

University Senate
October 11, 2010

The University Senate met in regular session at 3 pm on Monday, October 11, 2010 in the Auditorium of the W. T. Young Library. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Chair Hollie I. Swanson called the University Senate (Senate) meeting to order at 3:03. She established with Sergeant-at-Arms Michelle Sohner that quorum had been met. The Chair asked senators to be respectful of others and guests. If discussion becomes bogged down or circular, senators were reminded that any member may “call the question” if discussion is repetitive.

1. Minutes from September 13, 2010 and Announcements

There was brief discussion between Nadel and Grossman regarding Grossman’s comments during the September 13, 2010 Senate meeting. Grossman **moved** to approve the minutes from September 13, 2010 as distributed, and Nadel **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with none opposed.

The Chair offered a variety of announcements.

- The 2010 Stakes Reception will take place on the following day, Tuesday. Senators are welcome to attend regardless of RSVP.
- The Office of the Senate Council is using a listserv to communicate with members. Senators should have received a couple of emails sent out the previous week, one with a list of information on coming events, and another with names and email addresses of senators by college. Senators were asked to contact Mrs. Brothers if those emails were not received.
- On Friday, November 19, 2010, the 5th Annual KY Engagement Conference will host “Institutionalizing Community Engagement” at the Galt House in Louisville, from 8:30 am - 4:30 pm. The University of Louisville is hosting the event, and UK is one of the sponsors. If any senator is interested, please contact Mrs. Brothers; Provost Subbaswamy will pay the registration fee.
- Suggestions are needed for faculty to serve on the Social Sciences Area Committee, specifically faculty from the Martin School for Public Policy and Diplomacy, the Patterson School of Diplomacy and International Commerce or the College of Social Work. The Chair emphasized how important it is that the faculty senators be diligent in supplying suggestions of faculty who are qualified for service on the Area Committees. Senators were asked to send names to Mrs. Brothers.

- College of Business and Economics Dean Devanathan Sudharshan has resigned, and an email will be sent out soon to solicit faculty names to serve on the upcoming dean search committee.
- The Senate Council (SC) was not asked to offer names of faculty nominees to serve on the College of Medicine Dean Search Committee. The Chair met with the chair of the faculty council in the College of Medicine (ME), and asked if that body was satisfied with the composition of that search committee, and if all title series were well represented. The response was that the faculty council thought the search committee was fine, that it was currently working and in the process of finishing.

2. Officer Reports

2a. Chair: The Chair noted that she had attended the New Student Induction Ceremony, in which approximately 5,000 freshmen and parents attended. She said that attendees left with a sense of community and a reason for being at UK. She said that the Office of Student Affairs was very interested in increasing faculty participation. The Chair asked senators to respond to the email sent next August from deans to college faculty about attending the ceremony.

Work is progressing on a couple of initiatives with the Staff Senate. The first such is a listening forum with Provost Subbaswamy, Friday, November 12, from 11 – 1 pm, in 230 & 231 Student Center. The Chair reminded senators about having shared information about cost efficiencies and revenue-generating ideas. She said that the SC put forward some ideas. The Provost is encouraging faculty to continue the war on attrition. In addition, UK is preparing for the coming reaffirmation of accreditation by the Southern Association for Colleges and Schools (SACS). The Chair added that she was a member of the leadership team, and encouraged senators to contact her with comments and/or suggestions.

The Chair said that the SC was looking at how to vet proposed changes to *Governing Regulations VII (GR VII)*. She said that the section defines UK's organizational structure. There are two major changes proposed: faculty within the tenure-ineligible title series can hold primary appointments in institutes and centers; and centers and Institutes can offer courses and graduate certificates. She said that discussions on *GR VII* in the SC will begin on November 1. The SC is going to divide into three groups to investigate specific sections of *GR VII*, as well as solicit input from department chairs and center directors. The three groups will review sections in detail and report back to SC as a whole. A report will be offered to the Senate in December.

2b. Vice Chair: There was no report from the vice chair.

2c. Parliamentarian: Parliamentarian Catherine Seago shared information on agendas with senators. According to Robert's Rules of Order, agendas should include the information below.

- Reading & Approval of Minutes

- Reports from Officers, Boards, Standing Committees
- Reports from Special or Ad Hoc Committees
- Unfinished Business
- New Business

Seago went on to explain how new business is placed on a Senate agenda. According to *University Senate Rules 1.2.3* ("Meetings"), the SC sets the agenda for the Senate. Anyone can present a written recommendation to the SC. If the SC opts not to bring an item to the Senate the language below applies.

In this situation, the recommendation may be introduced on the Senate floor if its initiator obtains either the signature of ten (10) Senators, or a petition approved by a corresponding percentage of the members of the University Faculty in the case of matters for which the elected University Faculty Senators are responsible.

3. Proposed Changes to *Senate Rules 1.2.2.1.D* ("Elected Faculty Membership," "Vacancy")

The Chair explained that the proposed change would allow faculty to fill vacancies in the Senate through three ways: 1. Leave the seat vacant either until the faculty elect a replacement in the next regularly scheduled election or until the originally elected representative is eligible to serve again, whichever is sooner; 2. Appoint an eligible faculty member until the faculty elect a replacement in the next regularly scheduled election; or 3. Hold a special election to fill the vacancy. The Chair allowed Grossman, who proposed the revision, to explain it to senators.

Grossman said that currently, according to the *Senate Rules (SR)*, in the event of a vacancy in the Senate a college must look back to the previous election, and use the person who received the next highest number of votes but was not elected. If there was no such faculty member, then the college is required to hold an election within 30 days. That requirement was very inefficient in large colleges, although it might be more manageable in smaller ones. Grossman said that the College of Arts and Sciences (AS) ran out of faculty to fill vacancies, as senators went on sabbatical, took administrative positions, etc. He said that the current rules would have required AS to hold a special election, and would likely result in holding special elections monthly. Grossman said he proposed the changes so that it would be easier to allow an appointment until the next general election, although it doesn't preclude a special election – it merely offers additional options.

Wasilkowski asked about who would appoint a faculty member to a Senate seat. Grossman replied that it would be the faculty as a whole, or the faculty elections committee entrusted with that responsibility by the college faculty as a whole. In response to Arthur, Grossman replied that an election was different from being appointed by the college because an election required an actual election with secret ballots. If there is a faculty committee making the appointment, then it is not an election by the entire college

faculty. If it occurred in a small college, the identification of a replacement may be the equivalent of holding an election. In response to D. Jones, Grossman said that the changes will be effective fall 2010, from the beginning of the semester.

D. Anderson **moved** that the Senate approve the proposed changes to *Senate Rules 1.2.2.1.D*, effective immediately (Fall 2010). Nadel **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with one opposed.

The Chair reminded senators to turn off cell phones and beepers, etc.

4. Committee Reports

4a. Senate's Academic Organization and Structure Committee 2009 – 2010 Annual Report: Ederington, a member of the Senate's Academic Organization and Structure Committee (SAOSC) gave the report. In summary, the SAOSC reviewed four proposals, of which three were supported and subsequently acted upon by the Senate. One proposal (that of the Quantitative Institute for the Social Sciences) was set aside until additional information was received.

Ederington said that the SAOSC had discussions about their charge, especially with judging academic merit, and not getting into the issue of funding. There was some ambiguity in the SAOSC's charter, which talks about setting priorities, but since proposals come to the SAOSC singularly and sequentially, it is hard to order things. One item for discussion for the current year is exactly what the SAOSC ought to discuss.

The Chair said that many senators should have already and some will soon receive emails about setting up Senate committees and meetings. She said that some of the issues brought up in the SAOSC report would be clarified.

4b. Senate's Advisory Committee on Privilege and Tenure 2009 – 2010 Annual Report: The Chair explained that the past chair of the Senate's Advisory Committee on Privilege and Tenure (SACPT), Sue Straley, was not in attendance and so the Chair would give the report. The Chair said that the SACPT had one case last year, and said that she would focus on the recommendations. The first issue pertained to that of inaccurate position descriptions. If a faculty member's Distribution of Effort (DOE) is 20% research, but that does not match the expectation of the department chair, there will be a problem, which occurred in the case the SACPT reviewed. The Chair read from the SACPT's report.

SACPT recommends that for review purposes the Chair should, in such a situation, describe the position reflected in the DOE in the cover letter and not use the formal position description. Alternatively, when position descriptions drift significantly from the original one used to advertise the position, the Chair should officially create a new description that matches the DOE negotiated with the faculty candidate.

The Chair reminded senators that the issue of DOEs comes up frequently, and if often falls to the faculty member who is signing the DOE to ensure the DOE actually reflects what the faculty member does.

Moving to the next recommendation, the Chair noted that there is no sub-discipline-specific document for large departments. She read language from the report:

SACPT has noted with concern that there is no sub-discipline-specific document provided during the review process to guide colleagues outside of the candidate's sub-discipline on expectations for excellence within the sub-discipline or on typical strategies for structuring a research program in the sub-discipline. The case that SACPT considered this past year was a good example of one where such a document would have been of benefit. The candidate's department contained sub-disciplines that vastly differed in pace of data gathering and in strategy for structuring an individual program. The outside letters did not comment negatively on the structure of the candidate's research program. However, it was striking how wide the range of opinions was within the University on whether the candidate had a focused program and whether the program structure was a positive or a negative factor.

The Chair noted that it was a problem in very large departments, where some faculty may not appreciate the differences within a sub-discipline.

Nadel commented that he recalled that in some cases recommendations were made by the SACPT, but not followed. The Chair said that she was a past chair of the SACPT, as was Senator Blonder, and when both were on the SACPT together there was an issue pertaining to seven-year reviews, and wide disparities between colleges. That problem has since been rectified. Nadel said that he thought there were specific instances where recommendations were not heeded. The Chair said that did occur, and that a faculty member could appeal, writing a letter and making a specific case, but must be done in accordance with University processes. The SACPT will make a decision and forward it to the President, and the President responds positively or negatively. Nadel wondered how often the response from the President was in accordance with the SACPT's recommendation. The Chair replied that when she chaired the SACPT, all the recommendations were followed. Blonder added that about half of the recommendations of the SACPT were followed when she was chair. Wasilkowski said that he was on the SACPT during the past year, and reviewed the case. The President was initially against the recommendation, but then agreed to it. The faculty member, however, had already resigned at that point.

Debski said that she wanted to discuss the first issue more closely. She said that one incorrect comment was magnified and then documented by the area committee, and then went on up through the process. She said she found that aspect most disturbing. She asked what would be done about that. The Chair was unsure, but said that if she had to decide, it would be that the area committee should look at the facts. Debski said that a recommendation like that would be a bare minimum, but did not even hear that in the SACPT's report. She added that there was also a concern about a lack of timeliness on the parts of

the Provost Subbaswamy and President Todd, but the inaccuracies seemed most remarkable. Wasilkowski said that within the confines of the committee actions, they were very detailed, but of course he could not be that open during the Senate meeting about confidential matters. He said that they thought the Provost did not agree with their comments on the area committee's job, but that it was just two different opinions.

Debski stated that she wanted clarification. As she read the SACPT's report, there were inaccuracies that were perpetuated, but it was not re-reviewed only because the problem was not procedural. Wasilkowski noted that the SACPT was charged only to address procedural issues. Regarding an additional question from Debski, Wasilkowski said that the inaccuracies were pointed out to the Provost and President. The Chair commented that this was part of the reason that senators were asked to provide nominees for area committees with due diligence, as the area committees are comprised of fellow faculty.

Nadel opined that an error of fact was committed so nothing could be done, since it was not a procedural error. When things are factually wrong, a faculty member is at the mercy of the administration. Grossman objected, saying that the process involved human beings, who do make mistakes. In this particular case, the Provost did agree to re-review the case after speaking with the faculty member, but the faculty member had already left UK. That was the issue of timeliness. There was going to be a re-review due to the error of fact. Finally, the original decision by the Provost was that yes, an error was made, but it was not enough to affect the outcome, and overall did not affect the case. One can disagree with that opinion, but is it the Provost's decision alone to decide if a person gets tenure or not. Grossman thought that mistakes had been made before the ultimate decision was made, and were brought to light, but the final decision was never made. The situation was rendered moot by the faculty member leaving. Steiner agreed that the Provost agreed to reopen the case, after the faculty member spoke to the Provost.

Nadel reiterated that structurally, there is no recourse for a factual error. The Chair said that suggestions on how to improve the review process were welcomed. Nadel suggested that a document be formulated to outline the problems. He agreed that faculty do not control the problems, but could create a document and ask a committee to work on a structural change to protect faculty against errors in fact. Brion suggested that the Senate could suggest defining factual errors as procedural errors.

Wasilkowski said that he remembered the decision as having been made by the President. He asked D. Jones to correct him if needed, and went on to say that he thought there were two different channels to appeal an unsuccessful tenure decision. One is based on procedural error, and the other is based on merit, and it is up to the faculty member to decide which it is. He opined that it would be nice to consider factual errors as procedural errors, but that it was not true that faculty did not have any other avenues.

D. Jones added that there were two routes of appeal. One takes an administrative route, through the dean, Provost and President, in which any issue can be entertained, whether there was a procedural

error, or a dean made a bad decision, etc. As far as the Senate apparatus is involved, the SACPT can only hear procedural issues. Since the University President is the University Senate Chair, the SACPT recommends directly to the President at the top of the process, where the President makes a final decision.

The Chair asked if there were any additional comments, and there were none.

4c. Senate's Rules and Elections Committee 2009 – 2010 Annual Report: D. Jones, chair, offered information about current and upcoming events. He referred to the election recently concluded by the Senate's Rules and Elections Committee (SREC) for three faculty members to serve on the Presidential Search Committee. The Senate was the starting body for that exercise, in which the body comprised of the elected faculty senators nominated from themselves candidates to be on the committee. The six finalists were placed on a university-wide ballot for a vote by the eligible University Faculty on the final three. He said he was pleased with the participation of the elected faculty senators, as 86% voted. The university-wide voting ended the past Friday, and 840 people voted, about 40% of eligible University Faculty.

D. Jones then announced that the three candidates voted to be the three members of the President Search Committee (and associated votes) were: Sheldon Steiner – 199; Hollie Swanson – 172; and Lee Meyer – 158. The votes received by the remaining three candidates were: Greg Wasilkowski – 132; Connie Wood – 108; and Dwight Denison – 71. Any vacancy on the committee would be filled in the order given for the fourth through sixth candidates. He thanked the six individuals who volunteered for something that is an incredible amount of time, spent on the faculty's behalf, and he said he really appreciated it. Those six individuals were honored with a round of applause.

Noting the ca. 1880 picture of the original University Faculty in the PowerPoint presentation, D. Jones said that there would be several more elections during the year. The President Search Committee is over, but in mid- to late November the elected faculty senators will elect three faculty senators to serve on the Senate Council. A Faculty Trustee election will be held in the spring, and Senate elections for about one-third new members will also be held then. Senators should expect to see a lot of communications this academic year from the SREC.

Turning to other matters, D. Jones said that the SREC had been contacted several times this academic year about things brewing in relation to budget constraints and how they will affect programs, departments, proposals, etc. There is also some concern among some faculty about whether the appropriate faculty vetting will occur as it should. He said he would then share with senators the information that has been and will be sent to colleges and deans.

D. Jones then offered an explanation of a flow chart about shared governance, in particular faculty governance control over educational policy-making. He explained that the Board of Trustee's *Governing Regulations* delegate to the faculties of departments, the faculties of colleges and to the University Senate decisional control over the University's educational policies, while the chairs, deans and

Provost/President are delegated decisional control over managerial policies. He further noted that the *Governing Regulations* expect the faculty bodies and administrators to each consult the other for advice prior to making their respective decisions.

Moving specifically to the subject of new departments and new programs, Jones explained that the final decision on departmental infrastructure is made by the administration, with input from faculty. The features of an academic program within an administrative structure are decided finally by faculty. He referred to a specific example: a question was raised about whether or not the motion for a vote by the faculty on the dean's budget proposal is the same as a vote on an academic program. D. Jones stated that faculty make an advisory vote to a dean or chair on infrastructural aspects (such as budget), but the vote by the department faculty or college faculty on academic features is a decisional vote that establishes the academic policy or position of the respective unit. This issue is what the SREC has been attempting to clarify for various units across campus. He said that senators may be seeing this year some of these proposals and that this is the context in which decisions are being made at department and college levels.

Some faculty were anxious because someone raised the question of whether or not the tenure of program faculty was secure if the program (but not the department) was terminated but that tenure was not secure if a department were eliminated. D. Jones said that he asked the question of the Provost, and the Provost offered a written reply, shown below.

I regret that discussions about efficiency, innovation, and cost-cutting are being conflated with the status of tenure. From my perspective, the governing principle in faculty personnel matters related to the status of tenure is derived from GR X (page 7) on "Termination of Appointment."

The language in that section of GR X reads:

"Except in cases of financial emergency, the termination of a tenured appointment or the dismissal of a person prior to the expiration of a non-tenured appointment shall be, in accordance with KRS 164.230, only for reasons of incompetence, neglect of or refusal to perform duties, or for immoral conduct."

Furthermore, any declaration of "financial emergency" has to pass national scrutiny in order to hold true to AAUP principles and maintain credibility among our peers.

Thus, in my opinion, a departmental reorganization for reasons of efficiency, innovation, and cost-cutting (for reprioritization) does not constitute sufficient basis for dismissal of a tenured appointment, nor the dismissal of a person prior to the expiration of a non-tenured appointment. And finally, any decision-making about reorganization will follow

established University policies and rules, including those policies and practices on shared governance.

Provost Kumble Subbaswamy

D. Jones said that the last sentence meant that all proposals concerning reorganization of infrastructure will be processed up through decision-making routes. He said he thought it was very important for faculty to know this, and that the mere recombining or reorganization of departments in a college has nothing to do with security of tenure. It is only a declaration of financial emergency that must pass national scrutiny that brings security of tenure into play. Steiner asked if reorganization of departments would be categorized as an administrative change of structure and D. Jones said that it could, but would still need the input of the faculty. Steiner noted that the faculty's input was only advisory, and D. Jones replied that even if the Senate and administration do not see eye to eye, because the President is the Chair of the University Senate, the Senate body can force the University Senate Chair to pass the Senate's opinion on to the Board of Trustees. The Board will be made to know of the various opinions on the abolitions of departments with which the Senate does not agree.

The Chair asked for additional questions or comments, but there were none.

5. Recognition of 2009-2010 Recipients of Provost's Awards for Outstanding Teaching

The Chair called the names of the recipients of the Provost's Award for Outstanding Teaching:

- William Rayens (AS/Statistics)
- Jeff Rogers (AS/Modern and Classical Languages, Literature and Cultures-German)
- Bryan Hains (AG/Community & Leadership Development)
- Tracy Kitchel (AG/Community & Leadership Development)
- Jennifer Cowley (NU)
- Bruce Holle (AS/History)

Those present stood and were honored with a round of applause. The Chair then recognized the outstanding teaching assistants, who were also recognized with a round of applause.

- Andrew Battista (AS/English)
- T. Garrett Graddy (AS/Geography)
- Jeffrey Gross (AS/English)
- Justin Taylor (AS/Mathematics)

6. Recent Changes to Provost's Awards for Outstanding Teaching

The Chair explained that Associate Provost for Faculty Affairs Heidi Anderson had intended to present the changes, but was home ill. The Chair said that there were new criteria for the Provost's Awards for Outstanding Teaching, and shared them with senators. Grossman commented that he had not seen the updated criteria the last time he was on the site, and suggested that the information be posted there.

The Chair also shared information about guidelines and deadlines for submitting nominees for the Outstanding Teacher Awards.

7. KCTCS September 2010 Candidates for Credentials

D. Jones **moved** that the elected University faculty senators approve the September 2010 KCTCS list of candidates for credentials, for submission through the President to the Board of Trustees, as the recommended degrees to be conferred by the Board. Grossman **seconded**. D. Jones commented that other than a few omissions that might come to the Senate later, this list would likely be one of the last received comprised of students from the Bluegrass Community and Technical College (formerly Lexington Community College, or LCC), for their receiving a diploma with the UK name on it. There being no further discussion, a **vote** was taken and the motion **passed** with none opposed.

There being no further business to attend to, Steiner **moved** to adjourn, and Nadel **seconded**. There was no dissent and the meeting was adjourned at 4:05 pm.

Respectfully submitted by Debra Anderson,
University Senate Secretary

Absences: Absences: Adams; H. Anderson; Arents; Arrington; Back; Badger; Birdwhistell; Brennen; Cheever; Conners; Costich; Culver; DeWall*; Dyer; Ederington; Ettensohn; Gonzalez*; Hall; Hardin-Pierce*; Harris; Hazard*; Hippisley; Jackson; Januzzi; Jensen; Kelly; Kidwell; Kington; Kirk; Kirschling*; Kornbluh; Kwon; Lester; Maglinger; Martin; McCormick*; McCorvey; McMahan; Mendiondo; Mobley; Mock; Mountford; Parker; Patsalides; Peek; Perry; Prats; Ray*; Rickey; Ritchie; Robinson; Rohr*; Rouse; Sellnow; Shannon; R. Smith; W. Smith*; Snow; Starr-LeBeau; Stombaugh; Subbaswamy; Sudharshan; Thacker; Thelin; Tick; Todd; J. Tracy; T. Tracy; Travis; Troske; Turner; Viele; Wells; Wermeling*; Williams; Wilson; Wiseman; Witt; Wyatt*; Zentall; Zhang.

Prepared by Sheila Brothers on November 3, 2010.

* Denotes an absence explained prior to the meeting.