

UNIVERSITY OF KENTUCKY  
SENATE MEETING

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SEPTEMBER 12, 2016

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- KATHERINE MCCORMICK, CHAIR
- ERNIE BAILEY, VICE-CHAIR
- KATE SEAGO, PARLIAMENTARIAN
- SHEILA BROTHERS, ADMINISTRATIVE COORDINATOR
- LISA GRANT CRUMP, COURT REPORTER

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MCCORMICK: I'd like to welcome you to the William T. Young Library and this is our first Senate meeting for this year and we're going to get started. Hopefully, you've remembered to sign in and grab your clicker, and again, we are calling the meeting to order.

We'd like for you to think about these rules. We do follow Robert's Rules of Order. We'd like for you to be civil in your conversation. Be a good citizen in terms of giving other people the chance to talk. I'm an early childhood educator and this sounds a little bit what we say in our kindergarten class. Hopefully, you'll be as responsive as they are.

GROSSMAN: Good luck with that.

MCCORMICK: One of the things that we've noticed over the years is that often we hear from the same people and that many of our members are silent. So help us work on that this year. Encourage, again, you know, the person sitting next to you, it looks like they want to make comment, encourage them to do so. We are a collegial group. And remember to return your materials.

So we're going to start with the attendance slide. Some of you do not have a clicker and so what we'd like you to do is as we move through the meeting today, if you will take the -- the votes from those of you with a device, and for those of you who don't have a device, we will ask that you raise your hand.

So we will -- are you here today? Yes and no, maybe not. All right. So following Andrew's

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convention, my predecessor, I'll give you a few minutes, and then we'll do a small count down, ten, nine, eight, seven, six, five, four, three, two, one. Hopefully, you've responded, and then those of you who are minus a clicker, I guess we would take your -- your hand held.... So are you here? All right, Sheila? And yes we have (inaudible).

So our Senate Rule 1.2.3

requires that we send you the minutes and the agenda six weeks, excuse me, six days prior to our meeting. We had some items that had some amendments to them and so we have failed to meet this rule and so I would like hear a motion that the Senate waive Senate Rule 1.2.3, to allow consideration of the agenda because of those changes.

GROSSMAN: So moved, Robert Grossman, A and S.

MCCORMICK: Second?

MAZUR: Joan Mazur, Education.

MCCORMICK: So if you're in favor of the

waiving 1.2.3, would you signify by voting yes, opposed, or abstain. Ten, nine, eight, seven, six, five, four, three, two, one. You vote, and then if you don't have a clicker, would you signify, yes, by raising your hand? Six. Opposed?

All right. We have provided,

again, for those of you who are -- who have -- who prefer some anonymity in responses, we have left you some index cards in the back so that you can ask questions. I've borrowed this technique from Provost Tracy, who has used it in some of the town halls, and I think that it has worked well. So if you have questions and you don't want to ask those questions from the floor, you're welcome to use an index card and we'll retrieve those from you.

I received a couple of editorial

changes for the minutes and so I've made those changes. And again, they were not substantive, they were more of just kind of the normal variety, and so, if there are no objections, we will consider those minutes approved.

I'd like to welcome our

President, the Chair of the Senate,

Chairperson to talk with you

a little bit about the State of the University.

CAPILUTO: Katherine, thank you for your

leadership and I definitely appreciate your idea of our distributing our response in advance. Provost Tracy and I have decided that we would highlight just a few because I wanted to have ample opportunity to talk with you about something you've certainly read about surrounding these issues involving sexual assault and privacy. But there are a couple of things I do want to share that I think are important in what -- in the information that we've provided to you.

Over the last few weeks, it's

been pretty spectacular for the University of Kentucky. We had our Sanders Brown grant renewed, nearly 40 years of funding. We received another substantial gift, \$10 million for our Academic Science Building. We've welcomed another outstanding class to the University of Kentucky, and this morning we renamed four residence halls, (inaudible) for the founding mothers of the University, that surround Patterson Hall.

And I hosted at lunch, the

families of those four ladies and some 30 came, grandchildren and great-grandchildren, and I had on your behalf the delight of listening to stories, some tearful, about their remembrances of these fine ladies.

Now this, to me, is something

for which you deserve taking credit. And

we recognize that student success is a

moral obligation, and we set as a target that in five years, we'd like to

have a secure graduation rate of 70 percent. And to put that in context, of some 3500 universities across the United States, there are only about 140 that have a graduation rate as high as 70 percent.

So this year, you'll see in the

next slide, we went up a couple points, that's our biggest increase in decades. Congratulations. And our four year graduation rate, which we'd really like to have 60 percent to be in that block. It continues to improve. But the Provost remains concerned, as do I, that this first to second fall retention rate is not as high as we'd like it to be. If you lose them early; it's really hard to get

them back.

So how have we done over time, that top bar represents this (inaudible) in six year graduation rates and four year graduation rates, and again, we cannot thank you enough. Each one of these students we graduate, we do one at a time, it takes all of us at that critical point in their lifetime as a student here to be there to assist, to teach, to advise and counsel. So I thank you.

And there's something else that -- for which I hope you have pride. You know we shared with you the percentage of our interim class that is of color and, particularly, African American. So I looked throughout all the flagship universities in the south and I compared the percentage of African American students enrolled to the percent of African Americans in the state's population. There are only two, and we're one of them, that has a percentage of African American students that we enroll that parallels our state population. The rest of all these are less than half and I want to tell you, many of them are barely a third. So I'm looking at Jane Jensen, and I know she is already saying, what is it different about West Virginia, Kentucky, and so forth. We'll have another conversation about that. But for right now, I think this says something very positive and so I thank you. We want to be that welcoming, belonging community. And we all benefit from great diversity on our campus. So thank you very much.

I'm going to turn it over to the Provost before I come back to talk with you, but before I do, I want to thank him as well for his commitment to student success.

TRACY: Thank you Dr. Capilouto. I also want to talk about actually just one slide and I want to walk you through a slide that -- you've received the slides previously and we can certainly discuss this with the open time. But I really want to talk about this slide because it really does really depict everything that we're trying to do here at the University of Kentucky and the way that we have aligned our resources around these efforts.

We call these the four pillars of student success. Really the four things that we need to do to help assure students the best chance to succeed. Or you can turn that around and say these are the four things that trip students up in their -- their quest for success.

The first one is pretty obvious and that's academic success. Students have to be academically successful to graduate from any university and certainly the University of Kentucky, but what that also means is how do we best align our resources around assuring their academic success? You, as faculty members, are key to that. I cannot begin to emphasize the importance of what you do in the classroom to student success, your engagement with those students.

If you look at survey, after survey, after survey, students will say, it was my interaction with a faculty member that made a difference in my academic career. So we encourage you to have those interactions with the students where you encourage them, where you challenge them, but also when you see them struggling, that you reach out to them. Because that really is the first line because you see them in the classroom.

Be sure and use those academic alerts. We've got -- we've not always given you the best feedback on those as to whether they were accepted or they came in. Certainly, please know that we are acting upon them, but within a week, week and a half, we should have a response system where you receive an e-mail back saying that that academic alert has been submitted, it's been received and is being acted upon.

In fact, I'm also going to encourage you to use Canvas and be sure and put your grades in Canvas, because we will then be able to pull from that once you enter those, use that grade book, we can then pull and know those students are beginning to struggle and we can see across courses to intervene early. Because it is those first eight weeks that are so critical in a student's academic success. The first eight weeks really determine their fate in many, many ways. I know that may seem hard to believe, but it really is true. So if you can do meaningful assessments and get them on that path in those first eight weeks, it makes all the difference in the world. But we

also need to align our tutoring, our pathways to degrees, our advising. All that has to be aligned to assure that academic success.

The second pillar is financial stability. Financial stability is so, so, important. In fact, I will tell you that unmet financial need is the number one predictor of retention. It predicts even more than GPA, a student's retention at the University of Kentucky. So we're aligning our resources, and you may know the Provost persistence grants. You saw those in your packet today.

Those are really aimed at helping students get that financial stability and how we align our scholarships for that, as well. And so financial stability because you know that when students start working, they maybe don't come to class as much, or they don't study as much. So we've got to assure that financial stability.

The third pillar is belonging and engagement. If students don't feel like they belong at the University of Kentucky, they certainly won't engage, and they don't have the same experience here and even the retention. In fact, we know that they don't. So it's our living and learning programs, but it's also you in the classroom creating that sense of belonging and that sense of inclusiveness and welcoming for our students. But it's also across campus, how we have our physical spaces, but also our social climate, evoke that sense of belonging for students.

Then lastly, is wellness, and that's both the emotional wellness, but also the physical wellness. We know that students have -- have sometimes emotional struggles, as well as physical struggles. And so we're doubling the number of counselors we have in the counseling center just because we know that those are issues for our students, and again, when we have behavioral alerts, the students with behavioral alerts have significantly lower retention rates.

So I'd like to take the last moment and tell you how these, I think, hopefully I can describe to you how these are interrelated. So let's imagine that a student is starting to have some financial difficulties, and let's imagine a parent has suddenly lost their job. So they begin worrying about how they're going to pay for the next semester's tuition. What's the first thing they're going to do? One, they're going to start stressing. Stressing leads to emotional issues for them. They're probably going to find a job, so they're going to start working. When they start working, they're going to start studying less and maybe even coming less to class.

So you can see how one of these leads into all the other areas. So they have to be interrelated to each other. And so, now, we've developed a team that looks at these issues, in fact, on a weekly basis. We're physically sitting down at 8:00, every Friday morning, and we evaluate what has happened in the last week. Students who have withdrawn, academic alerts, behavioral alerts.

We're walking through this every single week to try to help pro-actively to engage with these students. So, again, I'm asking you as the faculty to work with us in open engagement and help us help the students and you, as well, help the students as well. So with that, I'll say -- open it up for some questions. Again, Katherine has said we'd like to have a discussion. So we would appreciate a chance to answer your questions, but also hear your feedback, as well.

GROSSMAN: Bob Grossman, A and S. So I've heard you say for a while now about how we are hiring more counselors. So how far along are you in that process and are you specifically addressing the -- not the demand, but the requests of the groups of students of color? Specifically, hire counselors who can -- who specialize in issues that students of color may --

TRACY: Culturally competent counselors, for instance. So we -- we authorized eight and we're hoping to authorize even more. We've hired, I think, four, the last I talked to Mary. And she has also been able to hire, of those four, some individuals who have additional expertise in cultural competency, and she continues to look for that. So that is one of the key components of the job description. So we're about halfway to the first set and we'll begin to assess from

there whether we need even more.

I'll have to put my glasses on to read the question. What percentage of the total student population is comprised of students of color? I can answer that in terms of under-represented minorities and it's running about 19 percent. I think 18.6 is the last number I saw. I see Terry and Lisa shaking their heads, so I must be pretty close. So I think it's about 18.6 percent are under-represented minorities here at the University of Kentucky.

In the fall 2016 freshman class, first time, full-time freshman, it was 12 percent African American in the freshman class that we just enrolled, and it's been running in the 10 and a half to 11 and a half percent range for the last couple or three years for African Americans. About 17, 18 percent for under-represented minorities.

Next question: What is the projected maximum number of undergraduate students UK can reasonably house and teach? So that's a fair question. And so, if you look, we've opened approximately 63, 6400 residence hall beds in the last four years, and most universities house about a quarter of their student population on campus. And so, we're right at that that value where we're can meet that.

We know that students who live on campus have about an 8 percentage point, absolute percentage point higher retention rate than students who live off campus their freshman year. So living on campus makes a real difference.

We're currently running about -- last numbers I saw, was somewhere between 82 and 84 percent classroom utilization, and benchmarks say the best practices are about 80 percent classroom utilization. And so that -- we're running right at the -- the best practices for the utilization of classrooms. And our faculty to student or student to faculty ratio, I've got to get the numbers in the right direction. Student to faculty ratio runs about 17.5 to 18, which again puts us right with the benchmark. So we're running about there.

How many more can we handle?

That's a -- that's a good question. With more students, comes more revenue, and you can make adjustments from there, but right now we're running a fairly efficient operation and within the normal parameters of the resources that we have here in terms of facilities and faculty.

Next one: Provost has suggested the progress for a greater retention will be measured in the aggregate. What are the advantages -- advantages of doing this rather than holding colleges accountable? So very good question. So there's some advantages and disadvantages. Let me walk you through this a minute in terms of how we're thinking about it. So if you have a student that starts in a college, and take any college, whether it's Education or Engineering or Arts and Sciences, we know that students change majors. And when you measure it in an aggregate, you, hopefully, incentivize advisors and faculty to help students get to where they will succeed and where they will be happy.

If you measure it by an individual college, and you reward financially in that way, you may incentivize a college to try to hold onto a student for whom that may not be the best fit. So what we have done is looked at it in the aggregate and begun to say, what in the aggregate are we doing in terms of retention so that we can get the students to the right place and have them succeed?

Now, how do we hold the colleges accountable? We can certainly look at those kinds of numbers. In fact, all the deans have matrix on retention and graduation rates for their colleges, but financially, we're tying it to the aggregate. So for a college and their money that they get in the new monies that we've been able to put out, another 5 million, in this particular fiscal year, 5 million, last year, recurring money. Those -- those are to be based on aggregate numbers.

A dean's individual accountability, then, is based on their individual college, but again factoring in that they get people to the right place and have them graduated from the University of Kentucky. So, hopefully, that -- that says that there's

advantages to both, but you try to find the right incentives for an individual college to get the students graduated. That's our overall goal. And if -- and hopefully the colleges will feel that they, then, get rewarded by putting -- helping students get to the right place.

Next question: We've grown our education abroad, international program, yet our facility remains inaccessible and unwelcoming. What are we doing to move the UK International Center or to make it more welcoming?

You know that Sue Roberts is the new Associate Provost for International Affairs and, in fact, one of the first things Sue did was called a meeting with Mary Vosevich, Vice President for Facilities, and Gus Miller, who is our representative for Facilities from the Provost's office, and they went through the building and said, what do we need to do. And so, they're developing a plan and we've looked at a number of potential other locations, as well as what might happen at Bradley Hall.

You are correct. It is not an optimal facility for International Affairs, and so, we've begun to take steps to address that. Sue sees opportunities in Bradley Hall with some changes, but we also know that there may be other opportunities across campus, as well. So they're -- they're -- it's a beautiful -- that quadrangle is a wonderful set of structures from the outside. For those of you who are located inside, probably not so much. If you haven't been in there, take a little stroll and you'll see what I mean. But we are certainly looking at that and I think the International Center is a key part of our strategy.

We have 17 percent of our students have an education abroad experience. Think about that, one out of every five students is going to study abroad here at the University. That's a -- that's a number that puts us with, again, benchmarks and best practices. So I've got to commend Dr. Carvalho and the work that she and her team did to get that process going, and I know Dr. Roberts will continue that great work.

What is UK's second to third year retention rate? It's very curious. Those numbers fall in a very ordered fashion. So your second to third year change in retention is usually about half what it was the first year and the third to fourth is about half again. So if we were at 18 percent, which we were last year, 18 percent loss, that would mean that roughly 73 percent second to third year retention. In fact, it falls right in that general range. I think it's about 74 percent. So it -- it -- I'll go back to my original statement. That first year and, in fact, that first eight weeks really starts setting the pattern and really starts setting the pattern. In fact, if you think about it the students we lose from the fall to the Spring, which, in fact, was 7 percent, is students that we probably won't be able to attract back or very few of those. So if you're already down 7 percent at the end of the first term, you can see that it gets harder and harder to retain those students. So, our second to third is roughly about 73 percent, right in that general range.

Next question is: What are our strategies to increase the recruitment, employment, and retention of faculty from under-represented populations. I should let Terry and Sonja answer those questions. Sonja is the Senior Assistant Provost for Faculty Affairs and has this, and Terry Allen is our Interim Vice President for Institutional Diversity. So I'm going to punt for a minute and let them take that question.

ALLEN: Good afternoon. We have many strategies in place. We started with trying to come to a better understanding of what we currently have on our campus. So we start there. We start by looking at data. We started by asking questions. We started by talking with many groups. We had what's called residence conversations. Within those conversations, we invited groups from marginalized, as I will define, groups on campus, to come and sit and speak with us. We started with African American faculty. We went, then, to Asian faculty. We also had Muslim faculty. Those that identify as LGBTQ faculty, and it goes on and on.

And we had them to come and set and speak with us and tell us -- we asked two questions. We

asked, first of all, how are you, and secondly, we asked what do you recommend? How can we make our institution better? From there, we started putting plans together. In fact, we will form a group there, a counsel of diverse faculty. But we started putting plans in place to -- to carry out what the recommendations were and what people were telling us.

Most recently, we have identified a chief diversity and inclusivity officer from each and every college. And so there are a total of 19 and we ask that each one then identify someone that can accompany the individual in case the individual is unable to attend each and every session and every initiative that we have in place, if they cannot become involved. So we're again, seeking this information. We're putting groups together. We have worked very closely with the Provost, as well as the President.

We are in the process of creating a diversity plan. This plan will be in conjunction or in compliance with the Council on Post-Secondary Education policy, but it also will be fully aligned with the diversity strategic objective that's in the current UK Strategic Plan.

I could go on and on, but there are many initiatives that we've taken so far and we will continue. I don't know the -- the absolute statistics from this fall. I know from a year ago, to last -- two years ago until last year, there was an increase in under-represented minority faculty. As soon as the fall numbers are available, then we will report that once again. So we keep an eye on this.

There is one other thing I'd like to mention, and that is that we must act affirmatively because we are a recipient of federal contracts. And under the U.S. Department of Labor, we must act affirmatively in the employment, all phases of employment of women and all minority groups. So, again, this is something that we monitor and this is something that advocate for every day.

FEIST-PRICE: Good afternoon. I'd like to just share with you three of the core areas in which we are using as best practices to impact change. And the first, is the unconscious bias initiative. We have the faculty search committee training for every faculty search committee. Members have the opportunity to go through an unconscious bias search committee training.

And in the trainings, we're using those as opportunities to help search committees understand the ways in which biases can impact the search process in for or against candidates that are applying for employment. And so, one -- one thing I really want to highlight is our use of the faculty search committee training for search committees.

The second thing is we have developed some best practices regarding diversity hiring. We now have a diversity hiring guidelines manual that we are working in tandem with HR, so that it's incorporated in all of the hiring processes and procedures. And so, Dr. GT Lineberry and I have been working with Sarah Bowes and her staff so that when we unveil the hiring guidelines, best practices, and tool kit, it has infused, in all of the information, relevant details about the ways in which faculty search committees can become diverse, ways in which you can identify different organizations for faculty searches. W

And then the third thing that we are discussing has to do with hiring liaisons, liaisons that serve on search committees. And Terry Allen mentioned that we have the college diversity inclusion officers, and one of the things we're looking at is training these officers to participate in some of the selection committees. And so, I can go on and on.

We have an array of excellent ways in which we have positively impacted the hiring of our diverse faculty, but I'll -- I'll quit there and hand the mike over. Thank you.

TRACY: Thank you. And I'd also like to add that in the previous year, we had -- two years ago, we had about \$375,000 for diversity hiring, so we split that with the colleges. This year we -- past year, we increased it to \$750,000 and it will be even greater this year. So there's been a doubling in the money to support that as well.

A couple of quick questions here because I know the President wants to have time for some discussion about the sexual assault issue. I wanted to tell you, one of the most successful retention programs is the Robinson Scholars Program. What is being done to ensure its success continues? So we're working very hard on the Robinson Scholars Program. Adrienne McMahan has that program that she's sort of leading the effort in that. And so, we want to -- that's about 130 students, for those of you who don't know the Robinson Scholars Program, it's for people from certain counties in Eastern Kentucky. And we're trying to learn what we can -- what from that we can actually make more scalable for the entire university, so that we can benefit as well. So there is work going on to make sure that that continues.

A quick question: Why do colleges and departments still have no budgets? We are one month into classes and this most affects travel and conferences. Because we delayed the raises until September 1st, then all the budgets started loading after September 1st and Lisa -- I just asked her and she said they should be finished today loading into the colleges.

How will UK beat the budget deficit for 2016, '17 and for the following year? So if you remember -- for those of you who were here in June, Dr. Monday and I talked about how we started with ways to grow revenues. Then we looked at strategic allocations. And then we looked at the possibility, if we had to, to go to vertical reductions. So that has already been taken care of for -- for this year. And so the reductions that came to us in this fiscal year, have already been made. And we don't know what next year holds. So for next year we will see. But this year, we did it primarily through growing new revenues and some strategic reallocation. And there were just a few cuts in a few select places, but it was not across the board.

CAPILOUTO: Thank you. I'll only add a couple of things to what the Provost said about the size of the University. I tell him I want to be good before we're big. That's important, you've got to be good.

The next thing, remember the budget passed last year and puts 5 percent of every budget of every university at risk in a performance funding model. That model is being developed. All the presidents of the universities were represented in the House and Senate and the Governor's office were working on that again last week. We'll have more on that in the next few weeks.

So in recent weeks, you read stories about the appeal we are filing on the Attorney General's decision regarding student records and privacy in a case involving sexual assault and harassment. I spoke about this issue for the first time publicly Friday with our Board of Trustees, and it is very important to continue that discussion with you today.

The questions raised by this case and the questions raised by the victims, survivors themselves, strike at the heart of who we are as members of the academy. They raise the question, what we do to protect those entrusted into us, mainly our students.

And the stories about sexual misconduct seem simple from afar, but as someone who's had more than 25 years of experience as an administrator dealing closely with these same students, I assure you they are always, always complex. And the tensions between privacy and transparency are very real. I hope you'll believe that after I'm finished sharing my thoughts on this. And I want nothing I say here today to minimize my recognition that such tensions are profound and the open debate over them is critical. And at the same time, my position as the President of this institution, Kentucky's University, must be very clear too.

I believe we must do everything in our power, at any cost, to protect the privacy and confidentiality of students and their student records. No one has the right to tell their stories about confidential matters except the students themselves, and in my judgment, that right is legally at risk here.

And at the same time, we also now must be willing to ask ourselves this question: Are we doing everything



possible together to protect students from this conduct. And where are we falling short, are we willing to, together, act.

So every fall, with you and with dozens of other UK volunteers, I'll welcome parents and students on move-in day. And I see parents, and I've been one of these, sometimes with a tear in their eye as they move their son and daughter away from home to our home for the first time. And I watch them as they drive away, and I am left knowing they are entrusting the care of their child, what is most precious to them, to us at this University.

So what else do I know about the early days of student college careers? I know from both data we collect in our survey of our entire student population, and I think we're the only university in the country that does this, and I salute those who have come before me and you, because this University has always owned this issue regarding sexual assault, and we've been a leader. And I also know from firsthand experience that the first six weeks of college for an undergraduate, particularly, are their most vulnerable time. It's the time they're most likely to be a victim of sexual assault.

We know that 7, 7 out of every 100 females we welcome to this campus within the next year will be a victim of sexual assault, 7 out of every 100. But only one out of 5 victims is able to bring themselves to report such an incident.

So what does our survey say about the 80 percent who don't report? This is what keeps them from reporting, the desire for privacy, the overwhelming feeling of shame, retribution or the understandable desire to forget; but they never forget. And that is why we need our counseling center, and it's why we have to add more counselors to help these victim survivors deal with this trauma. And sure enough, I walk this campus nearly every night I'm here and the last thing I ever say to students I meet with is be safe. And I did this up until almost midnight and then I was awakened at six in the morning to learn that our many offices and dedicated staff involved in such cases had been up all night dealing with such an incident.

And I know other victim survivors (inaudible) who've told us their stories. And when they muster the unbelievable courage to come forward and seek help from our police, healthcare providers, counselors, victim advocates, investigators, and my office, they must be able to do so in full assurance that it will remain confidential and that they will retain full authority on whether, when, and how their story is publicly told.

And I also know in my 25 years, the stories of students, staff, and faculty, who have been wrongly charged with an incident of impropriety and what this can mean for them and their families, and they too deserve confidentiality.

So this is the backdrop and the context that we carry with us when we are considering these very real and complex issues. And it's what I bring to these issues when I consider them. And that brings us to the specific case at hand. And in its August 22nd edition, on the front page, the Kernel states, astonishingly to me, that it does not name the victim survivors in sexual assault cases. And other media have now repeatedly cited that account and it is unclear whether any of them did any investigating or followup on their own.

So here's the problem. While the Kernel says it does not identify these victim survivors by name, make no mistake, they've been identified. That's exactly what it does. In printing these salacious details with many specifics, they have effectively identified the victim survivors.

So just think, just think in general what's available to you at your fingertips, to almost anyone anywhere with just a few minutes of searching on the web. You can find the names of faculty and staff by department, every degree program at the university, many of which are highly specialized and small. You can look at our Board meetings and their minutes where degrees are conferred and students receiving degrees are listed, and our commencement programs that list degrees received along with the advisors that mentor students in doctorate programs. That's a lot of information that's

available at your fingertips.

Further in the Kernel's story, you see an anonymous spokesperson purporting to represent victims. Yet, you don't see the victim survivors who actually filed the sexual assault complaint quoted here or anywhere. You don't see confirmation that they wanted these facts, these stories made public.

And as one of the victim survivors said in a letter to our Board on Friday, it's a good quote, "the sensitive details of individual sexual harassment assault cases should be private to protect those that come forward with a difficult story." There is a fine line between transparency and invasion of privacy. And I think it is important that we walk on the correct side of that line.

For budding graduate students, these details could impact their entire career. So what they want is for the University to understand that we all need to listen to their concerns and to do everything in our power to prevent these kinds of horrific incidents from happening again.

So federal laws, FERPA, the Family Educational Rights and Privacy Act passed by Congress and the Violence Against Women Act, or VAWA, offer protection for the privacy of victims because of the high potential for retribution, online harassment, and the chilling effect that such brazen disregard for privacy will have on reporting.

So FERPA prevents the University from disclosing education records of students. Records of sexual misconduct involving students are, in fact, education records of students. So you see that on the front page headlines, these stories about the details about sexual assault, but what you maybe didn't see is what was on page 11 in the Kernel, buried in the back, a letter, and we're getting more of these from the victim survivor group.

And this is what they had to say: While we all have the right to know about assaults that occur on campus -- that's why you get alerts when we hear these and we think people are in danger -- no person, other than the survivor and the people that disclose the information, have the right to know any specific details about the assault. You are entitled to privacy and the space to guide your healing. You deserve to have confidence that the University values your privacy and won't release specific details about your case to the public.

As far as I know, the Herald, either online or in print, has refused to print this letter from the victim survivor community that was published in the Kernel three weeks ago. And no media have taken the time, or given the space, to highlight in any substantive detail, the letters of the victims themselves, which they have now had in their possession since Friday.

So what do we depend on here?

We depend on the law to protect these victims and their stories. And the federal government depends on us, in fact, it requires us to abide by the law in protecting them and their stories. And if we don't, there are penalties and there should be.

So indeed, the Office of the Attorney General in Kentucky has long recognized the stakes involved in the obligation to protect information. In fact, the Attorney General's office has agreed, upon at least two occasions, that such information should not be shared with their office. They have established the very precedent that now is being debated.

So despite what you have read, this all started before I got here. It started in 2008. With the benefit of outside expert counsel, the University was successful in declining to let the Attorney General view, even in private, its in-camera review of student records. The Office of the Attorney General, in an opinion, acknowledged that an even private review by their office was not appropriate for purpose of protected material. You don't have to take my word for it. I'm going to read you the decision in 2008, because they appealed to federal offices to determine what was done.

On March 11, 2008, this is

Attorney General's decision, the University's position was confirmed by the Family Policy Compliance Office of the United States Department of Education, the

federal agency responsible for providing technical assistance to educational agencies and their institutions to ensure compliance with the statute and regulations.

In a telephone conversation with the undersigned Assistant Attorney General, (inaudible) advised that the Family Policy Compliance Office concurred with the University in its view that -- in this case, 2008, we're only talking about SGA exchanges on their listserv, okay? That's what's at stake here. -- because of the SGA office's positions are conditioned upon status as full-time students, but postings that generate on the SGA listserv must be considered educational records for purposes of FERPA analysis. They further state, the University, therefore, risks forfeiture of federal funding if the postings are (inaudible). That was in 2008 under the Bush administration. Under the Obama administration, we have had heightened attention about sexual assault under Title IX, and about these privacy issues.

So in 2012, we had another one of these cases in front of the Attorney General of Kentucky and it also declines this in-camera review. And I haven't read about this anywhere. So based on our principles, policy, and the law, I gave my order to all of you in a campus e-mail that the names of victims or the names in other cases of those who have been falsely accused would never be released by me.

So in the case in question that you've read about, the University did what it was required to do and obligated to do under the constitution (inaudible). What do we do immediately? We stop the harassment. We remedy the effects on the victim survivor, and we forbid the harassment from recurring in that case. Put a stop to it.

But this issue, and others like it on our campus, have brought into stark relief, the fact that simply doing what has been required is not enough. It's not nearly enough.

As I step back and look at this, this is what I conclude: There is more to do. As a victim survivor courageously wrote to me and our board, "I found the recent reports in the media troubling because they have not accurately depicted the University of Kentucky that I grew to know over the course of two degrees. There are other issues at play here regarding University professors who are allowed to resign without future employers finding out about sexual misconduct, our tenure revocation, taking the better part of two years, in addition to the time it takes the multiple appeals in that sexual assault.

So I ask you, as faculty leaders to work with me to take the next step that we all have to make together. Already the Provost and I have discussed mandatory training for graduate students and their mentors to help understand the appropriate dynamic of this critical relationship. If nothing else comes from this issue, we must take time to actually listen to what these students, what these victims are saying. You know, there is a power differential here. We've had too many cases of it. We all know it.

And let me say this, simply redacting names and a few facts doesn't work, and it didn't work in this case. You know, our students, especially at the graduate level, when they don't feel like they can speak up when a relationship becomes abusive, they may wait years to report because of this power differential between them and a faculty member.

These transgressions of the few, the few, are putting the work of all of us in a harsh critical light here and really across the country. So in that light, we have a responsibility to every student at UK, and as the students have pointed out to us, we have a responsibility to the entire academy and we have a responsibility to students and to each other, not just here, but on other campuses.

So I want you, I want to work with you to fix the system that exists here and elsewhere in higher education that allows faculty members accused of misconduct to move to other institutions without penalty. What can we do so we don't have to have anybody else do this, we should require anyone who joins our faculty to sign a release of records from the past relating to sexual misconduct or research misconduct. It's that simple.

And I promise you when we start talking about that, it will be more complex than you think. So today, today, all right, this is what we do in the Southeastern Conference with student athletes, before you can accept a transfer student from another university that plays a sport, okay, that student has to sign a release for records. And we should at least have the same expectations of faculty that we have of student athletics. And surely, we, as faculty and members of the academy, can do better even as we commit to protecting what is sacred about both the privacy and (inaudible).

After all, we have a fundamental responsibility to the students whom we give the honor to teach and the obligation to protect. As I mentioned, there are to be sure complex issues, reasonable people can disagree, but this is not an assault on openness or state government. There is, however, a profound and respectful disagreement over policy, and that disagreement following the traditions and the academy, as they contemplate an open debate, a discussion, and weigh the result.

And in this case, the process lays out for us that such debate also can and should take place in a court of law even as it continues in the court of opinion. And this is something I want to be -- I really want to emphasize and be crystal clear, okay, because we face this all the time.

This is what's at stake here. If it is determined that media outlets have ready access to private, protected information, it means everyone has access to private, protected information. Everyone. A survivor's classmate, current, and future employers, strangers, stalkers, we allow it to prisoners in Kentucky, and anyone else who has the time to file an open records request.

So when we share a survivor's story that is not theirs to tell, it becomes everyone's to share across every electronic social media you could ever imagine. So with that perspective, I've said that losing in court, along with the attendant headlines, worries me much less than not doing everything I can to fight for the privacy and confidentiality of every survivor.

It is essential that the victim survivors of sexual misconduct know that their university stands with them, embracing them when they come forward in the courageous effort in justice and in healing, and that we will do everything in our power to protect their privacy, even in the face of unfair, incomplete and uninformed publicity.

I think it is important that you, as faculty leaders, hear from the victim survivors and from their advocates. And these letters were shared with the Board of Trustees Friday, and then with the Kernel, the Herald, and other media outlets the same day, but they have received very little public coverage. So pardon me for taking time to share them with you. To Whom It May Concern, my name is blank. I'm a PhD candidate in the Department of Entomology at the University of Kentucky. Last year, a fellow graduate student and I presented allegations of sexual harassment and sexual assault against Dr. James Harwood, the faculty member in our department. The resolution of this case was that, ultimately, there was enough evidence for a reasonable person to find Dr. Harwood guilty of two counts of sexual harassment and two counts of sexual assault. Unfortunately, these types of incidents are far too common in academia against men and women alike, extrapolating upon the suggestions as to why would take more time and more space than I have available in this short letter. Unfortunately, the refusal of an open records request in our case, has eclipsed the bigger issue of misconduct in the science (inaudible) and academia, as well as what we can do to prevent it from happening in the future. I am disappointed that a case that was handled so thoughtfully by (inaudible) Alexander and the University of Kentucky is now being presented so negatively. Blank and I recently had a meeting -- I'm sharing this with you, it says some nice things about me. I don't even like to take a selfie. All right? I don't want to read these because of these nice things they said about me. It's -- it's what else is in their message. Please hear it. Had a meeting with Dr. Capilouto where it became clear that he had student interest at heart as well as the safety of our campus. That being said, this case is very unique and much bigger than one open records request. We absolutely should be focused on transparency in these incidents, in the sense that those convicted of, or

those with enough reasonable evidence to be convicted of sexual harassment or assault, should no longer be professors. Other universities should have access to this information in order to prevent those convicted of wrongdoing from repeating this behavior elsewhere. I applaud the Kernel for drawing attention to the fact; however, I support Dr. Capilouto's stance regarding open records request, the sensitive detail (inaudible) of individual sexual harassment assault cases should be private to protect those that have come forward with a difficult story. There's a fine line between transparency and an invasion of privacy, and I think it is important that we walk on the correct side of that line. For budding graduate students, those details could impact their entire career.

There are ways to be transparent about the procedural side of these cases that do not risk the safety of those who have come forward when it is difficult. We should be working on a way to develop and improve that system, rather than being blinded by the dramatics of only one case of many across the United States. For that to work, media and University administration should be on the same side. I hope that we can find a swift resolution here that prompts positive change and movement forward, maybe even with the development of novel, more relevant laws regarding transparency. Regardless, what's occurring now has shifted the conversation from what blank and I intended, and I hope we can right the ship.

The second letter: To Whom It May Concern. I am writing this letter to offer my support of President Capilouto and the University of Kentucky, specifically, the Office of Institutional Equity and Equal Opportunity and the Violence Intervention and Prevention or VIP Center. As a victim of sexual harassment and assault, at the hands of my PhD advisor, I was faced with many -- with a difficult decision of coming forward, mainly due to the potential impact it would have on my future career. When I ultimately decided to tell my story in July of 2015, I was met with the compassion and kindness of UK's counseling center, the VIP Center and the IEEO Office. Throughout the entirety of a month's long investigation, I always felt safe and believed Martha Alexander, the Deputy Title IX Coordinator, conducted an extensive investigation of which I was routinely kept informed. All parties to these investigations were routinely kept informed. I always felt that the University and the IEEO Office stood by me complaint seriously and that they had my best interests at heart. I was in a unique position, I just had finished my dissertation, but was not allowed (inaudible) threat. I was not allowed any contact with my major advisor to finish, edit, and complete my degree. While we're conducting the investigation (inaudible). The policies UK had in place ensured that I was able to get the help I needed to graduate on time while still having a safe place to work. The University took swift actions to prioritize my safety, education, and the safety of others in my life. While this was a difficult and arduous process, I never once questioned my decision to come forward, thanks to the University's response. I have found the recent report by the media troubling because they have not accurately depicted the University of Kentucky that I grew to know over the course of two degrees. There are other issues at play here regarding University professors who are allowed to resign without future employers finding out about sexual misconduct or tenure revocation facing the better part of two years, in addition to the time it takes (inaudible). President Capilouto was generous enough to have a lengthy meeting with me regarding my concerns over this investigation and these larger issues. What I took from that meeting was that first and foremost, he's genuinely concerned about my well-being. He was willing to listen to my ideas on how we can make UK's campus safer for students, specifically, those affected by sexual harassment or assault. These are complex problems that will not be solved overnight, but having a University president who will fight for students, including those that may not be able to fight for themselves, is a step in the right direction.

I'll be happy to take any questions that you have. I'm going to let the gentleman in the yellow shirt go first.

FIEDLER: Ted Fiedler, Arts and Sciences.

I think what concerns me the most about this situation was addressed by both letter writers. It is how do you -- how do you keep somebody who has been abusing his, mostly, authority, from

being able to hide this down the road if there is no public publishing of what is, excuse me, not just an educational fact, but a legal fact? If somebody has committed a crime, this shouldn't remain private.

CAPILOUTO: So if somebody goes to the legal system, all right, taken away from (Inaudible). When you've been sexually harassed or sexually assaulted, you have two paths which you can pursue. You can go through the legal system, right, the judicial system, and all that's going to be public, or under the direction of Office of Civil Rights and the Department of Education, and now it's highly ascribed, and you can pursue this under the Title IX context. And that's what we followed here and I've shared with you what you've just pointed out. We -- we have to respect student records and the privacy that is attendant to that, but at the same time, how can we work to say now, if you're going to come into our community, we want to know about these things. And then I would hope that other universities would begin doing the same thing. It -- it's the only way I think to get about this.

You know, somebody pointed out that somebody was under investigation and got a recommendation for a job. Well, you know, anybody can get a recommendation for a job. You can get somebody to give you a recommendation, but, you know, how -- how do you compel someone to release the information that's important (inaudible).

You know, I've shared with you my initial thoughts about this. It's what the students encouraged me to do. And I want to work with you to answer that question (inaudible).

COLLETT: My name is DeShana Collett, I'm in the College of Health Science. So as far as with the faculty member, because I understand we're coming from a victim's standpoint, but when do we start to say that this behavior is unacceptable as far as the perpetrator as a faculty member because then he's, from -- from my understanding, you know, he's pretty much violated the -- the, you know, code as far as a community -- a faculty member as part of the community of UK. So then, where does it become part of an employee issue, part of his employment record?

CAPILOUTO: So under the policies and as they existed under the Title IX guideline, once you get to the point where there is enough evidence for someone to go before a hearing panel, you can reach a resolution. Okay? And I'm going to be honest with you, as an administrator, we can sometimes face Hobbesian choices. You know, you have this choice of let's make this campus safe as fast as I can and as efficiently and as cost effectively as I can, compared to what we've seen in the past, which (inaudible) three year, full salary, protection, everything you can get, while you're still trying to resolve this. And I want to work with you on that too because I'm tired of having those choices.

Trustee Grossman?

GROSSMAN: Bob Grossman, A and S. So a few years ago, at the request of your office, this body passed a policy, a proposed AR, on faculty discipline, and just now you said that you'd like to work with us.

CAPILOUTO: Sure. Yeah. I'm going to be honest with you. The policy we started with, and we were talking about, you know, the policy that ended up (inaudible). And in the context of the environment we were having at the time, I didn't think we could move forward in a way that we would both reach a successful conclusion. (Inaudible). I didn't think it got to where we needed to be.

GROSSMAN: So...?

CAPILOUTO: So we've got to start over. Okay?

GROSSMAN: I will just say, oy.

CAPILOUTO: Well, I can have you one pretty quickly. Other questions?

GROSSMAN: Sorry, sorry. You said you could have --

CAPILOUTO: I said have a proposal, one to you pretty quickly. Yes.

WOOD: I was a member of --

CAPILOUTO: Connie Wood.

WOOD: Thank you, sir. Thank you.

Arts & Science. I was part of the committee that worked with -- O was on the faculty disciplinary committee that produced the document which was then not approved, but endorsed by this body. Since then, AR 6.2 has been promulgated for faculty, staff, and students, which is basically a disciplinary process for sexual harassment processes. But this was done without the input of any of the three stakeholder groups, faculty, students, or staff.

So I was wondering if we are going to have the opportunity, as obvious stakeholders, to make input in this process?

CAPILOUTO: Sure. Well, the -- the policy that we adopted, all right, like many ARs, are responsibility of administration. We certainly followed the directives of Title IX. And what was important in that process was to improve it and to take lessons from what other universities had sort of experienced, because you get -- you get a dear colleague letter from the Office of Civil Rights in the Department of Education and I've turned to our counsel, and I've turned to our administrators, and I say, well, how much time do we have to implement this, and they say tomorrow. All right?

So we try to -- Trustee Grossman raised some serious concerns. He came and met with me. He said there were members of the law faculty, I believe, that wanted to make comments on this. General Counsel Thro said, any comments that anybody wanted to provide, we will -- that's what we'll try to do and we'll welcome those comments today, if you've got anything to say about that.

We have to have a policy in place. I think you've done a good job. Here's what you want to ensure, you know, everybody has rights in this, including the accused, okay? And so, you've got to protect all those rights. And we have -- we have what I think are solid people who can conduct the investigation. Then there's a recommendation.

If it goes to the jury panel, I think we have 20-some odd people in this pool who have been trained in all this now, and three are randomly selected. The hearing officer, to me, this is very important, is a retired federal judge. Not anybody running for office.

And then if you have -- you have an appeal, you get a similar, you know, panel and all, where you're judged by your peers. You have a good hearing officer. You have an investigation of the case and the appeal are all separate. That's what you want to ensure everybody's rights are protected. That's what we've tried to do.

And the only people who get access to that information (inaudible), you know, any report that the Title IX investigator produces is given to the complainant and the respondent. And then if you go in front of the hearing panel, that group of three and the hearing officer (inaudible). The same (inaudible).

So I welcome any and all comments on that. It is a real hard thing to forge, but we want to have it in place. Thank you.

MAZUR: Joan Mazur, College of Education.

To follow up on this discussion, I think my concern over time, and this relates to some extent to what was going on in the media, I think the concern I have is for a kind of tangential disregard for -- for following procedures and rules. The idea that you would invite us to provide comment, it seems to me that it's the administration that's required to seek our advice. You obviously don't have to take it. We understand that. But I think it would be helpful if we had access to this AR or any of these things as prescribed by our rules, you know, in advance, of it being active.

And I think that would go a long way to the feeling of working collaboratively on these -- on these issues.

I will say I don't think there's a person in this room or University of any ethical standing that would disagree with anything you've said about -- about these rogue professors or these inappropriate things.

But I think the tall weeds that I get into have to do with engaging us. We are your faculty. We are

engaged with you to solve these problems together. And I don't always have the sense that you seek out our advice pro-actively, rather than retrospectively.

CAPILOUTO: Well, thank you for sharing that. It will give me something to work on and --

MAZUR: You're welcome.

CAPILOUTO: -- and we're going to have -- we're going to have a real issue to work on. We do have processes. I can't remember every committee we involve here when we enact these things, and there is a review committee that looks at these to make sure that they are -- intersect appropriately with other University policies and so forth.

MAZUR: I'm speaking, though, sir, of the Senate, your University Senate rules and so forth, and I think that would be -- really go a long way to establishing the kind of relationship you want, you want to see going forward.

CAPILOUTO: Thank you. Yes, sir.

JONES: Following up on the last --

BROTHERS: Name, please.

JONES: Davy Jones, Medicine.

Following up on the last two speakers, when new regulations are issued -- we can go back to Charles Wethington -- there would be an announcement to the University community, President Todd would continue sending these out under his name.

Even coasting into your administrative initially, announcements of new administrative regulations and governing regulations, Bill Thro would send that out.

Specifically, in a sexual harassment case, in June 2015 when a very substantive revision came out on that, there was no announcement to the University community from Bill Thro. And another version was published this June 2016 and still no announcement to the University community.

There is revisions to these regs out there, folks, that apply to all the community. So, in addition to getting before the fact access, we're not even getting the after the fact good management information. Can you talk about that?

CAPILOUTO: I will -- I will check on that, too, and if that's the case, we'll make sure you get everything.

JONES: Thank you.

MCCORMICK: One more question? Thank you sir.

CAPILOUTO: Thank you.

MCCORMICK: Thank the audience, as well.

(APPLAUSE.) Well, we've got about 35 minutes to conduct our business. We'll move quickly and then see what we can get done. Remember to attend, September 15th, Welcome Back Reception is held at the President's home and if you didn't receive an invitation, please let Sheila know. We had a great opportunity to orient our new senators, and in lieu of time, I won't ask you to stand, but if you see a new face, welcome them because we do have new senators joining us.

So, we have a new curriculum management system in place, I'm going to move quickly through these. The -- the system is called Curricular. You should have received several e-mails about this from your Dean, from other members of your college community. If you're interested in training on this, contact Janie Ellis in my office, in the Senate Council office, and she will help you with that. Remember that the deadlines for curricular items are fast approaching already for the spring. I'm sure that your Chair, Margaret Schroeder, would appreciate those and remember to get those on time. Again, that committee works very hard towards the end of the semester to make sure that these items are part of the year, and again, please, don't push them so that they are screaming and running quickly from the room. So get those in early.

Phil Kraemer was our Vice-Chair and he has accepted a new position and so we have a new Vice-Chair, Ernie



Bailey, who is somewhere in the room. There he is. And Mark Lauersdorf is also a part of our groups as a -- as serving the remainder of Phil's Senate term.

We are sponsoring a lecture on

Memorial Day. Please be, if you can, be there because it's going to be, I think, a very strong opportunity to think a little bit about some of these issues, and so you see the people who were involved there. Again, you don't have to respond to let us know.

As I mentioned earlier, we have

a new Senate website and it is up and running. Sheila is working very hard on it, but when you see dropped links, just know that -- and let her know, but again, it's hard to move from one system to another while you're still running it.

We were asked and we have

forwarded nominations for the Associate Provost for Student and Academic Life. We sent those forward to the Provost as well as search committee members and nominated search committee members for the Vice President for Institutional Diversity. We are also working on the curriculum process. We've convened a small group of stakeholders and we're making real progress in approving that curriculum. We asked the Graduate Council to deliver it on the intersection of credits earned for graduate certificates and credits earned for graduate programs. You asked about this. And so, three questions that were asked: Is it permissible for a student to begin course work for graduate certificates and then choose to pursue a graduate degree in the same field. The graduate council responded yes. A similar question so, just in reverse, can you begin course work for a graduate degree and also earn a graduate certificate. Also a yes. And then, what is the maximum number of credit hours and they responded, typically, around 12 credit hours. So that was just for information.

Again, I'm happy to be here. As

I said earlier, I'm in the College of Education. My area is early childhood, and since about 2007, I've also been active on the University's efforts to advance the service learning and civic engagement, and so that's a little bit about me.

We did approve the web -- a web

transmittal with courses and programs posted in May and June. We'll get those to you for final approval sometime this month. We approved changes to the pharmacy calendar, and added reference to first year students regarding their exam dates. We waived SR 1.3.3.4 to allow the Chair of the Undergraduate Council to identify up to five members. One of the areas that we saw when we were bottlenecking was in this council and so we've tried remediate that in some way, lots of different ways, and one is to add more members.

We also waived Senate Rule

5.4.3.1 and 4.2.3.3 to allow the proposed policies that were described in May to be effective provisionally until we could talk about it today. We endorsed the proposed provisions to Governing Regulations II and the deletion of Governing Regulations XII4 on behalf of the Senate. We waived -- these were done in August. We waived Senate Rule 5.4.2.8.1, common examinations, for Dr. Grossman's class in Chemistry. And we also approved the second degree list and approved two honorary degree nominees, and Dr. Jackson will tell you a little bit about those in just a moment.

We did make some changes for the

degrees, as always. There were some errors made in that process, and I bring to your attention that even though we work at this very hard, sometimes errors are made. Sheila calculated that this happens about -- for two to three students per degree list, and that is .001 of the total number that we process. And so, before you start screaming, oh, my goodness, how could we make so many mistakes; we really don't make that many mistakes. It's just that when we make them, we have to fix them and correct them. So that's why I'm telling you that. So, Ernie, do you have a report?

BAILEY: No.

MCCORMICK: No report. Kate, do you want to make yours or would you like to have --

SEAGO: Why don't you go ahead, and I can cover it next time.

MCCORMICK: All right. Thank you, ma'am.

Bob and Lee?

GROSSMAN: It sounds like a morning show.

BLONDER: I'm sorry. I'm Lee Blonder for those of you who don't know me, I'm your newly elected faculty trustee. I was sworn in after the June 24th Board of Trustees meeting. I also went to a swearing in for the three appointees of the Governor in August, and we had a five hour orientation with the President, Provost, Eric Monday, and Bill Phro, Chief Legal Counsel, (inaudible) representing UK Athletics about NCAA rules. So we heard a lot of information relevant to being a trustee at that meeting. Bob and I attended the meeting in Bowling Green that you probably read about in the paper. We attended the Healthcare meeting on Thursday. We did a tour of the Gatton Academy after that, and on Friday, we went to various committee meetings, including the Board meeting.

Since it's been so publicized in the newspaper, I probably won't elaborate, but I think Bob might want to speak about it. Another way to follow these Board meetings, if you're not aware of it, is to look at Twitter feeds. So Linda Blackford from the Herald-Leader has a Twitter feed and some of the Louisville Courier Journal reporters have Twitter feeds. So there's a lot of information coming out on Twitter feeds. I think I'll stop there.

GROSSMAN: Yeah, I don't really have anything to add about the Board meetings, but several people have asked me why I wasn't quoted in the newspaper and Lee was. So I did speak up -- I'll just say there was an earlier closed meeting and I did speak up in that meeting, but at the open meeting, the people who spoke up first, including Lee, pretty much said what I wanted to say anyway. So I didn't think there was any reason to prolong the matter when there wasn't going to be any vote. But I hope Lee and I can continue to work together to address any concerns you have. Please contact us by e-mail or phone or whatever way you want, stopping us in the hallway.

A lot of what -- a lot of what we do is connect you to people who can answer your questions. If you have a problem and you don't know who to go to, call us. We'll connect you to that individual. So I would say that's probably 80 percent of what I do as a trustee. But anyway, does anyone have any questions for either Lee or me?

CROSS: Al Cross, Communication and Information.

How many trustees would have supported a motion to direct the University to withdraw the lawsuit?

GROSSMAN: I don't think anyone knows that number, even the person who said that he knew 17 people who would vote against it, didn't know that number, because a vote was never taken. My opinion is it would have failed resoundingly.

CROSS: Thank you.

BLONDER: Any other questions?

VISONA: Monica Visona, College of Fine Arts.

Would it be possible to turn up the heat?

GROSSMAN: This is always a problem in this room. I don't know if it's possible or not.

VISONA: I'm freezing.

GROSSMAN: I will connect you to someone who can answer your question.

JONES: Dr. Blonder, back when I was a trustee, I attended an orientation like that too, but that was years ago. Is there anything that you found most interesting or relevant or (inaudible)?

BLONDER: Well, we heard about the Strategic Plan. Some of the information on the slides today was very interesting and a number of the trustees asked questions.

There was one thing that was rather puzzling to me. We were told that the governing and the

administrative regulations do not carry the force of law and would not be enforced in a court of law. And I haven't done my research on that, but I do believe that there are cases where the -- our governing regulations and administrative regulations have been enforced. So I intend to do more research. You are welcome to contact me.

JENSEN: So they can be used as evidence to convince the court that, but they do not carry the force of law?

BLONDER: Yes.

TAGAVI: I wondered --

GROSSMAN: Name, please.

TAGAVI: She knows my name, it's Tagavi from --

BROTHERS: Engineering.

TAGAVI: To the degree that AR and GR has the contract, contracts are always enforced in courts of law and there are even (inaudible). So, of course, AR and GR followed in a court of law, it's a matter of contract.

GROSSMAN: Any other questions? Okay. Thank you.

BLONDER: Thank you.

MCCORMICK: We're going to move to old business and I'll ask Scott Yost and Jane

Jensen to move forward. Remember that we tried to work on this last year and we ran out of time and out of quorum, and so, we're going to work hard to make sure that we get a little bit of this done, anyway, today. And we added -- we bundled these two issues together and I think now the intent is to separate them again or separate them, and so Scott's going to ask for a motion, or he's going to make the motion, excuse me.

YOST: Yeah. So the first -- before we get into the discussion, I just wanted to real quick -- logistically, these were put on the agenda as one common item, since they both deal with the same Senate Rule 5.4.3.1, but they're two different proposals. We wanted to separate them for logistical reasons that we'll get into.

So I make a motion that we approve that separation and handle each of these as individual proposals for the sake of today's business. Is that the correct one?

MCCORMICK: Yes. He doesn't need a second.

SEAGO: It's coming from committee, not required.

YOST: Any discussion or questions? So with that we'll vote.

MCCORMICK: Ten, nine, eight, seven, six, five, four, three, two, one. I believe everyone has voted. If you don't have a clicker, would you raise your hand so that we can also count your vote for or against? For?

YOST: So today's two proposals of old business. If you remember, those of you who were not with us in the spring as far as the new senators, I'll just very quickly give you background information on this.

Last year, Jane and I were the co-chairs of the GCCR Committee. We were tasked with coming up with two policy statements to help with the administration of the GCCR Rule that was replaced back in September of 2014, which replaced the GWR, the University's composition or grading requirement (inaudible) requirement. Now, it's communication and composition requirement.

Those two were one items were one (inaudible) substitution policy because of the unique structure of the GCCR and how it is implemented. Up to now, there is no substitution policy, and that's what we started out back in May to try to get that forwarded as far as the committee's policy to the Senate and move forward.

The other one was as required in the University Senate and the GCCR Committee assessed. And so, an assessment policy or guidance, shall we say, on how we resolve to, I guess, monitor, put through, and best practices of improvement as we move forward.

So those are the two policy issues. So the specific one I'm going to talk about first is the substitution policy. And the substitution policy, remember that the unique nature of the GCCR is that while it replaced the GWR or the graduation writing requirement, which was a graduation requirement set by the University, the GCCR is now a program requirement. The (inaudible) was, you know, instituted as a replacement to a University requirement, but it is a program requirement that has reach back to University requirements because of the fact that it was in the Senate Rules. While the Senate Rules does not come in and tell us what class you have to teach or the content of your class, this is kind of the unique situation because it is a program requirement specifically and hence you have the local control, but it has a guidance and requirement set forward in the Senate Rule specifically (inaudible) 5.4.3.1.

And so, I hope you had a chance to review the documents. I will say this, that the information I was given in the transmittal was for informational purposes. The committee put together forms that potentially could be used for helping to understand and administer the substitution policies that were approved, and instructions for the substitution policy, and it also has the policy itself. Okay?

Those documents were for just information for context for you to help make your decision. The proposal that's coming before us today is specifically the change in Senate Rule 5.3. -- 5.4.3.1, to add in this section, section on what that substitution policy is.

So fundamentally what it is folks, we have several issues. We've had a lot of feedback this summer, from different programs, looking at how to deal with this whole thing. We have kind of two fundamental tracks when it comes to the substitution that we're dealing with. One was students within the University of Kentucky that may have changed majors, may have double majors, more than one major, moved around a little bit and have taken a GCCR already with their program and has moved to a new program, or is getting multiple majors and wants to know whether we have to take another one for that program or not.

So the one-half of the GCCR substitution policy was how do we handle kind of the UK internal aspects. And with that, because it's a program requirement, fundamentally the track -- that track goes down to if one of the programs wants to accept another program's GCCR subject to the rules of the University relative to GCCR, that is a program decision that can be approved by the associate deans. Okay?

The other track, which becomes a little bit more sticky, and that is if a student transfers from outside the University into the University, has taken significant communication courses and would like to use that as a program to fulfill a program requirement, the issue there is -- let me also give you some information from the summer.

The transfer office has totally eliminated all transfer agreements with any courses from any of the outside -- any outside UK institution that was mapped previously to now a new GCCR course or a designated GCCR course. So all those transfer agreements have been terminated relative to the GCCR courses for the one reason, to establish GCCR, every course had to go through a major change because it was a multi-mode of communication, not just writing. And there's no way of ensuring that other institutions would, in fact, do that same change and add multi-communication, draft our revision feedback process, informational literacy relative to the major.

So because those were terminated, now we have students coming in from the outside that would like to know how they can get those classes to substitute or to count for the program requirement in their major. And so that half of the substitution policy was a little exhaustive because of the unique nature where GCCR is a Senate requirement. It's implemented by the program. It's administered by the program. All the things are done at the program, but it has relation to what the Senate's Rules specifically state of what is GCCR and those are approximately 4500 pages, sophomore status -- I can't remember all the different details, but those -- you know the Senate Rules probably better than I do.

So those are the two fundamental issues. So the substitution policy, on the second track, would

still go to the same path, but then you would have to also -- the petitioner student, DUS, the faculty, whatever it is that wants to petition the substitution for outside classes has to demonstrate and has to attest to the fact that it does meet all the GCCR requirements as specified in Senate Rule 5.4.3.1.

So that's the policy before us, is to basically establish this substitution policy and spell out what that means. And those are the two fundamental tracks. I'll open it up for questions.

GROSSMAN: I'll go first. Bob Grossman, A and S.

So in terms of -- this question comes from Chemistry Department context, where we have a lot of double majors, especially from Biology. Can we make this substitution programmatically? Say, from now on, any student who's double majoring in Chemistry and Biology can take either the Chemistry GCCR or the Biology GCCR and not have to do it on a case-by-case basis?

YOST: As it stands right now, because everything is still new, as we speak today, this is all handled on a case-by-case basis.

YOST: So it's called proactive, right?

JENSEN: Yes. So originally we got a note from Chem and said, can we waive this? And the answer to waiving it, is no, because of the graduation (inaudible).

If your department and/or Biology submit a change to your GCCR Plan for your degree program that includes and has a reciprocity with this very common double major, that would be a change to your plan. You would -- it would then be an option for your students.

It does mean that any of your students who wanted to do Bio and not Chem, you'd have to do some advising on that because it would be one of your options. But it would have to be a program change.

GROSSMAN: As long as it can be done programmatically and doesn't have to be done student by student, we're good.

RICE: I'm Jenny Rice, A and S.

I just -- I kind of want to know if you can talk a little bit more about the -- where you're talking about programmatic versus the GCCR Committee, what exactly is moving out of local control and shifting to the committee's control (inaudible). So like for now, you know, so all (inaudible) students say hey, I want this to count for, you know, some department will say, can you flip this over? I mean, a couple of years ago, I was looking at other departments to try to evaluate, you know, does this count.

But can you talk a little bit more about what exactly is shifting in terms of approvals and, you know, I -- I just want to know about, you know, any time like local control gets removed. I want to know exactly what's being removed from local control.

YOST: Right. And so, certainly, underlying this whole thing, because it is a program requirement (inaudible). So you still have total control with an asterisk is the best way to say it. Certainly -- and I will use the example of Chemistry and Biology. If they want to set up where one program is going to accept a GCCR requirement for the another program, okay? You can -- you can do that. Okay. If you want to go through and make it a programmatic, you know, change or basically a track within your program, you can do that. So that's just getting approval of literally a program change. Okay?

So when you're substituting multiple classes, the advice I'm going to give you is you want to try to use classes that are already approved as GCCR. So if you have in Engineering someone who is from Psychology and wants to come in Engineering, then if they've taken the Psychology GCCR class, we could evaluate that relative to our program requirements in Engineering, okay?

If -- the sticking part of this is the issue. When students are moving around, the sticking point is the informational literacy. Are they communicating in a manner that is consistent with

the types of communication that's done in your program. And so, if you attest -- (inaudible) you attested yes, we accept this as a type of communication. Because everything else is going to be there; it's already a GCCR course. You just make the statement, make the attestation and an associate dean will sign off on it. (Inaudible) will sign off on it and that's it.

They can always come to the GCCR

Committee for our opinion and quick feedback as far as, you know, what do you think of this? Okay? We've had cases like that already. You know, what are we going to do here? So we'll certainly give them advice and guidance relative, 100 percent relative to the Senate Rules. Because the Senate Rules are very clear about GCCRs.

If it's outside, okay, they're, you know, the associate dean still has a say in it, but there is -- I would say that you would want to have some feedback from GCCR to make sure that the Senate Rules are still being upheld. Okay?

The associate dean really has the final say in these things, but we have the unique situation because they are Senate Rules. We have Senate guidelines about GCCRs. So if you're trying to make, you know, Western Kentucky's communication classes apply here, we -- we have to look a little bit closer to make sure.

In other words, it's up to the program to look at it closer, that they agreed that this is what -- it satisfies GCCR requirements and we will accept that requirement.

TAGAVI: Tagavi, Engineering.

I have two distinct problems. Am I (inaudible) sure that (inaudible) as I say where my problem is so other people can see. If you go to item 3 under Substitution, there is a limitation of only tenured professors could make a request, and I just -- I don't understand why it has to be tenured and I'm not even sure if that's (inaudible). Did you mean tenured track?

YOST: Let me look here. So you're talking on number --

TAGAVI: Number 3, second line, tenured faculty.

YOST: Oh, that's -- that's the only extenuating circumstance.

VOICE: Still, I don't understand why it should be limited to tenured faculty.

Tenured track faculty have the same rights and privileges as tenured faculty.

YOST: Relevant tenured faculty. Yes.

In other words, I think at the time, we were just -- the faculty who have the interest in the department, which would be tenured track, as well.

So I would agree that that probably could be a friendly amendment to throw tenure or tenure track faculty in there. It wasn't meant to be exclusive like that.

TAGAVI: I might add, my other concern is

if you look at number 1, it says the petitioner could be Chair, DUS, student affairs officer, program advisor, or the student. If you read the rest of this very carefully, and I don't want to get into it, but it's really complicated.

A student could potentially major, petition without DUS or the or the department even having the knowledge of it.

YOST: I disagree. Go ahead, but I disagree.

TAGAVI: I'm not debating it with you.

I'm just bringing the problem. In addition to that, I feel uncomfortable for the Chair, without informing the faculty or the DUS to make a petition. All these problems would be solved if you replace all that list of people just with the DUS. DUS is the duly elected, appointed, representative of the faculty for undergraduate program. I think all the petitions should start with a student, could start with a student, but should go through the, in my opinion, through the DUS and Chair should be out of this in my

opi ni on.

YOST: All right. If you read through all the -- and I haven't -- I don't know exactly what part of it was under there, but they -- they talk about -- A2, they must -- the Chair or DUS must attest to that petition. They have to sign off on it.

TAGAVI: It says the program seeking, but if the program is not seeking it -- it doesn't say the program of the student seeking it.

YOST: Kaveh, in all due respect, the program --

TAGAVI: I just said I really don't want to debate this with you.

YOST: I know, but in all due respect, I think you're reading something here that's not there. Because the program is -- this is a program requirement. It is the program, it doesn't matter if it's the janitor who wants it, they can't. It's still the program the DUS or chair are attesting to, these are the requirements -- this -- they've met the requirements and we are signing off that this is acceptable.

JENSEN: I think that -- we've heard this before, the surprise of a student (inaudible) or a student affairs officer (inaudible), that the petitioner is the person who instigates the request, and in some colleges that this might be an advisor, who would be a student affairs officer, in technical terms. Or it might be a student fills out the paperwork and gets the ball rolling, but at somewhere along the line, they're going to have to go through the appropriate member, but in places we have Chair, DUS. We don't have DUS in certain departments of my college. It would have to be the Chair as the acting person for that department.

So there's -- there's kind of a lot of people labeled here in order to catch some of the differences in labeling that happens across colleges and situations.

WHITAKER: Mark Whitaker, A and S.

I have two concerns. One is kind of a -- it's not a minor concern, but it's the less concerning principal. I ran this by our DUS for the department (inaudible). I got his reaction, and his reaction was oh, my God, don't I have enough work.

It seems like there's a whole lot of work involved in submitting change request to the committee, quite a lot of documentation and gathering of signatures, and so forth and so on. A DUS in our department at least are, you know, fully functioning faculty members. They're not just DUS, they have research programs (inaudible) other stuff.

So spending an hour or two putting together the documentation required here is, you know, quite a -- quite a task and I think that should be borne in mind. (Inaudible). And I was also a DUS so I feel this also. I really do think, you know, going back to your point about this being a program requirement rather than -- it's a program requirement that's specified by the University Senate Rules rather than a university graduation requirement.

The reason why we did it that way was because the people who should really be making a judgment about whether, in a particular case, a substitution actually follows the Senate Rules, that it does what the Senate Rules say the requirement is supposed to accomplish, has to be the people in the department. It can't be people outside the department because only people in the department will know what adequate writing and communication means given their specific program.

So if the judgment about substitution is made outside the department, I think that's problematic, particularly in cases -- you gave a couple of different cases. One of transfers from outside the school entirely, and the other, maybe cases of double majors or people that are transferring from one major to another. But what about the case of a major who has done something like an independent study or an independent research

project, which in the judgment of the department, would merit substitution for the GCCR? This would completely take the ability of a DUS to make that judgment independently, or a department chair, to make that judgment independently, out of the hands of the DUS, and put it in the hands of people who, you know, frankly probably don't have the expertise to make that judgment. I mean, I would hesitate before making a judgment about whether someone was following GCCR requirements in Biology or Physics or Entomology or some other program, because I don't know exactly what constitutes adequate communication in such programs. I imagine it can change quite a lot from discipline to discipline. I know even -- well, even within Anthropology, biological anthropologists have slightly different requirements than -- than cultural anthropologists and archeologists when it comes to how they would do oral presentations, written reports, and so forth and so on. And so we're very careful about how we make -- you know, to make sure that in our -- in the course that we use to satisfy the requirements, which is our final graduate seminar, that ultimately that judgment is made by someone qualified to make it. So I wonder if you could answer those concerns.

JENSEN: Yes and... But although as an

anthropologist, you get trained in the four fields, I would never think to say anything on the bio people, only in a cultural sense.

So two things. In response

to your second point, the Senate, in our mandate for our committee, gave us the responsibility for approving the courses, which also means approving the substitutions of the courses. So that's why that asterisk was there, as our responsibility.

With regard to the process, if

your -- if your program submits -- and

that's why the paperwork is so extensive on the more special cases of transfer or something like that, but if your program submits a proposal that has all of that evidence and meets that attestation that helps the committee, which is made up of representatives from each college, who has some background or experience in this area, which puts the responsibility on the college to send the right person to the committee.

So I would say independently,

no, because it's our mandate to approve. Collaboratively, yes. And collaboratively, with that attestation and the documentation that goes with it, it should be relatively simple. Your example of the -- of having your requirements being in your senior seminar, is a perfect example of where this should actually be a rare occurrence. Because if someone is graduating from your program, their GCCR is in the class, it's embedded the last few semesters where they're in the -- I mean, they have to take these classes, right, to graduate (inaudible).

So if they have transferred, if

they've changed majors, if they were a double major, they would be in those final days, getting that senior or junior or senior level experience, which is where it ought to be. So where this really comes in and is a problem is -- and most of the problem, is when the GCCR is located like the old GWR, in the second tier in the sophomore year, and is stacked in the 200 level. That's where we start seeing problems, because 200 level writing classes can be easily transferred in from the community college system, but they don't have the multi-modal interdisciplinary literacy issues.

So I know I'm not actually

giving you an answer, but perhaps a rationale that could be more convincing.

Collaboration is what we're really looking for. The form is scary, and we need to change that, without a doubt.

DEBSKI: Liz Debski, A and S.

So I am in a program where this

will increase the amount of work tremendously. So, basically, we have a new major, over 25 percent of our majors are double majors -- are double majors. Plus in Biology, I am in the Department of Biology, I talked to the DUS for Biology, she's horrified, absolutely horrified.

We've looked at these forms. We

know that the DUS has to attest to these substitutions. This is a tremendous, tremendous amount of work. And it



appears to me that we are doing things backwards.

So as you said yourself to one of the questions that -- I think to Bob's question, that we can make a programmatic change. But programmatic change takes over a year. So why --

JENSEN: It wouldn't be a programmatic change to --

DEBSKI: No, wait, wait, wait. Why don't -- why don't we wait on this and have the programs that need to make these changes get these changes through the system. That makes much more sense instead of creating all this useless work for people. We have more than enough work.

And at the same time, you know, when you said the mandate -- the mandate, you have the mandate. The Senate gave me the mandate, I think we should look at that. I mean, basically, it makes more sense to bring that back and to the individual people who can make the important decisions about whether these courses should, in fact, count or not.

YOST: I do not disagree with the fact

that, you know, if people have a problem with the GCCR and the rules, the Senate Rules, by all means, please revisit it, because this is something that was put in place to replace the GWR, but it was applied at the program level, and quite honestly, folks, the reality is, is that we are trying to take and walk a tightrope here between program requirements and how do you fulfill your program requirements, and all the decisions that you make at a program level with a University mandated this is what GCCR has to be.

And so, I can -- I can tell you that the unfortunate thing in all this, just so you know, every program has a GCCR approved right now. Okay? With the exception of one, I think. There's still one we're working on.

JENSEN: My college.

YOST: Yeah, her college. So then

every program has a GCCR plan approved and the trouble is, is that if we don't have substitutions, there are no substitutions. You have to, by definition, your program to get anything changed, you have to go back and do a program change, make your students -- every one of your students have to take the GCCR as it's in the program. It does. Whether you like it or not, it does. Okay. I know you're shaking your head. So I'm just telling you that's the reality.

And so, we're trying to give this opportunity for people to make the substitutions. That's what policy is all about to give people the opportunity to have variations in their program requirements.

WOOD: I have severe problems with this, and thank you, Jane, for helping me to focus on this.

JENSEN: I think I'm very afraid.

WOOD: Transfer equivalencies have always been the purview of program faculty. All degree programs are approved by the Senate, and by virtue of that fact, are actually all under Senate Rules, as did USP, and everything else. But substitution or waivers of degree requirements have always resided within the chief academic officer of the college. And never in our history, has a Senate committee been charged with making substitutions for degree requirements.

I have very strong feelings against this. I think that, in fact, the requests for substitution for degree requirements should come from the program, because it is program-based and made by the dean, or the dean's designee, in these cases. I do not think it should involve a Senate committee.

There have been many situations where I know that university studies or USP, or, you know, requirements have been waived, even by my college. So I don't see this as a different situation just because it is, you know, specified in the University Senate minutes. And I think it is a big mistake to approve this and (inaudible) involve a Senate committee in actually making academic decisions with regard to the, you know, students' degree.

YOST: But you're not really

di disagreeing?  
WOOD: Yes. I don't think --  
YOST: I don't disagree. That's not  
the point.  
WOOD: Well, join me in voting against  
it.  
MCCORMICK: Do we have any other questions?  
Okay. We're ready for a vote. We're 10 minutes late. We're voting on that  
the University Senate approve the substitution policy related changes to SR 5.4.3.1  
as just amended.  
BROTHERS: So it was not amended, just  
so --  
TAGAVI: But there was a friendly  
amendment.  
SEAGO: There was a friendly amendment.  
MCCORMICK: All right. You've got your  
clickers. Any then any people who don't have a clicker, yea or nay? Yea?  
Nay? Okay.  
UNIDENTIFIED: I question the absence of a quorum.  
BROTHERS: There were 46 responses. Connie, what's quorum?  
UNIDENTIFIED: Forty-five.  
WOOD: Forty-five.  
BROTHERS: Well, there are 46 responses,  
so it would appear that quorum is met.  
UNIDENTIFIED: Didn't we have 2 -- there was  
48. So we have quorum. Two more.  
UNIDENTIFIED: So do we have any instructions  
for the committee in this case? What do we do now?  
MCCORMICK: We can come back to the Senate  
Council and discuss....  
UNIDENTIFIED: Okay. Thanks.  
MCCORMICK: Do I hear a proposal to move  
to --  
WOOD: Move to adjourn.  
MAZUR: Second.  
MCCORMICK: All right.  
(Meeting is adjourned at 5:06 p.m.)

C E R T I F I C A T E O F S E R V I C E

COMMONWEALTH OF KENTUCKY )  
COUNTY OF FAYETTE )

I, LISA GRANT CRUMP, the undersigned Notary Public in and for the State of  
Kentucky at Large, certify that the facts stated in the caption hereto are true;  
that I was not present at said proceedings; that said proceedings were transcribed  
from the digital file(s) in this matter by me or under my direction; and that the  
foregoing is a true record of the proceedings to the best of our ability to hear and  
transcribe same from the digital file(s).

My commission expires: April 6, 2019.

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IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office on this the 29th day of October, 2016.

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LISA GRANT CRUMP  
NOTARY PUBLIC,  
STATE-AT-LARGE  
K E N T U C K Y