Senate Council
September 19, 2016

The Senate Council met in regular session at 12:30 pm on Monday, September 19, 2016 in Room 231 of The 90. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Senate Council Chair Katherine M. McCormick called the Senate Council (SC) meeting to order at 12:40 pm.

1. Minutes from August 29, 2016 and Announcements
The Chair reported that no changes to the minutes had been received. There being **no objections**, the minutes from August 29, 2016 were **approved** as distributed by **unanimous consent**.

There were a number of announcement made by the Chair.

- The Chair submitted the two SC-suggested nominees for the associate provost for student and academic life search committee. One of these nominees was on sabbatical leave so the Chair solicited a third nominee whose name was forwarded. She shared a bit of information about the search committee's timeline and said that there were hopes someone could be hired and in place by March, but that July was a more likely timeframe.

- There have been two meetings of curriculum stakeholders, in which Schroeder has also participated given her responsibilities as Senate's Academic Programs Committee (SAPC) chair. The Chair stated that the goal of the committee was to improve the curriculum process.

- The Chair reminded SC members that in May, the SC gave the Undergraduate Council (UC) permission to reappoint up to five members whose terms had just ended, to help the UC review curricular proposals a more timely manner; that activity is underway.

- The Chair communicated with the contact person for the proposal to add optional Title IX language to course syllabi. The Chair shared that the information has already been added to the Senate site and she will announce it to senators in October.

- The Chair received the report on clinical title series faculty over the summer and will forward that to SC members. Brown commented that there are ongoing problems in some departments that have exceeded the number (of lecturers in the department) agreed and voted on by tenure-track faculty. In these cases, there is a conflict between their practice and their rules. After brief discussion, the Chair said that she will ask Provost Tracy about the issue and report back to SC.

- The Chair asked if SC members were interested in hearing a report about a group that meets weekly to discuss safety-related issues. Of those members expressing an opinion, there was a sense that the report by Chief of Police Joe Monroe in spring was very useful and informative and sufficient for the time being.

- Due to changes in roles, one of the current co-chairs of the Advisory Committee for Graduation Composition and Communication Requirement (ACGCCR) has voluntarily stepped down. Kathi Kern (AS/History, director of the Center for the Enhancement of Teaching and Learning) will begin serving as co-chair.

The Chair asked Brown and Lauersdorf to share information about a meeting held the prior week. Brown and Lauersdorf explained that there was very little Senate awareness and responsivity to technology decisions made on campus, aside from the committee nominees that SC puts forth upon request. They met with the current chair of the University IT Coordinating Committee, Beth Kramer (LI), and discussed ways to increase interactions with the University Senate and faculty as a whole. The three have decided to propose a new ad hoc technology committee. If it turns out that the proposed new ad hoc technology committee and the standing Senate Committee on Distance Learning and eLearning (SCDLeL) should merge, SC and Senate can address that in the future. In response to a question from Schroeder, Brown explained that ad hoc committees have traditionally come about when there is sufficient legitimate work that needs to be done and the general opinion was that there were plenty of issues the faculty could be weighing in on. Lauersdorf added that with the near-future arrival of a new chief information technology officer, it was an opportune time to create this new ad hoc committee, do some exploratory work and come up with a better faculty engagement process.

The Chair explained that she met with President Eli Capilouto earlier in the day and he said that he intended to send a message to campus on Tuesday announcing three initiatives to help keep employees and students safe; he asked the Chair if the SC was interested in partnering with him by being a co-signer to the email. In response to his invitation, the Chair said she would consult with SC to gain their consent regarding the announcement. The President's email to campus will address three initiatives: training for graduate students and graduate faculty on appropriate mentor/mentee relationships; a questionnaire that faculty complete during the hiring process that asks the applicant if they have ever been accused of sexual or research misconduct, participated in sexual misconduct proceedings, etc.; and a specific tenure revocation process for sexual misconduct. Grossman opined that the President did not like the existing process for tenure revocation in *Administrative Regulations 6:2* ("Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence") because it took too long.

There was an extensive discussion among SC members. Below are comments from those SC members expressing an opinion. SC members were generally supportive of increased training and information about new hires, but also expressed some concerns about the process.

- Graduate students and graduate faculty should be trained through an initiative sponsored by the Graduate School.

- *AR 6:2* already includes a sanction of termination of employment, so it is not clear why another tenure revocation process is necessary. Appeal to the Senate's Advisory Committee on Privilege and Tenure is an important faculty right and should not be abridged, even if it takes more time than the President wants.

- It would be easier to agree to be a co-signer to an email if the President had shared the content of the email message with SC members in time for SC members to respond and provide input.

- It may not be fair to include "accusations of sexual misconduct" in the questionnaire if the individual was falsely accused.

- Sometimes a faculty member accused of sexual misconduct accepts a penalty for a tangentially related issue, such as being required to take anger management classes. In these cases, faculty

will not be identified as having been involved in a sexual misconduct incident unless the question is carefully worded.

- Because graduate students have been described by the National Labor Relations Board as employees, it does not truly matter if Human Resources or the Graduate School initiates training on appropriate relationships, although such training may be better received by faculty if it comes from the Graduate School.

- Many sexual misconduct-related problems are not a result of not having processes and procedures, but rather that the existing processes and procedures are not well executed.

- When a search committee is seeking a faculty candidate, the outside consultant (if one is used) should check for past blemishes on candidates' records.

- UK already has a tenure revocation process for sexual misconduct and that should be used instead of creating a new policy to do the same.

- Many undergraduate students work in mentor/mentee relationships with faculty, so it does not make sense to only train graduate students.

- It is not appropriate to address sexual misconduct issues via PowerPoint presentations in large lecture halls. Graduate students should receive information on their rights, which can be done through the Graduate School and also perhaps through UK's Title IX Coordinator.

- Will training on how to recognize sexual misconduct also be given to adjunct graduate faculty?

- Typically when a sexual misconduct case occurs, people in the program and department know what is going on – we do not live in a vacuum. Should training include reporting by others?

- If UK intends to ask prospective faculty hires about past sexual misconduct, it should also ask about past research misconduct.

The Chair suggested that what she was hearing from SC members was that they were supportive of partnering with the President to improve UK's responses to incidents of sexual misconduct, but that SC asked that we look at what we already have in our current rules and regulations that might serve this purpose. SC also has some concerns that might be helpful for the President to be aware of prior to sending such an email to campus. SC members agreed with the Chair's summary.

2. Old Business
a. *Administrative Regulations 6:2* ("Policy and Procedures for Addressing and Resolving Allegations of Sexual Assault, Stalking, Dating Violence, and Domestic Violence") (10 minutes)
SC members discussed a number of issues related to an ad hoc committee to review *Administrative Regulations 6:2*. SC members ultimately decided to identify the overarching problems they saw with *AR 6:2* as well as establish some parameters for the ad hoc committee.

Below are the content and process-related concerns about the substance of *AR 6:2*.

- The American Association of University Professors recommends using "clear and convincing" as the standard of proof, but *AR 6:2* uses "preponderance of evidence."

- While *AR 6:2* allows an accused individual to bring an attorney with them, the regulation specifically prohibits that person from participating in the procedures. Other states allow an accompanying attorney to more freedom to participate in such proceedings.

- *AR 6:2* eliminates the right of a student to appeal to the University Appeals Board (UAB), which may be a contradiction of language in *Governing Regulations XI*. *GR XI* refers to the Code of Student Conduct (*AR 4:10*), which explicitly removes the UAB from the sexual misconduct process.

- It is not clear if the change in *GR XI* to remove the UAB from sexual misconduct proceedings was properly vetted with stakeholders and the Board of Trustees.

- An accused individual must to have the right to appear in person for a hearing even if that person has been banned from campus.

- *AR 6:2* was not vetted with stakeholders in accordance with processes and procedures laid out in *AR 1:6* ("Formulation and Issuance of University Governing Regulations and Administrative Regulations").

- General Counsel Bill Thro's assertion that the Board of Trustees "implicitly approved" *AR 6:2* does not make sense because the Board's actions are always explicit.

- *GR XI* still states that the UAB has appellate jurisdiction over all hearing panels at UK, so it is not clear if *AR 6:2* is in compliance with *GR XI*.

SC members agreed that a small committee, comprised of six or so members, plus an ex officio non-voting member from Legal Counsel, would be manageable. The committee will include at least one student and one staff member; those individuals can be identified by the Student Government Association and the Staff Senate, respectively. The members should be knowledgeable about sexual misconduct-related employment and legal matters.

SC members suggested eight faculty nominees for the committee, with the understanding that the Chair will contact them until four willing faculty members are identified. The Chair said that she would circulate the initial concerns identified to SC, prior to sending to the President. She said she would also indicate that SC was in the process of impaneling a committee with representatives from the faculty, staff, and students to investigate *AR 6:2*-related issues further. SC will expect a report from the ad hoc committee by the end of the fall semester.

3. Request from Council on Postsecondary Education (CPE) to Review Degree Titles - Todd Brann, Director of Planning and Forecasting, Admissions and Registrar
The Chair introduced Guest Todd Brann, director of planning and forecasting in Admissions and Registrars' offices. Brann explained the Council on Postsecondary Education (CPE) would like different public institutions to bring their degree names into line with the degree titles that the CPE expects to see. For example, there are many bachelors' degrees that include the major name in the degree name

(e.g. Bachelor of Science in Biosystems Engineering with a major in Biosystems Engineering). Brann explained that his office was able to determine that they could create a CPE version of a degree with a short description to use in reporting for the CPE, which will prevent programs from having to change their degree titles. He said the CPE was amenable to this solution, which was discussed when CPE representatives met with Provost Tim Tracy and others recently. Brann explained that his area will make a map of UK's current degree names to what CPE would like to see and update the system of record for each degree. When Advanced Analytics creates reports for the CPE, it will pick up the CPE version of the name instead of the UK version.

There were a few questions and comments from SC members. Brann explained that the CPE has a list of degree names on their website and would like their names and UK's names to be in sync. The main driver is that when reports are run, there are hundreds of errors produced due to the differences in degree titles between UK and the CPE. The Chair added that it could also be a way to standardize matrices across public universities to help the implementation of performance funding.

The Chair thanked Brann for attending and he departed.

4. Proposed Calendar Change: College of Dentistry 2016-17 Calendar
The Chair briefly explained the proposed change. Bailey **moved** to approve the College of Dentistry change (start classes in January on January 3, not January 2) and Wood **seconded**. There was no discussion so a **vote** was taken and the motion **passed** with none opposed.

5. Senate Council Liaisons to Academic Councils (Undergraduate Council, Graduate Council, and Health Care Colleges Council)
The Chair said that there were three SC liaisons to academic councils that needed to be approved. Todd Porter was willing to serve as the liaison to Graduate Council through December, Elizabeth Debski was willing to serve as the liaison to the Health Care Colleges Council, and Allison Soult was willing to serve as the liaison to the Undergraduate Council.

Wood **moved** to approve the liaisons and Brown **seconded**. A **vote** was taken and the motion **passed** with none opposed.

6. Committee Reports
a. Senate's Rules and Elections Committee (SREC) – Joan Mazur, Chair
i. Proposed Changes to *Senate Rules 3.1.2* ("Blocks of Numbers for Certain Courses")
Mazur, chair of the SREC, deferred to Wood, who was chair when this was discussed in the Senate's Rules and Elections Committee (SREC). Wood explained the proposed new language to *Senate Rules 3.1.2* ("Blocks of Numbers for Certain Courses"). The Chair commented that there was previously no formal definitions, so the terms "outreach," "service learning," and "civic learning" were all used to describe essentially the same type of course.

Because the **motion** to approve the changes to *SR 3.1.2* came from committee, no **second** was required. There was no discussion. A **vote** was taken and the motion **passed** with none opposed.

7. Senate Committee Compositions, Round II
The Chair presented two new additions for Senate committees. Schroeder requested the addition of a student to Senate's Academic Programs Committee who had contacted her about being added. Brown requested the addition of a faculty member to the Senate Committee on Distance Learning and

eLearning. There were no objections to the changes. Wood **moved** to approve the changes and Schroeder **seconded**. A **vote** was taken and the motion **passed** with none opposed.

8. Senate Meeting Roundtable
The Chair asked SC members to offer their comments about the September 12 University Senate meeting. Below are representative comments from SC members.

- It was good to see how many questions were asked by senators – it demonstrates engagement on the part of senators.

- It was great that neither the President nor Provost went over every individual PPT slide.

- Having questions submitted via the note cards worked well, although it may not have led to any different results.

- The stories the President relates are heartwarming and charming but are not germane to issues at hand. It was clear he was there to give his point of view.

- It is frustrating to listen to one senator attempt to change a committee-created proposal during discussion. Senate committees work hard and it is insulting to the committee members who worked hard to develop specific wording to hear off-the-cuff changes from individual senators.

    o SC members discussed this issue and agreed that editing on the floor was not efficient and took up a lot of meeting time. That being said, Robert's Rules of Order (Newly Revised) require that members of the body be allowed to make amendments to proposals. It is feasible to require amendments be submitted in advance for major agenda items, but it is not workable to do that for every agenda item. Sometimes discussion brings up a valid issue that was somehow overlooked through multiple review cycles, but comments from a single senator about wanting different language (not supported by other senators) does not encourage participation among other senators.

    o Senate's Rules and Elections Committee (SREC) can make editorial changes when needed, but cannot make substantive changes without bringing the change back to the full Senate.

- While returning senators have heard similar comments from the President and Provost in the past, new senators had not heard it before and appreciated the information in the presentation.

- The Provost appeared to be more engaged and interactive with senators than the President was. The President seemed to be speaking to the media through the Senate meeting, not engaging directly with senators.

- The Provost's answer about the University's capacity as a University seemed to minimize the importance of the question – it appeared to be a prepared answer about faculty-to-student ratio and the number of beds on campus.

- If the President wanted to truly have a conversation with senators he would avoid reading lengthy, written statements.

- The Chair did a great job running the meeting; it was a very challenging Senate meeting.

- The President knew that additional information would be coming out in the Lexington Herald-Leader the following day, but he did not mention that to senators, which in retrospect appeared disingenuous.

- The President twice appeared to threaten senators when he said he could have a disciplinary policy ready for them "tomorrow" – it was not a good tone for the conversation that he requested.

Given the time, the Chair suggested a motion for adjournment. Wood **moved** to adjourn and Mazur **seconded**. A **vote** was taken and the motion **passed** with none opposed. The meeting was adjourned at 2:36 pm.

Respectfully submitted by Katherine M. McCormick,
Senate Council Chair

SC members present: Bailey, Blonder, Brown, Grossman, Lauersdorf, McCormick, Mazur, Mills, Porter, Schroeder, and Wood.

Invited guest present: Todd Brann.

Prepared by Sheila Brothers on Tuesday, September 20, 2016.