

Xcript 10-11-10 Senate.txt
UNIVERSITY OF KENTUCKY
SENATE COUNCIL MEETING

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OCTOBER 11, 2010
3:00 P.M.

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SENATE COUNCIL OFFICE
AUDITORIUM OF THE W. T. YOUNG LIBRARY
LEXINGTON, KENTUCKY

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HOLLIE SWANSON, CHAIR
DEBRA ANDERSON, VICE-CHAIR
CATHERINE SEAGO, PARLIAMENTARIAN
SHEILA BROTHERS, ADMINISTRATIVE COORDINATOR
LISA E. HOINKE, COURT REPORTER

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CHAIR:

As

we get going, again, with this

semester, please acknowledge and respect others and -- and especially our external guests. Please remember that we are role models for our students.

When we find may be getting bogged down with certain discussions, what I call circular, I'd like you draw your attention that any member can call to question when the discussion becomes repetitive, and that would be the best use of our time.

Our first order of business, then, is to approve the minutes from September 13th. We tried to be as accurate as we could. We played the tape back several times to make sure that it was accurate, so if you could please --

NADEL:

I noticed something missing from
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the minutes that I thought should be in there, to the best of my recollection, and that was when the comparison was made between the athletic -- I -- I printed it out and didn't bring with me, I'm sorry, so I can't read it, -- between the athletics and other units.

Frank Butler made this comparison and another person said, among other things, that he found the comparison offensive. I specifically remember that being said. Correct me if I'm wrong. And it was not in the minutes, and I think it should be.

CHAIR: Robert, could you clarify, did you -- did you check that in the notes --

GROSSMAN: The general gist was in there, and I think it said violently disagreed or --

BROTHERS: Well --

GROSSMAN: -- strongly disagreed or --

CHAIR: No, he discussed it's a

(unintelligible) violently --

GROSSMAN: The -- the sense I think was in there. The word offensive, I don't think was there.

NADEL: Well, that was what I recall in any case --

GROSSMAN: I did use the word disingenuous.

NADEL: Yes.

CHAIR: Sheila, do you have that in front of you?

BROTHERS: I got the minutes, the paragraph (unintelligible) that I've handout, is at the top of page five of the minutes. And it says: Grossman said that Butler's comparing athletics to agriculture and the hospital was very disingenuous in that athletics did not fall under research, teaching or service. Butler disagreed stating that only 14 programs in the U.S. had a self-supported athletics department.

NADEL: Well, again my recall -- if Bob doesn't remember saying it, I certainly withdraw the -- but...

CHAIR: Bob, any comments? Would you like to have them as stand or would you like to see an amendment?

GROSSMAN: I think it's fine the way it is.

CHAIR: Thank you. Any other comments?

(NO RESPONSE)

CHAIR: All right. Could we have a motion to approve the minutes?

GROSSMAN: Move to approve them.

CHAIR: Second?

NADEL: Second.

CHAIR: All in favor?

(MEMBERS VOTE)

CHAIR: Motion carried. Thank you.

A couple of announcements. I remind you that tomorrow is the Stakes Reception, and this is your opportunity to meet with the Board of Trustees and as you know that we have several new members on the Board and especially as we're going into this

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presidential search. I think this is a very important opportunity for you to take advantage, and Sheila has generously extended the invitation even if you have not RSVP'd. So please show up. It'll be around 2:00 or so (unintelligible).

Sheila sent out two emails on Friday and on today, so if you did not get those emails, we're -- we're still working on these listserv and we want to make sure it's accurate and you're getting it. If you did not get them please contact Sheila. So one of those emails that you have is a list of your colleagues who you should be reporting back to, and names and addresses and so on.

I'd also like to bring to your attention that there's a conference on the 19th of November. It's the 5th Annual Kentucky Engagement Conference, and so this is where we can learn about what engagement is about.

Phil Greasley is our associate provost in charge of this, and what we're looking for is we're looking for a faculty member who could attend and report back to us on this conference. The provost will cover the cost of your registration fee. So if you're interested in attending this conference, please contact Sheila.

We need suggestions for faculties to search on -- to serve on the Social Sciences Area Committee, and so where we're short is faculty from the Martin School, the Patterson School or Social Works.

So please, we need to complete that committee so they can get on with their work, and please send that to Sheila.

The Dean of the -- the College of Business and Economics has resigned, and we need to start the search for that so please send recommendations for faculty to be on that search committee so that -- I think the date we need that by is October 24th? I think that's -- that's what it was.

Please -- please get us some names for that so we can move that forward to the provost.

And then it was also brought to my attention that the College of Medicine dean search is ongoing, and that we did not get any input into the selection of that committee.

I met with the College of Medicine Faculty Council and asked if they were all right with the composition of that committee, and particularly making sure that all the faculty title series were well represented and they responded that they thought the composition was fine. So that committee is ongoing and they're in process of completing their work.

Our officer reports, first, is the report from the Chair. First, I'd like to

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announce to you that I attended the new student induction ceremony on August the 21st on your behalf, and a few pictures of this.

There were approximately 5,000 freshmen and their -- their parents that attended this event, and one of the things that I really came home with, was the feeling that it gives us a sense of community and also gives us a reason for why we are here, is -- is really for these students who need us.

And with that in mind, I'd like to show you a quote, and this is taken from the Student Affairs website: The Induction Ceremony truly makes you feel a part of the University as you are officially welcomed into the Wildcat family. It is your first opportunity to hear from President Todd and other UK Administrators as a student. The Induction Ceremony signals the beginning of your life at UK.

And so with that, contacted the Student Affairs Office and they said, yes, their major goal is to increase faculty participation, and so please pay attention when the deans solicit invitations to participate in August. Please respond, and we'll be looking for other ways that we can engage more faculty.

We've also started some efforts in -- in conjunction with Staff Senate, and so one of the things that we're supporting is a listening forum with the Provost and this is for November the 12th, on Friday. It'll be from 11:00 to 1:00 in room 230 and 231 of the Student Center. And so we'll post that on the website, and I can remind you again in November.

I'd also like to bring to your attention the Provost's agenda. The first thing on his agenda is to begin a campaign for Innovation, Efficiency and Accountability as a part of taking more control over the University's financial future.

And so, for example, you've probably already seen from your dean cost efficiencies, revenue-generating ideas. The Senate Council has put forward a report and forwarded that on to the Provost and so that will be part of an ongoing effort.

The Provost is also encouraging us to continue to press on with the war on attrition, and will undertake preparations for 2012, 2013 SACS reaffirmation of accreditation. I am on the leadership team, so if you have comments or concerns you can go ahead and contact me.

Implement Development Audit recommendations to make fundraising efforts more effective. And ensure progress on all fronts as per the 2009-'14 Strategic Plan.

Ongoing at the Senate Council, one of the things we'd like to bring to your

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attention, what's happening on the Senate Council so that you know what will be coming down the pike that will be presented in front of the Senate.

And so right now what we've started is a discussion on the GRVII revision. And so what GRVII is, is that defines our organizational structure. The revisions propose that faculty within tenure-ineligible title series can hold primary appointments in institutes and centers.

And the second change would be that centers and institutes can offer courses and graduate certificates.

So that's really the gist of those revisions. We wanted to first get the big picture view and then hone down into the details. What we've done that -- is we'll -- we'll start initiating discussions on November 1. Your Senate Council members are in the process of getting more information about this, and -- from -- from a number of constituencies, including our -- our chairs and our center directors. We've split into three different groups so that each group can look into the different in detail and report back.

So we're starting our discussions then on November 1, and then we'll come back to you in December.

And as we go along, we -- I can start posting some of the information that is relevant on the website.

Our third item is a proposed change to Senate Rules 1.2.2.1.D, Elected Faculty Membership.

This has to do with our vacancies, and this is an issue that came up during a recent election. And so I don't have my copy to read through but could you read that through? It's the last two sentences that we're making changes.
(PAUSE)

CHAIR: So, with respect to Vacancy, D, please read through that. These are the following options that were not so constricted with the vacancy.

We can leave the seat vacant either until the faculty elect a replacement in the next regularly scheduled election or until the originally elected representative is eligible to serve again, whichever is sooner.

No. 2. Appoint an eligible faculty member until the faculty elect a replacement in the next regularly scheduled election or, 3, hold a special election to fill the vacancy.

GROSSMAN: Everybody clear on those changes?
CHAIR: Can I just elaborate?
GROSSMAN: Pardon?
CHAIR: Can I just elaborate a little bit?
CHAIR: Yes, you may.

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GROSSMAN:

The --

CHAIR: The author of the amendment may elaborate.

GROSSMAN:

Bob Grossman, A&S.

The -- currently what the Rules say is that if there is a vacancy there must be an election within 30 days or -- well, sorry. Actually, that's not correct. It says you look at the previous election and you take the person with the next number of votes who wasn't elected, and if there is no such person then you must have an election within 30 days.

In a small college, this might work better; but in large colleges, this is extremely inefficient because people are always coming on and off the Senate.

This year in A&S we had a particularly large number of vacancies after we held our election, and we ran out of people who had been on the ballot and so that meant holding a special election and -- but with people coming off the senate at different times, it would mean we'd have to have a special election almost every month and it'd be very hard to bundle these.

So we thought it would be -- it would be easier to have a provision to allow an appointment until the next general election. It doesn't preclude going ahead and having a special election, and in cases where there is no other candidate who ran in the previous election and where it's not feasible to have an election, we would appoint someone. Hopefully, that person would also endow a seat. After all, these are f-ing golden, but that, of course, is up to each college to decide.

CHAIR:

Thank you, Bob.

Could we have a motion, please?

WASILKOWSKI:

Who --

BROTHERS:

Name please?

WASILKOWSKI:

Greg Wasilkowski, Engineering.

Who will do the appointing?

GROSSMAN:

I'm sorry?

WASILKOWSKI:

Who will do the appointing?

GROSSMAN:

Who makes the appointments?

BROTHERS:

Who will do the appointing?

GROSSMAN:

Oh, it will either be the faculty as a whole or a Faculty Elections Committee that has been entrusted with that responsibility by the faculty of the college as a whole.

DEBSKI:

Senate Council will (inaudible) --

GROSSMAN:

No. The Senate Council will not make the appointment. It's up to the college faculty to make the appointment.

NADEL:

College or the University?

GROSSMAN:

The college faculty makes the appointment from their own. If they have a vacancy in their ranks, the college faculty can say, we want to have another election; or

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they can say, let's appointment someone until till their next regular election. And then either the college faculty as a whole makes that appointment or they -- if they have a standing Elections Committee that committee can -- goes ahead and makes that appointment. Is this all written in the motion?

NADEL:

BROTHERS:

Yeah.

NADEL:

There's no way to put it up there so we can all read it?

BROTHERS:

Do you want me to read the --

UNIDENTIFIED:

I can post it. It was (Unintelligible)

NADEL:

Yeah, well, if we're voting on it --

CHAIR:

Go ahead and put it up.

NADEL:

-- it's good to be able to read it.

CHAIR:

We're trying to save paper up here.

BROTHERS:

I assume you just want the new

NADEL:

language up that -- Yeah. That we're voting; whatever we're voting on.

UNIDENTIFIED:

Yeah, that's it.

CHAIR:

Is that readable?

NADEL:

Sure.

CHAIR:

In the back, there's a question.

ARTHUR:

Mary Arthur, Agriculture. So the thing I don't understand about this is how when the person who's eventually appointed, No. 2, is appointed by the faculty of the college, how's that different from 1?

CHAIR:

Bob, you could you get that?

GROSSMAN:

Yes. According to the current rules there must be an actual election with secret ballots, and this would allow -- well, first of all, if there's a faculty committee that makes the appointment, then it's not an election of the entire college. For a small college, you know, with -- there's only seven faculty in the entire college, I guess it's equivalent to holding an election, although you could just say, you know, who will raise their hands; but, you know, whoever is in favor Joe becoming our Senator, raise your hand.

In a large college, again, appointment is different from the vote of the whole faculty.

CHAIR:

Is there other questions?

JONES:

Davy?

BROTHERS:

When would this take place?

JONES:

Name, please?

Davy Jones, Toxicology.

CHAIR:

When would this take affect?

GROSSMAN:

Effective Fall 2010.

As of the beginning of the semester.

CHAIR:

Any further questions?

(NO RESPONSE)

CHAIR:

May I have a motion please?

ANDERSON:

Motion (unintelligible) what is up there will (unintelligible) --

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CHAIR: And you are?
ANDERSON: Debra Anderson, College of Nursing.
CHAIR: Thank you. A second?
NADEL: Second.
CHAIR: Discussion?
NADEL: Alan Nadel, A&S.
CHAIR: Discussion?
(NO RESPONSE)
CHAIR: All in favor?
(MEMBERS VOTE)
CHAIR: Opposed?
Abstain?
Motion carries. Thank you.
I almost forgot. I wanted to thank
you. I have a new book. It's called
Assessing Presidential Effectiveness. It has
149 pages, and no pictures. I'll read it and
keep it in the Senate Council office.
GROSSMAN: Hollie?
CHAIR: Yes?
GROSSMAN: (Inaudible) --
CHAIR: Yes, go ahead.
GROSSMAN: We discussed this (inaudible) --
CHAIR: Oh, yeah. Bob reminds that we
discussed to please turn off your
buzzers/beepers, cell phones, et cetera.
Thank you.
Our officer report from the vice-
chair, nothing today, but she is working on
the issue and will update us in November.
She's working on the approval process.
All right. Our report from the
parliamentarian, Kate?
SEAGO: Today -- today, just generally,
since it's our first meeting to go over the
order of the agenda that we're trying --
trying to keep, so first we have the reading
and the approval of the minutes; and reports
from officers for the standing committees;
then reports from special or ad hoc
committees, unfinished business or new
business.
And one of the common questions
that comes up is how do you -- how do you get
items on here. Basically, the Senate Council
will set the agendas for the Faculty Senate.
That's part of the Senate rules.
Anybody -- anyone can present a
recommendation to the Senate Council. It
does not have to be a Senator. It can be an
entry level person, anybody just needs to put
a written recommendation to the Senate, I
would like this to come before the Faculty
Senate.
The Senate Council has an option of
bringing it to this body, resolving it
themselves and reporting back a decision to
you all or to present it to one of the commit
-- appropriate committee, and the committee
would report out during one of their reports.
If, for whatever reason, the Senate
Council decides not to bring an item forward
but people still want it to be discussed at

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the -- at the Faculty Senate, there is a provision for that in our rules which basically says you get the initiator to obtain the signature if 10 Senators on a petition to bring it in.

So there is a, you know, -- the Senate Council does organize the agenda of the Senate, but there is a provision when there's a substantial disagreement with what the Council wants to discuss, for somebody to bring something directly to this body; just to let you know what the general rules are for the agenda items.

And that's -- that's it.

CHAIR:

Thank you.

SEAGO:

Uh-huh, (affirmative).

CHAIR:

We'll move on to our committee reports. Our first report is the Senate's Academic Organization and Structure Committee, and this is their last year's report.

Josh? Thank you for presenting.

EDERINGTON:

So I'm a member of the committee for the Academic Structure Organization. Basically what we do is review changes to existing programs or centers or review the creation of new centers for programs.

So last year we basically had four proposals to review. One was -- which we supported was creating a Center for Interprofessional Healthcare Education, Research and Practice.

And then there's the movement -- we also supported the movement of the Center for Biometric -- Biomedical Engineering, the College of Engineering.

And we supported the move of the Master's of Health Administration degree to the College of Public Health.

The fourth one was the creation of another center for the Quantitative, I think it's Quantitative Institute for Social Sciences, and that was delayed while we gathered new information about that.

And then the only other part to report was that there has been some discussion about what the actual charge of our committee is. The general idea that we've been reviewing the -- or new -- especially with new programs and new centers, they usually come up with some startup funding as a result.

The general consensus, although there was disagreement, was that what our committee was doing was judging the academic merits of the program and not getting into the discussion of funding.

However, there is some ambiguity in our charter, like that talks about review. It talks about setting priorities for new centers and new function. The things come to us sequentially, so you see a new center and usually singular so; one, setting

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priorities for one center is sort of easy on
the other (unintelligible)....
So one of the things I think we're
going to discuss this year is exactly what we
should be discussing as far as the
committee's charter.

And that's the report. Any
questions?

(NO RESPONSE)

CHAIR: Thank you. Many of you should have
received e-mails from Sheila wherein that
we're trying to set up some committees in the
next week or so, and we do have a charge and
so we'll be clarifying some of those issues
that Josh brought up hopefully.

Our next report is from the
Senate's Advisory Committee on Privilege and
Tenure. Sue?

(NO RESPONSE)

CHAIR: I'll try to remember what we talked
about. The committee only had one case last
year. Thank you. So the case was about a
faculty member's review. (Unintelligible) of
problems. Mostly what I'm going to do is
focus on the recommendations because I think
that's what gets down to the gist of these
cases.

The problem that they saw was an
inaccurate position description, and so often
we see those types of problems and so what
would happen is if you have a DOE, let's say
it's 70 percent research or maybe it's 20
percent research, often if -- if it's 20
percent research and then when you come up
for review, well, then, the expectation and
your DOE are not a match.

And so that was a problem in this
case, and so the recommendation is that when
the SACPT recommends that for review
purposes, the chair of the department should,
in such a situation, describe the position
reflected in the DOE in the cover letter and
not use the formal position description.

Alternatively, when the physician
descriptions drift significantly from the
original one used to advertise the position,
the Chair should officially create a new
description that matches the DOE negotiated
with the faculty candidate.

And so I'd just like to remind
everybody that this issue with the DOE comes
up very frequently and -- and often it falls
onto the -- the faculty person to make sure
that when they're signing their DOE that is
what you're actually do in your position. I
would just encourage everybody to keep that
mind.

All right. And so the next
recommendation: The SACPT has noted with
concern that there is no sub-discipline
specific document provided during the review
process to guide colleagues outside of the
candidate's sub-discipline on expectations

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for excellence within the sub-discipline or
on typical strategies for structuring a
research program in the sub-discipline.

The case that the SACPT considered
this past year was a good example of one
where such a document would have been of
benefit.

The candidate's department
contained sub-disciplines that vastly
differed in pace of data gathering and in
strategy for structuring an individual
program. The outside letters did not comment
negatively on the structure of the
candidate's research program. However, it
was striking how wide the range of opinions
was within the University on whether the
candidate had a focused program and whether
the program structure was a positive or a
negative factor.

And so this is a problem when we
have very large departments, that we don't
fully appreciate these difference sub-
disciplines within our department.

NADEL: Any questions?
Yeah. I'm going to apologize again
because I printed this all out and left it in
my office.

But as I read through the material
from this committee, it seemed that there
were cases where recommendations were made
and none of the recommendations of the
committee were followed by the
administration; is that correct? Did I miss

--
CHAIR: No, I was the chair of this
committee before, and let's see, is Lee here?
Lee Blonder had also been a past chair. And
so, for example, one of the issues that we
came -- when Lee and I were both on the
committee had to do with the seven-year
review and what we found was a wide disparity
from one college to another.

And so that's -- that's been
changed now.
NADEL: I guess I'm referring -- this is
why I'm apologizing for not having the
material with me, but I recall reading this
one report -- something about specific cases
where recommendations were not heeded. Am I
missing --

CHAIR: Oh, yes. So -- so the way the
process goes, the -- the faculty will appeal
their decision, they'll -- they'll write a
letter of appeal and then the committee will
look through that. They'll make specific
cases of why they're appealing it, and it has
-- has to do with the process.

Then the SACPT will make -- make a
decision on that, they'll forward that to the
President and then the President responds
either positively or negatively.

NADEL: Is that what you are referring to?
Yeah, that's -- that's what it is,

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and I seem to -- again, I'm trying to do this from memory. There was a lot of text. How often is the response from the President in accordance with the recommendations made by the faculty committee?

CHAIR: When I was the Chair we were successful in those. Lee, can you comment on your experience?

BLONDER: I think maybe about half of the time the recommendations would be followed? Would you say that?

CHAIR: That sounds about right. Greg?

WASILKOWSKI: Wasilkowski, College of Engineering.

I was on this committee and this particular case, initially President was against but then came to our recommendation. However, at that time, the faculty member had already resigned, (unintelligible) a job somewhere else.

CHAIR: Liz?

DEBSKI: Liz Debski, Biology.

So I think you did a good job on summarizing the second issue, but I must say I want to hear a little bit more about this first issue that one incorrect comment was then magnified and made by the Area Committee and subsequently higher up the chain, which I think is extraordinarily disturbing, especially since in the summary it was not enough to get a reconsideration of the case. So I'd like to hear what's going to be done about that?

CHAIR: I guess if I had anything to say about it, about what should be done about it, is that the Area Committee should look at the facts.

DEBSKI: So, I mean, I don't even hear a recommendation even to that affect here, which seems like the bare minimum that could be done. I see this recommendation, or actually concerned of the lack of timeliness in handling the case, particularly on the part of the Provost and the President, so -- so I see that, but what about, you know, inaccuracies. That just seems remarkable to me.

CHAIR: Greg, do you have -- would you have anything to comment?

WASILKOWSKI: The only thing I can -- I can say I remember some very -- in very specific details was that -- it was indeed -- it was our concern. However, as it was our opinion, with which the Provost did not agree completely, (unintelligible) the Area Committee's job, so, two different opinions.

DEBSKI: Well, but, again, I guess I just want a clarification on the issue, because as I read this it was, yes, there were inaccuracies that were perpetuated but because it was not a procedural problem, it -- there was no reconsideration of the case based on --

WASILKOWSKI: Wasilkowski. Yes. The charge of the committee is that we can only make a recommendation based on the procedural errors, nothing else. Committee raise and you could say that this was procedural error, popular saying. So I wrote emails there was procedural error and as far as I recall that was not --

DEBSKI: So what you're saying is the faculty has no recourse if there are, in fact, errors made and -- and documented and facts?

WASILKOWSKI: That -- that's what -- why you (unintelligible) in our recommendation to the President was considered and -- and by (unintelligible) the Provost -- the decision was --

DEBSKI: I'm sorry, but that --

WASILKOWSKI: What can I say --

CHAIR: I'm sorry, but that's why the composition of these committees and that we pay due diligence is so important and that's we -- we need as much help as we can get getting the right people doing the right jobs on these committees. And it's up to us to do due diligence.

DEBSKI: Well, these people are administrators, so it's not --

CHAIR: These are the Area -- these are the Area Committee members. This is -- this is college promotion and tenure and (unintelligible) by the Area Committee. That's the inaccuracies that we're referring to.

DEBSKI: Well, I would think, again, it goes through the (unintelligible).... inaccuracies. So -- well, you know, it's kind of like the banks and -- and the foreclosures things, where people are just signing off and not actually reading the documentation but --

WASILKOWSKI: The only thing I can tell is that is everybody on committee was very unhappy with that mistake, (unintelligible) a mistake and (unintelligible) this is mistake --

DEBSKI: Who's unhappy is the faculty member or ex-faculty member, but --

WASILKOWSKI: I agree with you.

CHAIR: Unfortunately, all these cases are not as cut-and-dried when it comes down to opinion.

Further comments? Alan?

NADEL: Yes. Oops does not seem like an adequate response --

CHAIR: (Unintelligible) --

NADEL: In other words -- I mean, I -- we don't know the details of the case, but what the document we're looking at here says: There was an error of fact that was uncorrected, and there is no recourse to that because it was an error in fact and not in procedure.

So no, there is no structural

protection against errors in fact. Things can be wrong actually and the -- the faculty member is at the mercy of the administration because the way the structure is set up they will only be protected against procedural errors.

This very similar, I want to point out, to the successful argument made by the State of Texas before the Supreme Court that's said it is all right to execute a guilty man if there were no errors in the trial and it was successful by a 5 to 4 vote, and this is consistent with that.

CHAIR:

Bob Grossman?

GROSSMAN:

Yeah, a couple of problems. First of all, this is a process involving human beings and human beings do make mistakes. And, secondly, the -- in this particular case the Provost did, after speaking to the faculty member, agreed to re-review but then the faculty member left the University and that was the issue of timeliness that was brought up.

But, nevertheless, there was going to be a review done because of this error of fact. Third, the -- from what I understand there was the -- the original decision of the Provost, before he met with the faculty member, was of the kind that you often hear in cases, yes, an error was made but it wasn't enough to affect the outcome. So there was the opinion -- the opinion of the Provost was, yes, errors were made but overall it didn't affect the case.

Now, you can just agree with that, but in the end that was the Provost's decision and it's -- it wasn't -- it was -- unfortunately or fortunately, either one, depending on how you look at it, in the end it is the Provost's decision alone to -- to decide whether the person gets tenure or not.

So, you know, yes, there were mistakes -- mistakes were made. Before the ultimate decision was made, those mistakes were brought to light and the final decisions -- actually the final decision was never made because it became moot when the person left the University.

So there were places along the way where there were corrections made. It wasn't just that, yeah, we know there was an error but too bad, we don't care.

STEINER:

The Provost agreed to reopen but -- and -- and could have had time to do that; even though it wasn't done in a (unintelligible) manner, he agreed after speaking to the person, to reopen it and give her a review --

NADEL:

Let me be clear. I'm not trying to argue that case -

STEINER:

Yeah.

NADEL:

-- which in any case is confidential.

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I am simply saying structurally there is no recourse for error in fact. What -- what both of you have pointed out is that it is the unilateral power of the Provost to decide if structures of -- or errors of fact matter or not, and since Provosts themselves never make mistakes, well, then fine.

CHAIR: If you'd like to suggest changes in how we could improve the process, we -- we'd welcome that.

NADEL: What we can do is to formulate a document explaining that there are problems with this, because obviously the administration has to agree to this, I understand. We don't control them. But we could formulate a document and explain why this is -- and ask for a committee for the administration that will make a structural change that will give faculty members more protection against errors in fact than simply the (unintelligible) of an administrator.

BRI ON: Could we perhaps --

BROTHERS: Name?

BRI ON: Oh, I'm sorry. Gayle Bri on, College of Engineering.

Could we perhaps define errors in fact as procedural errors? I mean, if we put forward a definition...

CHAIR: Shelly?

STEINER: Shelly Steiner, Biology, Arts & Sciences.

We know that's not the case now, that there is -- there is an appeal for procedure. I -- I've known in my time here, which goes back to the 1800s, where -- where, you know, faculty has had things reversed based on procedure.

NADEL: The question is whether they can be reversed on the basis of errors in fact, and --

BRI ON: Can --

NADEL: -- and --

BRI ON: Can errors in fact be defined as a procedural error?

NADEL: Yeah, I understand, but if it's a procedure we know. That -- that definition -- the Provost -- that definition would require the consent of the administration; am I not correct?

CHAIR: Greg?

WASILKOWSKI: Greg Wasilkowski, College of Engineering.

A few facts. If I recall correctly, the decision -- final decision was made by the President (unintelligible) the President, who makes the final decision.

Secondly, and, Davy, you know, the rules are much better, but if I recall, there are two different channels to appeal, right, unsuccessful tenure? One is -- and there's opportunity for faculty to choose. One is based on procedural error, and another is based on merit (unintelligible) two different

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ways to go, and actually it would be nice for the Provost to consider errors -- factual errors as procedural errors. But at this moment we're helpless in --

NADEL: (Unintelligible) --

CHAIR: Davy?

WASILKOWSKI: Anyhow, it's not true that faculty doesn't have any other avenues.

JONES: There are two --

BROTHERS: Name please?

JONES: Yeah, Davy Jones.

BROTHERS: Sorry, the court reporter is not here today; I know who you are, but...

JONES: There are two routes of appeal in a tenure case. One would be an administrative route of appeal with the Dean/the Provost/the President. In that route, any issue could be entertained, whether there's a procedural error or the quality of the Dean's decision was just not good. The Dean didn't understand the merits of my qualifications. Any -- any of those can go about.

As far as the Senate is involved, the Senate apparatus, it's restricted only to procedural errors. It cannot hear appeals as to the merits of the case. And in -- in the Senate's apparatus, because the Chair of the Senate is the President, basically that committee goes around the administrative chain and it's speaking directly to the President at the top to make a final decision.

CHAIR: Thank you. Any final comments?
(NO RESPONSE)

CHAIR: Davy Jones, you're up next.

JONES: As you're aware, we've recently had an election for the three faculty representatives on the Search Committee for the new president.

This body was the starting body for that exercise; you, with a round of nominating from among yourselves candidates to -- to be on the Committee, the six finalists were chosen by you and are of you.

This then went out to the University faculty for the University-wide vote on the -- the final -- final three. I was very, very pleased with the participation of this body; 86 percent of you voted. I mean, that's -- that's an incredible turnout. Okay?

University wide, in the vote that just ended last Friday, 840 people voted which was about 40 percent. I could have spammed the e-mail boxes some more; in my experience, I probably could have got another hundred votes or so out of that, but those of you had already voted would have killed me at the door here so I didn't send another one out.

Okay. So here are the results now of the -- the vote. The three members who are going to be on the Presidential Search

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Committee are Sheldon Steiner, Hollie Swanson and Lee Meyer.

Here we see -- remember, you had to vote for three and you had to rank order three. Okay? So these are the first, second and third rank orders that each of these candidates received and then the (unintelligible) that Senate Rules for doing the tabulation, these three individuals are the top three who are selected.

If there was a vacancy here, then in the order shown here these people will fill that vacancy.

I would personally, again, like to thank the six people who -- who are here. This is -- they have volunteered for something that could be an incredible amount of time spent on our behalf. And I really appreciate it.

Okay. So that is our -- somebody asked me about this. Somebody e-mailed me: Who are these people? And, promise you, I'll get back to you. These are the original faculty sitting out there near the Clay House down Richmond Road.

UNIDENTIFIED: Did you take the picture, Davy?

JONES: I did not take the picture.

Okay. So this is one election that we've had. I just want to bring to your attention we have several more elections that are going to be happening this year. We finished with the Presidential Search Committee in Mid Late November.

This body will be electing three of you to the Senate Council. In the spring there is a faculty/trustee position that is coming open; there will be an election for the faculty trustee.

And then we have the Senate elections for one-third of the new members who will be coming into this body, so there will be lots of communications from the Rules and Elections Committee about these upcoming elections.

So the Senate Rules and the Elections Committee -- I've talked to you about the elections part. I want to talk to you a little bit about some of the rules part.

The Rules Committee has been contacted several times already this year in concern about some -- some things that are brewing in relation to the budget, constraints on the budget, how the budget is going to affect programs, how it's going to affect the departments.

Proposals are being proposed and vetted and -- and there's been some concern among some affected faculty as to whether the vetting process is actually occurring the way it's supposed to be vetted. So I'm going to share with you the information that we are sharing back to the -- these college

faculties and the college dean on these cases.

Okay. So the Academic Organization According to the Board of Trustees, this is not my opinion, this is the Board of Trustees. Okay?

The Board of Trustees has decided that decision making as it affects educational units, it's best done in which the faculty who have administrative appointment, and so they -- they have powers of decision individually over budget, space, resources, personnel, these are the -- these are the individuals who are making the decisions with regard to what we call the infrastructural questions

And the department faculty, which is, you know, called the academic faculty, but those of us who are in the trenches, in which, we're actually performing as our primary responsibility the instruction, the research, the service; we're there interacting with the student; we're there conducting of researching, competing nationally, and so forth.

The Board said that -- that we're -- we're best postured to understand what educational policies are -- are most appropriate and most needed for the quality of the educational programs.

Now, the Board doesn't want these to be -- these decisions to be made in a vacuum. Okay? The -- the chairperson, by definition, by presiding over the faculty meetings, as being an ex officio member of all the committees, the chairperson cannot help but know what the thinking of the faculty is and get the input of the faculty. As -- as the chair is making these decisions, the chair is getting input from the faculty.

The same with the dean. The dean is ex officio member of all committees, the dean can chair -- the dean cannot help but become aware of what the faculty opinion is as the -- as the deans make the deans decisions.

And so these bodies can -- can input to the managerial side. The department faculty says they're making their decisions on the educational policy. They're also expected to be getting input from their administration, and so the -- there's an iterate process that goes -- that's going on here; that the dean says, well -- says, I've got this budget, you know, and -- and -- and something is going to have to give and -- and the dean might -- might recommend, how about this program (unintelligible) but the dean -- dean can't make that call. The dean can suggest that.

The faculty over here will say, well, given the dean's budget, actually, in our opinion, the -- the adjustment -- the

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academic adjustment should be this rather
that.

And -- and maybe there's some
iteration. Maybe -- maybe -- maybe they can
suggest to the dean, well, but how -- you
know, think about doing the budget this way
because if you do it this way we can make
this kind of academic judgement [sic]
adjustment that's most appropriate.

So there's an iterate process here.
This is not happening in a vacuum.

And -- and so finally this comes up
to the University level where the University
Senate makes the final decision. If the
decision is going to be -- the appropriate
tinkering is a change in the program, the
Senate's it. The -- the -- the Senate is the
final decision.

If it's going to be to terminate a
program, then the Senate will -- will
recommend that to the -- to the Board. It
used to be that the Senate itself could
terminate the program, but Council on
Postsecondary Education said, no, it has to
go to the Board. But just changes in
programs will be made -- made here, again
with the iteration and input as to the
infrastructure questions on the other side.

So we -- we have some situations
coming up, for example, where a new
department is being proposed and a new degree
program will be in that new department. The
department is the infrastructure. What is
its budget? What is its staffing or what
personnel that wanted to be in there? That's
-- the final decision on the infrastructure
is going to get over here with the input of
the faculty.

Now, what will be the features of
that academic program that are appropriate
for that infrastructural environment, you
know, what is the maximal expression that
that academic program can achieve in that --
in that infrastructure? The faculties decide
that and that proposal is decided up here.

So in a particular case in which it
was brought to our attention there was --
there was some confusion about the motions
and votes that were afoot. There was some
confusion that, well, is -- is the motion for
the vote by the faculty on the dean's budget
proposal, is that the same thing as the
decision on the academic program? No. No,
it's not. We had -- we had to -- to
straighten that out for them.

The faculty make an advisory vote
to the chair or the dean, perhaps, on the
infrastructural aspects but, again, given
their iteration with the dean on what -- what
the infrastructure futures are looking like,
the vote by the college faculty over here on
-- on the face of that program are a
decisional vote. It's not an advisory vote

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to them. It's a decisional vote, perhaps advisory up the chain of the faculty bodies here.

And so this -- this is what we're trying to clarify to these -- the various units. Now, I'm -- I'm aware there are some proposals out there that you're going to see, new (unintelligible), perhaps, some adjustments to some programs, some programs perhaps being -- proposed to be closed.

This -- this is the context in which these decisions are being made at the college and department levels before they finally reach us at the level of the Senate.

Now, these discussions that were going on raised some additional angst. There was one college administrator who used some language that had the sound to it of: Well, as long as it's just the program that's being killed and not the department, your tenure is safe.

But that raised a -- wait, wait, wait. So you're saying if -- if the department somehow went away our tenure goes away? And so that -- that -- that then raised some radar pingging over in another college, where there's -- you talk about some re-arrangements of department and -- and -- and merges and -- and what-not, and so that -- that got some radar raised that, well, could just by a ruse of -- of redrawing the lines of where departments are, could we put all tenured lines in play? Is that what's going here?

This -- this was a snowballing concern, so I went right to the Provost and I said, you've got to answer this because this -- this is going to up well here unless you get on top of this.

And so here is his answer, and I'll -- this is so important I'm going to read this into the record here.

He said: I regret that discussions about the efficiency, innovation, and cost-cutting are being conflated with the status of tenure. From my perspective, the governing principle in faculty personnel matters related to the status of tenure is derived from GR10 on Termination of Appointment.

The language in that section of GR10 reads: Except in cases of financial emergency, the termination of a tenured appointment or the dismissal of a person prior to the expiration of a tenured [sic] appointment shall be, in accordance with State law, KRS 164.230, and only for reasons of incompetence, neglect or refusal to perform duties, or for immoral conduct.

Furthermore, any declaration of "financial emergency" has to pass national scrutiny in order to hold true to AAUP principles and maintain credibility among our

peers.

Thus, in my opinion, a departmental reorganization for reasons of efficiency or innovation or cost-cutting or reprioritization does not constitute a sufficient basis for dismissal of a tenured appointment nor the dismissal of a person prior to the expiration of a tenured [sic] appointment --

MEMBERS:

Nontenured.

JONES:

Nontenured appointment, not tenured appointment. And finally, any decision-making about reorganization will follow established University policies and rules, including those policies and practices on shared governance.

This last sentence here was about -- there's a discussion about -- what -- what the Provost is saying there is, I promise you, no decisions have been made on which -- on departments going away is (unintelligible) accomplished. Any proposals for a department to go away or be merged is going to be processed up through these decision making routes.

I -- I thought it was very important to -- for the faculty to know that -- that -- that the mere combining of some departments in a college because maybe it will make an effect -- more effective educational program, has nothing to do with the finances; just to make better education. That does not put in play anybody's tenured line just because the departments disappear. Okay?

It's only a declaration of fiscal -- financial emergency that has to pass national scrutiny would put the tenured lines in play.

Yeah?

STEINER:

But the reorganization that you're mentioning could be done administratively (unintelligible) --

JONES:

Infrastructure --

STEINER:

-- (unintelligible)

JONES:

-- can be done administratively, yes, with input from the faculty.

STEINER:

What -- what's the input from the faculty? How much -- just advisory?

JONES:

Well, you know, that's again -- the -- the abolition of a department, for example, is being done by this chain in which each faculty body is -- is vetting into that proposal, how -- whatever status that proposal is looking as it goes on up.

Now, at the level of the Senate -- and if the Senate and the administration have not been -- come to see eye-to-eye on this, because the President is the Chair of the Senate, parliamentarily, we can force the President to pass the Senate -- the opinion of the Senate on to the Board of Trustees. The President cannot starve the Board of

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Trustees of the opinion of the faculty, and so the Board of Trustees will be made to know of the -- the Bob Grossman style opinion here (unintelligible) on -- on a potential abolishment of a department that the Senate doesn't -- doesn't agree with; and the Board will be made to know that.

CHAIR: Further questions?

(NO RESPONSE)

CHAIR: Thank you very much, Davy. As you can see, Davy has been very busy.

Item No. 5, Recognition of 2009/2010 Recipients of the Provost's Awards for Outstanding Teachers. I believe they are here today. Could you please stand and be recognized?

We have William Rayens in Arts & Science; Jeff Rogers, Arts & Science; Bryan Hains, Agriculture; Tracy Kitchel, Agriculture; Jennifer Cowley, Nursing; and Bruce Holle, Arts & Science.

Please give them a round of applause. Congratulations.

For our TAs we have TAs we have Andrew Battista and T. Garrett Graddy; Jeffrey Gross and Justin Taylor.

Are any of those here today?

Thanks very much for your efforts.

And I have some photos taken with the Provost at the ceremony last year.

There are a few changes. Heidi Anderson could not be with us today because she is ill, so I'm trying to take her place.

There are a few changes for this year's selection, and please keep in mind that is -- that deadline is coming up quite soon. The selection criteria has been expanded to include the teaching aspects, Impact Beyond Classrooms, Teaching Philosophy, Scholarship, previous teaching awards, recognition from peers, the student aspects and personal aspects.

And so it's not intended that you fit all categories, but (unintelligible) please draw out those expected strengths.

GROSSMAN: Hollie?

CHAIR: Yes?

GROSSMAN: Is that list of criteria going to be made available? The last I checked it was not on Dr. Anderson's web site, these criteria here. So -- and I think people who are proposing -- who are putting together packages and proposals would like to see these criteria so they can address them.

CHAIR: Yes. Absolutely. Let's check with that, and we'll get back to you on that to make sure that they are on the web site. Thanks for bringing that to our attention.

There also is an increase in how we recognize these individuals, and so there's a reception in their honor, there's a monetary award, a plaque, an inscribed silver bowl, names announced at the commencement, at the

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fall -- a fall football game, fall/spring name/photo banner -- on a banner. So when you go out next to the President -- the Patterson Office Tower, you'll see banners out there with those award recipients. Listed on the Provost's web site. There's a large plaque as you come into the Patterson Office Tower that will list these individuals and, finally, a named room on campus.

And so I think it's still under discussion exactly how that would be -- and presumably that would be in the building in which you reside and not somewhere else, or a janitor's closet.

NADEL: Do you have a question, Alan?
Well, yeah, when we run out of rooms, does this require new buildings?
CHAIR: They'll be asking to donate for another building, Alan.
BROTHERS: It's for one year at a time.
CHAIR: Lets clarify. That is for one year at a time.

And then -- the changes then include the guidelines for submission and so this is our calendar, October 25th for the initial nomination; November 15th for formal recommendation; December 3rd the preliminary finalists are selected; January 14th -- when -- when the preliminary finalists are selected, they are asked to submit a teaching packet and that is due January 14th; on February 10th the winners are notified; and February 22nd the ceremony and reception at the Singletary Center.

And so here's the web site, and again I'll -- I'll try to make sure those guidelines get posted.

All right. Finally then, Item No. 7 we have the KCTCS September 2010 Candidates for Credentials. You have a moment to take -- look through those, and when you're ready could someone please make a recommendation?

JONES: I make a motion to approve and then I have something to say after the second.
BROTHERS: Name please?
CHAIR: Davy.
JONES: Davy Jones.
CHAIR: May we have a second, please?
GROSSMAN: Bob Grossman, Arts & Sciences.
CHAIR: Thank you. Discussion?
JONES: Correct if I'm -- I'm wrong here, but I believe the information that we have gotten from the KCTCS is that this is the last group --

BROTHERS: No.
JONES: -- (unintelligible) --
BROTHERS: (Unintelligible).
JONES: Okay.
BROTHERS: There may be one or two more that contribute.
JONES: (Unintelligible) for omissions or what not, but back in 2004 the students who

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were over at the BCTC were given six years.
If you want UK on your diploma, you've got
six years, but no longer and it's -- this is
the last list, normal list coming through,
which the students at BCTC will have UK's
name on their diploma.

CHAIR: All right. We still need to vote.
All in favor?
(MEMBERS VOTE)

CHAIR: Opposed?
Abstain?
Motion passed. Thank you. May I
have a motion to adjourn?

STEINER: So moved.
* * * * *

WHEREUPON, the University of Kentucky Senate
Council Meeting for October 11, 2010 was adjourned.
* * * * *

♀ STATE OF KENTUCKY)
COUNTY OF CAMPBELL)

I, LISA E. HOINKE, 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 at the time and place stated in said caption
the UK Senate Council Meeting was taken down in
stenotype by me and later reduced to computer
transcription under my direction, and the foregoing is
a true record of the proceedings which took place
during said meeting.

My commission expires: January 26, 2011.
IN TESTIMONY WHEREOF, I have hereunto set my
hand and seal of office on this the 1st day of
January.

LISA E. HOINKE,
NOTARY PUBLIC, STATE-AT-LARGE
K E N T U C K Y