

Senate Council Minutes
March 28, 2005

The Senate Council met on Monday, March 28, 2005 at 3:00 pm in 103 Main Building and took the following actions.

1. [Approval of the Minutes from March 21, 2005](#)

Grossman noted that he suggested some changes earlier. Ms. Scott apologized that they weren't included and said she would make sure they were included in the final on-line version. There being no additional correction, the minutes were approved as written.

2. [Announcements](#)

The Chair said that several faculty members had indicated their inability to vote electronically and had requested paper ballots. Ms. Scott and Tagavi indicated having received a total of roughly 50 complaints. Dembo reported having gathered numbers on voter turnout over the past several years and noted that voter participation number did not seem reliant on voting method (paper versus electronic voting). Jones reminded the Senate Council members that there were no dissenting votes at the Senate meeting at which the new electronic policy was adopted. However, he noted that there was enough flexibility in the adopted policy to allow for other voting methods. The Chair said this issue was visited prior to the initiation of the voting period and the decision to enforce the adopted policy had been reached, but that the overall number of complaints could not have been anticipated.

Grossman spoke in favor of having a back-up system to the electronic process. Cibull asked if there was one part of campus that experienced more difficulty than another. Ms. Scott indicated the difficulty was split relatively evenly between main campus and the medical center. Cibull said that each person who complains should have the right to have that complaint addressed in that either the electronic issue should be resolved or a paper ballot should be provided. Kennedy suggested that if paper ballots be allowed anonymity should be maintained through the use of the two envelope system. Tagavi said the paper ballot should be placed on the web site for download and then submitted via campus mail or in person. Kennedy spoke strongly against the submission of faxed votes.

Bailey spoke against the use of paper ballots. He said it represented a step backward and suggested more effort should be put into making this new system work. Ms. Scott described the nature of the various problems

experienced and noted how difficult it could be to determine the appropriate solution. Kaalund said that for this election paper ballots should be allowed but said they shouldn't be permitted in the future. Kennedy suggested the implementation of a pre-registration period or pre-voting phase, while Kaalund suggested examining the processes used at other schools.

After further extensive discussion it was decided to allow paper ballots, to post the ballot to the web site for download, to allow submissions even if in a single envelope as long as anonymity can possibly be preserved, to disallow faxed votes and to attempt to notify faculty of the additional voting option. Jones asked if either candidate would contest the outcome of the vote due to the changes in process. Both Kennedy and Dembo said they would not. Ms. Scott will attempt to put the ballot on line the following day and will request another broadcast e-mail from PR. The voting period will be extended by one week, to end on April 8th, to accommodate a time frame for the submission of paper ballots. The Rules and Elections Committee will reconsider this issue for future elections.

The Chair reported that the Calendar Committee met during the previous week and was still working toward a series of proposals.

3. Proposed changes to Academic Offenses policy

Grossman outlined a variety of changes made by the ad hoc committee. He said the "opting out" option had been removed so that no college would be allowed to require a minimum penalty of XE. Every college still had the option of adopting its own Honor Code, however, and if the Honor Code was approved by the Senate the provisions outlined therein would supercede the Academic Offenses policy. The second major change was that the XE penalty was no longer necessarily a permanent penalty. After a year passed a student may ask the Appeals Board to change the XE to an E. The approval of the Appeal Board will depend on whether the student commits additional offenses and whether he/she expresses remorse for the infraction. Additionally, the faculty member who brings the charges against the student could also recommend conditions upon which the appeal may be dependent in the future, but the recommendations would not be binding upon the Appeals Board. Students could appeal up to three XE grades, and denied appeals could be re-petitioned four years later. The third change disallowed students from dropping a class after the student had been found guilty of cheating. The fourth major change allowed students to appeal both their guilt and their penalty. The faculty member would assess the penalty and then the student could appeal the penalty to a committee composed of departmental

faculty members. The committee's size and composition would be determined by the department faculty.

Tagavi expressed concern that the appeal of guilt would be made to the Appeals Board while the appeal of the penalty, if E or less, would be made to the department. He suggested that some wording suggesting the order in which the appeals are presented would help clarify. Grossman agreed.

Cibull asked if the Ombud had replied to Grossman response to the Ombud's letter. When Grossman replied that he hadn't. Cibull said he should request a response.

The Chair said he hoped to bring the proposal to the next Senate Council meeting for a final round of discussion and a recommendation before sending it to the April University Senate meeting with either a positive or negative recommendation. Grossman said he will consult the Legal office about the proposed changes and determine if the proposal needed Board of Trustee approval. The Chair requested that Grossman provide a brief summary of why the proposed policy represented an improvement over the existing system. Grossman said the rationale was on-line and available for review or comment.

4. Approval of the degree candidates for UK (May) and LCC (Aug to January)

The Chair said that due to the short time frame provided by Administration he polled the Senate Council members via the listserv to determine their willingness to act on behalf of the full Senate in an "emergency" situation. He noted that having gotten the sense that most members were amenable to doing so, the item was on the floor for action. Jones made a **motion** to approve the lists. Kaalund **seconded** the motion, which **passed** without dissent. The lists will be forward to the Board of Trustees for action.

5. [Winter Intersession Draft report](#)

The Chair noted that the report had been prepared by Phil Greasley. He said the report seemed to indicate that the pilot was successful and said the Provost would like to see the pilot program made permanent. He asked the Senate Council members for their sentiment on the matter.

Tagavi expressed concerns that faculty members were being paid as TAs and hoped in the future that greater material (or other) incentives would be offered to encourage faculty to participate. He also inquired why the summer school salary cap has not been increased for several years.

Cibull requested additional information about educational outcomes, while Kennedy expressed interest in hearing comments from faculty about the experience.

Griessman suggested inviting Phil Greasley to present the report. Ms. Scott noted that the Provost plans to attend the next meeting to discuss the report. The Senate Council office will offer an extension of the invitation to Greasley with the Provost's agreement.

6. Provost Search discussion

The Chair reported on his recent meeting with the President, indicating that it seemed unlikely that either the letter or spirit of the proposed AR on proportional representation could be brought to bear on the Provost search. Several Senate Council members expressed dismay that the AR, proposed in October 2003, was not on the radar of the President and had not been acted upon during that time period. Jones said he was concerned that Doug Boyd had the proposed AR for almost two years and hadn't acted upon it or presented it to the President.

Grabau joined the meeting at this time.

Grossman noted that the committee that drafted the proposed AR was a joint administrative/faculty committee. Tagavi said Dean Smith, Dean Hoffman and Dean Mohny were on the committee in addition to the faculty representatives. Dembo said he recalled that the oversight of the committee's creation was delegated by the President to the Provost. Bailey said that despite the delegation of the responsibility of the committee the President could not claim plausible deniability since the committee was initiated at his direction and the proposed AR was forwarded to his office for action.

Cibull pointed out that since the proposed AR had not been acted upon it was not in effect for this particular search. He noted that the Provost's ability to work with Deans was paramount and expressed hope that the Deans were represented on the committee. Thelin disagreed, noting that the Provost is first among equals of the faculty.

Kennedy noted that while four or five of the committee members may be faculty, they may also hold administrative appointments that may qualify them more as "administrators" than "faculty."

Kaalund noted that the students get to pick their representative to the committee, in that a spot is being reserved for the new SGA president, once elections are concluded. He said that faculty have far more interaction with the Provost than faculty do and should therefore have a louder voice in the selection of the new Provost. He said that bypassing the Senate and its processes in this case was wrong and should be dealt with accordingly.

The Chair reported that on the basis of his conversation with the President that the President seemed concerned with ensuring that the committee was broadly representative of various constituencies of the University and would take things like gender and race into consideration, among other factors, when appointing the rest of the committee. He added that the President expressed the hope that the committee wouldn't be prejudged until its membership was known.

Moore suggested that the issue of proportionality may be too late to push and suggested it be examined and pushed to impact future searches. Kennedy added that if the Senate should decide that it was unhappy with the outcome and passed a resolution to that effect he would be happy to share that resolution with the Board. Moore agreed with Kennedy.

Lesnaw suggested addressing the problem at hand and compiling a list of four nominees from which the President would chose. After considerable discussion the following four names were put forth:

Roy Moore
Ernie Bailey
John Thelin
Rolando Berger

Cibull made a **motion** to send forward the four names to Administration. Tagavi **seconded** the motion. Grossman suggested a friendly **amendment** that the President be respectfully requested to refrain from referring to the other faculty members of the committee as faculty representatives. Cibull **accepted** the amendment and Tagavi's second stood. The motion **passed** without dissent.

7. EVPFA search discussion

The Chair said he spoke with the President about this issue as well. The President indicated that this position was an administrative position and would be handled as such. He indicated his intention to address the vacancy in the

same fashion as the appointment of chief legal counsel. The Chair said he noted that the EVPFA position impacts faculty greatly, but said the President intended to address the appointment as an administrative matter, that a decision would be made quickly, and that a national search would not take place.

Dembo said it was essential to let the faculty trustees know the sentiment of the faculty for this appointment, since they would ultimately vote on its approval at the level of the Board. Grossman said it was entirely unacceptable to hire an EVPFA without the input of the faculty or the Senate Council since the running of the University has an enormous impact on the academic enterprise.

The Chair suggested this topic be brought up at the next Senate Council meeting and discussed in more detail.

There being no further business, the meeting adjourned at 5:25 pm.

Respectfully submitted by
[Ernie Yanarella](#), Chair

Members present: Bailey, Cibull, Dembo, Duke, Grabau, Grossman, Jones, Kaalund, Kennedy, Lesnaw, Moore, Tagavi, Thelin, Yanarella.

Liaisons present: Greissman, Saunier.

Guests present: Troutman and Sichko (Kernel reporters)

Prepared by [Rebecca Scott](#) on March 28, 2005.