

Senate Council

Monday, March 4, 2024

The Senate Council met in regular session at 3:00 PM on Monday, March 4, 2024, in 311 Gatton Business and Economics Building, although a video conference link was also available for members and guests. Below is a record of what transpired. Specific voting information can be requested from the Office of the Senate Council (SC). Senate Council Chair DeShana Collett (HS) called the Senate Council (SC) meeting to order at 3:00pm. The Chair welcomed those present. She thanked members and guests for attending the open meeting. She asked that all attendees, online and in person, state their name and affiliation prior to speaking, to ensure everyone knew who was speaking. The Chair asked SC members to be ready to vote via Poll Everywhere. The Chair reminded those present that regarding the ability to speak, members and guests must raise their hand to be called upon.

1. Minutes from February 26, 2024 and Announcements

The Chair informed SC members that no edits were made to the minutes from February 26, 2024. There being no objections, the minutes from February 26, 2024 were **approved as distributed by unanimous consent**.

2. Discussion on Board of Trustees Resolution CR1

The Chair informed those present the meeting was an opportunity for faculty, students, administrators, and staff to voice their opinions and concerns regarding the recent Board of Trustees resolution CR1. She informed those attending via Zoom that, if they wished, they could ask questions anonymously in Zoom. She announced that President Capilouto was not present, however, Provost DiPaola as well as members of the President's cabinet were present. The Chair asked those present to maintain civility in their discourse during the course of the meeting.

The Chair provided a review of the goals for the meeting, which included:

- Understanding needs and concerns
- Exploring alternative governance structure and impact assessment
- University community involvement
- Next steps

The Chair provided those present with a side-by-side flow-chart comparison of the University's current governance structure and the illustrative model provided by the consulting firm, Deloitte. She provided a review of the current college and department level faculty responsibilities regarding educational policies.

After noting that some attendees may not be familiar with the current role of the University Senate, the Chair informed attendees that the University Senate protects academic posture of the department and college faculty bodies, serves as the academic coordinator of programmatic issues that are across colleges, and ensures consistency with broad academic policies and procedures.

The Chair asked those present if there were any areas where they felt their voices were not adequately heard, and what were the primary concerns that faculty, students, and administrators currently experience with the existing governance structure. The Chair opened the floor to attendees for comments.

An attendee asked the Chair to provide clarity on what was concretely recommended by the Board of Trustees. The Chair replied that a recommendation had yet to be made and would be made at the Board of Trustees meeting in June. The Chair continued that there was immediate action at the Board of Trustees meeting after Workgroup 5's presentation, resulting in the CR1 Resolution. The Chair yielded the floor to Hollie Swanson (ME), Faculty Trustee. Swanson recollected for those present that after Workgroup 5's presentation, Trustees were informed that a resolution would be drafted and the draft was begun at approximately 9:00am. Trustees received a copy of the drafted resolution at approximately 12:00pm, and voting on the resolution took place at the 1:30pm meeting. Swanson then read the Board of Trustees resolution aloud for those present. Resolution CR1 was as follows:

Recommendation: that the University of Kentucky Board of Trustees directs President Capilouto to move quickly to formulate recommended changes to our Governing Regulations for this Board's consideration at the next meeting.

Specifically, those proposed changes should do the following:

1. Define a clear and appropriate distinction between the education policy-making function of the Board and the respective responsibilities of the President and faculty to administer and implement the Board's educational policy.
2. Reaffirm that faculty members assume responsibility for determining good educational practice and, therefore, should have a substantive role in the development and review of academic policies.
3. Ensure that the proposed changes are consistent with (A) the University's status as an independent body politic of the Executive Branch of the government of the Commonwealth; (B) the requirements and prohibitions imposed on the University by the state and federal law; and (C) The principles of Accreditation adopted by the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC").
4. Recommend changes to the University's Governing Regulations that define and clearly articulate a shared governance structure that is in greater alignment with institutional benchmarks and that clearly recognizes the Board's primacy as the institution's policymaking body.
5. Outline additional changes as may be necessary and appropriate to Governing Regulations that are consistent with, and supportive of, the substantive changes outlined above.

An attendee inquired as to how the resolution would affect academic unit autonomy. The Chair replied that it wasn't yet clear how the resolution would affect academic unit autonomy. The Chair

continued, stating that the resolution seemed as though it would delegate faculty to a purely advisory role, and informed that the resolution did not differentiate between “University Senate” and “faculty.” The Chair mentioned the recent meeting between the President and Senate Council members and opened the floor to Senate Council members for additional thoughts. Senate Council members informed those present that the President and Board of Trustees have stated that faculty will maintain control and have substantive input in curricular matters, however, the President and Board of Trustees have not stated a planned mechanism for faculty to maintain this control. Senate Council members voiced concerns related to having safeguards in place that would provide stability, independent of future changes that will occur in the administration. Senate Council also voiced that the University Senate is currently proficient compared to benchmark institutions in terms of moving curricular proposal forward in a timely manner. The Chair mentioned the profound difference between “having a voice” in educational policy and having actual decision-making responsibilities of such policies.

Provost DiPaola informed those present that the resolution was directed by the Board of Trustees, and that the President would be undergoing an extensive listening session. The Provost stated that the President has been clear that faculty would continue to have the primary voice in terms of curriculum. He continued, stating the President and Board of Trustees were looking at ways to streamline the educational policy process and keep up with demands by the state. The Provost finished by stating that experts, referring to faculty, should develop the University curriculum.

Attendees continued to express their concerns. Statements were as follows:

- A Senate Council member expressed their concerns over delegating educational policy decisions to individual colleges, and stated worry that individual faculty may be in positions that enforce power differential dynamics between themselves and the Dean; preventing faculty from expressing their voice.
- A faculty member expressed concern that the University Senate had not been consulted before the Board of Trustees resolution was made, and concern over the quality of Deloitte’s study.
- A faculty member stated gratefulness for the current efficiency of the University Senate, and stated concern that, by removing final decision making from the University Senate, decisions will be made economically and over self-interest. They stated concern that this would result in a downfall of the educational mission of the University.
- A Senate Council member reminded those present that, although the President has stated faculty would maintain autonomy over educational policy, President Capilouto will not be the President of the University forever. They questioned how this would affect policy making when new administration enters the University.
- A Senate Council member reminded those present that Deloitte had criticized the length of the University Senate rules, and stated that the current rules were efficient and clear, stating this was better than having a shorter, more ambiguous set of rules. They continued, expressing concern over how this would affect the University after new administration enters.

- A faculty member agreed that it was necessary to think in the long-term how this would affect the University, and stated that the University Senate ensured there was institutional knowledge backed by a vote. They continued to express concern over the proposed new governance structure.
- Attendees voiced their profound concern over the pace at which Trustees were asked to vote on the resolution. A faculty member asked if the data from Deloitte's research was available, stating they had been unable to locate the data, and inquired as to how they were expected to discuss this with the President when they had not seen the data. The Chair replied that the data from Deloitte had not been provided, but that the resolution passed by the Senate Council at the February 26, 2024 meeting had requested it.
- A faculty member expressed concern about the lack of collaboration and transparency within the President's administration. They highlighted instances of decision-making happening behind closed doors, a lack of openness, limited faculty involvement in important Workgroups, and insufficient opportunities for faculty to address issues during the Board of Trustee meeting.
- A faculty member stated that the University was being asked to solve a problem, but had been shown no conclusive evidence that there was actually a problem to solve. The faculty member continued, stating that administration had already shown faculty what they believed substantive input to entail, which included hiring an outside consulting agency for a Board of Trustees workgroup that had not been charged with analyzing the effectiveness of the University Senate, and ensuring that all of the research done by the consulting agency was confidential. The faculty member likened this to the recent issues with the University of West Virginia, in which a similar thing had occurred, resulting in the elimination of 143 positions, including tenured faculty.
- An attendee mentioned the resolution stated that changes needed to be made to align with changes in the SACS standards. The Chair informed those present that the previous email she had sent today included a side-b- side comparison of the current SACS standards and the standards from 2018, and there had been no changes in pertinent areas. She continued that the suggested changes were not due to changes in the SACS standards.
- An attendee stated that, in the Provost's earlier statement, the Provost had indicated that the Board of Trustees action was a surprise to the President, and asked the Provost to confirm this. Provost DiPaola stated that this action dated back to 2021. The attendee stated that, based on the President's quotes and items the President had not included in his emails, it seemed as though the President wanted control over enrollment management. This would allow the President to change admissions requirements and the amount of credit hours required to graduate. The attendee suggested that the President was interested in raising enrollment rates, to increase revenue without having to increase tuition. The attendee inquired as to whether administration considered increasing enrollment rates, without increasing graduation rates, as a success.

Attendees continued to express their concerns and opinions:

- An attendee expressed concern over the small amount of time in which the Board of Trustees was given to vote on the Board of Trustees resolution, and expressed their disappointment in the President for allowing this to happen.
- An AAUP representative informed those present that the University of Kentucky chapter of the AAUP had delivered a letter to the President expressing their concern. They stated that Senate was the deliberative body that should be consulted before any process change occurs.
- A faculty member informed those present that the Board of Trustees is going to take action, and the faculty body should focus on what they would like to propose and what they think is essential for the faculty to have a voice.
- Faculty stated that the listening sessions being provided by the President were not proactive and were a misdirection. They continued that this was a corporate tactic for making people feel heard without empowering them.
- A faculty member stated the need to launch a hearty defense of the University Senate, and listed three things the University Senate does well. These included, 1) the University Senate is a full representative body, including not only faculty, but students and administrators as well, 2) the University Senate institutionalizes effective practices and processes, and 3) the University Senate places decision-making not in the hands of one individual, but in the hands of a representative body of peers who have expertise in educational matters. They suggested that the University Senate should be given a chance to produce a report, and stressed the need for continued, deliberative conversation. They mentioned our shared governance model is a model for others. They then recommended that the Senate make a request to the President to pause any action on the resolution.
- Another faculty member voiced support of the last speaker's comments, stating there was agreement from present faculty that there was no current problem that needed solving. They suggested that the University Senate create talking points that could be sent to those who had been invited to listening sessions with the President.

The Provost informed those present that, in addition to the planned session with the colleges, the President would be present at the March 18, 2024 Senate meeting, and inquired as to whether those present felt more meetings were necessary. The Chair reminded everyone that the Senate had business to conduct during the March 18, 2024 Senate meeting, and there would not be much time to discuss the Board of Trustees resolution with the President during the meeting. A Senate Council member stated the recommendation for the President to pause any action was best, stating that this was a manufactured emergency and that faculty should be given access to data collected by Deloitte. Faculty agreed, stating that more meetings with the President was not the answer. Faculty continued that, they found it strange that this confidential research determined themes surrounding the Senate, and expressed concern that the results of confidential meetings don't align with what the faculty currently experience.

Faculty continued to question the research done by Deloitte, stating the need to have access to the data gathered. A faculty member reminded those present that the current University Senate

structure aligned with AAUP guidelines and stated the necessity that the University Senate continue to determine educational policy.

Attendees continued:

- A faculty suggested that the Senate UK Core Committee be included in the Board of Trustees workgroup 2.
- Roger Brown (AG), Senate Rules and Elections Committee Chair, informed those present that he had never been told the Senate Rules were too long and that, in fact, people often ask to add rules. Brown continued, stating that he is always available to discuss the Senate Rules.
- A faculty member inquired as to what could be done, and what the next steps would be.
- A suggestion was made for the University Senate to take immediate action, as waiting until after speaking with the President during the March 18, 2024 Senate meeting would be too late.
- A faculty member stated that it was not clear what the problem was that the Board of Trustees was attempting to solve.

A faculty member informed those present that, at the most recent legislative briefing from the President, the President had recited the story of an international student that had passed away from cancer. The faculty member informed those present that the student was taken to the emergency room by faculty two days before the start of classes, underwent surgery, and was found to have cancer. The faculty member continued, stating that it was faculty, not administration, that remained with the student and interacted with the student's family. They stated that administration was involved only once, when they informed faculty that, because the student had never attended class, her treatments would not be covered by health insurance. They continued, stating it was faculty who collected the money to bring the student's family to Kentucky to visit her before she passed away. They reminded those present that, with each story the President tells, there is a connection back to faculty, and that the President can stand tall because he stands on the shoulders of a world-class faculty. The faculty member stated concern that action on resolution CR1 would undermine the faculty that allow the President to stand so tall.

Faculty members agreed that Senate cannot wait until the March 18, 2024 Senate meeting to take action. Molly Blasing (AS) **moved** to call on the President to pause recommendations to the Board of Trustees until the President collaborates with the Senate Council and Senate to assess the function of the Senate and formulate recommendations. Akiko Takenaka (AS) **seconded**. Discussion occurred on the wording of the motion, and the Chair stated this vote would be to approve the motion as a draft, which would be revised as necessary by the Senate Council. A **vote** was taken, and the motion **passed** with none opposed or abstained.

3. Items from the Floor (Time Permitting)

No time remained for items.

The meeting was adjourned at 4:58pm to no objections.

Respectfully submitted by,

DeShana Collett

Prepared by Dori Grady on March 5, 2024

Senate Council members present: Hubie Ballard, Sandra Bastin, Molly Blasing, DeShana Collett, Jennifer Cramer, Olivia Davis, Cassie Gipson-Reichardt, Lizzy Hornung, Sami Jones, Doug Michael, Justin Nichols, Hollie Swanson, Kaveh Tagavi, Akiko Takenaka, Leslie Vincent