

University Senate
September 8, 2014

The University Senate met in regular session at 3 pm on Monday, September 8, 2014 in the 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 (SC) Chair Andrew Hippisley called the University Senate (Senate) meeting to order at 3:02 pm.

SC Chair Hippisley commented that he had just come from new senator orientation, where President Eli Capilouto also spoke. SC Chair Hippisley thanked new senators for volunteering and asked them to stand and be recognized. The new senators were recognized with a round of applause.

SC Chair Hippisley explained the procedures associated with the new use of electronic voting. He then introduced President Eli Capilouto, chair of the University Senate (Senate).

1. State of the University Address - President Eli Capilouto, University Senate Chair

President Capilouto began by welcoming all senators and thanking senators for their willingness to represent their colleges and colleagues. He said he would give senators an update on the University of Kentucky and said that the University was sound, healthy, and good, although there were more things that everyone can work on together. The President spoke for about 45 minutes and elaborated upon the priorities listed below.

- Renew and rebuild the core of UK's nearly 150-year-old campus and develop a plan to guide campus growth.
- Enhance and expand undergraduate educational experience.
- Strengthen mechanisms for staff and faculty recruitment, rewards and retention.
- Implement technology-driven courses to address the changing learning environment.
- Continue to refine the values-based financial model to encourage transparency and empowerment among colleges.
- Continue to partner with local hospitals in the region to allow Kentuckians to receive primary and secondary care close to home, with the ability to visit UK Healthcare for more specialized tertiary and quaternary care.
- Identify the characteristics of a strong environment for research and for graduate and professional education.
- Create a new standard of giving for UK philanthropy.

At the end of his presentation, the President thanked senators for the opportunity to share information with them and said he was happy to answer questions.

Grossman thanked the President for his and his wife's contribution to kick start the philanthropic campaign for a new research building. Grossman commented that the constant references to research into health disparities could be disheartening for the faculty members involved in non-healthcare-related research. He asked the President to think about ways in which to emphasize the broad array of research that goes on at UK, not just in terms of the effect on Kentuckians' health.

Debski commented on the growth in the freshman and overall student population and asked the President if faculty numbers had also kept up with that growth. President Capilouto responded that Provost Christine Riordan and her staff looked at, for instance, the effect of the large incoming freshman class on core courses. He said that other discussions involved looking at how UK deploys resources to best serve students depending on differing circumstances across colleges. He cautioned, however, that some seemingly simple statistics, like a student-faculty ratio, gave some information but needed to be more fully examined to determine what resources were necessary and in what areas.

Crampton asked President Capilouto to elaborate on the e-learning plans, specifically budgetary commitments. The President replied that seed money was made available for some e-learning course development. He wanted to empower colleges to make decisions in a strategic way so that colleges clearly understand what an investment today will bring to them in the future. He said the current financial model was largely centered on decades of deals made among colleges and central administration and that colleges were best positioned to make good decisions about their own futures. Provost Riordan added that there were a handful of e-learning programs currently available and there were a number of ways for colleges to start new programs and have resources flow back to the college.

There were no further questions. Chair Hippiusley thanked the President for attending and the President received a round of applause.

The Chair offered senators a few routine reminders.

- The Senate follows Robert's Rules of Order, Newly Revised, which states that only members have the privilege of the floor.
- After being recognized by the Chair, please state your name and college affiliation.
- Be civil to other senators and to guests.
- Don't let your phones ring too loudly.
- Be a good citizen by: representing your constituency; telling your college what happens in Senate meetings; and working with the other senators from your college to effectively communicate.
- Attend meetings.
- Review the courses and programs on web transmittals.

2. Minutes from May 5, 2014 and Announcements

The Chair said that no corrections to the minutes from May 5 were received by the deadline (9 am on Friday, September 5). There being **no objections**, the minutes from May 5 were **approved by unanimous consent**.

Moving to the matter of electronic voting, the Chair explained that the Open Meetings statute requires reporting not only the total number of votes, but also who voted in which way. One implication of that is that the Senate must decide as a body about how to access voting records. There are three possible ways to store voting records: attach the records to meeting minutes; post the voting records on the Senate website; or store the records in the Office of the Senate Council, which will respond to requests for the records. The Chair said he would send the matter to the Senate's Rules and Elections Committee (SREC) for the SREC to develop specific language for the *Senate Rules (SR)*, most likely in *SR 1.2.3* ([University Senate] "Meetings"). The Chair said that via a formal vote, the Senate will have the final say in how voting records are accessed.

The Chair reported that the Senate Council (SC) approved three senators to serve as representatives to the Senate's academic councils: Mary Arthur to serve on Undergraduate Council; Liz Debski to serve on Health Care Colleges Council; and Todd Porter to serve on Graduate Council.

3. Officer and Other Reports

a. Chair

The Chair introduced Mike Adams, Chair of Staff Senate and an ex officio member of the University Senate. The Chair said that when he attended the Staff Senate meeting, he said that although the faculty determine educational policy, the faculty can determine all they want but nothing really happens until the actions are implemented, typically by staff. He said there will be common causes that he and Adams can work on together and he invited Adams to attend as many Senate meetings as he can.

Provost Christine Riordan invited the Chair and Senate Secretary Alice Christ to attend the Provost's Leadership Retreat in August. The Chair and Christ talked to attendees about ways to insinuate faculty into launching new initiatives. One idea was to make better use of the Senate's committee structure and the Chair and Secretary will work with leadership in the Provost's area to integrate Senate committees with any faculty-based committees organized by the Provost.

The Chair offered a report on statutory actions taken by the Chair or SC.

- SC approved a change of home unit for the Undergraduate Certificate in Leadership Studies. The previous home was centrally within the College of Education, but the home is now the Department of Educational Leadership Studies (in the College of Education).
- SC approved a calendar revision for the 2014-15 and 2016-17 calendars to clarify the dates when students cannot change majors.
- SC approved a calendar revision for the 2014-15 calendar to include a new date, that of the last day for thesis/dissertation acceptance by Graduate School.

- Past Chair Blonder approved inclusion of a student with an MS in Kinesiology and Health Promotion to UK's May 2014 degree list; the student was left off due to administrative error.
- The Chair approved the inclusion of a student with a BS in Horticulture, Plant, Soil Science to UK's second August 2014 degree list; the student was left off due to an administrative error.
- Past Chair Blonder offered provisional approval for the May 22 Graduation Composition and Communication Requirement (GCCR) program changes.
- Past Chair Blonder offered provisional approval for the May 22 web transmittal of courses and programs
 - Both transmittals will be posted in the next couple of weeks for final Senate approval.
- On behalf of SC, the Chair approved a non-standard calendar for EDP 670-021 and requested submission of a formal request for a permanent non-standard calendar.
- SC approved the second August 2014 degree list on behalf of Senate because of a scheduling issue regarding the September meeting date for the Board of Trustees (Board) and the Senate.

b. Secretary

Secretary Christ outlined some recent changes in procedures for Senate officers. Both she and the Chair reviewed officer duties as outlined in the *Senate Rules (SR)*, which was the impetus for the changes. The Secretary said that after working out details with Ms. Brothers, the minutes will be completed immediately after the Senate meeting, as opposed to the past practice of completing the Senate minutes and sending them out shortly prior to the next meeting. The Secretary said draft minutes will be sent out about a week after the Senate meeting and that senators will be directed to send comments to the Secretary by a certain date.

The Secretary explained that her position also carries the responsibility for monitoring attendance; she said she would remind deans if senators from their colleges made a habit of not attending and not having any excuse. She added that the ability to effectively collaborate with administrative committees will hopefully use senators' time more fruitfully than has sometimes happened in the past.

c. Parliamentarian

The Chair said there was no report from the Parliamentarian.

d. Faculty Trustee

Faculty trustees John Wilson and Bob Grossman introduced themselves to senators. Wilson explained that it was customary for trustees to attend Senate meetings and offer a report, but he and Grossman plan to attend regularly to answer questions from senators. Wilson reiterated that senators and other faculty were always welcome to contact the faculty trustees privately, too.

Grossman offered senators an overview of his first Board committee meetings and first full Board meeting. He commented that the full meeting goes pretty quickly because of extensive discussion and presentations at committee meetings, which occur prior to the full Board meeting. Grossman said that

while some trustees spend too much time discussing basketball, he was heartened to have a clear commitment from trustees about the value of UK as an educational institution.

Debski asked if there was likelihood that the Board would be wrestling with potentially new or important issues during the year. Wilson said that there had been a great deal of change recently in Board leadership. The previous Board chair reached the end of his statutorily-allowed term as chair and the new Board chair clearly understands the importance of research. Wilson added that the Board's Executive Committee also included new members, although Ms. Brothers (who also holds the position of staff trustee) remained as the ex officio Board secretary for the Executive Committee.

In response to a question from Porter, Grossman opined that some Board agenda items, such as routine campus maintenance, did not warrant detailed or probing questions. He thought the discussion of the President's salary and performance bonus was thoughtful and that additional items would come out at the Board's retreat in October.

Swanson asked for comments on how the Board was reacting to queries from Lexington's daily newspaper, the Herald-Leader, and Open Meetings laws. Wilson said that the Herald-Leader reporter responsible for UK matters was invited to all the voluntary educational sessions and attended two of them. He said that in such sessions nothing untoward had taken place and that many on the Board recommended that the press be invited to such sessions, as there was nothing to hide. Grossman added that everyone wants to comply with the law but there was disagreement about what the law actually requires. He said that trustees tend to be annoyed when quoted out of context.

Wilson ended by commenting that the responses to and irritation about UK's recent parking changes were an impetus for the administration to change the process. Wilson said he received a very positive response about changes in soliciting input regarding parking issues in the future. In addition, President Capilouto surprised the Board by dedicating the totality of his bonus, plus additional funds, so the President and his wife made the first pledge, \$250,000, toward a fund for a new research building.

4. Proposed Changes to *Governing Regulations XI* ("University Appeals Board")

The Chair offered background information regarding the proposed change to *Governing Regulations XI* ("University Appeals Board"). At the May Senate meeting, the body voted to endorse a change to the role and scope for the University Appeals Board (UAB), through a revision to *Governing Regulations XI (GR XI)*. The impetus for the change was a concern that a then-recent interpretation meant that the UAB could deliver sanctions on guilt in academic offenses that had nothing to do with the intended UAB guidelines for sanctions in the *Senate Rules (SR)*. The *SR* have a strict array of allowed sanctions and there were situations in the past in which there was a disconnect between the *SR* and the sanctions offered by the UAB. The Chair readily acknowledged that faculty and the Senate should be in agreement with the student desire that the UAB hear new facts in a case so that a student can have a new investigation and introduce new facts. The problem in *GR XI* is the use of, and definitions for, the terms "appellate" and "original" as they pertain to the UAB's jurisdiction. When students were presented with the revised language endorsed by the Senate in May, they expressed deep concern that the language would prevent the UAB from hearing new facts from students which would significantly weaken a student's ability to appeal.

The language in *GR XI* was revisited by faculty, student, and administrative leadership over the summer and a new, different revision was hereby presented to the Senate for endorsement. The Chair explained that the Senate would need to vote to reconsider its motion from May, next vote to substitute a

different motion on revisions to *GR XI*, and then finally vote to endorse the new (and different) revision. The Chair explained that all the edits to Section C from the May vote were undone – the changes under discussion during the Senate meeting were new changes, to Section G. The Chair invited Marcy Deaton, associate general counsel, to read the proposed new language. Guest Deaton did so and added some information about appellate and original jurisdiction and how the new revision was an improvement over the previous edits.

Tagavi proposed two changes to the language and there was brief discussion about that matter before the Chair determined that the motions to reconsider and to substitute a new motion should take place prior to discussion on the actual language. The Chair said that he would return to Tagavi's suggestions shortly. The Chair reminded senators that the motion to reconsider must come from a senator who voted in favor of the May motion.

Grossman **moved** that the Senate reconsider the motion to endorse the proposed revisions to Section C of *Governing Regulations XI* ("University Appeals Board") and Anderson **seconded**. There being no discussion, a **vote** was taken and the motion passed with 68 in favor and one abstaining.

Grossman **moved** to amend the original motion regarding *GR XI* to be a Section G revision rather than a Section C revision and Wilson **seconded**. There being no discussion, a **vote** was taken and the motion passed with 66 in favor and two abstaining.

Tagavi proposed his two edits to the language in Section G, which are documented below¹.

The University Appeals Board has authority to decide **appeals of** both academic and non-academic cases. With respect to the UAB's resolution of academic cases arising under either its original or appellate jurisdiction, the UAB operates within University Senate Rules that define academic offenses, create a range of sanctions to be imposed upon a finding of guilt, and establish the standard of proof, subject only to the limitations imposed by the Constitutions and statutes. With respect to non-academic cases, the range of sanctions and standard of proof are set out in the Code of Student Conduct, **subject only to the limitations imposed by the Constitutions and statutes**. The decisions of the UAB are final.

Grossman **moved** to amend the language in *GR XI*, Section G, as suggested by Tagavi. Bird-Pollan **seconded**. The Chair called for discussion. Wilson asked if students were in agreement with the new wording. Deaton said that the proposed revision, including the amended language, would be presented to the Student Government Association prior to going to the Board. Deaton opined that the amended language did not substantively change the intent. There being no further discussion, a **vote** was taken on the motion to amend and the motion **passed** with 63 in favor and one opposed.

There being no further discussion on the motion to approve the revision to Section G of *Governing Regulations XI*, a **vote** was taken and the motion **passed** with 62 in favor and one abstaining. Deaton explained that all changes to *Governing Regulations* must be reviewed by the Student Government Association and the Staff Senate and could have a final reading in December by the Board.

¹ The entire paragraph is new text in Section G, hence the underline formatting to denote added text. The proposed edits are identified with bold formatting to indicate their addition.

5. Honorary Degree Recipients - Susan Carvalho, Interim Dean of the Graduate School

The Chair introduced Brian Jackson, senior associate dean of the Graduate School, who presented the nominees for honorary degrees on behalf of interim Graduate School Dean Susan Carvalho, who was traveling and unable to attend the day's meeting. Guest Jackson offered senators a presentation on the two proposed honorary degree recipients. There were a handful of questions from senators, which were satisfactorily answered.

Cross **moved** that the elected faculty senators approve BD as the recipient of an Honorary Doctor of Science, for submission through the President to the Board of Trustees, as the recommended recipient of an honorary degree to be conferred by the Board. Fiedler **seconded**. There being no further discussion, a **vote** was taken and the motion **passed** with 42 in favor and four abstaining.

Bird-Pollan pointed out that the motion came from committee so there was no need to independently move and second the next motion.

Regarding the next honorary degree recipient, because it came from committee no **second** was required for the **motion** that the elected faculty senators approve DJ as the recipient of an Honorary Doctor of Humanities, for submission through the President to the Board of Trustees, as the recommended recipient of an honorary degree to be conferred by the Board. There being no further discussion, a **vote** was taken and the motion **passed** with 42 in favor, eight opposed, and eight abstaining. The Chair thanked Jackson for attending and presenting the nominees.

6. Other Business

The Chair explained that this time could be used by senators currently and in the future to bring up issues of interest to the Senate. Items brought up will be scheduled for discussion and/or a vote at a future meeting.

Steiner asked about enforcement of Senate attendance policies and the Secretary responded that she would follow the written policies outlined in the *SR*.

There being no further business to attend to, there was a **motion, second, and vote** to adjourn. The motion **passed** with forty-four in favor, two opposed, and abstaining, so the meeting was adjourned at 4:55 pm.

Respectfully submitted by Alice Christ,
University Senate Secretary

Invited guests present: Marcy Deaton, Brian Jackson, and T. Lynn Williamson.

Absences: Adams, I., Bailey, P., Bayliff*, Birdwhistell, M., Birdwhistell, T.*, Blackwell, Brennen, Brion, Butler, J. S., Butler, K., Carvalho*, Cassis, Clark, Cox, de Beer, Dickson*, Doolen, Ferrier, Firey*, Fox, Graf, Gross, Healy, Heath, Hertog*, Ingram, Jackson, Kennedy, Kilgore, Martin, A., McCormick, Mehra, Mock, Murthy, O'Connor, O'Hair, D.*, O'Hair, M. J.*, Rabel, Richey, Royse, Sanderson, Sekulic, Sudharshan, Tick, Tracy, Turner, Vasconez, Vosevich, Walz, Watt, Webb, Wilson, M., Witt, and Yost.

Prepared by Sheila Brothers on Thursday, September 11, 2014.

* Denotes an absence explained prior to the meeting.