

University Senate  
October 12, 2009

The University Senate met in regular session at 3 pm on Monday, October 12, 2009 in the Auditorium of the W. T. Young Library. Below is a record of what transpired. All votes were taken via a voice vote unless indicated otherwise.

Chair Dave Randall called the University Senate (Senate) meeting to order at 3:03 pm. The Chair reminded senators to communicate often with constituents. He also requested that senators review all emails from the Office of the Senate Council, adding that additional information would follow later in the meeting.

1. Minutes from September 14, 2009 and Announcements

The Chair noted that there were some editorial changes made to the minutes after distribution. He also explained that while all senators typically did not receive handouts, handouts of the day's meeting were provided for all senators to accommodate other agenda items.

Hayes **moved** to approve the minutes from September 14 as amended and Grossman **seconded**. There being no discussion, a **vote** was taken and the motion **passed** with none opposed.

There were a variety of announcements:

- The Chair said that voting senators should have already signed for a vetting team ballot on which three individuals should be identified for each vetting team. He added that it was the next stage of moving the Gen Ed process forward. The vetting teams will meet for the remainder of the semester, and report back to the Senate in December. Twenty-four courses had already been tentatively placed on the Registrar's list for possible presentation during the spring semester.
- There is a web transmittal currently posted. The Chair noted that as senators would see shortly, the curricular approval process had been altered – the current web transmittal will be posted for 10 days, during which objections could be lodged. Otherwise, the items posted would be approved. Reviewing web transmittals are one responsibility of the Senate, and the deadline for review of the current web transmittal is October 14.
- One master's degree student in the College of Medicine needed to be added to UK's August 2009 degree list post Senate approval, so the Chair approved that student's inclusion on behalf of the SC and Senate. He noted that as a result of the degree list review and approval exercise conducted by the the elected faculty senators and colleagues, a total of four students were added to the list recommended to the Board of Trustees for conferral of the degree.
- Anyone advising students is strongly advised to contact Jessica Baer to join the Advising Network listserv. The Chair noted that, as senators are probably well aware, one current effort is to better advise and retain students, and part of that is helping to keep advisors better informed.
- There was some confusion pertaining to the changes to Dead Week approved by the Senate during the spring 2009 semester, specifically whether or not Dead Week applied to graduate students. For clarification purposes, the SC voted to announce to the faculty that Dead Week

only applies to undergraduate students, and not graduate students. The Chair explained that during the spring Senate discussion on Dead Week, the question was raised and a non-senator answered, erroneously. He stated that the SC considered the matter officially clarified.

- Another series of changes to UK's *Administrative Regulations (AR)* was made, pertaining to the University Joint Committee on Honorary Degrees (UJCHD). The Chair said that the chair of the Senate's Rules and Elections Committee, Davy Jones, worked with other individuals to, among other things, modify the wording regarding faculty eligibility for serving as chair. The *AR* was approved by the President and is currently posted.
- On behalf of the SC and Senate, the Chair approved a parallel 10-day posting for the first web transmittal. Previously, web transmittals (for course changes, etc.) were posted for 10 days for the SC to review, and then posted for another 10 days for the Senate to review. Now, upon vote of the SC, web transmittals will be posted for the SC and Senate for 10-days, total, in parallel. He added that it would speed up the process a bit and make things more efficient, since the serial 10+10 reviews were changing to one parallel 10-day review.
- There were three waivers of *Senate Rules 5.1.8.5.B.2*, regarding the "two-year rule" for retroactive withdrawals.

## 2. Vetting Team Election

The Chair referred senators to the paper ballots, saying that voting members should have already signed for and received a paper ballot from Ms. Sohner, Sergeant at Arms. Voting senators were instructed to circle the names of three members for each team and return ballots to Mrs. Brothers or the Sargent-at Arms. The Chair added that the vetting teams will meet for the remainder of the fall semester, and will be instrumental in a report given to the Senate on the review of courses and how well the vetting teams functioned.

After the ballots were collected, the Chair moved to the next agenda item.

## 3. Informational Presentation on UK Bookstore Manager Sally Wiatrowski

The Chair invited Sally Wiatrowski, manager of the UK Bookstore, to the podium. Guest Wiatrowski then shared information about various facets of the UK Bookstore, including its contribution to UK's general fund. After her talk, she took questions.

Nadel asked if the UK Bookstore was going to sell books that were not required, and asked about the mark-up on books compared to Amazon.com. Wiatrowski replied that 3,800 general reading material titles were added as a part of recent renovations. As a part of building a customer base, Wiatrowski said that UK Bookstore had sponsored a few events already, including one with Robert Kennedy, Jr., sponsored jointly with the Student Activities Board. In response to a follow-up question from Nadel, Wiatrowski said that any increase in the number of general reading material titles would depend on a number of factors, including the number of customers. She said that there was a 25% markup on new books, and that used books were sold at a price of 25% less than the price of a new book. Wiatrowski said that she did not routinely compare prices with other competitors, and that unlike competitors, the UK Bookstore actively supported campus, referring to her previous statements that a percentage of sales from UK Bookstore were contributed to UK's general scholarship fund.

Hayes asked about the availability of University Press titles in the bookstore, saying that she often had trouble finding them at UK Bookstore. She also wondered if Wiatrowski might consider offering a promotion in which a discount could be based on, for example, a winning athletic score. Wiatrowski said that some decisions were out of her hands, but said she would mention the suggestion to the Office of the President and Public Relations. She added that special sales meant that none of the monies received would go to the student scholarship fund.

Wiatrowski said that there were two staff/faculty events on campus annually, in November and March, in which employees received an additional percentage off, in addition to the employee discount. She added that monies from those events were not exempt from the percentage of sales that returns to UK. Regarding Hayes' suggestion about score-based discounts, Wiatrowski recalled one such event she held at another institution – the home team clobbered the other team, and Wiatrowski said she had had to offer 86% discounts!

Dean Diedrichs spoke up regarding University Press books, saying that although the warehouse had been outsourced out of town, UK Bookstore could easily buy those books. Wiatrowski added that the UK Bookstore had the full line of titles currently available. In addition, books by faculty and the University Press were on the right-hand side as one entered the store. Wiatrowski said she would check on their availability. The Chair said that items could also be purchased from the University Press web page, and Wiatrowski added that the UK Bookstore would special order any book.

Mendiondo asked about the percentage of profits returned to UK. Wiatrowski said that it started at 10% on the dollar, and grew from there, depending on milestones and volume. She said that \$625,000 was contributed to the University last year, but she did not know the percentage that went into the scholarship fund. Mendiondo clarified that she was asking about percentage of the profits, and Wiatrowski replied that the UK Bookstore's budget would not show a profit this year, due to the \$3 million spent on renovations.

The Chair thanked her, and she departed. The Chair stated that if any voting senator had arrived late but did not pick up a ballot, they could should do so and return it to Mrs. Brothers prior to leaving.

#### 4. Informational Presentation on UK Tobacco Free Policy

The Chair asked Professor Ellen Hahn and Assistant Vice President for Public Safety Anthony Beatty to make the presentation, which they did. Afterwards, they answered questions from senators.

Guest Hahn suggested that senators visit [www.uky.edu/tobaccofree](http://www.uky.edu/tobaccofree), where all the information presented was also located, along with a variety of resources about how to stop using tobacco products.

Coyne commented that since the policy only applied to UK-owned properties within Fayette County, it would not apply to the research stations outside of Fayette County. Hahn agreed, and also responded that the current policy for all UK-owned property was that smoking was prohibited within 20 feet of the door. It was up to the Board of Trustees to make any further changes.

Grossman said that there was always a large collection of cigarette butts on the perimeter of the property near Maxwell Street and University Drive by Chandler Hospital. He opined that there would be a bigger trash problem when campus employees and visitors went out to smoke. He asked if there were plans to pick up the trash, or if UK had spoken to the city about the trash. Guest Beatty said that conversations were ongoing with the city about that and that efforts were being made to ensure that

smokers had somewhere off campus to smoke. Grossman noted that the issue was the public sidewalks, where passersbys now walk through a cloud of smoke. Hahn said that other universities had asked their local cities to allow the sidewalks and perimeters to be covered so that the university or campus could include those areas within the smoke-free policy. Various options were being considered.

Reed said that she wanted to follow up on an earlier statement, saying that she hoped UK would not stop with just Fayette County properties. She said it sent a mixed message to the Commonwealth; every area with the UK logo should be covered by the smoke-free policy.

Snow asked if the policy included dorms, saying that she wondered about conversations with students in which they were told they could not smoke in their campus homes. Hahn replied that smoking had been prohibited in dorms for quite some time, at least three years. She noted that there were a number of students on the tobacco-free committees and task groups who gave a lot of input. After a follow-up from Snow, Hahn replied that when students visited campus this past summer for orientation the issue was discussed with students and parents, and it was recieved well, although there were a few dissenting opinions. She also mentioned that nicotine replacement products could be purchased at a variety of locations on campus at a huge discount.

Beatty said that it was his hope that there would be a casual approach towards someone in violation of the tobacco-free policy, simply asking that person to abide by the policy. If someone complied, then the issue would be resolved. If an individual refused to comply, one could ask for identification or the person's name and report the violator to the Dean of Students, etc. Nadel commented that it sounded like the only means of enforcement would be peer enforcement, something with which he was not comfortable. Beatty replied that the idea was to create a culture of compliance without heavy enforcement and the issuance of citations.

Nadel asked if there would be any type of enforcement beyond asking for someone's identification. Hahn replied that there was no requirement to report someone violating the tobacco-free policy. If one were interested in doing so, it would be best to be clear and speak compassionately about the prohibition, and perhaps also mention the nicotine replacement products at the pharmacy and in UK's stores. Hahn said that the experience at the medical center was compliance in nine out of ten situations. An employee could ask a building administrator to talk to someone in violation of the tobacco-free policy near that building, or could report someone to a supervisor or Human Resources. She said that by using scripting and appropriate signage, including information on where people can go for smoking cessation products, etc., UK hoped to change the culture.

Rohr mentioned that some of the signs on the medical campus had been removed and/or destroyed, and asked about how often that happened and the University's response. Beatty said that the displacement of signs did not affect the policy whatsoever, and that signs were being replaced and also newly installed. Rohr asked about the likelihood of future damage, but Beatty opined that the Physical Plant Division had come up with a way to prevent the signs from being removed.

The Chair thanked Hahn and Beatty for attending.

##### 5. Cliff Vesting

The Chair invited Executive Vice President for Finance and Administration Frank Butler to explain the cliff vesting issue. Guest Butler began his presentation with some background information for senators.

Butler referred to the state's financial situation, and that UK was potentially facing the third year with no pool of money for salary increases. President Todd wanted to find a way to create dollars within the University system to give raises. UK escaped the last round of \$21 million in state cuts because the state replaced that funding with stimulus dollars from the federal government. Although there is a possibility that the federal government could replace those funds, the general assumption is that will not happen. Butler added that there were UK administrators who were very concerned about how UK's funding would be affected.

The Council on Postsecondary Education is responsible for letting institutions know how much tuition costs will be, and in some instances UK is approaching the tuition rates of sister institutions in nearby states. Therefore, it is unlikely that an increase in tuition alone could be used to fund salaries raises. When dealing with financial issues, Butler said that the choices were to increase revenue or decrease expenses. Since there was not much room to increase revenue, Butler said that the only option was to look at decreasing expenses to create a raise pool. Referring to the past change to retiree health benefits, he noted that the change caused much controversy and was generally unpopular. This year, UK would be paying out \$8 million for the retiree health benefits to keep the retirees' premium lower, but noted that such an increase in University contribution was unlikely to occur in the future, and the premiums for spouses were raised dramatically.

After his presentation, Butler took questions from senators. In response to Grossman, Butler agreed that after the five years, when an employee would be fully vested, the employee's retirement account would receive the University contributions from day one. Grossman asked about tracking the monies, and Butler replied that both the employee and University retirement contributions were tracked through SAP, and unvested employees' University contributions would go into a pool for accounting. Employees will be able to see the contribution from the online pay stub, and if the money is not vested it will return to the pool. After clarification by Guest Joey Payne (director, Employee Benefits & Self-Funded Plans), it was clear that if a non-vested employee left UK, the employee would leave with their entire contribution. [The University will retrieve its full 10% contribution that was made, including any investment gains or losses.](#)

Wasilkowski asked if the policy applied to administrators, as well as staff and faculty. Butler replied that it did, and also applied to athletic coaches. J. Miller asked about the history of the retirement plan, and thought that there was a vesting period back when he was first hired around 1975. It was determined that that was indeed the case, but that the policy ended in 1988.

Wood asked if exemptions would be allowed to assist the University with hiring a prestigious senior faculty member for a less-than-five-years period of time. Butler said that the Internal Revenue Service would not allow any exemptions, although it would be acceptable to utilize some creative salary thinking to make up the University contribution through salary.

Hayes asked about employees who were laid off – Butler said that they also would have the benefit of the "one-year rule," in which employees who left UK in good standing could resume their vesting period upon return to UK within one year of their departure. Blonder asked about faculty and staff paid off of grant funds, who might leave prior to the fifth year. Butler suggested Blonder email Vice President of Financial Operations Angie Martin, saying that Martin was working on that issue with other medical center employees, and could give a better response than he. Butler did say the short answer was that the monies would be returned to the department for future expenses.

Mountford asked if UK would honor vesting from other institutions. Butler said that UK would not. Nadel said that the estimated savings in the next year (\$375,000), plus the estimated savings for the subsequent year (again, less than \$1 million) would not be enough to fully fund the raise pool. Butler said that the change to cliff vesting was not the entire answer. The dollar figures presented would also be split in half, to accommodate the funds that would accumulate for medical center employees, and not be available to campus.

Nadel, referring to Butler's introductory remarks, asked about the other possibilities for a raise pool; Butler said that none of the options were palatable. He remarked that other universities were also cutting budgets – at least one university added three more furlough days prior to December for employees and that there were many ugly things that could occur, although UK preferred not to utilize them. Butler said he was very much open to suggestions. He said the cliff vesting could offer some employment retention that UK had not seen in the past. The Chair noted that during the past week, the chairs of the SEC schools were on campus and none of their respective schools' financial situations were any better than UK's.

Hulse asked about faculty schedules – if a start date was August 1, and the faculty member was terminated four years and eleven months later, on June 30, would the faculty person actually need to be at UK for six years? Payne said that faculty would be looked at on academic years, so a faculty member would be vested after five academic years.

Yanarella opined that one of the few growth industries at UK was the Athletics Department and noted there had been significant coverage regarding the financial contributions from the UK Athletic Association (UKAA) to UK's general fund. Yanarella shared some figures with senators, illustrating that while UKAA's budget grew, its dollar amount contribution remained essentially the same; Yanarella said that the "Big Blue Nation" owed the academic side of campus more than a smaller and smaller percentage of the UKAA budget. Yanarella also referred to the lucrative and recent Southeastern Conference (SEC) television rights contract. He opined that while it might be unpalatable, the issue should be more carefully examined. Butler replied that President Todd requested an additional \$600,000 last year, and that UKAA would likely be asked to contribute more.

Steiner referred to Butler's statement that the change to cliff vesting could encourage employees to remain longer and wondered if the flip side of that was also true – that UK would be unable to recruit employees to work for short terms if there was no immediate vesting of the University retirement contribution. Butler acknowledged that there were indeed downsides to the proposed changes. He recalled the assumptions made back when the retiree health benefits were modified, about how many employees would be remaining on the payroll to avoid the increased health insurance premium when retiring prior to age 65, and said that there was no numerical evidence of that having happened. Butler said that time would tell if cliff vesting would affect UK's recruitment and retention, but acknowledged that there would be a downside in the quest for dollars to fund salary increases.

D. Anderson opined that cliff vesting would have a larger effect on younger women, since they were more likely to take time off for family matters, such as pregnancy. Framing it as an issue of gender equality, she asked if there had been any consideration of lengthening the one-year period during which an employee could return and "start back" under cliff vesting with previous years of service intact. Butler responded that expanding the return period past one year was a slippery slope, with a variety of "good reasons" why it should be lengthened by one or two months, or a year or two, or maybe four

years, etc. He suggested that changes could be made in the future if necessary. In response to a follow-up question from her, Butler said that the Office of Work-Life had been involved in the proposal.

Referring to Butler's comments about the medical center, Yanarella asked him to speak more to the issue of recruitment in light of the proposed change to cliff vesting. Butler said that in one case, the surgery department chair brought in a faculty member for a two-year period, and to offset cliff vesting, the chair basically did a salary adjustment for that period, and removed money from the departmental budget to offset the retirement issue.

The Chair reminded senators that part of Yanarella's job as faculty trustee was to represent the views of faculty before the Board of Trustees and encouraged senators to see Yanarella after the meeting if so desired.

There being no further business to discuss, the meeting was adjourned at 4:30 pm.

Respectfully submitted by Hollie Swanson,  
University Senate Secretary

Invited guests present: Anthony Beatty, Frank Butler, Ellen Hahn, Joey Payne and Sally Wiatrowski.

Absences: Adams; Anderson\*; Arents; Arnold; Arrington; Atwood; Back; Brennen; Chappell\*; Conners; Culver; Denison; Dyer; Ensslin; Ettensohn\*; Feddock; Gonzalez; Hall; Hallman; Hardesty\*; Hardin-Fanning\*; Harris; Haurylko; Hazard; Heller; Hopenhayn; Howard; Huberfeld; Isaacs\*; Jackson; Januzzi; Jensen; Jones\*; Jung\*; Kidwell; Kirk\*; Kirschling\*; Kwon; Lester; Lesnaw; Luhan; Maglinger; Martin; Marano; McCorvey; J. McCormick\*; McMahon; Mehra; Mobley; Mullen; Murphy\*; Nadel; Nieman; D. O'Hair; M.J. O'Hair; Meyer; Patsalides; Perman; Estus; Ray; Richey; Rieske-Kinney\*; Ritchie; Robinson;; Roorda; Rouse; Santhanam; Shannon; Shay; Sellnow; R. Smith; Speaks\*; Sottile; Stenhoff; Subbaswamy; Sudharshan; Sutphen; Telling; Thelin; Todd; Tracy; Travis; Troske; Turner; Wasilkowski; Watt; Wells; Wermeling; Whitt; Wiseman; Witt; Yanarella; Yost\*; Zhang.

Prepared by Sheila Brothers on Monday, December 8, 2009.

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\* Denotes an absence explained prior to the meeting.