

University Senate
October 12, 2020

The University Senate met in regular session at 3 pm on Monday, October 12, 2020 via video conference. Below is a record of what transpired. All votes were taken with the video conference "raise hand" feature. Specific voting information can be requested from the Office of the Senate Council.

Senate Council Chair Aaron Cramer (EN) called the University Senate (Senate) meeting to order at 3:00 pm. He welcomed those present and informed them that the session was being recorded for note-taking purposes. He asked everyone to use the chat box to sign in for attendance but noted that the chat function is generally used for attendance and would not be monitored during the meeting. He asked everyone to mute themselves. He asked Senate members to send an email to Sheila Brothers if they become disconnected and cannot reconnect.

He provided guidance on how to participate in the discussion. He welcomed senators and reminded them that Senate follows Robert's Rules of Order. He asked that senators be civil and good citizens. He also asked everyone to participate in the meetings and share information with colleagues in their home units.

1. Minutes from September 14, 2020 and Announcements

The Chair reported that no edits were received for the minutes from September 14, 2020. There being **no objections**, the minutes from September 14th were **approved by unanimous consent**.

The Chair congratulated the SC Office's Joanie Ett-Mims who won the 2020 Staff Senate's Faculty-Nominated Outstanding Staff Award. She is the office's course expert, Curriculum administrator, and administratively manages the Senate's UK Core Education Committee and the Undergraduate Council.

The Chair reported that he and SGA President Courtney Wheeler participated in an anti-racist training workshop facilitated by Education Professor Candice Hargons.

The Chair reported that due to interest from Senate last year, a presentation for senators will be scheduled about University protocols surrounding monetary donations and naming rights.

The Chair reported that a query was received about students with long periods of excused absences that trigger the "20 percent rule" (*Senate Rule (SR) 5.2.4.2.3.1*). Since the *SR* further states that "[a] student shall not be penalized for an excused absence", SC will be investigating if an "I" grade could have ramifications that negatively affect financial aid and if an instructor may refuse to assign an "I" grade.

The Chair reported that Senators should have received an email from chair of the Elections Subcommittee Roger Brown regarding the upcoming election of three SC members. He explained that the election will be in late October or early November and results will be announced within 24 hours after voting ends. He noted that the three, three-year terms begin on January 1, 2021 and that SC meets every Monday that Senate does not meet, also from 3:00-5:00 pm. He also named the three SC members whose terms are coming to an end: Francisco Andrade (ME), Gail Brion (EN), and Allison Sout (AS). He emphasized the importance of SC and encouraged nominations. He invited anyone who would like more information about serving to email him.

The Chair reminded Senators of curricular proposal deadlines. If seeking a fall 2021 effective date, curricular proposals must first be reviewed by the appropriate academic council(s) (GC, HCCC, UC) and received by the SC office after academic council approval by:

- February 1, 2021 for new degree program proposals.

- March 15, 2021 for other proposals requiring committee review (new certificates, transfers of a degree, new department, change to credit hours required for graduation, significant program changes, etc.).
- April 12, 2021 for courses, all other program changes, and minors.

There was clarification that these deadlines are for SC Office to receive curricular proposals and that the academic councils have their own deadlines.

2. Officer and Other Reports

a. Chair

The Chair reminded Senators that the *SRs* give SC and the SC Chair authority to take some actions on behalf of the Senate as long as they are reported to the Senate at its next meeting. Actions reported included:

- Approval of a revised calendar for Spring 2021 by the Chair.
- Approval of the 2020-21 Winter Intersession calendar by the Chair.
- Approval of nonstandard course calendars for DHN Courses by SC.
- Waiver of a portion of *SR 5.2.4.6* ("Dead Week") for PAS 650 by SC.
- Approval of the College of Pharmacy (PharmD) Spring 2021 calendar by SC.
- Approval of nonstandard course calendars: AAD courses for Spring 2021, EMBA courses for Spring 2021, AT 641 for Spring 2021, and CSD 659 for Spring 2021 by SC.
- Approval of the Summer 2021 calendar by SC.
- Approval of nonstandard course calendars for PAS courses for Spring 2021 by the Chair.
- Approval to allow students to drop up until midnight, January 29th without financial penalty by the Chair.

The Chair reminded Senators of concerns shared at the previous Senate meeting about the College of Arts and Sciences dean and adherence to *Governing Regulations (GR) VIII* regarding University appointments. He reported that the Provost has now met with Arts and Sciences faculty as well as SC members and an email was sent to senators on October 5th that describes the Provost's resolution.

The Chair announced that he was asked to lead the Diversity, Equality, and Inclusion (DEI) group for DEI project number three. He will be putting together a faculty advisory group to establish an official faculty group to help guide institutional DEI efforts.

The Chair was asked if Senate had a response to President Trump's executive order and if administration is planning to respond. He was not aware of any response but would investigate it and report back.

b. Provost

Provost Blackwell did not have a report to give.

c. Vice Chair

The Vice Chair DeShana Collett (HS) did not have a report to give.

d. Parliamentarian

Parliamentarian Doug Michael (LA) did not have a report to give.

e. Trustee

Trustee Swanson (ME) reported that the Board of Trustees (BOT) were meeting on Thursday and Friday of that week. They will be assigning committee members. She and Trustee Blonder (ME) are both serving on the Academic and Student Affairs Committee. Blonder is serving on the Finance Committee and the Human Resources and University Relations Committee. Swanson is serving on the Investment Committee and University Health Care Committee.

Swanson reported that the Academic and Student Affairs Committee will receive updates from the Student Government Association (SGA), Provost, Vice President for Student Success, and Vice President for Institutional Diversity at their upcoming meeting. The Health Care Committee will receive financial updates and review Finance Committee Reports (FCRs) on budget, revisions, and improvements in the UK HealthCare pavilions. They will also hear reports from Executive Vice President Eric Monday and Vice President Lisa Cassis. The Executive Committee will be discussing the President's evaluation, which includes the evaluation from SC. The Board will be voting to elect a BOT chair and will also hear from Provost Blackwell and President Capilouto. Blonder added that the meeting will be live streamed on YouTube if anyone is interested in watching.

There was clarification that the typical October BOT retreat is not happening this year due to COVID.

3. Old Business

a. Senate Academic Programs Committee (SAPC): 2019-20 Report – Leslie Vincent, Chair

Vincent shared an overview of academic year 2019-2020 for SAPC. The overview included a breakdown of what SAPC reviewed. She shared that the new forms in Curriculog were very helpful with the review process and that all programs being submitted in the same format was helpful. Also, an early notification process was implemented that facilitated opportunities for different areas of campus to engage with one another more. Lastly, it was noted that sometimes similar programs come through the SAPC at different times, which makes it more difficult to evaluate collaborations or overlaps in content. There were no questions from senators.

b. Senate Academic Facilities Committee (SAFC): Results of 2019-20 Facilities Survey – Chris Pool, Past Chair

Pool (AS) recognized SAFC members and current SAFC chair Kevin Donohue (EN). He described last spring's process of creating and sending out the facilities survey to senators. He noted that the University's COVID response addressed some of the issues identified in the survey, like upgrading classroom technologies, but further updates will be required as more students return to classrooms. Donohue reported that the SAFC will be asking Facilities Management to attend one of their upcoming meetings. Pool asked if there were any questions and there was discussion about issues in Blazer Hall.

c. Update on CIP Changes from 2019-20 – Assistant Provost for Strategic Planning and Institutional Effectiveness Annie Davis Weber

Assistant Provost for Strategic Planning and Institutional Effectiveness Annie Davis Weber explained that program changes only involving Classification of Instructional Programs (CIP) codes are processed through her office and then reported back to Senate. The federal government uses CIP codes as a standard way to match programs with different names across different universities. The summary of CIP code changes processed for the past year was presented and there were no questions from senators

4. Proposed Changes to *Governing Regulations (GR) II* ("Governance of the University of Kentucky")

The Chair explained the Senate's role in endorsing the proposed change to *GR II* and welcomed Senior

Associate General Counsel Marcy Deaton. Deaton explained that the first part of the proposal is to clarify that the criteria and procedures for Kentucky's Governor to remove board members relates only to appointed members and not elected members. She then explained the second part of the proposal which is related to a new Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) requirement that university's governing boards must conduct regular self-evaluation. There was clarification that the language in the proposed changes were modeled directly from the SACSCOC guidebook.

Grossman (AS) **moved** to endorse the proposed changes to *Governing Regulations II*. Brion (EN) **seconded**. There was no debate. A **vote** was taken and the motion **passed** with one opposed and four abstaining

5. Committee Reports

a. Senate's Advisory Committee on Privilege and Tenure (SACPT) - Michael Healy, Chair

i. 2019-20 Report

The Chair of SACPT Michael Healy (LA) explained the report. He noted there were two cases involving dismissal that related to research misconduct and a claim of constructive dismissal that was ultimately resolved informally. Also, there was a preliminary discussion regarding tenure and a claim involving violation of privilege as a scholar.

6. Joint SC-President Working Group on Sexual Assault and Sexual Harassment Policies - Co-Chairs Jennifer Bird-Pollan and Martha Alexander

a. Memo Regarding New Department of Education Title IX Regulations

Co-chair of the Joint Workgroup on Sexual Assault and Sexual Harassment Policies Jennifer Bird-Pollan (LA) explained that she, Co-Chair Martha Alexander, and other committee members were present to get senators' feedback on their recent report. She described the history behind previous *Administrative Regulation (AR)* changes related to Title IX. The current workgroup was formed jointly with SC and the President's Office in January 2019 and is composed of members from SC, Staff Senate, Student Government Association, and community leaders. They worked over the summer on responses to the new Title IX regulations that were released in May. Compliance with the new regulations were required by August 14th.

Bird-Pollan explained that there are five items in the new Title IX rules for which the University has some discretion and can choose among acceptable options. The workgroup reached out to the campus community via a survey earlier this semester for feedback and has requested feedback from Senate, as well as Staff Senate and SGA.

Bird-Pollan summarized the five items noting that the workgroup unanimously agreed on four of the five items. She explained that the fifth pertains to a new regulation that requires all proceedings related to an alleged violation of Title IX to use the same standard of evidence throughout. She explained that current hearings under *Administrative Regulation (AR) 6:2* are operated using the preponderance of the evidence standard, meaning that the hearing panel will determine that with slightly more than 50% likelihood the person did or did not commit the alleged act. If a hearing under *AR 6:2* leads to a case where the University seeks termination of a faculty member, the SACPT currently reviews the case using the (different) clear and convincing evidence standard, which is 70% - 80% certainty that the action did or did not occur.

Bird-Pollan explained that the workgroup developed five possible solutions to the issue of which standard of proof to use, although only two solutions seemed workable to the workgroup . The first would be to change the standard of evidence in termination proceedings to preponderance of evidence. This would result in a lower standard of evidence in a termination hearing than is currently used. The second option would be to distinguish between hearings when the University seeks termination and hearings of less severe sanctions to determine which standard to use.

She invited anyone with comments or questions to reach out, noting that the workgroup was extremely eager to hear from senators. There was discussion and questions about a wide range of issues including:

- How football events are affected by Title IX and discussion about the difference between campus space and University-sponsored events.
- The American Association of University Professors (AAUP) view on standards used for termination.
- Consideration of what a policy would look like if the second option is chosen.
- The standard must be consistent between students and faculty.
- The Title IX Coordinator determines what cases proceed.
- The possibility that administration changes in our country could affect Title IX going forward.

7. Update on International Center Activities - Associate Provost for Internationalization Sue Roberts

Associate Provost for Internationalization Sue Roberts explained the International Center's role at the University and the work the International Student and Scholar Services team does. She went over the number of students, faculty, and staff they serve and gave an overview of the challenges they face. She also outlined the H1-B to permanent residency ("Green Card") process. She then shared the steps her office took in response to concerns raised in the previous Senate meeting.

The Chair thanked Roberts for her quick handling of Senate's concerns and for finding effective solutions.

The meeting was adjourned at 4:56 pm with no objections.

Respectfully submitted by, DeShana Collett
University Senate Vice Chair

Absences: Allday*, Barron, Birdwhistell, Boyd, Bradley*, Cassis, Chishti, Cox, Davis, DiPaola, Elder, Gent, Guy, Harper, Heath*, Heilig, Jackson, Kalika, Martin, Mehra, Miller (Hannah), Miller (Jay), Morgan, Neiheisel*, O'Bryan*, Okeson, Phillips, Richey, Roberts*, Sands, Sheather, Swartz, Tagavi, Vernon, Vosevich, Wilkinson, Wright (Allison), Wright (George), and Yost*.

* Denotes an explained absence.

Guests present: Martha Alexander, Karen Badger, Anna Bosch, Jeff Bosken, Sheila Brothers, Rick Childress, Jennifer Cramer, Marcy Deaton, Joanie Ett-Mims, Michael Healy, Larry Holloway, Mike Johnson, Davy Jones, John Kirn, Chris Pool, Claire Renzetti, Sue Roberts, and Buck Ryan.

Prepared by Stephanie Woolery on October 29, 2020.