

Senate Council
September 29, 2014

The Senate Council met in regular session at 3 pm on Monday, September 29, 2014 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 3:02 pm.

1. Minutes from September 15, 2014 and Announcements

The Chair said there were no corrections offered for the September 15 SC meeting. There being no objections, the minutes from September 15, 2014 were **approved** as distributed by **unanimous consent**.

The Chair offered a few announcements.

- During his last meeting with Provost Christine Riordan, the Provost told the Chair that she would like to attend a SC meeting to discuss how best to get the right issues to the right University Senate (Senate) committees.
- At his recent meeting with President Eli Capilouto, the Chair said the President was very receptive to an expansion of the charge of the ad hoc committee on faculty performance evaluations and the Family Medical Leave Act. The Chair then listed the composition of the ad hoc committee.
- Regarding his meeting with the President:
 - The Chair relayed the gentle message that senators (faculty and students) might prefer presentations that deal less with building projects, which the President was amenable to.
 - The Chair let the President know he was welcome to solicit SC input as needed. One issue discussed pertained to capacity issues stemming from the growing numbers of students, particularly the matter of UK faculty who do not teach –he would like to engage SC members in that activity.
 - In the future, the President’s office will share with the Chair the notes taken during the informal Senate Council office sponsored chats between the President and faculty.
 - The President is asking the SC to work on the issue of a faculty disciplinary policy. The Chair said more about this aspect would be discussed later during the meeting, as it was a specific agenda item for the day’s meeting.
- A request has been made of the Chair to have the Senate’s representatives on the Employee Benefits Committee talk about upcoming retirement changes.

SC members discussed the possible presentation and decided to have the presentation given first to SC, after which SC could decide about putting it on a Senate agenda.
- The President’s office needs additional nominees for the Health Care Colleges Clinical Sciences Area Committee. The Chair said he would send around additional information via the listerv and request nominations that way.

2. Old Business

a. HCCC Chair - Responsible College Associate Dean

The Chair recalled the past deliberations on the matter. He said that one of the associate deans in the College of Health Sciences was willing to serve as chair. The Chair said he would ask the Health Sciences associate dean to serve as HCCC chair pro tem while the Dentistry associate dean gets more comfortable in the role. He anticipated the Dentistry associate dean would take over the chair duties entirely within six months. There were no objections from SC members regarding this plan.

b. Governing Regulations IX and Senate Rules

The Chair explained that while the University Senate and the Staff Senate endorsed the proposed changes to *Governing Regulations IX* ("University Appeals Board"), the Student Government Association (SGA) had not yet done so. The Chair said that while students were supportive of the change to the language in *GR XI*, students were concerned about language in the *Senate Rules*, which *GR XI* points to specifically. The Chair said that students had a reasonable concern that the language about academic offenses, the University Appeals Board, etc. contained a lot of untidy language which allowed for multiple interpretations, many of which could be detrimental to a faculty member or student. The Chair asked SGA President Ingram to elaborate.

Ingram echoed the Chair's comments and concurred with his description of the student opinion on the matter. Ingram mentioned two specific instances of inarticulate *SR* language in *Section 6.3.1* ("Plagiarism"), with italics added for emphasis.

1. "When students submit work purporting to be their own, but which in any way borrows ideas, organization, wording or anything else from another source without *appropriate* acknowledgment of the fact, the students are guilty of plagiarism."

The use of "appropriate" is not helpful and is left completely up to the discretion of an instructor. This could lead to different interpretations across campus about what "appropriate" means.

2. "Plagiarism includes reproducing someone else's work, whether it be published article, chapter of a book, a paper from a friend or some file, or *whatever*."

The use of "whatever" is subject to differing interpretations and misinterpretations.

Ingram reiterated that students were not opposed to the *GR XI* change, but opined that a good set of rules that everyone understands should be the first step in the process. Ingram explained that SGA leadership sent the matter to the SGA executive committee which was directed to return a report within a couple of weeks with suggested changes to the *SR*. Ingram said the chair of that committee could come to SC and share their report with SC members.

There were comments from various SC members, ending with general agreement of Ingram's suggestion.

3. Committee Reports

a. Senate's Advisory Committee on Privilege and Tenure (SACPT) - Stephen Testa, Past Chair
Guest Testa, immediate past chair of the Senate's Advisory Committee on Privilege and Tenure, presented SC members with a report on the SACPT's activities in the spring and summer of 2014. There were a couple questions from SC members.

b. Senate's Rules and Elections Committee (SREC) - Connie Wood, Chair

i. University Registrar System

The Chair turned to Guest Connie Wood, chair of the Senate's Rules and Elections Committee (SREC). Wood explained that the SREC discovered some time ago that there was more than one registrar on campus; while the University Registrar is a known position with specific University-level duties, there are three colleges (Dentistry, Law, and Medicine) that have their own registrars which report to the college dean. Wood said that the SREC would like to again urge SC to take up this matter in some way so that any college registrar has a clear line of reporting, perhaps to the University Registrar. The Chair said he would bring up the issue with the Provost at their next meeting and will suggest as a possible fix that college registrars must report to the University Registrar. He said he would report back to SC.

4. Sesquicentennial Diploma Design

Guest Paula Pope from the Office of Development presented a proposal to change the diplomas for the sesquicentennial year to include a reference to UK's sesquicentennial. Guest David Hamilton (AS/History) also attended. After Pope explained the proposal, there were a few comments and questions from SC members.

Grossman **moved** that the SC recommends to the Senate that the date on all diplomas awarded in calendar year 2015 be changed to read “in the University’s sesquicentennial year of 2015.” Brown **seconded**. SC members discussed the motion and Christ **called the question**. A **vote** was taken and the motion **passed** with none opposed.

Debski **moved** to put the sesquicentennial logo (that was on the memorandum regarding sesquicentennial date notation on the diploma) also be placed on the diploma. McCormick **seconded**. A **vote** was taken and the motion **passed** with one opposed and one abstaining.

5. Development of Faculty Discipline Policy

The Chair explained that when he met with President Eli Capilouto the prior week, the President was primarily interested in discussing the matter of faculty working to develop an improved faculty discipline policy. He would like a final report in December 2014. The Chair said the President offered a number of examples where the current disciplinary actions (slap on the wrist or termination) did not match the action for which disciplinary action was taken. Assuming the report is ready by December, the Chair said the President indicated it would be shared with members of the Board of Trustees in January 2015. The full resources of Legal Counsel will be made available to those working on the project. Past chair Blonder sent a transmission to the Senate’s Advisory Committee of the Faculty Code (SACFC) a little over a year ago, but they were not sure if the past chair’s request fit into their charge. The SACFC instead offered examples of the types of disciplinary actions that could be imposed, as opposed to creating policy language themselves. In parallel with that activity, there seems to have been some movement to create faculty disciplinary policy language for a *Governing Regulation*.

The Chair said there were a couple of big questions that SC needed to answer. First, where should the language about a faculty disciplinary policy live – in the *Senate Rules* or in a broader regulation document such as an *Administrative Regulation* or a *Governing Regulation*? One natural place the language could reside is in the *Senate Rules Section 7.0*, which is entitled “Code of Faculty Responsibilities.” The Chair reiterated that President Capilouto was keen on faculty being the ones to develop a faculty disciplinary policy. The other question SC needed to consider pertained to the process – should the process of developing a faculty disciplinary policy start from scratch or should it start up where the SACFC left off?

There were a number of comments made, most of which are listed below.

- The President’s memo of September 19, 2014 says that a chair or dean ought to make a decision about a situation based on an investigation and the faculty member’s response. Further, a panel of faculty members would only be involved in cases of appeal of guilt or sanction. The panel of faculty should be the ones policing a faculty colleague’s actions, not an administrator.
- The President does not seem to want a full-blown policy, but rather wants additional disciplinary options.
- A more robust faculty discipline policy could be used by supervisors to retaliate against faculty.
- The University Senate (Senate) should spend its time on important issues, such as gender inequality and pay, but not on ways to punish faculty.
- The small number of currently acceptable disciplinary actions is not evenly applied across campus, casting doubt on the prospect of a larger set of disciplinary actions being evenly applied.
- Some faculty receive emails from their chairs directing faculty to email legislators from their UK email address to vote this way or that way on a certain issue, yet that type of activity is widely understood as inappropriate. Discipline should be evenly applied to faculty and administrators.

- If faculty are fully involved in the initiative to develop a faculty discipline policy, there is a greater likelihood that the final policy will require faculty input and decision-making throughout a disciplinary process, not just during an appeal.
- It is important to focus on who administers punishment; a chair should not be able to punish a faculty for not having enough specific types of grants.
- The President's memo does not lay anything out in stone – if there are concerns that should be considered, then those concerns should be made clear.
- A faculty disciplinary policy should not align potential offenses with penalties – a faculty panel should determine which penalty will be applied.
- The matter should be returned to the SACFC for additional work.
- The matter should not be returned to the SACFC because that body has already been involved and was not comfortable offering the assistance requested.
- President Capilouto first requested action on a faculty disciplinary policy at least a year ago. If SC had effectively resolved the issue when it was first brought up, there would not be urgency now.
- At-large faculty participation in a colleague's disciplinary action should take place far sooner than at the point of appealing guilt or sanction. A good faculty disciplinary policy will direct an administrator (who believes a faculty member deserves a sanction) to a faculty panel to determine whether something was done inappropriately or not.
- A faculty member should not be disciplined in cases where lack of progress are the fault of a chair or dean who has removed the tools necessary for the faculty member to succeed, like laboratory space or a sabbatical.
- SC could look at benchmark institutions to see how their faculty disciplinary policies are organized. Guidelines from the American Association of University Professors (AAUP) would be a good place to start.
- There are options (other than a slap on the wrist or termination) available regarding disciplinary actions – the Human Resources Policies and Procedures are *Administrative Regulations* which kick in if the *Senate Rules* are silent on a particular matter.
- Disciplinary sanctions could be patterned after the possible research misconduct sanctions outlined in *Administrative Regulations 7.XIII.B* [numbered 1 – 13].
- A faculty disciplinary policy is such a complex issue that even deliberate and forward action may not result in a finished product in two and a half months.
- A faculty disciplinary policy should allow for remediation as appropriate.

The Chair said he was hearing a general consensus about a handful of issues: the SC was intent upon working on the policy itself; when the *SR* is silent other University regulations kick in so the pertinent *SR* section [Section 7, Code of Faculty Responsibilities] should be revised and lengthened; and AAUP and other benchmark university guidelines should be evaluated for possible replication at UK. There were no objections or corrections from SC members.

Christ **moved** that the SC create an ad hoc subcommittee of the SC to address a faculty disciplinary policy in response to the President's memo and Anderson **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with none opposed. SC members then turned to the composition of the

ad hoc committee. After brief discussion, Christ **moved** that the ad hoc subcommittee of the SC be comprised of Watt, Debski, Pienkowski, Wilson, Wood, and a representative from Legal Counsel as an ex officio member, with Watt serving as chair. There being no further discussion, a **vote** was taken and the motion **passed** with none opposed.

There being no additional business, meeting was adjourned at 4:44 pm.

Respectfully submitted by Andrew Hippisley,
Senate Council Chair

SC members present: Anderson, Brown, Christ, Debski, Grossman, Hippisley, Ingram, McCormick, Oberst, Porter, and Wilson.

Prepared by Sheila Brothers on Tuesday, September 30, 2014.