

Senate Council Minutes
January 9, 2006

The Senate Council met on Monday, January 09, 2006 at 3:00 pm in 103 Main Building. Below is a record of what transpired.

The meeting was called to order at 3:07 pm.

1. [Minutes from December 19](#) and Announcements

The new Senate Council members Doug Michael, David Randall and Anthony Baxter were introduced by the Chair. He noted that the Senate Council had grown to 16 members, since he and the Vice Chair were remaining on until the end of May to finish their terms as Officers. He welcomed the new members.

All individuals seated around the table introduced themselves. Guests Terrell, Ches, Gould, Strouse and Fink introduced themselves.

The Chair asked if there were any changes to the minutes. There being none, the minutes were approved as distributed.

The Chair used his prerogative and rearranged the agenda so that the order of agenda items would be as follows: number two; number five; number six; number three; and number four. He noted number five had been tabled from a previous meeting, and said he would defer number four until the next meeting if necessary, although he wanted to address the issue as quickly as possible.

2. [Proposed Change to GR XI – \(“Student Affairs”\)](#)

Liaison Greissman introduced the proposed changes to the University of Kentucky *Governing Regulations (GRs) Section XI*. He [explained that the revisions](#) were intended to expand on the perfunctory language discussing the Student Government Association (SGA), as well as establish the jurisdictional and appellate authority of the University Appeals Board (UAB). Greissman stated the [handout in color](#) incorporated changes that were sent in for *Sections C-G* as a response to him sending out the first version earlier in the week.

Greissman began with *Section XI.A*. He explained that the revisions more clearly defined the relationship of the SGA to the University and vice versa. He believed it established an appropriate independence of the SGA to

exist as a deliberative body and yet made it accountable to the University in the same manner as other bodies at UK, especially with regard to financial affairs. Greissman went on to explain that the SGA received over a third of a million dollars in student fees every year, and was free to spend it in appropriate ways.

Grossman asked about the necessity of keeping the word “authority” in the first sentence of *Section XI.A*. Jones added that the change in the sentence structure made the word unnecessary. Greissman deferred to Guest Terrell, who agreed with the suggestion.

Ellingsworth offered her thanks for the collegiality shown during discussions. She expressed concern with a couple of phrases. Ellingsworth asked about the wording “ensure any action taken by” in the third sentence of the second large paragraph of *Section XI.A*. She questioned the need to give veto power to the Vice President for Student Affairs (VPSA) without also allowing room for a dissenting opinion by the SGA. She also wondered about the proposed power given to the SGA advisor. She worried that the VPSA could prohibit the SGA from publicly expressing support of an issue if it was contrary to an official University of Kentucky position. Ellingsworth stated the language needed to be more specific to better protect the rights of the SGA.

Greissman said the language was no different from language discussing any other department. He said any interpretation would be based on an administrative level, and not a philosophical one. If an action were contrary to UK’s policies and procedures, the action would be checked. Greissman suggested using the wording “University fiscal and administrative policies.”

Ellingsworth expressed concern that while Greissman and other administrators interpreted the wording to mean addressing actions contrary to UK fiscal and administrative policies, a future administrator might not have the same interpretation. She also did not agree with an appeal of a decision of the VPSA ending with the Provost. Ellingsworth wanted to ensure there was a venue for the SGA to appeal to the Board of Trustees (BoT).

Greissman stated the intent was to make the Provost’s decision final, and not allow the appeal to go any further. Lesnaw expressed support for Ellingsworth’s comments, saying the use of the word “ensure” lacked mechanism and that the appeal process was not codified. She thought the Section would be strengthened if the appeals process was detailed. Lesnaw also noted that because of the word “including” (referring to what policies and

procedures were being addressed), there was more than just the listed policies and procedures which might need to be followed.

Greissman asked about the length of the appeals chain Ellingsworth desired for the SGA, since most academic decisions on faculty matters stopped at the Provost. He stated that there are a variety of things that UK employees must comply with in the context of their role as a University citizen, such as the Computing Resources Policy; the SGA should be bound by those same prohibitions. He asked Guest Ches if it would be appropriate to change the wording to read, "written policies and procedures." Terrell referred to the "Party Ordinance" proposed a few years ago. While the University was for the proposal, it did not interfere with the SGA opposing it.

With respect to the issue of appealing the Provost, Jones noted that the *GRs* already provided for appeal. If the claim of a grievance is that the Provost has not complied with the regulations, the President could be involved because the President is responsible for enforcing the *GRs*. Also, under the section addressing the duties of the President, it is written that the SGA can bring any matter to the attention of the BoT.

Ellingsworth stated she liked the phrase "written policies" to address what the VPSA is ensuring the SGA is in compliance with. She asked Jones to refer her to the section regarding the SGA addressing the BoT. Grossman stated that due to her position as a member of the BoT, she could address the BoT. Ellingsworth asked if she would then be acting in her role as SGA President or as a BoT member.

Discussion continued along these lines. Ellingsworth again expressed concern that the proposed wording was sufficiently vague to allow the interpretation given by Greissman, but could be differently interpreted by another administrator. Grossman suggested Ellingsworth work with Terrell to create a specific procedure to address how the VPSA "ensures" consistency with University policies and procedures. He stated that it did not have to be written in the *GRs* in order to be valid. Tagavi brought up the previous suggestion to remove the phrase "policies and procedures" and keep the list of policy and procedure documents. Ellingsworth stated she had no objection to that. It was agreed that the word "written" would be included to clarify what type of documents were being referred to.

In response to Grossman's question about the appropriateness of moving a motion, the Chair asked Greissman to clarify the Senate Council's role in the

review of the proposed changes. Greissman replied that it was an advisory role. The Chair stated that an advisory role did not preclude a motion, since the motion could be a recommendation. Grossman recapped the compromises, asking Ellingsworth if she would be happy with the following changes: add the word “written” to clarify what policy and procedure documents would be used to ensure consistency by the VPSA; and delete the phrase “whose decision is final” in the sentence addressing an appeal of a decision by the VPSA. He also asked if his previous suggestion to work with Terrell to hash out the exact process by which actions are “ensured” to be consistent with University policies and procedures. The Chair interjected, asking Ellingsworth if she was comfortable with deferring the creation of a process to the *Administrative Regulations*. Ellingsworth agreed.

Greissman noted he could not make a final decision about removing “whose decision is final” but said he would bring it up with the Provost. In response to a question from Moore about the legal burden of “ensuring” SGA’s compliance with UK’s policies and procedures, Ches replied that the Office of Legal Counsel was fine with the language of “ensure.”

Dembo asked about the disparity between policies and procedures affecting faculty versus the policies and procedures affecting the SGA. Grossman replied that the difference stems from faculty members being employees, while students are not employed by the University.

Greissman continued his explanation of the other revisions to *Section XI*, referring Council members to the {handout} he provided. He said the section in the *Administrative Regulations* (ARs) addressing the UAB would be removed, once it was codified in the *GRs*. In addition, he said it did not make sense for the *Senate Rules* to define all aspects of the UAB, since the University Senate is concerned with the UAB as it relates to academic matters. The non-academic affairs of the UAB were defined in *GR XI.C*. Grossman stated that changing the section on the UAB in the *GRs* would require changing the *Senate Rules*. Greissman concurred.

Grossman also asked about the relationship of the University Senate to the UAB in terms of its authority to set policies by which the UAB must abide. The authority was partly based on the authority granted by the *ARs*. If the same language were not to be inserted in the *GRs*, it would require much more discussion. Greissman stated that the *GR* in question did codify the authority of the University Senate over the UAB to set policy over academic affairs. He said the Student Code of Conduct was moved to a non-academic section, and

that the change in no way limits the Senate's authority to set policy of the UAB. Guest Fink concurred.

Greissman also pointed out the change in *Section XI.E.1* that refers all questions of law and all procedural questions to the UAB Hearing Officer.

Ellingsworth expressed concern with the last sentence of *Section C.3.c*. Her concern was that if the UAB has the authority (in the second-to-last sentence) to affirm or void an SGA election, the UAB would essentially be given the authority to select the President of the SGA. By voiding an election after someone was elected, the UAB would essentially be giving it away to another candidate. In addition, the SGA would be required to pay for another election. Greissman stated the election would only be voided if there was a major problem; it did not take away any SGA rights. Playing devil's advocate, Jones asked why only the SGA alone, compared with the University Senate and the Staff Senate, has a separate body to oversee an SGA election. Greissman replied that it had to do with a possible claim by a student that his or her rights as a student had been violated. If the UAB jurisdiction included employees, then UAB authority would prevail. Since student rights are the jurisdiction of the UAB, the UAB has authority over an election, which, if run improperly, had the potential to violate a student's rights.

Ellingsworth stated it discriminated against the student member of the BoT unless there was a similar oversight mechanism in place for other elected BoT members. She said the SGA had its own regulations to address appealing. If the wording could not be removed, she asked that the appeal be handed back to the SGA to deal with. She indicated she was not comfortable with the wording as proposed.

Greissman questioned the logic of giving the UAB jurisdiction over all cases of alleged violations of student rights except for those instances in the context of an election. He stated the last sentence of the section was added specifically to ensure that students have confidence that the UAB would not make an election decision. Grossman suggested the wording be changed to send the matter back to the SGA to resolve for a new decision, taking into account the findings of the UAB. He also suggested that the UAB should only be involved if the basis for appeal was that the SGA body violated a student's rights.

Referring to the recent court decision by Judge Payne giving the election to Ellingsworth, she stated the second suggestion would not have worked. Ellingsworth said that due to the SGA's own rules and constitution,

the issue should be turned back over to the students, as it is the student BoT member involved. The Council members discussed the issue at length.

It was finally decided that Greissman would check with the Office of Legal Counsel about changing the sentence in *Section XI.C.3.c.* to read: “In a case involving a student election in which a candidate alleges that his or her student rights were violated, the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, ~~or affirm or void the election.~~”

There was discussion regarding whether the proposed changes presented by Greissman would affect the recently approved changes to the *Senate Rules* on academic offenses and the role of the UAB. In response to a question by Grossman about *Section C.2.a & b*, Ches stated that with original jurisdiction, the UAB can call new witnesses, etc. For cases in which the UAB only holds appellate jurisdiction, the UAB can only review the case. She confirmed, for Michael, that there are instances in which the UAB is the first body to hear a case.

Grossman **moved** that the Senate Council approved the proposed changes to *Section XI* of the *Governing Regulations*, so long as the following changes were included:

- Add the word “written” so that the pertinent sentence in *Section A* reads: “The Vice President for Student Affairs shall also ensure that any action taken by the Student Government Association is consistent with written University policies and procedures....”;
- Delete the phrase “whose decision is final” so that the pertinent sentence in *Section A* reads: ‘An appeal of a decision of the Vice President for Student Affairs in any of the above matters may be made to the Provost ~~whose decision is final~~’; and
- Delete the phrase “or affirm or void the election” so that the pertinent sentence in *Section C.3.c.* reads: “In a case involving a student election in which a candidate alleges. . . the UAB may affirm the decision of the Student Government Association appellate body, refer the matter back to the Student Government appellate body to correct the error identified by the UAB, ~~or affirm or void the election.~~”

Ellingsworth **seconded**. Grossman stated that if the Senate Council changes were not incorporated, the Senate Council should review it again. The motion **passed** unanimously.

[3. Graduate Certificate in Anatomical Sciences](#)

The Chair invited Guest Gould to offer introductory comments. Gould thanked the Senate Council for its previous suggestions, and referred to the changes incorporated in the present proposal. Tagavi suggested wording in the section “Admission Requirements and Application Procedure” be changed so that it read, “Applicants for admission to a graduate certificate must be recommended for admission by the certificate Director, and approved by the Graduate School.” Gould agreed.

Grossman pointed out some minor grammatical changes that Gould agreed to incorporate. Grossman asked if the Senate Council was approving pages one and two, as well as the subsequent pages detailing the proposal. If so, he wondered if the certificate would be removed once the dire need for anatomical science teachers goes away. After some discussion, Tagavi opined that the Senate Council would be approving all the pages, but only pages three, four and five would be inserted into the *Senate Rules*.

Tagavi **moved** to approve the Graduate Certificate in Anatomical Sciences and send it forward to the University Senate with a positive recommendation. He also accepted a friendly amendment from Grossman to first untable the Certificate. Grossman **seconded**. The motion **passed** unanimously.

4. College of Nursing Admissions Proposal

Grossman **moved** to table the proposal until someone familiar with the proposal could attend to answer questions. Jones **seconded**. The motion **passed** unanimously.

5. Proposed Changes to *Senate Rules, Section I* (“The University Senate”)

Due to the time, Jones requested he be allowed to offer his introductory comments at the next meeting, immediately before the discussion.

The Chair deferred the elements of the pending agenda to the next meeting.

The meeting was adjourned at 4:57 pm.

Respectfully submitted by Ernie Yanarella
Senate Council Chair

Members present: Baxter, Dembo, Duke, Grabau, Ellingsworth, Grossman, Jones, Hobson, Lesnaw, Michael, Moore, Tagavi, Thelin, Yanarella.

Liaison present: Greissman.

Guests present: Marcy Ches, Joe Fink, Doug Gould, Rhonda Strouse, Pat Terrell.

Prepared by Sheila Brothers on January 10, 2006.