**Senate Rules and Elections Committee**

**April 10, 2014**

**Jones (Chair), Grossman, Pienkowski, Wood**

**1. Undergraduate Certificates**

Associate Provost for Undergraduate Education requested that the SREC interpret that Senate Rules concerning Undergraduate Certificates. The following questions were addressed and the interpretations rendered noted below.

SR 4.2.8

“Undergraduate certificates are available only to students who are enrolled in an undergraduate degree program

1) Does the above mean the “student” must be enrolled in an undergraduate degree program at UK? **SREC Interpretation: Yes**

2) Does this intend to disqualify students enrolled at UK who for their first two years are undeclared (i.e., are in “University Studies”). **SREC Interpretation: No**

or who have successfully completed an undergraduate degree

Does the above mean the student must have completed an undergraduate degree at UK? **SREC Interpretation: No**

and enroll as a postbaccalaureate (non-degree) student for admission to a certificate curriculum. The minimum Graduate School requirements for admission to postbaccalaureate status apply.”

**2. Foreign Language Requirement**

Ben Withers, Associate Provost for Undergraduate Education requested that the SREC address the issue that the foreign language requirement that had existed under the old University Studies Program (USP) was not expressly included in the new UK Core program when UK Core superseded USP. The Senate Council on Dec. 3, 2012 acted for the Senate to extend the USP requirement for another academic year (2012-2013) with the anticipation that a formal proposal would be forthcoming for the University Senate to act upon to establish an updated policy for the foreign language requirement that would have effect for the 2013-2014 academic year. <http://www.uky.edu/Faculty/Senate/senate_council/minutes/2012-2013/SC%20Minutes%20December%203,%202012_TOSC_TOPOST.pdf>

However, Dr. Withers reported this week

“Davy—

I have now a draft of the faculty committee’s report on the foreign language requirement. Despite their best efforts, we will not be able to resolve this issue this academic year. I propose that the SREC consider bringing forth the revisions to the Bulletin language that you suggest, below. I am hopeful that we can resolve this early in the fall semester.”

**From:** Jones, Davy   
**Sent:** Sunday, February 02, 2014 2:16 PM  
**To:** Withers, Benjamin C; Carvalho, Susan E  
**Cc:** Beattie, Ruth E; Blonder, Lee; Brion, Gail M; Grossman, Robert B; Pienkowski, David; Wood, Connie; Brothers, Sheila C  
**Subject:** RE: Motion from SC RE: Foreign Language Requirement

Ben et al.

I am concerned specifically here on the foreign language policy that the language currently in the Bulletin, arising from the Senate Council's action Dec. 3, 2012

[http://www.uky.edu/Faculty/Senate/senate\_council/minutes/2012-2013/SC%20Minutes%20December%203,%202012\_TOSC\_TOPOST.pdf](https://exchange.uky.edu/owa/redir.aspx?C=h38pbHv76keAf4CmxahHCkTHguEIKNEIktiw0JI2bDu8VgfNBJ285-dqa8wxco235G7FmA4g-mc.&URL=http%3a%2f%2fwww.uky.edu%2fFaculty%2fSenate%2fsenate_council%2fminutes%2f2012-2013%2fSC%2520Minutes%2520December%25203%2c%25202012_TOSC_TOPOST.pdf)

is actually not in effect for new matriculates since fall 2013, because it was a stop-gap to apply to the 2012-2013 academic year matriculates (the idea being that before the lapse a new policy would have been recommended and acted upon by the Senate, which hasn't happened yet apparently because of infrastructural support issues)…

May I suggest that if the SC will act to restore as in effect the current Bulletin language, that it be slightly edited as follows,

*Any first-time freshman or transfer student must either, (1) demonstrate that they have completed passed two high school credits in a single foreign language, or two semesters at the postsecondary level. A student who has not completed the high school foreign language requirement will be required to or (2) take pass a two-semester sequence in one foreign language at the University of Kentucky prior to graduation.*

The SREC interpreted that it was probably not the intention of the Senate Council that the previous USP foreign language requirement would lapse before the Senate acted on what would be the replacement policy. The SREC recommends

“That the Senate Council act for the University Senate to continue in effect the previous University Studies Program Foreign Language policy, as editorially amended here.”

**3. Loss University Senate Authority Over University Appeals Board**

The SREC discussed the recent interpretation of by General Counsel William Thro of the meaning of the 2006 changes to GR XI about the relationship of the University Appeals Board to the University Senate Rules. It was and is the clear understanding of the SREC that the wording “original jurisdiction,” introduced in 2006 to GR XI, means that the UAB can

a) do *new* fact-finding (i.e, is not limited to the facts found in lower levels of consideration of the case),

b) then decide guilt (or not) of an academic offense or whether there has been a rights violation or not (in cases about student “academic rights”)

c) then, upon considering the range of penalties or remedies made available by the University Senate to the UAB, then determine what the penalty or remedy will be within the limitations of those Senate Rules.

In contradiction, the General Counsel rendered the interpretation that the wording “original jurisdiction” means that in all cases of student rights (e.g., appeal of grade) and in all cases in which the student appeals guilt (in academic offense cases) ***the UAB is not limited by any restrictions or requirements on the UAB that the University Senate (thought it) has put in place in the Senate Rules.***

For example, where the Senate Rules require that a letter of warning be placed by the Registrar in the student’s record in the case of guilt of a first academic offense, ***the General Counsel opined that the UAB can without limitation decide not to follow the Senate Rules*** and to instead order that no letter of warning be placed in the student’s file…the effect being that it will be impossible later to ascertain in a new case that it is the student’s second (or third or fourth…) academic offense.

Or, where an Instructor had rendered a grade and the Senate Rules limit that the UAB cannot change the grade unless first finding the grade was rendered ‘in other than good faith,’ ***the General Counsel has opined that the UAB can decide to change the Instructor’s grade*** ***to any other grade*** even without first determining that the grade had been rendered in ‘other than good faith.’ Nor is the UAB limited by the Senate Rule that the new grade be a ‘reasonably ascertained’ change.

The SREC discussed that the previous Administrative Regulation on the UAB made the UAB have “appellate” jurisdiction for issues of either academic offense or academic rights, and that through 2005 the only wording in Governing Regulation XI, in effect since 1970, was that the policies about the *academic* relationship of students with the University is controlled by the *University Senate Rules*.

The SREC discussed that the interpretation made by Bill Thro on the meaning of the 2006 wording change to GR XI **made no attempt whatsoever** to account for the fact that the members of his own office staff, the Provost’s liaison to the Senate Council, and the still current Chair of the UAB, expressly stated to the Senate Council in 2006 that the new 2006 wording did NOT mean a substantive change in the control of the University Senate over the UAB. The Associate General Council (Marcy Chez, now Marcy Deaton), the Provost’s liaison to the Senate Council (Richard Greissman) and the still-current UAB Chair (Joe Fink) were all members of the Provost’s advisory committee that drafted the new 2006 wording about “original jurisdiction.” All three were present when the new wording was submitted to the Senate Council for its consideration and endorsement (or not) at the January 9, 2006 Senate Council meeting.

The SREC noted that the Senate Council voted to endorse the proposed new wording to GR XI about “original jurisdiction” **after** the liaison from the Provost Office (Richard Greissman) **and** the Associate General Counsel (Marcy Ches, now Marcy Deaton) **and** the still-current UAB Chair (Joe Fink) stated, in good faith, to the Senate Council that these new words were about “new fact-finding” authority and did **not** change the control of the University Senate, through its Senate Rules, over the UAB’s authority.

In the absence of any explanation by General Counsel Bill Thro, the SREC finds it ***incomprehensible*** that the General Counsel would contradict the representations of his own office, of the Provost’s liaison and of the still current UAB Chair, on the meaning of the new 2006 wording. The SREC finds it similarly ***incomprehensible*** that the University Senate Council apparently cannot rely upon the UK General Counsel to uphold the veracity of good faith representations made earlier by the General Counsel’s Legal Office and by the Provost’s liaison, and of the still-current UAB Chair, about draft regulations when the Senate Council is asked to consider and endorse (or not) draft regulations concerning the functioning and authority of the University Senate itself.

See below from Jan. 9, 2006 Senate Council minutes, and the additional documents here appended to these minutes.

**“Greissman continued his explanation** of the other revisions to Section XI, referring Council members to the {handout} he provided. He said the section in the Administrative Regulations (ARs) addressing the UAB would be removed, once it was codified in the GRs. In addition, he said it did not make sense for the Senate Rules to define all aspects of the UAB, since **the University Senate is concerned with the UAB as it relates to academic matters**. **The non-academic affairs of the UAB were defined in GR XI.C**. Grossman stated that changing the section on the UAB in the GRs would require changing the Senate Rules. Greissman concurred.

**“Grossman also asked about the relationship of the University Senate to the UAB in terms of its authority to set policies by which the UAB must abide**. The authority was partly based on the authority granted by the ARs. If the same language were not to be inserted in the GRs, it would require much more discussion. **Greissman stated that the GR in question did codify the authority of the University Senate over the UAB to set policy over academic affairs.** He said the Student Code of Conduct was moved to a non-academic section, and that **the change in no way limits the Senate's authority to set policy of the UAB.** **Guest Fink concurred.**

**“….There was discussion regarding whether the proposed changes presented by Greissman would affect the recently approved changes to the Senate Rules on academic offenses and the role of the UAB.** In response to a question by Grossman about Section C.2.a & b, **Ches [= Marcy Deaton] stated that with original jurisdiction, the UAB can call new witnesses, etc.** **For cases in which the UAB only holds appellate jurisdiction, the UAB can only review the case**. She confirmed, for Michael, that there are instances in which the UAB is the first body to hear a case.

“Grossman moved that the Senate Council approved the proposed changes to Section XI of the Governing Regulations …Ellingsworth seconded. Grossman stated that if the Senate Council changes were not incorporated, the Senate Council should review it again. The motion passed unanimously.”

The SREC noted that the UAB does not report to the University Senate the number and nature of occasions that it decides to render a penalty (for academic offense cases) or a grade change (for grade appeal/student academic rights cases) that is outside of a limitation prescribed in the Senate Rules for the circumstances.

It is the view of the SREC that if the General Counsel’s interpretation remains standing, that the UAB becomes in effect a shadow second University Senate, with authority over the University Senate itself on academic matters of policy. The SREC decided that it will submit an extremely strong recommendation to the University Senate that, if the Legal Office does not clarify its interpretation in manner consistent with its own office’s previous representations, the University Senate will then request to the Board of Trustees that the BoT amend GR XI to cause it to mean what it had been represented to the SC to mean on the control of the University Senate over the University Appeals Board.

**4. University Senate Rules on Syllabus Contents**

Jones reviewed that he has been asked by Associate Dean of Public Health James Holsinger to attend a meeting of that college’s dean’s staff/department chairs, to explain the Senate’s Rules concerning the content of course syllabi.

The SREC reaffirmed a prior interpretation, that the academic councils of the Senate (Health Care Colleges Council, Undergraduate Council, Graduate Council), are authorized to require that syllabi contain information that the Senate Rules require, but the councils may not require more than that, though they may offer suggestions.

A College Faculty or a Department/Program Faculty does have the authority to prescribe additional requirements for syllabus contents that are beyond those prescribed by the Senate Rules, as long as those additional requirements do not contradict a Senate Rule.

**5. FERPA**

The SREC discussed that the Senate’s DL committee is still contemplating what ought the University Senate policy be on student access/copying of graded material, so that desired internal educational policy is also compliant with external laws (e.g., Federal FERPA, KY Open Records law). The SREC considers that at this time the matter is still ‘on the Senate DL committee’s side of the court.’

**6. Course Withdrawal**

The SREC considered new information that it has informally received, that apparently there is a new federal requirement under which maternal issues must be allowed as a cause for withdrawal from a course without penalty. The SREC felt that there are an increasing number of issues that complicate the current Senate Rules concerning withdrawal, and that the SREC will undertake a careful and global assessment of these issues with ultimate recommendations to the University Senate.

**7. Role of University Senate in Review of Academic Organization/Structure Proposals**

The SREC was asked by the SC Chair to interpret what avenues of action are available to the University Senate when it receives a proposal concerning academic organization/structure that does not contain information that is expected by the University Senate Rules to be a part of the proposal. In particular, what measures could the University Senate take if an administrator below the level of the Senate continued to decline to secure the missing information into the proposal. The SREC reviewed the pertinent regulations and rules and rendered an interpretation for the SREC Chair (appended here as a part of these minutes).

**8. Office of Dean of Undergraduate Studies**

The SREC reviewed the situation that the University Senate Rules in many places prescribe that an academic officer with the title “Dean” is officially responsible for decisions on cases of students and for leading the establishment of or change to educational policies that affect students. In the past, the University Senate has agreed for a number of students, courses and programs to have their ‘academic home’ not be in a regular college but instead be under the Office of the Provost only if the students, courses and programs reported to an officer with the academic title “Dean of Undergraduate Studies.” However, upon her coming to office in August of 2013, Provost Riordan, perhaps unaware of this academic context, decided not to continue the title “Dean of Undergraduate Studies” in the Provost’s Office, and to instead assign by administrative action those duties to a nonacademic administrator of her choosing that is not recognized for those duties by the University Senate Rules.

The SREC reviewed with concern that the following academics supposedly controlled by the University Senate are now not being supervised by the academic officer “Dean” prescribed by the University Senate Rules:

Curricula

1. Over 2000 students with undeclared majors who are in the curriculum

“Undergraduate Studies”

2. University Senate Honors Program

3. Undergraduate Certificate of Global Studies

Courses

4. Courses number UK 101, KU 110, etc.

5. Courses prefixed EXP (Experiential … undeclared degree seeking students)

6. Courses prefixed HON

7. Courses prefixed HMN(Gaines Center courses)

8. Courses prefixed DSP courses (Disciplinary Seminar Program; no courses at this

time but ‘shell’ is there)

Students

Student advising to undeclared majors in the “Undergraduate Studies Program”

- All academic administrative activities concerning cases of individual studies that are

assigned by the Senate Rules to a college dean, for students who are undeclared

degree seeking and for students who are enrolled in the above courses.

The SREC noted that the Board of Trustees’ Governing Regulations (GR VII.A) contain the policy upon which the University Senate relied in approving that the above activities will be housed at the Provost’s Office, because at the time the Provost’s Office contained an individual with the title “Dean of Undergraduate Studies.”

**GR VII.A.1**

“Some instructional programs draw faculty exclusively from one department, school, or college whereas **interdisciplinary instructional programs, such as the Honors Program**, draw faculty from different departments, schools, and colleges.”

**GR VII.B.7**

“Director/Chair of **Interdisciplinary Instructional Programs**

The director/chair of an interdisciplinary instructional program shall be a member of one of the academic departments participating in the program.

**The director/chair shall be responsible to the dean**(s) of the college(s) in which the program is located …”

The SREC is concerned that the new Provost appears to envision that the Provost is authorized to assign responsibility for the above to any member of the Provost’s office that the Provost desires to. However, this was not the understanding of the University Senate when the University Senate approved the above to be ‘academically homed’ in the Provost’s Office. The SREC recommends that the Senate Council discuss this matter and determine the most effective course of interaction with the Provost to effectuate a restoration that the above are the responsibility of a person carrying the academic title “Dean of Undergraduate Studies.” (The person may also have additional titles and responsibilities determined by the Provost.)

**9. University Senate elections**

Jones reviewed actions he has recently taken to determine the apportionment of Senate seats to the various colleges. Letters will soon be issued to the respective deans informing them of the apportionment and of any need to conduct elections for seats.

Grossman then left the meeting.

**10. Faculty Trustee elections**

The SREC reviewed the certification of 7 persons as candidates in the impending Faculty Trustee election.