

SENATE COUNCIL MEETING

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February 14, 2011

3:00 P.M.

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W.T. YOUNG LIBRARY
LEXINGTON, KENTUCKY

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

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CHAIR: Good afternoon. We have a forum.
Welcome to our 2011 Senate meeting. We have
a full agenda, so let's get going.

Please give your name and
affiliation when you speak; communicate with
your constituency; attend meetings; respond
to emails and web postings as appropriate;
acknowledge and respect others; and silence
your cell phones and beepers. Thank you.

Minutes and Announcements. The
minutes from November 8 and December 13 are
available and in your handout. Can I have a
motion for approval?

GROSSMAN: Bob Grossman, Arts & Sciences.

So moved.

BRION: Second. Gail Brion, Engineering.

CHAIR: Upon hearing no objections, the
minutes are approved. Thank you.

A few announcements with respect to
our grades. Please send in our mid-term
grades; our spring break, in case you've
forgotten, is March 14th through 19th; dead
week, and remember we agreed that we would
have no examinations during dead week. It's
April 25th through 29th; and our finals week

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is May 2nd through 6th.

Congratulations to David Williams,
College of Ag. He has been awarded the 2011
Ken Freedman Outstanding Faculty Advisor.

Is David here? Congratulations.

So the students -- this is coming
from our student representative, have a
program for dead week and finals week that's
sponsored by Student Government, and they're
requesting faculty participation in these
activities that run from Wednesday through
Tuesday for tutoring and serving snacks, et
cetera and we'll try to keep you updated with
those. I know serving snacks is right up
there....

Also, from the students, Kyle wants
to remind us that Dance Blue is on February
18th and 19th. I included the link here.
Faculty volunteers are welcome. I told them
I can't stay up that late.

Founders Day is coming up February
22nd, at 4:00 p.m., Singletary Center Recital
Hall. The link is there. And as you recall
we are honoring a number of our faculty for
their achievements with respect to service
awards and teaching awards.

The Senate Council had breakfast
with President Todd in January and also, as I
told you in my letter, we had our first ever,
we think, meeting between the Senate Council
and the Chairman of the Board of Trustees,
Britt Brockman.

We have also sponsored a number of
chats that you probably have seen, and this
is in combination with the Staff Senate. Our
next one is Monday, the 21st, and Anthony
Beatty will be our speaker. It's at the King
Alumni House Ballroom Lounge.

The Senate Council is also involved
in the incenti -- incentivized retirement
program. As of today we have 30 faculty who
have signed up. What we did request, though,
from the Provost is that the one week -- that
this particular plan has a very short
turnaround and so we're working on improving
that process so we can give our input a
little bit earlier.

The Coalition of Senate and Faculty
Leaders, this is a statewide organization
although leaders come from different
universities. We approved the resolution
asking the CPE to retain flexibility if
guidelines are established for tuition
prices. So we went ahead and forwarded that
on to Bob King two weeks ago.

A reminder that we'll have a
faculty trustee election. It will be held in
mid-April. This is the seat currently held
by Everett McCorvey. The term will begin
July 1, and last for three years. So if
you're interested, please keep that in mind.

We have been thinking quite a bit
about Gen Ed implementation, and with that we

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have approved an expedited program change. We, at the Senate Council, voted without objection to waive Senate Rules 3.2.0 for the narrow purpose of allowing the degree programs to convert from the old University Studies Program requirements to the new Gen Ed requirements. So please look at that form. Expedited program changes; all college approvals remain the same; the Undergraduate Program will review and send to Office of the Senate Council, and then Office of the Senate Council will review them and send directly to the Registrar's Office. And so that's the process that we adopted. It will not require Senate web transmittal.

A bit more progress. As you recall, when we started our Senate season in September, one of our goals was to enhance the voice of the faculty, and so towards that end I'm pleased to report a couple of items of progress.

As I mentioned, we've established contact with the Board of Trustee Chair and we will be meeting on a regular basis, so our next meeting will be next week.

Our report from the Senate's Academic Facilities Committee, capital building priorities, John Rawls is chair of that. Where is John? A fabulous job to those -- to the committee.

So the Committee first presented the outline of their plan on the 31st of January. We approved their plan and forwarded it to the Provost, and the Provost responded by, first, giving the committee a lot of credit for the effort that they put into it.

And we recognize that this is the first time this committee has met and really looked over these plans and so it's a huge learning effort for them. And so we'll make some changes next year, and the most significant change will be getting the faculty input a little bit earlier in the process. But one of the things that was recognized was how well it improved the process, that we could put that academic perspective on our building priorities.

And, also, just a reminder that the Provost has solicited cost-savings and revenue-generating ideas from the Senate Council and we post the comments to the Provost each month.

Our vice-chair report. Debra

Anderson.

ANDERSON:

Good afternoon. I just have a brief announcement that I wanted to bring to you, some information about the document handling system. I know that that's a concern of all of ours, that we have -- want to have an efficient process with which to get documents for course approval and program approval through the system.

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So I'm going to let you know that currently IT is working with research to get research proposals through in a -- in a quick manner and we're going to use a similar process if at all possible, and hopefully we will be able to have that in place by August.

The kinds of things that this particular program has is that it's template based so if you have a course that you want to develop, you would simply go to myUK and you would be able to bring up a document that is strictly for course development and you would enter information, you would be able to go to the next step until everything is in correctly, you would be able to see the progress of the document as it goes along, so it's a real positive process and it's one that I think that we'll all appreciate because it'll move things through the system a lot -- a lot more quickly.

We're going to look at it more carefully with IT in March and in April I should be able to come back and give you additional information specific to the curriculum document handling system.

CHAIR:

Thank you, Debra. And if everything goes well we're hoping perhaps we can take it for a test drive over the summer, perhaps. That's our goal.

One other thing I'd like to mention for all of the chairs of our committees is that I will be sending you an e-mail and reminding you that on April 13 what we're planning is a perspective of the University from the faculty, and so I'll be asking you to think about your charges, your committees, look at your priorities and your topics and perhaps even do a SWOT, strengths, weaknesses, opportunities and threats.

So be thinking about that, and I'll -- I'll send a follow-up email on that.

Kate?

SEAGO:

Just building on the reports I've given in the past -- talked about what a parliamentary move for a motion is. Once you have a motion, what happens? After a motion has been made, generally, a debate on the motion begins and continues until a member calls the question or the chair, seeing no else wants to speak, puts the question to the assembly. In other words, then the vote is taken.

Debate can be very narrow and defined as discussion of the merits of the motion. In general, the person making the motion has the option to speak first, and then the chair recognizes each speaker and generally, hopefully what we do is each person has a chance to speak and then if that person wants to speak again, they can go. But you try and get each new speaker in first, as a rule.

And I'm sure all of you know this,

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basically, it comes down to play nicely with others.

One of the things that does happen, if somebody -- if a motion is introduced somebody wants to know more about, and that is actually a specific thing outlined in Robert's Rules called a point of information. You direct the question actually to the chair technically, and request the chair for information relevant to the business at hand, but this is not parliamentary procedure; point of information is information about the motion.

The chair then requests the information be provided by the appropriate person or respond if they're the appropriate person.

Request can also be made for information from the current speaker but, again, you approach the chair first asking the question and that's how that is handled.

There is also a way to do -- if you have information about -- if you want to ask about parliamentarian procedure during a debate, which is a point of order, any member of the assembly can indicate to the chair they wish to raise a point of order. That actually interrupts the debate until the point of order is satisfied.

This would be a question concerning the Senate rules or the Robert's Rules of Order, the procedure that we're following.

Points of order generally should be raised as soon as somebody has a concern and, like I said, they can stop business until we have an answer.

There are a couple of spots in Robert's Rules that allow for a little bit wiggle room, you know, what are outlined as very hard and -- initially, was very hard and fast. At the discretion of the chair, there is ability to clarify a question or there can be a -- a very brief consultation if somebody's trying to formulate a motion and trying to get language correct or what's appropriate. Try and keep those as brief as possible, and if it looks like it's going to take a length of time, obviously, the thing to do is to bring it to the next meeting.

CHAIR:

Thank you Professor Seago.

Our next item is our Trustee

Report. Joe Peek?

PEEK:

We have an upcoming meeting on the 22nd. I haven't seen the agenda yet. I know of a couple of items that'll be in the committee meeting because I've been involved with them.

The University Relations Committee headed by Pam May, who has been very good about trying to open up the Board of Trustees meetings, we're going to talk about the GR Regulation that comes up later in this meeting.

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And another concern that's been brought to me by some faculty has to do with security. So we're going to start a little bit of a discussion about security. In many of the rooms there are signs posted, you know, in case of a problem or a shooter, you know, lock the door from the inside, barricade the door and the doors have no locks or there is a lock on the outside that you don't have a key to. But then you'd be outside, so you'd be out there with the shooter.

So the point is I don't think we have a bigger picture plan about this, and we really should be thinking about it. It's a very low probability event, with a very large negative payoff. And so the idea that we're not spending enough time thinking about it is, I think, problematic and so there's just going to be a general discussion to sort of say, how should we think about it, who should we be talking to.

I talked to someone in the police department who is actually very well informed and said, U of L and many other universities have certain things in place. Any time you build a new building, for example, there are certain standards that must be met in terms of security.

So things are being done elsewhere and we're sort of saying, you know, I don't think we have to invent a lot of things. We just have to get on board fairly soon. So that's just sort of a beginning discussion.

In the Academic Affairs Committee, Mike Mullen is going to come and talk about the Honors Program. That's something I care about and so I suggested that he come and talk about what's going on there in terms of enhancing that program.

The presidential search is going on, but Lee is going to talk about that in a couple of minutes. A lot of stuff has been in the newspapers.

I don't want to shock you, but I have strong opinions about some things and I personally -- I personally disagree with the way the Early Retirement Program is implemented for a lot of reasons. One is I believe the rules are that it should have gone before the Board of Trustees; it didn't.

I believe it was not well thought out, and I think there's going to be some money thrown away that we really don't have to throw away. We have other uses for that money. We can think about faculty salaries. You can also think about infrastructure needs. We have lots of needs. And the other thing, of course, was, you know, the news about Mitch Barnhart having an extension to his contract.

I don't want to make a judgment about whether he has or has not done a good

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job. I don't believe that's the issue really. The issue is, you know, does the president have the authority to, you know, grant a new contract to a high level person. I -- and I personally don't think so.

So I don't know, so do you -- I mean, make it more effective rather than me babbling on, if anyone has any questions?

Yes.

NADEL: Alan Nadel, A&S. In this discussion about security, would it be possible to ask the trustees to take a stand on the legislation that's working its way through the assembly allowing students to carry guns on campus?

PEEK: Okay. Yeah, all right, so that's something in that meeting --

NADEL: Do you know what I'm talk -- basically, there's a law that says if you're a licensed gun holder, why not here, and this law will -- is in some stage in the -- in the assembly --

PEEK: Yeah.

NADEL: -- and it will -- if it passes will go to the Governor, and I would hope that the University and the trustees will urge that it not pass or it will put a big spin on grade appeals.

PEEK: Yeah. No, I -- I think this has -- this hasn't been thought of. There are -- there has been legislation, my understanding is, in other states.

NADEL: They're all pend -- I don't know the specifics --

PEEK: well, they'll -- they go in the other direction.

NADEL: well, no, no. There are 11 states that are affirming the 2nd Amendment in this way. I don't know that any of them have been passed and signed --

PEEK: Right.

NADEL: -- by the (unintelligible) who has said if it makes it to his desk, he is signing, so I -- I don't -- hope it wouldn't come to that.

PEEK: Yeah. Okay. Thanks. Any other questions or comments?

CHAIR: Okay. Thanks. Our update on the Presidential Search Committee? Lee Meyers.

MEYER: Good afternoon, everyone. I'm going to report for -- there's four-faculty members on the Search Committee, Hollie and Shelly Steiner and myself, and Everett McCorvey was appointed from the Board of Trustees.

I'll be glad -- what I want to do is take sort of the middle road. A lot of you know a lot about this already so I don't want to be repetitious. Feel free to ask me questions if I don't cover something that you think that I should have.

You know we're working with

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Greenwood/Asher, a search consultant, and after some time of working with them I think we have a pretty comfortable relationship with them. They have been a good source of information, and I think they're turning out to be a good partner.

Our last meeting was January 28th, and some things have happened there. We affirmed the top 20 business plan, and they came to us and asked about its role in the search and that is a legislative mandate and so there's really very little discussion about that; that's marching orders for us.

We talked about a few elements of the position description, and some things like a photo of our candidates, with a medical -- medical center or medical complex experience we felt would be an asset.

None of these things did we feel were an absolute requirement because there's going to be lots of balancing of attributes, and we reaffirmed the need for strong academic credentials and this body has talked about that in the past and so glad that we were able to talk about that.

Right now there's a draft position description that's being circulated that I think will be finalized probably in the next few days, Hollie. I assume that we will affirm that formally at the February 28th meeting and then that will be available on the website up here and that gives guidance to the whole selection process. So that's an important document.

One of the things that has been very important has been the discussion on confidentiality, and we -- and I think -- certainly, personally I feel -- I've come to a reluctant acceptance that that's the state of affairs right now; that it's not practical to have a completely open and transparent process given the way positions are handled at the top level.

The way we're -- the process that we're going to do -- well, let me just run through the process. Where we are, we're beginning -- we're receiving applications right now. We're beginning the review process of those applications. And one thing we want you to know is the Search Committee has taken a very -- a very strong position that we will do all the sorting. We will not delegate that responsibility to Greenwood/Asher, and so what that means is that we've got a lot of reading to do. We've got a lot of candidates. There's a secure web site set up and what we're doing is we have access, then, to letters of applications, CVs, their references, and so that's going to be our starting point.

So where we go from here is next week at the February 23rd meeting we'll begin the process of winnowing back down to, we'll

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just say, a group of 10 to 20 semi-finalists.
At that point we'll do more detailed
referencing and out of that group, select a
group to the off-site interviews.

So that's how things are lining up
right now. Then after that then the -- then
we narrow the process to three to five
finalists. The Search Committee will provide
information, our analysis and that kind of
information to the Board of Trustees.

The ideal situation is that that
small number of finalists accept an open
search process, and so we decided at the last
meeting that we would ask them if they would
accept an open search process. If so, that
last part will be public. But if any one of
them feels the need to maintain
confidentiality, then we will respect
confidentiality for the whole group.

At that point this information is
given to the Board of Trustees, the Board
selects a preferred candidate. Before a
decision is made, though, that candidate will
be brought to campus and visit with the
campus community. If that goes well, then
the Board will make an offer to that
candidate. If that does not go well, then we
go back to candidate two and iterate through
the process.

So that's the basic overview. I
think I've covered most of the important
points. Are there any questions?

GROSSMAN:

Bob Grossman, A&S.
what would constitute a campus
appearance not going well? How will -- how
will that be decided whether that --

CHAIR:

We have the --

MEYER:

If the candidate survives. We did
really not talk about how that would be
handled.

GROSSMAN:

I'm just wondering how it will be
judged. I mean, how badly does the candidate
have to do before they no longer become the
preferred candidate? Is the bar set high or
low or what? Who's going to know?

MEYER:

At this point I really don't know
either. We are -- as we discuss the elements
we are -- we'll get some advice and how to
sort that. I think what all the Search
Committee people are doing right now is we've
taken the elements of the position
description and created our sort of own
sorting system to decide how we get down to
that first set of candidates. So I think as
we go through that process, we'll develop on
how to handle that next step.

YANARELLA:

Ernie Yanarella, Arts & Sciences.
Lee, how -- how will the faculty be
able to register their views on a particular
candidate or if we are so fortunate on the
number of candidates and how will that
information be collected and to whom will
that go?

MEYER: Ernie, I think that's part of that -- that iterative process. What we're engaged in at this point is representative democracy with the Search Committee representing the faculty. The faculty will have -- will not have direct input from now until we bring that preferred candidate in.

YANARELLA: That's what I'm asking about. At the point where a candidate is brought in, do you have a process in mind on how we faculty will be able to register our views?

CHAIR: I think what we'll have to do is take up that issue at Senate Council and bring it back to this body and entertain some ideas of how to best do that.

YANARELLA: Thank you.

MEYER: I think that would be a good thing to discuss with Greenwood/Asher too at our next meeting. So....

FINKEL: Raphael Finkel, College of Engineering.
Do I understand correctly that you are shortly to finalize the position description but still you've already gotten applications?

MEYER: Yes. Joe before said, personal opinion. This is Lee's personal opinion, is that we could really say: Wanted, president for a major land grant, public research university, you know what's required of that position and there's nothing really unique in the position. I think it reaffirms, the position description, elements that we all think are important and it's a way of communicating that to prospective candidates. One -- the third point on the personal characteristics says, a record of scholarly achievement and understanding of the importance of collab -- and -- a record of scholarly achievement and understanding of the importance of collaboration and shared governance.
You know, that's specifically in the position description. So, I think it's as much to communicate with candidates through the process as it is to solicit candidates.

NADEL: You -- you indicated that when you get to that short list of three to five people, any one of them can have veto power on whether it's an open search. Will you ask each of them if -- anyone who wishes to exercise that veto power why and will those reasons be taken into account in evaluating their suitability for the job?
I -- I think -- I mean, anybody who is ashamed of having it known that they're a finalist for this position raises doubts in my mind about their suitability and they may have a good reason --

MEYER: If they make a case --

NADEL: -- but -- but --

MEYER: -- (unintelligible) --

NADEL: -- ask the question first --
MEYER: Right.
NADEL: -- (unintelligible)
MEYER: Right. If they say I -- you know,
I believe in transparency but I don't want to
be transparent now, you wonder. And if they
follow-up --
NADEL: It would be --
MEYER: -- (unintelligible) about their
(unintelligible) we could understand that.
NADEL: Right. My point is it seems the
committee would have to ask them to have some
compelling reasons why not to make this open
or their -- and if they don't provide
compelling reasons, to think that they might
not be the best for the finalists.
MEYER: Other comments or observations?
We will keep you informed. Check
the web site. Thank you.
CHAIR: Thank you. The next item on our
agenda is our committee reports. So the
first is the Senate's Academic Programs
Committee, Professor Dan Wermeling.
WERMELING: Good afternoon all. I only have a
few.
The first one is to suspend a minor
in agriculture. We have some, I guess, what
I would call housekeeping sort of things
where we have some programs that are being
discontinued and aren't really a utility any
more for the department. Some of them do not
have students currently in them and they
don't anticipate enrollment.
So this is a motion, then, to
approve the suspension of the minor in
agriculture effective Fall of '11, this year.
So I guess that calls for a vote, then; is
that correct?
CHAIR: You've made the motion. It's open
for debate. Anybody?
FINKEL: Raphael Finkel, College of
Engineering.
I notice that for one of the four
that we're going to see it's a deletion, and
the others are suspensions. Why do you
justify a suspension here instead of a
deletion?
WERMELING: I don't justify it. I just look at
the requests.
FINKEL: Well, let's talk about it.
Shouldn't a deletion be better?
WERMELING: I don't know. I don't know the
rules for that.
BROTHERS: Which one do you think is deleted?
It's my understanding they're all
suspensions.
CHAIR: They should all be suspensions.
FINKEL: The last one, although it's called
proposed suspension, if you look at the
detailed PDF, they even checked deletion, not
suspension.
WERMELING: Somebody who knows the rules can
answer.

BLACKWELL: Jeannine Blackwell, Associate Provost for Academic Administration.
They're specifically working on us getting our language to be uniform about this kind of action that we're taking, and we are recommending -- Bob Grossman keep me straight on this, that we use the term suspension, going forward.
What happened in SAP, it's the same thing; and that is, no programs ever really, really ever die. They're just taken off the books, and out of the public realm. But we keep those programs in place for the odd student who returns later if they are able to finish that degree. So nothing ever really dies here, but it goes into dormancy (unintelligible) report CPE that way.
So the language that people have been using is improvised and we're hoping to have better definitions very shortly.

GROSSMAN: It's like freezing a corpse cryogenically.

WERMELING: So moved.

CHAIR: Do you have any arguments in favor of the motion or -- or against?
Are we ready to vote? All in favor; opposed; abstain?
Motion carries. Thank you.

WERMELING: Okay. The next one.
Okay. This is a new -- a proposal for a new program. This is a graduate certificate in teaching nursing. I kind of look at it as training the trainer to put it in about four words.
There's a national shortage and state shortage for having nurses and nurses at various levels, and this program is intended to allow nurses from around the state to take a certificate program with a standard number of course hours and some practicum experience in training, and part of that is taking place here on campus for about three days -- three full days on campus, and then they will be able to go back to their home centers and be able to raise the level of education and training of the nurses in their home care facility.
And so the committee reviewed this favorably and made a recommendation to approve the proposed graduate certificate in teaching nursing effective Fall of '11.

CHAIR: We have a motion on the floor.
It's open for debate. Would anybody like to speak in favor of the motion? Opposed?
Are we ready to vote? All in favor; opposed; abstain?
Motion carries. Thank you.

WERMELING: This is a suspension, so now we're using the same words, to suspend the MS in civil engineering. The proponent of this was explained in the application that the training program that they use in this area had evolved beyond this particular degree

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offering and so they're wanting to basically
defer to this other track that they have in
this one so this one will no longer have
utility for the program, as I understand it,
so their request is to suspend.

So the Senate Committee voted to
approve the proposed suspension of the
Master's in civil engineering effective in
the Fall of '11.

CHAIR: We have a motion on the floor.
Would anybody like to speak in favor of the
motion? Opposed?

WOOD: Just point of information, I
believe that the proposal is to suspend a
Master of Civil Engineering, not the Master
of Science in Civil Engineering?

WERMELING: Okay. So the wording needs to be
fixed so that it's not the MS, it's the
Master's in Civil Engineering.

UNIDENTIFIED: The motion is right.

UNIDENTIFIED: Motion's right.

WERMELING: The motion's right, but the title
has an extra "S".

UNIDENTIFIED: Yeah.

WERMELING: Okay.

CHAIR: Anybody opposed to the motion.
We're ready to vote? Okay. All in favor?

Opposed? Abstain?

WERMELING: Motion carries. Thank you.
This one was brought to us by Dr.
Shapiro in the Education School because
nobody has used this for 15 years. So he
came to explain this to us in Senate Council
and so we said, fine, that's great, we'll
vote the same way and accept this nomination
because they don't -- he couldn't even tell
us what Distributive Education means, and so
that was a good enough explanation for me.

So the motion is from the committee
that voted unanimously to approve the
proposed suspension of the Master of Arts in
Distributive Education effective Fall of '11.

CHAIR: We have a motion on the floor?

Does anybody want to favor the motion?
Opposed? We're ready to vote.

All in favor? Opposed? Abstain?
Motion carries. Thank you.

Our next committee report is the
Senate's Admission & Academic Standards
Committee, Professor Alison Davis.

DAVIS: Good afternoon. We were asked to
review the introduction of an undergraduate
certificate. It's been in the works, I
guess, since about 2002 -- no -- from a few
years now; is that right, changeover in the
committee. It came back to us, and the
committee has reviewed it, you all have seen
a copy of it several times, I believe, so the
motion from the committee was to approve the
creation of undergraduate certificates
effective Fall 2011.

CHAIR: We have a motion on the floor.
Does anybody want speak in favor of the

motion?

FINKEL: This is a question about the motion, neither in favor nor against. I've been asked by of my constituents to ask why does the certificate require cross-disciplinary nature? Is there any reason why a certificate can't be completely in the department?

DAVIS: I can answer that but I think Mike has a much better answer rehearsed and ready to go.

MULLEN: I'm not sure it's rehearsed. The thinking, at least as it evolved through the last year's iteration was that minors are oftentimes thought of being as in the discipline and -- and what we have seen by looking at other schools is that most certificate programs tend to be interdisciplinary in nature. There is some wiggle room on that in terms of the way we see things and, in fact, some of the minors that we currently have would be certificates at other -- at other schools as well.

So the goal there was to essentially have a program that -- that pushed a student to have something outside of their own narrow discipline to bring another perspective into that. That was the thinking on at least that particular proposal.

CHAIR: Other questions?

JONES: I have a point of information. To sort of elaborate on what Mike was saying. The Senate Council has accepted his offer that the undergraduate counsel further do some educational policy gestation on what is the difference or what can be the distinction between minor and certificate at some point, then come back and (inaudible)....

MULLEN: Absolutely.

CHAIR: Anything else?

MULLEN: I think we can also -- it -- it's interesting to note that we have no official vehicle for certificate at this time, but I just did a random, kind of a sampling across campus and I know of at least ten programs that are already offering undergraduate certificates but they're informal and they don't show up on a transcript and we don't provide anything other than perhaps something we print in our own departments to provide to these students. And so this is -- this is our attempt to get to a point where we actually formalize this and allow those programs that are already working as certificate and others who are gestating through (unintelligible) transcript about a year on a geographic information systems program to -- to move forward and have this actually show up on a student's transcript in the future. So I just wanted to throw that in as another reason why we should do this.

CHAIR: Anything else? Okay. Let's go ahead and vote. All in favor. Opposed.

Abstain. Motion carries.

Thank you.

Associate Provost Jeannine

Blackwell will unveil our Honorary Degree list. Dr. Blackwell?

BLACKWELL:

Thank you.

It's that time of year where I implore you all to keep this information confidential until it has been ratified by the Board of Trustees and that is when the information becomes public. They do that out of consideration for other candidates and for the integrity of the process, if you will.

So first I would like to thank the members of University Joint Committee on Honorary Degrees, and they are listed here. You'll see some familiar names. Several are the heart of the University Senate, and we have representatives on this committee; the Board of Trustees does as well.

The three Honorary nominees this year brought forward from the Joint Committee are Robert M. Drake, Pearse Lyons and Al Smith.

Robert Drake received his BS in Chemical Engineering from the University of Kentucky; and then went on to study at Berkley; became the Chair of Mechanical Engineering at Princeton; the Dean of the College of Engineering at UK, from '66 to '71; and is a fellow of the American Society of Engineers.

He served as an engineer during World War II; was a pioneer of the field of heat transfer and wrote one of the most cited works in his discipline; member of the National Academy, and various honors here at the University. He's the co-founder of Projectron in 1981, a Lexington-based company that produce cathode ray tubes for light simulation industry.

The second nominee, Pearse Lyons has a Bachelor's Degree from National University of Ireland in Dublin; Master's and Doctoral degree from the University of Birmingham; Founder and president of Alltech, Incorporated, here in Nicholasville; recipient of the Entrepreneur of the Year Award in 1993; one of the top 15 Irish-American Scientist this year.

He has won several state and national awards for the University of Kentucky.

He began and created the Alltech Opera Scholarship Competition and Alltech Margin of Excellence program here at the University. Of course is a leader at one of the top 100 fastest growing high tech companies.

He's also (unintelligible) humanitarian effort in collaboration with some of our own programs here at the University establishing a school in the

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Haitian, and the Haitian Children's Choir
who were here to -- for the World Equestrian
Games and he was a visionary who helped the
Games here to Lexington, with a large team,
including from our University.

The third nominee is Al Smith with
a Bachelor's Degree from Vanderbilt. The
host of KET's Comment on Kentucky for 33
years. He's the Founding Director of the
Governor's Scholars Program; was federal co-
chair of the Appalachian Regional Commission;
he was a Co-Founder of the Institute for
Rural Journalism and Community Issues here at
UK; and he also is one of the Co-Founders of
Pritchard Commission; and here is a list of
things, committees and activities that he's
been involved in here at the University or in
the Commonwealth of Kentucky. And he has
been working annually for fund raising in the
Arts and continues to be active the
community.

The nominations -- and this is part
of the technical difficulties that we had at
the beginning. Sheila, maybe you can help me
remember which degrees go to which people.
Pearse Lyons, astonishingly enough, the
Doctor of Letters; Al Smith, the Doctor of
Letters, and Robert Drake, the Doctor of
Engineering Honorary Degrees.

CHAIR: Davy, could you help us craft a
motion, please?

JONES: I move that the elected faculty
senators of the senate approve the forwarding
of these three nominees to the Board of
Trustees.

CHAIR: Can we have a second?

GROSSMAN: Bob Grossman, Arts & Sciences.

Second.

CHAIR: Would anybody like to vote -- or to
comment in favor of the motion? Opposed to
the motion?

All right. We're ready to vote.
All in favor. Opposed. Abstain. Motion
carries. Thank you.

The next item on our agenda is the
proposed change to Senate Rules pertaining to
Honorary Degrees. And so Davy will come up
here but I wanted to give you just a few
moments of introduction.

If you remember back last year when
we approved the December commencement, a
question posed to us, would we as a body
consider extending that number of Honorary
Degrees. And the idea was that in this way
we could elevate the status of the -- of the
December commencement that would be on par
with the May commencement.

And so in considering that idea
then we asked, well, what do our benchmarks
do because one of our concerns was that we
wouldn't want to give too many and cheapen
the degree. And so we went back and forth,
and we came up with number five. A nice

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round number.

And so this -- this consideration, I think we first started to entertain the policy change in probably our retreat and we decided we were retreating, do we want to look at policy changes, and it so it took a while to get through our discussion.

Davy, would you like to further clarify?

JONES:

Just very briefly, the -- as she described, the idea came up for these changes here, up to five in May or December, and so the -- the idea was to identify what language change in the Senate Rules would accomplish that without inadvertently detracting from the authority that the elected faculty senators have over the Honorary Degree system pursuant to the state law.

So I worked with Senate Council very closely here, and the language that you have in your pamphlet -- those of you who know me, know my radar was very high on this thing. There -- this is safe as far as faculty governance is -- is concerned. These changes do not otherwise tinker with anything else in our authority over Honorary Degrees.

And so I guess there's one additional nuance that's not listed up there and that is a provision that Senate Council thought if we're going up to five so as to allow the two commencements be involved, the rules -- the proposal say not more than four at any one commencement. And so there's plenty distribution among that, but not more than four at any one commencement.

These are points the Senate is free to amend if it wants but these are the recommendations that have come out of the Senate Council.

BLACKWELL: (Unintelligible) off-cycle conferral?

JONES:

I'd say this is -- this is something that was already in the Rules. It could be done if the elected faculty senators approve it and I guess it's been enhanced further in the language; that is, we typically try to get the recipients to attend the commencement, but there are situations that arise in which it might be -- there can be all kinds of meritorious reasons why the person should come at a different time in order to receive the Honorary Degree. The Senate Rules provide that that can be done if the elected faculty senators agree to that, but that has to be part of the specific proposal that's coming up relating to the degree, the person's going to get it, but not at a commencement at some place (unintelligible) time, they'll be a justification for it and those ad hoc circumstances can be approved for that individual. The elaboration of that contingency is now enhanced in the revised

Rules.

CHAIR: Oops, okay. I thought the motion was stated up there. Do we have -- I need to ask for a motion from the floor then.

JONES: I move that the elected Faculty Senators approve the proposed changes in the Senate Rules on Honorary Degrees.

CHAIR: Is there a second?

WASILKOWSKI: Second. Wasilkowski, Engineering.

CHAIR: Okay. Bob?

GROSSMAN: Bob Grossman, Arts & Sciences.

The -- when the Senate Council passed -- recommended this to the Senate there was a timing added to the question of when it would come into affect, added to the motion. Can you comment on that.

CHAIR: I think the timing on it was effective immediately. So we have a motion on the floor. Would anybody like to speak in favor of the motion? Would anybody like to speak against the motion?

KLIN: Mark Kline, College of Agriculture. What is the value to the University of Kentucky to have many more Honorary Degrees awarded? Why not simply parse it out two in one term, one in another? Because if it is indeed an honor to obtain one from the University of Kentucky, in my opinion it should be less rather than more.

CHAIR: That's a fair question.

BLACKWELL: Benchmarks.

CHAIR: So the answer to that is that many of our benchmarks do that. I think the other answer would be it gives us more flexibility to bring in more people of stature.

JONES: Davy? Davy Jones, Toxicology. I want to point out, we're not obligated to --

CHAIR: No.

JONES: -- identify five.

CHAIR: No. We are not, no.

GROSSMAN: To address -- it's my understanding of the discussions, many of our benchmarks give many more than five. Five was the minimum among our benchmarks; is that correct?

CHAIR: I believe so.

GROSSMAN: I see some nodding over here. So we were out of line from our benchmarks?

CHAIR: Correct.

MEYER: Lee Meyer, College of Agriculture. My feeling is that we benefit more from these relationships with these high profile people than they actually do and so having five gives us more opportunities.

CHAIR: Would anybody else like to comment?

YANARELLA: I'll just say one word of caution. I think five is a good number for us to continue for a period of time. I would -- I would raise some concerns if we immediately went to -- if we over a short period to 10 or

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even 15.

One of the aspects about these Senate Rules regarding Honorary Degrees is that not too long ago we put into place a new procedure that enhanced the role of the faculty in this process to ensure that those individuals who became recipients had the kind of academic credentials that we as faculty would like to see be the case.

My concerns if we were go to -- too early to 10 or 15 that we -- we might begin to see the encroachment of political figures who are simply looking to -- to expand their -- their resume and have listed on it such Honorary Degrees. I think we want to avoid that.

CHAIR:

Okay. Further comments? All right. We're ready to vote then. All in favor of the motion? Opposed? Two nays. Abstain? Motion carries. Thank you.

BLACKWELL:

You can see that it is not January 31st (unintelligible) part of the technical difficulties. Again, this is -- these are the members of the University Joint Committee on Honorary Degrees.

And in our deliberations, because the new Senate Rule was not yet in effect, the Honorary Degrees Committee had identified five candidates that we thought should go forward as nomin -- as nominees. At that time, operating under the old rules, we put forward three.

And for the other two candidates, we began a discussion about what kind of proper honor could we bestow upon these people, and -- because we now have just passed this change in the Rules, I want to bring you those two candidates.

We did a lay poll with the Joint Committee, showed unanimous support of bringing these two nominees forward for your consideration. They are Barbara Hogan and Ahmed Kathrada.

Barbara Hogan received her degree from the University of Witwatersrand in developmental studies; she was a member -- an early member of the African National Congress, the South African Parliament, the Amandla Aids Fund Advisory Board; she was the Minister of Health of South Africa from 2008 until 2009; the Minister of Public Enterprise for '9-'10 and listed as one of the 100 Most Influential People in the world by Time Magazine. An activist involved in the anti-Apartheid movement of South Africa; she has worked diligently in her governmental roles and leadership and policy-making roles.

She helped end apartheid, and part of that service involved being sentenced to ten years in prison and her release then in 1990. She has been a public health advocate on treatment of Aids and as the Minister of Health transformed South Africa's response to

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the Aids crisis.

The second nominee is Ahmed Kathrada, Bachelor's Degree in history, criminology and library science, and a founding member of the Transvaal Indian Youth Congress; elected to South African Parliament and counselor -- close counselor to President Nelson Mandela.

He's the executive of the Nelson Mandela Foundation Board; Freedom Park board member, presidential advisory council for awards board; and just recently his memoirs are published by the University of Kentucky Press, under the title, No Bread for Mandela: Memoirs of Ahmed Kathrada, Prisoner No. 468/64.

Also a human rights activist, and leader in organizing the campaigns against apartheid; a political leader who helped build a democratic South Africa; elected to the National Executive Committee and headed Public Relations Department of the ANC.

Closely advised President Mandela during the transition to democracy and he continues to work on these issues, and also has been a leader in changing Robben Island Prison into a World Heritage site. He is also a member of the Nelson Mandela Foundation.

And so these two nominees have been put forward by the Joint Committee for your consideration, and this comes with a positive recommendation from the Senate Council.

CHAIR: All right. Could we have a motion?
JONES: Davy Jones, Toxicology.

Move that the elected faculty senators approve forwarding of these two names to the Board of Trustees for the conferral of Honorary Degree.

CHAIR: Thank you.
JONES: And I didn't hear, did we give the names of the Honorary Degrees --

BLACKWELL: It's a Doctor of Letter.

CHAIR: Both Doctors of Letter. Thank you.
Do we have a second?

GROSSMAN: Bob Grossman, Arts & Sciences.

CHAIR: Second.
All right. would anybody like to speak in favor of the motion?

GROSSMAN: Yes, I -- as you could tell -- I mean, I seconded it, I'm in favor of it, but also I understand that these two individuals will be on campus but not for commencement? That's right.

CHAIR: Also, I would like to offer a friendly amendment that if the Senate approves these nominations it is also approving that these degrees be conferred at a time other than the commencement.

CHAIR: Right. Do we have to vote on the amendment?

SEAGO: If it's a friendly amendment and is accepted by Davy, we can bundle the two

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together.

CHAIR: Davy, we have a friendly amendment,
do accept it?

JONES: I accept that as a friendly
amendment.

CHAIR: Thank you. All right. So before
we vote, could you repeat the motion?

JONES: Move that elected faculty Senators
approve submission of these names to the
Board of Trustees for the conferral of
Honorary Degrees at an occasion other than --

CHAIR: Does it have to be a specific date?

UNIDENTIFIED: April 13th.

CHAIR: April 13th.

JONES: -- April 13th.

CHAIR: would anybody like to speak in
favor of the motion?

FINKEL: I'd like to see what the names are
again, please.

BLACKWELL: Barbara Hogan and Ahmed Kathrada.

FINKEL: Raphael Finkel, College of
Engineering.

I'd like to point out that Barbara
Hogan and Ahmed Kathrada, according to
wikipedia, are partners. Does this cause a
problem?

BLACKWELL: No.

NADEL: To them?

CHAIR: Apparently not.

KORNBLUH: Mark Kornbluh, Arts & Sciences.
This was scheduled for the middle
of April so that students could be involved
in their visit. Arts & Sciences has had a
whole year program called Kentucky & South
Africa: Different Lands, Common Ground, and
their visit here is the climax of that;
involved many people over the course of the
year.

CHAIR: Thank you.

GROSSMAN: If I can comment on the question of
whether they're being partners makes a
difference, I think we need to evaluate each
person on their own merits regardless of
their relationship, and I think in this case
both people rise to the level of deserving
Honorary Degrees.

CHAIR: Additional comments?
Are we ready to vote? All in
favor? Opposed? Abstain. Motion carries.
Thank you.

The seventh item on our agenda are
the proposed changes to Governing Regulations
II, Professor and BOT Faculty Trustee, Joe
Peek.

PEEK: This is something that was
considered before. It was an AR instead of a
GR. It was felt that it was more appropriate
to be a governing regulation. One difference
is that it will have to go through two
readings at the Board of Trustees rather than
one, so I hope that the first reading will be
accomplished at the forthcoming meeting.
There's not a lot of differences.

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The idea was to streamline it, and make it a little more straightforward. I wanted to -- you know, what is included is the entire kind of reg -- regulation is now in the GR. One thing that came up in the Senate Council was the issue having to do with membership, which is sort of a side issue, but there is a different state law about proportional representation by political parties, and so supposedly that's supposed to be -- has gotten out of whack and has to get back in proportion.

And so I was asked to ask about that, and I have. I've asked Barbara Jones about that. She said she'd have to check into it and get back to me to see just what's happening on that. That's sort of a side issue, but it is part of this regulation; requirement of the regulation.

In terms of the changes, one change had to do with, as I said, the GR instead of an AR. Another one is that before we it written that if your petition was rejected you could ask for a written response, that's been taken out and the reason is because it's short of meaningless because it's pretending that we're responsive because all you would get is a form letter that said: You are rejected because it wasn't relevant or pertinent or whatever.

So in a sense, why pretend that you're going to be responsive if -- there's not going to be information conveyed. The other thing I think is important, is there's an emphasis in here now to highlight the role the committees play. So this -- this was really about petitioning to speak to the full Board of Trustees.

But now there's an emphasis on the role of the committees where most of the work -- or much of the work is done, and it's making clear that as a faculty member or student or someone in the university community, you can contact -- directly contact a committee chair and say: I've got something that's relevant here that I think should be discussed. And so you can go directly, without going through this petitioning -- this formal petitioning process, you can go through a more informal process and go directly to a committee chair, you know, whichever committee you believe is relevant, and ask, you know, can -- you know, may -- may I speak at that committee meeting and, you know, it will depend on who the chair is but I think many of the committee chairs will be amenable to that.

So, I think it clarifies that; it's something that's always been the case but I think it wasn't well-known, and so I think, you know, clarifying that probably helps.

Another thing is, in the prior -- the AR, we had numerical limits on how many

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could speak at any given meeting and timed them, those explicit limits have now been removed, so it's left to the discretion of the chair of the Board of Trustees or the chair -- or the committee chair.

The idea here is we have to be able to conduct business. The meeting can't go on for days, and so to get this passed by the Board of Trustees they're going to have to believe that we can have a meeting that doesn't go on and on and on.

And so, you know, we used -- you know, the idea is let's make it reasonable so that we can still, you know, get our business completed.

I think -- I think that pretty much summarizes it although one thing that came out of this meeting last time was what if the agenda changes. We've already moved the announcement, you know, to the public on the agenda for the upcoming meeting has already been moved forward a couple of days and then it's going to be moved three days -- one more day than what's already happened.

So that way, instead of finding out and having only a couple hours to, you know, file your petition, now it's a situation where three days before the agenda is announced, two days before you have to have your petition in; you have 24 hours, you know, to get -- to file a petition if you want to do so.

So I think -- I had another thought there, but I don't remember what it was already but it had to do with the timing, I think.

BROTHERS: Late added agenda items.
PEEK: Oh, yes. Thank you. Yeah. And so one thing that came out of this meeting last time was what happens if an agenda item appears after the deadline for the petition, and that's a very good question. We hadn't really thought about that, but as you start moving the deadline for the agenda earlier and earlier now there will be more last-minute changes.

So now what's in there is -- we have wording to address that which, again, says the Chair of the Board of Trustees, at just his or her discretion can, you know, deal with these in the way that he/she feels is responsible.

MILLER: So are there any questions? Yes?
Joe Miller, CIS.
I am just curious, in the language that's been added by (unintelligible) and special committees making them explicitly open, is there any requirement that the committee meeting dates be posted in advance?

PEEK: They -- they are posted in advance on the -- on the Board of Trustee's website.
So once they figure them out --

MILLER: Is there any kind of three-day

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notification --

PEEK: I'm not -- well, I think when the
-- I don't know for sure the regulations, but
those meeting dates are posted.

MILLER: Along with their agenda?

PEEK: Probably. Who would know -- who
knows regulations?

JONES: Under open meetings law, I think
there are standing meetings in which at the
beginning of the year and a pending schedule
is made, there's no requirement that there be
an posted agenda. It would be purely an
intramural board decision to require that; ad
hoc meetings require at least 24 hours in
advance of an agenda.

PEEK: So do you recall if on the Board of
Trustee's website, if they actually -- once
they decide the times that that gets posted?

JONES: In my memory, they do not put the
agenda up.

PEEK: No, the -- the times --

JONES: They put the time up but they do
not put the agenda up.

PEEK: Right. Yeah. Because I -- right
now I've seen something that tells me what
time the committee's going to meet, but I
have not seen what the agenda for those
committee meetings or even the whole meeting
is yet. But at least those meetings times, I
think would be posted.

CHAIR: Do we have a motion --

PEEK: Yeah, I guess, so we have a motion

--

BROTHERS: No.

PEEK: No?

CHAIR: No. All right.

PEEK: Am I done?

CHAIR: Yes, you're done.

PEEK: Thank you.

CHAIR: All right. But we need a motion,
don't we, Joe?

PEEK: I think so, to endorse --

CHAIR: To endorse. Okay.

JONES: I move that the University Senate
endorse the language changes to the governing
regulations.

CHAIR: Do we have a second?

YANARELLA: Second. Ernie Yanarella.

CHAIR: Would anybody like to speak in
favor of the motion? Would anybody like to
speak against.

All right. Let's go ahead and
vote. All in favor? Opposed? Abstain?
Motion carries. Thank you.

Our next item of business is a the
proposed new Senate Rules on excused absences
for religious holidays. This is an Ad Hoc
Committee in the Senate Council with Bob
Grossman, Kyle Kirk and Judy Jackson.

Do you want to introduce the
motion, Bob?

GROSSMAN: So the -- the impetus of this

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motion came from the office of the vice-president of the Institutional Diversity, JJ Jackson, who came to us pointing out that the only rule anywhere about honoring a religious holiday for students is in -- was in the Student Code of Conduct. There it just said that the student should ask the faculty either one week or two weeks in advance if they need to have an accommodation for a religious holiday.

There was -- there's absolutely nothing in the Senate Rules about religious holidays or whether faculty has an obligation to honor requests for accommodation for a religious holidays. And so the -- Senate Council formed this ad hoc committee. Our -- our concern in drafting this regulation was to -- first of all, make it clear that the presumption is that that -- that if the student has a religious holiday that they want to -- that they celebrate, that they should be given accommodation for that religious holiday and be allowed to make up work that they would miss otherwise.

At the same time, we understand that some students, very few but some, might try to take advantage of this regulation and so we decided to have that third sentence there where faculty may use their judgment as to whether the holiday is important enough, and then adding the last paragraph that -- or the last sentence that says, if faculty aren't sure there is resources on campus to consult with about this.

But we did want to also take students who observe either politically unpopular religions or fairly obscure religions and -- you know, so it's -- you know, I say I'm the -- from the church of Elvis and I celebrate this holiday because it's his birthday, but if that is a legitimate holiday, then even if the faculty member hasn't heard of it, that's -- you know, they have people they consult with; yeah, this is a real religion and, yeah, you should allow them to hand in their assignment a day late.

Again, the purpose here is not to allow students to get out of any work at all, but just simply to allow them to make up the work at a later date.

I did want to add this: This is part of a document that JJ Jackson brought to us. It's an example of what she's going to post on her web site for guidance for faculty that discusses some of the more widely observed religions and some of their major holidays that are most widely observed so that faculty can go to this if they don't know anything Islam, for example, and someone says, well, I have this -- this is really important month of holiday coming up, you can go here and look at it, maybe learn a little

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bit, and there's also -- she's also going to have links to -- to some other sites where people can go for some of the less widely observed religions.

CHAIR: Thank you, Bob. The Senate Council approved this unanimously and recommends that the Senate approve the proposed language for excused absences for religious holidays and send it to the Senate Rules & Election Committee for codification with an effective date of July 1, 2011.

Could I have a motion from the floor?

ANDERSON: So moved.

CHAIR: Second?

GROSSMAN: I'll second. Bob Grossman, Arts & Sciences.

CHAIR: Thank you. Davy?

JONES: Davy Jones, Toxicology.

Can we go back to the actual language?

CHAIR: This language?

JONES: Yeah. In the first sentence, you know, it's "shall" and this -- this will be required now. The second sentence, the word "should" should be amended to -- I move it be amended to "shall". They shall indicate it in their syllabus. If you're going to hold the students to a time notice, it shall be stated in the syllabus what that time notice is.

CHAIR: All right. Debra, is that fine?

ANDERSON: That's fine.

CHAIR: Okay. Bob?

GROSSMAN: I don't oppose the motion; just, we did discuss this and the -- the Senate has traditionally been extremely reluctant to instruct faculty what will be in a syllabus so that's why we chose the language "should". But if -- if the body thinks "shall" -- that this is a case where it should be instructed then it shall be done.

JONES: If you're going to hold a student to -- to some advanced notice, you've got to state in the syllabus what that is.

CHAIR: Yeah. All right.

PRATS: Armando Prats, English Department. Bob, did any examples of specious requests for accommodations come up when you were deliberating? For example, a student says that he has a church function, a retreat that's going to cause him to be away for a whole week, do I excuse that, do I indicate in my syllabus that that's okay?

NADEL: That -- that's not a religious holiday so it --

PRATS: I realize that.

NADEL: -- it doesn't fall under the purview of this motion.

GROSSMAN: If I could address that, a few years ago I did have a conversation with someone from an office, I forget what -- which office it was but it was an office that

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often deals with these things and they did tell me that there has been problems with students asserting a holi -- occasionally students asserting a holiday that did not exist or conflicts between faculty saying that's not a real religion, a student saying, yes, it is.

So such things have been known to happen. Again, the presumption here is that in general, you know, the student is being honest, but there -- there is the ability to make that -- for faculty to use their judgment in these matters.

CHAIR: Additional comments?

MULLEN: A couple years ago in Agriculture I

--

BROTHERS: Name please?

MULLEN: Mike --

BROTHERS: I couldn't see.

MULLEN: Mike Mullen.

A couple years ago, as Associate Dean in Agriculture, we actually had a graduate student who had one of the conflicts with one of the Islamic holidays, and I worked with the professor and the Ombud to actually mediate a deal on that particular limb because exactly that, nobody knew what the protocol was. And so this would have been useful three years ago.

CHAIR: Additional comments?

EDGERTON: Lee Edgerton, Academic Ombud.

I'm a little concerned if we're saying shall in the first sentence and then saying faculty may; and quite honestly, I'm not sure observance necessarily means it has to be a holiday. I think the question about a retreat is something that we hear occasionally in the ombud office. I'm not sure I know where this is going.

NADEL: Well, it -- the motion is the motion; that is to say, it doesn't cover every problem that you might hear related to religion in the ombud's office. It only pertains to holidays. That's what this motion is about. We might introduce another motion to clarify other rules; all we're voting on here is in relation to holidays.

JONES: But -- I -- I agree that -- in my sense, that's the spirt here, but it doesn't say holiday. It says observance.

CHAIR: Bob Grossman?

GROSSMAN: Let me address that. The reason the word observance here was chosen instead of holiday is because of different terminologies of different religions as to what constitutes a holiday versus an observance and -- and so the -- the idea here is not -- and perhaps the record can reflect this, but the idea is that if a particular timed religious event inter -- that is recognized by practitioners of that religion in general as being something that practitioners of that religion need to

observe at a particular time and a faculty member has set an assignment that was due at that time, then the faculty member shall do that.

Retreats are -- are not addressed by this at all because that's not a particular religious observance unless it is something like, you know -- because at this time of year for a week you have to go into the woods and fast and purify yourselves because all members of this religion do this at this time, that would be -- but your church is going on a retreat would not be covered under this.

CHAIR: Can we ask Dr. Jackson to add the definition of "observance" on her website? Would that help?

GROSSMAN: I think so.

SARGE: Kevin Sarge. Biochemistry.

Since faculty may differ on what they believe an observance is or is not valid, wouldn't it make more sense to have the ombud or someone in the institutional diversity office make the call? Just like there's an office on campus concerned with whether a student gets more time for an exam or something like that. Wouldn't it be better to have them all under the purview of that decide, not under a faculty member?

GROSSMAN: The office of the ombud has no authority to compel, and the purpose of this rule is to say that in general faculty are obliged to accommodate students. Again, the way we decided to try to balance the need -- the desire to say that a holiday is important -- if it's a legitimate holiday, on the part of observers of this religion versus trying to protect the faculty from having to deal with specious reasons, this is the language that we chose. I think it would overwhelm the ombud office to be asked for every single holiday for every single religion. If there's doubt, they're available for consultation.

WERMELING: I have a question. In line 3 it says observance, but in line 8 it does use the word holiday. So, does it matter?

CHAIR: Should that be changed to observance, Bob?

GROSSMAN: Sure.

CHAIR: Let the record reflect that. Additional comments?

EDGERTON: Am I the only one who's a little uncomfortable yet with the shall/may?

GROSSMAN: Again, I -- the first sentence is the general principle and the rest if it is the details of the implementation, the may use their judgement is an amendment on the top one. In other words, if it seems to the professor like it's a specious request, the professor does have the right to deny the accommodation.

JONES: Can the faculty member decide not

to use their judgment?

GROSSMAN: There is an appeals process that is available to any student over any academic matter. So if a -- if the faculty judgment is that they should not use their judgment, they should be prepared to face those kinds of consequences.
The rule is that faculty should use their judgment as to whether the holiday is -- whether the request is a legitimate one.

CHAIR: Okay. Let's --
JONES: Clarification requested. Is there a shall now instead of should after that word faculty in the second sentence?

UNIDENTIFIED: Yes.

UNIDENTIFIED: Yes.

SHEILA: Yes. As I have it, it says: (unintelligible) at a scheduled time, faculty shall indicate, blah, blah, blah. Faculty may use their judgment as to whether the observance in question. But I have those two word changes.

CHAIR: All right.

YOST: Scott Yost, College of Engineering. I have to -- there was a comment made about the notion of what we mandate or what we try not to mandate faculty put in their syllabi, and the Senate has put forth syllabus guidelines so those guidelines are parameters by which it tells the faculty they should include these things.

I look at guidelines not as a shall, so are we going to have faculty guidelines where we have faculty requirements for syllabi? I mean, this will be the one only Senate syllabus requirement, everything else is guidelines?

JONES: There are other shalls about the syllabus in the Senate Rules.

YOST: well, then, I guess there's also an issue about the guidelines going back to talking about -- I have no problem with the thing, but I do have a problem with this notion of shall be in the syllabus. We already have -- we have confusion already when it comes to Senate syllabus guidelines, and this is adding, to me, more confusion to that. Unless we also want to take up, does this also make the guidelines' requirements so then we can easily accommodate this with everything else we want to dictate to the faculty that they should put -- I'm sorry, I mean, shall put in their guideline -- in their syllabi.

NADEL: well, point of information, I get a notice that says there are things I have to put in my syllabus; am I incorrect, stuff about plagiarism, so -- so they're already there. I mean, what --

YOST: The Senate, though -- there's a bigger -- bigger issue here, but the Senate has guidelines -- it's guidelines that they give the faculty. We have never -- I mean,

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don't say that -- from my perspective, this
is now bringing in another issue; I mean
guidelines versus requirements to guidelines.
Part of that brings up a bigger can of worms.
Maybe Mike Mullen can address these issues.

CHAIR: Davy, could you clarify on what is
required by the Senate on syllabi?
JONES: I don't have the passage with me,
but I know there's specific things --
CHAIR: Yeah.
JONES: -- in the Senate Rules --
CHAIR: Yeah.
JONES: -- I -- and I -- I do recall there
-- there may be some other kind of document
that's out there about -- that guideline that
he's talking about, but I -- that's a
separate issue. We have a narrow --
CHAIR: Yes.
JONES: -- issue here --
CHAIR: Yes.
JONES: -- on the floor --
CHAIR: Yes, we do. Yes. All right.
UNIDENTIFIED: (Unintelligible), College of
Medicine.
What if we changed them all to
should? Faculty should give the students the
opportunity. Would that help?
UNIDENTIFIED: No.
NADEL: That would -- that would indicate
that we passed nothing. That's saying, we
think it's a good idea but you don't have to
do it and the students have no rights.
CHAIR: All right. I'm going to suggest we
go ahead and vote. All in favor? Opposed?
Abstain? Motion carries. Thank you.
For Item No. 9 we have invited
Vice-President Jim Tracy to tell us about
Facilities and Administrative.
TRACY: Good afternoon. Thanks for
inviting me.
F&A or indirect costs; as we'll see
in a second, is one of the least understood
aspects about University budgeting, and what
I'm going to show you today is derived from a
presentation that -- that the Provost asked
me to prepare for the deans retreat last
summer, by way of looking at what are the
sources of revenue within the University and
what flexibility do we have with it.
First of all, what is F&A? Those
of us that have been around for a long time
call these indirect costs, some people call
them overhead. The Office of Management and
Budget, of the U.S. Government, defines them
now has facilities and administrative costs.
It's basically two types of costs.
The F pool, are utilities, operation and
maintenance of buildings, depreciation on
buildings, interest on debt and that sort of
thing.
The A stands for administrative
costs, and those include research
administration, general administration; the

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section of purchasing (unintelligible)
research and sponsored programs, accounting,
legal services and so on.

Let's talk about some fiction.
First of all, F&A is not my tax on your
grant. Okay? I don't get a cut. Second,
it's not the University's profit, and as
you'll see in a few minutes, we actually lose
money on every grant we take. Waiving the
F&A, and this is a widely held misconception,
if we waive the F&A on your application you
have a better chance of getting funding.

The National Science Board
actually looked into this and certainly for
federal grants it's absolutely not true.
Based on my experience over 30 years it's not
true for non-Federal Grants. The F&A portion
is not part of the scientific or scholarly
review of the proposal.

And, finally, I think it's
important that every one understands that
when you get a Notice of Grant Award, we
don't get a separate check for all the F&A up
front.

In fact, F&A income is actually a
reimbursement for costs already incurred in
support of sponsored activities. By federal
rule, the F&A costs cannot be assigned
directly to a grant. They are averaged
across the entire University in so-called
cost pools.

Now, when the grant started 50, 60
years ago in the Office of Management and
Budget (unintelligible)-- when one was
created, one could have in principle assigned
all these as direct costs to grants, but then
every room would have to have an electric
meter, a gas meter and you would get the bill
every month for the actual cost. So in the
wisdom of creating the modern grant system,
these are pooled.

F&A income is only realized after
grant and contact direct costs are spent.

When times get tight, faculty
investigators tend to hold onto their money
as long as they can. The longer you hold
onto it, the later it is before the
University gets to draw down the F&A. But at
the same time, we're keeping everything, all
utilities, going and providing services.

How is the F&A rate determined.
This is a very complex procedure. I spent
the better part of the last ten years working
on things like this so I now have a rough
idea how it works.

Basically, the total F cost and A
cost are put in the numerator and total
modified direct costs, that is the
expenditures, minus capital equipment, minus
student tuition, minus patient care costs go
into the denominator where you should have
(unintelligible) the F&A rate.

Back in 2007, just as I was

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arriving on campus, a detailed analysis was done by the Control Office within the Treasurer's Office, and our calculated rate was 52 percent; that means, for every dollar of direct cost spent on research, 52 cents is spent to support that.

This is all put together in what's called a rate proposal that's submitted to the Division of Cost Allocation for the Department of Health and Human Services. All -- most of universities go to the DHHS; there's a small group, mostly the technical institutes, MIT, that sort of thing, they use the Office of Naval Research.

Then there is a face-to-face negotiation about what we say it cost and what the government thinks it cost. The negotiated rate that we derived in '07, which we (unintelligible) up to 28-1/2 percent, the negotiated rate is always less than the cost of full reimbursement. No university has gotten their full cost reimbursed; so we take a small hit right there.

So how do we maximize the F&A rate to recover our costs? First of all, the important thing to understand is that the A portion of the estimated rate for the University is capped at 26 percent. We are the only segment of the U.S. economy that has a rated cap. If we're in the defense industry, we tell the Federal Government what our administrative overhead is and we get to build in a profit, and they don't question it, they pay us. So universities have been singled out and this A cap has become a big issue. For the University of Kentucky, in 2007, our administrative costs were 27-1/2 percent so, again, we weren't getting the full administrative costs.

So maximizing the F&A rate focuses all on the F component. So one way you get it up there is to have a very accurate space survey data. We need to know which room is associated with what Federal dollars and accumulate that across the entire campus.

When that was done in 2007, and we submitted our negotiation, we were the only university that our consultants could tell us in the last 30 years did not have their space survey questioned by the Federal Government, so we did very, very well and for anybody who was involved with it, thank you.

The other way to get the F up is to make capital investments to research buildings; build new research buildings and incur lots of debt. Once you own a debt, then -- the you can use it in the F calculation.

Buy capital research equipment, but for all three of those you can't use Federal dollars. So we had a Federal Grant that paid for the fit-up of one floor of BBSRB. We have to take that floor off the list. We

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can't count that facility and depreciate it.

The other way is to minimize voluntary committed cost sharing. Now, remember, I gave this presentation to the dean to discuss concepts of how we get more money. I'm not advocating we necessarily go down this path, so don't get your dander up right away.

Let's look at the impact of voluntary committed cost sharing. I'm going to give you an example. Faculty member Y is a 12 month appointee, earns \$100,000 a year, she commits 20 percent of her effort to a federal grant but does not charge her salary. What's the impact?

Well, assuming a (unintelligible) and half percent overhead rate, her salary and benefits is \$26,400, so it's added to the base of the F&A rate calculation; voluntary committed cost sharing goes in the base. On top of that, there's about \$12,800 in F&A that was not recovered; that's one individual. And I've had faculty say to me, but it's just my grant.

So we did a calculation of last year. In 2010 -- fiscal year 2010, the total voluntary committed cost sharing on this campus amounted to 12 million dollars. We need 10 million dollars for a 3 percent (unintelligible) so we left the money on the table. I'm not saying we should head down that path, but that is one area where we can get more bang for the buck.

Finally, there's 5.8 million in unrecovered F&A that we didn't recover because of cost shared it.

All right. We talked about the negotiated rate. Let me turn now to the effective F&A rate. The reality is, we don't get 48-1/2 percent on the vast majority of sponsored projects. Some Federal agencies do not pay the negotiated rate. USDA traditionally does not; the Department of Education does not; and in the last authority bill for the Department of Defense, Representative Murtha -- the late Murtha, capped DoD's research at 35 percent.

Some types of grants, construction grants, training grants don't come with full F&A. Most Kentucky agencies do not pay F&A. As a public land grant university with a medical center, we do a lot of work for the Commonwealth. Those state agencies gives us dollars that a Federal are flow-through, but they don't pass the F&A on to us.

And, finally, we do accept sponsored projects, all universities do, from non-profit sponsors, so if they have a published policy which says we will pay the F&A rate, we accept it.

So the bottom line is there is an F&A shortfall. Our actual is 52 percent; our negotiated maximum rate is 48-1/2, but in

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fiscal year '09 we only recovered 17.8 percent. But the costs are real, and they've already been incurred. So somebody has to pay.

This is a slide from the Association of Public Land-grant Universities, APLU, formally known as NASULGC, showing that there has been since 1972 an ever increasing subsidy of research by institutional funds, so in 2008 the number for public universities in blue, red is all universities, so it's about 24 percent; University of Kentucky was 29 percent. So we are subsidizing research from your institutional funds. What is the source of the institutional funds we have to work from.

Well, we could ask athletics to give up some, not likely; we could ask healthcare to pay the difference; again, not likely. So we're left with really two sources, the state allocation and tuition. And since the state allocation is either going to try to (unintelligible). Guess what? This is one of the arguments that people make that tuition keeps going up disproportionately at research universities.

Nationally, at the time of (unintelligible) that the research business model in which we've all depended since about 1960 is not sustainable. We continually encounter increased costs of supporting research enterprise, compliance costs being a major chunk of that. That requires investing more and more institutional funds.

There is a national effort by groups like APLU, the Association of American Universities; the Council on Governmental Relations, I'm on that Board, to ask OMB to provide full reimbursement of F&A cost to universities. That conversation continues, it goes a little bit and then it backs off. The bottom is OMB isn't interested in opening anything up to discussion.

But if they did, what would it mean? If we lifted the 26 percent administrative cap, there would be more F&A dollars diverted to support the research enterprise but particularly these days where the fixed cost of R&D dollars set by Congress are fixed, there will be fewer grants, and the minute you bring this up, and rightfully so, faculty get up in arms, the FASEB, Federation of American Societies for Experimental Biology; even the Directors of NIH Institute don't want to hear about that.

But the alternative is an ever increasing tuition cost and that's becoming (unintelligible) politically (unintelligible). So many around the country believe that we're headed for a train wreck in the research business model. I don't have an answer for you at this point.

Now, let me turn for a moment on

how we actually spend the F&A dollars we get. As you all know, the University of Kentucky Research Foundation is the agent for grants and contracts. I picked this year, 2009, because we have the data available. UKRF expended about 44 million dollars on campus. We actually received about 45-1/2 million. I put a million and a half in the bank because to be honest the Research Foundation's fund balance was pretty minimal when I arrived. We don't have enough, if we get into lean times, we could cover the shortfall, so I'm saving a little bit.

There are lots of budget categories in the foundation, but I've divided them into three functional categories. The first one in yellow is the grant to University of Kentucky. In that there is a 1/2 million dollars that's given to the president of the University to use for discretionary projects. We have about 2-1/2 million that is part of the service assessment that the treasurer's office makes on all affiliated corporation: athletics, student housing and UKRF, healthcare.

And then finally there's about 2-1/2 million of debt service. We're paying the debt service on the (unintelligible) building and on the BBSRB. The BBSRB will go until 2023. We're also scheduled to start taking on some of the debt service for the fit-up of the top two floors of the BioPharm building, over eight years that will be about 10 million dollars.

The red section is what we use to support research administration, office of sponsored projects administration, sponsored projects accounting, legal office, purchasing, office of research integrity, some of my office; that sort of thing.

Two-thirds of the money we return to support faculty and academic units, and I'll show you a breakdown further of the blue area in just a moment. But I want to emphasize that the way different universities use their FA (unintelligible), their -- their received FA income, varies all over the map.

Some universities return full F&A to the unit that generated it, and that's one model. But when they do that, then they send the bill to the college when the funding goes bad. So at the end of the day you don't end up with much more money.

Before coming to the University of Kentucky I spent 24 years on the faculty of the University of Wisconsin-Madison. They receive about 165 million dollars in F&A income but in the 1980s, during the state budget shortfall, their Chancellor Donna Shalala said, oh, we'll borrow from the F&A. We'll pay it back later. They now have a 70 million dollar structural deficit that goes to support the general fund that they can't

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get out of.

So we are very lucky that we have a separate 501(c)(3) foundation to manage the F&A. It allows us to put most of it back in the academic programs, but I will warn you there are elements within the University, well meaning, this is all one big pot of money at the end of the day, that says, we should take some of the blue and put it into the yellow and support things like maintenance and operation. So when the state helped the University build the BioPharm building, they provided no maintenance and operation costs. That's going to be about 3-1/2 to 28 millions dollars a year, and some people would say we're not paying our share of the electric bill so it should be shifted.

My job is to be your advocate; trying to keep it coming back to the academic program.

So in FY09 this is how we spent that chunk of blue. The blue section is faculty startup, red is the actual F&A return to departments, centers, institutes and colleges. We provide about 4 million dollars to the graduate school, which provides the graduate student tuition scholarship. We have some shared use facilities on campus. We do some required grant matching. For example, NSF major equipment grants require a 30 percent match. We pay that cost out of the foundation. We have some small internal grants. We lease some off-campus space and a few other little activities.

Those of you old enough to remember: Danger, Will Robinson, Danger. This is where the presentation takes on a, let's get down to the real reality of the world, folks. There are elements on campus, I won't name names, that believe that we've done so well getting grants and contracts that there will be an ever increasing supply of money in the F&A pool. I'm here to tell you that that's not guaranteed, and I'll show you why.

This is a chart showing NIH Funding at UK. This is our single largest agency, direct agency. From '04 to '09, the percentage of our total direct costs on a graduate contract from NIH fell from about 31 percent to 25 percent, but the portion of our F&A income derived from -- from NIH is still above 50 percent, nearly 55 percent.

We are heavily leveraged against the National Institutes of Health. Most major universities with medical schools are. But the problem is what's happening to the NIH budget. Now, remember I gave this slide last summer, so I'll give you the update as we go along.

This is a slide from FASEB, the Federation of American Societies of Experimental Biology showing the NIH budget

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in current dollars and in constant FY10
dollars. The two pinkish bars on your right
are the ARRA funds, and so this slide was
created when we were talking about the ARRA
"cliff" when that money ran out.

President Obama proposed in his
FY11 budget, a one billion dollar increase in
the NIH budget, which would have kept it flat
after ARRA went away. You all know we're
living under a continuing resolution and
under the new Republican controlled House
there is strong pressure to reduce the NIH
budget back to FY08 levels. If that is to
happen or if that were to happen, NIH
suggested that will be 10,000 fewer grants
instantaneously that they'll be able to fund.
If we're held to limit by NIH funds and we
lose those, the F&A fund is going to go down,
not up.

Finally, the F&A rate that we
currently enjoy is also not a sure thing.
FY11 is our new base year. About every four
years we have to redo this negotiation. You
remember that the formula is the F&A costs
above, total modified direct costs below.

Well, there's good news and bad
news. The good news is that UK faculty
investigators were very, very competitive
competing for ARRA funds. We got 110 million
dollars. We don't publicize this; we don't
put it in the newspaper. We got more FA
dollars than UC Berkeley, Michigan State,
University of Iowa, University of Georgia and
the list goes on and on.

We're only 40 million dollars
behind MIT, President Todd's favorite
comparative, and only 50 million behind
University of Wisconsin. Wisconsin got over
a billion dollars a year now, so we were very
competitive. The bad news is all that goes
in the denominator.

So it's very likely because we
built so many buildings that our F&A rate
will fall. We're just now starting to do the
work to prepare the F&A negotiated rate.
We're going to put it forward. We'll be
doing the space survey in April and we met
today to try and pick the consulting company
that we will use.

So the good news is we're doing
(unintelligible) research, the bad news is
the cost of supporting research is going up
and we could be seeing some lean times ahead.

And the robot will take your
questions.

BRION: The purple on your --
BROTHERS: Name please.
BRION: -- chart -- Gail Brion, College of
Engineering.

The purple on the chart, shared
facilities, what -- what exactly is that
purple shared facilities used for?
TRACY: We have on -- go to my website.

There's a list of core facilities on campus, such as division of laboratory animal resources, that we subsidize. We do not subsidize all core facilities, only those that are under the vice president for research.

BRION: How is that decisions made?

TRACY: Those core facilities that are supported by my office. And you and I had this conversation before. You're in the College of Engineering, as long as it stays there, it's not a central core facility.

We contribute about 2 million dollars a year to all core facilities.

Now, those of you, like many people on campus, your argument is we could say there will be no subsidy and then the rates go up, so...

MEYER: Lee Meyer, College of Agriculture.

Are the -- do Federal Rules require that all disciplines be treated the same because like certainly administrative costs, that's the thing, but social sciences, the cost of us doing work is so much different from the natural sciences?

TRACY: Well, the costs are different. The Federal requirement under OMB circa 1981 requires that we pool all costs regardless of where they're located. Now, with that, I will say that this is the only university I'm aware of -- the College of Agriculture actually has a different on-campus rate of 39 percent, and that's historical rather necessarily real. (Unintelligible)....

BLONDER: Lee Blonder, College of Medicine.

I understand that from your slides and others, that there can be a very low F&A rate for certain kinds of grants. And Junior faculty essentially are often encouraged to apply for smaller grants, foundation grants, grants that don't pay F&A. And I've been hearing from some faculty that UK sometimes refuses to accept these grants because of the low F&A. And I don't know --

TRACY: We have never refused to grant based on low F&A. If the sponsor is a non-profit sponsor that has been published policy what they won't do. What we can't do is say they'll pay F&A (unintelligible) Ohio State for (unintelligible).

Where I hold the line on for-profit sponsors, right. We're losing money on every grant. We are a state supported university. I believe it's wrong for us to waive F&A or accept a lower rated for-profit sponsors; we should not be subsidizing them.

But we have -- to my knowledge, we have never turned down a grant based on F&A. We sometimes have to turn down awards because of terms and conditions of the sponsor that we cannot accept. So, for example, one that we clearly cannot, because the sponsor says the university must hold that sponsor

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harmless. In the state agency, we have
sovereign immunity under the U.S.
Constitution. We cannot waive that.

So sometimes we do turn them down,
but that's -- it's not because of F&A.

WERMELING: Dan Wermeling, Pharmacy.
I wanted to question the notion
that we actually lose money on every grant.
You know, you have on some of these charts
the -- well, let's say you've asked them for
52 percent but do you have any incentive to
throw everything in the kitchen sink in your
cost allocations to create --

TRACY: No.
WERMELING: -- 52 percent --
TRACY: No. No, we don't. What the
limited cost --

WERMELING: Let me finish.

TRACY: Go ahead.

WERMELING: Okay. So there is an incentive to
create the highest possible rate by
allocating costs into different pools? Now,
there maybe rules for this, but you can find
them, okay, and the NIH can say, well, maybe
we'll disallow that, some of this or that.

Another element is that on your
debt, if you've been doing what the rest of
the market world is doing, is you can
probably renegotiate your debt and now the
cost of money is almost zero. And so if
you've been doing things to reduce your
costs, you went in at a higher cost level
with your initial negotiations and now the
cost of money is very low.

And so I'm -- I'm uncomfortable
with that statement when you give President
Todd a half million dollars, that's no cost
related, and there's a lot of other things on
one of the other charts where you have your
three pies -- your three segments of pie,
this one, which, you know, you could argue
about elements within this as to whether they
actually have to do with research or not.

So if you gave a grant to UK for 6
million dollars, for example, that's an
administrative decision that was made but
those costs may not be directly related to
research.

So to me that's a very broad
generalization that you're making. It may
give people the wrong impression; versus
conscious decisions that are being made about
sources and uses of funds and what elements
that are being used to support within the
institution.

TRACY: Is there a question there?
WERMELING: It's a comment that I believe that
this --

TRACY: (Unintelligible).

WERMELING: -- is not --

TRACY: (Unintelligible).

WERMELING: -- an adequate representation of
the sources that uses the fund.

TRACY:

We can agree to disagree on how we spend money. Absolutely. The reality is that our actual rate is 52 percent. It's been calculated using a complex and lengthy list of federal regulations. We don't get to throw in the kitchen sink unless it's used for research, but we have to follow all these rules in setting those up and those are audited by the Federal government.

So I -- I will defend that the 52 percent is there. With respect to renegotiating debt, that was done for BBSRB but that's handled by the treasurer's office; not by my office. I get the bill. All right.

The foundation does not determine that. That's determined by people with a higher pay grade than I have. I -- I don't disagree with you. Let me put it this way: If -- I still say -- I will still submit that this University does pretty well by using it's F&A to support academic programs.

We can disagree on whether those wedges should differ in size a little bit, but the reality is if the president of the university, regardless of who he or she is, and we are getting a new president, comes in and says, I think that the foundation must pay the full cost of utilities to support the research enterprise, we will not have the flexibility to support academic programs.

So, we can argue about the details but I think the big picture is that we try to support and put back into the faculty -- I'm a faculty member. I was sitting were you are. That's my goals, is to support the academic programs, but unilaterally the president can come in and change that pie chart.

So I think we're pretty lucky the way we've got it.

BRION:

Sorry, I have to get back to the purple part of your chart.

I still am trying to figure out why it makes a difference to be incorporated under you versus incorporated in a college as long as you are serving the University as a whole. Right now our grants don't provide a mechanism for us to recoup --

TRACY:

No, now --

BRION:

And -- and are you going to develop an appropriate mechanism for shared use facilities to get back some of the overhead from a grant? In other colleges we would give them their shared facilities -- (unintelligible) --

TRACY:

I don't follow your question. I know you want your facility core to be supported from the funds of administration --

BRION:

No, no. What I want is we support 15 million dollars worth of research a year across campus, but over 50 percent of that does not occur within grants to the College

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of Engineering. So then that F&A goes back,
the F&A returned, the F&A goes back to the
colleges but there's no mechanism built in
right now for it to come back to a facility
that's outside the college where the grant
was written.

Can you create some type of
mechanism that would help support shared use
facilities --

TRACY: If you want to shift --
BRION: -- if they don't report directly to
you --

TRACY: If you want to shift facilities to
some other category, we can. My personal
opinion is (unintelligible) there would be no
subsidy at all because that runs the risk of
(unintelligible) your service costs should be
exactly what it cost to use the facility.
But when I came here that was the tradition.
We have reduced the subsidy from almost 3
million to 2 million. I would like to see it
go to zero so that no (unintelligible) core
gets supported. You leverage the outside
direct cost dollars for services you provide.

BRION: How would somebody go about
shifting those funds? what would be the
mechanism?

TRACY: Shifting those funds from what to
what?

BRION: well, changing the form that we
fill out for in-house cost sharing that lists
a shared use facility being involved in a
portion of the F&A (unintelligible) shared
use facility?

TRACY: Those are college and departmental
decisions. I don't determine that. why are
(unintelligible), which is the way the system
is right now. We return up to 16 percent of
the F&A earned on shared facilities
(unintelligible) department (unintelligible).
Once you go there you don't --

BRION: There's no way for it to get
(unintelligible) shared facilities?

TRACY: There is if you go talk to the
dean.

BRION: No, my dean would have to then go
talk to the dean in another college.

TRACY: Yes. Once you return it, we don't
control it.

BRION: So there's --

TRACY: Because there's no way for me to
control how it's used --

CHAIR: Out of interest of our last
speaker, we'll close the discussion, and I'd
like to remind you that the Senate does have
a research committee. It is headed by
Tom Kelly and so any issues regarding
(unintelligible) will be taken up,
(unintelligible) and they are working on
issues right now.

Our last speaker of today is
Professor Joseph Fink.
FINK: We can do it in March if you want.

CHAIR: We're here. would you rather
 adjourn till March?
 UNIDENTIFIED: Let's do it in March.
 AUDIENCE: March.
 CHAIR: All right. we'll be here in March
 too. All right. So, could I have a motion
 to adjourn?
 NADEL: So moved.

* * * * *

THEREUPON, the University of Kentucky Senate
 Council Meeting for February 14, 2011, 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, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my
 hand and seal of office on this the 1st day of
 May, 2011.

LISA E. HOINKE
 NOTARY PUBLIC, ID #435798
 STATE-AT-LARGE, KENTUCKY