University Senate
September 14, 2015

The University Senate met in regular session at 3 pm on Monday, September 14, 2015 in the Athletics Association Auditorium of W. T. Young Library. Below is a record of what transpired. All votes were taken via electronic voting devices unless indicated otherwise; specific 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 3:01 pm. He reminded senators to pick up their clickers.

The Chair called for an attendance vote and 70 senators registered their presence.

The Chair reminded senators that the Senate follows Robert's Rules of Order and asked senators to be civil with one another during discussions and be good citizens by taking relevant information from the meeting back to departments and colleges. He also asked senators to return clickers to the table in the back of the room prior to leaving.

1. Minutes from May 4, 2015 and Announcements
The Chair said that the minutes from May 4, 2015 were distributed the prior week. One editorial correction was received. There being **no objections**, the minutes from May 4, 2015 were **approved** as amended, by **unanimous consent**.

The Chair welcomed new senators and reminded them of President Eli Capilouto's "Welcome Back" reception on Wednesday afternoon at Maxwell Place. The Chair also welcomed Staff Senate president Jann Burks and Student Government Association President Austin Mullen.

There will be a conference on "Reimagining College: Higher Ed in C21" in Louisville on September 29, from 1 - 5:30 pm. Senators interested in attending can contact the Senate Council office.

The Senate Council office is working on the implementation of a new electronic curriculum management system. It will rebuild what is used currently but be much better and is expected to go live at some point during the academic year.

In the spirit of being good citizens, the Chair asked senators to pass the following information on to colleagues in senators' respective colleges. The spring semester deadlines for receipt of curricular items in Senate Council office are March 31 for things requiring committee review (new programs, changes to org structure, etc.) and April 15 for courses, program changes, and minors.

The Chair announced a full cohort of chairs for Senate committees and thanked them for their service.

- Academic Advising: Phil Kraemer (AS)
- Academic Facilities: John Nash (ED)
- Academic Organization and Structure: Ernie Bailey (AG)
- Academic Planning and Priorities: Wally Ferrier (BE)
- Academic Programs: Margaret Schroeder (ED)
- Admissions and Academic Standards: Scott Yost (EN)

- Admissions Advisory: Katherine McCormick (ED)
- Senate committee chairs, cont'd:
- Disability Accommodation and Compliance: Debra Harley (ED)
- Distance Learning and e-Learning: Roger Brown (AG)
- Institutional Finances and Resource Allocation: Jeremy Crampton (AS)
- Library: Kelly Vickery (LI)
- Research and Graduate Education: Mark Lauersdorf (AS)
- Retroactive Withdrawals: Tom Nieman (AG)
- Rules and Elections: Connie Wood (AS)
- Senate Advisory Cmte on Appointment, Promotion and Tenure: in process

Senators should be on the lookout for an all-faculty solicitation for membership on the Senate's Senate UK Core Education Committee and the University Honors Program Committee. The *Senate Rules* (SR) require (among other things) that solicitation of membership for these two committees go to all faculty, not just senators.

Senators should also expect to receive solicitations for faculty to serve on the periodic college-level reviews for the units below.

- Engineering (fall semester)
- Medicine (fall semester)
- Business (fall semester)
- Law (fall semester)
- Dentistry (spring semester)
- Health Sciences (spring semester)
- Libraries (spring semester)

The University has suddenly created an unconscious bias workgroup – the Chair described unconscious bias as something everyone has, but sometimes is not recognized by the person. The workgroup was created to make the issue more explicit. The Chair said that Claire Hart was heading up the initiative and any questions about it should be directed to her.

2. Officer and Other Reports

a. Chair

The Chair reported that the SC appointed three senators to serve on the Senate's academic councils:

- Mary Arthur (AG) to serve on Undergraduate Council
- Liz Debski (AS) to serve on Health Care Colleges Council
- Todd Porter (PH) to serve on Graduate Council

The SC reappointed Kate Seago from Libraries to serve as the Senate's parliamentarian.

On behalf of the SC and Senate, the Chair took action on the items below.

- Approved two calendar revisions (changes to 'see blue' orientation) for 2015-16 and 2016-17.
- Approved two calendar changes for College of Pharmacy calendar (2015-16 and 2016-17).
- Gave provisional approval for around 50 courses and 6 programs.

On behalf of the elected faculty senators of the Senate, the SC approved the second August 2015 degree list; the Board of Trustees (Board) meeting was erroneously scheduled to take place before the Senate met, requiring the SC to take that action to avoid a delay in students receiving their degrees.

On behalf of the elected faculty senators, the SC approved the inclusion of a student to the May 2014 degree list and removed the same student from the December 2014 degree list.

The SC charged the Senate's Rules and Elections Committee (SREC) with looking into a rule change to ensure that faculty have access at all times to the Senate's Advisory Committee on Privilege and Tenure (SACPT) to bring cases of complaint of violation of procedures, privilege, and academic freedom.

b. Secretary
There was no report from the Secretary.

c. Parliamentarian
The Parliamentarian offered senators a brief presentation on basic points of parliamentary procedure, who is eligible to serve as parliamentarian, and the website senators can visit to learn more about parliamentary procedure

d. Trustee
Trustee Wilson (ME) said that he would offer a brief report and then take questions. He noted that he and Trustee Grossman (AS) had sent an email to all faculty regarding a recent personnel issue for a faculty member for whom removal of clinical privileges was upheld by the Healthcare Committee of the Board. Wilson (ME) noted that within that letter was a statement, which mirrored suggestions from the staff trustee, Staff Senate chair, and Senate Council chair, in support of the implementation of a staff/faculty employee ombud who would not report to the administration, but rather could report to the Board or an independent body. Wilson (ME) commented that the longer he served as faculty trustee, the more valuable he thinks an employee ombud would be.

Brion (EN) asked if an ombud could serve as legal counsel for faculty. Wilson (ME) said that while many have asked that question, it would have to be very carefully considered; he was not willing to offer an opinion on what an employee ombud's responsibilities might look like. He referred to cases at other institutions where an external investigation finds something quite different from an internal investigation – Wilson (ME) opined that somewhere in that mix an institution needs a third party.

Wilson (ME) explained that contained in the letter he and Grossman sent to all faculty were comments and assertions that President Eli Capilouto disagrees with. Wilson (ME) passed along the President's request that any discussion of the details of that letter be delayed until the President attends the October Senate meeting, ~~when the President will be in attendance~~in part due to some issues still being ~~negotiated~~ investigated. ~~; g~~Given the President's role as chair of the Senate, Wilson (ME) thought ~~his~~ the President's request to delay discussion about the email was reasonable.

The Board met recently and the meeting took place in Hazard KY. Wilson (ME) said it was a wonderful meeting in many respects, particularly having an opportunity to interact with folks in eastern Kentucky who so highly value the University. It was great to see the many opportunities for partnerships between Hazard and the University, particularly with respect to economic development in the region. The people were very hospitable.

At the September Board meeting, Wilson (ME) reported that a new slate of officers were elected. Wilson (ME) noted he was taking a moment to highlight the contributions of former Board chair Dr. Keith Gannon. Wilson (ME) commented that a variety of circumstances made it impossible for him to continue to serve as chair but Wilson (ME) wanted to thank Gannon for all his hard work on behalf of UK. Wilson (ME) said he will remain on the Board but will not serve as chair. Prior to his service as Board chair, Gannon also served as chair of the Board's Academic and Student Affairs Committee. Wilson (ME) said that regardless of the role Gannon was in, he was absolutely willing to be sure that faculty views were promulgated and made known. Wilson (ME) said he wanted to express his thanks for Gannon's efforts, on behalf of the faculty and the University. Gannon, although absent, was recognized for his service with a round of applause.

Wood (AS) commented that she had interacted with Gannon through her responsibility for overseeing the faculty's survey on the president's performance. She said she certainly concurred with Wilson's remarks. Wood (AS) **moved** that the Senate offer Gannon a resolution of appreciation.

> The University Senate expresses its sincere appreciation to Dr. Keith Gannon, 2014-2015 Chair of the University of Kentucky Board of Trustees, for his significant efforts in support of shared governance and the University Faculty. During his tenure as Chair of the Board's Academic and Student Affairs Committee, Dr. Gannon ensured that the recommendations of the Senate were fully considered on their merits. As Chair of the Board, Dr. Gannon clearly articulated the Board's determination to seek faculty input on issues of governance and to protect the ability of individual faculty members to exercise their academic rights as conferred and protected by the Board. The leadership exemplified by Trustee Gannon enabled the University Faculty to confidently and successfully accomplish the University's educational missions in instruction, research and service.

Brion (EN) **seconded**. The Chair asked for discussion. Brion (EN) asked if Wilson (ME) could elaborate on the reason for Gannon stepping down as Board chair. Wilson (ME) said it would not be appropriate to speak for Gannon and that the most he could say was that it became functionally impossible for Gannon to continue to serve as Board chair. The Chair commented that he could only say great things about Gannon, who remained in constant contact faculty leadership, including himself, Wilson (ME), and Grossman. He said he affirmed the content of Wood's resolution.

There being no additional discussion, a **vote** was taken on the resolution honoring Gannon and the motion **passed** with 71 in favor and seven abstaining. In response to a question from Blonder, Wilson (ME) explained that a past Board chair, Britt Brockman, was elected to serve as chair; Wilson (ME) opined that Brockman would be willing to interact with faculty again. C. B. Akins was elected to the position of vice chair and Kelly Holland was elected to the position of Board secretary. The Board's Executive Committee now includes Barbara Young, Mark Bryant, and Bob Vance.

Debski (AS) said she was very appreciate of the email that Wilson (ME) and Grossman sent to the faculty. She noted a subsequent event and asked if the Board was aware of what happened afterwards. Wilson (ME) said that following the letter to all faculty, some additional things occurred which raised issues in his mind about whether the dictates of the Board were being followed as intended; those issues were currently under discussion. Wilson (ME) said that he and Grossman asked for clarification on those things and when they have information to share, they will keep faculty fully informed about the complaints.

Wasilkowski (EN) said that in the past, many faculty and staff groups expressed the need for an employee ombud office, so where is the obstacle to its creation? Wilson (ME) said that the administration does not feel that it is necessary or wise to have an ombud and said he could not explain their rationale beyond that.

3. Degree Recipients

a. Honorary Degree Nominee - Interim Graduate School Dean Susan Carvalho

Guest Brian Jackson, senior associate dean for academic administration in the Graduate School, presented senators with a nominee from the University Joint Committee on Honorary Degrees (UJCHD) for an honorary degree to be bestowed in December. There were no questions from senators.

Whitaker (AS) **moved** that the elected faculty senators approve MC as the recipient of an Honorary Doctor of Engineering, for submission through the President to the Board of Trustees, as the recommended recipient of an honorary degree to be conferred by the Board and Rohr (PH) **seconded**. A **vote** was taken and the motion **passed** with none 66 in favor and one opposed. The Chair reminded senators that although it was a public meeting, he hoped senators would keep the name and degree confidential.

4. Proposed Change to *Senate Rules 1.2.3* ("Meetings") - Addition of Reference to Electronic Voting Records

The Chair explained the proposed changes to senators. The primary intent was to add reference to electronic voting records from Senate meetings but there was also an editorial change to reflect that minutes are no longer kept in hard copy. The **motion** from SC was to recommend that the Senate approve the revisions to *Senate Rules 1.2.3*. Because the motion came from SC, no **second** was required.

Debski (AS) commented that “however” in the second sentence of the paragraph with the changes was unnecessary and should be deleted. Debski asked why records of votes would be kept. Wood (AS) explained that the requirement was in state law. Cross (CI) added that because the Senate is a public agency, how senators vote should be part of the public record. Debski (AS) then asked if the law covered meetings of the Board of Trustees and Wilson (ME) responded that it did – while many votes by the Board were unanimous, anytime anyone voted against a motion, the name of that trustee was reflected in the Board’s meeting minutes.

Ferrier (BE) asked if the state law was new, because prior to using electronic voting there was no individual voting accountability. The Chair explained that the Senate was not in compliance with state law prior to implementing electronic voting. He added that the student senate and Staff Senate had already begun using electronic voting.

Tagavi (EN) asked if the language of the rule should also be changed because meeting minutes do not have the action items appended to the end of the minutes. The Chair said that the minutes documented every action taken and the copy of each action is a separate document.

The Chair asked senators if the removal of “however” could be treated as an editorial correction and there were no objections. Debski (AS) had additional questions about the circumstances under which a person can request voting records. In response to Brion (EN), the Chair explained that if a request was made for voting records, the Senate Council office did not have the authority to deny such a request. In

response to Calvert, the Chair said that voting records for individual senators were only available dating back to the time when electronic voting was implemented, in September 2014.

When there were no further comments or questions, a **vote** was taken and the motion **passed** with 75 in favor, six opposed and one abstaining.

5. Changing Times of December Commencements - Proposed Change to Senate Rules 5.2.4.7 ("Final Examinations")
The motion in front of the Senate pertained to allowing students who would be on the December degree list to request a change in their exam time if the exam time conflicted with attending the December commencement ceremony.

Guest John Herbst, executive director of student services, introduced his colleagues from the Commencement Committee, Guests Terry Malone (HS/Rehabilitation Sciences) and Drew Crawford (graduate assistant, Commencement logistics). Herbst explained that after the Senate approved a winter commencement about three years ago, the ceremony has grown in stature. The ceremony takes place in Memorial Coliseum and at the December 2015 Commencement ceremony for undergraduates, it was standing room only. Because of that space issue, as well as the construction and associated loss of parking near Memorial Coliseum, a decision was made to move future December ceremonies to Rupp Arena. Herbst receives many positive comments about the December ceremony, but one negative, recurring comment pertains to the unpredictable weather in December. The other recurring comment has been about the time of the 6 pm evening ceremony. December commencement is held on the Friday (last day) of finals week and travel time for families of degree recipients has been mentioned as troublesome. Family members and students would like to attend commencement and those with extensive travel needs want to get home at a reasonable hour. Therefore, the Commencement Committee proposed changing the time of the undergraduate ceremony from 6 pm to 3 pm.

There were a number of questions and comments from senators, including the comments below.

- Alternative parking arrangements could be made to alleviate parking concerns.
- Undergraduate students might apply to be on a degree list just to get their exam time rescheduled.
- The ceremony could be moved from Friday to Saturday.

Wilson (ME) **moved** that the Senate revise *SR 5.2.4.7* to allow a third reason for legitimate final exam conflicts and Webb (AG) **seconded**. The change to the *SR* would involve adding the sentence below as the new, third paragraph in SR 5.2.4.7, Students.

> Any student whose name is on the approved degree list who has a conflict between a final exam scheduled by the Registrar and a University-sanctioned commencement ceremony may reschedule their final examination for another time agreed to by the Instructor of Record during the final examination period. The notice to reschedule must be given to the class instructor no later than two weeks prior to the scheduled examination.

There were additional comments from senators.

- The language should be tightened up to ensure the exam time truly would conflict with commencement.
- Moving the ceremony to Saturday would be an improvement.
- The ceremony should stay on Friday because that Saturday is a mad house in terms of local traffic and last-minute holiday shopping.
- A student is on the degree list but does not plan to participate in the ceremony could also request a changed final exam time, which would be completely unnecessary.
- Final exam week could be changed so that all final exams would be finished by the time the 3 pm ceremony begins.
- If 847 undergraduates participated in the ceremony in December 2014, and the Registrar reports that about 1.8% of them will have conflict between a final exam time and the ceremony, that is only about 15 students, total.
- The *SR* already allow for faculty to use their discretion in rescheduling a student's exam in cases of undue hardship.
- The *SR* describe University-sanctioned events as being excused absences, so that would be another way a student could get their final exam time rescheduled and it would not require a change to the *SR*.

Calvert (EN) pointed out that the specific wording of the advance notice could result in a faculty member only getting about a week's notice – he offered a friendly amendment to change the language. The Chair said the amendment would significantly change the language and would need to be a formal amendment. Calvert (EN) **called the question** and Hulse (BE) **seconded**. A **vote** was taken via a show of hands and the motion **passed** with none opposed.

A **vote** was taken on the motion to revise *SR 5.2.4.7* and the motion **passed** with 45 in favor, 37 opposed, and two abstaining. Tagavi (EN) raised a point of order and asked if only the elected faculty senators should have voted on the motion. It was determined that only votes on degree lists exclude students and ex officio voting members.

6. Ombud Michael Healy - Report for 2014-2015

Healy (LA), the academic ombud, gave a report on the activities of his office for the 2014-15 academic year. There were no questions from senators.

7. International Travel Risk Management - Jason Hope, Manager of International Health, Safety and Security (10 minutes)

Jason Hope, Manager of International Health, Safety and Security in UK's International Center, offered senators a presentation on UK's new international offerings, including international insurance and an international travel registry. There were many questions from senators.

8. Other Business (time permitting)

The Chair invited senators to raise issues for future discussion, but no senator did so.

McGillis (ME) **moved** to adjourn and Calvert (EN) **seconded**. Senators voted with their feet and the meeting was adjourned at 4:32 pm.

Respectfully submitted by Katherine McCormick,
University Senate Secretary

Invited guests present: Drew Crawford, Morris Grubbs, John Herbst, Jason Hope, and Terry Malone.

Absences: Allen, Arnett, Arthur*, Bada, Bailey*, Biery, Bird-Pollen, Birdwhistell, T., Birdwhistell, M., Blackwell, Bondada*, Brennen, Burks, Capilouto, Carvalho*, Cassis, Christ, Clark, Cofield, Cox*, Crist, de Beer, Doolen, Folmar, Grossman*, Huja, Jones, Jung*, Kennedy, Kyrkanides, Lauersdorf*, Loven, Martin, McCulley*, Mullin, Nash, O'Connor*, O'Hair, D.*, O'Hair, M.J., Peffer, Rice*, Richey, Rohr, Sachs, Schoenberg, Sekulic, Shelton, Smith*, Swanson*, Tick, Tracy*, Vail, Vernon, Vosevich, Walz, Wilson, J., Wilson, M.*, Wilson, K., Witt, Wood, Yeager.

Prepared by Sheila Brothers on Wednesday, September 30, 2015.

* Denotes an explained absence.