

1 UNIVERSITY OF KENTUCKY

2 SENATE COUNCIL MEETING

3

4 \* \* \* \* \*

5 OCTOBER 12, 2020

6 \* \* \* \* \*

7

8 AARON CRAMER, CHAIR

9 DESHANA COLLETT, VICE CHAIR

10 SHEILA BROTHERS, ADMINISTRATIVE COORDINATOR

11 STEPHANIE WOOLERY, STAFF ASSISTANT

12 TRISHA B. MORLEY, STENOGRAPHER

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1           \* \* \* \* \*

2 CRAMER:       Welcome to the October 12th University

3           Senate meeting. Senate members, please type

4           your name and affiliation into the chat box

5           for attendance purposes. The chat function's

6           only used for attendance. It's not monitored

7           during the meeting, so refrain from having,

8           sort of, substantive discussions in the chat

9           during the meeting.

10          Mute yourself when not speaking, but

11          Stephanie and I can mute others as needed, if

12          you forget or something comes up. This

13 meeting's being recorded for note-taking  
14 purposes. And if any member of the Senate  
15 becomes disconnected and cannot reconnect at  
16 all, please send an email to Sheila brothers  
17 at sbrothers@uky.edu so that we're aware.

18 Okay. Senate meetings are open meetings.

19 We follow Robert's Rules of Order. There will

20 be no voting by proxy. Be civil. Be a good

21 citizen. That, here specifically, means

22 communicate with your constituents in your

23 colleges and departments. And participate,

24 please. Us the "raise-hand" feature.

25 Stephanie's watching the participants.

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1           If they raise hands and stuff, she'll  
2           see it and will let me know -- she's sitting  
3           about 12 feet that way -- so that I can call  
4           on you.

5           Just some reminders about how we're  
6           handling this meeting via Zoom. Zoom  
7           participants are divided into two categories:  
8           Panelists and attendees. Both can  
9           participate in the meeting. Both can raise  
10          their hand and be acknowledged.

11          Panelists are primarily being used for  
12          voting senators. We're using this

13 distinction to delineate voting from  
14 nonvoting participants. Panelists would've  
15 received a specific email from Stephanie  
16 Woolery with a specific Zoom login  
17 information and are eligible to vote.  
18 Nonvoting senators and any guests that  
19 are not voting senators are attendees.  
20 Attendees can use the general Zoom link from  
21 the senate site. And do not vote during  
22 discussion to indicate you want to speak.  
23 Click on the Zoom feature, "raise-hand."  
24 Panelists, click on "participants" and  
25 then click on the symbol of a hand in the

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1 lower right-hand corner. Attendees, click on  
2 the “raise-hand” button at the bottom of the  
3 screen in the center.

4 To vote: Voting members and panelists  
5 will use the “raise-hand” feature in Zoom  
6 when the chair calls for votes in favor,  
7 opposed and abstained. So I’ll state the  
8 motion and ask for voting members -- these  
9 are the people that are panelists wishing to  
10 vote in favor -- to click on the Zoom feature  
11 “raise-hand.” The vote count will be  
12 recorded and the hands will be cleared. I’ll

13 then ask for members who wish to vote opposed

14 to raise their hands in Zoom. The count will

15 be recorded and the hands will be cleared.

16 And, finally, I'll ask for voting

17 members who wish to abstain from voting to

18 raise their hands and the count will be

19 recorded, and then the hands will be cleared.

20 It's difficult to note individual names when

21 there's 100-plus senators voting, so we'll

22 document -- we will document the minority and

23 those abstaining. These are smaller numbers,

24 and so if it's clear that those in favor have

25 it, then we'll assume you're in favor, unless

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1       you voted against or abstaining. And so  
2       we're only going to record the names of those  
3       either voting with the minority or  
4       abstaining.

5             If the vote's perceived as close, we'll  
6       have to do a roll call vote to make sure that  
7       we can know who goes with which votes.

8             The minutes from the September 14th  
9       meeting were distributed. No changes were  
10      received by the Senate Council office as of  
11      this morning. Unless objections are heard  
12      now, the minutes from the September 14th,

13 2020 University Senate Meeting will stand

14 approved as distributed by unanimous consent.

15 Can you see the participants window? Do we

16 have any people gesturing for -- okay.

17 So hearing no objections, those minutes

18 are approved.

19 Some announcements: Good news last week;

20 Senate Council office's Joanie Ett-Mims was

21 the 2020 winner of the Staff Senate's

22 Faculty-nominated Outstanding Staff Award.

23 Joanie is the office's course expert. She

24 handles course proposals, primarily. She's a

25 Curriculog administrator. She also

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1 administratively manages the senate's UK Core  
2 Education Committee and the Undergraduate  
3 Council. The staff in the Senate Council is  
4 excellent, and we are so fortunate to have  
5 had Joanie recognized in this way.

6 Some other announcements: Me and, also,  
7 the SGA President, Courtney Wheeler, who are  
8 members of this body -- also, actually, the  
9 deans who are also senators, and a number of  
10 the other ex officio members also  
11 participated in anti-racist training workshop  
12 facilitated by the College of Education's

13 Professor Candice Hargons last month.

14 Other announcements: The Senate was

15 interested last year in learning more about

16 university protocols surrounding monetary

17 donations and naming rights. For example,

18 colleges and departments. So we will plan,

19 because of the senate's interest last year,

20 to schedule a presentation for senators later

21 this year. We would've probably done that in

22 the spring, but the pandemic set a number of

23 things like this off-course a little bit, but

24 we'll come back to that question, because I

25 think there was some significance in the



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1 interest in these questions.

2 We've also received multiple queries,

3 actually, about students with long periods of

4 excused absences that would trigger the

5 so-called "20 percent rule". This is in

6 SR5.2.4.2.3.1. Essentially, it states a

7 student shall not be penalized for the -- a

8 student shall not be penalized for an excused

9 absence, but when they're required, for

10 example, to take an incomplete grade, as this

11 had negative ramifications in terms of, for

12 example, financial aid and so forth. Senate

13 Council is currently working to investigate  
14 this, and also considering the question of  
15 whether an instructor has any freedom to  
16 refuse to assign an incomplete grade.

17 So this is a question that's come up.

18 It came up, actually, before the pandemic,  
19 but it's being, sort of, made again, more  
20 acute by the pandemic.

21 You would've received an email from  
22 Roger Brown earlier this morning about  
23 election of three senators to serve on the  
24 Senate Council. Roger chairs the Elections  
25 Subcommittee of the Rules and Elections

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1 Committee. The election will be conducted in  
2 October and November, with the results of the  
3 election announced within 24 hours of the  
4 election. And so make sure you read that  
5 email carefully.

6 Senate Council terms begin on January  
7 1st and are for three years. The Senate  
8 Council meets weekly on Mondays from 3:00 to  
9 5:00, so the time period we're meeting now.

10 Senate Council meets all the other Mondays.

11 We have three Senate Council members

12 whose terms are ending: Dr. Andrade, Gail

13 Brion and Allison Sout. And so we have to  
14 have three senators to fill these spots.  
15 This is a vitally important role for the  
16 Senate. And I felt like it was important  
17 before, but having been through, say, the end  
18 of spring and through the summer and where we  
19 are in the fall, having people that can  
20 represent the voice of the faculty in these  
21 spots is really important.

22 And, moreover, it establishes, sort of,  
23 who can be eligible Senate Council chairs.

24 And I think that this is important, too, that  
25 you have people in the Senate Council who can

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1 represent the Senate and who can be eligible  
2 to be the Senate Council chair and can help  
3 provide leadership to this body. It is  
4 really important, so I really -- I want you  
5 to read through Roger's email really  
6 carefully. Look through the list. Think  
7 about who's there. Encourage people.  
8 Nominate people. And, really, have a  
9 meaningful conversation with other senators  
10 and with people that you nominate and want to  
11 encourage to run for this -- to do so,  
12 because I think that it really -- I thought



13 it was important before, and somehow, even  
14 thinking it was important before, it's become  
15 clear to me -- it's, like, even much more  
16 important than I thought it was. And so I  
17 really -- I think this is something that --  
18 really try to take seriously over the next  
19 month.

20 If you have any questions about what it  
21 means to serve on the Senate Council and so  
22 forth, feel free to send me an email. I'd be  
23 happy to talk with you about what's entailed  
24 and what the responsibilities and time  
25 commitments and so forth look like.

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1           A reminder of curricular proposal

2           deadlines: If you're seeking to submit a

3           curricular proposal or someone in your

4           colleges or departments are seeking

5           curricular approval, these have to be

6           received in the Senate Council office. That

7           means through the academic councils by

8           February 1st for a new degree program

9           proposal, by March 15th for other proposals

10          that require Senate Committee review.

11          These would be like new certificates,

12          transfers of a degree, new departments,

13 changes to credit hours required for  
14 graduation, significant program changes, et  
15 cetera, things that don't have to go to the  
16 Board of Trustees.  
17 And then April 12th for courses or other  
18 program changes in minors, things that don't  
19 have to go to a Senate Committee. These are,  
20 you know, deadlines where you really can't be  
21 -- it'd be unreasonable to expect that the  
22 proposal would be completed before a fall  
23 2020-'21 effective date if these deadlines  
24 aren't met.  
25

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1           So that's the minutes and announcements

2           for the Chair's Report. Recall that the

3           Senate Rules give me and, also, Senate

4           Council authority to take some actions on

5           behalf of the senate, as long as they're

6           reported to the senate. So here I'll report

7           some of the actions that have been taken.

8           Actually, let me go ahead and call on

9           Alan Brown.

10 BROWN:       Yeah. Sorry. Yeah, quick question,

11           Aaron -- sorry -- on the dates. I just

12           wanted -- because our department is going

13 through this. So the March 15th -- because  
14 I'm reading here, it says, "Curricular  
15 proposals must be reviewed by the appropriate  
16 academic councils and received in the Senate  
17 Council office by," so I'm assuming there are  
18 other dates to get this to the corresponding  
19 council even before March 15th; correct?

20 CRAMER: That's right. Right. To have it

21 through, I don't know what the proposal

22 you're imagining is, but say it had to go to

23 Undergraduate Council; that's right. It

24 would have to go to Undergraduate Council, so

25 out of the college and to Undergraduate

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1 Council in time for them to schedule it and

2 discuss it and if there are any concerns to

3 be addressed by it --

4 BROWN: So, okay --

5 CRAMER: By the review at Undergraduate Council.

6 That's right.

7 BROWN: Okay. That leads me to the question,

8 then: Where are those -- where's the first

9 deadline for a major program? In this case,

10 it's our doctoral programs in the Graduate

11 Council. Where are the deadlines for -- you

12 know, what's the first deadline that we'd

13           have to meet?

14 CRAMER:       One second, Alan. Alan, I would say the

15           best thing to do, and actually, probably for

16           anybody that's in a similar place, is to

17           check with the coordinator of that academic

18           council. So, in this case, it would be Roshan

19           Nikou --

20 BROWN:        Oh, okay.

21 CRAMER:        -- for the Graduate Council, but check

22           with them about when they've got meetings

23           scheduled and, sort of, the timeline for

24           getting things through the academic councils.

25 BROWN:        Yeah --

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1 CRAMER: It's a little bit variable depending on

2 the type of proposal and which council.

3 BROWN: Yeah. Okay, because these dates, I was

4 telling my colleagues these dates, but these

5 dates aren't really relevant. I mean,

6 they're relevant, but not really. We need to

7 have stuff in way before this.

8 CRAMER: They're not the first relevant thing,

9 we'll say.

10 BROWN: Got it. Thank you.

11 CRAMER: Sure. Okay. So I was reporting some

12 actions taken by Senate Council and by the

13 Senate Council Chair; specifically, I  
14 approved a revised calendar for Spring 2021.  
15 Senate Council had previously provided  
16 significant input on the proposal and also  
17 indicated that they had no objections to me  
18 approving it on their behalf. So the revised  
19 calendar for Spring 2021, I approved. Also,  
20 the dates for the 2020-2021 winter calendar,  
21 again, with Senate Council providing  
22 significant input prior to that approval,  
23 were approved by me.  
24 Senate Council, on September 21st,  
25 approved nonstandard course calendars for DHN

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1 courses. Also, waived a portion of Senate  
2 Rule 5.2.4.6 about Dead Week for PAS 650.  
3 This is a course where the creditor requires  
4 face-to-face evaluation for a practical exam,  
5 and since the exams are being administered  
6 remotely after Thanksgiving and Dead Week's  
7 before Thanksgiving, Senate Council permitted  
8 them to conduct the practical part of the  
9 exam during Dead Week in order to meet that  
10 accreditation requirement.

11 On September 28th Senate Council  
12 approved the College of Pharmacy Spring 2021

13 calendar. Recall that certain colleges that  
14 have professional programs are permitted to  
15 operate on their own calendars, and so we  
16 approved the College of Pharmacy's calendar.

17 Also, approved nonstandard course  
18 calendars for some AAD, EMBA Courses AT641  
19 and CSD659. Largely, these are -- some of  
20 these are related to scheduling of things  
21 where one semester runs into the other or  
22 issues with scheduling clinical experiences.

23 And then also approved the Summer 2021  
24 calendar, which again, because of the changes  
25 of the spring calendar, it got shifted a



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1 little bit.

2 On October 5th Senate Council approved

3 nonstandard course calendars for PAS courses,

4 again, for similar reasons. And then on

5 October 10th, over the weekend, I approved a

6 change in the academic calendar to allow

7 students to drop until midnight on January

8 29th for the spring semester without

9 financial penalty. This gives students five

10 days to attend class and drop the class

11 without a financial penalty. This is similar

12 to what was done for the fall semester. So

13 this was approved over the weekend.

14 Also in the Chair's Report there were

15 some concerns and they were mentioned to the

16 senate last time regarding the Arts &

17 Sciences dean and adherence to the specific

18 provisions and Governing Regulation VIII

19 regarding university appointment.

20 The provost has met with Arts & Science

21 faculty, Senate Council members a number of

22 times. An email was sent to all the

23 senators. I hope you saw it, because it was

24 sent to the senators on October 5th

25 describing the provost's resolution of this

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1 concern. So that's where that stands.

2 And then a final announcement: I was

3 asked to lead one of the DEI project groups.

4 This is Project 3, which is about creating a

5 faculty advisory group for the campus DEI

6 efforts. And so that work is underway now;

7 if you have particular thoughts on that, feel

8 free to send me an email. But that was about

9 providing a faculty advisory group for advice

10 for the Diversity, Equity and Inclusion work

11 that's being undertaken

12 All right. Before we move on to the

13 Provost's Report, Herman?

14 FARRELL: Yeah. Hi. Can you hear me?

15 CRAMER: Yes.

16 FARRELL: So, Aaron, just with regard to the DEI,

17 I'm just curious to know, and maybe this will

18 be addressed in a moment, but I'm just

19 curious to know if you've heard anything

20 about President Trump's Executive Order,

21 which basically, seems, you know, contrary to

22 all efforts of diversity on campus.

23 And as well as, sort of, reaching into

24 teaching, I'm wondering if that has already

25 come up on your radar? And what has been the

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1 Senate's response and what are we hearing  
2 about what the administration is doing in  
3 response to that? I understand there was  
4 some pushback by presidents of colleges  
5 across the country with regard to those  
6 recommendations -- well, not recommendations,  
7 the executive order. So I'm just curious to  
8 know what UK is doing, from a faculty  
9 perspective, and then the administration?

10 CRAMER: That's right. This executive order's

11 been, sort of, slowly unfolding. First, as

12 it applies to the federal government -- oh,



13 wait. It actually, maybe, applies to people

14 that take certain types of federal -- oh,

15 maybe it applies to everyone that takes

16 federal money, including, potentially,

17 universities.

18 I have not heard specific -- and sort of

19 very specific response on the question, but I

20 can certainly ask. I have a sense of what

21 the type of response is that I would hear,

22 but I've not heard anything yet. I'll look

23 into that and make sure I can report on that

24 next time.

25 Any other questions? Okay. So there

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1 won't be a Provost's Report today. Deshana,

2 do you have a Vice Chair's Report?

3 COLLETT: No, sir. I do not today.

4 CRAMER: Okay. No report from the vice chair.

5 Doug, do you have a Parliamentarian's Report?

6 Okay. He said he does not. No report from

7 the parliamentarian.

8 Trustees, do you have a report?

9 SWANSON: Yes. I'm giving the report today.

10 CRAMER: So Hollie Swanson will report for the

11 trustees.

12 SWANSON: Good afternoon. The Board of Trustees

13 will meet this upcoming Thursday and Friday,

14 so I'll be telling you mostly about what

15 we're going to do.

16 First, we've been assigned our committee

17 membership. Lee and I are both on the

18 Academic and Student Affairs Committee. Lee

19 is on the Finance Committee and Human

20 Resources and University Relations. I'll be

21 on the Investment Committee and the UK

22 HealthCare.

23 During the committee meetings on

24 Thursday, the Academic and Student Affairs

25 Committee will receive updates for the

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1 student government, provost, and the Vice  
2 President for Student Success and Vice  
3 President for Institutional Diversity.  
4 Health Care Committee will receive financial  
5 updates, will be approving FCIs on budget  
6 revisions and improvements in the UK  
7 HealthCare Pavilions.  
8 We'll hear reports on the Vice President  
9 Eric Monday, and Vice President Lisa Cassis.  
10 Within the Executive Committee, we'll be  
11 discussing the President's Evaluation, which  
12 will include the evaluation of the Senate

13 Council reported by Chair Aaron Cramer. At  
14 the Board meeting, we'll be voting on the  
15 Board of Trustees Chair. Bob Vance has been  
16 recommended. The Board meeting on Friday  
17 will also include a strategic plan update by  
18 the provost and visioning for the future by  
19 the president. Lee, did you have anything  
20 else to add?

21 BLONDER: Thank you, Hollie. The only other thing  
22 I'd like to add is that if you want to watch  
23 the board meetings Thursday and Friday, I  
24 think the Thursday meeting begins at 1:00 and  
25 Friday's in the morning. It's going to be

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1 streaming on YouTube, and the link is on the

2 Board of Trustees website. That's it.

3 CRAMER: Davy Jones.

4 JONES: Hollie, normally, October is the more

5 philosophical Board retreat, and I guess

6 they're not having that this year. Are there

7 plans for when that might happen this year?

8 SWANSON: No. We're not retreating. We're going

9 to move forward. No. I haven't heard

10 anything about it, but you know, we're still

11 meeting virtually. And I think part of the

12 issue is that a lot of the board members do

13 want to meet in person. So, Lee, that's kind  
14 of my impression that we were hoping to meet  
15 at some point in person. Have you heard  
16 anything about that, Lee.

17 BLONDER: Well, I think the original plan about a  
18 month was that we would meet in the Woodford  
19 room at the stadium, socially distanced.  
20 But, then, given the rise in cases and the  
21 concerns about modeling our best behavior to  
22 the university community, it was decided that  
23 we would meet virtually.

24 And I think that the retreat -- because  
25 we're meeting virtually, the retreat lasts,

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1       you know, usually 12 hours the first day and  
2       a half a day the second day. And I think  
3       that it was decided that, for this particular  
4       year, we would have, more or less, a regular  
5       board meeting and not have a retreat at this  
6       point.

7 CRAMER:       All right. Thank you. Any other  
8       questions for our trustees? So recall we ran  
9       a little bit tight on schedule last time, and  
10       we have a few business items that we deferred  
11       till this month. Particularly, this is a  
12       2019-2020 report from the Senate's Academic

13 Programs Committee with Leslie Vincent as

14 chair. Leslie, are you ready?

15 VINCENT: Yes. I'm ready.

16 CRAMER: I think you can -- can she share her

17 screen yet?

18 VINCENT: It said disabled. Wait.

19 CRAMER: Oh.

20 VINCENT: Maybe I can get it now. Hold on. I

21 think I -- okay. Are we good?

22 CRAMER: Yep.

23 VINCENT: All right. So this is the update from

24 last year's activity on the Senate Academic

25 Programs Committee. Our chair last year was

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1 Aaron Cramer. And so I just wanted to give

2 you an update of everything that, kind of,

3 went through our committee.

4 We're very busy. We had -- let's see --

5 about 31 proposals come through the

6 committee, and I broke them out based on the

7 type of proposal, so lots of activity in

8 terms of master degree programs, and seven

9 proposals at the undergraduate level, 20 for

10 graduate, and then we had four that included,

11 kind of, both levels, either as a -- it

12 should be USP, I think, instead of UPS, but

13 -- and, then, PLUS programs. So lots of

14 activity on the committee; I felt like we

15 stayed pretty busy throughout the year.

16 A few takeaways from last year's

17 proposal reviews: The new forms that were

18 created were really helpful and really helped

19 speed up the process for review. And so

20 using Curriculog in addition to the Excel

21 workbooks that were developed really helped,

22 I think, create standardization in the

23 process in terms of how things were

24 submitted, which really facilitated, I think,

25 a much more efficient review for the

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1 committee.

2 We also implemented the early  
3 notification process, which I think was  
4 really successful in terms of making sure  
5 that all of the different areas around campus  
6 and departments that may want to be involved  
7 in interdisciplinary certificates had an  
8 opportunity to review those and have the  
9 potential to be engaged. So we saw a lot  
10 less of that coming up in our committee  
11 review where we were, you know, asking  
12 proposers to go back and discuss with other

13 departments that may have courses that would  
14 relate to certain certificates or programs  
15 and things like that.

16 Some things that, maybe, could be  
17 improved, just based on what we learned from  
18 last year, is we did see a lot of joint  
19 programs in the review process, and so having  
20 those programs where we would -- you know,  
21 the example that's coming to mind is the  
22 master's in supply chain management, and then  
23 the master's in supply chain engineering.

24 They happened to come through the committee  
25 at different times, and when we're looking at

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1 collaborative programs like that, we thought  
2 there could be some value in, really, sort  
3 of, keeping them on track together in the  
4 review process.

5 There was also a lot of discussion in  
6 the past year about what PLUS programs are  
7 and the types of forms that should be used  
8 when a department wants to propose one of  
9 these PLUS programs. And so that's something  
10 that the SAPC Committee is working on  
11 currently. Discussions about what that  
12 process would entail and the type of forms or

13 extra information that we may need when we're

14 evaluating these programs in our review

15 process.

16 So that is the update from SAPC.

17 CRAMER: Are there any questions for Leslie,

18 or...

19 VINCENT: Or you?

20 CRAMER: I don't know this SAPC you mentioned.

21 VINCENT: Well, thank you.

22 CRAMER: Thanks, Leslie. Okay. I'll figure out

23 how to share my screen again.

24 The next item of old business that we

25 didn't -- we pushed off from last month was

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1 an update -- remember there was a facilities

2 survey that was conducted by the Senate's

3 Academic Facilities Committee last year. The

4 current chair is Kevin Donohue, but this is a

5 report on work that was conducted last year.

6 So Chris Pool, the past chair, is here to

7 discuss this. Chris, do you have slides?

8 Are you going to share your screen?

9 POOL: I do. Just a second here. Okay. Can

10 people see my screen? Great. Thanks.

11 So, yes, thanks for having me back.

12 Let's see. Wait a minute. Okay. So, first



13 of all, let me -- something's happening here.

14 Let me acknowledge my committee from

15 last year. Kevin Donohue, of course, is

16 chair this year. Alan DeSantis, Claire

17 Fraser, Arthur Hunt, Charles Lofton, Joe

18 Stemple, Allison Carll-White were all

19 instrumental in creating this survey. Ned

20 Crankshaw and Mitzi Vernon were ex officio

21 members. I want to also thank Richard

22 Charnigo and Leslie Vincent for helping with

23 the survey after we created a draft of it.

24 And Stephanie Woolery was the maven who put

25 together the Qualtrics survey, so you can

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1 thank her for that, as I do.

2 So the charge of the Senate Academic

3 Facilities Committee includes the provision

4 of information and recommendations to the

5 senate about the alteration, construction and

6 allocation of all property and physical

7 facilities that may affect the education

8 objectives at the university.

9 We did take a vote last year and modify

10 this by omitting a very detailed list of

11 things that were under the committee's

12 purview, including up to musical instruments.

13 And I think that still needs to be updated on

14 the website, and maybe in the ARs.

15 We also served the administration a

16 source of faculty information and opinion

17 about these matters, and that was the impetus

18 behind this survey, to allow us to do that

19 job better.

20 I think the timeline for this is

21 significant, so let me just hit the high

22 points. We, initially -- the committee

23 voted, on my birthday I might add, to survey

24 the senators and the needs that the senate

25 saw as most critical. And then, later in

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1 November, we appeared before the Senate  
2 Council to ask permission to do this through  
3 January. We drafted the survey, and that's  
4 when Stephanie helped us with turning into a  
5 Qualtrics survey. And then we got some  
6 additional input from Richard and Leslie on  
7 that.

8 It was February when we presented the  
9 survey to the Senate Council and received  
10 some additional suggestions. Then the survey  
11 was presented by Senate Council Chair,  
12 Jennifer Bird-Pollan in the March meeting.

13 And so the survey was not actually  
14 administered until March 11th. Of course, we  
15 were going on spring break and dealing with  
16 the pandemic by that time, and so we also  
17 extended the deadline, our initial deadline,  
18 to April 6th.

19 So the results of this survey are --  
20 they're very much, you know, kind of a  
21 product of their moment, and I think we need  
22 to recognize that as we look at some of the  
23 results. But it's a moment where we really  
24 didn't know all the implications of the  
25 pandemic yet.

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1           And so it does reflect, kind of, long-  
2           standing concerns of faculty. The format, as  
3           many of you will remember, had 18 different  
4           needs listed in the first question, and you  
5           were asked to write them on a 5-point scale  
6           from not critical to very critical.  
7           The next series of responses, 2, 3 and 5  
8           were open responses asking what specific  
9           buildings people saw as most critical, in  
10          most critical need of renovation or  
11          replacement, asking what the issues were with  
12          those, what other thoughts you had. But,

13 also, asking you to identify your unit in a  
14 multiple-choice question.

15 The response rate was pretty good. We  
16 got 40.7 percent response rate, 55 people in  
17 all. The average by unit as almost 40  
18 percent, so pretty close to the same. There  
19 were -- there was one unit that every  
20 representative in the Senate responded to.  
21 There were a couple of smaller units where no  
22 one of the 2 or 3 responded. I won't  
23 identify those, but you know, I feel like  
24 it's a pretty good sample across the  
25 university by representatives in the senate.

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1 I won't go through every need and tell  
2 you what the ranking was, but the five most  
3 critical needs that were identified were  
4 upgrades and modernization of current  
5 classroom spaces, additional parking. I  
6 think at the moment additional parking is not  
7 a crucial need, from what I've observed, but  
8 it may be so again.

9 Renovation to ensure the safety and  
10 health in the workspace, of course, is  
11 something that we've seen quite a bit done  
12 with recently.

13           Renovation to ensure ADA compliance and  
14           additional classroom space. Then there's  
15           some statistics there, but basically, these  
16           were scored on the mean. The mean was about  
17           4 points out of the 5. The mode on these  
18           five most critical was 5, for very urgent.  
19           And so -- and 65 percent of the respondents  
20           scored it as 4 or 5. So these are widely --  
21           or at the moment were widely recognized  
22           needs.  
23           The least critical needs, and this is in  
24           reverse order from very least to less least,  
25           our expansion of athletic facilities,

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1 renovation of athletic facilities, renovation  
2 of recreational facilities, more on-campus  
3 housing and expansion of recreational  
4 facilities, with everything else kind of in  
5 the middle.

6 We also asked which buildings were  
7 recognized as in need of either renovation or  
8 replacement, and these -- this set received  
9 multiple mentions across multiple colleges.

10 So they're, kind of, widely recognized: White  
11 Hall classroom building; Castle Hall; "The  
12 Quad" of Bowman, Breckinridge, Kinkead and

13 Bradley; Chem-Phys, which has been receiving  
14 some renovation; Blazer Dining, where  
15 communications has been, and then the College  
16 of Public Health. And people identified  
17 either the College of Public Health,  
18 generally, or the research facility more  
19 specifically.

20 Within colleges, there was a wider range  
21 of buildings. Of course, A&S is one that,  
22 you know, is a college whose, kind of,  
23 buildings are mostly used or which house the  
24 departments and classroom spaces are also  
25 widely used across campus. So those -- they



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1 also received multiple mentions across the

2 units.

3 In addition to White Hall, Castle,

4 Bowman, Chem-Phys, Funkhouser and Patterson

5 Office Tower, which houses most of the

6 faculty of the college, were identified. The

7 College of Agriculture, Food and Environment,

8 North and Garrigus buildings also received a

9 lot. There were a lot of concerns about

10 Blazer Dining, once again.

11 The College of Education, Taylor Ed. and

12 Dickey Hall are frequently recognized by

13 members of that college.

14 Engineering has a broader view of

15 things, I think. They seem to focus on the

16 engineering aspects, and so they identified

17 the academic core in general, as well as

18 Anderson.

19 Fine Arts Building. There's others on

20 Rose Lane. As I said, the CPH Building and

21 Research Facility, and the Nursing Building.

22 Now, all of these have -- you know, these

23 represent a variety of concerns, and let me

24 identify -- well, I'll get to those in a

25 moment. But environmental concerns are, kind

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1 of, the most prevalent among these.

2 And then you can go to the report itself

3 to see the list of other specific buildings

4 -- oh, I thought I mentioned those other

5 specific buildings within colleges. So these

6 were just individual mentions, and yes, I was

7 the one who identified the archeology lab,

8 and a colleague recognized Lafferty Hall and

9 Anthropology.

10 But what I want to point out here is

11 that, simply, the number of mentions, kind of

12 the quantitative data don't necessarily

13 reflect the severity of the issue with the  
14 building. There may be buildings that have,  
15 you know, relatively few mentions that aren't  
16 used widely, but that are really in critical  
17 need. And there's a variety of those; the  
18 Science and Engineering Library, in  
19 particular, with regard to storage is one  
20 that seems very critical.

21 So the issues, as I said, the most  
22 prevalent issues, were environmental issues,  
23 HVAC and ventilation, generally. These were  
24 all related, right, mold, temperature and  
25 climate control; some buildings were

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1 experiencing flooding and leaking. ADA  
2 compliance was identified for everything from  
3 White Hall bathrooms to parts of POT to  
4 various other places on campus.  
5 Technology within the classrooms with  
6 audiovisual and Wi-Fi at the time being  
7 identified as particularly critical. I think  
8 a lot's been done with regard particularly to  
9 the recording of lectures recently, just poor  
10 layouts of space. And then, as I mentioned,  
11 general storage conditions, the  
12 representatives of libraries identified



13       leaks, climate mold, the operation of compact  
14       shelving in some cases. But for the Science  
15       and Engineering Libraries, specifically,  
16       these issues plus doors that don't seem to  
17       function and a new elevator that's needed.

18             But each of you will recognize the  
19       particular issues that you have within your  
20       own colleges. And, again, you can look back  
21       at the report we submitted in May for the  
22       details on this.

23             I just want to conclude with a couple of  
24       -- you know, a handful of thoughts. As I  
25       said, you know, this survey was done right as

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1 COVID-19 was erupting, and so it represents  
2 frustrations with long-term issues in the  
3 colleges, but not necessarily those that were  
4 emerging at the time. And it was designed,  
5 really, to give the committee a set of  
6 priorities to start looking at more deeply.  
7 That'll be Kevin's job, so have fun with  
8 that, Kevin.

9 The COVID response, I think, has  
10 addressed or begun to address some of these,  
11 so as we know, there was a lot of new  
12 technology put in classrooms in order to

13 provide synchronous, kind of, lecturing and  
14 to record lectures that were being done.  
15 We've seen a lot, of course, with Zoom and  
16 with Echo 360. I think there will be, kind  
17 of, an evaluation of which of those have  
18 worked best. But as students return to  
19 classrooms, you know, some of the other  
20 issues with the classrooms are going to  
21 remain important.

22 You know, progress has been made on  
23 parking. We're not pressed for parking at  
24 the moment, and the Limestone structure has  
25 eased some of the previous parking problem.

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1       So that may, you know, fall a bit in ranking.

2       But as students return, upgrading classrooms

3       -- or as more and more students are actually

4       on campus, in classrooms, the upgrading of

5       classrooms will be an issue. I don't know

6       how much more -- how much spacing out we're

7       going to continue to do for how long, but of

8       course, that becomes a space issue.

9       And then just general renovations for

10      safety and health and ADA compliance, I

11      think, are going to remain high-priority

12      areas.

13           So that's my report. I'm happy to take  
14           questions.

15 CRAMER:       So in terms of, you know, what's  
16           happened with this since then, Chris served  
17           as the Senate's representative on the  
18           facilities workstream over the summer and was  
19           able to, sort of, convey the message from  
20           this survey into that work as well. And,  
21           then, this report I forwarded relatively  
22           lately, towards the end of summer, to the  
23           administration to make sure they had it, but  
24           I wanted to distance it as much as I could  
25           from the, sort of, immediate pandemic-related

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1 response issues because some of these are  
2 longer-term issues, but that was sent to the  
3 administration for their advice. Do we have  
4 a question or two for Chris? Kevin.

5 DONAHUE: Yeah. Hi, Chris. Thanks for your  
6 leadership in putting this together. It kind  
7 of occurred to me -- it didn't occur last  
8 year when we were looking at this -- is that  
9 a lot of these are, like, work-related, like  
10 repair, right, and I'm wondering how many of  
11 these things have been reported to Facilities  
12 Management. You know, they have a work-

13 request form. Did you get any kind of  
14 feedback from faculty you talked to in terms,  
15 you know, if these things were reported and  
16 just ignored or just a matter of not being  
17 reported?

18 POOL: I didn't really get feedback from  
19 faculty, beyond my own department about  
20 these. You know, we recognized that -- well,  
21 in Lafferty, we've had -- you know, we've  
22 reported things for years and there has been  
23 some progress made, but I don't have as good  
24 an understanding more generally.

25 DONAHUE: Yes, because we're planning on, again,

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1 getting someone from Facilities Management to

2 attend on our subcommittee meetings. And

3 that'll probably be things we'll ask since it

4 seems like a lot of these things, even

5 looking at the comments, are just, like,

6 repair/work-form issues. Yeah.

7 POOL: Yeah. I mean, they write down, pretty

8 generally, between just, kind of, you know,

9 work issues and then student issues,

10 classroom issues. And they're interrelated,

11 but, yes.

12 CRAMER: Shannon Oltmann.

13 OLTMANN: I can just share, anecdotally, within  
14 the College of Communication and Information,  
15 what are main concern is: Blazer Hall, Blazer  
16 Dining Hall. A number of these issues have  
17 been raised, frankly, repeatedly, to  
18 Facilities, and their response has, sort of,  
19 been ad hoc or temporary fixes. The feeling  
20 is that there's not -- there's either not  
21 money or not willpower -- not will to  
22 implement more permanent fixes. There's one  
23 data point for you.

24 POOL: Thanks. And Alan DeSantis was on the  
25 committee last year and had been for a couple

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1 of years. And he represented that well to

2 the committee, I think.

3 CRAMER: One last question for Chris. Trace

4 Williams.

5 WILLIAMS: Hey. I'm also a part of the College of

6 Communication and Information. So I

7 basically just agree with everything that

8 Ms. Oltmann said. I hope I pronounced that

9 correctly. But I just want to say that --

10 I'm just curious to know if there's any,

11 like, again, long-term solutions for this?

12 I know that some faculty and staff in

13 the college have told us that in terms of  
14 getting a new building for the College of  
15 Communication and Information, they were told  
16 that they had to fundraise the money  
17 themselves. So I don't know how standard  
18 this is for colleges to be responsible for  
19 fundraising their own money, or how would the  
20 university help out some? I just want to  
21 know, for the students in the college and the  
22 faculty and staff, how can we move forward in  
23 the most positive way?

24 POOL: Well, I don't know. I mean, certainly  
25 there are buildings that have been funded by,



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1       you know, fundraising through the units. The  
2       Jacobs Science Building, for example, is a  
3       prime example of that. But I think that  
4       communications had been told they would be  
5       moved out of the Blazer Hall, you know, at  
6       some point, and that has not happened yet,  
7       so...

8       And, Kevin, if you remember differently,  
9       then please correct me on that.

10 CRAMER:       All right. Thank you, Chris, for this.

11       We will move on to our next item.

12       Annie Weber, are you ready to give an

13 update on changes --

14 WEBER: Yeah.

15 CRAMER: -- for the CIP 2019-2020?

16 WEBER: I am. I'll just pull up the report in

17 case anybody has questions. I am battling a

18 bad cold, so I apologize if I sound like I

19 have COVID. Actually, I got tested on

20 Friday. I'm waiting for my results, so I'm

21 pretty sure it's just a cold.

22 So we have worked out a partnership with

23 the senate in the last few years where

24 changes to programs that involve only their

25 CIP codes get processed through my office,

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1 and then I come back to the Senate and tell

2 you what we did.

3 So a CIP is -- stands for the

4 classification of instructional programs.

5 This is the standard way that the federal

6 government matches programs that might have

7 different names across different

8 universities. It's not a restrictive list,

9 so -- and it doesn't -- it's not a list of

10 what's allowed and what's not allowed. It

11 tries to describe the various domains. So we

12 had a lot of activity this year because the

13 Department of Education released the 2020 CIP

14 codes.

15 So prior to June, I guess, is when we

16 made the switch. We were using the codes

17 that were established in 2010. Now we have

18 switched to the codes for 2020. And we had

19 23 programs that changed their CIP codes due

20 to that. So how we did this is that, in my

21 office, we reviewed all of the new and

22 changing CIP codes.

23 If we had a program and a code that was

24 changing, or if we saw something that would

25 match better with a new code, we sent those

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1 lists to each college and asked them to make  
2 a decision and only made any changes at their  
3 request. So we were a little bit more  
4 proactive this year because we had to get us  
5 in line with the new codes.

6 But I'm happy to take questions.

7 CRAMER: Any questions for Annie Weber about the

8 CIP code changes for the last year? Let's

9 see. Davy?

10 JONES: Yes. Annie, was CPE substantively

11 involved with any hands-on here or are they,

12 more or less, letting you mind the backyard?



13 WEBER: They let us mind the backyard. We

14 notified them of our changes so that all of

15 our reporting would go through appropriately,

16 but, yeah.

17 JONES: Okay. Thank you.

18 CRAMER: Any other questions for Annie about the

19 CIP codes? Okay. Well, Annie's report's

20 available with the agenda, so if you want to

21 go through in detail and see what different

22 changes were made, enjoy.

23 Now we're on to new business: Our next

24 item, we have a process for changing the

25 governing regulations of the university where

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1 the changes are proposed to the Board of  
2 Trustees once at a meeting, and then there's  
3 opportunities for different constituencies to  
4 endorse these changes. And then they're  
5 finally adopted by the Board of Trustees at  
6 the next meeting. This is the meeting that  
7 our faculty trustees indicated is happening  
8 later this week.

9 This is, specifically, proposed changes  
10 to Governing Regulations II, which is about  
11 governance of the University of Kentucky. We  
12 have Senior Associate General Counsel, Marcy

13 Deaton. Marcy, do you want to give a brief

14 discussion of what this is?

15 DEATON: Thank you, Aaron. Yeah, so this particular

16 Governing Regulation II has two proposed

17 changes. They have already been to the board

18 and accepted for the first reading as

19 required by our GR XIII.

20 As you mentioned, GR XIII also requires

21 the Staff Senate, University Senate and SJA

22 to have the opportunity to recommend on the

23 proposed provisions prior to final approval,

24 and that's why we're here today. So the

25 first of these two revisions is on page 4.

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1           You all have the PDF in your package?

2 CRAMER:       It should be -- well, I mean, they have

3           it with the agenda. It's linked in the PDF.

4 DEATON:       Okay. Unless you want me to screen-

5           share it, if I know how?

6 CRAMER:       If you want to, you can.

7 DEATON:       Well, I'll try. I don't know how.

8           Okay. Wait. Maybe I do.

9 CRAMER:       Marcy, put it up so we can share, if

10          needed, if there's a specific question that

11          would be -- nope. You've got it. Never

12          mind.

13 DEATON: I've got it.

14 CRAMER: It's there. We're good.

15 DEATON: So the first -- what you're looking at

16 right now is the Board action item that went

17 to the Board in September. So the first

18 change relates to the Kentucky legislature

19 amending KRS 164.131(1)(d) in 2017 so that

20 the governor can remove board members from

21 state universities for cause pursuant to

22 criteria and procedures that are outlined

23 into other -- well, one other KRS in three

24 sections, and that's the KRS 63.080(2),(3)

25 and (4). So what we did for our GR, because

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1 SACS requires us to have a provision about  
2 how board members can be removed, is we  
3 needed to update our reference to the statute  
4 and add the new language that the legislature  
5 added in 2017.

6 So can you all still see my screen?

7 Because I can't see it on there anymore, but  
8 I'm going to go down to page 4 and show you.

9 So what we did -- so we actually just added a  
10 quote from the new revised KRS 164.131, and  
11 there it is in yellow.

12 And because there was discussion at

13 Senate Council, I'll just point out that KRS  
14 63.080, which contains the criteria and  
15 procedures for the governor to remove board  
16 members, clarifies that it only is the  
17 appointed members, not the elected members.

18 So if the governor appoints board members,  
19 these are the statutes that explain how the  
20 governor can remove the members that he or  
21 she appointed.

22 So should I take questions on these  
23 separately, Aaron, or go through the next  
24 part first?

25 CRAMER: Maybe just go through the parts, and

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1           then if -- yeah. I think that's probably --

2 DEATON:       Okay. So that's the first revision.

3           The second one is on page 12, so I will go

4           all the way down there quickly. The reason

5           for this revision is to add a new

6           responsibility of the board, because SACS has

7           added a requirement that the Board conduct a

8           regular self-evaluation, and so this is an

9           entire new No. 12 here in yellow, which says

10          that our board will define and evaluate

11          itself, you know, per SACS.

12          And then if this gets -- once this

13 approved, we hope, in December at that board  
14 meeting, not the one coming up right now in  
15 October, that that will give us time to, at  
16 least, conduct one or maybe two of the board  
17 self-evaluations before our next SACS review.

18 CRAMER: Okay. Are there questions of fact

19 relating to the proposed changes to GR II?

20 Davy Jones.

21 JONES: Marcy, on the first sentence there of 12

22 -- you got it on the screen? "Define and

23 regularly evaluate the Board's

24 responsibilities and expectations." Is it

25 clear here that this means the board's

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1 expectations of itself and not the Board's

2 expectations of the university?

3 DEATON: I would have to go and read the entire

4 SACS Standard for that, but I do have some

5 more information, but just give me a second.

6 I got my other screen up here. Let's see,

7 Davy. I have it -- no, I don't have it down

8 there. Wait a minute. I apologize. Just a

9 second. Okay. The SACS Standard on this --

10 let's see. It asked our board to ask itself,

11 "How are we doing? What are we doing? Are we

12 as effective as a board as we can be?" It's

13 SACS Standard 4.2.g. So I believe it's all  
14 of their responsibilities, what they believe  
15 them to be and what their statutory  
16 responsibilities are.

17 JONES: I think the word "expectations" is our  
18 word here, rather than SACS's word?

19 DEATON: No. I don't have the actual SACS  
20 Standard in front of me, but I would have to  
21 think we used "expectations" if that was a  
22 SACS word.

23 CRAMER: Marcy, can I ask you zoom in, sort of,  
24 as much as you can on the text that you're  
25 focusing on for the senators --



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1 DEATON: Like, make it larger?

2 CRAMER: Yeah. Some of the senators might be

3 having some trouble seeing it.

4 DEATON: Okay. Hold on. Is that better?

5 CRAMER: At least 50 percent better.

6 DEATON: I can make it bigger.

7 JONES: Since this is SACS, is Annie still

8 online? Does she --

9 DEATON: Yeah. If Annie's online, we could see

10 what it -- I'm not sure what the actual SACS

11 (inaudible) is.

12 CRAMER: I was going to call on Annie Weber next,

13           so Annie? Annie, I think you can talk now.

14 WEBER:       How about now?

15 CRAMER:      Yes.

16 WEBER:       Okay. Sorry about that. The exact

17           wording of the standard is, "The governing

18           board defines and regularly evaluates its

19           responsibilities and expectations." So it's

20           referring to the responsibilities of the

21           board and the expectations of the board.

22 CRAMER:      Did you have another comment there,

23           Annie, or was that what --

24 WEBER:       No. I was just going to try to help add

25           to the questions you already had on the

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1 floor.

2 DEATON: Am I speaking?

3 CRAMER: Yes.

4 DEATON: Okay. So I would just say that whenever

5 we possible can, when adding something like

6 this to a GR, like the changed statute on

7 board removal or this new SACS requirement,

8 you know, if we can use the exact language

9 from, you know, a statute or a SACS Standard,

10 we do. So we did.

11 CRAMER: Okay. I have been remiss in reminding

12 people that when they speak, they should

13 state their name and also their college, so

14 I'm getting ready to call on Ken Calvert, who

15 is going to say, "Ken Calvert, College of

16 Engineering," before he speaks. Ken, go.

17 CALVERT: Ken Calvert, College of Engineering, and

18 recognizing the irony of that comment, Aaron.

19 But am I the only one that feels like there's

20 a little bit of a disconnect between the

21 phrase, "regularly evaluate its

22 responsibilities and expectations," and the

23 phrase -- the description, "systematically

24 ask itself how are we doing." I mean, what

25 are those responsibilities and expectations?

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1 Responsibilities is clear. I'm not sure  
2 about expectations, but the second -- the  
3 "how are we doing things" sounds more like  
4 evaluating its performance, which seems like  
5 a different thing to me. I mean, maybe I'm  
6 just being pedantic there, but I just wanted  
7 to bring that up.

8 CRAMER: Marcy, do you have any --

9 DEATON: Well, again, those questions that we  
10 added to the board action item to try to help  
11 explain this requirement are directly from  
12 what SACS has in their guidebook on what



13 we're supposed to answer when we do this  
14 evaluation. So, you know, I -- actually, I  
15 don't see a lot of difference in, you know,  
16 how are we evaluating our "self" performing  
17 our responsibilities. That is how we're  
18 doing, so I don't see much difference there,  
19 personally.

20 CRAMER: Davy Jones.

21 JONES: This is a SACS requirement, and we have  
22 an imminent SACS review coming up, and I  
23 think there was the word "annually" here.  
24 Maybe the two trustees or Annie, is there an  
25 expectation -- an anticipation that there

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1 will be at least one of these things happen

2 before the actual upcoming SACS review?

3 CRAMER: I thought Marcy said that --

4 DEATON: That is our hope, yes. That is the

5 plan.

6 CRAMER: Okay. So given the structure in which

7 we -- the board hears a change to the GR,

8 then the various representative bodies have

9 an opportunity to endorse the changes. And

10 then the board votes, finally, on those

11 changes. What we're being asked to do now is

12 endorse the proposed changes to Governing

13 Regulations II. This is not a motion from  
14 the committee. This is a motion that should  
15 be made by a senator. So if a senator would  
16 like to make this motion now, that would be  
17 in order. Bob Grossman.

18 GROSSMAN: Yes. I so move.

19 CRAMER: Okay. Gail Brion.

20 BRION: Seconded.

21 CRAMER: So we have a motion and a second that  
22 the University Senate endorses the proposed  
23 changes to GR II. Is there any debate on  
24 this motion? Seeing none, then we'll call  
25 for a vote. The motion on the floor is that

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1 the University Senate endorse the proposed  
2 changes to Governing Regulations II. For the  
3 voting senators, raise your hand if you'd  
4 like to vote yes on this motion. Okay. I'm  
5 going to lower all the hands. If you'd like  
6 to vote no on this motion, please raise your  
7 hand.  
8 I'm going to lower the hands. And if  
9 you'd like to abstain on this motion, please  
10 raise your hand. Tell me when you have them.  
11 That motion passes. Thank you, Marcy.  
12 The next item on the agenda is the

13 annual report from the Senate's Advisory  
14 Committee on Privilege and Tenure. Michael  
15 Healy is the chair of this very hardworking  
16 committee. Is Michael set up? I think he's  
17 only presenting audibly. Michael, go ahead  
18 and unmute yourself when you're ready.

19 HEALY: Sorry. Actually, I thought I was on the  
20 whole time. Okay. You know, I'm giving the  
21 2019-2020 report for the Advisory Committee  
22 on Privilege and Tenure. I began work as  
23 chair last summer. I had the good fortune of  
24 being able to meet with Jenny Minier, who had  
25 done this work previously, and she gave me a

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1 good background in what the committee's work

2 is and how it conducts itself.

3 And we ended up having a very busy year,

4 which began when we considered this two cases

5 of dismissal from employment regarding

6 research misconduct. The committee had those

7 cases under consideration through the fall

8 and provided the president with our

9 recommendation at the end of the fall

10 semester.

11 We then had a case involving a potential

12 tenure issue that came up that just involved

13 preliminary discussion, but nothing ever came

14 of that case. No appeal was brought.

15 And then toward the end of the academic

16 year, we had a case involving a claim of

17 potential constructive dismissal of a faculty

18 member that was resolved informally. There

19 was no recommendation from the committee as

20 to that.

21 And then we had a case involving a claim

22 of a violation of privilege. It was a

23 scholar that was ongoing at the time that I

24 submitted my report on behalf of the

25 committee. And I just wanted to -- I did

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1 want to thanks my committee members for the  
2 hard work that they did on this committee  
3 during the academic year. I was honored to  
4 work with Carl Bradley, Christia Brown, Karen  
5 Butler, Brian MacPherson, Kevin Schuer, Kate  
6 Seago, David Silverstein and Greg Smith, who  
7 were excellent colleagues on the committee.

8 And that's, basically, a summary of what  
9 we did during the year.

10 CRAMER: Okay. So I can confirm I've only been,

11 sort of, loosely aware of the committee's

12 work until recently when I had the

13 opportunity to observe some of the  
14 deliberations. They're very thoughtful,  
15 think through issues very carefully, and do  
16 their work in a way that's a credit to us.

17 Any questions from the assembled -- for  
18 the -- go ahead and use the "raise-hand"  
19 feature if you have questions for Michael.  
20 Davy Jones.

21 JONES: Aaron and Michael, have either of you in  
22 the past year been at a vantage point to  
23 know: Has there been an official-called  
24 meeting in the past year of the Senate  
25 hearing panel?

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1 HEALY: I don't know.

2 CRAMER: I don't know of any situation off-hand.

3 I would also guess -- I think Jennifer Bird-

4 Pollan's on here. I don't know if she has

5 any knowledge on --

6 BIRD-POLLAN: I do not think that that committee has

7 met.

8 CRAMER: That was my thought, too. Any other

9 questions for Michael? Okay. Well, I would

10 thank Michael for his continued service on

11 this important committee.

12 HEALY: Thanks.

13 CRAMER: The next -- it's convenient we had  
14 Jennifer already, like, ready to go, because  
15 she's going to be presenting with Martha  
16 Alexander on the next item, which is a report  
17 from the joint Senate Council President  
18 working group on sexual assault and sexual  
19 harassment policies.  
20 This was co-chaired by past Senate  
21 Council Chair, Jennifer Bird-Pollan. Martha  
22 Alexander's title is very long, and I'll get  
23 it wrong, so I'm not going to quite attempt  
24 it. It's related to, specifically, the new  
25 Title VIII Regulations that were released



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1 over the summer from the Department of

2 Education and what the university needed to

3 do to respond to those changes. So,

4 Jennifer, are you speaking first, or do you

5 have --

6 BIRD-POLLAN: Yeah.

7 CRAMER: Do you have slides, or...

8 BIRD-POLLAN: I don't have any slides. I'm just going

9 to talk, so -- and I'm going to do most of

10 the talking today. Martha is here, as are

11 several members of our committee, mainly to,

12 sort of, answer your questions. But we are

13 here to gather your feedback, so thanks to

14 Aaron and the Senate Council for giving us

15 some time today.

16 I'm just going to give you some brief

17 background on where this report comes from.

18 The report was available with your agenda for

19 today. It's a robust and detailed report,

20 but created with a lot of effort and care by

21 the members of this committee. So a little

22 bit of background for those of you who are

23 new to this area: Title IX is the federal

24 statute that prohibits discrimination on the

25 basis of sex and access to education. So

Trisha B. Morley, Court Reporter

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1 many of us knew about Title IX, primarily,  
2 because of the requirement that it made that  
3 women and girls have access to sports. That  
4 was where Title IX got its first prominence.

5 But under the Obama Administration,  
6 there was some specific guidance that  
7 expanded -- not necessarily expanded, but  
8 clarified that Title IX had implications for  
9 universities faced with sexual assault and  
10 sexual harassment on campus.

11 And so the University of Kentucky has an  
12 obligation under Title IX to protect students

13 from these extreme forms of sex  
14 discrimination. Sexual assault and sexual  
15 harassment under Title IX are extreme forms  
16 of sex discrimination. So the university has  
17 an obligation to prevent those from happening  
18 on campus, to do everything it can to prevent  
19 them. And when they're fed allegations of  
20 this kind of discrimination, the university  
21 has an obligation to act.

22 So that's my 5 -- no, 30-second  
23 background on Title IX. You might remember,  
24 if you've been on the Senate for a while,  
25 that this is actually the second committee to

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1 deal with Title IX in the past few years.

2 Some people will remember that back in May of

3 2018 the Senate voted to endorse a new

4 version of Administrative Regulation 6:2,

5 which is our campus sexual assault and sexual

6 harassment policy, which encompasses Title

7 IX. That was the result of, also, about 18

8 months' worth of -- closer to two years worth

9 of effort on the part of that committee,

10 which I also chaired.

11 But, then, Secretary Betsy DeVos of the

12 Department of Education released new federal



13 guidance in November of 2018, so just about

14 six months after we had released our new

15 regulation on UK -- at the UK campus.

16 And so, again, our university needed to

17 be prepared to respond, so in January of 2019

18 we formed this joint working group, which is

19 co-sponsored by the Senate Council and

20 President Capilouto. We had members from

21 representatives of the Staff Senate, the SGA

22 and the Senate. Not necessarily members, but

23 sponsors nominated by those different groups.

24 So we had faculty, staff and students on this

25 committee, and we started meeting in January

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1 of 2019 with the hope and expectation that  
2 the federal guidance would be released  
3 shortly thereafter, but it wasn't actually  
4 released until May of 2020.

5 You probably saw this in the news: Betsy  
6 DeVos released the new Title IX guidance, the  
7 federal regulations in May of 2020 with the  
8 requirement that certain elements of those  
9 new rules be implemented by August 14th of  
10 2020. So great timing in the midst of a  
11 national pandemic and university settings  
12 where most people were off-contract.

13 But, nonetheless, the committee  
14 continued to respect and respond to its  
15 charge, and we met pretty regularly over the  
16 course of this past summer in order closely  
17 review the guidance, the regulations, and  
18 prepare a response.

19 You received an email from President  
20 Capilouto in August which let you know about  
21 a new interim AR 6:2. That went into effect  
22 on August 14th in order to ensure that the  
23 university was in compliance with the  
24 Department of Education Regulations. But the  
25 thing was, there were certain things the

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1 university had to do and had to do those by  
2 August 14th, but there were also several  
3 items that were left up to the discretion of  
4 the university, and that's really why we're  
5 here today. And that's the substance of most  
6 of the memo that was shared with the agenda.  
7 So we had a survey to solicit community  
8 feedback. That survey was open for about 2  
9 1/2 weeks. And we were asking for specific  
10 feedback on the five issues that I'm about to  
11 go over with you: We received about 50  
12 replies, primarily, from students and staff.

13 Some were anonymous, so we don't know who  
14 submitted those. Only about five faculty  
15 replied to the survey, at least who  
16 identified themselves as faculty.

17 And the other thing that the committee  
18 wanted to do was to get formal feedback from  
19 the Staff Senate, the University Senate and  
20 the SGA. So I met with the Staff Senate last  
21 week with Jeff Bosken, who's a staff member  
22 who was on our committee, and on Wednesday  
23 evening, I and a couple of members of our  
24 committee -- the student members and some of  
25 the faculty members will go to a student

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1 senate meeting as well. So I'm going to

2 briefly lay out the five issues.

3 If you read the memo, this is already

4 familiar to you, but just a brief recap for

5 those of you who didn't have a chance: Five

6 issues, four of which, I think, are -- well,

7 the committee came to a universal -- sorry --

8 a unanimous recommendation with respect to --

9 the fifth one is the hard one and the one I'd

10 really like to hear feedback from you that we

11 could share with the president.

12 So the first issue was, should our

13 policy -- which is our Administrative  
14 Regulation 6:2 -- should it be broader than  
15 is required by Title IX?  
16 So we could have one policy in place to  
17 address the claims that are brought under  
18 Title IX, things specifically prohibited by  
19 Title IX. And then a separate policy related  
20 to other prohibited behaviors associated with  
21 sexual harassment and sexual assault. The  
22 committee's view was that dividing the  
23 policies in that way was both confusion and  
24 complicated, and that the recommendation of  
25 the committee -- the unanimous recommendation

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1 was to, again, keep all of our policies

2 related to sexual assault and sexual

3 harassment in the same regulation, even those

4 that went broader than were specifically

5 required by Title IX.

6 The second issue is whether our policy

7 under AR 6:2 should reach further than is

8 required by Title IX with respect to

9 jurisdictional limits. So Title IX does not

10 require that we have a policy that addresses

11 alleged violations that occur off-campus in

12 nonschool-sponsored events.

13           So, for example, in an off-campus  
14           apartment, allegation of sexual assault or  
15           harassment in an off-campus apartment would  
16           not fall under Title IX. It also doesn't  
17           require the policy to apply outside the  
18           United States, like on a study-abroad  
19           program, but the unanimous recommendation,  
20           again, of the committee, was to maintain the  
21           current jurisdictional reach of our policy,  
22           which would include both such scenarios.

23           The third issue is whether or not to  
24           prohibit sexual exploitation under our rule.  
25           The current definition of sexual exploitation

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1 in our regulation is the non-consensual or  
2 abuse -- taking non-consensual or abusive  
3 sexual advantage of another, including  
4 situations in which the conduct does not fall  
5 within the specific definitions of sexual  
6 harassment or sexual assault. It's not  
7 explicitly covered by Title IX. This might  
8 be, for instance, taking photos of someone  
9 without their knowledge, and again, the  
10 committee unanimously recommended that AR 6:2  
11 continue to prohibit sexual exploitation.

12 The fourth and final non-controversial

13 recommendation of the committee has to do  
14 with alternative dispute resolution  
15 strategies. So Title IX -- the new Title IX  
16 guidance does not require that universities  
17 offer alternative dispute resolution options  
18 to people involved in Title IX disputes, but  
19 it permits universities to do that.

20 Our committee unanimously recommended  
21 that UK think about this and explore options  
22 here. We viewed it as, sort of, both beyond  
23 the scope of our committee and also not  
24 possible to do in our time limit to think  
25 about what that would look like in detail,



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1 but we did think that it was something that

2 the university should explore.

3 So the final, and then, I think, in my

4 view and the view of the committee, the most

5 controversial and difficult issue to resolve

6 is the standard of proof question.

7 So currently any hearing under AR 6:2 is

8 operated using a preponderance of the

9 evidence standard, meaning that the hearing

10 panel will determine that with slightly more

11 than 50 percent likelihood the person did or

12 did not commit the alleged act. So that's

13 the standard we've used as long as we've had

14 these hearings.

15 The other option for a standard would be

16 something called the clear and convincing

17 evidence standard, which is generally

18 understood to be closer to 70 or 80 percent

19 certainty that the action did or didn't

20 occur. So it's a much higher burden for the

21 university to prove in order to have a

22 finding of responsibility.

23 Title IX, the new guidance, does not

24 require one or the other of these standards.

25 So it is up to UK to decide which to use.

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1 But the new guidance introduces a more  
2 complicating rule for us, which is that the  
3 new requirements require that all hearings  
4 that determine responsibility for alleged  
5 violations of Title IX use the same standard  
6 of evidence. They all have to use the same  
7 standard of evidence. The reason this raises  
8 an issue for us is that -- well, okay. So  
9 under the current arrangement, if a faculty  
10 member is held responsible in an AR 6:2  
11 hearing, which uses the preponderance of the  
12 evidence standard, one consequence of that

13 might be that the university seeks to

14 terminate that faculty member.

15 If they did that, there are several

16 steps we have in place that would be required

17 following steps with respect to the

18 termination process; one of which is that

19 they would go to Mike Healy's committee, who

20 you just heard from. And the second of which

21 is what Davy Jones just asked about, which is

22 the University Hearing Panel on Privilege and

23 Tenure.

24 So we have a formal hearing process --

25 it's a Senate committee that gets written

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1 into the governing regulations as a  
2 protection for faculty who are being  
3 terminated. The standard of evidence for  
4 that committee is the clear and convincing  
5 standard, which means that built into our  
6 current system is a conflict between the two  
7 standards if the university seeks termination  
8 because of an alleged Title IX violation.

9 The final step for any faculty member  
10 who's being terminated is a hearing in front  
11 of the Board of Trustees. The Board of  
12 Trustees, under state law, have wide



13 discretion about how they do that hearing.

14 And so, again, they could use a higher

15 standard of evidence, which would, again, be

16 in violation of Title IX.

17 So the final step of the memo is to

18 offer to you the five scenarios that our

19 committee came up with as solutions to this

20 problem. Of the five, only two seem workable

21 to us, although we never had a unanimous

22 agreement on which would be best. I'm going

23 to just describe the two that the majority of

24 people thought was a possibility, but again,

25 we did not express preferences between these

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1 two. The first feasible option would be to  
2 change the standard of the termination  
3 proceedings to preponderance of the evidence  
4 in cases where the university was seeking to  
5 terminate a faculty member because of a  
6 finding of responsibility in an AR 6:2  
7 hearing. So that would mean that the  
8 subsequent hearings would all happen with the  
9 preponderance of the evidence standard,  
10 which, again, is a lower standard than is  
11 currently in place.

12 The second option would be to say that

13 in AR 6:2 hearings we distinguish between  
14 hearings where the university seeks  
15 termination of the accused, that meaning  
16 either expulsion of the student from school,  
17 termination of the faculty or staff member.  
18 We distinguish between those kinds of  
19 hearings and hearing with a less-severe  
20 sanction. So hearings that might result in a  
21 student having to have a temporary  
22 suspension, but that they could come back, or  
23 a faculty member on a six-month leave or  
24 something like that, or changes to their work  
25 requirements. And on those -- in those

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1       hearings, the standard would remain the lower

2       standard of preponderance of the evidence.

3             So, and as I said, there were a couple

4       of others that we came up with. We are

5       extremely eager to hear from you if you have

6       alternatives, but I'm also, just generally,

7       eager to hear what your thoughts are. Are

8       committee will meet again, probably in about

9       two weeks, to summarize all that we hear in

10       this meeting and our other two meetings and

11       the feedback we received from the community

12       forum.

13           So I'm happy to talk now, answer  
14           questions or hear your comments, but also,  
15           you can always reach me by email or phone and  
16           I would happily talk to anybody who wants to  
17           talk more about this.

18 ROHR:       Jennifer, this is Jurgen Rohr, College  
19           of Pharmacy. I have a question to Title IX:  
20           How is that affecting, like, events at  
21           football, at regular times? I mean, when  
22           everybody likes these tailgate events, which  
23           are partly on campus, partly not?

24 BIRD-POLLAN:   So the distinction is, is it an  
25           on-campus space or at a university-sponsored

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1 event? So the question will depend on  
2 whether, you know, if the tailgate happens on  
3 campus, on physical campus property, it's  
4 certainly covered by Title IX. If it happens  
5 at a university-sponsored event that's  
6 off-campus, it's also covered by Title IX.  
7 But if it happened at a private event  
8 off-campus, it would not be covered by Title  
9 IX, but under our current policy, the way  
10 it's written, it would still be a prohibited  
11 behavior under our university policy.  
12 So it would still be a violation of AR

13 6:2 and it would still be eligible --

14 eligible is the wrong word. There would

15 still be a hearing if there was an accusation

16 that this had occurred.

17 ROHR: Thank you.

18 CRAMER: Lee Blonder.

19 BLONDER: Yes. Lee Blonder, Faculty Trustee.

20 Jennifer, I believe that the AAUP recommends

21 clear and convincing evidence; are you aware

22 of that?

23 BIRD-POLLAN: Yeah. I think that's right, and I know

24 Davy Jones is on here and he may have -- he

25 actually -- Davy was great over the summer.

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1 He reached out to, sort of, our equivalent at  
2 a number of different universities to ask how  
3 they were handling this.

4 So the AAUP issued a paper where, in  
5 their view, they thought that the subsequent  
6 faculty termination proceedings could have  
7 that higher standard and that that wouldn't  
8 necessarily violate Title IX, even if that  
9 was with a higher standard, and the AR 6:2 or  
10 equivalent hearing happened with a lower  
11 standard. I think that is a live question.

12 I think we don't know how the federal

13 government feels about that. It's, at least,  
14 pushing up against what people -- what the  
15 federal government has issued as guidance to  
16 say that you could have the AR 6:2 hearing  
17 with the preponderance of the evidence and  
18 the termination proceeding with clear and  
19 convincing, but that is the question.

20 The other thing I should say is that --  
21 and Martha can, maybe, help me out here.  
22 It's my understanding that, actually, right  
23 now there are only two universities in the  
24 whole country that use clear and convincing  
25 as the standard of evidence for Title IX

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1       hearings. Martha, are you out there? Can

2       you --

3 ALEXANDER:     I'm here. That was the case before the

4       new regulations became effective. I'm not

5       sure what the status of that is right now. I

6       haven't heard of any changing their standard

7       to be higher than it was.

8 BIRD-POLLAN:    So we knew that before, and obviously,

9       this is all still, sort of, a live question

10       for lots of universities.

11 CRAMER:         Bob Grossman.

12 GROSSMAN:       Yeah, this -- sorry. Bob Grossman, A&S.

13 This idea of changing the standard depending  
14 on whether expulsion or termination is a  
15 possibility versus whether it's not a  
16 possibility, so does -- would this preclude a  
17 finding of responsibility but imposing a  
18 lower penalty than termination or expulsion?  
19 Do you understand my question?

20 BIRD-POLLAN: Well, I do. I think this is, actually

21 -- for those people who did not like this  
22 option, I think this is one of the concerns,  
23 right, is that we'd have to consider how to  
24 create such a policy. Like, would it be the  
25 case that there were multiple sanctions



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1 sought by the university, some of which were  
2 the most severe, and therefore, then also  
3 required the highest standard of proof, some  
4 of which were less severe.

5 I think there is, sort of, a policy  
6 concern here about -- you know, this is a  
7 legislative design question; right? It's a  
8 policy concern about will the university stop  
9 seeking the most severe penalty if they have  
10 to meet that higher threshold? Is that  
11 something we would be okay with or something  
12 we don't want to see happen? You know, is

13       there a way to design it so that there are  
14       multiple options on the table for the hearing  
15       panel to consider? I think, you know, it's,  
16       obviously, much more complicated and more  
17       confusing, I think, for the hearing panelists  
18       and for both complainants and respondents  
19       going through the system to think about  
20       something with a multi-tier standard  
21       associated with that.

22 CRAMER:       Jon?

23 CHAIT:        I have a question, and that is: To me,  
24       if I understand you right, Jennifer, we could  
25       have a situation where a faculty member was

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1 found guilty under Title IX of sexual  
2 harassment or even sexual assault, and yet,  
3 because it was the preponderance of evidence  
4 standard, might not be terminated because the  
5 standard was clear and convincing evidence.  
6 And I think that would be very awkward. I  
7 think that would leave the university an  
8 extraordinarily awkward -- and I think from a  
9 PR standpoint, to me, untenable, but I  
10 suppose that's in the eye of the beholder  
11 position. That -- to turn around -- and it  
12 would sound like somebody, you know, in the

13 minds of the public, got off on a

14 technicality.

15 BIRD-POLLAN: I mean, I think you put your finger on

16 exactly what is concerning about this. Yeah.

17 I'll just say that. Thank you for that.

18 CRAMER: Molly Blasing.

19 BLASING: Molly Blasing, A&S. Jennifer, I am not

20 familiar with how these hearings proceed.

21 Who typically determines what is being

22 sought, termination or otherwise, and are

23 there currently different levels? Is it the

24 person accusing or the university? And I

25 think I'm having trouble understanding if

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1 we're talking about faculty situations or  
2 faculty and student situations as your first  
3 option. Is that higher standard, Board of  
4 Trustees, is that only for faculty  
5 termination but not a student's termination?  
6 So two questions: How does this typically  
7 operate in the hearings, and then could you  
8 clarify for me if we're talking only about  
9 faculty or faculty and students?

10 BIRD-POLLAN: Yeah. So this is the new rule  
11 introduced by the Department of Education,  
12 basically, that you can't have a different



13 standard for faculty than you have for  
14 students. So if a faculty member is accused,  
15 the standard of evidence must be the same as  
16 it would be if a student were accused or a  
17 staff member. And that has always been true  
18 for us at our university. It's always been  
19 preponderance of the evidence, regardless of  
20 who the respondent was.

21 The complainant is the person who has,  
22 sort of, alleged the violation of the policy,  
23 but it's the university who brings the  
24 charge. So in this way, right, it sort of  
25 mirrors the structure of a criminal

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1 proceeding because it's the university, the  
2 state, that sort of says this allegation --  
3 this happened. Here's the evidence. And  
4 it's usually Martha Alexander and her team  
5 who've done the investigation. And then, you  
6 know, maybe I'll turn it over to Martha to  
7 see who actually -- actually, I'm not sure I  
8 know that, who makes the decision to move  
9 forward, but it is a university-level  
10 decision, not a decision of the person who's  
11 made the complaint.

12 ALEXANDER: The decision to move forward and the

13 charges that an individual are charged with

14 are made by the Title IX coordinator.

15 Currently, that's me, but if it were anyone

16 else, it would still be the Title IX

17 coordinator.

18 And the way that that is done is what

19 we're calling the probable cause

20 determination stage, which is after an

21 investigation and then after both parties

22 have responded to a preliminary investigative

23 report. So, based on the facts of that

24 report, the Title IX coordinator is tasked

25 with determining whether there's probable

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1 cause to move the matter forward to a

2 hearing, and at that stage, determines what

3 the appropriate charge is.

4 BIRD-POLLAN: And the one other thing to say about

5 that is, you know, the reason that the

6 problem -- we describe the problem in terms

7 of the faculty termination proceeding is

8 because that's the one that involves a

9 standard that's actually written into the

10 governing regulations. So that's where we'd

11 really have to see if -- whatever happens,

12 something has to change with regard to our

13 policy, because we have a conflict written  
14 into our regulations. Students who are  
15 expelled, or I think we just call it  
16 suspended, they're not eligible for another  
17 hearing, at least as far as I know, after  
18 they're found responsible under a Title IX  
19 hearing or an AR 6:2 hearing.

20 Staff do have another hearing, but the  
21 level of -- I just don't think there's that  
22 much procedure written into the staff  
23 termination hearing proceedings the way there  
24 is for faculty. So that's why the  
25 distinction and the problem is most dramatic

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1 when you think about it in the context of

2 faculty.

3 CRAMER: Richard Charnigo.

4 CHARNIGO: Richard Charnigo, Public Health. It

5 seems like whatever might be done here would

6 have pros and cons, but I would just like to

7 weigh in and say that the idea of a student

8 being expelled or a faculty member being

9 terminated if it were thought there's a 55

10 percent chance the person is guilty, that

11 makes me very uncomfortable. Preponderance

12 of the evidence feels like a very weak

13 standard for a drastic course of action.

14 And, in my own daily life on small matters, I

15 don't like to decide things based on 55

16 percent, for example.

17 The other thing I'll point out: Without

18 making a prediction about the outcome of the

19 election in November and without saying which

20 way one person wants it to go or another

21 person wants it to go, the reality is it is

22 very possible there might be a different

23 administration in a few months. And if

24 that's so, would it make sense, if that

25 happens, to appeal this difficult aspect of

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1 the guidance. And, maybe, if that were  
2 changed, a solution might be found for our  
3 institution that might be preferable to  
4 either option being considered now. Thank  
5 you.

6 BIRD-POLLAN: So that's a very good point, Richard. I

7 mean, I think just maybe I'm state the  
8 complete obvious here, but Department of  
9 Education is an administrative agency, and of  
10 course, the guidance that we had under the  
11 Obama administration is different than the  
12 guidance we have under the Trump

13 administration. We don't know what is coming  
14 down the pike and what that guidance might  
15 look like in the future.

16 And this is the frustration of this job,  
17 right, as I said. We enacted AR 6:2 in June  
18 of 2018, and then it got new guidance in  
19 November. So it's a good point, and I think,  
20 maybe, our committee can make that  
21 recommendation to the president.

22 If a GR is going to be changed, as we  
23 just heard from Marcy, it has to go before  
24 the board twice and it has to come through  
25 Staff Senate, SGA and University Senate. So

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1 if we moved in the direction of the GR  
2 changing, that's a longer-term process.  
3 Obviously, we're not going to be on the  
4 October board meeting. It's earliest at the  
5 December board meeting, and that would only  
6 be the first of two hearings. So, certainly,  
7 before that process was finished, we would  
8 know who the next president would be.

9 So that's a very good point and  
10 something worth remembering. Thanks,  
11 Richard.

12 CRAMER: So I think that Jennifer and Martha

13 would be glad to have any sort of further  
14 comments or anything via email, so please do  
15 that. I think that this is, obviously,  
16 something that affects faculty employment.  
17 It affects how students are regarded and so  
18 forth as well, so please do that. Davy, do  
19 you have one final comment on this?

20 JONES: Yeah. So what is the actual last moment  
21 that people can send comments in? Like, if  
22 we got a college faculty council meeting  
23 coming up next week, is it too late for them  
24 to discuss it and -- when is the actual hard  
25 deadline here for the comments to come in?



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- 1 BIRD-POLLAN: So the survey, the online survey, is
- 2 closed already. I think we're going to hope
- 3 for a faculty -- I'm sorry -- for a committee
- 4 meeting the week of the 26th of October. So
- 5 anything we could get before then, we'll be
- 6 able to inform our final -- what I hope will
- 7 be our final committee meeting. But, you
- 8 know, I think anything people want to send in
- 9 in the next two weeks or so would be
- 10 something we would find a way to share with
- 11 the president as well.
- 12 CRAMER: Okay. So you've got two weeks to send

13 further comments to Jennifer and Martha.  
14 Don't wait. The earlier you can share with  
15 the committee, the working group, the earlier  
16 they can, sort of, consider that and  
17 incorporate it within their recommendations  
18 to the president.

19 All right. The next item: At the last  
20 Senate meeting there were some concerns  
21 raised regarding international faculty, and  
22 so we have the Associate Provost for  
23 Internationalization, Sue Roberts, here to  
24 provide an update on International Center  
25 activities with respect this topic. Sue, I

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1 think when you're set up, you can share your

2 screen. Is she muted still?

3 ROBERT: Okay. Is that --

4 CRAMER: Yep.

5 ROBERT: Can everybody see the one slide, not the

6 presenter -- okay. Great. Thank you,

7 Dr. CRAMER:, and hello everybody. It's good

8 to be with you virtually to give you an

9 update on matters since the issue was raised

10 at the Senate's last meeting regarding what's

11 going on with green card processing for

12 faulty. So if you'll all indulge me, I'll

13 take you through a presentation on what we're

14 doing in this way.

15 So I'll briefly tell you what the

16 International Center does. I'll introduce

17 you to the work of the International Student

18 and Scholar Services team, which is the team

19 that oversees all matters to do with

20 immigration.

21 I'll give you a quick overview of some

22 numbers, tell you a little bit about the

23 current stresses we're under. Not just us,

24 but our international students and faculty

25 colleagues. And then, this is the meat of

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1 it, talk to you about the H-1B Visa to  
2 permanent residency, also known as green card  
3 process. And, specifically, I will tell you  
4 how we have responded to the concerns that  
5 were raised in the Senate meeting last time  
6 you guys met.

7 So really briefly, the International  
8 Center is kind of the hub of organizing  
9 resources to support internationalization at  
10 UK. And we are advised by an international  
11 advisory council of faculty from each of the  
12 colleges.



13           So there's a list of these faculty  
14           representatives on the website, and they are  
15           your, kind of, connection to the  
16           International Center. But you are also free  
17           to directly contact us, of course, with any  
18           concerns or issues.

19           The International Center is made up of  
20           several units. You probably know some of  
21           their work. You may have come across  
22           Education Abroad. You may have worked with  
23           Tim Barnes on some partnership and agreement  
24           issues. You may know about the Confucius  
25           Institutes programs. You may know about the

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1 Global Health Initiative, and you may have  
2 registered your international travel through  
3 the travel registry, which is part of our  
4 International Health Safety and Security  
5 office, which provides support to all UK  
6 traveling students and employees, faculty and  
7 staff.

8 But the issue -- sorry. The matter  
9 about which I'm before you is to do with the  
10 work of the International Student and Scholar  
11 Services Team. And this group of individuals  
12 work with students and faculty and post docs

13 on immigration advising and compliance. They  
14 support international students with an eye to  
15 student success, well-being and retention,  
16 and they put on some intercultural and social  
17 programming.

18 And they support hiring and hosting  
19 scholars, scientists, physicians and a range  
20 of expert individuals that come to campus,  
21 either in a permanent role or temporarily.

22 You know, probably, about our  
23 international students. We have both  
24 undergrads and grads. The gray line here is  
25 graduate and professional students, so you'll

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1 see it's very typical for us to have more  
2 graduate and professional students from  
3 outside the United States than we do  
4 undergraduates from outside the U.S.

5 These are last year's numbers: We're  
6 down about 20 percent in terms of  
7 international students or 15 to 20 percent.

8 You probably know all about the problems of  
9 students getting visas to come to the United  
10 States in time, and also, some travel  
11 restrictions put on, not by the United  
12 States, but by other countries that made

13 travel physically impossible for some of our

14 students.

15 But a number you might -- so here is the

16 183 H-1B faculty and staff. So these are

17 folks who are hired here on this H-1B visa to

18 come and work at UK. And so you'll see in

19 this long list of everything that ISS -- or

20 ISSS, we sometimes call them, does.

21 You'll see that Immigration Services is

22 a major feature of what they do. And they

23 support colleges and departments and other

24 units when it comes to things like hiring

25 international personnel.

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1           So I just want to quickly, probably,  
2           belabor something that you're aware of. The  
3           little clipping here at the bottom of the  
4           slide is actually from yesterday's New York  
5           Times where I don't know if you read the  
6           editorial board's op-ed, but basically, the  
7           headline here says, "Trump's overhaul of  
8           immigration is worse than you think," which  
9           didn't exactly make my day. But, also, made  
10          me not feel so bad for feeling like I'm  
11          living in this horrible situation, right,  
12          dealing with immigration lately.

13           It really is quite -- I'll say serious.

14           It is quite serious. We're living in a time

15           when our government is changing a whole set

16           of rules; some of them very minor; some of

17           them very major, in very short order. Some

18           of them through proposed rules such as the

19           current one that's affecting F&J students and

20           scholars, which you're probably aware of and

21           the deans are aware of, which is very serious

22           and limits what's called the duration of

23           status for students in the U.S., limiting

24           their time to get their degree without it

25           being extended in a complicated way.

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1           And so, from that, which is a proposal  
2           from the Department of Homeland Security, to  
3           others which are already being, actually, put  
4           in as rules, even where there's some kind of  
5           perfunctory comment period that impact H-1Bs,  
6           actually.

7           So it's mostly hitting the tech sector,  
8           so Silicone Valley is really raising a stink  
9           about it, but it's also impacting  
10          universities. So we're fighting -- or, we're  
11          not fighting this. I'm trying to help the  
12          university's external relations figure out

13        how -- what the impacts are of all these  
14        changing regulations.  
15            But, meanwhile, the ISSS team, these are  
16        professionals who work, you know, in the  
17        trenches working with students and faculty  
18        and scholars to keep their visas compliant  
19        with the law to make sure that they're able  
20        to travel home if they need to go home, make  
21        sure -- their work has gotten so complicated  
22        and so politicized, and it's a stressful time  
23        for them. But I say all that because we know  
24        it's also a very stressful time for our  
25        students and our scholars and our faculty

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1 members and staff members who are here on

2 visas of various kinds.

3 So I just want to, kind of, lay the

4 scene a little bit there, but this is a --

5 kind of a convergence of unpleasantness for

6 many, many folks on campus. And our

7 priority, let me just say, is to maintain the

8 legal status of all of our students, staff,

9 faculty and scholars, and their work

10 authorize in the cases where they have those.

11 So that's the number-one priority.

12 So this just gives you a little

13       breakdown of that number of 183 where H-1Bs  
14       at UK are coming from. China and India are  
15       the big ones, just as they are in the country  
16       as a whole and for the whole U.S. economy.  
17       You'll see South Korea, Canada, Spain and  
18       some others. So we have a diverse group of  
19       international faculty. We absolutely know  
20       they're one of the strengths of a research  
21       university.

22       When you're hired as an international  
23       faculty member at UK, typically, there are  
24       many exceptions, right, but typically, you  
25       come on a H-1B visa. That's the, kind of --



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1 the specialist visa, if you'd like. And this  
2 cartoon with the maze here is very accurate,  
3 right? Getting to the green card from an  
4 H-1B is not easy. There are multiple  
5 pathways. There are many options -- or,  
6 there are several possible options.  
7 And, in fact, if you did a search on  
8 Google, Google images for how to get a green  
9 card, you would come up with things that are  
10 kind of real, not cartoons, that are flow  
11 charts that look, actually, kind of like  
12 this, that look like some kind of modern

13 artwork that are -- you know, it's  
14 ridiculously complicated. But getting the  
15 green card is a step towards citizenship and  
16 it's a step -- it is what designates  
17 permanent residency.

18 So I've already said it takes -- there  
19 are several pathways. It's a very  
20 complicated process, and I failed to mention  
21 it takes a long time. So even if you have  
22 access to a, kind of, relatively quick way to  
23 get it, it still takes a long time.

24 Who is responsible for this? Well, the  
25 university, as the employer, is responsible

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1 for the preliminary steps that allow the  
2 faculty member or the employee to apply for a  
3 green card. So it's not that the university  
4 has to go get the green card for the faculty  
5 member. Technically, the university does all  
6 the paperwork in collaboration with the  
7 faculty member or the employee to get to the  
8 point where that employee can apply for his  
9 or her own green card. And the preliminary  
10 steps includes what's called the PERM  
11 application. That, basically, is about  
12 prevailing wage and making sure that the

13 international person is not being hired as  
14 some exploitative low wage. Of course, that  
15 would have the effect of, perhaps, crowding out  
16 of the U.S. citizen for the same position, so  
17 that is the reason for that.

18 And, also, for filing paperwork with  
19 U.S. Customs and Immigration. So it involves  
20 interacting with at least two government  
21 agencies here.

22 After these preliminary steps are done,  
23 can the faculty member file what's called the  
24 I-485 for their permanent residency  
25 application. And, again, that takes a long

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1 time and there are steps involved in there.

2 We do have a graphic, which doesn't show up

3 very effectively on our slide because it's,

4 unfortunately, kind of vertical and not

5 horizontal, but I'm happy to send this along

6 to Sheila and she can send it out to you

7 guys. It breaks down the process, a typical

8 process. There are variations that a faculty

9 member may go through to get a green card.

10 So we, basically, help with these steps here,

11 and then Stage 4 is the -- is, kind of, on

12 the faculty member.



13           So our last Senate meeting I was  
14           actually not at the whole meeting. I had to  
15           leave for a reason. But, anyway, I missed  
16           Senator Oltmann's comments, but I heard about  
17           them, and then I communicated with Chair  
18           Cramer and also with Professor Oltmann  
19           herself about the concerns. So, of course, I  
20           was really worried about the situation that  
21           was being reported to the Senate. So as soon  
22           as we learned of the issue, as soon as I  
23           learned of it, I talked with Elizabeth  
24           Leibach, who is the director of the  
25           International Student Scholar Services team.

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1 And as soon as we figured out what the, kind  
2 of, trigger issues were, we addressed them  
3 immediately. So I hope that we have, at  
4 least, kind of righted the ship in some ways  
5 in terms of the immediate concerns which were  
6 being voiced to Senator Oltmann and, perhaps,  
7 others on the Senate.

8 So we met with college and departmental  
9 staff in A&S and in Communications and  
10 Information, and also in Engineering. If  
11 there were other colleges where there were  
12 impacts that we should've addressed, I would

13 be very pleased to know about them and happy

14 to also address them quickly and clearly.

15 But, at the same time, as we try to

16 mitigate the exact situations that were

17 causing the stress and causing the concerns

18 by the senator, we also began a comprehensive

19 review of all of the preliminary steps and

20 all of the processes and procedures that we

21 undergo. And we've come up with a whole set

22 of changes to those -- we're not throwing

23 everything out and starting again, but we've

24 certainly tweaked them in quite significant

25 ways to make sure that we are making

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1 everything much clearer, making everything  
2 much more transparent, being much more -- or  
3 as clear as we can be about the timeline.  
4 Sometimes we can't be clear, but being as  
5 clear as we can be. And tracking internally  
6 so that we don't, kind of, lose track of any  
7 of these cases, because they're very  
8 complicated and it's really important that  
9 we're on top of them. So that's some of the  
10 steps we've taken.

11 In addition -- sorry. In addition, we,  
12 kind of, took a big step back, and a lot of

13 things this semester have made us, kind of,  
14 recognize how complex and stressful this  
15 experience is, especially for the folks going  
16 through it, right?

17 So it's stressful for the departmental  
18 staff that are helping with the paperwork,  
19 for the chairs who are trying to mentor  
20 these, often, beginning faculty through their  
21 tenure process and their research program,  
22 and all the while, they've got this  
23 immigration issue to deal with.

24 So we are trying to recalibrate, as it  
25 were, all of our communications from this

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1 starting point where we realize the stress  
2 that everybody's undergoing and trying to be  
3 extremely professional, calm, and clear and  
4 supportive in everything that we do to engage  
5 with faculty members, their administrators  
6 and the deans or department chairs or school  
7 heads, whoever it is that's the stakeholder  
8 there.

9 We're also developing programming.  
10 We've always done this a bit, but we're, kind  
11 of, ramping up programming to give  
12 information to stakeholders about options.

13 So sometimes those options are beyond the  
14 university and have to do with immigration  
15 attorneys from outside, so we're bringing in  
16 a leading immigration attorney to help answer  
17 direct questions about options for faculty  
18 members and their departments.

19 And we will be working with faculty  
20 advancement to provide clear information  
21 regarding any tenure and promotion  
22 considerations. There really aren't any in  
23 as much as -- the immigration status is not  
24 connected to tenure and promotion, right? So  
25 it's easy for me to say, but what would be

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1 helpful, I think, for faculty members who are

2 worried about that is to have that clearly

3 stated. So I'm working with my colleague,

4 G.T. Lineberry, to make sure that we're

5 addressing that. That hasn't happened yet.

6 That is happening now.

7 And, lastly, we're setting up one-on-one

8 meetings with Will Arnold, who is the person

9 who handles H-1Bs and with all the

10 administrators who handle green card and H-1B

11 cases. And we're setting -- we're

12 establishing an advisory committee to

13 continuously review this process.

14 So these are people who are engaged in

15 the process to give us feedback all the time,

16 like what we heard about this, what's

17 happening with this, or I ran into this

18 issue, to how did everyone else handle to, to

19 just basically share information and be more

20 communal in our work on this, I guess.

21 So lots of things are going on to try

22 and make this process better, to take

23 seriously the feedback we've received, and

24 especially to respond to these extremely

25 stressful circumstances that we're currently

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1 living in and working in.

2 So thank you for your time. If you have

3 any questions, comments, concerns, feedback,

4 please let me know. And here's my email and

5 my phone number. Thanks, everybody.

6 CRAMER: Are there any questions for Associate

7 Provost Roberts?

8 ROBERTS: And while we're waiting, if I could just

9 add that I so appreciate the Senate's concern

10 about this matter, because a lot of people

11 are kind of oblivious to the strains on our

12 international colleagues, and so I'm very

13 grateful to Professor Oltmann and others for

14 raising concerns with me on this.

15 CRAMER: All right. Well, you have Dr. Roberts'

16 contact information. Certainly, feel free to

17 reach out. I think this is a case where a

18 concern expressed by the Senate -- Shannon

19 Oltmann, do you have a comment?

20 OLTMANN: I was just going to thank Associate

21 Provost Roberts for her quick handling of

22 this and finding effective solutions. I

23 appreciate it.

24 CRAMER: Exactly what I was going to say. Thank

25 you, Shannon Oltmann. Thank you, Sue



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1 Roberts. If you have concerns or comments or  
2 feedback for Sue Roberts, make sure to share  
3 that with her. I'm going to flip back over  
4 to my slides real quick.

5 So now -- let's see. It's about 4:55.

6 This is an opportunity for senators to raise  
7 issues that are not on the agenda. So if you  
8 have any such issues you'd like to bring to  
9 the Senate's attention, now is an opportunity  
10 to do that. Well, seeing none, then, unless  
11 I hear any objections now, we will adjourn.  
12 I'll give you a moment to object if you'd

13        like to object, but otherwise we will be

14        adjourned. Have a great afternoon.

15                \* \* \* \* \*

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Senate Council

October 12, 2020

STATE OF KENTUCKY )

)

COUNTY OF FAYETTE )

I, TRISHA B. MORLEY, the undersigned Notary

Public in and for the State of Kentucky at Large, certify

that at the time and place stated, proceedings were held

via Zoom teleconference, that I transcribed the

proceedings in stenotype, later reduced to computer-aided

transcription under my direction, and that the foregoing

is a true and accurate record of said proceeding.

My commission expires: April 23, 2022.

IN TESTIMONY WHEREOF, I have hereunder set my

hand and seal of office on the 29th day of October, 2020.

Trisha B. Morley, Court Reporter

Notary Public, ID#599770

My commission expires: 4/23/22

Trisha B. Morley, Court Reporter

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