

Senate Council Minutes  
October 16, 2006

The Senate Council met on Monday, October 16, 2006 at 3:00 pm in 103 Main Building. Below is a record of what transpired.

The meeting was called to order at 3:06 pm. The Chair noted that Duke and Thelin each had informed the Office of the Senate Council that they were unable to attend and would be absent.

1. Minutes from October 2 and Announcements

The Chair announced that Bob Grossman, Academic Offenses Ad Hoc Committee chair, had stated another tweak had been suggested to a portion of *Senate Rules Section 6.4* regarding a deadline by which, after receiving notification of a finding and penalty, the student has to approach the Ombud and the number of days in which actions had to be taken. The Chair asked for and received agreement from Senate Council (SC) members that the change was relatively minor and could bypass the Senate's Rules and Elections Committee (SREC) and go directly to the SC. The Chair then asked if SC members thought the Senate should request a presentation on UK's changed retiree health benefits would for a future meeting. It was agreed that such a presentation was a good idea.

2. [Motor Vehicle Release Form – Guests Todd Adkins and Lou Drapeau from Risk Management](#)

The Chair stated that the issue of UK's use of its Motor Vehicle Release Form had been brought to the SC before the form was formalized and released. He said that Director of Risk Management Lou Drapeau and Senior Risk Management Representative Todd Adkins were in attendance to offer information on the motor vehicle releases (MVR), as well as Professor Anne-Francis Miller, who had inquired into the issue through the Office of the Senate Council.

Those present introduced themselves. Guest Drapeau said he was happy to have the opportunity to talk about the MVR program. A year and a half ago, the Risk Management Advisory Committee suggested Risk Management (RM) run a motor vehicle report on all university drivers and also institute an online driving program. An RFP was issued and Sonic e-Learning Inc. (Sonic) was recommended by the then-insurance broker. UK then contracted with Sonic and, a little over one year ago, started running MVR on all employees with driving responsibilities who had submitted a signed form. Drapeau shared that federal legislation required an employee's signature before running an MVR. In about one year, 4,939 MVR were run. It was not expected to find that there were a large number of UK employees using their privately owned vehicles on behalf of UK. There were some students operating a vehicle on behalf of UK, which was also not anticipated. Drapeau added that approximately 89.1% of drivers so far

have had a clean MV record. RM identified approximately 20 people with suspended driver's licenses (DL) and about 35 people driving on an expired DL. Most of those with expired DL did not know it, and were eager to rectify the situation, after which RM could re-run the MVR form.

Drapeau said the purpose of the program was to protect the university and its insurance program from third party claims in the event of an accident. He said that although the first years' report was not yet done, once attention was paid to the administrative data, it was seen that the accident rate dropped off from 10-20 accidents per month to three to four accidents per month, over the past four to five months.

Guest Todd said that there had been losses approximating \$400,000 per year due to accidents for the past four fiscal years. During the 2006 fiscal year, there was a decrease to \$220,000 in losses. He said he suspected that increased care when driving helped. Drapeau said that the program had more than paid for itself.

Guest Miller expressed agreement with having safe drivers. She said it was unfortunate that the process of requiring MVR was begun with an unfortunate and adversarial tone. The concern of faculty was primarily the broad verbiage on the MVR form relating to personal information. Miller said that even the Federal Aviation Administration (FAA) did not request that people seeking licenses give the FAA the authority to perform random future inquiries. She expressed concern that the inquiries by Sonic could include retrieving information such as financing for a new car. She requested RM spell out the information needed instead of using broad terms such as "matters of motor vehicle information." Miller also asked for assurance that the information retrieved was solely the property of UK. There was a concern that information could be passed around as a result of various entities contracting with one another.

Miller stated that many faculty were essentially told that they were required to sign the form or they could not drive on behalf of UK. Miller stated that the likely intent of the federal legislation requiring one's signature was that consent would be given willingly. Using specific language including who will see, what is seen and when it will be done would foster an improved relationship between faculty and administration. Drapeau said that the form was not written or designed by RM, but rather had been developed by the industry over the course of about 10 years and was governed by federal legislation. The form was drafted to accommodate different companies and governments in different states. Some of the states gave information directly to Sonic and some states outsourced their responsibility for finding records to a contractor of their own. Some states expected UK to keep the forms on file under lock and key, yet five or six states required Sonic or the state keep the form on file.

Drapeau said there was one small change from "employer" to "UK" but the language on the form was otherwise standard across the country. He said that

the issue of returning to the employee for signed forms for future requests would be an administrative nightmare. Drapeau noted that driving records were a matter of public record, available for \$4.95 on the Internet, provided the DL number is known. He said there were sufficient protections for the employee and that the records became the property of UK and would not be shared, sold or otherwise made available to another entity.

The Chair asked Drapeau to speak to the fact that the MVR form did not expire upon an employee leaving UK. Drapeau said UK had no interest in running an MVR report on someone not employed at UK. In response to the Chair, Drapeau said that such language could not be added to the form due to it being an industry-wide form. Dembo related that he had had a conversation with Drapeau in March in which he raised some of the same concerns, primarily ones of communication. Dembo said he had suggested an FAQ (Frequently Asked Questions) be posted online, and that Drapeau had forwarded to Dembo a document with answers, but nothing had been posted yet. He referred to the Employee Benefits website and its vast warehouse of information for employees. Dembo said that even if the form could not be changed, there could be another mechanism for communicating answers to logical, posed and anticipated questions.

Drapeau said that the form could be used after an employee left UK if, for example, an employee resigns immediately after an accident that goes unreported for a couple of hours. Grabau asked about the numbers of results – if 4,939 MVR forms came back clean, approximately 500 forms were not; Grabau wondered what became of the 500. He also asked about the claim that doing MVR was responsible for the change in claims generated over the fiscal year. Drapeau replied that increased awareness of the issue could help an employee be more aware of their own driving behavior. Grabau suggested the numbers be put on the website. Drapeau replied that the numbers changed daily, so the numbers would perpetually be out of date. Grabau said that if a period of time was named as a point of reference, the numbers would be accurate. Adkins agreed with the idea of posting certain information, but said that other information should be evaluated before being posted. Grabau stated that the information could be offered with positive language to accentuate the positive results of, perhaps, finding employees with expired licenses.

Miller said that it was important that faculty be free to teach and not have to worry about retaining an attorney to be sure that signing the MVR would not give up an employee's rights. She asked that a letter of commitment be created explaining some of the issues surrounding the MVR and how UK would retain and protect any information gleaned from an MVR. She wondered if a faculty member, who paid their own insurance, would be reimbursed when renting a car for university business without signing an MVR form. Drapeau replied in the negative, saying that because the employee was working on behalf of UK, a form would be required. He said the laws regarding consumer rights were well written to protect

drivers and that the MVR complied with the law. Miller replied that she did not have the time to read the law in its entirety and again requested a gesture of goodwill of communicating the answers to faculty.

Todd said that because so many individuals have submitted MVR forms, there would be a delay until January 2007 for requiring a signed form on file before reimbursing an employee's mileage claim. Miller asked how permission for future checks could be rescinded. Todd replied that an employee should make that request in writing and send to RM. Waldhart supported the immediate posting of an FAQ on the RM website to help educate employees about how the MVR was used. Randall shared that faculty in his area also had similar concerns about how the personal information retrieved would be used, stored, etc.

Drapeau said that providing UK with the authority to run future checks prevented the need for new forms to be signed whenever a new check was needed. Odoi asked how many students were affected. Adkins said that it was not known exactly how many, but that the numbers were probably in the 20 – 30 range. He said there were some student ambassadors who spoke on behalf of UK at recruitment fairs, etc. who needed to sign the form.

Drapeau confirmed for Baxter that the information provided to UK was readily available over the Internet to anyone with \$4.95 and the DL number of the person whose report was desired. There was some discussion about how far back the reports would go. Drapeau said that the standard time length was about five years, although a recent report from Florida went back seven years. The Chair thanked Drapeau and Adkins for attending.

After their departure, the Chair asked if any further discussion was necessary. Dembo recommended that the Chair, on behalf of the SC, send a letter to Executive Vice President for Finance and Administration Frank Butler to ensure the concerns of the SC were acted upon. After additional brief discussion, Dembo **moved** that the Senate Council, by way of following up on the motor vehicle release discussion with Drapeau and Adkins, send a summary of the discussion and the concerns raised and what needed to be followed up on to Frank Butler. Baxter **seconded**. Dembo explained that although he was not ordinarily willing to jump rank regarding an issue, Drapeau was well aware of the concerns of faculty after a conversation with Dembo in March 2006, but no additional information had subsequently been shared with faculty.

A **vote** was taken on the motion to send a letter to Executive Vice President for Finance and Administration Frank Butler outlining the discussion on motor vehicle release forms and a list of concerns to be addressed. The motion **passed** unanimously in a show of hands.

## 2. [Transcripts at Senate Meetings](#)

The Chair offered background information on the history of transcriptions of Senate meetings. A few years ago during an administrative shuffle, the individual who provided the Senate with very extensive minutes had her responsibilities adjusted and therefore no longer created the minutes. As a result, the official record of Senate meetings became very brief, only outlining the formal actions of the meetings, and not capturing any part of associated discussions. A petition with 80 signatures was presented to the then-chair of the SC, after which transcriptions were created for each Senate meeting by a contracted court reporter. At the time, it was believed that a transcription could be had for approximately \$175; the annual cost for 2005 – 2006, though, was about \$5,000. The Chair said that the SC could suggest a change to the current use of transcripts. Although an audio recording was always made, it would be difficult for someone who was unsure of a date to find information about a specific topic by reviewing audio files; a Google search would bring up text from a transcript if one were available. He then invited Davy Jones to speak on the topic.

Guest Jones said that the Chair had offered a good summary. Jones said that while he was involved with the SREC, it was invaluable to be able to read the discussions regarding changes to rules to help understand intent. The Chair added that although the Office of the Senate Council had looked into putting an audio file online, ADA and accessibility regulations would require a written transcript to accommodate the hearing impaired. There was a brief discussion regarding why there was a range of costs for two-hour Senate meetings. (It was due to the content of the meetings and the time it took the court reporter to type the transcript, plus a “per created page” fee.)

Lesnaw asked for a concrete example of why a transcript was necessary. Jones said that a few months ago, an interpretation was requested regarding a proposal being “cleared” by the Registrar; there was confusion regarding what “clearing” entailed. After reviewing the transcript of the Senate meeting at which the issue was discussed, it became obvious that “clear” referred to checking a proposal against CPE guidelines and that “clear” did not include any responsibility for approval. Yanarella stated that he had looked into the issue of transcripts when he was SC chair, and ultimately supported continued usage. He said that an important consideration would be having a specific, complete record of something that, for faculty in the future, would correctly represent the proceedings.

There was extensive discussion regarding continued use of transcripts. It was decided to continue utilizing court reporters to produce a transcript of Senate meetings.

#### [4. Changes to Senate Rules Section V](#)

The Chair asked Jones, former SREC chair, to offer background information on the changes to *Senate Rules Section V*. Jones reiterated that the changes were a continuation of the updating of the *Senate Rules (SR)* that were needed

because of the June 2005 revisions to the *Governing Regulations (GR)*. *Section 5.4.2 (Honorary Degrees)* was not before the SC because it had already been approved by the Senate at the February 13, 2006 meeting. The changes came to the SC with a positive recommendation from the SREC. In response to a question from the Chair, Jones said that there were substantive changes, but only because of changes to the *GR*, and not due to any independent rule-making efforts on the part of the SREC. In response to Baxter, Jones confirmed that no reference to a winter intersession was included because of its interim nature. Jones said that the changes to *Section V* should be made effective immediately upon approval by the Senate.

A **vote** was taken on the motion with a positive recommendation from the Senate's Rules and Elections Committee to approve the changes to *Senate Rules Section V* and make the changes effective immediately upon approval by the Senate. The motion **passed** unanimously in a show of hands.

The Chair asked if the SREC would need to review the changed section before being incorporated into the existing *SR* and posted online. SC members agreed with Jones that further SREC review was unnecessary.

#### 5. [Changes to Senate Rules Section VII](#)

Jones said that the entirety of his comments regarding the changes to *Section V* should be applied to the changes in *Section VII*. The changes that were made were a result of changes to *GR* in June 2005, etc.

A **vote** was taken on the motion with a positive recommendation from the Senate's Rules and Elections Committee to approve the changes to *Senate Rules Section VII* and make the changes effective immediately upon approval by the Senate. The motion **passed** unanimously in a show of hands.

#### 6. [Request by Associate Dean to Waive Two-Year Window for RWA Case](#)

The Chair offered background information on the request. A then-new associate dean sent a letter supporting a retroactive withdrawal for a student, but did not realize that a request for a retroactive withdrawal required more documentation and as a result the regulatory two year period allowing consideration by the RWA had passed. The associate dean requested the waiver for the two year limit and still supported the RWA request.

After brief discussion, Lesnaw **moved** that the Senate Council waive the two-year rule for the retroactive withdrawal application for the student referred to in Associate Dean Mike Mullen's letter dated April 26, 2006. Yanarella **seconded**. The motion **passed** unanimously.

#### 7. [Committee Preferences](#)

The Chair noted that this second round of committee preferences was a result of the late conduction of some colleges' elections for senators. He noted that one

college still had not conducted its election. Since the rule waiver granted by the SC at its July 10, 2006 meeting specifically stated that any Fall election had to be completed by October 9, it would be up to the SC and Senate as to whether or not any future results would be accepted. The Chair also asked that special attention be paid to the SREC. Upon taking the office of SC Chair, the SREC essentially lost the voting membership of Tagavi (the SC Chair). The additional departure of Jones as SREC chair left the SREC with two fewer members. The Chair said that SREC member Doug Michael had accepted position of chair of the SREC, and that Connie Wood had been contacted and agreed to serve on the SREC, in addition to her other committee assignment.

Waldhart **moved** to accept the committee compositions as outlined in the handout. Yanarella **seconded**. Odoi asked why there were no students listed as committee members. The Chair shared that the Office of the Senate Council had attempted a number of times to get the names from Student Government Association president Jonah Brown, but had not yet been successful. Odoi said he would attempt to provide the necessary names.

A **vote** was taken on the motion to approve the committee composition preferences. The motion **passed** unanimously in a show of hands.

#### 8. Request to Change Voting Status of One Member of Senate's RWA Committee

The Chair stated that the Senate's Retroactive Withdrawal Application Committee (SRWAC) had explained that their *ex officio* member from the Counseling and Testing Center (CTC) had traditionally been non-voting. However, the SR specifically outlined which *ex officio* members were non-voting, and the CTC member was not included. The SRWAC (including the CTC representative) requested that the CTC representative's *ex officio* membership be made non-voting, due to a potential conflict of interest regarding applications in which the CTC might be involved.

Waldhart **moved** that the Senate Council approve and send to the Senate with a positive recommendation the request from the Senate's Retroactive Withdrawal Application Committee to change the voting status of the Counseling and Testing Center' representative to a non-voting *ex officio* position, the change being effective immediately upon approval by the Senate. Harley **seconded**. The motion **passed** unanimously in a show of hands.

The Chair requested a motion for adjournment. Lesnaw **so moved**. Waldhart **seconded**. The motion **passed** unanimously in a show of hands. The meeting was adjourned at 4:55 pm.

Respectfully submitted by Kaveh Tagavi,  
Senate Council Chair

Senate Council members present: Baxter, Dembo, Grabau, Harley, Lesnaw, Odoi, Randall, Tagavi, Waldhart and Yanarella.

Provost's Liaison present: Greissman.

Non-members present: Todd Adkins, Lou Drapeau, Anne-Francis Miller.

Prepared by Sheila Brothers on October 17, 2006.