

UNIVERSITY OF KENTUCKY
SENATE COUNCIL MEETING

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December 12, 2005

3:30 P.M.

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SENATE COUNCIL OFFICE
203 MAIN BUILDING OFFICE OF THE CHAIR
LEXINGTON, KENTUCKY

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ERNIE YANARELLA, CHAIR
GIFFORD BLYTON, PARLIAMENTARIAN
SHEILA BROTHERS, ADMINISTRATIVE COORDINATOR
LISA E. HOINKE, CERTIFIED COURT REPORTER

CHAIR: Okay. I'd like to call the December 12th meeting of the University Senate to order. I'm hopeful that we'll have a few additional people coming in who have been, as was I, at the Second Provost Candidate Forum over at the Student Center.

The first order of business is the minutes, I'd like to call for approval of the November 14, 2005 minutes. Are there any corrections that you would like to make?
(NO RESPONSE)

CHAIR: I will take note of the fact that in those minutes the name of the Department of Geology change was not included in those minutes. They have been incorporated into the most recent draft. There being no changes -- other changes indicated, the minutes are approved.

Secondly, I'd like to turn to Davy Jones and ask him if he would indicate the results of the voting for the new Senate Council Members. Davy.

JONES: I'll give you maybe my handout.

CHAIR: Davy, you are rarely at a loss for words.

JONES: Yes. We completed this past week the final round of voting for the three people who will replace the outgoing members of the Senate Council.

The voting, I would say, is a -- I'll preface, was rather close. When it got down to the final slot being filled, and with this instant runoff that we have that you go through the rankings that you -- one, two, three, it got down to three people were within three votes of each other.

Fifty-eight of you did not vote; forty of you did. So a big difference could have been made had the majority of the elected faculty Senators actually participated.

But given that, the three people now who are going to be joining as of January 1 to the Senate Council as your representatives are Anthony Baxter from Engineer, Doug Michael from the College of Law and David Randall from the College of Medicine, and we welcome them.

And we're also very appreciative to the three people whose terms are ending the -- at the end of this month. This will be their last Senate Meeting in that capacity: Ernie Yanarella, Kaveh Tagavi and Mike Cibull.

CHAIR: Thank you.

I'd like to make a personal note of thanks and best wishes to Mike Cibull, the --

our departing Senate Council member. Mike has brought a good deal of interest, perception to his representative status, and I certainly looked for him as a key bell weather of where the Senate Council was going in so many, many issues. So I want to express my thanks to Mike. I hope we'll have -- the Senate Council will have an opportunity at its December 19th meeting to do so personally.

As Senate Council Vice-Chair and Chair, Kaveh Tagavi and I will be remaining on the Senate Council until at least the end of May.

A reminder of the traditional winter holiday reception sponsored by the University and Staff Senates. This has been set for Tuesday, tomorrow, December 13th from 3:30 to 5:30 here in the LexMark Public room. You'll have an opportunity to enjoy some libations and so forth, and some good cheer and conversation with members of the administration and the Board of Trustees. So I would urge you to put this on your academic and social calendar.

We then turn to the next agenda item, and that -- that is the graduate certificate in nursing studies -- if I can get to it.

Okay. This involves the College of Nursing and the Martin School, both of whom are offering to graduate students respective certificates. This compliments the one that was passed by the University Senate a meeting or two ago permitting nursing graduate students to earn a graduate certificate from the Martin School. This one will involve graduate students in nursing to -- this will allow graduate students in the other college to earn a graduate certificate in the other respective institutions. This comes to the Senate with a positive recommendation from the Senate Council.

Would anyone like to speak on behalf of this or in regard to this graduate certificate?

(NO RESPONSE)

CHAIR:

I believe that this was met with little controversy. It was examined with, I think, a fine-tooth comb by the various Senate Council members. We had been told to anticipate this second half coming to the Senate Council and to the Senate and, again, it comes to the Senate with a positive recommendation.

If -- are there any questions in regard to this?

(NO RESPONSE)

CHAIR: There being none, shall we vote?
All those in favor of the motion to approve
this graduate certificate in nursing studies,
please indicate by raising your hand.
(MEMBERS VOTE)

CHAIR: All those opposed?
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: The motion carries.
The next item on our agenda is a
minor and quantitative financial analysis.
Its purpose is to allow students in
mathematics, business and engineering to
obtain specialized knowledge in financial
markets. The Senate Council brings this
proposal to the University Senate, again,
with a positive recommendation.

Is there anyone who would like to
speak on behalf of this motion or to address
any of its issues?
(NO RESPONSE)

CHAIR: If there are no questions, then let
us vote on this one as well. All those in
favor of approving the minor and quantitative
financial analysis please indicate by saying
aye.
(MEMBERS VOTE)

CHAIR: Any opposed?
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: The motion carries.
The fourth agenda item is the
graduate certificate in clinical research
skills. Its purpose is to remove from the
practicum requirement, that is presently a
part of the certificate, any notation of
credit hours or tuition reimbursement.

Effectively, this would make the
three practica courses into culminating or
integrating experiences or major products,
and this would obviate the need for those who
take and complete this requirement to
formally register.

At the Senate Council meeting we
were informed about this and gained I think
clarity on the background on this and the
need for doing so.

If there is anyone who would like
to speak on behalf of this or address any
questions, please do so.
(NO RESPONSE)

CHAIR: There being none -- yes?

GROSSMAN: Bob Grossman, Arts and Sciences.
Just wondering what graduate

certificate or what department comes with this graduate certificate? Where is this from -- this proposal from?

CHAIR: This is in Public Health. Yes. Thank you. Would you like to say a word or two about this?

McKNIGHT: Yeah. Robert McKnight from the College of Public Health. The Administration of the College of Public Health supports this change. We think it is in the best interest of the physicians who are taking this program so that they can complete it in a timely fashion.

CHAIR: Thank you. Does that address your concern?

GROSSMAN: Yes.

CHAIR: Okay. Are there other questions?
(NO RESPONSE)

CHAIR: We now have a willing resource in our midst. Okay. Let's vote, then. All those in favor of making the change in the graduate certificate in Clinical Research Studies and Public Health, please indicate by raising your hand?
(MEMBERS VOTE)

CHAIR: All those opposed?
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: The motion carries.

I'd like to cede the floor over to Mike Cibull who will give you the necessary background and the proposal that relates to agenda Item No. 5, and if I could ask Kaveh Tagavi to stand as Chair for this, please?

TAGAVI: I'm sorry. I'm going to speak against this. I feel I cannot speak against it if I stand --

CIBULL: To seize the podium or not cede the podium.

TAGAVI: Actually I'd like to ask you who is -- if we have a parliamentary question, who is the presiding officer?

CIBULL: We have a parliamentarian to answer any parliamentary questions.

TAGAVI: That's only to resolve the disputes, but the ruling by the presiding officer. I'd like to know who is the presiding officer?

CIBULL: Then I'd say Ernie is.

TAGAVI: We'll I'm asking Ernie.

CHAIR: It would appear that I am in the absence of your willingness to serve as Chair.

TAGAVI: So you are presiding?

CHAIR: I will be presiding.

TAGAVI: Okay.

CHAIR: Mike, if you will continue.

CIBULL: The Senate Council, as you know, is -- needs to elect a new chair. It has to be done this month. In discussions that have taken place over the last, I guess, couple of weeks, the Senate Council discussed what qualities it thought the Senate Council Chair should have. And the importance of those qualities, I think, are paramount now because of the changes that the University is obviously undergoing; curriculum reform at the undergraduate level, the Top 20 Business Plan and how it interfaces with the Strategic Plan and, of course, the search for a new Provost, and once that Provost is appointed the interaction between the Provost and the faculty focus essentially through the Chair of the Senate Council.

The Senate Council felt that the Chair should be a person who is extremely knowledgeable in the workings of the University at all levels, particularly administrative and educational workings of the University.

We felt that -- many of us felt -- not necessarily all, but many of us felt that someone who with a centralist point of view, someone who could bring diverse opinions together would be -- that would be an important quality for the new Senate Council Chair; and, also, someone who is willing to put in the time and effort to do the job, which is an extremely time consuming one; and someone who's not afraid to deal with the administration as it needs to be dealt with but on a cordial collegial level.

Many of us felt that the person who probably best embodied that, that set of qualities, was the current chair, Ernie Yanarella.

We also felt that the term of office for Senate Council Chair is fairly short and frequently the person is just sort of getting comfortable with the job and they have to leave and a new Senate Council Chair is appointed, which puts the Senate at a disadvantage in dealing with the administration and this is not a good time to be at a disadvantage.

Now, we ask that the Senate waive the term limit for the next term; not forever. We're not asking for a permanent dissolution of term limits, but just for the next term, in order that Ernie could be one of the candidates. He certainly is not necessarily going to be the only candidate from the Senate Council. There are other

individuals, who either may want the job or are qualified and may be elected.

But we would like to have the opportunity to consider Ernie Yanarella as a candidate, so we request that the term limit be waived.

CHAIR: The University Senate has an exceptional, perhaps even an unprecedented issue to consider. What is unprecedented about this is not the issue of waiving Senate Rules. There are in the University Senate rules quite clearly stated stipulations on when this could be done.

The Senate Council, in emergency situations, is able to do this particularly when the University Senate is not in session and when a decision and action is needful.

Davy Jones, who serves in some ways as our Chief Archivist may know better than I do about any past precedence relating to this, but the only one that I'm aware of in terms of third term is Professor Weaver, in the past, Davy.

And so this is an important issue that the Senate Council is setting before you. It would have been my preference to step down and allow someone else to Chair this discussion, but in the absence of Senate Rules and my colleague's unwillingness to take the Chair helm, I will stand as Chair.

Are there comments or questions that you would like to raise? Are there responses that anyone would like to make towards this?

Yes. Hans Gesund.

GESUND: You mentioned a waiver, but the Senate Rules don't have a provision for waivers of any rules. They only -- we can change the rules, but we can't waive the rules according to the Senate Rules. I checked.

CHAIR: Davy, would you please respond to the issue of what it is that the Senate Council is requesting and how that stands in relationship to University Senate Rules?

JONES: Just speaking my own opinion in hearing an impromptu clever point, there is no place in the Senate Rules that says, per se, the University Senate may waive a rule. That is correct.

There is a place where the University Senate delegates the authority to waive a rule to the Senate Council, so what one would perhaps argue: The body cannot delegate to a sub-body the authority to do something that it cannot do itself. That -- that's just my own opinion.

CHAIR: Kaveh?

TAGAVI: But, Davy, there is a nuance here. If you are -- you're saying that if we delegate the right to waive the rule to the Senate Council and, therefore, perhaps the Senate Council could then delegate it back to the Senate, and the Senate go ahead -- I understand that. That's a reasonable extension of interpretation of the rules.

But the Senate Council could only waive the rule under emergency situations. So if you kind of transfer this to the Senate Council and then transfer it back, then the emergency would then be part of this. It's that you can only waive this rule as an emergency situation. We haven't even done our election to realize that the person who is going to be chosen is so terrible that this is going to be an emergency situation.

JONES: Perhaps I misspoke. I was not meaning that Senate Council is delegating back to the Senate. What I meant was: The Senate itself must have the authority to waive the Senate Rules just innately in itself or else it would not have the authority to delegate that to the Senate Council. It's not that the Senate Council is giving it back.

Again, this is something implicit that anybody here may disagree with my interpretation.

CHAIR: Jeff Dembo.

DEMBO: On that point, the Senate has, in fact, waived its own rules on a number of occasions. When I was Senate Council Chair, the Senate Council had recommended to the Senate that it consider waiving the 10-day Rule for a late item that was of importance, that was prior to a Spring break or Christmas break, and the Senate did, indeed, elect to waive its own rule.

CHAIR: Bob Grossman.

GROSSMAN: Two things. First of all, with regard to this one point. If the Senate Council does act in an emergency to -- and waives a rule, then at the very next Senate Meeting the Senate must vote whether to approve that action, and it can approve it or disapprove it; and that suggests to me that the Senate has the power to approve or disapprove a waiver of the rules if the Senate Council suggests it, and even if it doesn't.

But, more to the point, I'd like to speak to the substance of this resolution, and I'd like to just reiterate that everything Mike said. Plus, at one point, we

also have a new Senate Council...

(To Ms. Brothers:) I'm sorry, I always forget your job title.

CHAIR: Administrative Coordinator.

GROSSMAN: Administrative Coordinator, and it takes about a year to train an Administrative Coordinator. We were very spoiled to have Rebecca Scott working in that office for several years and she became extremely efficient and good at what she did. And, you know, I have no doubts about Sheila's skill, but it will take her some time to get up to that level of efficiency.

So not only do we have a new Provost coming on board but we also have the new Sheila in place, and it's yet another reason why it makes sense to allow Ernie Yanarella to stand for Senate Council Chair another term.

CHAIR: Yes, sir.

INFANGER: Craig Infanger, Agriculture.

It seems we have a two-part question here. The first part is whether the Senate wants to waive the rules, and we should vote on whether we agree to waive the rules.

And then, secondly, we should address the question about the situation for your position.

CHAIR: Well, I believe that the way in which Mike Cibull framed this, we are only addressing the first and not the second.

The issue of nominations and elections are province of the Senate Council and the Senate Council has not yet made a decision on that.

Mike, am I offering a fair rendition of what you said and what you understand the Senate Council has intended?

CIBULL: Yes. Right, and I think one thing that just came up, I guess we need to put this on the floor in the form of a motion.

CHAIR: Yes.

CIBULL: So I move that the Senate Council waive the term limit for this next term only for the Chair of the Senate Council.

JONES: You said Senate Council. You meant Senate?

CIBULL: The Senate waive --

GROSSMAN: Second.

CIBULL: -- for Chair of the Senate Council.

CHAIR: Yes?

GROSSMAN: Second it.

CHAIR: Okay. A second. Any further discussion on the motion? Kaveh?

TAGAVI: Just for the record, since the question of the rule came up, have you ruled

that this in order? I guess, I'm just interested to know.

CHAIR: Have I ruled --

TAGAVI: That this action is in order?

CHAIR: Yes. By allowing this to continue, I have, yes.

TAGAVI: Because there was a parliamentary inquiry that the Senate cannot waive a rule because it doesn't say it, now you're ruling that we could.

CHAIR: I'm ruling it on the basis of past precedent. Among those that Jeff Dembo has indicated when he was past Senate Council Chair and presiding officer of the Senate.

TAGAVI: So since the rule is already -- can I speak to the motion?

CHAIR: Yes, you may.

TAGAVI: When I was elected Senate Council Member, I made two promises. One of them was to bring to you diversity of opinion of the Senate Council Members to the Senate. Frankly, I don't remember the second one. I'm going to tell you about the first thing. Okay?

For full disclosure, I have been nominated, so has another member, but before we could even vote on this -- before we could even accept or decline this nomination, the process was halted; and now I speak before you.

Rules are rules for a reason. If we can ignore them just because we don't like the end result or we prefer a different result, then why do we call them rules. Let's just call them conveniences that we could ignore as we wish.

Waiving a Six-Day Rule because somebody could not get something in in six days or five days, that's one thing. But waiving such an important rule is another thing. Once you do it -- the rule -- it has already been ruled that we could do it -- I'm not going to belabor that, but one should do it only with a lot of great consideration. Even when Kentucky changed the rule so the governor could succeed himself or herself, it did not affect the sitting governor.

I give you an example, our previous Senate Council Chair, Jeff Dembo, which I thought he was like, the best thing since sliced bread. When his term was over, we just accepted it and we just went on.

Another example is when our previous Board of Trustee wanted to waive the Rule of 65-year-old or some for our president, just think about rules, how you look at the Board of Trustee, and whether you

like it or not.

I am worried. I already spoke about that how my name was nomination before even I could decline or accept. But just think about this seriously before you accept this.

CHAIR: Let me make just one simple statement, and that relates the question of my participation in the discussion that you -- that took place about the qualities of the next Senate Council Chair and about nominations.

I stepped down from the Chair position as -- on the Senate Council and ceded that responsibility over to my Vice-Chair to participate and to oversee the actions that would transpire.

I played no role in this, I made no arguments for or against. I would add only one other piece of information; and, that is, that a number of Senate Council Members inquired of me some weeks and perhaps months ago about my willingness to extend my service to this body and I indicated that I would be willing to do so if other candidates, whom I thought were -- who are on the Senate Council demurred.

They explicitly demurred to me, and as a result I took no action to prevent the Senate Council from deciding in its own wisdom whether or not to take such an auspicious action.

Those of you who know me know that I do not engage in power grabbing behavior. I have been here for 35 years, and I would stack up my University service against almost -- almost anyone, and except for a few folks who I know, who'd suggest I'm humble.

And, Kaveh, I must say that I think what we have here is a clear principle difference, and the only thing that I would take homage about is knowing that -- knowing that Jeff was the best thing since sliced bread. Aside from that --

TAGAVI: At that time he was, and then you came around.

CHAIR: Okay. This is -- this is an important decision. This is a decision that I believe, on my reading of the Senate Rules, this body can take. Since I am here, and I will continue to Chair this.

PEFFER: Sean Peffer, the College of Business.

I keep my head kind of under the radar, so I'm missing something and I know there's a few of us out here wondering this, but the kind of question is: What else is

going on?

We were told basically that we want to waive the rule in order to -- since we have the Top 20 thing coming up, since we've got a new Provost coming in. That's what I heard. That's emergency enough to waive the rule, and I -- I'd like to -- this doesn't have anything to do with you, but we've got clearly a division in the Council going on, something, so I don't know how exactly to ask this, but what's going on that we don't know before we have to vote on whether or not to waive a rule that isn't a minor rule?

I have no problem voting on it, but we -- I don't know if everybody else knows all the nuances of what's going on, but I don't. I don't have a basis of voting right now because what I've heard is politeness, which is good, and I have heard what I've just said. Is that all?

CIBULL: Yeah. That's pretty much all. I mean, what's happened is that after a discussion in the Senate Council of what kind of person we want to lead the Senate Council and the Senate for the next year, the person that we felt -- or many of us felt, not necessarily all -- you are not electing anybody. All you are doing is allowing Ernie to be nominated. Kaveh, will -- I guess, has been nominated, although I don't think -- he could be nominated, and whoever else is on the Senate Council who will be serving --

TAGAVI: There are two people who have been nominated.

CIBULL: They'll still be nominated, and then a vote will be taken and whoever gets the most votes will win. It's as simple as that.

I think the discussion we had -- there are other members of the Senate Council here that I think they ought to speak to your -- because from my standpoint there is nothing going on in the background. They have no ulterior motive. I will be off the Senate Council, thank God.

(INAUDIBLE COMMENT)

CIBULL: I don't have the qualities that it takes to be the Senate Council Chair. It would be a disservice to the Senate.

CHAIR: Judith?

LESNAW: Judith Lesnaw. Biology.

I am a member of the Senate Council, and I would like to speak to your question and I would like to speak to some of Kaveh's remarks as well.

What was going on in the Senate Council, and you'll see a bit of this in the

next item of business, was our deep commitment to this institution and our realization that -- it's not -- I think, emergency or crisis, that those words are too strong, but I, being the optimist I have always been, I prefer to look at this as a great opportunity for us.

We were extremely concerned about the position of the Senate Council Chair, and we had many very, very provocative deliberations, all of which -- for all of which Ernie did recuse himself from the room.

And many of us, though obviously not all of us -- so this was not unanimous, felt that it was critically important for us to realize our dream of seizing this moment; to have someone with the qualities that Mike so well articulated and in our view, there was one person who had been doing this beautifully and who we really felt could do the best job.

And so we came up against this wall on the two term, and we come to you, our colleagues, for help in waiving this rule for this time, and perhaps in the future I think it would be very appropriate for the Senate to look at this rule with respect to the duration of a term for all the reasons that have been articulated.

But we're asking for help to waive this rule one time, to permit us to have Ernie Yanarella in the pool so that those of us who feel this is a very important choice can proceed. That's what was going on.

CHAIR: Kaveh.

TAGAVI: I'd like to speak to the last colleague's view. There are so many positions that have limitations. Senate Council members cannot succeed themselves.

When my colleague, Ernie Bailey's term was finished, I was mourning the fact that he was leaving, you know. I wished we could waive the rule, but I never thought about it.

A lot of us have chaired, and in this University, chair is -- we appoint one time; a lot of times you get some, you know, urgency and the term is not possible, although my department has a third-term chair as we speak.

There are many other rules, regarding succession. Some of these protect us.

If we as an institution for something which is less than -- I don't know the historical reason. Maybe Davy knows the historical reason. Maybe Davy could tell us.

None of the nine wanted to be Senate Council Chair, and then we have to wait to vote -- or the eight.

But many of these rules protect us. How can we complain to the administration the next time they want to waive a rule that we think it should be there and it's there to protect us. I want you to think about that.

When you do this, we lose our moral high ground to say, hey, you cannot waive rule.

CHAIR: Other comments? Horace Bartilow?

BARTILOW: Political Science. I understand the colleagues that -- what is going on in the background, but it just seems to me that this debate about waiving the rules or not is a fear of the incumbent, right -- so the incumbency fact -- that the incumbent might have some advantage that others don't have. And correct me if I'm wrong, waiving the rules does not preclude any one from putting themselves up for consideration; right?

CHAIR: That's correct.

BARTILOW: So any debate concerned about the rules must -- is really in the sense that others might feel disadvantaged by the incumbent, when that is really not a basis for really requesting whether or not the rules should be waived or not.

CHAIR: Davy Jones.

JONES: Several things. Somebody asked a little bit of history. The Senate Council was formed in 1962. At that time, the first Senate Council chair was -- from what is now the Biology Department, a microbiologist named Ralph Weaver. He served three years and after that, it's been one year ever since except for the provision four or five years ago for a possible second year. But other than that, it's always been one year. That's one comment.

The second comment I want to make is -- and I'll preface it with that I'm going to vote for this waiver, but I want the minutes to record my strong disagreement with the characterizations that two persons have made about the degree to which the Senate Council discussion wanted to put this before the Senate because -- and this is -- this is what's implicit, there's only one person on the Senate Council who has those qualifications that were stated.

There were a minority of members of the Senate Council who articulated that. A majority of Senate Council Members, in fact, I think it was unanimous, agreed the decision should come here to waive the rule as opposed

to looking like a little in-house operation in the Senate Council.

So I do not -- you know, I strongly oppose something creeping into the -- to the voting here that the reason to vote for this is because the majority of the Senate Council has already determined there's only one person who fits these qualifications. A majority of the Senate Council has not stated that, and that is not why it's here and I'm going to vote for this.

CHAIR: In about five minutes this will be regarded as a historic debate. I hate to preside over historical debates, especially if they implicate me. So we have -- let's limit this to two more comments. Jeff Dembo and Hans Gesund.

DEMBO: There's a lot of other things on the agenda. I want to take just one minute.

The role of the Senate Council Chair is many fold. One of them is a manager of an office, working with personnel to do the day-to-day administrative functions of the academics at the University. The second is to conduct the business of the Senate in all its respects ensuring that the committees work well. But there's a third and unstated part of the Senate Council Chair's role, and that is the rapport and relationships that develop by the communication between the elected faculty body and the administration of the University.

It takes at a least a year, in my personal experience, to manage and to nurture those kinds of relationships.

This is a critical coming year for this University, in my opinion, for the reasons stated. We are looking at whether we are, in fact, going to be Top 20; we're looking at a new Provost, who also has to get off to a running start, hopefully with good communication with the elected faculty body of the University.

There's been a significant initiative in undergrad -- approving undergraduate education and, as was mentioned, the Senate Council administrative staff in the office.

So for those four reasons I believe that there are reasons -- significant reasons to consider approving this motion.

CHAIR: Hans Gesund.

GESUND: I have no objection to the Senate changing its rules to permit the Senate Council to do whatever seems best for the University.

However, I would like the

Parliamentarian to rule whether we can waive a Senate -- whether we can waive something when there is no provision for us waiving anything.

The Senate Rules do not contain any provision for waivers of the rules. They do contain provisions for changing rules, and I'm all in favor of changing the rule right now if necessary. I'm not in favor of introducing a new concept of waiving rules. That's -- that's my only problem.

I realize the Senate Council is the one that should be electing its Chair, and that's fine. But I am a stickler for rules, and the Senate rules do not permit waivers.

So if we -- if the motion has to be made that we change the Senate rules to permit a waiver, then if somebody will second that, we can vote that, then everything can go forward as you please. But right now we're out of order.

CHAIR: I have already ruled that this is within the purview of the Senate. I would like to call for a vote on the motion that is on the floor.

INFANGER: Parliamentary inquiry. Is there a quorum present?

SOHNER: There are 44 people, and then some people came in and didn't sign --

INFANGER: Is that a quorum?

SOHNER: -- I don't know who they are.

INFANGER: Is that a quorum?

CHAIR: That is a quorum. Yes. A quorum is 45 and there were at least four other people who arrived a little bit later. Here comes 45 right now. We now have 45 people. We have a quorum.

All those in favor of the motion please indicate by raising your hand.

SOHNER: Do you want me to count this?

CHAIR: Please do.

(MEMBERS VOTE)

CHAIR: Twenty-five in favor. All those opposed?

(MEMBERS VOTE)

CHAIR: Eighteen opposed. Are there any abstentions?

(MEMBERS VOTE)

CHAIR: Four abstentions.

The motion carries, and the Senate Council will be allowed to conduct it's business at the December 19th meeting in regard to nominations and election of officers.

Could we now turn --

TAGAVI: Could you tell us the votes one more time, please?

CHAIR: Twenty-five, eighteen and four; is that correct?

SOHNER: Yeah, 25, 18 --

CHAIR: Twenty-five, eighteen and four.

TAGAVI: Thank you.

CHAIR: I thank the Senate for undertaking this auspicious business.

Okay. Could we turn now to agenda item 6, proposed statement on Top 20 Business Plan.

Specifically, the Senate Council moves the following to the Senate: That the Senate -- pardon me, that the University Senate go on record as urging that the Top 20 Business Plan and New Strategic Plan be reconciled and that that process occur through close interaction between the University Senate and the administration.

If I could say a word or two about the background, and then perhaps turn to Judith Lesnaw for any additional comments she might wish to make since it was her motion that was brought before the Senate Council.

The Senate Council felt it incumbent upon itself at its last Senate Council meeting to discuss the Top 20 Business Plan and to consider the pluses and minuses of it and, as well, to look at it in light of its imminent consideration by the Board of Trustees.

I thought a very open, a very frank, a very healthy discussion ensued. If this is -- and, if this is correct, my own judgment was that the Senate Council felt that while additional opportunities for airing concerns and questions might have been preferred, that the bottom line was that the Senate Council accepted the reality of -- that the business -- Top 20 Business Plan would go forward and that, therefore, this motion which had -- which to bring before the Senate, was intended to underline the single importance of the implementation phase of a Top 20 Business Plan and, in particular, the Strategic Plan process that will be undertaken as early as this spring; that those things be reconciled recognizing the important role and voice of the faculty and, in particular, the University Senate in assisting in the articulation and the specification of those things that would -- might emanate from the Top 20 Business Plan, especially as it relates to the New Strategic Plan.

Judith, you were the originator of this motion. Please add or detract from that I've said.

LESNAW: I'll just second everything that you said. In fact, this is a very bold step that our institution has taken, who right now is unique in our country. Again, I see this as just a wonderful opportunity for us to get some help realizing our academic dreams.

And so the purpose of this motion is really to ensure that the faculty exercises its mandate to reconcile this Business Plan with our academic strategy.

CHAIR: Okay. We have a motion on the floor? Are there comments that others would like others would like to make with regard to it? Is there any unclarity as to the rationale here?

GROSSMAN: Bob Grossman, Arts and Sciences.

Just in my view another reason for bringing this to the Senate is that the Board of Trustees is voting on this Top 20 Business Plan tomorrow, and there has not yet been any statement from the University faculty as a whole on its opinion on this.

So in a way the purpose of this motion is to signal to the Board of Trustees not that we are for the Top 20 Business Plan or against the Top 20 Business Plan because we haven't really been asked to look at that, but simply that we intend to have a prominent role in how the Business Plan unfolds in the academic arena.

CHAIR: Other comments? Kaveh Tagavi.

TAGAVI: Let me find it. I think there was an earlier -- later version that was sent when you sent that version, which I didn't...

JONES: I believe that this would have been the latest version.

TAGAVI: Oh, okay. The one in the handout is not --

JONES: That is correct.

CHAIR: Any other comments or questions?
(NO RESPONSE)

CHAIR: Let's proceed to vote then. All those in favor of the motion that would put the University Senate on record as urging these things, please indicate by raising your hand.
(MEMBERS VOTE)

CHAIR: All those opposed?
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: That motion carries.

JONES: Dr. Yanarella?

CHAIR: Yes.

JONES: I just want to make a comment. Our two trustees who are here, can you be sure to relay this to the Board tomorrow?

MOORE: We will. In fact, we've already alerted our Board Chairman that this might be coming, so he's well aware of it.

CHAIR: Will this also be going to the Academic Affairs Committee prior to that?

MOORE: Yes.

CHAIR: The Senate Council had urged that you place this on the docket on the assumption that the University Senate were to endorse this. Thank you.

We now turn to our, in some ways, our major action item, the Academic Offenses Policy Report and its recommendations, and I'd like to go to Bob Grossman, the Committee Chair.

I would -- before he comes to the floor let me indicate that the Senate Council action is -- comes in two parts and with a positive recommendation for each. Please enlighten us.

GROSSMAN: Okay. We had this item up for discussion last time, and I just wanted to reiterate some of the reasons why we have this proposal coming before us.

The Academic Offenses Committee and many people around the University feel that we need a new Academic Offenses Policy largely because the minimum penalty of E for an offense, regardless of what it is and the circumstances, is too harsh.

The partly -- I think that is the major reason why, but it's certainly true that the current rules are widely ignored by many instructors and -- and as a result there are number of ramifications of that that cause problems, the most serious of which is that because informal penalties can't be reported, there's no way of knowing whether someone is a repeat offender, if they've been punished in several different classes with these sub-minimum penalties.

I know that in several departments it's standard order for an instructor, when they suspect a student of cheating, to go around asking other people in the department whether that student has been suspected previously, to know whether they should impose a harsh punishment or a fairly lenient punishment.

Because sub-minimum punishments are being offered, you have very widely disparate penalties for similar offenses in different classes, just depending on whether someone follows the rules or does not follow the rules.

And, frankly, I'm quite surprised that there hasn't been a lawsuit yet saying

that a student's due-process rights were violated.

So for those reasons, we've come up with a new proposal and Ernie mentioned that the proposals come forward with a recommendation and I just would like to add too, that much to my surprise and delight it was a unanimous recommendation from the Senate Council that the proposal, as it's presented to you now, be approved.

The first -- the first change is that there will now be a minimum penalty of zero on an assignment for a first offense. The last time this was brought to you we had no minimum penalty, but there is -- will now be a minimum penalty of zero on the assignment for the first offense.

An additional penalty of extra work, a reduced letter grade or an E or an F in the class, as appropriate, may be imposed by the instructor if, in the instructor's judgment, that is warranted.

Up to the E or the F it is just the judgment of the instructor. The instructor can ask the Chair for advice, but it's left up to the instructor to decide what is the appropriate penalty.

The student's right of appeal is preserved in that case. If the -- if the -- if the penalty is no more than get a zero on the assignment because you cheated or plagiarized, the student can still appeal that finding of an academic offense.

I should mention, the language in the -- in your packet, there's also a paragraph offering some guidance that if you see an action that you may construe as an offense, but you think it's so slight or inconsequential that you don't think it warrants even a zero on the assignment, then it's not -- you can just not consider it an offense. You can say, well, you didn't follow this rule about constructing your essay, about referencing, whatever, and so I'm going to reduce your grade on this assignment, but it won't count as an academic offense. So there's still that leeway for the instructor, except it won't count as an academic offense.

If you decide this is cheating or this is plagiarism, the minimum penalty is zero on the assignment.

If there is a subsequent offense, then the minimum penalty is E and the third offense requires a minimum penalty of suspension. And we have added this: A new XE punishment to -- as an option between E

and suspension.

If the -- if an instructor believes that a particular offense was so severe that even an E isn't enough, the instructor can propose an XE be imposed. That requires the approval of the Chair, and then the Dean has to approve it also.

Appeals. This is one area that has changed, also, since last time you saw it. We now -- we know -- we removed the grossly disproportionate clause that was causing some controversy, and what we have now have is that all offenses and all penalties may be appealed to the University Appeals Board.

However, if a student says, yes, I cheated and the punishment is E or less and the student says, that's too harsh, the student wants to appeal that penalty, they must go through the Ombud and the Ombud writes a merit or no-merit letter saying whether they feel that the University Appeal -- that the appeal of the punishment has merit or no merit.

This is similar to what happens right now for grade appeals. If I give a student a C in a class and the student feels that that grade was unfairly imposed; that their class average is actually a B, but I had it out for that student, and I gave them a C instead, they can appeal that grade. First, they go to the Ombud's office and Ombud decides whether their appeal has merit. So we're doing exactly the same thing for these sub-minimum penal -- or sub-E penalties.

After the Ombud writes the letter, the Appeals Board, if the -- if the Ombud decides that the appeal has no -- has insufficient merit, the Appeals Board may refuse to hear the case. If the Ombud decides the appeal does have sufficient merit, then the Appeals Board can hear the case.

And for those of us who were opposite sides of the grossly disproportionate discussion, this formula here satisfied our concern; at least, I can speak for myself, I felt there was a need to have some barrier to frivolous appeals and I think this provides that barrier, to keep the instructor from being nicked and dined to death by students, who have nothing to lose by appealing a minor penalty.

We did keep a provision that if the University Appeals Board takes action that is against the decision of instructor, that they will provide a rationale to that instructor.

It's up to the Chair of the Appeals Board whether that should be in written form or in oral form, but we felt this was an important provision to educate the instructors on the reasons for the Appeals Board's decisions.

If the instructor is doing something out of bounds or wrong, it's important to get that feedback back to the instructor.

Changes to Transcript Notation Policy. We're now not talking about a University record, we're talking about the transcript; the thing that goes out to the outside world.

Currently, if you are suspended or dismissed or expelled for an academic offense it's indicated on the transcript, and the phrase "for an academic offense" is removed from your transcript after three years automatically. It still says you were suspended, but it doesn't say why.

The proposed rule is that suspension, dismissal, expulsion all remain on the transcript permanently.

Now, the second part that Ernie was referring to has to do with this thing I put in blue here about petitions. One of the -- the two university -- our two benchmarks that have an XE penalty, have provisions to petition a body, and our equivalent would be the University Appeals Board, to change the XE back to an E after some time has passed, after the student has kept his or her nose clean; and usually after they take some ethics course, okay, which will presumably teach them how to be ethical person which, of course, they hadn't learned by the time they were 18 or older.

So originally our committee included such a provision, but -- I guess the best way to phrase this is that the Senate Council, I believe, on a whole, feels that this is no longer a necessary or desirable provision to have in the rules.

However, the -- sort of the permanency of having XE, suspension, dismissal marked on the transcript may scare some people, and so we didn't want the whole proposal to go down based on this one aspect of it.

So we were including this provision as an option for the Senate to choose to include in the policy. Although, as I said, I believe it is the sense of the Senate Council that we shouldn't include this; that there are enough -- there are enough checks and balances in the system to make sure that

if a student gets an XE or a suspension for an academic offense, it is well deserved and should remain on the transcript.

This was the point of view, I believe, of our student representatives on the Council also; is that right?

JARVIS: Yes.

GROSSMAN:

Okay. Changes to jurisdiction. The question was raised last time about the case of PTIs and lecturers and teaching assistants, and after some discussion we decided that we would adopt a policy where faculty employees of the University, which includes instructors and lecturers and PTIs, or part-time instructors, would have the authority to impose academic offenses, but people who are teaching classes who are not faculty employees, and that includes teaching assistants, would not have the authority to impose penalties for academic offenses. And in those cases -- in the case of teaching assistants, primarily, the authority for imposing an academic offense reverts to the person who signs the grade report, and if that person doesn't differ from a teaching assistant then it goes to the Chair.

And we also did a little bit tweaking about the business of if the instructor is also a Chair or a Dean or a Provost, and you can see at the bottom there what -- what decision we made there.

Several people have spoken to me about the need for more discussion around the University about how to enforce academic offenses and create a culture where people police themselves, educate people, to focus some on the prevention side.

That wasn't the scope of our Committee, but it certainly is an important part of any University work and -- and so these are just some thoughts that I leave you with that -- they're just my thoughts, not -- they're not official -- officially from the Committee or the Senate Council or anything but they are things that we might want to think about in the future if you choose to pass these new regulations.

Thank you.

CHAIR:

Bob, if you would stay so you will be able to manipulate your PowerPoint in the event that there are specific questions.

The floor is open for discussion on the -- there are two -- technically two motions on the floor. One is the recommendation against petitions, as outlined by Bob, and the second relates to a motion

that positively recommends approval of the entire proposal.

This is a matter that has been in gestation for over a year, a year and a half. And indeed, my predecessor, Jeff Dembo, and Bob Grossman began initial conversations about this during the last half year of Jeff's administration in the Senate Council Chair position. This has gone through a very careful and very laborious process. As Bob indicates, it was -- the recommendation for the entire proposal was a unanimous recommendation.

You have had two opportunities to discuss this. There have been, in addition, other opportunities on the Web for Senators and faculty members to bring their concerns to the Committee and to the Senate Council. We are now at a point where the Senate Council has weighed in with a unanimous recommendation for this.

Are there comments, questions? Jeannine and then Hans Gesund.

BLACKWELL: Just an inquiry. When would this go into affect if it were to pass? Is it immediate or is it the next time there's a printing of the Student Rights and Responsibilities?

CHAIR: That, I assume, would be a decision on the part of the University Senate. Is there an understanding, Bob, as to your Committee's plan on putting this forward?

GROSSMAN: You know, that thought occurred to me about 2:00 in the morning sometime this weekend.

JONES: Unless the Senate provides otherwise, it's effective upon approval.

GROSSMAN: My guess is it should -- well, my preference would be it should go into effect either for the winter intercession or for the spring semester, but -- unless there's a countervailing argument why it should not be so.

BLACKWELL: I've got two cases on my blackboard.

CHAIR: Hans Gesund.

GESUND: We have Professor Fink, who is Chairman of the Appeals Board here. We'd like to know what he thinks of the proposal before we vote.

FINK: Thank you, Hans.

I think it's very complex. It's going to be very difficult to explain to students so that they know exactly what their rights are. I think it's a great improvement over some of the earlier drafts, but I would view this explaining this to students as a

real challenge.

CHAIR: Sean Peffer.

PEFFER: I just have one comment about when it goes in. I don't know how this is, but I've always been told that whether or not my syllabus is my contract between myself and my student -- I had my students -- or my syllabus already done up for next -- whatever.

I think this needs to come out in enough time that we can amend our syllabi in order to incorporate this, I think, so that we're not caught between we have one legal contract with the student, syllabus -- I don't even know if it's legal -- and we have this one here and they butt up against. So just for the time about putting it in, we need some lead time. We can't vote on it and have it tomorrow.

GROSSMAN: Well, if you like, you can make a motion about when you think it should go into effect. Or you can offer an amendment to the proposal, I guess, saying when you think it should go into effect.

JARVIS: Danielle Jarvis. I'm a Student Government Senator from the College of Communications, and I serve on the Senate Council along with two other students who couldn't be here today. I have a comment and a question.

My comment is that as Dr. Grossman indicated earlier, the students that I talked to really do support this proposal although some aspects are harsher on the student. I guess, the one I'm thinking about is the fact that you can't petition for the XE to be converted to a regular E. We talked about this in Senate Council that this was a concern for students applying to graduate schools or law schools or medical schools, and every -- most of those applications ask you have you ever been suspected or accused of an academic offense. And if we're going to assume that that student's going to be honest, they're going to have to explain that at that point anyway.

We didn't think that we should give them the option of pretending it never happened by expunging that from their record after a certain amount of time.

As Dr. Grossman indicated, it's -- if it was a serious enough offense to warrant an XE or a suspension, it should stay on their record. That's how I feel and that's how most of the students that I talked to felt.

A question I was asked by a Senate

Council student, Becky Ellingsworth, she couldn't be here today, and she asked me this past week to raise the point of would it be possible to have the students be able to ask for a written explanation of the University Appeals Board's decision as well. This is something that we hadn't talked about when I was there, and I would welcome if anyone has any comments or things that would be appropriate. I just wanted to raise that question, if that would be possible.

CHAIR: Yes, Janet?

ELDRED: I had an Appeals Board question as well.

MS. BROTHERS: Excuse me. Your last name, please?

ELDRED: Oh, Janet Eldred, English.

Are faculty required to attend the Appeals Board Hearing?

UNIDENTIFIED: No.

FINK: No.

ELDRED: No.

FINK: They're encouraged to. They're encouraged to, but they're not -- we have no power to force them. They're encourage to.

GROSSMAN: I guess there are two Appeal's Board things that have come up, and I guess an avenue of procedural issues about the Appeals Board, and I guess our Committee felt like we should tread very lightly where it came to the internal workings of the Appeals Board.

And so, you know, these sorts of issues that you bring up maybe could be addressed to Joe Fink, his suggestions, and more than our Committee. We wanted to focus more on the official University Offenses Policy.

ELDRED: I'm sorry. I'm voting for. I just wondered if, in fact, instructors had to attend. I was worried about the PTI contract and what that would mean for them. That was the only reason I raised the question.

CHAIR: Richard, do you want to --

GREISSMAN: Sure.

CHAIR: -- add a follow-up comment?

GREISSMAN: Excuse me. I had to step out a second, so I don't know if it's been addressed. Have we addressed satisfactorily the issue of effective date?

UNIDENTIFIED: No.

UNIDENTIFIED: No.

CHAIR: No, we have not. There has not been a motion put forth -- or amendment forth on that.

GREISSMAN: May I comment then?

CHAIR: Sure.

GREISSMAN: I think precisely because this has

been a huge undertaking, as you mentioned, a year and half, and because it is a significant shift, we should see the Spring 2006 semester as a semester in which we have that educative charge to educate faculty and students about the new policy, and it takes effect the Fall of 2006 semester. Anything else that's earlier would be so premature in terms of just fairness; to make sure everyone understands the new policy in all its intricacy --

UNIDENTIFIED: Fall of 2006?

GREISSMAN: Yeah. Fall of 2006 ensures that it's fair time for faculty and students to make sense of it, and that goes into effect with a clear sense of fair warning too.

CHAIR: The chair is still waiting for an amendment.

WALDHART: I so move.

CHAIR: Enid Waldhart is making an amendment.

ELDRED: Communication.

I move that we make this effective in the Fall 2006 using the time prior to that to make students and faculty aware of the changes.

INFANGER: Second the motion.

CHAIR: A friendly amendment or --

ELDRED: Friendly.

CHAIR: Friendly amendment.

GROSSMAN: Sure.

CHAIR: You're being lobbied here.

GROSSMAN: Would anyone like to second it?

UNIDENTIFIED: He seconded it back there.

CHAIR: He seconded it.

GROSSMAN: But it doesn't matter --

CHAIR: Yes. Please identify yourself.

CALVERT: Ken Calvert from Engineering.

I'm going to vote for this. I think it's a big improvement, and I'm sure that the question I'm going to ask has probably come up at some time in the last year and a half.

I think we really need guidance on the egregious offense thing, because the way I understand -- if I understand it correctly, a student who is looking at an E in a course essentially has nothing to lose by cheating on, say, their final project or something. Is that -- is that true? Did that come up before and what's the response to that?

GROSSMAN: A student who's at looking at failing has nothing to lose by cheating, and so if you catch them should -- in your mind, should it be an especially egregious offense?

CALVERT: Should that be an option, yes.

GROSSMAN:

Your question, one, it goes to the question of guidelines, as to what are appropriate offenses -- what are appropriate penalties for certain offenses and circumstances -- under what circumstances might a particular action be considered warranting this penalty or that penalty, and the reason why our Committee took such a strong stand that this should be left to the discretion of the instructor was because it is impossible to elaborate on all the different circumstances that could possibly be occurring in the particular individual circumstance.

And so -- but what we -- the reason you see -- the formulation of -- the reason you see this formulation before you, that the XE requires that there be approval up the line is because the XE is something that goes on the transcript and it has ramifications beyond just the course.

Now if -- so if you feel that -- that a particular cheating offense was made with full knowledge that it was cheating and it was just an attempt by the student to avoid the consequences of not doing what was required to pass the course, and in your mind that is egregious -- I mean, in my mind it would be egregious, but I'm not going to tell you what your mind should be. But it seems to me that that's a good case that, yes, this is egregious. Again, I -- I don't want to prescribe what should be what.

CHAIR: All right. Kaveh, do you want to address this or Mike, and then Kaveh.

CIBULL: As I read this -- and maybe -- correct me if I'm wrong, these are minimum penalties. You can set penalties greater than this at your discretion. That's -- that's one of the strengths of this, is that it allows you the flexibility to go up if you feel the need to go up. I think that -- that answers your question, doesn't it?

CALVERT: Well, but as I understand it the only thing up from getting an E in the course is getting an XE.

CIBULL: No, suspension, expulsion, capital punishment.

CHAIR: I assert the Chair's prerogative to exclude the last comment.

Kaveh.

TAGAVI: Let me just make one quick comment. I think we're going to pass at least a version of this, and I'm assuming the version that we're voting right now is the version that says, notation on transcript goes on your transcript forever, so I want to speak

to that.

I don't agree with my colleague that majority or a lot of professors violate the rules or do the going around and asking people who has cheated and whatnot.

I have never done that myself, and I don't know of anyone who has done this. We can pass this, but we don't have to put it based on the fact that we are all unethical or (inaudible).

But there are still many aspects of this that I have some problem with, but for full disclosure I want to say that originally I have way more problem and a lot of it has been addressed, and this, I agree with your opinion, it's a much better proposal than the one that started.

Some of the remaining concerns are minor. For example, I just -- 2:00 in the morning, perhaps it was at the same time, maybe we had something -- he was up, I was up in separate houses. I was thinking or I was reading that now receipt of -- this is minor by the way, I don't want to do every -- I'm just going to give you the example.

Right now the receipt is by certified mail. There's a reason for that. There is a wisdom in that. If you were Ombud you know exactly what I'm talking for.

This has been dropped. Now it's just regular mail. Now, how many of you have lost mail? How many of you have not lost mail or have received mail that belonged to your neighbor? What are we going to do if after a year that you assign an E because the student did not respond to a regular mail and then they come and say, I never received this mail. How can you do that? Now, that's a very minor thing.

GROSSMAN:

Can I address --

TAGAVI:

No, I'd like to finish.

Some of my concerns are actually, one of them is major, that I would like to discuss with you. Presently, the notation on the transcript only remain on the transcript for three years, unless it's for expulsion. The Provost Rule says forever.

I have not seen a single person saying that presently students cheat because in addition to the penalty, the transcript only went for three years so let's just go on and cheat. Nobody has suggested that. So then why are we doing this? Why being so harsh? By the way, I'm not going to read every particular page. Just one more page.

Then why be harsh. Why brand a student. And I think this is branding. In

the days of gradation, and at the time that every semester we give about 50,000 -- I said in my e-mail 100,000, I made a mistake -- around 50,000 grades. As far as I know, this semester may be 10 or 12 are an E because of (inaudible) or cheating.

So few. How could we then not believe that somebody who had this on their transcript would be marked and would be able to get a professional job, to get admission. It might be -- might not be impossible for them, but it becomes very difficult for them.

In another part of the discussion we were told that 18 out of 20 benchmark alone cannot use less than E as if that point itself is a reason to adopt it, I don't think that's a reason. But we were also told by the same sources that only one of our benchmarks puts the notation in the transcript -- which, by the way, is different than putting in somebody's records. That's different. You're talking about transcript. Only one of our benchmarks puts any notation for any offense on the transcript.

At least -- after urging for one, that we should ask past Ombuds, we should ask present and past Appeal Board Chair, we should ask Appeal Board Member what they think about this. I finally submitted memo myself, email to them and I asked them, give me your opinion on certain provision. One of them, the question was on this, how long should the notation on transcript stay.

Twelve people answered. These are people including (inaudible), past Senate Council member, or past Ombud and University Appeals Board member, Bill Fortune, UAB, University Appeal Board Chair and past Senate Council Chair, David Royce, past Ombud, Jean (Inaudible) past Ombud, Ed (Inaudible), past Ombud, University Appeal Board Member, Roy Moore (Inaudible). They asked -- and the answer was one person said forever. I asked them, for suspension, how long do you want the suspension to show up on the transcript for -- I'm almost done -- for suspension. One person said forever, one person for ten year, ten people said for three years, which is what we have right now; three years or less.

I also understand or attempted to pry maybe our student member (inaudible). Our student member presented a survey and I remember the word -- the number 75. I think 75 wanted -- (inaudible) of 13, wanted the sunset which I am assuming, the three years.

So I would like to urge you and as

an Ombud, I feel a little bit reluctant to make motion for amendment, but I'm going to urge you to keep the way things are and not put this notation forever on somebody's transcript so when they die their grandchildren aren't going to say, my dad or grandfather was a cheater. It's just not appropriate.

And the option here is if -- if somebody's going to say, oh, there's option here, you can fix it. That's worse than the disease, because if you read this carefully it means seven years later you can't have a petition, the University Appeals Board they have to look at the documentation, students who have graduated are not going to be here in -- all of them (inaudible).

So I encourage you to keep the present system of three years and then it would go away.

CHAIR: Enid Waldhart.

WALDHART: Enid Waldhart, Communication.

I would really like for us to vote for this. It seems to me that we have talked and talked and talked, and I think that while we've raised a number of good questions I think we need to put this into place and get going on it.

We always have the option to adjust rules if they don't seem to be working out, and I think rather than trying to anticipate every possible alternative that might happen some time, I think we need to start doing this.

And if we have it designated as something that starts in the Fall of 2006, if we want to name some kind of a date at which we would change it, I think we can just leave it as is, approve it and if it doesn't work then we can adjust it later.

CHAIR: Janet Eldred, and then Liz.

ELDRED: I actually am stunned, but I agree with Kaveh, at least in part. I am still getting over that.

TAGAVI: The feeling is mutual.

ELDRED: It's just one of those strange moments, but I do like the idea of allowing the petition. I'm not wholly there yet. I'm not wholly to the idea that after three years it goes away. It makes it a whole lot easier for me to vote for this if there is a petition option, and especially with so much flexibility given to instructors for imposing the XE. So what's egregious in my mind is a very little thing; and what's egregious to somebody else isn't.

I really would like that petition

step, and let the Board, which hears things across all areas, make a call on it.

CHAIR: Liz Debski.

DEBSKI: Biology.

Yeah. So I apologize. I wasn't able to attend the last Senate meeting, and you probably went all through this but, you know, as I see this proposal I'm just struck by all this minimum penalties and the escalation and then sort of the -- how that relates to sort of minimum sentencing and judicial systems and how well all of that has worked.

And so I was wondering -- well, I guess what it really comes down to is the definition of academic offenses and how flexible they are; right?

So you seem to be sort of transferring the penalty phase and making that less flexible, but I don't know if that flexibility exists in the definition of the -- what is an academic offense because that is in a different section than what is presented here.

GROSSMAN: Is that a question?

DEBSKI: Yeah. So do you have that --

GROSSMAN: I don't have it here, but I can tell you plagiarism is defined in excruciating detail in the section of the University Rules preceding this one.

Cheating is defined as it is commonly understood.

DEBSKI: As it is commonly understood.

GROSSMAN: Cheating is what is commonly understood to be cheating.

UNIDENTIFIED: So cheating is defined by its general usage.

GROSSMAN: So -- just one -- Kaveh just raised the thing about the certified mail. Actually, legal counsel asked us to remove certified mail from the proposal. They have reasons for doing it. I don't remember what it was. It was a long time ago. But they asked us to remove certified mail from the proposal.

TAGAVI: Since -- all right.

CHAIR: Let me give --

TAGAVI: Well, since he re -- if you want to go in order, go in order. And we discussed this before, it is not fair for the proposal to keep rebutting other people every single time. I want to rebut the rebuttal.

CHAIR: I will allow you to respond, Kaveh.

TAGAVI: Thank you.

But that's not a reason to then -- if you want to drop certified mail, go ahead and drop it, but you could keep the provision

which is in present rule that says you have to do it in person in front of a witness, which means in the class. You know where these people are.

Just because the legal counsel, and I don't know how they said it. What the question was asked, you can always ask a question to get the answer that you want.

I don't know what was the question, but just because they said you can't do this -- did they say you can't do or you shouldn't do it, I don't know. It was there for ages. Nobody complained. That doesn't mean you should do something which is going to put us in a situation where we are going to convict student who say, we never received it.

ZENTELL: Tom Zentell, Psychology.

I'd like to respond to Liz's question. I think the issue of minimal penalty in the law is exactly why this proposal was made. The minimal penalty in the law is up to a judge to look at extenuating circumstances, as the minimum penalty of five years or ten years for a particular crime.

And I think if this E is a minimal penalty originally, is the problem that it is not imposed, and this allows for gradation, so the instructor gets to look and say this is a -- there should be some penalty but I'm not willing to give this student E but I'm willing to give this student a zero because this is inappropriate behavior.

And so I would vote -- I'm voting in favor of this because I think it gives the instructor many more options, and each instructor -- there is a problem -- and I think that's a problem with judges as well, there are individual differences, and one instructor may have a different criteria from another. But I think that's quite acceptable.

DEBSKI: But if I could just -- because, Tom, actually my -- my question really had to deal with more after that because certainly the minimum is fine but then the escalation.

So, in fact, would you be basically suspending someone eventually for just a minor offense on top of --

UNIDENTIFIED: No.

UNIDENTIFIED: No.

ZENTELL: If they've already committed various offenses --

DEBSKI: If they've already committed --

ZENTELL: -- before.

DEBSKI: -- so, you know, basically, you know, stealing the DVD from the store, you

know.

ZENTELL: This is the three strikes and
you're out --

DEBSKI: The three strike -- exactly.

CHAIR: Enid.

WALDHART: I would like to call the question.
I think we have talked around this.

INFANGER: I am with you, Enid, but I want a
point of order first. Was the Waldhart
amendment accepted by the mover?

CHAIR: For when it comes into affect?

WALDHART: Yes.

INFANGER: Yes.

CHAIR: Yes.

INFANGER: So it's going to be effective in
the Fall, then I second the move to call the
previous question.
There's no discussion on that.

CHAIR: There's no discussion.
All those in favor?

WALDHART: Of calling the question.

CHAIR: We vote on calling the question.

INFANGER: Right. Yes.

WALDHART: Yes.

CHAIR: Vote on calling the question. All
those in favor of calling the question please
indicate by raising your hand.
(MEMBERS VOTE)

CHAIR: Two thirds. All those opposed?
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: One. By my rough calculs, there's
over two-thirds. Okay.
We are about now then to vote on
the motion. The motion includes everything
except the recommendation against the
petitions. Okay? That will be voted on
separately. Okay? Are we clear on that?
(NO RESPONSE)

CHAIR: All those in favor of the motion
please indicate by raising your hand.
(MEMBERS VOTE)

CHAIR: All those opposed, please indicate
by raising your hand.
(MEMBERS VOTE)

CHAIR: Any abstentions?
(MEMBERS VOTE)

CHAIR: Motion passes.
We now turn to the Senate Council
recommendation against the -- can you bring
that up.

TAGAVI: Where is that in the packet?

GROSSMAN: It's as foot -- comments in the
margins of the proposal.

TAGAVI: What page?

GROSSMAN: Pa -- well, the majority of it is

on -- the Procedure for the Petitions, is on page 45.

UNIDENTIFIED: Is that your blue text, Bob?

ELDRED: It's on the bottom --

WALDHART: It's on the blue text --

ELDRED: Go to the next slide. There it is.

GROSSMAN: There it is. If you look on page 45 of the note in really, really small print there.

TAGAVI: This deleted --

GROSSMAN: Huh?

TAGAVI: Note or deleted?

GROSSMAN: It says deleted. I deleted it, but preserved it as deletion so that you could see it. If the Senate wishes to include it, it will go back in and be undeleted.

TAGAVI: The only part that will be --

GROSSMAN: Yes, that's the only part --

CHAIR: That is the only part we are now discussing. Kaveh.

TAGAVI: Procedural question. I don't think this -- I was on the Senate Council, and it was not clear to me to prepare myself when reading this agenda, which No. 5 says -- 6 says -- 7, I can read off that. (Inaudible) You assume deleted means deleted. I don't want to -- I don't like this, but I'm not necessarily trying to obstruct this but have people really read this or did they not read it because they thought it's being deleted, because this is worse than the disease. I acknowledge there was a disease, and -- but this is worse than the disease.

CHAIR: You're offering an evaluation and I'm not going to rule on evaluation. This --

TAGAVI: Is this a legal proposal?

CHAIR: This part -- this part was voted on in the Senate Council. I indicated in my opening remarks that there would be two parts. In the presentation by the -- by the committee chair, the -- that portion was made explicit and even underlined with the blue marker.

TAGAVI: But did --

CHAIR: It seems to me that the reasonable Senator would conclude from that that this is a special part and that having been given advance notice that this would be voted on separately, what we're doing now is entirely appropriate.

TAGAVI: Ernie, where did the Senators get their advanced notice that this part, which is marked deleted, would be a proposal.

WALDHART: Three times in this meeting.

TAGAVI: Pardon me?

WALDHART: Three times in this -- this meeting at least.

TAGAVI: Correct, but not six days --
WALDHART: I didn't --
CHAIR: Well, no one else -- no one else
has offered an objection, Kaveh, except for
you and you were in the Senate Council
meeting --

TAGAVI: I was --
CHAIR: -- you were quite cognitive of the
fact that we were -- that this was the
procedure that we were going to adopt.
If there are other concerns that
other people would like to make, we can
continue to talk on this or we can engage
this -- this recommendation.

DEBSKI: I'm afraid I have a concern because
I haven't read it and -- and giving it to me
like this -- and I understand that you
presented it, but I -- I just haven't had
enough time and so given that we've already
passed the notion that it's going to take
effect next fall, can't we just vote on this
at the next Senate Meeting? Would there be
anything wrong -- and so that, in fact,
people could really look at it.

CHAIR: It seems to me that this is a
matter for the Senate to decide. One way to
do this would be to vote against this and the
effect of this would be to -- well, I would
urge someone to make an amendment.

CIBULL: There's another way. I move to
table this to the next -- table it definite
to the next Senate Meeting to be in February.

CHAIR: February 13th, yes.
We have a motion to table this. Do
we have a second? Is there a discussion on
tabling it.

CIBULL: There's no discussion.

CHAIR: Pardon me. Okay.
All those in favor of tabling this
portion of the recommendation, this portion
of the overall proposal, please indicate by
raising your hand.
(MEMBERS VOTE)

CHAIR: All those opposed to the tabling,
please indicate by raising your hand.
(MEMBERS VOTE)

CHAIR: Twenty-seven for tabling and
fifteen against. Any abstentions?
(MEMBERS VOTE)

CHAIR: One abstention.
All right. So further action on
this will be postponed until February 13th.

UNIDENTIFIED: Point of clarification.

CHAIR: Pardon me?

UNIDENTIFIED: I have a question on clarification
of what we voted on for this. Does it
include this deleted text?

CHAIR: No, it does not include this deleted text. This deleted text -- this text has been pulled out for special consideration by the Senate and the Senate has taken the action of tabling this until the February 13th meeting.

GROSSMAN: And what I will do, and I apologize for not -- I mean, it was clear to the Senate Council what the deleted meant. Again, I -- it wasn't maybe communicated to the Senate, but what I will do is I will take the rules with -- I'll take the -- I'll undelete the deletions and I'll put them in some other color, okay. So you can see what would change if we have the provision to petition to change the transcript after some time has passed.

FINK: Mr. Chairman, could I ask a clarifying question?

CHAIR: Yes, you may. This is Joe Fink.

FINK: I'd like to tell everyone how I'm going to interpret the Waldhart amendment so that everybody else can tell me whether they agree with it. I think it means that anybody who brings forward an appealable issue arising out of an incident that occurred, Fall 2006 or later. So don't focus this on the date of the appeal. Focus on the date of the incident; correct?

CHAIR: Yes.

FINK: Okay. Great.

CHAIR: Okay. Our next agenda item -- next to last is the Board and Senate Degree list. You have before you in the packet the UK and the former LCC, now BCTS, Degree list.

You have the Degree list from UK and from the former LCC, now BCTS. The role and responsibility for voting on this rests with the elected faculty Senators.

Davy, if you will offer just a few comments on the background and context here.

JONES: Yes. Again, just as a result of the governing regulations bringing our practices in conforming with the State law, the elected faculty Senators on several items. One is the degree list that goes to the Board of Trustees, and exactly -- the degree list from UK and for awhile we're still also having the degree list for LCC students come through us because they're -- those who opt to do so are still going to get a degree that has a UK name on it so the Board has to approve that and they can not approve a degree unless the faculty of UK approve that. So there's an LCC list there as well.

A lot of background was done before

that list got to you, working with the faculty over at LCC to make sure especially that, again, during this transition time that students have not been left off this list that otherwise ought to be on this list, and need the December date for their degree.

We've verified that there are no omissions like that, and so can proceed forward knowing there are no omissions.

A second aspect also is that a number of students graduate with honors, and the University Senate -- our rules control the criteria for the honors. And KCTS can start, you know, developing their own criteria for honors, and where our finger is on the pulse is to make sure that over at LCC they're not applying KCTCS criteria for honors to those students who want to get the UK/LCC honors -- graduation honors, and we've also verified that as far as this list is concerned it's our criteria for those degree honors LCC students that are being applied to this year's crop and not -- not mistakenly the KCTCS.

CHAIR: Thank you.

Okay. We have -- we have the degree list, the Senate Council recommends the approval of this degree list. Are there any comments that anyone would like to make, any concerns to be expressed in regard to this action?

(NO RESPONSE)

CHAIR: There being none, all those in favor please indicate by voice vote. All in favor say aye.

(MEMBERS VOTE)

CHAIR: All opposed nay.

(NONE OPPOSED)

CHAIR: Any one abstaining say abstain.

(NONE ABSTAINING)

CHAIR: Okay. Motion carries.

Our last agenda item relates to honorary degrees. These emanate from recommendations from the Honorary Degree Committee. They were then voted on and recommended by the graduate faculty at a meeting a week or two prior to this one.

These will now be presented by Jeannine Blackwell, Dean of the Graduate School

BLACKWELL: I'll try to make this short -- complete but short.

The four nominees for Honorary Degree -- Degrees this year are Dr. Ray Betts, Seamus Heaney, Dr. Abby Marlatt and Representative Louise Slaughter.

Dr. Ray Betts, professor of history

at the University of Kentucky from 1971 to 1998, the visionary co-founder and former director of the Gang Center for the Humanities; former long-time director of the UK Honors Program; faculty member, and I believe the first faculty member of the UK Board of Trustees -- the first faculty trustee maybe, I'm not sure about that -- from 1986 to 1992.

He was the originator of the UK 101 Class for incoming freshmen. He's received the Acorn Award for outstanding excellence in service and commitments to students; a Statewide award. He's been the great teacher -- he's received the Great Teacher Award, the Chancellors Award for Excellence in Teaching, the University's Outstanding Faculty Advisor Award and was voted one of the ten most influential faculty members by graduating seniors in the College of Arts and Sciences.

He is a nationally and internationally recognized scholar in Colonial Studies, and his most recent book also in emeritus status is A History of Popular Culture.

And there are several quotes -- I'm just going to skip on, if you don't mind me skipping the quotes. Many of you all could give the same quotes, I'm sure, about Ray Betts.

Seamus Heaney is widely recognized as one of the finest English Language poets today. He's best known for philosophic poetry that can describe the complexity and pain of ethnic conflict; graduated with honors from Queen's College in Belfast, and St. Joseph's as well.

He has served as visiting professor at Berkeley, Head of the Department of English in a training college in Dublin and has been a member of the Harvard University Faculty since 1979.

He's the Chair -- has also been the Chair of Poetry at Oxford University in the '80s and '90s. Author of thirteen books of poetry, six major translations, two published plays and six books of criticism; well-known for his most -- one of his most recent translations of Bay Wolfe, which was chosen for the Norton Anthology of English Literature and won the prestigious Whitbread Book of the Year Award and many other works. I'm just going skip them.

He won the Nobel Prize for Literature in 1995, and has won many, many other prizes and is the holder of more than twenty honorary degrees. And before I move

on to that, I would also like to say that Seamus Heaney has been invited to be Commencement speaker this year, and he has accepted that invitation from the President.

Dr. Abbey Marlatt. Many of you probably know her; a widely recognized advocate for racial minorities and social justice in the Commonwealth of Kentucky; arrived at UK in 1956, and was appointed the Director of the School of Home Economics.

She counseled students and others in non-violent social protest against segregation in Kentucky and in Lexington, and participated in marches and sit-ins against segregation and often used her home as bond -- to put up her home as bond to get protestors out of jail.

She was demoted and lost her teaching job at the University of Kentucky for a year due to this social activism despite State Law supporting academic freedom at UK.

She held firm under the fire from the Board of Trustees, which claimed that Marlatt be fired for incompetence. Three faculty members on the Board Hearing Committee stood behind her and ensured that she stayed in her tenured position.

She's been recognized by the Kentucky House of Representatives as a Model of Good Citizenship. Her continuing work with youth programs; has been inducted into the Civil Rights Hall of Fame by the Kentucky Commission on Human Rights, and has been profiled by the Herald-Leader and also KET for her participation in the Civil Rights movement and is the holder of many awards.

And our own Davy Jones will be quoted here: "The students and faculty of higher education in Kentucky are indebted to Abby to an extent that is difficult to fully repay. This year the University ought to publically say in its lauded voice, thank you, Abby Marlatt. We are truly honored you are one of us."

And, finally, Representative Louise Slaughter. A native of Harlan, Kentucky and a UK Alumni, Bachelor of Science Degree in microbiology from 1951 and a Master of science in public health in 1953.

In 2004 she was elected to her tenth term in Congress as U.S. Representative from the 28th Congressional District of New York State. She's the ranking member on the House Committee on Rules and the first woman from either political party to hold this position, and in 2003 was chosen to sit on

the Select Committee on Homeland Security.

A visionary for Women's Health Research Award and from the Office of Research on Women's Health, and in 1998 she was given the award for outstanding arts leadership by the U.S. Conference of Mayors.

The first member of Congress to win the Sidney R. Yates National Arts Advocacy Award as well, and Humane Legislator of the year of 2003 from the American Humane Association and lay educator of the year for 1999 from the Rochester, New York Chapter of the Phi Delta Kappa International.

An advocate of fair coverage in the media, she has been recently striving to reinstate the fairness doctrine, and a leading expert in Congress on genetics issues she has authored Legislation to Protect Citizens from Discrimination by Health Insurance Providers.

A strong advocate for Women's rights, she co-authored the historic Violence Against Women Act in 1994.

And so these are the four nominees that are presented to the University Senate for your consideration for Honorary Degrees.

Ernie?

CHAIR: Thank you.

I will entertain a motion to approve these recommendations or -- collectively or individually. Could I have a motion from the floor?

Ernie Bailey.

BAILEY: Ernie Bailey, College of Agriculture, move to approve all four.

INFANGER: Second.

CHAIR: Second. Who was the second?

INFANGER: Craig Infanger, College of Agriculture.

CHAIR: Thank you. Is there any further discussion on this item?
(NO RESPONSE)

CHAIR: All those in favor -- excuse me. Due to the June GR changes this is an action to be made by the elected faculty senators, and so please, as you voice your vote, we're asking only the elected Senators do so.

All those in favor please indicate by saying aye.
(MEMBERS VOTE)

CHAIR: All those opposed?
(NONE OPPOSED)

CHAIR: An abstentions?
(NO ABSTENTIONS)

CHAIR: The motion is carried.

I want to thank you for bearing with us through a lengthy meeting, one that

bumped up against the Provost.

A reminder of the holiday reception tomorrow here, 3:30 to 5:30, and a notation that the University's Senate Meeting for next year will be February 13th.

Happy Holidays.

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THEREUPON, the UK SENATE COUNCIL MEETING was concluded at 6:00 p.m.

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STATE OF KENTUCKY)
COUNTY OF CAMPBELL)

I, LISA E. HOINKE, the undersigned Notary Public in and for the State of Kentucky at large, certify that the facts stated in the caption hereto are true; that at the time and place stated in said caption the UK Senate Council Meeting was taken down in stenotype by me and later reduced to computer transcription under my direction, and the foregoing is a true record of the proceedings which took place during said meeting.

My commission expires: January 23, 2007.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office on this the 18th day of January, 2006.

LISA E. HOINKE,
NOTARY PUBLIC, STATE-AT-LARGE
K E N T U C K Y