University Senate
May 5, 2008

The University Senate met at 3 pm on Monday, May 5, 2008 in room 230 of the Student Center. All votes were taken via a show of hands unless indicated otherwise.

Chair Kaveh A. Tagavi called the meeting to order at 3:06 pm. The Chair went over a variety of announcements:

- Kate Seago (Libraries) attended the meeting at the request of the Chair, to serve as parliamentarian.
- The faculty trustee election was conducted and completed – Everett McCorvey (Fine Arts/Music) was the winner.
- Gifford Blyton, past parliamentarian for the University Senate (Senate) received an honorary degree of letters during commencement.
- Proposed changes to *Administrative Regulations AR II-1.1-7* ("Faculty Appointment and Assignment Periods") were reviewed by the Senate Council (SC), which voted that it would "forward to the Provost that we understand the motivation behind the University's altering the vacation policy as proposed."
- A web transmittal regarding Top 20 Faculty Policies and a handful of items that would normally be on a Senate agenda was currently posted and required review by senators. The curricular items were put on the web transmittal (by SC vote) because the items were straightforward and non-controversial and there would not be sufficient time to address them during the day's Senate meeting. The Chair asked that comments on the Top 20 Faculty Policies be emailed to him.
- The SC heard a request for a waiver to allow a retroactive withdrawal from a student who attended UK 20 years ago. [The usual time frame is two years.] The SC referred the question of a waiver to the Reinstatement Committee, which granted the waiver. The student was then allowed the opportunity to have the retroactive withdrawal request heard by the Senate's Retroactive Withdrawal Appeals Committee.

The April Senate minutes were not ready for approval.

2. Ombud Report for 2006-2007 – Ombud Joel Lee
The agenda item was postponed until Lee could arrive.

3. Flexible Work Arrangements (FWA) – Work-Life Director Robynn Pease
The Chair apologized to Work-Life Director Pease for having run out of time during the April Senate meeting, and invited her to the podium. Guest Pease gave an oral presentation on flexible work arrangements (FWA). Senators had a copy of the FWA final report, a sample Letter of Understanding and Guidelines for employees interested in FWA.

4. Revisions to *Administrative Regulations II-1.7-2* ("Access to and Use of University Technology Resources") (input only – possible endorsement)

The Chair drew senators' attention to the changed language in the handout, as well as an article that a senator asked to have distributed.

Cibull said that he had requested distribution of the article. He said he was not opposed to the changed policy, but was concerned that it was not explicit enough in the fact that faculty should have no expectation of privacy or confidentiality when using university technology. He asked that it be stated explicitly. Grossman thought that the language in section III was very straightforward. Guest Penny Cox (associate vice president for information technology) directed Cibull to additional language in section I that stated there was no right of privacy for data, etc. Guest Marcy Deaton (associate general counsel) said that the intent was to note that any open records or other legal request required compliance, not to poke around and see what was out there. Cibull thought it would be best to be very blunt. Deaton said the language would be looked at again.

Hertog asked about notification if certain files were going to be reviewed. Deaton replied that there was language that said if it was allowed and/or appropriate the individual would be alerted; she noted that it would not always be possible.

Grossman **moved** to endorse the proposed changes to *Administrative Regulations II-1.7-2*. Goldsby **seconded**. Calvert noted that along with the proposed changes on the Senate's website, there were also suggested changes from Grossman. Cox replied that all of Grossman's suggestions would be accepted as friendly amendments.

Referring to the article, Snow noted that the institution in the article had different policies that would apply, depending on the individual's status (student vs. faculty). It was confirmed that the UK policy applied to everyone, regardless of status.

Calvert noted that the policy included personal items stored on UK's property and also allowed for limited interception of network traffic to and from such devices, but that the interception of network traffic was not limited to university airways – he suggested that language including university facilities be added.

Anderson asked if the policy would affect a home computer if used for university business – Deaton replied that it would if the home computer stored UK documents. Miller asked about home access through the virtual private network (VPN) – he asked if that made a home computer part of UK if someone was checking UK email at home. Cox said that it would not. Miller went on to ask if merely being connected to UK, even if not checking email, would make the home computer be considered as part of UK. Deaton said that if an individual chose to store university items at the home computer, it could be accessed. Jasper asked for further clarification. Deaton said that only a state or federal subpoena could allow searches of a home computer that was used in conjunction with UK effort; a "fishing expedition" could not be undertaken.

Steiner asked for information on the hierarchy of individuals who would set a computer search in motion. Deaton replied that a subpoena would be received, and a consultation would be done with Information Technology and the appropriate dean or executive vice president. She reiterated that there would have to be a specific thing as a focus of a search.

After additional brief discussion, Calvert **called the question**. The Chair noted that there were no hands raised for additional questions, so he determined Calvert's action to be unnecessary. There being no further discussion, a **vote** was held on the **motion** to endorse the proposed changes to *Administrative Regulations II-1.7-2*. The motion **passed** with a vast majority in favor, none opposed and eight abstentions.

5. <u>Annual "State of the Libraries" Address – Dean Carol Diedrichs</u>
The Chair recognized Libraries Dean Carol Diedrichs and invited her to the podium. Dean Diedrichs offered a five to ten minute [presentation](). There were no questions.

6. [Proposed Changes to Health Care Colleges Professional Student Behavior Code]()
The Chair drew senators' attention to the summary of major changes to the Health Care Colleges Professional Student Behavior Code (Code). He explained that the SC approved it in April and sent it to the Senate with a positive recommendation. Deans of the health care colleges were in attendance and available to answer questions.

Garrity was recognized by the Chair and spoke regarding his concerns. He said that his concerns arose from his recent experiences with a couple of students who had each been accused of an academic offense. He shepherded the students through the process from the point at which the student was found guilty through the internal college process, to the time at which the student was found not guilty at the University Appeals Board (UAB). He said his biggest concern with the Code was the lack of student access to the UAB – students would go through an appeals board that was strictly oriented to the health care colleges, with no representation from colleges outside the medical center. Garrity said that in his experience, it had been most helpful to students to be removed from the medical setting and open up to a spectrum of people with different points of view and experiences who listened to both sides. He spoke against an appeal process within the health care colleges (HCC), saying it was almost tantamount to appealing back to the very college that found a student guilty to begin with. He supported an appeals process with a very impartial group with no HCC loyalties. He said that loyalty felt towards faculty colleagues could create a conflict of interest.

Piascik disagreed with Garrity, saying that as a member of the UAB, she was more comfortable with HCC cases because of a shared medical background. She said there were sometimes problems with non-medical personnel understanding the issues in a medical area and that it would be more fair to students to have a medical-oriented appeals board. She said that she did not think there would be any loyalty issues and pointed to the lack of such problems on the UAB.

Grossman asked for a brief explanation of the approval process up to the point of the day's meeting. Richard Greissman (provost's liaison to the SC) explained that the Code had been through a number of university groups. It was reviewed by: the Health Care Colleges Council; the SC on a number of occasions; university attorneys; faculty committees; and deans and associate deans. He said that the process of creating the Code had been ongoing for at least four years – there was a desire to either get it approved or drop it and move on. Greissman said that only the university could take action to have a student expelled from UK. Given the nature of HCC work and the fact that professional standing and licensure would be the arbiter of getting a job or not, it would be odd that conduct within a professional setting that could affect professional medical licensure would be reviewed by a body outside the HCC. Greissman noted that there were demarcations between the student-college relationship and the student-university relationship.

The Chair noted that he was obligated to allow every senator to ask a question or make a comment prior to acknowledging anyone for a second time. Snow asked that Garrity be allowed to offer additional information regarding perspectives from non-HCC people in the UAB. The Chair allowed it.

Garrity said that he could not give specific information, but noted that the offenses to which he referred involved cheating on an exam. He said that the argument that only the HCC could make an adequate judgment about the culpability of a student cheating on an exam was not a valid argument. He said that the university-wide UAB was able to make decisions about a student falsifying a medical record, abusing a patient, etc. Garrity said that the rationale section of the Code had a broad implication that because "we" are the HCC and patients could be involved, a unique process was required – Garrity made it clear that he opposed a separate appeals process for HCC students.

Guest Bill Lubawy (College of Pharmacy's executive associate dean for academic affairs) said that a previous version of the Code had a student's appeal going to the chancellor and the provost – the HCC appeals board attempted to widen the spectrum for appeals. He said that things like cheating and plagiarism would be addressed by the UAB. The Code attempted to deal with students who may be involved with patient care. The HCC has a responsibility to ensure patient care and it seemed reasonable to him that the group responsible for the patient care would also be the group listening to an appeal.

Calvert asked if all health care colleges and their faculty had approved the Code. Blackwell said that all health care colleges had approved the Code.

Lee noted that in the past it had been difficult to pull together enough people in the summer to hold a UAB hearing for a health-care-college-related issue.

Yates asked about the issue of cheating – he asked if there would be two different appeals processes for cheating and plagiarism, depending upon the student's college. Lubawy said that there were *Senate Rules* (*SR*) that dealt with academic dishonesty, as well as college

regulations. He referred to a case in the College of Pharmacy in which resolution took eight months – he noted that situations were different in the HCC – it was difficult to pull a student off rotations or off the floor to wait on an appeals board hearing. He spoke positively regarding a year-round process for adjudication. He said that if an appeal took longer than a month, it delayed a student's education. Regarding a complaint of an academic offense, he said the student was allowed to continue to take classes, etc., while the charges were ongoing. In the case of a patient-care issue, "business as usual" until resolution was unacceptable.

Cibull said it seemed from reading the Code that an academic offense would go through the usual university appeals process. However, some behaviors would require judgment by a professional to determine if an offense took place. Falsifying a record would be straightforward and could be judged by anyone, but failing to make a critical entry for a patient was different – such an offense should only be judged by professionals in the medical field. Cibull suggested strengthening the language to separate academic offenses such as cheating and plagiarism from problems unique to truly professional activities. He spoke in favor of a separate code of conduct for HCC students, but acknowledged that although the Code was not perfect, it was good.

Greissman noted that the university would know if further discipline was warranted regarding a prohibited action. For example, a student accused of public intoxication should be dealt with in a sensitive and appropriate way, but an HCC student who came to class drunk could be dealt with by the dean of students. If a third- or fourth-year student was drunk while on rounds, it was a different set of circumstances and a different standard to which the student must be held.

There was discussion regarding whether or not a case of an academic offense would continue to be dealt with through the UAB or the Code. Grossman suggested explicit language be added to note that academic offenses would continue to be addressed through the UAB.

Calvert wondered about double jeopardy – if a student were accused two or three times and was exonerated every time, the language of the Code seemed to indicate that a student could still be sanctioned through the Code for activities that reflected adversely on the student's moral character. Greissman said that the UAB could offer discipline of varying appropriate types, but the Code could also be in effect. As the student related to UK, it would be okay, but the student relationship to the college could be double jeopardy – due to an academic offense, it could be determined that the action illustrated a lack of medical professionalism. Calvert asked that that type of situation be clarified.

Kramer asked if the Code's committee would be the last course of appeals for a student – could the student be suspended from UK and have no other point of appeal? Would the student appeal from the HCC to a higher authority? The Chair noted that the maximum penalty would be termination from the program, not from the university. Due to the various concerns, the Chair said that senators could move to approve the Code for a discreet pilot period of a few years, after which it could be revisited.

Garrity expressed concern about the number of ambiguities in the Code and stated that they should be rectified prior to approval. He said that after reading the Code, he was confident that academic offenses would be dealt with via the Code, not the UAB, but that the day's discussion seemed to indicate otherwise.

Grossman raised a point of order. He stated that the proposed Code constituted a major change to policy and by order of the *Senate Rules* a first and second reading were required. He suggested the final vote be held in September when the Senate reconvened.

Cibull **moved** to table the Health Care Colleges Student Professional Behavior Code until the September 2008 Senate meeting. Wood **seconded**. A **vote** was taken and the motion passed with a majority in favor, 14 opposed and two abstentions.

Upon arrival of the Ombud, the Chair suggested that the Ombud be allowed to present his report.

2. Ombud Report 2006-2007
Academic Ombud Joel Lee offered a report on the 2006 – 2007 activities of the Office of the Ombud. At the end of his report, he suggested that the Senate investigate the use of TurnItIn software to prevent and detect plagiarism.

7. Proposal to Expand Transfer Credit to PhD
The Chair explained that while the proposal had come to the Senate earlier, it had not included actual language to be used. In response to Yates, Dean Blackwell said that whichever is greater (nine hours or 25% of the regular degree program requirements) would be accepted. Yates suggested that that wording be included.

Dean Blackwell noted that if coursework had already been counted toward another degree, it could not be transferred in. Professional degree coursework could also not be transferred – only regular graduate coursework taken as a graduate student in a graduate program could be transferred. In response to Wood, Dean Blackwell confirmed that it would also apply to joint and cooperative doctorates.

There being no further questions or comments, a **vote** was taken on the Senate Council's **motion** to approve the proposal to expand transfer credit to the PhD.. The motion **passed** with a vast majority in favor, one against and one abstaining.

Dean Blackwell asked that the Senate not consider the last agenda item, that of a change to the method of appointment to the graduate faculty. The Chair accepted her request.

The Chair thanked a variety of individuals for a successful academic year and his successful final year as SC chair.

The meeting was adjourned at 4:54 pm.

Respectfully submitted by Stephanie Aken,
University Senate Secretary

Absences: Adams; Anderson; Anyaegbunam[*]; Arnold; Atwood; Barbee; Barnes* ;Bartilow; Bernard; Bhatt*; Bhavsar; Biagi; Blades; Bollinger; Brown; Bush; Butler; Cammers; Campbell; Cantagallo*; Case; Chappell; Cheng; Cibulka; Clarke; Crofford; Deem*; Dembo; DeSimone; Desormeaux ; Dwoskin; Eldred; Evans; Fox; Frost; Gonzalez; Hallman*; Hardin-Pierce*; Hayes*; Heller; Hoch; Hoffman; Houtz; Jackson; Johnson; Jung; Karpf; Kim; Kovash*; Lesnaw; Lester; Lillich; Luhan; Martin*; Mattingly; McCormick; McKnight; Mehra; Mobley; Moliterno*; Nardolillo; Nieman*; Parrish; Parrot; Patwardhan Perman*; Peterson*; Phelps; Rauf; Ray*; Reed; Remer; Rieske-Kinney*; Santhanam*; Sawaya; Segerstrom*; Smart; Stenhoff; Storm; Subbaswamy; Swanson; Telling*; Terrell; Thelin; Todd; Tracy; Turner; Vasconez; Vestal; Viele; Webb; Williams, D.; Williams, G.; Wiseman; Witt; Woodruff; Wyatt.

Prepared by Sheila Brothers on Thursday, August 28, 2008.

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[*]Denotes an absence explained prior to the meeting.