

Senate Council
October 26, 2015

The Senate Council met in regular session at 3 pm on Monday, October 26, 2015 in 103 Main Building. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Senate Council Chair Andrew Hippisley called the Senate Council (SC) meeting to order at 3:00 pm.

1. Minutes from October 19, 2015 and Announcements

The Chair said there were a handful of editorial corrections. There being no additional corrections, the minutes from October 26, 2015 were **approved** as amended by **unanimous consent**.

The Chair said the Senate's Advisory Committee on Privilege and Tenure had a full complement of members, including a chair, and the composition would be on the Senate's website soon.

Wilson suggested that a report from trustees come later, after discussion of agenda items for which guests were present and waiting. There were no objections from SC members, so the Chair moved to the next agenda item.

2. Old Business

a. Final Report from ad hoc Calendar Committee

Guest Kevin Real (CI/Communication), chair of the Ad Hoc Calendar Committee, presented SC members with an updated report. He noted that he had presented to SC in April 2015, but SC had some questions, the answers to which were added to the final report. There were a variety of questions and comments from SC members about the report and its content.

Grossman **moved** to accept the report from the Calendar Committee and Mazur **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with none opposed.

Grossman suggested that deans have an opportunity to review the proposal prior to it going to the Senate for review. Brown noted that the example dates given in the proposal were for summer 2015, which had already passed. He wondered about the possibility of having dates for this coming summer (summer 2016) to replace last summer's dates. After additional discussion, Grossman **moved** to table the report until feedback is received from Provost Tim Tracy and deans. Porter **seconded**. In response to a question from the Chair, Grossman suggested that the proposal be given to the Provost, who can share it with deans, and they can have four weeks in which to send their comments in. Bailey clarified (and no one verbally disagreed) that the solicitation of input from deans was not for them to approve of, or agree to, the proposal, but rather was to see what insights they have or what issues may not have been addressed.

A **vote** was taken and the motion to table **passed** with none opposed. Real said he would send a revised report.

b. Proposed Revisions to *Administrative Regulations 11:4* ("University Joint Committee on Honorary Degrees")

Guest Marcy Deaton, associate general counsel, explained the revisions she made to *Administrative Regulations 11:4* as a result of the SC's comments about it the last time it was reviewed. Brown **moved**

to endorse the proposed changes to *Administrative Regulations 11:4* and Bailey **seconded**. A **vote** was taken and the motion **passed** with none opposed.

c. Proposed New Graduate Certificate in Military Behavioral Health

Guest Chris Flaherty (SW) explained that he revised the proposal to accommodate three issues: concerns about the instructor who would teach SW 780; the prior lack of a letter of support from the current college dean; and clarification of the roles and responsibilities of the faculty of record for the certificate, as well as its advisory board.

The Chair said that the **motion** from Senate's Academic Programs Committee (SAPC) was back on the table, which was a recommendation that Senate approve the establishment of a new Graduate Certificate in Military Behavioral Health, in the College of Social Work. Because the motion came from committee, no **second** was necessary.

A **vote** was taken and the motion **passed** with none opposed

3. Request for Nonstandard Calendars for EDC 610-020, EDC 730-020, EDS 514, EDS 517, EDS 661, and EDS 663

Guest Robert Shapiro (ED/Kinesiology and Health Promotion, senior associate dean for research, analytics, and graduate student success) explained the need for nonstandard calendars for EDC 610-020, EDC 730-020, EDS 514, EDS 517, EDS 661, and EDS 663. Mazur **moved** to approve a nonstandard calendar for the courses as described below.

- EDC 730-020 Problems of School Curriculum: Economic Education, July 11-29, MTWRF 9-11:40
- EDC 610-020 Discipline and Classroom Management, July 11-29, MTWRF 12:40-3:20
- EDS 514: Instructional Technology, June 20 - July 1, MTWRF 8:30AM-1:30PM
- EDS 517: Assistive Technology, July 5 - July 15, MTWRF 8:30AM-1:30PM
- EDS 661- July 11 -August 4-ADVANCED INSTRUCTIONAL STRATEGIES FOR STUDENTS WITH ASD – 3:30-6:00 M-R
- EDS 663 –July 11 –August 4 SERVING INDIVIDUALS WITH ASD INSTITUTE: times-on line course (TBA)

Mullen **seconded**. There was some discussion about how such requests in the future could be addressed if the Senate implements the recommendations in the report from the ad hoc Committee on Calendars. There were a few questions from SC members. Shapiro clarified that his request was for recurring use of nonstandard calendars, not a one-time request. No change was made to the motion, however, to allow approval in perpetuity. A **vote** was taken and the motion **passed** with none opposed.

4. Committee Reports

a. Senate's Admissions and Academic Standards Committee (SAASC) - Scott Yost, Chair

i. Change to Master's of Public Health - Drop CPH Exam Requirement

Guest Scott Yost, chair of the Senate's Admissions and Academic Standards Committee (SAASC), explained the proposal and said that the recommendation from SAASC was approval of the proposal. Because the motion came from committee, no **second** was necessary. Guests Katie Cardarelli (PbH/Health Behavior, associate dean of academic and student affairs) and Kim Tumlin (PbH, assistant dean for academic and faculty affairs) answered questions from SC members.

When there were no additional questions or comments, a **vote** was taken and the motion **passed** with none opposed.

Old Business

e. Discussion on Senate's Role in Matters of Faculty Privilege

The Chair reminded SC members that the SC previously charged the Senate's Rules and Elections Committee (SREC) with looking into language that would prevent a type of privilege abridgement that would stop someone from appealing a privilege abridgement. He noted that any faculty member who wants to appeal an abridgement of privilege could contact the Senate's Advisory Committee on Privilege and Tenure (SACPT). He asked Guest Connie Wood, chair of the SREC, to offer more information.

Wood explained that two different committees are charged with reviewing privilege violations, the Senate's Hearing Panel (Privilege and Tenure) (USHP) and the SACPT. While USHP has the responsibility of hearing cases that arise from non-tenure track faculty, the SACPT hears such cases for tenure-track faculty. Wood pointed out that the due process description for non-tenured individuals (non-tenure track faculty, administrators, graduate students, teaching assistants, etc.) was robust and included far more protections and considerations (e.g. calling and cross-examining witnesses, submitting evidentiary documents, and no requirement to be bound by strict rules of legal evidence) than the language for the SACPT. The description of such processes run through the SACPT was significantly less robust, with merely a bare -bones description of how tenure-track faculty in the same situation are treated. Wood summarized by saying that tenure-track faculty have far fewer protections than non-tenure track faculty when claiming a violation of faculty privilege.

SC members and Guest Marcy Deaton discussed the matter. In response to a question from Grossman, Deaton opined that if a hearing was scheduled for a student who was banned from being on campus or communicating with members of the campus community, the ban would be lifted long enough for the student to attend and participate in the hearing. Grossman suggested adding language to give a faculty member the right to appear at a hearing related to a violation of privilege and asked Deaton if that sort of language would accomplish the goal of allowing a faculty member to participate in their own hearing. Deaton said that "right to appear" for faculty would be consistent with the student code.

SC members and Wood, with occasional comments from Deaton, discussed the matter at length. When discussion turned to revising the relative *Senate Rules* (SR), Wood noted that some language could not be changed because that language was based in a *Governing Regulation*. Deaton volunteered to review language changes to ensure consistency with *Governing Regulations* and Wood thanked her. Wood clarified that if SC approved, the SREC would essentially rewrite the section on the SACPT.

When there was no further discussion on the issue, Wood noted that the SREC was inclined to add language to the *SR* to ensure that membership on Senate committees will continue until new membership is appointed, which will prevent a situation in which there is no full committee membership eligible to serve.

d. Senate Meeting Roundtable

The Chair asked SC members to each make a few comments about how they viewed the proceedings of the October University Senate (Senate) meeting. Below are representative comments. A couple SC members were not present for the Senate meeting, but related the sentiments of the faculty they represent who were aware of the meeting's agenda. [Many of the comments pertain to the relatively recent meeting of the Healthcare Committee of the Board of Trustees, when it removed the clinical privileges of a faculty member in the College of Medicine due to inappropriate comments made to colleagues and to a patient. The President spent 10 – 15 minutes talking about the events that took place subsequent to the Healthcare Committee's hearing in which the faculty member was banned from a handful of meetings/events that other non-clinical faculty have the right to attend.]

- The apology given by President Eli Capilouto was not a full airing of the issue nor did it seem to be a true attempt at rapprochement
- The apology did not sound genuine. The President evaded the questions that were asked of him.
- While the Senate agenda referred to it as a "conversation," a monologue followed by a few questions is not a conversation. The President's words did not facilitate a conversation of any kind but senators need a mechanism to have an open discussion with the President.
- There is no longer a relationship between President Capilouto and the faculty. While he may come to senate to talk about what he does, nothing the faculty say will influence his decisions. It was questionable if the President actually apologized for anything meaningful.
- The President's "apology" was a Rorschach apology, in which you can read just about anything into it. There were a few direct questions, particularly from one senator, but the President was evasive.
- When the President finished his presentation there was no applause, rather just stunned silence from senators wondering what had just happened. If mistakes were made, then stop continuing to make those mistakes – a true apology means not doing that thing again.
- The President spoke for quite a while but did not actually say much. Faculty concern is increasing because there is no clear information being given about why things happened in the way that they did. President Capilouto's comments created more concern, not less.
- It was a lost opportunity on the President's part.
- There is no sense the President would do things differently if a similar situation comes up in the future.

There was lengthy discussion among SC members about how to restart a dialogue with President Capilouto about faculty concerns. Brown **moved** that the SC empower the Chair to invite the President to have a general discussion about faculty morale and Kraemer **seconded**. A **vote** was taken and the motion **passed** with two opposed and one abstaining.

b. Senate's Distance and e-Learning Committee - Roger Brown, Chair

i. Fall 2015 Report

Brown, chair of the Senate Committee on Distance Learning and eLearning (SCDLeL), gave SC members an update on the activities of the SCDLeL. The Chair noted that SCDLeL suggested a change to the SR¹:

~~Return to, discuss with, or m~~Make available to students all papers, quizzes and examinations within a reasonable period of time. If any of the records mentioned above are not returned to the students, they shall be retained by the instructor until 180 days subsequent to the conclusion of the academic term in which the problem occurred. In addition, student records and grading policy procedures including roll books, syllabi and attendance records (if applicable)--or copies of this information—shall be on file with the instructor or the department office whenever the instructor will no longer be available. [US: 10/16/89]

* In accordance with FERPA requirements any student (including postdoctoral scholars/fellow; and clinical residents/fellows) must be allowed to inspect and review any educational record pertaining to that student. Private notes written by an instructor that are not shared with any other person nor placed in the student's file are not educational records within the meaning of SR 7.2.2. [SREC: DATE]

* Students and instructors may contact the UK Office of Distance Learning Programs for advice about sharing student records remotely and securely.

The **motion** to change *Senate Rules 7.2.2* ("Student Relations") came from committee, so no **second** was required. There was no discussion. A **vote** was taken and the motion **passed** with none opposed.

The Chair said the next issue for deliberation was the suggestion to develop a vision statement for distance learning. Brown explained that it would be helpful to have a vision statement that both acknowledges the reality of limited resources and UK's goals for distance learning. There were no objections from SC members, although there was some discussion on next steps. The Chair suggested Brown invite Associate Provost for Undergraduate Education Ben Withers to participate in discussions about a vision statement for distance learning, which both Withers and Brown readily agreed to.

Brown expressed a desire for a motion that would indicate that an attempt to create a vision statement for distance learning was something of value to the SC, so the Chair suggested he move a motion on behalf of SCDLeL. Brown **moved** on behalf of the SCDLeL that the SC believes the University would benefit from clarity regarding the use of distance learning. Because the motion came from committee, no **second** was necessary. Withers commented that the report mentioned input from both faculty and administrators and said there could be an opportunity for a joint committee to develop a vision statement for distance and e-learning. There being no discussion about developing a vision statement, a **vote** was taken and the motion **passed** with none opposed.

5. Follow-up on Foreign Language Requirement Report - Bruce Webb (AG/Entomology)

Due to the time, Webb suggested postponing his agenda item until the next meeting. There were no objections from SC members.

¹ Underlining denotes added text while strikethrough denotes deleted text.

6. Philosophical Discussion: Level of Admissions and Academic Standards SAASC Reviews, or "What exactly is an admission standard and an academic standard?" (Time Permitting)

The Chair explained the issue – if one reviews the section for School of Human and Environmental Sciences in the *SR*, there is a list of courses required for admission to a program. If one course in that list is modified or dropped, the department must submit a program change to revise the prerequisites. Because the prerequisites are considered to be an admission requirement or academic standard, the proposal must be sent to the Senate's Admissions and Academic Standards Committee (SAASC) for review. The Chair asked if SC would like to consider such changes to be something that would not rise to the level of review by the SAASC, even though it would entail a small change to academic and/or admission standards. The Chair explained that such proposals could be placed on a web transmittal for Senate review, instead of requiring the proposal to be reviewed by committee and then presented at SC and Senate meetings. The Chair thanked Yost for remaining for this discussion.

Wilson opined that it would be conceptually difficult to object to a shorter review process for less major changes, so the real question would be to determine what types of admissions and academic standards changes would not need to be reviewed by the SAASC. The Chair thought that a description of a type of change that would not need to have SAASC review would be a good start. Kraemer wondered about implications for adding a course, particular one that is owned by another department or college. Wilson wondered if avoiding a list of prerequisites would be better, but would be something that a faculty of record determines on its own to be a minor change. There was also discussion about the level of detail that is included in the *SR*. Wilson thought that a phrase such as "complete the pre-major requirements, as described by the faculty of record" would be helpful, particularly if Senate does away with listing all the granular details of a program in the *SR*.

Yost said this was not really a random example of a proposal, as the SAASC was currently reviewing a change to prerequisite courses for the BS Dietetics. The issue of a minor or major change is critical he said. He said that when reviewing the change and talking to the proposer, it was in response to the fact that the Department of Biology changed a prerequisite to a course. When Yost asked the contact person if Biology had contacted them, they said they were not involved. Yost said that the bigger issue was that there was no discussion about the broader ramifications of Biology changing a prerequisite to one of their courses that was allowed to be used by many programs on campus. The change to the BS Dietetics was a reaction to Biology's change, not due to a desire to change the course, although the Dietetics program ultimately had no objection to using the different Biology course. Yost supported the idea of getting rid of the list of courses from the *SR*, which would have removed the need to submit an admissions/academic standard change. Yost said that having a record of what aspects were reviewed by prior reviewing bodies would facilitate the SAASC review. Yost suggested having the submitter identify whether the admission/academic standard was a small change, which could then be upheld or overturned by one of the Senate's academic councils. Yost spoke in favor of trusting the faculty of record to make such changes. There was additional discussion among SC members.

Mazur **moved** that the SC charge the SAASC with developing a draft policy on minor changes for admissions and academic standards changes and Bailey **seconded**. After additional discussion, a **vote** was taken and the motion **passed** with none opposed.

The meeting was adjourned at 5:19 pm.

Respectfully submitted by Andrew Hippisley,

Senate Council Chair

SC members present: Bailey, Biery, Brown, Grossman, Hippisley, Kraemer, Mazur, Mullen, Porter, Webb, and Wilson.

Invited guests present: Katie Cardarelli, Marcy Deaton, Chris Flaherty, Kevin Real, Kate Seago, Robert Shapiro, Kim Tumlin, Ben Withers, and Connie Wood.

| Prepared by Sheila ~~B~~rothers on Wednesday, October 28, 2015.