

University Senate
May 4, 2015

The University Senate met in regular session at 2 pm on Monday, February 9, 2015 in the Auditorium of W. T. Young Library. The meeting began early due to the large agenda. Below is the record of what transpired. Votes in the first half of the meeting were taken via a show of hands. The remaining votes were taken via electronic voting devices; electronic voting information can be requested from the Office of the Senate Council.

Senate Council Chair Andrew Hippisley called the University Senate (Senate) meeting to order at 2:01 pm. He thanked senators for coming at 2 pm, an hour earlier than the usual Senate start time.

1. Minutes from April 13, 2015 and Announcements

The Chair reported that no corrections were received by 9 am Friday. There being **no objections** during the meeting, the minutes from April 13, 2015 were **approved** as distributed by **unanimous consent**. The Chair said that there were a few announcements.

While the Senate is charged with formulating educational policy, the Chair opined that the real heroes and pioneers at UK are the excellent teachers [listed below] who were recipients of the Provost's Outstanding Teachers awards.

- Matthew J. Beck (EN/Chemical and Materials Engineering)
- Daniel S. Morey (AS/Political Science)
- Mark A. Williams (AG/Horticulture)
- Heather A. Campbell-Speltz (AS/Hispanic Studies)
- Holly S. Divine (PH/Pharmacy Practice and Science)
- Debby L. Keen (EN/Computer Science)
- Sarah E. Kerckmar (CI/Library and Information Science)

Provost Tim Tracy shared with Senate Council (SC) a draft of UK's draft strategic plan and solicited feedback. Town Halls are scheduled for:

- Wednesday May 6, 9 – 11 am, Main Building Lexmark Room;
- Thursday May 7, 1 – 3 pm W. T. Young Library, UK Athletic Association Auditorium; and
- Wednesday May 13, 10 – 12 pm, Biological-Pharmaceutical Building, room 234-B.

The Chair noted that Senator Ernie Bailey is Senate's representative on strategic plan committee.

2. Officer and Other Reports

a. Chair

The SC approved the use of a new form for proposing new graduate certificates, which will go live next academic year. The SC approved nominees for the Student Survey Coordination Committee and the Teaching Effectiveness Committee.

b. Vice Chair

Vice Chair Christ noted that the members of the Outstanding Senator Award committee were Kraemer, Wilson and herself. She noted that the award is annually bestowed upon a faculty member who is or has served the Senate and:

- Has contributed to the Senate by showing active & exemplary service on one or more Senate cmtes during his or her tenure.
- Has made notable substantive contributions in communicating with the Senate and while working with the faculty at large on important issues that impact the faculty as a whole.
- Has given strong voice to faculty issues in Senate meetings, public events, and/or local/regional news media and actively defended the principle of shared governance in University forums.
- Is effective in generating and effecting the Senate's larger agenda and goals.

Christ announced that the winner of the award for 2014-15 was Connie Wood (AS/Statistics). Senators honored Wood with a round of applause and Christ presented Wood with a plaque.

c. Parliamentarian

There was no report from the Parliamentarian.

d. Trustee

There was no report from either faculty trustee.

3. Degree Recipients

a. May 2015 In Memoriam Honorary Degree List

i. College of Arts and Sciences Student Jamie Danielle Carty

The Chair explained that the next few motions pertained to degrees; he requested that only elected faculty senators participate in those votes.

The Chair noted that an In Memoriam degree could be conferred upon a student who did not finish the necessary requirements for their declared degree. Unfortunately, there were two such students who comprised the May 2015 In Memoriam posthumous degree list.

The Chair invited College of Arts and Sciences Associate Dean for Undergraduate Programs Anna Bosch to offer senators some background information on Ms. Jamie Danielle Carty.

Jamie Danielle Carty (b.5/9/91-d.11/20/14) was born in Morgantown, NC, lived in Roanoke for much of her childhood, and moved to Meadowview, VA in 2004, where she graduated from Patrick Henry High School in 2009. Jamie received her associate's degree in science from Virginia Highlands Community College, and was a senior majoring in chemistry at the University of Kentucky at the time of her death.

A soft-spoken young woman, the first impression one had of Jamie was of a sweet nature and quiet poise. Within a large classroom Jamie did not fight for attention, but had a particular alert presence that spoke of her commitment and determination. In personal conversations Jamie would open up and speak more freely, and both her inner tenacity, as well as a sweet sense of humor, would become apparent.

Jamie was smart, modest, and quietly determined to succeed -- in her classes, and in the pursuit of a degree in chemistry. Above all, Jamie was courageous. When life dealt her a difficult hand, her bravery in remaining focused and determined as ever not to lose sight of her goals, and her demonstrable willingness to continue to work towards them, was remarkable.

Jamie deserved the life that she so resolutely was working towards. Her tragic and much too early loss has been felt deeply by those around her whose lives she touched with her charm, humor, and quietly intelligent outlook. She will be greatly missed.

The Chair said that the **motion** from SC recommended that the elected faculty senators approve Jamie Danielle Carty as the recipient of an In Memoriam posthumous degree for May 2015, for submission through the President to the Board of Trustees, as the recommended degree to be conferred by the Board. Because the motion came from SC, no **second** was needed. A **vote** was taken and the motion **passed** with none opposed.

The Chair then invited College of Nursing Dean Janie Heath to say some words about Ms. Taylor Ann Davis.

Taylor Ann Davis (b.6/9/91-d.2/28/14) was born and raised in southern California in a family who love each other voraciously. As a result of that environment, she believed that

life was meant to be experienced in as many ways as possible. She was a dare-devil and free spirit, evidenced in partly by her 19th birthday celebration spent sky diving. The smile never left her face from suit up to landing.

Her adventurous spirit led her to Kentucky to pursue a nursing major. As a nursing student, Taylor made her mark among her classmates and the faculty and staff in the College of Nursing. She noticed the people around her and offered her smile and warm greeting quickly upon meeting. To her classmates, she was the one who could make the duller classes fun because she brought enthusiasm to the tasks at hand. To the faculty she was a good student who worked hard but knew when enough was enough.

Among her friends were the custodian who cleaned the classrooms and the groundskeeper that she saw as she rode her skateboard to work at Starbucks every morning. The customers in Starbucks were met with her warmth and kindness and it seemed like everyone who worked in Kentucky Clinic knew her.

To the patients, Taylor was one who made a difference. One of her last patients was a teen-ager who was facing a long day of uncomfortable treatments that he was trying to postpone or avoid entirely. He had been contentious with most of the staff and was deemed difficult. Taylor was coached by her instructor that he would he would try to negotiate with her and that she could not cave in to his plans. Not only did she not cave in, she was able to get him to agree to everything prescribed without a fight. Her instructor was outside the door and overheard the conversation - firm but kind and mature beyond her experience. Later, he reported to her instructor that Taylor made him feel better because she listened to him.

Taylor loved her family and friends, country music, and riding around in her truck. She was always on the go because there was just so much cool stuff to do. Her wonder-filled life came to an end one night on a rain-slickened curvy country road, while she was doing what she loved - sharing time with a friend. The flood of responses was immediate and profound - both for the volume and the intensity of the loss. This was a young woman who wanted to make a difference in the world - and she did.

The Chair said that the **motion** from SC recommended that the elected faculty senators approve Taylor Ann Davis as the recipient of an In Memoriam posthumous degree for May 2015, for submission through the President to the Board of Trustees, as the recommended degree to be conferred by the Board. Because the motion came from SC, no **second** was needed. A **vote** was taken and the motion **passed** with none opposed.

The Chair said that representatives from both students' families would be at Commencement to accept the In Memoriam honorary degrees.

b. May 2015 Degree List

The Chair explained that one student was added to the May 2015 degree list and one name was corrected. The **motion** from SC was that the elected faculty senators approve the revised May 2015 degree list, for submission through the President to the Board of Trustees as the recommended degrees to be conferred by the Board. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

c. Early August 2015 Degree List

The Chair said that more than 15 students were added to the early August 2015 degree list. The **motion** from SC was that the elected faculty senators approve the revised early August 2015 degree list, for submission through the President to the Board of Trustees as the recommended degrees to be conferred by the Board. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

d. Motion to Amend Something Previously Adopted (May 2014 Degree List): Rescind Double Major and Bestow Dual Degree (December 2014 Degree List)

The Chair explained that due to an administrative error in the College of Arts and Sciences, a student graduated with one degree and a double major, even though the student had earned a sufficient number of credit hours to be awarded two separate degrees. The **motion** from SC was that the Senate amend the December 2014 degree list adopted at the December 8, 2014 Senate meeting by rescinding the BA in Political Science with a second major in International Studies for student AC-41, and in its place granting upon AC-41 a BA in Political Science and a BA in International Studies. Because the motion came from SC, no **second** was needed.

A **vote** was taken and the motion **passed** with none opposed.

4. Committee Reports

a. Senate's Academic Programs Committee (SAPC) - Margaret Schroeder, Chair

i. Proposed New BS Neuroscience

Schroeder, chair of the Senate's Academic Programs Committee (SAPC), said the recommendation from the SAPC was that the Senate **move** to approve, for submission to the Board of Trustees, the establishment of a BS Neuroscience, in the Department of Biology within the College of Arts and Sciences. Schroeder explained the proposal. The Chair stated that because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with none opposed.

ii. Proposed New Undergraduate Certificate in Distillation, Wine and Brewing Studies

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Undergraduate Certificate in Distillation, Wine and Brewing Studies, in the Department of Horticulture in the College of Agriculture, Food and Environment. Schroeder explained the proposal. The Chair stated that because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with none opposed.

iii. Proposed New UK BLUE (3+3) Program: Arts and Sciences BA and College of Law JD [to be discussed pending receipt of SAPC recommendation]

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new 3+3 Program ('BLUE') of a BA History, Political Science or English and JD Law within the College of Arts and Sciences and the College of Law. Because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with one opposed and one abstaining.

iv. Proposed New Graduate Certificate in Eurhythmics [to be discussed pending receipt of SAPC recommendation]

The Chair reported that the SAPC had not rendered a recommendation, so the proposed Graduate Certificate in Eurhythmics was not up for discussion during the day's meeting.

v. Proposed New Graduate Certificate in Biostatistics

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Graduate Certificate in Biostatistics, in the Department of Biostatistics within the College of Public Health.

Because the motion came from committee, no **second** was needed. There was one question. A **vote** was taken and the motion **passed** with none opposed.

vi. Proposed New Undergraduate Certificate in Directing Forensics

Schroeder said the recommendation from the SAPC was that the Senate **move** to approve the establishment of a new Undergraduate Certificate in Directing Forensics, in the School of Library and Information Science within the College of Communication and Information. Because the motion came from committee, no **second** was needed.

Giancarlo asked if post-baccalaureate students could also apply; Wood, chair of the Senate's Rules and Elections Committee (SREC), explained that undergraduate certificates were open to students in a post-baccalaureate status; the SREC also rendered a recent interpretation that students admitted to graduate programs could also participate in undergraduate certificates.

A **vote** was taken and the motion **passed** with none opposed.

The Chair said he wanted to express his deep appreciation to Schroeder and the other members of the SAPC for their hard work this year; the SAPC reviewed 20 new program requests and was one of the busiest Senate committees.

b. Senate's Academic Organization and Structure Committee (SAOSC) - Ernie Bailey, Chair

i. Proposed Name Change of the Center for Interprofessional Health Education, Research and Practice to the Center for Interprofessional Health Education

Bailey, chair of the Senate's Academic Organization and Structure Committee (SAOSC), explained the proposal. He said that the **motion** from the SAOSC was that the Senate endorse the change in name of the Center for Interprofessional Health Education, Research and Practice to the Center for Interprofessional Health Education. Because the motion came from committee, no **second** was needed.

Wood said that the Center was originally approved as a multidisciplinary research center. She asked for confirmation that the proposal would remove the research component from the Center. Bailey explained that the SAOSC was asked to review the proposal to change the name and the SAOSC thought the new name would more accurately reflect the Center's activities. Guest James Norton, Center director, said that the Center would continue to conduct research, but that the Center was better suited to studying the process of educating students for interprofessional health care practice. Therefore, its research would focus more on pedagogy and less on clinical care.

There being no further questions, A **vote** was taken and the motion **passed** with one opposed and two abstaining.

c. Senate's Admissions and Academic Standards Committee (SAASC) - Greg Graf, Chair

i. Proposed Change to College of Law Admissions Policy (Senate Rules 4.2.3.1.A)

Graf was absent so the Chair asked if there was anyone from the SAASC who could present the proposal. Grossman volunteered to do so and explained that the proposal was fairly simple. The College of Law admissions policy in the *Senate Rules* (SR) says that Law will only consider applicants who have already earned a bachelor's degree. The proposed change would allow Law to admit the students who will participate in the "UK BLUE" proposal, which the Senate approved a few minutes earlier. If the Senate does not approve the admissions change, the UK BLUE program will be moot.

The Chair said that the **motion** from the SAASC was that the Senate approve the change in admissions policy for the College of Law (*SR 4.2.3.1A*). Because the motion came from committee, no **second** was needed.

There were no questions from senators. A **vote** was taken and the motion **passed** with one opposed and one abstaining.

ii. Proposed Change to BS Nursing Admissions Change (Early Admission) (Senate Rules 4.2.2.1)

The Chair said that the **motion** from the SAASC was that the Senate approve the change in admissions policy for BS Nursing (early admissions) SR 4.2.2.1. Because the motion came from committee, no **second** was required.

There were no SAASC members present who were willing to present the proposed changes to the BS Nursing Admissions change. The Chair asked if there was someone from the College of Nursing who could explain the proposal and Guest Leslie Scott (NU) said she could do so; Scott walked senators through the proposed changes and offered background information on the impetus for the changes. One rationale was that due to limited space in the program, it was necessary to raise standards to better match the characteristics of incoming Nursing students.

Prats said that he was on the SAASC and that after an SAOSC meeting with representatives from Nursing, it was his understanding that the proposal would be separated into three proposals, so there would be one proposal for the admission to pre-nursing (high school to freshman year), one proposal for the early admissions policy change, and one proposal for the admission to the BSN major (freshman to sophomore year). Prats said that SAASC members' concerns about spots for out-of-state students and guaranteeing admissions for certain high school students did not seem to have been addressed. Scott said that she was at that meeting and thought that all concerns had been addressed.

There were a few additional questions and comments from senators. Ilahaine expressed concern that the changed admissions policy could have a negative effect on global health nursing if nursing shortages in the United States translate into recruiting nurses from developing countries. Wood **moved** to amend the motion so that the Senate vote on the three admissions changes on page seven of the proposal, specifically: the change regarding admission to pre-nursing (high school to freshman year); the change regarding early admission policy; and the change regarding admission to BSN major (freshman to sophomore year). Grossman **seconded**. A **vote** was taken and the motion to amend **passed** with one opposed and seven abstentions.

A **vote** was then taken on the amended motion that that Senate only approve the proposed admissions changes for the BS Nursing, in *Senate Rules 4.2.2.1*. The motion **passed** with one opposed and five abstentions.

5. President Eli Capilouto - Update on the University

The Chair welcomed President Eli Capilouto, University Senate Chair, to the podium. President Capilouto spoke to senators for approximately 45 minutes and covered a variety of topics:

- The close-knit nature of the UK family;
- UK's positive financial outlook;
- Good enrollment and housing numbers;
- Campus building projects;
- Outstanding staff and faculty employees, as well as a talented leadership team; and
- The Strategic Plan and its five areas of emphasis (undergraduate student success, graduate education, diversity and inclusivity, research and scholarship, and outreach and community engagement)

The President thanked senators and their faculty colleagues for their steadfast support of UK and especially of UK's students. He said he was happy to take questions. There were a couple of questions from senators and one comment congratulating the President on the activity going on around and across campus. Senators thanked the President with a round of applause.

6. Proposed New *Governing Regulation* on Faculty Disciplinary Action (second reading - discussion and vote)

The Chair said that the recommendation from the SC was that the Senate **move** to endorse the proposed new *Governing Regulation (GR)* on Faculty Disciplinary Action. Because the motion came from committee, no **second** was needed.

The Chair stated that the documents in front of the Senate were the result of many hours of hard work. The process had origins in 2013 but the heavy lifting began in earnest in September 2014. The SC composed a special ad hoc committee [ad hoc Committee on Faculty Disciplinary Action] to create a proposal and the SC has recommended the version presented to senators. The Chair noted that he had

requested the Senate review the document and proposed amendments very carefully. He asked that senators do more than identify gaps or weaknesses by also sending in concrete solutions. The Chair said that nine sets of amendments were sent in, including two submitted by senators on behalf of non-senators. The Chair said he would entertain the motions submitted in advance and the body could work through them section by section.

[Underline formatting denotes added text while strikethrough denotes deleted text. Each amendment was moved by the individual senator who proposed the amendment. Line number references are from the senator's PDF in which the senator submitted their amendment(s).]

- Amendment to Section I Introduction, **moved** by Senator Ferrier (lines 16-25 – replaces entire paragraph)

Insert: “When acting within or on behalf of the University of Kentucky, University faculty members, like all University employees, must obey the rules, standards, and procedures that arise under federal and state constitutions, statutes, and regulations, University Governing and Administrative Regulations, the University Senate Rules, and other regulatory jurisdictions (GR II.A). For purposes of this document, we define “misconduct” as a failure to obey the laws and regulations described in the preceding sentence. The University is indifferent to a faculty member’s misconduct in the private domain inasmuch as the misconduct or any resulting criminal or civil disciplinary action does not obstruct the faculty member’s ability to perform his or her duties effectively.”

Brion **seconded** Ferrier’s amendment. Senators discussed the proposed change.

Firey (**moved** to refer the proposed new GR to a committee with the following characteristics: membership comprised of five faculty elected by the Senate; members of the ad hoc committee that originally drafted the document are eligible to serve; the committee is to include one faculty member trained in law, who shall be charged with giving special attention to the protections of the accused and to the clarity of the scope, jurisdiction, and processes described in the document; and will prepare a revised version of this document, which will be presented to the Senate at the November 2015 meeting, having been circulated no fewer than ten days prior. Christianson **seconded**. Parliamentarian Seago confirmed for Wood that a motion to refer to committee took precedence over the motion currently on the floor. There was extensive discussion about Firey’s motion among senators, both in opposition of and in favor of the motion.

Tagavi **called the question**. A **vote** was taken and the motion to call the question **passed** with 43 in favor, 18 opposed and two abstaining. A **vote** was taken on the motion to refer to committee and the motion **failed** with 27 in favor, 36 opposed, and five abstaining. The Chair noted that once a motion to refer to committee is defeated, it cannot be moved again during the same meeting.

Discussion continued on Ferrier’s amendment. Ferrier clarified that he originally submitted an additional sentence to add to the end of the second paragraph in the Introduction. He subsequently realized it created redundancy, so he revised his proposed amendment such that his proposed text would replace the entire second paragraph in the Introduction instead of adding a sentence to the end of the second paragraph. There was additional discussion. A **vote** was taken and the motion **passed** with 54 in favor, five opposed, and four abstaining.

- Amendment to Section II Scope, **moved** by Senator Tagavi (lines 41-42)
Change: This regulation does not apply to faculty performance review or expectations for scholarly activity for purposes of appointment, reappointment, promotion, granting of ~~and~~ tenure, merit evaluation or determination of merit raises.

Brion **seconded**. There was minimal discussion. A **vote** was taken and the motion **passed** with 52 in favor, three opposed, and four abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Lee (lines 79-81)

Insert: If the allegations involve a criminal activity, then the complaint must occur within the Statute of Limitations as defined by state and/or federal law. If allegations do not involve criminal activity, then the complaint must occur within twelve (12) months or 365 days of the alleged behavior.

Brion **seconded**, followed by discussion. Cross **moved** to change “the” (modified “Statute of Limitations”) to “any.” Kennedy **seconded**. A **vote** was taken and the motion to amend **passed** with 55 in favor, 2 opposed, and one abstaining.

Giancarlo **moved** to amend the insertion by removing “or 365 days” and substitute “of the discovery” for “of the alleged behavior” and Porter **seconded**. There was no further discussion so a **vote** was taken and the motion **passed** with 53 in favor, one opposed, and three abstaining.

A **vote** was taken on the motion to add the following sentence to the first paragraph in IV.A:
If the allegations involve a criminal activity, then the complaint must occur within any Statute of Limitations as defined by state and/or federal law. If allegations do not involve criminal activity, then the complaint must occur within twelve (12) months of the discovery of the alleged behavior.

The motion **passed** with 53 in favor, six opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Ferrier (lines 85-89)
Insert: Although allegations may originate from a variety of sources -- individuals, organizations, administrative bodies, and authorities within or outside of the University community -- only allegations that unambiguously fall within and apply to the faculty member’s professional domain shall be advanced to the Investigation phase. All others will be referred to the appropriate criminal or civil authorities (depending on severity), or dismissed altogether.

Brion **seconded**. There was little discussion. A **vote** was taken and the motion **passed** with 53 in favor, five opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Xenos (lines 80)
Insert: There will be no investigation of anonymous allegations.

Tagavi **seconded**. Senators discussed the proposed amendment. A **vote** was taken and the motion **failed** with 12 in favor, 44 opposed, and four abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Lee (lines 89-91)
Insert: Allegations that are clearly related to issues of academic freedom (e.g. complaints about a faculty member’s topic(s) of research or teaching materials) may be dismissed at the Dean’s discretion without need for involvement of General Counsel.

Mazur **seconded**. Grossman **moved** to amend the motion by changing the first phrase to “Allegations that are clearly within the bounds of academic freedom.” Watt **seconded**. A **vote** was taken on the motion to amend and the motion **passed** with 47 in favor, eight opposed, and one abstaining.

After additional discussion, a **vote** was taken on the motion to add the following sentence to IV.A:
Allegations that are clearly within the bounds of academic freedom (e.g. complaints about a faculty member’s topic(s) of research or teaching materials) may be dismissed at the Dean’s discretion without need for involvement of General Counsel.

The motion **failed** with 27 in favor, 31 opposed, and three abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Grossman (lines 86-87)
Insert: If the accused faculty member is a dean, then the Provost shall take the place of the Dean of the accused faculty member’s college in this and all subsequent procedures.

Mazur **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 58 in favor, two opposed, and one abstaining.

- Amendment to Section IV Procedures A Allegations, **moved** by Senator Tagavi (lines 97-98)
Change: Allegations brought forward and adjudicated under this regulation cannot be reopened without substantive new evidence, as determined by the General Counsel, but no later than 30 days after the new evidence is discovered by university officials.

Mazur **seconded**. Dietz offered a friendly amendment to change the time frame to “one year” to mirror the language about allegations and Tagavi accepted.

A **vote** was taken on the motion to change the last paragraph of IV.A to the following:

Allegations brought forward and adjudicated under this regulation cannot be reopened without substantive new evidence, as determined by the General Counsel, but no later than one year after the new evidence is discovered by university officials.

The motion **passed** with 54 in favor, five opposed, and one abstaining.

- Amendment to Section IV Procedures B University Investigation, **moved** by Senator Tagavi (lines 108-9)
Change: The report will include findings of fact, ~~a conclusion as to whether misconduct occurred, and if misconduct did occur, a nonbinding recommendation regarding disciplinary action (i.e. sanctions).~~

Christ **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 40 in favor, 12 opposed, and five abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 1, **moved** by Senator Lee (lines 120-127)
Change: ...the Dean will provide written notification to the faculty member as soon as feasible and preferably within two (2) business days. The Dean will provide the faculty member with a copy of the report. The faculty member may submit a written response to the Dean and General Counsel within seven (7) business days of confirmed receipt of notification by the Dean. The Dean may extend this response period by an additional fourteen (14) days on oral or written request by the faculty member. If a faculty member is away from the university for approved business travel, annual leave, family leave or sick leave, or is unavailable to respond for any other university-approved absence, these time-periods for response are extended by the duration of travel or leave.

Blonder **seconded**. There was brief discussion. Grossman **moved** to amend the motion by substituting “, or longer if circumstances so indicate” for the proposed new sentence. Porter **seconded**. A **vote** was taken and the motion **passed** with 39 in favor, 16 opposed, and four abstaining.

A vote was taken on following revised amendment:

...the Dean will provide written notification to the faculty member as soon as feasible and preferably within two (2) business days. The Dean will provide the faculty member with a copy of the report. The faculty member may submit a written response to the Dean and General Counsel within seven (7) business days of confirmed receipt of notification by the Dean. The Dean may extend this response period by an additional fourteen (14) days on oral or written request by the faculty member, or longer if circumstances so indicate.

The motion **passed** with 47 in favor, six opposed, and three abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 1, **moved** by Senator Bailey on behalf of a non-senator (lines 115-116)
Change: The faculty member may submit a written response to the Dean and General Counsel within ~~seven (7)~~ fourteen (14) [business] days of [confirmed receipt of] notification by the Dean. The Dean

~~may shall~~ extend this response period by an additional fourteen (14) days on oral or written request by the faculty member.

Porter **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 53 in favor, three opposed, and one abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 2, **moved** by Senator Lee (lines 135-138)

Insert: If a faculty member is away from the university for approved business travel, annual leave, family leave or sick leave, or is unavailable to respond for any other university-approved absence, these time-periods for response are extended by the duration of travel or leave.

Brion **seconded**. Grossman **offered a substitute motion** to ignore the proposed text from Lee and instead insert the following phrase at the end of the first sentence in IV.C.2:

The Dean will schedule a meeting with the faculty member and the faculty member's chair, which will be held within twenty-one (21) days ~~of~~after the Dean's notification to the faculty member, or longer, if the dean believes that circumstances so warrant.

A **vote** was taken and the motion **failed** with 24 in favor, 26 opposed, and two abstaining.

Discussion returned to the original amendment from Lee. There was no further discussion so a **vote** was taken and the motion **passed** with 35 in favor, 16 opposed, and two abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 134-135)

Change: Sanctions will not exceed a level that is reasonably commensurate with the seriousness of the misconduct and neither should they be of a nature or duration as to prevent the faculty member from performing duties expected of or assigned to them.

Senators discussed the proposed change. Tagavi accepted the suggestion to reword the phrase as a friendly amendment, so the proposed amendment changed to become the following:

Sanctions will not exceed a level that is reasonably commensurate with the seriousness of the misconduct. If any sanction prevents the faculty member from performing normally assigned duties, their duties shall be changed to reflect that.

A **vote** was taken and the motion **passed** with 38 in favor, 12 opposed, and two abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Grossman (lines 141-143)

Insert: If indicated by the circumstances, requirement to undergo assessment for behavioral or mental disorders by an appropriate professional, and, if the professional determines that treatment is indicated, requirement to undergo such treatment.

McCormick **seconded**. There was lengthy discussion about this proposed amendment. Kennedy proposed omitting the language about treatment, while leaving the language about assessment. Grossman accepted this as a friendly amendment. Therefore, the amendment being discussed was as follows:

If indicated by the circumstances, requirement to undergo assessment for behavioral or mental disorders by an appropriate professional.

EI-Mallakh explained that with a few notable exceptions (e.g. harm to self or harm to others), state law prohibits any requirement that an individual must receive treatment. There was additional discussion about the intent and actual wording of the amended motion. A **vote** was taken and the motion **failed** with 18 in favor and 33 opposed.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 146-147)

Change: Reduction in salary for a specified period of time, if greater than 10%, the sanction be approved by the board of trustees.

Brion **seconded**. After brief discussion, Tagavi accepted a friendly amendment from Blonder to remove the entire phrase. After additional discussion, a **vote** was taken and the motion to remove the whole phrase **passed** with 41 in favor, 10 opposed, and one abstaining.

- Amendment to Section IV Procedures C Notification and Mediation 3, **moved** by Senator Tagavi (lines 149-150)

Change: Suspension with ~~or without~~ pay for a specified period of time.

Mazur **seconded**. There was brief discussion. A **vote** was taken and the motion **passed** with 32 in favor and 17 opposed.

- Amendment to Section IV Procedures C Notification and Mediation 4, **moved** by Senator Tagavi (lines 162-164)

Change: The General Counsel must approve any proposed agreement before its implementation however the General Counsel's disapproval shall be explained in writing and be based on misapplication of law or rules and not based on an opinion on lack of severity of the sanctions.

Brion **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 44 in favor, four opposed, and one abstaining.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 1, **moved** by Senator Tagavi (lines 193-195)

Change: The Faculty Inquiry Panel is a ~~three~~ five-person panel comprised of ~~(1) one~~ (3) three tenured faculty member selected at random by a uniform random number generator from the Faculty Disciplinary Hearing Panel Pool; the Vice-President for Human Resources or a designee; and an associate provost selected by the Provost.

McCormick **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 43 in favor and six opposed.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 2, moved by Senator Tagavi (lines 214-215)

Change: The Faculty Inquiry Panel may consider new findings of fact that were not considered in the original investigation and that are provided by the General Counsel or the faculty member.

Senators discussed the proposed amendment. Dietz suggested the sentence end with "original investigation" and Tagavi accepted that as a friendly amendment.

A **vote** was taken on the motion to edit the sentence as follows:

The Faculty Inquiry Panel may consider new findings of fact that were not considered in the original investigation.

The motion **passed** with 41 in favor, six opposed, and two abstaining.

- Amendment to Section IV Procedures E Faculty Inquiry Panel 2, **moved** by Senator Tagavi (lines 235-236)

Change: If the Faculty Inquiry Panel, ~~by a majority vote,~~ finds that there is no probable cause to believe misconduct has occurred, the case is dismissed.

Brion **seconded**. A question arose regarding quorum and the Chair noted that quorum for the Senate was 45 members. There being no discussion about the proposed amendment, a **vote** was taken and the motion **passed** with 39 in favor, six opposed, and two abstaining.

- Amendment to Section IV Procedures F Faculty Hearing Panel 1, **moved** by Senator Tagavi (line 243)

Change: The Faculty Hearing Panel is comprised of five (5) faculty members, who are selected at random by the Senate Council Chair and Vice Chair and/or SREC Chair from the Faculty Disciplinary Panel Pool using a uniform random number generator.

Mazur **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 40 in favor and five opposed.

- Amendment to Section IV Procedures F Faculty Hearing Panel 5, **moved** by Senator Tagavi (lines 286-287)

Change: The Faculty Hearing Panel may admit any evidence of more probative than prejudicial value in determining the issues involved. However, all exculpatory evidence discovered by university officials must be included in the report.

Bondada **seconded**. There was brief discussion. Tagavi accepted as a friendly amendment the suggestion to change the two sentences as follows:

The Faculty Hearing Panel may admit any evidence. However, all exculpatory evidence discovered by university officials must be included in the report.

A **vote** was taken on the amended motion and the motion **failed** with 19 in favor, 25 opposed, and three abstaining.

- Amendment to Section IV Procedures F Faculty Hearing Panel 9, **moved** by Senator Debski (lines 293-294)

Change: If the Faculty Hearing Panel finds that the accused faculty member is not guilty of misconduct the case is closed ~~unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.~~

Debski asked that the Senate first consider the proposed amendments for this section submitted by Tagavi on behalf of a non-senator. Debski added that if Tagavi's amendments on behalf of a non-senator were approved, then she would withdraw her suggested amendments.

- Amendment to Section IV Procedures F Faculty Hearing Panel 9, **moved** by Senator Tagavi on behalf of a non-senator (lines 293-295)

Change: ...the case is closed. The Dean may request the case be reopened when conditions of G. 1.b are met. ~~[unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.]~~

Dietz **seconded**. There were a number of requests that the body first review the content of the amendment pertaining to the new "G.1.b" section prior to voting to accept language referring to "G.1.b."

- Amendment to Section IV Procedures G Appeals 1, **moved** by Senator Tagavi on behalf of a non-senator (lines 311-323)

Change: ~~1. If the faculty member or Dean does not file a written appeal within seven (7) days of receipt of the Faculty Hearing Panel's written decision, the decision of the Faculty Hearing Panel as to guilt or innocence shall be final. The complainant, if known, shall be informed by General Counsel of the decision by General Counsel, to the extent required by law.~~

1.a. Finding of Guilt. If the Panel finds the accused faculty member guilty, the accused faculty member may appeal within seven (7) days of receipt of the Hearing Panel's decision determining

guilt. If the faculty member does not file an appeal, the decision of the Faculty Hearing Panel as to guilt or innocence will be final.

1b. Finding of Innocence. In accordance with Section IV.A above, allegations brought forward and adjudicated to the finding of innocence a Dean can cause the case be reopened for new adjudication, when there is substantive new evidence as determined by the General Counsel.

Mazur **seconded**. After discussion by senators, a **vote** was taken and the motion **passed** with 37 in favor, eight opposed, and one abstaining.

Senators returned to the amendment that referred to G.1.b. [~~“ ...the case is closed. The Dean may request the case be reopened when conditions of G. 1.b are met. [unless the dean submits a written appeal of the innocent decision based on substantive errors in the faculty hearing panel process or errors in interpretation of fact or law.]”~~].

There was no discussion. A **vote** was taken and the motion **passed** with 39 in favor and seven opposed.

Debski stated that she withdrew each of her amendments.

- Amendment to Section IV Procedures G Appeals 1, **moved** by Senator Porter on behalf of a non-senator (line 310)
Change: If the faculty member or Dean does not file a written appeal within ~~seven (7)~~ fourteen (14) days of receipt of the Faculty Hearing Panel’s written decision

Debski **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 43 in favor, two opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 1, **moved** and **withdrawn** by Senator Debski (lines 310-312)
Change: If the faculty member ~~or dean~~ does not file a written appeal within seven (7) days of receipt of the Faculty Hearing Panel’s written decision, the decision of the Faculty Hearing Panel as to ~~guilt or innocence~~ shall be final.
- Amendment to Section IV Procedures G Appeals 2, **moved** by Senator Tagavi (lines 328-332)
Change: The Faculty Disciplinary Appeals Panel shall hear all appeals. The panel consists of an the Associate Provost for Faculty Advancement, the Chair of the Senate Council an elected Senate Council member chosen by Senate Council, and the Academic Ombud. In the event the Associate Provost is unable to serve, the President Provost shall appoint a replacement. In the event that the Academic Ombud or the Chair member of the Senate Council is unable to serve, the Senate Council shall appoint replacement(s).

Ferrier **seconded**. After brief discussion, Tagavi accepted as a friendly amendment the suggestion that the language refer to any associate provost, not a specific associate provost position.

There being no further discussion, a **vote** was taken on the proposed change, as follows:
The Faculty Disciplinary Appeals Panel shall hear all appeals. The panel consists of an the Associate Provost, the Chair of the Senate Council an elected Senate Council member chosen by Senate Council, and the Academic Ombud. In the event the Associate Provost is unable to serve, the President Provost shall appoint a replacement. In the event that the Academic Ombud or the Chair member of the Senate Council is unable to serve, the Senate Council shall appoint replacement(s).

The motion **passed** with 43 in favor, one opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 3, **moved** and **withdrawn** by Senator Debski (line 325)

Change: ~~The faculty member and the dean will be provided with copies of the written appeal and given an opportunity to respond in writing.~~

- Amendment to Section IV Procedures G Appeals 3, **moved** by Senator Tagavi on behalf of a non-senator (lines 335-336)

~~Delete: The faculty member and the dean will be provided with copies of the written appeal and given an opportunity to respond in writing.~~

Debski **seconded**. There was very brief discussion. A **vote** was taken and the motion **failed** with two in favor, 42 opposed, and one abstaining.

- Amendment to Section IV Procedures G Appeals 4, **moved** by Senator Tagavi (lines 343)
Change: The deliberations of the Faculty Disciplinary Appeals Panel are limited to review of the specific issues raised by the accused faculty member appellant (IV.F.8, F9).

Grossman **seconded**. There was no discussion so a **vote** was taken and the motion **passed** with 41 in favor and five opposed.

- Amendment to Section IV Procedures G Appeals 5, **moved** by Senator Tagavi on behalf of a non-senator (lines 344-347)

Change: When ~~a party~~ the accused appeals to the Faculty Disciplinary Appeals Panel, the ~~party accused~~ accused must submit a written brief detailing the basis for the appeal and providing supporting evidence attesting to the validity of the appeal. The party that prevailed at the Faculty Hearing Panel ~~dean~~ will be provided with a copy of this brief and may submit a written response brief within seven (7) days.

Ilahaine **seconded**. There was brief discussion about whether or not the edit was clerical in nature. A **vote** was taken and the motion **passed** with 24 in favor, 14 opposed, and eight abstaining.

- Amendment to Section VI Admin Leave with Pay 1, **moved** by Senator Grossman (lines 393-395)
Insert: The restrictions that the Provost imposes on a faculty member on administrative leave with pay shall be no greater than necessary for amelioration of the risks perceived by the Provost.

Ilahaine **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with 40 in favor, four opposed, and one abstaining.

The Chair said that the last amendment was a recommendation from the SC that the Senate **move** to approve an omnibus acceptance of various clerical edits. Because the motion came from the SC, no **second** was required. There was no discussion so a **vote** was taken and the motion **passed** with 42 in favor and one opposed.

The Chair said that the last item of business was the endorsement of the entirety of the new *Governing Regulation* on faculty disciplinary action, as amended. The **motion** to endorse came from SC, so no **second** was required. Lauersdorf asked that the minutes reflect his concern that expediency of process does not necessarily make for a good process. He said he was not sure of the internal integrity of the document given the extent of changes made during the day's meeting. There was additional discussion about ensuring that amendments did not conflict.

Brion **moved to amend** the motion so the Senate would endorse the proposed new *Governing Regulation* on faculty disciplinary action, as amended as long as the SC reviews the amendments for consistency. Jasper **seconded**. After additional discussion, a **vote** was taken and the motion **failed** with 19 in favor, 25 opposed, and two abstaining.

A **vote** was taken on the motion that the Senate endorse the proposed new *Governing Regulation* on faculty disciplinary action and the motion **passed** with 41 in favor, six opposed, and one abstaining.

The time was 5:57 pm. The Senate's collective desire for adjournment was evident via the mass exodus from the room.

Respectfully submitted by Katherine McCormick,
University Senate Secretary

Prepared by Sheila Brothers on Thursday, May 28, 2015.

Invited guests present: Heather Bush, Anna Bosch, Timothy Bill, Mary Davis, Marcy Deaton, Seth DeBolt, James Norton, and Mark Prendergast.

Absences: Adams, I., Anderson, Bada, Bailey, P., Baker, Bird-Pollan, Birdwhistell, M., Birdwhistell, T., Blackwell, Brennen, Browning, Butler*, Cassis, Clark, Cox, de Beer, Dunn, Fox, Grace, Graf, Hallam, Ingram, Jackson, J., Jackson, N., Jennes, Karan, Knutson*, Kornbluh, Lee, C., Lephart, McManus, Nash, Oberst, O'Hair, MJ*, Osorio, Pienkowski, Prather, Profitt, Richey, Rompf*, Royse, Royster, Sanderson, Schoenberg, Sekulic, Shen, Smyth*, Stratton, Symeonidis, Truszczynski, Turner, Vosevich, Walz, Wilson, M.*, and Wright.

* Denotes an explained absence.