayette County Public Schools

Recommendations

To strengthen faculty oversight of UKCI programs and activities, help integrate the UKCI into UK's
overall academic enterprise, and broaden and diversify the Steering Committee's field of view and
perspective for ongoing and future initiatives, the Review Committee recommends the following:

- ***Expand (to 9 members) and diversify Steering Committee membership to include more faculty
  and connections with relevant faculty governance bodies***:
  - One faculty member from each core contributing department: Art (1), Language (1), and
    Education (1)
  - Two members among service area K-12 school districts (2)
  - One member from UK's International Advisory Council's International Partnership
    Subcommittee (1)
  - One member from UK Faculty Senate's Academic Planning and Priorities Committee (1)

- ○ UKCI's Director (1)
- ○ UK Associate Provost for International Programs (1)

- ● *Establish rotating membership:*
    - ■ Formulate and implement committee service plan to establish overlapping two- or three-year terms (UKCI Director and Associate Provost exempt) to help prevent biases and inertia, and ensure representative diversity

- ● *Faculty in the core academic areas -- language, education, and art -- should be provided with the opportunity to evaluate and endorse: (a) the hiring of instructional staff teaching UKCI for-credit courses; and b) proposals to develop (or offer) new UKCI-linked for-credit courses*

    - ○ ***Senate Council review and endorse future UK-HANBAN agreements/contracts* to ensure that future contracts contain sufficient, yet general language that preserves academic freedom**

ISSUE 3 -- POLITICAL INTERFERENCE OR MANIPULATION

The AAUP charges that through the CIs the Chinese government exerts "soft power" as an instrument of its foreign policy by restricting debate on college campuses over controversial or sensitive foreign policy issues. Hence, the concern remains as to whether there is evidence as to the degree of political interference or manipulation of UKCI by HANBAN exists.

Observations

On-campus Programs: UKCI has largely remained apolitical, but has included discussion of events such as Tiananmen Square and issues about the heavy-handed tendencies of the Chinese government without interference or repercussions from HANBAN. For example, the UKCI's Distinguished Scholar Lecture Series has included, on average, four presentations per year (2012-2014) by scholars from a variety of institutions -- from Harvard University to Hong Kong University to the U.S. Council on Foreign Relations -- to speak on a variety of topics and issues. Although most presentations center on art, culture, history, and education, others have highlighted, for example, China's growing hegemony in the science and technology spheres or U.S. policy toward the South China Sea. More importantly, each speaker and topic was proposed by UK faculty and subsequently approved by HANBAN without discussion or interference.

UKCI's campus-based activities and programming represents only a part of the university-wide portfolio of academic and non-academic programs about China. Indeed, UK has many other China-related programs, activities, and courses -- some China-positive, others China-critical -- that fall outside of the UKCI sphere. This sentiment is echoed by the vice provost for international affairs at the College of William and Mary that the CIs represent "...just one aspect of any university's wider programs on China, East Asia, and international affairs."[4] Hence, there is ample opportunity for university-wide, open dialog about all things Chinese at UK.

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[4] Inside Higher Education, July 2014:
http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes

UK faculty teaching in China: During the summers of 2013 and 2014, forty-three UK faculty have taught courses in UKCI-linked programs in China representing a broad range of topics and disciplines: Art history, material science, applied health science, economics, entomology, political sciences, and many others. At issue is whether and by what means HANBAN exerts pressure on visiting faculty to avoid politically, culturally, or historically sensitive topics and issues.

The Committee did not reach a definitive consensus on this particular concern. On one hand, a political science professor who taught in China expressed deep concern about visiting faculty having been given a manual of *dos and don'ts* and having a HANBAN class monitor assigned to observe each class session. These mechanisms and other signals may create an environment that may motivate visiting UK instructors to "self-censor" in order to avoid conflict or penalties. On the other hand, a communications professor cast his teaching experience in a more positive light. Although he was given a teaching manual and assigned a classroom monitor, he found these to be limited strictly to helping him to address any obstacles in teaching effectiveness and outcomes (e.g., meeting academic standards, bridging language and cultural differences, helping with differences in teaching style and student etiquette, etc.).

In sum, it appears that HANBAN exerts little, if any, political influence on UKCI's programming and activities, in particular, and does not restrict or harm academic inquiry and dialogue about China at UK, in general. However, the extent to which HANBAN exerts influence over content or pedagogy of courses taught by UK faculty in China is not well understood.

Recommendations

To limit political influence and preserve academic freedom, the Review Committee recommends the following:

- *Maintain and strengthen independence and topical diversity of UKCI programming*:
    - Publicize and solicit nominations for Distinguished Scholar Lecture Series topics and speakers across a wider range of UK academic and non-academic communities.
    - Provide support for a wider range of UK China-related faculty to present research at a academic conferences

- *Conduct an annual survey of UK faculty who have taught in China to determine*:
    - The overall perception of the extent to which HANBAN exerted political influence on content or pedagogy
    - The extent to which political influence varies by discipline (i.e., more influence over political science courses, less over material science)
    - The observed mechanisms by which HANBAN exerted political influence
    - The degree of (dis)satisfaction, anxiety, and compliance UK faculty experienced during and after their in-China teaching assignments.

ISSUE 4 -- UKCI COURSEWORK AND INSTRUCTIONAL STAFFING

The control over coursework -- for-credit coursework, in particular -- and hiring of instructional staff are arguably the most important questions of how CIs potentially impinge upon academic freedom. The current critical view may be summarized by the following statement that frames the problem as "...an attempt on the Confucius Institute's part to take over teaching of Chinese in the regular curriculum."[5]

A professor and executive director of global partnerships at Texas A&M University however provides a thoughtful counterclaim, saying: "Unthinking criticism of the CI as an instrument of the Chinese state reflects a shallow sense of causation; namely, that by offering Chinese language classes without concomitant and constant criticism of China's government, that U.S. universities have bought into China's nefarious schemes…"[6] In this view, criticism of CIs is only relevant to how narrowly each CI defines its mission and mandate. Most CIs are indeed focused on Chinese language and culture (e.g., art, film, music, etc.). Thus, it's beyond the mandate of the vast majority of CIs in the U.S. to arbitrarily inject politics, military history, and social institutions into a course in, for example, Chinese music, in an effort to demonstrate autonomy and independence from Chinese government influence.

Observations

One of the core aims of the UKCI is directed towards K-12 education. Currently, UKCI provides teachers for K-12 Chinese language and culture classes in six Kentucky counties, and will expand to nine counties for the 2015-2016 academic year. For the 2015-2016 academic year, the UKCI will place 35 teachers in 27 different schools that reach over 20,000 students.

UKCI also offers non-credit courses to the Central Kentucky/Lexington community (including UK students). There are currently five teachers with 39 students enrolled in various non-degree courses.

Recently, two UKCI instructors have been hired to teach UK for-credit classes this year – Chinese 302 and Art Studio 390 -- that have enrollments of 8 and 2 students, respectively. Although funded by UKCI, these instructors were hired by faculty in the China Studies Program. The syllabus and course content for these courses were also guided by faculty of the China Studies Program, not the adjunct faculty members themselves.

Recommendations

To help preserve faculty oversight and control of UKCI's academic activities, programming, content and the hiring of instructors, the Review Committee recommends the following:

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[5] Chronicle of Higher Education, July 2014:
http://chronicle.com/blogs/letters/penumbra-of-silence-often-surrounds-confucius-institutes

[6] Inside Higher Education, July 2014:
http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes

- *Two-stage vetting process for nominations/candidates of instructors for for-credit courses at UK*:
    - Candidates to be reviewed by UKCI Steering Committee
    - Candidates to be reviewed, interviewed, and selected by faculty in the department that offers the course
        - e.g., CHI 302 governed by the Department of Modern and Classical Languages (including Chinese Studies faculty).

- *Course content and materials for for-credit courses at UK*:
    - To be reviewed and approved by faculty in department that offers the course
        - e.g., CHI 302 governed by the Department of Modern and Classical Languages (including Chinese Studies faculty).

- *Instructor performance and course quality for for-credit courses at UK*:
    - To be reviewed each semester by the Chair and faculty in Department of Modern and Classical Languages (including Chinese Studies faculty).

ISSUE 5 -- BUDGETARY AUTONOMY

A key mechanism through which HANBAN could potentially exert political control over academic processes, content, and staffing is the CI budget. At one extreme, critics charge that CIs serve as money-laundering mechanisms to help channel funds from the Chinese party's Office of Foreign Propaganda into "legitimate" U.S.-based organizations.[7] Hence, a university that accepts funds to establish at CI is complicit in helping China to disseminate a highly biased, white-washed view of itself. At the other extreme, however, is the view that absent any influence on curriculum or staffing, a "...gift from HANBAN is like any other endowment or gift given to a university. We don't let them constrain our academic freedom," said the director of Stanford's CI.[8] The implication here is that it is incumbent on universities to provide a thicket of safeguards to academic freedom and budgetary autonomy.

 Observations

The UK-HANBAN agreement specifies that the UKCI is responsible for drawing up the annual budget proposal, with line items and the overall budget subject to approval by HANBAN. Upon examining the UKCI's 2013 and 2014 budgets and subsequently interviewing the UKCI director, the Review Committee found no evidence of undue political influence by HANBAN. In particular, discrepancies between the projected budget for specific line items and HANBAN-approved funding levels could not be plausibly explained as political influence. For instance, it would be difficult to cite political influence as

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[7] Shambaugh, David (2007). "China's Propaganda System: Institutions, Processes and Efficacy." *China Journal* (57): 49-50.

[8] The Stanford Daily, October 2014:
http://www.stanforddaily.com/2014/10/24/forbes-accuses-stanford-of-collaborating-with-chinese-spies-via-confucius-institute/

the reason between the 2014 budget projection ($10,760) for the Chinese Martial Arts series and the amount approved ($8,480) for that activity. Likewise, factors other than political influence are likely explanations for not funding a new proposed initiative (Learn Culture from Chinese Stories) included in UKIC's 2014 budget.

Recommendations

To help preserve budgetary autonomy, the Review Committee recommends the following:

- ***Maintain current language in the UK-HANBAN agreement that enumerates budgetary responsibilities***

- ***Charge the Steering Committee with the responsibility of developing the annual budget***

SUMMARY STATEMENT

There is little doubt that the AAUP's statement and the subsequent public debate will have an impact on how CIs operate within and are governed by host universities. Indeed, "...I think having AAUP coming out this strongly certainly does get your attention," said Donna Wiseman, director of Maryland's CI and dean of the College of Education. Further, as articulated by Professor Bruce Lincoln, professor of religion at the University of Chicago and organizer of the anti-Confucius Institute petition at the university, "The AAUP statement may have had an impact on the administration's thinking...the changes they'll make [to the contract] will probably be improvements." [9]

The sentiments of the Review Committee are in line with these views—namely that the AAUP statement and subsequent debate have opened committee members' eyes to a range of issues regarding academic freedom, oversight of UKCI programming and staff, and how the UKCI contributes to the University's mission and priorities.

Overall, our review of the UKCI was decidedly positive. Still, we have offered a range of recommendations that may provide pathways to developing safeguards to academic freedom and may help strengthen UKCI as a contributing element of the University's China portfolio and broader academic enterprise.

One Review Committee member stated that our review "...left me with little doubt that UKCI is a positive influence on education and communication about China for our faculty and students. It improves us." Another UK faculty member not serving on the Review Committee commented publicly: "...the Confucius Institute does precisely what such institutes are supposed to do. It facilitates student and faculty travel to China, helps improve the breadth of Chinese language and cultural education on campus, holds regular co-curricular activities...and, in general, serves as a coordination space for the study of

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[9] Inside Higher Education, July 2014:
http://www.insidehighered.com/news/2014/07/24/debate-renews-over-confucius-institutes

China in the Commonwealth of Kentucky. From the point of view of faculty and administrators, there's almost nothing wrong with this; the CI brings money, expertise, and interest."[10]

Despite the positive tenor of our review, the Review Committee urges University administration, faculty in relevant departments, and faculty governance bodies to remain vigilant to ensure that academic freedom over and within all University programs, departments, and activities is established and preserved.

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[10] The Diplomat, October 2014:
http://thediplomat.com/2014/10/american-universities-face-a-confucius-institute-dilemma

The Senate Advisory Committee on Privilege and Tenure (SACPT) held two formal meetings in the previous year: November 14, 2014 and December 1, 2014. Both meetings pertained to a formal appeal made by a faculty member who was given a terminal contract prior to tenure evaluation. The SACPT made a recommendation to the university president in response to this appeal on December 17, 2014. On February 13, 2015, the university president asked that the SACPT make an additional recommendation based on a specific aspect of this appeal case; a SACPT reply to this request was sent to the president on March 1, 2015. Below we summarize the details of the appeal.

Appeal to the SACPT

The formal appeal alleged that the department chair did not follow correct procedure in deciding to give a terminal contract. The appeal contained specific examples that described in detail the lack of adherence to established procedure for termination. Our committee met with the faculty member on November 14, 2014 so that we could go through her full appeal folder and ask questions. Since we wanted to more fully understand the situation in the department, we invited the faculty member's chair to also come to a second committee meeting so we could ask questions of him as well; that took place on December 1, 2014.

After meeting with both the faculty member and chair and reviewing the documentation (including not only the appeal documents submitted by the faculty member but also the applicable university governing regulations), the committee concluded lack of adherence to the relevant governing regulation (GR VII, B5) was a violation of the intended procedure for deciding to give a terminal reappointment to an untenured faculty member. In light of this violation, on December 17, 2014, the SACPT recommended to the university president:

"It is the recommendation of the SACPT that ▮▮▮▮▮▮ have the current academic year of her probationary period reinstated as a regular contract year rather than a terminal contract year. This modification would be an acknowledgement of the deviation in the procedures outlined in GR VII, B5."

The SACPT was contacted by the university president on February 13, 2015, and asked to make a recommendation on whether the faculty member should be given a terminal contract. In his letter, the president said he 'would appreciate your recommendation on the ultimate substantive question: should ▮▮▮▮▮▮ receive a terminal contract?' Our committee consulted with the chair of the Senate Rules and Elections Committee, who confirmed our understanding of the charge of the SACPT. We responded to the university president on March 1, 2015, underscoring that the role of the SACPT is limited to consideration of issues of academic freedom, privilege or procedural noncompliance. Under this charge to our committee from the University Senate, we reaffirmed our recommendation from December 2014, namely that a commensurate remedy to the procedural noncompliance in this instance would be that is that the 2014-2015 academic year

appointment for the faculty member filing the appeal be a regular reappointment, and not a terminal contract.

Recommendations

As a result of this appeal, the committee recommends that department chairs ensure that all procedures are strictly adhered to when a terminal contract is being considered for any faculty member.

Submitted on behalf of the 2014-2015 SACPT members, Stephanie Aken, Chris Bollinger, Craig Carter, Raphael Finkel, Brian MacPherson, Lee Meyer, Sue Roberts, Dexter Speck, Ginny Sprang and Mary Kay Rayens (Chair).

University of Kentucky
University Senate
Retroactive Withdrawal Appeals Committee (SRWAC)

Year End Report 2014-2015

Appeals Submitted   86
Appeals Approved   81
Appeals Denied   5
Appeals Tabled   0

Basis of appeals and generalized rationale:

Medical	47 - Broad range, e.g. depression, ADD, ADHD, Post Traumatic Stress Disorder, surgery, etc.
Financial	3 - Parent issues (divorce, illness, lost job), insufficient funds
Personal	19 - Death in family and associated grief, away from home adjustment
Legal	0 - Civil or criminal
Family	3 - Parent divorce/ death, grandparent or sibling death, illness
Military	0 - Called up
Learning Disability	9 - Course substitution, failed to get last course dropped

Multiple semester requests - 10

Waiver of two year time limit requests - 7 requested and approved - all medical related

Totals since 2011

2010-2011   93
2011-2012   78
2012-2013   74
2013-2014   81
2014-2015   86

Other Business:

We are proposing some changes to the Retroactive Withdrawal Appeals Form

Submitted by:

Thomas J Nieman, PhD, Chair SWRAC
Professor of Landscape Architecture