

MINUTES OF THE UNIVERSITY SENATE, DECEMBER 8, 1997

The University Senate met in regular session at 3:00 p.m., December 8, 1997 in Room 115 of the Nursing Health Sciences Building.

Professor Jim Applegate, Chairperson of the Senate Council presided.

Members absent were: Debra Aaron, Behruz Abadi\*, Jim Albisetti, M. Mukhtar Ali, George Blandford\*, Ben Bogia, Douglas Boyd, Fitzgerald Bramwell, Geza Bruckner\*, Joseph Burch, Mary Burke\*, Laretta Byars, Johnny Cailleteau, James Campbell, Ben Carr, Edward Carter, Raymond Cox, Frederick Danner\*, Philip DeSimone, Robert Farquhar, Juanita Fleming\*, William Fortune, Donald Frazier, Michael Friedman, Richard Furst, David Hamilton, Issam Harik, Rick Hoyle, Clifford Hynniman, Mark Ison, Michael Jones, Jamshed Kanga, Edward Kasarskis, Craig Koontz, Alan Leech, Thomas Lester, C. Oran Little, Marianne Lorensen, Stacy McCarthy, Steven Middendorf, Mark Miller, Josh Mitchell, David Mohnney\*, Mary Molinaro\*, Wolfgang Natter, Anthony Newberry, Jacqueline Noonan, Les Olson, Thomas Pope\*, J. Todd P=92Pool, Shirley Raines=, Dan Reedy, Thomas Robinson, Edgar Sagan, Horst Schach, David Shipley, Gregory Smith\*, David Stockham, Louis Swift\*, Enid Waldhart\*, Thomas Waldhart\*, Jesse Weil, Paul Willis, Emery Wilson, Charles Wethington\*, Carolyn Williams, Eugene Williams, William Witt.

\* Absence Explained

The Chair called the meeting to order and made the following announcements.

The October minutes were in the process of being copied and the November minutes were in the process of being edited

The faculty member who has a class in this room before the Senate Meeting has asked that Senators please not enter the room until the class is over.

The annual Holiday Social is tomorrow at 4:00 p.m., in the President=92s Room at the Singletary Center for the Board of Trustees. The Board is meeting tomorrow so most of them probably will not arrive until 5:00 p.m.

Paul Willis had been invited to come back and give more information about the new library. Due to some schedule conflicts Paul is not able to be here today. However, he wanted to emphasize to all faculty that they should not modify course assignments or reserve activity in the Spring semester due to the book move. They will not allow the book move to interfere with these activities, and the move contract provides that even a book in transit must be made available to a patron requesting it within twenty-four hours. They are using a national library book mover and control during this move is by computer program.

At the last meeting motions were passed that effectively removed a lot of the apparatus related to prior service. Remember that these are our recommendations and now must go to the Administration for review. If approved by the Administration, governing regulation changes must be approved by the Board of Trustees and all changes must be incorporated into the Administrative Regulations and Governing Regulations. Until then remain under the current and unchanged Prior Service System. Our

recommendations have been forwarded to the Administration.

The Chair stated there were two resolutions. The first is a resolution sent with the endorsement of the Kentucky Coalition of Senate Faculty Leaders (COSFL). This is a resolution that they are hoping that University Senates around the State will endorse as they approach the Legislative session where there are two prefiled bills related to Post-Tenure Review. He introduced Professor Roy Moore, chair-elect of the Senate Council to present the resolution.

#### ACTION ITEM 1 - Consideration of COSFL Resolution

##### Background:

The following resolution was passed by unanimous vote at the November 15 meeting of the Coalition of Senate and Faculty Leaders (COSFL). COSFL has asked that this be forwarded to each Senate at public universities for adoption. Bills on post-tenure review have been prefiled for the 1998 session of the General Assembly. COSFL will be making contact with legislators concerning this issue.

#### RESOLUTION

The Coalition of Senate and Faculty Leaders of Kentucky (COSFL) unanimously endorses the following position on post tenure review:

##### WHEREAS

- (a) the review processes currently in place at Kentucky=92s public universities are multiple in form including reviews of faculty performance after receiving tenure and
- (b) most, if not all public higher education institutions in the State are already implementing or piloting various additional procedures for =93post-tenure review=94 in the sense being suggested in proposed= legislation and
- (c) tenure as currently defined in the statutes is designed to protect academic freedom and not to protect incompetence, refusal to perform duties, or immoral behavior and=20
- (d) efforts to adapt or enhance faculty review processes must recognize the varied missions of each institution (as outlined in the recently passed state higher education reforms)

##### NOW THEREFORE BE IT RESOLVED THAT

The Coalition of Senate and Faculty Leadership of Kentucky (COSFL) recommends that universities be given opportunity to assess their pre and post tenure review policies and, if necessary, further adapt faculty performance review and accountability processes to the specific mission of their institutions and the expectations of the higher education reform act. Since the universities have such varied missions, COSFL opposes passage of any new legislation imposing a single system of post tenure review on all public universities.

Passed with a unanimous vote on November 15, 1997.

Professor Moore reviewed the proposal and the background. He said ince the resolution did not come from the Senate Council it required a motion and a second.

There was a motion and a second from the floor. There was no discussion and the resolution passed in an unanimous voice vote.

Proposal for a Resolution

Submitted to the University Senate  
8 December 1997  
by=20  
Joan C. Callahan, Professor  
Department of Philosophy

I. BRIEF BACKGROUND:

The State of Hawaii is on the verge of allowing same-sex marriage. Kentucky legislators have already begun to react in anticipation of that decision. Currently, three anti-gay bills have been prefiled for the next legislative session. More are likely to be filed during the session. Such laws unfairly burden members of the University community (among others).

II. PREFILED BILLS:

As will be obvious, the point of the first two bills is to preclude same-sex marriage in Kentucky - either being performed here or recognized here when performed elsewhere. The point of the third is to preclude same-sex couples from the protection from domestic violence which is provided for heterosexual couples.

BR 119 - prefiled by Rep. Jim Bruce  
AN ACT relating to marriage  
Amend KRS 402.020 to declare a marriage between persons of the same sex void; amend KRS 402.040 to prevent recognition of same-sex marriages contracted outside of Kentucky; create a new section of KRS Chapter 402 to define the term "marriage" limiting the term to a relationship between persons of the same sex.

BR 143 - prefiled by Rep. Sheldon Baugh  
AN ACT relating to marriage  
Create a new section of KRS Chapter 402 to render same sex marriage, which occurs in a foreign jurisdiction, void and unenforceable in Kentucky; amend KRS 402.020 to prohibit same sex marriage in Kentucky; amend KRS 402.040 to make invalid a same sex marriage involving a resident of Kentucky who marries in another state; amend KRS 402.030, 402.210, and 402.260 to conform.

BR 305 - prefiled by Sen. Tim Philpot  
AN ACT relating to domestic violence  
Amend KRS 403.720 to read: "Member of an unmarried couple" means each member of an unmarried couple OF OPPOSITE SEX which allegedly has a child in common, any children of that couple, or a member of an unmarried couple OF OPPOSITE SEX who are living together or have formerly lived together."

III. PROPOSED RESOLUTION:

Be it resolved that the University of Kentucky Senate opposes passage by the Kentucky Legislature of BR 119, BR 143, and BR 350, as well as passage of any other proposed bills which would discriminate against sexual minorities from treatment under the law equal to that of heterosexuals.

IV. RATIONALE:

The Senate takes this position because any statutes precluding sexual minorities from equal treatment under the law unfairly burden members of our student, staff, administrative, and faculty communities.

The Chair recognized Professor Joan Callahan to present the second resolution. Professor Callahan reviewed the proposal. There was a second to the resolution.

Tom Blues (English) asked if acceptance meant passage? Professor Callahan accepted the change of acceptance to passage as a friendly amendment.

Ellen Hahn (Nursing) asked about the difference in the bill numbers, should it be 305 or 350? Professor Callahan said it should be 350.

Hans Gesund (Engineering) asked if they passed this resolution if they would be weakening themselves in the first resolution which is much more germane to their purpose. If it will cause them to lose on post-tenure review, which is of more immediate consequence than this resolution.

Doug Poe (Business and Economics) said that he was opposed to the resolution as he would be to a resolution that supported these bills. He did not feel it was the business of the University Senate to become involved in what are in fact trivial legislative matters compared to those that affect them such as post-tenure review. Everything that the legislature passes affects someone at the University. If they are going to pass resolutions on every prefiled bill they are going to spend all their time voting on them. Regardless of how he feels personally, he does not like these types of resolutions.

David Durant (English) felt that the Senate is conspicuous for not engaging itself in very important matters and this was a chance to speak on something that is important.

Debra Harley (Education) said it was critical that they address this issue. They can not weigh one resolution against another. They are not related in this sense. They would be saying they were picking A over B because they might have a better shot at one or the other. This is a separate issue from the previous resolution and should be looked at in such a way.

Bradley Canon (Political Science) said that they had received no notice to this resolution prior to the meeting. He made a motion to postpone the resolution until February. The motion was seconded.

The motion to postpone failed in a show of hands; 21 in favor, 35 opposed.

Hans Gesund asked if there was not a ten day circulation rule. Professor Jan Schach answered that when it came to resolution items, any resolution can be made from the floor of the body and does not need a ten day circulation. That is for business coming from the Senate Council. The Chair ruled the ten day circulation rule did not apply.

Tom Blues made the amendment to strike the phrase precluding sexual minorities and include the wording discriminate against sexual minorities. The amendment was seconded. Professor Callahan said that because the term discriminate is loaded she avoided that language. Some people do not feel that it is discrimination. It is in fact unequal treatment and so the resolution built in that language which points to equal treatment rather than discrimination which is a normative term rather than a descriptive term.

The amendment failed in a voice vote.

The resolution passed in a show of hands; 37 in favor, 21 opposed.

ACTION ITEM 1 - Revised proposal to modify the Governing Regulations relative to interruption of service during probationary period. A recommendation from the University Senate to the Administration.

#### Action Item

Proposed modifications to Governing Regulations (GR X-3ff) relative to interruption of service during probationary period (interruption of the tenure clock for up to one year).

#### Recommendation

Modifications to the Governing Regulations of the University of Kentucky (1/12/92), Page X-3ff. are proposed at this time which specify the following understandings relative to probationary periods and the granting of tenure. Material to be added is underlined; new guidelines are bold and underlined; material to be deleted is in brackets:

#### 2. Probationary Periods

2. Probationary periods (or maximum non-tenure periods) are not applicable in cases where faculty members are appointed (1) in the research, Medical Center clinical, adjunct, visiting, or voluntary series of academic ranks and titles, or (2) on a part-time or temporary basis. In all such appointments, faculty members are ineligible for tenure.

Probationary periods are applicable, however, to non-tenured appointments of faculty members on a full-time year-to-year basis in the regular, special title, extension, or librarian series of academic ranks and titles. Such non-tenured appointments may be for one year or for other stated periods, subject to renewal. The total non-tenure period, however, shall not exceed [seven] years{,}. [including previous full-time service with the rank of instructor or higher in other independently accredited institutions of higher learning, provided that in the case of] For a faculty member with more than three years in the academic profession, who is called from another independently accredited institution and appointed at the rank of associate professor or below, it may be required that the individual serve in a probationary status for a period not to exceed four years, even though thereby the individual's total non-tenure period in the academic profession is extended beyond[seven] years. [However, in any case where a period of prior service of a prospective faculty member involves significantly different institutional objectives or significantly different professional activity, all or part of the period of prior service may be eliminated from consideration in determining the maximum non-tenure period in the University System or the Community College System of the University of Kentucky.] Except as provided in Part X.C.7, time spent on leave of absence shall count as probationary period service unless the University in granting the leave and the individual in accepting it agree to the contrary. In such circumstances, the process of tenure review may reasonably be extended by one full academic or calendar year consistent with the appointment, contract, rank and prior service of the individual member. That is, rather than being reviewed in the sixth year, the review would occur no later than the seventh year of an appointment. In the event that tenure is not awarded following review in the seventh year, the terminal contract would occur in the eighth year. The ordinary review of faculty remains in the sixth year of the seven year probationary period. However, during the probationary period, faculty members, in consultation with appropriate administrators (Division Director, Department Chair, or Dean), may elect to interrupt their University service without prejudice, for a period of time not to exceed one full year of appointment. Discretionary decision-making relative to the granting of such interruption

of University service shall remain between the individual faculty member and the appropriately authorized administrator (Division Director, Department Chair, or Dean). Typically, interruption of service will be granted only in cases of personal, family, or medical crises or for other catastrophic events during which professional productivity would be severely compromised. It is recognized that the University and its units are subject to all appropriate state and federal laws, including but not limited to the Family Medical Leave Act and any and all other such laws as may apply.

#### Rationale

This proposal is one of the recommendations made in the report of the Senate Council Task Force on Promotion and Tenure. The Task Force reviewed the promotion and tenure system during the 1996-97 academic year. It is forwarded with the recommendation of the Senate Council with the following specific rationale.

The purpose of a specified period of probationary review is to provide a time frame that permits faculty to demonstrate scholarly productivity in order that an accurate assessment by the institution can be made relative to the individual's professional competencies. That is, accurate assessment by the institution of the individual's professional competencies are essential to the granting of a lifetime position within the organization. An arbitrary time frame that does not acknowledge the impact of life events may lead the organization to dismiss a scholar of great potential. The flexibility offered in this proposal does not affect the right of the organization to make these assessments of faculty potential in a timely fashion and does not prohibit meritorious faculty from moving forward toward tenure in a timely fashion (that is, this is a "budget neutral" proposal). It does provide equal opportunity to ALL faculty members, regardless of their life circumstances, to demonstrate their scholarly competencies. There is nothing inherently "magical" about a six year probationary time frame. In fact, rigid application of that requirement may limit the growth of the Institution by untimely release of talented scholars who have experienced "life intrusion". The proposal is consistent with decisions of major Fortune 500 companies and other business entities which acknowledge the complexities of life circumstances that often affect the most valuable resource of an organization -- the employee. The recommendation reflects the sense of the November Senate debate including guidelines for conditions under which suspension of the probationary period may be granted.

Note: If approved, the proposed recommendation will be forwarded to the President for appropriate administrative consideration.

Chairperson Applegate stated that the first action item was a return to an issue from the last Senate Meeting. The proposal coming from the Promotion and Tenure Task Force to allow for a one year interruption of the tenure clock was defeated by one vote at the last meeting. At the end of that session it was suggested that they should look at this again and bring it back with some attention to the criteria under which that interruption could be provided. The Senate Council considered this. He recognized Professor Moore for introduction of the item. Professor Moore said that there was one key change on Page 2 which is highlighted by boldface and underlined. He reviewed the new criteria and recommended approval.

James Brennan (Mathematics) asked how this differed from the original proposal? The boldfaced information does not in any way change what was discussed last time. It leaves it up to Colleges to do what they want.

Professor Moore said that had not been changed, what they had been asked to do was to come up with criteria.

Discussion focused on the use of the word "typically" in the criteria statement.

Alan Kaplan (Medicine) said the proposal was substantially less permissive than the proposal from last time, which was somewhat open ended. This is fairly restricted.

The Chair said that his sense was that they did not want to preclude that there might be some legitimate reason that would not fall under this criteria. A stoppage for which a case could be made, although not a typical reason.

Robert Molzon (Mathematics) said he did not understand how the use of the word typical in this sentence provides any criteria whatsoever. It seems that it simply a comment on what the use of this might be but it does not in anyway restrict it or clarify the statement as was previously stated. The other problem he sees is the ambiguity and the language as to who is to make the decision, is it up to the faculty member, the dean, or the chairman. It is completely unclear who is going to make the decision. Could a chair decline to postpone for a year if the chair felt that it was a medical emergency but this person was not going to make it anyway?

Mike Nietzel (Dean, Graduate School) said that the sentence before that in terms of discretionary decision making is what would answer that. Speaking on behalf of the Task Force that drafted the original that did not have this sentence in it, he said this is a good attempt to preserve what they intended but shied away from in terms of specifying some criteria. He would hate to see the proposal falter on the presence of the word typically, so take it out if it is a word that injects such anxiety into them in terms of what it means. It would be progress to have the change go forward with the word typically removed. This would be a friendly amendment, so the proposal would not be defeated because of the presence of the word typically.

The Chair said that they would treat the omission of the word "typically" as editorial.

Hans Gesund (Engineering) said that there was a problem with interruption of service will be granted only based on personal family and medical crisis or other catastrophic events. Having a baby and taking care of that baby for six months or a year should be permitted. Yet that is neither a crisis nor a catastrophic event. That should be included here. There are several other places where this needs to be reworded. He would like to send it back, or if it is passed make sure it is edited. There is also a problem if a faculty member is called from elsewhere what happens in that case, for instance someone called from a research institution, what applies to a person like that? The Chair said that was a prior service question and had been resolved.

Mike Cibull (Medicine) said that he guessed that the reason for this was to help in those extraordinary cases where something catastrophic happens that stops someone from working for a good part of a year and the tenure clock needed to be stopped. He did not feel that pregnancy and delivery fell into that category. There is a six week maternity leave and most women do return to work. If they want to give the woman a year off for maternity, do you want to give her husband a year off for paternity? Than anyone who

has a child gets a year off to do promotion and tenure? Chairperson Applegate said that Professor Gesund was suggesting that crisis should be perhaps enlarged to include childbearing and Professor Cibull was suggesting that should not be the case. There has not been an amendment to change that. Professor Cibull said that there are circumstances where having a child would make that necessary.

Ellen Hahn (Nursing) said that her concern was that discretionary decision making would take care of that, each unit will be able to decide with the faculty member. Her concern is that there is not prior approval by other faculty input. There is really only one person and the faculty member. What if there were a case where that person did not like you or thought you were not doing the job? There needs to be more faculty input into this decision and perhaps there should be a committee in each unit that had input. A crisis could be anything and that should be left up to the unit to decide what that is in that particular situation and look more at how the decision is made.

Jim Knoblett (Business and Economics) asked why they did not assign this task to the Privilege and Tenure Committee, they are dealing with it all the time anyway. That would put it in one common body. There would be uniform type decisions.

The Chair asked if that was an amendment, Professor Knoblett answered yes. The amendment was seconded. The Chair said they would now be discussing only the amendment.

Bradley Canon (Political Science) said he did not feel this was a Privilege and Tenure matter. That committee spends a considerable amount of time relating to complaints about denial of tenure or alleged invasion of privileges. This is an issue that probably should have its own committee because this is going to come up with some frequency.

Alan Kaplan (Medicine) said it seems this was a personnel issue between a faculty member and a chair. If the faculty member is not satisfied with what the chair has decided has the right to go to the dean. That seems like a highly appropriate way to deal with a personnel decision, very consistent with the way other personnel decisions are dealt with. Secondly, this is occurring frequently at a time when whether or not a faculty member succeeds or fails is granted, a continuation of contract is still within the province of the chair and the department not the Promotion and Tenure Committee. It seems highly inappropriate for Promotion and Tenure to be dealing with personnel issues.

Carolyn Bratt (Chemistry) said that the problem with having only the chair and the faculty member involved is that these issues will become the basis of law suits. Professors who are unsuccessful in getting tenure after having received such a year-92 waiver may claim that other faculty and area committees refused to take into account that extra year was not supposed to be accompanied by any productivity. If they do not get the extra year then they will look at other people in other departments and say that this was granted in other departments for the same circumstances. This will have legal ramifications for the University.

Jim Holsinger (Chancellor - Medical Center) said that he was not sure as he reads this at what level in the administrative organization it is expected that the decision will be made. It says division, director, department chair, or dean basically is appropriate. Will this go through the entire administrative chain where normal activity occurs or is it meant to be handled at the division level if there is a division level?



Maria Boosalis (Allied Health) asked if it was the Privilege and Tenure Committee for each college? The Chair said he assumed it was the University Committee. Professor Knoblett said he was referring to both of them. There is a process where it has to go through the college and then to the University committee.

The Chair said he thought that Promotion and Tenure and Privilege and Tenure were getting confused. They are two different things. Promotion and Tenure Committees are at college and university levels. Privilege and Tenure is a University Committee. The amendment is to have this decided by the Advisory Committee on Promotion and Tenure within the college. The question was asked if that meant the dean made the decision, since that committee is advisory to the dean?

Judy Goldstien (Computer Science) said if this is an ad hoc decision and someone is waiting to take care of a dying parent, then they would want a decision more quickly than three committees can process it. If it is a posthoc decision, can they not count last year who spent their time dealing with crisis, than that makes sense. However those in crisis often want information before making important decisions.

Doug Poe (Business and Economics) said that he had just spent some time with University legal staff and they say that if one person makes a decision you are much more likely to get sued than if it is a committee decision.

James Brennan (Mathematics) asked if this was going to be accompanied by some dossier indicating the person=92s work? On what basis are they going to  
o  
make this decision?

Joan Callahan (Philosophy) asked if the proposal was that the request for such leave go through the normal process which would involve having the faculty and the department make a recommendation to the chair, than the chair writes a letter and that goes to the advisory committee to the dean, than the advisory committee meets and the advise the dean? The Chair said that under the amendment basically it would go through the same process that a promotion dossier would go through.

Mike Neitzel said that these were some of the reasons why they did not address some of the criteria issues. If they are talking about the kinds of crisis that this envisions, they should think carefully whether they would want faculty members to have to expose the information to this many people as far as making this kind of decision. There were some privacy concerns that were voiced about what is involved in the kind of personnel decision that is being made here. Regardless of whether we may be more likely to be sued, which they probably will be, they should make a decision based on what they think is the right thing to do for faculty members. He hopes they could do that with as few people involved and knowing about this sort of information as possible and yet still have it conducted fairly.

Lee Meyer (Agriculture) felt that this should be done between the lowest level administrator and the faculty member. One of the points of discussion in the Senate Council has been about tension or lack of trust of administrators. His feeling is they should have this type of personnel decisions happen at that level and if there is an inappropriate decision it can be appealed. They need the administrators to address these kinds of issues not always move them into faculty committees and governance.

David Durant said he thought the privacy issues might be particularly important to people who got turned down in this process. It would be grievous to them to ask for a years extension for something that is quite private and have a lot of people know about it.

Hans Gesund said that the proposal said nothing about an appeals process. According to the way this is written, the decision of the chair is final. He moved for this proposal to go back to the Council for a rewriting in light of the discussion.

The motion to refer back to the Senate Council passed in a voice vote.

The Chair asked for direction in what the Senate wanted added to make this proposal work. Professor Knoblett said that the issue really was that if it was positive to where do they have recourse, that needs to be in there.

The Chair said that all they could do would be put in whatever personnel policies say about personnel decisions such as this.

The question was asked what is the policy or practice now, if there is a situation such as this? It was suggested that the only way the tenure clock could be interrupted now was if a faculty member ran for political office or took a leave without pay. There was no good mechanism for allowing this right now and there have been a number of instances where that has been a problem for faculty. The Task Force was attempting to address that issue. =20

Robert Molzon said that two things should be clear. First, who is making the decision and that includes whatever appeal process is going to be involved. Secondly, it should be clear what the criteria are. If the purpose of this is to excuse people or give people an additional year for a medical circumstance that will prohibit them from continuing in their normal academic duties it should say that.

Rhoda-Gale Pollack (Dean - Fine Arts) said that there was a process that they could follow. It is the educational leave which does interrupt the probationary period. That is already policy and does move quickly.

ACTION ITEM 2 - Proposed Technical Standards from the University of Kentucky College of Medicine.

Proposal:

The attached proposed technical standards from the University of Kentucky College of Medicine have been approved by the Academic Council for the Medical Center, the Senate Committee on Admissions and Academic Standards, the University Senate Council, and are forwarded to the Senate for approval.

Attachment

PROPOSED TECHNICAL STANDARDS  
UNIVERSITY OF KENTUCKY COLLEGE OF MEDICINE

The College of Medicine's goal is the broad preparation of students to practice medicine with special emphasis on primary care. Regardless of eventual specialty selection, students must demonstrate competence in those intellectual, physical, and social tasks that together represent the fundamentals of medical practice. Applicants and students will be judged not only on their scholastic achievement and ability, but also on their intellectual, physical and emotional capacities to meet the full requirements of the school's curriculum. As an advisory committee to the

Dean, the Admissions Committee is instructed to exercise judgment on behalf of the faculty to recommend the entering class, and to consider character, extracurricular achievement, and overall suitability for the medical profession based upon information in the application, letters of recommendation, and personal interviews.

The Liaison Committee on Medical Education, which accredits the Medical School, requires that the curriculum provide a general professional education, enabling each student to pursue graduate training in a variety of disciplines. This requires the development of broad knowledge, skills, and behaviors, enabling ongoing self-directed learning, further training and delivery of competent medical care. The basic sciences curriculum includes the study of anatomy, biochemistry, histology, pathology, and pharmacology and is designed to establish a core of knowledge necessary for clinical training. The clinical curriculum includes diverse experiences in primary care, family medicine, internal medicine, obstetrics and gynecology, pediatrics, psychiatry, surgery, diagnostic imaging, pathology, emergency medicine, geriatrics, and rehabilitation medicine, in ambulatory and inpatient settings. These rotations develop the ability to practice medicine independently, regardless of the future choice of specialty. Each student is required by the faculty to pass each required course and clinical rotation to graduate.

The following technical standards specify those attributes that the faculty considers necessary for completing medical school training, enabling each graduate to subsequently enter residency and clinical practice. These standards describe the essential functions students must demonstrate in order to fulfill the requirements of a general medical education, and thus, are prerequisites for entrance, continuation, and graduation from medical school.

The University of Kentucky College of Medicine will consider for admission to the medical school any applicant who demonstrates the ability to perform or to learn to perform the skills listed in this document. Applicants are not required to disclose the nature of their disability(ies) to the Admissions Committee; however, any applicant with questions about these technical requirements is strongly encouraged to discuss the issue with the Assistant Dean for Admissions prior to the interview process. If appropriate, and upon the request of the applicant/student, reasonable accommodations may be provided.

Certain chronic or recurrent illnesses and problems that interfere with patient care or safety may be incompatible with medical training or practice. Other illnesses may lead to a high likelihood of student illness and should be carefully considered. Deficiencies in knowledge base, judgment, integrity, character, or professional attitude or demeanor which may jeopardize patient care may be grounds for course/rotation failure and possible dismissal.

A student must possess aptitude, abilities, and skills in five areas: 1) observation; 2) communication; 3) sensory and motor coordination and function; 4) conceptualization, integration and quantitation; and 5) behavioral and social skills, abilities and aptitude. These are described in detail below. Students must be able to independently perform the described functions.

#### 1. OBSERVATION

Students must be able to observe demonstrations and conduct experiments in the basic sciences, including, but not limited to physiologic and pharmacological demonstrations in animals, microbiologic cultures, and

microscopic studies of microorganisms and tissues in normal and pathologic states. A student must be able to observe a patient accurately at a distance and close at hand, noting nonverbal as well as verbal signals. Specific vision-related requirements include, but are not limited to the following abilities: skin, culture media, and dipstick tests; visualizing and discriminating findings on x-rays and other imaging tests; reading written and illustrated material; observing demonstrations in the classroom, including projected slides and overheads; observing and differentiating changes in body movement; observing anatomic structures; discriminating numbers and patterns associated with diagnostic instruments and tests, such as sphygmomanometers and electrocardiograms, and using instruments competently, such as stethoscope, otoscope, ophthalmoscope, and microscope.

## 2. COMMUNICATION

Students must be able to relate effectively and sensitively with patients, conveying a sense of compassion and empathy. A student must be able to communicate clearly with and observe patients in order to elicit information, accurately describe changes in mood, activity and posture, and perceive verbal as well as nonverbal communications. Communication includes not only speech but also listening, reading, and writing. Medical education presents exceptional challenges in the volume and breadth of required reading and the necessity to impart information to others. Students must be able to communicate quickly, effectively and efficiently in oral and written English with all members of the health care team. Specific requirements include but are not limited to the following abilities; communicating rapidly and clearly with the medical team on rounds; eliciting a thorough history from patients; and communicating complex findings in appropriate terms to patients and to various members of the health care team (fellow students, physicians, nurses aides, therapists, social workers, and others). Students must learn to recognize and promptly respond to emotional communications such as sadness, worry, agitation, and lack of comprehension of physician communication. Each student must be able to read and to record observations and plans legibly, efficiently and accurately in documents such as the patient record. Students must be able to prepare and communicate concise but complete summaries of individual encounters and complex, prolonged encounters, including hospitalizations. Students must be able to complete forms according to directions in a complete and timely fashion.

## 3. SENSORY AND MOTOR COORDINATION OR FUNCTION

Students must have sufficient sensory and motor function to perform a physical examination utilizing palpation, auscultation, percussion, and other diagnostic maneuvers. In general, this requires sufficient exteroceptive sense (touch, pain and temperature), proprioceptive sense (position, pressure, movement, stereognosis and vibratory), and motor function. A student should be able to execute motor movements reasonably required to provide general care and emergency treatment to patients. They must be able to respond promptly to urgencies within the hospital, and must not hinder the ability of their co-workers to provide prompt care, measure angles and diameters of various body structures using tape measure and goniometer, measure blood pressure and pulse. A student should be able to learn to perform basic laboratory tests (urinalysis, complete blood count, etc.), and diagnostic and therapeutic procedures (phlebotomy, arterial blood gas drawings.- lumbar puncture, arthrocentesis, etc.). Examples of such emergency treatment reasonably required of physicians include arriving quickly when called and initiating appropriate therapeutic procedures, administering intravenous medication, applying pressure to stop bleeding, opening obstructed airways, suturing uncomplicated wounds, and performing uncomplicated obstetrical maneuvers.

#### 4. INTELLECTUAL-CONCEPTUAL INTEGRATIVE AND QUANTITATIVE ABILITIES

These abilities include measurement, calculation, reasoning, analysis, judgment, numerical recognition and synthesis. Problem solving, a critical skill demanded of physicians, requires all of these intellectual abilities, and must be performed quickly, especially in emergency situations. Students must be able to identify significant findings from history, physical examination, and laboratory data, provide a reasoned explanation for likely diagnoses, and prescribe medications and therapy, recalling and retaining information in an efficient and timely manner. The ability to incorporate new information from peers, teachers, and the medical literature in formulating diagnoses and plans is essential. Good judgment in patient assessment, diagnostic and therapeutic planning is essential; students must be able to identify and communicate the limits of their knowledge to others when appropriate. Students must be able to interpret graphs describing biologic relationships and do other similar modes of data.

#### 5. BEHAVIORAL ATTRIBUTES

Empathy, integrity, honesty, concern for others, good interpersonal skills, interest and motivation are all personal qualities that are required. Students must possess the emotional health required for full use of their intellectual abilities, the exercise of good judgment, the prompt completion of all responsibilities attendant to the diagnosis and care of patients, and the development of mature, sensitive and effective relationships with patients. At times, this requires the ability to be aware of and appropriately react to one's own biases and immediate emotional responses. For example, students must maintain a professional demeanor and organization in the face of long hours and personal fatigue, dissatisfied patients, and tired colleagues. Students must be able to develop professional relationships with patients, providing comfort and reassurance when appropriate while protecting patient confidentiality. Students must be able to work collaboratively with other members of the health care team. Students must possess adequate endurance to tolerate physically taxing workloads and to function effectively under stress. All students are at times required to work for extended periods, occasionally with rotating shifts. Students must be able to adapt to changing environments, to display flexibility and to learn to function in the face of uncertainties inherent in the clinical problems of many patients. Students are expected to accept appropriate suggestions and criticism and if necessary, respond by modification of behavior.

Chairperson Applegate recognized Professor Moore for introduction of the item. Professor Moore reviewed the background of the item and recognized Professor Lois Nora from the College of Medicine for more information about the proposal.

Professor Nora made the following remarks:

As all of you know in recent years there has been increased attention to the need for all schools and particularly professional schools to identify technical standards that need to be met for admission, promotion, and graduation of students from programs. This is in part stimulated by the Americans with Disabilities Act that requests a broader understanding of the need to establish those standards. As was identified, the College of Medicine has had technical standards previously accepted by this group. About eighteen months ago, we identified a number of ways in which they could be improved. A task force was identified which worked on this and the technical standards which you have front of you have been developed by the task force, reviewed, modified, and ultimately accepted by our admissions committee, curriculum committee, student progress and promotion

committee, and our faculty counsel. We will that the document has been improved with better organization and clearer examples, with elimination of identification of specific disease protocols and the inclusion of examples that will help both our students and faculty understand what is expected.

Hans Gesund asked since when was a stethoscope a vision related instrument?

The other thing is =93students must be able to communicate quickly, effectively, and efficiently in oral and written English with all members of the health care team specific requirements include.....enlisting a thorough history from patients.=94 There are a lot of patients who are non English speaking and nonverbal. The students should be required to speak at least foreign language. It is unfair to foreign born candidates for admission because it is not specified how well they have to be able to communicate. If they have passed TOEFL with a certain score that is a specific requirement otherwise it is much too subjective.

Professor Nora said that she believed she was representing her colleagues in saying that they would not be in agreement that a TOEFL score would necessarily be enough and that there are a number of experiences in which actual observation and seeing what happens might support their conclusion.

James Brennan said it seemed that everyone had to speak at least one common language, why not make it English. The written history documents are going to be read by a lot of people.

Lois Nora said she thought he was speaking to the cultural diversity issue and she was delighted to say that they took that very seriously in the College of Medicine. They have not gotten to the point of requiring the other languages and she does not see that quickly coming.

Mike Cibull said that technical standards are minimum standards. English is certainly a minimum standard for communication in the United States and other languages are not a minimum requirement. It is perfectly appropriate for technical standards to include the ability to speak and write English.

Kaveh Tagavi said in Number 2 it says =93communicating rapidly and clearly=-94.

They have a graduate student who has stuttering problems. It takes five times longer for him to communicate an idea than a normal person. Emergency physicians have to be able to communicate rapidly. Why should a person who can not communicate rapidly be excluded from medical school?

Professor Nora answered that the purpose of technical standards is to identify what needs to occur. If there was a person who could not or felt they could not communicate rapidly than it would be their opportunity to identify an accommodation which might include the use of writing or the like. That individual would be treated individually in a determination of whether or not they can communicate rapidly. Actually technical standards work to the advantage of the individual student. Because then if someone is diagnosed as a stutterer in the example it does not necessarily preclude them from participating in an education. One of the purposes behind the Americans for Disabilities Act and technical standards in general is to avoid the situation where people are on the basis of a diagnosis excluded from a particular environment and the emphasis is on the individual and whether or not they can meet the standard with or without reasonable accommodations.

Professor Tagavi asked if rapid communication was necessary or not?

Professor Nora answered in emergency situations in medical care our College of Medicine faculty have determined that the ability to communicate rapidly

in an emergency is necessary. Professor Tagavi asked if the document was only for emergency physicians? Professor Nora replied that no, these are basic standards for someone who would complete a medical degree of pursue a career which includes involving in emergency situations essentially for every student who goes through the curriculum.

The question was called and seconded. Motion to call the question passed in a voice vote. The proposal passed in a unanimous voice vote.

ACTION ITEM 3 - Proposal to amend University Senate Rules, Section V - 5.1.3.2 (Incomplete Grades)

Proposal (brackets indicate deletion; underlining indicates additions)

5.1.3.2 Grade I (US: 9/14/87): The grade I means that part of the regularly assigned work of the course remains undone. It shall be given only when there is a reasonable possibility that the student can complete the work within the allowable period of time for removal of an I grade and that a passing grade will result from completion of the work. Except under exceptional circumstances, the student will initiate the request for the I grade. An I grade shall not be given when the student's reason for incompleteness is unsatisfactory to the instructor. A grade of I must be replaced by a regular final letter grade not later than 12 months from the end of the academic term in which the I grade was awarded or prior to the student's graduation, whichever occurs first. The instructor can extend the contract period for up to an additional 12 months by completing a grade assignment form. If the instructor is not available, the department chair or dean of the college in which the course is offered may complete a grade assignment form to extend the contract period for up to 12 months. In the event the grade of I is not replaced by a regular final letter grade within the allowable period, the University Registrar shall change the I grade to a grade of E on the student's permanent academic record and adjust the student's grade point standing accordingly. In the event that an I becomes an E, the instructor may submit a grade assignment form to replace the E within 12 months from the time the E was assigned. A graduate who had an I grade on his or her academic record at the time of graduation (and which grade was subsequently changed to an E by the Registrar) may be allowed a maximum of 12 months following the end of the term in which the course was taken to satisfactorily complete the course and receive a grade change. [If the instructor is not available, the department chair or dean of the college may petition the chair of the Senate Council to extend the contract period of the I grade.] (US: 10/11/93)

Rationale: Instead of leaving the decision regarding extension of Incompletes beyond one year to the Chair of the Senate Council, the decision is now placed in the hands of the instructor who would be in the best position of determining whether an extension was warranted and practical. The revisions also place an absolute cap of 24 months, rather than leaving the extension period open-ended, as it is at present. (There is currently no time limit on the granting of an extension by the Chair of the Senate Council.)

Background: This proposal was recommended by the Senate Council Task Force on Retroactive Withdrawals and Extensions of Incompletes. The Task Force was charged by the Senate Council in May, 1997, to review various waivers and substitutions for consistency and legitimacy of such practices in light of academic quality, fairness, and compliance with the Americans With Disabilities Act (ADA). The proposal before the Senate was unanimously recommended by the Task Force, and approved by the University Senate= Council.

Note: If approved, the proposal will be forwarded to the Rules Committee for codification.

Implementation Date: Fall, 1998

Chairperson Applegate introduced Professor Roy Moore for introduction of the item. Professor Moore reviewed the background of the item and recommended approval on behalf of the Senate Council.

Tom Blues said he was concerned that in the event an instructor is not available that a chair or dean might extend the period. As one involved in a program in which almost all the classes are done by teaching assistants it is a customary event that they leave or move on. Who becomes then responsible for the completion of the course in the event that some other person authorizes an extension?

Jan Schach (Agriculture) said that it was her understanding that the chair then takes responsibility for making the decision in the absence of the instructor.

The Chair said that in the current University Senate Rules when an I grade is assigned the instructor files on record a form that gives the name of the student, the course number, the semester, signature, a brief statement of reason for the incomplete, specific instructions on how alternate grades and the work will be completed, a specific time requirement, and the student's signature if feasible. The instructor is to provide a completed copy of the record to the student and the department chair. The department chair is then empowered to handle that if the instructor is not available.

Tom Blues said that in other words then the person who signs the extension becomes the responsible person in the event of instructor availability for the completion of the course and the assigning of the final grade. Who becomes responsible?

Roy Moore said that idea was that they needed to have some means whereby the student has the option of having an extension even though the instructor is no longer available. Tom Blues said that then they were asking someone who has not taught the course and is unfamiliar with the assignment in the first place and has no context to take over the grading of the student's work and assigning a semester grade.

The statement was made that that is the current situation except the time limit is longer. Currently if an instructor gives an incomplete grade and then disappears then it falls back on the department or the dean. This can go on for a longer than a two year period.

Kim Anderson (Engineering) said that she felt a year is a long enough time for a student to complete the work in a course and that extension should only be given in extenuating circumstances. If they adopt this policy they are opening Pandora's box for student's to have I grades for two years and that is too long. Professor Moore stated that is exactly what is going on now because it goes to the Senate Council Chair. Professor Anderson said that it goes through the deans and they look at it if it is a nonacademic reason that they needed that extension. Professor Moore said that different colleges apply different standards. Professor Anderson said that now different faculty are applying different standards.

Jan Schach said that as a Senate Council Chair who has read many of the



cases for extension, she can guarantee that some of them are very much merited. Right now Pandora=92s box is open anyway, because the Senate Council Chair will probably get a request like this at least once a week. What they are trying to do is to get that decision making capacity down as close to the local level of those people who understand the course and the course material as possible. If the chair is the best you can do it is probably a whole lot better than the Senate Council Chair.

The question was called. The motion to stop debate passed in a unanimous voice vote.

The proposal passed in a voice vote.

ACTION ITEM 4 -Proposal to alter the procedures for granting retroactive withdrawals.

#### Retroactive Withdrawals\*

\*Retroactive withdrawals are defined as withdrawals initiated after the last day of classes for the semester.

#### Recommendations

1. The current system under which retroactive withdrawal requests are forwarded to the Chair of the University Senate Council for a decision should be abolished.
2. The University Senate create a Retroactive Withdrawal Appeals Committee made up of four faculty and one student, plus alternates, named by the Senate Council. A representative of the Associate Vice-President for Administration, Equal Opportunity Office, and a representative from the Assistant Dean of Students directing the Disabilities Resource Center, will serve as ex officio, non-voting members of the Committee.
3. Considerations of requests for retroactive withdrawals will be done using the following guidelines:
  - a. Typically, a student may withdraw from a given semester only if the withdrawal is from all classes.
  - b. Requests for retroactive withdrawals may not be granted beyond one calendar year from the last day of class for the semester for which the withdrawal is requested.
  - c. Retroactive withdrawals may be granted only when the student has demonstrated satisfactory evidence that the student has incurred:
    - =95 A serious injury or illness
    - =95 Serious personal or family problems
    - =95 Serious financial difficulties
    - =95 Permanent disability verified by the Disability Resource Center and diagnosed after the semester in question
4. A uniform process should be adopted for all retroactive withdrawals
  - a. The student first files the request, including appropriate documentation with the Dean of the student's college in which the student was enrolled at the time the classes were taken. It is recommended that a uniform form be adapted. A model form for the Senate to consider is that currently used by the College of Arts & Sciences. (See attached sample.)

b The Dean makes a recommendation for approval or disapproval of the request and forwards the recommendation to the Senate Committee. (See item 2 above.)

c. The Committee normally renders a decision within 30 days of receipt of the recommendation from the Dean and shall forward all approved requests to the Office of the Registrar for implementation. The student shall have the right to appear in person before the Committee to present his or her request and shall have the right to be represented by an attorney or other designated individual.

d. The Committee shall forward a copy of its decision--whether the request is approved or not--to the Dean of the student's current college and to the Dean of the college in which the student was enrolled at the time of the retroactive withdrawal, if different from the current college. As provided under University Senate Rules 5.1.8.3, the Dean shall notify the instructor of the committee's decision.

Rationale: The Senate Rules do not permit withdrawals after the last day of class for the semester. If retroactive withdrawals are to occur, the Rules should recognize this and specify the process by which they will be granted.

At present, different colleges follow different procedures, use different forms and even apply different standards for consideration. A uniform process would ensure greater fairness.

Note: If approved, the proposal will be forwarded to the Rules Committee for codification.

Implementation Date: Fall, 1998

Attachment

COLLEGE OF ARTS AND SCIENCES POST MID-TERM WITHDRAWAL PETITION  
257 Patterson Office Tower (606) 257-8712

CONTINUE TO ATTEND THIS CLASS UNTIL A DECISION CONCERNING YOUR WITHDRAWAL HAS BEEN MADE.

Today's Date \_\_\_\_\_ Your  
Major: \_\_\_\_\_  
Name \_\_\_\_\_ SS# \_\_\_\_\_ Local Phone \_\_\_\_\_  
Local Address \_\_\_\_\_

The College of Arts and Sciences requires documentation verifying any of the 3 reasons below.

A student may withdraw from a class during the latter half of the term upon approval by the dean of the student's college of a petition certifying urgent non-academic reasons including but not limited to:

- I. Illness or injury of the student,
- II. Serious personal or family problems,
- III. Serious financial difficulties.

Senate Council [Rule v, 1, 8.3]

COURSE, PREFIX NUMBER, and  
SECTION: \_\_\_\_\_

Term (Semester) enrolled in  
course: \_\_\_\_\_

Total number of currently enrolled hours?\_\_\_\_\_Are you a senior?\_\_\_\_\_

Reason(s) for withdrawing:\* (If you need more space, attach additional sheets).

\*NOTE: Petitions listing one of the above non-academic reasons without explanations and documentation will not be considered. In order for this petition to receive due consideration, you must attach all original documentation showing your inability to withdraw prior to the midterm or verify extenuating circumstances that prevented you from academic participation after the mid-term.

Instructor's Name (please PRINT)\_\_\_\_\_Phone\_\_\_\_\_

Campus Address (please PRINT)\_\_\_\_\_Speed Sort\_\_\_\_\_

Action Taken by Dean: \_\_\_\_\_Approved by\_\_\_\_\_ Date:\_\_\_\_\_
\_\_\_\_\_Not Approved
\_\_\_\_\_ Student Notified
\_\_\_\_\_ Sent to Senate Council
\_\_\_\_\_ Instructor Notified
\_\_\_\_\_ Entered (SIS) by

Forms\Withdraw.doc

3/97

Per Senate Rule V, 1,8.3

Before acting on such a petition, the dean will consult with the instructor of the class. If such a petition is approved by the dean of the student's college, the dean shall inform in writing the instructor of the class of the action, and the student shall be assigned a grade of W.

Please assist the College of Arts and Sciences Student Services Office (257 POT; 7-8712) in our making a decision on this petition to withdraw after the midterm by supplying as much of the information as you can. If you would like to attach a course syllabus, please feel free.

\_\_\_\_\_I would like to discuss this petition. If yes, please check.

1 .I [do]\_\_\_\_\_ [do not]\_\_\_\_\_ take attendance. Is attendance required? Yes\_\_\_\_\_ No\_\_\_\_\_

If attendance is taken, was the student's attendance: Regular \_\_\_\_\_ (until what date) \_\_\_\_\_ Sporadic \_\_\_\_\_ (beginning at what date) \_\_\_\_\_ Rare \_\_\_\_\_ (beginning at what date) \_\_\_\_\_

2. HOMEWORK AND QUIZZES

If you assign homework or have quizzes, please provide information on the following:



2.Date illness was diagnosed?\_\_\_\_\_

3.Type of treatment prescribed?\_\_\_\_\_

4. Was hospitalization required?\_\_\_\_\_If yes, indicate date(s):\_\_\_\_\_

5.Date of last contact regarding the medical condition:\_\_\_\_\_

6.In what specific way did the illness affect the student's ability to attend class/complete the semester?

attend class/complete the semester?

7.Include or attach information on test results, surgeries, medication or other information that supports this request.

other information that supports this request.

8.Other information in support of this request:  
8.Other information in support of this request:

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Physician's Name \_\_\_\_\_ Phone \_\_\_\_\_

Physician's Address \_\_\_\_\_

Physician's Signature \_\_\_\_\_ Date \_\_\_\_\_

Return to: College of Arts and Sciences, Student Services  
257 Patterson Office Tower  
Phone:(606) 257-8712  
FAX: (606) 323-1073

The Chair recognized Professor Moore for introduction of the item. Professor Moore reviewed the background of the item and recommended approval on behalf of the Senate Council.

The Chair clarified under 3A =93Typically, a student may withdraw from a given semester only if the withdrawal is from all classes.=94 The sense of the Senate Council discussion was that would be the norm but there might special circumstances in which withdrawal from a particular class in which the disability was particularly the problem.

Tony Baxter (Engineering) said that he had noticed that some students think they have dropped the course after attending the first couple of weeks. If there is anything in his books he gives an E and figures that the Registrar will take care of it. It will preclude that student from appealing for a late withdraw if they can not do it after the end of the semester. He questions the advisability of the all or nothing rule.

Kim Anderson said that she was concerned about the confidentiality because many of the students who are withdrawing from a semester have extreme problems and do they want to expose those problems to a committee?

James Brennan asked how it was possible to get through the whole course and then decide to withdraw?

Douglas Michael (Law) asked why they allow retroactive withdrawals at all? Since there is no Senate Rule, there must be a good reason for no Senate= Rule.

Roy Moore stated that there were a lot of circumstances under which students request a withdrawal that have merit.

The question was asked what was the problem with the current system that the Chair of the Senate Council makes the decision?

Roy Moore said that there were several problems that the Task Force saw. First, different colleges were using different standards, different forms, and doing it in different ways. If they are happy with that, fine. If there is going to be consistency and fairness then there should be a uniform process. Second, they can be done at any time--ten or twenty years from now. This puts a cap of one year on withdrawals.

Kaveh Tagavi wanted to echo Dr. Michael's concern that there was a big difference between a student who is in five courses and does not show up for any of the final exams and then two months later he comes and says "I was sick or in the hospital, give me a postwithdrawal" and a student who goes to the final exams and gets a couple of Es and a couple of Cs and then wants to withdraw. What was the excuse for the student not to withdraw before the last day of classes.

Jan Schach said that there were extenuating circumstances that a person does not realize until they have gone through it. For instance there may be an instance where a person has suffered an emotional breakdown of which they did not really get diagnosed until afterwards. If you have in hand evidence where that person has actually been diagnosed by a medical professional, that is an example. The problem is that as a Senate Council Chair you have one College bringing complete documentation, the next has zero. As far as consistency it is impossible. There are serious legal ramifications as far as ADA is concerned. You have Senate Council Chairs who have no legal background whatsoever. Hopefully the composition of the committee will have individuals of that type of background. There will be better decisions and less potential for lawsuits.

Doug Michael said that having heard the example he does not understand why they need to accommodate an after the fact stated disability. Is that the understanding from University counsel that is what the ADA requires? Why isn't the Senate Council chairs answer no?

Roy Moore said because the cases have merit. Professor Michael asked what? Please give some examples. Professor Schach said that anyone can appreciate that when there are catastrophic events in some cases you do not realize the significance of them and their implications on your performance until after the fact.

Doug Michael said that in their college that would be the Academic Status Committee. If you want to be readmitted because your grades are low enough you can no longer stay in the college. You have to explain I got in this situation because, rather than taking it outside the college. That is how it is handled in the College of Law.

Debra Harley asked if it was not common now for undergraduate students at midpoint be sent some written notification if they are at risk for failure in a particular course with the advice that they should withdraw at that time?

The Chair said that there was a requirement that there be by midpoint some feedback on performance for everyone. Professor Harley asked if that was not a situation where advice would be given at that point instead of waiting until the end of the course to withdraw.

Chairperson Applegate said that an example of what seemed to be a legitimate case was a person who may be going through a very serious depression. Sometimes they could be in the midst of depression but do not know at that point. They are struggling, thinking they are okay. That

might have been in the fall semester and in the spring semester after the fact, looking back they may realize how badly they were impaired. Then, with the proper diagnosis and medical justifications they might appeal to have a retroactive withdrawal from those fall courses since they were unable to perform at the level that would have been reasonable. In those cases he has granted retroactive withdrawals.

Kim Anderson said that they had a case where someone had gone through some chemotherapy and was very determined to stay in and went through two semesters. His grades went up after that but those two semesters were terrible. She feels a situation like that should be considered.

Michael Tomblyn (Student Senator - Graduate School) said it seemed there was a lot of people who could not imagine a really good reason for retroactive withdrawals. On behalf of future students being able to use this, he wanted to give an example of his second semester as an undergraduate. During the previous semester he had had some blackout spells that were diagnosed as some type of seizure disorder. He was put on medication and did not realize it at the time but it had a strange reaction in that everytime he went to sleep everything in his short term memory was zapped. He had a weird situation in that in his computer classes with no memory required he received As. His discussion seminars he received As. His physics, calculus, and prechem in which he had to study and memorize information he received Ds and Es where before he had received As. He had no idea until summer was over what was going on. This should show that there are cases like this and also shows that it is possible to be able to do well in some classes and not in others.

The question was called and seconded. The motion to stop debate passed in a voice vote.

The proposal passed in a voice vote.

The meeting was adjourned at 4:25 p.m.

Donald Witt  
Secretary, University Senate