

University Senate Minutes  
December 12, 2005

The University Senate met on Monday, December 12, 2005 at 3:30 pm in the Lexmark Public Room, 209 Main Building. Below is a record of what transpired.

Absences: Aken\*, Alexander, Anderson\*, Anyaegbunam\*, Baldwin, Barker, Berger\*, Bhavsar, Biagi\*, Brown, Burchett, Burkhart\*, Butler, Cammers, Caudill, Cavagnero, Cheng, Cibulka, Clarke, Clauter\*, Cohen, Daniel, Deem, DeLuca, Dembo, DeSimone, Deidrichs, Duffy, Duke\*, El-Ghannam, English\*, Forgue, Frost, Gaetke\*, Garen, Gargola, Garrity\*, Getchell, Haist, Harley\*, Hasselbring\*, Haven, Hazard\*, Hobson, Hoch, Hoffman, Holmes, Hull\*, Jackson\*, Johnson, E., Johnson, K. \*, Johnson, J., Kalim\*, Kim\*, Lester, Lindlof\*, Lock\*, Martin\*, Matthews, McCormick, Michael, Mobley, Mohny, Pedigo, Perman, Piascik\*, Portillo, Pulito, Roberts, Roland, Shaw, Shay, Smart, Smith, D. \*, Smith, S., Sottile\*, Steltenkamp\*, Straus, Stringer, Sudharshan, Terrell, Thelin, Thompson\*, Todd, Turner, S., Turner, W., VanDyke\*, Vasconez, Vestal, Williams, C., Williams, E., Wise, Witt, Wood\*, Wyatt

\*Denotes excused absence.

Recognized Guest present: Fink.

Provost's liaison to Senate Council present: Greissman.

The meeting was called to order at 3:39 pm.

#### 1. Minutes and Announcements

The Chair noted that the minutes for November 14 were amended to include the new name of what was previously the Department of Geology. The new name is Department of Earth and Environmental Science. The minutes were approved as amended.

The Chair asked Jones to speak on the results of the Senate Council election. Jones stated that the Senate Rules and Elections Committee had completed the final round of voting for three elected faculty members to serve on the Senate Council. He said the results were close; filling the final seat came down to three individuals who were all within three votes of each other. The names were then chosen as per Senate *Rule 1.3.1.2.A*. Noting a potentially different outcome if more senators had voted, Jones commented that 58 eligible senators did not vote. He announced the election of Anthony Baxter (College of Engineering), Doug Michael (College of Law) and David Randall (College of Medicine) as the new Senate Council members. Jones welcomed them and noted appreciation for the efforts of those whose terms on the Council were ending, Ernie Yanarella, Kaveh Tagavi and Mike Cibull.

The Chair offered his thanks to Cibull. He stated Cibull had brought keen insight and perception to the Senate Council. The Chair said he would thank him again at the Senate Council meeting on December 19. In addition, the Chair explained that he, as chair, he, and Tagavi, as vice chair, would remain on the Senate Council until the end of May.

The Chair reminded senators of the Board and Senates' Holiday Reception. The event was scheduled for December 13, from 3:30 pm to 5:30 pm in the Lexmark Public Room, 209 Main Building. He invited the senators to attend and enjoy libations and good conversation.

## 2. Graduate Certificate in Nursing Studies

The Chair explained this certificate would allow graduate students in the Martin School to receive a graduate certificate from the College of Nursing. This Certificate was a complement to the graduate certificate passed recently by the Senate, which permitted nursing graduate students to earn a graduate certificate from the Martin School. The certificate came from the Senate Council with a positive recommendation. He offered an invitation for discussion on the certificate. He added that the certificate had met with little controversy in the Senate Council. As there was no further discussion, a **vote** was taken on the motion from the Senate Council to approve creation of a Graduate Certificate in Nursing Studies. The motion **passed** unanimously, with no abstentions.

## 3. Minor in Quantitative Financial Analysis

The minor would allow students in math, engineering and business to receive specialized knowledge in financial markets. There being no discussion, a **vote** was taken on the **motion** from the Senate Council to approve creation of a Minor in Quantitative Financial Analysis. The motion **passed** unanimously, with no abstentions.

## 4. Graduate Certificate in Clinical Research Skills

The certificate would remove from the "practicum" requirement and the need for credit hours or tuition reimbursement. This would change the three "practica" courses into "culminating or integrating experiences" or "major projects" that would obviate the need to formally register. The Chair noted the Senate Council received information regarding the background and need for the change. He asked for discussion.

Grossman wanted to know the department from which the certificate change came. MacKnight, from the College of Public Health, stated the change request was from the College of Public Health. There being no more discussion, a **vote** was taken on the motion from the Senate Council to approve the changed Graduate Certificate in Clinical Research Skills. The motion **passed** unanimously, with no abstentions.

5. Request by Senate Council for University Senate to Approve Waiving the Two-Term Limit for Senate Council Chair (background and proposal presented by Mike Cibull, outgoing Senate Council member)

The Chair stated he would cede the floor to Cibull during the discussion, and asked Tagavi to stand as Acting Chair. Tagavi stated his intent to speak against the proposal and declined to preside. Tagavi then asked the Chair to clarify who would preside over the meeting. Cibull stated that it appeared Chair Yanarella would preside. The Chair confirmed that he (Yanarella) would be presiding in the absence of Tagavi's willingness to serve.

Cibull stated that the Senate Council was required to elect a chair during the month of December. He further stated that, as such, the Senate Council discussed the important qualities of a Senate Council Chair. Those qualities were paramount at the current time, especially due to changes at UK, including changes to general education, the Top 20 Business Plan and its interface with the new Strategic Plan, the search for a new provost, and the new provost's interaction with faculty. He stated he felt the chair should be extremely knowledgeable regarding the workings of the University at all levels, especially those of the administration and education. He felt that many, although not all, Senate Council members thought it important to have a chair with a centralist point of view who would be better able to bring together diverse opinions. Cibull also stated the need for an individual ready to put forth the necessary time and effort and the willingness to do it. He continued that a chair should not be afraid to disagree with administrators when necessary, and should be able to do so collegially. Cibull stated his opinion that the person best embodying these qualifications was the current Chair. He added that the term for Senate Council chair was too short; the chair frequently was just getting comfortable in the position when the position's term ends. Cibull noted that asking the University Senate to waive the term limit was for the next term only, and would merely allow the current Chair (Yanarella) to be nominated as a candidate. Cibull stated his belief that there would be others seeking the position of chair; he thought Yanarella should be considered as a candidate.

The Chair commented that this was an unprecedented issue for the University Senate to consider. He noted only one other time at which a chair served three consecutive terms, that of Professor Weaver [first Senate Council Chair, elected in 1962]. The Chair stated his preference to step down and let someone else stand as Chair for the discussion. In light of Tagavi's request not to preside, however, the Chair (Yanarella) again stated he would stand as Chair for the discussion. The Chair invited discussion.

Gesund stated there was no provision for waiving the *Rules*. He acknowledged the Senate's authority to change the *Rules*, but not waive them. The Chair asked for a response to the issue of the Senate Council's request and relationship to the *Rules*. Jones stated that there was no place in the *Rules*, per se, that allow for a waiver of the *Rules* by the University Senate. He noted a section of the

*Rules* where the Senate delegates to the Council the authority to waive the *Rules* in the event of an emergency. Thus, he would argue that the body could not delegate that which it does not have the authority to perform itself. Tagavi said there was a nuance in Jones' explanation. If the Council could only waive a *Rule* in an emergency, then the Senate would also need a state of emergency in order to waive a *Rule*. His concern was that no emergency had been identified.

Jones clarified, saying his intent was to say that the Senate must have the authority to waive the rule innately; otherwise, the Senate would not have the authority to delegate it to the Council. He believed it to be implicit. Jones also recognized that others could disagree with his interpretation. Dembo stated a *Rule* had been waived in the past in regard to a curricular item being available for review for a lesser period of time than required by the *Rules*. Grossman noted that if the Council acts in an emergency and waives a *Rule*, the Senate must approve the waiver at the next Senate meeting. He stated he would reiterate Cibull's introductory comments. He described to the Senate that he felt it would take approximately one year to train the new administrative coordinator, and that it would take time to reach optimum levels of efficiency. Grossman stated that this was another reason to allow the present Chair to be nominated for Senate Council Chair.

Infanger suggested the issue be reviewed in two parts, a vote on voting on the motion and a vote to address the question about who would be eligible to run for Senate Council Chair. The Chair stated he believed the questions of nominations and elections were the province of the Council, so that issue should be decided first. He asked if Cibull thought the description was a correct and fair assessment of the situation. Cibull concurred, stating that he was making a motion. Cibull **moved** that the University Senate waive the term limit for this next term only for the position of Chair of the Senate Council. Grossman **seconded**.

Tagavi stated a concern regarding the *Rules*. He wanted to know if the action was in order in light of the fact that there is no provision in the *Rules* for such waivers. The Chair stated that by allowing the motion to progress, he was ruling the motion as being in order. The Chair, referencing Dembo's earlier statements about *Rule* waiving, cited precedence as the reason to allow discussion to continue. Tagavi stated that upon his election to the Senate Council, he promised to bring the diversity of opinions among Council members to the Senate. He stated that he and another Senate Council member had been nominated for Council Chair. However, before he could accept or decline, the process was halted. He expressed concern with not adhering to *Rules*, and stated the comparison with the *Rule* referenced by Dembo was not applicable in light of their significance. He stated a *Rule* should only be waived after great consideration.

The Chair said he had stepped down from his position during similar discussions during Senate Council meetings and ceded authority to the Vice Chair (Tagavi) to

oversee the actions that transpired. The Chair stated he made no arguments for or against and played no role in the current discussion. A number of Council members had asked, over a period of time, about his willingness to extend service to the Senate. The Chair only agreed to be nominated again so long as other Council candidates indicated an unwillingness to serve. As such, he did not prevent the Council from moving forward. The Chair stated that upon reviewing the *Rules*, he was confident the Senate had the authority to consider the current discussion item.

Peffer asked if the University Senate as a whole was uninformed regarding other issues at play in the Senate Council. He observed from the interaction among speakers that there was clearly division in the Council regarding this issue and stated he had no informational basis for voting on the motion. Cibull stated that after a discussion in the Council about the qualities of the next Senate Council Chair, many Council members felt that the current Chair (Yanarella) was the appropriate choice. He added that the motion would allow the current Chair to be nominated for the position of Chair. Regardless, the Council member with the most votes would win the election for Chair.

As a member of the Council, Lesnaw spoke for the motion. She stated her preference to view the situation not as an emergency but as an opportunity. She was extremely concerned about the person to be elected Chair. Lesnaw stated that the Chair (Yanarella) had recused himself from all deliberations regarding the election for the next Chair. While the Council did not unanimously support waiving the two-term limit for Chair, a majority did support it. She stated the appropriateness of a future review of the length of term for Senate Council Chair. Tagavi expressed concern that there was no precedent for waiving a *Rule* in regard to term limits. He stated that waiving the *Rule* in question would make it more difficult for the University Senate to protest an action by the Administration if the Administration were inclined to waive an administrative regulation. Tagavi stated it would cause the Senate to lose the moral high ground on such matters.

Bartilow observed that the debate centered on a fear of incumbency, and that an incumbent could have an advantage over another candidate. He stated that waiving the *Rule* did not preclude others from putting their names forth as candidates. Jones offered some background regarding the Senate Council Office, stating that Professor Weaver, from the department that is now Biology, served three consecutive terms, beginning in 1962. With a few recent exceptions, the remainder of Senate Council Chairs all served one term. Jones prefaced his next comments by saying he would vote in favor of the motion. However, he noted strong disagreement with the degree to which Council discussions were characterized regarding the implication that only one member of the Council had the necessary qualifications. Jones stated that there was a minority of members holding that opinion, but it was a unanimous decision to request a waiver of the two-term limit be submitted to the Senate.

The Chair stated he would allow two more comments before ending discussion. Dembo summarized the role of Senate Council Chair as three-fold: Senate Council Office manager; a conductor of business of the Senate in all aspects; and the builder of rapport and relationships between the elected faculty body and the Administration. He referenced the Top 20 Business Plan, the search for Provost, the initiative to improve undergraduate education, and the new Senate Council Office Administrative Coordinator all as reasons to preserve continuity of the current Chair (Yanarella). Gesund stated he had no objection regarding changing the Senate *Rules* but requested a parliamentary ruling addressing whether or not the Senate could waive something for which it has no provision for waiving. He stated the current motion was out of order.

The Chair repeated his ruling that he believed a request from the Senate Council to the University Senate to waive a *Rule* was within the purview of the Senate. He called for a vote on the motion.

Infanger requested Sergeant-at-Arms Sohner determine if a quorum was present. Sohner stated that there were 44 members signed in, with additional voting members who entered without signing in after the meeting started. Another senator signed in, officially making a quorum of 45. A **vote** was taken by a show of hands. The motion **passed**, with 25 in favor, 18 opposed and four abstentions.

The Chair stated that the Senate Council would elect a Chair at the Council meeting on December 19.

#### 6. Statement from Senate Council Regarding Top 20 Business Plan

The Chair read the **motion**: “that the University Senate go on record as urging that the Top 20 Business Plan and New Strategic Plan be reconciled, and that process occur through close interaction between the University Senate and the Administration.” As background, the Chair explained that the Council had felt it necessary to discuss the Top 20 Business Plan (Plan) and its pros and cons in light of its imminent consideration by the Board of Trustees. He stated the Council had an open, frank discussion and that the Council felt that while there would be other opportunities for airing concerns, the bottom line was that the Council accepted the reality of the Plan being approved by the Board of Trustees. The motion was intended to underline the importance of the implementation phase of the Plan, particularly in the reconciliation of the Plan with a new Strategic Plan. The Chair hoped the motion would reinforce the important voice of faculty and especially the voice of the University Senate with regard to these two documents.

Lesnaw agreed with the Chair’s comments, and, as author of the motion, said the creation and implementation of the Plan was a bold step taken by UK, unique among its benchmarks. She stated the motion’s purpose was to ensure faculty exercise their mandate to reconcile the Plan with academic strategy. The Chair

asked for further discussion on the motion on the floor. Grossman stated that he believed the purpose of the motion was to signal that the University Senate was not in favor or against the Plan, but rather was to show the Senate's intent to have a prominent role in how the Plan unfolds in the academic arena. Tagavi stated that the motion in the handout was not the final version decided upon in the Senate Council listserv. Jones pointed out the motion on screen (PowerPoint presentation) had the most recent language.

The Chair called for a **vote** on the motion; the motion **carried** with no objections and no abstentions. Jones asked that the two faculty trustees [Dembo and Moore] relay that information to the Board of Trustees at the meetings on December 13. The Chair stated he had already requested they do so, assuming the motion was approved by the Senate.

### 7. Academic Offenses

The Chair stated that the proposal from the Senate Council came in two parts, the issue of sunsets on petitions and the remainder of the academic offenses proposal. The issue of not allowing sunsets came with a positive recommendation from the Council and the academic offenses proposal as a whole (minus the sunsets) came with a positive recommendation.

Academic Offenses Ad Hoc Committee Chair Grossman offered background information. He stated the Committee felt that there was a need for a new policy, primarily due to the minimum penalty of an E for an academic offense, regardless of circumstances. Grossman went on to say many instructors ignored the current *Rule* regarding an academic offense, which was causing other problems, most notably a lack of ability to identify repeat offenders who were not formally disciplined. He stated that he was aware of areas on campus where the norm was to inquire among colleagues about whether or not a student had before been accused of cheating, to determine if a student was a repeat offender. Because of sub-minimum penalties, there were widely disparate punishments, depending on whether or not the instructor followed the *Rules*.

Grossman referred to his presentation and stated that the Senate Council had unanimously approved the proposal. In addressing the issue of automatic removal from transcripts, Jarvis confirmed that a majority of students queried were against it. With respect to suggestions that the Committee review enforcement and creating a culture of self-education, the Committee did not think it was in their scope to address this type of comment.

The Chair asked Grossman to stay at the podium to address any questions. The Chair noted that the Senate had two opportunities to offer suggestions on the proposal and that there had been other occasions when comments were solicited. Blackwell asked about when the proposal would go into effect. The Chair stated it was a decision that would be made by the Senate. Jones added that it was effective upon approval, unless the Senate provided otherwise. Upon

request, the current University Appeals Board Chair, Guest Joe Fink, stated that the proposal was complex and difficult to describe to students. He did believe it was an improvement over previous versions of the proposal. Peffer stated that he refers to academic offenses in his syllabi, and believed that to be a contract between him and his students. He opined that the effective date should allow for time to incorporate the policy into syllabi. Grossman indicated he would be willing to entertain a friendly amendment to address implementation.

In response to a question from Eldred, Fink stated that while urged to, faculty members were not required to attend University Appeals Board (UAB) hearings. Grossman said the Committee felt it should tread lightly on the internal workings of the UAB and thought this type of issues should go to Fink as suggestions. Eldred stated her intent to vote in favor of the motion, regardless of whether or not faculty were required to attend UAB meetings.

Senate Council Liaison Greissman suggested Spring 2006 could be used to educate faculty and students about the new policy, with an effective date of Fall 2006. He believed implementation in Fall 2006 would give both faculty and students sufficient time to read and understand the policy. The Chair asked for a motion. Eldred offered a **friendly amendment** so that the motion to approve included “effective Fall 2006,” using the time prior to that date to make students and faculty aware of the changes.” Infanger **seconded** and Grossman **accepted**.

Calvert requested additional information about the “egregious offense” section. Grossman stated the Committee believed that type of information in a *Rule* would have been a guideline. The Committee strongly felt that this type of determination should be left to the discretion of the instructor. Cibull added that the penalties listed were minimum, not maximum penalties. The instructor would have discretion to increase the penalty. Tagavi disagreed with the comment that many instructors violated *Rules* in dealing with academic offenses or that instructors queried colleagues to determine if a student was a repeat offender. There were still many aspects of the proposal he was uncomfortable with, although he agreed with Fink that the proposal on the floor was an improvement over previous versions. Tagavi also expressed concern that the proposal removed the requirement that notification be done by certified letter; the proposal only required United States Postal Service notification. He wondered how this would affect a student who could claim he or she never received the notice. He then asked Senators if their mail had ever been lost. In addition, he was against permanently noting a punishment for cheating on the student’s transcript. Tagavi stated that of about 50,000 grades given in the Fall 2005 semester, only 10 to 12 were Es given for an academic offense. He believed leaving a notation for cheating on the transcript brands a student. Tagavi also referred to opinions given by a variety (11) of past Ombuds and UAB Chairs, in response to an email he sent out. One person thought a suspension for cheating should remain on the transcript for ten years; ten people thought three years was appropriate. Tagavi



also noted the burden on the University community of allowing students to petition removal of their offense designations. He urged Senators to leave the current removal after three years intact and not put a finding of cheating on a student's transcript forever.

Waldhart asked the Senators to vote on the proposal, stating there had been much discussion and a number of good comments raised. However, she believed it preferable to approve the proposal and adjust it later if necessary. Eldred noted her agreement with Tagavi over the issue of petitions to remove cheating notations from the transcript. She stated it would be easier for her to vote to approve it if the concept of petitions were allowed. Debski asked about the definition of an academic offense and how flexible the definition is, in contrast to her perceived decrease in flexibility in the penalty phase. Grossman stated that plagiarism was defined in excruciating detail in sections prefacing the academic offenses section of the *Rules*. He said cheating was defined as, "what is commonly understood as cheating." In response to Tagavi's comment, Grossman stated that the Office of Legal Counsel had asked the Committee to remove the requirement of using certified mail. Tagavi stated it was unfair that Grossman was allowed to rebut all comments. The Chair ruled that Grossman's comments were better interpreted as responses rather than rebuttals and thus he would allow responses from Grossman.

Tagavi stated a provision could have been retained in the proposal to require the UAB hearing notice be delivered in person, in the presence of a witness. He disagreed with the Committee's decision to remove the reference to a certified letter, regardless of the Office of Legal Counsel's request. Zentall spoke to the issue of minimum penalties, saying the proposal allowed for varying punishments as appropriate. He stated his intent to vote in favor of the proposal. Debski stated her question had been in reference to escalation. She was concerned that a situation could occur in which a student could be suspended for even a minor infraction if the student had already found guilty twice.

Waldhart **called the question**. Infanger raised a point of order, questioning if the friendly amendment had been accepted. It was confirmed that it had been. Infanger seconded. A **vote** was taken on calling the question. The motion **carried**, with more than two-thirds of the members present voting in favor, and one abstention.

A vote was taken on the motion from the Senate Council to approve the Academic Offenses proposal in its entirety, excepting any references to petitions. The issue of petitions would be taken up separately. The motion **carried**, with 36 in favor, one opposed and four abstentions.

The Chair then indicated he would hear discussion regarding the Senate Council recommendation against allowing petitions to remove a cheating notation from the transcript. Tagavi asked for direction to where the issue was addressed in

the handout. Grossman referred him to the sections in the margins of the handout [track changes] and the PowerPoint slide. Tagavi asked a procedural question regarding the lack of clarity he perceived in the information available regarding petitions. He stated he had assumed that if the information was deleted, it was not to be read. Tagavi asked if others had read the deleted text present in the “track changes” version of the proposal.

The Chair stated that the issue had been voted on in the Senate Council and referred to in his opening remarks him by saying there would be two sections. He added that this information was made explicit by Grossman and that any reasonable Senator would conclude the issue of petitions would be voted on separately. Tagavi asked for information regarding the type of advance notice given. Eldred stated that it had been referred to three times in the meeting. Tagavi replied that it was not given in advance, as required by the *Rules*. The Chair stated that Tagavi was the only Senator with an objection. Furthermore, Tagavi was present in the Senate Council meeting at which this was discussed and that Tagavi was cognizant of it. The Chair asked if any other Senators had concerns. Debski stated she had not read the pertinent sections and asked if the issue could be voted on at the next University Senate meeting.

In response, the Chair noted that a Senator could vote against the motion. He urged the Senate members to make an amendment to address the issue. Cibull **moved** to table the issue of petitions definitively until the next University Senate meeting on February 13, 2006. The motion to table **passed**, with 27 in favor, 15 against and one abstention. Grossman apologized for any lack of clarity and stated he would provide Senators with a version of the proposal that clearly indicated references to petitions. Fink asked for and received concurrence from Senators that the date of an academic offense incident would be the guideline as to whether it was addressed under the old or the newly approved *Rule*.

#### 8. Board and Senate Degree List

At the Chair’s request, Jones offered background on the motion from the Senate Council to approve the degree list. He stated that there were still some students from Lexington Community College (LCC) who should receive UK degrees and some LCC students who should receive UK honors. Jones affirmed that the criteria for honors under UK’s oversight were those approved by UK University Senate criteria, and not any newer honors criteria approved by LCC after separation of LCC or approved by the Kentucky Community and Technical College System. The Chair noted the Senate Council had approved the degree lists, and asked for further discussion. There being none, the **motion passed** via a voice vote, with no abstentions.

#### 9. Honorary Degrees

Graduate School Dean Jeannine Blackwell introduced the honorary degrees, explaining that the honorees came forth as a result of actions taken by the Honorary Degree Committee of the Graduate School. The names were voted on

by Graduate Faculty a week or two prior to the Senate meeting. Blackwell then offered a [presentation] detailing the rationale behind recommending honorary degrees for Dr. Raymond Betts, Seamus Heaney, Dr. Abby Marlatt and Rep. Louise Slaughter.

Blackwell noted the President had invited Seamus Haney to be the commencement speaker, and Haney had accepted.

Upon completion of the presentation, the Chair requested a motion to approve collectively or individually the names put forward. Bailey **moved** to approve all four. Infanger **seconded**. The Chair noted that due to changes in June 2005 to the University of Kentucky *Governing Regulations*, only those senators who were the elected Faculty Senators were eligible to vote on recommendation for honorary degrees. The motion **passed** unanimously.

The Chair reminded Senators to attend the Holiday Reception on Tuesday, December 13, 2005 from 3:30 pm to 5:30 pm in the Lexmark Public Room, 209 Main Building.

The meeting was adjourned at 5:31 pm.

Respectfully submitted by Kaveh Tagavi,  
Secretary, University Senate

Prepared by Sheila Brothers on December 13, 2005.