Senate Council
October 29, 2007

The Senate Council met at 3 pm on Monday, October 29, 2007 in 103 Main Building. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Chair Kaveh A. Tagavi called the meeting to order at 3:01 pm. He stated that announcements could wait until after the invited guests departed.

With respect to the minutes from October 22, the Chair stated that he realized they had been sent out just that morning – if any Senate Council (SC) member wanted more time to review them, he would gladly postpone approval. Finkel noted one word that needed to be changed from "nominations" to "motions." There being no further comments, the minutes from October 22 were approved as modified.

2. Revisions to Administrative Regulations II-1.7-2 ("Access to and Use of University Technology Resources") (input only - possible endorsement)
The Chair noted that there were two versions of the revisions to *Administrative* Regulations (*AR*) *II-1.7-2* – one was a version with the changes tracked and the other had the changes incorporated. He invited Associate General Counsel Marcy Deaton to talk about the changes.

Guest Deaton explained that the revision in front of SC members had been reviewed by the *AR* Review Committee and dealt with computer use, confidentiality and privacy. She suggested that Associate Vice President for Administration and Finance (Information Technology) Penny Cox offer more information.

Guest Cox explained that there was a summary of the changes in the handout, which outlined the major revisions. She went over the proposed changes with SC members.

Lesnaw asked for a short definition of "e-discovery." Cox replied that she would add that term to the glossary. She added that there was a federal rule that Congress adopted that referred to days long past when everything associated with a court case was made available in paper form. Because information could now be held on a Blackberry, or via email or a voice mail message, those types of information also had to be accessible. Deaton noted that the federal law was somewhat bizarre – General Counsel Barbara Jones and Cox had been traveling across the country to gather information and, subsequently, to lead presentations at other institutions about e-discovery. According to the law, UK is required to hold on to electronic information in the event that litigation was anticipated. Deaton noted that potentially, anyone terminated from the university could sue, so when should UK begin holding onto electronic information? She said that UK

could reasonably expect litigation upon receipt of a letter from an attorney or a lawsuit, so it was upon those types of triggers when all electronic communications regarding the matter would be retained, including communications from a supervisor, the individual, and everyone who may have communicated in any form about the issue.

Lesnaw asked if a home-use computer could be sequestered in the event of e-discovery, if the only UK use had been through the email system. Deaton replied in the affirmative, but Cox clarified to say that General Counsel Jones had specifically said that unless UK was forced to, UK would not go after home computers.

Cox noted that there was also a weakness regarding a lack of a document retention policy. For those folks who kept years and years of emails, since UK had no document retention policy, all those years of emails could be required by a court. She said the revisions to *AR II-1.7-2* rectified this by requiring a document retention period of seven days for disaster purposes. However, if many years of email were downloaded to an individual's hard drive, all those emails would still be accessible by the courts.

Michael noted that a very short definition to discovery was that it was the method by which parties in court find out what information all the parties involved have access to. Wood asked about section C under "IV. Confidentiality" and wondered what was meant by "university systems" – did that refer to university processes or only computing systems? Cox replied with an example: when the "I love you" virus hit campus several years back in which a Trojan in an email retrieved contact lists and automatically forwarded similar attacks, it was a denial of service attack. Emails were being sent out so rapidly that ports had to be shut down on email servers to protect the continuing operation of the university.

Finkel said that he was still unclear on the definition. Cox replied that it was in the glossary. Wood asked if the language would cover a situation in which a department chair or dean would need to access a staff or faculty employee's computer in the event of death, resignation, etc. to allow continued departmental operations. Cox said that it did. Finkel noted that the term "university system" was not in the glossary – Deaton said it would be added.

Thelin said that a university usually had the right to limit who would have access to systems. He wondered how UK was allowed to include and exclude vendors. Cox replied that she believed that vendors doing business with UK went through the open bid process and are subsequently sanctioned during the open bid process. Changes to the *AR* also took away the right of departmental or system administrators to authorize commercial use of UK systems – that authority would reside with the University System Administrator if the revisions were incorporated. Cox said that the only commercial use of linking to a dot-com site

that she was aware of is that of UK Athletics. She replied to Thelin that other units could theoretically be allowed to do the same.

Lesnaw suggested that the policy should more clearly state that it was not just computer hardware that is under the purview of the *AR*. Cox said that it could be added. Finkel noted that in the section VI.B., the three caveats for allowing a system administrator to remove information from individual accounts did not include the need to delete information from students and employees who had left the university or died. Cox noted that it was already allowed, but Finkel pointed out that if the wording was approved as is, a student or employee leaving UK was not an approved reason to retrieve information for their account.

Aken noted a variety of issues that she and other colleagues in Libraries had identified. One item was the use of library resources (for which licenses were required) by non employees – she said that in written, signed documents, only employees and students were allowed access to such program from remote sites – all others, including retirees and spouses of employees could access the information only on a walk-in basis. In response to a comment by Randall, Aken said that Libraries uses the list of emeriti faculty in the Bulletin for purposes of identifying emeriti faculty who needed and were allowed access to such electronic resources in Libraries. Aken added that there were additional difficulties as it related to the use of proxy servers for some adjunct professors and instructors. Cox replied that a group was reviewing that process and would have a report finished by December.

Provost's Liaison Greissman suggested a follow up sentence that indicated that certain units were allowed to restrict access to some sources due to licensing limitations. Many SC members thought such a sentence was appropriate.

Aken outlined additional concerns: removing the word "information" as a modifier to "technology" in the revised version of the *AR* could be misleading, so it was better to leave it as "information technology"; some areas of the revised *AR* contained licensing and copyright information that violated the law or the approved use of library resources; the term used in the *AR* of "fair use" had connotations of copyright issues for many – it would be preferable to use language such as, "equitable use"; and that there were many databases purchased for the use of areas like College of Pharmacy for-profit labs, Coldstream units and Advanced Science and Technology Commercialization Center (ASTeCC) – she was not sure how far the language on commercial purpose stretched.

Deaton replied to the last point by acknowledging that it referred to individuals who used system resources to make money, not commercial endeavors by the university as a whole. She said Aken made a good point and that the language would be clarified.

Lesnaw asked about faculty members who offered consulting services to external organizations and, in the process, utilized university resources. Deaton said that language that was associated with consulting elsewhere in the *ARs* would link to this language to clarify it. After additional brief comments, Lesnaw opined that such information should be reconciled prior to endorsing or not endorsing the language proposed for *AR II-1.7-2*

Piascik asked about the scope of the review of the proposed language thus far – she noted that within such a small body as the SC, many possible problems had been raised. Cox said the effort for input from various entities was just beginning. Piascik suggested that colleges and individuals with IT responsibilities be asked to review the language.

With respect to surveillance activities, Cox said there had only been one instance in which IT did some of that type of activity. IT was asked to aid an investigation in Human Resources when it was alleged that an employee was running her husband's lawn care business from UK. She stated explicitly that IT was not in the monitoring business.

Wood said that the language in sections IX. E. and F. were inconsistent with the research needs of faculty – sometimes research activities were not fair. Michael opined that it would be equitable to allow one faculty researcher to do a very large project that used many resources, although it might not be considered fair.

Lesnaw asked if any individuals from the UK Research Foundation or the Office of the Vice President for Research (OVPR) had been involved in the revisions. Deaton replied that there were two representatives from the OVPR. When discussions on particular areas began, such as research, the Office of Sponsored Projects Administration Director Debbie Davis was invited to participate.

The Chair noted the time and the other agenda items remaining. He suggested a SC member make a motion, if so inclined, to focus any further discussion. Finkel **moved** to request that the proposed changes to *Administrative Regulations II-1.7-2* be incorporated by the AR Review Committee prior to being considered again by the Senate Council. Harley **seconded**. Deaton requested that additional comments be sent to her via email so they could also be considered.

There being no further discussion, a **vote** was taken on the motion to request that the proposed changes to *Administrative Regulations II-1.7-2* be incorporated by the AR Review Committee prior to being considered again by the Senate Council. The motion **passed** unanimously. The Chair thanked Deaton and Cox for attending.

The Chair suggested that those present introduce themselves for the benefit of the remaining guests.

3. Proposed Change *Senate Rules 5.1.8.2* ("Unilateral Withdrawals") - Change to Course Withdrawal Deadlines

The Chair noted that a similar proposal was approved as a pilot proposal in May 2007 at the Senate meeting because the current proposal had not yet received all the needed approvals. He asked College of Arts and Sciences Associate Dean for Research and Academic Programs Leonidas Bachas to explain the proposal.

Guest Bachas said that the proposal changed the deadline for withdrawal to the 11th week of the semester to allow for more substantial interactions with students after receipt of midterm grades but prior to the current withdrawal date. He said that currently, there were only about three or four days at most in which advisors could work with students between the receipt of midterm grades and the withdrawal deadline. That was a very short period of time in which to intervene. Bachas said that benchmarks' withdrawal dates were looked at, which is how the determination of the 11th week was reached.

The Chair noted that the proposal had been reviewed by the Senate's Admissions and Academic Standards Committee and had been recommended to the SC by that committee. College of Arts and Sciences Assistant Dean of Undergraduate Affairs Adrienne McMahan also had some comments. Guest McMahan said that with the advent of the early alert system, it was even more crucial to have time to work with students. In response to Greissman, Bachas replied that all students except professional students would be affected.

The Chair referred SC members to the language of the proposal and said that the current *Senate Rule* (*SR*) was not used in the proposal because it changed after the proposal was already being reviewed. Michael asked if the proposal to extend the withdrawal deadline for all non-professional students was in addition to the proposal approved by the Senate in May 2007 for freshmen, or if this proposal replaced it. There was additional discussion about this aspect.

Wood noted that while she understood the rationale for extended withdrawals for freshmen, she was less convinced it would be sensible for sophomore, juniors, seniors and graduate students. McMahan said she could not address concerns about the benefits to graduate students – she referred Wood to the memo from the Graduate School Dean in the handout. McMahan stated that when freshmen continue the same poor behavior of performance in class, that behavior followed them through their academic career as they moved to the second, third and fourth years. Corrective action, such as the proposed change would allow, would benefit all undergraduate students tremendously.

Finkel stated that he was unable to see a connection between the later deadline and forcing students to see an advisor. McMahan replied that during the fall 2007 semester, midterm grades were given out late in the afternoon on Wednesday

and the withdrawal deadline was a day and a half later on Friday. That offered about 24 hours in which to contact students who were in danger of failing. In response to Finkel's question about the amount of time to work with students, McMahan replied that they could put a stop on a student's record, which would indeed force the student to interact with their advisor. Finkel noted that if a stop was put on the student's record, the student would be unable to withdraw or register during priority registration. Furthermore, the deadline change would not affect the ability of advisors to force students to interact with an advisor about a poor grade, but just changed the amount of time during which an advisor could locate the student to talk with them.

Bachas noted that putting a stop on the record was not the best practice. Last semester, emails were sent to students to try to get them to meet with an advisor, but it was near to impossible to email the student, schedule a meeting time and withdraw all prior to the withdrawal deadline. He said it was important to create an environment in which there was sufficient time to talk with students, not necessarily force them to meet. McMahan noted that a few years ago, prior to the increasing size of freshmen enrollments, stops were put on all students who were failing, but the sheer size of current enrollments prohibited that.

Piascik commented that while she understood Finkel's point about not being able to force students, she did believe the proposal would allow for valuable extra time to alert students to the options open to them, even though not every student would take advantage of that. There would be a good number of responsive students, however, who would benefit greatly.

Greissman opined that the proposal would not just move the deadline, but also give students a more objective sense of their academic performance. In the absence of midterm grades, a student might not realize their performance was lacking. Now that midterm grades were available, it seemed a shame to give students that necessary performance information without sufficient time in which to do something about it.

The Chair then requested a motion from SC members, if they were so inclined. Michael began a discussion among other SC members about whether or not this proposal replaced or was in addition to the changes withdrawal deadline for freshmen (at 12 weeks).

After additional discussion, Wood **moved** that the Undergraduate Council's opinion be solicited as to whether the proposal to change withdrawal dates for all non-professional students to the 11th week should stand, or if the Undergraduate Council preferred that freshmen continue to have until the 12th week. Piascik **seconded**. In response to Finkel, the Chair replied that once the Undergraduate Council offered an opinion, the proposal would return to the SC for a second and final review.

A **vote** was taken on the motion to solicit the opinion of the Undergraduate Council as to whether the proposal to change withdrawal dates for all non-professional students to the 11th week should stand, or if the Undergraduate Council preferred that freshmen continue to have until the 12th week to withdraw. The motion **passed** with six in favor and three against.

4. Proposed Change to *Senate Rules 5.3.1.1* ("Repeat Option") - Automate the Repeat Option

Bachas said that the primary intent of the proposal was to automate the Repeat Option through the SAP system. McMahan added that in addition, the dean's signature would not be required to repeat a course. The Chair asked Associate Registrar Jacquie Hager if she had any comments.

Guest Hager replied that the Office of the Registrar (Registrar) was not set up to advise students. Given the recent changes to duplicate credit, it would be important to have students manage their Repeat Options very carefully. She expressed concern about students going directly to the Registrar without the benefit of any advising.

Thelin noted that the SC often relied on Hager. He asked Hager to recommend a solution. Hager responded by saying that while the dean's signature was not truly necessary, it would be better to require that an advisor sign off on the repeat after talking with the student to ensure the student understands the Repeat Option. Hager said freshmen especially needed guidance. There had been mistakes in the past in which the college later asked that the original grade be restored; Hager said that if care was not taken to ensure the student understood the process and ramifications from the outset of the Repeat Option process, there would be no end to making changes.

Piascik noted that the rationale for the proposal implied that the request to repeat a course was usually automatically granted. She said it seemed like students were not getting any advising currently. She asked McMahan to comment on Hager's suggestion. The Chair asked for clarification – Greissman replied that granting permission for repeating a course was normally perfunctory. McMahan noted that when at the Undergraduate Council explaining the proposal, some of the smaller colleges with a lower number of majors who advised every student who requested a Repeat Option wanted to add language that the students would see an advisor, but that language was not in the proposal. Bachas said that it was acceptable to have an advisor sign off on any request to repeat a course.

In response to Michael, Hager confirmed that every UK student had an advisor. Michael noted that he rarely interacted with undergraduate students, but he wondered if a given student would be able to understand the regulations involved. He said that as chair of the Senate's Rules and Elections Committee he worked with *SR* all the time yet understanding the details and nuances were sometimes difficult for him, as well.

Wood asked if the proposal was implementable, e.g. might another college require the dean's signature? Hager said that while she would not classify the proposal as not implementable, it would require very careful screening at the level of the Registrar to ensure those students who had to go through their dean did indeed do so. She said it would be very difficult to manage if there was not consistency across campus. McMahan noted that the current practice of the dean's office reviewing a request for a repeat option was primarily to ensure the student had a repeat option that could be used.

Mrs. Brothers noted that there was an amendment from the Health Care Colleges Council (at the bottom of page five of the proposal) that strongly suggested that a student speak with an advisor prior to being allowed to repeat a course.

The Chair asked if it would be reasonable for this change to be effective for fall 2008 – McMahan said it would be reasonable. The Chair asked that anyone moving a motion include that effective date.

Greissman noted that, as a practical matter, there were two separate issues involved. The first was a question as to whether or not the repeat option process should be automated. If it were to be automated, the second issue was how to reconcile the wish by some colleges for an advisor to be involved in order for the request to be approved.

McMahan said that she agreed with Hager's comments on consistency – there should be one Repeat Option policy for all colleges. In response to Michael, McMahan replied that the dean had never rejected a request for a Repeat Option. Michael then said that a person would still need to check to make sure the rules were being followed – an automated computer process would not solve that issue.

After additional brief discussion, Michael **moved** to replace the third paragraph of *Senate Rules 5.3.1.1* ("A student exercising the repeat option….time prior to graduation.") with the following new language: "A student exercising the repeat option must have the approval of the student's advisor and must notify the Office of the Registrar." (The proposed language from the proposal would also be removed.) This change would become effective in fall 2008 and be sent to the Senate with a positive recommendation. Piascik **seconded**.

Greissman wondered if the motion captured the sense of the desire to automate the process. Hager noted that IRIS personnel were very close to finishing an online degree application system, which would likely automate the repeat option.

There being no further discussion, a **vote** was taken on the motion to replace the third paragraph of *Senate Rules 5.3.1.1* ("A student exercising the repeat

option….time prior to graduation.") with the following new language: "A student exercising the repeat option must have the approval of the student's advisor and must notify the Office of the Registrar." (The proposed language from the proposal would also be removed.) This change would become effective in fall 2008 and be sent to the Senate with a positive recommendation. The motion **passed** unanimously.

5. Proposed Change to Senate Rules 5.4.1.1 ("Undergraduate Application for Degrees") - Standardize Degree Application Deadlines

Bachas noted that this proposal would not affect graduate students – it would only apply to undergraduates. He said that if a student was in the last semester and was missing a course, it was hard time-wise to locate the student and address the issue. He said the move of the deadline to the previous semester would help. McMahan added that the proposal not only wished to move the date, but also to make the date a fixed deadline. Currently, the deadlines for degree applications floated according to the calendar.

Hager stated that she fully supported the proposal. She suggested, though, that the summer degree application deadline be moved back further to February. She explained that this had been the second year during which summer degrees were awarded late (in September) and not posted to the transcript in a timely manner. She said if a student finished degree work in August, it was not fair to not award the degree until September. She said that by moving the date, there would be sufficient time toward the end of the spring semester to get the degrees approved by the Senate and Board of Trustees prior to the beginning of summer.

In response to the Chair, McMahan indicated that such a change was acceptable. Hager answered a question from Michael by confirming that the May, August and December degrees were the only times degrees were awarded, although she did note that the College of Medicine had a June date. Hager asked McMahan if she knew why the Graduate Council (GC) had stated this change would not apply to graduate students. McMahan responded that when students were working on a dissertation, some students wanted to have more fluid dates for applications. The GC did not, however, think the deadline dates in and of themselves were unreasonable for others.

The Chair asked McMahan about an effective date – she replied that fall 2008 would be fine. Hager clarified that a fall 2008 effective date meant that it would be effective in fall 2008 for May 2009 degrees.

Michael **moved** to send the revisions to *Senate Rules 5.4.1.1* regarding the change to fixed degree application dates, with the change from April to February for summer/August degrees to the Senate with a positive recommendation to be first effective in fall 2008 for May 2009 degrees. Wood **seconded**.

Finkel pointed out that the language used in the proposal differed from the current language. He **moved to amend the motion** to request the Senate's Rules and Elections Committee formalize the wording prior to Senate review, particularly to clarify the rules for undergraduate and graduate students. Piascik **seconded**. A **vote** was taken on the amendment, which **passed** with seven in favor, one against and one abstaining.

Michael wanted to make sure all those present understood that if the deadline date fell on a holiday or weekend, that all agreed that the next business day would be the deadline. McMahan objected, saying that a fixed deadline was part of the impetus for the proposal. This began a discussion among SC members and guests about the matter, with Hager noting that when the calendar was sent to the Senate for approval, the "next business day" dates would be on the calendar, without fixed dates. After a short period of time, McMahan suggested that the fixed dates be implemented only after the degree application process was automated through SAP. The Chair asked Michael if he wished to amend his motion. Michael replied that it seemed fine as it – when the process became automated, the deadline would automatically be a fixed date, since there would no longer be any "regular business hours" concerns, i.e. students could electronically apply for a degree regardless of the time or day.

A **vote** was taken on the motion to send the revisions to *Senate Rules 5.4.1.1* regarding the change to fixed degree application dates, with the change from April to February for summer/August degrees to the Senate with a positive recommendation to be first effective in fall 2008 for May 2009 degrees, after review by the Senate's Rules and Elections Committee to formalize the wording, particularly to clarify the rules for undergraduate and graduate students. The motion **passed** unanimously.

The Chair thanked guests for attending. After the guests departed, Wood noted that the proposal might not be implementable because all graduate students did not have advisors – she thought during discussion that the proposal to automate the Repeat Option had applied only to undergraduates, but now she was not sure. Finkel noted that due to the language of the *SR*, it must apply only to undergraduates. The language in *SR 5.3.1.1* stated that the repeat option had to be used prior to graduation, and immediately following that text, "graduation" was defined as the receipt of a bachelor's or equivalent degree. Thus, the Repeat Option changes would only apply to undergraduates.

There was a brief discussion during which Greissman mentioned that it seemed reasonable that the general education revision might better be discussed subsequent to any substantial revisions, should substantial revisions be required. He said he could not speak for the USP Reform Committee, but rather was offering an educated opinion.

The Chair then talked about the email sent out to senators to solicit motions on Robinson Forest, as a result of the issue at the end of the October 2007 Senate meeting.

The final item of discussion pertained to the October 5, 2007 cartoon in the KY Kernel, which had been condemned as racist by many individuals on campus. After a somewhat lengthy discussion, SC members determined that any formal comment by the SC was unnecessary. Many other individuals and groups on campus had already noted a deep concern with over what many believed to be a distasteful cartoon.

Wood **moved** to adjourn. Lesnaw **seconded**. A **vote** was taken and the motion **passed** unanimously. The meeting was adjourned at 5:00 pm.

Respectfully submitted by Kaveh A. Tagavi,
Senate Council Chair

SC members present: Aken, Dembo, Finkel, Harley, Lesnaw, Michael, Piascik Randall, Tagavi, Thelin, and Wood.

Provost's Liaison present: Greissman.

Invited guests present: Leonidas Bachas, Penny Cox, Marcy Deaton, Jacquie Hager, Cindy Iten, and Adrienne McMahan.

Prepared by Sheila Brothers on November 2, 2007