

Senate Council Minutes - August 16, 2004

The Senate Council met on Monday, August 16, 2004, at 3:00 pm in the Keeneland Room of the Gallery and took the following actions.

1. Approval of the Minutes from July 12 and August 2

Cibull made a motion to approve the August 2 minutes. Staben seconded the motion. The motion passed without dissent. Cibull read the quotation that he had requested for inclusion in the July 12 minutes and expressed his approval. Tagavi noted there was no need to have motions for the approval of the minutes. The July 12th minutes were approved as amended.

Other Business

The Chair introduced Richard Greissman, who was in attendance as the Provost's liaison, and apologized for not having made the appropriate introductions at the previous meeting. The Chair also introduced Megan Cormney, the new Senate Council office employee who will work with Ms. Scott.

2. Medical Excuse Policy

The Chair reminded the Senate Council members of the action taken by the Council in the previous Spring semester, during which the Council reaffirmed the "no excuse" policy and agreed to help Greg Moore from the University Health Services in the enforcement of the policy. The Chair noted that since that meeting some issues had arisen from concerned faculty who wondered how they could request "appropriate verification", as is their right under Senate Rules, if UHS stopped providing visit slips to students. The Chair explained that he had attended a meeting with David Royse (Academic Ombud), Pat Terrell (Vice President for Student Affairs), and Greg Moore (UHS) to discuss a compromise and possible solution to the problem. The Chair presented the yellow slip provided to the Senate Council members as being the compromise arrived at by all parties concerned as a result of that meeting.

Greg Moore added that UHS will continue to not verify student illnesses, since legally UHS can not discuss medical issues without the consent of the patient. He said he would like to use the yellow sheet as a beginning point from which to move toward a more enlightened policy of student attendance that would hold the student more responsible for being participants in their own education.

Tagavi asked how long the average wait was for students who were being seen at UHS. Greg Moore replied that they were usually seen within 20 minutes. Tagavi suggested using triage as a means for determining which students were really sick and which were seeking verification.

Jones asked if state and federal law trump the Senate Rules that allow the faculty to ask for "appropriate verification" of student illness. Moore replied that coercion could become a factor in asking students to provide medical information.

Cibull noted that if the verification slips were no longer distributed they would be replaced by no other form of documentation, making it more difficult for students to receive verification.

Greg Moore said he would be willing to change the wording of the yellow slip if the Senate Council members had suggestions. The Chair noted that the pressing concern that sparked the discussion was the need to allow the faculty to continue to request appropriate verification under Senate Rules. He said the agreement reached during the meeting he attended with Greg Moore, Royse and Terrell created a two-tiered verification process in which students could get a yellow slip from UHS to provide to professors. If the professors did not accept the yellow slip as being appropriate verification, then the professor could ask the student for additional documentation. If the student chose, he or she could ask UHS to discuss or release medical information to their professors by completing a written request.

Royse added that the two-tiered system would be particularly helpful to professors who had extremely large classes, up to 2,600 students a year in one case, who need to request additional verification for things like missed labs, quizzes and tests. He said the yellow slip was a good compromise for the fall semester and would allow the faculty the chance to debate moving away from verification without implementing sweeping changes before discussion.

Bailey expressed concern that the proposed policy will discourage students from seeking aid. Greg Moore replied that the paper Bailey was reading was a draft policy not being proposed at the time. Staben asked if the yellow slip was currently in use. Greg Moore replied that currently students were provided with computer print-outs verifying their presence in UHS, adding that counterfeiting had become a problem.

Tagavi asked how the policy had changed. Cibull said that the policy had been reaffirmed by the Senate Council members during the Spring meeting. He added that the information regarding the second tier of verification was new. Greg Moore added that the last two sentences at the bottom of the yellow slip were also new.

Cibull suggested UHS should charge a co-pay to keep students from abusing the system, which would be forgivable if the student received some sort of diagnosis or was prescribed medication, as two examples of indicators that they were actually sick and not just seeking an excuse from classes. Cibull added that a co-pay could also be used to help defray the administrative costs associated with providing the yellow slips.

The Chair said the two-tiered system would allow faculty to abide by Senate Rules in requesting appropriate verification while also allowing faculty to engage in conversation about excused absences in general. He added that he had committed himself to Greg Moore to moving forward with the larger debate.

Dembo spoke in favor of the proposal, noting that students always have the option of appealing to the University Appeals Board if they feel their academic rights have been violated.

Jones asked if there was anything in the Senate Rules that addressed how intrusive instructors can be in demanding to know the nature of student illnesses. The Council members expressed no knowledge of such a rule. Tagavi asked if it was the case that the second tier of verification would never come into play except in the case of a serious illness. Greg Moore replied that some illnesses (e.g., food poisoning) are serious for just on day.

Tagavi asked if it was true that faculty could not demand medical information from students. Greg Moore said that patients can give their medical records to whomever they want, but the degree of coercion involved becomes the issue. Cibull suggested faculty could ask for more proof and then it would be the student's responsibility to determine what that entailed. Greg Moore agreed that if the student gave consent for release then UHS would answer whatever questions the professor asked.

Duke pondered the wisdom of even bothering with the first level of verification. She suggested allowing the students to pick up a yellow slip without even seeing a health care professional. She suggested that some professors could accept the yellow slip if they wanted to while others could skip immediately to the second tier. Staben suggested that some professors would like to see another hurdle for students to jump in order to show that they had been ill. He did worry, though, that since many professors would not likely accept the yellow slip then perhaps the two-tiered system would create even more work for UHS. Greg Moore replied by noting that students who weren't really sick would not be likely to sign a release. Cibull reiterated his suggestion of charging a co-pay.

The Chair credited the Senate Council members for supplying a variety of useful suggestions, but added that the item on the table was whether or not they were willing

to endorse the two-tiered verification process as it was presented with the understanding that more discussion would follow. Tagavi asked if the endorsement of the two-tiered process would entail a rules change. The Chair noted that it would not, and would in fact make it easier to enforce the appropriate verification rule. Cibull asked if the enactment of this policy is something UHS could do without Senate Council approval. The Chair replied that it was. Jones added that an endorsement of the two-tiered system would be an endorsement of an administrative arrangement.

Cibull expressed concern that the faculty would not support the two-tiered process. He made a motion to endorse the yellow slip as a temporary measure until the issue could be revisited. Debski asked for clarification as to what was being endorsed, since a draft policy for future discussion had also been distributed by Greg Moore. The Chair replied that the only thing being endorsed was the two-tiered process discussed on the yellow slip. Cibull said he would like a report on the success and flaws of the two-tiered system at the end of the next academic term. The Chair asked the Ombud if he would be willing to provide that information in his annual report. Royse agreed to provide the requested information in his report, tentatively scheduled for the December Senate meeting.

After further discussion, Grabau seconded Cibull's motion. Tagavi proposed a friendly amendment of dropping the time/date stamp from the yellow slip. Cibull asked Royse if the Ombud was in favor of dropping the time/date stamp. Royse said he would prefer to include it. Cibull did not accept Tagavi's amendment. There was no second to the amendment, and it failed.

Dembo offered a friendly amendment to include the endorsement of the Senate Council, the Office of the Ombud, University Health Services and the Office of the Provost on the yellow slip as an indication to students and faculty that all of the constituent groups were in agreement. Cibull accepted the friendly amendment. Tagavi asked if the Provost's endorsement could be granted through his liaison. Dembo agreed. Royse indicated that the Provost was supportive of the compromise.

The Chair asked if there was any further discussion. There being none a vote was taken with six in favor of the motion and one (Tagavi) against. Greissman, Greg Moore and Royse, though not voting members of the Senate Council, indicated their support of the motion as well. The motion passed. The Chair thanked Greg Moore and Royse for attending and they departed.

3. Update on FES subcommittee

The Chair asked Dembo to provide an update on the committee's activity. Dembo provided some history regarding the current FES system and the fact that SAP does not have an integrated FES system. He discussed the recent visit from the University of Tennessee faculty, for whom an FES system had been developed by SAP and outlined the differences between how UT and UK address distribution of effort (DOE) issues. Further discussion ensued regarding the differences in how the Medical Center colleges and main campus colleges handle DOE issues. Cibull expressed concern that if used improperly a DOE database could potentially be used to harm faculty who were seeking promotion and tenure, since it would account for how faculty members spend their time. Duke agreed, noting that it may or may not be in a Chair's best interest to make sure the DOE reflects the actual activities of the faculty member.

The Chair asked when the next meeting will occur. Dembo replied that the FES subcommittee would meet the following Monday. He added that the subcommittee would most likely complete its work by early December.

Greissman wondered if the system would entail self-reporting of DOE by the faculty on a monthly basis. Staben indicated that he was under the impression that it would. Cibull expressed concern that the faculty was already over-burdened and should not be asked to self-report on a monthly basis. Dembo asked if that was the sense of the faculty. Bailey, Cibull and Tagavi expressed concern about the efficacy of asking faculty to self-report every month.

The Chair thanked Dembo for his update and invited future updates on the subcommittee's activities.

4. Board and Senate degree applicant list

Board and Senate degree applicant list ([DOC](#))

Tagavi asked if Ms. Scott was aware of the presence of WKU joint Engineering program students on the list. Ms. Scott said she had not reviewed the list. After brief discussion Cibull made a motion to approve the degree applicant list. Staben seconded the motion. Dembo offered the friendly amendment to include the fact that since the Senate is not in session during the summer months the Senate Council was acting on behalf of the Senate. Cibull accepted the friendly amendment. The motion passed without dissent.

5. Chairpersonship of the Academic Council of the Medical Center

Chairpersonship of the Academic Council of the Medical Center ([DOC](#))

The Chair drew the attention of the Senate Council members to the letter from Chard to the former Senate Council Chair regarding the appropriate chairpersonship of the ACMC. Dembo provided some background as to the old arrangement for Chair under the Chancellor model and the problem that was created when the structure of the University changed while the Senate Rules did not. He added that some faculty feel that the Associate Provost for Academic Affairs is not the appropriate chairperson for the ACMC since that position's duties are campus-wide rather than Medical Center-specific. Dembo noted that there had been an informal discussion about perhaps assigning a rotating chair to the various deans of the Medical Center, but added that he had no documentation to support his recollection.

Staben asked if Chard's recommendation suggested a specific solution. Cibull said that one of the complicating factors was the lack of overarching organizational structure for the Medical Center and asked for clarification as to who the deans report to. Greissman noted they report to the Provost and the EVPHA.

Cibull spoke against adding another layer of administrative structure and suggested the rotating chair idea could work in the Medical Center. Cibull asked if there was a reason to not allow Watt to continue serving as the Chair of the ACMC. Debski noted that it may not be a good idea to have the progenitor of various proposals also sitting as Chair of the approving body. Tagavi added that Watt's position is supposed to be University-wide and not Medical Center-specific. Cibull agreed that Watt's endorsement of a proposal may also have the unintentional effect of also suggesting the Provost's endorsement.

Grabau asked if the Deans could designate a person within their college to whom the responsibility could be delegated. Cibull agreed. Dembo noted that if a change were to be affected the Senate Rules would need to be changed. The Chair asked if a motion was forthcoming or if it should be referred to the Rules Committee. Dembo noted that since it had already been discussed by the Academic Organization and Structure Committee the Senate Council should decide if it would accept that committee's recommendation, adding that it would be codified by the Rules Committee if the Senate approved the rules change.

Cibull spoke against making a change in the chairpersonship of the ACMC unless there was a clear feeling in favor of doing so. Dembo noted that last year the Senate Council voted to allow Watt to serve as Chair of the ACMC on an interim basis while the Senate Council considered how the Senate Rules should best be updated to reflect the new organizational structure of the institution. Debski added that there has been mounting concern about the ACMC's conduction of business, including the dismissal

of Cathy Owen from her post, the differences in the type of documentation that were accompanying proposals and the general nature of the discussion. Cibull agreed that the loss of Cathy Owen had changed the way the ACMC did business since she used to educate people on how to process various proposals.

Grabau asked if the Chair would rotate among all six Deans of the Medical Center. Tagavi suggested just using the wording "colleges of the Medical Center" to make sure none was excluded. Cibull suggested "constituent colleges of the Medical Center". Greissman suggested the colleges could go in alpha-order to determine which Dean would be Chair first.

Staben asked if the whole structure of having an ACMC was still appropriate or if those issues could be heard and decided by the Graduate Council. Debski recalled that that issue had been brought up before and then dropped. Cibull said the ACMC was specific to the types of proposals that affected only Medical Center curriculum and instruction and should continue to exist to hear the appropriate proposals. Debski replied that the issue has still not been decided. Cibull said that in order to cause the ACMC to disband Watt would have to propose a change in Senate Rules since that decision was not within Watt's purview.

Debski made a motion that the ACMC should be chaired on an alphabetical rotating basis by the different deans of the Medical Center, or their designees from within their college, every two years. Cibull seconded the motion.

Dembo asked if there was an advantage to a two-year term as opposed to a one-year term. Debski and Cibull suggested that one year was not a long enough period of time for each new Chair to learn his or her job. Dembo asked if the item should be brought to the Senate or if the Senate Council should approve it on behalf of the Senate. Cibull and Tagavi noted that there was no emergency to authorize the Senate Council members to act on behalf of the Senate.

The motion passed without dissent and will be sent forward to the Senate with a positive recommendation.

Other Business

The Chair reported that he was still waiting to hear from LCC President Kerley regarding a liaison from LCC's faculty to the Senate Council.

The Chair suggested deferring conversation regarding the proposed joint resolution until the following meeting and asked the Senate Council members to continue their discussion on the listserv.

The Chair asked if there were any volunteers to serve as the Senate Council's representative on the President's Commission on Diversity. There being none, the Chair will solicit volunteers from a broader pool of Senators.

The next meeting will not be held until August 30.

There being no further business, the meeting adjourned at 5:05.

Respectfully submitted by
[Ernie Yanarella](#), Chair

Members present: Bailey, Cibull, Debski, Dembo, Duke, Grabau, Jones, Roy Moore, Staben, Tagavi, Yanarella.

Liaison present: Greissman

Guests present: Greg Moore, Royse.

Prepared by [Rebecca Scott](#) on August 24, 2004.